

1. Name of Petitioner.

Thomas Muirhead of the Fair Trial Project

2. Petition Title.

Calling on the Scottish Parliament to urge the Scottish Government to investigate whether the Scottish Child Abuse Inquiry is covering up the extent, severity and responsibility for the child abuse that occurred to children in care (particularly in boarding schools).

3. Petition Text.

The Scottish Government set up the Scottish Child Abuse Inquiry (SCAI) to look 'at the abuse of children in care in Scotland.' The SCAI has run since 2015 and the cost has been over fifty-seven million pounds (1).

Fettes College (Fettes) is a boarding and day school in Edinburgh and admitted, while being investigated by the SCAI, that children in their care were abused there (2).

The Board of Governors of the Fettes Trust (Governors) is the governing body. The Senators of the College of Justice (Scotland's Senior Judges) and the Faculty of Advocates are part of the governing body and elect one of their members to sit as a governor each year (3).

The SCAI is chaired by Lady Smith (a practising senior Scottish Judge and a Senator of the College of Justice). The inquiry team includes advocates, and the questioning is being done by practising advocates (who are members of the Faculty of Advocates). This means that people responsible for the child abuse at Fettes are investigating child abuse in Scotland (including the child abuse that happened at Fettes and other schools) (4).

The questioning of the head of Fettes by Lady Smith and Andrew Brown KC on Tuesday, the 23rd of March 2021, was without depth, avoided relevant details and gave the perception of an intended cover-up (5).

By being closely linked to Fettes, the chair and other members of the inquiry team have conflicts of interest. This, with nothing further, is enough to taint the inquiry.

A further aspect of the cover-up is apparent when the SCAI overlooked the fault of the Governors when they employed a known abuser, Anthony Chenevix-Trench (A-CT), as headteacher.

The SCAI covered this on day 261 of the inquiry, when Edinburgh Academy and Fettes gave closing statements (6). Please read the transcript of this day in full to understand the hypothesis that I am now going to put forward.

The hypothesis is: The Governors, by hiring A-CT, facilitated child abuse. The Governors allowed A-CT to sexually, physically and psychologically abuse pupils at Fettes.

A-CT was fired by Eton for sexually abusing boys. His *modus operandi* was to take the boys into his study, lock the door, and fondle them while masturbating.

Eton warned Fettes about A-CT but the Governors hired him, regardless. Letters are available from Eton officials describing how they warned Fettes and their shock when Fettes ignored these warnings.

The Governors wanted an ex-Eton head at Fettes as it would increase a) the standing of the school; and b) the number of pupils applying for places.

All of this is easily provable if the Scottish Government carries out a proper investigation - one where the inquiry team does not contain

people linked to Fettes. In the referenced transcript, the SCAI gloss over the actions of A-CT and the fault of the Governors.

The correct understanding is that the Governors, by hiring a known child abuser, facilitated his child abuse at Fettes. The Governors gave A-CT, and therefore any other abuser there, a free rein to abuse boys.

Since then, there has been a denial of the abuse. It was only the SCAI that allowed some facts to come to light, but the extent and severity of the abuse and how it occurred has still not been fully disclosed or examined. Hence, the SCAI is covering up the extent and severity of the abuse and the Governors' part in it.

The problem is, of course, the Governors include members representing the Senators of the College of Justice, the Faculty of Advocates and the Royal Society among others (see the full list in the link to the annual report).

Further, the SCAI ignores the Governor's refusal to remove a portrait and memorial plaque to A-CT (the Governors removed them in 2018 just before the SCAI investigated Fettes) (7).

It is a continuation of the child abuse to hang a portrait of an abuser. Awareness of the continuing tributes to AC-T publicly displayed (especially in the school chapel) caused further psychological damage to the victims.

As the Governors enabled the abuse, their portraits, too, should be removed. Not just at Fettes, but everywhere there are portraits or statues of Scotland's judges or any of the other groups who elect a member to the Board of Governors.

Strathclyde University named their law building after Lord Hope of Craighead. They must rename this building. Lord Hope, first as Dean of Faculty, then as Lord President has throughout his career been closely

linked to Fettes. He took part in the election of colleagues to sit as a governor to represent the groups he led. This makes him responsible for the child abuse at Fettes and the subsequent cover-up.

