

<p>1 Wednesday, 2 October 2019</p> <p>2 (10.00 am)</p> <p>3 THE CHAIR: Good morning, everyone. Welcome to Day 3 of</p> <p>4 this public hearing.</p> <p>5 MS NIELD: Good morning, chair and panel. The first witness</p> <p>6 this morning is Claire Moreland. Before I ask to call</p> <p>7 Mrs Moreland, we wish to clarify a point, please,</p> <p>8 arising from yesterday.</p> <p>9 RS-A5 has contacted us and requested that we clarify</p> <p>10 that Mrs Rhind was not her housemistress whilst she was</p> <p>11 at Chetham's School. Thank you.</p> <p>12 I call now, please, Mrs Claire Moreland.</p> <p>13 MRS CLAIRE MORELAND (affirmed)</p> <p>14 Examination by MS NIELD</p> <p>15 MS NIELD: Good morning, Mrs Moreland.</p> <p>16 A. Good morning.</p> <p>17 Q. Just a few things before I start my questions. This is</p> <p>18 not a test of memory. Please feel free to refer to your</p> <p>19 notes or a witness statement at any time, and if you</p> <p>20 can't remember a particular matter, then please do say</p> <p>21 so.</p> <p>22 We can take as many breaks as you like; just let me</p> <p>23 know if you wish to take a break at any time. We will</p> <p>24 be having a break every one hour and 15 minutes, in any</p> <p>25 event.</p> <p style="text-align: center;">Page 1</p>	<p>1 A. That's right.</p> <p>2 Q. You had previously worked at Rugby School?</p> <p>3 A. That's right.</p> <p>4 Q. What was your role there?</p> <p>5 A. Initially, whilst I was expecting my son, I taught a bit</p> <p>6 of part-time French and German and, after maternity</p> <p>7 leave, I applied for, and got, the job of running the</p> <p>8 first girls' house at Rugby School. That was in 1992.</p> <p>9 I was a housemistress there for five years, and then</p> <p>10 I became the deputy head at Rugby School.</p> <p>11 Q. So you had some pastoral responsibilities as</p> <p>12 housemistress?</p> <p>13 A. Indeed, yes.</p> <p>14 Q. Did you have pastoral responsibilities as deputy head?</p> <p>15 A. Oh, yes.</p> <p>16 Q. As well as your experience within residential schools,</p> <p>17 did you have any experience within music education at</p> <p>18 that point?</p> <p>19 A. No, none at all.</p> <p>20 Q. When you came to Chetham's School of Music, there were,</p> <p>21 I think, around 270 children at the time you began?</p> <p>22 A. Yes.</p> <p>23 Q. Children went to the school from the age of 8; is that</p> <p>24 right?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 3</p>
<p>1 There is a screen in front of you. The evidence</p> <p>2 handler, this gentleman here, Ralph, will bring up on</p> <p>3 screen the documents that I refer to, which everybody</p> <p>4 else will also be able to see on their screens. But you</p> <p>5 also have a paper bundle in front of you with the</p> <p>6 relevant witness statements, and that has your own</p> <p>7 witness statement at the very front -- that's behind</p> <p>8 tab A/1. You can use either the screen or the paper</p> <p>9 bundle or both, as you wish. But I will ensure that any</p> <p>10 documents that we are looking at will appear on the</p> <p>11 screen.</p> <p>12 A. Thank you.</p> <p>13 Q. If you could go, please, to your witness bundle that's</p> <p>14 behind tab A/6 -- chair and panel, this is in your core</p> <p>15 bundle D -- forgive me, that's at tab A/6 in your core</p> <p>16 bundle D.</p> <p>17 Mrs Moreland, yours is behind tab A/1 in your</p> <p>18 bundle. You have signed that statement and dated it.</p> <p>19 Is it true, to the best of your knowledge and belief?</p> <p>20 A. Yes.</p> <p>21 Q. You were the head teacher of Chetham's School of Music</p> <p>22 from 1999 to 2016; is that correct?</p> <p>23 A. Correct.</p> <p>24 Q. You took over as head teacher there from Peter Hullah,</p> <p>25 I think?</p> <p style="text-align: center;">Page 2</p>	<p>1 Q. But it was quite a top-heavy school in the sense --</p> <p>2 A. That's right.</p> <p>3 Q. -- that there were far more children in the sixth form,</p> <p>4 I think --</p> <p>5 A. That's right.</p> <p>6 Q. -- than lower down the school?</p> <p>7 A. Yes, that's right.</p> <p>8 Q. In terms of the division between boys and girls, what</p> <p>9 were the sort of percentages there?</p> <p>10 A. It largely seemed 50/50, but I think, on balance, there</p> <p>11 were slightly more girls than boys.</p> <p>12 Q. How many of the children, or what percentage of</p> <p>13 the children, approximately, boarded?</p> <p>14 A. Out of the 270, and then that grew towards 300, I would</p> <p>15 say there were about 230 boarders, generally.</p> <p>16 Q. In terms of the day pupils, did they tend to be the</p> <p>17 younger children?</p> <p>18 A. They did, yes.</p> <p>19 Q. I would like to move on to the safeguarding regime or</p> <p>20 arrangements at Chetham's during your headship. In your</p> <p>21 witness statement, you have said that the safeguarding</p> <p>22 you inherited in 1999 needed improvement.</p> <p>23 A. Mmm.</p> <p>24 Q. Was that your observation on arriving at the school, or</p> <p>25 was that something that you were recruited specifically</p> <p style="text-align: center;">Page 4</p>

