
From: Education Scotland Complaints
Sent: 17 January 2017 14:07
To:
Subject: RE: rAU Lead Inspector of Schools, re. George Watson's College

Dear [REDACTED]

Thank you for your email of 12 January 2017 to Education Scotland, regarding George Watson's College, Edinburgh.

THE LEGISLATIVE BASIS, AND THE PROCESS, FOR THE SCOTTISH GOVERNMENT INVESTIGATING A POTENTIAL SECTION 99 COMPLAINT

The legislative framework for the registration and regulation of independent schools is contained within sections 98 to 103B of the *Education (Scotland) Act 1980*. All independent schools must ensure that they do not become objectionable under **Section 99** which would lead to Scottish Ministers considering whether to serve a Notice of Complaint on the school. Requests for enforcement action on an independent school (known as a "section 99 complaint") are handled by the Registrar of Independent Schools which is a separate body from HM Inspectors. Questions relating to that process should be directed to the office of the Registrar.

The Grounds for a Section 99 Complaint:

- that efficient and suitable instruction is not being provided at the school, having regard to the ages and sex of pupils attending thereat;
- that the welfare of a pupil attending the school is not adequately safeguarded and promoted there;
- that the school premises or any part thereof are unsuitable for a school;
- that the accommodation provided at the school premises is inadequate or unsuitable, having regard to the number, ages and sex of the pupils attending the school;
- that a condition imposed by Ministers on the carrying on of the school is not being or has not been complied with;
- that the proprietor is not a proper person to be the proprietor of an independent school or that any teacher in the school is not a proper person to be a teacher in any school;
- that any part of the school premises is disqualified from being used as a school;
- that any accommodation provided at the school premises is disqualified from being used as such or is being used as such for pupils of such number or such age or sex from which use it is so disqualified;
- that the proprietor of the school is disqualified from being the proprietor of an independent school, barred from regulated work with children, a prescribed person or otherwise not a proper person to be the proprietor of an independent school;
- that a teacher in the school is disqualified under Part 5 of the *Education (Scotland) Act 1980* from being a teacher in any school, barred from regulated work with children, a prescribed person or otherwise not a proper person to be a teacher in any school;
- that the proprietor has not provided the Registrar with the information required by the Scottish Ministers annually, or has failed to inform the Registrar of a change in the school's particulars.

The legislation also allows for Scottish Ministers to consider imposing a condition on the continued registration of an independent school if there is evidence which would suggest the school may become objectionable under any of the grounds above.

Roles and Responsibilities in Investigating a Section 99 Complaint:

The decision to serve a Notice of Complaint, or to impose conditions on a school, rests with the Scottish Ministers. The management of complaints is taken forward by the Registrar of Independent Schools and her team. The Registrar is a Scottish Government official, appointed by Scottish Ministers with legislative responsibility for the maintenance of the Register of Independent Schools. The Registrar has an overarching responsibility for ensuring that registered schools continue to deliver good quality education for the benefit of their pupils in a safe and secure environment.

It is our understanding that you have submitted a complaint to the Registrar of Independent Schools in relation to your daughter's care at George Watson's College.

The Registrar's role under the legislation is to investigate how the school responded to the issues you raised, and whether or not they discharged their responsibility to safeguard your daughter in line with their child protection policies and protocols. In doing so, the Registrar works closely with Education Scotland, which is the Scottish Government's national development and improvement agency. Education Scotland provides independent scrutiny of education provision through various means, including inspection of independent schools.

In dealing with Section 99 complaints, the Registrar consults with Education Scotland inspectors and seeks their expert advice. HM Inspectors review any documentation provided to assist the Scottish Ministers in making their determination as to whether the school is objectionable, or at risk of becoming objectionable, on any of the grounds listed in section 99 of the 1980 Act. In some circumstances, the Registrar may invite Education Scotland to undertake a special inspection of the school concerned. The purpose of such special inspections when obtaining information for the Registrar is not to investigate the original complaint or incident, but to determine whether the school's relevant policies and procedures are appropriate and are being implemented effectively.


State Sector Schools

Information about how parents of children attending state sector schools can make a complaint can be found on the [Parentzone](#) website.

