

## **Case Study no. 9: Volume 7**

The provision of residential care in boarding schools for children  
at **Fettes College**, Edinburgh, between 1946 and 2021

Evidential Hearings: 23 March 2021 to 17 December 2021



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# Scottish Child Abuse Inquiry

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## Fettes College: former pupils, staff, chair of governors, and other witnesses

In order to provide the reader with a clear understanding of the references to applicants and other witnesses whose names feature throughout these findings, I have included quick reference tables, Table 1 (former pupils), Table 2 (former and current staff, and other witnesses), and Table 3 (witnesses in relation to The Edinburgh Academy).

**Table 1: Former pupils who provided evidence to SCAI**

Name	Time at Fettes College
'William'	1946-8
'Ian'	1951-4
'Callum'	1953-6
'Grant'	1953-7
'Lloyd'	1955-7
'Roland'	1955-9
'John'	1955-60
'Brian'	1956-62
'Ben'	1961-4
'Michael'	1961-5
'John'	1964-8
'Alan'	1969-74
'Alasdair'	1969-74
'John'	1970-5
'Jon'	1971-3
'Wilson'	1971-4
'Donald'	1972-7
'Khalil'	1972-8
'Patrick'	1973-8

Name	Time at Fettes College
'Robert'	1973-8
'Max'	1973-80
'Ben'	1974-6
'Joseph'	1974-7
'James'	1975-8
'Frank'	1975-81
'Kirsty'	1976-8
'Andrew'	1976-82
Jonathan Ritchie	1976-84
'Rory'	1976-84
George Scott	1977-83
Philip Dundas	1978-83
'William'	1979-86
'Thomas'	1980-5
'Susan'	1982-3
'Alistair'	1984-9
'Gregg'	1984-90
'Ellen'	1985-7
'Bobby'	1985-90
'Victoria'	1987-9
'Betty'	1990-3
'Claire'	1990-3
'Elizabeth'	1992-4
Emily Banks	1997-2002
'Jonathan'	1997-2004
'Samantha'	1998-2005
Saffy Mirghani	2011-13

**Table 2: Former and current staff, and other witnesses, who provided evidence to SCAI**

<b>Name</b>	<b>Time at Fettes College</b>	<b>Role(s)</b>
<b>Alistair Murray</b>	1967-73 and 1975-95	Chemistry teacher (1967-73); teacher at Fettes Junior School (1975-95)
<b>'Michael'</b>	1970-83	English teacher and house tutor; head of English; head of Fettes Junior School; housemaster
<b>'Colin'</b>	1970-86	Physics teacher
<b>Andrew Mineyko</b>	1975-80	Teacher at Fettes Junior School
<b>'Iona'</b>	1987-93	Parent of former pupils
<b>Malcolm Thyne</b>	1988-98	Headmaster
<b>Andrew (Gregg) Davies</b>	1989-2004	Biology teacher; housemaster of Carrington House; head of department; deputy head and temporary head of Fettes Junior School (1999- 2004)
<b>Andrew Alexander</b>	1990-2012	Maths teacher; head of maths (1990-2); head of Fettes Junior School (1991-9); director of activities (2000-12)
<b>Helen Harrison</b>	1996-present	Geography teacher (1996-2002 and 2006-7); deputy head (2007-19); child protection lead (2007-12); assistant to the child protection lead (2012-14); acting head (2019-20); head (2020-present)
<b>Michael Spens</b>	1998-2017	Headmaster

**Table 3: Other relevant witnesses who provided evidence in relation to The Edinburgh Academy**

Name	Pupil/Staff
'William'	Teacher
'James'	Pupil
'Andrew'	Pupil
'Terry'	Teacher
<b>Nicky Campbell</b>	Pupil
'Alexander'	Pupil
'Charlie'	Pupil
'Sam'	Pupil
'Munro'	Pupil
'Andrew'	Pupil
'Callum'	Pupil
'James'	Pupil
<b>Neil Douglas</b>	Pupil
'David'	Pupil
'Robert'	Pupil
<b>Kim Wolfe Murray</b>	Pupil
'James'	Pupil
<b>James Burnet</b>	Headmaster, junior school
<b>Tony Cook</b>	Teacher
<b>Philip Dundas</b>	Pupil
'Ben'	Pupil



## Foreword

These are the sixteenth of my published case study findings. They relate to the provision of residential care for children at Fettes College, Edinburgh.

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

Fettes College, in common with four of the other schools in the boarding schools case study, continues to offer boarding provision, and I heard evidence about the residential care for pupils there up to the closing date of the hearings. 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, quite wrong to curtail it. Hence the dates specified on the cover of this volume.

I am very grateful to all who have provided evidence to the Inquiry, whether former pupils, former and current staff, or others. The cooperation and assistance of, and contributions from, all the witnesses about their experiences at and of the school, as well as their wider experiences, learning, and

ideas in relation to the provision of education and residential care in Scottish boarding schools have been invaluable.

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

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

Anyone who has relevant information on any aspect of our work can get in touch with us via our witness support team.

A handwritten signature in black ink, appearing to read "Anne" followed by a stylized surname.

**Lady Smith**

# Preface

## The Scottish Child Abuse Inquiry (SCAI)

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

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

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

A copy of SCAI's ToR is at [Appendix A](#).

'Applicant' is the term SCAI uses for a person who tells SCAI that (s)he 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.

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

### Section 21 responses

Under section 21 of the Inquiries Act 2005, as Chair of this Inquiry, I have the power to require persons to provide evidence to SCAI. Institutions targeted by SCAI as part of its investigations have been issued with various

section 21 notices. These notices include a requirement for them to respond in writing to questions posed by the SCAI team. These questions are divided into parts: Part A – Organisation; Part B – Current Statement; Part C – Prevention; Part D – Abuse and Response. Hereafter these will be referred to as the ‘Parts A-D section 21 notice’.

Fettes College responded to its Parts A-D section 21 notice. The responses to Parts A and B are dated 27 April 2017<sup>1</sup> and those to Parts C and D dated 24 July 2017.<sup>2</sup> An addendum to Part D was received on 30 October 2020,<sup>3</sup> with further updates on 1 December 2021<sup>4</sup> and 30 November 2022.<sup>5</sup>

## Written statements

Applicants can provide evidence about their experiences as children in care at a ‘private session’.<sup>6</sup> Other witnesses may do so at an Inquiry interview. All witnesses are supported by SCAI’s witness support team. Written statements are prepared covering those matters spoken about at private sessions and interviews which are relevant to the ToR. The applicant, or other witness, is asked to check the statement carefully and to sign it as being the truth if satisfied that it is accurate, but only if and when (s)he feels ready to do so.

The Inquiry also received some self-penned statements and I have taken them into consideration. However, as in the case of written statements prepared by the Inquiry, I have only relied on those statements for the purpose of making findings where they are supported by signed declarations that they are the truth.

## This case study

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

- the nature and extent of any relevant abuse at Fettes College
- any of Fettes College’s systems, policies, and procedures, their application, and their effectiveness
- any related matters.

## Leave to appear

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

- Fettes College
- The Edinburgh Academy
- Wellington School, Ayr
- St Mary’s School, Melrose
- the Care Inspectorate
- the Scottish Social Services Council
- the General Teaching Council for Scotland
- Police Scotland
- the Lord Advocate
- the Scottish Ministers.

## Numbers

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

1 Fettes College, Parts A and B responses to section 21 notice, at FET.001.001.0003.

2 Fettes College, Parts C and D responses to section 21 notice, at FET.001.001.0033.

3 Fettes College, Part D response addendum to section 21 notice, at FET-000000310.

4 Fettes College, Part D response addendum to section 21 notice (updated), at FET-000000359.

5 Fettes College, Part D response addendum to section 21 notice (further updated), at FET-000000527 and FET-000000528.

6 <https://www.childabuseinquiry.scot/giving-evidence-applicant>

treatment they witnessed being afforded to other children. [Appendices D and E](#) set out, in relation to Fettes College, the numbers of:

- children who have boarded at Fettes College
- complaints of alleged abuse received by Fettes College
- civil actions raised against Fettes College
- relevant SCAI applicants to the dates specified in [Appendix E](#).

Some witnesses, including former boarders at Fettes College, have provided statements to SCAI since the evidential hearings took place, some of which are referred to because of their relevance to other evidence I had already heard. Otherwise, these statements have been carefully considered and will be taken into account in assessing the overall picture.

## **Witnesses representing Fettes College**

Helen Harrison, head of Fettes College, provided evidence to SCAI on two occasions: 23 March 2021 and 9 December 2021.<sup>7</sup>

## **Fettes College**

I find that children who boarded at Fettes College were exposed to risks of sexual, physical, and emotional abuse. For many, those risks materialised, and children were abused whilst in the care of Fettes College.

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

The abuse I find to have taken place at Fettes College is, in many respects, similar to the abuse I found to have taken place at other boarding schools, including Loretto School, Morrison's Academy, Gordonstoun, Queen Victoria School, Merchiston Castle School, Keil School, and the boarding schools run by two male religious orders, the Benedictines and the Marist Brothers.<sup>8</sup> There were also similarities in relation to causative factors such as staff who lacked the appropriate skills and training; inappropriate recruitment policies; insufficient oversight of pupils and teachers; and unregulated, unsupervised power being given to older pupils.

Accordingly, I will at times use language in these findings similar to the language used in the findings of previous case studies.

7 [Transcript, day 214](#): Helen Harrison (head, 2019-present), at TRN-8-00000005, pp.61-151; [Transcript, day 260](#): Helen Harrison (head, 2019-present), at TRN-8-000000055, pp.1-83.

8 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 Carlekeemp Priory School, North Berwick, and Fort Augustus Abbey School, Inverness-shire (August 2021); [Case Study no. 7](#): The provision of residential care in boarding schools for children in Scotland by the Marist Brothers between 1950 and 1983 at St Columba's College, Largs, and St Joseph's College, Dumfries (November 2021); [Case Study no. 9: Volume 1](#): The provision of residential care in boarding schools for children at Loretto School, Musselburgh, between 1945 and 2021 (April 2023); [Case Study no. 9: Volume 2](#): The provision of residential care in boarding schools for children at Morrison's Academy, Crieff, between 1945 and 2007; [Case Study no. 9: Volume 3](#): The provision of residential care in boarding schools for children at Gordonstoun, Moray, between 1934 and 2021; [Case Study no. 9: Volume 4](#): The provision of residential care in boarding schools for children at Queen Victoria School, Dunblane, between 1951 and 2021; [Case Study no. 9: Volume 5](#): The provision of residential care in boarding schools for children at Merchiston Castle School, Edinburgh, between 1930 and 2021; [Case Study no. 9: Volume 6](#): The provision of residential care in boarding schools for children at Keil School, Dumbarton, between 1959 and 2000.

## Terminology

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

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

I recognise that the abusive conduct may have taken place against a background of the child who abused another child having exhibited harmful behaviour which had not been recognised and/or addressed and which may also have been harmful to that child. I also accept that, in some cases, a

child who abuses another child may have suffered prior trauma. But it does not mean that the child who was abused did not suffer or was not harmed.

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

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

## Summary

- Children were abused at Fettes College (Fettes). They were sexually abused, they were physically abused, and they were emotionally abused.
- Members of staff sexually abused children over four decades from the 1950s to the 1980s. The perpetrators included a headmaster, Anthony Chenevix-Trench, and a teacher, Iain Wares. The abuse over those decades included fondling, masturbation, digital penetration, and – in the case of one member of staff in the 1950s – anal rape.
- The sexual abuse perpetrated by Iain Wares, both at Fettes and at The Edinburgh Academy, where he was employed immediately before he moved to work at Fettes, was prolific. It involved very many children and was a regular occurrence.
- A sexualised culture existed at Fettes both before and after the introduction of co-education. There were occasions on which children sexually abused other children, and when this happened the abuse was serious and persistent. Children who were being sexually abused in this way were obviously distressed but nothing was done to help or protect them.
- In the 1980s pupils reported a boy who was sexually abusing them and others. He left the school, and the parents of his victims were not told about what had happened.
- The physical abuse suffered by children included that which was perpetrated by the headmaster, Anthony Chenevix-Trench, whose beatings caused injuries, and Iain Wares, who was prone to extreme anger leading to explosive violence.
- A member of staff in the 1970s, known as 'Tom', beat boys excessively and harshly, as was widely known.
- Other teachers engaged in the inherently dangerous and abusive practice of throwing wooden-backed blackboard dusters and chalk directly at pupils.
- Physical abuse by pupils of other pupils was commonplace.
- Pupils suffered abuse during initiation ceremonies. They included, in the 1950s, boys being made to run the gauntlet while other boys flicked them hard with wet towels and, in the 1980s, ceremonies such as where a boy was hung upside down out of a third-storey window by his ankles and, later, when a girl's food was rendered inedible, milk was poured over her uniform, and her kilt was ripped.
- It was not until Malcolm Thyne was appointed headmaster in 1988 that efforts were made to stop abusive initiations.
- Physical abuse of children by other children continued well into the 1980s. It was rife throughout the boarding houses. Older boys relentlessly assaulted younger ones, and 'rabbling' (play fighting) often escalated into real violence. Attacks, as one applicant described them, 'were impossible to predict and unprovoked'.

It was not uncommon to find boys hanging by their underpants from coat hooks and unable to get down, put there by other boys they had annoyed.

- There was a culture of silence; children feared retribution and ostracisation by others if they complained.
- Senior pupils were relied on to keep order and enforce discipline. They used that power abusively. There were 'school beatings', involving the punishment by every prefect of the individual being disciplined.
- Corporal punishment by pupils officially stopped in 1967 at the request of the prefects, but that did not bring an end to the physical abuse of pupils by prefects, who continued to physically abuse boys under the guise of permitted disciplinary sanction. For example, punishment or training runs to the point of children being sick, and forcing pupils into cold baths, were still in use into the 1990s.
- Emotional abuse of children by other children was common. Bullying by mocking or belittling because a child was different in some respect was endemic at Fettes for decades. It could, for example, be based on physique, demeanour, accent, or sporting ability, and could be prompted by homophobia. For some it was unrelenting and remorseless.
- Following the introduction of co-education, girls were the targets of serious and regular misogyny which persisted into the twenty-first century.
- Misogynistic practices included regular obscene and offensive taunting and sometimes involved physical abuse.

- Girls were treated as second-class citizens in a way that was tolerated by the school. Boys who had led the abusive treatment of girls were appointed prefects and heads of houses. Complaints about the misogynistic treatment of girls were made by and on behalf of girls but the school's response was poor, as the current head accepted.
- Racism was prevalent at Fettes well into the twenty-first century. Mocking by staff and pupils of anyone who was not British was normalised into the 1990s. On occasion Black or Asian pupils experienced violence or threats of violence from other pupils. Some staff and pupils were also prejudiced against those who were English.
- As in the case of other types of abuse, Fettes was reactive rather than proactive to racism. An example of that was the practice of allowing mock slave auctions of prefects to raise money for charity. These continued into the first decade of the twenty-first century. The auctions only stopped after prefects complained they were being abused when acting as 'slaves'; only then was it recognised by the head and deputy head that the practice was entirely wrong.
- Fettes appointed a head whom it thought would enhance its reputation on account of his previous role as head of Eton College. That head, Anthony Chenevix-Trench, was in fact a man who was unfit to be appointed to lead a school on account of his having lost the trust of senior masters at Eton, having a problem with drink, and having a propensity to beat boys excessively. He was appointed despite Eton having expressly disclosed these matters to Fettes. Chenevix-Trench was also attracted to young blond teenagers at Eton.

- Chenevix-Trench protected two, and possibly more, members of staff who had, to his knowledge, abused children at the school. Iain Wares and 'Douglas' went on to abuse further children after leaving Fettes. The references he wrote for both were distinctly lacking in candour.
- Chenevix-Trench also appears to have misled the board of governors. There is no record of 'Douglas's' departure and the reason for it in any board minutes. As regards Wares, it is apparent that Chenevix-Trench, along with the head of the junior school, downplayed what they knew of Wares' sexual and violent behaviour and gave misleading reassurances about the risk he posed to children. That risk was, in fact, a high one.
- Iain Wares came from South Africa to Edinburgh, having been referred to Professor Henry Walton, consultant psychiatrist at the Royal Edinburgh Hospital, by a South African consultant with a view to 'curing' him of what is described in his medical records as 'homosexuality (liking for young boys)' and a 'personality disorder - dependent type'. Professor Walton was in charge of Wares' treatment for eight years.
- Wares was not 'cured'. He remained strongly attracted to young boys, had ongoing fantasies about them, suffered from acute alcoholism, and had a marked tendency to anger and loss of temper in relation to children, all of which was well known to Professor Walton.
- Professor Walton encouraged Wares to carry on teaching despite his paedophilia, despite him not being 'cured', and despite Wares' wife and his GP making it clear that they thought Walton was being utterly irresponsible in doing so.
- By summer 1975 the school had resolved to get rid of Wares. However, after Professor Walton pleaded with Chenevix-Trench early in 1976 to keep him on, Fettes retained him in its employment until 1979 despite the obvious risk to children; their protection did not feature in the decision-making, and Wares continued his abusive practices.
- It took until 2017, after years of complaint from many sources, for Fettes to remove a commemorative plaque to Chenevix-Trench which, along with his picture, had been displayed in the school chapel.
- Power and responsibility was inappropriately devolved to prefects and senior pupils in an undue adherence to an established system of hierarchy.
- Rugby mattered too much and to the extent that pupils were valued according to their prowess in that sport - or their lack thereof.
- On entry to the senior school, at around the age of 13, boys were referred to as 'new men' and expected to be tough although, in reality, they were children.
- Boarding houses were the fiefdoms of each housemaster. In the absence of oversight, support, and control, the character of an individual house depended on its housemaster, with some of them conferring too much power on house prefects and affording inadequate adult supervision. Abuse was thus able to flourish.
- There was fagging at Fettes in the traditional sense of a junior boy being allocated to a senior pupil who could direct the boy to carry out chores for him. Rules to prevent abuse were put in place

in the 1930s but they had been forgotten about by the 1950s. Some boys had good experiences of being a fag but the risk of fagging – or a form thereof – being used abusively remained real until the 1990s.

- Alcohol consumption by pupils, both in and out of the school, became normalised.
- The progressive introduction of co-education slowly altered the culture of the school in a positive way but this was not due to any proactivity on the part of Fettes.
- An attempt to bring an end to corporal punishment in 1984 did not succeed, and in fact it was not abolished until 1986.
- Significant change did not occur until the appointment of Malcolm Thyne in 1988, partly because the school roll had decreased on account of Fettes having acquired a poor reputation.
- After the appointment of Malcolm Thyne rules were tightened up and published, and efforts were made to address the culture of bullying, to stop initiation ceremonies, and to discontinue the system of training runs.
- Prefects were no longer appointed solely from the sporting elite, and the need to train them was recognised.
- The importance of appointing good teachers and good house staff, with regular support from tutors and matrons, was acknowledged, and changes were steadily introduced.
- Pastoral care improved from 1995 when Fettes adopted the Scottish Council of Independent Schools guidelines, and the school's first child protection coordinator was appointed in 1996. Access to Childline

was provided and relevant policies were written.

- Despite the efforts made in the 1990s towards child protection, when, in 1992, six boys had to be investigated in relation to allegations of drug-taking, the processes used were abusive; the boys were detained and interrogated within the school with no proper account being taken of their status as children or their legal rights.
- In dealing with the aftermath of that episode, which included multiple complaints being made against the school and individuals, and adverse campaigns against the school in the media, Fettes adopted a determinedly defensive mentality and focused unduly on protecting its reputation – an attitude which persisted unhelpfully for the following two decades.
- It was also apparent from an otherwise essentially positive inspection report in 1996 that Malcolm Thyne, who had been responsible for the way the investigations of the drug-taking allegations were handled, habitually took too much upon himself, failing to delegate responsibilities where he could and should have done so.
- Change slowly continued under the leadership of Michael Spens and Helen Harrison. A head of pastoral care was appointed in 2014, although the Care Commission had flagged up a potential conflict in 2008 due to the deputy head also being the child protection officer. Governor involvement in child protection is now routine but did not begin until 2016.
- Fettes was also slow to see and respond to issues of misogyny and racism well into the twenty-first century.

- In 2020 an independent audit commissioned by Fettes, which largely commended the school's child protection efforts, nonetheless identified that favouritism towards certain pupils, for example those who excelled in traditional sports, remained a real issue.
- There were nonetheless children throughout the period covered in evidence who were not abused and had positive experiences at the school, which they value.
- Some children who were abused also had some positive experiences.
- Recent leaders have reflected carefully since their first response to SCAI in 2017 which did not accept that there were any systemic failures. They now acknowledge genuine shortcomings at Fettes in decades long past, as well as more recently.
- The current head of Fettes apologised on behalf of the school for the abuse experienced by children entrusted into its care.

# 1

## Introduction

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 and they demonstrate that children were abused at Fettes College (Fettes).

### Anonymity and identification

Where applicants have not wished to be anonymous, I have normally used their real names. Otherwise, in accordance with my General Restriction Order<sup>9</sup> or a specific restriction order, relevant witnesses including applicants are referred to by their chosen pseudonym.

I have decided, in the meantime, to preserve the anonymity of some living persons whom I find to have abused children. I have not done so where, for example, they have been convicted of abusing children or I am otherwise satisfied that disclosure of their identity is appropriate.

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

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

While great care has been taken to compile the information in relation to the dates that former pupils and staff were at the school, it

may be incomplete or inaccurate due to the limitations of the records currently available. Where there is conflicting information about such dates, the most contemporaneously recorded source has been relied on.

### Children were abused

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

### The range of pupils' experiences

The evidence about their experiences provided by the former pupils who contacted the Inquiry was often very negative. However, there were former pupils who also provided evidence of having had positive experiences.

As explained in the [Foreword](#), SCAI's Terms of Reference (ToR) require me to investigate not only the nature of the abuse of children who were in residential care in Scotland, including those who were at boarding schools, but also its extent. This includes addressing questions such as whether or not abuse was the universal experience, how prevalent it was, and whether a child who was abused also experienced positive aspects and outcomes. The fact that children also had positive experiences and that there were children who were not abused at all

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<sup>9</sup> Scottish Child Abuse Inquiry | General Restriction Order.

does not, however, in any way compensate for or diminish the dreadful reality of the abuse that occurred.

Investigations have been carried out in relation to Fettes in furtherance of what, in terms of SCAI's ToR, I am directed to do, and, as a result of what has been uncovered, I have no difficulty in finding that children were abused at Fettes in a variety of ways. Children were also abused by teachers whose abusive practices were such that they must or at least ought to have been obvious to those in positions of responsibility. Further, they were abused by other pupils, some of whose practices must or ought to have been obvious to those in such positions.

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

## **Evidence**

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

discussed does not mean that it has not been accepted or that it has not helped to build the overall picture.

## **Standard of proof**

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

when determining what facts have been established in the course of this Inquiry, it is appropriate that I do so by reference to the civil standard of proof, namely balance of probabilities. I will not, however, consider myself constrained from making findings about, for example, what may possibly have happened or about the strength of particular evidence, where I consider it would be helpful to do so.<sup>10</sup>

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 1946 until 2021.<sup>11</sup> All oral evidence was given on oath or under affirmation. Where the evidence relied on is drawn from a written statement prepared by the Inquiry, the statement was signed after having been reviewed by the witness and confirmed as being a true account.

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

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

11 Both written and oral evidence of witnesses ranges from 1946 to 2021, although there are also records of inspections going back to 1930. See Fettes College, HM Inspectors' report, 1930, at FET-000000050.

# 2

## History and background of Fettes College

The establishment of Fettes College (Fettes), Edinburgh was funded from the residue of the estate of Sir William Fettes, a philanthropist who died in 1836.<sup>12</sup> He provided that it was to be used as 'an endowment for the maintenance, education and outfit of young people whose parents have either died without leaving sufficient funds for that purpose, or who from innocent misfortune during their lives, are unable to give suitable education for that purpose'.<sup>13</sup>

In 1863 Sir William's endowment trustees decided to fund the building of a school that would follow the model of other boarding schools in Scotland and England.<sup>14</sup> Fettes was established in 1870. In keeping with Sir William's intentions, the initial school roll of 56 pupils comprised mainly Foundation Scholars who were in receipt of bursaries. The first headmaster was Alexander Potts, who was recruited from Rugby School in England. He was one of 23 Assistant Masters at Rugby. These Assistant Masters became headmasters throughout the UK and the then British Empire. The ethos of Fettes can, in many respects, be traced back to Potts' Rugby School roots.

Fettes is located in the north of Edinburgh, near Inverleith Park. The structures of the original buildings are imposing and visible from across the city.



Fettes College

The school had, and still has, extensive grounds, described by an inspector in the 1950s in these terms:

The playing fields cover about 160 acres, and comprise many playing pitches and courts for rugby football, hockey, association football, cricket, basketball, and tennis; in addition there are a nine hole golf course, a 440 yards cinder track for athletics, and a riding course on the perimeter.<sup>15</sup>

Fettes was, until 1972, a boys-only boarding school for both fee-paying pupils and recipients of bursaries and scholarships. The first female day pupils started in 1972, and Fettes became fully co-educational in 1983.<sup>16</sup>

The preparatory school opened in 1973 and was referred to as Fettes Junior School.

12 Fettes College, *Parts A and B responses to section 21 notice*, at FET.001.001.0003, p.1.

13 Fettes College, School handbook, 1950s, at FET-000000087, p.11.

14 Fettes College, *Parts A and B responses to section 21 notice*, at FET.001.001.0003, p.1.

15 Scottish Education Department, Inspection report, Fettes College, January 1955, at SGV-000067187, p.13.

16 Fettes College, Letter from headmaster, 27 April 2017, at FET.001.001.0001, p.1.

In 1991 it was integrated with the senior school and became known as Inverleith House, before becoming Fettes Prep School in 1999.<sup>17</sup> The prep school currently takes children between the ages of 5 and 11, with the senior school taking children aged between 11 and 18.

## Headteachers

The school has always been led by a headmaster (now known as the 'head') and deputy. Currently there are three deputy heads, each with a discrete focus: academic, pastoral, and school life. There have, to date, been 11 headteachers. Fettes Prep School has had separate headmasters (or wardens), although ultimate responsibility has always rested with the head of the senior school.

A number of the headteachers had a prior association with the school. The Reverend William Heard, for example, came to Fettes as headmaster from Westminster School, but had previously been a Fettes housemaster for 13 years.<sup>18</sup> Donald Crichton-Miller was an Old Fettesian, as was his father.<sup>19</sup> Helen Harrison started life at Fettes as a geography teacher in 1996 and occupied many senior posts at the school before being appointed acting head in 2019.

Recruitment was, at least from the late 1970s, by formal process:

Fettes ... advertised the post of headmaster in *The Times Educational Supplement*, which is a well-known paper for advertising teaching appointments. I think it would also have

**Table 4: Fettes College headteachers, 1919–present<sup>20</sup>**

Name	Qualification	Period of employment
<b>Alexander Potts</b>	Mathematics, Cambridge	1870-89
<b>Rev. William Heard</b>	Divinity, Oxford	1890-1919
<b>Alec Ashcroft</b>	History and Classics, Cambridge	1919-45
<b>Donald Crichton-Miller</b>	History, Cambridge	1945-58
<b>Ian McIntosh</b>	Modern Languages, Aberdeen and Cambridge	1958-71
<b>Anthony Chenevix-Trench</b>	Classics, Oxford	1971-9
<b>A.J. Cameron Cochrane</b>	English, Oxford	1979-88
<b>Malcolm Thyne</b>	Natural Sciences, Cambridge	1988-98
<b>Michael Spens</b>	Natural Sciences, Cambridge	1998-2017
<b>Geoffrey Stanford</b>	Classics, Oxford	2017-19
<b>Helen Harrison</b>	Geography, Cambridge	2019-present

17 Fettes College, Job advertisement for Head of Modern Languages, Fettes Prep, January 2022, p.10.

18 Fettes College, School handbook, 1950s, at FET-000000087, p.13.

19 Fettes College, School handbook, 1950s, at FET-000000087, p.13.

20 Fettes College, *Parts A and B responses to section 21 notice*, at FET.001.001.0003, p.24; Fettes College, Headmasters, deputy heads, and other staff, at FET-000000189.

appeared in a number of national newspapers because important headship appointments were often placed in papers like *The Times* or *The Scotsman*. There was also a system that operated in The Headmasters' Conference ... where they would send notices of headship appointments around schools.<sup>21</sup>

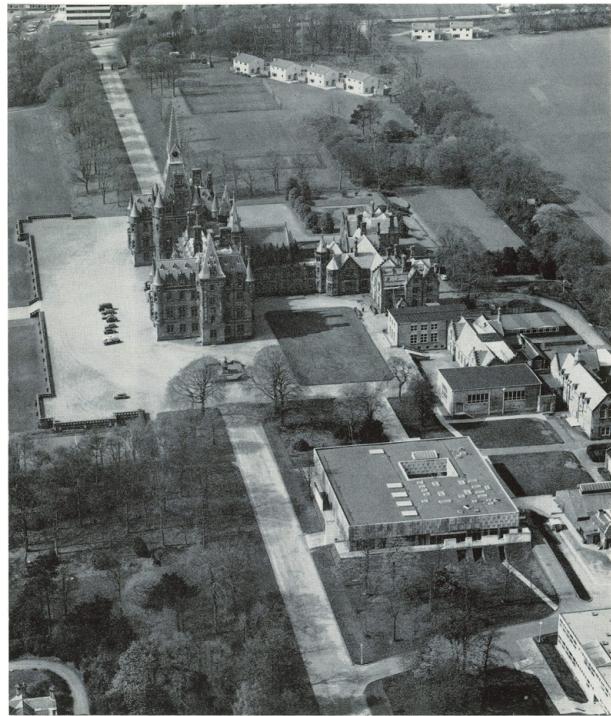
First-round interviews were conducted by a number of the governors. References were taken up and a shortlist of candidates selected. Second-round interviews would be conducted by the full board of governors. If the candidate was married, the governors could then take up the opportunity to meet his wife, it being recognised that the wife of the headmaster had a particularly important role in a boarding school.<sup>22</sup>

## The campus

The Fettes campus remains at its original site on Carrington Road, Edinburgh. In the 1973 prospectus it was described as

not purely, or even primarily, an urban school. It is insulated from the bustle and noise of city life by spacious grounds and full advantage is taken of the proximity of the Forth and the hills for ... outdoor activities. As a main route centre, Edinburgh is easily accessible by train or car from all parts of Britain.<sup>23</sup>

Whether Fettes can still be described as insulated from the city is, perhaps, a moot point, but there is no doubt that the campus is still spacious.



Aerial view of Fettes College, 1970s

The shape and size of the original campus have changed as land has been sold off and new buildings have been constructed to accommodate a growing student population, for example boarding houses for girls in the 1980s and Craigeleath House, the co-educational boarding house, in 2007,<sup>24</sup> as well as for other purposes.

## The boarding houses

On becoming boarders at Fettes, pupils were initially housed in School House or in Glencorse House. In 1951 Inverleith, the first of two houses at the top of Inverleith Place, was opened for new boys.<sup>25</sup>

21 Transcript, day 258: read-in statement of Malcolm Thyne (former headmaster, 1988-98), at TRN-8-000000053, p.80.

22 Transcript, day 258: read-in statement of Malcolm Thyne (former headmaster, 1988-98), at TRN-8-000000053, p.80.

23 Fettes College, School Prospectus, 1973, at FET-000000131.

24 Care Inspectorate, Inspection Report, Fettes College: School Care Accommodation Service, 17 January 2008, at CIS.001.002.4917, p.3.

25 Fettes College, School handbook, 1950s, at FET-000000087, p.12.

The number of boarding houses reflects the expansion of Fettes over the years, as shown in Table 5. Each house can accommodate, on average, 60 children.<sup>26</sup>

### The house system

Pupils have always been assigned to a particular boarding house for the entirety of their time at Fettes. Evidence from applicants suggested that the use of this vertical system meant bullying was commonplace.

As with other schools in the case study, life at Fettes centred on the house, and its tone and ethos could be set by the individual housemaster. Over the period examined

by the Inquiry, pupils would typically be housed in dormitories which might have accommodated up to 20. More recently the maximum number of children per dormitory has been set at six.<sup>28</sup> Older pupils now either have their own room or share a room with one or two others.<sup>29</sup> Siblings have traditionally been accommodated in the same boarding house.

'Supervision' has typically been provided by a housemaster or housemistress, a matron, and house tutors. Housemasters/ housemistresses have been, and continue to be, although to a lesser extent than in the past, supported by prefects in the execution of their duties.

**Table 5: Fettes College boarding houses, 1970-2014<sup>27</sup>**

Name	Period
School House	1870-1940
Moredun	1870-present
Carrington	1872-present
Glencorse	1873-present
Kimmerghame	1883-present
College East	1944-present
College West	1944-present
Inverleith	1951-73
Arniston	1967-present
Arran (Junior School/Prep School)	1973-present
Dalmeny (temporary house for day girls)	1984-8
Iona (Inverleith House/Prep School)	1991-present
Craigleith	2007-present

26 Fettes College, [Parts A and B responses to section 21 notice](#), at FET.001.001.0003, p.12.

27 Fettes College, School roll, 1930-2014, at FET.001.001.0083; Care Inspectorate, Inspection Report, Fettes College: School Care Accommodation Service, 17 January 2008, at CIS.001.002.4917; Scottish Education Department, Inspection report, Fettes College, February 1970, at SGV-000000854, pp.56-7; Fettes College, List of housemasters and mistresses, at FET-000000124.

28 Fettes College, [Parts A and B responses to section 21 notice](#), at FET.001.001.0003, p.14.

29 Fettes College, [Admissions](#).

Since the introduction of co-education, girls have been accommodated in Glencorse, Kimmerghame, and Arniston houses. All three boarding houses were co-educational houses until the 1980s, when Arniston began to operate as a girls-only house.<sup>30</sup>

### The school roll

The number of pupils admitted each year has fluctuated, through factors such as wartime, the introduction of co-education, and the widening age range of pupils.<sup>31</sup> In 1870, when Fettes first opened, 53 pupils were

admitted.<sup>32</sup> By 2014 the school roll stood at 760.<sup>33</sup> Table 6 shows the progression of pupil numbers (see [Appendix D](#) for complete figures).

Significant increases in the school roll followed the admission of female pupils in 1972, the move to full co-education in 1983, and the lowering of the age at which pupils could be admitted to the school. For example, in 1999 the school began admitting children from the age of seven.<sup>34</sup> From September 2025 the school has admitted children from the age of five. In March 2021

**Table 6: School roll, 1923-2021**

Year	Boys	Girls	Total
<b>1923</b>	255		255
<b>1937</b>	262		262
<b>1948</b>	339		339
<b>1954</b>	422		422
<b>1961</b>	452		452
<b>1970</b>	431	3*	434
<b>1972</b>	414	14	428
<b>1983</b>	410	139	549
<b>1996</b>	265	218	483
<b>1999</b>	293	218	511
<b>2006</b>	336	270	606
<b>2009</b>	361	312	673
<b>2014</b>	398	362	760
<b>2017</b>	393	366	759
<b>2021</b>	313	278	799**

\*Girls admitted to sixth form only.

\*\*The total includes prep school numbers; the gender split provided by the school is for senior school only.

30 Fettes College, School roll, 1930-2014, at FET.001.001.0083.

31 Fettes College, [Parts A and B responses to section 21 notice](#), at FET.001.001.0003, p.13. See also [Appendix D](#) for a further breakdown of numbers.

32 [Transcript, day 214](#): Helen Harrison (head, 2019-present), at TRN-8-000000005, p.68.

33 Fettes College, [Parts A and B responses to section 21 notice](#), at FET.001.001.0003, p.12.

34 Fettes College, [Parts A and B responses to section 21 notice](#), at FET.001.001.0003, p.11.

Helen Harrison said: 'In the senior school, so that is 13 to 18, we are 75% boarding, 25% day. It changes a bit in the different year groups as you go up. By the sixth form, we are 85% boarding.'<sup>35</sup>

## Legal status

Fettes, including the prep school, is a single legal entity. It was originally part of the endowment of the late Sir William Fettes but in 1886 The Governors of the Fettes Trust was established as a body corporate, under and in terms of the Educational Endowments (Scotland) Act 1882.<sup>36</sup> The Scheme of 1886 was modified and extended by a series of amendments and re-enactments in 1939, 1965, 1982, 1985, and 1989. The school is now administered by its governing body under the terms of the Fettes College Scheme 2008, as amended.<sup>37</sup> Fettes College became a private company limited by guarantee in January 2022 (SC719759).<sup>38</sup>

On 30 July 1891 the Trust became a registered charity whose purposes were 'the advancement of education' and providing benefit to children and young people.<sup>39</sup> Following inquiries, the Office of the Scottish Charity Regulator (OSCR) found, in January 2013, that the school did not provide public benefit and therefore failed the test for charitable status. This was because the fees were substantial and represented a restriction on accessing the majority of the benefit the charity provided. OSCR found that restriction to be undue and directed

Fettes to remove it by 31 July 2014, which failing OSCR would take steps to remove the school from the Scottish Charity Register.<sup>40</sup> It then re-assessed the school in October 2013 and found that it had taken steps to mitigate the fees in a number of different ways, including increasing means-tested bursaries and the number of activities provided for no or only a nominal charge. OSCR was satisfied that Fettes had sufficiently addressed its concerns so as to remove the undue restriction previously in place and concluded that the school provided the requisite public benefit. Fettes therefore passed the charity test and did not lose its charitable status. The school is registered with the Scottish Education Department (now Education Scotland), the Care Inspectorate, and the Scottish Social Services Council (SSSC).<sup>41</sup>

## Governance and administration

Fettes has always had a board of governors. The board exercises general supervision and control, including the issuing of policies and the setting of budgets and fees. Board members meet quarterly, and all board meetings since 1968 have been held at the school. Since the 1960s some board functions have been delegated to a series of committees, including an Executive Committee, which supervises the headteacher and the bursar and meets ten times each year, and a Buildings Committee. The headteacher and the bursar are responsible to the board.<sup>43</sup>

35 [Transcript, day 214](#): Helen Harrison (head, 2019–present), at TRN-8-000000005, p.68.

36 Fettes College, [Parts A and B responses to section 21 notice](#), at FET.001.001.0003, p.5.

37 Fettes College, [Parts A and B responses to section 21 notice](#), at FET.001.001.0003, p.6.

38 Gov.uk, Company Information Service, Fettes College Ltd.

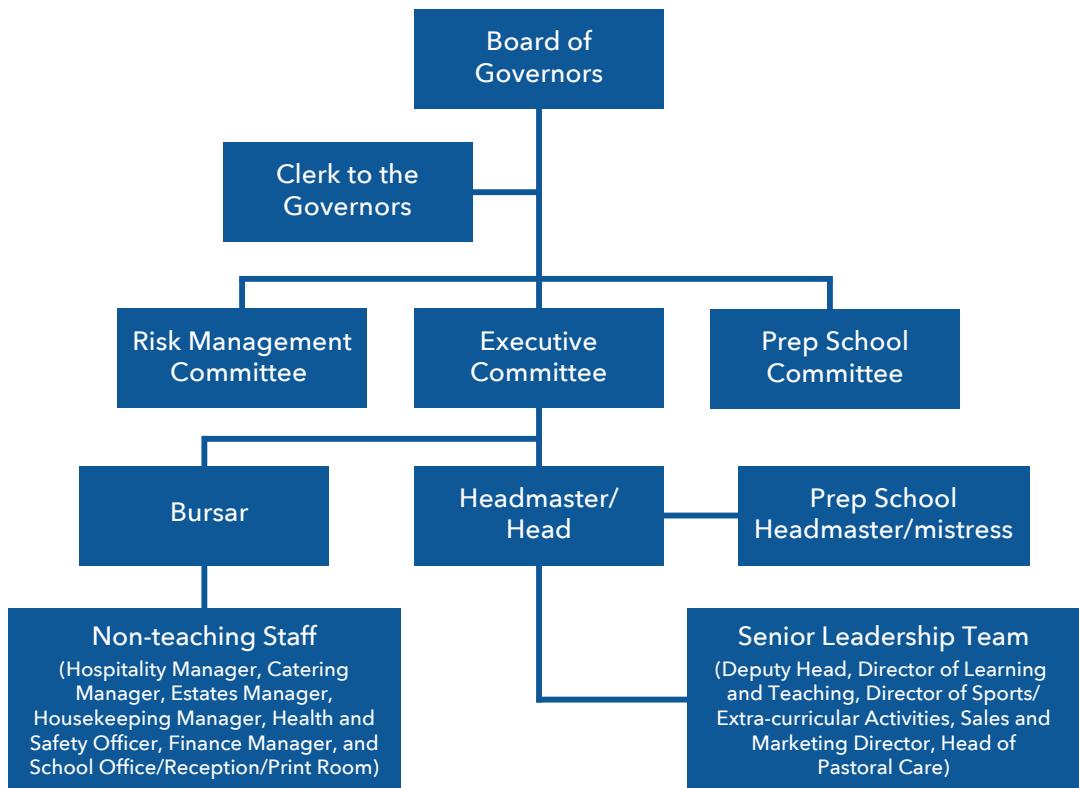
39 OSCR, [The Governors of the Fettes Trust](#), SC017489, March 2023.

40 OSCR, [The Governors of the Fettes Trust, Inquiry report](#), 19 November 2013, p.2.

41 Fettes College, [Parts A and B responses to section 21 notice](#), at FET.001.001.0003.

42 Fettes College, [Organisation Chart](#), February 2017, at FET.001.001.0031.

43 Fettes College, [Parts A and B responses to section 21 notice](#), at FET.001.001.0003, p.21.



**Figure 1: Simplified organisational chart for Fettes College**

Currently the board may not exceed 14 governors. Nine are elected and, in terms of the Trust, require to be drawn from the following bodies:

- Senators of the College of Justice
- City of Edinburgh Council
- University Court of the University of Edinburgh
- Faculty of Advocates
- Society of Writers to the Signet
- Edinburgh Royal College of Physicians
- Master's Court of the Royal Company of Merchants of Edinburgh
- Edinburgh Chamber of Commerce
- Old Fettesian Association.

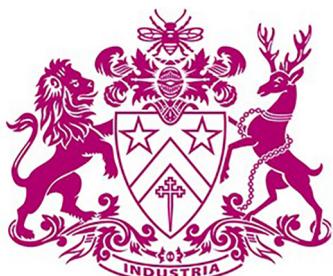
Any remaining governors are co-opted. All now undergo annual child protection training, although that has not always been the case.

Governors have been, and are, encouraged to visit the school regularly. Recent practice is for a majority of governors to oversee a number of academic departments, boarding houses, and other areas of school life 'to encourage direct contact between governors, staff, and pupils and to keep governors up to date with the activities of the school'.<sup>44</sup> In 2015 the school established the role of head of pastoral care, responsible for the pastoral care delivered by teachers and matrons and reporting directly to the deputy head (pastoral). In 2016 governors with safeguarding responsibilities were

44 Fettes College, Parts A and B responses to section 21 notice, at FET.001.001.0003, p.21.

appointed.<sup>45</sup> Safeguarding is now a standing item on the agenda of all governors' meetings.<sup>46</sup>

The headteacher is responsible for the day-to-day management of the school, the broad education and subjects taught, and oversight of the senior leadership team and the bursar. The senior leadership team appoints academic staff, and the bursar has, since 1960, been responsible for running the school's finances and estates. The bursar is also responsible for all matters relating to the day-to-day running of the school as well as the employment of non-teaching staff.



Fettes College crest

Regarding current governance, head Helen Harrison said:

The governors are more aware of their responsibilities in respect of care of pupils, making it unlikely that the headmaster will operate independently without consulting the governors and chairman. The lines of reporting between the headmaster and the chairman have been clearly defined, with clear roles, and collegiate partnership of the senior leadership team and the emphasis on pastoral care are a priority.<sup>47</sup>

## Finance

Fettes was originally financed by funds from the Sir William Fettes endowment. As time passed, it came to be financed by fees, bursaries, and donations made by philanthropists, from gifts received from, for example, Old Fettesians, from fundraising initiatives, and from commercial activities such as Fettes Enterprises Ltd, a wholly owned subsidiary of Fettes College.<sup>48</sup>

The school participated in the Assisted Places Scheme, which ran from 1980 to 1997, under which up to 100 per cent of school fees was, in certain cases, partly or wholly funded by government.<sup>49</sup>

In 1998 the Fettes Foundation was launched as a company limited by guarantee to 'raise philanthropic income for the benefit of Fettes and its pupils',<sup>50</sup> including for the provision of bursaries.

Financial assistance may also be afforded through scholarships awarded on the basis of a child demonstrating excellence in a particular area. These are different from bursaries. Helen Harrison said:

Scholarship is tested out ... we have academic scholars, all-round scholarships, and they are hugely contested for, but that is not linked at all to bursary applications. Those are done on a totally separate measure ... and ensuring we have a high percentage of means-tested bursary applications is very, very important to who we are.<sup>51</sup>

45 Fettes College, *Parts A and B responses to section 21 notice*, at FET.001.001.0003, p.27.

46 Fettes College, *Parts C and D responses to section 21 notice*, at FET.001.001.0033, p.12.

47 *Transcript, day 214*: Helen Harrison (head, 2019–present), at TRN-8-000000005, p.149.

48 Fettes College, *Parts A and B responses to section 21 notice*, at FET.001.001.0003, p.5.

49 Fettes College, *Parts A and B responses to section 21 notice*, at FET.001.001.0003, p.5.

50 Fettes College, *The Fettes Foundation*.

51 *Transcript, day 214*: Helen Harrison (head, 2019–present), at TRN-8-000000005, pp.67–8.

## Staffing

The exact number of staff employed by Fettes in the period 1930–2014 is unclear, as records prior to 1997 are limited. Documents submitted to the Inquiry indicate that 52 teaching staff were employed in 1997; 71 in 2005; 99 in 2013; and 115 in 2014.<sup>52</sup> The total number of staff in 2014 was 271.<sup>53</sup> A report by Her Majesty's Inspectorate of Education (HMIE), dated 25 March 1996, stated that the school was 'exceptionally well-staffed'.<sup>54</sup>

Regarding residential care, responsibility has always been shared between all teaching staff, house staff, matrons, and non-teaching staff. Fettes provided the Inquiry with lists of the names of house matrons and housemasters/housemistresses for the period between 1870 and 2014. The names and number of non-teaching staff in the period has not been provided and remains unclear. The school suggests that the staff-to-pupil ratio, whilst varying over time, has generally been of the order of 1:10.<sup>55</sup>

The gender balance of Fettes staff has varied. Historically, most members of staff, including teachers, were male. The exception was the role of matron which was traditionally female. After the introduction of female day pupils, staff reflected the houses' gender division: male teaching staff would look after boys' houses and female teaching staff would look after girls' houses.<sup>56</sup> Fettes estimates

that recently 'the gender balance of the teaching staff has significantly altered to one of parity'.<sup>57</sup>

In 1996 an HMIE inspection report observed that there were 'no women in senior management, apart from the housemistresses in charge of the three girls' houses, and only two women operated at a level equivalent to a head of department', recommending that 'the headmaster and the Board of Governors should ensure that the policy for the recruitment of promoted staff takes more account of the contribution women are able to make to the management of a co-educational school'.<sup>58</sup>

Fettes appointed its first female headteacher, Helen Harrison, in 2019.

## Education, training, and qualifications

Fettes seems to have sought to employ as teachers people who held a university degree, at least. It was not until 2017, however, that teachers in independent schools in Scotland were required to possess a teaching qualification. The Scottish Education Department report following an inspection of Fettes in February 1970 stated, in relation to teaching staff: 'Most of the staff are Oxford or Cambridge graduates, though some are graduates of Scottish universities. All are highly qualified and a growing number are trained teachers. The general level of professional competence is high'.<sup>59</sup>

52 Fettes College, ISRDC, 1997–2014, at FET-000000061 to FET-000000078; GTCS-registered teachers 1997–2014, at FET-000000146 to FET-000000157.

53 Fettes College, *Parts A and B responses to section 21 notice*, at FET.001.001.0003, p.17.

54 HMIE, Inspection report, Fettes College, 25 March 1996, at FET-000000051, p.5.

55 Fettes College, *Parts A and B responses to section 21 notice*, at FET.001.001.0003, p.19.

56 Fettes College, *Parts A and B responses to section 21 notice*, at FET.001.001.0003, p.20.

57 Fettes College, *Parts A and B responses to section 21 notice*, at FET.001.001.0003, p.20.

58 HMIE, Inspection report, Fettes College, 25 March 1996, at FET-000000051, p.4.

59 Scottish Education Department, Inspection report, Fettes College, February 1970, at SGV-000067185, p.7.

Emily Banks, who was a pupil between 1997 and 2002, said:

My dad had gone to Fettes as a child and at the time Anthony Chenevix-Trench was the housemaster. My dad went to Cambridge and got a degree. He then got a postcard from Mr Chenevix-Trench, who invited my dad to teach in Fettes, even though my dad wasn't a qualified teacher. Both he and my mum moved to Fettes and that was my dad with a job for life.<sup>60</sup>

Helen Harrison, referring to the school's position when she gave evidence in March 2021, said Fettes does 'not employ anybody

in a teaching post ... who is not eligible for GTCS [General Teaching Council of Scotland] registration'.<sup>61</sup>

For many years, staff at Fettes were not required to have any training or qualification relevant to the care of children, but 'an interest in the welfare of children was expected and an adherence to prevailing child welfare policies'.<sup>62</sup> That changed with the coming into force of the Regulation of Care (Scotland) Act 2001 and the creation of the SSSC, the provisions of which came into effect for the boarding school sector in 2010.<sup>63</sup> In addition, all staff are now PVG (Protecting Vulnerable Groups) checked.<sup>64</sup>

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60 [Transcript, day 258](#): read-in statement of Emily Banks (former pupil, 1997-2002), at TRN-8-000000053, pp.74-5.

61 [Transcript, day 214](#): Helen Harrison (head, 2019-present), at TRN-8-000000005, p.71.

62 Fettes College, [Parts A and B responses to section 21 notice](#), at FET.001.001.0003, p.20.

63 Scottish Social Services Council, Submission to the Scottish Child Abuse Inquiry, 25 November 2020, at SSC-00000004.

64 [Transcript, day 214](#): Helen Harrison (head, 2019-present), at TRN-8-000000005, p.110.

# 3

## The Fettes College regime

### Introduction

Accounts of life at Fettes College until the end of the 1980s were remarkably consistent. Living conditions were basic, and day-to-day responsibility for keeping order fell on senior pupils, while staff were remote, with limited, if any, oversight. The house was the focus of life outwith the classroom, and much turned on the personality of housemasters. Loyalty to house and school mattered, and there was an arrogance about the school, which considered itself to be elite.

The 1973 prospectus summed up Fettes' view of itself:

Fettes is one of the great British public schools. For over a century it has sought to instil qualities of integrity, intellectual awareness, and self-reliance that have equipped Fettesians, including three Chancellors of the Exchequer in the middle part of this century, to render uniquely influential service in England, Scotland, and many countries overseas.<sup>65</sup>

The earliest account of life at Fettes provided in evidence came from 'William', who was a pupil there immediately after the Second World War. His view was positive and echoed the tone of the prospectus. He said:

During my time in Carrington House, aged 14 to 17, the initial somewhat spartan discipline

and broad-based training instilled Christian standards of conduct, principles, and self-reliance that sustain me aged 88. Loyalty to school and house came first. In every human institution there can be a failure which lets the side down but Fettes College sets a commendable experience for every lucky youngster who enters its portals.<sup>66</sup>

However, it was very clear from the evidence that many pupils did not and do not consider themselves lucky to have been there, nor was their experience of Fettes in any way commendable. Fettes could be a very harsh place, where status mattered and humiliation by 'mocking', also present at Loretto School, was routine. For some, it had lasting negative effect.

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**Many pupils did not and do not consider themselves lucky to have been there.**

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'Grant' was one of those: 'For at least a decade after leaving Fettes, I bitterly resented my time there. It was to me a mostly hostile and unsympathetic environment, one which I ... suffered as an inevitable necessity of having family abroad.'<sup>67</sup> For others it was a closed society that forgot it was dealing with children. 'Lloyd' said of the head of his time, Donald Crichton-Miller, that 'he had run the school with an iron rod'.<sup>68</sup> 'Lloyd' went

65 Fettes College, School Prospectus, 1973, at FET-000000131, p.5.

66 [Transcript, day 250](#): read-in statement of 'William' (former pupil, 1946-8), at TRN-8-000000043, p.148.

67 [Transcript, day 251](#): read-in statement of 'Grant' (former pupil, 1953-7), at TRN-8-000000044, p.112.

68 [Transcript, day 250](#): read-in statement of 'Lloyd' (former pupil, 1955-7), at TRN-8-000000043, p.161.

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## Fettes' approach remained static and defensive well into the twenty-first century.

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on to join the army, which was 'a doddle in comparison to Fettes'.<sup>69</sup> 'Ben' said:

In my era of the early 60s it would have been considered harsh by today's standards and perhaps unacceptable had word got out. However, we were all treated as men rather than as children as if we were soon to be heading a platoon into the jungles of Borneo. Life was hard but fair with fagging, lack of privacy [and] official beatings by prefectal students. One was never expected to complain about these.<sup>70</sup>

Change, driven by falling numbers and the eventual recognition by the governors in the 1980s that all was not well, came with the appointment of a new head in 1988. Conditions slowly improved. The increasing number of girls after 1972 and the move to full co-education in 1983 also had a positive impact and saw a slight softening of approach. Nonetheless, pastoral care only began to take effect from the mid-1990s as part of wider societal changes. If anything, Fettes' approach remained static and defensive well into the twenty-first century, and concerns about misogyny and racism were live issues in that century's first two decades.

### An establishment for the elite and entitled

Despite Sir William Fettes' desire to provide education for children who otherwise might be denied one, by the mid-1940s, at

least, the school had gained a reputation for being an elitist establishment. A word that characterised Fettes throughout the evidence was 'hierarchy', and this permeated all aspects of school life. For example, 'John' said: 'The school ran a Combined Cadet Force. This was originally named the Officer Training Corps, the expectation being that boys from Fettes were destined to become officers.'<sup>71</sup> 'Lloyd' said:

The company sergeant major was a non-commissioned officer. It meant that he was looked down upon by the other members of staff. Fettes was quite an 'upstairs downstairs' sort of place. The company sergeant major was definitely 'downstairs'. As a result, he was slightly separate to the other staff, a bit of an outsider.<sup>72</sup>



Combined Cadet Force

69 Transcript, day 250: read-in statement of 'Lloyd' (former pupil, 1955-7), at TRN-8-000000043, p.176.

70 Transcript, day 251: read-in statement of 'Ben' (former pupil, 1961-4), at TRN-8-000000044, p.130.

71 Transcript, day 251: read-in statement of 'John' (former pupil, 1955-60), at TRN-8-000000044, p.120.

72 Transcript, day 250: read-in statement of 'Lloyd' (former pupil, 1955-7), at TRN-8-000000043, p.164.

A number of witnesses mentioned toilet blocks known as the House of Commons and the House of Lords; some senior pupils who were not prefects were known as backbenchers; and 'Robert' spoke of 'the Carlton Club for the school prefects and backbenchers',<sup>73</sup> these all being associated with institutions of power and the political elite. That was how the school appears to have seen itself.

When asked if Fettes had a certain arrogance with its expectation that pupils would go on to great things, Michael Spens' response was to recognise that the school had to address a propensity amongst pupils to harbour feelings of entitlement, saying:

It's an interesting way of putting it. I think we would always, certainly in my time ... encourage Fettesians, be they boys or girls, of whatever ability, to be the best they could be. We ... did work very hard to combat any feeling of entitlement, that just because you were at Fettes you were therefore going to succeed. You would succeed on your own merits. But don't underestimate what those merits might be.<sup>74</sup>

## Hierarchy and the period up to 1988

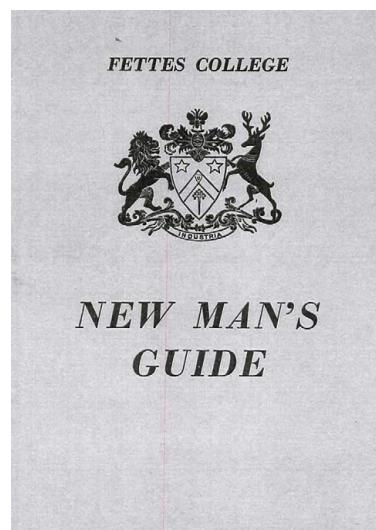
### 'New men'

Until 1972 Fettes was an all boys' school. Hierarchy mattered. Witnesses often referred to a pecking order in the school which had a significant impact on a pupil's experience. The higher up the pecking order a child was, the better life would be.

A distinctive aspect was that, on entry to the senior school, children were referred to as

'new men'. That failed to take into account that these were children, not men, and that, for many, it was a daunting and anxious time. 'Brian' said:

When I went to Fettes in 1956, overnight from being a boy at prep school, I became a man on my arrival. New pupils were immediately grouped by the classification 'new men'. Looking back on my first days, I can scarcely credit that those in authority were perhaps only five years older than me. The thought never crossed my mind at the time. They had such surety, such presence. Very quickly one learned to recognise that these 'elders' who wore suits were either school or house prefects, and this minor advantage at least made them easier to spot.<sup>75</sup>



New Man's Guide, 1950s

'Rory' said:

When you became a senior and joined the senior school, you were called a 'new man', that's what you became. There was a list of things you [had] to have and one was 42 hankies. You also went from wearing shorts to

73 Transcript, day 251: 'Robert' (former pupil, 1973-8), at TRN-8-000000044, p.57.

74 Transcript, day 259: Michael Spens (former headmaster, 1998-2017), at TRN-8-000000054, p.145.

75 Transcript, day 251: read-in statement of 'Brian' (former pupil, 1956-62), at TRN-8-000000044, p.125.

wearing a suit every day. At the age of 12 or 13, that's a big difference, but the whole point was that ... you were a man now.<sup>76</sup>

'Andrew' recalled:

You had to be quite tough ... you're never called a boy again, ever. That's that. You had a tremendous amount of responsibility placed on your shoulders quite early on, and you sank or you swam, and I think that ... part of ... what the school was trying to do was actually, you know, beat you into some semblance of a man. But not everyone's like that. Not everyone reacts well to that. There are guys who are a little more sensitive, shall we say. They're not quite as roughed up as all the others and they won't do the things that the other guys do. And if you were weak in that way, then it could be quite merciless from the other guys, from the other pupils. It was unkind at times.<sup>77</sup>

### Inadequate induction

'New men' were not, on the evidence, given a formal induction, although there was a 'New Man's Guide' which appears to have been issued in the late 1950s or 1960s.<sup>78</sup> School rules were set out, including a section entitled 'Behaviour'. After a rule about paying respect to masters, their wives, and visitors, it continued: 'It is the duty of every boy to submit to the authority of prefects'.<sup>79</sup> There is a separate section headed 'Chaplain' which stated that: 'The School Chaplain's room is next to the Conference Room where he is

ready to see anyone who wishes to consult him at times which are given on the Chapel Notice Board',<sup>80</sup> but without any indication as to what a boy might be able to consult him for, or what to do outwith such times as were published on that notice board.

Despite the guide, pupils spoke of having to pick up the rules as the days passed.<sup>81</sup> 'Roland' recalled his first day at Fettes. There was no explanation of what was expected of new pupils, and he remembered a meeting of his new house: 'I bumped into another chap who was a new boy as well and ... we found out that there was a meeting on the main floor of College East and we ended up turning up a few minutes late'.<sup>82</sup> 'Roland' did not remember the meeting as giving any introduction or welcome to life at Fettes; instead what stuck in his mind was the conclusion, when the prefects selected their fags from the new intake. 'Roland' said: 'The fags for each prefect were just chosen like cattle, you might say. So it was not a pleasant experience'.<sup>83</sup>

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### **'The fags for each prefect were just chosen like cattle.'**

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'Brian' recalled: 'There were without doubt rules that were expected to be followed and obeyed. Simple things like longish hair or dirty shoes were not tolerated and punctuality was considered to be

76 [Transcript, day 254](#): read-in statement of 'Rory' (former pupil, 1976-84), at TRN-8-000000047, p.7.

77 [Transcript, day 255](#): 'Andrew' (former pupil, 1976-82), at TRN-8-000000050, p.56.

78 Fettes College, School handbook, 1950s, at FET-000000087. The headteacher referred to in the guide was Ian McIntosh (1958-71).

79 Fettes College, School handbook, 1950s, at FET-000000087, p.5.

80 Fettes College, School handbook, 1950s, at FET-000000087, p.8.

81 [Transcript, day 250](#): 'Roland' (former pupil, 1955-9), at TRN-8-000000043, pp.12-13.

82 [Transcript, day 250](#): 'Roland' (former pupil, 1955-9), at TRN-8-000000043, p.10.

83 [Transcript, day 250](#): 'Roland' (former pupil, 1955-9), at TRN-8-000000043, p.11.

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## Anthony Chenevix-Trench was an abuser, he protected abusers, and he facilitated abuse.

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essential. Politeness was taken for granted.<sup>84</sup> 'Max' said:

There were basic house rules, but some of them just got made up or were passed down by various people from fifth form downwards to the junior school. The pecking order ... I think some was official and ... utilised when it suited them, and others were unofficial that they'd decide to bring in over the years.<sup>85</sup>

'Rory' thought:

Fettes wasn't the sort of place you would get any kind of welcome or anything like that. I don't remember being shown around by staff or by older boys, there was nothing like that. I think we were given a map and our timetable of our lessons and then we just had to work it out. I think we were teamed up with someone, but I can't remember.<sup>86</sup>

George Scott, who started midway through the year in 1977, agreed: 'There was no real induction or anything. And I felt a bit miffed because I had missed a term and I felt behind, socially and academically.'<sup>87</sup>

It was no better for new teachers. 'Colin' said:

I started at Fettes College in 1970 as an ordinary teacher. I was 22 years of age and I was straight out of university. I remained in

that post for 16 years, until I left in 1986 ... When I arrived, I was just given a piece of paper with a list of topics to teach and got on with it ...

I don't recall ever getting any staff training at Fettes ... I had to hit the road running, as they say. No one sat in any of my classes to appraise me or to give me any guidance or support. Teachers rarely went into other teachers' classrooms ...

Part of my job was wandering around getting to know the boys in the house but I was never allowed to tell them what they could or couldn't do.<sup>88</sup>

### Poor leadership and boarding houses

Until the mid-1990s Fettes was run by the headmaster. The quality of the care and protection afforded to pupils depended very much on the quality of that headmaster. Anthony Chenevix-Trench was an example of a very poor headmaster. He was an abuser, he protected abusers, and he facilitated abuse.<sup>89</sup> Prior to working at Fettes, he had been employed as headmaster of Eton College, and was appointed by Fettes notwithstanding Eton's candour in revealing that 'he had lost the confidence of senior masters and that he had a problem with drink and that he beat too much'.<sup>90</sup> But Fettes

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84 Transcript, day 251: read-in statement of 'Brian' (former pupil, 1956-62), at TRN-8-000000044, p.125.

85 Transcript, day 252: 'Max' (former pupil, 1973-80), at TRN-8-000000045, p.10.

86 Transcript, day 254: read-in statement of 'Rory' (former pupil, 1976-84), at TRN-8-000000047, p.8.

87 Transcript, day 253: George Scott (former pupil, 1977-83), at TRN-8-000000046, p.67.

88 Transcript, day 251: read-in statement of 'Colin' (former teacher, 1970-86), at TRN-8-000000044, p.87.

89 See [Sexual abuse](#) chapter.

90 PSS-000000337, p.15.

treated his appointment as a feather in its cap.

Staff and past pupils alike provided compelling evidence about his failings, which impacted, in turn, on the running of the houses. Andrew Mineyko, for example, said:

I remember Anthony Chenevix-Trench's reputation from his time at Eton. He was a weak headmaster. Some of the housemasters were allowed to be far too lax and did not expect pupils to stick by the school rules. The housemasters did not enforce school rules within the houses. No action was taken from above to prevent this happening. The housemasters ran their houses more or less as they wished and without interference from the headmaster.<sup>91</sup>

This worrying picture could not have been clearer, and it was one that began before and continued after Chenevix-Trench's tenure.

It was important, for the lives of pupils revolved around their boarding houses. 'Roland' recalled that: 'The meals that you had in the morning, breakfast and main meals during the day, that was school-organised, but the day-to-day running of activities was controlled in the house.'<sup>92</sup> 'Alan' described the boarding houses as 'very self-contained ... they were little fiefdoms'.<sup>93</sup> Housemasters were often remote. 'Alan', a pupil in College West, described his housemaster as 'a rather ineffectual man ... who seemed to just smoke a pipe. That's all

I can remember about him.'<sup>94</sup> Engagement with the housemaster was limited and

wouldn't be on a daily basis ... I don't think I ever really dealt with [him] at all. One was disciplined by senior boys and I think they did something called 'call over' of an evening ... where you all had to congregate and I think he officiated that. But I don't remember much about him at all.<sup>95</sup>

The quality of care in the boarding houses very much depended on the personality of the housemaster. 'Robert' recalled two. One he described as 'rather hands-off and I rarely saw him'.<sup>96</sup> The other and his wife were 'terribly kind people and not ... distant at all, and they were interested and they would pick up on if you weren't looking as jolly or as sad ... I don't think they looked out for it; I think they were just such kind people that they would [spot it]'.<sup>97</sup>

'Max' agreed that how houses were run 'would depend very much on the housemaster'.<sup>98</sup> He was in Kimmerghame and described the housemaster as having quite a reputation:

He was a former Old Fettesian himself, I believe, and he kept strict traditions from before ... It was worse than any of the others in relation to punishments handed down by prefects and backbenchers and everything, like cleaning bins and things like that. When I say cleaning bins, I don't mean with a jet hose. You climbed into the bin itself and used

91 Transcript, day 254: read-in statement of Andrew Mineyko (former teacher, 1975-80), at TRN-8-000000047, p.50.

92 Transcript, day 250: 'Roland' (former pupil, 1955-9), at TRN-8-000000043, p.14.

93 Transcript, day 250: 'Alan' (former pupil, 1969-74), at TRN-8-000000043, p.123.

94 Transcript, day 250: 'Alan' (former pupil, 1969-74), at TRN-8-000000043, pp.123-4.

95 Transcript, day 250: 'Alan' (former pupil, 1969-74), at TRN-8-000000043, p.124.

96 Transcript, day 251: 'Robert' (former pupil, 1973-8), at TRN-8-000000044, p.46.

97 Transcript, day 251: 'Robert' (former pupil, 1973-8), at TRN-8-000000044, p.46.

98 Transcript, day 252: 'Max' (former pupil, 1973-80), at TRN-8-000000045, p.8.

a toothbrush or whatever it was to clean it perfectly.<sup>99</sup>

In terms of his interaction with the housemaster Max said: 'There was very little dialogue ... the only time that I had reason to speak to him was to get chastised for something or to get the cane.'<sup>100</sup>



Kimmerghame House

'Max' was not alone in his experience. 'James' said: 'I think the most involvement I ever had with any of the housemasters was when they beat me.'<sup>101</sup> 'James' had

two housemasters ... [A] was quite feared. He was quite a disciplinarian. He was possibly a reasonable person, but he certainly beat me on quite a few occasions. And I think [B] – he might have been a bit insecure about his power, which made him, I don't know, a bit volatile, perhaps.<sup>102</sup>

## Too much power was devolved to prefects

In all houses, the expectation was that the senior boy, the head of house, and the prefects would manage day-to-day affairs. In houses where the housemasters lacked interest in the children, that created a real risk. 'James' thought 'there was a certain degree of autonomy that was just permitted in people. There was a head of house and then all of his prefects would, you know, basically run the house as they wished. And then the housemaster would kind of check in every now and again.'<sup>103</sup>

'William' said: 'You more or less lived your entire life without interacting with any staff members.'<sup>104</sup> He went on:

You'd turn up to the classrooms and the teachers would be there, and set homework. You'd turn up for games and the teachers would be there and they'd coach or referee. And outside of that you could go all day and not see them ... The regimes were similar in all of them and the engagement, or lack of, of the housemasters was the same across them, that was the way it worked ... the senior boys were in charge.<sup>105</sup>

As for whether housemasters were aware of what was happening in their houses, they 'wouldn't be there to see it or if they saw it ... if it wasn't so severe, it wasn't like criminally bad that they couldn't walk past it, they walked past it'.<sup>106</sup>

99 Transcript, day 252: 'Max' (former pupil, 1973-80), at TRN-8-000000045, pp.8-9.

100 Transcript, day 252: 'Max' (former pupil, 1973-80), at TRN-8-000000045, p.15.

101 Transcript, day 250: 'James' (former pupil, 1975-8), at TRN-8-000000043, p.71.

102 Transcript, day 250: 'James' (former pupil, 1975-8), at TRN-8-000000043, p.81.

103 Transcript, day 250: 'James' (former pupil, 1975-8), at TRN-8-000000043, p.76.

104 Transcript, day 257: 'William' (former pupil, 1979-86), at TRN-8-000000052, pp.144-5.

105 Transcript, day 257: 'William' (former pupil, 1979-86), at TRN-8-000000052, p.146.

106 Transcript, day 257: 'William' (former pupil, 1979-86), at TRN-8-000000052, p.156.

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## 'Let's say the prefects ran the house, with the housemaster as the manager.'

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'Robert' said: 'Let's say the prefects ran the house, with the housemaster as the manager ... House prefects had power with a small "p" over [their] own housemates.'<sup>107</sup> George Scott also spoke of the delegation of authority and power to prefects and backbenchers.<sup>108</sup> He saw no change in the basic regime in the whole time he was at Fettes. 'Robert' said he was 'guessing' that housemasters would have 'issued guidance to the prefects';<sup>109</sup> it should have been obvious to any housemaster that such guidance was required not only for the benefit of the younger pupils but also for the benefit of the prefects themselves. However, there was no clear evidence of it being provided.

'Rory' added:

I think most of the prefects handled their disciplinary responsibilities fairly, but if they overstepped the mark, they would be dealt with ... if boys were going to bully you and do more than they should, then there would be some form of natural justice. It could be a brutal system, but it was relatively fair. Houses did look after houses, though, and in senior school you fought the system together as a unit. We did everything together.<sup>110</sup>

He went on:

There were physical punishments from prefects every day at Fettes. Not just the

exercise punishments. The prefects were 17 and the third and fourth formers were 13, 14, 15, so if there was a problem, a lot of the time the punishment would be physical. It is just how it was, though. I don't think it was particularly bad. In today's window it would be seen as abusive, but it was all right then. I felt it was proportionate and I think most would agree it was fair. If somebody bullied somebody nastily, which did happen, then retribution would happen to that person. So, if a fifth former beat up a third former ... the retribution would come from the prefects on the fifth former. The retribution would come in the form of a beating of some kind and that really was a daily occurrence. People could get hurt during that, but, as I've said, it was no worse than anything you might get on the rugby pitch.<sup>111</sup>

'Rory's' experience demonstrates the absence of effective systems to protect the children who were in the care of the school. As he concedes, by today's standards this would be abusive, but I consider it was also abusive by the standards of the past, remembering that systems in other schools sometimes did manage to ensure proper supervision and discipline. What was normal in 'Rory's' house would not necessarily have been considered normal elsewhere. At Fettes, the experience could be brutal. Children could, as 'Rory' accepted, get hurt in the course of physical punishment being administered by unsupervised older

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107 [Transcript, day 251](#): 'Robert' (former pupil, 1973-8), at TRN-8-000000044, p.44.

108 [Transcript, day 253](#): George Scott (former pupil, 1977-83), at TRN-8-000000046, p.78.

109 [Transcript, day 251](#): 'Robert' (former pupil, 1973-8), at TRN-8-000000044, p.43.

110 [Transcript, day 254](#): read-in statement of 'Rory' (former pupil, 1976-84), at TRN-8-000000047, p.20.

111 [Transcript, day 254](#): read-in statement of 'Rory' (former pupil, 1976-84), at TRN-8-000000047, p.23.

children. The suggestion that it was 'all right' because it was the sort of thing that might have happened on the rugby pitch does not mean it was not abusive.