<p>1 to deal with?</p> <p>2 A. No, it was my observation. I saw immediately, even</p> <p>3 before I accepted the post, that the school needed more</p> <p>4 physical barriers. At the time, there was nothing to</p> <p>5 stop any member of the public from coming into the</p> <p>6 school, other than a person in the security lodge at the</p> <p>7 gate.</p> <p>8 Q. We have heard that Chetham's School is situated in the</p> <p>9 centre of Manchester. It is very near to the cathedral</p> <p>10 and also to Victoria Railway Station; is that right?</p> <p>11 A. That's right, yes.</p> <p>12 Q. So it is, or was, quite a permeable site?</p> <p>13 A. Yes.</p> <p>14 Q. You have said that you considered the approach to child</p> <p>15 protection at Chetham's in 1999 was outdated. Was that</p> <p>16 in any particular respect?</p> <p>17 A. Not that I can remember. I would clarify it by saying</p> <p>18 that, coming from Rugby School and my pastoral role</p> <p>19 there, the awareness of child protection and</p> <p>20 safeguarding was not as high as it should have been</p> <p>21 throughout the school.</p> <p>22 Q. You may not be able to recall, but did the policies in</p> <p>23 place, when you became head, address risks relating to</p> <p>24 inappropriate conduct by staff in relation to pupils or</p> <p>25 sexual abuse of pupils by staff?</p> <p style="text-align: center;">Page 5</p>	<p>1 Chetham's School when you arrived, you identified</p> <p>2 certain weaknesses that you noticed immediately, in</p> <p>3 terms of the physical side, the physical environment,</p> <p>4 and you say that you introduced security barriers, swipe</p> <p>5 cards for entry to the school campus, and you no longer</p> <p>6 allowed sixth formers out in the evening?</p> <p>7 A. Every evening, mmm.</p> <p>8 Q. We could perhaps categorise those as external risks to</p> <p>9 the pupils. Did you identify any risks to students from</p> <p>10 within the school, and particularly in relation to staff</p> <p>11 and safeguarding issues there?</p> <p>12 A. No, I didn't.</p> <p>13 Q. You say that your role initially was focused around the</p> <p>14 modernisation of Chetham's School and the safeguarding</p> <p>15 policies. We know that there were some big changes</p> <p>16 later on to the physical buildings at the school, and</p> <p>17 I will come to that in due course, and we also know that</p> <p>18 there was a critical inspection in 2013 which led to</p> <p>19 a lot of changes. But thinking back now to the time</p> <p>20 prior to that inspection in March 2013, do you recall</p> <p>21 any changes to policy, practice or procedure, in terms</p> <p>22 of safeguarding, prior to that inspection taking place,</p> <p>23 so in the period of 1999 to 2013?</p> <p>24 A. Two answers to that, I suppose. One, yes, there were</p> <p>25 very regular changes and updates in line with the</p> <p style="text-align: center;">Page 7</p>
<p>1 A. I don't recall that, but I clearly recall that there was</p> <p>2 already in place a child protection officer,</p> <p>3 Barbara Owen, who later became the safeguarding</p> <p>4 designated lead, yes.</p> <p>5 Q. When you took up the role of head teacher at Chetham's,</p> <p>6 having come from a residential school background, but</p> <p>7 not a specialist music education background, did you</p> <p>8 consider that there were specific child protection</p> <p>9 challenges within residential specialist music</p> <p>10 education?</p> <p>11 A. Potentially, yes. But solely based on the fact that</p> <p>12 a lot of the most valuable education for the children</p> <p>13 took place on a one-to-one basis, but, other than that,</p> <p>14 there were no particular grounds for alerting me to</p> <p>15 a greater potentiality for child abuse.</p> <p>16 Q. Had you considered, or were you aware of, the</p> <p>17 possibility that there may be a different relationship</p> <p>18 between an aspiring musician and a very experienced and</p> <p>19 highly esteemed teacher, instrumental tutor, which was</p> <p>20 a little different from the normal pupil-to-teacher</p> <p>21 relationship?</p> <p>22 A. Yes. If asked about it at the time, I'm sure I would</p> <p>23 have said, yes, this was something which would have</p> <p>24 needed more care and management and training.</p> <p>25 Q. In terms of making changes to safeguarding at</p> <p style="text-align: center;">Page 6</p>	<p>1 growing body of legislation around safeguarding</p> <p>2 following the Bichard Inquiry, and so on, but there</p> <p>3 wasn't -- if I can say, there wasn't anything out of</p> <p>4 the ordinary that I needed to put in place, in my view.</p> <p>5 It was simply keeping pace with the overall level of</p> <p>6 the legislative and regulatory frameworks that were</p> <p>7 gradually put in place.</p> <p>8 Q. We have seen some of the code of conduct and</p> <p>9 disciplinary procedures under your predecessors' tenure.</p> <p>10 After your arrival in 1999, did you make any changes to</p> <p>11 school policies in terms of a code of conduct for staff</p> <p>12 or any policies that clarified what was acceptable or</p> <p>13 unacceptable conduct for teachers in terms of their</p> <p>14 interactions with students?</p> <p>15 A. Well, as I say in my statement, we had regular staff</p> <p>16 training days for all members of staff at the beginning</p> <p>17 of every year, and there were always regular updates and</p> <p>18 tweaks and, I suppose, presentations about different</p> <p>19 sorts of child protection issues, and so on. So that is</p> <p>20 a very clear memory for me, that we always were trying</p> <p>21 to improve the code of conduct, the overall framework of</p> <p>22 behaviour and the expectations of the boys and girls and</p> <p>23 the parents, and so on.</p> <p>24 Q. You have told us there was a child protection officer,</p> <p>25 Barbara Owen, who was in place when you arrived?</p> <p style="text-align: center;">Page 8</p>

2 (Pages 5 to 8)

1 **A. That's right.**
 2 Q. Was Mrs Rhind still the housemistress when you arrived
 3 at the school?
 4 **A. No, not Anne Rhind. Her daughter, Carolyn Rhind, was**
 5 **a housemistress when I arrived there.**
 6 Q. I think she subsequently became the deputy --
 7 **A. Deputy head pastoral, yes, that's right.**
 8 Q. Who was responsible for the school's child protection
 9 policy, for drafting or amending it?
 10 **A. Well, the overall responsibility fell to what was then**
 11 **called the school committee, if you like, point of**
 12 **view --**
 13 Q. Which was the governing body?
 14 **A. -- yes -- which then, later, was modernised to be called**
 15 **the school governing body. But then, through me, to**
 16 **Barbara Owen, Mrs Owen, and she constantly took advice**
 17 **from the local authority designated officer,**
 18 **Majella O'Hagan, and any other specialists in the field.**
 19 Q. So there was a degree of liaison, then, between the
 20 school and the local authority --
 21 **A. Yes.**
 22 Q. -- designated officer, in terms of formulating child
 23 protection policy prior to 2013?
 24 **A. Yes.**
 25 Q. Would you say that the relationship between the local