When the investigation into the SCAI confirms the Governors' part in the enabling, denial and cover-up of child abuse, then the Scottish Government should call for a criminal investigation into all who took part (as many of the people working as part of the SCAI knew that Lady Smith and the advocates were part of the governance of Fettes).

There is a further hypothesis that I'll briefly add here.

Hypothesis 2 – The negligence of the headteachers and governing bodies caused the vast majority of child abuse at boarding schools in Scotland.

This hypothesis is best explained by looking at 'Edgar' who is in the press at the moment. Edgar, a maths teacher, committed abuse at EA and had to leave. He went to Fettes. For Fettes to employ him, a reference from EA must have been supplied (the press report that a 'glowing reference' was given by EA) (8).

An investigation will discover whether it was common practice when a school discovered an abuser that nothing happened except the school gave a reference and the abuser moved to another school. This is negligence by being a breach of the duty of care to ensure the safety of all children.

The SCAI has not covered this issue. A proper investigation will show that boarding schools dealt with child abusing teachers in this way in the 50s, 60s, 70s and 80s.

To conclude on hypothesis 2, the responsibility for most (9) of the child abuse at Scotland's boarding schools lies with the headteachers and the boards of governors of each school.

After considering the above, the Petitions Committee should urge the Scottish Government to investigate whether there has been a cover-up and, if so, redo the SCAI.

References

- (1) See <https://www.childabuseinquiry.scot/about-us/the-inquiry/who-we-are/#2-what-we-do> and <https://www.childabuseinquiry.scot/about-us/costs/>

- (2) See the closing statements to the SCAI from Fettes and Edinburgh Academy here:
<https://www.childabuseinquiry.scot/hearings/transcripts/day-261-scottish-child-abuse-inquiry/>

- (3) See pages 3,4 and 5 of the Fettes Annual Report and Financial Statement here:
<https://resources.finalsite.net/images/v1654854454/fettescom/z2oIngabhasim6k9yx5k/AnnualReportFinancialStatement.pdf>

Lady Wise is a Senator of the College of Justice and is the current chair of the Governors. Lady Wise is acting on behalf of the other senators who elected her. I contend that as a matter of law; the Senators are responsible for the actions of the person they elected. Similarly, the Faculty of Advocates and the other groups who elect members are responsible for the actions of their elected members.

- (4) They are responsible in the sense that they are part of a group who have elected a member to represent them on the Board of Governors and have responsibility for the actions of a) their elected member; and b) the Board of Governors. The senators as a group have the collective responsibility for the actions of a) all their elected members; and b) the actions of the Board of Governors.

See <https://www.childabuseinquiry.scot/about-us/the-inquiry/who-we-are/#>

(5) See <https://www.childabuseinquiry.scot/media/3591/214-scai.pdf> at page 61 to 151 and a further submission in Dec 2021 at: <https://www.childabuseinquiry.scot/media/3260/helen-harrison-witness-statement.pdf>).

(6) See <https://www.childabuseinquiry.scot/media/3213/day-261-scottish-child-abuse-inquiry.pdf>.

(7) See <https://www.pressreader.com/uk/the-scottish-mail-on-sunday/20180325/281586651141163>

(8) See pages 30 – 34 of the day 261 transcript already referenced.

See <https://www.scotsman.com/news/crime/edinburgh-academy-police-scotland-investigate-physical-and-sexual-abuse-claims-at-prestigious-edinburgh-school-3844690>

(9) Please note that I have not considered peer on peer abuse in this conclusion.

(10) For more information, please see the following fully referenced papers on the web-site of the Fair Trial Project:

<https://fairtrialproject.org/wp-content/uploads/2022/08/Fettes-College-Child-Abuse-Cover-Up-Part-2-Legal-Proceedings.pdf>

<https://fairtrialproject.org/wp-content/uploads/2021/09/Fettes-College-Child-Abuse-Cover-Up-Part-1-PDF.pdf>

4. Action taken to resolve areas of concern before submitting the petition.

A complaint was made to the SCAI and the response from the SCAI was: 'as Lady Smith was not on the Board of Governors of the Fettes Trust', the complaint is / was closed.

5. Petition background Information.

Please see papers on the web-site of the fair Trial Project for full information:

<https://fairtrialproject.org/fettes-college-child-abuse-cover-up-judges-involved/>

6. E-petition?

Yes.

7. Closing date.

8. Comments to stimulate on-line discussion.

Are people closely connected to the schools where child abuse took place in a good position to investigate child abuse?

9. Admin information, signature etc.