Against this background, I agree with Jonathan Ritchie's conclusion that 'Fettes contributed to the abuse of children by placing underage prefects in charge of children'.<sup>112</sup>

## Discipline

An overview of school discipline in the late 1970s and early 1980s was given by 'Michael', who was the first head of the junior school and then a housemaster in the senior school:

Staff managed discipline within the school along with school prefects and house prefects. There were only eight school prefects, who were mostly the heads of houses. There were approximately 40 house prefects. The prefects' duties included the supervision of dormitories and homework and the distribution of light domestic tasks around the boarding house that fell to pupils, for example putting out the bins and collecting milk and bread for the communal kitchen. School and house prefects could issue punishments such as changing into and out of games clothes four times or rising an hour early at 6.30 am. They did not administer any corporal punishment. Caning was only administered by housemasters or the headmaster. It was very rarely used ... and only by the housemaster. This was a rare event for serious misdemeanours such as theft or

bullying. It was on the backside, over trousers in private for a maximum of four strokes. I beat approximately four boys over a period of four years. It was not intended to be to the point of bruising.<sup>113</sup>

That view of how discipline was operated was not borne out by evidence which I accepted and was to the effect that the reality could be materially different and worse. It could and, at times, did amount to abuse.

### Discipline by housemasters or headmaster

Discipline by staff comprised corporal punishment (until 1986),<sup>114</sup> lines, gating, and expulsion. 'James' said:

Usually most punishments were administered by housemasters or the headmaster and nothing would happen in a class. Someone would be sent to the housemaster or sent to the headmaster ... if you saw somebody going round to the headmaster's, then you would know that whatever had not been resolved with the housemaster.<sup>115</sup>

Corporal punishment took place in private, and after a beating boys were expected to thank and shake the hand of the person who had just beaten them. 'James' said: 'It was kind of like: your punishment is over, now we're going back to normal, I suppose is what they were trying to impart to you.'<sup>116</sup> But the corporal punishment was not always justified or contained within reasonable limits. It could be unjustified and excessive. This giving of thanks and shaking hands

112 [Transcript, day 251](#): read-in statement of Jonathan Ritchie (former pupil, 1976-84), at TRN-8-000000044, p.143.

113 [Transcript, day 254](#): read-in statement of 'Michael' (former teacher, 1970-83), at TRN-8-000000047, pp.57-8.

114 Fettes College, *Parts A and B responses to section 21 notice*, at FET.001.001.0003, p.23, states that corporal punishment was abolished by the headmaster in 1984. However, SCIS documentation, at SCI-000000038, p.1, suggests that in 1984 it remained in place, but that abolition was under consideration. That is borne out by Minutes of meeting of The Governors of the Fettes Trust, 10 December 1986, at FET-000000006, p.2.

115 [Transcript, day 250](#): 'James' (former pupil, 1975-8), at TRN-8-000000043, p.78.

116 [Transcript, day 250](#): 'James' (former pupil, 1975-8), at TRN-8-000000043, p.79.

appears to have proceeded on the basis that the boy always had something to be thankful for and hardly put him in a position of feeling able to complain, even if a complaint would have been justified. Common reasons for beating by housemasters were smoking or being out of school without permission.<sup>117</sup> Six blows using a cane over trousers was the norm for boys aged between 11 and 18.<sup>118</sup> In the junior school the Dunlop slipper, which, typically, was rubber-soled, was the preferred implement.

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**After a beating boys were expected to thank and shake the hand of the person who had just beaten them.**

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Minutes from 1978 set out what the board was told about corporal punishment by the then headmaster, Anthony Chenevix-Trench, and its response:

Housemasters are always informed when a boy is beaten by the Headmaster. Corporal punishment is administered only by the Headmaster and Housemasters, beating by Prefects having been abandoned in 1967 on the representations of the School Prefects to the then Headmaster. The punishment is always inflicted on the bottom, but never on the bare bottom, and generally with a cane or sometimes, in the case of younger boys, with a slipper or gym shoe. It is never formal, nor accompanied by hard words nor by any ceremony of fuss. Its use is infrequent. The Governors accepted that the practice in relation to corporal punishment at Fettes, as

described by the Headmaster, was reasonable. It was suggested by the Governors and agreed by the Headmaster that in future a factual record of beatings be kept, although this would not be regarded in any way as a form of crime sheet nor as a restriction on the power to inflict corporal punishment.<sup>119</sup>

The willingness to simply accept the headmaster's word - which was a far cry from the true and deplorable state of affairs so far as his beatings were concerned - demonstrates, if nothing else, that the governors were left in the dark or that they turned a blind eye to events.

By 1984 the outlook was changing nationally, but Fettes continued to use corporal punishment, despite the new head, Cameron Cochrane, suggesting it should stop. He had circulated a paper reviewing school rules which was discussed at length by the governors:

The Headmaster's personal preference ... was to abolish corporal punishment although it was not, in his view, a contentious issue with staff, parents or pupils, nor was his view on the matter a strong one. It was used at Fettes only very sparingly and carefully as the exception rather than the rule, under close supervision and subject to an informal monitoring system, between him and the Housemasters. Mr Ellis [a governor] reported that caning at Marlborough was administered by the Headmaster only and even then very sparingly. He was not in favour of abolition but felt that corporal punishment would, in due course, be swept away on a tide of opinion as an increasing number of parents became uneasy about it. He also thought that Fettes,

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117 [Transcript, day 250: 'James' \(former pupil, 1975-8\), at TRN-8-000000043, p.80.](#)

118 [Transcript, day 250: 'James' \(former pupil, 1975-8\), at TRN-8-000000043, p.80.](#)

119 Fettes College, Minutes of meeting of The Governors of the Fettes Trust, 4 December 1978, at FET-00000003, pp.2-3.

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## The prefects were able to wield enormous power.

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as a co-educational school, was in a difficult position since, of course, corporal punishment was not administered to girls.

The Governors supported the Deputy Head who had evidence to suggest that there was no lack of support for corporal punishment amongst pupils, saw no reason to amend the existing policy and agreed that the status quo should be maintained while recognising that corporal punishment would, in due course, probably disappear as a result of public opinion. Parents who sent their sons to Fettes did so, after all, in the knowledge that corporal punishment was administered in certain cases and had the option of preferring another school which did not.<sup>120</sup>

So it was that Fettes missed an opportunity to ban corporal punishment, persuaded at least in part by the hearsay views of pupils, despite the basis for such 'evidence' remaining unknown. And this was at a time when they evidently appreciated that abolition was inevitable. Meanwhile, children continued to be beaten, some of them abusively. It was only in 1986 that the governors 'agreed to remove corporal punishment from the sanctions available at Fettes'.<sup>121</sup> Prior to that, teachers were not given any guidance about whether or when to use corporal punishment or, indeed, any other punishment. 'Colin', a teacher, was

not aware of there being any formal written policy on discipline and punishment. If boys committed any serious offence or

misdemeanour, the cane was used. I was not given any guidance on using the cane or any other punishment. I did ask the headmaster and he said that what I did was in order. For more trivial offences, lines or gating or maybe just a telling off may be administered. Gating basically meant that the boys were grounded and weren't allowed to go past the gates taking them out of the grounds of the school. I don't think gating was ever supervised and it would be assumed that the boys would adhere to the punishment and not go out as instructed. I don't think there was a detention punishment. There was nothing to indicate what offence warranted a particular level of punishment. It was left to the individual member of staff to decide.<sup>122</sup>

### Discipline by prefects

Punishment was largely left to the boys themselves and, collectively, the prefects were able to wield enormous power. 'Ian' said: 'The whole place was run under an atmosphere of fear. The cane was the main method of punishment and was usually handed out by the prefects. I was only ever caned once ... and it was for something completely trivial'.<sup>123</sup> He continued:

Anything could be a caning offence, which meant I spent my whole time there making sure that I didn't do anything wrong. The whole place was run like a concentration camp and I couldn't wait to get out of there. The way of life at Fettes was alien to me but not to the others, most of whom had gone through the

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120 Fettes College, Minutes of meeting of The Governors of the Fettes Trust, 12 December 1984, at FET-00000005, pp.2-3.

121 Fettes College, Minutes of meeting of The Governors of the Fettes Trust, 10 December 1986, at FET-00000006, p.2.

122 [Transcript, day 251](#): read-in statement of 'Colin' (former teacher, 1970-86), at TRN-8-00000044, p.92.

123 [Transcript, day 250](#): read-in statement of 'Ian' (former pupil, 1951-4), at TRN-8-00000043, p.153.

prep school for Fettes so knew the ins and outs of things and how to follow the rules.<sup>124</sup>

'Roland' said: 'The prefects took full advantage of their authority and privileges. No opportunity was lost to ridicule junior boys.'<sup>125</sup>

Discipline by prefects comprised physical punishments, the handing out of lines, and imposing menial tasks. 'Lloyd' described an inherently abusive disciplinary practice from the 1950s in which a multiplicity of prefects would take turns to beat a boy:

Corporal punishment was just part of life at Fettes. It was called schooling. The corporal punishments the prefects handed out were always quite public ... the head prefect would stand up in lunch and would say: 'Would "Lloyd" please go to the area outside the headmaster's room'. It was an area that was out of bounds. You would have to stand up, leave the dining room, and wait in the specified area. After lunch, each of the six school prefects would attend. They would each strike you once. It was boys beating boys.<sup>126</sup>

In the 1960s, said 'Michael',

discipline was strict and consisted of several lines of punishment. Lines, 25 to 50 or 100 on paper one had to purchase for a penny a sheet. Next was calling, which consisted of two or three or four days on which one had to report to a designated prefect on rising in the morning to do a menial task before breakfast. Caning was used for the more

egregious sin and was phased out during my time there.<sup>127</sup>

As noted above, beatings by prefects did not finally stop until 1967.

'Rory' described alternative forms of discipline used by prefects in the 1970s and 1980s. These included gardening - 'a punishment that prefects could hand out and that was hell. We would pick up all the leaves from the main path, which could take eight hours, so all day on a Sunday'<sup>128</sup> - or fatiguing, military-type physical exercise,

which you would get at 7 am ... you had to do these exercises outside in your rugby kit until you were physically sick. That was only in senior school ... things like running up hills carrying stones and standing against the wall crouching up and down holding stones, always until you couldn't do any more. You would get that kind of punishment for mocking prefects, that type of thing.<sup>129</sup>

Within the houses, in the 1950s, said 'Lloyd',

corporal punishment was administered in the evening during prep time. You would be summoned during prep to the house prefects. They would all strike you once. Sometimes we would be given impositions ... lines to write out in ink ... marked up in a book. Once you got beyond a certain number of mistakes, you would be caned.<sup>130</sup>

Little had changed 20 years later, as 'James' described:

124 [Transcript, day 250](#): read-in statement of 'Ian' (former pupil, 1951-4), at TRN-8-000000043, p.155.

125 [Transcript, day 250](#): 'Roland' (former pupil, 1955-9), at TRN-8-000000043, p.24.

126 [Transcript, day 250](#): read-in statement of 'Lloyd' (former pupil, 1955-7), at TRN-8-000000043, pp.167-8.

127 [Transcript, day 251](#): read-in statement of 'Michael' (former pupil, 1961-5), at TRN-8-000000044, p.131.

128 [Transcript, day 254](#): read-in statement of 'Rory' (former pupil, 1976-84), at TRN-8-000000047, p.15.

129 [Transcript, day 254](#): read-in statement of 'Rory' (former pupil, 1976-84), at TRN-8-000000047, p.20.

130 [Transcript, day 250](#): read-in statement of 'Lloyd' (former pupil, 1955-7), at TRN-8-000000043, p.168.

After lunch you would have to go down to your houses and report ... So we would all be stood in a square while these ... seniors ... would kind of walk around and cuff people on the head and ... sometimes push people or shout at people, and then they would kind of deliver ... tasks to certain people, arrange certain things ... Then they'd ... dismiss you to go to games or just sweep up the back or do different tasks. Sometimes they would give out punishments. So it was their time to have a bit of fun, I guess, in their minds.<sup>131</sup>

'James' said the housemaster 'was nowhere to be seen. Occasionally he might appear at the meetings, but my recollection is that it was very much run by the sixth-form prefects and they ... were holding the roost.'<sup>132</sup> For 'James', the behaviour of the prefects, 'a kind of known culture',<sup>133</sup> did not change with a new housemaster.

'Frank' remembered being told this about the qualities required to be a good prefect:

When I got to the sixth form ... [the housemaster] interviewed everybody to see who would make a good prefect ... and I said to him ... 'I think I would play fair, I think I would treat people with a bit of respect, you know, just use my influence to sort of calm the situation down' ... And he told me ... 'Oh no, that's not what being a prefect's about. You're there to discipline ... You don't need a reason to give out punishment, you just give out punishment and ... what you're doing is ... engendering a sense of discipline and pecking order within the school ... I'm not interested in you being fair, I want you to, sort of, like make sure that the people below you

know their position.' That's what the ... school's about. Or was then.<sup>134</sup>

'Frank' was describing the 1980s, but it seems that little had changed since the 1950s.

'Andrew' thought life improved when his year became senior pupils, but that was due to the nature of the boys, not because of any change of approach by the school:

[We] were all very laissez-faire ... I think we'd mellowed and calmed down a little bit in our treatment towards others. But there were some prefects during my time ... there that were pretty unpleasant. And they had the authority to be unpleasant. And what was meant to happen is that the prefects amongst themselves would effectively regulate themselves so that if I saw that you were overstepping the mark ... part of my job is to say: 'Can we have a quick word and try not to do that, you're upsetting that guy', or 'You've gone too far', or whatever else it may be. So it was almost like we were meant to police ourselves. But the staff were ... well aware of it ... I never saw it as something that was condoned. [But it] was something that was very, very hard to stop because we had so much time by ourselves not under direct supervision ... I don't remember an intervention.<sup>135</sup>

'Andrew' remembered one pupil whom Fettes expelled for stealing a suit from a shop, whereas his abusive treatment of other boys went unnoticed and unremarked upon by staff. Teachers could only have been aware of the way that some seniors treated younger boys but they did not

131 [Transcript, day 250](#): 'James' (former pupil, 1975-8), at TRN-8-000000043, p.73.

132 [Transcript, day 250](#): 'James' (former pupil, 1975-8), at TRN-8-000000043, p.73.

133 [Transcript, day 250](#): 'James' (former pupil, 1975-8), at TRN-8-000000043, pp.71-81.

134 [Transcript, day 253](#): 'Frank' (former pupil, 1975-81), at TRN-8-000000046, p.61.

135 [Transcript, day 255](#): 'Andrew' (former pupil, 1976-82), at TRN-8-000000050, p.62.

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## 'The vigilante practices were openly permitted by the staff.'

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intervene, although they missed much too because boys were, for so much of the time, unsupervised.<sup>136</sup>

As 'Bobby' said:

The punishments were ridiculous. They ranged from getting up at 5 in the morning to warm the wooden toilet seat up for a prefect to getting up to change into full school uniform and parade in front of the prefects. Then you would be given 60 seconds to run upstairs to change into games kit, parade, and then change into your corps kit. You had to do that for an hour, then you would have to tidy up after yourself.

The punishments ranged from being exercised until you had thrown up and missed breakfast. There was a punishment where you had to run the perimeter of the school grounds ... The whole year was involved. The sixth formers would stand at all of the entrances to check we were doing it. You had to run in a set time ... If you didn't do it in that time, you had to keep repeating it before going to chapel and class. I would end up running three of them, missing breakfast and throwing on some clothes before going to chapel and class.

Dr Marshall [housemaster] tried to stamp out bullying. He didn't agree with the physical aspect of discipline either. He said that we would be given lines or get up early. However, that didn't happen. I think he trusted the sixth formers.<sup>137</sup>

The housemaster may have had good intentions but that alone is never enough. Guidance and supervision by him and by the school were clearly lacking. Yet the school did oversee one aspect of discipline, namely the imposition of lines. 'Robert' recalled 'the funny paper that you had to buy, that was obviously school sanctioned, rather than house sanctioned'<sup>138</sup> and once the lines were done, 'you had to put them on a desk outside the housemaster's room and he would have to sign them at the bottom so he knew that you'd got lines'.<sup>139</sup>

### Discipline by senior pupils

Other senior pupils, variously referred to as backbenchers or vigilantes, also disciplined junior pupils. 'Vigilantes' was an interesting term for boys to use, given that it denotes those who take the law into their own hands in an unsupervised and unregulated manner. 'Lloyd' said:

One level below the house prefects were the vigilantes. I thought of the vigilantes as the Ku Klux Klan of the school, the unwritten rule-enforcers. They were a self-selecting group ... [which] consisted of the boys that were not prefects but were still good at sports and popular within the house. It was a strange system of school-sponsored ritualised abuse. The vigilante practices were openly permitted by the staff. It was very much boys on boys. You either sank or swam to survive.<sup>140</sup>

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136 [Transcript, day 255](#): 'Andrew' (former pupil, 1976-82), at TRN-8-000000050, pp.62-3.

137 [Transcript, day 256](#): read-in statement of 'Bobby' (former pupil, 1985-90), at TRN-8-000000051, pp.7-8.

138 [Transcript, day 251](#): 'Robert' (former pupil, 1973-8), at TRN-8-000000044, pp.58-9.

139 [Transcript, day 250](#): 'Roland' (former pupil, 1955-9), at TRN-8-000000043, p.27.

140 [Transcript, day 250](#): read-in statement of 'Lloyd' (former pupil, 1955-7), at TRN-8-000000043, pp.168-9.

He continued:

The vigilantes ... would ask stupid test questions that you were supposed to know the answer to. Questions like, 'What's the difference between the Houses of Parliament and the House of Lords?' If you were new, you would refer to the real places in London. If you had been at Fettes for any length of time, you would know that they were both the names of toilets in the school grounds. The vigilantes would expect you to know which one had urinals. If you got the answer wrong, the vigilantes would punish you.<sup>141</sup>

They also enforced codes of practice such as where different year groups could walk and which hands went in particular pockets. 'Lloyd' paid little attention to such rules so was punished regularly by the vigilantes:

They would trash my textbooks or put my fingers into the hinges of my desk and close the lid. Sometimes they would make me play fives with golf balls. Fives was a game similar to squash but without the racquets ... Using golf balls was incredibly painful.<sup>142</sup>

This was nothing short of bullying, facilitated by the school's system of affording wide powers of discipline to senior boys and leaving them to exercise those powers unsupervised and largely unchecked.

## Fagging

Fagging, which involved junior boys carrying out chores for senior pupils, was another

norm at Fettes. A document entitled 'School rules on fagging' was published in January 1935. The rules included the following:

No fag shall be at the command of a Prefect before Breakfast or after House Prayers

The system of calling Fag shall cease forthwith

Prefects' Brown Shoes are to be made part of the work of the House Staff, and not of Fags.<sup>143</sup>

The punishment for failure to perform was lines which were 'not normally to exceed 50 in number. If a larger amount is given by any Prefect, he must inform the Housemaster of his action, and his reasons for enforcing a greater penalty.'<sup>144</sup>

By the 1950s such strictures had been forgotten or were being ignored. To 'ian', fagging 'meant that if a prefect told you to do something, then you did it, even if it ate into your own leisure time'.<sup>145</sup> He remembered

cleaning shoes and boots and collecting buckets of coal. I suppose you could say that any chores I had to do was at the bidding of the prefects. Basically it seemed that my parents were paying for me to be a slave to the prefects. This lasted throughout my first two years.<sup>146</sup>

'Lloyd' said that the system 'meant that any of the senior boys could just shout the word "fag" and you were expected to go running to them. They would give you a chore to do. It was normally menial tasks like cleaning

141 [Transcript, day 250](#): read-in statement of 'Lloyd' (former pupil, 1955-7), at TRN-8-000000043, pp.169-70.

142 [Transcript, day 250](#): read-in statement of 'Lloyd' (former pupil, 1955-7), at TRN-8-000000043, p.170.

143 Fettes College, School rules on fagging, January 1935, at FET-000000120, p.1.

144 Fettes College, School rules on fagging, January 1935, at FET-000000120, p.1.

145 [Transcript, day 250](#): read-in statement of 'ian' (former pupil, 1951-4), at TRN-8-000000043, p.151.

146 [Transcript, day 250](#): read-in statement of 'ian' (former pupil, 1951-4), at TRN-8-000000043, p.151.

their rugby boots or making them tea or toast.'<sup>147</sup>

The fagging system was also open to abuse. 'Roland' remembered an incident in relation to cleaning out his prefect's fire, not a job with which he was familiar. The prefect

went berserk because I hadn't cleaned the ash off his mantelpiece and gave me a good telling off for that and obviously I looked a bit surprised and that ended up in me getting 100 lines for gross disrespect of the prefectorial body. So that shows you the sort of reaction you get when you don't understand what you're meant to be doing, and you go some way towards trying to find out what you should be doing and that was the result. I got 100 lines ... It wasn't just me. We were just fags, and if you didn't do what you were supposed to be doing, it would result in a good telling off and probably lines.<sup>148</sup>

'Alan' said that in the 1960s fagging was still prevalent. He made the point that fags were for prefects 'and people that were good at rugby, I think'.<sup>149</sup> Some believed fagging had been abolished in the 1970s but George Scott was emphatic that it was still in operation in the early 1980s:

Completely and utterly, 1983. Because I left in summer 1983 ... I was a house prefect and I had calling or LE, it was renamed, but it was essentially a renaming of fagging, which was ... supposedly given as a punishment

as opposed to being routine, but the whole third and fourth form were always on the list for calling or LE, lines equivalent. There was a punishment book that would be signed by a visiting house tutor where the school prefects or house prefects would put the punishment that they - well, it was ridiculous. It was pages long. They'd just initial it.<sup>150</sup>

George Scott explained that instead of doing lines, pupils could be 'cleaning rugby boots, shoes, making the beds, coffee was a favourite one, toast. Personal stuff. Or, if he couldn't be bothered, you'd be sent out on a run ... And it was personal service, absolutely, completely. And I'm sure [the housemaster] was well aware of that.'<sup>151</sup>

The school stated that fagging finally stopped in 1984 along with corporal punishment, because the then headmaster 'considered [them] inappropriate and susceptible to abuse'.<sup>152</sup>

However, the evidence of 'William', 'Bobby', and 'Ellen' confirms that fagging, whether official or unofficial, continued into the late 1980s, and the risk of it being a form of abuse persisted due to it being operated without supervision. 'William' said: 'We were all assigned to a prefect and you had to do whatever the prefect asked to you do ... It's just the way it was.'<sup>153</sup> 'Bobby' said:

Apparently the year that I arrived they had outlawed fagging. Fagging was what the third-form pupils, or sprogs, as we were

147 [Transcript, day 250](#): read-in statement of 'Lloyd' (former pupil, 1955-7), at TRN-8-000000043, p.170.

148 [Transcript, day 250](#): 'Roland' (former pupil, 1955-9), at TRN-8-000000043, p.18.

149 [Transcript, day 250](#): 'Alan' (former pupil, 1969-74), at TRN-8-000000043, p.125.

150 [Transcript, day 253](#): George Scott (former pupil, 1977-83), at TRN-8-000000046, p.79.

151 [Transcript, day 253](#): George Scott (former pupil, 1977-83), at TRN-8-000000046, p.80.

152 [Fettes College, Parts A and B responses to section 21 notice](#), at FET.001.001.0003, p.23.

153 [Transcript, day 257](#): 'William' (former pupil, 1979-86), at TRN-8-000000052, p.143.

referred to, were handed out to prefects. It meant that you became their gopher for the year. It also meant that at that point you were under their protection. I can remember doing all sorts of things for the prefects, such as running out of the house after hours to deliver notes to the girls' houses or going out to the shop to buy the prefect cigarettes. At the end of the term, they would maybe buy you a bag of chips and a beer. The sixth formers had grown up with it, so for them it wasn't going to change overnight. It was a cultural shift, which hadn't happened yet. Despite it being outlawed, fagging still existed. It meant that a lot of punishments happened off book. If you hadn't done something right, you were just battered.<sup>154</sup>

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### **'Despite it being outlawed, fagging still existed.'**

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Fagging did not need to involve exploitation or abusive practices, however. 'Ellen', who was at Fettes at the same time as her younger brother, recalled: 'I think he was quite lucky, whoever he was assigned to was quite nice to him.'<sup>155</sup>

'John' said:

In my first year in the house I was a fag, and a personal one at that, which meant I was allocated to a particular prefect. He was fair and friendly and treated us fags as being like younger brothers. He looked out for us and whilst we did tidy his study, clean his shoes, and fetch his books from time to time, we also

enjoyed positive links through to the most senior boys and were treated to a meal out at least once a term.<sup>156</sup>

'Rory' said:

Whilst you are effectively a slave, it didn't really work like that. You became a fag to someone, a person in their last year, and they might get you to make their bed or clean their shoes, that sort of stuff, but they then looked after you as well, if you were ever in any trouble. I was a fag for three heads of senior school on the trot in my three years in junior school, and I was head fag, so I was in a good place. They would cover for me in ways, or if I'd been caught smoking by another prefect, my head of school would go and have a word with them and tell them they wouldn't be taking it any further. Things along those lines.<sup>157</sup>

Although Fettes stated that fagging stopped in 1984, forms of it carried on, as referred to above, and what appears to have been a form of fagging persisted into the 1990s. A document dated 1993 entitled 'Some definitions: Fettes punishments' mentions both 'calling' and 'busters'. 'Calling' was another name for the punishment issued by house prefects known as a 'day', which involved performing tasks such as cleaning shoes four times in one day. A 'buster' was a reward given by a prefect to a boy who had done him a favour, which could cancel a 'day'. As the author of the document noted: 'It is therefore to the advantage of Prefects that many "days" are given for it enables "fagging" to continue through "busters" as well.'<sup>158</sup>

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154 [Transcript, day 256](#): read-in statement of 'Bobby' (former pupil, 1985-90), at TRN-8-000000051, pp.8-9.

155 [Transcript, day 256](#): 'Ellen' (former pupil, 1985-7), at TRN-8-000000051, p.74.

156 [Transcript, day 251](#): read-in statement of 'John' (former pupil, 1970-5), at TRN-8-000000044, pp.137-8.

157 [Transcript, day 254](#): read-in statement of 'Rory' (former pupil, 1976-84), at TRN-8-000000047, p.7.

158 Fettes College, Some definitions: Fettes punishments, 6 November 1993, at FET-000000094.

## Staff were remote

With senior pupils having such power, to many boys staff seemed remote. Rory said:

Fettes school was run by the pupils, not by the teachers. The teachers were there to educate and referee. You had a hierarchy with school prefects at the top across the whole school, house prefects beneath them, who were in charge of the people in their house, and beneath them it was just sixth form.<sup>159</sup>

Staff had little knowledge of what daily life was like for boys within the houses. As 'Colin' explained: 'It was very rare for any other member of staff to go into someone else's house ... If they did, they would usually go through the housemaster.'<sup>160</sup>

The sense of staff being so remote had an adverse impact on boys, including in relation to their educational experience. Take 'Ian', for example:

I might be biased but I never felt that I got any tutoring or help at school. I feel that I should have got some guidance but it just didn't exist ... The whole system was that we had to work it out for ourselves. Most of the other boys had gone through the prep school and were used to this system but I had always been used to a system where, if you were struggling with work, there was someone you could ask for advice. There was simply nobody I could seek advice from and because of this I constantly struggled with my school work ... My parents were paying so much for me to attend the school and I always felt that the school was simply not giving value for money because of

the way I was basically left to fend for myself as far as the education was concerned.<sup>161</sup>

George Scott, who started midway through the school year, was told, even in the junior school, that he had a task ahead of him to catch up. No one tried to help him, 'apart from the occasional, "You'll need to read this" or "You'll need to read that, come on."'<sup>162</sup>

That sense of staff being remote had – unsurprisingly – an emotional impact. 'Alan' found Fettes to be 'cold, bleak and draughty. It was not homely in any way. Just like St Mary's, there was no obvious duty of care and no empathy from staff.'<sup>163</sup>

Staff who were remote from the boys were unlikely to intervene when it was needed. 'Thomas' gave one example:

In my first week, I was assigned a prefect for whom I was a fag. This involved cleaning his study and other tasks. This person later loudly referred to me as a 'lazy shit'. During my first term at Fettes, I came out of this prefect's study to be confronted by a group of sixth formers. One of them, [C], told me that I was 'gorgeous' and groped me aggressively in front of a group of his laughing friends. This involved trying to put his hands inside my trousers and feeling my genitals. [C] was a pupil in Glencorse House.

About an hour later, I was lying in bed in a dormitory and [C] came in and tried to grope me under the sheets. I remember the detail of his pens falling out of his top pocket as he did this. A teacher ... came in as this was happening and didn't say anything. [C] looked

159 [Transcript, day 254](#): read-in statement of 'Rory' (former pupil, 1976-84), at TRN-8-000000047, p.7.

160 [Transcript, day 251](#): read-in statement of 'Colin' (former teacher, 1970-86), at TRN-8-000000044, p.90.

161 [Transcript, day 250](#): read-in statement of 'Ian' (former pupil, 1951-4), at TRN-8-000000043, p.152.

162 [Transcript, day 253](#): George Scott (former pupil, 1977-83), at TRN-8-000000046, p.69.

163 [Transcript, day 250](#): 'Alan' (former pupil, 1969-74), at TRN-8-000000043, p.122.

embarrassed and left. He never spoke to me again. I still don't know if [the teacher] had a word with him. These events were never mentioned by anyone who witnessed them. From then on, Fettes became a place to be endured, to defend myself from.<sup>164</sup>

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### **'The violence began on my first day at Fettes.'**

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'Alistair' offered another:

The violence began on my first day at Fettes. We gathered for a roll call in the Carrington House square. We were lined up against the wall. I was young, my 13th birthday had been the month before. The upper sixth were on the balustrade above and walking around the square. One of them had a metal pipe and long darts made of nails and paper for flight ... The prefect fired the nails at us, near to our head and between our legs. If we moved, we were attacked with a hockey stick. This was my first day at school. Every subsequent roll call became a moment of extreme fear, that you would be attacked and hurt. Where were the adults?<sup>165</sup>

Where indeed? 'Colin' explained: 'Part of my job was wandering around getting to know the boys in the house but I was never allowed to tell them what they could or couldn't do.'<sup>166</sup> The flats where house tutors lived were also remote. 'Bobby' said: 'They were so far away and they were stone built so you could scream the place down and no one would hear you.'<sup>167</sup> Governors were

remote. 'Robert' said: 'I know on Founders' Day they would turn up and sit at the sort of top table, if you like, but I couldn't name them ... no governor came to the house - our house, certainly, to ... talk to the boys or to do an inspection.'<sup>168</sup>

Supportive engagement by staff with pupils was lacking. Whilst some house staff did engage with and were conscious of the needs of the boys in their house, it was not universal. 'Andrew', who had been badly abused at a previous school, found his experience at Fettes positive by comparison. He acknowledged he was apt to break the rules at Fettes, to the extent that he felt he

should have been expelled ... the only thing I didn't do was drugs. But I smoked, I drank, I womanised, I spent weekends out ... I don't think I ever committed a crime. But I should have been expelled, and the only explanation I have for that ... and from the conversations ... I had with my housemaster, I did feel that, for whatever reason - he had somehow taken me under his wing, you know, a project just to get me through to the date when I properly left the school ... without getting expelled. And he did go in to bat for me with the headmaster and the headmistress.<sup>169</sup>

Similarly, 'Alasdair', who had suffered serious physical and sexual abuse at his prep school, found that boarding in Kimmerghame House was a positive experience:

George Preston [the housemaster] and his deputy, Mr Barr, worked well together and were firm but fair. It was a good atmosphere

164 Transcript, day 255: read-in statement of 'Thomas' (former pupil, 1980-5), at TRN-8-000000050, p.72.

165 Transcript, day 255: read-in statement of 'Alistair' (former pupil, 1984-9), at TRN-8-000000050, p.77.

166 Transcript, day 251: read-in statement of 'Colin' (former teacher, 1970-86), at TRN-8-000000044, pp.87-8.

167 Transcript, day 256: read-in statement of 'Bobby' (former pupil, 1985-90), at TRN-8-000000051, p.6.

168 Transcript, day 251: 'Robert' (former pupil, 1973-8), at TRN-8-000000044, p.78.

169 Transcript, day 255: 'Andrew' (former pupil, 1976-82), at TRN-8-000000050, p.50.

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## Fear was ever-present but staff were not.

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while I was there. You could go to them if you were having any problems and they would try their best to help you. The great thing was they listened to you, which to me was really important.<sup>170</sup>

He was equally complimentary about the matron who 'was really good with us. She was always happy to help you if you went to her with any issues.'<sup>171</sup>

But such support was patchy. It was not, by any means, the universal experience.

### No grassing

The combination of a hierarchical culture ruled by boys, where fear was ever-present but staff were not, meant that a code of silence, common to so many schools, was the norm at Fettes. 'William' said:

What you would absolutely never do is go and speak to somebody in authority about it because you don't grass ... it was an unwritten, unspoken but very clear rule amongst all of the pupils: you do not grass. Nobody spoke out about anything ... because absolutely the worst, greatest, cardinal sin there was was to grass. And however bad your life might be before you spoke, it would be worse afterwards.<sup>172</sup>

If you grassed, you would suffer, as 'Bobby' explained:

There was one guy in the year above me who always seemed to be sitting alone at the edge of the table at lunch or breakfast. He had been ostracised because he had had the audacity to report bullying to a teacher. The boys in his year had ostracised him for being a grass. That was very much the culture. You wouldn't speak up. If you didn't agree, you simply walked out of the room.<sup>173</sup>

What happened to that particular boy was obvious and long-lasting. If 'Bobby' spotted it, so should staff and it should have been addressed.

'William' was clear that 'this stuff wasn't hard to see if [staff] wanted to find it. But they were looking the other way.'<sup>174</sup> He felt

the school was deliberately looking away from and didn't want to know about [it]. What would the school do? Who knows what the school would have done. But unless what the school did was wide-ranging and effective and very rapid, it wouldn't cure the problem and everyone would know you'd grassed. And the one thing you don't do is grass. And life would definitely be worse after you'd grassed.<sup>175</sup>

### The vulnerability of being different

Being different in some respect rendered a pupil vulnerable. 'Lloyd' recalled one of his contemporaries who was 'still bed-wetting when aged 13 and 14. He had to

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170 Written statement of 'Alasdair' (former pupil, 1969-74), at WIT-1-000001284, pp.16-17, paragraph 85.

171 Written statement of 'Alasdair' (former pupil, 1969-74), at WIT-1-000001284, p.17, paragraph 87.

172 Transcript, day 257: 'William' (former pupil, 1979-86), at TRN-8-000000052, pp.161-2.

173 Transcript, day 256: read-in statement of 'Bobby' (former pupil, 1985-90), at TRN-8-000000051, pp.9-10.

174 Transcript, day 257: 'William' (former pupil, 1979-86), at TRN-8-000000052, p.148.

175 Transcript, day 257: 'William' (former pupil, 1979-86), at TRN-8-000000052, pp.160-1.

put his bedsheets into a special bag and ... his mattress up against the wall to dry. Matron and the school were unmerciful. Their attitude was you just shouldn't be doing it.<sup>176</sup>

Almost any aspect of a person's individuality could be fastened upon, as 'Bobby' explained:

If your face didn't fit for whatever reason, if you were cheeky, too big or too small, all of the other boys made a beeline for you. It was toxic masculinity, crossed with sexual repression, homophobia, and bigotry in a culture where 'boys will be boys'. Looking back, it was anything that they could use against you to single you out ... A lot of it was done furtively, out of viewpoint. They knew to go for the body where injuries wouldn't be seen. If you throw in rugby, cricket, handball, and all the other games and sports we played, every scrape and bruise is accounted for.<sup>177</sup>

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**'It was toxic masculinity, crossed with sexual repression, homophobia, and bigotry.'**

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'Patrick' was

pleased to hear that Fettes College is now addressing the issue of pastoral care. While I did not know of any physical or sexual abuse at Fettes during my time, verbal mocking was remorseless and directed by almost everyone to almost everyone. It was incessant and created an unhealthy environment.

Perhaps I received more mocking verbal abuse than most pupils. I am from Northern

Ireland and the terrorist violence of the 1970s both reduced my feelings of wellbeing and provided other pupils with an easy target for mockery ... no one at Fettes ever asked me how things were at home. I was not aware of the existence of pastoral care, nor was I aware of any effort to curb the invidious behaviour of mockery, derision, and ridicule ...

My differences provided an opportunity for derision and ridicule from the other pupils and there was no structure in place or intervention by any member of staff to indicate that this behaviour was wrong. I think that staff ... perhaps took the view that it did no harm and might even toughen up a boy. It does not. It weakens the boy, generates a feeling that he is not worthy of care, breeds resentment, and causes the pupil to disengage.<sup>178</sup>

The practice of mocking a boy because he was in some way different was relentless and it was abusive. It included homophobia, racism, and misogyny. Staff should have been aware of what was happening and should have intervened but they failed to do so.

Teachers were also mocked. Referring to a maths teacher, George Scott said pupils 'behaved disgustingly to this man, and I still regret to this day being a part of it ... But that was the culture ... the collective attitude of this class was indicative of the unpleasant and unhealthy culture endemic at Fettes.'<sup>179</sup>

### **Feeder prep schools**

Many boys had boarded at a prep school before going to Fettes. It was generally thought to be good preparation for boarding

176 Transcript, day 250: read-in statement of 'Lloyd' (former pupil, 1955-7), at TRN-8-000000043, pp.165-6.

177 Transcript, day 256: read-in statement of 'Bobby' (former pupil, 1985-90), at TRN-8-000000051, pp.17-18.

178 Transcript, day 251: read-in statement of 'Patrick' (former pupil, 1973-8), at TRN-8-000000044, pp.140-2.

179 Transcript, day 253: George Scott (former pupil, 1977-83), at TRN-8-000000046, p.76.

at senior level as it would help them know what to expect in terms of the regime that would follow later. St Mary's School in Melrose and Duncan House in Moffat, both prep schools, are referred to in my findings in relation to Merchiston Castle School. Both were also mentioned during evidence heard in relation to Fettes as having been places where children were abused.

'Alan' was physically abused by staff and sexually abused, including being sodomised, by other pupils at St Mary's School. Neither he nor others fitted the expected norm, and that led to abuse. He 'wasn't the only boy who didn't ... like playing rugby or doing sports or having cold baths and I think that - you know, it's like the weakest chicken. They got picked on and pecked and brutalised and made fun of.'<sup>180</sup>

'Robert', when at Duncan House, witnessed a boy being caned because he complained about the matron assaulting him with repeated slaps. He himself experienced corporal punishment from a number of staff which was excessive and unjustified.<sup>181</sup> He was sexually abused, including by means of sodomy, by three senior boys.<sup>182</sup> He was also beaten with the head's whistle for not being good at rugby.<sup>183</sup>

'Alasdair' boarded at Duncan House and was also beaten abusively by staff, including the headmaster. He described Duncan House

as 'the worst two years of my entire life. We lived in a state of constant fear throughout our time at the school.'<sup>184</sup>

For some, transferring to Fettes was a relief. 'Andrew', a pupil at New Park in St Andrews, was, along with others, repeatedly sexually abused by a teacher employed there, Ian Robb, who was later convicted and sent to prison. 'Andrew' described New Park as a school where 'the pastoral support we needed came from the pupils, not the staff'.<sup>185</sup> By the time he went to Fettes, the sheer terror he had suffered at New Park had left him with little fear of anything that came after that, not that he was 'saying that's necessarily a healthy thing'.<sup>186</sup>

## International students

Before 1998 Fettes had some, although not many, international students. One such student, from Lebanon, had a hard time in the 1970s. 'Khalil' found that while the junior school headmaster and his wife made him 'feel comfortable',<sup>187</sup> his lack of English meant communication was a problem and since, to other pupils, he 'looked different, acted different, and couldn't speak the language, I wasn't accepted by any means. There was a lot of mocking and making fun right from the get go'.<sup>188</sup> The racist bullying continued in the senior school. Fettes made no meaningful attempt to help and, as he explained, '[my] English progressed after a

180 [Transcript, day 250](#): 'Alan' (former pupil, 1969-74), at TRN-8-000000043, p.110.

181 [Transcript, day 251](#): 'Robert' (former pupil, 1973-8), at TRN-8-000000044, pp.14-29.

182 [Transcript, day 251](#): 'Robert' (former pupil, 1973-8), at TRN-8-000000044, pp.31-3.

183 [Transcript, day 251](#): 'Robert' (former pupil, 1973-8), at TRN-8-000000044, p.28.

184 [Written statement of 'Alasdair'](#) (former pupil, 1969-74), at WIT-1-000001284, p.15, paragraph 77.

185 [Transcript, day 255](#): 'Andrew' (former pupil, 1976-82), at TRN-8-000000050, p.14.

186 [Transcript, day 255](#): 'Andrew' (former pupil, 1976-82), at TRN-8-000000050, p.40.

187 [Written statement of 'Khalil'](#) (former pupil, 1972-8), at WIT-1-000000998, p.6, paragraph 26

188 [Written statement of 'Khalil'](#) (former pupil, 1972-8), at WIT-1-000000998, p.6, paragraph 26.

while but I was always catching up. I never felt that I was at the speed of everybody else. There was never a conversation about me getting tutored in English. It was just expected of me to try and adapt.<sup>189</sup> 'Khalil's' treatment was not unique amongst the international pupils:

There were a large number of boys of different nationalities at Fettes. There were boys from South Africa, Australia, America, Nigeria, China, and Hong Kong. Some of them couldn't even speak English properly. It would have been much harder for them and they would have had the mickey taken out of them for their nationality.<sup>190</sup>

## Rugby

As with other schools in the case study, rugby - and other sports - mattered at Fettes. A Scottish Education Department report of February 1970 recorded that: 'Rugby football and cricket hold important places in the school week'.<sup>191</sup> Those who did not perform well in these sports were regarded as being of lesser importance and were likely to find it harder to fit in.

Pupils from the 1950s to 1980s explained the primacy of sport. 'Lloyd' said:

Fettes liked to boast that it was very academic but it wasn't. The school was obsessed with rugby. The rugby players were revered by the staff and the pupils. Some of the boys at school went on to play for Scotland's First XV. When I arrived at Fettes, I was immature,



Sports grounds

slightly chubby, slightly academic, with a stammer and large round glasses and useless at games. It was not a good start.<sup>192</sup>

'Roland' said:

One of the important things to Fettes was how good at rugby you were. They were very proud of their reputation ... they'd not been defeated in the previous five years at rugby by a Scottish school and ... one measure of how well you fitted into the school was how good you were at rugby and we saw other pupils in the school get advantages because they were good at rugby.<sup>193</sup>

He continued:

So to get somewhere and to be treated respectfully, you would ... get on much better if you were ... a member of the first team ... it was called Big Side ... if you succeeded in getting on Big Side, you would be looked up to and respected both by the other boys and also by the teachers and by the prefects.<sup>194</sup>

189 [Written statement of 'Khalil'](#) (former pupil, 1972-8), at WIT-1-000000998, p.11, paragraph 50.

190 [Transcript, day 254](#): read-in statement of 'Rory' (former pupil, 1976-84), at TRN-8-000000047, p.17.

191 Scottish Education Department, Inspection report, Fettes College, February 1970, at SGV-000067185, p.10.

192 [Transcript, day 250](#): read-in statement of 'Lloyd' (former pupil, 1955-7), at TRN-8-000000043, pp.161-2.

193 [Transcript, day 250](#): 'Roland' (former pupil, 1955-9), at TRN-8-000000043, pp.18-20.

194 [Transcript, day 250](#): 'Roland' (former pupil, 1955-9), at TRN-8-000000043, p.21.

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## Alcohol was a regular feature of life for senior pupils.

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'James' explained how those in the 'Big Side'

had enormous privileges and part of that was wearing these ridiculously long pink and white scarves ... and they were allowed to walk across the Queen's Lawn and they were sort of revered ... if you were good at rugby you were a star.<sup>195</sup>

'Rory' said: 'It was more important to be in the First XV at rugby than get an A in English.'<sup>196</sup>



Sports pavilion

'William' explained: 'If you weren't good at sport or you weren't interested in sport, that shoved you a long way down the pecking order ... none of the people who were badly bullied were good at sports. So being bad at sport was a real weakness.'<sup>197</sup> There was no evidence of Fettes appreciating how its approach to the primacy of sporting success might have – and did have – an adverse impact on those who lacked sporting talent.

### Alcohol

Alcohol was a regular feature of life for senior pupils. 'Alan' blames Fettes for his becoming addicted to alcohol in later life. He said:

Oh absolutely ... you would go out and you would buy it and you would hide it in your ... study bedroom or whatever they were called and it was just a good way of taking the edge off things ... there was a little dope towards the senior years, but, you know, there was a sort of club ... I think they were called the Westies ... where people would go and commune and smoke dope and have cigarettes ... And drink.<sup>198</sup>

Moreover, he explained, pupils 'were allowed to go to the pub in the last year ... I took to it like a duck ... there was a hotel that served us alcohol and we just used to go up there and it was great. And I used to be in class and be half pissed.'<sup>199</sup>

Sixth-form pupils went drinking in pubs in the afternoons in the 1970s:

I think the culture of Fettes actually was that most sixth formers would all be in bars in the afternoon and ... I'm not surprised that, you know, a lot of people who went to Fettes under that kind of atmosphere would have managed a lot of their problems by drinking, and drinking at a very early age. Most people were drinking. That was the culture ... in the

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195 [Transcript, day 250](#): 'James' (former pupil, 1975-8), at TRN-8-000000043, p.74.

196 [Transcript, day 254](#): read-in statement of 'Rory' (former pupil, 1976-84), at TRN-8-000000047, p.10.

197 [Transcript, day 257](#): 'William' (former pupil, 1979-86), at TRN-8-000000052, p.156.

198 [Transcript, day 250](#): 'Alan' (former pupil, 1969-74), at TRN-8-000000043, pp.140-1.

199 [Transcript, day 250](#): 'Alan' (former pupil, 1969-74), at TRN-8-000000043, pp.141-2.

sixth form. So we were always in pubs in the afternoon.<sup>200</sup>

'James' also spoke of becoming addicted to alcohol and believed his 'addiction to drink from an early age was ... my way of dealing with what happened in my family and at school'.<sup>201</sup>

Access to alcohol was too easy and aided by lax security and inadequate oversight. Pupils were not properly supervised. Take George Scott, for example, who 'fairly enjoyed the second year sixth, by which time I'd discovered sneaking into pubs in Stockbridge and what have you, showing off and taking up smoking and stuff like that'.<sup>202</sup> Or 'Rory', who, when aged 15,

used to escape on a Saturday night, which was really dangerous because you had to jump the wall, which was quite high. We would get on a bus and head up town ... as we got older, we would go for a pint in places where bar staff were a bit blind ... An easier way to get out was to put on your running gear ... Then you could run straight out of the front gate and the teachers would think you were going out for a run. We did used to get quite drunk and then to have to climb up a rope to get to the fire escape, which then got us back into the building. That was dangerous and when I was at Fettes, one of the lads died on the way in once. He had been trying to get into School House, which was much harder to get into, and a window came down on his neck.<sup>203</sup>

'Rory' also thought 'drugs were massive' at Fettes. When Malcolm Thyne was headmaster, attempts were made to address the problem.

Alcohol also featured in the daily lives of some teachers. 'William' and 'Max' remembered teachers drinking in the common room.<sup>204</sup> Teachers were also known to drink during school hours. 'Rory' spoke of 'Colin', saying: 'Some teachers were really good, but some were well past their sell-by date. There were even some that were pissed, actually drunk when teaching. "Colin", although he was a really good teacher, was always reeking of alcohol'.<sup>205</sup> 'Colin' brewed his own beer and shared it with the boys.<sup>206</sup>

More notorious, however, was headmaster Anthony Chenevix-Trench, who was remembered by many for being drunk. George Scott said it was a common occurrence:

Very often ... To this day I cannot believe that a man in that eminent position, held in high regard, rightly or wrongly, was rolling around in front of a third former, drunk, incapable. And another teacher from the senior school shouted, 'Come on, George, help the headmaster'. I didn't know what to do.<sup>207</sup>

George Scott remembered 'the smell of alcohol in his office and in the chapel, and falling asleep - I was there when he fell asleep whilst talking in chapel'.<sup>208</sup>

200 [Transcript, day 250](#): 'James' (former pupil, 1975-8), at TRN-8-000000043, p.92.

201 [Transcript, day 250](#): 'James' (former pupil, 1975-8), at TRN-8-000000043, p.93.

202 [Transcript, day 253](#): George Scott (former pupil, 1977-83), at TRN-8-000000046, p.77.

203 [Transcript, day 254](#): read-in statement of 'Rory' (former pupil, 1976-84), at TRN-8-000000047, pp.10-11.

204 [Transcript, day 257](#): 'William' (former pupil, 1979-86), at TRN-8-000000052, p.134 and [Transcript, day 252](#): 'Max' (former pupil, 1973-80), at TRN-8-000000045, p.29.

205 [Transcript, day 254](#): read-in statement of 'Rory' (former pupil, 1976-84), at TRN-8-000000047, p.14.

206 [Transcript, day 255](#): 'Andrew' (former pupil, 1976-82), at TRN-8-000000050, p.52.

207 [Transcript, day 253](#): George Scott (former pupil, 1977-83), at TRN-8-000000046, p.70.

208 [Transcript, day 253](#): George Scott (former pupil, 1977-83), at TRN-8-000000046, p.71.

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## 'There was nothing nurturing or supportive about the school environment.'

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### The junior school

Fettes Junior School opened in 1973, with 'Michael' its first headmaster.<sup>209</sup> A major difference from the senior school was the induction process in place for pupils. A two-week grace period was afforded to them after arrival; no punishments were imposed while they found their feet, and there was a support structure within which an individual existing pupil was tasked with looking after each new boy and showing him the ropes during his first fortnight.<sup>210</sup>

'Michael' and his wife were generally well regarded by junior school pupils. 'Michael' explained: 'We worked hard to instil kindness and respect for others. Co-education assisted in this. There was more kindness and mutual respect after the school became co-educational. Art, drama, and music were strong and balanced a tendency in the school to place too much emphasis on sport.'<sup>211</sup>

However, that description omits the profound impact of Iain Wares' abusive conduct. Wares taught at Fettes Junior School whilst 'Michael' was its head, and during the latter's tenure Wares perpetrated persistent and serious physical and sexual abuse.<sup>212</sup>

Some have no good memories of the junior school. George Scott, for example,

who was physically and sexually abused by Wares, said: 'There was nothing nurturing or supportive about the school environment at all and the prep school wasn't set up for taking care of children ... it just seemed ... bodgy, you know, a wing and a prayer. You know, the same few teachers ... thrown together, sort of thing.'<sup>213</sup>

A teacher of that period confirmed further flaws which may partly explain why Wares' abuse went unaddressed for so long. Andrew Mineyko said: 'There was no training at Fettes Junior School.'<sup>214</sup> 'I was not aware of any child protection arrangements in place.'<sup>215</sup> 'I think the policy was "no physical - refer to headmaster". I think I was told this on joining the staff.'<sup>216</sup>

### Co-education

The progressive introduction of girls to the sixth form from 1970, and then throughout the school by the 1980s, was seen as having a positive influence. 'William' described it from the perspective of a senior boy:

We didn't behave in the same way to the juniors that the seniors had behaved to us. We just didn't do it ... I think it was in large part because there were girls. You know, there had always been a few girls in the sixth form but not many. I saw always, since the early 70s, there had been a few girls in the sixth form

209 [Transcript, day 254](#): read-in statement of Andrew Mineyko (former teacher, 1975-80), at TRN-8-000000047, p.54.

210 [Transcript, day 255](#): 'Andrew' (former pupil, 1976-82), at TRN-8-000000050, pp.43-4.

211 [Written statement of 'Michael'](#) (former teacher, Fettes College, 1970-83), at WIT-1-000000427, p.3, paragraph 11.

212 See Iain Wares chapter.

213 [Transcript, day 253](#): George Scott (former pupil, 1977-83), at TRN-8-000000046, pp.86-7.

214 [Transcript, day 254](#): read-in statement of Andrew Mineyko (former teacher, 1975-80), at TRN-8-000000047, p.47.

215 [Transcript, day 254](#): read-in statement of Andrew Mineyko (former teacher, 1975-80), at TRN-8-000000047, p.49.

216 [Transcript, day 254](#): read-in statement of Andrew Mineyko (former teacher, 1975-80), at TRN-8-000000047, p.48.

but only in the sixth form and not very many. A few girls joined when we were in fourth form but again not very many, whereas in sixth form there was a big intake of girls and then it was kind of 50/50 and they were a kind of equal part of the population, and girls would not be impressed by bullying and teenage boys want to impress girls and ... terrorising the little kids isn't the way you do it. I think the girls brought a cultural change in the school. I don't think the school consciously brought it, I think the cultural change came because the school had made the decision to go wholly co-ed but the school didn't talk about it - there were no discussions about culture and behaviour and what we expect and this, that, and the other. Nothing more than, you know, we expect you to behave like men. So I don't want the school to take credit in sixth form for how it was different for us. I think it was a by-product of going co-educational.<sup>217</sup>

So, the essential Fettes mentality had not really changed when the school became co-educational. It seems that little thought was given to the need to change the culture. And integration did not go smoothly for all girls. 'Rory' said:

It wouldn't surprise me if the Inquiry had a few of the girls that went to Fettes come out of the woodwork about how they were treated early doors. Some of the masters weren't used to girls and ... I have heard a few things which weren't very pleasant or fair for the girls, who wouldn't have been used to the level of brutality that was the norm there ... I did hear that a girl who had done something bad was once told to do a handstand in front of her class. The girls wore kilts and that was unfair and humiliating.<sup>218</sup>

'Kirsty', who was at Fettes in the 1970s, is one of the girls who, as 'Rory' predicted, came forward to the Inquiry. She said:

I have tried not to think about this experience over the years but when the MeToo movement came on it made me think of my experience at Fettes. My teacher was a male teacher ... he used to delight in trying to humiliate me in the class where I was the only girl. He would have me read out all the most inappropriate passages in anything that we happened to be reading. He would pick on me mercilessly. You could ask any of my contemporaries from that class and I am certain that they would remember this being standard routine. I complained about him to my head of house at Arniston but I was ignored. When it came to college applications he insisted on my putting a particular university on the list or he wouldn't give me a reference. His behaviour was consistently unsettling, aggressive, and belittling and sadly dented my entire experience at Fettes, giving rise to an anxiety disorder that crippled me for much of my 20s.<sup>219</sup>

There were boys who were just as bad. Their abusive behaviour included mocking female pupils. 'Ellen', when asked if she recognised the word 'mocking' from her time at Fettes, said:

Absolutely. You know ... boarding schools are a tough place to survive for anybody that goes there. They had a definite culture of kind of beating you down and testing you out and seeing if you can stand up to it, you know. The other children and staff, you know, their humour was to have a go at you a lot of the time. That was very common. And it was

217 [Transcript, day 257](#): 'William' (former pupil, 1979-86), at TRN-8-000000052, pp.163-4.

218 [Transcript, day 254](#): read-in statement of 'Rory' (former pupil, 1976-84), at TRN-8-000000047, pp.26-7.

219 [Transcript, day 255](#): read-in statement of 'Kirsty' (former pupil, 1976-8), at TRN-8-000000050, pp.69-70.

about ... Can you take it? ... If you're the right person, you should be able to take it.<sup>220</sup>

The positive impact on the Fettes culture brought about by the admission of girls was slow to take effect, and little had changed by the second half of the 1980s. 'Ellen' was abused by a teacher and reported it, but found the school's response to be wholly inadequate.<sup>221</sup>

### 1988 onwards - a period of change

Despite the introduction of co-education and the abolition of corporal punishment by 1986, Fettes remained essentially unchanged until 1988. Referring to governors of the past, current head Helen Harrison accepted 'it is very obvious that there was not enough overseeing'.<sup>222</sup> Nor, however, was there enough oversight and supervision by staff, including the senior leadership. The period from 1988 onwards, by contrast, was one of change brought about, to a material extent, by necessity. It linked with the appointment of Malcolm Thyne as head of Fettes that year. He explained that, at that time, Fettes 'had falling numbers and they wanted someone who could come in and recruit pupils successfully'.<sup>223</sup> He went on:

The building and grounds needed a lot of attention and because of a lack of funds and school numbers not having gone well, it was not an easy time for the school. The conditions in the boys' boarding houses were spartan and we were in a programme of gutting the boarding houses and updating them.<sup>224</sup>

Put shortly, Fettes was suffering from both financial strain and a declining school roll.

One way in which that declining school roll was tackled was by increasing recruitment to the junior school. 'Iona' said:

The structure at the top of the school changed during the time my children were at Fettes. Originally there was a separate headmaster for the junior school and the senior school. That changed when Malcolm Thyne was appointed in 1988. He got rid of the headmaster of the junior school and took over the role of headmaster of both the junior and senior sides of the school. He then created the role of warden, the person in charge of the day-to-day running of the junior school.<sup>225</sup>

Andrew Alexander was appointed as warden. He explained:

When I took over, the numbers had fallen to around about 60 in the junior side and the major part of my job became building that up. Before I finished, we were regularly getting over 100 pupils in the three year groups. It was all part of a general drive that we wanted to produce more pupils from our own junior side, that we want to be more sure that they would be going on into the senior part of the school directly, and that overall the school would improve both in quality and quantity.<sup>226</sup>

The decline in numbers was also addressed by recruitment of pupils from overseas. Fettes looked increasingly to the

220 [Transcript, day 256](#): 'Ellen' (former pupil, 1985-7), at TRN-8-000000051, pp.94-5.

221 See [Sexual abuse](#) chapter.

222 [Transcript, day 214](#): Helen Harrison (head, 2019-present), at TRN-8-000000005, p.103.

223 [Transcript, day 258](#): read-in statement of Malcolm Thyne (former headmaster, 1988-98), at TRN-8-000000053, p.80.

224 [Transcript, day 258](#): read-in statement of Malcolm Thyne (former headmaster, 1988-98), at TRN-8-000000053, p.86.

225 [Transcript, day 256](#): read-in statement of 'Iona' (parent of former pupils), at TRN-8-000000051, pp.107-8.

226 [Transcript, day 259](#): Andrew Alexander (former teacher, 1990-2012), at TRN-8-000000054, pp.19-20.

international market. Andrew Alexander recalled that:

We had pupils from 40-odd countries when I actually did an analysis one time, but a lot of those were British parents sending their children back from overseas. In terms of actual foreign students, it did increase to perhaps up to about 20 of the students ... out of the 100 ... A significant thing that we made efforts to deal with specifically.<sup>227</sup>

Pupils 'were supposed to be able to speak a certain amount [of English], and the moment they arrived they were put into intensive English programmes, if they didn't speak very well, but most of them had a working grasp of the simple vocabulary, at least'.<sup>228</sup>

Andrew Alexander did not accept that introducing children from abroad caused social difficulties amongst pupils. He said: 'We learnt some interesting interracial relationships which I hadn't appreciated, like between Russia and Ukraine, it came to the fore that we weren't aware of. But between the foreign students and those who were totally British, I would say it was remarkably well integrated'.<sup>229</sup>

## Discipline

Regarding disciplinary practices at the time he was appointed, Malcolm Thyne said:

I inherited a school that was potentially wonderful ... It was, however, a school in

which disciplinary standards had become uncertain. This situation was causing damage to the school's reputation ... The governors wanted me to address this issue as a matter of priority, and I started on the matter immediately.<sup>230</sup>

He continued: 'The school rules were carefully reviewed and revised. I then shared them explicitly with the staff, all the pupils, the parents, and indeed the wider school community. I am sure that the new school rules were in place by not later than December 1988, probably earlier'.<sup>231</sup> A copy was on display in each boarding house.<sup>232</sup> Prior to that, Malcolm Thyne said, 'there were different versions of the school rules placed around the school and pupils [were] quite adept at using confusion on disciplinary issues to their advantage'.<sup>233</sup>

Andrew Davies said that:

There was a strict behavioural policy regarding how children were disciplined and punished at Fettes College, as is detailed in a document entitled *Vademecum* ... The *Vademecum* details the formal policy in relation to discipline and punishment and pupils were made aware of it when joining the school and at the beginning of each year by housemasters.<sup>234</sup>

Andrew Alexander recalled that Malcolm Thyne had immediately set about 'eradicating the culture of bullying and initiation ceremonies' after he became

227 [Transcript, day 259](#): Andrew Alexander (former teacher, 1990-2012), at TRN-8-000000054, p.21.

228 [Transcript, day 259](#): Andrew Alexander (former teacher, 1990-2012), at TRN-8-000000054, p.21.

229 [Transcript, day 259](#): Andrew Alexander (former teacher, 1990-2012), at TRN-8-000000054, p.21.

230 [Transcript, day 258](#): read-in statement of Malcolm Thyne (former headmaster, 1988-98), at TRN-8-000000053, p.100.

231 [Transcript, day 258](#): read-in statement of Malcolm Thyne (former headmaster, 1988-98), at TRN-8-000000053, p.101.

232 [Transcript, day 258](#): read-in statement of Malcolm Thyne (former headmaster, 1988-98), at TRN-8-000000053, p.105.

233 [Transcript, day 258](#): read-in statement of Malcolm Thyne (former headmaster, 1988-98), at TRN-8-000000053, p.105.

234 [Transcript, day 258](#): read-in statement of Andrew Davies (former teacher, 1989-2004), at TRN-8-000000053, pp.182-3.

headmaster in 1988.<sup>235</sup> Anti-bullying training was introduced:

I wouldn't say it was there when I first started but we started putting in programmes soon after that ... We developed ... a style for each year group and as they moved up through the school they would take on a different aspect of, if you like, the school culture and things that they would do as - in their personal development.<sup>236</sup>

He acknowledged bullying still happened but, he said, they 'tried to deal with it'.<sup>237</sup>

An example of such bullying is discussed in a 1993 publication entitled 'Some definitions: Fettes punishments'; what was described were practices that could obviously amount to abuse. It mentions 'TRAINING RUNS' which

vary a great deal, depending upon the character of the Prefects involved. However the fact that younger boys are 'paced' by senior ones who are much stronger is in itself open to abuse. Insistence on 'press-ups', sometimes in the Jordan, and the use of weapons such as hockey sticks used to drive 'slackers' on have been aspects of such runs.

Well-intentioned senior boys have attempted to curtail abuses of these things and to limit punishments to community activity, but the effect of such seems to have been short lived. There is a deeply ingrained tendency to 'revert to type' and for many Prefects to see it as their right to extract the 'pound of flesh' which was

demanded of them when they were lower down the school.

Naturally definitions do not apply to all Houses or abuses to any one House at a particular time, but this is the tradition to which some pupils always try to revert.<sup>238</sup>

Such forms of abuse were evidently inherent in the Fettes culture, ingrained in the psyche of many Fettes prefects, and it seems that similar behaviour had been tolerated for decades. The then current leadership attempted to address this, and Malcolm Thyne appears to have genuinely tried to improve matters: he could be very determined and robust in his efforts to do so.

'Betty', a junior school pupil of that period who had been at four other schools before she went to Fettes, said:

I remember people being shouted at a fair bit but I think that was fairly standard at the time ... I think given my experience of different schools ... Fettes is definitely the one that children got shouted at most ... The ethos was more disciplined, but ... not all teachers shouted. There were definitely some very good teachers there, I would say. But there was a large proportion that were severe. And cold.<sup>239</sup>

## Staffing

Recruitment was another priority for Malcolm Thyne. He recognised how important it was to appoint people whose skills extended beyond teaching: 'When a member of

235 [Written statement of Andrew Alexander](#) (former teacher, 1990-2012), at WIT-1-00000063, p.7, paragraphs 28-9.

236 [Transcript, day 259](#): Andrew Alexander (former teacher, 1990-2012), at TRN-8-000000054, p.31.

237 [Transcript, day 259](#): Andrew Alexander (former teacher, 1990-2012), at TRN-8-000000054, p.31.

238 Fettes College, Some definitions: Fettes punishments, 6 November 1993, at FET-000000094.

239 [Transcript, day 257](#): 'Betty' (former pupil, 1990-3), at TRN-8-000000052, pp.72-3.

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staff came to Fettes, good teaching was a prerequisite, but I also wanted individuals who could coach games, drama, music, and cultural activities. I wanted people who were good listeners and sympathetic people.<sup>240</sup> He thought

recruitment of staff was one of the most important jobs that I did. When I was interviewing staff, I asked my secretary to try and keep me free from all other distractions. If you get an appointment right, it brings huge benefits. The school is enhanced massively because you get people who cannot only teach well, but who are willing to go the extra mile and are wonderful tutors and role models.<sup>241</sup>

Malcolm Thyne also attended to staff development, which had been neglected. When he started at Fettes, he didn't 'think there was much happening at all concerning staff appraisal ... but with the advice of the deputy headmaster and the director of studies, we devised a system. After a staff member's probation, I think every other year every member of staff would be appraised.'<sup>242</sup> By 2002 a structured review system for teaching staff was in place.<sup>243</sup>

The crucial importance of the roles of housemaster and housemistress was also recognised. Further, where possible, houses

had resident matrons.<sup>244</sup> Despite this, even in a house where the matron was 'charming and maternal', 'Grant' did not feel he could turn to her for help when he was being repeatedly sexually abused by the Glencorse houseman.<sup>245</sup>

There has, however, been significant change, as Helen Harrison described: 'Every single member of teaching staff is involved in the boarding houses, and therefore they're working integrally with the matrons, with all the operational staff who work in the boarding houses as well.'<sup>246</sup> She sees tutors as a key to the pastoral role so all academic staff carry out that function, including doing 'a duty night in a boarding house ... So every single member of staff needs to know how to look after people pastorally.'<sup>247</sup>

That is a major change of approach. Previously, teaching staff would normally have had limited involvement with the boarding houses. It is also now recognised that there needs to be consistency between the houses as opposed to each one being afforded autonomy, but that took until the late 1990s. Helen Harrison, who began her employment at the school in 1996, said:

We still like the personality of a house to thrive, but it does within a very, very consistent framework now. When I joined I think there

240 [Transcript, day 258](#): read-in statement of Malcolm Thyne (former headmaster, 1988–98), at TRN-8-000000053, p.89.

241 [Transcript, day 258](#): read-in statement of Malcolm Thyne (former headmaster, 1988–98), at TRN-8-000000053, p.89.

242 [Transcript, day 258](#): read-in statement of Malcolm Thyne (former headmaster, 1988–98), at TRN-8-000000053, p.95.

243 HMIE, Inspection report, Fettes College, 4 June 2002, at FET-000000052, p.13.

244 [Transcript, day 258](#): read-in statement of Malcolm Thyne (former headmaster, 1988–98), at TRN-8-000000053, p.99.

245 [Transcript, day 251](#): read-in statement of 'Grant' (former pupil, 1953–7), at TRN-8-000000044 p.112. See [Sexual abuse chapter](#).

246 [Transcript, day 260](#): Helen Harrison (head, 2019–present), at TRN-8-000000055, p.33.

247 [Transcript, day 214](#): Helen Harrison (head, 2019–present), at TRN-8-000000005, p.79.

were some idiosyncrasies that would no longer be tolerated today ... just in terms of more bravado in some houses than others, just a bit of a house spirit maybe going in the wrong way.<sup>248</sup>

### Childline, prefects, and sport

Malcolm Thyne's other early initiatives included promoting Childline and developing a leadership training programme. Regarding the former, he said:

We also put up the Childline number on the school board and in every house so if there was something pupils wanted to raise about the school, they could do so. I don't think any of the pupils ever chose to do this, but it was there as a precaution.<sup>249</sup>

Whether children, at least initially, had sufficient access to a phone from which they could make a private call in the event they wanted to contact Childline was, however, another matter.<sup>250</sup>

Malcolm Thyne also

wanted pupils to understand that the senior pupils were not there to boss the junior pupils about; they were there to encourage the junior pupils in worthwhile activities, to set a good example, to talk about issues, and to contribute to the pastoral care of the school ... As a matter of policy, we wanted every pupil in the school to have some sort of responsibility. It might be coaching a junior team, encouraging a house choir or organising the house play. We positively wanted pupils to show initiative and to learn

about leadership by managing other people in a humane and decent way. Of course that meant that discipline was delegated to prefects but they didn't have big sanctions that could be meted out, it was more a question of example.<sup>251</sup>

Prefects were still engaged in carrying out day-to-day tasks in the boarding houses but did so more under the supervision of the tutors. As Andrew Alexander said:

They assisted the tutor ... I don't think it was the case that sixth formers would be left on their own to do things. There was a prep room where the fourth and fifth form were doing their work and the duty prefect would be sitting there keeping the noise down and so on, and you would visit them regularly. You would be in the area anyway talking to your tutees, but he would be overseeing the general tenor of the room.<sup>252</sup>

A system for training prefects was developed. Malcolm Thyne's successor Michael Spens said:

There was prefect training and that had certainly been put in place by my predecessor, but we developed it further. What we tried to do over the course of my tenure ... was really to try and train prefects in how to manage a school, how to manage their peers in an environment where they have virtually no ability to sanction. So if they were to achieve results, it had to be done through example, and, as I've said, through reasoned argument. They had to ... learn those leadership qualities rather than the prefects of 50 years ago who, if they wanted something done, would just

248 [Transcript, day 214](#): Helen Harrison (head, 2019-present), at TRN-8-00000005, pp.88-9.

249 [Transcript, day 258](#): read-in statement of Malcolm Thyne (former headmaster, 1988-98), at TRN-8-00000053, p.123.

250 [Transcript, day 256](#): read-in statement of 'Iona' (parent of former pupils), at TRN-8-00000051, p.109.

251 [Transcript, day 258](#): read-in statement of Malcolm Thyne (former headmaster, 1988-98), at TRN-8-00000053, pp.110-11.

252 [Transcript, day 259](#): Andrew Alexander (former teacher, 1990-2012), at TRN-8-00000054, p.11.

simply either demand it or require it at the risk of a punishment.<sup>253</sup>

That shift in approach was confirmed in an inspection report by Her Majesty's Inspectorate of Education (HMIE) dated 4 June 2002. It stated:

Pupils had opportunities to carry out well defined responsibilities within each house. They took their responsibilities seriously and generally carried them out effectively. Prefects in the houses exercised important roles in supervision of younger pupils and in monitoring the welfare of pupils. They were also involved in directly supporting younger pupils when they joined the house. The important contribution made by the house and school prefects to maintaining standards helped them to develop qualities of leadership.<sup>254</sup>

Malcolm Thyne also sought to change the school's approach to sport. He said:

During my time I tried to offer a broader diet of games for pupils. Most boys loved rugby but not all boys did so. I therefore introduced the possibility that they could opt for squash, swimming or certain other sports. With the girls' games, certain girls did not enjoy getting cold and wet on the hockey field; they might accordingly opt to do aerobics, dance, swimming etc.<sup>255</sup>

Further, it was no longer the case that those most likely to be appointed as prefects were boys who were in the First XV.<sup>256</sup>

## The development of pastoral care

By the mid-1990s the culture in at least some of the boarding houses had changed. Staff were a more visible presence in the lives of the pupils and were seen as approachable. 'Elizabeth' said:

I couldn't point to one specific thing, but I definitely felt that there was a sense of - you know, there was always staff around the boarding house at night. There was staff that you could talk to ... my pastoral care teacher was quite often on duty so I could have spoken to her ... there [were] two Australian students that would come over and spend time ... they were available to be spoken to if you wanted to. Matron was there and she was brilliant, actually, I could speak to her if I felt sort of homesick and same with the housemaster. That was just in the boarding house.<sup>257</sup>

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'Elizabeth' was less clear about how such contact was arranged: 'I don't remember it being formalised ... but I think there was a culture of openness and expectation that you would if you felt that you needed to.'<sup>258</sup> She acknowledged that she was 'using language of today ... it might not have been described as such, but I think it was definitely set up as such'.<sup>259</sup>

253 [Transcript, day 259](#): Michael Spens (former headmaster, 1998-2017), at TRN-8-000000054, pp.142-3.

254 HMIE, Inspection report, Fettes College, 4 June 2002, at FET-000000052, p.12.

255 [Transcript, day 258](#): read-in statement of Malcolm Thyne (former headmaster, 1988-98), at TRN-8-000000053, p.114.

256 [Transcript, day 259](#): Andrew Alexander (former teacher, 1990-2012), at TRN-8-000000054, p.35.

257 [Transcript, day 258](#): 'Elizabeth' (former pupil, 1992-4), at TRN-8-000000053, pp.12-13.

258 [Transcript, day 258](#): 'Elizabeth' (former pupil, 1992-4), at TRN-8-000000053, pp.12-13.

259 [Transcript, day 258](#): 'Elizabeth' (former pupil, 1992-4), at TRN-8-000000053, p.24.