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1 authority and the school, in relation to child
 2 protection and safeguarding issues -- did that change in
 3 any way during that period of 1999 to 2013?
 4 **A. No, it didn't. It became closer in some ways. When**
 5 **I became head, I think there was some misunderstanding**
 6 **at Manchester City Council as to the nature of**
 7 **Chetham's. It was felt to be, as an independent school**
 8 **and a boarding school, a posh boarding school for rich**
 9 **young musicians, but I explained to Sir Richard Leese,**
 10 **Sir Harold Bernstein, and so on, who I got to know quite**
 11 **well, that this was a school where all the parents were**
 12 **means tested if a child was given a place at the school,**
 13 **and it was very, very socially diverse.**
 14 **So I, I suppose, felt very confident in all my**
 15 **dealings with Manchester City Council in terms of**
 16 **formulating cultural strategies for the city and the**
 17 **local music hubs, and so on. And, likewise, with the**
 18 **Children's Services and safeguarding, the relationship**
 19 **was found to be very close and helpful.**
 20 Q. How would you describe the liaison or the division of
 21 responsibilities between yourself, as head teacher, and
 22 the child protection officer?
 23 **A. I had regular meetings with Mrs Owen, once a week, in**
 24 **the diary. If anything cropped up in between those**
 25 **sessions, then she would always have immediate access to**

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1 **me. She later became a member of the wider senior**
 2 **management team.**
 3 Q. Do you know when that took place, that change?
 4 **A. No.**
 5 Q. Can you remember whether it was post 2013?
 6 **A. No, it was pre 2013. A former deputy head had retired,**
 7 **and I took that opportunity to rejig the**
 8 **responsibilities around the senior management team.**
 9 Q. Who was responsible for dealing with the delivery of
 10 child protection training?
 11 **A. It was also Mrs Owen, but, as I said, sometimes you**
 12 **would get specialists in from the local authority or**
 13 **other areas. We had people in from the police about**
 14 **CEOPs and that sort of thing, to give us greater insight**
 15 **into the whole world, which was then developing, of**
 16 **internet abuse and social media and the dangers involved**
 17 **with that.**
 18 Q. Did that include delivering child protection training to
 19 you, as head teacher?
 20 **A. Oh, yes.**
 21 Q. In relation to instrumental teachers, we have heard that
 22 certainly, when Mr Hullah first took over, most of
 23 the instrumental teachers were in fact not employed by
 24 the school; they were engaged on a peripatetic basis.
 25 **A. Yes.**

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1 Q. Is that something that you changed when you arrived at
 2 the school?
 3 **A. Yes. I had to wait until I had a new bursar on board,**
 4 **because the whole issue was actually rather expensive,**
 5 **in terms of employing them all. But we did do that, and**
 6 **it made all the difference, in terms of the school's**
 7 **management of the musicians.**
 8 Q. Did that mean, then, that they had to attend
 9 safeguarding training?
 10 **A. Yes, it did.**
 11 Q. What was the reaction from those music teachers who were
 12 then required to attend safeguarding training?
 13 **A. It varied. I think most of them realised that it was**
 14 **a necessary part of being an employee of Chetham's,**
 15 **which they generally wanted to be. Some resisted,**
 16 **because they simply had very busy lives. They might be**
 17 **involved -- they might be an instrumentalist in the**
 18 **London Symphony Orchestra or on tour and that sort of**
 19 **thing, so managing their diaries was tricky, but they**
 20 **always came. They had to, or we wouldn't have carried**
 21 **on their employment.**
 22 Q. It was effectively a condition of their contract?
 23 **A. Indeed.**
 24 Q. There were some considerable changes, I think, to the
 25 school site in 2012, with the building of the new

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1 Stoller Hall and the school building?
 2 **A. Yes.**
 3 Q. Some of the buildings that you had used previously were
 4 demolished.
 5 **A. Mmm.**
 6 Q. I think you'd been using a repurposed Victorian hotel at
 7 one point --
 8 **A. That's right.**
 9 Q. -- for practice rooms and also some accommodation?
 10 **A. That's right, yes.**
 11 Q. Those new buildings, you have explained in your witness
 12 statement, incorporated a great deal of glass. All the
 13 practice rooms were very visible?
 14 **A. In the new building, yes.**
 15 Q. Did one-to-one tuition took place in those new rooms?
 16 **A. Oh, yes.**
 17 Q. Was that in response to any specific incidents at
 18 Chet's, or was there a more general awareness, at that
 19 point, in 2012, that there needed to be greater
 20 visibility for one-to-one tuition?
 21 **A. No, it wasn't in response to anything specific. It was**
 22 **more by good fortune, in a way, that the architect who**
 23 **we employed to design and build the new school, with**
 24 **input from all of us and the musicians, decided that**
 25 **glass was going to be a very good material to use, and**

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1 **I was very glad of it, honestly speaking, that it was**
 2 **actually much more transparent in concrete terms, if you**
 3 **like, as well as in -- sorry, in real terms, as in**
 4 **concrete terms, so the increasing transparency of**
 5 **the tuition was reflected in the physical makeup of**
 6 **the rooms.**
 7 Q. But that wasn't actually a requirement that was
 8 stipulated by the school, that all the music rooms had
 9 to be clearly visible from the outside?
 10 **A. No. But there was always a requirement, in my mind at**
 11 **least -- and it might have been in recommendations from**
 12 **the Musicians' Union, that there should always be**
 13 **a glass window in the door, and that was the case in the**
 14 **previous building that had been demolished.**
 15 Q. But, in fact, what you had were glass walls, in many
 16 cases?
 17 **A. Yes, in many cases; not all cases, but certainly around**
 18 **the central atrium, there's a great deal of glass.**
 19 Q. I'd like to ask you a little about your perception of
 20 the culture at Chetham's School, if I may. We have
 21 heard from Mr Hullah, and I think you have had the
 22 opportunity of reading his witness statement.
 23 **A. Yes.**
 24 Q. He said that he found Chetham's School to be very much
 25 led by the music department when he arrived, and that he

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1 tried to restructure the relationship between the music,
 2 academic and pastoral departments to achieve a more
 3 integrated approach between the three. How would you
 4 describe the relationship between those three
 5 departments when you arrived at the school?
 6 **A. Well, in that regard, I think he was successful. I came**
 7 **from a very traditional grammar school background,**
 8 **myself, and the academic side of the children's**
 9 **programme was, and still is, I believe, quite academic,**
 10 **that the academic programme is taken very seriously. So**
 11 **if Peter Hullah did do any rebalancing, then it was**
 12 **clear to me, and the boys and girls were very**
 13 **traditional at the time -- grammar-school-type uniform**
 14 **with blazers, and so on -- and the academic teachers**
 15 **took their roles very, very seriously.**
 16 **Pastorally as well, I felt the need to improve and**
 17 **grow the staffing in the boarding houses and, as far as**
 18 **I was concerned, it was very important to have**
 19 **a three-sided shape, if you like, to all the children's**
 20 **development: obviously, musically, academically, but**
 21 **pastorally as well. The pastoral side had to oversee**
 22 **everything, hence the important of the personal tutors.**
 23 Q. In terms of the pastoral care of the children, and
 24 obviously it is a boarding school, at least in part, did
 25 you make any changes to the way that the boys and girls