Thank you again for your enquiry.

Yours sincerely


Official Correspondence Unit
Education Scotland

From: 
Sent: 12 January 2017 10:04
To: Education Scotland Complaints
Subject: Re: FAO Lead Inspector of Schools, re. George Watson's College

Dear 

Thank you for your message of 10 January, with regard to our concerns about George Watson's College.

We note your position that your remit "does not extend to the investigation of individual complaints". However, we would seek clarity as to what this means. The "investigation of individual complaints" appears to us to have two quite distinct interpretations, namely that:

1. HM Inspectors do not get involved in the nitty gritty of complaints, e.g. in our case to conduct internal questioning or examine primary internal records to establish the truth of our allegations that our child was assaulted and institutionally abused while in GWC's care which the school then covered up via the Principal lying to us, etc.

2. HM Inspectors would never under any circumstances investigate first hand testimony alleging endemic institutional child abuse etc. at specific schools.

Please confirm whether both of these are really your official position. If not, please specify exactly what your position on each is.

If so, please inform us who is responsible for establishing the remit you mention.

Please also specify exactly in what ways, if any, your approach to the investigation of Independent schools differs from those in the state sector.

Also, if we should interpret your denial of any duty to investigate "individual complaints" as meaning complaints "from the public", but that you might individually investigate complaints lodged by individuals in other formal positions, please specify exactly who would have the power to trigger such an investigation by you. If this is more than one person (e.g. the Minister) please list all such bodies.

We have to say that both as parents and as taxpayers, we are somewhat astonished to discover this about HM Inspectors. It would be our firm expectation that to be fit for purpose at least (2) above would be a primary function for which the department receives public funding. We would be keen to pursue the appropriateness of this remit in the course of our discussions at a political level if so.

Finally, with regard to point (1) above, we would ask you formally to give us your position on: if not you, then who? We have found George Watson's and its parent body the Merchant Company, to be obdurately obstructive at every level in refusing ever to recognise a single internal failure of any kind. And we have shown that its executives and governors have behaved corruptly in refusing properly to investigate our concerns, so we have now exhausted all opportunities for responsible internal enquiry. Without recommending private legal action which will be beyond the means of most parents, please advise us who, in your view, should be responsible in these circumstances for investigating our serious and well-evidenced concerns and complaints.

We look forward to receiving your response to the questions above at your very earliest convenience.

Yours sincerely,

[REDACTED]

On 10 Jan 2017, at 16:18, <complaints@educationscotland.gsi.gov.uk>
<complaints@educationscotland.gsi.gov.uk> wrote:

Dear [REDACTED]

Thank you for your email of 8 January 2017 to Education Scotland, regarding George Watson's College, Edinburgh.

The Role of HM Inspectors to Independent Schools

Each independent school is assigned an HM Inspector who acts predominately as the main point of contact between the school and Education Scotland. The role of the link inspector has been developed over time to maintain the engagement between HM Inspectors and individual schools. The role of the link inspector is part of a wider strategy for engaging with, gathering intelligence about and building capacity within the sector. The evaluation of standards of education and care in schools is done through inspection activity.

Through their link role, inspectors aim to form productive working relationships with assigned schools. This is done through telephone/email contact, written correspondence and an annual engagement visit. The nature of engagement and frequency of contact is proportionate and tailored to circumstances within each

school, including the school's most recent involvement with inspection activity or visits carried out at the request of Scottish Ministers. The remit of HM Inspectors does not extend to the investigation of individual complaints.

The Role of Proprietors in Ensuring Standards in Independent Schools

All independent schools - like all schools in Scotland - are subject to inspections, which are scheduled based on intelligence gathered and received by Education Scotland or requested by the Scottish Ministers; QUIPE (Quality Improvement and Professional Engagement) inspections; and annual engagement visits.

However, there is an expectation, in legislation, that proprietors of independent schools must ensure that the school they are responsible for does not become objectionable on any of the grounds listed in section 99 (1A) of the *Education (Scotland) Act 1980*. This includes ensuring that efficient and suitable instruction is being provided at the school, having regard to the ages and sex of the pupils attending; and that the welfare of pupils attending the school is adequately safeguarded and promoted there. Additionally, the guidance is clear that: "It is the responsibility of prospective and existing proprietors to be aware of, and comply with, any legislation relevant to the running of an independent school".