Andrew Davies echoed her comments:

Although safeguarding was not a term used at the time, I remember [the housemaster] expressly stated what was required of me, how the privacy of children should be respected, and I particularly recall him telling me that if any child appeared sad, I was to let him know. The word sad struck me and I was ever-alert for this. There was no further training in addition to this. However, at that time, I felt I had been given sufficient information to perform the role.<sup>260</sup>

He continued:

As housemaster I lived in connected accommodation on site and there was a lock on the connecting doors. Housemasters were encouraged to make the house as homely as possible and both my wife and I were keen to ensure that was the case. All the boarders knew that they could come to my door at any time. I made that very clear. I wanted it to be their home.<sup>261</sup>

In common with residential schools covered in these findings and those relating to other boarding schools in this case study, it was in the 1990s, following the coming into force of the Children (Scotland) Act 1995, that Fettes initiated a new approach to pastoral care. Malcolm Thyne said:

Our child protection arrangements were not formally defined until 1995 when there was a sea change. Up until that point, individual schools did as best as they could to try and get these things as good as they could. In

1995, however, SCIS produced excellent guidelines on child protection. Fettes ... decided to adopt them in full. That meant new protocols and policies within the school.<sup>262</sup>

The school appointed its first child protection officer in 1996.

Recognition of the importance of pastoral care, having been initiated by Malcolm Thyne, was taken forward by his successor, Michael Spens, and reflected in inspection reports. For example, the HMIE report of 4 June 2002 said:

The provision of staff for the care and welfare of pupils was very good. All teaching staff in the school had a role in pastoral care for boarders either as senior house staff or as tutors ... In the junior houses additional support was provided by students from abroad ... An independent counsellor was available for pupils to consult in confidence ... Very good arrangements were in place to ensure that all staff with unsupervised access to pupils were appropriately vetted.<sup>263</sup>

## Policies

Beginning in the mid-1990s, the school engaged in writing and introducing much-needed formal policies. Malcolm Thyne said: 'When we knew there was an SOED inspection coming up in 1995, it was evident that many of the school's policies were more implicit than stated.'<sup>264</sup> The school also published the Fettes College School Handbook, 'which comprised 28 pages [and] was designed for use by parents and pupils,

260 [Transcript, day 258](#): read-in statement of Andrew Davies (former teacher, 1989-2004), at TRN-8-000000053, p.178.

261 [Transcript, day 258](#): read-in statement of Andrew Davies (former teacher, 1989-2004), at TRN-8-000000053, p.181.

262 [Transcript, day 258](#): read-in statement of Malcolm Thyne (former headmaster, 1988-98), at TRN-8-000000053, pp.124-5.

263 HMIE, Inspection report, Fettes College, 4 June 2002, at FET-000000052, p.9.

264 [Transcript, day 258](#): read-in statement of Malcolm Thyne (former headmaster, 1988-98), at TRN-8-000000053, pp.83-4.

covering much of the same topics but in less detail'.<sup>265</sup> The HMIE report of 1996 noted what had been achieved but identified that further work was still required:

The school had developed a good range of policies, some of which were in need of review ... [its] procedures and traditions provided a broad framework for the welfare of all pupils which was well understood by pupils and staff ... However in order to ensure consistency the school should produce, through consultation, guidelines which clearly set out its position on child protection issues such as pastoral care, pupil supervision, discipline, and procedures for anyone making complaints, taking account of recent SCIS guidelines. The school's guidelines should also include specific advice for housemasters and housemistresses on how to run a boarding house. Once drawn up, the guidelines should be made widely available to pupils, parents, and staff, and steps taken to ensure they are well understood and consistently implemented throughout the school.<sup>266</sup>

After an inspection in February 2006, in June of that year HMIE and the Care Commission reported that: 'An appropriate range of policies was in place to support pastoral care, including clear procedures for child protection. However, a few staff were not sufficiently aware of these procedures and some, including matrons, needed to update their child protection training.'<sup>267</sup> The Care Commission report again emphasised that writing policies is not, of itself, enough. They were absolutely right about that. Staff need to be conversant with, understand, and use them.

## Leadership: some flaws

Even by the 1990s and beyond there were flaws in the ways in which headmasters approached their tasks. For example, throughout Malcolm Thyne's tenure, whilst he was, in many ways, a strong and effective leader, he took too much upon himself, failing to delegate where he could have done. The final report of an HMIE inspection in 1996 – the final one prior to Malcolm Thyne's retirement in 1998 – identified the risks inherent in such a model and advocated change:

The headmaster was a strong leader and an effective administrator who took direct responsibility for all decisions taken within the school. He emphasised loyalty, discipline, and the achievement of pupils in national examinations and in extracurricular activities. At senior management level he was supported by the deputy head, the director of studies, and a senior master ... He also operated an open door policy for all staff and parents ... These arrangements contributed to the headmaster's workload being significantly heavier than those of his senior colleagues. The remits of the senior promoted staff should be redefined to enable responsibilities to be shared and delegated more equitably.<sup>268</sup>

From the early 1990s Malcolm Thyne's workload also involved a lengthy engagement with 'Iona', which he found very difficult. She was a parent who had a longstanding connection with Fettes and was deeply distressed, upset, and angry when her son was one of six pupils asked by Thyne to leave the school following an

265 Transcript, day 258: read-in statement of Malcolm Thyne (former headmaster, 1988–98), at TRN-8-000000053, p.84.

266 HMIE, Inspection report, Fettes College, 25 March 1996, at FET-000000051, pp.20-1.

267 HMIE and Care Commission, Joint Inspection of Fettes College, 20 June 2006, at FET-000000054, p.6.

268 HMIE, Inspection report, Fettes College, 25 March 1996, at FET-000000051, p.19.

incident relating to the use of cannabis. She felt that her son had been mistreated during the process in which the boys had been interviewed.

A significant consequence of those events was that Fettes developed an unhelpfully defensive mentality which lasted for years. Michael Spens, who succeeded Malcolm Thyne as head, reflected on this:

Perhaps in those early days at Fettes there was undoubtedly a defensive mentality in terms of reputation ... coming from the leadership of the school, be that governors, the senior leaders in the school ... The school does not enjoy bad publicity, particularly if it's felt that it's unfair. And undoubtedly my predecessor had a very torrid time at the hands of the press, and I think that ... that had created, instilled a defensive mentality ... I think there was a danger that one would look too much at potential impact on the school rather than looking beyond that at the substance of whatever you were discussing.<sup>269</sup>

His recognition that adopting a defensive mentality was a flawed approach was apt. This approach was still in place when Fettes had to respond to complaints about Iain Wares in 2005.

### **Michael Spens and Helen Harrison: further changes**

When Michael Spens became headmaster in 1998 he did not come in 'with an agenda from the governors saying we need change in this area or another'.<sup>270</sup> Instead, he thought that while 'from a people point of

view, it was a school in very good order and my predecessor had worked very hard to achieve that ... change required was in the fabric of the buildings, which were not in good order'.<sup>271</sup> As for pastoral care

it was always there, but it was much, much more effective at the end of my tenure than at the beginning. The whole focus on safeguarding and on child protection changed dramatically, not simply within Fettes but nationally in Scotland and throughout the UK. The whole focus on that aspect of life became much more important, and rightly so, and it was raised in everybody's consciousness and became an integral part of staff training for all members of staff. So there isn't any one point in time where you'd say there was a sudden moment, an epiphany when things changed, but we got better at it and that improvement accelerated markedly during the second ten years of my tenure.<sup>272</sup>

Helen Harrison took matters forward:

When I took over the role [of deputy head in 2007], it was day-to-day running of the school, I deputised for the headmaster, and then overall charge of pastoral care. It became very obvious that over time, as the school grew, and also as change happened in terms of regulation ... there were too many parts to that job description, and therefore in [2014] we created the role of head of pastoral care ... and we created a pastoral leadership team at that point, and that was a key change.<sup>273</sup>

She added that she needed help to achieve this, 'and that is how we sorted out the management structure at that time'.<sup>274</sup> It did

269 [Transcript, day 259](#): Michael Spens (former headmaster, 1998-2017), at TRN-8-000000054, pp.132-3.

270 [Transcript, day 259](#): Michael Spens (former headmaster, 1998-2017), at TRN-8-000000054, p.130.

271 [Transcript, day 259](#): Michael Spens (former headmaster, 1998-2017), at TRN-8-000000054, p.141.

272 [Transcript, day 259](#): Michael Spens (former headmaster, 1998-2017), at TRN-8-000000054, p.155.

273 [Transcript, day 214](#): Helen Harrison (head, 2019-present), at TRN-8-000000005, p.90.

274 [Transcript, day 214](#): Helen Harrison (head, 2019-present), at TRN-8-000000005, p.90.

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## Care and welfare 'is now a standing item on the governors' agenda'.

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not happen quickly – the fact that Helen Harrison was both deputy head and child protection officer was flagged up by the Care Inspectorate in June 2008 as 'an area of potential conflict'.<sup>275</sup> It was only in 2014 that this 'potential conflict' was addressed.

The role of governors in pastoral care developed too, but this came much later. In 2016, and on the suggestion of the Care Inspectorate,<sup>276</sup> governors with specific responsibilities for safeguarding were appointed. Helen Harrison explained that care and welfare 'is now a standing item on the governors' agenda, and the safeguarding governor has met the child protection team, and the deputy head pastoral, before any governors' meeting and can report with real knowledge and real accountability on safeguarding at Fettes to the board'.<sup>277</sup> All governors are now child protection trained, any safeguarding governor goes on external child protection training, and so does the Chair. Also, individual training through AGBIS (the Association of Governing Bodies of Independent Schools) is undertaken.<sup>278</sup> A child protection governor was appointed at Loretto School, for example, in 2008.<sup>279</sup>

Fettes has also recognised the need for children to have a wide range of people available to speak to, including other pupils. Helen Harrison said:

We have ... some mental health counsellors ... that's a new position in the school ... and pupils can contact these pupils, these peer supports, through our management system, so it's anonymous, and they can reach out in lots of different ways. We need to make sure we have got lots of different levels of people supporting.<sup>280</sup>

She added:

We need to give lots and lots of different people ... that might be a peer, that might be house prefect, that might be their chemistry teacher, who is not one of their visiting tutors but is somebody who they can relate to. We need to give lots and lots of different people who they can have those really important conversations with.<sup>281</sup>

The school now has a framework for consultation and every three years carries out a full safeguarding audit which includes engaging with parents, guardians, staff, and pupils.

### References

One area of policy that was lacking in the past but that Fettes is now clear about is its approach to references. Any request for a reference asks: 'Do you know anything that would preclude this person from working

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275 Care Inspectorate, Inspection Report, Fettes College: School Care Accommodation Service, 25 June 2008, at CIS.001.002.4924, p.10.

276 [Transcript, day 214](#): Helen Harrison (head, 2019–present), at TRN-8-000000005, p.106.

277 [Transcript, day 214](#): Helen Harrison (head, 2019–present), at TRN-8-000000005, p.105.

278 [Transcript, day 214](#): Helen Harrison (head, 2019–present), at TRN-8-000000005, p.107.

279 See [Case Study no. 9: Volume 1](#): The provision of residential care in boarding schools for children at Loretto School, Musselburgh, between 1945 and 2021 (April 2023), p.30.

280 [Transcript, day 214](#): Helen Harrison (head, 2019–present), at TRN-8-000000005, p.137.

281 [Transcript, day 214](#): Helen Harrison (head, 2019–present), at TRN-8-000000005, p.137.

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## Misogyny was a problem, as was racism.

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with children?’ Helen Harrison said: ‘It’s a matter of course [for] every job.’<sup>282</sup> Likewise, if the school is asked to provide a reference, that question is always considered and answered. She continued: ‘When we’re talking about the safeguarding issues ... when we’re talking about matters that this Inquiry so rightly is looking into, that is non-negotiable. That will absolutely be put in.’<sup>283</sup> In terms of recruitment, she said: ‘We don’t allow any gaps in work on the CV ... We would dig into it and make sure we understand that. And we won’t employ somebody if we don’t have a reference from the last employer.’<sup>284</sup>

### Sport

Michael Spens accepted that whilst the emphasis on sport, particularly rugby, may have lessened from past years, it remained an important factor. He said:

There is no doubt – and it’s probably even true today – that if you are good at sport, it eases your path in boarding school life ... You address it by ... doing everything in your power to ensure that you live out the example and you demonstrate that all aspects of life are important. And whereas, yes, the rugby team matters, so does the choir, so does the CCF [Combined Cadet Force], so does – whatever you like. But you have to be even-handed in your leadership of the school.<sup>285</sup>

### Problems of hierarchy: misogyny, racism, and favouritism

Despite effecting some positive changes, Fettes continued to have problems arising from the persistence of a hierarchical structure that facilitated abuse during the leaderships of Michael Spens and Helen Harrison. Misogyny was a problem, as was racism. The school was slow to respond to both these problems and was essentially reactive rather than proactive, despite the systems in place from the late 1980s onwards. It either did not identify the existence of these problems or did not respond adequately to complaints about such behaviour, as Helen Harrison acknowledged:

With regret ... That is absolutely the evidence that’s right in front of us ... and we need to make sure that we are absolutely creating in the moment an environment that it doesn’t have any assumption to it at all. So, yes, did I assume I was in a place that was better than that? Yes.<sup>286</sup>

A similar area of concern was identified in the junior school by ‘Elizabeth’ in the 1990s. She described her junior boarding house as ‘Warm ... it felt like a family. Like, just an extremely large family with very different life experiences’<sup>287</sup> and said that she never felt ‘anything other than a total equal to the

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282 [Transcript, day 260](#): Helen Harrison (head, 2019–present), at TRN-8-000000055, p.34.

283 [Transcript, day 260](#): Helen Harrison (head, 2019–present), at TRN-8-000000055, p.36.

284 [Transcript, day 214](#): Helen Harrison (head, 2019–present), at TRN-8-000000005, p.111.

285 [Transcript, day 259](#): Michael Spens (former headmaster, 1998–2017), at TRN-8-000000054, pp.145–6.

286 [Transcript, day 260](#): Helen Harrison (head, 2019–present), at TRN-8-000000055, pp.61–2.

287 [Transcript, day 258](#): ‘Elizabeth’ (former pupil, 1992–4), at TRN-8-000000053, p.38.

boys who were there',<sup>288</sup> adding: 'I don't think there was anything that could be termed as abusive behaviour between staff and pupils.'<sup>289</sup> However, she did also report that: 'There was inappropriate behaviour between peers. There [were] definitely situations where there [were] inter-peer behaviours and sexual exploration between young people. Looking back now I think this was at a younger age than might have happened outside of that school environment.'<sup>290</sup>

Helen Harrison, who was a tutor in the 1990s, was shocked but did not take issue with 'Elizabeth's' evidence.

Fettes has been more proactive recently. For example, it instructed an independent safeguarding and child protection audit which reported in January 2020.<sup>291</sup> The report is thorough. It demonstrates the value of independent auditing of a boarding school's child protection systems and practices. Its authors, safeguarding and child protection consultants Dr Sue Hamilton and Anne Darling, carried out a wide-ranging survey. They concluded there was 'a school-wide ethos that prioritises safeguarding and child protection'<sup>292</sup> and made findings including that pupils were generally very happy and felt safe and proud of their school; that the procedures for making a wellbeing or child protection concern known were well publicised; that a disciplinary log was kept of any bullying or racist incidents; and that an innovative system to track wellbeing

and child protection concerns (iSAMS) had been introduced.<sup>293</sup>

Although the report found much that was positive, it nonetheless raised some concerns, one of which was favouritism. The results of the authors' investigation strongly suggested this was a problem. They found that - even as late as 2020 - 'in the College there was a general belief that those who excelled in "traditional" sports were given preferential treatment; this was over both those who were non sporty and those who participated at a high level in other sports'.<sup>294</sup> Moreover, the evidence showed that 'in some instances sanctions were not equally applied'.<sup>295</sup>

Helen Harrison said the school had responded and that 'we have had sessions on trying to make sure that this is never something in the future ... it was in some respects linked to the tutor system. It was if you know somebody very, very well, then - then people perceiving favourites through that'.<sup>296</sup>

I was not convinced that it was a matter of perceptions; it appears to have been a reality. The authors of the report plainly found that favouritism featured across their surveys of pupils, staff, and the focus groups they engaged with, and was commented on by parents. That led to them making a specific recommendation: 'In terms of favouritism, the evidence strongly suggests

288 [Transcript, day 258](#): 'Elizabeth' (former pupil, 1992-4), at TRN-8-000000053, p.27.

289 [Transcript, day 258](#): 'Elizabeth' (former pupil, 1992-4), at TRN-8-000000053, p.47.

290 [Transcript, day 258](#): 'Elizabeth' (former pupil, 1992-4), at TRN-8-000000053, p.47.

291 Fettes College, Safeguarding and Child Protection Audit, January 2020, at FET-000000349.

292 Fettes College, Safeguarding and Child Protection Audit, January 2020, at FET-000000349, p.6.

293 Fettes College, Safeguarding and Child Protection Audit, January 2020, at FET-000000349, p.6.

294 Fettes College, Safeguarding and Child Protection Audit, January 2020, at FET-000000349, p.24.

295 Fettes College, Safeguarding and Child Protection Audit, January 2020, at FET-000000349, p.24.

296 [Transcript, day 260](#): Helen Harrison (head, 2019-present), at TRN-8-000000055, pp.37-8.

a culture/perception that this is an issue. This needs to be addressed ... The current Code of Conduct should be updated to make clear that favouritism is unacceptable.<sup>297</sup>

The report included 14 valuable recommendations, setting out actions that the school should take both immediately and in the future to achieve continuous improvement in safeguarding and child protection. Designed as they were, with a focus on the needs and protection of every child, Fettes required to pay heed to them.<sup>298</sup>

## Positive experiences

As previously stated,<sup>299</sup> some of those who suffered abuse also referred to positive aspects of their experiences. Some former pupils contacted the Inquiry to provide evidence that their experience of the school was wholly positive.

'Grant' said: 'My many good friends at Fettes gave me a lasting affinity with Scotland and the Scots, which I now greatly enjoy.'<sup>300</sup> 'Alan' spoke very fondly of the education he received from 'Michael': 'I have to say I got a very good education from him.'<sup>301</sup> He was also complimentary about 'a brilliant French teacher called Kenneth Collier ... A lot of the teachers were terribly Dickensian and had ridiculous names, but Ken Collier was very ordinary and had a great love of his subject and he really did help educate me.'<sup>302</sup>

'Brian' said: 'Overall my time at Fettes was extremely helpful, positive, and happy, but there were still some issues along the way.'<sup>303</sup>

'Rory' said: 'It also stripped you of material things that are not necessary and created lifelong friends who knew what you knew ... I have a group of friends and we still share all our ups and downs because they are my day-to-day family.'<sup>304</sup>

'Andrew' said:

For me it was like a holiday camp. I should have perhaps treated it more like a school, but for me it was just fun and games 24/7 and I was living with my best friends ... that's how I viewed it ... it's probably why I got taken away because I just was not treating it like school.<sup>305</sup>

'Elizabeth' said:

I have to say that actually I had a great time at Fettes. Like, I felt really settled, I felt like I belonged, I felt like it was a safe place for me to be who I was and to develop who I am and yeah, I would say that I didn't have any other sort of peer-to-peer challenges in - not anywhere near the same way as I had when I was at primary school.<sup>306</sup>

She continued:

I think that was probably the most stable, secure two years of my childhood. I really felt like I was able to be myself there and to

297 Fettes College, Safeguarding and Child Protection Audit, January 2020, at FET-000000349, pp.24-5.

298 A summary report of the audit can be found at [Appendix G](#).

299 See [Introduction](#).

300 [Transcript, day 251](#): read-in statement of 'Grant' (former pupil, 1953-7), at TRN-8-000000044, p.113.

301 [Transcript, day 250](#): 'Alan' (former pupil, 1969-74), at TRN-8-000000043, p.127.

302 [Transcript, day 250](#): 'Alan' (former pupil, 1969-74), at TRN-8-000000043, p.127.

303 [Transcript, day 251](#): read-in statement of 'Brian' (former pupil, 1956-62), at TRN-8-000000044, p.122.

304 [Transcript, day 254](#): read-in statement of 'Rory' (former pupil, 1976-84), at TRN-8-000000047, p.34.

305 [Transcript, day 255](#): 'Andrew' (former pupil, 1976-82), at TRN-8-000000050, pp.46-7.

306 [Transcript, day 258](#): 'Elizabeth' (former pupil, 1992-4), at TRN-8-000000053, p.22.

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## Helen Harrison accepted that there had been significant shortcomings.

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explore the things that were important to me and to grow and to develop and all of those good things that a good, positive education setting should facilitate.<sup>307</sup>

'Jonathan' said:

Fortunately, my experience of Fettes College was fantastic and I am very lucky to say that I had very few negative experiences during my seven years as a full-time boarder. To me, the school always felt very safe as it was like a small community away from the outside world. When I think back to all of the teachers, coaches, support staff, and facility staff that I engaged with in some form or fashion, I can confidently say that at no point did anyone make me feel uncomfortable, vulnerable or unsafe; although they all had their own personalities, some were stricter than others, some were more approachable than others, there was always a mutual level of respect.<sup>308</sup>

### The school's response

Helen Harrison did not shrink from the criticisms levelled at the school and accepted that there had been significant shortcomings not only in the past but also much more recently. It was apparent that she took such failures personally when she said:

You can't listen to all that we have and be in my position and not feel a huge weight of responsibility, because it matters so much that we get this right, and that obviously has always

informed everything I've done, but ... in hearing what happens when things go wrong in such detail and with such evident bravery and emotion and - from those people and from a place that ... is important to you, you feel a huge weight of responsibility.<sup>309</sup>

She realised that there was no room for complacency and continued:

I start every term talking about noticing and, you know, in the beginning of the January term I'll say it with even more conviction because of what I've heard in the Inquiry ... we have to be open and honest with what has happened. It matters to us hugely. I can't tell you how reading some of the testimony that has come in has affected me. Because this is a place that matters to me, and, therefore, when we do say sorry ... we mean it, absolutely. The Fettes of today means it: that anybody who has suffered abuse, we are very sorry for that. And that openness to learn ... we mean it most sincerely, that we want to listen and we want to learn.<sup>310</sup>

Some former pupils, like 'Alistair', recognise that the Fettes of today is a changed place but still find cause for criticism:

I came back to Fettes for the first time in October 2019. I had avoided the school because, for me, it was a place of deep unhappiness ... I was deeply worried about how I would be treated by my contemporaries, so instilled was my sense that to them I offered

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307 Transcript, day 258: 'Elizabeth' (former pupil, 1992-4), at TRN-8-000000053, p.60.

308 Transcript, day 258: read-in statement of 'Jonathan' (former pupil, 1997-2004), at TRN-8-000000053, p.79.

309 Transcript, day 260: Helen Harrison (head, 2019-present), at TRN-8-000000055, p.4.

310 Transcript, day 214: Helen Harrison (head, 2019-present), at TRN-8-000000005, p.86.

no value. The experience was cathartic. And the opportunity to discuss those experiences with those friends and understand that I was not the only one who had suffered was important to me. My cohort from school were delightful, warm people and I only wish that I had known them like that all those years ago. I could see that the Fettes of today was a warm and happy place. I attended the chapel for the Commem service. Chapel had always felt like a safe place. I was saddened that the address though only spoke of how generations of Fettes had always supported each other. I am afraid that this felt like history as we would like, rather than history as was. They were warm words without truth. I think Fettes needs to confront its past and recognise that for some of us it was a violent and evil place which has had a profound and sad impact on our lives.<sup>311</sup>

Helen Harrison also reiterated the importance of seeking outside advice and explained that in addition to the audit process described above, the school had in 2021 engaged the services of an independent child protection consultant to provide on-call advisory services in matters of child protection and safeguarding to ensure 'we are doing everything absolutely right because this is too important not to'.<sup>312</sup> This provided 'an extra layer of accountability because they scrutinise - they are on the safeguarding committee and they make sure that we are following due process'.<sup>313</sup>

She acknowledged that Fettes 'when it came to allegations of abuse was over defensive'.<sup>314</sup> For example, the school's original response

to the Inquiry, in 2017, claimed that any changes in the way the school operated were due to a desire to establish 'best practice'<sup>315</sup> and that there had been no systemic failure. She and the board have, however, reflected further; she had also contacted former pupils and ultimately 'everybody at Fettes didn't feel that the answers we gave summed up how we felt'.<sup>316</sup>

### **'Fettes needs to confront its past.'**

As a result, the Inquiry, in advance of its evidential hearings, received a letter from the school setting out a revision of its position. This included a passage headed 'Retrospective Acknowledgement of Abuse', and in evidence Helen Harrison said: 'Fettes accepts completely that its systems did fail. There was a misplace of trust and that had an impact on students, and it is with much regret that I say that'.<sup>317</sup> She also recognised that change within Fettes had taken place because of abuse having happened. That all marked a welcome, if overdue, shift in the school's outlook.

In closing, Helen Harrison stated:

I hope it is apparent that Fettes matters to me hugely, and we let people down as an institution during times in our past and that is a huge regret to the Fettes of today. I think anybody who sits here and says it can't happen shouldn't be in the position that I am, and I would want to say very clearly that is the culture that I have and intend to keep going in

311 [Transcript, day 255](#): read-in statement of 'Alistair' (former pupil, 1984-9), at TRN-8-000000050, pp.80-1.

312 [Transcript, day 214](#): Helen Harrison (head, 2019-present), at TRN-8-000000005, p.118.

313 [Transcript, day 214](#): Helen Harrison (head, 2019-present), at TRN-8-000000005, pp.117-19.

314 [Transcript, day 260](#): Helen Harrison (head, 2019-present), at TRN-8-000000055, p.6.

315 [Transcript, day 260](#): Helen Harrison (head, 2019-present), at TRN-8-000000055, p.82.

316 [Transcript, day 214](#): Helen Harrison (head, 2019-present), at TRN-8-000000005, p.148.

317 [Transcript, day 214](#): Helen Harrison (head, 2019-present), at TRN-8-000000005, p.148.

terms of: it could happen, and we are going to make sure that we are never, ever complacent in this regard.<sup>318</sup>

Inspection reports by Education Scotland and the Care Inspectorate, both dated September 2025,<sup>319</sup> following unannounced

inspections in February and September 2025 were positive and suggest that the school has not been complacent.

It is now for the board of governors and Helen Harrison's successors to ensure that progress persists.

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318 [Transcript, day 214](#): Helen Harrison (head, 2019-present), at TRN-8-000000005, pp.149-50.

319 Education Scotland, [Summarised inspection findings](#), Fettes College, 2 September 2025, and Care Inspectorate, [Inspection Report](#), Fettes College: School Care Accommodation Service, 25 September 2025.

# 4 Abuse at Fettes College

Children were abused at Fettes College in a variety of ways. Drawing on a remark made about naval traditions by Winston Churchill, 'John' said: 'My time at Fettes was marked by beating, bullying, and buggery. I suffered badly from two and narrowly missed the third. I might add that while rum was not prevalent at Fettes, I know that at least one pupil kept a bottle in his tuck box.'<sup>320</sup>

That is, he experienced physical, emotional, and sexual abuse. As did others. This abuse was perpetrated by staff and by pupils. Moreover, as 'John' added: 'Either those in charge knew and did nothing, or [they] were ignorant. Both are equally culpable.'<sup>321</sup>

The following chapters consider in turn such

sexual, physical, and emotional abuse, by both pupils and staff, and how it was able to happen.

A separate chapter follows and covers the outrageous scale of abuse perpetrated by Iain Wares at The Edinburgh Academy and Fettes. Evidence about Wares was first explored during the Fettes case study hearings. In due course, following publicity by the BBC and, more widely, by Nicky Campbell, a former Edinburgh Academy pupil, applicants who provided evidence in the course of the Edinburgh Academy case study hearings, and applicants who have provided evidence in written statements since then, have supplied further evidence about Wares and his activities.

320 [Transcript, day 251](#): read-in statement of 'John' (former pupil, 1964-8), at TRN-8-000000044, p.134.

321 [Transcript, day 251](#): read-in statement of 'John' (former pupil, 1964-8), at TRN-8-000000044, p.135.

# 5

## Sexual abuse

### Introduction

I find that children at Fettes were sexually abused. Some were sexually abused by members of staff, including, in the 1970s, the headmaster Anthony Chenevix-Trench. He also allowed other sexual abusers to leave the school without taking steps to protect children with whom they might come into contact after their departure, and he protected the prolific abuser Iain Wares, allowing him to remain at Fettes even after his paedophilia became known to the school, in 1975. Some boys were sexually abused by other boys, particularly in the 1950s and 1960s. The introduction of girls to Fettes led to further sexual abuse, by teachers and by other children. There was an inappropriate sexualised culture involving younger children.

### Sexually abusive conduct by staff

Sexual abuse by members of staff took place throughout the period covered by the Inquiry. There was a consistent failure to put adequate systems in place to detect, or encourage reporting of, such conduct. If abuse was discovered, it was not dealt with properly. Some abusers were simply allowed to leave without fear of report to the police, education authorities, or, in some cases, future employers. Others were allowed to remain in the employment of the school.

Iain Wares stands out as a member of staff whose sexual abuse of pupils was prolific. My

findings in relation to his sexual abuse of children at Fettes are set out in Chapter 7. But there were other members of staff who also engaged in such behaviour, including a houseman in the 1950s and at least two teachers during the 1970s.

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**Some abusers were allowed to leave without fear of report to the police, education authorities, or future employers.**

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### The houseman

'Grant' was a pupil in Glencorse House in the 1950s. He was anally raped by the Glencorse houseman, a former merchant navy seaman 'whose job it was to look after the building, maintaining the boilers, make porridge every morning, some cleaning, et cetera. He lived in his own private room at the back of the house.'<sup>322</sup> Considered friendly, he helped some boys decorate their rooms:

He would occasionally invite pupils to visit him in his secluded room ... In his room he had an impressive large hardback publication of black-and-white nude photos called *Art and Anatomy* which contained pictures of naked human bodies in artistic poses, which certainly excited the passions of teenage boys, including myself. The cost of his decorating help was to be seduced, sexually assaulted, and anally raped. I have never in my life had

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<sup>322</sup> Transcript, day 251: read-in statement of 'Grant' (former pupil, 1953-7), at TRN-8-000000044, pp.110-11.

any homosexual ideation or inclination. I was just a naive teenager.<sup>323</sup>

'Grant' has

no doubt that the houseman had other pupil victims in Glencorse House as he was well equipped and practised in such abusive practices and very subtle or sly in his approach, though none of his other victims were known to me or ever mentioned it to me, except for occasional veiled hints from colleagues. I cannot remember for how long or how frequently my abuse lasted, but I was impelled to silence and I felt there was nobody at all to whom I could turn for help or advice. Not even the charming and maternal house matron.<sup>324</sup>

It seems clear that there were others.



Glencorse House

The housemaster of Glencorse was well regarded by the boys, and the house also benefited from having a sympathetic matron. It is striking that despite this, reporting was evidently not possible. Clearly, insufficient consideration was given to the possibility of

abuse and it seems there was a naive belief, certainly in the 1950s, that such behaviour could not take place in a school such as Fettes, and so any signs it was happening would just have been ignored.

### A housemaster

Three applicants recalled a housemaster who was 'essentially a quietly spoken, gentle man'.<sup>325</sup> His beatings were not feared but his sexual abuse caused concern. He took a liking to 'Joseph', who explained:

I don't know whether it was my appearance or my character, or what, but he took a personal liking to me. Right from when he took over as housemaster he made me his personal alarm clock. I had to go and knock on his door of his private quarters and he would tell me to come in. He told me to come to the side of his bed and he would then pick me up and drag me across his body, rubbing across him from outside of the bed ... At the time it felt like a friendly, fun thing, but looking back it was sexually perverse, without a doubt. He was under the covers and I'm sure I'd still be in my pyjamas as it was the first thing I had to do when I got up. We weren't allowed to wear underpants under them. He didn't do it to anyone else. Just me. I think this went on for a couple of years. Once I got older it stopped and some other pupil got the job. I have no idea who it was ... As soon as you took your underpants down to get ready for bed he was there looking at you. He would literally hang about until you turned your back then he would come over to take a look. He would be staring at your genitals. He had a reputation for it.<sup>326</sup>

323 Transcript, day 251: read-in statement of 'Grant' (former pupil, 1953-7), at TRN-8-000000044, p.111.

324 Transcript, day 251: read-in statement of 'Grant' (former pupil, 1953-7), at TRN-8-000000044, p.112.

325 Written statement of 'Joseph' (former pupil, 1974-7), at WIT-1-000001661, p.26, paragraph 106.

326 Written statement of 'Joseph' (former pupil, 1974-7), at WIT-1-000001661, p.26, paragraphs 106-7.

George Scott saw similar behaviour by the same teacher taking place in his dorm:

He would come into the dorm room and put his hand under the bedclothes of another boy, and into his own clothes. [The boy] had taken to putting rugby socks up his pyjama fronts to prevent [the teacher] getting any further with his hands. At lights out there would be masters and prefects doing the rounds to check boys were in bed and settling everyone. They could spend ten minutes in each dormitory just chatting. That was when [the teacher] put his hands up [the boy's] pyjama bottoms ... I watched him proceed to rummage under the bedcovers and try to pull the socks out. [The boy] told me afterwards that [the teacher] was 'always doing that'. He waved his rolled-up thick games socks at me and laughed, saying he was '[teacher]-proofing' himself.<sup>327</sup>

Philip Dundas had previously been abused by a number of teachers when a pupil at The Edinburgh Academy, and he suffered further abuse at Fettes from the same teacher as 'Joseph' and George Scott:

He would come and sit beside me and his hands would be all over me. It was really uncomfortable. Sometimes he would say he was tucking my shirt in my waistband. One time he took me round to the back of one of the free-standing roller chalkboards that was on wheels. When I was there, he lifted me up by my waist onto a cupboard. He didn't do anything too intrusive but having his hands all over me was a bit uncomfortable. Based on my previous experiences at The Edinburgh Academy he didn't appear too predatory or dangerous.<sup>328</sup>

### 'Douglas'

'Douglas' was reported by two boys and was dismissed. His propensities were already known about by pupils, and the Fettes community was aware of his dismissal. As one applicant, 'Robert', explained:

Amongst the boys of the time 'Douglas' certainly had a reputation that was discussed. [He] used to take boys, not me, under the gymnasium for what were called breathing exercises, but I think there was only one heavy breather in the room, if you catch my meaning.<sup>329</sup>

'Robert' also described how one teacher, with whom he is still in touch, recalled that Anthony Chenevix-Trench had been explicit when explaining the background to 'Douglas's' departure to the common room, and that some of the staff were shocked by the detail.<sup>330</sup> Another teacher, 'Colin', confirmed that the headmaster told staff that 'Douglas' had been dismissed for being 'too close to children',<sup>331</sup> indicating that, in addition to the two boys who reported him, there were others.

The reports were made to the headmaster in 1974. 'Donald' described how, as a young teenager, he enjoyed cross-country running. One day he was out running with 'Douglas':

He was quite a strange, slimy individual but for some reason or another, we trusted him at the time. He took me to the showers afterwards. It wasn't the normal showers that I would use after sports. I remember them being posher and smarter. They were possibly the teachers'

327 [Written statement of George Scott](#) (former pupil, 1977-83), at WIT-1-000000549, p.32, paragraphs 126-7.

328 [Written statement of Philip Dundas](#) (former pupil, The Edinburgh Academy; Fettes College, 1978-83), at WIT-1-000001253, p.22, paragraph 83.

329 [Transcript, day 251](#): 'Robert' (former pupil, 1973-8), at TRN-8-000000044, p.74.

330 [Transcript, day 251](#): 'Robert' (former pupil, 1973-8), at TRN-8-000000044, p.74.

331 [Transcript, day 251](#): read-in statement of 'Colin' (former teacher, 1970-86), at TRN-8-000000044, p.97.

showers. Why I would be naked in the showers with a teacher, I don't know. It didn't occur to me at the time. 'Douglas' was in the shower on the left hand side, looking towards the entrance. He began this ruse, trying to explain how to breathe properly when running. His way of showing me that he was breathing properly was to have me hold on to his nuts while he had an erection. I don't remember him having an orgasm and I don't know if he touched me. I don't think he did. I have no memory of immediately before or after, or how I extricated myself from the situation. I think there was another boy with me in the showers ... but I don't remember that clearly. I did speak to [him] about it afterwards and he had a similar experience to me, but I can't be sure it was at the same time. I don't know how I would have brought it up with [him] if he hadn't been there. [We] decided to go to the headmaster, Anthony Chenevix-Trench, to report what happened in the showers ... I just remember the very scary walk to his office. I don't know what happened after we reported, but the teacher involved left shortly afterwards. I don't have any recollection of my parents being informed by the school or involved in any way. I never told them what happened.<sup>332</sup>

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**'I don't have any recollection of my parents being informed by the school or involved in any way.'**

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In fact, Anthony Chenevix-Trench did write to the boy's parents.<sup>333</sup> The letter stated that the teacher had committed an act of sexual

indecency with their son which amounted to 'mutual masturbation' and that the teacher was 'summarily dismissed'. It also notes that 'Donald' was 'so nice and naive that he could not believe a master - who he liked, as all did - could do wrong. He was, in fact, thoroughly "conned".'<sup>334</sup> The letter went on to explain that their son had reported the matter to the head boy, who took it to the housemaster, who in turn elevated it to the headmaster. Chenevix-Trench then wrote: 'Two other youngsters in two different houses had the same experience - or said the same.'<sup>335</sup>

Despite that background, Chenevix-Trench not only failed to report this act of indecency to any authority but also wrote this to the boy's parents: 'It is of course up to you to decide whether you wish to institute criminal proceedings against the master. For [your son's] sake my 25 years' experience leads me to advise against that. The master has been summarily dismissed, his career is in ruins. He can never teach again.'<sup>336</sup>

Notwithstanding his claim that 'Douglas' could never teach again, within a matter of months, Chenevix-Trench was involved in supporting him in his efforts to secure employment in another teaching post, as 'Douglas's' staff file makes plain. Initially, 'Douglas' completed postgraduate university research after leaving Fettes<sup>337</sup> and approached Chenevix-Trench to help him to return to teaching. Chenevix-Trench was evidently happy to help by providing references. The correspondence between the two is remarkable both for its warmth - Chenevix-Trench insisted that 'Douglas' must

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332 [Written statement of 'Donald'](#) (former pupil, 1972-7), at WIT-1-000001293, pp.16-17, paragraphs 69-72.

333 Fettes College, School records of 'Donald', at FET-000000329, p.1.

334 Fettes College, School records of 'Donald', at FET-000000329, p.2.

335 Fettes College, School records of 'Donald', at FET-000000329, p.2.

336 Fettes College, School records of 'Donald', at FET-000000329, p.3.

337 Fettes College, [Parts C and D responses to section 21 notice](#), at FET.001.001.0033, p.42.

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## Chenevix-Trench was willing to mislead and thereby to imperil the safety of future children.

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call him Tony, as well sending love and good wishes<sup>338</sup> – and also for the headmaster’s efforts to cover up the fact that ‘Douglas’ had sexually abused children at Fettes.

For example, Chenevix-Trench wrote to ‘Douglas’ in October 1974:

If I were to keep strictly to the law, I should have had to inform the Secretary of State about the reasons for you leaving the School. But there are times when I think one should ignore the law. I must, however, make it clear that if you wish to teach in a school again ... I would have to write frankly to the Principal and probably go and see him and justify my recommendations to him, which I am very ready to do ... You yourself will know best what risk you might be taking. For my own part I do not see any likelihood of any such trouble rising again.<sup>339</sup>

He followed up on his willingness to write references; there are three on the file, all enthusiastically recommending ‘Douglas’, downplaying his sexually abusive conduct, and showing that Chenevix-Trench thought it appropriate for the head of a boarding school to sail close to the wind in such matters. In one such letter, he said, it was

a very minor indiscretion with a young boy, but such as one cannot tolerate in a boarding school. I do not think that there is any built-in tendency in this way, but it was an act of extraordinary folly but in no way criminal.

I therefore had to ask him to leave ... The politics of a boarding school are such that it is impossible for him to remain here, though nobody except myself knew of the particular minor misdemeanour. But you will understand that headmasters of boarding schools have to sail very far to windward in these matters. I should definitely not regard ‘Douglas’ as a security risk in any sense.<sup>340</sup>

In a reference to the Chief Education Officer of a local authority in England, written in July 1975, he stated:

After a run he committed a very minor sexual indiscretion with a young boy. He was very frank about it with me, and assured me that no such thing had ever happened in the past, or would again. Pretty exhaustive checks on the past seemed fully to confirm this. A doctor whom he saw on my advice found no abnormality of temperament or mind ... So minor was the incident that the parents of the boy concerned were most sympathetic.<sup>341</sup>

The identity and discipline of the doctor referred to in that reference are unknown, as is whether Chenevix-Trench saw any medical report himself or whether what he states about the doctor’s opinion is simply what ‘Douglas’ reported to him. What is certain, however, is that Chenevix-Trench was willing to mislead and thereby to imperil the safety of future children. ‘Douglas’s’ conduct was serious, far from minor, and it did not only involve ‘Donald’; as it transpired, at least four

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338 Fettes College, Staff file of ‘Douglas’, at FET-000000046, pp.4 and 6.

339 Fettes College, Staff file of ‘Douglas’, at FET-000000046, p.5.

340 Fettes College, Staff file of ‘Douglas’, at FET-000000046, p.26.

341 Fettes College, Staff file of ‘Douglas’, at FET-000000046, p.23.

Fettes pupils had been abused by 'Douglas'. It was not an isolated occurrence.

The reference provided to that Chief Education Officer enabled 'Douglas' to secure employment in another school from 1975 to 1982, and he went on to abuse further children there. In April 2004 'Douglas' was jailed for two years at Cambridge Crown Court after he had pled guilty to a series of indecent assaults involving two boys then aged 12 and 14. One, according to press reports, occurred after he had taken the boy on a training run. He stripped naked to dry off following the run, before performing an indecent act on the boy. He then made the boy perform the indecent act on him. He physically assaulted another boy over a period of weeks.

Chenevix-Trench's reference was misleading and failed to prioritise the future protection of children; it was instrumental in enabling 'Douglas' to secure the employment during which he committed the later offences. It is not known what, if anything, Chenevix-Trench told the governors of Fettes at the time 'Douglas' was allowed to leave the school since there is no mention of him in the relevant board meeting minutes.<sup>342</sup> It is not clear whether that is because the headmaster kept it to himself or because it was felt better not to record it in the minutes. Either one of these damning explanations seems possible.

### A third abusive teacher?

Interestingly, 'Joseph', who provided evidence to the Inquiry after the evidential hearings, remembers further sexual abuse occurring at Fettes in the mid-1970s. He described how a teacher

seriously assaulted one of my friends. That was all over the school. Of course, they swept it under the carpet and he was shuffled off to teach somewhere else, as they did back then. I can't remember his name. I'm sure there would be abuse allegations against him because my friend was ... sexually abused by the teacher. Fondling and masturbation, that kind of thing. It was all over the school and the teacher quietly slunk off.<sup>343</sup>

Whilst this description might be thought to point to 'Douglas' as having been the perpetrator, it is not clear whether it was him or a different teacher who was also rapidly removed and went on to teach elsewhere.

### Anthony Chenevix-Trench

For over two decades, Fettes resisted efforts led by former pupils to have a portrait of former headmaster Anthony Chenevix-Trench and a plaque in his honour, both of which were hanging in school premises, removed. In 2017 the school's attitude changed, and both portrait and plaque were taken down. The school issued a press release, stating:

We have no information to suggest that any crime was committed by Mr Chenevix-Trench whilst at Fettes. However, his judgment in handling two specific matters did not measure up to the excellent pastoral care we pride ourselves on at Fettes today. For this reason, a decision was made to remove his portrait and plaque.<sup>344</sup>

The two specific failures of judgment referred to concerned his mishandling of the abuse of children by 'Douglas' and by Iain Wares. This resulted in the abuse of many children continuing unabated.

342 The solicitors acting for Fettes confirmed this in an email dated 21 July 2020, at FET-000000341.

343 [Written statement of 'Joseph'](#) (former pupil, 1974-7), at WIT-1-000001661, pp.26-7, paragraph 109.

344 *The Sunday Times*, 25 March 2018.

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## Chenevix-Trench was a poor leader, an alcoholic, and a vicious beater who should never have been appointed.

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The press release was unsatisfactory and reflected the defensive mentality Fettes maintained well into the twenty-first century. Events were downplayed with a view to keeping the school's reputation intact for far too long. Fettes should have realised at an early stage that Chenevix-Trench was a poor leader, an alcoholic, and a vicious beater who should never have been appointed. His significant shortcomings were not hidden by Eton when he applied for the Fettes headship. Reflecting in 1996, the then vice-provost of Eton had little doubt that Chenevix-Trench was attracted to young blond teenagers while at Eton College.<sup>345</sup> It seems, however, that Fettes could not resist the temptation to appoint a former head of the prestigious Eton – something they saw as likely to enhance their own reputation.

There is no doubt that Chenevix-Trench had been well regarded academically, but he was a very damaged and contradictory man. Whilst seen by some in a positive light – 'Rory', for example, said that he 'was viewed as a friendly person by the boys. He used to come to the swimming baths all the time and throw 50 pence pieces in for the boys to swim down and get'<sup>346</sup> – pupils were, however, all too aware of his limitations. George Scott summed it up when he described Chenevix-Trench as

hail fellow well met. Bit eccentric, my darling, my dear ... We knew he'd come from Eton. We knew he'd had some form of eminent military career in Burma, been tortured by the

Japanese in the war, which accounted for his heavy eyelids and apparently accounted for his drinking. But he was generally felt to be a good fellow, a good egg. But things started to surface about individual beatings or individual comments from other teachers about the whisky – I mention the smell of alcohol in his office and in the chapel, and falling asleep – I was there when he fell asleep whilst talking in chapel.<sup>347</sup>



Chapel

'Frank' had been rebelling against the school regime so he was put on headmaster's report, meaning he had to meet with Chenevix-Trench every month. He said:

In terms of his own personality, he was a very likeable person, but really weird. Very, very strange man ... I would go to his lodge probably in the tail end of the day, early evening, and it would just be me and him in this lodge, and he was quite chatty and he was trying to befriend me.<sup>348</sup>

345 PSS-000000337, p.15.

346 [Transcript, day 254](#): read-in statement of 'Rory' (former pupil, 1976-84), at TRN-8-000000047, p.12.

347 [Transcript, day 253](#): George Scott (former pupil, 1977-83), at TRN-8-000000046, p.71.

348 [Transcript, day 253](#): 'Frank' (former pupil, 1975-81), at TRN-8-000000046, pp.13-15.

On one occasion matters became even odder. Chenevix-Trench slipped 'Frank' for failing to make enough progress towards improving his grades and then patted him on the bottom. At the time, 'Frank' did not think there was sexual intent but he is less sure now. Chenevix-Trench then told 'Frank' to sit down and gave him brandy and a cigar:

I was told ... if you were caught smoking in the school it was a serious offence, and there he is, I was 17 and he was giving me a balloon glass of brandy, not much brandy but some, and a cigar. And I staggered out of his office, out of my face on tobacco and brandy.<sup>349</sup>

'Robert' had met Chenevix-Trench when the latter had presented prizes at his previous school, Duncan House in Moffat. Within a short time of arriving at Fettes, 'Robert' became aware of Chenevix-Trench's reputation amongst the boys. Two factors stood out. First was his drinking, which could not be avoided. Recalling the Latin classes Chenevix-Trench took, 'Robert' said: 'The stench of alcohol at 9 o'clock in the morning was overwhelming.'<sup>350</sup> 'Robert', a retired police officer of many years' service, added: 'His gait was particularly slow ... I know ... from my previous experience in later years, it was to avoid staggering or falling over or collapsing'.<sup>351</sup>

#### The second factor

was a rumour that when he was going to cane you, he would bend you over the arm of his sofa and then while he was collecting his cane, or strap, more on that later, perhaps, he would masturbate, but I could only say to you that

that must have been, I hope, pure rumour and speculation.<sup>352</sup>

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### **'Chenevix-Trench said he wanted me to think of him as my grandfather.'**

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'Robert' experienced sexualised behaviour from Chenevix-Trench during his second term at Fettes, when he was 14. Sent to see the headmaster after a bad report, he had to wait in the kitchen while music played which, he realised, was to drown out the sound of another boy being beaten in the study. Then it was his turn. Standing beside the desk and a sofa, Chenevix-Trench

started to rub the back of my right leg through long trousers and my right buttock, and he said he wanted me to think of him as my grandfather. I only ever knew one grandfather. And he never did anything remotely like that. And then he said that he wanted to see me bent over the arm of his sofa, and before I did that, he explained that he gave boys the option of four of the cane, let's say, or eight of the leather dog leash, but you had to remove your trousers and underwear if you chose the dog leash and the more strokes, let's call them. But thankfully, thankfully, he wasn't giving me that option because, for whatever reason, he just - he just wanted to see what I looked like bent over the arm of his sofa. And that was that. And I pulled myself together and I never got myself in that situation again, of having to go to see him.<sup>353</sup>

349 Transcript, day 253: 'Frank' (former pupil, 1975-81), at TRN-8-000000046, p.18.

350 Transcript, day 251: 'Robert' (former pupil, 1973-8), at TRN-8-000000044, p.66.

351 Transcript, day 251: 'Robert' (former pupil, 1973-8), at TRN-8-000000044, p.67.

352 Transcript, day 251: 'Robert' (former pupil, 1973-8), at TRN-8-000000044, p.65.

353 Transcript, day 251: 'Robert' (former pupil, 1973-8), at TRN-8-000000044, pp.70-1.

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**'It was very creepy and you could either have [a beating] with your trousers on or your trousers off.'**

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'Alan' had a similar experience of having to bend over the arm of the sofa. He found Chenevix-Trench 'a very creepy-looking man and he always stank of alcohol and he'd always turn up in places ... you'd be walking out of the library or something, he'd be standing in the shadows and tottering around'.<sup>354</sup> 'Alan' also remembered his reputation for beating which he initially described charitably: 'You know, God bless him, he had his own – his own trauma, and seemingly visited it upon his charges'.<sup>355</sup> That trauma included his having been captured by the Japanese in Singapore and held as a prisoner of war for more than three years, during which he was forced to work on the notorious Burma Railway. 'Alan' also had repeated first-hand experience of what a beating by Chenevix-Trench involved, and it was indeed traumatic. He said: 'It was very creepy and you got choices – you could either have it with your trousers on or your trousers off, and the trousers off was more of a fondling and he would – he sort of gurgled ... it was intensely creepy'.<sup>356</sup> He thought that Chenevix-Trench

certainly achieved a vocal and physical pleasure/climax ... he certainly gurgled a lot. I didn't – you know, it was like Lot's wife. I did not turn around. I didn't want to see what was

going on ... I got the impression he was – how can I put this? Pleasuring himself. Or certainly finding some sort of satisfaction from the experience.<sup>357</sup>

He was 'absolutely'<sup>358</sup> clear that for Chenevix-Trench the experience was sexual.

'James', a day pupil in the later years of Chenevix-Trench's tenure, remembered him as having the reputation of being a fierce beater and 'a bit of a creep'.<sup>359</sup> He only had one direct experience of being punished by him, which he remembers as unfair because he had not done anything wrong. However, the experience was also memorable for other reasons:

He kind of sat me down and ... sort of gave off this sort of 'I'm very concerned', you know, 'and it pains me to do this but obviously your father's very unwell so I'm going to have to punish you because your father can't punish you'. I remember that stuck in my mind because I found it very invasive, very insidious for him to actually stand beside for my father, so to speak, figuratively speaking ... nothing about the crime, it was just 'This is a terrible thing and, you know, you've been – someone has talked about you' ... I just went, well, I haven't got a say here.<sup>360</sup>

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354 Transcript, day 250: 'Alan' (former pupil, 1969-74), at TRN-8-000000043, pp.135-6.

355 Transcript, day 250: 'Alan' (former pupil, 1969-74), at TRN-8-000000043, p.137.

356 Transcript, day 250: 'Alan' (former pupil, 1969-74), at TRN-8-000000043, p.137.

357 Transcript, day 250: 'Alan' (former pupil, 1969-74), at TRN-8-000000043, p.139.

358 Transcript, day 250: 'Alan' (former pupil, 1969-74), at TRN-8-000000043, p.139.

359 Transcript, day 250: 'James' (former pupil, 1975-8), at TRN-8-000000043, p.82.

360 Transcript, day 250: 'James' (former pupil, 1975-8), at TRN-8-000000043, p.87.

'James' was then offered a choice of beating:

He put his hands on my shoulders and he said: 'My dear boy, you have a choice, you know, there's the slipper, the belt or the cane', and ... then he explained what he was going to do and I said: 'Okay, I'll take the cane' because that meant he wasn't going to take my trousers down ... it was very disturbing. But again in the heat of the moment you're just - you can barely - I could barely hear him speak, it's so kind of an anxious time of what he's going to do and how he's going to punish me. His hand on my shoulders, it was very, very unsettling.<sup>361</sup>

Reflecting on this, he described the way Chenevix-Trench talked as 'twisted', for

it's something to do with the whole kind of collusion of abuse. An abusive person wants to believe that you're in cahoots with them, that you want to do what they want to do to you, and I think it's that. But obviously that's on reflection because of the work I do. But at the time, it still felt - it still felt odd, odd in the form of the way that he was communicating to me. I hadn't encountered such a conversation in that tone. So it was disturbing.<sup>362</sup>

Chenevix-Trench said he approved of the choice of cane, then used it six times - 'very hard, yeah'<sup>363</sup> - and congratulated 'James' for managing to endure it without a sound. He then shook his hand. Thinking back, 'James' wishes he had called the police. He was left with an injury in the form of a ridge across his backside.

His conclusion that Chenevix-Trench saw his victims as colluding with him seems significant, particularly when the collusion

that he displayed towards other sexual abusers is taken into account. The protection he afforded to both 'Douglas' and Iain Wares, minimising what they did and ensuring that they were able to continue teaching and abusing, was deplorable but it also suggests that, for Chenevix-Trench at least, such behaviour did not register as being a matter of concern and for him was normal. Certainly, he could make the right noises when problems became public, but ultimately he was not caring for the children. He was not acting so as to serve their interests at all. He may well have been traumatised by his experiences during the war but that does not in any way excuse the school's considerable failures or his own; he chose to apply for and accept a role of utmost fidelity involving responsibility for the welfare of children at a time when he must have known the nature and extent of his own failings. Further, others, including governors, must or should have been aware of the risks he posed. Iain Wares, for example, was certainly aware, for he told staff treating him at the Royal Edinburgh Hospital (REH) that the 'Headmaster has similar problems - alcoholism and suggestion of paedophilia'.<sup>364</sup> Yet they remained silent and did nothing to protect children from him whilst, it seems, basking in the perceived glow of the school having what they thought was a prestigious headmaster.

### A tutor

The school failed to deal properly with the behaviour of other members of staff in the decade after Chenevix-Trench died in 1979. 'Ellen's' experience demonstrates, for example, how difficult life can become for a

361 Transcript, day 250: 'James' (former pupil, 1975-8), at TRN-8-000000043, pp.87-8.

362 Transcript, day 250: 'James' (former pupil, 1975-8), at TRN-8-000000043, pp.88-9.

363 Transcript, day 250: 'James' (former pupil, 1975-8), at TRN-8-000000043, p.89.

364 PSS-000025879, p.6.

child when they have the courage to report, but also how difficult it is for a concerned member of staff who wants to do the right thing but is stymied by an institution that seems more interested in its reputation and name than in helping a pupil in distress.

'Ellen' had come from Wellington School in Ayr, where she had suffered abuse at the hands of a local youth who had entered the school grounds and molested her, as well as being abused by other pupils. Being small and shy, and having mild cerebral palsy rendered her particularly vulnerable.

At Fettes no account was taken of her difficulties with sport, and she felt very much a fish out of water. Significant problems arose with a teacher who was also her tutor. Aged 16, she initially enjoyed the tutor group meetings, but on attending the third such meeting she was surprised to find she was the only pupil there. The tutor asked her to stay. He then asked if she

had a boyfriend yet and he couldn't see why not because he could see how attractive I was. He came and sat next to me and was telling me he found me very attractive. I didn't know what to say, but I did eventually manage to make excuses and get out.<sup>365</sup>

The fourth meeting was a group one and was fine, but at the fifth she again discovered she was the only pupil. The tutor repeated his comments, also putting his hand on her shoulder, then on her leg and her knee. After that experience 'Ellen' was determined not to return, and missed the next meeting. However, she was then summoned by the tutor, who had sent a boy to escort her to his room:

When I got there, there was nobody at the meeting. He did the same thing again. He sat next to me telling me how attractive I was and this time put his arm around me. He didn't kiss me, but he was slobbering over me with his mouth on my neck. I was screaming inside and trying to move away from him.<sup>366</sup>

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**'He was slobbering over me with his mouth on my neck.'**

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What happened to 'Ellen' was an invasion of her privacy, was unwanted, and amounted to a form of abuse. She managed to leave but was determined to tell her housemistress, a woman she liked:

You can imagine how bad it was when I had very well been trained not to say a word and knowing that saying a word didn't help me. You can imagine ... how awful it was for me to be brave enough to speak out. It was awful and I felt like I've tried to make him see I'm not interested, I've tried to be polite about it, I've tried to be nice and he's now sending people to my door to get me, he's not stopping, I have to say something.<sup>367</sup>

In fact the task was made much easier as the housemistress had already noticed that 'Ellen' was behaving differently and enquired, sensitively, as to what was wrong:

'You're not yourself. You were really bubbly when you came and you were really joining in and stuff and you're not doing that now' ... I think she did say: 'Are you okay?' and that's when I think I started to cry and I told her, no, I wasn't okay, and what was happening. But it took a lot to tell her. And she did initially look

365 [Written statement of 'Ellen'](#) (former pupil, 1985-7), at WIT-1-000000471, p.16, paragraph 111.

366 [Written statement of 'Ellen'](#) (former pupil, 1985-7), at WIT-1-000000471, p.17, paragraph 117.

367 [Transcript, day 256](#): 'Ellen' (former pupil, 1985-7), at TRN-8-000000051, p.83.

horrified and angry, and said: 'Right, right, leave it with me.'<sup>368</sup>

'Ellen' was taken out of that tutor group but the man continued to teach her and used that as an opportunity to humiliate and make fun of her.

He had openly said in front of the class ... 'You're a trouble maker, attention-seeker, making up stories', stuff like that. The class saw him make fun of me when I spoke or – so I kept my head down and I didn't talk to people. And then ... I went around school very much on my own and I slowly became aware that nobody was talking to me either ... Nobody came to ask about it, to ask how I was, to include me in anything or to invite me anywhere. Nothing.<sup>369</sup>

That continued for the remainder of her first year at Fettes.

'Ellen' also felt that her housemistress 'seemed sad, as if she had been squashed'<sup>370</sup> for having complained:

She was different. It wasn't natural, you know. You would have then talked to me more about it: 'How are you now?' There was no more discussion about it. It was 'You've been removed, come to me, we'll talk about your week', and talking about my week, you know: 'What happened in ...?' Not him, just generally academically, 'What did you ...?' There was never any – it was so unnatural. There was never any follow-up or discussion or checking in ever again. The conversation stopped. Her face was different. There was a clear sign that, that's it, it's dealt with, we're not talking about

it any more. And I went to her and reported to her every week. It was a different person.<sup>371</sup>

It seems that the school did not want to know anything more about it; they certainly did not investigate it further.

'Ellen's' acute observations show how frighteningly easy it was for a member of staff to behave towards her as he did and, moreover, cause others to mistreat her. Not only was she ostracised by other pupils, but

even the teachers started treating me badly. I was thrown out of biology class and told I wasn't clever enough for it. The biology teacher ... was the head of [the tutor's] house ... I didn't fit in at Fettes and I think these men knew that. I had just arrived, my family weren't around, and I didn't have many friends ... I don't know if other teachers would have known that [he] was inviting girls around to his flat, but he had the freedom to do it. He had an upper sixth boy come and collect me and walk me into a fully operative, busy boys' boarding house without a care in the world. He didn't even try to disguise it as a group meeting where nobody else had turned up. That is how confident he was about what he was doing. He knew he was safe.<sup>372</sup>

Fettes in the mid-1980s seems to have been a place where a tutor could engage in such conduct without difficulty. No processes were in place to ensure children were not left alone with staff, and so abuse could happen behind closed doors. Even when concerns were validly raised, Fettes was not sufficiently interested to do anything.

368 [Transcript, day 256](#): 'Ellen' (former pupil, 1985-7), at TRN-8-000000051, p.84.

369 [Transcript, day 256](#): 'Ellen' (former pupil, 1985-7), at TRN-8-000000051, p.88.

370 [Written statement of 'Ellen'](#) (former pupil, 1985-7), at WIT-1-000000471, p.17, paragraph 122.

371 [Transcript, day 256](#): 'Ellen' (former pupil, 1985-7), at TRN-8-000000051, pp.87-8.

372 [Written statement of 'Ellen'](#) (former pupil, 1985-7), at WIT-1-000000471, p.18, paragraphs 126-9.

## An unidentified abuser

Records produced by Fettes, and alluded to in the school's Part D response, refer to a letter of complaint from a parent in early 1980 stating that his son had broken down and suggested 'that homosexual approaches had been made to him by a member of the teaching staff'<sup>373</sup> though the pupil had not wanted to take the matter to the headmaster because he did not feel able to do so. The inference drawn by Fettes in its Part D response is that the complaint was about Iain Wares, which is possible as the child was in the junior school in the late 1970s.<sup>374</sup> However, since the parent was writing about his then 14-year-old son, and the draft reply from Fettes suggested that 'his housemaster had suspected that something had occurred and took very prompt action to ensure [the boy] was protected. The person involved is no longer teaching',<sup>375</sup> it appears more likely that the approaches made to the boy happened in the senior rather than the junior school, and that another teacher in the senior school abused a child. Either way, it is clear that Fettes chose to refrain from sharing with the parent what had happened and only acknowledged abuse had taken place once the parent raised the issue.

## Staff liaisons with pupils

Fettes' approach to staff crossing the pupil-teacher boundary was, in the past, deficient. 'Bobby' learned one of the teachers had an affair with a pupil in the early 1990s. While I was at school, an English teacher was having a relationship with a pupil. Her sister was in

my year. They ended up getting married.'<sup>376</sup> However, in 1990 a teacher left the school immediately after it was discovered that he had had sexual relations with a female pupil. Malcolm Thyne wrote to her parents in terms that laid some of the blame at the door of the pupil. He threatened to expel her if anything similar happened again and explained she was

suspended for a week for sexual misconduct with a member of the music staff. Most of the blame must lie with him and, indeed, he has left the school. [She] is a sensible girl and I trust this suspension will be sufficient to prevent any similar problems in the future. If, however, she does not take heed, then it will leave me with no choice but to expel her. This would be unfortunate for Fettes and for such a promising pupil.<sup>377</sup>

Malcolm Thyne failed to show any concern for the girl - who had been the victim of gross misconduct by a teacher who had committed a grave breach of trust - nor did he show any awareness that the incident raised issues of safeguarding and child protection. Moreover, his concerns about the potential adverse impact on Fettes if he had to expel the girl were evidently greater than any concern he had for the pupil herself.

A different approach was taken in 2011 when a complaint was received about the behaviour of a teacher towards a female student in the upper sixth form. He was an enthusiastic, knowledgeable, and charismatic teacher who was highly rated by students and consistently impressed his head of

373 Fettes College, Letter to headmaster, 14 January 1980, at FET-000000328, p.3.

374 Fettes College, *Parts C and D responses to section 21 notice*, at FET.001.001.0033, pp.41-2.

375 Fettes College, Letter to headmaster, 14 January 1980, at FET-000000328, p.3.

376 *Transcript, day 256*: read-in statement of 'Bobby' (former pupil, 1985-90), at TRN-8-000000051, p.23.

377 Fettes College, Letter from headmaster, 30 March 1990, at FET-000000175.

department.<sup>378</sup> These qualities may have blinded the school to the risk he posed to senior female students – it would not be the first time that happened in a boarding school.<sup>379</sup> The 2011 complaint indicated the teacher had become emotionally too close to the student and had made her feel very uncomfortable. In a letter to the teacher dated 23 February 2011, headmaster Michael Spens told him that the complaint was 'compounded by comments I received from more than one source about your apparent relationship with another female student in the Upper 6th' and 'there is ... no doubt at all in my mind that you have allowed yourself to become far too close emotionally to these students and that your conduct has undoubtedly crossed the boundary of what is considered appropriate behaviour between a teacher and a pupil'.<sup>380</sup>

The school suspended the teacher and carried out an investigation, after which he was clearly directed to distance himself from the pupil. It later became apparent that he had not complied with the instructions, but had 'breached them in a flagrant fashion'.<sup>381</sup> As a result, after a disciplinary hearing on 7 July 2011, the teacher was dismissed for gross professional misconduct.<sup>382</sup> The school also referred the matter to the police who, following investigation, concluded that no criminal proceedings would be commenced against the teacher. That did

not, of course, mean that his conduct was not a serious breach of trust or abusive; it was both. Fettes also reported the matter to the Care Commission.<sup>383</sup> When the teacher subsequently sought references from Fettes, the headmaster appropriately disclosed what had happened.<sup>384</sup>

### Bill Stein

Bill Stein (born 1930) qualified as a teacher of swimming in 1979 and as a teacher of advanced swimming and disabled swimmers in 1981.<sup>385</sup> He was employed by Fettes as swimming instructor and pool manager between 1985 and 1998. In addition to swimming lessons, his teaching duties included sub-aqua, water polo, and Poolmania (an afternoon activity popular with pupils and involving games played in the swimming pool). His role became part time in 1995, and his employment came to an end when the pool closed in 1998.<sup>386</sup> He died in 2020.

Swimming lessons at Fettes involved physical contact between pupil and teacher in the pool, and that was Bill Stein's normal practice until late 1992. His normal practice also involved engaging in games in the pool (particularly during Poolmania), such as playing tig, pretending to be a chasing shark, tickling and nibbling, or pretending to nibble, pupils' toes and, on the poolside,

378 Fettes College, Reference from headmaster, at FET-000000298, p.5.

379 See, for example, the account of the activities of Guy Ray-Hills in my findings in relation to Loretto School: 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 (April 2023), p.54.

380 Fettes College, Letter from headmaster, 23 February 2011, at FET-000000298, p.8.

381 Fettes College, Letter from headmaster, 7 July 2011, at FET-000000298, p.7.

382 Fettes College, Reference from headmaster, at FET-000000298, p.6.

383 Care Commission, Correspondence with Fettes College, 2011, at CIS.001.002.5118, CIS.001.002.5120, and CIS.001.002.5117.

384 Fettes College, Reference from headmaster, at FET-000000298, p.6.

385 Bill Stein was himself disabled, possibly as a result of a stroke causing his face to be asymmetrical, described by 'Iona' as having 'left his face hanging down on one side'. See *Written statement of 'Iona'* (parent of former pupils), at WIT-1-000000532, p.25, paragraph 102.

386 Fettes College, Report to governors, 1 December 1997, at FET-000000321, p.22.

spraying water at pupils from a hose. Many pupils described him as an excellent coach, passionate about swimming, always professional, kind, supportive, avuncular, and respectful of them.<sup>387</sup> Whilst 'Elizabeth' had 'vague recollections of him coming into the changing rooms, which were cubicles, after lessons'<sup>388</sup> she did not suggest there was anything improper in his conduct. Rather, 'it felt like a dad coming in making sure you had your clothes on'.<sup>389</sup>

Three applicants regarded him differently.

When 'Ellen' arrived at Fettes, aged 16, she failed a swimming test, so Bill Stein provided her with some lessons on a one-to-one basis. In her written statement, 'Ellen' explained she did not like him moving her legs, tickling her, saying he would bite her if she didn't swim, and putting her feet in his mouth, all whilst he was in the pool and teaching her to swim.<sup>390</sup> She described him as behaving in the same way as he did during the fun games he played with pupils during Poolmania. 'Ellen's' dislike of his practices was such as to stop her attending the lessons.

'Claire' had known Bill Stein since she was four or five, and maybe earlier; her family had connections to the school which allowed them to use the pool. 'Claire' had had swimming lessons from Bill Stein, in the presence of her mother, for some years.<sup>391</sup> In 1992 'Claire' complained that his behaviour in the pool was improper, as did some others. 'Betty' didn't like Stein's behaviour and was one of the others who complained.<sup>392</sup> The school took the

complaints seriously and responded. Andrew Alexander, the warden of the junior school, wrote to the Fettes headmaster on 17 September 1992 in these terms:

In response to complaints received from second-form girls regarding what they saw as improper conduct in swimming lessons and activities I have met with Bill Stein and informed him of their allegations. Bill is totally shocked that any of his actions can have been interpreted in this way and assures me that there is no foundation in the allegations. We have agreed that such interpretation of his conduct of swimming lessons and activities is potentially very damaging to both himself and the school and in order to avoid any possibility of further allegations Bill and I have established the following guidelines:

- (a) he will not enter the water whilst Inverleith girls are in the pool except where required to do so for safety reasons.
- (b) he will ensure that he is never alone in any part of the pool premises with just one of the girls.
- (c) he will not enter the girls' changing room whilst they are present except to deal with an accident or emergency.

By its very nature the teaching of swimming requires more physical contact with pupils than other forms of tuition. Bill has always sought to make lessons and activities fun and this is to my mind borne out by the ongoing popularity of Poolmania amongst boys and girls as an activity choice at Inverleith. Bill

387 See, for example, FET-000000047; [Transcript, day 258](#): 'Elizabeth' (former pupil 1992-4), at TRN-8-000000053, p.40.

388 [Transcript, day 258](#): 'Elizabeth' (former pupil 1992-4), at TRN-8-000000053, p.40.

389 [Transcript, day 258](#): 'Elizabeth' (former pupil 1992-4), at TRN-8-000000053, p.40.

390 [Written statement of 'Ellen'](#) (former pupil, 1985-7), at WIT-1-000000471, p.14, paragraphs 97-9.

391 [Transcript, day 257](#): 'Claire' (former pupil, 1990-3), at TRN-8-000000052, p.29.

392 [Transcript, day 257](#): 'Betty' (former pupil, 1990-3), at TRN-8-000000052, p.87.

regrets that he may have to limit the fun aspect of pool activities with Inverleith pupils, but he and I are in full agreement that we must take whatever steps are necessary to prevent such allegations being made however ill-founded. I will keep you informed of our success in this regard.<sup>393</sup>

Andrew Alexander did not, however, consider that Stein's behaviour was sinister:

He was a big - I think the word is avuncular, is it? Big presence, liked to be jolly, liked to be fun, had a big loud voice, like a big teddy bear, really, and he - his whole sort of ethos was to make swimming fun and get children swimming well. That's what he wanted to achieve. He had no sexual interest in small children, as I understand it, at all. He would never knowingly abuse any child. What he wanted to do was make their time in the pool good, make it effective, and afterwards to make sure they didn't dawdle in the changing rooms but got on with getting off to their next lesson so that he wasn't intruding on other parts of the school curriculum. I felt his actions were all done for the right reasons. They were just wrong in the context of how he was trying to do them.<sup>394</sup>

'Claire' stated, in her evidence, that Stein had once touched her breasts over her swimming costume in the pool when, as part of a diving lesson, he dived in beside her with a hand around her waist. That was some time before the 1992 complaint. She also said that at some time after the 1992 complaint, he had put a hose down her costume, once

pulling it out at the front to do so and on another occasion pulling it out at the back.<sup>395</sup> No complaint was made about the diving or hosing incidents at the time either by 'Claire', by any member of her family, or by any other pupil. 'Claire' spoke to the police about matters relating to Fettes in 1993, but she did not complain to them about Bill Stein until five years later, in 1998. A friend of hers, 'Stephanie', in a statement she provided to the police in 1998, said that 'Claire' had never complained about Bill Stein touching her and although she had mentioned him putting the water hose down her swimsuit at the time it happened, had not seemed to be upset about it.<sup>396</sup>

In 1992 one of 'Claire's' brothers was, along with five other boys, asked to leave Fettes following an incident involving illegal drugs.<sup>397</sup> Her mother, 'Iona', was highly aggrieved and turned from having been a keen supporter of Fettes to embarking on what some, including past pupils, Fettes parents, and members of staff, described to the police as a 'vendetta against the school'<sup>398</sup> and which continued over a lengthy period.

'Iona' remained aggrieved and in November 1997 wrote a letter to the school in which she alleged that Bill Stein had abused children in the course of swimming lessons some time previously. She also made various other criticisms of the school. Reports appeared in the press following which Stein received unprompted letters of support from 35 current and past female pupils, including

393 Fettes College, Letter to headmaster, 17 September 1992, at FET-000000321, p.23.

394 [Transcript, day 259](#): Andrew Alexander (former teacher, 1990-2012), at TRN-8-000000054, pp.42-3.

395 [Transcript, day 257](#): 'Claire' (former pupil, 1990-3), at TRN-8-000000052, p.32.

396 PSS-000000173, p.7.

397 See [An abusive disciplinary procedure](#).

398 PSS-000000219, p.7.

pupils who had aired concerns in 1992.<sup>399</sup> There were police investigations in 1998, and again in 2015.

