

Witness Name: Carolyn Fair
Statement No.: 2
Exhibits: 0
Dated: 29 January 2019

THE INDEPENDENT INQUIRY INTO CHILD SEXUAL ABUSE

Witness Statement of Carolyn Fair Director of Children's Services Ealing Council

I, Carolyn Fair, will say as follows:-

1. I am currently employed by Ealing Council ("the Council") as Director of Children's and Families. I was appointed to this post with effect from May 2017. This post reports to the Executive Director for Children, Adults and Public Health (Ms Judith Finlay). That post in turn reports to the Chief Executive (Mr Paul Najsarek).
2. I started working for the Council in May 2009. I have worked in local government for around 18 years. I have held managerial roles for more than 11 years. I have extensive experience of working on Safeguarding and Child Sexual Abuse issues. I do not have any particular experience of working on these issues from Roman Catholic Institutions.
3. I provided my first statement on 19 December 2018 and have subsequently been requested to provide a further statement following additional evidence received by the inquiry. My statement below responds to those additional questions of the Inquiry in the sequence they were put to me by way of letter dated 21 January 2019.

1. At paragraph para 24 of Ms Fair's statement, she states that LADO makes referrals to Ofsted (a) in cases involving children under 8 years of age in day care or childminding establishments and (b) when there are concerns of standards of care in independent education establishments.

(a) What is meant by making referrals to Ofsted when there are "concerns of standards of care in independent education establishments"?

4. Concerns of standards of care relate to matters regarding the general management of the school (e.g. absence of safeguarding procedures; no or poor understanding of safeguarding matters by staff and the school management don't feel the need to take action; there are general reports of peer on peer bullying which is not being managed by the school etc) as opposed to a specific allegation being made by an individual/s against a staff member or volunteer in relation to the categories of harm - physical, sexual, emotional, neglect.

(b) Does Ealing LADO consider that Ofsted would be the appropriate authority in respect of an independent day school such as St Benedict's?

5. As St Benedict's is an independent school a referral would be made to Ofsted and the Independent Schools Inspectorate (ISI).

(c) Would Ealing LADO make a referral to DfE directly?

6. For concerns of standards of care, the Ealing LADO would be expected to make a referral to either Ofsted or ISI depending on the status of the school rather than DfE directly.

2. At paragraph 24 of her statement, Ms Fair states: “The LADO would make contact with the ISI in instances where there is concern about an independent school which requires consideration wider than the remit of the LADO allows. This can be due to the allegation being of such significance or because it may be below the threshold of further LADO involvement, such as a standards of care issue. The decision in this is at the discretion of the LADO.”

(a) Please clarify if there is any written guidance on referral to the ISI at Ealing safeguarding?

7. Ealing’s internal operational guidance does not include specific guidance on referring to the ISI. Where necessary, the LADO would escalate to a monitoring or regulatory body responsible for that profession/organisation e.g. a self-employed teacher may be referred to the Teacher Regulation Agency to decide on what action, if any, they want to take. LADO activity, thresholds, themes, trends etc. are shared and discussed at the London LADO forum and the National LADO forum – these shared experiences help guide and develop LADO activity.
8. In cases where the matter does not fall within the remit of the LADO, it is expected as good and thorough practice for consideration to be given as to who would be the appropriate organisation or person to pursue the matter and a referral be made to them.
9. In light of paragraphs 7 and 8 I shall bring this to the attention of the current LADO to discuss at a regional level and consider amending local practice.
10. It may also be the case that even where it does fall within the LADO remit, the LADO may feel there is a benefit to notify Ofsted or the ISI. The benefit being that they are updated in the event they may need to get involved as the situation develops.

(b) Please consider paragraph 49 of the statement of Penny Jones (which has been provided on behalf of the Department for Education). Do you agree with her view at paragraph 49 that “The local authority should have informed DfE if it felt there were concerns about a school that merited regulatory investigation or action”?