Additionally, Education Scotland are clear in their expectation that all schools strive to continually improve through self-evaluation - reflecting on the school's strengths and weaknesses and identifying how to improve.


As HM Inspectors do not have a remit to investigate individual complaints about schools, we suggest that you take your complaint forward in line with procedures as set out by the Registrar of Independent Schools. The office of the Registrar can be contacted at the following email address: independentschools@educationscotland.gsi.gov.uk

Thank you again for your enquiry.

Yours sincerely


Corporate Business Manager
Official Correspondence Unit

-----Original Message-----

From: 
Sent: 08 January 2017 12:56
To: Education Scotland enquiries
Subject: FAO Lead Inspector of Schools, re. George Watson's College

Dear Inspector of Schools,

We have recently submitted to the Registrar of Independent Schools a formal complaint under Section 99 of the Education (Scotland) Act 1980, about George Watsons College, Edinburgh (GWC) which we consider Objectionable. Our evidence derives mostly from the Junior School, though related problems clearly extend

school-wide. We wish to bring the circumstances also to your attention, and request that you launch a full investigation into this school with respect to the grounds for our concerns. These fall largely into three main groups:

1. Bullying

We provide compelling evidence that GWC has no effective anti-bullying policies or practices of any kind in place, causing children to be unsafe [REDACTED]

[REDACTED]. On the contrary the school sustains an ingrained culture of institutional bullying, abuse, victim-blaming, and denial, led by example from the top of the school by staff, management, and governors (many being alumni reared in its ways).

The word bullying is largely taboo and disallowed. Children or parents/carers receive no practicable anti-bullying advice, support, or channels for concerns. Appropriate policies, protocols, and procedures are almost entirely non-existent. Repeated bullying by individuals or cliques goes unaddressed even after years of complaints. Urgent complaints of imminent concerns are essentially ignored. High risk hotspots remain poorly supervised even after being urgently alerted to regular bullying events there. Even highly dangerous or injurious incidents are systematically ignored or knowingly misrepresented. Parents of both bullies and victims are kept in the dark. Victims are typically blamed or even demonised. Staff recording of bullying is effectively outlawed. Reporting and record keeping is routinely falsified (the school untenably claims zero incidence). Prospective parents are fraudulently misinformed. And the school's claimed practices amount only to sweeping under the carpet.

2. Disability Discrimination

Our experience powerfully demonstrates that GWC not only substantially fails to recognise, record, disseminate, or respond to disabilities with proper assessments and appropriate adjustments, but that it actively creates a disabling environment through multiple failures. (Please refer to our note in the attached 'Addendum' document regarding non-compensatory over-representation of dyslexia.) The school's administrative and internal communications systems are also manifestly not fit for purpose in this regard.

We are also concerned that its response in 'moving on' (i.e. constructively expelling) [REDACTED] was a routine and well-practiced response (grounded in a legalistic sanction actually written into GWC's formal Complaints Policy, which the Principal himself in any case flouts). We additionally suspect that the school may also deploy unlawful discriminatory practices at the selection/entry stage.

3. Management Failures

We believe GWC's senior management structures and governance are both administratively failing, and professionally corrupt. The school operates in a deeply embedded and mutually affirming culture of self-delusion and denial.

Partly this appears to be a problem of bureaucratic systems that are simply not fit for purpose at such a vast organisation. This causes management to be critically out of

touch of 'chalk face' realities, and regular communications breakdowns result in unacceptable risks and actual harms.


Partly it is due to legalistic paranoia, which is ingrained in GWC's DNA (to the extent that playground assistants were dysfunctionally barred from naming or addressing individual troublemakers, apparently from fear of legal comeback). Management repeatedly prioritises legally defensive postures above objective review of real threats and harms to the welfare of those in its care, which could theoretically imply potential culpability. This liability-averse combative instinct leaves no possibility of a professional analytical response to legitimate concerns about child-harming institutional or practical failures, inherently construing anyone raising concerns only as antagonists to be defeated, and their experience suppressed.