Detective Inspector Peter Avent wrote, in May 1998, that it was his opinion 'that ["Iona"] has resurrected the allegations of 1992 made by her daughter ["Claire"] and ["Betty"] to generate adverse publicity for Fettes College in continuance of her campaign following her son's expulsion that year'.<sup>400</sup> No action was taken by the Crown following the receipt of a police memorandum at that time.

The complaint was then reopened in 2015 as part of Operation Alecost, an inquiry led by the National Child Abuse Investigation Unit based in Livingston into reports of potential physical and sexual abuse committed by both staff members and pupils at Fettes College over a period from the 1960s through to the late 1990s.<sup>401</sup> As part of the 2015 investigation, the police heard from numerous former pupils who expressed their gratitude to Stein for his teaching, were strongly supportive of him, and did not support the allegations made by 'Claire'. It was a powerful body of evidence:

A significant number of former pupils and staff were interviewed ... including 20 former pupils, 17 of whom agreed to provide statements ... Of the other pupils interviewed almost all spoke of Mr STEIN in glowing terms, referring to him as an avuncular or playful grandfather type figure ... Whilst two former pupils thought that, with hindsight and current thinking, this may have been inappropriate

none of them describe a sexual element to this and all pupils appeared to have fun during these games. None of the former pupils spoken to witnessed the incident involving ['Claire'] or were aware of her making any comment about it afterwards ... there is no evidence to substantiate the report that William STEIN committed the specific offence as described by ['Claire'] or that he is responsible for committing offences against pupils at Fettes College whilst employed there as a swimming teacher.<sup>402</sup>

Bill Stein attended the police station on a voluntary basis and was interviewed in 2015. He did not exercise his right to silence. Rather, he cooperated with the police and provided detailed responses to the allegations made against him, all of which he denied. This was all recorded in the relevant police memorandum, dated 7 November 2016, and prepared after extensive enquiries.<sup>403</sup> That memorandum records - over three paragraphs - his responses to each of the allegations which had been made against him. 'Iona' stated, in her evidence, that the police had told her he had 'exercised his right to silence' and 'basically gave a no comment interview'<sup>404</sup> but, perhaps as a result of mistake or misunderstanding, that cannot be right. It is clear from the police memorandum that he cooperated and provided detailed responses.

The issue of whether or not Bill Stein's behaviour in and around the pool amounted to abuse arose from the evidence, and I gave

399 Fettes College, Letters to Bill Stein, at FET-000000321, pp.14-18.

400 PSS-000000342, p.2.

401 PSS-000000219, p.2.

402 PSS-000000219, pp.5-7.

403 PSS-000000219, p.6.

404 [Transcript, day 256](#): read-in statement of 'Iona' (parent of former pupils), at TRN-8-000000051, p.142.

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## There was a sexualised culture at Fettes.

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it careful consideration. In particular, I took account of all the documentary and oral evidence which included: the fact that whilst there was evidence, as outlined above, which suggested it might have done, there was a powerful body of evidence to the contrary, the fact that there had been detailed investigation by Andrew Alexander (whose evidence I found to be straightforward, credible, and reliable), the fact that there had been two detailed investigations by the police as a result of which they concluded there was no evidence to substantiate the allegations, and the fact that the Inquiry had not been able to make enquiries of or take evidence from the late Bill Stein. Having thus reviewed all the relevant evidence, I could not conclude, on the balance of probabilities, that Bill Stein abused girls in the school swimming pool or in the area of the pool. There were, however, some who were not comfortable with these practices and there was a risk of them being misinterpreted. It was right that the school responded as it did in 1992 by putting an end to the games in and around the pool. It would have been better had the school proactively stopped them and introduced appropriate guidelines, such as those put in place by Andrew Alexander, before then.

### Sexually abusive conduct by children

Children were sexually abused by older boys and by those of a similar age. This abuse was not rife, but it was significant and lasted for years. There was a sexualised culture at Fettes and it continued to subsist after the school became co-educational.

'Lloyd' was sexually abused repeatedly throughout his time at Fettes in the 1950s:

There was a senior boy who was one of the school prefects. He was a member of the First XV and one of the headmaster's golden boys. He had power.

One day [he] caught me masturbating. He walked in, smiled, and whipped out his own penis. He said: 'Let's do it together.' From that moment onwards, he had me bang to rights because he could use it against me. It continued throughout my limited time at Fettes, probably one year. At first he would make me masturbate with him. Then he moved to me to masturbate him and engage in oral sex. It happened in our free time. There were certain places at school that he would tell me to go to. A wooded spot against the wall in the grounds. The boiler room. A little hut tucked away from sight or in his study.

In the fourth year I was moved to a study room that I shared with [another pupil]. We were both misfits so I think that is why they put us together. [The senior pupil] grew in confidence and the abuse escalated. He started having anal sex with me.<sup>405</sup>

The senior boy's abuse of 'Lloyd' caused him significant injuries:

I got through underpants as a result of the injuries I sustained. I would bleed from my back passage after. I would cut up strips of towels to mop up the blood. Nobody really queried why I needed new pairs of underpants. I would throw the soiled ones

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<sup>405</sup> Transcript, day 250: read-in statement of 'Lloyd' (former pupil, 1955-7), at TRN-8-000000043, p.171.

onto the refuse dump at the back of the house. I just told matron and my parents that I had soiled myself.<sup>406</sup>

Nobody questioned 'Lloyd'. Nobody appears to have been concerned. 'Lloyd's' explanation about his underpants should have caused concern as to whether he had a medical problem let alone whether the real reason was something more sinister. The abuse also caused 'Lloyd' emotional harm; it became well known amongst other boys and, as a result, the way that he was treated by them

changed considerably. I became known as the senior pupil's 'bum boy'. It made me untouchable. The bullies backed off. In the showers, everyone would steer clear of me. It was a confusing situation to be in. I was in this strange bubble of quasi-affection. There was this cool older boy showing me special attention. I was marked out as someone special. The fact that the bullying backed off was proof in itself that I was special to him. I began to question whether it was me, whether there was something wrong with me. Later years taught me differently, but I still see him as a product of the system at Fettes rather than a predator.<sup>407</sup>

'Lloyd' suspected his roommate was also subject to abuse, since that would 'have explained his bedwetting'.<sup>408</sup> Neither boy would, however, given the culture of the school, speak up, even to each other. 'You just didn't. The attitude was that you should grin and bear it. It was your fault.'<sup>409</sup>

Keeping quiet about the abuse was so deeply ingrained into 'Lloyd's' psyche that the first time he disclosed it was when providing evidence to SCAI, 60 years or so later.

'Lloyd' was referred by the school to a child psychiatrist after it was discovered that he had stolen some sweets. Aspects of the psychiatrist's report should have alerted all who were responsible for 'Lloyd's' care to the real possibility that he was being sexually harmed:

The psychiatrists at the Sick Kids Hospital had written a report detailing their findings on me. The doctors had made me do a battery of tests every day. Some of the tests were diagrams of girls and boys. I don't think I told them about the senior pupil, but they must have known that improper relations were going on. The report went back to my parents, the headmaster, and my housemaster. I don't know what the school said to my parents. I know that the issue of homosexuality cropped up. I think they decided to keep the matter in-house within the four walls of the school.<sup>410</sup>

Following the report being issued, no further enquiries were made, and 'Lloyd' became aware that his 'days at Fettes were numbered'. He was removed from the school, 'taken home by my parents and banished to my room ... I was an embarrassment to everyone'.<sup>411</sup>

'Lloyd' thought it unlikely the school was unaware of the senior boy's abusive activities:

406 [Transcript, day 250](#): read-in statement of 'Lloyd' (former pupil, 1955-7), at TRN-8-000000043, pp.171-2.

407 [Transcript, day 250](#): read-in statement of 'Lloyd' (former pupil, 1955-7), at TRN-8-000000043, p.172.

408 [Transcript, day 250](#): read-in statement of 'Lloyd' (former pupil, 1955-7), at TRN-8-000000043, p.174.

409 [Transcript, day 250](#): read-in statement of 'Lloyd' (former pupil, 1955-7), at TRN-8-000000043, p.174.

410 [Transcript, day 250](#): read-in statement of 'Lloyd' (former pupil, 1955-7), at TRN-8-000000043, pp.172-3.

411 [Transcript, day 250](#): read-in statement of 'Lloyd' (former pupil, 1955-7), at TRN-8-000000043, p.173.

Society knew about homosexuality in those days, even though it was illegal. The school did not want to acknowledge that it existed, certainly not within the school walls. The attitude was: it doesn't belong here, therefore we don't recognise it. It was a subject that just wasn't talked about. Staff like matron must have realised something was going on. The number of underpants I went through alone should have rung alarm bells. At the Sick Kids Hospital, the psychiatrist ... must have known what was going on.<sup>412</sup>

I agree. And the treatment 'Lloyd' received from Fettes was nothing short of deplorable. He moved to a boarding school in Yorkshire where he did not suffer abuse and which

was, in comparison, like night and day ... It felt like heaven. Nobody was privileged for no reason. If you were punished, the prefect involved would be involved in the punishment too. If you had to dig a hole in the school grounds, the prefect would be digging too. There were no pointless punishments ... There was space and quiet.<sup>413</sup>

The well-worn assumption that abusive practices in boarding schools inevitably happened but were simply of their time is ill-founded. And it is wrong to excuse them on that basis. As 'Lloyd's' experience of that boarding school in Yorkshire in the 1950s goes to show, it was possible for a boarding school to be an abuse-free environment decades ago.

Sexual abuse by other pupils continued at Fettes in the 1970s. 'Alan' had hoped that

Fettes would be better than his prep school, St Mary's, in Melrose, where he had been sexually abused on a regular basis. His optimism proved to be unfounded; he was groomed and sexually abused at Fettes by another boy in his dorm regularly over the next three years. It began with groping and moved on to sodomy.<sup>414</sup> He confided in his best friend who 'knew I was desperately unhappy', but neither of them would report the abuse, because 'you didn't, you didn't' and there was, in any event, 'nobody to talk to. There was absolutely no pastoral care in College West or College East. There was a matron and her assistant and they basically gave you vaccinations when you - there was no care, and that's what I really remember. The absolute lack of care.'<sup>415</sup>

Again, obvious signs that a boy was distressed were not acted upon by Fettes. 'Alan' ran away regularly, to the extent that both the school and his mother had him seen by a psychiatrist, a man whom he found he was able to trust. 'Alan' also recalled that

my body started reacting to abuse, to the abuse I was experiencing. I developed some sort of chronic, chronic, chronic acne and ... consequently I would refuse to go into the showers with other people ... they thought I had something, some sort of plague, and actually it wasn't, it was some sort of stress-related - yeah.<sup>416</sup>

As a result of the abuse, for 'Alan' it was a time of 'a lot of self-loathing'.<sup>417</sup>

412 [Transcript, day 250](#): read-in statement of 'Lloyd' (former pupil, 1955-7), at TRN-8-000000043, p.174.

413 [Transcript, day 250](#): read-in statement of 'Lloyd' (former pupil, 1955-7), at TRN-8-000000043, p.175.

414 [Transcript, day 250](#): 'Alan' (former pupil, 1969-74), at TRN-8-000000043, p.131.

415 [Transcript, day 250](#): 'Alan' (former pupil, 1969-74), at TRN-8-000000043, pp.131-2.

416 [Transcript, day 250](#): 'Alan' (former pupil, 1969-74), at TRN-8-000000043, pp.133-4.

417 [Transcript, day 250](#): 'Alan' (former pupil, 1969-74), at TRN-8-000000043, p.134.

Another boy had apparently had his penis attached to an electric train set and the power turned on. 'Alan' thought this was not fictitious and must have happened given that the boy was stigmatised for the rest of his school career.<sup>418</sup>

There was also sexually motivated emotional abuse by prefects in the 1980s, such as spoken to by 'Bobby':

There was an incident in the third-form dorm when one of the third year boys was instructed to take out a ruler and measure his penis in both states. He had to write an essay on who he was, where he was from, whether he had been circumcised, what size his penis was flaccid, what size it was erect, who he had a thing about in his year, and his thought process behind masturbation. The essay was then pinned on the notice board in one of the girls' houses ... the prefects involved ... thought it was funny. I am sure it was because he had spots or bad breath.<sup>419</sup>

'Bobby' was sexually and physically abused by a sixth-form boy at the end of that year. He was singled out during prep by an older boy who was supervising and who he thinks was a prefect:

I was sitting on a bench next to another pupil ... [the older boy] instructed us to kiss. When we refused, we were beaten. He was punching our solar plexus, slapping us around our heads, and kicking our shins under the table. He was a big guy. We had a peck on the cheek, which [the older boy] deemed unsatisfactory; it had to be on the lips. Therefore we kissed each other on the lips.

After, I thought it was over but he called us back and told us to grasp each other's testicles and penises until our knuckles turned white. Once that happened, we were instructed to drop our pants and expose our penises to him and the rest of the room to prove that we didn't have erections. Again, when we refused, we were leathered. The rest of the year were laughing nervously in that kind of 'he's laughing so we should laugh' way. Once we were done, he called two more boys up and the same thing happened to them. Then he called another two up. It happened to six of us. It lasted for an hour and a half. That day prep was being told to kiss each other, basically fondle each other and expose ourselves to the rest of the room.<sup>420</sup>

'Gregg' experienced being the victim of very similar abuse and witnessed it being done to others. It was perpetrated by the same boy who, when he was supervising prep, abused 'Bobby'. He made younger boys stand in front of him, pull down their trousers, touch each other's testicles, and kiss one another. 'Gregg' thought the abuser 'wasn't even a prefect'. He observed: 'This was our prep, our homework time, and this is a guy who is supposed to be supervising.'<sup>421</sup> He and other boys reported this abuse to their housemaster and the deputy headmaster, and the older boy subsequently left the school, either because he was asked to leave or because he was expelled. 'Bobby' and 'Gregg' remember the housemaster and deputy headmaster becoming involved and the older boy leaving the school but nothing else happening. 'Gregg' recalls that he was told the police had been informed, but there is no record of that and he thinks

418 [Transcript, day 250: 'Alan' \(former pupil, 1969-74\)](#), at TRN-8-000000043, pp.133-4.

419 [Transcript, day 256: read-in statement of 'Bobby' \(former pupil, 1985-90\)](#), at TRN-8-000000051, pp.21-2.

420 [Transcript, day 256: read-in statement of 'Bobby' \(former pupil, 1985-90\)](#), at TRN-8-000000051, pp.24-5.

421 [Written statement of 'Gregg' \(former pupil, 1984-90\)](#), at WIT-1-000001034, p.20, paragraph 76,

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## 'There wasn't any offer of help or someone saying it wasn't your fault.'

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he was told that to prevent him reporting it himself.<sup>422</sup> As 'Bobby' recalls, neither set of parents was told what had happened, no support was afforded to the boys who were the victims of the older boy's dreadful abuse, and no more was said on the matter: 'Looking back, this is my annoyance. There wasn't any offer of help in terms of speaking to someone about it or someone saying it wasn't your fault. It was just a case of him being gone and that was it. At the time, I felt confused and scared.'<sup>423</sup>

'Gregg' felt that the school's priority was to protect its reputation: 'Everything was covered up. It's the school reputation at stake and all that.'<sup>424</sup> The school certainly failed to focus on the pastoral care of its pupils, yet that was what was required.

### The impact of co-education

It seems to have been thought that co-education was broadly beneficial and led to improvement in the behaviour of boys at Fettes, particularly once it was current across all years. However, the evidence of one witness, 'Elizabeth', who was in the junior school during the early 1990s, is concerning. She said that:

From my perspective and my interaction, broadly speaking, I don't think there was anything that could be termed as abusive behaviour between staff and pupils ... There was inappropriate behaviour between

peers. There were definitely situations where there was inter-peer behaviours and sexual exploration between young people. Looking back now I think this was at a younger age than might have happened outside of that school environment ... there's pupils around that are boyfriend/girlfriend, that are cuddling, kissing ... but were 10 or 11 and it felt like very - very adult behaviours for very young people.<sup>425</sup>

'Elizabeth' thought there was a sexualised atmosphere involving children aged 11 to 13 when staff were not there.<sup>426</sup> She first experienced problems with a boy, 'Martin', who was not from the UK, and who acted

like we were going to be boyfriend/girlfriend and then he touched me in places. I didn't really understand how to set any boundaries. I have struggled myself to define if this was abuse and I reflect on whether others might define this kind of interaction as normal sexual exploration. It didn't feel right to me.<sup>427</sup>

Two older boys from the same country as 'Martin' joined Fettes, and all three

were encouraged to spend time together as 'Martin' had started to pick up English. I remember that when you came in the front door of the school there was a room with a piano. I didn't get piano lessons but I wanted to learn and I used to go in there and play on the piano. On one occasion 'Martin' came in with the two [other] guys and they were

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422 [Written statement of 'Gregg'](#) (former pupil, 1984-90), at WIT-1-000001034, p.21, paragraph 77.

423 [Transcript, day 256](#): read-in statement of 'Bobby' (former pupil, 1985-90), at TRN-8-000000051, p.26.

424 [Written statement of 'Gregg'](#) (former pupil, 1984-90), at WIT-1-000001034, p.21, paragraph 77.

425 [Transcript, day 258](#): 'Elizabeth' (former pupil, 1992-4), at TRN-8-000000053, pp.47-8.

426 [Transcript, day 258](#): 'Elizabeth' (former pupil, 1992-4), at TRN-8-000000053, p.48.

427 [Written statement of 'Elizabeth'](#) (former pupil, 1992-4), at WIT-1-000000543, p.20, paragraph 79.

talking to each other ... Then [the other two boys] started feeling me up. My feeling at the time was that 'Martin' had deliberately set the situation up in order to afford himself some protection. They did the same to me on a few different times. Not just in that room. There was a big warehouse at the side of the playing fields where they kept crash mats and athletic equipment. I remember them cornering me in there and touching me but I cannot recall why I was in there but there were other people around outside.<sup>428</sup>

'Elizabeth' said she had not told anyone what had happened to her until she spoke to the Inquiry, 'because there was a massive sense of shame because I felt dirty, I felt complicit. Like, that thing was done to me, but it was done to me on my body where I should not be having anybody touch me.'<sup>429</sup> What happened to her should not have happened. The school did not protect her and, as a result, she was abused by three boys.

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### **The school did not protect her and, as a result, she was abused by three boys.**

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'Elizabeth's' reflections focused particularly on what Fettes had failed to do. While,

contrary to earlier decades, considerable information had been given to her on her arrival at the school

I don't remember there ever being a conversation about body autonomy, about what to do if you started your period, about consent, about signs of abuse, about healthy, nurturing relationships between peers or between children and adults. I'm mindful that this was the early 1990s. There'd been at least three different Acts passed about children since I was at Fettes. I think that the culture around child protection and about sex and relationship education has moved on substantially, so I don't know what the practice is now, but I think at the time somebody should have told us about relationships and about appropriate boundaries and how to set appropriate boundaries.<sup>430</sup>

Without such information, appropriate guidance, and an attitude on the part of the school that specifically recognised the need to protect children from sexual abuse being perpetrated towards them by other children, 'Elizabeth' was exposed to risks of being abused, risks that in fact materialised.

There was a culture within the school that failed to prioritise the protection of children from abuse, particularly where abusive sexual behaviour was perpetrated by other pupils – it was as if it didn't really matter.

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428 Written statement of 'Elizabeth' (former pupil, 1992-4), at WIT-1-000000543, p.20, paragraph 80.

429 Transcript, day 258: 'Elizabeth' (former pupil, 1992-4), at TRN-8-000000053, p.53.

430 Transcript, day 258: 'Elizabeth' (former pupil, 1992-4), at TRN-8-000000053, pp.56-7.

# 6

## Physical abuse

### Introduction

I find that children at Fettes were physically abused. They were physically abused by members of staff, particularly by Iain Wares,<sup>431</sup> who was much feared, had an explosive temper, and could be brutal. There were also other members of staff who beat pupils excessively and inappropriately.

I also find that children were physically abused by other children, including as part of a wider problem of the prevalence of a bullying culture. That culture included violent initiation ceremonies and went hand in hand with emotional abuse. During the period when it was permissible for physical punishment to be administered to pupils by other pupils, many members of staff were happy to leave discipline, official or otherwise, to senior pupils, but these pupils often used it excessively and inappropriately. Even when that was no longer permitted, abusive physical punishment continued.

### Physically abusive conduct by teachers

#### Anthony Chenevix-Trench

Anthony Chenevix-Trench liked to beat children. His beatings sometimes had sexual

overtones. He was also sometimes under the influence of alcohol at the time.

'Max' remembers Chenevix-Trench well, even though he only experienced his beatings on a single occasion. Generally, said 'Max',

[he] had this aura that was built up about him being a prisoner of war in Burma during World War II, and he was an excellent scholar when it came to Greek and Latin. He spoke fluent Greek. But he turned up to class, especially the senior classes, the sixth year, when they were doing Classics, half drunk. He turned up one day in his dressing gown. Blootered would be the word that they used.<sup>432</sup>

On the single occasion 'Max' was beaten he assumed he would get the maximum number of blows, which was six. In the event, however, he received eight, for

he told me to stuff my face into the cushion, it was a Chesterfield, and I had to lean over it, drop my trousers and my pants, and lean right over it, and he says: 'Hold the cushion and grip it tightly', and I gripped it tightly and I got six and he says: 'I'm giving you another two for ripping my cushion.'<sup>433</sup>

'Max' recalled that prior to the beating Chenevix-Trench ran his hand over his buttocks but he had the impression it was as though he were selecting where on his

431 See Iain Wares chapter.

432 Transcript, day 252: 'Max' (former pupil, 1973-80), at TRN-8-000000045, p.23.

433 Transcript, day 252: 'Max' (former pupil, 1973-80), at TRN-8-000000045, p.24.

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## Some boys thought he should go to the police, given the injuries that had been inflicted.

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body to hit him rather than anything else.<sup>434</sup> Whether that was the purpose or not, 'Max' has never forgotten the impact of the beating because of the level of violence:

It was shocking. I remember standing outside the front of the school, looking all the way down to Comely Bank and thinking: 'I'm going to report this to the police' ... The cane he used, it wasn't a normal cane ... This had been a bit of oak or birch and it still had the knots on it. For all it was old, it still had the knots where there had been branches growing out of it, but over the years it had hardened and encrusted onto the cane itself, so they left marks, indentations as well.<sup>435</sup>

On returning to the dormitory he dropped his trousers to show the other boys and told them that he had not cried, which was a badge of honour amongst the pupils. Some thought he should go to the police, given the injuries that had been inflicted:

Someone took a photograph of it. I can't remember who it was. And it was bleeding. He just says: 'Do you know how bad it is?' There was a mirror at the bottom of the dormitory. We went down there and he says: 'Have a look at that', and it was just a mass of black, blue and blood, and you could see the knots of the cane where it had struck me.<sup>436</sup>

The pain inflicted by Chenevix-Trench caused further problems for 'Max' the following

day. When playing rugby, he was pushed over onto his injured buttocks and swore, which led to him being summoned to a meeting with a teacher. Unimpressed by the swearing on the pitch and afterwards, when 'Max' had been tripped up and had fallen over, the teacher caned him three times on the backside while fully aware of the headmaster's beating the previous day.<sup>437</sup>

'Robert', who was bent over a sofa and watched by Chenevix-Trench, although the expected beating did not follow,<sup>438</sup> remembered that the headmaster did beat regularly and that one of his friends received '12 strokes of the cane on his bare buttocks, and he had to go to the sanatorium, where there were proper nurses working'.<sup>439</sup>

It is clear, given the nature and number of blows, and the resultant injuries, that Chenevix-Trench physically abused pupils, and also presided over a school regime where similarly harsh and unnecessarily physical treatment of pupils flourished. Within that culture other teachers evidently felt free to beat excessively too.

### 'Tom'

'Frank' recalled that the junior housemaster, 'Tom', known as a vicious beater, did not like him because he was a day boy. He was beaten on a number of occasions. On one occasion 'Tom' used his usual

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434 Transcript, day 252: 'Max' (former pupil, 1973-80), at TRN-8-000000045, p.24.

435 Transcript, day 252: 'Max' (former pupil, 1973-80), at TRN-8-000000045, p.25.

436 Transcript, day 252: 'Max' (former pupil, 1973-80), at TRN-8-000000045, pp.25-6.

437 Transcript, day 252: 'Max' (former pupil, 1973-80), at TRN-8-000000045, pp.18-20.

438 Transcript, day 251: 'Robert' (former pupil, 1973-8), at TRN-8-000000044, p.71.

439 Transcript, day 251: 'Robert' (former pupil, 1973-8), at TRN-8-000000044, p.72.

process by which he made it as painful as possible ... he would get you to lean forward and put your hands on a comfy tub chair, and because you were doing that and the chair wasn't stable it meant that the backs of your legs would be taut so that would make it more painful. But in this instance, the tub chair started to slide on a rug and I was going to fall forward, so I stood up. I would like to emphasise this - he would take a run at it, and 'Tom' was a first-class cricketer. You know, he didn't spare the rod ... And in this instance, because I slipped I stood up and the cane whipped around after hitting me and hit my wrist and my wrist came up in a large welt and I was really concerned that he may have broken a blood vessel in my wrist. But I didn't say anything. I just, you know, took the punishment and left.<sup>440</sup>

Stoicism such as that displayed by 'Frank' was expected of pupils at Fettes, and the harmful consequences of excessive beatings - which should have been obvious - were not regarded by the school as being worthy of note. 'Tom' certainly had a reputation amongst the boys, and other staff must also have been aware. As one pupil, 'Andrew', who liked 'Tom' because he showed genuine interest in him and fought his corner at times, said: 'There were guys who were frightened of "Tom" and he could be quite a disciplinarian ... if he beat you, you'd feel it for a week, oh my God yes.'<sup>441</sup>

He was also described by 'Joseph' as 'an evil bully. He treated all the boys like we were worthless. First names were never used at school but he preferred to use

derogatory nicknames rather than your surname. He would stomp around, shouting and intimidating us. We were all petrified of him.'<sup>442</sup>

### 'Colin'

Teaching at Fettes was the first job 'Colin' had after university, having 'drifted into it'<sup>443</sup> aged 22. He received no training. He was just given a piece of paper with a list of topics to teach and 'got on with it'.<sup>444</sup> One applicant, 'Robert', complained about two beatings he received from 'Colin', a science teacher and house tutor, for receiving poor marks in his classwork. As he explained:

Initially I found it humiliating, having skilfully avoided the cane at Duncan House, which was a miracle in itself, I think. For a grown man to place a boy of 15 over his knee strikes me as, at best, odd behaviour. And then I got the first time six strokes, which we always thought six was the maximum, but about a fortnight later I got a poor mark ... again and the same thing happened and I got eight strokes ... On both those occasions when I got out of his room and away from anybody, I burst into tears from the utter humiliation of what had gone on.<sup>445</sup>

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### 'For a grown man to place a boy of 15 over his knee strikes me as, at best, odd behaviour.'

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'Colin' did not consider what he did to 'Robert' to have been abusive. In evidence provided to the Inquiry, he said:

440 Transcript, day 253: 'Frank' (former pupil, 1975-81), at TRN-8-000000046, p.11.

441 Transcript, day 255: 'Andrew' (former pupil, 1976-82), at TRN-8-000000050, p.50.

442 Written statement of 'Joseph' (former pupil, 1974-7), at WIT-1-000001661, p.26, paragraph 105.

443 Transcript, day 251: read-in statement of 'Colin' (former teacher, 1970-86), at TRN-8-000000044, p.86.

444 Transcript, day 251: read-in statement of 'Colin' (former teacher, 1970-86), at TRN-8-000000044, p.87.

445 Transcript, day 251: 'Robert' (former pupil, 1973-8), at TRN-8-000000044, p.68.

I recall the pupil 'Robert'. At this time it was perfectly legal to give the cane. Because he was over the knee, I couldn't have hit him hard because of the mechanics, it just isn't possible. If I had done it, I would have intentionally had him on my knee so that I couldn't hit him too hard. I would have given him the cane to try and dissuade him from idling ... I think that the passage of time may have affected my recollection of what is alleged as it was 45 years ago. I am not saying that these incidents didn't happen, but I do not recall caning him as he said. In any case, getting caned on my knee was a better, less painful option than bending over a chair. I think at the time I had a policy of punishing boys who didn't work. If boys did work, I bribed them. They would be given more opportunities to go into town more often. Bribing was a potent force in that respect and the boys reacted well to this.<sup>446</sup>

He added that 'Robert' had emailed him over a decade before the Inquiry to complain about the beatings, and that he had replied in similar terms.<sup>447</sup>

Whilst the beating may not of itself have been excessive, responding to a teenage child who received poor marks for classwork by beating him was a form of abuse, particularly when, as in this case, he did so in the odd manner 'Robert' described and so as to humiliate him. It matters not that, in the 1970s, punishing a pupil for poor work may have been acceptable. What 'Colin' did to 'Robert' was abusive.

## Other teachers

'Rory' felt that, apart from Iain Wares, Fettes was

alright ... I don't remember anything else that was particularly bad. Some of the teachers would throw wooden blackboard dusters at you, but that was just par for the course. That could hurt. There was a teacher who would get you to come out in front of the class and slap you on the tips of your fingers with a ruler. I can't remember who that was. It would be sore for a bit, but it wasn't anything bad.<sup>448</sup>

'Jon', only ever a pupil in the junior school, thought that Wares 'had the most menace'<sup>449</sup> but also thought another teacher

was probably just as bad as Mr Wares. He regularly threw things at boys in the classroom. It wasn't unusual for him to throw the wooden chalkboard duster across the class or pieces of chalk. He would do this if he thought you weren't paying attention to him. If the duster struck your desk there was a puff of dust and everything would be covered in chalk dust. There was always a fear of something going to happen in his class. This meant you could never relax. I was definitely hit by chalk on the head at some point but cannot remember if the wooden duster ever hit me.<sup>450</sup>

As I have sought to make clear in previous findings, throwing wooden-backed blackboard dusters at pupils was abusive. It was also inherently dangerous, as was

446 [Transcript, day 251](#): read-in statement of 'Colin' (former teacher, 1970-86), at TRN-8-000000044, pp.98-9.

447 [Transcript, day 251](#): read-in statement of 'Colin' (former teacher, 1970-86), at TRN-8-000000044, p.99

448 [Transcript, day 254](#): read-in statement of 'Rory' (former pupil, 1976-84), at TRN-8-000000047, pp.12-13.

449 [Written statement of 'Jon'](#) (former pupil, 1971-3), at WIT-1-000000992, p.6, paragraph 23.

450 [Written statement of 'Jon'](#) (former pupil, 1971-3), at WIT-1-000000992, p.7 paragraph 28.

throwing chalk. Slapping children on their fingers with a ruler was an act deliberately designed to maximise pain on a vulnerable part of the body and was also a form of abuse.

### An abusive disciplinary procedure

The appointment of Malcolm Thyne as headmaster led to a tightening up of rules and discipline, at the request of the board of governors. As he said:

It was ... a school in which disciplinary standards had become uncertain. This situation was causing damage to the school's reputation amongst the chattering classes of Edinburgh. The governors wanted me to address this issue as a matter of priority, and I started on the matter immediately. With invaluable assistance from the deputy headmaster and the housemasters and housemistresses, the school rules were completely reviewed and revised.<sup>451</sup>

Thyne saw it

as essential that pupils knew that they were expected to adhere to the law of the land. The first statement in the school rules was that anything that is contrary to the law of the land is automatically against the school rules. This is a catch-all rule covering a variety of potential misdemeanours. Pupils also understood that if they broke certain important rules it would be likely to lead to their being asked to leave the school.<sup>452</sup>

Those 'important rules' included that involvement with illegal drugs would amount to a serious breach. Further,

it was clearly known in the school community that the possession or use of drugs and any sexual misconduct were offences which were likely to result in the pupil concerned being required to leave immediately, without suspension or going through warnings. These were instantly expellable offences.<sup>453</sup>

One of 'Iona's' sons, who had been a pupil since 1987, was, together with five of his friends, asked to leave the school in 1992 in connection with the use of illegal drugs. Malcolm Thyne explained that rumours were circulating about some pupils having experimented with cannabis in the grounds of the school when attending a school dance so

some preliminary enquiries took place and eventually suspicion focused on six particular boys. They were called to my office one morning during the following week. It was my policy that when pupils were interviewed about serious offences I would arrange for their housemaster, housemistress or the deputy head to be present to witness the process. That was to ensure that the procedures during the interview were fair and correct.

The boys were first segregated into different areas reasonably close to my office. The reason for this was to ensure that they could not collaborate and stitch up a false story when giving their individual accounts of what happened. The boys were then interviewed in turn and after each interview they were asked to provide a written statement of their version of the events. The statements were then compared to check for variations, and of course, initially they all contained varying accounts of what had occurred.

451 [Transcript, day 258](#): read-in statement of Malcolm Thyne (former headmaster, 1988-98), at TRN-8-000000053, p.100.

452 [Transcript, day 258](#): read-in statement of Malcolm Thyne (former headmaster, 1988-98), at TRN-8-000000053, p.102.

453 [Transcript, day 258](#): read-in statement of Malcolm Thyne (former headmaster, 1988-98), at TRN-8-000000053, p.106.

The boys were then re-interviewed and they were given a chance to change their statements. This happened several times. It was a very difficult and lengthy process and I fully understand that it was distressing for the boys themselves. The whole process went on far longer than anticipated, and eventually in the afternoon all six boys confessed that they had used cannabis during the evening of the dance. I informed them that they were all immediately suspended from attendance at the school and that I would inform their parents what was to happen to them after I discussed the matter with the chairman of governors.<sup>454</sup>

The investigations directed by the headmaster began at 11 am and concluded at around 6 pm. After nearly seven hours of being put under pressure, effectively detained 'in custody' by the school, all had confessed their guilt.<sup>455</sup> In a statement Malcolm Thyne provided to the police in 1994, he explained that each pupil had been kept isolated and described the questioning as 'firm and thorough'.<sup>456</sup> Thyne also stated that the boys probably did not receive any lunch. One by one, the boys made admissions which were then put to the others. 'Iona's' son was the final interviewee and the last one to give in, at 5.39 pm, after having previously been interviewed two or three times in this process.<sup>457</sup>

Had these boys been detained by the police in 1992, they would have been advised of their right to remain silent, would have had a solicitor and one other person told of their

detention, and could not have been detained for longer than six hours. Fettes was entitled to regard the possibility that they had breached not only the school rules but the law of the land as a very serious matter, but that did not justify the school treating the boys as though they had no rights. That is what they did and it was, put shortly, abusive.

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**That did not justify the school treating the boys as though they had no rights.**

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After having received the headmaster's report about the boys' involvement with drugs, the Chairman of the Board of Governors 'agreed that it was unfortunately necessary for me to contact the parents of the six boys and ask them to remove them from the school'.<sup>458</sup>

'Iona's' son did not want to engage with the Inquiry or revisit the past.<sup>459</sup> As for whether 'Iona' was unhappy that her son had been expelled, her daughter, 'Claire', was 'not sure I would say she took hard to the decision. She took hard to the treatment that he was put through ... from what she's told me, it was more the treatment that he was put through when he was accused of what he did'.<sup>460</sup>

'Iona' was upset at the way her son was treated and at the way in which the headmaster's investigation was conducted. That is not at all surprising.

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454 [Transcript, day 258](#): read-in statement of Malcolm Thyne (former headmaster, 1988-98), at TRN-8-000000053, pp.139-40.

455 PSS-000000219.

456 PSS-000000121, p.3.

457 PSS-000000121, p.4.

458 [Transcript, day 258](#): read-in statement of Malcolm Thyne (former headmaster, 1988-98), at TRN-8-000000053, p.140.

459 [Transcript, day 257](#): 'Claire' (former pupil, 1990-3), at TRN-8-000000052, pp. 21-2.

460 [Transcript, day 257](#): 'Claire' (former pupil, 1990-3), at TRN-8-000000052, p.21.

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## 'The school does not enjoy bad publicity.'

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One of the outcomes was that 'Iona' was and remained highly aggrieved. Having been a keen supporter of the school, she embarked on what the police described as a 'vendetta against the school',<sup>461</sup> referred to above. It included her making many complaints and speaking to a journalist who gave the matter significant press coverage.

That, in turn, led to the school's attitude overall becoming an unduly defensive one. Malcolm Thyne said:

By 1995 a vendetta against the school was going good and strong ... encouraged by a journalist ... who wrote in a number of the Scottish newspapers. There were all sorts of lurid stories appearing in the newspapers which indicated I was running a concentration camp and that pupils were badly treated. There were many horrific and fabricated stories designed to damage the school. The parents and pupils knew that this was complete nonsense.<sup>462</sup>

A civil court action was raised in 1995 by 'Iona's' son against the Fettes Trust, the headmaster, and the three housemasters. It focused on the investigation into the events of the 1992 school dance. The action was ultimately settled in late 1997 with *absolvitor*<sup>463</sup> in favour of the defenders being pronounced. A contribution was made by the school to meet the expenses of the pursuer.

This period also encompassed the complaints made against Bill Stein, first in 1992 and then again, by 'Iona', in 1997. It was undoubtedly a testing time for Malcolm Thyne, and it also impacted on his successor, Michael Spens, to the detriment of the children since, as the latter accepted, Fettes became immediately hostile to the hint of any complaint whether well founded or not:

One of the things that I have reflected upon is that perhaps in those early days at Fettes there was undoubtedly a defensive mentality in terms of reputation ... Coming from the leadership of the school, be that governors, the senior leaders in the school ... the school does not enjoy bad publicity, particularly if it's felt that it's unfair. And undoubtedly my predecessor had a very torrid time at the hands of the press, and I think that ... had created, instilled a defensive mentality ... I think there was a danger that one would look too much at potential impact on the school rather than looking beyond that at the substance of whatever you were discussing.<sup>464</sup>

He went on: 'The governors and therefore by implication myself, we were very sensitised to the press getting hold of stories. And going way beyond this, we had bad relationships with the press and people leaking stories about the school, either true or untrue, but there was unquestionably a defensive approach.'<sup>465</sup>

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461 PSS-000000219, p.7.

462 [Transcript, day 258](#): read-in statement of Malcolm Thyne (former headmaster, 1988–98), at TRN-8-000000053, pp.102–3.

463 'Absolvitor' is a judgment in favour of a person against whom a court action has been raised. It means that the claim has been rejected and cannot be raised again.

464 [Transcript, day 259](#): Michael Spens (former headmaster, 1998–2017), at TRN-8-000000054, pp.132–3.

465 [Transcript, day 259](#): Michael Spens (former headmaster, 1998–2017), at TRN-8-000000054, p.136.

Michael Spens regretted this. Moreover, this outcome demonstrates that when a school fails a child to an abusive extent, continuing damage may ensue.

### **Physically abusive conduct by pupils**

It is clear from the totality of evidence that, for many decades, there was ongoing violence at Fettes, facilitated by the absence of proper supervision, by staff and by school prefects.

#### **Initiation ceremonies**

'John' experienced initiation in his boarding house, Carrington West, in 1955. He recalled there being

two initiation rituals usually practised in the dormitories. One was for the boys to form a corridor and to make a boy run naked between them as he was flicked with wet towels. A wet towel flicked can cause a lot of pain and possible injury. Another common ritual was to make all boys new to the dormitory jump to grab the high bar which straddled the central corridor between the bed stalls and swing over it, naked, again while being flicked with wet towels. This was quite a gymnastic exercise and not every boy could manage it. Failure, sometimes after enforced repetitions, earned verbal abuse and humiliation.<sup>466</sup>

He added that by that time a previous initiation, 'stretching', was no longer in use as far as he was aware, although it had been shortly before he started at the school: 'A boy would be laid naked on his back and stretched across the low boot lockers in the

changing rooms. His stretched stomach would then be scraped with a comb and salt rubbed in.'<sup>467</sup>

Despite this unpleasant treatment, 'John' had some positive memories: 'All of the above reads pretty unpleasantly and it would be easy to extrapolate from it that life at Fettes was pretty nasty and brutish. That was not the case as far as I was concerned. We were very well fed, kept thoroughly fit, and extremely well-educated.'<sup>468</sup>

Similarly positive comments were made by a different 'John', who was at Fettes two decades later, although they also confirmed how harsh life could be and that initiation ceremonies were still taking place. He said:

There was the usual, mostly harmless, as I remember, rough and tumble in the dorm and cubes, including doing the bar initiation and learning to box in the changing rooms, but again I only have positive memories and forged wide friendships within the house and across the school at large. Cold showers and early morning runs certainly were part of this boarding life, but all was done with good humour and camaraderie.<sup>469</sup>

Both 'Johns' clearly fitted well enough into the school to have been left with memories of positive experiences, but that was never going to be the case with every boy. Insufficient consideration was given to those who did not find life at the school, including matters such as the initiation ceremonies, so easy to accept. 'Bobby', a pupil in the 1980s, was one such child. In his description of his first night, he recounted a terrifying experience: 'On the first night, there was a

466 Transcript, day 251: read-in statement of 'John' (former pupil, 1955-60), at TRN-8-000000044, p.119.

467 Transcript, day 251: read-in statement of 'John' (former pupil, 1955-60), at TRN-8-000000044, p.119.

468 Transcript, day 251: read-in statement of 'John' (former pupil, 1955-60), at TRN-8-000000044, p.120.

469 Transcript, day 251: read-in statement of 'John' (former pupil, 1970-5), at TRN-8-000000044, p.138.

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## ‘The sixth formers hung us out of windows by our ankles, three storeys high.’

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bit of an initiation. The third formers were split into two dorm rooms, each assigned a prefect. That night, the sixth formers came in and basically leathered us, then hung us out of windows by our ankles, three storeys high.<sup>470</sup>

‘Victoria’ explained that girls also experienced abusive initiation ceremonies. When she joined Fettes in 1987 after the start of the school year she ‘was the only person being “high-jinksed”. It felt exclusive rather than inclusive at the time. These events were possibly bonding for the other pupils, whereas I felt alienated by them. It took time for me to settle into friendships and I was constantly anxious.<sup>471</sup>

The behaviour she experienced included having her food ruined so she could not eat it, unsuccessful efforts to put her into a cold bath at night, and another occasion when

girls tried to pull my kilt up over my head so that the boys could see my knickers. It was pulled so hard that it ripped my kilt, and I was upset because I knew how much my uniform had cost my parents. Another pupil poured milk over my uniform which then stank. There were things that happened that were not particularly pleasant in the first term that I was at Fettes College. It was not the whole school, but it was a number of individuals.<sup>472</sup>

The school must have been aware of such practices being meted out to new pupils.

How could such dangerous and abusive behaviour still be seen as normal in 1987? If the school was somehow not aware, it certainly should have been.

It was only after the appointment of Malcolm Thyne in 1988 that the school appears to have finally taken steps to bring to an end these forms of abuse, as Andrew Alexander discovered on his arrival in 1990. There was frustration on the part of pupils who had themselves been put through initiation ceremonies and had been looking forward to imposing them on others. Andrew Alexander’s response to this was that it ‘shows what a dangerous thing it is to have that type of culture’ and why he was ‘delighted’ when Malcolm Thyne put a stop to it.<sup>473</sup>

### Everyday violence

Initiations aside, life at Fettes was violent on a day-to-day basis. Of the 1950s, ‘Roland’ explained that:

In my particular dormitory they had this bar where you had to lift yourself up and swing backwards over this bar, and as you swung over, they – I think there were probably four prefects who whacked you as you fell over the bar backwards. They just thought that was a bit of fun. But it wasn’t.<sup>474</sup>

‘Lloyd’ talked of the violence he endured in that era from other boys in his house:

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470 [Transcript, day 256](#): read-in statement of ‘Bobby’ (former pupil, 1985-90), at TRN-8-000000051, p.3.

471 [Written statement of ‘Victoria’](#) (former pupil, 1987-9), at WIT-1-000001553, p.6, paragraph 19.

472 [Written statement of ‘Victoria’](#) (former pupil, 1987-9), at WIT-1-000001553, p.6, paragraphs 20-2.

473 [Transcript, day 259](#): Andrew Alexander (former teacher, 1990-2012), at TRN-8-000000054, pp.29-30.

474 [Transcript, day 250](#): ‘Roland’ (former pupil, 1955-9), at TRN-8-000000043, p.32.

I started to get beatings in the school showers. The vigilantes would use wet knotted towels to hit me. The wet towels caused a lot of pain but didn't leave bruising. More and more I was driven into a hole of misery. Increasingly, I would hide in the lavatory and not come out for hours.<sup>475</sup>

Aggression and violence was part and parcel of life, and it extended to the rugby pitch. 'John' observed that the 'way rugby house matches were played was brutal and merciless. Boys even filed the leather of their studs to expose the nails on their boots.'<sup>476</sup>

Bullying was still routine in the 1970s, as 'Wilson' experienced. His evidence illustrated the mindset of staff and the remarkable lack of care or concern they showed:

There was a lot of bullying from some of the other boys. This would involve being called a scrote, messing up my clothes and hair to make me look generally untidy. This is the reason I am not in any school photographs as I was too scruffy ... Vulnerable people like myself were subjected to beatings from some of the other boys. On some of the occasions I was being beaten there were teachers watching what was taking place. Other boys would trip me up as I walked past or started punching me. If they were not able to get hold of me in the class I would often be beaten as I walked away from the school. The bullying from the children was condoned by the teachers. They were fully aware, but their attitude was it was a pupil issue, and it was up to the pupils to sort it out. A lot of the older pupils who were bullies had themselves been bullied.<sup>477</sup>

His evidence was corroborated by 'Joseph' who arrived just after 'Wilson' had left Fettes:

Bullying was rife throughout the school. I was bullied from day one from a group my friends and I called 'The Heavies'. There were about six of them and they were all tough kids. They were the year above us. They would flush our head in the toilet, hang us by our feet over a banister five floors up. Both of these things happened to me. They would beat you, all sorts of things. I don't remember their names. I blame the school. The school were 100% aware. We were bullied, kicked, and punched. My friends and I would keep out of their way at all costs.<sup>478</sup>

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**'I blame the school. The school were 100% aware.'**

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It is striking that both 'Wilson' and 'Joseph' are clear that the school was well aware of what was going on but took no action to stop it.

A decade later, the same learned behaviour remained present. 'Alistair' said of his time in Carrington West in the 1980s: 'My time at the school was not a happy one because of the culture of violence and abuse. Looking back, it has had a scarring impact on me. It has taken me many years to overcome the deep-seated trauma.'<sup>479</sup>

The school had a poor reputation. 'Alistair' spoke of his 'prep school [having] ... strongly advised my parents ... not to send me to Fettes because of its reputation for violence.

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475 [Transcript, day 250](#): read-in statement of 'Lloyd' (former pupil, 1955-7), at TRN-8-000000043, p.170.

476 [Transcript, day 251](#): read-in statement of 'John' (former pupil, 1955-60), at TRN-8-000000044, p.120.

477 [Written statement of 'Wilson'](#) (former pupil, 1971-4), at WIT-1-000001431, p.7, paragraphs 33-4.

478 [Written statement of 'Joseph'](#) (former pupil, 1974-7), at WIT-1-000001661, p.27, paragraph 110.

479 [Transcript, day 255](#): read-in statement of 'Alistair' (former pupil, 1984-9), at TRN-8-000000050, p.76.

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## 'I came to believe that such things were the norm and that I had no value.'

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However, one of the chaplains, Norman Drummond, lobbied my parents to send me to Fettes. The term I arrived he left to become headmaster of Loretto.<sup>480</sup>

'Alistair' experienced ongoing violence which began on day one with attacks from sixth-form boys at roll call and involved blowing darts towards younger boys and hitting them with hockey sticks. On his first night in the dormitory, the third formers

were attacked with hard objects stuck into socks. This was a pattern repeated constantly. Going to bed at night, we were always worried we would be attacked. You learned to curl up in a ball and take the beatings. Every day you faced violence. For example, one of the upper sixth used to take pleasure in headbutting us to the point of headache-inducing, ear-ringing concussion. The attacks were impossible to predict and unprovoked.<sup>481</sup>

This must have been terrifying, should never have been permitted, and demonstrates how poor oversight was at Fettes. It also appears to tie in with the board's recognition that change was required because of falling numbers, possibly attributable to the school having gained an unwelcome reputation for bullying. By the end of 'Alistair's' first term

a third of my form at Carrington was moved by their parents to a new school. The saddest thing about such violence – and though it was not sexual, it was the most vicious

aggression directed at young children – is how it undermines your very sense of worth. I came to believe that such things were the norm and that for whatever reason I had no value. That was my lot in life. I used to wonder if I would ever find joy in life, like other children seemed to. I had been placed by my parents in this situation – and while other parents removed their children, I was offered no such protection.<sup>482</sup>

That poignant account continued, with 'Alistair' explaining that he retains

a deep sense of shame. In such an atmosphere, one becomes complicit in acts of evil. I remember being part of a group that hung a noose at the end of a boy's bed because he was Black. I remember not intervening when a boy was beating the shit out of a little Pakistani boy. I was aggressive towards others.<sup>483</sup>

The existence of such a culture was and is the antithesis of a well-run boarding school that prioritises child protection.

'Bobby' echoed such descriptions of random violence and added:

If you go in the Inverleith Park entrance to Fettes, there is a glass panel building on the right, which is the dining hall. Underneath that there was a cloakroom. It wasn't uncommon to walk in and to find a boy who had pissed off someone hanging by their underpants from

480 Transcript, day 255: read-in statement of 'Alistair' (former pupil, 1984-9), at TRN-8-000000050, p.76.

481 Transcript, day 255: read-in statement of 'Alistair' (former pupil, 1984-9), at TRN-8-000000050, p.77.

482 Transcript, day 255: read-in statement of 'Alistair' (former pupil, 1984-9), at TRN-8-000000050, p.78.

483 Transcript, day 255: read-in statement of 'Alistair' (former pupil, 1984-9), at TRN-8-000000050, p.80.



Dining hall

the coat hooks so that they were stuck and couldn't get off. It happened to plenty of boys. There were a lot of things that happened. When I look back on it, it just seemed normal and one of the things that you had to go through.<sup>484</sup>

That perceived normality of violence being part of daily life was seen elsewhere:

Incidents would just happen. For example, somebody would break up with their partner and before you knew it, half the First XV would be in the dorm room punching the living daylights out of everybody. You would cocoon yourself in your duvet and wait for the beating to end. Alternatively, the beds would be flipped upside down. It was standard. There would be fights all the time. Play fighting was known as 'rabbling', which would get out of hand, or there would actually be fights. You

would always see somebody with a fat lip, a broken nose or a black eye. People would say it happened during rugby.<sup>485</sup>

In short, 'Bobby' thought that:

[it] was part of the fabric of life. It would be incorrect to say it was isolated to my house. It happened in all of the houses. The bullying in the girls' houses was different; it was emotional and psychological. In the boys' houses, it was a mixture of everything, which always ended physically. Many things could be used as weapons, such as hockey sticks, cricket bats, and rope lying around. There were knives and skean dhus, dartboards, sling-shots, and air rifles. Someone would be bored one day and tell us to line up against a wall to shoot cans at us. I said that I walked into doors a lot of the time. If you had been in a fight, one of the teachers would ask you about it. It was easier to say that because you would get into trouble for fighting and there were always repercussions, such as being ostracised ... A lot of it was done furtively, out of viewpoint. They knew to go for the body where injuries wouldn't be seen. If you throw in rugby, cricket, handball and all the other games and sports we played, every scrape and bruise is accounted for.<sup>486</sup>

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**'The bullying in the girls' houses was different; it was emotional and psychological.'**

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And, he continued, it was only 'once you reached sixth year that it eased off and you were safe'.<sup>487</sup>

484 Transcript, day 256: read-in statement of 'Bobby' (former pupil, 1985-90), at TRN-8-000000051, pp.11-12.

485 Transcript, day 256: read-in statement of 'Bobby' (former pupil, 1985-90), at TRN-8-000000051, pp.16-17.

486 Transcript, day 256: read-in statement of 'Bobby' (former pupil, 1985-90), at TRN-8-000000051, pp.17-18.

487 Transcript, day 256: read-in statement of 'Bobby' (former pupil, 1985-90), at TRN-8-000000051, p.28.

'William' agreed about the random nature of the violence and the mentality it engendered in the pupils:

You were resigned to it. You were kind of: yeah, here we go again. And you just wait in trepidation and nervousness and a sort of certain amount of fear and it's kind of I know what's coming and it will hurt but it will, you know, it will be done and it will be fine. And this is - so you'd wait and maybe they'd do it or maybe they wouldn't. And we'd all just kind of lie there and kind of go, oh, wait for it. But that would be it for the night. You'd then know then, right, we're not going to get disturbed again tonight, so now we can go to sleep.<sup>488</sup>

'William's' evidence also showed the unrelenting nature of abuse from other pupils. In fifth year, two particular boys who had bullied him throughout his time at the school put him out of a second-storey window above a projecting ground-floor bay window and let him hang there while holding onto his lower legs. He remembered thinking:

I have to land on that and be able to propel myself beyond that without my head hitting it so that maybe I can land in the flowerbeds beyond. I mean, that is a ridiculous notion, but ... I was thinking, right, how am I positioning myself so I can get beyond the parapet and maybe land in the flower beds ... This lasted about 30 seconds before they dragged me back in and said: 'Look at your face. You've gone all white. Did you honestly think we would drop you?' And I don't think I replied but I think I thought: 'Yes, it crossed my mind.'<sup>489</sup>

Of course it would have crossed his mind. That bullying was not only extreme, it was dangerous.

### Abusive discipline by senior boys

In light of the culture of violence endemic in the male houses, and the reliance on prefects and senior boys to maintain order without real supervision until the late 1980s, it was inevitable that physical abuse would also happen under the guise of disciplinary practices sanctioned by the school. While no doubt many prefects acted responsibly and would be ashamed at the actions of others, it is striking that such behaviour continued for decades essentially unchallenged by staff.

In the era when prefects were entitled to use corporal punishment, school or house beatings could be nothing short of a performance, one that was unsupervised and unregulated, and that could swiftly become abusive. 'John', a pupil in the second half of the 1950s, explained why:

In the house and school beatings, all boys in the house or school were confined to their studies or communal study areas and silence was strictly observed, sometimes lasting for well over half an hour. The psychological effect of this on the whole community was powerful. One listened out for the steps in the empty corridor of the boy to be beaten, and for any sound from the room where the beating took place, and of course for any sounds of distress. The house and the school beatings were not monitored by the staff. The beatings were administered with a cane on the bare buttocks, the offender (sometimes merely for too many sets of lines) kneeling on a chair, his body bent over the back of it and his trousers and underpants down or completely removed by the boy himself.

The usual punishment was six strokes of the cane administered by six different prefects.

488 [Transcript, day 257](#): 'William' (former pupil, 1979-86), at TRN-8-000000052, p.152.

489 [Transcript, day 257](#): 'William' (former pupil, 1979-86), at TRN-8-000000052, p.158.

Reluctance to administer your allotted stroke, if you were the prefect, was scarcely tolerated. Prefects would practise caning on a cushion to ensure that they all struck in the same area ... I can recall only one school beating during my time at Fettes. The boy in question (I do not recall his name) was a bully and unpopular, but I do recall that the beating did far more than admonish him: my recollection is that he was crushed by it and I also recollect a communal sense of moral disturbance among the boys, though scarcely, if at all, articulated. I also recall that it was administered in the school library and that the cane was brought to the prefects on a salver by one of the employees.

I also recall – and this was entirely hearsay amongst the boys – of one beating which was so severe that the boy had to be sent to the Edinburgh Western General for treatment. I do not know if this was a house beating or by one of the staff. Needless to say, it was hushed up, though we did understand that the medics read the riot act.<sup>490</sup>

Whether it was true or not, the account of a boy ending up in hospital does not seem far-fetched in light of the way in which beatings were approached.

'Roland', who was at Fettes at the same time, described the impact a school beating had on the entire pupil body. There would be an announcement at the school assembly that

the space between the glass doors is out of bounds and whoever it was that was going to get the beating was told to report to this room ... in the main part of the College East and College West, and on about the second

floor up there was a long corridor and there were glass doors at either end of it, and in the middle of this corridor, that was where this room was where the boys would – the boy would have to be beaten.<sup>491</sup>

'Roland' felt that whichever boy was involved would be terrified while the feeling amongst the rest of the school was 'horror ... Because they knew what was going to happen. I mean, nobody said a beating was going to take place, but everybody knew what was going to happen. And there were 12 prefects, so I'm pretty sure that that boy would get 12 strokes of the cane.'<sup>492</sup> He only remembered two school beatings in the time he was there.

'Roland' experienced the house version of a beating, which meant eight blows as there were eight prefects in the house. The venue was the same as for the school beatings, although he did not know why he was to be beaten and was not told after he got there. On arrival he was instructed by the head of house to kneel on a chair that had been placed on a table. Otherwise there was silence from the seven other prefects, who were lined up on one side of the room. All the prefects caned him once, passing the cane from one to the next. They all took a run up. The first blow was extremely painful but had a numbing effect. Eight blows were not as bad as his father's beatings which could be as many as twenty, though he thought that had he not had that previous experience it 'would have been a great deal more distressing'.<sup>493</sup>

The administration of corporal punishment by pupils was stopped in 1967 at, it was

490 [Transcript, day 251](#): read-in statement of 'John' (former pupil, 1955–60), at TRN-8-000000044, pp.117–19.

491 [Transcript, day 250](#): 'Roland' (former pupil, 1955–9), at TRN-8-000000043, p.29.

492 [Transcript, day 250](#): 'Roland' (former pupil, 1955–9), at TRN-8-000000043, p.30.

493 [Transcript, day 250](#): 'Roland' (former pupil, 1955–9), at TRN-8-000000043, p.39.

said, the request of prefects.<sup>494</sup> That did not, however, mean that all physically abusive punishment simply stopped. Rather, it continued but either unofficially or using different methods. Pupils were made to do 'punishment runs' to the point of making them sick,<sup>495</sup> and these continued even when staff tried to stop them in the 1980s.<sup>496</sup> Another abusive punishment was cold baths, as experienced by 'Robert':

Foolishly I was not rude but impertinent to a prefect ... I refused to participate in the cold bath that was ordered, so he instructed my peers to run the bath and place me in it. And I remember I'm in my pyjamas and dressing gown, I can remember the dressing gown and

the sort of silky cord that it had, like a rope cord, and when I eventually was allowed out, my hands were so cold that I couldn't undo my dressing gown cord and take my dressing gown and pyjamas, cold, freezing pyjamas off to get into a hot shower to try and restore body temperature. A kindly soul, also from the second division, kindly undid the knotted cord for me.<sup>497</sup>

There is no doubt that for much of the period covered by the evidence, Fettes was a violent environment in which pupils suffered painful, distressing, and inexcusable physical abuse meted out by other pupils which could have been but was not prevented.

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494 Fettes College, Minutes of meeting of The Governors of the Fettes Trust, 4 December 1978, at FET-00000003, pp.2-3.

495 [Transcript, day 254](#): read-in statement of 'Rory' (former pupil, 1976-84), at TRN-8-000000047, p.19.

496 [Transcript, day 256](#): read-in statement of 'Bobby' (former pupil, 1985-90), at TRN-8-000000051, p.8.

497 [Transcript, day 251](#): 'Robert' (former pupil, 1973-8), at TRN-8-000000044, pp.60-1.

## Introduction

I find that children at Fettes were emotionally abused. Bullying was routine at the school and often took the form of mocking or belittling others perceived to be weak or different from the norm. Such behaviour often involved physical abuse too, but the emotional impact – which was usually insidious – could be as great if not greater and longer lasting. Emotional abuse was also inherent in the misogynist and racist behaviour which occurred at Fettes and was not adequately addressed.

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**Emotional abuse was inherent in the misogynist and racist behaviour which occurred at Fettes.**

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## Belittling and mocking

'Robert' was clear that he did not fit in at Fettes:

Well, we ... come back to the ... games thing. If somebody had just coached me, I would have ... fitted in, because it kind of revolved around sport and ... what your prowess was at those sort of things, your size, your looks. It was a very ... critical place.<sup>498</sup>

'Robert' was mocked because in those days he was

very slight. I remember my mum and dad bought me a new suit, I think it was a 36-inch chest, and the comments were: 'You'll never grow into that', and I think now I couldn't even get my arm down the sleeve. It was ... instead of people being kind and looking for a positive, it was like they always had to look for something negative to say.<sup>499</sup>

'James' also spoke of 'mocking'. He said:

I suppose the culture at Fettes when I was there really was – there was just a tremendous amount of mocking ... it was a way of holding people to account ... so I just recall it as just excessive mocking, different pupils who were there [were] very, very cruel ... ganging up on people and tearing them apart. Personally tearing them apart for all sorts of things. Their physique, their demeanour, their accents. It was very cruel, very, very cruel. I suppose it was a way of administering power in a way by shaming people ... So in a way you had to kind of join in, you had to be part of it, of this cult.<sup>500</sup>

He continued: '[If] you weren't good at games, you would certainly be mocked ... So if anybody was, you know, slightly more academic or something like that, then it was

498 [Transcript, day 251](#): 'Robert' (former pupil, 1973-8), at TRN-8-000000044, p.49.

499 [Transcript, day 251](#): 'Robert' (former pupil, 1973-8), at TRN-8-000000044, p.50.

500 [Transcript, day 250](#): 'James' (former pupil, 1975-8), at TRN-8-000000043, p.72.

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**'If you were an academic and poor at sport, you were going to have a tough few years.'**

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possible that they would be mocked in some capacity.<sup>501</sup>

I am satisfied that it was not just a matter of mocking being possible - it was 'probable' and, for some, 'inevitable'.

'Rory' said: 'The bullying was rife at Fettes ... If you were an academic and poor at sport, you were going to have a tough few years.'<sup>502</sup> In relation to mocking, 'Andrew' said: 'Oh, that was absolutely right through the culture ... of the boys. I don't think the masters ... really thought about it ... but the pupils amongst themselves, yes, that could be really quite - quite brutal.'<sup>503</sup> He gave an example of a boy who was one of four brothers but the only one to have been sent to Fettes:

Having been cleaved away from his three other brothers, they were having a jolly good time down there, he was utterly, utterly, utterly miserable for his entire existence through Fettes. He was in my year and he had a really, really difficult time and ... the only expression I can use, he just was not up to it. It was not his thing. He was not good at sports, he wasn't particularly good academically, he was awkward in his manner and ... he always looked an utter shambles. It was all these kind of things. You just put the whole thing together and that was not a good ... thing. It's not a good way to be in that environment. He would be picked on mercilessly for

however many years, yes. Throughout his entire time.<sup>504</sup>

It never stopped. 'Andrew' was clear that staff must have been aware of the culture of mocking:

They knew that mocking was prevalent, and if they heard, you would ... at the very least you'd get told off for that. And you might ... get punished for it ... my experience is I wouldn't say it was condoned. But the difficulty is that there's an awful lot of the time where it's just the boys together. You know, you're not under 24/7 supervision. It's not the way it is ... if you're in the dormitory, there's no one there ... you run the place yourselves, so there was plenty of opportunity for people to be unkind without the masters actually even knowing.<sup>505</sup>

'William' said:

If you were different, your life could be pretty miserable. And I think particularly there were a few people in my year who were bullied by people within the year. So we didn't have that in Kimmerghame. We were - possibly ... united in adversity against those above us, we were a tight-knit group amongst ourselves. I'm not sure that was the case in all of the other houses. I think there were some individuals whose lives were made pretty miserable by their own year group and I think that's

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501 [Transcript, day 250](#): 'James' (former pupil, 1975-8), at TRN-8-000000043, p.75.

502 [Transcript, day 254](#): read-in statement of 'Rory' (former pupil, 1976-84), at TRN-8-000000047, p.23.

503 [Transcript, day 255](#): 'Andrew' (former pupil, 1976-82), at TRN-8-000000050, p.56.

504 [Transcript, day 255](#): 'Andrew' (former pupil, 1976-82), at TRN-8-000000050, p.59.

505 [Transcript, day 255](#): 'Andrew' (former pupil, 1976-82), at TRN-8-000000050, pp.59-60.

probably a lonelier place to be than when it's somebody above you.<sup>506</sup>

George Scott was mocked:

There was a lot ... of verbal mocking, a lot of that. I was mocked for being slightly overweight. I was mocked for not being terribly ... sporting, although I did play a bit of rugby. Veggie. Uncoordinated. Batty. Because I wasn't very good at sport. Gay boy, poof, that sort of - that mocking went on. That was incessant. And if you walked past and you had got the handle of being slightly overweight, and I wasn't terribly overweight ... they made a noise, which was representative of blubber ... and that would be done very loud but that would spread so you could have a group of about 20 or 30 people sometimes after prep or whatever all making that noise, which was mentally debilitating because it was against you. That's very common.<sup>507</sup>

He continued: 'There was a hierarchical mocking but ... it wasn't everyone mocking everyone, I wouldn't go that far, but it was widespread.'<sup>508</sup> As to which pupils were not subjected to mocking, it was 'the people that were perceived that could give you a good leathering. The people that were perceived as being top of the physical scale. Perhaps First XV rugby players, prefects. It was very much hierarchical, thinking about it.'<sup>509</sup> Like 'Andrew', George Scott was also in no doubt that staff were aware of such behaviour and condoned it: 'Sometimes they would refer to things. Sometimes they'd say: "Well, you know you're regarded as a bit of an oaf and

a veggie anyway, so smarten up". That was said to me.'<sup>510</sup> That was not just condoning the abusive behaviour but participating in it, which is breathtaking.

'Thomas' said: 'I very quickly became aware of a strange atmosphere of literally constant verbal abuse between the pupils. This was known as mocking. As a tall person, I was given plenty of abuse of this type.'<sup>511</sup> 'Bobby' summed it up:

If your face didn't fit for whatever reason, if you were cheeky, too big or too small, all of the other boys made a beeline for you. It was toxic masculinity, crossed with sexual repression, homophobia, and bigotry in a culture where 'boys will be boys'. Looking back, it was anything that they could use against you to single you out.<sup>512</sup>

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### **'It was a culture where "boys will be boys"':**

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For those who suffered high levels of abuse, life could be intolerable. 'Andrew' said:

There was no question, if it wasn't for you, then it really wasn't for you, and there were boys - which is the source of some shame - we were very unkind to. Any sign of weakness was pounced upon. It was - I don't want to say it was Lord of the Flies, but it was survival of the fittest and it made you quite tough. I mean, I came out of New Park ... I'd survived. I was always going to be fine at Fettes ... But for

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506 Transcript, day 257: 'William' (former pupil, 1979-86), at TRN-8-000000052, pp.154-5.

507 Transcript, day 253: George Scott (former pupil, 1977-83), at TRN-8-000000046, pp.82-3.

508 Transcript, day 253: George Scott (former pupil, 1977-83), at TRN-8-000000046, p.83.

509 Transcript, day 253: George Scott (former pupil, 1977-83), at TRN-8-000000046, p.83.

510 Transcript, day 253: George Scott (former pupil, 1977-83), at TRN-8-000000046, p.84.

511 Transcript, day 255: read-in statement of 'Thomas' (former pupil, 1980-5), at TRN-8-000000050, pp.71-2.

512 Transcript, day 256: read-in statement of 'Bobby' (former pupil, 1985-90), at TRN-8-000000051, pp.17-18.

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## ‘Girls were treated as second-class citizens.’

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others it was a struggle, there's no question about that. And if I had been their parents, I would have taken them away if I had seen how miserable they were because there were some guys - not many, but there were some who were just thoroughly miserable. It was the wrong environment for them.<sup>513</sup>

Such misery, so obvious to other pupils, must have been known about by at least some staff but if it was, it was ignored.

‘Max’ feels guilty for having mocked ‘Khalil’ for being a bedwetter. ‘Michael’ sought to address it but it carried on:

There was nothing in place to help him. He wet the bed a few times. There was no support, there was just abuse from us ... I look back now and it was shocking but that was the way it was. This was in the junior school and he never lived it down ... He went and told ‘Michael’ so ‘Michael’ came and had a talk with us and told us not to tease him. That was the first time it happened and we were never spoken to again about it ... The teasing didn’t stop and got worse. We told other people in school. It was really cruel. ‘Michael’s’ wife gave him a rubber mattress. That could have been concealed when we were out but we were all there.<sup>514</sup>

### Misogyny

Co-education was introduced in 1972 and by 1983 it had impact in every year. It brought about a cultural change. However,

similar to the situation at Loretto School, the evidence from some male pupils was that the integration may not have been smooth for all girls. ‘Rory’ said: ‘It wouldn’t surprise me if the Inquiry had a few of the girls that went to Fettes come out of the woodwork about how they were treated early doors.’<sup>515</sup> Rory was correct. In the 1970s, for example, ‘Kirsty’ complained, to no effect, about the treatment she received from her English teacher who repeatedly humiliated her in front of the whole class.<sup>516</sup> ‘Kirsty’s’ experience was at the hands of a teacher. However, just like the boys, girls were mocked by fellow peers. A shocking account of the treatment of girls at Fettes was provided by ‘Samantha’, whose problems came to a head in the early 2000s:

During my time in the senior school at Fettes, myself and a number of girls in my year were subject to daily verbal abuse, taunts, assaults, and bullying of an explicitly sexual nature by a significant number of boys from the year group. While individual boys certainly stood out as key perpetrators, the number of peers within the wider male group that cajoled and encouraged such behaviour pertained to a more ubiquitous and endemic culture of male entitlement, sexism, sexual harassment, and male dominance at the time. Girls were treated as second-class citizens ... and the institution appeared to enable such attitudes and behaviour to prevail. Such enabling was rooted in both subtle and more explicit forms of discrimination within the school culture ... lauding over the boys’ sports teams publicly in chapel, including cancelling lessons to

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513 Transcript, day 255: ‘Andrew’ (former pupil, 1976-82), at TRN-8-000000050, p.55.

514 Written statement of ‘Max’ (former pupil, 1973-80), at WIT-1-000000664, p.20, paragraphs 84-5.

515 Transcript, day 254: read-in statement of ‘Rory’ (former pupil, 1976-84), at TRN-8-000000047, pp.26-7.

516 Transcript, day 255: read-in statement of ‘Kirsty’ (former pupil, 1976-8), at TRN-8-000000050, pp.69-70.

attend 'important matches' while the female equivalent athletes and sports teams were not afforded the same celebration, treatment, or acknowledgement. However, more disturbing and explicit examples in its enabling of this harassment was the school's response (or lack thereof) to such behaviour. As such, the school failed to protect young girls from what would otherwise have been considered sexual harassment and sexual abuse in an adult workplace, despite having knowledge of what was going on.<sup>517</sup>

She continued:

Incidents ranged from groups of boys lining up either side of the entrance to the dining room (both lunch and dinner daily) to shout abuse at girls as they entered and exited: 'You're a fucking whore!' 'Your tits are too small!' 'You're a frigid bitch!' 'I'd fuck you if you weren't a munter!' 'You're a fucking slut!' 'Suck my dick you slut!' (I remember these words all too vividly), to abusive emails with similar sentiments being sent to individuals as well as entire year groups, to physical assaults including forcing a science book between my legs and up my skirt stating: 'Let's see how far up your fanny this will go', to taking a photo of a girl who is 13 to 14 years old partially unclothed and placing the photo in a public place, no doubt to incite humiliation.<sup>518</sup>

As 'Samantha' noted:

The abuse was pervasive and occurred as we walked between lessons, sat in class, ate our meals, and checked our emails for homework. The experiences are etched in my memory. I almost missed sports trials because I hid in

the dining room bathroom for so long, wishing the boys would disperse so I could avoid the taunts when leaving. We were not emotionally or physically safe anywhere on the grounds of the school, and I distinctly remember a constant fear and vigilance of where the next barrage of abuse would come from. This all occurred at such a crucial time in our development as young women, mainly between the ages of 13 to 16.<sup>519</sup>

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**'We were not emotionally or physically safe anywhere on the grounds of the school.'**

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Matters were made worse when a number of the boys who had led the abusive treatment of the girls were appointed as prefects or heads of house when in the sixth form. As 'Samantha' observed: 'Those who perpetrated a culture of sexist abuse were publicly rewarded and celebrated. What does this tell those girls about what would be permitted?'<sup>520</sup>

'Samantha's' mother complained but Fettes' response was not effective in changing the culture. The deputy headmistress appeared to place 'onus and responsibility on the victims. The passive response belies the nature of the issue that had been explicitly spelt out in several pleading meetings by myself, other girls and in a letter from ... my mother.'<sup>521</sup>

What 'Samantha' experienced of this abuse 'and Fettes' response to it left deep wounds, which have remained unhealed

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517 [Transcript, day 258](#): read-in statement of 'Samantha' (former pupil, 1998-2005), at TRN-8-000000053, pp.170-1.

