

The Lord Carlile Report

This summary document is submitted to Lord Carlile of Berriew QC by Abbot Martin Shipperlee OSB,, as representation in preparation of the final report to the Trust of St Benedict's Abbey.

January 2011

Introduction

Your enquiry has given the Trustees the opportunity to consider further the governance at St Benedict's and we are aware that the final report will focus on this issue and we welcome your comments. Against this background I offer thoughts on governance for consideration and as an aid for the timely resolution of current Safeguarding. Concerns.

Representation

To be effective governance must be clearly understood and provide assurance to parents and pupils alike and improving these features should be the purpose of any reform of governance at St Benedict's.

It should be recognised that the present structures of governance have allowed a great deal to be achieved: consistent academic improvement, growth in pupil numbers and a high level of investment (£10 million in the last decade) in improving the school infrastructure. On the central issue of Safeguarding, policies and procedures have aimed to reflect the recommendations of the School's regulators. The School's procedures were operative in the disclosure and final conviction of David Pearce in 2009/10. Other allegations and convictions concern historic cases, which precede the present Safeguarding Policies and Procedures and the current system of governance.

The Trustees acknowledge, however, that the present governance structure remains opaque to outsiders and, in a climate of suspicion engendered by past failures in Safeguarding there are genuine concerns that the connection of the monastic community with the School and the presence of individual monks working inside it are not subject to adequate independent scrutiny. In the case of

David Pearce, the Trustees acknowledge the conclusion of ISI that "the commitment to trust within the community and to St Benedict's rule of love and forgiveness appears on occasion to have overshadowed responsibility for children's welfare".

Five Principles

Accordingly, in this context, the purpose of reform should be to implement certain clear principles:

1. to create a governing body with clear independence and autonomous decision-making power;
2. to establish clear accountability between school management, governors and Trustees;
3. to create a system of governance that is transparent and understandable to outsiders;
4. to develop a governing body capable of addressing any concerns over Safeguarding and monitoring the effective implementation of policies and procedures in this area;
5. to ensure the Benedictine nature of the school is preserved. This remains a particular principle for St Benedict's, Ealing, and part of the choice parents make to send their children to the school.

These fundamental elements of independence, accountability, transparency, capability and Benedictine nature should inform any future structure of governance. The Trustees would want to be able to demonstrate the timely implementation of these principles after the Report's publication.

Three Models

Various models may be considered to implement these principles. Independence could be guaranteed by separating the School from the present charitable trust and establishing it as a separate educational trust, wholly owned by the Trust of St Benedict's Abbey, Ealing, but with its own independent board of Trustees. There could be two charitable companies with two boards of trustees whose respective powers are defined within the governing documents of the companies (Memorandum and Articles of Association). This is the pattern adopted at Worth School. However, the Trustees would want to consider several matters before this model could be recommended at St Benedict's: the time and

expense to implement such a change; and the effect of such a distancing of the monastery from the School on the Benedictine nature of the School. Furthermore, the School would want to consider the effect of this model on the marketing of the School and on parents who have chosen a Benedictine education for their children. In addition, this model may not recommend itself to the Trustees as the rapid response they would want to offer any interested parties in the wake of the Report's publication, following present legal proceedings.

An alternative would be to consider if the further reform of governance could be accommodated by changing the present Trust of Ealing Abbey into a charitable company, where certain powers are delegated to the governors. This could offer the advantage of maintaining a close relationship between the School and monastery within one organisation, while enabling a transparent and autonomous governing body to be set up within the governing documents of the Trust. As has been discussed above the Trustees would want to consider the considerable initial and, it seems continuing, time and expense involved in this. It would also take time to establish.

A third alternative if changes in legal structure create difficulties is to investigate how much can be achieved by a formal delegation of powers by the Trustees to the governing body within the present legal framework of the unincorporated Trust. We are fortunate that a board of School Advisors currently exists who could take up such delegated responsibility within a reasonable time frame. The Trustees would set the overall framework within which the School is operated and retain control of capital investment, while the governing body would have responsibility for setting and monitoring Safeguarding Policies and Procedures, holding the headmaster to account for his conduct of the School, and for the delegated budget. Accordingly, within the one Trust, responsibility is delegated to the appropriate level of governing body and Headmaster while accountability flows in the opposite direction from the Headmaster to Governors to Trustees. Independence, accountability, capability and Benedictine ownership would remain the principles by which the precise governance system would evolve within a reasonable time frame.

The Governing Body

Not only the functioning but the composition and appointment of any governing body will need to demonstrate transparency. There are various obvious groups from which governors can be recruited including parents and

former pupils. The monastic element would be nominated by the abbot, but the appointment of lay governors who should be the majority constituent would be best delegated to an appointments committee. This would facilitate a more open process of governance. Whilst directly elected parent or staff governors could be considered, long experience of governance in maintained schools has made me aware of the difficulties this can create.

The governing body could also be granted the deciding voice over whether any monks work in the School. In addition authorisation for the presence of individual monks working in the School, which according to our monastic Constitutions is a matter for the abbot, could also be formally delegated to the governing body, as, similarly, could be the appointment of the headmaster, further demonstrating the governors' independence.

Conclusion

The above is only a bare outline. None of the models discussed should be ruled in or out and there may be others that could be considered. The Trustees will need time to define explicitly what is most beneficial for the School and Trust of St Benedict's. At the same time, they are conscious of the need to move as soon as possible to resolve the current Safeguarding issues and provide assurance to all interested parties. The present governance committee, which comprises lay advisors and trustees, could be charged with achieving this difficult task.

Any independent recommendations about the future development of governance at St Benedict's would therefore be most beneficial for their timely implementation and the good of all, especially the children in our care if framed in a form that indicates the principles for change as discussed rather than prescribing specific institutional outcomes.