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1 were able to visit each other within the boarding
 2 houses?
 3 **A. Yes. As you have already said, I limited when they**
 4 **could actually go out into town, going outside, because,**
 5 **when I arrived, it was every evening, in the sixth form,**
 6 **they could go out, and I didn't agree with that. But**
 7 **within the school, the boys and girls were able to go**
 8 **into each other's dorms and study bedrooms, and I felt**
 9 **that was wrong and there were -- I inherited straight**
 10 **away a couple of issues which had arisen from boys going**
 11 **into girls' rooms.**
 12 Q. Was that a policy change, then, in place?
 13 **A. It certainly was, yes.**
 14 Q. Dr Ian Pace has provided a witness statement to the
 15 inquiry which, again, I think you have had an
 16 opportunity of reading.
 17 **A. Yes.**
 18 Q. He attended Chetham's in the late 1970s and early 1980s,
 19 and he has described a very sexualised culture, as he
 20 puts it, at the time, where there were sexual
 21 relationships between staff and pupils, certainly older
 22 pupils, that he says were commonplace and were known and
 23 talked about, certainly amongst the student body.
 24 Did you recognise any aspects of the school culture
 25 in that regard, that Dr Pace described, in terms of what

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<p>1 you were aware of when you were the head at the school?</p> <p>2 A. I did not, no.</p> <p>3 Q. We have heard, again, from Dr Pace and other witnesses</p> <p>4 that the classical music world, and certainly the world</p> <p>5 of classical music education, is quite a small one, and</p> <p>6 within Manchester there is Chetham's School, there's the</p> <p>7 Royal Northern College of Music, there were -- certainly</p> <p>8 were -- two professional orchestras based in Manchester,</p> <p>9 and students tend to move from specialist school to</p> <p>10 specialist college, and then on to -- or perhaps another</p> <p>11 conservatoire. They may become teachers at one of</p> <p>12 those. And teachers tend to teach at several of</p> <p>13 the colleges. So people are known to each other and</p> <p>14 move about within those limited number of institutions.</p> <p>15 A. That's right.</p> <p>16 Q. Did gossip or rumours reach your ears prior to 2013 of</p> <p>17 those sort of issues having been a feature, whether at</p> <p>18 that time or in the past?</p> <p>19 A. Not really, no. I have thought about this, obviously,</p> <p>20 and I was really aware, following the first visit of</p> <p>21 the chief investigating officer, about the allegations</p> <p>22 regarding Mr Brewer. No. I obviously became aware of</p> <p>23 the allegations around Mr Layfield, a former violin</p> <p>24 teacher who left before I arrived, in 2002, right at the</p> <p>25 beginning of the century.</p> <p style="text-align: center;">Page 17</p>	<p>1 Malcolm Layfield, and that he had instigated an</p> <p>2 investigation into Malcolm Layfield around -- or before</p> <p>3 2002 following these allegations, and he'd also involved</p> <p>4 the police. So I was aware from him in the first</p> <p>5 instance, yes.</p> <p>6 Q. There were two former pupils of Chetham's School who</p> <p>7 wrote to you in 2002 with allegations of their</p> <p>8 experiences with Malcolm Layfield?</p> <p>9 A. That's right.</p> <p>10 Q. I think they both gave descriptions of a teacher who had</p> <p>11 engaged in sexual activity with his students when they</p> <p>12 were 16 years old; is that right?</p> <p>13 A. That's right.</p> <p>14 Q. They told you that there had been incidents that had</p> <p>15 happened away from the school, during summer schools and</p> <p>16 outside of term time?</p> <p>17 A. That's right.</p> <p>18 Q. They spoke to you about the impact it had had on them?</p> <p>19 A. Yes.</p> <p>20 Q. They were writing to you to object to his appointment at</p> <p>21 the RNCM, but also one of them asked you whether you</p> <p>22 would give her an assurance that you would never employ</p> <p>23 Malcolm Layfield again, and you wrote back to those two</p> <p>24 women with some brief letters. Can we go, please, to</p> <p>25 those letters. First of all, CSM000450_004, please,</p> <p style="text-align: center;">Page 19</p>
<p>1 Q. Yes.</p> <p>2 A. But I wasn't aware of any other gossip or rumours at</p> <p>3 all.</p> <p>4 Q. I'd like to ask you a little bit about Malcolm Layfield</p> <p>5 and your involvement in some complaints that were made</p> <p>6 to you by way of letters.</p> <p>7 A. Yes.</p> <p>8 Q. Just by way of background, you said Malcolm Layfield had</p> <p>9 taught at Chetham's School, but prior to your time as</p> <p>10 head.</p> <p>11 A. Yes.</p> <p>12 Q. I think in 2002, he was appointed to head of strings at</p> <p>13 the Royal Northern College of Music?</p> <p>14 A. Mmm.</p> <p>15 Q. There was a great deal of opposition within Manchester</p> <p>16 music circles to that because of his reputation for</p> <p>17 engaging in sexual relationships with his students in</p> <p>18 the past?</p> <p>19 A. Yes, that's right.</p> <p>20 Q. You were aware of that? That was presumably discussed?</p> <p>21 A. Professor Gregson, Edward Gregson, was the principal of</p> <p>22 the Royal Northern College of Music when I arrived in</p> <p>23 Manchester, and he was also on the governing body, and</p> <p>24 he and I liaised very closely on an ongoing basis.</p> <p>25 He alerted me to the complaints about</p> <p style="text-align: center;">Page 18</p>	<p>1 Ralph. This is behind tab B/16. It will come up on the</p> <p>2 screen, but it is behind tab B/16 in your bundle.</p> <p>3 That's your response. You say that you are writing</p> <p>4 simply to acknowledge the letter to express your</p> <p>5 personal sympathy, "if you have felt hurt or damaged in</p> <p>6 any way by the incidents you describe in the early</p> <p>7 1980s. I am also writing to reassure you that</p> <p>8 legislation over the last two decades and an increasing</p> <p>9 awareness of issues surrounding teachers and students</p> <p>10 means that all schools these days are well equipped to</p> <p>11 deal with any suspicions and allegations."</p> <p>12 At that time, did the school, in fact, have a policy</p> <p>13 about teachers from the school teaching outside of term</p> <p>14 time, in summer schools and that sort of thing?</p> <p>15 A. Not that I was aware that there was a policy, but I was</p> <p>16 aware -- obviously that is one example, and there were,</p> <p>17 and possibly still are, I don't know, one or two</p> <p>18 teachers -- I remember a couple in the strings</p> <p>19 department -- who ran their individual summer schools in</p> <p>20 the school holidays and encouraged their students to</p> <p>21 attend them.</p> <p>22 Q. Could we go, please, to page 6 of that document. This</p> <p>23 is your response to the lady who asked you to give an</p> <p>24 assurance that you wouldn't employ him again.</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 20</p>