518 [Transcript, day 258](#): read-in statement of 'Samantha' (former pupil, 1998-2005), at TRN-8-000000053, p.171.

519 [Transcript, day 258](#): read-in statement of 'Samantha' (former pupil, 1998-2005), at TRN-8-000000053, pp.171-2.

520 [Transcript, day 258](#): read-in statement of 'Samantha' (former pupil, 1998-2005), at TRN-8-000000053, p.175.

521 [Transcript, day 258](#): read-in statement of 'Samantha' (former pupil, 1998-2005), at TRN-8-000000053, p.175.

to date owing to the lack of atonement or acknowledgement at the time'.<sup>522</sup>

All of this happened when Michael Spens was headmaster. In evidence, Michael Spens did not seek to dissociate himself from the generality of 'Samantha's' account, and said: 'The honest answer to that is there would undoubtedly have been elements of that. If it ever came to the attention of anybody in authority, it would have been addressed. But that was certainly a battle that had to be fought and continues to be fought.'<sup>523</sup>

The problem, however, is that, on the evidence, I cannot conclude that the matter was adequately addressed when it was raised either by 'Samantha', acting – as she did – as a spokesperson for all the girls, or by her mother, when she first wrote to the school. Nor does the evidence support the view that it was a battle Fettes was actively fighting for its female pupils. Interestingly, Michael Spens said: 'In my time at Fettes it mattered a lot how the First XV did. It also mattered how the girls' First XI hockey did. If you talked to the girls they would probably think they always came second best, but that isn't actually the reality of it'.<sup>524</sup>

That may not have been how Michael Spens saw it but it only underlines the inherent problems with the culture that prevailed at the time, because it is clear that that is exactly how it was for the girls. He was aware of the issue but at the time could or would not see

that misogyny had not been eradicated and girls were still suffering from a distinct sense of gender inequality.

The current head, Helen Harrison, accepted that the school's response to 'Samantha' was poor. She wrote to 'Samantha' and apologised, recognising her courage in reporting. Helen Harrison did not know of the problem which, she accepted, demonstrated real problems of communication.<sup>525</sup> It was not, she said, until the impact of movements such as Everyone's Invited,<sup>526</sup> which was established in 2020, that the school fully appreciated its failings.

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**Girls were suffering  
from a distinct sense of  
gender inequality.**

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It is disturbing that it was not until well into the twenty-first century that the school properly addressed its having failed to take account of the female perspective despite girls having been admitted as pupils for several decades by then, and only because of the pressures brought to bear by outside agencies such as Everyone's Invited.

## Racism

Racism at Fettes was first noticed by pupils in the 1950s. For example, members of the Officers' Training Corps habitually used

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522 [Transcript, day 258](#): read-in statement of 'Samantha' (former pupil, 1998–2005), at TRN-8-000000053, pp.168–9 and Fettes College, Correspondence with deputy head, June 2003, at FET-000000351, pp.6–10.

523 [Transcript, day 259](#): Michael Spens (former headmaster, 1998–2017), at TRN-8-000000054, p.147.

524 [Transcript, day 259](#): Michael Spens (former headmaster, 1998–2017), at TRN-8-000000054, pp.145–6.

525 [Transcript, day 260](#): Helen Harrison (head, 2019–present), at TRN-8-000000055, p.30.

526 [Everyone's Invited](#) is 'a charity dedicated to exposing and eradicating rape culture with empathy, compassion, and understanding' including educating 'young people to empower school communities to foster healthy relationships, sexual well-being, and to tackle rape culture'.

language 'with respect to people of colour [which] was racist', and 'John', 'as a citizen of the Irish Republic, was sometimes at the receiving end of its equivalent'.<sup>527</sup> At that time, 'there were just a few boys from South America, South Africa, and one of mixed race. Names like "Dago" and "Wog" were used, totally unacceptable now, of course, and should have been then'.<sup>528</sup> 'Alasdair' spoke of there having been a blatantly racist teacher in the early 1970s who 'abused a boy who was a Hong Kong Chinese descendant, who was born and raised in Scotland. [The teacher] would openly mimic him by pulling up his own eyebrows and speaking in a stereotypical Chinese mocking language'.<sup>529</sup>

In the 1980s 'Susan' experienced a master who was 'mean-spirited ... [and] openly and publicly mocked my American accent, American language usage, my unfamiliarity with protocol, and he caused me to be afraid of him, but only of potential further humiliation, not bodily harm'.<sup>530</sup>

'Victoria', a pupil in the late 1980s, described

the anti-English sentiment of the pupils and certain teachers at Fettes. I experienced some pupil-on-pupil anti-English sentiment at Fettes that my brother later complained of at The Edinburgh Academy. Although quite a few of the pupils were from overseas, being English was still a big problem. I was made to feel unwelcome by some pupils. This ... was also taken up by some of the pupils from overseas. I had a discussion with someone about it in

my house. They were not from Scotland, but they identified with the anti-English sentiment. When I told one of my friends about a boy that I liked, I was told that he would not be interested in me because I was English. He didn't like the English.<sup>531</sup>

'Alistair' described further racist abuse by pupils towards others and is still ashamed of his actions: 'I remember being part of a group that hung a noose at the end of a boy's bed because he was Black. I remember not intervening when a boy was beating the shit out of a little Pakistani boy'.<sup>532</sup>

Racism was still prevalent in the 1990s, as should have been obvious to staff:

The bullies found out what was obvious about you, what your deformity was, for example, if you had a big nose, [were] overweight, effeminate or were half Asian. The Chinese Asians were called 'noodle', 'Charlie Chan', or 'chink'. I was called 'half caste' a lot. One of the Black kids was called 'Chalky'. One of the other Black kids was called 'Benson'. If someone was playing rugby, the school would shout: 'Well done, Benson'. The teachers knew, everybody knew. There was a Japanese boy in my year who was called Bob because no one could pronounce his name. It was standard. If you were subcontinental Asian and very brown-skinned you were called 'smelly Paki'. If you were Catholic, you got it too because most of the school were Protestant. So there was sectarian nonsense thrown in too.<sup>533</sup>

527 [Transcript, day 251](#): read-in statement of 'John' (former pupil, 1955–60), at TRN-8-000000044, p.121.

528 [Transcript, day 251](#): read-in statement of 'Brian' (former pupil, 1956–62), at TRN-8-000000044, pp.122–3.

529 [Written statement of 'Alasdair'](#) (former pupil, 1969–74), at WIT-1-000001284, p.19, paragraph 89. For another example of racism in the 1970s see [Transcript, day 254](#): read-in statement of 'Rory' (former pupil, 1976–84), at TRN-8-000000047, p.17.

530 [Transcript, day 255](#): read-in statement of 'Susan' (former pupil, 1982–3), at TRN-8-000000050, p.82.

531 [Written statement of 'Victoria'](#) (former pupil, 1987–9), at WIT-1-000001553, p.6, paragraph 18.

532 [Transcript, day 255](#): read-in statement of 'Alistair' (former pupil, 1984–9), at TRN-8-000000050, p.80.

533 [Transcript, day 256](#): read-in statement of 'Bobby' (former pupil, 1985–90), at TRN-8-000000051, p.21.

What is all the more disappointing is that in the same decade, Fettes was very active in its recruitment of international pupils. 'Elizabeth' explained:

It wasn't just that there was loads of people there who came from abroad, it was, like, so many of them didn't speak English when they arrived and my perception was that Fettes did a lot to shore them up so they could build their English skills really, really quickly, because they did.<sup>534</sup>

Michael Spens thought Fettes tried very hard to 'embrace different cultures, and there would be celebrations of, for instance, Chinese New Year that would be very much built into the timetable of the school'.<sup>535</sup>

But there is much more to eradicating racism and protecting against it re-emerging than celebrating Chinese New Year. Despite an increasing number of international pupils Fettes did not pay sufficient regard to their ethnicity, for example when it permitted and agreed to facilitate the conducting of mock slave auctions for charity. Andrew Alexander remembered a slave auction occurring when he was working in the senior school:

[I] wasn't comfortable with it as a thought. I thought this doesn't seem the right thing to do, but I wasn't in a position to comment on it. The only good thing about it was that it was entirely voluntary. The only pupils who took part, who put themselves up at slaves, did it because they thought it would be a fun

thing to do and it was generally viewed in that light.<sup>536</sup>

He thought it was a one-off and 'I didn't see anything particularly sinister coming out of it, but I was a bit concerned. I didn't think it was a good way to go'.<sup>537</sup>

Saffy Mirghani, one of two Black females in her year group, did not believe the auction referred to by Andrew Alexander was a one-off event. She said: 'I'm not sure when the tradition of the mock slave auctions initially began, but it was a longstanding one arranged by prefects in the upper sixth form and only involved students in the upper sixth form'.<sup>538</sup> When asked if she was concerned at the time about the event she said:

If I'm being totally honest with you ... It partially concerned me, but it didn't concern me as much as it should have and it didn't concern me as much as it concerned me when I was recollecting it many years afterwards, because it was just ... it was just so normalised.<sup>539</sup>

She believes charity slave auctions continued to take place after she left school and possibly until 2015. Michael Spens left Fettes in 2017 and was clear the slave auctions had been stopped by then. They were 'open to misinterpretation. And just not helpful when you're trying to put across messages of tolerance and no discrimination and anti-bullying and all of that. It ... was meant to be light-hearted and positive in nature.'

534 Transcript, day 258: 'Elizabeth' (former pupil, 1992-4), at TRN-8-000000053, p.35.

535 Transcript, day 259: Michael Spens (former headmaster, 1998-2017), at TRN-8-000000054, p.151.

536 Transcript, day 259: Andrew Alexander (former teacher, 1990-2012), at TRN-8-000000054, pp.36-7.

537 Transcript, day 259: Andrew Alexander (former teacher, 1990-2012), at TRN-8-000000054, p.37.

538 Transcript, day 259: Saffy Mirghani (former pupil, 2011-13), at TRN-8-000000054, p.107.

539 Transcript, day 259: Saffy Mirghani (former pupil, 2011-13), at TRN-8-000000054, p.108.

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## Fettes was reactive and not proactive.

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The result was unhelpful.<sup>540</sup> That is an understatement.

Helen Harrison said that Fettes

didn't take on board what was so obvious and so evident now. It was something that was seen by the majority as a charity fundraising event, but ... I can't actually sit here and explain that now in terms of why they happened. They were wrong and just should never have happened.<sup>541</sup>

As Helen Harrison gave her evidence on the topic of slave auctions, it became clear that it was in fact pupils who had voiced concerns and not the school itself. Once again, Fettes was reactive and not proactive. 'It was - prefects ... the tone had changed and it wasn't right ... Prefects came to me. I discussed it with Mr Spens, and we made that decision.'<sup>542</sup> She agreed that the trigger was not the school taking the view that slave auctions were wrong in themselves but rather the fact that prefects were being abused in terms of tasks they were being asked to perform as slaves.<sup>543</sup>

Saffy Mirghani believes the fact that the school was having a slave auction reflected a culture she found traumatic.<sup>544</sup> She said: 'I endured inhumane treatment throughout

my two years at the school. From my earliest times there I recall that a white male pupil refused to take a pencil from me during class because I am Black.'<sup>545</sup> She continued:

When I went there ... I just went there with the belief that I have a certain human dignity that should be respected in equal measure to everyone else ... I went there viewing myself as a human being and that I should be treated as such. But the students, the male students in particular, had a problem with that. They ... seemed to feel that I should have walked around, carried myself in a way that embodied my belief that I was slightly inferior to them because I am not white and because I am not extremely wealthy.<sup>546</sup>

She was subjected to racist abuse by a pupil from Eastern Europe, and stated that his beliefs and behaviours were not called out by Fettes but instead 'must have been legitimised'<sup>547</sup> and that 'what he witnessed at Fettes was a sort of - an environment of institutionalised racism. His views were once again justified.'<sup>548</sup> She continued: 'Not only was nothing done, the staff at times sort of encouraged it and participated in it.'<sup>549</sup> Andrew Alexander spoke of there being interracial tensions: 'We learnt some interesting interracial relationships which I hadn't appreciated, like between Russia and

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540 Transcript, day 259: Michael Spens (former headmaster, 1998-2017), at TRN-8-000000054, p.150.

541 Transcript, day 260: Helen Harrison (head, 2019-present), at TRN-8-000000055, p.66.

542 Transcript, day 260: Helen Harrison (head, 2019-present), at TRN-8-000000055, pp.67-8.

543 Transcript, day 260: Helen Harrison (head, 2019-present), at TRN-8-000000055, p.70.

544 Transcript, day 259: Saffy Mirghani (former pupil, 2011-13), at TRN-8-000000054, p.109.

545 Transcript, day 259: Saffy Mirghani (former pupil, 2011-13), at TRN-8-000000054, p.96.

546 Transcript, day 259: Saffy Mirghani (former pupil, 2011-13), at TRN-8-000000054, pp.98-9.

547 Transcript, day 259: Saffy Mirghani (former pupil, 2011-13), at TRN-8-000000054, p.100.

548 Transcript, day 259: Saffy Mirghani (former pupil, 2011-13), at TRN-8-000000054, p.100.

549 Transcript, day 259: Saffy Mirghani (former pupil, 2011-13), at TRN-8-000000054, p.102.

Ukraine, it came to the fore that we weren't aware of.<sup>550</sup> It cannot be said that Fettes was unaware of cultural differences or the possibility of them.

Saffy Mirghani publicised an account of her experience at Fettes in November 2020, seven years after she left:

I read an article online, I think it was the *Daily Mail*, out of all sources, wherein a number of schools had promised, a number of the top private schools in the country had promised and had pledged that they would use the Black Lives Matter movement as a catalyst for real change and that they were looking to decolonise their curriculum and Fettes was one of the schools. And I am going to be completely honest, I read that and ... I was shocked but I was infuriated, because here was a school sort of placing itself at the forefront of ... this very progressive new movement in society, which not only asserts that equality is very important and that students should be treated equally, but sort of a movement that challenges the very nature of the curriculum ... and the school sort of said that ... they were actively pursuing that ... but that wasn't the case at all. My experience of the school was the complete opposite. So I just sort of took it as this sort of virtue signalling.<sup>551</sup>

She was infuriated because

a school that talks about decolonising a curriculum is a school that is not institutionally racist. That's a school that first of all treats all its students equally, that doesn't have slave auctions ... where every student feels comfortable and safe and doesn't feel like

they are ... at a disadvantage because I'm Black. So a school that is interested in decolonising a curriculum already has all of that sorted.<sup>552</sup>

Saffy Mirghani does not believe Fettes 'had all of that sorted'. She was

contacted by a Black female student who had left the school, I think, in 2015, 2016 ... she was multiple times on multiple occasions called the N word. I wasn't called the N word. Called the N word in front of staff and staff did nothing, staff laughed. And I believe her.<sup>553</sup>

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### There was racism at Fettes which led to racist abuse well into the new millennium.

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I have no difficulty in accepting that there was racism at Fettes which led to racist abuse from at least the 1950s well into the new millennium. The school did not address it as it should have done. It seems that it was really not until the activities of Everyone's Invited and the Black Lives Matter movement acted as a wake-up call that the school focused on the problem. That was in 2020, yet the school had been admitting pupils from abroad, including those of different racial backgrounds, since long before then. As Michael Spens said,

Fettes was quite multicultural throughout my time, and we did all we could to ensure that there wasn't any racism or any other sort of discrimination in the school. But could I put my hand on my heart and say it never happened? Of course I couldn't. I ... have the advantage

550 Transcript, day 259: Andrew Alexander (former teacher, 1990-2012), at TRN-8-000000054, p.21.

551 Transcript, day 259: Saffy Mirghani (former pupil, 2011-13), at TRN-8-000000054, pp.111-12.

552 Transcript, day 259: Saffy Mirghani (former pupil, 2011-13), at TRN-8-000000054, p.112.

553 Transcript, day 259: Saffy Mirghani (former pupil, 2011-13), at TRN-8-000000054, pp.112-13.

of having three children who went through the school and if you talked to my children, certainly to my daughters, they would say yes, some of our friends were on the wrong end of racist comments.<sup>554</sup>

He added: 'It was only ... when they were reflecting on their time [at school] that it came out.'<sup>555</sup>

Helen Harrison contacted Saffy Mirghani by email on 13 November 2020 after becoming aware that she had engaged with *The Scotsman*. She invited Saffy Mirghani to

come back to Fettes so I can apologise in person, listen to you, and learn. Your experience matters to me and I want to make sure that the environment you describe has absolutely no place in the Fettes of today. In recent years we have instigated some key changes, some of which are outlined in the statement below, but I am not complacent. I know that we need to keep educating the whole community and ensuring that we show we are inclusive by our actions.<sup>556</sup>

Helen Harrison also intimated the allegation to the Registrar of Independent Schools. On or around 18 November 2020 the Registrar requested the school provide information for the consideration of the Scottish Ministers.<sup>557</sup> Helen Harrison responded to the Scottish Ministers on 6 December 2020;<sup>558</sup> thereafter neither the Registrar nor the Scottish Ministers took any further action.

Helen Harrison said: 'I think before Saffy's articles, we'd had the Black Lives Matter and after that Everyone's Invited, and I think we have to take a really hard look at ourselves ... to make sure that we are proactive in everything we do to look after the children in our care.'<sup>559</sup> She continued:

I deeply regret Saffy's experience ... I would very much want to talk to her to listen and learn from her, and we've done the same with others who have come forward. The well-being of everybody in my care matters to me hugely, and therefore that this was her experience or experience of others is something that is absolutely wrong and something we've got to learn from.<sup>560</sup>

Saffy Mirghani appreciated Helen Harrison's email, thought it 'clearly very sincere, very genuine, and ... [I] believed everything [she] was saying' but did not respond for reasons she explained in evidence,<sup>561</sup> which included her having a continuing mistrust of the school. However, she remained open to taking up the offer of a meeting at a later date.

Before 2021 Fettes was not proactive. Its responses were largely defensive and reactive. Helen Harrison acknowledged that Saffy Mirghani

experienced a culture that we do not accept and tolerate ... everything we say was not being acted out and that's the key thing,

554 [Transcript, day 259](#): Michael Spens (former headmaster, 1998-2017), at TRN-8-000000054, p.148.

555 [Transcript, day 259](#): Michael Spens (former headmaster, 1998-2017), at TRN-8-000000054, p.148.

556 Fettes College, Email from head, 13 November 2020, at FET-000000421.

557 Fettes College, Letter from Education Scotland, 18 November 2020, at FET-000000420.

558 Fettes College, Email from head, 6 December 2020, at FET-000000428.

559 [Transcript, day 260](#): Helen Harrison (head, 2019-present), at TRN-8-000000055, p.17.

560 [Transcript, day 260](#): Helen Harrison (head, 2019-present), at TRN-8-000000055, p.19.

561 [Transcript, day 259](#): Saffy Mirghani (former pupil, 2011-13), at TRN-8-000000054, pp.117-19.

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## 'The whole experience of Fettes left me feeling useless.'

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isn't it? ... The learning has to be: how can we make this the lived experience of each and every single member of our community?<sup>562</sup>

She continued: 'You need to know people as individuals, you need to know what's happening in their world and that is at the absolute basis of who we are, and within the boarding context that is key because people are out of their environment.'<sup>563</sup> She went on to state that the school has 'to understand how people are feeling and how people are ... race is absolutely a part of that, but it's whatever makes anybody feel different is included ... in what I'm talking about when I talk equality, diversity, inclusion'.<sup>564</sup> And 'Equality, diversity, inclusion was previously included in the Fettes counter-bullying policy'.<sup>565</sup>

However, despite these recognitions, for too long the individuality of pupils, as marked by their being different from the perceived norm, was not always respected at Fettes. Those who displayed such differences were at risk of being abused by reason of their race but were not protected from it; they were emotionally abused including by being mocked and belittled, and suffered associated physical abuse in circumstances where staff failed to intervene, thus allowing such behaviour to be normalised.

### Homophobia

Homophobia, manifested by boys using the term 'gay' pejoratively, was a common means of emotional abuse. The evidence suggests it was not as prevalent as it had been at Merchiston Castle School, for example, but George Scott certainly recalled Fettes being homophobic during his time as a pupil there: 'Utterly so'.<sup>566</sup>

### Impact of abuse

The impact of the various kinds of abuse experienced at Fettes has been profound for some of the applicants.

'Lloyd' has 'feelings of total hatred towards Fettes and all that it stands for. I have a massive dislike of unearned privilege'.<sup>567</sup>

'Roland' explained: 'I'm afraid even now I couldn't set foot in the Fettes grounds ... there was a period of time after I left Fettes where I didn't even want to come to Scotland ... That's completely different now, but that's how it left me feeling, unfortunately'<sup>568</sup> and 'a lot of it's to do with the prefects because they were the ones that you had most of your dealings with. The bullying culture that was obviously in place ... The whole experience of Fettes left me feeling useless'.<sup>569</sup>

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562 Transcript, day 260: Helen Harrison (head, 2019-present), at TRN-8-000000055, p.21.

563 Transcript, day 260: Helen Harrison (head, 2019-present), at TRN-8-000000055, p.22.

564 Transcript, day 260: Helen Harrison (head, 2019-present), at TRN-8-000000055, p.23.

565 Transcript, day 260: Helen Harrison (head, 2019-present), at TRN-8-000000055, p.27.

566 Transcript, day 253: George Scott (former pupil, 1977-83), at TRN-8-000000046, p.89.

567 Transcript, day 250: read-in statement of 'Lloyd' (former pupil, 1955-7), at TRN-8-000000043, p.176.

568 Transcript, day 250: 'Roland' (former pupil, 1955-9), at TRN-8-000000043, p.5.

569 Transcript, day 250: 'Roland' (former pupil, 1955-9), at TRN-8-000000043, p.51.

'Alan' felt that:

[Fettes] undermined me at every turn of my career and I have to say I became a very, very high functioning alcoholic addict as a result of the – and I hate using this word – trauma I experienced through my education. I absolutely did. And I've had decades of therapy trying to sort that out.<sup>570</sup>

He continued:

I use strong words because I feel very strongly about it, by a school that had no pastoral care at the time that I was present at it at all ... if it hadn't been for the girls in my last year, I think I probably would have killed myself. Which is very strange considering I'm a gay man ... One of the girls ... who I had dinner with last night, who is the only friend I have from school ... said: 'We saved you, we saved you' ... They did, they sort of protected me and allowed me an emotional language that I hadn't experienced before.<sup>571</sup>

'Alan' concluded his evidence by saying: 'I'm just very angry still and I wish I wasn't.'<sup>572</sup>

'William' observed 'character building and all that kind of stuff, sometimes it can be confidence-destroying, and I think that was a significant part of my experience'.<sup>573</sup>

'Thomas' has 'no happy memories of feeling included, loved, or appreciated. I was still at a vulnerable age when I went to Fettes and was treated appallingly. Worse still, no one seemed to care. As an adult I have a loathing of posh accents and am defensive often'.<sup>574</sup>

'Alistair' found that:

The violence had an impact on all of us in Carrington third form. For me, I developed very strong social anxiety. I could not go to parties in the holidays for fear of being mocked or bullied. I used to sit at home day after day avoiding contact with others. My academic work suffered from the indolence caused by depression. I missed deadlines and did the bare minimum to keep up with academic studies. I was angry with others. I could not cope with social relationships. I underperformed. Other contemporaries failed their A levels, the impact blighting their long-term career prospects ... I have suffered until well into my 40s with post-traumatic stress disorder, which only in the last couple of years has counselling allowed me to mitigate. The PTSD was less about the violence but more the deep-seated social anxiety, situations in which I had said or done the wrong thing played over and over. It has had an impact on my career and how I treat others around me ... I suffered rages that others did not deserve. I suffered continually from depression and insomnia for years.<sup>575</sup>

## Response to evidence of abuse at Fettes College

The current head of Fettes, Helen Harrison, and her predecessor, Michael Spens, gave oral evidence, and it was clear that both had been affected by the accounts of abuse and failures that had taken place in the past as well as during their own tenures. They explained that involvement with the Inquiry, in particular when preparing their responses

570 Transcript, day 250: 'Alan' (former pupil, 1969-74), at TRN-8-000000043, p.140-1.

571 Transcript, day 250: 'Alan' (former pupil, 1969-74), at TRN-8-000000043, p.143.

572 Transcript, day 250: 'Alan' (former pupil, 1969-74), at TRN-8-000000043, p.146.

573 Transcript, day 257: 'William' (former pupil, 1979-86), at TRN-8-000000052, p.164.

574 Transcript, day 255: read-in statement of 'Thomas' (former pupil, 1980-5), at TRN-8-000000050, pp.74-5.

575 Transcript, day 255: read-in statement of 'Alistair' (former pupil, 1984-9), at TRN-8-000000050, p.78-9.

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**'We can never be complacent about anything that relates to the wellbeing of the students in our care.'**

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to the section 21 notices served on them, made Fettes think about and review its past in a way that it had not previously done.

Michael Spens acknowledged that Fettes had been over-defensive and protective of its reputation during much of his tenure. On reflection, he would have done things very differently in 2017 compared with, for example, the way he had responded when 'Frank' complained about Iain Wares in 2005.<sup>576</sup> He said the response would have been 'far less defensive and much more sympathetic, and we would have hopefully engaged in a conversation with the individual to discuss ways of taking this forward in a constructive manner'.<sup>577</sup>

Helen Harrison agreed and said: 'Fettes, when it came to allegations of abuse, was over defensive ... we were too defensive, and it's something we have tried very hard to make sure we are not.'<sup>578</sup> She acknowledged that 'there's been a point of reflection. That's me listening to my predecessor, as you were yesterday'.<sup>579</sup>

In preparation for her own appearance before the Inquiry, Helen Harrison had prepared a statement seeking to set out her thoughts on the evidence of the applicants and what Fettes is currently doing to try to ensure that past mistakes are learnt from and not repeated, as well as making sure that processes exist to minimise, as much as possible, the risk of future abuse:

I wish to begin by saying something of what the applicants' evidence has meant to Fettes, and to me. It has been harrowing to hear of sexual, physical, and emotional abuse at Fettes from those who have come to the Inquiry and those who have provided such accounts in statements. The school accepts and admits that such abuse has occurred. This is now part of its history; a part that the school must acknowledge. Everyone who has contributed has shown bravery in coming forward and I hope they know that I have listened very carefully to everything that they have said. I do believe that everyone in staff and governance at Fettes truly understands the importance of safeguarding but the deeply personal accounts the school has heard from applicants provides a very real lesson as to the responsibility placed on the school. The evidence of the applicants shows very clearly how what happens during one's school years has a huge impact on one's future. The applicants show that the culture of a school is fundamentally important, and that such culture must actively nurture and foster respect. Everyone must have a 'voice'. Whilst I have always believed this, I have been thinking again, in the course of the last few days, about how we must ensure as best we can that every pupil can, and will, find someone they can talk to if this is ever needed. We can never be complacent about anything that relates to the wellbeing of the students in our care.

When the school gave an opening statement to the Inquiry in March, it made a full and

576 [Transcript, day 259](#): Michael Spens (former headmaster, 1998-2017), at TRN-8-000000054, p.140.

577 [Transcript, day 259](#): Michael Spens (former headmaster, 1998-2017), at TRN-8-000000054, p.140.

578 [Transcript, day 260](#): Helen Harrison (head, 2019-present), at TRN-8-000000055, pp.6-7.

579 [Transcript, day 260](#): Helen Harrison (head, 2019-present), at TRN-8-000000055, p.8.

unreserved apology to those who have suffered abuse whilst at Fettes. I renew that apology on behalf of the school. As the school recognised at the time of the opening statement, words of apology, of themselves, may have limited worth. I hope, perhaps, that my evidence as to our current approach to safeguarding helps give substance to our apology.<sup>580</sup>

At the time of the hearings Helen Harrison had been at Fettes since 1996 and had given most of her adult life to education with, I accept, entirely good intentions. However, she had heard evidence of shortcomings during that period. She accepted that they had occurred, she took them on board, and at times she was visibly upset and emotional.

As she said:

the full weight of that responsibility is felt. Each witness statement has been listened to. I will learn and it will make us better because that's every single thing I do, and it's not a personal thing. If I've got – I am an emotional sort, as you can see, but that's because it matters. And if I don't get emotional after having listened to what these witnesses have said about a place

that matters to me, then something's really wrong with me.<sup>581</sup>

Helen Harrison found it hard to accept that Fettes had been more reactive than proactive in response to issues such as misogyny and racism, because personally she had always tried to do the right thing. However, she acknowledged that there was and is a problem common to many staff, and heads in particular, which is a lack of time to think. That is not just a matter of practicality; it is fundamental. Those in such senior leadership positions have to make and be allowed to make time for thinking and reflection. Fettes has, I accept, actively sought to respond to all that it has learnt from the evidence. She said:

I need to give time. But I don't think that's just me. You'll see throughout the course of the time that we've done, we – it used to just be me doing this. It's then two people, it's now three people, and so therefore it is ... making sure those people have time. We're already looking at houseparents – are we asking them to do too much? Their timetable has reduced. It does come down to making sure people have the time to do the best practice.<sup>582</sup>

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580 Fettes College, Written submission of Helen Harrison, 3 December 2021, at FET-000000431, pp.4-5.

581 [Transcript, day 260](#): Helen Harrison (head, 2019-present), at TRN-8-000000055, pp.77-8.

582 [Transcript, day 260](#): Helen Harrison (head, 2019-present), at TRN-8-000000055, pp.80-1.

# 8

## Iain Wares

This section contains findings relevant to both Fettes College and The Edinburgh Academy. It is, accordingly, included in both sets of case study findings, though there may be further information to be added by the time the Edinburgh Academy findings are published. The references made in this volume to the medical records of Iain Wares in relation to psychiatric treatment he received at the Royal Edinburgh Hospital (REH) was not possible at the time of the Fettes hearings. A request, on the instruction of Inquiry counsel in 2020, to recover any medical records from the NHS was unsuccessful; it was reported that the records could not be found and had been destroyed in accordance with NHS policy. The records did, however, subsequently come to light and were provided to SCAL in 2022.

Iain Wares is referred to as 'Edgar' in some of the evidence published by the Inquiry prior to 7 March 2023, the date on which I issued my decision regarding applications for permission to identify a 'protected person',<sup>583</sup> the effect of which was that he no longer had anonymity under my General Restriction Order<sup>584</sup> and could be identified thereafter.

### Introduction

Iain Wares arrived in Edinburgh from his home in Cape Town, South Africa in 1967, aged 27. He had been working as a teacher at St George's Grammar School in Cape Town but had resigned from his post in April that year on account of incidents of what he referred to as 'playing around with small boys'.<sup>585</sup> In the course of the next 12 years of his teaching career in Scotland, and possibly much longer on his return to South Africa, the norm became that he was 'asked to leave' teaching jobs 'quietly on account of similar incidents'.<sup>586</sup> The headmaster of St George's had asked him if he had been 'interfering'<sup>587</sup> with children, he admitted having done so, and he resigned 'as one would have to do'.<sup>588</sup> He realised he had to leave: 'Once it started I couldn't stop it'.<sup>589</sup>

The incidents had, according to him, happened 'because the situation is easy. It's an easy outlet for someone quiet like me, an outlet for sexual urges.' In one incident a boy had taken his work to show to Wares and stood next to him, which he, Wares, found 'terribly difficult'.<sup>590</sup> He then put his hand on the child's leg, moved it upwards, and

<sup>583</sup> Scottish Child Abuse Inquiry | GRO hearing - Chair's decision, 7 March 2023.

<sup>584</sup> Scottish Child Abuse Inquiry | General Restriction Order.

<sup>585</sup> PSS-000025893, p.2.

<sup>586</sup> PSS-000025843, p.16.

<sup>587</sup> PSS-000025893, p.2.

<sup>588</sup> PSS-000025893, p.2.

<sup>589</sup> PSS-000025893, p.2.

<sup>590</sup> PSS-000025893, p.2.

proceeded to touch his penis. He did something similar to another boy and it produced an erection. They were 'rather gross homosexual incidents - i/c young boys - either in class or boarding house'.<sup>591</sup>

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### **Wares had been aware of having these tendencies for a number of years.**

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Wares had been aware of having these tendencies for a number of years and was worried about the effect that what he referred to as 'his perversion' might have on his career.<sup>592</sup> That worry persisted and is referred to repeatedly in his medical records. Wares' use of the term 'gross' was apt; indeed, he himself realised how bad it was, as was captured in some of the REH notes at the time, such as the nursing note for 27 June 1975: 'Spoke of interview and of how it really brought it home to him how disgusting his conduct was when doctor made him literally spell out everything'.<sup>593</sup>

### **Referral to the Royal Edinburgh Hospital**

A Cape Town neurologist referred Wares in 1967 to Dr (later Professor) Henry Walton, at REH. It was unusual for such a referral from abroad to occur.<sup>594</sup> Walton was South African, and the Cape Town neurologist, a friend of the family of Iain Wares, seems to have thought that Walton would be able to 'cure' him. Wares arrived in Edinburgh in the late

spring of 1967 and was admitted to REH as an inpatient on 13 June under the care of Walton with an initial diagnosis of:

- (1) Homosexuality (liking for young boys)
- (2) Personality disorder - dependent type.<sup>595</sup>

Walton was the consultant in charge of treating Iain Wares over a period of many years thereafter, ending in 1979. Whilst most of his treatment was on an outpatient basis, he was an inpatient for a couple of months in 1967 and again for a similar length of time in 1975 when the initial diagnosis, as recorded in his medical records, was:

- (1) Acute alcoholism
- (2) Homosexuality (paedophilia)
- (3) Passive dependent personality disorder.<sup>596</sup>

Four years later, in 1979, when last treated in Scotland, the diagnosis was in exactly the same terms.<sup>597</sup> There is ample other evidence in Wares' medical records of the treatment failing to 'cure' him. On the contrary, many entries record that he remained strongly attracted to young boys and had ongoing fantasies about them, whilst others show that he had real difficulty in managing anger when handling children. Nor do his alcohol problems seem to have been successfully addressed.

During the years he lived in Edinburgh, Iain Wares was employed as a teacher at two boarding schools. One was The Edinburgh Academy, between 1968 and 1973. The

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591 PSS-000025894, p.3.

592 PSS-000025893, pp.2-7.

593 PSS-000025842, p.39.

594 *Transcript, day 367*: 'Frances' (retired consultant psychiatrist), at TRN-8-000000083, p.62.

595 PSS-000025903, p.4.

596 PSS-000025905, p.5.

597 PSS-000025843, p.10.

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## The drinking exacerbated Wares' lack of inhibitions in relation to his conduct towards boys.

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other was Fettes College, between 1973 and 1979. When he 'started work as a school teacher at the Academy, his problems began again with 8-9 year olds'.<sup>598</sup> These 'problems' persisted. Wares sexually and physically abused many boys in the course of his employment at those two schools before returning to South Africa at the end of 1979.

### Professor Henry Walton

Henry Walton (born 1924) qualified as MD in South Africa in 1954 and moved to the UK in 1956. He had become a consultant at REH by 1967. That was also the year in which he was appointed professor of psychiatry at Edinburgh University. He retained that Chair until 1986. Walton died in 2012, aged 88. He was a prominent figure in Edinburgh academia for 50 years, strong in self-belief and a man whose word other doctors knew not to challenge.<sup>599</sup> He was regarded as formidable in Edinburgh society, and he had a passion for art.

In the 1960s and 1970s REH was seen as prestigious and was regarded as a desirable place to train as a psychiatrist. Walton's role covered general psychiatry but he also had particular interests in psychotherapy and the treatment of alcohol dependency. He was the consultant in charge of ward 1, a ward that mainly cared for patients suffering from anorexia nervosa. Wares did not suffer from anorexia but his records show that he did

have a persistent alcohol problem in addition to his predilection for young boys. The alcohol problem was attributed to anxiety and tension arising from his 'persistent feelings of sexual attraction to the boys at his school',<sup>600</sup> but the drinking exacerbated his lack of inhibitions in relation to his conduct towards boys. His excessive drinking led to other trouble as well, such as when, in about February 1975, he fell and injured his face in the street and, on another occasion, nearly set fire to his house.<sup>601</sup>

'Frances' spent six months working as a registrar on ward 1 during Wares' second admission to REH, in 1975. She described Walton in these terms:

He was an interesting and controversial man, who had a great interest and knowledge in a number of things including psychotherapy and was passionate about spreading that way of looking at things. He was also very passionate about training and trainees and how to advance medical education. He was very cultured and in that sense progressive, avant-garde, and so therefore he was a bit unusual as well as being foreign, but he also was very domineering and he did not seem to have doubts about himself or the ideas he was talking about.<sup>602</sup>

She also described him as 'opinionated and powerful', and as not having 'any doubts [or] reservations about the medical advice

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598 PSS-000025905.

599 *Transcript, day 367*: 'Frances' (retired consultant psychiatrist), at TRN-8-000000083, pp.63 and 71-2.

600 PSS-000025924, p.7.

601 PSS-000025924, p.9.

602 *Transcript, day 367*: 'Frances' (retired consultant psychiatrist), at TRN-8-000000083, p.63.

he would dispense'.<sup>603</sup> She explained: 'I gradually realised that what he was talking about wasn't up to date and particularly valid because I was interested enough to read other things. And second, because of experience I had, which showed that he wasn't really interested in listening to other people and taking things on board'.<sup>604</sup>

Regarding the views of others, Walton ignored both Wares' GP and his wife when they said they thought he (Walton) was being 'utterly irresponsible' in 'allowing Iain to teach' as there was bound to be 'trouble', adhering instead to his own view that Wares 'should not give up teaching unless he is thrown out'<sup>605</sup> and that he was 'quite clear that he feels Iain should continue teaching'.<sup>606</sup> That was despite Walton knowing of the persistence of Wares' predilection for young boys, of his alcohol problems, and of his tendency to anger and loss of temper in relation to children.

Astonishingly, Walton wrote to an adoption agency in June 1973 in support of Wares' and his wife's application to adopt a child.<sup>607</sup> It was one of a number of Walton's decisions in relation to Wares that were described by 'Robert', a psychiatrist who also treated Wares at REH when he was a registrar, as 'bizarre'.<sup>608</sup> Further, whilst in his letter supporting the adoption Walton had stated that Wares had got into trouble in South Africa for having made 'a' (i.e. a single) pass at a boy, he remained silent regarding Wares'

admitted sexual abuse of other children at the school in Cape Town, his continuing sexual attraction to boys, and his alcohol problems. Walton, in that letter, expressed the view that Wares was thoroughly responsible, of the highest principles, and would be an admirable parent. That letter was wholly lacking in candour. It is appalling that a professional in Walton's position wrote in those terms. It is plain that, for him, the interests of children did not figure in his thinking even when what was at stake were the interests of children who might be placed with Iain Wares and his wife for adoption. I was not at all surprised that 'Robert' described the position he adopted in the letter as 'bizarre'. In due course, Wares and his wife adopted a child, a girl. By 1975 Wares had, in the course of treatment, stated he was 'apprehensive about possible sexual feelings for when she is older'.<sup>609</sup>

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**It is appalling that a professional in Walton's position wrote in those terms.**

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Walton was a consultant who would 'talk about things but ... did not change his own views'.<sup>610</sup> 'Frances' said Walton was clear in his opinion that 'having paedophilic tendencies could actually make you a good teacher' and 'misused some psychoanalytic theory to justify that',<sup>611</sup> the result of which was that Wares was encouraged to return

603 [Written statement of 'Frances'](#) (retired consultant psychiatrist), at WIT-1-000005559, p.10, paragraph 42.

604 [Transcript, day 367](#): 'Frances' (retired consultant psychiatrist), at TRN-8-000000083, p.67.

605 PSS-000025879, p.2.

606 PSS-000025879, p.7.

607 PSS-000025924, pp.5-6.

608 [Transcript, day 364](#): 'Robert' (retired consultant psychiatrist), at TRN-8-000000080, p.172.

609 PSS-000025905, p.2.

610 [Transcript, day 367](#): 'Frances' (retired consultant psychiatrist), at TRN-8-000000083, p.69.

611 [Transcript, day 367](#): 'Frances' (retired consultant psychiatrist), at TRN-8-000000083, p.81.

to teaching',<sup>612</sup> an approach that was taken without any consideration being given to child protection at all. The interests of and need to protect the boys who were exposed to Wares' perverted appetites do not appear to have featured in Walton's decision-making, nor in his instructions to the other psychiatrists in his team who were junior to him, required to follow his direction and work to his instructions, and were participating in Wares' treatment.

Nor did Walton take account of the interests of 'Frances' in relation to Wares, when the need arose. She found Wares' behaviour frightening. She was still in her 20s and described his conduct towards her as 'sexualised'.<sup>613</sup> She said that her 'appearance kept coming up and up and up, and to him that was more like a prostitute or that I wanted him or something like that'.<sup>614</sup> She felt out of her depth, she was 'frightened', she was 'disturbed', and she 'hated it'.<sup>615</sup> Worried that she might have done something to provoke this and wanting advice on whether she should alter her appearance by, for instance, dressing differently, she sought help from Walton. Far from recognising her distress and the interests of his registrar, he ticked her off and said 'no way should I do anything different'.<sup>616</sup> He saw Wares' treatment of her as 'excellent' because it meant Wares 'had at last shown a greater interest in women'.<sup>617</sup> He ignored her concerns, and, all these years later, 'Frances', when giving evidence about working with

Walton and the exchanges between them, was visibly distressed by the memory of what had happened.

'Frances' said that Wares' treatment under Walton's care did not work. It did not prevent child abuse and it 'might have made it worse by ... appearing to condone it'.<sup>618</sup> Nothing in his REH records gainsays that.

## **Professor Walton and The Edinburgh Academy**

Wares was discharged from inpatient care on 30 September 1967, but, as his medical records note, 'The future as regards sexual development is uncertain'.<sup>619</sup> He spent the next year at Moray House teacher training college studying for and gaining a diploma in education which qualified him to teach in Scotland. He continued to be treated under Walton's care, as an outpatient. Wares was employed as a teacher by The Edinburgh Academy through, according to his medical notes, 'family connections',<sup>620</sup> from the start of the autumn session in 1968 where he began to abuse again. As was clearly stated in his REH records,

on one occasion he was threatened by one of the boys' father and he wrote to say it would not happen again. As the incidents and his fantasies continued, his self-esteem dwindled. His shame was even greater after he got married ... he became more and more ashamed of his fantasies during intercourse

612 [Transcript, day 367](#): 'Frances' (retired consultant psychiatrist), at TRN-8-000000083, p.82.

613 [Transcript, day 367](#): 'Frances' (retired consultant psychiatrist), at TRN-8-000000083, p.85.

614 [Transcript, day 367](#): 'Frances' (retired consultant psychiatrist), at TRN-8-000000083, p.87.

615 [Transcript, day 367](#): 'Frances' (retired consultant psychiatrist), at TRN-8-000000083, p.87.

616 [Transcript, day 367](#): 'Frances' (retired consultant psychiatrist), at TRN-8-000000083, p.88.

617 [Transcript, day 367](#): 'Frances' (retired consultant psychiatrist), at TRN-8-000000083, pp.87-8.

618 [Transcript, day 367](#): 'Frances' (retired consultant psychiatrist), at TRN-8-000000083, p.100.

619 PSS-000025903, p.7.

620 PSS-000025936, p.24.

which were solely about boys and holding their penises.<sup>621</sup>

Wares' feelings for boys continued to be noted in his records. It seems clear that such feelings never changed, given the consistent accounts of ongoing abuse from applicants throughout the period. It is not known what happened to the records in relation to his treatment during those years as the records recovered by the Inquiry stop in 1969 and do not resume until 1975. That is despite Wares having continued to be an outpatient during the intervening period.

At the time Wares took up employment at The Edinburgh Academy and thereafter until he left the school at the end of the summer term in 1973, it is clear that Walton and his team were well aware that his predilections for young boys persisted; Wares had even, as referred to above, disclosed that the father of a boy at The Edinburgh Academy had threatened him because of his conduct.<sup>622</sup> At no time, however, was it suggested to him that he should stop working as a teacher. On the contrary, he was firmly encouraged to continue doing so.

Iain Wares was plainly a significant risk to children but not only was no report made to anyone of the risk he presented, there is also no evidence of Walton - who was the decision-maker in relation to Wares' treatment throughout the time he was a patient of REH - having had regard to that risk at all. I accept that systems for child protection had not become established in the way they have in modern psychiatric practice,<sup>623</sup> but it is very hard to accept that

there was no basis on which, in the circumstances, Walton ought not to have considered it; the risk to children presented by Wares was glaringly obvious. Wares' GP was also aware and thought it was 'utterly irresponsible'<sup>624</sup> to let him teach. His paedophilic conduct could have been reported to the authorities, including the police, social work, and the schools. It wasn't. Wares could have been told that he needed to stop working with children. He wasn't. Wares could have been warned that if he did not voluntarily stop working with children, his conduct would have to be reported. He wasn't. And his conduct was not reported to the authorities until it was too late to prevent the abuse of many pupils.

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### **The risk to children presented by Wares was glaringly obvious.**

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The applicant 'James', a pupil at The Edinburgh Academy who was repeatedly sexually abused by Wares, told his mother about it in the early 1970s after she noticed something was wrong with him. 'James', when giving evidence, described how he would be called to Wares' desk to have his work looked at, and that Wares' hand would then go to his shorts:

Either up into the shorts or down through the top ... To put it graphically, he would roll back your foreskin and he would then palpate your penis, touch your penis. He would look for your testicles, he would go all around your groin, and then he would start to masturbate you.<sup>625</sup>

621 PSS-000025905, p.1 and PSS-000025936, p.34.

622 PSS-000025905, p.1.

623 For child protection aspects of modern psychiatric practice, see the evidence of Dr Andrew Watson (consultant psychiatrist), [Transcript, day 365](#), at TRN-8-000000081, pp.101-2.

624 PSS-000025879, p.2.

625 [Transcript, day 357](#): 'James' (former pupil, The Edinburgh Academy), at TRN-8-000000072, p.23.

This happened repeatedly throughout that year and not just to 'James'. Wares had favourites. The following year 'James' was indecently assaulted by Wares in a shower in the rugby changing rooms. It certainly happened on one occasion, and possibly on another occasion as well. He was the only child there at the time:

He approached me from behind. He pressed my body towards his. I noticed that his groin was touching my back at some level, probably quite high up, and this time with both hands he was in a position to fondle my genitals and touch my penis ... with his arms around, holding me into him ... I would say he was aroused.<sup>626</sup>

His mother then went to the rector, Dr H.H. Mills, and told 'James', at the time, about the meeting. Mills and another member of staff told her it was not in her interests to take the matter further and suggested her son had an over fertile imagination.<sup>627</sup> 'James' remembers his mother was distraught but believes she left it there as she 'had concerns that if she made trouble for the school there would be more trouble made for me'.<sup>628</sup> That fear of making matters worse was a powerful and all too common disincentive amongst both parents and children not only across schools in the boarding schools case study but in relation to complaints of abuse in other institutions within the Inquiry's Terms of Reference. Its prevalence made it all too easy for schools and other institutions to disregard complaints of abuse.

One former member of Edinburgh Academy senior staff, Tony Cook, who arrived after Wares had moved to Fettes, on being told of 'James's' account, observed: 'I can well imagine that happening ... [the rector] didn't like to get involved in personal altercations.'<sup>629</sup> Dr Mills was, according to 'William', another teacher, a rector who would 'tend to just brush it aside' if any concerns about individual pupils were taken to him.<sup>630</sup> 'Terry', a teacher in the prep school, was convinced that whilst any head of the junior school would have investigated, had he known, he could not speak for the rector. In his view, if that was indeed the response of the rector, it 'was an absolutely shocking response'.<sup>631</sup>

It is hard to conclude with certainty what either school would have done if it had learnt from Walton or any member of his team about Wares' ongoing predilections. It is, however, clear what they should have done – the interests of the children for whom the school was responsible should have been prioritised and that would have meant suspending Wares and instituting disciplinary procedures. To do otherwise would have been irresponsible and worthy of 'Terry's' condemnation: namely, it would have been shocking.

Dr Andrew Watson, Associate Medical Director for Psychiatry in NHS Lothian at the time he gave evidence, was supplied with Wares' medical records and asked to provide written answers to questions including 'Are you surprised at the absence

626 [Transcript, day 357](#): 'James' (former pupil, The Edinburgh Academy), at TRN-8-000000072, pp.30-1.

627 [Transcript, day 357](#): 'James' (former pupil, The Edinburgh Academy), at TRN-8-000000072, p.42.

628 [Transcript, day 357](#): 'James' (former pupil, The Edinburgh Academy), at TRN-8-000000072, p.43.

629 [Written statement of Tony Cook](#) (former teacher, The Edinburgh Academy), at WIT-1-000001315, p.28, paragraph 103.

630 [Transcript, day 366](#): 'William' (former teacher, The Edinburgh Academy), at TRN-8-000000082, p.21.

631 [Transcript, day 365](#): read-in statement of 'Terry' (former teacher, The Edinburgh Academy), at TRN-8-000000081, p.178.

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## Walton and the treating doctors held Wares in ‘remarkably high esteem’.

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of consideration given to child protection?’ His answer was:

Yes. The lack of consideration of disclosure of what Mr Wares (and others) was reporting to have happened is very surprising. Indeed, the efforts to support Mr Wares to train and work as a teacher of young children and to adopt a child suggest that the consideration of the risk that Mr Wares posed to children was not part of the formulation of the issues in any meaningful way.<sup>632</sup>

He thought it ‘striking’<sup>633</sup> that there was very limited discussion of the risks Wares posed to young children. He had the impression that Walton and the treating doctors held Wares in ‘remarkably high esteem’ and that they were ‘at best naive’, and he was ‘concerned’ that they did not take account of the fact that Wares may not have given them a full report of his activities.<sup>634</sup> In his written report, one of the questions he addressed was: ‘What are your views on allowing an admitted and active paedophile to start teacher training whilst still an inpatient, and then to see him move into a school whilst admitting ongoing fantasies about, and then physical contact with, pupils?’ His answer was: ‘This should not have happened.’<sup>635</sup> Of course it shouldn’t.

Dr Watson was struck by ‘the profound impact on the victims and survivors that

Mr Wares’ persistent paedophilia has had, across a range of settings’, referring to it as ‘deeply moving’ and observing that there would be ‘important learning to be made from the vital work the Inquiry is doing to prevent similar issues occurring again in future’.<sup>636</sup> I understood him to mean, in particular, learning for his own profession.

### **Wares’ departure from The Edinburgh Academy**

At some point in 1973, Kim Wolfe Murray, having been sexually abused by Wares, reported it to his parents.<sup>637</sup> They, in turn, went to the school and reported it to the rector. Shortly after that, Wares secured a post at Fettes College and left The Edinburgh Academy at the end of the summer term (June 1973). The next edition of *The Edinburgh Academy Chronicle* praised, where, in truth, condemnation would have been appropriate:

Mr IGD Wares left at the end of the Summer Term to join the staff of the Junior School at Fettes. Iain Wares has been Class Master at Inverleith since he came to the Academy five years ago. Mr Wares’ skill and enthusiasm on the Games field, where he did a great and signal service to the School’s sport generally, will be very much missed. We wish Iain and his wife, Rosemary, every happiness and success in their new surroundings.<sup>638</sup>

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632 Report of Dr Andrew Watson, 14 August 2023, at NHS-000000011.

633 Report of Dr Andrew Watson, 14 August 2023, at NHS-000000011.

634 [Transcript, day 365](#): Dr Andrew Watson (consultant psychiatrist), at TRN-8-000000081, p.99.

635 Report of Dr Andrew Watson, 14 August 2023, at NHS-000000011, p.7.

636 Report of Dr Andrew Watson, 14 August 2023, at NHS-000000011, pp.1-2.

637 [Written statement of Kim Wolfe Murray](#) (former pupil, The Edinburgh Academy), at WIT-1-000001370, p.9, paragraph 32.

638 *The Edinburgh Academy Chronicle*, September 1973, p.283.

Further, in a speech at the end-of-year Exhibition and Prizegiving in 1973, the prep school headmaster said:

One Master leaves us from Inverleith at the end of the Session - Iain Wares, Classmaster of VIc(w) and Master in charge of Cricket and a first-class XI. He has also been an inspiring, skilful, enthusiastic instructor in Rugby, Hockey and Squash - not to say in Mathematics and other academic affairs. Iain Wares, after five years here at the Prep, wishes to gain new and different experience at other schools. So he wisely begins by settling for our friendly neighbour, Fettes. We wish him and his wife, Rosemary, every happiness and success in their new surroundings - not too far away, thankfully.<sup>639</sup>

As well as the repeated violent and sexual abuse within his own classroom, by the time Wares left The Edinburgh Academy there had also been an incident at a morning assembly, some time after 1971, referred to in the written statement of 'Robert', when Wares had 'lost the head'<sup>640</sup> with a pupil and began beating him. Wares also had a habit of standing behind boys in the changing rooms before rugby and pressing close into their bodies whilst putting his hands down their shorts 'in plain sight' such that 'teachers must have known'.<sup>641</sup> He became known by many of the boys at The Edinburgh Academy as 'Weirdo Wares'. 'Andrew', who was abused by him in 1970/71, said: 'He was always Weirdo. That was also inherited from older boys, so obviously his behaviour had sort of in some sense gone before him.'<sup>642</sup>

I infer that Wares' departure from The Edinburgh Academy was related to the school's knowledge that he was abusing children. He made no reference to his continuing attraction to and abuse of boys when he told Walton - in a letter dated 16 May 1973 - that he would be leaving The Edinburgh Academy at the end of that term and moving to the new Fettes Junior School,<sup>643</sup> but that is, in all the circumstances, hardly surprising. However, while most Edinburgh Academy staff who were there at the same time as Wares denied any knowledge of his conduct, one former junior school teacher said that:

When Mr Wares did leave Edinburgh Academy the deputy head at the time, Mr John Brownlee, spoke to all the staff to explain what the situation had been. That abuse had taken place. That was after Mr Wares had left and it all came out after he left. I'm sure that would all have been recorded by the school, but I don't recall there being any change in policy at the school.<sup>644</sup>

And when James Burnet, whose employment as the junior school headmaster commenced in September 1973, was briefed about past members of staff, nothing was said to him about Wares having abused children or having left 'under a cloud'.<sup>645</sup>

## **Wares and references**

At some point during the summer of 1973, the headmaster of The Edinburgh Academy prep school provided Fettes with an excellent

639 *The Edinburgh Academy Chronicle*, September 1973, p.286.

640 *Transcript, day 359*: read-in statement of 'Robert' (former pupil, The Edinburgh Academy), at TRN-8-000000075, p.189.

641 *Transcript, day 359*: read-in statement of 'Callum' (former pupil, The Edinburgh Academy), at TRN-8-000000075, p.201.

642 *Transcript, day 357*: 'Andrew' (former pupil, The Edinburgh Academy), at TRN-8-000000072, p.85.

643 PSS-000025924.

644 *Transcript, day 365*: read-in statement of 'Terry' (former teacher, The Edinburgh Academy), at TRN-8-000000081, p.178.

645 *Written statement of James Burnet* (former junior school headmaster, The Edinburgh Academy), at WIT-1-000001568, p.9, paragraph 53.

reference for Wares. SCAI sought to recover any document containing such a reference but The Edinburgh Academy was unable to provide one. Whilst no documentary reference was recovered from The Edinburgh Academy, 'Michael', headmaster of Fettes Junior School, was clear that he received an 'excellent' reference and that 'there was no mention [in it] of Wares being dismissed from St George's School in South Africa, nor of his inappropriate touching or fondling of pupils at The Edinburgh Academy'.<sup>646</sup> I infer that Fettes received either a written reference or a verbal one or both from The Edinburgh Academy.

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### **The headmaster of The Edinburgh Academy prep school provided Fettes with an excellent reference for Wares.**

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Had The Edinburgh Academy disclosed that Wares had abused children whilst in its employment or, at the very least, refrained from providing the excellent reference that it did, it seems highly unlikely that Fettes would have employed him, and many pupils who were abused by him there would not have suffered as they did. The position regarding The Edinburgh Academy's reference for Wares was rehearsed in a letter from 'Michael', dated 8 February 1979, to 'Cameron' - the person who was due to succeed Anthony Chenevix-Trench as overall headmaster of Fettes. He wrote: 'In 1968-73 when at the Academy, he apparently - all of this I have learnt since he came here - had problems of loss of temper and occasional fondling of boys. The Academy were

apparently unaware of it and he had an excellent reference'.<sup>647</sup>

Whilst 'Michael' believed that The Edinburgh Academy was not aware of Wares abusing children there, it is clear that they must have had - or certainly ought to have had - concerns about him. Complaints by parents about children being abused had been made to the school and incidents occurred in plain sight - to use 'Callum's' expression - as referred to above. Further, Wares did, as a matter of fact, abuse Edinburgh Academy pupils.

One teacher, 'Terry', heard it being discussed but did not take any action. Whilst, with hindsight, he accepts he should have reported it to the deputy head of the junior school, he did not do so. He

overheard junior boys from the prep school, who were aged about 10, talking about Mr Wares, who they named. They said he put his hands under the trousers of boys. I did hear that. They were talking about it among themselves and I got the impression they were talking about him doing that to other boys, not to them. It was a group of young boys who were talking to one another outside my class. I felt it was inappropriate for me to intervene and discuss it further with them, as they were not making a report to me. You did hear the boys talking about things in class or outside the class or in the yard. Boys talked about sex and relationships and things like homosexuality all the time, and I didn't know then what I know now about Mr Wares. With hindsight I know I should have gone to the deputy head with that information, but at the time I just didn't pursue it.<sup>648</sup>

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646 [Written statement of 'Michael'](#) (former teacher, Fettes College, 1970-83), at WIT-1-000000427, p.7, paragraph 25.

647 Fettes College, Letter, 8 February 1979, at FET-000000048, p.2.

648 [Transcript, day 365](#): read-in statement of 'Terry' (former teacher, The Edinburgh Academy), at TRN-8-000000081, p.182.

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## There can be no doubt that Chenevix-Trench knew that Wares had abused boys at schools in Scotland and South Africa.

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The Edinburgh Academy reference, was, however, silent on the matter, and it appears that Wares did not volunteer any information about it to Fettes prior to securing his job there.

'Michael's' letter of 8 February 1979 also sets out that Wares' history of fondling boys and loss of temper, both at The Edinburgh Academy and in South Africa, where he had been dismissed, all 'emerged in 1975 when a parent of a boy at Fettes Junior School informed me that her son had been fondled by Iain' and 'We' (i.e. he and Chenevix-Trench) 'decided that Iain must leave'.<sup>649</sup>

'Michael' was not thereafter prepared to write a reference recommending Wares as suitable to work with school pupils. He confined himself to recommending him for a job in 'the world of commerce and industry'.<sup>650</sup>

Anthony Chenevix-Trench, the headmaster of Fettes, was, however, prepared to write a very positive reference for Wares dated 9 January 1979 in response to a request from the Clifton Preparatory School in Durban, South Africa.<sup>651</sup> It appears likely, as 'Michael' thought, that Chenevix-Trench was not, at that time, aware that another, recent, incident of abuse had been reported. However, there can be no doubt that Chenevix-Trench knew that Wares had abused boys at schools in Scotland and South Africa. Worse still, when asked by Wares for references in June 1979,

Chenevix-Trench replied: 'Of course I will write you an open reference for South African employers and do what I can to help about Gordonstoun, if they get in touch with me.'<sup>652</sup> Gordonstoun did send a letter requesting a reference on 15 June 1979 after Wares had applied for two posts, expressing interest especially 'in the teaching of mathematics to the less able'<sup>653</sup> but it was not replied to, as Chenevix-Trench died on 21 June 1979.

He should never have given Wares a positive reference; it is impossible to resist the inference that, despite what it meant in terms of risks to other children, it would have suited him to pass the problem of Wares to another school, whether far away or close to home.

### Professor Walton and Fettes College

Wares took up employment as a teacher in Fettes' newly established junior school in 1973. He continued to abuse boys sexually and physically. He was again admitted to REH as an inpatient on 6 June 1975 and remained there until 8 August 1975 on account of his drinking very heavily and being 'troubled again by increased feelings related to his sexual deviations'.<sup>654</sup> The head of the Fettes Junior School ('Michael') and Fettes headmaster Anthony Chenevix-Trench had become aware of the situation. 'Frank's' mother had made a complaint, and they had resolved that Wares had to go. They were, however, persuaded by Walton to retain

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649 Fettes College, Letter, 8 February 1979, at FET-000000048, pp.2-3.

650 Fettes College, Letter, 8 February 1979, at FET-000000048, p.10.

651 Fettes College, Letter, 8 February 1979, at FET-000000048, pp.20-1.

652 Fettes College, Letter to Iain Wares, 20 June 1979, at FET-000000048, p.25.

653 Fettes College, Letter from Gordonstoun, 15 June 1979, at FET-000000048, p.8.

654 PSS-000025889, p.1.

him in the school's employment. Walton had 'pleaded with us to keep him on' as, if he could be released for the above inpatient treatment, Wares 'would be quite cured'.<sup>655</sup>

It is striking, however, that, in a letter to Wares dated 6 October 1975, Walton did not express the same confidence as he had done to the school. He stated: 'I do not expect everything to go well: sadly, it never does.'<sup>656</sup> Walton's prediction was correct; by November 1975, not only was Wares' drinking problematic again but he had 'been running into increasing difficulty because of a sexual attraction to his pupils which he occasionally acted out on by touching their genitals',<sup>657</sup> and by December 1975 Chenevix-Trench had given him notice he would be dismissed with effect at the end of the school year.<sup>658</sup> However, as a result of Walton speaking to Chenevix-Trench twice on the phone at some points prior to 4 February 1976, the headmaster then agreed to remove the dismissal notice and undertook to keep Wares in the employment of Fettes.<sup>659</sup>

The parent who had complained about Wares was herself a GP. When 'Michael' told her that they were accepting Walton's opinion that Wares could be cured and would not be terminating his employment, she expressed scepticism. Her firm opinion was that he would not change.<sup>660</sup>

The medical notes from that period also highlight a number of revealing factors. In December 1975, even Wares himself, at a

time when his wife, relatives - including an uncle who was a consultant paediatrician in Edinburgh - and GP<sup>661</sup> were all trying to persuade Walton to stop him from teaching, said: 'Fantasies are the same as before. Always will be. No teaching might be the answer.'<sup>662</sup> Yet Walton did not listen, and missed a golden opportunity to stop the abuse. It confirms that, as 'Frances' said, he was not interested in listening to others.

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**The headmaster agreed to remove the dismissal notice and undertook to keep Wares in the employment of Fettes.**

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It is also of note that in an interview on 22 December 1975 Wares told medical staff that the school wanted him 'to go at the end of the summer because of two complaints. 1 losing his temper 2 being over affectionate ... Headmaster has similar problems - alcoholism and suggestion of paedophilia.'<sup>663</sup> This makes clear, as do other references in 'Michael's' evidence, that Wares' loss of temper was a known issue and that Fettes staff believed Chenevix-Trench to have similar tendencies.

By the start of the Lent term, in January 1979, 'Michael' had learnt of another complaint about Wares fondling boys. A decision to terminate his employment was made again and he was encouraged to seek alternative employment but,

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655 Fettes College, Letter, 8 February 1979, at FET-000000048, p.2.

656 PSS-000025927, p.7.

657 PSS-000025927, p.9.

658 PSS-000025927, p.10.

659 PSS-000025927, p.11.

660 [Transcript, day 254](#): read-in statement of 'Michael' (former teacher, Fettes College, 1970-83), at TRN-8-000000047, p.68.

661 PSS-000025879, p.7.

662 PSS-000025879, p.3.

663 PSS-000025879, p.6.

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## 'Michael' and Chenevix-Trench appear to have downplayed what they knew about Wares.

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surprisingly, was permitted to remain in post until December 1979. The reason for this is set out in minutes of a board meeting of 19 March 1979. They are disturbing on a number of levels. In the first instance, both 'Michael' and Chenevix-Trench appear to have downplayed what they knew about Wares. There was reference to only one incident of abuse having occurred in South Africa but Wares had already admitted to having abused on multiple occasions. His having abused at The Edinburgh Academy was not shared, the instances of abuse at Fettes were minimised, and his ongoing loss of temper was not mentioned. Instead, what was at the forefront of the minds of both headmasters was the difficulty of finding a replacement quickly. The minutes record:

'Michael' reported that it had been necessary for Mr I.G.D. Wares to be asked to leave because of a complaint from a parent concerning an indiscretion with her son. The headmaster also spoke to this matter. There had, unfortunately, been a history of such behaviour. Since Mr Wares had come to Fettes, it had been discovered that there had been an incident in South Africa, which is believed to have been of a serious nature. There had been one previous very minor incident at Fettes following which Mr Wares had undergone psychiatric treatment from Professor Walton in whose opinion he had been cured. There had then followed three exemplary years during which Mr Wares had proved himself to be an excellent teacher and a very good man in every other way.

The latest incident complained of was of a very minor nature and had not been

sufficient to cause any disturbance to the boy concerned. Mr Wares is at present under medical supervision, and in the view of both the headmaster and 'Michael', there is no real risk of any further incident occurring. The fact that Mr Wares was under medical care, and the opinions expressed by the headmaster and 'Michael' as to the improbability of future repetitions, satisfied Dr Muir that there was no present necessity to ask Mr Wares to leave.

The main question was when Mr Wares should leave. The headmaster and 'Michael' stated that the administrative problem of replacing Mr Wares in the middle of a year would be less if he were to leave at the end of the winter term 1979 than if he were to leave at the end of the summer term. In all the circumstances, but not without some hesitation, the governors decided that Mr Wares should be allowed to stay until the end of the winter term 1979. In reaching that decision, the governors made it clear that he would be dismissed instantly if there was a further complaint of however minor a nature. The mother of the boy concerned had told 'Michael' that she was happy to leave the matter entirely in the hands of the governors, in the knowledge that Mr Wares was again under medical supervision.<sup>664</sup>

One might well have asked: what about the consistent history of sexual abuse of children? What about the children who would continue to be at risk from him? But the response from Chenevix-Trench and 'Michael' would evidently have been a resounding silence. The need to protect children was not prioritised and the board, despite its concerns, proceeded

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664 Fettes College, Minutes of meeting of The Governors of the Fettes Trust, 19 March 1979, at FET-000000019.

on inaccurate and deliberately misleading information.

Had the school not given way to Walton's persuasion at the beginning of 1976, Wares would not have been able to abuse the Fettes pupils who were in fact subject to his indecent sexual conduct over a period of nearly five years. When 'Michael' wrote his letter of 8 February 1979, he, even then, realised that they 'had been foolish to listen to'<sup>665</sup> Walton.

### **The scale of Wares' abuse of boys**

Twenty-two applicants provided evidence to the Inquiry of having been abused by Wares whilst pupils at The Edinburgh Academy, and a further three applicants witnessed his abuse of others. Ten applicants provided evidence of having been abused by Wares whilst at Fettes College. I am certain there will have been many more who were abused at each school. The evidence I heard and accepted from boys who watched him abuse multiple classmates together with that of his uncontrollable predilections makes this very clear.

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**I am certain there will have been many more who were abused at each school.**

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Further, and contrary to the evidence from 'Michael' that Wares' behaviour seemed to be better after treatment in 1975 and that he was watched very carefully thereafter, I find that he continued to abuse boys from the time he began teaching at The Edinburgh

Academy and throughout his employment there and at Fettes.

### **Wares' sexual abuse of boys**

As previously noted, Wares' medical history includes the following description:

When he started working as a school teacher at the Academy his problems began again with 8 to 9 year olds. Usually he kept his thoughts to himself but on occasions he would put his hand on a boy's knee and for a brief time fondle his penis which would give him particular pleasure if it was erect. He never masturbated a boy and only attempted touching those that he knew very well.<sup>666</sup>

That was an example of what must have been Iain Wares providing only selective information. The evidence of applicants about what happened to boys, all of which I accept, indicates his abusive behaviour was much more extensive and involved multiple children. As 'James', a pupil of Wares in 1969/70, said, he could see boys standing beside the teacher's desk and watched Wares' hand go into their shorts.<sup>667</sup> It lasted 'about four or five minutes. It would be about the correct time if you had been asked to go up to explain something, or have something marked.'<sup>668</sup>

'James' thought it happened to most boys, and the behaviour was discussed by the pupils. However, it did not happen to him or to any of his friends. 'Initially we thought there was something wrong with us and it came to a point when the abuse was being mentioned, like at break times, et cetera, it came to a point where we both said, yes, that

<sup>665</sup> Fettes College, Letter, 8 February 1979, at FET-000000048, p.2.

<sup>666</sup> PSS-000025905, p.1.

<sup>667</sup> Transcript, day 357: 'James' (former pupil, The Edinburgh Academy), at TRN-8-000000072, p.132.

<sup>668</sup> Transcript, day 357: 'James' (former pupil, The Edinburgh Academy), at TRN-8-000000072, p.133.

happened to us ... because we felt a wee bit left out.'<sup>669</sup>

'James' was prepubescent at the time but, when the other boys talked, 'some of them who I would have thought must have been beginning to reach the early stages of puberty, and I can remember phrases like "Oh, it felt nice, I felt warm." And it is a pretty horrific thing to think of - that's their first sexual experience.'<sup>670</sup> On reflection, 'James' suspects he was ignored by Wares because his father was a consultant paediatrician.

For the many who were abused by Wares at The Edinburgh Academy, it was a regular occurrence. 'David' said:

He would get you to stand up at his desk on the pretext of checking your work and he would run his hand up the inside of your trouser leg and fondle your genitals. It was always boys in short trousers. He did this in front of everybody. This went on for the year I was there. It was a frequent, sometimes daily event over the full time I was there.<sup>671</sup>

Neil Douglas was taught by Wares from 1972 to 1973, which for both of them was their last year in The Edinburgh Academy's junior school: 'I have this memory of Wares representing himself as being in some way a father figure or my dad. And so the punishment would be because I'd been naughty and then the comforting, I guess, is how he presented the sexualised abuse ... the comforting afterwards. Or related.'<sup>672</sup>

Neil tried to work slowly in maths to avoid being marked at Wares' desk, but without success.<sup>673</sup> Instead, he would be called up and Wares

would put his - if you stood too far away he would put his hand on your thigh to pull you in, if you stood too close then he could just get his hand up your shorts anyway and I have memory of him - I have memory of him - it's hard to say the words - I have memory of him fingering my anus and fiddling with my testicles and playing with my penis and getting an erection out of me ... This is equally hard to say. The sensations were pleasant sensations, but then the human body is designed for those to be pleasant sensations, so I remember you had to hold your jotter on the desk and I remember staring at the jotter, because he was supposedly marking it while this was going on with his hand ... It's taken me a long time to admit that the sensations were pleasant sensations ... That was always in the context of being the nice father comforting the child type thing. That's where - the perverted memory of that.<sup>674</sup>

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**'I have this memory of Wares representing himself as being in some way a father figure.'**

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Neil has no memory of such behaviour ever ceasing during that year. For him it was normal.<sup>675</sup>

<sup>669</sup> Transcript, day 357: 'James' (former pupil, The Edinburgh Academy), at TRN-8-000000072, p.134.

<sup>670</sup> Transcript, day 357: 'James' (former pupil, The Edinburgh Academy), at TRN-8-000000072, pp.134-5.

<sup>671</sup> Transcript, day 358: read-in statement of 'David' (former pupil, The Edinburgh Academy), at TRN-8-000000073, p.59.

<sup>672</sup> Transcript, day 364: Neil Douglas (former pupil, The Edinburgh Academy), at TRN-8-000000080, p.79.

<sup>673</sup> Transcript, day 364: Neil Douglas (former pupil, The Edinburgh Academy), at TRN-8-000000080, p.82.

<sup>674</sup> Transcript, day 364: Neil Douglas (former pupil, The Edinburgh Academy), at TRN-8-000000080, pp.84-5.

<sup>675</sup> Transcript, day 364: Neil Douglas (former pupil, The Edinburgh Academy), at TRN-8-000000080, p.86.

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## 'He had this rage in him that I could feel.'