11. A positive ISI inspection of the school was made public in November 2009. I understand the above statement relates to the time prior to that inspection being made public. The positive inspection appears to have triggered a number of concerns from members of the public which resulted in the ISI reviewing its assessment of St Benedict’s School.
12. At the time of the ISI inspection the Council LADO had investigated an allegation made by RC-A621 against David Pearce in 2008 and was in the process of investigating how the school had managed the allegation of rape made by a female student against a male student that occurred at a party.

13. Following the additional allegations, the Council held four separate investigations over the next year with three of those relating to historic allegations. Due to the number of allegations, a professionals meeting was held in July 2010 that looked into whether the abuse by the known perpetrators was linked and organised.
14. Present at this meeting was Peter Turner from the Diocese of Westminster, Richard Shannon from the Independent Schools Inspectorate and officers from Ealing's Police Child Abuse Investigation Team (CAIT). The meeting was chaired by Finola Culbert, Assistant Director, Children's Services, Ealing.
15. The meeting concluded that the abuse was not linked and that it therefore did not merit a complex strategy meeting. Further, that the Police CAIT remained involved and in investigations and would refer new allegations to Ealing Council if they arise.
16. Mr Shannon from the ISI informed the meeting that the school had made changes to their safeguarding procedures following criticism of these during a recent inspection. Mr Shannon reported unannounced and planned visits would take place at the School and that the School would be subject to frequent inspections. The meeting was informed that the School was cooperating with the current investigations and that they were also responding positively to the recommendations from the ISI inspections.
17. It is not clear precisely when the DfE became aware of the investigations that had taken place into allegations at the School. By October 2011, the then LADO, Alec Parsons referred to liaising closely with both ISI and the DfE.

3. With regards to LADO contact with DCSF in 2009, please consider the statement of Penny Jones, in particular at paragraphs 15 and 56-58, and pages 1-5 of her exhibits (emails of Lucy Treby, Durrell Barnes ISI, Georgina Carney DCSF), and a note of a subsequent telephone call between "Ealing LADO (Pat)" and Georgina Carney.

(a) Do you consider that the Ealing LADO should have known more about the situation at St Benedict's, or informed the DCSF of further information, than was conveyed in May 2009?

18. There is a record of the Council receiving a letter in July 2006, written by Peter Turner, from the Diocese of Westminster which detailed historic allegations made against two individuals (Pearce and RC-F41) stating that the police had investigated both and neither posed a risk to children at the School. No action appears to have been taken following receipt of this letter due to the immediate safeguarding concerns being resolved in relation to the two individuals. It was not entered onto the computerised system that existed at the time (this was before the current MOSAIC and previous Frameworki systems). It appears to have been treated as advice and information only.
19. The 2006 letter was received before the establishment of the role of the LADO, which was around 2009, and the Working Together Guidance 2010. I consider this would provide some explanation how this information was not known until later. There is no reference of this letter in the meeting in July 2010 although some of the history was shared by the police during the investigation concerning Pearce in 2008.
20. It is my view that the creation of the LADO role, and with it consistent recording of

information, has assisted to eliminate many of the issues that have been highlighted. Since its introduction the role of the LADO has developed and become established as a critical element of safeguarding children and young people. The LADO receives support and guidance from peers to be able to understand the need to look beyond what otherwise may be seen as a series of one-off allegations in the same institution.

21. If this LADO role and experience had been established in May 2009 I would expect the LADO to inform the then DCSF, now DfE, due to the number of similar specific allegations within one establishment.

(b) Is there any record held by Ealing council of any further communication from Ealing safeguarding with DFCS or ISI in 2009 with regards to Ealing Abbey and/or St Benedict's School?

22. There is no other communication beyond the emails that are already attached as appendices (page 1-3) to Penny Jones' statement on the Council's database.

(c) If there was no further communication, do you consider that Ms Jones' view (paragraph 58) that there was "a lack of engagement of the LADO" is justified? Please explain your answer.

23. I refer to paragraphs 19 and 20 with respect of the LADO role and its establishment and development. The context that the LADO role had only recently been established in 2009 may explain the lack of knowledge held by the LADO at that time. This may have been perceived as a lack of engagement.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed:

DPA

Dated: 29.1.19

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