5 (Pages 17 to 20)

<p>1 Q. You acknowledge her letter, you thank her for it, you 2 say you were sorry to read she went through a painful 3 time whilst a pupil at Chetham's. You say: 4 "There is, for your information, no record of any 5 disciplinary action that was instigated around that 6 period of time involving Mr Layfield and, clearly, this 7 very unfortunate series of events to which you refer 8 happened a long time ago now. 9 "I am afraid I can't really go into individual 10 employment issues here at Chetham's, but I would like to 11 thank you sincerely for bringing your views to my 12 attention." 13 You passed on those letters, or the information 14 within them, to Mr Gregson at the RNCM; is that correct? 15 A. If my memory serves, I telephoned him straight away. 16 I knew he was occupied with the investigation with the 17 police into Malcolm Layfield, and I told him that I had 18 received these letters, and he asked me to send him 19 copies of them, which I did, and he then undertook to 20 pass them on to the police. 21 Q. Did you tell -- well, you don't appear to have told them 22 that you were going to ensure that the police were aware 23 of these allegations? 24 A. No, I didn't, and I regret not doing so. 25 Q. And you didn't suggest that they may wish to contact the</p> <p style="text-align: center;">Page 21</p>	<p>1 had meetings with Barbara Owen about this whole issue 2 and what the allegations were from the 1970s, and so on. 3 It was -- 4 Q. But did you review the current safeguarding arrangements 5 to see that a situation such as they had both described 6 couldn't actually arise then, in 2002? 7 A. I don't remember doing that. I was aware from the 8 letters -- I believed that the events they described 9 happened within the summer schools and not at Chetham's, 10 but, no, I can't remember doing that. But, as I say, it 11 was a fairly continuous process, just reviewing policies 12 and procedures and trying to put things in place to make 13 improvements all the way along. 14 Q. I'm going to ask you now, if I may, about the police 15 investigation into Michael Brewer and then the police 16 investigation co-named Operation Kiso that took place 17 shortly after that. 18 The trial of Mr Brewer began, I think, 19 in January 2013 -- 20 A. That's right. 21 Q. -- at Manchester Crown Court. 22 A. Mmm. 23 Q. The police, I think, had contacted the school in the 24 course of their investigations, and you liaised with 25 them, I think, as they sought to gather any evidence, in</p> <p style="text-align: center;">Page 23</p>
<p>1 police? 2 A. I understood from Professor Gregson that they already 3 had done, as part of the enquiry. 4 Q. You've said in your witness statement that, in 5 hindsight, you have regrets about the way in which you 6 responded to those two women. What are those regrets? 7 A. I suppose I was keen to do the right thing legally, so 8 I accepted advice from the school solicitor at the time 9 regarding the employment issues, that I was advised not 10 to make any firm commitment while the 11 enquiry/investigation into Malcolm Layfield was going 12 on. 13 Re-reading the letters, I find the tone too brief 14 and far too peremptory. 15 In all honesty, I suppose, at that stage, I was so 16 much less alive to the whole issue of non-recent child 17 sexual abuse, and this was the first time that something 18 like this had come across my desk, and I reacted in that 19 way, and I sincerely regret it. 20 Q. When you received those letters, did you review the 21 safeguarding arrangements at the school to ensure that 22 that sort of situation couldn't arise then, in 2002? 23 A. I was aware, because of the allegations and the enquiry 24 going on at the RNCM, there was an enormous amount of 25 outcry about Mr Layfield's appointment, and I certainly</p> <p style="text-align: center;">Page 22</p>	<p>1 terms of documentary evidence, and that sort of thing? 2 A. Yes. 3 Q. Is it right that there weren't any pupil files or notes 4 from the time when Mrs Andrade, or Frances Shorney, as 5 she was known at school, there weren't any documents 6 from that period of time? 7 A. No. I mean, yes, it is correct, we couldn't lay our 8 hands on any. 9 Q. Were you aware that Mr Hullah had contacted the school 10 to ask for documentation? 11 A. No. 12 Q. During the investigation, and indeed through the trial, 13 the police were liaising with you to inform you of any 14 developments that were coming up; is that right? 15 A. Yes. 16 Q. So that the school was prepared, in terms of press 17 enquiries, and so on? 18 A. Yes. 19 Q. You, in turn, then kept the school's governors aware of 20 any developments; is that correct? 21 A. Well, yes, and the parents and staff and the boys and 22 girls, inasmuch as I could, on a daily basis. Yes. 23 Q. Would you say there was a need to manage reputational 24 risk to the school during that period? 25 A. To a certain extent. Certainly the boys and girls</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 felt -- especially the younger ones, felt very 2 frightened, because there was press immediately outside 3 the school gates and parents were very worried because 4 of everything that was happening on social media, and so 5 on, and the staff, as they came in and out of the school 6 on a daily basis, the non-pastoral staff -- the academic 7 teaching staff, were very worried at the -- well, the 8 events going on in the immediate vicinity of the school, 9 and I very much wanted to try and do my best to keep 10 everybody calm.</p> <p>11 Q. I don't think we need to go to the specific minutes, but 12 there was a governors' meeting on 28 January 2013. That 13 was whilst the trial was ongoing. You noted that there 14 may be questions raised over Mike Brewer's departure in 15 1994.</p> <p>16 A. Yes.</p> <p>17 Q. What did you know, then, at that point, about the 18 circumstances of Mr Brewer's departure from the school?</p> <p>19 A. When it became obvious to the staff that there was going 20 to be a trial, I became aware that were various members 21 of staff who remembered Mr Brewer -- not very many -- 22 and one particular member of staff -- you've mentioned 23 Carolyn Rhind, her mother had had some involvement when 24 her mother, Anne Rhind, was a member of staff back in 25 1994 with the events surrounding Mike Brewer's</p> <p style="text-align: center;">Page 25</p>	<p>1 also kept updated on what was unfolding. You've said in 2 your witness statement that you were aware that 3 Peter Hullah had admitted that he and the former 4 chairman had allowed Mike Brewer to retire under 5 ill-health circumstances rather than dismissing him for 6 misconduct. So you had an understanding that he had 7 committed some sort of indiscretion?</p> <p>8 A. Yes.</p> <p>9 Q. Was that understanding that you had formed from the 10 trial reports, or had you had any conversation with 11 Mr Hullah himself?</p> <p>12 A. No, I hadn't had any conversation with Mr Hullah at all. 13 But by that stage, I was aware of these rumours amongst 14 the staff involving Anne Rhind. But also, I had 15 a member of staff sitting in court throughout 16 Mike Brewer's trial, and she told me that this had been 17 admitted, that there was this agreement, that 18 Peter Hullah had admitted that there had been an 19 agreement that Mike Brewer should leave on ill-health 20 grounds.</p> <p>21 Q. Did you understand that to mean that the school had 22 covered up the real reason for his leaving?</p> <p>23 A. Yes.</p> <p>24 Q. After the conviction of Mr Brewer, Operation Kiso -- 25 well, a number of people came forward with various</p> <p style="text-align: center;">Page 27</p>
<p>1 departure. And Carolyn passed those on to me 2 second-hand, if you like.</p> <p>3 Q. What did she tell you?</p> <p>4 A. She was a bit vague about it, I think, but she said that 5 her mother had seen or been around when there was a girl 6 in Mike Brewer's office one evening in that December, 7 and I've since read Peter Hullah's statement.</p> <p>8 Obviously, I don't -- it was way before my time, and 9 I'm sorry I can't be more specific with what Carolyn 10 told me, but --</p> <p>11 Q. It wouldn't have been unusual for Mr Brewer to have 12 a student in his office?</p> <p>13 A. No.</p> <p>14 Q. So what is it that Mrs Rhind told you about the 15 circumstances of his departure?</p> <p>16 A. Just that it was agreed between the governors and 17 Peter Hullah that Mike Brewer should leave with 18 immediate effect for ill-health reasons and that the 19 staff had a suspicion that it involved a girl and were 20 very surprised when Mr Brewer left immediately and just, 21 I suppose, rumours abounded at that time.</p> <p>22 Q. But those rumours hadn't reached your ears until 23 Mr Brewer's trial began; is that right?</p> <p>24 A. In all honesty, no.</p> <p>25 Q. The trial was very widely reported, and I think you were</p> <p style="text-align: center;">Page 26</p>	<p>1 allegations about their experiences, both at 2 Chetham's School of Music and at the RNCM, and indeed at 3 other music schools.</p> <p>4 A. Yes.</p> <p>5 Q. In February 2013, Greater Manchester Police commenced 6 Operation Kiso, which was an investigation looking 7 specifically at issues around child sexual abuse and 8 other sexual offences at both Chetham's School and the 9 Royal Northern College of Music; is that right? It was 10 restricted to those two institutions?</p> <p>11 A. Operation Kiso?</p> <p>12 Q. Yes.</p> <p>13 A. I don't believe so, actually. I think they did look at 14 other music teachers at other institutions as well. 15 I think Jamie Daniels writes about that in his 16 statement. But it had its roots in Manchester.</p> <p>17 Q. The parameters were within those two institutions, but 18 there were some allegations that came forward in 19 relation to other music schools --</p> <p>20 A. That's right.</p> <p>21 Q. -- and in some cases those were referred on to other 22 forces, I think.</p> <p>23 A. That's right.</p> <p>24 Q. You have referred to the statement of Detective Chief 25 Inspector Daniels describing Operation Kiso, and he set</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