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Wares immediately repeated his abuse on arrival at Fettes. 'Max' joined the junior school at the same time and was taught by Wares, who within a couple of weeks was calling boys forward to his desk where he would

pull you in ... [the shorts] were quite wide in the legs, so he could get his hand very easily up onto the inside of your leg. He started off by playing with the hair on your legs and rubbing it in his finger between I think his thumb and forefinger. If you tried to back off or move, he'd twist it and pulled, which was quite painful. Gradually over time his hand went further up to the point where he could touch your underwear, and then the hand changed to his right hand because you could feel his elbow, and then he – and he would insert one of his fingers between the elastic on your underpants and, in my case, hunt for a pubic hair. I didn't have many at that age, but he would manage to find them and he would do the same and at the same time caressing my testicle.<sup>676</sup>

'Khalil', who was at Fettes from 1972 until 1978, described a teacher in the junior school who abused boys using the same *modus operandi* as a man 'who was the whitest person I have ever seen in my life', who had 'white hair, white skin and his eyelashes were white' but whose name he did not recall. His description fits Iain Wares and I infer, in all the circumstances, that he was indeed referring to Wares. He said the man had 'a certain arrogance', walking with 'a certain air about him where he always

sucked the power out of everything around him ... and when he wasn't like that he was angry'.<sup>677</sup> 'Khalil' described witnessing him abusing another boy:

The first time I witnessed him abusing was not when he was abusing me, it was somebody else. He called the student up to his desk because he couldn't read well. The student would be standing up and he is sitting down. He would be pointing with a smirk on his face and he would put his hand up the student's shorts. At first you can't really tell what he is doing because the desk is between you and him. I remember the boy's reaction. He started crying and yet the teacher would continue, he wouldn't stop.<sup>678</sup>

He subsequently witnessed him perpetrating similar abuse on other boys on a number of occasions.

'Khalil' was abused by him twice:

It happened to me twice early in my stay at Fettes and by the time it did happen to me, I understood what it was that he was doing. He was not only putting his hand up my shorts but he was groping my genitals and basically squeezing them. The first time it happened to me I couldn't breathe. I was shocked and didn't know what to do ... I basically jerked back and he pinched the inside of my thigh. He continued to squeeze my genitals and all the time he had this rage in him that I could feel. He had this smirk like he was feeding off the power of children. After I started crying hysterically he let me go ... The second time

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676 [Transcript, day 252](#): 'Max' (former pupil, Fettes College, 1973-80), at TRN-8-000000045, p.34.

677 [Written statement of 'Khalil'](#) (former pupil, Fettes College, 1972-8), at WIT-1-000000998, p.20, paragraph 87.

678 [Written statement of 'Khalil'](#) (former pupil, Fettes College, 1972-8), at WIT-1-000000998, p.20, paragraph 87.

I moved and he grabbed me by the hair and yanked it with such violence that I think I fell down on the floor. I stood up and I was so afraid but I had no choice but to stand up and he continued what he was doing. I think at some point I just started quivering ... The fact that it happened the first time was shocking but the second time was even more shocking ... The way that he dominated us if we resisted became aggressive.<sup>679</sup>

For 'Ben', who was in Wares' class in 1974/75, sexual abuse was a regular occurrence. He saw it happening to others - to, he thought, about 50 per cent of the class: 'You could tell by boys' reactions what was happening, and on occasion, yes, you would see a hand going up the shorts.'<sup>680</sup> He remembered

one boy who was probably the most mature in the class. This must have been perhaps the first time that Wares did this to him and he - he leapt back in kind of horror at what was being done to him, and Wares' reaction to that was to kind of exclaim: 'What, don't you like it?', the implication being that you should like it and that there was maybe something wrong with this boy because he didn't like it.<sup>681</sup>

He was abused by Wares two or three times per week. More than once, it included a finger or thumb being inserted into his anus. 'Maybe four or five times. That was - that was mortifying. Absolutely mortifying. And I even remember on occasion, I think it's in my statement, he kind of leaned over and whispered to me that I had a - a dirty bottom.'<sup>682</sup>

That the abuse did not stop after Wares received medical treatment in 1975 is clear from the evidence of George Scott and 'Rory'. George Scott was sexually abused - 'it was reasonably frequent but sporadic'<sup>683</sup> - and badly physically abused by Wares. On joining the school midway through the academic year in January 1977 he was warned about both types of behaviour by his new classmates.<sup>684</sup> When referred to the letter written by 'Michael' to headmaster Cameron Cochrane in February 1979 which suggested that the parental complaint in January that year was 'one blot on a copybook otherwise clean since the original disaster'<sup>685</sup> he replied: 'I'm in disbelief that this was written. And I ... it's just absolutely not the ... this continued throughout - in 77. I could speak for 1977, maybe into 1978, and regular outbursts, what happened to me.'<sup>686</sup>

'Rory' would have been able to say the same. Like 'Khalil', his evidence about Wares concerned both sexual abuse and physical abuse stemming from an inner rage. He thought Wares

was an odd individual because he had a rage in him. His head would go very red and he would shake and shout and pull your hair, throw board dusters at you or bang your head on the table. He did that to me and to other boys in the class. It was like he flipped into a different person. He used to always have his hands in his pockets when he was watching the kids at break time. He used to take me into the boot room and talk dirty to me. I don't remember the first time but that happened

679 [Written statement of 'Khalil'](#) (former pupil, Fettes College, 1972-8), at WIT-1-000000998 p.20, paragraph 88.

680 [Transcript, day 252](#): 'Ben' (former pupil, Fettes College, 1974-6, and The Edinburgh Academy), at TRN-8-000000045, p.93.

681 [Transcript, day 252](#): 'Ben' (former pupil, Fettes College, 1974-6, and The Edinburgh Academy), at TRN-8-000000045, p.94.

682 [Transcript, day 252](#): 'Ben' (former pupil, Fettes College, 1974-6, and The Edinburgh Academy), at TRN-8-000000045, p.98.

683 [Transcript, day 253](#): George Scott (former pupil, Fettes College, 1977-83), at TRN-8-000000046 p.88.

684 [Transcript, day 253](#): George Scott (former pupil, Fettes College, 1977-83), at TRN-8-000000046, p.89.

685 Fettes College, Letter, 8 February 1979, at FET-000000048, p.2.

686 [Transcript, day 253](#): George Scott (former pupil, Fettes College, 1977-83), at TRN-8-000000046, p.103.

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## 'I know I wasn't the only one, as he did it to tons of boys.'

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frequently, during most maths lessons and during breaks. He would also encourage me to talk dirty back to him. The chat was in the boot room and sometimes in the playground, but I never saw him take anyone else into the boot room. That was fairly regular for me, right through my time in junior school.

At the age of 10 or 11, when a person in authority does that, it was unusual, it was exciting, because you didn't normally get that from a teacher. I didn't know then what I know now, of course, but you didn't think it was wrong, you thought it was good. He would talk about body parts and ejaculation and be all smutty and dirty. He would get particularly excited about ejaculation, but I don't remember him actually touching me in the boot room, I only ever remember him doing that in the classroom, where there were lots of witnesses.

I know boys knew what he was doing. I know I wasn't the only one, as he did it to tons of boys. He would call you up to his desk and as you were getting your book signed he would put his hand up inside your shorts, inside your pants and play with your willie and stuff. You would maybe be at his desk for about two minutes or so, and then he would tell you to go back and sit down. I saw him do that all the time, with lots and lots of boys.

I don't know whether you were aware it was wrong, because at the time you didn't think it was a bad thing. It didn't feel wrong, but when you knew it was wrong, it was too late. Nobody

ever discussed it but you could see him doing it to other boys.

I can't remember when it first started, but it went on for a long time. It definitely started when I was a day pupil and it went on right through my time at junior school, every time there was a maths lesson.<sup>687</sup>

'Rory' was in the junior school until 1979.

It is plain that Wares' deviant interest in young boys had subsisted for years and was ever present and profound. It never left him when he was teaching in Edinburgh and was in his mind, if not his actions, for much of the time. He would take any opportunity that was presented to him. The most obvious example, outside the classroom, was at sports sessions, in which he was heavily involved. Many applicants spoke to such behaviour.

'James' recalled that after he had forgotten his shorts for sports, he was sent to see Wares, albeit with a warning from another pupil to 'watch him'.<sup>688</sup> He went on:

I went to Mr Wares. I was dressed but didn't have my shorts on under my tracksuit. I told him this. It was so quick, but he seemed to want to turn it into a joke. He put his hand down my tracksuit trousers and rubbed his hand against my groin. My recollection is that [when] this happened outside the classrooms there may or may not have been other boys around.<sup>689</sup>

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687 [Transcript, day 254](#): read-in statement of 'Rory' (former pupil, Fettes College, 1976-84), at TRN-8-000000047, pp.25-6.

688 [Transcript, day 358](#): read-in statement of 'James' (former pupil, The Edinburgh Academy; Fettes College, 1975-8), at TRN-8-000000073, p.165.

689 [Transcript, day 358](#): read-in statement of 'James' (former pupil, The Edinburgh Academy; Fettes College, 1975-8), at TRN-8-000000073, p.165.

In addition to 'James's' experience in the changing room, 'Ben' also remembered that:

After games practice I always tried not to be the last person left in the showers or in the changing room so as to avoid being on my own with Iain Wares. He always hung around the shower rooms after games. I am not sure why but it ended up that I was the last person to leave so I was alone with him. I know that I was sexually abused by Iain Wares on this occasion but something is blocking me from accessing what actually happened. It is locked in my head and I am unable to unlock it just now.<sup>690</sup>

A different 'James' remembers his own experience:

My worst experience with him was in the changing rooms at Arboretum after rugby training. It happened at the end of my time at junior school, just before I went to senior school. I was about 11 years old. I was one of the last ones there and the last one to go into the showers. Wares was there, as he often was. He got undressed and came into the showers. He stood behind me and rubbed soap over my back, my legs and my bum. I could hear a heavy breathing noise behind me. I ran out of the shower.<sup>691</sup>

'David' described 'being really uncomfortable, getting dressed after a shower. Mr Wares was just walking around ... and looking. I remember thinking that I had to get dressed and [get] out of there quick.'<sup>692</sup> 'Max' said that Wares 'would linger

at the entrance to the shower area so that he didn't get wet ... [looking at] naked boys'.<sup>693</sup>

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**'It was done in plain sight and teachers must have known.'**

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'Callum' was taught rugby by Wares and

he would get us all in the changing rooms to explain the rules of the game. What he would do was stand behind me or another child and press in close to one's body and at the same time put his hands down our shorts and have a feel. All the while talking about the game. It was a regular thing and a normal occurrence ... I don't think it was a secret as it was done in plain sight and teachers must have known.<sup>694</sup>

He added that Wares 'would also get us all when we were naked in the showers and flick us with a towel. That was really painful'.<sup>695</sup>

Nicky Campbell recalled the towel flicking too, and also remembered that on one occasion, in a changing room in the pavilion on Kinnear Road, Wares was

leaning over the back of my friend and I guess masturbating him, so my friend is about - nine or ten, I think. And I remember my friend laughing and giggling ... but obviously I just - you know that sort of uncomfortable 'Stop it, stop it, stop it, no'. That sort of thing. And I remember Wares smiling, like, it's a game, it's a game. And I remember my friend ... sort of moving away and Wares following him,

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690 [Transcript, day 358](#): read-in statement of 'Ben' (former pupil, Fettes College, 1974-6, and The Edinburgh Academy), at TRN-8-000000073, pp.171-2.

691 [Transcript, day 365](#): read-in statement of 'James' (former pupil, The Edinburgh Academy), at TRN-8-000000081, pp.121-2.

692 [Transcript, day 358](#): read-in statement of 'David' (former pupil, The Edinburgh Academy), at TRN-8-000000073, p.61.

693 [Transcript, day 252](#): 'Max' (former pupil, Fettes College, 1973-80), at TRN-8-000000045, pp.41-2.

694 [Transcript, day 359](#): read-in statement of 'Callum' (former pupil, The Edinburgh Academy), at TRN-8-000000075, p.201.

695 [Transcript, day 359](#): read-in statement of 'Callum' (former pupil, The Edinburgh Academy), at TRN-8-000000075, p.202.

just - you know walking across playing with his penis.<sup>696</sup>

'Munro', who was abused by Wares both sexually and physically whilst a pupil at The Edinburgh Academy's junior school, visited Fettes and met Wares again in 1979:

I was about seventeen and in the upper school. I was at an athletics match at Fettes when I saw Wares peering through the windows of the changing room, watching boys getting changed. Another lad ... and I chased after him, but by the time we got outside he had disappeared.<sup>697</sup>

## Violence

The medical notes of the REH in 1975 describe Iain Wares as 'a feared monster for he often gets angry and sometimes loses his temper and hits boys'.<sup>698</sup>

That statement accurately noted that he had a propensity to anger but it failed to capture the levels of violence and loss of temper which were characteristic of the man. In the same way, 'Michael's' evidence that 'after his summer of treatment in 1975 ... [Wares] became a much calmer person'<sup>699</sup> is extremely hard to reconcile with the evidence of those who, as children, regularly experienced his terrifying fury.

Applicants from both schools described a man who was capable of exploding into violence without warning and whose face would turn purple with rage. One of his

colleagues described him as 'always firm, even hard, or at least brittle. He lived on a short fuse. He took no nonsense from pupils and the telling off he gave was always quite severe. His tone was severe, but in my experience not abusive'.<sup>700</sup>

Those who were taught by Wares witnessed more of his behaviour, experiencing a classroom atmosphere characterised by cruelty and intimidation where abusive punishments were meted out. 'Alexander', who was a pupil at The Edinburgh Academy, said:

I knew he wasn't a pleasant character. He would also use subtle and not so subtle forms of intimidation on the pupils in his care. He would throw the blackboard duster at people. It was dangerous if it met its target. It was a heavy block of wood. He would 'brand' pupils who did not please him with a piece of chalk. It was not physically harmful, but seems to have been part of his way of exerting his power and intimidating the pupils. I think he was probably quite a cruel person.<sup>701</sup>

Wares conducted himself in a similar fashion at Fettes, as 'Frank' explained:

He was very violent towards the boys, would lose his temper very easily, he would throw the blackboard duster at any of the boys who he thought had transgressed. He would grind the blackboard duster into the head of pupils, cover them in chalk. It was very painful. He was a good cricketer so he did these things with accuracy in terms of throwing ... all of us, that's

696 [Transcript, day 364](#): Nicky Campbell (former pupil, The Edinburgh Academy), at TRN-8-000000080, p.24.

697 [Written statement of 'Munro'](#) (former pupil, The Edinburgh Academy), at WIT-1-000001392, p.13, paragraph 68.

698 PSS-000025851, p.3.

699 [Written statement of 'Michael'](#) (former teacher, Fettes College, 1970-83), at WIT-1-000000427, p.8, paragraph 30.

700 [Transcript, day 254](#): read-in statement of Andrew Mineyko (former teacher, Fettes College, 1975-80), at TRN-8-000000047, p.51.

701 [Transcript, day 357](#): read-in statement of 'Alexander' (former pupil, The Edinburgh Academy), at TRN-8-000000072, pp.188-9.

18 boys, were hit by the blackboard duster at one time or another.<sup>702</sup>

Hair pulling was also a regular form of abuse employed by Wares, as 'David' explained:

When you got an answer wrong or Mr Wares thought you should be doing better, he had this other thing he used to do which was to come up to you, grab your sideburns and gradually lift you up until you were standing on your desk. Then you would be standing on your tiptoes being held up by your sideburns. It was fairly uncomfortable and it added to the feeling of him being in charge.<sup>703</sup>

At The Edinburgh Academy, Wares used a clacken (a wooden bat) to beat boys, which he did with ferocity. 'Sam' said: 'His face would go bright red, like, almost beetroot, and it was such a contrast between his blonde hair and his red face that he looked almost like something out of a pantomime. It was just not normal.'<sup>704</sup> 'Andrew' recalled being beaten by Wares six times on the thigh for being found in a corridor.<sup>705</sup> 'Charlie' said he was an angry man who belted him on the wrist and also used a clacken on his thigh.<sup>706</sup>

The degree to which he lost his temper was marked. 'Max', a former policeman, said of Wares:

I've never seen a man with such a temper and I've seen a lot of tempers ... He went purple, and I mean purple, and he would grab boys by the hair, literally by the hair and throw them against the - in the changing room in

particular ... wood panelling ... He did it in the classroom, our classroom, and at the last moment must have realised that it wasn't plasterboard, it was concrete, and in a flash he pulled back and threw him right across the room. I forget who that individual was.<sup>707</sup>

Both 'Ben' and 'Frank' remembered such behaviour, and the particular abuse of a boy called 'Raymond'. 'Ben', whose first impressions of Wares had been that he was a 'nice, quiet, supportive'<sup>708</sup> man, got a quite different impression of him within a short time:

I cannot remember what the circumstances were that kicked it off but Iain Wares flew into a rage with one of the boys in the class. This was the first time I saw him in full flight. It was a small classroom full of boys. His face was puce coloured, his eyes were bulging, and he was screaming at this boy. He grabbed him by the hair and violently shook his head vigorously, resulting in the boy's head getting bashed off the desk. In the classroom Iain Wares regularly had outbursts of anger and rage like this. He grabbed boys by the hair and shook their heads. He would hit heads off the desk. It regularly happened to 'Raymond'. He had been shaken so much that he had a bald patch on the back of his head where his hair had been pulled out. I, like a lot of the boys, used to sit and look straight ahead in fear that you were ... [the] next victim. It made you afraid to speak to him because you were frightened you would say the wrong thing and upset him. It happened to me on several occasions where Iain Wares pulled my hair and thumped my

702 [Transcript, day 253](#): 'Frank' (former pupil, Fettes College, 1975-81), at TRN-8-000000046, p.26.

703 [Transcript, day 358](#): read-in statement of 'David' (former pupil, The Edinburgh Academy), at TRN-8-000000073, p.60.

704 [Transcript, day 361](#): 'Sam' (former pupil, The Edinburgh Academy), at TRN-8-000000077, p.124.

705 [Transcript, day 362](#): 'Andrew' (former pupil, The Edinburgh Academy), at TRN-8-000000078, p.77.

706 [Transcript, day 363](#): 'Charlie' (former pupil, The Edinburgh Academy), at TRN-8-000000079, p.41.

707 [Transcript, day 252](#): 'Max' (former pupil, Fettes College, 1973-80), at TRN-8-000000045, pp.42-3.

708 [Transcript, day 358](#): read-in statement of 'Ben' (former pupil, Fettes College, 1974-6, and The Edinburgh Academy), at TRN-8-000000073, p.168.

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## 'I felt absolutely terrified when this was going on.'

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head off the desk and a couple of times I was thrown around the room. I saw this happening to quite a few boys in the classroom. I am surprised that none of the boys injured their necks because of the force Iain Wares used.<sup>709</sup>

Regarding his treatment of 'Raymond', 'Frank' explained that Wares 'got very angry with him and [on] one occasion he grabbed "Raymond's" hair and picked him up. I recall hearing the hair tearing from the scalp. I think that Wares did get into trouble for this.'<sup>710</sup>

'Ben' continued:

There was one time when all of the boys from the junior school were at assembly before lessons began when Iain Wares attacked ... 'Raymond' ... I can't remember why but it might have been something stupid like ... 'Raymond's' shoes weren't polished properly. It must have been just before assembly actually started and he grabbed ... 'Raymond' by the hair, dragged him about, and threw him against walls. He picked him off the ground then dropped him. All the time Iain Wares was screaming and shouting at him. I felt absolutely terrified when this was going on.<sup>711</sup>

'Ben' remembered two other teachers having to intervene. Both were contacted by the Inquiry and 'Ben's' evidence shared with them. One did not recall the event but the other replied:

A former pupil's allegation of a physical assault that I intervened to stop stirs a faint memory. I'm not sure that ... I had to wrestle Iain Wares off the victim, but that in general the incident did happen. I cannot believe that the matter was so physical that we had to wrestle Wares off the victim. I think it's more likely that we caused Wares to calm down and stop shouting at the pupil. If there had been a physical incident like that, I would have recalled it.<sup>712</sup>

However, school records confirm that Wares did assault 'Raymond', pulling his hair. They also reveal that when 'Raymond's' father removed all three of his sons from Fettes, he complained to Chenevix-Trench in September 1975: 'To sum up, we are surprised that there should be any misunderstanding; our youngest son was assaulted by a master, and in spite of your assurance hair pulling has started again.'<sup>713</sup>

Chenevix-Trench, in reply, did not dispute that such behaviour had happened before, but wrote:

About the alleged recurrence of hair pulling ... I presume you have written to his Headmaster, 'Michael', giving chapter and verse as far as possible. If not you should do, and send me a copy. Naturally, I shall then investigate; until then I must, on justice to all, keep an open mind.<sup>714</sup>

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709 [Transcript, day 358](#): read-in statement of 'Ben' (former pupil, Fettes College, 1974-6, and The Edinburgh Academy), at TRN-8-000000073, pp.169-70.

710 [Written statement of 'Frank'](#) (former pupil, Fettes College, 1975-81), at WIT.001.003.0151, p.7, paragraph 29.

711 [Transcript, day 358](#): read-in statement of 'Ben' (former pupil, Fettes College, 1974-6, and The Edinburgh Academy), at TRN-8-000000073, pp.169-70.

712 [Transcript, day 254](#): read-in statement of Andrew Mineyko (former teacher, Fettes College, 1975-80), at TRN-8-000000047, p.52.

713 Fettes College, Letter to headmaster, 8 September 1975, at FET-000000318, p.1.

714 Fettes College, Letter to headmaster, 8 September 1975, at FET-000000318, p.1.

From the exchange, it seems plain that 'Frank' was correct in saying that Wares got into trouble. 'Michael' maintained he had never been aware of the hair pulling and was horrified to hear of it, saying he should have been informed.<sup>715</sup> The abusive treatment suffered by 'Raymond' and the way in which it was handled is another example of the inadequacy and failure of Chenevix-Trench's leadership. His was a poor appointment, he proved to be unsuited to the role of headmaster, and he was not called to account at all.

### A cruel abuser

Cruelty featured in the abuse perpetrated by Iain Wares, whether it was violent or sexual or both. 'Frank' felt that Wares became more confident in his behaviour as time passed, particularly as

I had reached puberty sort of more quickly, I think, and that I made him ... more interested in me personally ... it's basically like the fondling was almost like grooming and by the time I got into second year, he was fully putting his hands inside my shorts and molesting me sexually.<sup>716</sup>

On one occasion, he said,

the class had emptied and he asked me to stay behind because I had been up going through the jotter and the bell had gone before he'd finished it, so he initially sort of went through the bits on the maths jotter which he hadn't covered and then as I got up to leave, he shoved me into the doorframe

and inserted his hand down the back of my shorts in a rather violent manner. This all happened in a matter of seconds, he literally slammed my face into the wall and put his hands down my shorts and he was muttering something inaudible in my ear, and then you could hear through the door people in the corridor moving about and suddenly he pulled away from it and basically went back to his desk ... I've always reckoned that there's been an element of part of him wanted to get caught about this because it was so open, you know. Something in his make-up was wanting to - the frisson of danger of what he was doing. So that happened. But as I say, he did stick his finger up my anus briefly, whipped it out. It was painful, maybe two fingers, really painful.<sup>717</sup>

George Scott had a similar experience in October 1977. In the classroom Wares suddenly dragged him backwards off a chair by the scruff of the neck and pulled him out of the classroom to a games changing area where he laid into him, slapping, punching, shaking, and shouting at him:

And I don't know whether I actually blanked out, blacked out, lost consciousness. It just - the last thing I remember was him taking some kind of - I think it would have been a plimsoll or possibly a rugby boot because they would be lying about on the floor and bashing me around the torso with it.<sup>718</sup>

George Scott thought it was so bad he reported it to 'Michael' 'who gave a look that was almost like him rolling his eyes and he said he'd have a word with Wares'.<sup>719</sup>

715 [Transcript, day 254](#): read-in statement of 'Michael' (former teacher, Fettes College, 1970-83), at TRN-8-000000047, p.65.

716 [Transcript, day 253](#): 'Frank' (former pupil, Fettes College, 1975-81), at TRN-8-000000046, p.31.

717 [Transcript, day 253](#): 'Frank' (former pupil, Fettes College, 1975-81), at TRN-8-000000046, pp.33-4.

718 [Transcript, day 253](#): George Scott (former pupil, Fettes College, 1977-83), at TRN-8-000000046, p.97.

719 [Transcript, day 253](#): George Scott (former pupil, Fettes College, 1977-83), at TRN-8-000000046, p.100.

'Andrew' dreaded being punished by Wares:

I have a very clear memory of growing fear during the day, knowing that was coming at the end of school. So, in other words, you have been in a class, you were told that you were to come back, and sort of almost knowing full well that something was going to happen in that period, and that was a really, really horrible feeling. And the best way I can describe it is that again it is this very strange thing, you are at a pre-sexual age, but when you are put over someone's - put over someone's knee and, you know, your shorts are down, so you are in this incredibly vulnerable position, and then everything takes too long. So you sort of don't know what's happening, because you don't know what predatory sexual behaviour is, but what's happening takes too long. That's the only way I can describe it. It felt very, very uncomfortable. And then afterwards was this - because you are in close range to this person, and afterwards was that sense of looking - and I can remember looking up and looking into this teacher's face, and seeing this strangest expression, this sort of almost like a sort of frog, like a sort of red face and bulging eyes ... retrospectively ... it is clear that the person has become sexually aroused and is either pleasuring themselves or has become excited through the act of doing this to you. It is just - it is not the sort of memory you want to have, but it is there. And, yes, that's how I remember it.<sup>720</sup>

On occasion, Wares humiliated vulnerable pupils. 'Wilson' had been diagnosed as having dyslexia. His parents chose Fettes Junior School as an interim measure prior to his starting at George Watson's College, where a specialist dyslexia unit was established in about 1974. 'Wilson'

remembers Iain Wares arriving at the school. He became 'Wilson's' form teacher and also taught him maths and Latin. 'Wilson' was warned by a boarder that he should never stay over at the school if Wares was involved.<sup>721</sup>

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### Wares humiliated vulnerable pupils.

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'Wilson' was sexually and physically abused, and his attempts to prevent Wares' fondling led to him being repeatedly humiliated:

[He] was fully aware that I had issues with my reading and writing. To compound the embarrassment, he would have me go to the front of the class and have me try and read my homework and some of the questions to the rest of the class. I can remember that the first time I was standing there it was behind the desk beside his table, so the rest of the class could not see what he was doing. As I stood there he put his hands up the inside of my shorts and fondled me. I was really scared and did not know what to do to stop it. The next day I was so scared about being in his class that I deliberately soiled my underwear. When he told me to come back up to the front of the class he repeated the abuse, but this time he found I had dirtied myself and immediately pulled his hand back. As he did that he was shouting and yelling at me, his eyes bulging out, calling me a dirty boy. I realised that this seemed to be the only way to stop his abuse and as a result I soiled myself each day before going to his class. I was extremely embarrassed but had to try and protect myself. He also threw a book at me and most days he told me to read a passage to the class.<sup>722</sup>

720 [Transcript, day 357](#): 'Andrew' (former pupil, The Edinburgh Academy), at TRN-8-000000072, pp.93-4.

721 [Written statement of 'Wilson'](#) (former pupil, Fettes College, 1971-4), at WIT-1-000001431, p.6, paragraph 31.

722 [Written statement of 'Wilson'](#) (former pupil, Fettes College, 1971-4), at WIT-1-000001431, p.6, paragraphs 28-9.

'Wilson' did try to tell 'Michael' what Wares was doing but

his response to me was that he was not believing me, and he said I had an over fertile imagination and what would my parents think of me saying those things about a teacher. He told me the school was trying to help me with my reading and writing, and I was risking this by coming forward. He put a great guilt trip on me. Although he said this I still had Wares as my form teacher but that was only for about fifteen minutes each day. I was taken out of all his other classes.<sup>723</sup>

His description of what happened was, in many ways, an echo of the responses of both schools, where there was a clear desire to minimise or deny what was taking place to focus on protection of school and reputation, and to pay little or no heed to the protection of children. It is of note that, on moving to another school as planned, he found the change positive for it was 'a completely different philosophy, more of a free atmosphere'.<sup>724</sup>

### **The impact of abuse by Wares**

All who provided evidence of the abuse perpetrated by Iain Wares have, to some degree, suffered long-term adverse impact.

'Frank' has repeatedly reported Wares' abuse, and doing so has been difficult. He thought that Wares had left the school after he, 'Frank', had disclosed to his mother that Wares had been abusing him which, had this been the case, would have been enough for him at that point. His perceptions, as an adult, of the way his mind was working at the time but

also how, as he matured, he saw matters in a different light were highly instructive:

It's going to make me sound really stupid, but I just don't ... I didn't care because I was no longer getting molested by him. I was no longer afraid of him being there because I didn't have any dealings with him. So I didn't really care what happened to him at that point ... As I say it's like this fog of adolescent hormones when you're at that age that none of this makes any sense and that people are - you ask about what effect this has had. It's the dawning realisation of what has occurred to you over a period of time. And also the way other people treat you as a result of that, too, that it - that I felt that my - I'd been violated, you know? But I didn't realise that at the time. I mean I used to stand there with his hand up my shorts and I giggle, nervously giggle because I didn't know what the hell was going on. Why's this teacher got his hand - I didn't understand what was going on, I didn't understand why he would want to do that. It just didn't make any sense.<sup>725</sup>

Responses to attempts to report Wares' conduct were often unhelpful. That was certainly true in 1975, when 'Frank' was still in the junior school and his mother had complained:

As far as I know, the matter was pushed up the chain of command to Chenevix-Trench and it was Chenevix-Trench that more than likely had an oversight as to what actually happened to Wares. And I think that this ... says something about the ineffectuality of 'Michael' in this situation ... he felt he could not act without throwing it up the chain of command. And that it would be Chenevix-Trench's peculiarities

723 [Written statement of 'Wilson'](#) (former pupil, Fettes College, 1971-4), at WIT-1-000001431, p.7, paragraph 35.

724 [Written statement of 'Wilson'](#) (former pupil, Fettes College, 1971-4), at WIT-1-000001431, p.9, paragraph 45.

725 [Transcript, day 253](#): 'Frank' (former pupil, Fettes College, 1975-81), at TRN-8-00000046, p.42.

which probably allowed [Wares] to get away with it.<sup>726</sup>

'Frank's' dealings with the police were better. He first reported the abuse in 2004 and

it was all sociable and pleasant. The way that it was left was, as you are well aware, that I was under the impression that if he set foot in the UK, he would be arrested and charged, but the extradition proceedings from South Africa would be not straightforward. And because I was a lone voice, I didn't feel that I should push this.<sup>727</sup>

Understandably, 'Frank' became angry as the years passed; he re-reported to the police in 2005 and also contacted Fettes. That did not help and, as Michael Spens acknowledged in evidence, Fettes should have been more compassionate.<sup>728</sup> 'Frank' explained that he was invited to meet with the Chair of the Board:

He announced to me that he would have another lawyer present and that if I wanted to, I could bring somebody along, but I didn't have the wherewithal to engage a lawyer ... I honestly don't really know exactly what it was that I was going for. I just wanted the school to know that this had happened and to - to actually admit and take responsibility for their behaviour. Because I - I mean, it's indescribable, the way that they dealt with this ... I think they thought I was going to hit them with some huge financial demand or something like that ... that really wasn't what it was about. In point of fact, at the end of the conversation that we had with him, they asked us: 'So what do you want us to do?' in a rather

kind of like, 'So, we've apologised to you, what do you want us to do now?' And I said to them at the time - my mother was a single parent and ... she paid my way through Fettes on a GP's salary, and my sister had to be removed from [another school] in her final few years, even though she really liked it, because my mother couldn't afford both sets of fees, and that I said to Lord MacLean at the time that I thought it was only fair that my mother be reimbursed for her school fees for my time at the school because what she had paid for had not been delivered ... at that point kind of there was a muttering between the two of them and they said: 'Right, well, we'll look into it', and I was shown the door. That was the end of the conversation and then subsequently I was contacted by their lawyer or insurer ... Lord MacLean sort of like threw a kind of offhand 'On behalf of the school, we would like to extend to you an apology', but, I mean, it's pro forma; I mean, it's meaningless. He didn't do anything, you know? The school did not ... implement any reforms that I can see ... they didn't offer any real meaningful help. You know, they didn't do anything. And they threw out this apology. Well, whoop de do. It's meaningless to me.<sup>729</sup>

The Edinburgh Academy's response to complaints about Wares was as unsatisfactory. In August 2008 'James', whose mother had complained unsuccessfully to the rector in the 1970s, told the deputy rector, David Standley, of Wares' abuse after reading an enthusiastic account he had written about his own career at The Edinburgh Academy.<sup>730</sup> David Standley replied sympathetically within days and suggested 'James' contact the rector if

726 [Transcript, day 253](#): 'Frank' (former pupil, Fettes College, 1975-81), at TRN-8-000000046, p.56.

727 [Transcript, day 253](#): 'Frank' (former pupil, Fettes College, 1975-81), at TRN-8-000000046, p.45.

728 [Transcript, day 259](#): Michael Spens (former headmaster, Fettes College, 1998-2017), at TRN-8-000000054, p.140.

729 [Transcript, day 253](#): 'Frank' (former pupil, Fettes College, 1975-81), at TRN-8-000000046, pp.47-9.

730 The Edinburgh Academy, Email to deputy rector, 29 August 2008, at EDA-000000223.

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## 'I felt humiliated, I didn't know what to do. I'd been sexually abused.'

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matters were to be taken further. 'James' replied, saying he would leave it there. David Standley then emailed the rector on 12 September 2008, saying: 'No further action needed, but suggest that we file the whole thing somewhere in case anything resurfaces.'<sup>731</sup> The rector did not, as he could have done, institute any investigation, and it is not clear why he failed to take the initiative there and then.

'James' thought it another hopeless response from the school. As he said, so powerfully, at the close of his evidence:

At the point where he received the information about Wares he faced a choice in that moment. He could acknowledge the fact that The Edinburgh Academy was a locus for something that was wrong and he could do something about it. Difficult enough, shameful enough, but he could do something about it. And if he had taken action, if he had chosen to go the right way, then the Academy and most of us here today wouldn't be here in this room, because so much would have been prevented from happening in the future. So, in that moment, when [the rector] said whatever he said to my mother and the words that he chose to use, he went from being neutral to complicit and the Academy has been in shame ever since that moment, and they have not moved yet beyond that point ... when I read that the Academy has done this and done that to make sure that things like this could never happen again, that is all well and good, but they are only trying to catch up and be like

a normal school and perform their normal duties of care to the children who go there.<sup>732</sup>

'Max' also made valid points about the failures of staff at the time, points that apply equally to both schools:

People must have heard it, sir. I mean, you could hear through walls, you could hear upstairs. You know, there must have been 'What is he shouting at today?' You could hear people walking along the corridor, you could hear people walking along the corridor upstairs. In the summer, when the windows were all open, sound carries. So some one of the teachers must have heard and asked him what it was about or taken it further up that he was beginning to get out of order with his rants. He'd think nothing of throwing a book across the room either.<sup>733</sup>

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### **The rector did not, as he could have done, institute any investigation.**

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Fettes' failures had a profound effect on 'Max'. He believes that they made him 'quite an aggressive person',<sup>734</sup> and that he remains so to this day. He is also burdened with a deep sense of guilt:

I've carried it throughout my life, sir. I felt humiliated, I didn't know what to do. I'd been sexually abused. I joined the police. I had every opportunity to report it. And I was too

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731 Transcript, day 357: 'James' (former pupil, The Edinburgh Academy), at TRN-8-000000072, p.54.

732 Transcript, day 357: 'James' (former pupil, The Edinburgh Academy), at TRN-8-000000072, pp.58-9.

733 Transcript, day 252: 'Max' (former pupil, Fettes College, 1973-80), at TRN-8-000000045, p.45.

734 Transcript, day 252: 'Max' (former pupil, Fettes College, 1973-80), at TRN-8-000000045, pp.47-8.

embarrassed to or too selfish, I don't know which, probably both, a combination. I had a wife who was in the Family Unit, who could have assisted me. Most importantly, I failed in my oath that I'd protect the public, because I could have reported him and others wouldn't have been subjected to what obviously carried on. I can only apologise for that to the people.<sup>735</sup>

And the impact on him of Wares' abuse has had an adverse effect on his relationships with women and with his children:

I couldn't interact with women ... I didn't know how to deal with my children ... That stems from Wares. I couldn't even bath my daughter after a certain age. I thought it was wrong. If ... she said she needed to go to the toilet ... I picked her up and ... gave her to her mother, and said: 'She needs to go to the toilet', and she said: 'Oh, you should just have let her and just helped her pull up her pants and her nappy', and I said: 'No, I'm not prepared to do that'. I wasn't. I wasn't. I think that stems from Wares. The mere thought of it was ... I couldn't do it.<sup>736</sup>

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### **The suffering they still endure, over 50 years later, could all have been prevented.**

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These are just some examples of the lasting impact of the repeated failures of Professor Walton and those in positions of responsibility at both The Edinburgh Academy and Fettes. Had complaints been listened to, taken seriously, and acted upon at the outset - as they could have been - many children would have been saved from dreadful abuse in the 1970s. The suffering

they still endure, over 50 years later, in the 2020s, could all have been prevented.

### **Prosecution and extradition of Wares**

'Frank' reported the abuse he suffered to the police in 2004. He did so again in 2005, as did another former pupil of Fettes. In turn, the police reported a case to the Crown Office in 2006, and a two-charge petition was prepared in April 2006. Six years later, in 2012, the decision was made to take no further action, therefore extradition was not sought.

Four more former pupils, from The Edinburgh Academy and Fettes, complained to the police between 2014 and 2016 about Wares' abuse. All the available material was considered by the Crown, and on 15 March 2017 a petition warrant containing seven charges (including charges of lewd, indecent, and libidinous practices or behaviour, and indecent assault) was granted. On 24 August 2018 the South African authorities were sent an extradition request which Wares challenged, including on the basis that four of the seven charges relied on had prescribed under South African law which was, at that time, correct. The position altered in December 2020 when a change in the domestic South African legislation in effect meant that certain sexual offences charges on extradition requests lodged after that statutory change came into force would not be time-barred.

In Scotland, further complaints were made about Wares. A second petition warrant was granted in October 2017, adding one more charge. Following publicity of the Inquiry's Fettes hearings, a third petition was granted on 9 May 2022, libelling 45 charges, 38 of

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735 Transcript, day 252: 'Max' (former pupil, Fettes College, 1973-80), at TRN-8-000000045, p.49.

736 Transcript, day 252: 'Max' (former pupil, Fettes College, 1973-80), at TRN-8-000000045, pp.50-1.

which were new. After the broadcast of Alex Renton's 'In Dark Corners' series on Radio 4, and the considerable publicity resulting from Nicky Campbell speaking about Wares' abuse on his BBC Radio 5 Live programme 'Different', a fourth petition adding 29 more charges was granted on 29 March 2023. The Crown raised a fifth petition, dated 13 September 2024, which contained 90 charges and essentially combined the previous documents.

As at the date of publication of this volume, Wares remains in South Africa. The extradition proceedings are ongoing. They are due to call in court again in April 2026.

Additionally, a complaint was received against Wares in South Africa in 2022, which led to a prosecution of a single charge of indecent assault, alleged to have taken place in 1988 at Rondebosch Boys Preparatory School in Cape Town. The prosecuting authorities presented their case against Wares (aged 86) in August 2025, the defence case was presented on 14 October 2025, and the case was continued to February 2026 for final submissions.

Proceeding with a prosecution in Scotland has not been straightforward. The position in relation to time-bar in South Africa, referred to above, formed part of the rationale behind the decision not to proceed with the prosecution, which was subsequently affirmed after an unsuccessful Victims' Right to Review procedure being undergone in Scotland, all in late 2020. A further Victims' Right to Review brought by George Scott, along with other representations, led to a review in the Crown Office and the ultimate decision to proceed with the case in July 2021. The Crown has not renounced any right to institute proceedings against Wares at a future date.

Extradition hearings in relation to the first Scottish petition took place in Cape Town in October and November 2023. The High Court of South Africa issued its decision on 8 August 2024 and found that charges 5-7 on the petition of March 2017 met the requirements of dual criminality and that Mr Wares was liable to face extradition to stand trial on those charges. The Court said, after parties ultimately agreed that the 2020 amendment of the Criminal Procedure Act 1977 (the CPA) did not fully resolve the time-bar issue:

27. ... the relevant date in considering whether an offence is extraditable or not is the date on which the request for extradition was lodged by the requesting state: in this matter that date was during September 2018, which is 2 months after the order in Frankel. Thus, when the request for extradition was lodged, Frankel applied and any limitation on the right of the State to prosecute for sexual offences such as those which the appellant faces, was effective from 27 April 1994. Accordingly, the state of our law was that when the application for extradition was lodged the appellant could not be indicted for any offence committed more than 20 years before 27 April 1994, hence the common position adopted by the parties that the right to prosecute the appellant on counts 1-4 had 'prescribed', as they put it.

28. The only other question is whether the legal position in this case was affected by the passage of the revival provision. Having considered the wording of the relevant section [8], and for the reasons articulated above, we hold the view that in the circumstances of the matter the 2020 Act does not operate retrospectively. We are therefore in agreement with the parties that the amendment to section 18(2) of the CPA does not change the position. In our law, as it applied in September 2018,

the right to prosecute the appellant under counts 1 to 4 has lapsed.

29. Further, we are of the view that if the revival position were to find application in this case, it would be grossly unfair to the appellant, given that at the time when the extradition request was made (and for that matter, also at the time when the order was made by the Magistrate) the right to prosecute him under counts 1 to 4 had lapsed. It would be inequitable and contrary to the interests of justice to permit the lapsed right to prosecute to be revived midway through the extradition proceedings simply because Parliament had passed the 2020 Act.<sup>737</sup>

On 24 August 2024 the South African Minister of Justice and Constitutional Development indicated his intent that Wares should be extradited quickly and any further appeal would be opposed.<sup>738</sup> As noted above, the extradition proceedings are still ongoing.

The drawn-out process described above has inevitably had a further adverse impact on the applicants. 'Frank', unsurprisingly, complained about the decision not to proceed in 2020, having first reported his abuse to the police 16 years earlier. He was, however, encouraged by what had

subsequently taken place. 'I've had really quite good contact with [the Crown] since. There's a new person at the helm that seems to be doing a terrific job. Very forthcoming, writing me letters, giving me a telephone call and been terrific.'<sup>739</sup>

## Conclusion

Iain Wares was a prolific abuser of children. He preyed on them. He had a predilection for touching young boys sexually that he could not control. He was prone to angry outbursts which resulted in children being subjected by him to brutal assaults. Many were harmed and many are still suffering the effects of his abuse.

Wares' abuse of children was appalling both in its nature and in its extent. Children suffered dreadfully. Further, they were failed by Henry Walton who knew that Wares was abusing children and that his dangerous predilections were never 'cured', who wholly failed to prioritise the protection of children, and who failed to lead his team appropriately. The children were also failed by the schools, who could readily have protected children, whose care and safety was their responsibility, from Wares, but failed to do so.

737 Wares v Additional Magistrate, Simonstown, Cape Town and Others (2024) ZAWCHC 200.

738 <https://www.gov.za/news/media-statements/justice-and-correctional-services-extradition-mr-iain-wares-16-aug-2024>

739 Transcript, day 253: 'Frank' (former pupil, Fettes College, 1975-81), at TRN-8-00000046, p.53.

# 9

## Reporting

An inspection of Fettes College by the Scottish Education Department in early 1970 reported that: 'The morale of the school is high. The boys behave with courtesy and speak frankly and easily. Both staff and pupils appear to find the school a pleasant and stimulating place for work and play.'<sup>740</sup> But children abused in residential care, including at a boarding school, are likely to find it very hard to speak frankly or easily about it and are frequently unable to report it at the time. Fettes pupils were no different.

### Reasons for not reporting

The reasons for not reporting abuse were wide ranging. Take, for example, children who were abused by Iain Wares – some were scared, some did not fully understand that they were being abused, and others did not have the language skills to express what was happening. 'Ben' explained it this way:

I felt extremely confused the first time. Clearly, nobody had ever done that kind of thing to me before. But I made the assumption that because it was a grown-up, an adult doing it, a teacher, it must be all right. I never thought to say anything to anybody, I suppose, because of – well, what language would I use? Who would I bring it up with? And the fear of repercussions if I was to say anything. Repercussions from Iain Wares. Would people believe me?<sup>741</sup>

### Unbelievable

Some of the parents of children who were abused simply could not believe it happened. 'Robert', for example, said: 'Mr Chenevix-Trench was a Japanese prisoner of war and an Officer in the Royal Artillery, and they tortured him. And he wouldn't do such things, was my mother's opinion ... I guess why would somebody who'd suffered like that pass on that suffering?'<sup>742</sup> 'James' did not report being abused by Anthony Chenevix-Trench at the time but has done so in the years since leaving school. He spoke with his mother, but even now she does not accept what he had to say to her: 'She finds it very difficult. She won't, she just refuses, refuses to believe ... I suppose in some ways this is a kind of neglect ... She doesn't want to believe it or know it, yes.'<sup>743</sup>

That reflected the school's own refusal to believe it, which has, thankfully, changed. 'James' said:

I went up to Fettes once to show my wife where I had gone to school and I saw a plaque in the foyer for Anthony Chenevix-Trench who had been the headmaster. I thought: 'Oh look, they've got a tribute to their own Jimmy Savile'. I think it was that plaque, as much as anything, that made me come forward to the Inquiry.<sup>744</sup>

740 Scottish Education Department, Inspection report, Fettes College, February 1970, at SGV-000067185, pp.5-10.

741 Transcript, day 252: 'Ben' (former pupil, 1974-6), at TRN-8-000000045, p.95.

742 Transcript, day 251: 'Robert' (former pupil, 1973-8), at TRN-8-000000044, pp.76-7.

743 Transcript, day 250: 'James' (former pupil, 1975-8), at TRN-8-000000043, pp.90-1.

744 Transcript, day 250: 'James' (former pupil, 1975-8), at TRN-8-000000043, p.95.

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## ‘I salute all the people who’ve come forward to this Inquiry to speak the truth.’

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He reflected:

I think the problem about abuse is there’s always denial and it’s a very difficult thing to uncover. People struggle to do it. So I salute all the people who’ve come forward to this Inquiry to speak the truth because it’s very difficult and a lot of people don’t want to believe it’s going on, just like my mother ... But I think that it’s really important. Abuse is very insidious and very controlling and a difficult thing to address and get a hold on. But that’s why I’m here. Because, yes, it’s taken me a long time to kind of get hold of these things ... to really sort of see inside myself and go: ‘Oh my gosh, that’s what happened to me’.<sup>745</sup>

### Protecting parents and being unable to talk

Some children instinctively refrained from telling their parents what was happening. ‘Ian’, who was physically abused by prefects and described the school atmosphere as being like a concentration camp, explained: ‘I once told my dad some time in the 1970s about what Fettes had been like, but while I was there I didn’t say anything to anybody. It was something you just didn’t do.’<sup>746</sup>

Some children specifically did not want to upset their parents. They knew their parents believed they were doing the best they could for their children by sending them to Fettes and some also realised their parents had made sacrifices to do so. ‘Ben’ was one:

I didn’t want to do anything to upset my parents. My father as a boy had cycled past Fettes, you know, the dream that ‘one day my son might go to that school’. And he’d worked very hard to be able to do that. It was a big sacrifice for them to send me to that school. My mother wasn’t particularly happy about me going away to school in Edinburgh, even though she was from Edinburgh. I suppose I just didn’t want to do anything to upset that.<sup>747</sup>

‘Rory’ was another:

I was always going to provide a statement about the abuse I sustained at Fettes College after my mum and dad had passed away. I know that they went through a lot to send me to Fettes College, they sacrificed lots to pay the fees, and I didn’t want them feeling guilty because they had done something wrong, because they didn’t. One of my mates sent me an article that was in a newspaper ... about the abuse at Fettes College. I thought if somebody was going to have to go through this, then they shouldn’t stand alone ... It’s for that reason I’m providing my statement now, and both my parents are, thankfully, alive.<sup>748</sup>

‘Andrew’ was sexually abused by Ian Robb, a teacher at his prep school, New Park in St Andrews, on numerous occasions between 1974 and 1976, and Robb was convicted of sexual offences against ‘Andrew’ and other boys at Cupar Sheriff Court on 16 June 1976. ‘Andrew’ had not felt able to report all that had happened to him to the police and nor had he felt able to tell his parents:

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745 Transcript, day 250: ‘James’ (former pupil, 1975–8), at TRN-8-000000043, p.96.

746 Transcript, day 250: read-in statement of ‘Ian’ (former pupil, 1951–4), at TRN-8-000000043, p.157.

747 Transcript, day 252: ‘Ben’ (former pupil, 1974–6), at TRN-8-000000045, p.96.

748 Transcript, day 254: read-in statement of ‘Rory’ (former pupil, 1976–84), at TRN-8-000000047, pp.2–3.

'As an adult, I've asked myself why I didn't tell my parents. It's inexplicable. My dad had his issues and my mum was doing her best to kind of hold everything together, so they had their own stuff going on.'<sup>749</sup> And 'these are just incredibly embarrassing things to talk about and you don't - I certainly didn't, I didn't have the wherewithal to even begin a conversation with my parents'.<sup>750</sup>

### Powerlessness

Pupils could feel powerless. Take 'James', for example, who was wrongly blamed for a misdemeanour and sent to the headmaster, Anthony Chenevix-Trench, to be punished. He did not object: 'I didn't say anything. I just went, well, I haven't got a say here.'<sup>751</sup> He went on:

I think that, you know, it's the culture of something to do with value, where you lose your sense of self-worth and therefore you have no thoughts that you're going to be protected. Whereas now as an adult I do think about value and self-worth. As a teenager I suppose you just have to go: this is really rubbish, but there's nothing I can do about it ... I think I just wanted to get past it.<sup>752</sup>

### A culture of silence

For many, reporting abuse to the school could not be contemplated. 'Ian' said: 'It was something that you just didn't do'.<sup>753</sup> 'Grant' said: 'I was impelled to silence and I felt there

was nobody at all to whom I could turn for help or advice. Not even the charming and maternal house matron. My parents overseas, had I told them by letter, would no doubt have been appalled and frustrated at such information'.<sup>754</sup>

'Lloyd' said: 'I didn't feel that I could say anything. It would have been against all of the unwritten rules of the institution. The attitude was: you just don't grass'.<sup>755</sup> He continued: 'I never discussed anything with [my roommate] or any of my peers. You just didn't. The attitude was that you should grin and bear it. It was your fault'.<sup>756</sup>

### 'I didn't feel that I could say anything.'

Reflecting on the silencing effect of the culture, 'Lloyd' said:

I think it's important that whistle-blowers have the freedom to come forward. There must be protections put in place to protect them. I never had the guts at school to stand up and say what was happening to me. I felt unable to say anything as there was no protection provided. It went against the ethos of the school to grass and I was terrified that the abuse or bullying would get worse. I suppose the biggest lesson for the Inquiry to learn is that anyone coming forward with allegations of abuse, adult or child, needs to be protected from the repercussions.<sup>757</sup>

749 [Written statement of 'Andrew'](#) (former pupil, 1976-82), at WIT.001.002.1759, p.15, paragraph 70.

750 [Transcript, day 255: 'Andrew'](#) (former pupil, 1976-82), at TRN-8-000000050, p.29.

751 [Transcript, day 250: 'James'](#) (former pupil, 1975-8), at TRN-8-000000043, p.87.

752 [Transcript, day 250: 'James'](#) (former pupil, 1975-8), at TRN-8-000000043, p.90.

753 [Transcript, day 250: read-in statement of 'Ian'](#) (former pupil, 1951-4), at TRN-8-000000043, p.157.

754 [Transcript, day 251: read-in statement of 'Grant'](#) (former pupil, 1953-7), at TRN-8-000000044, p.112.

755 [Transcript, day 250: read-in statement of 'Lloyd'](#) (former pupil, 1955-7), at TRN-8-000000043, p.173. See also [Transcript, day 257: 'William'](#) (former pupil, 1979-86), at TRN-8-000000052, pp.160-2.

756 [Transcript, day 250: read-in statement of 'Lloyd'](#) (former pupil, 1955-7), at TRN-8-000000043, p.174.

757 [Transcript, day 250: read-in statement of 'Lloyd'](#) (former pupil, 1955-7), at TRN-8-000000043, pp.178-9.

'Bobby', recalling that 'despite it being outlawed, fagging still existed' and 'meant that a lot of punishments happened off book', was 'loath to criticise some of them [sixth-form prefects] who didn't speak up or do anything because they would have been ostracised. I think it must have been similar to prison. You don't hear anything or see anything, it just didn't happen, because you would be ostracised.'<sup>758</sup>

'Ellen' didn't feel able to report her concerns:

You just didn't ... my experience in Wellington and then the first year at Fettes very much taught you that you don't talk about any of it with anybody ... I don't want to draw attention to myself, I never did. I just wanted to get on as best I could. So you take that and you ... listen and you don't say anything.<sup>759</sup>

Emily Banks spoke of 'the inherent unspoken rule of not speaking out against the school or the staff'.<sup>760</sup> It is apparent from the evidence of these applicants alone that for almost half a century some pupils felt powerless, isolated, and simply unable to speak up about what was happening to them and to others.

### No one to turn to

As for who to speak to, there was a void:

In each of the ... houses there was a matron ... but the matron wasn't somebody who you could go to for help. Basically there was

nobody. You wouldn't have wanted to go for help to the prefects ... there was no way you would have wanted to speak to the prefects if you had a problem. So basically there was nobody. The only people you could talk to were the other people in the same year or the same position as you were ... there was no guidance given by either the prefects or the masters at all. I know that sounds impossible to believe, but that was the situation.<sup>761</sup>

'Lloyd' and 'Alan' were prone to running away, but no one thought to ask why. 'Alan' was running away because he was being abused. He was being bullied and taunted by other pupils for being effeminate and teachers failed to acknowledge any success he achieved. He described himself as being a 'difficult' student and thought that when his mother and the school referred him to a psychiatrist that was because they 'wanted me to be diagnosed as some delinquent, I suppose'.<sup>762</sup> Whatever their motivation, it is clear that 'no one at the school ever took the time to find out why I was running away'<sup>763</sup> despite him doing so 'about once a month'.<sup>764</sup> There was no pastoral care. Instead, every time he ran away 'they would send me to the headmaster for punishment'.<sup>765</sup>

### Discouragement from staff

Some pupils were prevented from contacting their parents. An account of one such occurrence was provided by 'Max', who was abused by Iain Wares when he was a boarder

758 Transcript, day 256: read-in statement of 'Bobby' (former pupil, 1985-90), at TRN-8-000000051, p.9.

759 Transcript, day 256: 'Ellen' (former pupil, 1985-7), at TRN-8-000000051, p.76.

760 Transcript, day 258: read-in statement of Emily Banks (former pupil, 1997-2002), at TRN-8-000000053, p.78.

761 Transcript, day 250: 'Roland' (former pupil, 1955-9), at TRN-8-000000043, pp.16-17.

762 Transcript, day 250: 'Alan' (former pupil, 1969-74), at TRN-8-000000043, p.128.

763 Transcript, day 250: 'Alan' (former pupil, 1969-74), at TRN-8-000000043, p.129.

764 Transcript, day 250: 'Alan' (former pupil, 1969-74), at TRN-8-000000043, p.129.

765 Transcript, day 250: 'Alan' (former pupil, 1969-74), at TRN-8-000000043, p.130.

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## Some pupils were prevented from contacting their parents.

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in the junior school. When the abuse first started 'Max' didn't know how to deal with it. However, when the abuse got to the stage of Wares playing with 'Max's' testicles, he made it clear to 'Michael', headmaster of the junior school and his housemaster, that he wanted to speak to his father, without explaining why. He was not allowed to do so, which 'Max' felt was unjust and, in the circumstances, he was entitled to do:

'Michael' was adamant that I really didn't need to speak to my father and that any problem that I had, he could deal with. I didn't think that he would deal with it correctly ... The mere fact that he wasn't letting me speak to my father, you know, 'Why upset him when he's so far away?'<sup>766</sup>

'Michael' knew that a child in his house was upset and was asking to speak to his father, contact which he could have facilitated. That was all he needed to know and he should not have stood in the way of it happening.

### Logistics

Children were able to write home, and there is no evidence to suggest that mail was read by staff, but 'Elizabeth's' experience showed that logistical barriers stood in the way of reporting by phone:

There was one phone in the whole boarding house for everyone who was boarding, which I think was about 70 of us, to either receive or to make phone calls ... The ... phone was plugged in at that stairwell outside Mr Glen's flat and I can remember sitting on the staircase

waiting to try and phone home, and as soon as somebody hung up, the phone would ring and it would be somebody else getting a phone call so it was really, really difficult to actually have a phone call home, either received or made ... I talk in the statement about writing this sort of not particularly pleasant letter home demanding to know why my mum didn't care enough to write to me or to phone me and we spoke about it and she said she would sit every night trying to phone.<sup>767</sup>

### Erroneous assumptions and false optimism

Fettes failed to establish systems that would support reporting, as was abundantly clear from evidence provided by 'Colin', a teacher and house tutor who was employed by the school for 16 years from 1970 to 1986. He was

not aware of there being an actual process for the children or anyone else to report a concern or make a complaint. I would imagine that any such concern would be reported to a member of staff and it would be taken from there. I never received any complaints or reports of concern and I am not aware of anyone else receiving such a report. I am not aware of where any paperwork relative to such a complaint or issue would be recorded or stored. I was never aware at any time of senior boys bullying the younger boys. I always felt it was a well-ordered and pleasant society. I was not aware of there ever being anyone that a child could speak to if they had any worries. There wasn't a recognised counsellor or anyone like that within any of the houses. I don't think Fettes had a definition of abuse.

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766 Transcript, day 252: 'Max' (former pupil, 1973-80), at TRN-8-000000045, p.37.

767 Transcript, day 258: 'Elizabeth' (former pupil, 1992-4), at TRN-8-000000053, pp.9-10.

If there was one, it was never communicated to me. This didn't change all the way through my time at Fettes. I never received any training or instruction in child protection or in respect of how children in the school should be treated, cared for, and protected against abuse, ill-treatment, or inappropriate behaviour. Similarly, I wasn't given any guidance or instruction on how to deal with any reports of abuse or ill-treatment. There was nothing formal set up to reduce the likelihood of abuse by staff or other adults towards the children at the school. I think I just assumed that it wouldn't happen. If it did happen, it would probably just be reported through the housemaster or tutor.<sup>768</sup>

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### **'I never received any training or instruction in child protection.'**

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'Colin' thought reporting was 'very dependent on the age of the children' and, beyond a certain stage, they could be relied on to speak up: 'Because I was dealing with children aged 13 and above, who would howl if anything happened to them, they would make sure people heard about it. There is no doubt in my mind that they would tell somebody about it.'<sup>769</sup> Some children might 'howl' but it is clear to me, not just from the evidence about Fettes, such as provided by 'Grant', 'Lloyd', 'Alan', and 'William', but from a wide range of other evidence provided to the Inquiry, that many will find it very hard to do so, whatever their age. Assumptions are risky: his assumption that children would speak up was ill-founded and simply wrong.

Such optimistic assumptions continued into the mid-1990s. Alistair Murray was 'not aware of any process for dealing with complaints and allegations against staff' and presumed 'they were attended to privately'.<sup>770</sup> He continued:

If any pupil at the junior school wished to make a complaint or report a concern, he would complain to any member of staff. I'm not aware of any formal route for complaints. I do not remember there being any complaints that were raised with the teaching staff. If there were complaints, I don't know where they would be recorded. If a junior pupil had concerns or worries, I assume he could confide in the housemistress or the headmaster. I also hope that pupils would feel comfortable approaching any member of staff. During my periods of employment at Fettes, the school did not have a definition of abuse that it applied in relation to the treatment of children at the school. Pupils had access to teachers and house staff at all times, but nothing was formally introduced up until I left in 1995.<sup>771</sup>

Demonstrating a disconnect between good intentions and reality, particularly remembering 'Elizabeth's' evidence, Malcolm Thyne explained:

All pupils would have access to a phone and they could phone their parents if there was a worry. A child would be allowed to phone home at any time other than during lessons. There was a phone available to pupils in each house ... If there was an issue, parents could always phone the housemaster, housemistress, or someone else at the school to discuss their concerns.<sup>772</sup>

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768 [Transcript, day 251](#): read-in statement of 'Colin' (former teacher, 1970-86), at TRN-8-000000044, p.94.

769 [Transcript, day 251](#): read-in statement of 'Colin' (former teacher, 1970-86), at TRN-8-000000044, p.97.

770 [Transcript, day 254](#): read-in statement of Alistair Murray (former teacher, 1967-73 and 1975-95), at TRN-8-000000047, p.37.

771 [Transcript, day 254](#): read-in statement of Alistair Murray (former teacher, 1967-73 and 1975-95), at TRN-8-000000047, p.40.

772 [Transcript, day 258](#): read-in statement of Malcolm Thyne (former headmaster, 1988-98), at TRN-8-000000053, pp.121-2.

Similar tensions existed more widely.

Malcolm Thyne continued:

Every member of staff was responsible for the pastoral care of the pupils and so I would hope that if a pupil had a worry, there would be a whole host of people they could speak to. They would have the entire teaching staff of some 60 or 70 people to choose from, whether they were teaching them or not. Every member of staff was a tutor ... We tried to ensure that amongst a house tutorial team there was a blend of talents so that we had scientists, art specialists, games experts, and cultural people. In each house, some ten pupils would be assigned by the housemaster or housemistress to a particular member of staff who would act as their tutor. That tutor would see the pupil individually on a weekly or fortnightly basis to talk about their academic work, their activities and interests, their happiness, and their welfare, and they would offer them guidance and advice. So there were several people with direct responsibility for looking after the care of each pupil.<sup>773</sup>

Everything he said may be true in theory but it did not mean that children could or did speak up; in practice, for many years daily life at Fettes did not facilitate, encourage, or support the reporting by pupils of their concerns.

Michael Spens thought that from 1998 onwards Fettes improved and developed

a very, very robust safeguarding child protection system, and one of the most important messages that comes through to pupils from the moment they arrive at the

school is that you must talk to people. If you're unhappy, if you feel you are being taken advantage of in any way, talk to people. It's not a sign of weakness to talk. That is what we're here to do.<sup>774</sup>

He did, however, add the caveat that

there is amongst pupils still a code of honour, if you like, that you fight your own battle and you find your way through life, which in some ways is admirable, but you are battling against it because it also can lead to people putting up with things that they shouldn't put up with and the school can only address issues if they know about it.<sup>775</sup>

The overwhelming evidence, which I accept, is that the school would have become aware of abuse if, decades ago, it had actively established an effective reporting culture. On some occasions abuse was reported but this had varying degrees of success. A number of the factors mentioned above meant that, particularly prior to the 1990s, the school's response was not adequate.

### **Reporting directly to parents or other family members**

Some children did disclose aspects of their abuse to parents or other family members. Some parents reported the abuse to the school, on occasion taking problems to the source. 'Max' telephoned his father using a 'reverse charge call' to tell him about the extent to which he was caned.<sup>776</sup> His father went to the school and threatened the chaplain who had carried out the beating, but it seems that little came of this. When

773 [Transcript, day 258](#): read-in statement of Malcolm Thyne (former headmaster, 1988-98), at TRN-8-000000053, pp.122-3.

774 [Transcript, day 259](#): Michael Spens (former headmaster, 1998-2017), at TRN-8-000000054, p.153.

775 [Transcript, day 259](#): Michael Spens (former headmaster, 1998-2017), at TRN-8-000000054, p.153.

776 See [Physical abuse](#) chapter.

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## **Others reported Iain Wares too and received varying responses, all of which were hopelessly inadequate.**

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asked whether there was any reaction to his father's visit, Max said: 'Not really. He [the chaplain] avoided me for a while.'<sup>777</sup> It is not known whether his father's complaint was passed on to the headmaster.

The most notorious of Fettes' failures to respond appropriately to reporting is 'Frank's' complaint about Iain Wares which he made to his mother, who in turn took it up with the school.<sup>778</sup> On the evidence, it is also apparent that others reported Iain Wares too and received varying responses, all of which were hopelessly inadequate.

### **Reporting to the school**

The evidence supports there having been some reporting of abuse at Fettes during the time period examined, albeit with mixed success. What is striking is the consistency shown by the school in either not sharing with parents the fact that their child had been abused or, on the occasions when they did, minimising what had happened, all, it seems, with a view to protecting Fettes' reputation.

Regarding Iain Wares,<sup>779</sup> in 1975 and 1979 parents and the board were misled, principally by Anthony Chenevix-Trench, about the degree of the abuse, about the medical treatment he was receiving and the information provided by Professor Walton, and about the future risk to children.

In the cases of 'Bobby' and 'Gregg', abused by the same prefect who was then removed, neither set of parents was ever told.<sup>780</sup> 'Thomas', in 1985, reported that 'two third formers were bullying a contemporary'. The matter 'was dealt with by a new housemaster. Parents were never told or asked about these matters. It was as if we deserved this treatment.'<sup>781</sup> 'When the abuse by 'Douglas' became known about and he was dismissed, parents were told but the line adopted by Anthony Chenevix-Trench was focused on minimising what had happened and deliberately choosing to mislead not only the parents but Fettes staff too.'<sup>782</sup>

The experience of 'Ellen' is another example of reputation trumping reality. The initial enthusiasm of her housemistress to do the right thing when told of another teacher's abuse was, to use 'Ellen's' word, 'squashed',<sup>783</sup> and while some practical steps were taken to restrict 'Ellen's' contact with her abuser, he was still allowed to teach and his humiliation of her continued.<sup>784</sup>

Perhaps the most successful instance of reporting was that of 'Claire' and her classmates, who complained that they were unhappy with the behaviour of William Stein. That led to prompt action, with the school recognising that the behaviour had to be stopped, and indeed it ceased. It was a rare example, on the evidence, of Fettes

777 [Transcript, day 252](#): 'Max' (former pupil, 1973-80), at TRN-8-00000045, pp.21-22.

778 See [Iain Wares](#) chapter.

779 See [Iain Wares](#) chapter.

780 See [Sexual abuse](#) chapter.

781 [Transcript, day 255](#): read-in statement of 'Thomas' (former pupil, 1980-5), at TRN-8-00000050, p.74.

782 See [Sexual abuse](#) chapter.

783 [Written statement of 'Ellen'](#) (former pupil, 1985-7), at WIT-1-000000471, p.17, paragraph 122.

784 See [Sexual abuse](#) chapter.

responding promptly and appropriately to concerns prior to the more widespread changes in pastoral care from the late 1990s onwards.

Even then, however, Fettes remained highly defensive to criticism and continued to respond inadequately, for example to 'Samantha's' reports of appalling misogynistic behaviour in the 2000s. The school held fast to its perception of itself and its own narrative, failing to act objectively.

Since then, there have been improvements. Take, for example, the investigation into and dismissal of a teacher for having too close a relationship with a senior pupil, which was then followed up with open and honest references.<sup>785</sup> There is no doubt that inroads have been made, if inspection reports are accurate. The Care Inspectorate report of June 2008, for example, states:

All felt that there was someone who they would be able to talk to in the event of them having concerns or feeling anxious about something. In most cases this was a member of staff but other pupils felt that they would confide in a prefect or senior pupil as a first step in seeking support.<sup>786</sup>

It is apparent that a culture has developed in which reporting is encouraged, and the school seeks to respond appropriately and shares information more widely with outside bodies. Two examples demonstrate this. In April 2008 a boy in Craigeleigh House sent a worrying text to a friend, who rushed into the boy's room and found he was trying

to suffocate himself. The friend freed his airways, a member of staff was alerted, and the resident staff and parents were informed. The headmaster spoke to the whole house about the incident, without giving details, and it was subsequently referred to the Care Commission.<sup>787</sup> Several years later, in September 2014, a fourth-form boy reported to the Glencorse housemaster that a third-form boy was being physically bullied by another third-form boy. Again, Fettes reported the matter to the Care Inspectorate.<sup>788</sup>

### **The school's response to evidence about reporting**

It was evident that Fettes head Helen Harrison had been carefully listening to and thinking about the evidence. She agreed that children not speaking up remained an intractable problem:

Yes, and if you don't say that, then you're not doing your job properly in my position. I think that's where you have to continue to be creative in finding ways to get through ... Certainly everything we do is aiming to get a conversation, a communication, which is entirely key, as we've seen, but we've heard from witnesses how difficult that is. I think ... one witness said: 'What language would I have used and who would I have spoken to?' and I wrote it down because it really resonated. I think the 'Who would I speak to?', we keep trying different ways to do this, making sure there's independence in that, and I know that's something that's come very clearly through witnesses' statements. They

785 Fettes College, References from headmaster, at FET-000000298, pp.6 and 8.

786 Care Inspectorate, Inspection Report, Fettes College: School Care Accommodation Service, 25 June 2008, at CIS.001.002.4924, p.10.

787 Care Commission, Fettes College: Provider Facing Notification, April 2008, at CIS.001.002.5081, p.3.

788 Care Inspectorate, Fettes College: Allegation of Abuse Concerning a Service User, September 2014, at CIS.001.002.5131, p.5.

need to ... trust, and that's what we've got to work out. I thought it was interesting, 'What language would I use?' and whether we could be more creative in helping to find the right language when people are discussing incredibly difficult things and that's something that I've taken back and will think on ... it needs to be an environment that people feel safe.<sup>789</sup>

Furthermore, as Michael Spens said:

A constantly vigilant approach is required ... It is more a comment about the importance of - I'm using my words carefully because one doesn't want to convey a suggestion that staff should be spying on each other in any sense at all, but it's very important that all members of staff understand their responsibility to report anything that they might see in one of their colleagues that caused them concern. I think that's what I'm referring to when I say that constant vigilance.<sup>790</sup>

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789 [Transcript, day 260](#): Helen Harrison (head, 2019-present) at TRN-8-000000055, pp.11-13.

790 [Transcript, day 259](#): Michael Spens (former headmaster, 1998-2017), at TRN-8-000000054, p.176.

# 10

## Reflections

Applicants and other witnesses shared many thoughtful and insightful reflections.

### **The lifelong impact of abuse**

'Roland' came forward to give evidence following encouragement from Fettes College head Helen Harrison.<sup>791</sup> His experience of being a boarder at Fettes had a profound and lifelong impact, such that he was 'unable to forget my memories of Fettes and think about them frequently'.<sup>792</sup> He has been left with this thought:

Supposing all this hadn't happened and things had gone well for me, education had gone much better, I would have been a different person altogether. I'd have had a different career, different life. And I feel as though I've lost out. I could have been a better person ... [and] produced more for other people, helped other people in all sorts of ways, and that opportunity's gone. Age 79, you can't do a great deal about it.<sup>793</sup>

'Robert', who was sexually and physically abused at his prep school and then abused at Fettes, is left with a similar sense of regret:

I don't know what sort of person I might have been had I not experienced those things. My wife tells me that I shout out in the night and

she kindly wakes me. And one of two things is happening. I'm either about to be beaten by the people we've talked about or I'm about to choke the person who ... beat me, or the people who beat me. I'm disarmed by compliments. I rarely do eye contact. And I know I'm doing it now, but I have trouble showing emotion. And I've got another five things here, but I think you get the picture.<sup>794</sup>

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**'I don't know what sort of person I might have been had I not experienced those things.'**

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He continued: 'I have two positives. I hope I know how to behave. And I don't usually complain',<sup>795</sup> adding:

I had a thought last night ... Why did I not speak out? But all those people relied on us never saying anything, and that's what predatory - whatever their predatory behaviour is, they rely and depend on the victim's silence. And now we're relying on, from safeguarding, everybody talking, saying: 'That's not right'.<sup>796</sup>

'Robert' still suffers rage and fear, and these emotions can be triggered by events that remind him of particular stages of his school

791 Transcript, day 250: 'Roland' (former pupil, 1955-9), at TRN-8-000000043, p.3.

792 Transcript, day 250: 'Roland' (former pupil, 1955-9), at TRN-8-000000043, pp.50-3.

793 Transcript, day 250: 'Roland' (former pupil, 1955-9), at TRN-8-000000043, p.54.

794 Transcript, day 251: 'Robert' (former pupil, 1973-8), at TRN-8-000000044, p.80.

795 Transcript, day 251: 'Robert' (former pupil, 1973-8), at TRN-8-000000044, p.80.

796 Transcript, day 251: 'Robert' (former pupil, 1973-8), at TRN-8-000000044, p.84.

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## Doing well by some is no excuse for having harmed others.

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life.<sup>797</sup> He works in a school setting and 'can see straight away who is fearful, nervous and whatever, so they get slightly more time than the ones that are confident ... So out of evil comes something.'<sup>798</sup> 'Robert' is looking out for children in a way that both his prep school and Fettes failed to do for him.