But more importantly, it is evident that the school's executives and governors steadfastly believe their own propaganda. GWC's glowing self-descriptions paint a heart-warming picture of enlightened and caring practices that often bear little relation to reality, as if platitudes, paper policies, or public pronouncements are enough; our attached Appendix describes a shocking example of the Chair of Governors' warped reality field, unashamedly caring only about theoretical 'policy' in the face of our evidence of widespread failures, whilst affrontedly disavowing his duty to consider even procedure or protocols, let alone actual daily practices affecting real children in his care. We urge investigators not to take at face value GWC's unrealistic and aspirational claims, but instead to enquire directly into routine practices on the ground.

The result is that the school's management is well practiced at deflecting all evidence of institutional failure, and repressing any suggestion of the manifest falsity of their irrational positions, generally couching their indignant denials of there existing any problem to assess or address in plausibly authoritative bureaucratic language. Our sustained complaint has been necessitated by a consistent attitude of dissembling, evasion, cover-up, obstructiveness, and where necessary intentional untruths. So lessons are never learned or mistakes procedurally analysed and corrected, at cost of life-changing violations for at least a significant minority of children and families.

Evidence

We have produced an extensive dossier that documents both our evidence and our analysis. You may access this here:


Please treat this dossier in the strictest confidence, and do not share it beyond Education Scotland without our written permission. The larger document summarises our original Complaints against the school in question, together with an addendum largely detailing the governors' subsequent improper efforts to deflect our requests for meaningful investigation.

Our testimony is unusually, perhaps uniquely, thorough and robust, based on first hand experience including systematic records from an extensive family journal covering our entire time at GWC, together with some internal records and communications data that we have been able to access under a Data Protection Act Subject Access Request since our departure, despite the Principal's repeated efforts deliberately to disregard the law by withholding compromising information. Please note that after multiple requests and reminders, and a resulting drip feed of releases,

the school is still improperly withholding from us various records to which we have a legal right, which we anticipate may reveal even more damning evidence. We would be keen to identify to you the information in question, and discuss with you its potential significance, so that you may take steps to access it directly during your investigations.

The school governors will claim that they have undertaken their own 'independent' investigation (inevitably finding our concerns baseless) which the appendix to our dossier shows to be entirely bogus. They will also produce survey evidence purporting to show that the great majority of families are satisfied with their experience of GWC, which may be true but is irrelevant; it is unacceptable for any school actively to victimise and directly harm even a minority of children in its care (particularly the most vulnerable) at lifelong cost to the individuals and families it damages - which comes at incalculable cost to wider society onto which GWC externalises the social and economic costs and consequences of its failures, both from supporting its victims, and from breeding successive generations for whom bullying is the accepted norm. And they will argue that recent appointments and improvements are bringing a 'fresh approach'; this ignores the immutable fact that real progressive improvement can only ever be possible with new managerial and governorial leadership at the top of the school, recognising past mistakes and committed to instilling a genuinely revisionary agenda amounting to a 'truth commission' and school-wide (staff, pupil, & parental) anti-bullying education programme, alongside the introduction of comprehensive best practice anti-bullying structures.

We understand that recent 'inspections' of GWC have been largely paper exercises "based firmly on the school's self-evaluation". These inevitably failed to identify the problems we describe as this inappropriate reporting model was being used with a school in deep institutional denial. We do find this quite shocking, as the alarm signs should have been so very obvious — for example, not a single anti-bullying poster on any wall as is commonplace at every other school we visit. But we recognise the constraints under which you operate. As we continue to lobby for improvements to legal protections for children in the Independent sector at a political level and in other ways, we will be emphasising the importance of Education Scotland having adequate powers and resources to undertake more effective inspections. But we trust that now you have this detailed evidence in your hands, you will take the opportunity to investigate urgently and thoroughly, to establish the veracity of our analysis, and that you will take all necessary steps in your power to help put right the deficiencies you find.

We trust you will consider our summary evidence fully, much of which we can further substantiate in any way required. We are available for consultation to assist with any questions you may have, and would request a meeting before you proceed.

Yours sincerely