1 out that there were 47 perpetrators, or alleged
 2 perpetrators, considered in that police enquiry and, of
 3 those, 35 were associated with Chetham's School in some
 4 way.
 5 I think, in fact, during Operation Kiso, one member
 6 of your current, or then current, teaching staff was
 7 arrested on suspicion of rape of one of their students
 8 in the 1980s, RS-F15 was arrested. I think it is right
 9 to say the prosecution was subsequently discontinued.
 10 He was suspended from school as soon as he was
 11 arrested, I think; is that right?
 12 **A. Yes.**
 13 Q. He didn't, in fact, return to teach at Chetham's. The
 14 allegations were made by a former pupil of Chetham's who
 15 had in fact -- RS-F15 had been her educational guardian.
 16 She was an overseas student; that's right, isn't it?
 17 **A. That's right.**
 18 Q. There were a number of other prosecutions of former
 19 teachers at Chet's for sexual assaults on their pupils.
 20 Were you aware, or made aware, of the guilty plea of
 21 Nicholas Smith to an indecent assault on his pupil in
 22 1978?
 23 **A. I became aware of it, yes.**
 24 Q. You were also aware, I think, that Malcolm Layfield was
 25 tried for an allegation of rape on a student in the

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1 1980s, and he was acquitted of that charge. But in the
 2 course of that trial, he admitted that he had conducted
 3 a number of sexual relationships with 16- and
 4 17-year-old students, at a time when that was not an
 5 offence; is that right?
 6 **A. Mmm, yes.**
 7 Q. I think you were also made aware that the Crown
 8 Prosecution Service recommenced, or launched, I should
 9 say, extradition proceedings to bring Christopher Ling
 10 back to the United Kingdom to face trial on charges of
 11 indecent assaults on 11 complainants, the majority of
 12 whom had been pupils at Chetham's in the late 1980s; is
 13 that right?
 14 **A. Mmm.**
 15 Q. Were you also aware that Mr Ling committed suicide in
 16 2015 --
 17 **A. Yes.**
 18 Q. -- as he was about to be arrested on an arrest warrant
 19 to bring him back to the UK?
 20 **A. Yes.**
 21 Q. So the picture that was emerging, as Operation Kiso
 22 unfolded, of the school in the 1970s and 1980s in
 23 particular and, to an extent, in the early 1990s, in
 24 terms of the culture of the school, the prevalence of
 25 sexual abuse that was being alleged, did that cause you

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1 concern?
 2 **A. Obviously, it did when all these events came to light,**
 3 **but in the first few years of my headship, right up**
 4 **until 2012, with one or two exceptions, which I mention**
 5 **in my statement, I was not aware of this picture of**
 6 **the school from the 1970s and 1980s. I had one or two**
 7 **reunions for old boys of the school before it became**
 8 **a specialist music school in 1969, we had Founders' Day**
 9 **and old boys were encouraged to come back, and they had**
 10 **varying stories of the school being an absolutely**
 11 **wonderful place and others said that they had a really**
 12 **tough time.**
 13 **I believe that one or two allegations have come out,**
 14 **in amongst the ones that you mentioned, from those days**
 15 **before it was a specialist music school.**
 16 Q. But at the point in 2013, 2014 and 2015, as these
 17 prosecutions were going under way, and you were informed
 18 of the nature of the investigations that the police were
 19 conducting, did you become concerned that there appeared
 20 to have been a real problem with the safeguarding
 21 culture at the school in the past?
 22 **A. Oh, yes, of course. Yes.**
 23 Q. I'm going to now ask you some questions which have been
 24 requested by the legal representatives of those core
 25 participants who are victims and survivors of abuse at