'William' thought of his own son when he gave his statement:

At the time I gave my statement, he was 12 and he was the same age, give or take a couple of months, as I was when I went to that school and the teachers said: 'We call you men', and, like, how can you look at this 12-year-old boy and say: 'You're a man and we expect you to behave like men and we call you men'? It's an utter absurdity and to leave kids of that age and a little bit older to sort themselves out and police themselves ... it beggars belief ... It's just like, what did you think was going to happen? It's just extraordinary.<sup>799</sup>

He thought that Fettes

allowed unpleasant things to happen ... the school really needs to confront its past and understand it is those teachers individually and collectively [that] are culpable for everything that happened because it was there for them to see if they wanted to see it, and they were deliberately looking the other way. And they kind of dressed

it up as character-building or this is what coming to a boarding school is all about, but fundamentally people were being taken advantage of and needlessly being given a miserable time for no good purpose whatsoever. No learning experience comes out of that whatsoever. And they let it happen. And they can say: 'We didn't know', but they only didn't know because they were deliberately looking the other way. They could have known. They should have known.<sup>800</sup>

'Ellen' recognised that some pupils would have enjoyed Fettes and was

grateful that people had a great time and got out of it what they wanted. I didn't ... So I'm not convinced by apologies particularly. I don't think they're really thinking about their impact. Because we're a small number, but we're an important number. You might have hundreds of thousands that had a great time and had achieved what they wanted to achieve, but there are a few of us that weren't given that opportunity and shouldn't be squashed by - we shouldn't be diminished. And I hope that if I help with anything, I help with it being different for children now.<sup>801</sup>

'Ellen' was right to stress the importance of Fettes not dismissing or excusing itself from caring about the experiences of those who were abused simply because others had positive experiences. Doing well by some is no excuse for having harmed others.

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797 [Transcript, day 251](#): 'Robert' (former pupil, 1973-8), at TRN-8-000000044, p.81.

798 [Transcript, day 251](#): 'Robert' (former pupil, 1973-8), at TRN-8-000000044, p.83.

799 [Transcript, day 257](#): 'William' (former pupil, 1979-86), at TRN-8-000000052, pp.165-6.

800 [Transcript, day 257](#): 'William' (former pupil, 1979-86), at TRN-8-000000052, pp.166-7.

801 [Transcript, day 256](#): 'Ellen' (former pupil, 1985-7), at TRN-8-000000051, p.105.

## Impact of trauma

'Ellen' is now employed in a 'nurture unit' within a school, working with children across the whole region who are struggling at primary school and often display behavioural difficulties arising from social and emotional problems. With that perspective in mind, her reflections were particularly relevant:

My parents thought they were spending an awful lot of money to get me a good education, to give me a step up, a help, and I ... wish I'd had that and been supported and helped and encouraged and - but obviously on a psychological level where I work with my children now in my nurture group I understand how the brain works with trauma and I only recently realised the impact it must have had on me ... I deal with children ... and they're missing out on their learning, we're worried about that, and I am a very big arguer for how can they possibly learn when all this stuff's going on in their head? How can you expect them to concentrate on their learning? You know, their head is somewhere else. They've got all this trauma to process and deal with. They're still probably in traumatic environments. They're dealing with this on a daily basis. You know, we have to sort that out for them. We have to meet their basic needs ... You need a safe place. I didn't have that. How on earth can you prosper and learn and flourish under those circumstances? And I see that now for me. So how could I possibly sit doing A-levels in his class?<sup>802</sup>

The lessons she believes should be learnt from her experiences include:

Help them realise that, you know, these things have happened, how do I help you cope with them better? What solutions can I give you that don't involve, as many of them are doing, kicking off and being violent? Trying to get in there ... let them know that they are loved. Create a homely environment for them ... And make it better. Make them stronger.<sup>803</sup>

'Ellen' also agreed that children instinctively don't want to talk about matters that are troubling them:

Of course they don't. Because their experience of adults is, for them, the adults are the bad guys. The adults don't look after them. The adults are the scary ones. The adults think of themselves before their children. They have had horrible experiences and they have been taught that they stay quiet, they don't reveal to the outside world because then social work might get involved or trouble might come to their door, so they're very much told that they don't tell you.<sup>804</sup>

'Ellen' believes she is successful in her work life because

I create a loving and safe environment, which takes the pressure off and lets them know that they are safe and they are loved, regardless of what they do or tell me, they are loved and understood. They have their voice. They have somebody who fights their corner and gives them a voice when the system doesn't always. They have somebody that is straight with them and explains the world to them in their language and has their back, and they do speak.<sup>805</sup>

802 Transcript, day 256: 'Ellen' (former pupil, 1985-7), at TRN-8-000000051, p.94.

803 Transcript, day 256: 'Ellen' (former pupil, 1985-7), at TRN-8-000000051, p.96.

804 Transcript, day 256: 'Ellen' (former pupil, 1985-7), at TRN-8-000000051, pp.96-7.

805 Transcript, day 256: 'Ellen' (former pupil, 1985-7), at TRN-8-000000051, p.97.

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## **[Fettes] should have made sure that their children were noticed and cared for.'**

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When asked what Fettes should have done differently, she was clear and convincing:

It's simple... They should have made sure that their children were ... noticed and cared for, and they should be picking up, as we do, when things are wrong, and then they should be investigating and finding out what they can do to help ... I've often said even if [Fettes] didn't believe me ... what they should have done is investigate. You know, we have restorative chats. We bring in the child. We spend time talking to the child, finding out what's going on for them, where it's coming from. We would bring in the other people involved, we would talk to them. We would bring them together ... we would give them a voice, let them be heard and help them through it ... all behaviour is communication. People behave in many ways to get something or to be seen, even the violent ones ...

So Fettes needed to investigate first, talk to me, meet my basic needs, show some kind of care. Report it even to my parents ... try and restore things, try and support me, check in on me. If I was struggling at work, where was the support? They were getting paid tonnes of money. Where was the person coming to say: 'Why are you struggling?' Why did they not recognise that putting me in a room with that man would be hard? ... It was crazy how little they did do. Or actually, it's not even that they were inactive; they actually were active negatively. They went out of their way not only to silence me, and I was silenced and I was quiet and I wasn't rocking the boat. But that

wasn't enough. They had to grind me into the ground. They had it put me in a room with him, they had to throw me out of a subject, they had to humiliate me ... what they did was inexcusable and it is no way to look after any child.<sup>806</sup>

### **The importance of independence in support arrangements**

'Max' said that 'under no circumstances'<sup>807</sup> would he have discussed problems in the junior school with 'Michael's' wife, despite that being her role, 'because she would discuss it with her husband'<sup>808</sup> and was not seen as independent. He continued: 'There needs to be transparency in the school and not a teacher or a member of the staff at all ... somebody who is wholly independent of the school, and also skilled in listening to what children want to tell them and discussing the way forward with them.'<sup>809</sup>

### **The evolution of bullying**

Helen Harrison confirmed that one had to be aware that the nature of bullying has evolved, especially with the rise in cyberbullying:

It is still people being mean to each other, it's just a different playground ... you have got to be aware of that. So when I am speaking to school prefects, I'll say: 'If you see something on social media, that is just the same as if you have seen it in the corridor, so you have to make sure we are absolutely aware' ... It is a difficult issue, and we try every which way to

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806 Transcript, day 256: 'Ellen' (former pupil, 1985-7), at TRN-8-000000051, p.99.

807 Transcript, day 252: 'Max' (former pupil, 1973-80), at TRN-8-000000045, p.65.

808 Transcript, day 252: 'Max' (former pupil, 1973-80), at TRN-8-000000045, p.65.

809 Transcript, day 252: 'Max' (former pupil, 1973-80), at TRN-8-000000045, p.64.

get new ways to get ... people ... to change behaviour ... I think we can see that in society, can't we? People behind a screen sometimes act in a way that they wouldn't do if they were face to face.<sup>810</sup>

## Child protection reflections from abroad

'Claire' undoubtedly had a difficult time at Fettes, and her reflections from the perspective of what she has learnt whilst living in Australia as both teacher and parent were valuable. She said: 'Lessons can be learned from what is in place now, certainly from schools in Australia, where there is a formal system in place for child protection. Children know, and are told, from a very young age what their rights are and where to seek help.'<sup>811</sup> So whilst the rules about what is expected of them are outlined very early on, what is also explained is

what's expected of the adults taking care of them, where to go for help, where the counsellors are. There's well-being classes ... people come in and there are whole courses. My daughter's going on a camp in January all about wellness and support and who to go to. There's just a lot more in place and I think from a very young age they're told - they're empowered I think is the word I'm looking for, where when I was a child it was very much you're the child, obey the adult, be seen and not heard, do as you're told. Children nowadays, at least here, are told that they have their rights and that adults are there to care for them and be trusted ... So, I think in the example of my children it is and it says you are

expected to listen and be kind to others and there are classroom rules drawn out and it says in exchange, you know, that we will respect you. They're also told that no one's allowed to touch them, yelled at, that that's not okay and where to go [if] they're not happy with their teacher or if something happens, whether it's with a peer or another adult.<sup>812</sup>

That all differs markedly from her own experience at Fettes where

we were never told what was not okay. We were never told that adults could be wrong. We were never told where to go if we had a problem. Who to go to. There was no access, as I recall, [to] a phone or anywhere we could go to independently and feel safe if we wanted to call someone ... I don't think the 1990s was particularly backwards. I recall that we would learn about Childline ... but I had no idea what it was really for and as a child of that age I wouldn't have known where to go for protection.<sup>813</sup>

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**'We were never told what was not okay. We were never told that adults could be wrong.'**

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## Police involvement

Some applicants who were abused at boarding schools, including at Fettes, were treated insensitively by their school and also by the police when they reported abuse. This has been a recurring theme across the Inquiry's case studies.

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810 Transcript, day 214: Helen Harrison (head, 2019-present), at TRN-8-000000005, p.139.

811 Transcript, day 257: 'Claire' (former pupil, 1990-3), at TRN-8-000000052, p.59.

812 Transcript, day 257: 'Claire' (former pupil, 1990-3), at TRN-8-000000052, pp.59-60.

813 Transcript, day 257: 'Claire' (former pupil, 1990-3), at TRN-8-000000052, p.61.

### 'Ben'

Some problems were simply examples of practical issues that should have been better planned and allowed for flexibility. 'Ben', for example, reported abuse to Central Scotland Police but then moved to the Highlands:

When the police eventually said that they could see me, they couldn't see me in the Highlands, so I had to drive down to meet them. That took two hours. And when I met the police officer - who was a lovely guy and very supportive and I have no criticism of him whatsoever - I'd already prepared a statement ... and I said, you know: 'I've got it here on a memory stick, it's on a Word document, and we can go through it together on the screen', and he said: 'That's very kind of you, but I'm afraid because it's a historical case, I'll have to write it down.' So I had to sit for four hours dictating my statement ... because apparently the procedure said that it had to be handwritten. Then another two hours to drive back up to the Highlands.<sup>814</sup>

Ironically, 'Ben's' work involves him advising on improvement in business efficiency, which made his frustration all the more understandable: 'I think we'd call that waste, wouldn't we? And that waste is just consuming capacity that could be used for proper work ... that was my kind of introduction into the criminal justice system.'<sup>815</sup> Wasteful, inefficient, and also potentially retraumatising.

### George Scott

The need for specialist officers to deal with abuse was made plain by George Scott's experiences with the police in 2020. He was contacted by a local police officer who attended his home at around 6 am. The officer was a 'traffic copper guy'<sup>816</sup> who had 'no idea of the ... nature of physical and sexual assaults of this nature, historical or not. That was fiercely embarrassing.'<sup>817</sup> His embarrassment is entirely understandable.

### 'Andrew'

'Andrew' was sexually abused by a teacher at New Park school, St Andrews, in the 1970s.<sup>818</sup> Both police and school involvement, whilst prompt, were inadequate and inappropriate with regard to any attempt to consider matters from 'Andrew's' perspective as a vulnerable 12 year old. He explained:

Suddenly I get hauled in to the headmaster's study that day ... two police officers in uniform ... absolute blind panic ... I thought maybe my parents had been killed or something. I had no idea at all. Absolutely no idea at all. I mean, I was in a permanently terrified state already, so to go in and have two uniformed police officers standing in front of you was just ... I think my knees gave way at some point. It was ridiculous.<sup>819</sup>

'Andrew' described the police handling as fairly short and abrupt. He did not feel able

814 Transcript, day 252: 'Ben' (former pupil, 1974-6), at TRN-8-000000045, p.117.

815 Transcript, day 252: 'Ben' (former pupil, 1974-6), at TRN-8-000000045, p.117.

816 Transcript, day 253: George Scott (former pupil, 1977-83), at TRN-8-000000046, p.117.

817 Transcript, day 253: George Scott (former pupil, 1977-83), at TRN-8-000000046, p.118.

818 See Sexual abuse chapter.

819 Transcript, day 255: 'Andrew' (former pupil, 1976-82), at TRN-8-000000050, p.31.

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## 'I was totally and utterly bewildered and frightened.'

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to tell the police the full extent of the sexual abuse perpetrated upon him, and did not believe he was given the chance to do so. He said: 'Looking back, I think it could have been handled a lot more sensitively ... as an approach of dealing with a child who is terrified beyond description, it wasn't great ... I was totally and utterly bewildered and frightened about what was now happening around me.'<sup>820</sup>

'Andrew' was simply sent back to his class at New Park and, as he recalled it, no one spoke of his abuse again. Looking back as an adult, he thought the approach of the police and the school had been 'really quite extraordinary'.<sup>821</sup> It did not end there, however. It was only after contacting the Inquiry, around 50 years later, that 'Andrew' learned that his abuser, Ian Robb, had been prosecuted and sentenced to six months' imprisonment. Without warning he received

a phone call from the police out of the blue when I was at work. The female police officer said that two other boys at the school had been abused by him and he had been prosecuted in relation to the three of us. He got a six-month prison sentence. I think the information could have been delivered in a slightly more sensitive way.<sup>822</sup>

'Andrew' said: 'It rocked me on my heels.'<sup>823</sup> It seems unfathomable that 'Andrew' was not told of the outcome long before then.

### 'Ellen'

'Ellen', who was a reserved and quiet child, understands the importance of treating people well, because her own experience was so poor. Before Fettes, she was a pupil at Wellington School in Ayr. There she was sexually assaulted by a boy who had entered the school premises. She found the experience terrifying. The next day the Wellington headmaster asked to see her and, in a comment to her which beggars belief, said: 'All these girls in this school and you got a boy, aren't you lucky?'<sup>824</sup> Ellen said she looked at him in horror: 'And he said: "Well then, as long as you're okay", or something, or "Off you go, these things happen" and that was it'.<sup>825</sup>

### Wise words

Applicants and other witnesses shared reflections on other important matters such as those below.

### Transparency

'Bobby' said:

It is one thing teaching teenagers about authority and responsibility, but I am not sure that they actually taught people not to abuse that power or responsibility. Reaching a certain age, being of a certain social status, or having a good academic record is no guarantee of

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820 Transcript, day 255: 'Andrew' (former pupil, 1976-82), at TRN-8-000000050, p.33.

821 Transcript, day 255: 'Andrew' (former pupil, 1976-82), at TRN-8-000000050, p.34.

822 Transcript, day 255: 'Andrew' (former pupil, 1976-82), at TRN-8-000000050, p.37.

823 Transcript, day 255: 'Andrew' (former pupil, 1976-82), at TRN-8-000000050, p.37.

824 Transcript, day 256: 'Ellen' (former pupil, 1985-7), at TRN-8-000000051, p.62.

825 Transcript, day 256: 'Ellen' (former pupil, 1985-7), at TRN-8-000000051, p.63.

a person's suitability to lead, influence, or discipline someone. There has to be some form of safeguarding for suitability. There has to be transparency. When things do happen, the school has to be open, transparent, and accept that they apologise for inefficiency.<sup>826</sup>

'Betty' agreed that 'transparency's vital'.<sup>827</sup>

## References

Michael Spens gave candid evidence about flawed reference procedures. He acknowledged that 'one of the basics of Safer Recruitment is you always follow up a reference and validate it'.<sup>828</sup> He admitted that he had experience of teachers being gently moved on from one school to another because there was a problem with them which was being kept hidden, saying:

The only honest answer to that question is yes. There were undoubtedly times, not often, where you look back and think: 'My goodness me, that person was passed on to us', and then you ask yourself the question: 'Why didn't I check more carefully?' ... Not within the last ten years, so that would have been earlier in the career.<sup>829</sup>

Michael Spens confirmed that he had had such experiences when at Fettes. He said: 'When the opportunity arose, I had a fairly direct conversation with the referee along the lines of "You passed that one on to us, didn't you?", adding that there was 'perhaps less shame and less embarrassment in others than there should have been'.<sup>830</sup>

As to the current process, Michael Spens thought it more rigorous but accepted that writers of references could still be reticent:

On the one hand, talking generally, your point is absolutely right, references should be full, open, and candid. On the other hand, there is the risk that the writer of a reference runs of being, for want of a better word, sued by the person he's writing the reference on if they saw what had been written and felt it was unjust. And that is a tension that referees have when they're writing references.<sup>831</sup>

He went on:

It is an anxiety I have heard before and do not understand. As I said in response: I'm not following why you feel that somebody like a head could be worried about being sued if all they do is say: 'This is what happened, these are the reasons this person was dismissed as were intimated to him, he did not appeal' ... End of story. I would have thought that where the problems are going to begin to arise is offering your judgement - the referee's judgement of the extent to which the person presents a risk ... that looks far more dangerous than simply setting out plainly and factually what happened.<sup>832</sup>

Michael Spens spoke of headteachers nowadays being worried about litigation being raised by the subject if they write a negative reference but accepted, on reflection, that perhaps simply setting out plainly and factually what has happened in a particular case may be the route that best

826 [Transcript, day 256](#): read-in statement of 'Bobby' (former pupil, 1985-90), at TRN-8-000000051, p.31.

827 [Transcript, day 257](#): 'Betty' (former pupil, 1990-3), at TRN-8-000000052, p.113.

828 [Transcript, day 259](#): Michael Spens (former headmaster, 1998-2017), at TRN-8-000000054, p.164.

829 [Transcript, day 259](#): Michael Spens (former headmaster, 1998-2017), at TRN-8-000000054, p.165.

830 [Transcript, day 259](#): Michael Spens (former headmaster, 1998-2017), at TRN-8-000000054, p.165.

831 [Transcript, day 259](#): Michael Spens (former headmaster, 1998-2017), at TRN-8-000000054, pp.171-2.

832 [Transcript, day 259](#): Michael Spens (former headmaster, 1998-2017), at TRN-8-000000054, pp.172-3.

avoids challenge, as in fact he himself did in the case of a teacher who was dismissed by Fettes in 2011.<sup>833</sup>

Malcolm Thyne called for sanctions to be imposed against a school or member of staff if they knowingly recommend

a most unsuitable teacher to another school. I do not know how easy it would be to achieve this, but in my view it would be good if it became illegal to gloss over such a situation when it is known to exist. If the head was within his or her rights to refuse to supply a reference in such cases, it would doubtless cause a row with the member of staff concerned, but it would prevent such issues possibly being covered up. Under such circumstances it might be a good thing if the receiving school understood that the absence of a reference from a candidate's existing head was a possible signal.<sup>834</sup>

It is not within my power to impose such sanctions nor has it as yet been raised in public discussions such as, for example, what could be included in a system of mandatory reporting, but it is, in principle, worthy of consideration.

### **The Protecting Vulnerable Groups (PVG) Scheme**

Helen Harrison raised concerns about the operation of the PVG Scheme. Staff are required to register with this scheme in order to work in Scotland. She understood that its operation troubled many schools: 'We have definitely spoken with other schools about it. I would have to say probably more intensely

the six boarding schools that are talking through these matters with the Inquiry.'<sup>835</sup>

She explained that it was meant to be a dynamic process but

we have now been told best practice is to do the same process again every three years, and that starts you thinking well, why do we need to do that if it is a dynamic process? And I suppose ... you start to question: are we getting the right amount of information from PVG? Also, within a boarding context, we found it very difficult to PVG-check people who ... are spouses of house staff ... anybody who is in live-in, and to do that is not easy because they would say they are not employed by you in the way that they would suggest that you would be PVG, so you have to battle a bit for that.<sup>836</sup>

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### **'Are we getting the right amount of information from PVG?'**

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In addition, updates about staff appear to be received only haphazardly. When asked if Fettes had ever received notification about a member of staff, Helen Harrison replied:

We have on the operational side, not on the teaching side ... I am sure if PVG were here they would say if we needed to be we would have been. It's just that dynamic - there is a question mark over the dynamic nature of this process if you have to redo it as a good practice.<sup>837</sup>

Her concerns are entirely understandable.

833 See [Sexual abuse](#) chapter and Fettes College, Reference from headmaster, at FET-000000298, p.6.

834 [Transcript, day 258](#): read-in statement of Malcolm Thyne (former headmaster, 1988-98), at TRN-8-000000053, p.166.

835 [Transcript, day 214](#): Helen Harrison (head, 2019-present), at TRN-8-000000005, p.113.

836 [Transcript, day 214](#): Helen Harrison (head, 2019-present), at TRN-8-000000005, pp.111-12.

837 [Transcript, day 214](#): Helen Harrison (head, 2019-present), at TRN-8-000000005, p.113.

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## Whilst a school's intentions may be good, the reality is not always straightforward.

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### Reporting by schools

Helen Harrison also spoke about the workings of the current regime within which schools can report child protection concerns in Scotland:

You just go through the list. Police is at the top because obviously ... these are complex cases, and no matter how much training we have had or how much experience, the opportunity to ring up and get advice is hugely helpful because you want to do the right thing. We have recently employed an independent child protection consultant, and I think that has been a fantastic innovation ... we are just making sure we are ... doing everything absolutely right because this is too important not to.<sup>838</sup>

It is apparent that whilst a school's intentions may be good, the reality is not always straightforward. As Helen Harrison said:

If you are ringing any of the people that we have just mentioned, you are immediately into a process, which is brilliant and right ... but ... sometimes you need a bit of time just to take stock and work out what you need to do because the child protection cases are complex.<sup>839</sup>

She repeated the regret I have heard expressed by other boarding school witnesses when they say that life used to be more straightforward:

When I started, you could ring for example the police and say: 'Is this the right thing to be ringing you?' And they would say: 'No actually, that sounds -' but you can't do that any more, because as soon as you make the phone call you are in the system.<sup>840</sup>

Helen Harrison explained that it is not so much being in a system or a process that is the issue, it is more the inability to seek advice as and when required, hence Fettes' engagement of an independent consultant. She continued:

You are not in a situation now to not report. It would be absolutely wrong. You need to take advice ... This is the difficulty. Because as soon as you ring the police ... there are some scenarios that you would immediately ring the police, but there's always going to be blurred lines ... and you are needing to make the right judgment call, and it can be very difficult to do that. In ringing the police, you are ringing 101. You are not ringing any child protection trained - and this is no reflection at all on who you ring, they are great people ... And then you have to think, right, if I am going to ring the police, what is going to come next for that child is a policeman in full uniform who has had very limited child protection training. That is where it starts to get very difficult ... I think what I would like [is the ability] to ring a child protection - straight to a child protection unit and the police to say: 'This is the issue, we would ...'. We want to report, that is what we want to do, but we want to make sure it's the right thing for the child.<sup>841</sup>

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838 Transcript, day 214: Helen Harrison (head, 2019-present), at TRN-8-000000005, p.118.

839 Transcript, day 214: Helen Harrison (head, 2019-present), at TRN-8-000000005, p.118.

840 Transcript, day 214: Helen Harrison (head, 2019-present), at TRN-8-000000005, p.118.

841 Transcript, day 214: Helen Harrison (head, 2019-present), at TRN-8-000000005, p.125.

In her concluding comments Helen Harrison said: 'I'd very much like to speak in practical terms of if you could help us when we have circumstances – where I could ring a number and not ring 101 when I have ... a child protection issue.'<sup>842</sup> This sounds very like the LADO<sup>843</sup> system which has been established in England but not, as yet, in Scotland although the City of Edinburgh Council has been considering proposals to establish a LADO-type system.

## Reflections by school leaders

Malcolm Thyne reflected on the need for great vigilance, effective leadership, recruitment, oversight, and governance:

Protecting children from abuse is a vast area and you have to start from a position that child abuse has the potential to happen in any residential institution. It is however most likely to happen in a badly managed establishment. You need great vigilance and you need effective leadership in any residential school. The institution must have the correct policies in place and the head of that establishment must be fearless in investigating any rumours of potential child abuse.

The governors need to take great care over whom they appointed the headship because the leadership of the head is vital. Once the head is in post, they need to keep themselves informed on his or her efficacy. They need to check that the head is up to the job and hopefully is excellent at the job. If an appointment goes wrong with the head, it is disastrous and the school quickly becomes a

complete mess. In turn, the head needs to take the greatest of care in the management of staff and when making appointments. He also needs to be rigorous when following up problems and issues that arise with staff and to deal with these professionally and forcefully if necessary. Some heads are keen to be popular. I was glad if some people thought I was likeable, but first and foremost I wanted them to respect me and to manage the school so that every pupil was treated in the way that I would want my own children to be treated.<sup>844</sup>

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**'Child abuse has the potential to happen in any residential institution.'**

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Helen Harrison, reflecting on the impact of Fettes' engagement with the Inquiry and recognising the risks of complacency, said: 'This experience will inform everything ... everything has told us that ... you just cannot be complacent. I mean ... and I hope that doesn't sound trite because it – it weighs heavy.'<sup>845</sup>

She continued:

What we have to come back to is me saying to my staff: 'The most important thing you do is notice', and you do that [when] somebody comes into your class who is a wee bit late or isn't sitting with that person, somebody is not eating as much as they might do in the dining hall, et cetera. Loads of different things. And that is not just teachers, that is everybody. You have to notice. And if you had my staff sitting

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842 [Transcript, day 260](#): Helen Harrison (head, 2019–present), at TRN-8-000000055, p.79.

843 LADO stands for 'local authority designated officer', as discussed in the evidence of Amanda Hatton (Executive Director, Children, Education and Justice Service, City of Edinburgh Council, 2021–present): [Transcript, day 518](#), at TRN-12-000000151, pp.98–190.

844 [Transcript, day 258](#): read-in statement of Malcolm Thyne (former headmaster, 1988–98), at TRN-8-000000053, p.164.

845 [Transcript, day 260](#): Helen Harrison (head, 2019–present), at TRN-8-000000055, p.79.

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## Complacency was the status quo at Fettes for decades and must never be allowed to return.

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here, I would hope they would say that that is something that pervades everything we do.<sup>846</sup>

But it is more than just noticing. Appropriate care has to follow. Helen Harrison recognised this. She provided a lengthy and considered written submission in advance of her oral evidence. It concluded:

After the first day's evidence I wrote of my reaction to my Senior Leadership Team as follows. I was not suggesting that we do not do these things. I strongly believe that we do, but their importance was made abundantly clear.

The thoughts I shared with them were

- It shows the responsibility placed on us – in the evidence of the applicants we have heard first-hand evidence of how what happens during your school years has a huge impact.
- We can never be complacent.
- The culture of a school is fundamentally important. That culture must be common to all – governors, head, senior leaders, all staff, and all pupils. We must be kind to each other.
- We need to be active in the creation (or continuation) of a culture that nurtures and respects. You cannot sit back.

- Everyone needs a voice – we need to be creative in how we ensure people have someone they trust, someone they can disclose to.
- We need to recruit the right people and ensure they are well trained.
- We must ensure we build up and celebrate success in all areas.
- We need to NOTICE and to do this we need to CARE.
- We need to be ahead of the game – we need to be at the forefront of pastoral care, think about the 'next' issue, and be bold in tackling them.<sup>847</sup>

She added: 'These thoughts have been reinforced every day.'<sup>848</sup>

### Conclusion

As in the case of other school leadership teams in the boarding schools case study, it is plain that, for the Fettes senior leadership team, the experience of dissecting their school's past has been painful and thought-provoking. All the bullet points in Helen Harrison's submission are valid and cannot be gainsaid. Some might say that the second one is the most important, given that complacency was the status quo at Fettes for decades and must never be allowed to return.

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846 [Transcript, day 214](#): Helen Harrison (head, 2019-present), at TRN-8-000000005, p.131.

847 Fettes College, Written submission of Helen Harrison, 3 December 2021, at FET-000000431, p.25.

848 Fettes College, Written submission of Helen Harrison, 3 December 2021, at FET-000000431, p.25.

# 11 Records

## Introduction

As part of the Inquiry's investigations, I requested and recovered documents from a number of sources.

Fettes College stated that it undertook 'a full review of all pupil and staff files available [which] has been prompted by this Inquiry'.<sup>849</sup> While I am grateful for the input and assistance provided in this regard by Fettes and by others who were issued with notices in terms of section 21 of the Inquiries Act 2005, the response from Fettes was not as full and straightforward as had been called for. Part of that was down to error. A request for details of peer-on-peer abuse was missed, with the result that the relevant material arrived only the week before hearings began. This was despite reminders.<sup>850</sup> Another aspect was the decision to send only copies of board minutes that the school felt were relevant and to redact other details from the same document, or to send no document at all. That meant that, on occasion, direct questions were required, for example whether there were any minutes at all in

relation to the departure of 'Douglas' in 1974. The answer was no,<sup>851</sup> demonstrating that knowledge of abuse was, at times, neither shared nor recorded.

## Records available

For most of the period under consideration, Fettes did not have a records retention and destruction policy. The introduction of the Data Protection Act 1998 prompted the school to set out its approach to data collection, access, and retention in a new policy.<sup>852</sup> Prior to 1998 Fettes did retain some records, including admission information, academic reports, and university/career information, as well as notes from interviews and meetings relating to disciplinary and other matters of concern dating from the 1980s onwards. Minutes of governors' meetings exist from the 1930s onwards.

The Inquiry has received a selection of these records, including the pupil roll from 1930 to 2014;<sup>853</sup> the school census from 1997 to 2014;<sup>854</sup> some pupil files and associated complaint files from 1975 onwards;<sup>855</sup> a few staff files;<sup>856</sup> annual teacher returns from

<sup>849</sup> Fettes College, [Parts C and D responses to section 21 notice](#), at FET.001.001.0033, p.34.

<sup>850</sup> [Transcript, day 260](#): Helen Harrison (head, 2019–present), at TRN-8-000000055, p.2.

<sup>851</sup> Fettes College, Letter to SCAI from Clyde & Co (Scotland), 21 July 2020, at FET-000000341.

<sup>852</sup> Fettes College, [Parts C and D responses to section 21 notice](#), at FET.001.001.0033, p.33.

<sup>853</sup> Fettes College, School roll, 1930–2014, at FET.001.001.0083.

<sup>854</sup> Fettes College, ISRDC, 1997–2014, at FET-000000061 to FET-000000078.

<sup>855</sup> Fettes College, Pupil files and Complaint files, at FET-000000038 to FET-000000047; FET-000000174 to FET-000000202; FET-000000301 to FET-000000309; FET-000000416 to FET-000000482.

<sup>856</sup> Fettes College, Staff files, at FET-000000048; FET-000000219 to FET-000000222.

2007 to 2014;<sup>857</sup> notes for teaching staff from the 2000s onwards;<sup>858</sup> staff lists;<sup>859</sup> lists of registered teachers from 1997 to 2014;<sup>860</sup> selected minutes of governors' meetings from the 1970s to 2013;<sup>861</sup> a college scheme;<sup>862</sup> school rules;<sup>863</sup> school handbooks;<sup>864</sup> policies;<sup>865</sup> and some inspection reports from 1930 onwards.<sup>866</sup> Fettes has said that files 'dating back to 1968 can be made available for inspection, however records are not complete';<sup>867</sup> that 'policies and procedures have been variously covered and explained in ... School, Parents, and House Handbooks, the earliest copy of which we have is from 1976';<sup>868</sup> and that there are complaint files from approximately 2007.<sup>869</sup>

Fettes stated that the practice, for at least the last ten years, has been to produce a new Staff, Parent and House Handbook annually.<sup>870</sup>

In 2014 Fettes appointed an archivist, Craig Marshall, who published in the *Old Fettesian Newsletter* his 'Top Ten Treasures' to celebrate the school's 150th anniversary.<sup>871</sup>

Amongst the documents listed were all issues of the *Fettesian* magazine, the *Old Fettesian Newsletter*, a large collection of photographs, and the registers of applications from 1896 to 1946. The article suggests that a range of other records depicting the history of and life at Fettes are held within the school archives.

## Retention policy

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'.<sup>872</sup>

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;

857 Fettes College, OSCR return 2007-2014, at FET-000000079 to FET-000000086.

858 Fettes College, Confidential notes for teaching staff, 2003-14, at FET-000000111 to FET-000000119.

859 Fettes College, List of matrons, 1870-2014, at FET-000000125; List of housemasters/mistresses, 1870-2014, at FET-000000124.

860 Fettes College, GTCS-registered teachers 1997-2014, at FET-000000146 to FET-000000157.

861 Fettes College, Minutes of meetings of The Governors of the Fettes Trust, at FET-000000003 to FET-000000037; at FET-000000089; FET-0000000121; FET-0000000122; FET-0000000158 to FET-0000000171.

862 Fettes College, Fettes College Scheme 2008, at FET-000000049.

863 Fettes College, School rules, at FET-000000088; FET-000000090 to FET-000000093; FET-000000096.

864 Fettes College, School handbook, at FET-000000087; FET-000000098 to FET-0000000108; FET-0000000126 to FET-0000000128; FET-0000000135 to FET-0000000140.

865 Fettes College, School policies, at FET-000000095; FET-000000097; FET-000000109; FET-000000110; FET-000000120; FET-000000343; FET-000000410; FET-000000412 to FET-000000415.

866 Fettes College, Inspection reports, at FET-000000050 to FET-000000059.

867 Fettes College, *Parts C and D responses to section 21 notice*, at FET.001.001.0033, p.5.

868 Fettes College, *Parts C and D responses to section 21 notice*, at FET.001.001.0033, p.5.

869 Fettes College, *Parts C and D responses to section 21 notice*, at FET.001.001.0033, p.25.

870 Fettes College, *Parts C and D responses to section 21 notice*, at FET.001.001.0033, p.6.

871 Fettes College, *Old Fettesian Newsletter*, July 2021, pp.10-11.

872 The Pupils' Educational Records (Scotland) Regulations, 2003, reg.4.

- (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).<sup>873</sup>

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.'<sup>874</sup> In 2014 SCIS confirmed this was still its recommendation. It also considered the length of time records relating to allegations against staff should be kept. After reviewing guidance on the retention of documents 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'.<sup>875</sup>

Fettes' first policy on record retention was contained within its Data Protection Policy 1998. The policy was extended to provide for retention limits, and a standard practice of destroying files five years following the

departure of the pupil was introduced.<sup>876</sup> This practice has been put on hold pending the conclusion of Inquiry work.

The Inquiry sought further information on Fettes' retention policy as at August 2019.<sup>877</sup> The school stated that it was increasingly turning to a computerised management information system and had introduced slightly different retention policies for current and former pupils. For the former, it retains 'a significant amount of information, including reports, exam grades, all pastoral notes, academic results and scores, communications with parents and so on'.<sup>878</sup> For the latter, it had 'in the last few years introduced a formal retention policy which ensures only relevant information is retained and then only for a pre-determined period'.<sup>879</sup> This new policy also includes staff files. Its implementation has been suspended pending the conclusion of the Inquiry.

More generally, Fettes has stated that 'as and when legislation, regulations or guidance pertaining to above issues have been introduced, the Governors and Senior Management Team have ensured that they have been enshrined in School policy and adopted'.<sup>880</sup> As such, the school currently has different policies applying to different types of records. For example, 'staff appraisals are retained in files for an appropriate period whereas risk assessments for trips are retained for a very limited time after the event'.<sup>881</sup> Complaint files have been kept for

<sup>873</sup> [The Pupils' Educational Records \(Scotland\) Regulations, 2003](#), reg.3.

<sup>874</sup> SCIS, [Retention of Child Protection Records in Schools](#), (December 2013, revised October 2014), at LOR-000000112, p.1.

<sup>875</sup> SCIS, [Retention of Child Protection Records in Schools](#), (December 2013, revised October 2014), at LOR-000000112, p.2.

<sup>876</sup> Fettes College, [Parts C and D responses to section 21 notice](#), at FET.001.001.0033, p.31.

<sup>877</sup> Fettes College, Correspondence with SCAI re retention of records, 16 August 2019, at FET-000000210.

<sup>878</sup> Fettes College, Correspondence with SCAI re retention of records, 16 August 2019, at FET-000000210.

<sup>879</sup> Fettes College, Correspondence with SCAI re retention of records, 16 August 2019, at FET-000000210.

<sup>880</sup> Fettes College, [Parts C and D responses to section 21 notice](#), at FET.001.001.0033, pp.1-2.

<sup>881</sup> Fettes College, [Parts C and D responses to section 21 notice](#), at FET.001.001.0033, p.8.

the last ten years.<sup>882</sup> Safeguarding is now a standing item at all governor meetings. Minutes of meetings between governors specifically involved in safeguarding and the senior pastoral team are recorded and retained.<sup>883</sup> Fettes has modified its policy on the retention of medical records. It now states that a pupil's medical records should be transferred to the pupil's GP practice upon leaving the school. Prior to the introduction of this policy, medical records were destroyed, including any clinical notes from the sanatorium.<sup>884</sup>

## Record-keeping systems

Records themselves are becoming increasingly electronic in nature.<sup>885</sup> The evolution of the school's policies is reflected in inspection reports which at times demonstrate a lack of consistency. For example, a report by Her Majesty's Inspectorate of Education (HMIE) of 9 June 2002 states:

They used appropriate procedures for addressing and recording incidents including incidents of bullying. In almost all houses pupils' records were well maintained and readily accessible to the appropriate staff. In the preparatory school boarding houses, pupils' records needed to be better maintained to ensure key staff had ready access to them. Across the houses there was

an inconsistent approach to recording pupils' complaints.<sup>886</sup>

The Care Inspectorate, in its report dated 17 October 2007, notes: 'Inconsistencies in the information systems used across the different boarding houses and parts of the school. Consideration should be given to how pupil information is used and stored in order to make the most efficient use of information systems and technology.'<sup>887</sup> In a report the following year, the Care Inspectorate said: 'The school had developed a "pupil support file" which was intended to provide access for staff to information about individual pupils and the various parts of their life. It aimed to share useful information which would enable staff to share information between different departments and streamline recording systems.'<sup>888</sup>

## iSAMS

In 2017 Fettes introduced iSAMS Pastoral Manager, a wellbeing management system designed for the secure recording of student concerns<sup>889</sup> as well as for monitoring wellbeing and child protection matters.<sup>890</sup> Lead pastoral staff worked with iSAMS to develop the Pastoral Manager system, and all sensitive information on pupils is stored securely in the Pastoral Manager section of iSAMS. If a member of staff has a concern,

882 Fettes College, [Parts C and D responses to section 21 notice](#), at FET.001.001.0033, p.25.

883 Fettes College, [Parts C and D responses to section 21 notice](#), at FET.001.001.0033, p.12.

884 Fettes College, Medical records, at FET-000000214.

885 Fettes College, [Parts C and D responses to section 21 notice](#), at FET.001.001.0033, p.35.

886 HMIE, Inspection report, Fettes College, 4 June 2002, at FET-000000052, p.9.

887 Care Inspectorate, Inspection Report, Fettes College: School Care Accommodation Service, 19 September 2007, at FET-000000056, p.6.

888 Care Inspectorate, Inspection Report, Fettes College: School Care Accommodation Service, 25 June 2008, at CIS.001.002.4924, p.7.

889 Fettes College, iSAMS Pastoral Manager overview, at FET-000000345.

890 Fettes College, Written submission of Helen Harrison, 3 December 2021, at FET-000000431.

they are required to record an incident or disclosure. They must then create a follow-up action. The action can be assigned to a tutor, houseparent, safeguarding lead, or member of the school's medical team. An overview page highlights the date an action is due, and email alerts are automatically sent to staff as a reminder. Staff must then complete a brief report of the action taken. The system is designed to ensure that appropriate and bespoke interventions are carried out for the individual student.<sup>891</sup> In-service training has been provided since 2017.<sup>892</sup>

The visibility of individual concerns can be adjusted to include or exclude particular staff. Visibility groups are reviewed regularly by the lead pastoral staff and revised on an annual basis.<sup>893</sup> Flags within the system highlight any current pastoral concerns relating to a student, without disclosing any sensitive information or any more details than is necessary.<sup>894</sup>

Child protection, wellbeing, and general concerns relating to the student's family, behaviour, and academic progress are key areas of interest. This will include any concerns about relationships, self-harm, mental health, possible eating disorders, bullying, prejudicial behaviour, peer-on-peer abuse, and bereavements.<sup>895</sup>

Staff have been trained on the use of the system, including update training,<sup>896</sup> and I am advised that the school regularly provides

feedback to iSAMS on improvements that could be made to the module.<sup>897</sup>

### OneNote

Another recording system used at Fettes is OneNote. This is a digital notebook that automatically saves and syncs notes as one works, and is provided to all boarding houses to allow staff to create and maintain records on students. This integrated approach to recording pastoral concerns at all levels ensures that all house staff have quick and secure access to updated notes on the students in their house. These are well suited to tutors who have individual pages for each tutee, and a Student Support Plan is agreed with every student at the start of each term, with targets and any relevant updates stored there. House parents and matrons also have access to the notes and can liaise with the tutors on a student's progress. House notebooks are archived at the end of every academic session.

Helen Harrison said: 'The Student Support Plan is used to coordinate the support provided within Fettes College. This enables us to monitor and support the student while using our Medical Centre or school counsellor and helps us to record progress and to keep detailed records of concerns and actions.'<sup>898</sup>

In oral evidence to the Inquiry, she said: 'It might take you longer to get to a wellbeing

<sup>891</sup> Fettes College, Letter to SCAl from Clyde & Co (Scotland), 29 September 2021, at FET-000000342, p.1.

<sup>892</sup> Fettes College, iSAMS In-service training record, at FET-000000423.

<sup>893</sup> Fettes College, Letter to SCAl from Clyde & Co (Scotland), 29 September 2021, at FET-000000342, p.2.

<sup>894</sup> Fettes College, Letter to SCAl from Clyde & Co (Scotland), 29 September 2021, at FET-000000342, p.2.

<sup>895</sup> Fettes College, Letter to SCAl from Clyde & Co (Scotland), 29 September 2021, at FET-000000342, p.2.

<sup>896</sup> Fettes College, Training schedule for Prep and Senior College staff, at FET-000000346.

<sup>897</sup> Fettes College, Letter to SCAl from Clyde & Co (Scotland), 29 September 2021, at FET-000000342, p.2.

<sup>898</sup> Fettes College, Written submission of Helen Harrison, 3 December 2021, at FET-000000431, p.19.

concern. But that would always be noted on OneNote ... So there is a layer below.<sup>899</sup> She explained: 'OneNote is a means of filing tutorial conversations and day-to-day business in the houses. It's like a brilliant filing cabinet that everybody can see',<sup>900</sup> adding: 'OneNote is a brilliant resource for making sure everybody knows what's going on in house. It's instead of a book. They do different things but they work incredibly well together.'<sup>901</sup>

Of the evolution of record-keeping systems, Michael Spens said: 'The systems for record-keeping developed and improved over time, evolving from handwritten or typed notes kept in a filing cabinet to a bespoke pastoral care database held securely within the school's IT network that brought together all records and information relating to the care and welfare of individual pupils'.<sup>902</sup> He added: 'Records of punishments were kept in the pupils' files and, for more serious breaches of the rules, in central school records'.<sup>903</sup>

Fettes instructed Dr Sue Hamilton and Anne Darling, safeguarding and child protection consultants, to conduct a Safeguarding and Child Protection Audit which reported in January 2020.<sup>904</sup> The audit found that 'record keeping is maintained to the highest standards'.<sup>905</sup>

## Recording of complaints

Historically, all complaints were addressed to the housemaster/mistress or the headteacher. Responses were then kept in pupil files. A pupil complaints procedure is now published in the House Handbook for each house and separately in the Parents Handbook.<sup>906</sup> The earliest record of policies for a complaints procedure was 2007.<sup>907</sup> Prior to the current process of recording complaints in iSAMS, responses to complaints were centrally stored in a dedicated folder.<sup>908</sup>

## Staff recollections of complaints and record-keeping

Good first-hand accounts of the record-keeping systems in operation between 1967 and the present have been provided by way of staff recollections. 'Colin', who taught at Fettes between 1970 and 1986, said:

Every three weeks or so we were required to add up the marks for the work of around six children allocated to us and give each pupil a ranking. I then had to give an opinion as to how much effort they had put in. This was all recorded and these records were put in a cabinet in the staff office in the main building. I don't know who was responsible for these records and I have no idea what happened

899 [Transcript, day 260](#): Helen Harrison (head, 2019-present), at TRN-8-000000055, p.51.

900 [Transcript, day 260](#): Helen Harrison (head, 2019-present), at TRN-8-000000055, pp.54-5.

901 [Transcript, day 260](#): Helen Harrison (head, 2019-present), at TRN-8-000000055, p.56.

902 [Written statement of Michael Spens](#) (former headmaster, 1998-2017), at WIT-1-000000467, p.3, paragraph 13.

903 [Written statement of Michael Spens](#) (former headmaster, 1998-2017), at WIT-1-000000467, p.8, paragraph 37.

904 A summary report of the audit can be found at [Appendix G](#).

905 Fettes College, Safeguarding and Child Protection Audit, January 2020, at FET-000000349, p.7.

906 Fettes College, [Parts C and D responses to section 21 notice](#), at FET.001.001.0033, p.22.

907 Fettes College, [Parts C and D responses to section 21 notice](#), at FET.001.001.0033, p.27.

908 Fettes College, [Parts C and D responses to section 21 notice](#), at FET.001.001.0033, pp.21-2.

with these records at the end of term. There was no secretarial back-up. I never had occasion to try and look back at anyone's records so I am not sure how much was kept or what happened to them. I never kept any records in relation to boys that I disciplined and I am not aware if anyone did or if there was anything stored anywhere. I was never told that I should keep any discipline records.<sup>909</sup>

Alistair Murray, who taught at Fettes between 1967 and 1973, and then returned to teach in the junior school between 1975 and 1995, said:

I am not aware of any record keeping at the Junior School. If there were records, they would have been kept confidentially. Personally, apart from classwork, I did not keep records as anything which arose would go to the headmaster or housemistress. Over the years, I took nearly a thousand junior pupils camping. I also arranged fishing trips. I completed log books for both the fishing and camping trips of who attended. After each trip, I would ask a pupil to complete the log book, recording their fond memories. I gave the log books to Andrew Murray, who was the head of history at the Senior School. Andrew Murray was also in charge of the archives at Fettes at one stage.<sup>910</sup>

While pupil attainment records were praised by HMIe in 1996,<sup>911</sup> Malcolm Thyne described a marked informality in the way record-keeping operated during his headship:

I kept a file for every member of staff and every pupil in the school office. Sometimes

I just put a quick note in which might say I had given a person a ticking off or whatever it was. With the members of staff it might not always be formally recorded; if it was a relatively trivial issue, it might be a very short note because I was busy. For example the note might just say that there had been a quick meeting to express disapproval to whoever it was. Housemasters and housemistresses kept their own files because they were very much in the firing line of parents. I did not give them instructions on record keeping, I trusted them, and it would have been arrogant of me to tell them how to keep their records. So what records housemasters and housemistresses kept was their business.

A member of staff's file would contain their application form, their references we had received, and my interview notes. There would also be notes on any significant meetings that I had had with them on important issues. Housemasters or housemistresses might or might not keep records of punishments. They might keep a book as they did in some houses. I did not however interfere with that or issue edicts. I trusted the housemasters and housemistresses to do it properly. The deputy headmaster would have kept detailed records on smoking, drinking, and any other serious issues he dealt with. Any issues that came to me, unless they were minor, I would have made a note of and popped this into the respective file. These notes were helpful if there was any comeback from the parents' memories.

Minutes for staff meetings were always taken. The senior master had the duty of keeping minutes of the staff meetings and of the housemasters' and housemistresses' meetings.

909 [Written statement of 'Colin'](#) (former teacher, 1970-86), at WIT-1-000000488, pp.8-9, paragraphs 32-3.

910 [Written statement of Alistair Murray](#) (former teacher, 1967-73 and 1975-95), at WIT-1-000000526, p.6, paragraphs 23-4.

911 HMIe, Inspection report, Fettes College, 25 March 1996, at FET-000000051, p.10.

The director of studies kept minutes of heads of department meetings.<sup>912</sup>

It was a haphazard approach and, while no doubt of its time in some respects, it relied far too much on assumption and trust. It would have been sensible, not arrogant, to have issued guidelines to house staff and followed policies. The problem of having no guidance was most clearly seen in the evidence of Andrew Alexander who, on becoming head of the junior school in 1991, found that the filing cabinets had 'been stripped by my predecessor to remove all useful information',<sup>913</sup> to the extent that records were essentially non-existent. That was deplorable. He did, however, see and encourage subsequent change and explained that by the end of his time at Fettes record-keeping had been transformed, in part thanks to technological advances.<sup>914</sup>

Andrew Davies, a teacher who ultimately became temporary head of the prep school, agreed:

Records were kept in hard copy by house staff and latterly on the computer management information system ... I cannot remember if there was an existing policy on record-keeping when I arrived. There most certainly was when I became housemaster and this was checked by the then deputy head, David Rhodes. The handwritten notes' quality depended on the writer. House tutors had to report to the housemaster at the end of every duty session

and a verbal handover was given. Any serious issues were reported upwards to the deputy head.<sup>915</sup>

Sometime after 2004 'there was a central complaints log for the recording of complaints made by any child in the school or another person on their behalf'.<sup>916</sup> It followed a recommendation from SCIS, and using electronic recording was seen as a benefit to save staff time.<sup>917</sup>

Michael Spens made some useful observations about recording, which very much reflect current systems. He said:

What you need to have in a school is joined-up thinking, and the pastoral side and the academic side of the school and the co-curricular side of the school are all feeding in comments, observations about individuals so that you have the best possible chance of picking up issues and picking up problems and addressing those intractable issues of boys or girls who are not talking. They're unhappy, but they're not talking about it.<sup>918</sup>

On starting at Fettes in 1998 he found that all records were held in hard copy and pupil records were retained in their respective boarding houses.<sup>919</sup> This suggests that a central complaints log may have taken some years to come to fruition. Michael Spens frankly acknowledged that the

whole record-keeping system was not very efficient at Fettes. I don't think it was

912 [Written statement of Malcolm Thyne](#) (former headmaster, 1988–98), at WIT-1-000000547, p.33, paragraphs 88–91.

913 [Transcript, day 259](#): Andrew Alexander (former teacher, 1990–2012), at TRN-8-000000054, p.13.

914 [Transcript, day 259](#): Andrew Alexander (former teacher, 1990–2012), at TRN-8-000000054, p.17.

915 [Written statement of Andrew Davies](#) (former teacher, 1989–2004), at WIT-1-000000690, p.8, paragraph 27 and p.12, paragraphs 45–8.

916 [Transcript, day 258](#): read-in statement of Andrew Davies (former teacher, 1989–2004), at TRN-8-000000053, p.185

917 [Transcript, day 258](#): read-in statement of Andrew Davies (former teacher, 1989–2004), at TRN-8-000000053, p.185.

918 [Transcript, day 259](#): Michael Spens (former headmaster, 1998–2017), at TRN-8-000000054, p.154.

919 [Transcript, day 259](#): Michael Spens (former headmaster, 1998–2017), at TRN-8-000000054, p.158.

particularly a Fettes thing. I think Radley was probably very similar. But records would tend to be kept of individual pupils in their boarding house, but not exclusively, because if that pupil had been involved in something on a school-wide basis, there might have been records kept in the headmaster's office or the deputy head's office. At the end of a pupil's career, all those documents were amalgamated into a file that was then put into store ... the completeness of those records varied considerably depending on the assiduousness of the housemaster or housemistress or other member of staff involved.<sup>920</sup>

## Pupils' recollections of record-keeping

Prior to 1990 Fettes did not have a reliable or cohesive system of record-keeping. 'Robert' recalled that no 'logs of beatings were ever kept though I have been told that when a new headmaster took over he was so concerned at the level of corporal punishment that, thereafter, a teacher almost had to get permission to give a beating'.<sup>921</sup>

'Max' recalled the report cards. He said:

The only paperwork that they kept was your report card. If you had done something in class or you hadn't done your homework then you could be put on a report card. A report card could either be for that subject or for

every subject. In the end you had to stand in a line and one or two of you would need to get your report card signed. You would be given a grade on the card. NS minus meant that you really weren't doing your work.<sup>922</sup>

'Bobby' said that there was a punishment book

in which the prefects were meant to write down punishments ... I think the head of house kept the book, or it was stored in [an] 'area' above the snooker table. I didn't check it. I think a lot of things weren't written down. The school had the attitude of, for the time you are here, we are in charge.<sup>923</sup>

'Bobby' was involved in a serious incident of bullying at the school<sup>924</sup> and does remember extensive notes were taken. However, he had no idea how they were used or whether they were retained.<sup>925</sup>

George Scott, who suffered serious physical abuse by Iain Wares, said:

I now know ... that I spent ten days in the school sanatorium as a result of this episode in October 1977. I know I was hospitalised at school ... There are no notes in the records kept by the school san at all of my stay there. There was just the date I went in and the date I left with some routine medical observations. Records refer to abrasions and bruising, along with nausea, vomiting, and high

920 [Transcript, day 259](#): Michael Spens (former headmaster, 1998-2017), at TRN-8-000000054, p.159.

921 [Written statement of 'Robert'](#) (former pupil, 1973-8), at WIT.001.001.1232, p.3, paragraph 17.

922 [Written statement of 'Max'](#) (former pupil, 1973-80), at WIT-1-000000664, p.17, paragraph 74.

923 [Written statement of 'Bobby'](#) (former pupil, 1985-90), at WIT.001.002.7610, p.15, paragraph 62.

924 Discussed in the [Physical abuse](#) chapter.

925 [Transcript, day 256](#): read-in statement of 'Bobby' (former pupil, 1985-90), at TRN-8-000000051, p.30.

temperature, but are blank from admission to discharge.<sup>926</sup>

'Elizabeth' was left without 'a huge part of my life story':

I asked for my records. And I was really disappointed at how little there was. And I appreciate that there are big conversations happening more broadly in the world about data retention and GDPR compliance ... But I think for me, I was hoping that my records would have illuminated a little bit what my life was like on a day-to-day basis ... I have a really clear memory of walking down through the corridor in the boarding house and on the walls we had all these A4 clip frames that were just rammed full of photos ... I remember going to Auchingarrich wildlife park and I remember really clearly there was a photo of me holding a wee baby chick with my blue hoodie on ... up on the wall. I kind of thought that some of that stuff might have been in my records ... and there just wasn't an awful lot considering that Fettes was two years, which

is an eighth of my whole childhood, and that's something that was quite disappointing for me ... the school was a huge part of my life story.<sup>927</sup>

## Conclusions about records

The records produced to SCAI do not disclose anything like the nature and extent of the abuse inflicted on children at Fettes. Part of the explanation for that lies in the absence of a school record-keeping policy for much of the period under scrutiny. Even if abuse had been recorded, which overall seems highly unlikely, many records were not retained by the school.

It would seem that from 1998 Fettes has complied with its statutory obligations in relation to record-keeping and has slowly developed better systems, though the overall picture, for the twentieth century at least, was responsive rather than proactive, for example relying on SCIS guidance. Its current systems are impressive.

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926 [Written statement of George Scott \(former pupil, 1977-83\)](#), at WIT-1-000000549, p.24, paragraphs 96-7

927 [Transcript, day 258: 'Elizabeth' \(former pupil, 1992-4\)](#), at TRN-8-000000053, p.61.

# 12 Inspections

## Introduction

Until Part V of the Education (Scotland) Act 1946 came into force in 1957, there was no statutory control of either the setting up or the running of an independent boarding school by private individuals, organisations, or religious groups.<sup>928</sup> Thereafter, and until 1995, the regulation that did exist afforded the state little oversight of how independent boarding schools operated, or any real power to provide effective protection of children resident there.

## Inspection of boarding facilities: background

While there was no formal requirement to inspect independent schools prior to 1946, archived Scottish Education Department (SED) files released to SCAL confirm that inspections of boarding schools were taking place regularly from at least the 1920s. At Fettes College, there are confirmed inspections from 1930, and these continued regularly until 1954 with the frequency thereafter being variable. Inspections in the 1930s and 1940s were, in the main, inspections of educational provision. Details of known inspections carried out by the SED are set out in Table 7, [Appendix C](#).

## Education (Scotland) Act 1946

The Education (Scotland) Act 1946 introduced a number of significant changes to the inspection of schools generally and, in particular, to the oversight of independent schools. Section 61 of the 1946 Act placed a duty on the Secretary of State for Scotland to arrange for the inspection of every educational establishment.<sup>929</sup> 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.<sup>930</sup>

Part V of the 1946 Act also required independent schools to register with the newly created Registrar of Independent Schools in Scotland; failure to do so was a criminal offence. However, it was only with the Registration of Independent Schools (Scotland) Regulations 1957 that the relevant provisions came into force. The 1957 Regulations detailed the registration

<sup>928</sup> Kenneth McK. Norrie, Report to SCAL, *Legislative Background to the Treatment of Children and Young People Living Apart from Their Parents* (November 2017), p.318.

<sup>929</sup> [Education \(Scotland\) Act 1946](#), sections 61 and 62.

<sup>930</sup> NRS ED48/1377, Registration of Independent Schools: General Policy, 1953-67, Minutes, 6 October 1955, at SGV-000007325, pp.41-2.

procedure and the information required. Whilst the 1957 Regulations did not establish standards for the care or education of pupils, they bolstered the inspection provisions outlined in Part V of the 1946 Act by bringing into effect a complaints mechanism.

As Professor Kenneth Norrie stated, this

added teeth to the inspection process that had existed by then for the previous 10 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.<sup>931</sup>

The Secretary of State or the Scottish Education Department could strike a school off the register or disqualify a proprietor or teacher. No further details were provided as to the criteria to be applied when considering whether or not to do so.

The 1957 Regulations remained in place until their revocation by the Registration of Independent Schools (Scotland) Regulations 2005, which were in turn replaced by the Registration of Independent Schools (Scotland) Regulations 2006.<sup>932</sup> The 2006 Regulations continue to apply.

Fettes College has been registered as an independent school since November 1957.<sup>933</sup>

What would appear to be a detailed inspection of the school was carried out in November 1954. The inspection may have been at the request of the school, but the Inquiry has been unable to confirm this. The inspection included boarding houses, the sanatorium, and catering as well as academic provision (mathematics, science, technical subjects, and physical education). The report makes clear that only a selection of the boarding houses were inspected, but they were found to be well managed. It was also found that sanitary provision was adequate and the study and common room accommodation was satisfactory. The report highlighted that the changing rooms in College East and College West were in need of modernisation.

## **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.<sup>934</sup> Section 62 of the 1946 Act was not repeated in the 1962 Act. This meant that, from 1962, independent schools were no longer able to request an inspection themselves, and – like state schools – were subject to inspection only at the discretion of the Secretary of State

931 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.

932 *The Registration of Independent Schools (Scotland) Regulations 2005; The Registration of Independent Schools (Scotland) Regulations 2006*.

933 Scottish Education Department, Notice of Fettes College being registered in the Register of Independent Schools, 20 November 1957, at SGV-000067185, p.1.

934 *Education (Scotland) Act 1962*, section 67; *Education (Scotland) Act 1980*, section 66.

for Scotland. Notwithstanding this, the SED inspected Fettes in January and February 1970 and the subsequent report appears to have been prepared 'in accordance with the provisions of section 62 of the Education (Scotland) Act 1946'.<sup>935</sup> The form of the report suggests the inspection may have been at the request of the school. Like the 1954 inspection, it focused not just on educational provision but on the boarding accommodation, the sanatorium, and catering. It found that 'Living conditions are generally good'<sup>936</sup> and 'The morale of the school is high. The boys behave with courtesy and speak frankly and easily'.<sup>937</sup> It is not known if this reflects engagement with boys directly or simply classroom observation.

The 1980 Act remains in force today, though 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.<sup>938</sup> It also gave HM Inspectors of Schools (HMsIs) the power to inspect a school in order to determine whether pupils' welfare was being adequately safeguarded and promoted. Until 2001 it was the responsibility of the HM Inspectorate of Education (HMIe) to inspect the boarding facilities within a school.

## Inspections at Fettes College

The first inspection of Fettes under the 1980 regime took place in October and November 1995,<sup>939</sup> 25 years after the previous inspection. Its key findings were positive in many respects and its points for action were welcomed by the then headmaster, Malcolm Thyne, who recognised that it 'galvanised us into getting written policy statements on many such issues'<sup>940</sup> as well as providing direction on setting out its position on child protection matters including on the newly issued SCIS guidelines.

Inspections of the school's educational provision continued to be carried out by HMIe until 2011, when Education Scotland was formed and took over responsibility for the inspection of schools. It carried out visits – not inspections – on 8 November 2012 and in September 2013.<sup>941</sup> The last inspection of Fettes prior to the Inquiry hearings was carried out in March 2009 by HMIe. It was a 'routine inspection of the residential accommodation by HMIe and the Care Commission'.<sup>942</sup> The report of the inspection is dated 28 April 2009.

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 new grounds for

935 Scottish Education Department, Inspection report, Fettes College, February 1970, at SGV-000067185, p.5.

936 Scottish Education Department, Inspection report, Fettes College, February 1970, at SGV-000067185, p.5.

937 Scottish Education Department, Inspection report, Fettes College, February 1970, at SGV-000067185, p.7.

938 [Children \(Scotland\) Act 1995](#), section 35; [Education \(Scotland\) Act 1980](#), section 125A.

939 HMIe, Inspection report, Fettes College, 25 March 1996, at FET-000000051, pp.1-13.

940 [Transcript, day 258](#): read-in statement of Malcolm Thyne (former headmaster, 1988-98), at TRN-8-000000053, p.125.

941 Education Scotland, Engagement of HM Inspectors and Fettes College, at SGV-000000803.

942 Education Scotland, Engagement of HM Inspectors and Fettes College, at SGV-000000803.

refusing registration of a school and new grounds for complaint.<sup>943</sup> 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, section 1, provided for the establishment of the Scottish Commission for the Regulation of Care (the Care Commission).<sup>944</sup> On its establishment in 2002 the Care Commission took over the regulation and inspection of care services, including boarding facilities at independent schools. The first *National Care Standards* were published in 2002.

In 2011 the Care Inspectorate took over the functions of the Care Commission, the Social Work Inspection Agency, and the child protection unit of HMIE. The Care Inspectorate, accordingly, became responsible for the regulation and inspection of residential facilities at boarding schools in Scotland. The *National Care Standards* were replaced by the *Health and Social Care Standards* in 2018.

The Care Commission had, and the Care Inspectorate had and has, the power to make recommendations and to set out requirements. Recommendations are, of their nature, neither mandatory nor enforceable. Requirements, on the other hand, are, when issued, mandatory and enforceable. The care service provider must make the required improvements within a given timescale. The registration of the service may be cancelled

if a requirement is not met within that 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 wellbeing.

The Care Inspectorate has developed several quality frameworks to apply when evaluating care services. To do so, it has drawn on the *National Care Standards* and, since 2018, the *Health and Social Care Standards*. In 2021 the Care Inspectorate published its quality framework for evaluating boarding schools in Scotland.

Prior to the development of the frameworks referred to above, the Care Commission and the Care Inspectorate applied certain themes and statements in the course of their inspections. For example, the inspection team that carried out the inspection of Fettes College School Care Accommodation Service in June 2008<sup>945</sup> made the following assessments against quality themes:

Quality theme	Grade
Care and Support	5 – Very Good
Environment	5 – Very Good
Staffing	5 – Very Good
Management and Leadership	5 – Very Good

HMIE and Education Scotland also make use of quality indicators or themes. For example, evaluations made during the April 2009 joint inspection by HMIE and the Care Commission<sup>946</sup> are summarised as follows:

<sup>943</sup> 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.

<sup>944</sup> Regulation of Care (Scotland) Act 2001, section 1.

<sup>945</sup> Care Inspectorate, Inspection Report, Fettes College: School Care Accommodation Service, 25 June 2008, at CIS.001.002.4924.

<sup>946</sup> HMIE, Inspection report, Fettes College, 4 June 2009, at SGV-000006445.

Quality theme	Grade
Improvement in performance	Excellent
Learners' experience	Excellent
Meeting learning needs	Excellent
Curriculum	Excellent
Improvement through self-evaluation	Very good

Fettes was registered with the Care Commission from 2006 until 2011 and has been registered with its successor, the Care Inspectorate, since 2011.

A special and unannounced inspection of the school, instructed by Scottish Ministers, took place in February 2025, followed up by a report dated 2 September 2025.<sup>948</sup> The evaluation was:

Quality indicators	Evaluation
Curriculum	Excellent
Learning, teaching, and assessment	Very good
Ensuring wellbeing, equality, and inclusion	Very good
Raising attainment and achievement	Excellent

## Inspection records

In its section 21 response, Fettes stated that the school was routinely inspected by HMIE and by the Care Inspectorate as well as by their predecessor organisations. Details of inspections, to the extent known by SCAI, carried out by the various bodies are set out in Tables 7-9 in [Appendix C](#). Reports of recent inspections are a matter of public record.

As laid down by Statute, Fettes was subject to inspection by HMIE. These inspections were a formal assessment of the quality of teaching and learning. Satisfactory assessments led to longer intervals between inspections. The school was first inspected by HMIE in March 1996, then in January and February 2002, and next in February 2006. The last inspection by HMIE was in April 2009.

Up until 2025 Fettes had not been inspected by Education Scotland but had been the subject of 'annual visits'.<sup>947</sup>

The Care Commission inspected Fettes on at least seven occasions in the period from February 2006 to January 2011. The school care accommodation service has been inspected by the Care Inspectorate on a regular basis and on at least five occasions since 2011, the last such inspection taking place on 25 September 2025, when the service was evaluated as 'Very good'.<sup>949</sup>

## Evidence from applicants about inspections

The Inquiry heard applicant evidence covering the period 1946-2013 but few applicants gave evidence about inspections, which is hardly surprising given that they were so infrequent. The gaps apparent between 1954 and 1970, and then to 1995 seem remarkable. Against that background one can easily understand the evidence of 'Thomas', who said: 'The idea of inspections or visits was unthinkable. Parents visited once a year. Nobody asked us about our wellbeing ever. There was a kind of

<sup>947</sup> Education Scotland, Engagement of HM Inspectors and Fettes College, at SGV-000000803.

<sup>948</sup> Education Scotland, [Inspection report](#), Fettes College, 2 September 2025.

<sup>949</sup> Care Inspectorate, [Inspection report](#), Fettes College: School Care Accommodation Service, 25 September 2025.

Wild West atmosphere and the teachers seemed indifferent. As a friend of mine said, institutional abuse was the status quo.<sup>950</sup>

'Betty' was concerned, from her own experience, that inspections may not reveal a true picture of how a school operates. As she said:

I can remember there being a time where inspectors came to the school and I can't remember where they were from or what it was related to, but I can remember us all being very distinctly told to, you know, be careful what we said and to be careful how we behaved and to make sure that everything was - was kept in a way that it wasn't normally.<sup>951</sup>

While it does not appear that she is referring to one of the few HMIE inspections that were actually carried out at Fettes, I accept her point. It is a theme that recurs in a number of schools in this case study and reflects a period during which efforts were undoubtedly made to present the best possible front to inspectors.

### **Evidence from staff and other witnesses about inspections**

'Colin' recollects the inspection of 1970:

I recall at least one inspection when I was at Fettes. We must have known about it as it was the sort of thing where you would put the top pupils near the door and the not-so-good ones in the corner in the hope that the inspector didn't notice. I have a feeling that independent schools had to actually request

an inspection rather than there being an unannounced visit. On that one inspection that I do recall, I can't remember if the inspectors spoke to any of the children. I can't really remember anything about it at all.<sup>952</sup>

Alistair Murray said:

I think there were three visits by inspectors but I'm unsure of the dates. One was during my initial term of employment and the other two were during my second term of employment at the school. I don't know whether the inspectors spoke to pupils or whether staff were present when they did so. I do remember one inspector remarking on wildlife exhibits in the laboratory in a complimentary fashion. Otherwise, I did not receive any feedback from the inspectors.<sup>953</sup>

The Inquiry is only aware of the inspections in 1970 and 1995, but I accept it is possible that other inspections, or perhaps visits, did take place and were not recorded.

'Iona' said:

I am aware that no inspectors went into Fettes for over 30 years. I learned that after speaking to the Care Inspectorate, or whatever their predecessors were called, when I was looking to get them to inspect the school. Those years included the years when my children attended the school. I know that when inspectors ultimately did go into Fettes, that was primarily due to me making complaints to the school, the police, and others.<sup>954</sup>

Malcolm Thyne, the headmaster at the time, said:

950 [Transcript, day 255](#): read-in statement of 'Thomas' (former pupil, 1980-5), at TRN-8-000000050, p.74.

951 [Transcript, day 257](#): 'Betty' (former pupil, 1990-3), at TRN-8-000000052, p.112.

952 [Transcript, day 251](#): read-in statement of 'Colin' (former teacher, 1970-86), at TRN-8-000000044, p.95.

953 [Transcript, day 254](#): read-in statement of Alistair Murray (former teacher, 1967-73 and 1975-95), at TRN-8-000000047, p.41.

954 [Transcript, day 256](#): read-in statement of 'Iona' (parent of former pupils), at TRN-8-000000051, p.108.

The school was only inspected once when I was headmaster and the background was that 'Iona', during 1995, had complained to the Scottish Office Department of Education amongst the many other organisations which she had approached. Their senior inspectors came to see me and they asked what had been going on. I told them about the event in September 1992 when I had asked six boys to leave the school following an incident involving the use of cannabis. They suggested to me that they would like to come and undertake their most thorough inspection of the school ... The inspectors came to the school in October and November of 1995 and their report was published in March 1996. This is an important document to read if you really want to know how the school was performing at that time. The SOED Inspectorate were an independent body and they were empowered to investigate every aspect of school life. During their inspection, the inspectors spoke alone to pupils and groups of pupils. The parents were invited to return a very detailed questionnaire. They spoke to many members of staff individually and with members of the Senior Management Team. I do not think that the inspectors found that the inspection of a boarding school was an entirely easy task because their experience was mainly in inspecting day schools. They interviewed me several times at length on every aspect of school life. I spoke to them explicitly about the vendetta that had been waged against the school since 1992. Their report, 'Extended inspection of Fettes College, A Report by HM Inspectors of Schools', dated 25 March 1996, identified ten key strengths ... The report also provided ten action points, which were areas where they thought we could improve the school. Some

of these points I agreed with absolutely; some of these I had actually suggested, and there were a couple of issues which were really a matter of debatable educational philosophy on how schools should do things.<sup>955</sup>

The evidence of 'Iona' and Malcolm Thyne together suggests that the inspection of 1995 was carried out in response to a complaint and to determine whether pupils' welfare was being adequately safeguarded and promoted.

Michael Spens said: 'An inspection of a school is a really useful thing because it does an awful lot of research for you.'<sup>956</sup> He continued:

Before they happen there's a degree of feeling this is a pain because there's an awful lot of preparation to be done, but in my experience they were always positive and you learn a lot from them and inspectors basically come in with an agenda to help the school to improve, and that is to be welcomed.<sup>957</sup>

Helen Harrison was of a similar view. When asked if inspections matter to schools, she said: 'Yes, they do, because they are about the child's welfare. So if you are talking about a Care Inspectorate report, it matters hugely. It is also my professionalism. I want to be running ... a school that is getting it right for the child ... [so] it's important.'<sup>958</sup>

## Conclusions about inspections

Dreadful abuse of children happened at Fettes and much of it happened when no one was looking; inspections were rare.

955 [Transcript, day 258](#): read-in statement of Malcolm Thyne (former headmaster, 1988-98), at TRN-8-000000053, pp.129-31.

956 [Transcript, day 259](#): Michael Spens (former headmaster, 1998-2017), at TRN-8-000000054, p.128.

957 [Transcript, day 259](#): Michael Spens (former headmaster, 1998-2017), at TRN-8-000000054, p.128.

958 [Transcript, day 214](#): Helen Harrison (head, 2019-present), at TRN-8-000000005, pp.126-7.

That is telling and, if nothing else, allowed Fettes erroneously to assume all was well and maintain the complacency that was its habit. The period of the mid-1990s until the 2010s was a period of frequent inspection. Since 2011, however, inspection, whether by Education Scotland or by the Care Inspectorate, has become less frequent. In her evidence, Helen Harrison said of the past that 'it is very obvious that there was not enough overseeing'.<sup>959</sup> She continued: 'But when I was deputy head I went on the governing board, and then things like the safeguarding committee, safeguarding

governors, the external audit, now the Care Inspectorate ... they are actually getting in and feeling the rhythm of a school and finding out what is going on'.<sup>960</sup>

It is, equally, clear that inspections cannot be relied on to uncover all deficiencies,<sup>961</sup> and a school's own responsibilities for establishing and maintaining effective child protection systems cannot be delegated to inspectorates. However, it would nonetheless be of grave concern if there were a return to infrequent inspections, as they perform a key role in any system for child protection.

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959 [Transcript, day 214](#): Helen Harrison (head, 2019-present), at TRN-8-000000005, p.103.

960 [Transcript, day 214](#): Helen Harrison (head, 2019-present), at TRN-8-000000005, p.104.

961 See, for example, my findings in relation to [Merchiston Castle School](#), where multiple inspections failed to uncover abusive practices of long standing.

## 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 daycare; short-term respite care for vulnerable children; schools, whether public or private, which did not have boarding facilities; police cells and similar holding centres which were intended to provide care temporarily or for the short term; or 16- and

17-year-old children in the armed forces and accommodated by the relevant service.

'Abuse' for the purpose of this Inquiry is to be taken to mean primarily physical abuse and sexual abuse, with associated psychological and emotional abuse. The Inquiry will be entitled to consider other forms of abuse at its discretion, including medical experimentation, spiritual abuse, unacceptable practices (such as deprivation of contact with siblings), and neglect, but these matters do not require to be examined individually or in isolation.

## Appendix B - Corporal punishment in Scottish schools and related matters

### The parental right of chastisement

The common law of Scotland granted parents the right to inflict corporal punishment upon their children.<sup>962</sup> 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.<sup>963</sup> However, corporal punishment was only lawful if it were '(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.'<sup>964</sup> 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'.<sup>965</sup> 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.<sup>966</sup>

A teacher's power to chastise was not delegated by parents 'but was a self-standing privilege arising from the obligation of the teacher to maintain school-room discipline' which in the boarding schools extended to the residential side. Nineteenth-century court cases involving teachers emphasised that corporal punishment had to be 'without any cruel or vindictive feeling or passion',<sup>967</sup> 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'.<sup>968</sup>

<sup>962</sup> See Alexander Birrell Wilkinson and Kenneth McK. Norrie, *The Law Relating to Parent and Child in Scotland*, 3rd edn. Edinburgh: W. Green (2013). See also Kenneth McK. Norrie, Report to SCAI, *Legislative Background to the Treatment of Children and Young People Living Apart from their Parents* (November 2017), p.346.

<sup>963</sup> See Kenneth McK. Norrie, Report to SCAI, *Legislative Background to the Treatment of Children and Young People Living Apart from their Parents* (November 2017), p.346.

<sup>964</sup> See Kenneth McK. Norrie, Report to SCAI, *Legislative Background to the Treatment of Children and Young People Living Apart from their Parents* (November 2017), p.346.

<sup>965</sup> See Kenneth McK. Norrie, Report to SCAI, *Legislative Background to the Treatment of Children and Young People Living Apart from their Parents* (November 2017), p.347.

<sup>966</sup> See 'How the Tawse Left its Mark on Scottish Pupils', BBC News, 22 February 2017. The Lochgelly tawse was so called because most teachers preferred tawses manufactured by a leather business based in Lochgelly, Fife.

<sup>967</sup> Muckarsie v Dickson (1848) 11 D 4, p.5.

<sup>968</sup> Ewart v Brown (1882) 10 R 163, p.166.

Little changed for much of the twentieth century. In *Gray v Hawthorn*,<sup>969</sup> 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<sup>970</sup> 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.<sup>971</sup>

The child was 11 and was belted eight times in the space of two hours for being dirty, having an untidy schoolbag, performing poorly in schoolwork, making spelling mistakes, and having poor handwriting, a factor exacerbated by the injuries caused by the repetitive belting. From today's perspective, aspects of the sheriff substitute's reasoning seem surprising:

[I] found no fault with the appellant regarding the punishments inflicted for having dirty hands and knees. I attached no importance to the total number, as such, of strokes delivered on the morning in question. What I found fault with was the succession of punishments and reasons (or lack of just reasons) therefore, as narrated in my findings. At some stage their repetition amounted to what I can only describe as a degree of unjust persecution. I inferred dole only from the excess of punishment in the circumstances narrated.<sup>972</sup>

I would not have considered it appropriate to belt a child for any of the reasons set out. I would consider it abusive.

The reasoning in *Gray v Hawthorn* was followed in the 1980 case of *Stewart v Thain*,<sup>973</sup> which involved a headteacher smacking a 15 year old on the buttocks, apparently with parental approval. The Court remained loath to interfere in school discipline which was still very much a matter of educational discretion, where 'each case must be considered in the light of the whole circumstances relevant to it'.<sup>974</sup>

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969 *Gray v Hawthorn* (1964) JC 69.

970 In Scots law 'dole' means corrupt, malicious, or evil intention.

971 *Gray v Hawthorn* (1964) JC 69.

972 *Gray v Hawthorn* (1964) JC 69, p.72.

973 *Stewart v Thain* (1980) JC 13.

974 *Stewart v Thain* (1980) 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 section 37 of the Children Act 1908 and section 12(7) of the Children and Young Persons (Scotland) Act 1937, both of which concerned cruelty to persons under 16. The 1937 provision, for example, which concerned behaviour of persons who had 'attained the age of sixteen years' stated: 'nothing in this section shall be construed as affecting the right of any parent, teacher, or other person having the lawful control or charge of a child or young person to administer punishment to him'.<sup>975</sup>

This case study has again demonstrated that there was inadequate, if any, consideration given by schools to the legal position. Individual institutions followed their own traditions and styles although there was a general understanding from witnesses that the maximum number of blows that could be given was six, even if that was not infrequently disregarded. As for the delegation of corporal punishment to pupils - as happened in most of the schools - it was simply the way that things were done and was often ill considered and inadequately supervised. And the lack of supervision

exposed children to a risk of abuse; serious harm could obviously ensue.

## Societal change in the approach to corporal punishment

While the courts and the boarding schools may have thought corporal punishment acceptable as a means of maintaining order until relatively recently, that was not the case in other areas of society.

### Curtis Report

In September 1946, the Secretary of State for the Home Department, the Minister of Health, and the Minister of Education presented a report to Parliament from the Care of Children Committee, chaired by Miss Myra Curtis. It was the result of detailed inquiry into the provision for children in care and its recommendations, strongly urged on the government, included:

We have given much thought to this question and have come to the conclusion that corporal punishment (i.e., caning or birching) should be definitely prohibited in children's Homes for children of all ages and both sexes, as it already is in the Public Assistance Homes for girls and for boys of 14 and over. We think that the time has come when such treatment of boys in these Homes should be unthinkable as the similar treatment of girls already is and that the voluntary Homes should adopt the same principle. It is to be remembered that the children with whom we are concerned are already at a disadvantage in society. One of the first essentials is to nourish their self-respect; another is to make them feel that they are regarded with affection by those in charge of them. Whatever there is to be said for this form of punishment in the case of boys with a happy

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975 Children and Young Persons (Scotland) Act 1937, section 12(7) as originally enacted.

home and full confidence in life, it may, in our opinion be disastrous for the child with an unhappy background. It is, moreover, liable to ... abuse. In condemning corporal punishment we do not overlook the fact that there are other means of enforcing control which may have even more harmful effects. We especially deprecate nagging, sneering, taunting, indeed all methods which secure the ascendancy of the person in charge by destroying or lowering the self-esteem of the child.<sup>976</sup>

This showed remarkable insight and boarding schools should have had regard to it; they provided residential care for children living away from home - some from an early age - and their circumstances made them vulnerable.

### **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'.<sup>977</sup>

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'.<sup>978</sup> Regulation 11 provided that corporal punishment may 'exceptionally be administered'.<sup>979</sup>

### **Approved Schools (Scotland) Rules 1961**

Again, though not applicable to boarding schools, the standards noted in the Approved Schools (Scotland) Rules 1961 should have had an impact on the thinking of boarding schools in relation to their use of corporal punishment.

Rule 31 dealt specifically with corporal punishment. Some of the conditions referred to were apt for all boarding schools in Scotland at that time:

- (a) for an offence committed in the course of ordinary lessons in the schoolroom the principal teacher may be authorised by the Managers to inflict on the hands not more than three strokes in all;  
...
- (c) except when the punishment is inflicted in the presence of a class in a schoolroom, an adult witness must be present;
- (d) no pupil may be called upon to assist the person inflicting the punishment;  
...
- (f) for boys under 14 years of age, the number of strokes may not exceed two on each hand or four on the posterior over ordinary cloth trousers;
- (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

<sup>976</sup> The Curtis Report (1946), at LEG.001.001.8722, pp.168-9, paragraph xviii.

<sup>977</sup> Kenneth McK. Norrie, Report to SCAL, *Legislative Background to the Treatment of Children and Young People Living Apart from their Parents* (November 2017), p.204.

<sup>978</sup> The Administration of Children's Homes (Scotland) Regulations (1959), regulation 1, at LEG.001.001.2719.

<sup>979</sup> The Administration of Children's Homes (Scotland) Regulations (1959), regulation 11, at LEG.001.001.2723.

any person who commits a breach of this Rule shall be liable to dismissal or other disciplinary action.<sup>980</sup>

Rule 32 provided that full particulars of any corporal punishments should be recorded in a punishment book by the headmaster.

It is not obvious that much regard was had to these rules in the operation of the boarding schools considered in this case study, and the approach taken to corporal punishment, just as with the recording of punishments, was variable. The tone of each school very much depended, for decades, on the outlook of the headmaster. Some were progressive, others not. Far too much was left to the discretion of individual teachers, some of whom had dreadful reputations amongst pupils for their excesses, which only demonstrates an absence of necessary oversight.

The position was even worse when corporal punishment by senior pupils is considered. While there was evidence of a change of outlook from pupils in some schools in the sector during the 1960s,<sup>981</sup> there was often no oversight by those schools, on occasion, consciously.

### **Elimination of corporal punishment in state schools**

By the late 1960s, following agreement in principle that the teaching profession should be encouraged to move towards the gradual elimination of corporal punishment, a consultative body - the Liaison Committee on Educational Matters - issued a booklet

entitled *Elimination of Corporal Punishment in Schools: Statement of Principles and Code of Practice*.<sup>982</sup> It set out rules designed to limit the use of corporal punishment including:

It should not be administered for failure or poor performance in a task, even if the failure (e.g., errors in spelling or calculation, bad homework, bad handwriting, etc.) appears to be due not to lack of ability or any other kind of handicap but to inattention, carelessness or laziness. Failure of this type may be more an educational and social problem than a disciplinary one and may require remedial rather than corrective action.

Corporal punishment should not be inflicted for truancy or lateness unless the head teacher is satisfied that the child and not the parent is at fault.

Where used, corporal punishment should be used only as a last resort and should be directed to punishment of the wrong-doer and to securing the conditions necessary for order in the school and for work in the classroom.

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.<sup>983</sup>

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.

980 Approved Schools (Scotland) Rules (1961), rule 31, at LEG.001.001.2696, pp.9-10.

981 See, for example, [Transcript, day 220](#): Kenneth Chapelle (former pupil, Loretto School, 1961-6), at TRN-8-000000011, p.74.

982 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.

983 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 Professor D.C. Pack, and set up by the Secretary of State for Scotland, reported on indiscipline and truancy in Scottish schools. It reported that 'corporal punishment should, as was envisaged in 1968, disappear by a process of gradual elimination rather than by legislation'.<sup>984</sup>

A working group appointed by the Convention of Scottish Local Authorities reviewed that process and produced a report entitled *Discipline in Scottish Schools* in 1981. The Secretary of State for Scotland considered the report and concluded, in a letter of 9 February 1982, 'that the way is now open for progress leading to the elimination of corporal punishment in Scottish schools within the foreseeable future'.<sup>985</sup>

The case of Campbell and Cosans v UK<sup>986</sup> was held just three weeks after the Secretary of State's conclusions. In its decision, the European Court of Human Rights, while rejecting an argument that the use of corporal punishment in Scottish schools was contrary to Article 3, 'found the United Kingdom in breach of Article 2 Protocol 1 for failing to respect the parents' philosophical conviction against corporal punishment. The Government ... considered it impractical to prohibit corporal punishment only of children whose parents objected, and so instead, all pupils at public schools were granted protection from corporal punishment by their teachers'.<sup>987</sup>

Consequently, section 48 of the Education (No. 2) Act 1986 introduced a new section 48A to the Education Act (Scotland) 1980 which came into force on 15 August 1987 and abolished corporal punishment for some pupils. Section 48A(5)(a) provided that a 'pupil' included a person for whom education was provided at

- (i) a public school,
- (ii) a grant-aided school, or
- (iii) an independent school, maintained or assisted by a Minister of the Crown, which is a school prescribed by regulations made under this section or falls within a category of schools so prescribed.

Although the legislation did not apply to independent schools and Queen Victoria School at Dunblane was an independent school, specific provision was made to prescribe Queen Victoria School as a school covered by the abolition of corporal punishment provided for by section 48A(5) (iii) on 15 August 1987.<sup>988</sup>

In general guidance, issued by the Scottish Education Department on 17 June 1987, corporal punishment was defined as 'any act which could constitute an assault. This covers any intentional application of force as punishment and includes not only the use of the cane or the tawse, but also other forms of physical chastisement, e.g., slapping, throwing missiles such as chalk, and rough handling'.<sup>989</sup>

984 Scottish Council of Independent Schools, *Corporal Punishment in Scottish Schools*, at SCI-000000009, p.2.

985 Scottish Council of Independent Schools, *Corporal Punishment Abolition in Scotland - Timeline*, at SCI-000000007, p.1.

986 Campbell and Cosans v United Kingdom (1982) 4 EHRR 293.

987 Kenneth McK. Norrie, Report to SCAL, *Legislative Background to the Treatment of Children and Young People Living Apart from their Parents* (November 2017), p.354.

988 The Education (Abolition of Corporal Punishment: Prescription of Schools) (Scotland) Order 1987, paragraph 2.

989 Scottish Council of Independent Schools, *Corporal Punishment Files*, at SCI-000000023, p.8.

Other than in the case of Queen Victoria School, the legislation did not prevent boarding schools from continuing with corporal punishment, although that would have led to a two-tier approach given the prohibition of its use for pupils on assisted places. However, consistent with the change in society, many independent boarding schools, as well as day schools, were either thinking of or had already abolished it.

The Independent Schools Information Service (Scotland), the forerunner to the Scottish Council of Independent Schools (SCIS), surveyed its members in 1984 and found that 36 no longer had corporal punishment while 24 retained it, although half of them were considering abolition. Looking to the schools in the case study, only Fettes Prep School had stopped using corporal punishment. Keil School, Loretto Junior School, Merchiston Castle School, Morrison's Academy, and Queen

Victoria School retained it although were contemplating abolition, while Loretto senior school and Gordonstoun were not. The Edinburgh Academy did not feature in that survey.<sup>990</sup>

A similar survey in October 1988 revealed that only five prep schools and two senior schools retained corporal punishment, though four either had unofficially abolished it or were phasing it out. That included The Edinburgh Academy. The only senior school to retain it was Loretto,<sup>991</sup> although by 1991 a further SCIS survey confirmed that it was no longer used by any of its member schools.<sup>992</sup> Loretto, it appears, had stopped the use of the cane in 1990.<sup>993</sup>

Finally, section 16 of the Standards in Scotland's Schools etc. Act 2000 extended the prohibition against corporal punishment to all schools and repealed section 48A of the 1980 Act.

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<sup>990</sup> Independent Schools Information Service (Scotland), at SCI-000000038.

<sup>991</sup> Independent Schools Information Service (Scotland), at SCI-000000039.

<sup>992</sup> Scottish Council of Independent Schools, at SCI-000000025.

<sup>993</sup> Loretto School, Note on a comparison of witnesses' observations/recommendations with Loretto School today, 26 February 2021, at LOR-000000771, p.6.

## Appendix C - Inspection reports relating to Fettes College between 1930 and 2022

Table 7: Scottish Education Department/HMIE/Education Scotland inspections, 1930-2009

<b>Date of report: 1930<sup>994</sup></b>
Focus: academic (English, Latin, Greek, French, German)
<b>Key findings/conclusions</b>
For the most part, the boys read well and with a reasonable amount of expression ... The written work shown to me ... was of a highly credible kind.

<b>Date of inspection: 1 and 20 June 1932</b>
<b>Date of report: 12 and 13 July 1932<sup>995</sup></b>
Focus: academic (modern languages, Latin, Greek)
<b>Key findings/conclusions</b>
<ul style="list-style-type: none"><li>As in other schools of this sort, there is considerable difficulty at the outset from the very varying efficiency of the preparatory schools from which the pupils are desired.</li><li>Fettes is still suffering from the loss of one or two masters of long experience and notable competence. There is need of greater emphasis and drive in the conduct of certain Middle Forms, up to and possibly including the Leaving Certificate Stage. But the curriculum is well co-ordinated, the ground covered is large ... and the pupils appear to take a pleasure in their work.</li></ul>

994 Fettes College, HM Inspectors' report, 1930, at FET-000000050, pp.1-5.

995 Scottish Education Department, Inspection report, Fettes College, July 1932, at SGV-000000852, pp.4-8.

**Date of inspection: 28 June and 3 July 1933**

**Date of report: 18 July 1933<sup>996</sup>**

Focus: upper and lower schools, academic (mathematics, science, including physics and chemistry, art)

**Key findings/conclusions**

- Mathematics: the general impression received in these schools was that inspection of the middle school was not considered essential.
- Science: a reminder: not only is much time saved but interest is created and sustained by realising the pupils' difficulties and making allowance for them.
- Art: subject is widely interpreted and there is evidence of considerable interest.

**Date of inspection: 25 June and 13 July 1934**

**Date of report: 26 July 1934<sup>997</sup>**

Focus: academic (classical courses, French, German)

**Key findings/conclusions**

- Since my last visit ... there have been considerable changes in the school staff, and recently appointed masters are doing very good work.
- The pupils show the keenest interest in their studies.
- The institution is on the whole careful and methodical, and the masters deserve credit for the manner in which they perform their not-too-easy task.

**Date of inspection: 30 May and 8 July 1935**

**Date of report: 15 July 1935<sup>998</sup>**

Focus: academic (mathematics, science, art)

**Key findings/conclusions**

The tone of all classes that were seen was attractive, and the frank and eager attitude of the boys rendered the work of inspection very pleasant.

<sup>996</sup> Scottish Education Department, Inspection report, Fettes College, 18 July 1933, at SGV-000000852, pp.9-12.

<sup>997</sup> Scottish Education Department, Inspection report, Fettes College, 26 July 1934, at SGV-000000852, pp.13-17.

<sup>998</sup> Scottish Education Department, Inspection report, Fettes College, 15 July 1935, at SGV-000000852, pp.18-23.

**Date of inspection: 15 May and 16 June 1936**

**Date of report: 24 July 1936<sup>999</sup>**

Focus: academic (classics, French)

**Key findings/conclusions**

The school has been particularly unfortunate in the loss of so many teachers of long experience and proved competence. Their place however has been taken by new masters as keen, as forceful, and as competent as their predecessors, and likely to maintain the position of Fettes in the sphere of Scottish education.

**Date of inspection: 4 and 7 June 1937**

**Date of report: 2 July 1937<sup>1000</sup>**

Focus: academic (mathematics, science, art, benchwork)

**Key findings/conclusions**

Physical exercise, sport, and the Officers' Training Corps all contribute to the well-being of the boys. The extensive grounds surrounding the College provide a ready access to the open air of which the boys are not slow to avail themselves.

**Date of inspection: 8 June 1938**

**Date of report: 21 July 1938<sup>1001</sup>**

Focus: academic (classics)

**Key findings/conclusions**

[Inspectors] formed most favourable impression of the manner in which Fettes maintains its high place in the educational system of Scotland.

**Date of inspection: 1 June, 10 and 12 July 1939**

**Date of report: 24 July 1939<sup>1002</sup>**

Focus: academic (mathematics, science, art)

**Key findings/conclusions**

Careful and sound teaching, favourable impression made by the pupils, and departments continued to develop.

999 Scottish Education Department, Inspection report, Fettes College, 24 July 1936, at SGV-000000852, pp.24-8.

1000 Scottish Education Department, Inspection reports, Fettes College, 2 July 1937, at SGV-000000852, pp.29-33 and 2 June 1938, pp.42-3.

1001 Scottish Education Department, Inspection report, Fettes College, 21 July 1938, at SGV-000000852, pp.34-6.

1002 Scottish Education Department, Inspection report, Fettes College, 24 July 1939, at SGV-000000852, pp.37-41.

**Date of inspection: 17 May 1940 and 26 June 1940**

**Date of report: 16 and 31 July 1940<sup>1003</sup>**

Focus: academic (classics, French, German)

### **Key findings/conclusions**

- May visit: one striking innovation is the effective system of Air Raid Shelters with which the school has been provided. Several of the masters are absent on war service and their place has been taken by others - in one case by a former Fettes master of distinction. The school work has not suffered at all under the stress of war.
- June visit: the choice of day was unfortunate, an air raid having caused the boys to spend 2½ hours in shelters during the previous night. Despite the consequent later opening of the school there was time to see a representative number of classes. The instruction was almost entirely in the hands of two masters who are both fully qualified specialists. Classes are of suitable size: large enough to provide healthy competition but never so large as to preclude adequate attention being given to individual pupils.

**Date of inspection: 27 May and 18 June 1943**

**Date of report: 11 and 21 June 1943, 6 October 1943<sup>1004</sup>**

Focus: academic (mathematics, classics)

### **Key findings/conclusions**

#### **Mathematics**

- The disturbances due to the war have fortunately not affected this work appreciably, the College having been able to train the services of able and experienced masters.
- I obtained a pleasant impression of the arrangements for mathematical specialisation ... which simply means allowing a senior boy to do the work he is really interested in, requiring him to show his interest by willingness to master its difficulties largely by his own efforts, going at his own speed, without spoon feeding or hothouse forcing. The solidity of the boy's knowledge, and the complete absence of staleness was evident ... specialisation, in the sense of allowing the senior boys a voice in the apportionment of their own time, is an excellent thing and that any possible abuse of it is easily prevented.
- None of the classes exceeded 18 in number; and fresh air, in the Fettes tradition, was so much in evidence that it was necessary to shut windows in order to make an elderly visitor comfortable.

1003 Scottish Education Department, Inspection report, Fettes College, 16 July 1940, at SGV-000000852, pp.45-53.

1004 Scottish Education Department, Inspection report, Fettes College, 21 June 1943, at SGV-000000852, pp.53-60.

**Date of inspection: 9 and 26 June 1944**

**Date of report: 29 June, 7 July, and 1 August 1944<sup>1005</sup>**

Focus: academic (French, German, science)

**Key findings/conclusions**

In the earlier stages of the war some serious difficulties were caused in the modern languages department, e.g. by the calling-up for military service of the assistant master, by the evacuation of pupils, and by adjustment of the standard entrance from preparatory schools. It says much for the zeal and efficiency of all concerned that these difficulties have been surmounted so successfully.

**Date of inspection: 22 and 23 November 1945, 3 December 1945**

**Date of report: 15 January 1946<sup>1006</sup>**

Focus: academic (English, history, science)

**Date of inspection: 23 May 1947**

**Date of report: 9 and 17 July 1947<sup>1007</sup>**

Focus: academic (French, German)

**Date of inspection: 26 May 1948**

**Date of report: 21 June and 1 July 1948<sup>1008</sup>**

Focus: academic (general, mathematics)

**Key findings/conclusions**

- The premises and grounds are maintained in good order. Restrictions on labour and materials have, however, so far prevented the carrying out of improvements to the gymnasium and the baths.
- The headmaster maintains close contact with the boys, taking each form for instruction once weekly, and participating in extra-curricular activities.
- The physical well-being of the boys continues to be a major consideration. An important step in this connection was the appointment two years ago of a fully qualified instructor of physical education.
- Music plays a prominent part in the life of the school.

<sup>1005</sup> Scottish Education Department, Inspection report, Fettes College, 7 July 1944, at SGV-000000852, pp.61-70.

<sup>1006</sup> Scottish Education Department, Inspection report, Fettes College, 15 January 1946, at SGV-000000852, pp.71-7.

<sup>1007</sup> Scottish Education Department, Inspection report, Fettes College, 9 July 1947, at SGV-000000852, pp.78-81.

<sup>1008</sup> Scottish Education Department, Inspection report, Fettes College, 21 June 1948, at SGV-000000852, pp.82-7.

**Date of inspection: 8 March 1949, 8 and 9 June 1949**

**Date of report: 19 and 21 July 1949<sup>1009</sup>**

Focus: academic (classics, music)

**Key findings/conclusions**

- Continued good levels.
- Inadequate accommodation for the practice of individual instruments.

**Date of inspection: 7 June 1950**

**Date of report: 5 July and 8 August 1950<sup>1010</sup>**

Focus: academic (science, geography)

**Key findings/conclusions**

In recent years the roll of the college has increased by over 100 ... there is still a shortage of classrooms and of gymnasium accommodation.

**Date of inspection: 18 and 30 May 1951 and 18 June 1951**

**Date of report: 15 and 17 October 1951<sup>1011</sup>**

Focus: academic (English, history)

**Date of inspection: 25, 26, and 28 March 1952**

**Date of report: 17 July 1952<sup>1012</sup>**

Focus: academic (French, German, Spanish)

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1009 Scottish Education Department, Inspection report, Fettes College, 8 March 1949, at SGV-000000852, pp.88-94.

1010 Scottish Education Department, Inspection report, Fettes College, 5 July and 8 August 1950, at SGV-000000852, pp.95-8.

1011 Scottish Education Department, Inspection report, Fettes College, 15 and 17 October 1951, at SGV-000000852, pp.99-107.

1012 Scottish Education Department, Inspection report, Fettes College, 17 July 1952, at SGV-000000852, pp.108-16.

**Date of inspection: 3 and 4 November 1954**

**Date of report: 4, 11, and 19 January 1955<sup>1013</sup>**

Focus: general (boarding houses, catering, sanatorium) and academic (mathematics, science, technical subjects, physical education)

### **Key findings/conclusions**

- The number of boys on the roll was 426. All are boarders accommodated in six houses and a junior house (for boys waiting to enter other houses).
- A selection of the houses was inspected.
- They were well managed; dormitory and sanitary provision is adequate, and the study and common room accommodation is satisfactory.
- The changing rooms in the College houses - 'College East' and 'College West' - are somewhat inferior to those in the other houses, and their modernisation would result in a major improvement.
- Boys take all their meals except supper in the two dining halls in the main school building. Catering is efficiently managed, and menus are varied.
- The arrangements made for the care of boys who are sick are admirable. The sanatorium is well staffed, and very good medical attention is available.
- Facilities for a large number of extra-curricular activities exist, and the many school societies are well supported. The headmaster and his staff are to be congratulated on maintaining a very good tone in the school.
- Mathematics: the boys in each form are arranged in sets according to attainment ... Taken all over, the work of the abler sets examined was very good, but some of the work of the less able sets in the middle school, though not unsatisfactory, did not reach the standard expected ... A looseness in the organisation of the department was ... affecting the standard of attainment reached.
- Science: of the four members of staff none had been trained as a teacher, and two, recently appointed, had had no previous experience ... Much is done to foster interest in some of the wider and more recreative aspects of science through a range of societies - photographic, astronomy, natural history, and science. Each has a group of active supporters.
- Physical education: the material provision for physical education in its widest sense is outstandingly good ... Taken all over, physical well-being is exceptionally well provided for, and the boys generally display much virility.

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1013 Scottish Education Department, Inspection report, Fettes College, 4, 11, and 19 January 1955, at SGV-000000852, pp.117-39.

## Date of inspection: 26 January 1970 and 2 February 1970<sup>1014</sup>

Focus: 26 January: general (boarding houses, sanatorium, entrance, physical well-being, staff, ethos); 2 February: academic

### Key findings/conclusions

- Living conditions are generally good, and as the current modernisation programme progresses the standards should improve.
- The school is an independent school for boys and is represented on the Headmasters' Conference. Centenary celebrations are now taking place.
- The number of boys in the school was 419, all of them boarders.
- The boys live in 7 houses.
- The standards of attainment and teaching were high, and there was much evidence of vigorous and progressive work from the staff. The energetic and imaginative leadership of the headmaster was especially notable.
- College East and College West Houses occupy parts of the main building and require to be modernised ... though living conditions are satisfactory.
- Kimmerghame House was built in 1928 and modernised in 1967-8. This is a very attractive house accommodating 65 boys.
- Arniston House was built in 1967; it is attractive in appearance and excellently appointed.
- Glencorse House was built in 1880 and renovated in 1967-8.
- Carrington House was built in 1880 and renovated in 1963-4, and Moredun House was built in 1870 and renovated in 1964-5. Both are comfortable and well appointed.
- In each house there are some open dormitories for junior boys but all others have separate cubicles, and there are studies for most of the boys who have been in the school for more than one year.
- In each house there is a supervisory staff consisting of a housemaster, a house matron, and a house tutor.
- The school matron who is also in charge of the sanatorium acts as a house matron for College East and College West Houses.
- There is a well-appointed sanatorium, with 4 wards accommodating up to 20 patients and an outpatient department. When required, sanatorium accommodation can be increased. A doctor visits the school daily.
- Admission to the school is by Common Entrance examination, and the normal age for entry is 13. Some two dozen boys hold Foundation Scholarships or Foundation Places which may cover all fees, and a number of boys receive financial assistance in meeting boarding school fees.
- An efficient careers service operates in the school.

1014 Scottish Education Department, Inspection report, Fettes College, February 1970, at SGV-000067185, pp.5-10.

**Date of inspection: 26 January 1970 and 2 February 1970**

- A high standard of physical well-being was observed throughout the school.
- A modern kitchen and spacious new dining hall cater satisfactorily for all the boys. Each house has facilities for making tea and other light refreshments.
- Each house has recreational facilities such as table tennis and billiards tables, and there is a wide range of school societies and hobbies.
- A high standard of competence in the usual organised games has been achieved, and a good variety of options is offered. The school has five courts, squash courts, tennis courts, a basketball court, a 9-hole golf course, a permanent cinder running track, and an indoor swimming bath.
- Most of the staff are Oxford and Cambridge graduates, though some are graduates of Scottish universities. All are highly qualified and a growing number are trained teachers. High general level of professional competence.
- The vigour, enterprise, and humanity of the headmaster are clearly evident. He has given staff firm but courteous leadership, maintaining an excellent relationship with them and with the boys, and has imprinted upon the whole school something of his own genial, imaginative, and purposeful personality.
- The morale of the school is high. The boys behave with courtesy and speak frankly and easily. Both staff and pupils appear to find the school a pleasant and stimulating place for work and play.
- Rugby football and cricket hold important places in the school week, and there is evidence of careful training and competent coaching.

**Date of inspection: October and November 1995****Date of report: 25 March 1996<sup>1015</sup>**

Extended visit as part of a national sample of secondary education.

Focus: academic; support for pupils and the welfare of residential pupils; cross-curricular and some extra-curricular activities; resource provision and management.

**Methodology**

- Observation in classrooms
- Examination of pupils' work
- Interviews with pupils and staff
- Meeting with the Chairman of the Board of Governors
- Survey of parental opinion.

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<sup>1015</sup> HMIE, Inspection report, Fettes College, 25 March 1996, at FET-000000051, pp.1-23.

**Date of inspection: October and November 1995**

**Date of report: 25 March 1996**

**Key findings/conclusions**

- The ethos of the school was very positive and the general atmosphere was welcoming and friendly.
- Discipline was good at all stages. Pupils were ... diligent, polite, and sensitive to the needs of others.
- Good relationships between and amongst staff and pupils ensured a strong sense of community in the upper school and a happy family atmosphere in the lower school.
- There was an exceptionally favourable pupil : teacher ratio.
- The school had established good links with parents and with the local and wider community.
- A very small percentage of parents would welcome more information about their children's strengths and weaknesses and part they could play.
- Boarding accommodation quality ranged from satisfactory to very good in the senior boarding houses save Kimmerghame House. Some houses lacked recreational space, and in a few recreational facilities were very basic.
- The level of cleanliness in some of the boarding houses should be improved, particularly in toilets and in washing and showering areas.
- The school's health education programme provided pupils with appropriate information on drugs, alcohol, smoking, and sexual development.
- Overall support for pupils was good.
- The quality of pastoral care was high. Housemasters and housemistresses knew their pupils well and tutors linked to each house met pupils weekly to monitor progress and deal with any problems. The chaplain and doctors were available to give confidential advice on personal matters as required.
- All pupils should be able to make confidential telephone calls and Childline posters should be placed on display near all telephones used by pupils.
- Pupils had many opportunities for personal and social development. A specific programme of personal and social education was being developed within the curriculum. A good start had been made with topics on bullying and the development of positive personal relationships.
- Headmaster: strong leadership, effective administrator, emphasised loyalty, discipline, and the achievement of pupils. He was well supported.
- However, senior promoted staff seldom met formally as a management team. This contributed to the headmaster's workload being significantly heavier than other senior colleagues. Remits of senior staff should be redefined to enable responsibilities to be shared and delegated more equitably.

**Date of inspection: October and November 1995**

**Date of report: 25 March 1996**

- There should be regular meetings at senior management levels, and within boarding houses.
- No women in senior management, save housemistresses in the three girls' houses. Recruitment of promoted staff should take more account of the contribution women make to the management of a co-educational school.
- The content of boarding house handbooks varied. They should be more consistent and best practice should be shared.
- Annual review of teachers should be based on clearly defined job descriptions.
- There should be greater emphasis on staff development and training for residential care staff in relation to issues such as health, hygiene, counselling, and the welfare of residential pupils.

**Main points for action**

- Key policies and related implementation procedures should be expressed clearly and simply in written form so as to promote consistent application within boarding houses and across the school as a whole.
- The policy on assessment should be revised to ensure that all departments use appropriate criteria in evaluating and reporting the standards achieved by individual pupils.
- The school should produce, through consultation, guidelines which clearly set out its position on child protection issues such as pastoral care, pupil supervision, discipline, and procedures for anyone making complaints, taking account of SCIS's *Guidelines on Child Protection* published in September 1995. Steps should be taken to make the guidelines available to pupils, parents, and staff to ensure they are well understood.
- Job descriptions of senior promoted staff should be reviewed to enable responsibilities to be shared more equitably. Greater use should be made of job descriptions within the entire staff review and development programme.
- Greater use should be made of IT at all stages in all subject departments.
- There should be closer cooperation between learning support staff and subject teachers to ensure consistent support for pupils with specific learning needs including the study of English as a foreign language.
- The toilets and showers in Kimmerghame House should be upgraded immediately and the accommodation improved as soon as possible.
- Senior staff should monitor the work of departments more effectively.

**Date of inspection: January and February 2002****Date of report: 4 June 2002<sup>1016</sup>**

Inspection took place as part of a national sample of residential provision.

Focus: pupil care and residential provision, pastoral care, support, and supervision

**Methodology**

- Interviews with pupils and staff
- Inspection of accommodation and facilities
- Investigation of the school's arrangements for care and welfare of pupils
- Sampling recreational provisions
- Analysis of responses of questionnaires issued to staff, pupils, and their parents
- Meeting with the Chair and Depute Chair of the Board of Governors.

**Key findings/conclusions**

- There was an overall friendly and caring atmosphere.
- Boarders felt secure and well cared for. Staff in the school knew them very well. The school offered a very high level of pastoral care.
- Pupils had a very good understanding of boarding house and school rules. Well-structured and helpful house handbooks, which were consistent across the houses, provided written guidance to boarders, including child protection information and procedures for complaints.
- Very good child protection procedures were in place. They were clearly understood and effectively implemented by staff.
- Good communication with parents and links with the Board of Governors.
- Overall effectiveness of the housemasters/mistresses in managing the boarding houses.
- The range of care and welfare policies and procedures, including a clear and well understood child protection policy.
- The leadership of the headmaster, who was very well supported by the acting depute headmistress with responsibility for the care and welfare of residential pupils.
- In the preparatory school relationships among pupils were more variable in terms of respect for each other.
- Across the whole school, staff needed to continue to reinforce the need for pupils to respect each other's property.
- The quality of residential accommodation ranged from good to fair. Some problems still remained; in particular, in Kimmerghame and Arran Houses, the overall quality of toilet and washing provision was poor.

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1016 HMIE, Inspection report, Fettes College, 4 June 2002, at FET-000000052, pp.1-20.

**Date of inspection: January and February 2002****Date of report: 4 June 2002**

- In the preparatory school boarding houses, pupils' records needed to be better maintained to ensure key staff had ready access to them.
- Across the houses there was an inconsistent approach to recording pupils' complaints.
- House staff from the preparatory school and the senior school should meet more often to ensure consistency of application of policy across the school.

**Main points for action**

- The school should continue to implement its plans for the improvement of residential accommodation, giving priority to the areas mentioned in this report.
- In continuing to develop its personal and social development programme, the school should introduce a more structured and cohesive personal safety programme for pupils. It should take forward its plans to encourage the development of more independence in its senior pupils.

The school should take forward improvements in the preparatory school to bring practice and procedures in the care and welfare of residential pupils into line with those of the senior school.

**Date of inspection: February 2006****Date of report: 20 June 2006<sup>1017</sup>**

Joint visit by HMIE and Care Commission, as part of a programme of integrated inspections of mainstream accommodation services

Focus: key aspects of residential provision, including environment for care, support for pupils, processes for self-evaluation, and capacity for improvement

**Methodology**

- Interviews with teachers, care staff, and groups of pupils
- Analysis of responses to questionnaires issued to pupils, parents, or carers, and care and teaching staff
- Discussion with the Chair of the Board of Governors.

**Key findings/conclusions**

- The care and commitment shown by staff to meeting the whole range of pupils' needs, led effectively by the depute in charge of boarding. Arrangements for ensuring pupils' care and welfare were good.
- Respectful and friendly relationships between pupils and staff.
- Pupils' pride in their houses and their support for one another.

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1017 HMIE and Care Commission, Joint Inspection of Fettes College, 20 June 2006, at FET-000000054, pp.1-12.

**Date of inspection: February 2006**

**Date of report: 20 June 2006**

- Wide-ranging activities beyond the school day to develop pupils' skills and confidence.
- Effective, well-integrated teamwork by senior managers and house staff.
- The quality of leadership shown by the depute head with responsibility for boarding.
- Overall the standard of accommodation was good.

**Recommendations**

- Ensure that all staff are fully confident about implementing the agreed policy on child protection.
- Develop arrangements for managing formal reviews and related training for matrons.

**Date of inspection: March 2009**

**Date of report: 28 April 2009<sup>1018</sup>**

Joint visit by HMIE and Care Commission

Focus: teaching and learning experience, management

**Key findings/conclusions**

- Good communication and teamwork among class teachers, tutors, and house staff, with support for all aspects of children's and young people's learning. Staff across the school and boarding houses know children and young people very well and understand their academic, social, emotional, and physical needs.
- Outstanding leadership by the headmaster for all aspects of learning. Strong support given by the headmaster of the preparatory school and all senior members of staff.

**Area for improvement**

Continue to develop opportunities to spread the most effective practice in teaching and learning across the whole school.

**Date of inspection: 9-13 March 2009**

**Date of report: 4 June 2009<sup>1019</sup>**

Focus: preparatory school

**Key findings/conclusions**

- Very high standard of accommodation
- Curriculum evaluated as excellent

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1018 HMIE and Care Commission, Joint Inspection of Fettes College, 28 April 2009, at FET-000000053, pp.1-11.

1019 HMIE, Inspection report, Fettes College, 4 June 2009, at SGV-000006445.

**Date of inspection: 9-13 March 2009**

**Date of report: 4 June 2009**

- Wide range of opportunities and experiences
- The range of opportunities within the boarding house for pupils to take on responsibilities and aspects of leadership was promoting confidence and self-esteem. These include house tasks, organising and running house events, prefect duties in which young people are given training, and acting as mentors
- Young people are very actively encouraged and supported to take on challenges that help to boost their confidence, for example house prayers, input into chapel, and weekly responsibilities for house events.

**Improvements in performance - Excellent**

**Learners' experience - Excellent**

**Meeting learning needs - Excellent**

**Curriculum - Excellent**

**Improvement through self-evaluation - Very Good**

**Table 8: Care Commission inspections, 2006-11**

<b>Date of inspection: February 2006</b>
<b>Date of report: 20 June 2006<sup>1020</sup></b>
Joint report by HMIE and the Care Commission.
Focus: key aspects of the school's residential provision, including the environment for care, support for pupils, processes for self-evaluation, and capacity for improvement.
<b>Methodology</b>
<ul style="list-style-type: none"><li>• Inspectors interviewed teachers, care staff, and groups of pupils.</li><li>• Inspectors analysed responses to questionnaires issued to pupils, parents or carers, and care and teaching staff.</li><li>• An inspector spoke with the Chair of the Board of Governors.</li></ul>
<b>Key findings/conclusions</b>
<b>Strengths</b>
<ul style="list-style-type: none"><li>• Care and commitment shown by staff to meeting the whole range of pupils' needs, led effectively by the depute in charge of boarding</li><li>• Respectful and friendly relationships between pupils and staff</li><li>• Pupils' pride in their houses and their support for one another</li><li>• Wide-ranging activities beyond the school day to develop pupils' skills and confidence</li><li>• Effective, well-integrated teamwork by senior managers and house staff</li><li>• Quality of leadership of the depute head with responsibility for boarding.</li></ul>
<b>Questionnaire responses</b>
<ul style="list-style-type: none"><li>• Around a quarter of parents and carers and half of the pupils expressed concerns at the choice and quantity of food provided.</li><li>• Around a third of boarders thought that more could be done to involve them in decision making.</li><li>• A significant minority of pupils expressed concerns about the safety of personal belongings.</li><li>• Pastoral care: a few staff were not sufficiently aware of these procedures and some, including matrons, needed to update their child protection training.</li></ul>
<b>Main points for action</b>
<ul style="list-style-type: none"><li>• Ensure that all staff are fully confident about implementing the agreed policy on child protection.</li><li>• Develop arrangements for managing formal reviews and related training for matrons.</li></ul>

<sup>1020</sup> HMIE and Care Commission, Joint Inspection of Fettes College, 20 June 2006, at FET-000000054, pp.1-12.

**Date of inspection: February 2006**

**Date of report: 20 June 2006**

**Climate and relationships - Very Good**

**Pastoral care - Good**

**Personal and social development - Very Good**

**Leadership - Very Good**

**Self-evaluation - Good**

**Date of inspection: 21 and 22 March 2007<sup>1021</sup>**

Unannounced inspection

Focus: follow-up on issues identified in previous report

### **Methodology**

- Discussions with the housemasters/housemistresses of boarding houses
- Discussion with the deputy head teacher with responsibility for boarding
- Inspection of premises and resources
- Informal conversations with pupils.

### **Key findings/conclusions**

#### **Strengths**

- Child protection policy and guidelines: the school developed an action plan for the training needs of the identified staff groups. Staff issued with up-to-date versions of the guidelines on child protection issued by SCIS. Child protection training was updated and is repeated on an ongoing basis.
- A new sixth form accommodation building is under construction.
- Action plan addressed formal reviews and training for matrons and a new job description for matrons.
- Housemasters/housemistresses had line management responsibility for matrons which had been enhanced to include an annual appraisal.

#### **Areas for improvement**

- Most of the boarding accommodation maintained to a reasonable standard, Arran House (prep school) was showing significant signs of wear and tear.
- Changes to catering will be the subject of appraisal in next report.

<sup>1021</sup> Care Inspectorate, Inspection Report, Fettes College: School Care Accommodation Service, 21 March 2007, at FET-000000055, pp.1-6.

## Date of inspection: 19 and 20 September 2007<sup>1022</sup>

### Announced inspection

Completion of an annual return and self-evaluation form resulted in a low score regulation support assessment. As a result a low-intensity inspection was required.

Focus: inspection focus areas and associated National Care Standards (2007/8), Protecting People, Scottish Social Services Council's Codes of Practice, and Staff Training, Keeping Well, Lifestyle.

### Methodology

- Review of policies, procedures, and records, including incident reports
- Review of pupil survey
- All boarding houses inspected and staff spoken to in each location
- Pupils consulted in boarding houses and during mealtimes.

### Key findings/conclusions

#### Strengths

- The service had a comprehensive child protection policy:
  - Up-to-date practice guidelines were in place to inform staff about appropriate processes to follow and actions to be taken.
  - There were clear links with local and national agencies to maintain up-to-date knowledge of child protection matters.
  - Staff at all levels were aware of their responsibilities with regard to pupils' safety, and appropriate training had been provided.
  - Staff showed a good awareness of individual pupils and their needs.
- The school had a range of policies and procedures that informed the work done by staff. Training appropriate to individual roles was provided, and staff were encouraged to develop their skills with up-to-date information.
- The school had recently opened a new co-educational boarding house for upper sixth form pupils, providing single, ensuite accommodation.

#### Areas for development

- Until SCIS/SSSC discussions are concluded, the school is not able to develop a concrete plan for ensuring that all relevant residential staff pursue professional qualifications to meet the SSSC criteria for registration.
- There are inconsistencies in the information systems used across the different boarding houses and parts of the school. Consideration should be given to how pupil information is used and stored for greater efficiency.

1022 Care Inspectorate, Inspection Report, Fettes College: School Care Accommodation Service, 19 September 2007, at FET-000000056, pp.1-8.

### Date of inspection: 19 and 20 September 2007

- The medical centre premises did not promote the highest standards of infection control. Hand-washing, bathing, and toilet facilities within the centre should be reviewed.

### Recommendation

Uncovered bins in food preparations areas in boarding houses should be replaced in line with good practice guidelines in food hygiene.

### Date of inspection: 17 January 2008<sup>1023</sup>

Unannounced

Focus: National Care Standard 3 (School Care Accommodation Services - Care and Protection), though the main part of the inspection was to discuss and assess the new upper sixth form boarding house (Craigleith)

### Methodology

- Annual return, self-evaluation form, regulation support assessment (low score), views of service users
- Meeting with the deputy headmaster and the child protection coordinator
- Inspection of Craigleith House and discussion with the housemaster, housemistress, matron, and a representative sample of pupils.

### Key findings/conclusions

#### Strengths

- Fettes had an appropriate range of policies and processes in place to support and guide staff in responding to events and incidents that contained risks to the safety and wellbeing of pupils. An identified child protection coordinator was in place. Staff familiar with agreed systems and protocols for supporting pupils and contacting relevant external agencies.
- Craigleith House: the first co-educational house within the school, occupied by sixth form pupils. Accommodates 100 pupils, split evenly between girls and boys, who each occupy one side of the house.
- Aim of Craigleith was to provide more independence, responsibility, and flexibility, thereby better equipping pupils for life beyond Fettes.
- Pupils' input in making house rules.

#### Areas for development

- House staff should carry out an audit at the end of the academic year of what worked well in the new house and what did not.
- A welcome brochure to be developed by pupils for next year.

1023 Care Inspectorate, Inspection Report, Fettes College: School Care Accommodation Service, 17 January 2008, at CIS.001.002.4917, pp.1-7.

## Date of inspection: 25 June 2008<sup>1024</sup>

Announced

Completion of an annual return and self-evaluation form resulted in a low score regulation support assessment. As a result a low-intensity inspection was required.

Focus: care and support, environment, staffing, and management and leadership

### Methodology

- Annual return, self-evaluation form, views of service users
- Inspection of all 10 boarding houses
- Pupils from all houses were consulted individually and in small groups
- Interviews with the depute headmaster, the child protection coordinator, and the housemasters/housemistresses
- Examination of a range of documents, including school and house development plans, house handbooks, and minutes of house meetings
- Review of questionnaires completed by pupils.

### Key findings/conclusions

#### Strengths

- School had a structure of meetings and consultations which encourage pupils to express ideas and opinions on aspects of their care, both formally and informally.
- Pupils receive support from a network of staff, prefects, and senior pupils.
- Individual houses had their own handbooks for new and returning pupils which provided information on all aspects of daily life in the respective houses.
- There was a comprehensive range of health and safety policies covering all aspects of life within the boarding houses.
- The school had a comprehensive child protection policy and associated procedures. Staff were aware of their responsibilities with regard to child protection matters and keeping pupils safe.
- Multimedia information packages were used to inform pupils about safe life choices and involve them in a range of topics, including bullying.
- The school had a review and development system in place for all housemasters/housemistresses. Matrons had a similar appraisal system.
- A tutor system allowed for a good level of direct communication between pupils and their tutors.

1024 Care Inspectorate, Inspection Report, Fettes College: School Care Accommodation Service, 25 June 2008, at CIS.001.002.4924, pp.1-17.

**Date of inspection: 25 June 2008****Areas for improvement**

- Younger pupils in the senior school should have greater participation in decision making.
- The content and style of house handbooks should be reviewed with pupil use in mind.
- Not all decisions taken by staff relating to matters suggested or discussed by pupils were properly fed back with reasons given for final outcomes, which left pupils feeling that their views had not been taken account of.
- Depute headmaster was acting as the child protection coordinator. This should be reviewed, as both are demanding roles and it may be an area of potential conflict.
- Notes of work carried out by the child protection coordinator should not be accessible to staff through the pupils' support file.
- Managers should continue to prepare staff for registration with the SSSC and encourage all staff to develop a range of skills which can be used to meet the needs of boarding pupils.
- Information on the role of governors in planning, developing, and reviewing the service should be made available to staff, pupils, and parents as there was little awareness of their involvement.

**Recommendations**

The involvement and responsibilities of the depute headmaster within the school's child protection system should be reviewed.

**Quality of Care and Support Grade 5 - Very Good**

**Quality of Environment Grade 5 - Very Good**

**Quality of Staffing Grade 5 - Very Good**

**Quality of Management and Leadership Grade 5 - Very Good**

**Date of inspection: March 2009****Date of report: 28 April 2009<sup>1025</sup>**

Joint visit by the Care Commission and HMIE

Focus: education and learning

For full comment see Table 7

1025 HMIE and Care Commission, Joint Inspection of Fettes College, 28 April 2009, at FET-000000053, pp.1-11.

## Date of inspection: 13 and 25 January 2011<sup>1026</sup>

Unannounced

Focus: quality assurance for care at home and combined care at home and housing support services

### Methodology

Consultations with deputy head of school, two members of staff from the medical centre, child protection staff, and four groups of pupils representing all boarding houses and different year groups

### Key findings/conclusions

#### Strengths

- The service had an excellent range of methods in place to involve pupils and parents in assessing and improving the quality of care provided in boarding houses.
- The ethos of Craigleith House with its emphasis on the development of autonomy and independence was positively described by pupils.
- The service provides a very comprehensive range of opportunities for pupils to participate in assessing and improving the quality of care.
- The child protection officers were well trained and impressed with their understanding of issues relating to children and young people.
- Enhanced Disclosure Scotland checks had been taken up for all new staff. For new staff these were rechecked regularly.

#### Areas for improvement

- The service should consider its use of questionnaires and ensure that they are relevant, focused, and beneficial to developing and improving services. The use of online questionnaires should be considered.
- Various planned improvements to the physical environment of the medical centre should now be put in place to support the work done by the centre staff. While information was available for agencies such as Childline, it should be considered whether there is a need to provide contact details for helplines for young adults such as Breathing Space.
- The service had no system in place to provide evidence that staff were physically and mentally fit to carry out their duties.
- In some cases, references had been sought by telephone for some staff with no system in place to confirm their content. It was also not recorded who had taken the reference and when it had been obtained.

#### Requirement

The service provider should put in place a system to provide evidence that staff within the service are physically and mentally fit to carry out their role (to comply with SSI 2002/14).

1026 Care Inspectorate, Inspection Report, Fettes College: School Care Accommodation Service, 25 January 2011, at CIS.001.002.4967, pp.1-27.

**Date of inspection: 13 and 25 January 2011**

**Recommendations**

- The service should ensure that a system is in place to record when and by whom verbal references were obtained.
- The service should consider the use of a standard application form for staff who will require to register with the SSSC.

**Quality of Care and Support 6 - Excellent**

**Quality of Staffing 4 - Good**

**Table 9: Care Inspectorate inspections, 2012-22**

<b>Date of inspection: 7 and 8 March 2012</b>
<b>Date of report: 16 March 2012<sup>1027</sup></b>
Unannounced inspection
Focus: quality of care and support and quality of staffing
<b>Methodology</b>
<ul style="list-style-type: none"><li>• Consultations with the deputy head, housemasters/mistresses, senior school's child protection coordinator, deputy child protection coordinator, and matrons in some of the boarding houses</li><li>• Meeting with two groups of senior pupils and two mixed-age pupil groups</li><li>• Informal consultations with individual pupils</li><li>• Looked at sample records associated with the quality statements under review, including students' handbooks from boarding houses, minutes of meetings, and the review of Craigleith House.</li></ul>
<b>Key findings/conclusions</b>
<b>Strengths</b>
<ul style="list-style-type: none"><li>• The service had a good range of systems in place to encourage pupils to participate in assessing and improving their care. Pupil feedback was sought about different aspects of care and how it affected their quality of life.</li><li>• House meetings took place in the boarding houses on a regular basis.</li><li>• Pupils and staff had opportunities for frequent face-to-face discussions and there was a very good level of communication.</li><li>• All staff had recently attended child protection refresher training provided by the lead child protection officer from City of Edinburgh Council.</li><li>• Since the last inspection the school had contracted the services of a behavioural psychologist to give staff advice and guidance in supporting individual pupils and for individual pupils referred by the medical centre.</li></ul>
<b>Areas for improvement</b>
<ul style="list-style-type: none"><li>• The service should seek to maintain the high standards of care it provides across the campus.</li><li>• The service should continue to monitor pupils' use of social media websites and provide advice and guidance for their safe use.</li><li>• The planned further involvement of pupils in tutors' appraisals should be evaluated with adjustments depending on the outcome of this process.</li></ul>

<sup>1027</sup> Care Inspectorate, Inspection Report, Fettes College: School Care Accommodation Service, at CIS.001.002.5001, 16 March 2012, pp.1-21.

**Date of inspection: 7 and 8 March 2012**

**Date of report: 16 March 2012**

- Training programmes for staff should be progressed as planned. The school should continue to ensure that policies and procedures are regularly reviewed and staff are kept aware of any changes made to them.

### **Conclusion**

Fettes provided a positive caring environment for its boarding pupils. We saw excellent communications between staff and pupils which had supported the development of a feeling of mutual respect.

Pupils worked hard to achieve success, and the boarding house staff provided them with positive support and encouragement.

**Quality of Care and Support 6 - Excellent**

**Quality of Staffing 6 - Excellent**

**Date of inspection: 2, 6, 7, and 8 October 2014**

**Date of report: 8 October 2014<sup>1028</sup>**

Unannounced low-intensity inspection

Focus: quality of care and support, quality of environment, quality of staffing, quality of management and leadership

### **Methodology**

- Tour of the premises and observation of pupils in a variety of settings
- Spoke with around 45 pupils in the boarding houses and dining hall
- Spoke with some boarding staff, housemasters/mistresses, catering staff, bursar, and staff at the medical centre
- Gathered evidence, including relevant sections of policies, procedures, and other documents (including certificates of registration, self-assessment and annual return, accident and incident reports, pupil records, complaint records, minutes of house meetings and other meetings, quality audits).

### **Key findings/conclusions**

Dalmeny House built since last inspection.

### **Strengths**

- The school had an excellent range of methods of involving pupils in assessing and improving their care across all aspects of daily life.
- There were regular meetings at boarding houses.

*contd on next page*

1028 Care Inspectorate, Inspection Report, Fettes College: School Care Accommodation Service, 8 October 2014, at CIS.001.002.5043, pp.1-25.

**Date of inspection: 2, 6, 7, and 8 October 2014**

**Date of report: 8 October 2014**

- Pupils were encouraged and enabled to participate in a range of committees and forums to discuss ways of improving and developing boarding care.
- Pupils felt their views were listened to and taken seriously.
- Pupils had access to an excellent range of care and health services.
- Staff in boarding houses had developed very positive relationships with pupils which enabled them to recognise concerns and issues.
- Welfare prefects had been established to provide advice and support to younger pupils.
- Matrons, resident tutors, and house staff were easily accessible at any time.
- Pupil safety was an integral part of daily life, and the school was a safe environment for pupils.
- Staff had received training in different aspects of safeguarding including child protection. Training was regularly updated. Child protection policy had been reviewed and adjusted to reflect changes to legislation and practice.
- A child protection officer is in place in both the senior and prep schools.

#### **Areas for improvement**

- Staff caring for pupils in the upper sixth form should be aware of systems for the protection of vulnerable adults, as some agencies may not regard some older pupils as within the remit of children's systems.
- Discussion with matrons about meeting with different schools to share experience and keep up to date with different issues.

#### **Conclusion**

Fettes provides a very positive experience for boarding pupils. Boarding houses are pleasant and each has its own style and ethos. Pupils are happy, relaxed, and confident. Staff work hard and are committed to their role and the school.

**Quality of Care and Support 6 - Excellent**

**Quality of Environment 6 - Excellent**

**Quality of Staffing 6 - Excellent**

**Quality of Management and Leadership 6 - Excellent**

**Date of inspection: 7 November 2017<sup>1029</sup>**

Unannounced inspection

Focus: quality of care and support, quality of management and leadership

### **Methodology**

- Electronic survey sent to 431 boarders with 422 anonymous responses
- Forty-two email responses from questionnaires sent to parents and carers
- Spoke to 77 pupils individually and in groups.

### **Key findings/conclusions**

#### **Strengths**

- Staff's efforts to keep young people safe and well were very successful, including improved security of the site, measures to raise awareness of and address bullying, child protection arrangements, critical incident planning, and impressive pastoral care.
- The development of the Wellbeing Hub was an exciting initiative.
- Numerous examples of positive peer support and staff who demonstrated sincere interest and commitment were observed.
- The key pastoral team approach was very successful and appreciated by young people and parents.
- The service did excellent work in the area of equality and diversity.
- An ethos of continuous improvement was evident.
- There was a positive and responsive approach to external regulation.
- Governors provided very strong, stable, strategic direction as well as support for the headteacher. They placed a high priority on safeguarding young people, taking corporate parenting responsibilities very seriously.
- Operational leadership at all levels was impressive; roles were well defined and senior management team worked constructively together.
- Leadership values extended to senior pupils and prefects.

#### **Areas for improvement**

- The service was in the process of reviewing and developing personal plans as well as implementing a new electronic data management system.
- Ensuring key pastoral staff have access to personal plans is essential, as is ensuring that young people are aware of decisions.
- Sanctions should be clearly recorded.

#### **Quality of Care and Support 6 - Excellent**

#### **Quality of Management and Leadership 6 - Excellent**

1029 Care Inspectorate, Inspection Report, Fettes College: School Care Accommodation Service, 7 November 2017, at FET-000000524.

**Date of inspection: 7-10 November 2022**

**Date of report: 14 November 2022<sup>1030</sup>**

Unannounced inspection

Focus: quality of care and support, quality of management and leadership

### **Methodology**

- Survey responses from 398 pupils, 84 parents, and 81 staff
- Spoke with approximately 162 pupils and 46 staff and board members
- Document review.

### **Key findings/conclusions**

#### **Strengths**

- Almost all young people felt safe, and parents' responses indicated very high levels of confidence in arrangements for preventing harm.
- Staff were aware of their responsibilities for protecting pupils.
- A review of records suggested managers provided effective leadership.
- An independent safeguarding audit found a number of strengths and provided suggestions for continuous improvement.
- There were high levels of satisfaction with the quality of care overall, and warm and positive relationships with staff.
- Boarding house environments were comfortable, pleasant, and age- appropriate overall, with space for pupils to relax out of school hours.

### **How well do we support children and young people's rights and wellbeing?**

**5 - Very Good**

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<sup>1030</sup> Care Inspectorate, Inspection Report, Fettes College: School Care Accommodation Service, 14 November 2022, at FET-000000525.

## Appendix D - Breakdown of numbers of children at Fettes College

All figures in this appendix are those provided by the school.

Table 10: The school roll, 1923-69

Year	Total
1923	255
1924	257
1925	257
1926	255
1927	259
1928	252
1929	266
1930	267
1931	262
1932	251
1933	252
1934	256
1935	263
1936	267
1937	262
1938	247
1939	241
1940	209
1941	179
1942	167
1943	166
1944	199
1945	213
1946	265

Year	Total
1947	320
1948	339
1949	367
1950	372
1951	379
1952	392
1953	410
1954	422
1955	430
1956	440
1957	443
1958	454
1959	450
1960	452
1961	452
1962	444
1963	451
1964	457
1965	452
1966	455
1967	450
1968	444
1969	434

Note: All pupils were boys and were boarders.

Table 11: The school roll, 1970-2021

Year	Senior school				Junior school/ Prep school			Total
	Boarders	Day	Boys	Girls	Boys	Girls		
1970	434	N/A	431	3*	N/A	N/A		434
1971	435	1	429	7*	N/A	N/A		436
1972	427	1	414	14	N/A	N/A		428
1973	434	2	418	18	14	N/A		450
1974	459	3	446	16	59	N/A		521
1975	462	20	457	25	80	N/A		562
1976	468	32	466	34	83	N/A		583
1977	487	26	470	43	83	N/A		596
1978	448	77	488	37	84	N/A		609
1979	442	81	485	38	83	N/A		606
1980	431	97	477	51	68	N/A		596
1981	403	119	462	60	52	9		583
1982	401	96	399	98	54	10		561
1983	396	81	355	122	55	17		549
1984	371	80	303	148	43	28		522
1985	353	68	243	178	54	35		509
1986	366	74	277	163	50	41		531
1987	347	72	247	171	45	45		508
1988	348	69	253	164	44	35		496
1989	338	68	246	160	42	25		473
1990	323	52	215	160	40	23		438
1991	313	58	211	160	42	21		434
1992	295	58	191	162	31	34		418
1993	279	63	189	173	45	40		447
1994	288	72	189	171	47	44		451
1995	307	70	207	170	49	51		477
1996	310	70	209	171	56	47		483
1997	323	79	228	174	55	28		485
1998	309	81	227	163	50	26		466
1999	315	88	233	170	60	48		511
2000	307	97	228	176	86	75		565
2001	326	101	256	171	95	70		592

Year	Senior school					Junior school/ Prep school		
	Boarders	Day	Boys	Girls	Boys	Girls	Total	
2002	309	119	259	169	92	62	582	
2003	319	132	266	185	78	57	586	
2004	318	143	276	185	80	59	600	
2005	316	150	272	194	76	56	598	
2006	323	145	264	204	72	66	606	
2007	350	145	279	216	71	70	636	
2008	373	126	283	216	80	72	651	
2009	390	123	283	230	36	82	673	
2010	398	130	296	232	94	86	708	
2011	399	153	297	255	100	82	734	
2012	403	154	288	269	100	84	741	
2013	414	141	284	271	103	94	752	
2014	418	147	294	271	104	91	760	
2015	402	159	285	276	109	93	763	
2016	395	157	290	262	106	99	757	
2017	390	161	288	263	105	103	759	
2018	381	170	283	268	105	108	764	
2019	372	176	280	268	108	102	758	
2020	408	172	296	284	100	87	767	
2021	420	171	313	278			799**	

\*Girls admitted to sixth form only.

\*\*The school provided a gender split for the senior school only.

## Appendix E - Number of complaints, civil actions, police investigations, criminal proceedings, and applicants to SCAI

**Table 11: Breakdown of numbers**

Number of complaints made to Fettes College relating to abuse or alleged abuse as of 1 December 2021  a) against staff b) against pupils c) possible abuse against staff, not included above, but as advised by the school <sup>1031</sup>	a) 20 b) 9 c) 4
Number of civil claims/actions raised against Fettes College relating to abuse or alleged abuse at the school as of 30 November 2022	26
Number of police investigations relating to abuse or alleged abuse at Fettes College of which the school was aware as of 1 December 2021  a) against staff b) against pupils	a) 15 b) 1
Number of criminal proceedings resulting in conviction relating to abuse at Fettes College of which the school was aware as of 1 December 2021	0
Number of SCAI applicants relating to Fettes College	32

<sup>1031</sup> Fettes College, [Parts C and D responses to section 21 notice](#), at FET.001.001.0033, p.36.

## **Appendix F - 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 all the responses received, including one which was not received within the deadline set, and took them into account before finalising these findings.

## Appendix G - Safeguarding and child protection audit: summary report

The following is the Summary Report of the Safeguarding and Child Protection Audit conducted by Dr Sue Hamilton and Anne Darling, safeguarding and child protection consultants.<sup>1032</sup>

### Sector-leading practice

- The evidence demonstrates that there is a school wide ethos that prioritises safeguarding and child protection. It stems from: a committed Board of Governors; the outstanding leadership of the Head in safeguarding; the commitment of the Head of the Preparatory School (hereafter referred to as the 'Prep School'); the dedication of the Pastoral Care Team and Child Protection Officers; and the well-trained staff. This permeates the practice of the whole school community and is central to self-evaluation and improvement activities.
- The exceptional commitment of the Chair of the Board of Governors and the Safeguarding Governors who have been trained to the highest level in child protection<sup>10331</sup> and who take their responsibilities very seriously.
- The commitment, accessibility and drive of the Child Protection Coordinators (CPCs) ensure best practice and continuous improvement including evidence by even

the youngest pupils knowing their role in keeping them safe.

- The considerable strengths of the Personal Social Education (PSE) Curriculum in the College, many of which have been led and developed by the Head of PSE where there is effective, progressive teaching and learning in giving pupils knowledge and skills to keep themselves safe and build resilience. The topics include some potentially sensitive subjects and the fact that the pupils were clear they preferred school staff to deliver these is testimony to the confident, effective teaching methods.
- The pioneering work carried out by the Head of Pastoral Care (College) and the Head of Pastoral Care (Prep) in conjunction with ISAMs in developing a state-of-the-art tracking system which, among other things, includes wellbeing and child protection. Crucially, this innovative system enables the production of chronologies – an integral part of a child protection toolkit.
- The introduction of Affective Social Tracking (AS Tracking), an adolescent mental health tracking tool that enables schools to aid early intervention. Fettes is the only school in Scotland to achieve AS Tracking accredited status. Consideration is being given to the follow up programme for University (USTEER).

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1032 Fettes College, Safeguarding and Child Protection Audit, January 2020, at FET-000000349.

1033 All of these governors, as well as attending in-house training in the school, have attended the SCIS course 'Managing Child Protection' aimed at heads and CPCs.

- The above, along with the commitment of staff, allows early intervention and a strong, robust response which reduces the risk of harm to students and pupils.<sup>1034</sup>
- The breadth of this survey, commissioned by the School, and consequent sample sizes, ensures a very solid, reliable base for future planning and continuous improvement in safeguarding and child protection.

## Features of highly-effective practice

- The Board of Governors (Trustees) places a very high priority on Safeguarding and Child Protection. To this end, there is a Safeguarding Committee with a dedicated and committed Governor for both schools who provide regular feedback to the Board. The Committee has recently appointed an Independent Advisor, has a broad representation across both schools, meets regularly and is responsible for the quality assurance of wellbeing and child protection. Effective systems provide a systematic and strategic overview of the number and nature of cause for concerns raised, including Initial Referral Discussions, Child Protection Case Conferences and Registrations. Commendably, each House has a named Governor who spends time with the pupils, students and staff.
- There are stringent vetting procedures in place for staff and other adults overseen by a diligent Bursar. Record keeping is maintained to the highest standards.
- There are clear Child Protection Policies which are compliant with statutory requirements and are updated regularly.

These are referred to in all the Boarding House information. There is, in addition, wider safeguarding policies including, for example, the Counter Bullying Policy which is compliant with 'Respectme',<sup>1035</sup> 'Supporting Transgender Pupils' as well as 'Supporting Young Carers'.

- The procedures for making a wellbeing or child protection concern are well publicised and understood by staff who take these responsibilities very seriously.
- Pupils are generally very happy, feel safe and proud of their school.
- The whole learning community, including the Board of Governors, has a shared understanding of wellbeing and children's rights. Staff, children and young people know, understand and are able to use the SHANARRI Wellbeing Indicators as an integral feature of school life.
- In the Prep School, the Deputy Head (Boarding) is motivated and committed to meeting the needs of pupils. Matrons, resident tutors and support staff provide high quality care, appropriate nurturing and support for pupils where almost all pupils are very happy and many treat it as their 'second home.' They were full of praise for staff and certainly appeared to feel supported in a homely, caring environment.
- In the College, almost all pupils saw boarding as a positive experience and said that the staff made it feel 'like a home' and they felt a very positive culture of care with an ethos of mutual respect in evidence.

1034 Pupils are children in the Prep and students are young people in the College.

1035 <https://respectme.org.uk/>

- The system of having 'families' covering all age groups, House Prefects and twinning of older pupils with new boarders works well in making the house a community. Housemasters and Housemistresses, Matrons and Assistants are seen as approachable and caring. Across both schools, numerous examples were given of excellent care and support given to pupils and students by Boarding staff.
- Parents, across both schools, also value the very high standards in boarding.
- The PSHE Curricula in the Prep School provides well-planned progressive learning opportunities. The personal safety aspects are designed to give pupils knowledge and skills to keep themselves safe and build resilience. The E-safety curriculum involves partnership with parents and pupils had a very high level of knowledge about keeping themselves safe online.
- The recognition and management of bullying, including racial incidents, is a key strength in safeguarding in both schools.
- A high priority is given to wellbeing and child protection training; there are extensive training opportunities for staff both in-house and externally. All staff engage in regular professional learning to ensure they are fully up-to-date with local, national and, where appropriate, international legislation affecting the rights, wellbeing and inclusion of all children and young people. This includes targeted training for non-academic staff such as ground staff who may come across concerning behaviours and need to know what to do.
- Pupils in both schools were courteous, friendly, vociferous and articulate and

indicated their willingness to become involved in developing future initiatives and policies to promote their wellbeing and safety.

- Parents find staff approachable and helpful and have confidence that the school takes its safeguarding responsibilities seriously and has safeguarding procedures in place, including child protection.

## Recommendations

### Recommendation 1

Following the appointment of the Independent Consultant, the Safeguarding Committee should ensure that regular file audits are carried out.

### Recommendation 2

Consideration is given to a bespoke child protection course for members of the Pastoral Care Team and other relevant members of staff.

### Recommendation 3

The work already started on all staff having equal access to common rooms should be followed through to ensure that the current arrangements are replaced.

### Recommendation 4

To further strengthen recruitment procedures, all interviews for support staff should involve a question on child protection relevant to the job specification.

### Recommendation 5

There should be a specific Complaints' Policy in both the Prep School and College for pupils and students which is explicitly

for reporting concerns re staff behaviour. The devising of this policy should involve pupils, be pupil friendly and be widely disseminated. The format and language may have to be different in the Prep School and College. The Complaints' Policy should include reference to unfair or discriminatory behaviour.

### **Recommendation 6**

The considerable training in safeguarding and child protection, both in-house and externally, should be reflected in a school-specific training plan matched to the National Framework for Child Protection Learning and Development in Scotland 2012<sup>1036</sup> and subsequent national guidance and legislation.

### **Recommendation 7**

In terms of favouritism, the evidence strongly suggests a perception by pupils that this is an issue. This needs to be addressed. This can be partially tackled when involving pupils and students in developing the Pupils' Complaints Policy (see Recommendation 5) as well as encouraging pupils and students to speak up if they have specific concerns about this. Staff awareness sessions should make this perception known but acknowledge that teachers are only human and, like anyone, they naturally warm to certain children. This was understood by the students and pupils in the focus groups. The current robust Code of Conduct should be updated to make it clear that favouritism is unacceptable.

### **Recommendation 8**

The College's Positive Behaviour Policy should be reviewed and involve pupils. It should be monitored to ensure that there is a positive, equal and consistent approach to behaviour.

### **Recommendation 9**

There is a range of information in the Hub and the Medical Centre; however, these need to be updated with particular reference to mental health resources for young people and be highlighted on Firefly.

### **Recommendation 10**

In the long term, the replacement of the Medical Centre within an accessible building which allows for a counselling room should be explored. In the meantime, consideration should be given to a private email booking system and that the opportunity to go to the Centre without making an appointment through the Matron is made clear to College students.

### **Recommendation 11**

Further consideration should be given to ensuring pupils are not overwhelmed prep and are aware that there is flexibility if they feel anxious about the amount of prep they are being asked to do; particularly if they are involved in significant extracurricular activities. Consideration should be given to a prep timetable in the College to ensure prep is evenly spaced.

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1036 [www.gov.scot/Topics/People/Young People/protecting/child-protection/national-framework-cp-learning-2012](http://www.gov.scot/Topics/People/Young%20People/protecting/child-protection/national-framework-cp-learning-2012)

### **Recommendation 12**

The role and services of the Counselling team should be given greater prominence and be better advertised.

### **Recommendation 13**

The viability of adapting the changing rooms in the Prep School to afford pupils more personal privacy should be addressed.

### **Recommendation 14**

The College should explore further with parents and pupils how greater links and experiences can be made with more outside organisations to prepare them for their next destination.