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1 Chetham's School.
 2 As a result of Operation Kiso and the emerging
 3 picture of the history of abuse at the school, did you
 4 consider that an independent review or enquiry into
 5 those non-recent safeguarding issues might be an
 6 appropriate response?
 7 **A. Might be an appropriate response, yes.**
 8 Q. But you didn't conduct one?
 9 **A. No. Sorry, I thought you meant this particular inquiry.**
 10 Q. No, I'm asking about what you did and what you thought
 11 might be appropriate in 2013?
 12 **A. In 2013? I beg your pardon, yes. Yes. We thought, in**
 13 **the light of the inspection reports, and of all the**
 14 **events, that it would be in everyone's best interests,**
 15 **most certainly the children and the parents of**
 16 **the current school, to have an overview of the school**
 17 **and all its arrangements, and that was part of**
 18 **the thinking in the makeup of the Independent**
 19 **Safeguarding Commission that restarted in 2013, to have**
 20 **that overview.**
 21 Q. But that didn't go back and look at the situation in the
 22 school in the 1970s or 1980s.
 23 **A. No.**
 24 Q. That was a current oversight?
 25 **A. Yes. Yes, that's true.**

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1 Q. You told, I think, the school committee, that you had
 2 written to all of the alumni of the school in March 2013
 3 in relation to the issues that were emerging. Other
 4 than that letter, did you do anything else to reach out
 5 to victims?
 6 **A. I had various meetings with the chief investigating**
 7 **officer about this, and we were both very concerned to**
 8 **have a channel there for previous victims and survivors**
 9 **to come forward, and we set up a hotline, if you like,**
 10 **which we advertised on our website for those people to**
 11 **come forward in confidence. The Greater Manchester**
 12 **Police managed that.**
 13 I also gave out regular updated statements on the
 14 website, and that was intended to reach out to the
 15 survivors and also to other constituencies in the
 16 present-day school, so we were frequently updating the
 17 main statements on the website with regard to parents
 18 and the boys and girls and the music world in general.
 19 Q. In terms of victims and survivors of abuse in the past
 20 at Chetham's School, when you were head, did you offer
 21 an apology to victims and survivors of past sexual
 22 abuse?
 23 **A. I did. I believe the first time was in my public**
 24 **statement outside Manchester Crown Court following the**
 25 **conviction of Mike Brewer.**

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1 Q. Did you do anything, as a school, to address the welfare
 2 of victims and survivors of sexual abuse at
 3 Chetham's School?
 4 **A. From the past?**
 5 Q. Yes.
 6 **A. Other than making everyone that we could aware of**
 7 **the care that was available from the phone line to the**
 8 **police, I don't think that we did. I wasn't aware at**
 9 **the time of much that we could realistically do because**
 10 **I wasn't aware, if you like, of who they were,**
 11 **necessarily.**
 12 Q. You were aware that Chris Ling committed suicide in
 13 2015?
 14 **A. Yes.**
 15 Q. At that point, did you reach out to victims and
 16 survivors of Mr Ling?
 17 **A. Personally, I never became aware of who they were.**
 18 Q. I'd like to move on to a different topic now, and that's
 19 the inspection of the school that took place
 20 in March 2013. This was a joint inspection between the
 21 Independent Schools Inspectorate and Manchester
 22 Children's Services that took place on
 23 6 and 7 March 2013. I think the ISI and Manchester
 24 Children's Services had, between them, divided up areas
 25 for inspection, with the idea that there would be a team

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1 of inspectors for each, so that all aspects of
 2 safeguarding could be inspected and addressed.
 3 Prior to that inspection taking place, you were sent
 4 by the Independent Schools Inspectorate a pre-inspection
 5 information collection form; is that right?
 6 **A. Yes.**
 7 Q. Can we go to that, please. It is ISI001562. It is
 8 behind tab B/20 in your bundle. That's a form to be
 9 completed electronically with information about the
 10 school, distinctive features of the school, governance
 11 structure, and so on. All sorts of information.
 12 Can we go to page 9, please. Do you know who filled
 13 in that form?
 14 **A. Each time we had an inspection, it was a joint endeavour**
 15 **from members of the senior management team with specific**
 16 **responsibilities in specific areas.**
 17 Q. Actually, our page 11 is page 9 of the form, the
 18 internal numbering is a bit different. Can we go to our
 19 page 11 of that form, please. Is it your responsibility
 20 to ensure that the information on that form is correct?
 21 **A. Yes.**
 22 Q. If we can go to the bottom question and the bottom box,
 23 please, you were asked to indicate "any cases where
 24 a member of staff or other person connected with the
 25 school is subject to investigation, has resigned, or has

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1 been dismissed or disciplined because of questionable
 2 conduct with children". The box is filled in "N/A", not
 3 applicable.
 4 **A. Mmm.**
 5 Q. Why did it say "N/A"?
 6 **A. Because this box is since the last inspection.**
 7 Q. I think it says, "In each case, briefly mention any
 8 referral made to the DfE or the ISA since the last
 9 inspection". Is that what you had understood? You had
 10 understood the previous sentence to also refer to "since
 11 the last inspection"; is that right?
 12 **A. I think that was the norm in terms of reporting, yes.**
 13 Q. Because you were asked that question again during the
 14 inspection process itself, weren't you?
 15 **A. Mmm.**
 16 Q. Can we go to ISI001392_012. That's behind tab 21 in
 17 your bundle, please. Can we go to ISI001392_012.
 18 That's the "Questions for staff -- focused form". We
 19 can see at the top it's the headmistress that's being
 20 questioned. If we go on to the next page, page 13, at
 21 the top of that, can we just see the top paragraph,
 22 please:
 23 "Has the school taken any disciplinary action, or
 24 issued a suspension, or departure of any individual
 25 (staff, volunteer or other person ...) because of

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1 concerns about suitability to work with children?"
 2 It says there "None declared". Elizabeth Coley, who
 3 conducted the inspection, has initialled it and dated
 4 it?
 5 **A. Yes.**
 6 Q. Then it says underneath -- these are her notes:
 7 "MCC team declared that issue with teacher --
 8 investigation and action taken by school before they
 9 informed LADO. LADO has it on record that she was told
 10 that disciplinary action had been taken."
 11 Can we go then to the next day, so that is
 12 ISI001489 -- that's behind tab 22 in your bundle. So
 13 these are the notes from the next day, we can see at the
 14 top of the form, "7/3/13". At point 3, you are reasked
 15 about staff disciplinary action or suspension:
 16 "Had responded immediately by saying, yes, there
 17 were four (said she had not heard properly or understood
 18 yesterday)."
 19 Is that right, that you had not understood the
 20 question when you were asked the day before?
 21 **A. Yes, this issue has caused me concern -- of course it**
 22 **has. But the only thing I can say is I felt personally**
 23 **under enormous pressure with these unannounced**
 24 **inspections and with the media incursions that we were**
 25 **faced with, and I clearly had not understood properly.**

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1 **I would not have deliberately covered anything up. Why**
 2 **would I? So that's all I can say, I'm afraid.**
 3 Q. Did Ms Coley, when she reasked you about staff
 4 disciplinary action, make any mention of the matters
 5 that she had noted the day before, about Manchester City
 6 Council having made her aware of a disciplinary issue?
 7 **A. No. No. I can't remember specifically, but I don't**
 8 **think so.**
 9 Q. ISI and Manchester Children's Services produced two
 10 separate reports, effectively. They're each on slightly
 11 different aspects of safeguarding arrangements at the
 12 school. But I think we can summarise the two reports by
 13 saying that they identified a number of shortcomings in
 14 the school's policies and procedures and practice in
 15 relation to safeguarding, that the relevant standards
 16 hadn't been met in relation to aspects of handling
 17 allegations, staff recruitment, the handling of
 18 complaints and concerns, and they also found that the
 19 governors and proprietors had failed to exercise
 20 sufficient oversight of compliance with those regulatory
 21 requirements, really by the fact that there had been
 22 failings to comply. It effectively meant that
 23 appropriate oversight had not been exercised; is that
 24 right?
 25 **A. Mmm.**

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1 Q. Prior to those reports being published, you were sent
 2 copies of both of them for you to correct any factual
 3 inaccuracies: you wrote, effectively, to both the
 4 inspecting bodies with requests to alter or reword those
 5 reports. You said the fact that you were writing with
 6 an extensive list of what you said were inaccuracies
 7 should not be taken as an indication that you did not
 8 take the report seriously; is that right?
 9 **A. Mmm.**
 10 Q. Can we go to the conclusion of the ISI report, please?
 11 ISI000729_011. This is tab B/11 in your folder. This
 12 is the final conclusion of the report:
 13 "Pupils report that they are generally happy and
 14 feel safe and secure in school. A number of weaknesses
 15 have been identified in policy and practice in relation
 16 to safeguarding, handling allegations, staff
 17 recruitment, and the handling of complaints and
 18 concerns. These issues indicate insufficient
 19 effectiveness of the oversight of compliance with
 20 regulatory requirements by the proprietor and the
 21 management team. These deficiencies must now be
 22 remedied as a matter of urgency."
 23 When you wrote to ISI in an email on 25 March, you
 24 said that there was overwhelming evidence that the
 25 judgments were significantly flawed, and you asked for

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1 the publication of those reports to be delayed until
 2 your concerns had been addressed in that regard; is that
 3 right?
 4 **A. Yes. It was the norm, following inspection reports,**
 5 **that there was a period in which one could make the**
 6 **inspectors aware of any factual inaccuracies or**
 7 **misunderstandings, and we were not given that time.**
 8 **I requested more time, in order to provide the**
 9 **inspectors with more information.**
 10 **We were also not given the normal verbal feedback at**
 11 **the end of that inspection in which certain**
 12 **misunderstandings could have been rectified.**
 13 **May I just mention the oversight of compliance?**
 14 **That was one such when the proprietors were identified**
 15 **as the feoffees, who are the landlords of the school,**
 16 **and they were not the school governing body but they**
 17 **were treated as such by the inspectors. But that was**
 18 **a misunderstanding, which was then subsequently**
 19 **rectified.**
 20 **It is a small point --**
 21 Q. I think the school committee were identified as the
 22 governing body and the feoffees were identified as the
 23 proprietors in the report, weren't they?
 24 **A. Mmm.**
 25 Q. Which was correct?

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<p>1 A. The responsibilities of the feoffees I believe were seen 2 to be just about the same as the school governing body, 3 but, again, that was rectified -- sorry, it is a small 4 point.</p> <p>5 Q. Amongst other things, you said that it was misleading 6 for the ISI report to state in its conclusion that 7 a number of weaknesses had been identified. You wanted 8 the word "small" to be inserted to read "a small number 9 of weaknesses". Was that your assessment of what had 10 been set out in that report, in terms of the number of 11 safeguarding-related areas where standards hadn't been 12 met?</p> <p>13 A. Having re-read my action plan -- well, "my action plan"; 14 the action plan that was put together by the whole team 15 there -- there were areas which needed to be addressed 16 and, for example, it wasn't written down that boys and 17 girls could not go into staff accommodation. That was 18 the norm. That was the rule. But it wasn't written 19 down. So that sort of thing was rectified immediately.</p> <p>20 I suppose the point I was trying to make was, if 21 these weaknesses had been identified in previous 22 inspections, then they would have been rectified and put 23 right immediately, and we were devastated to find these 24 things pointed out at that time.</p> <p>25 Q. When you wrote the action plan to address the areas</p> <p style="text-align: center;">Page 41</p>	<p>1 that had surfaced in relation to sexual abuse at the 2 school, and you pointed out that those were non-recent 3 incidents. You also pointed out that the school had had 4 a report -- the last report, in fact, was in 2011 from 5 Ofsted that had rated the school as "good" and 6 safeguarding as "good".</p> <p>7 Had the school essentially relied on positive 8 inspections rather than scrutinising itself in terms of 9 safeguarding?</p> <p>10 A. I hope not. We had a good many inspections from ISI or 11 Ofsted or a previous body called the Commission for 12 Social Care Inspection, and, as I said earlier, the 13 legal frameworks for safeguarding were developing over 14 time, so we always tried to make it completely a matter 15 of course that we would update all our policies and 16 procedures.</p> <p>17 From my own point of view, the inspections were 18 something that we always welcomed, but I would never 19 have thought I would rely on them for any kind of clean 20 bill of health. That wasn't the point of the whole 21 exercise.</p> <p>22 Q. Were you surprised by the conclusions and the findings 23 of the two reports, based on the inspections 24 in March 2013?</p> <p>25 A. Yes, and the whole school was devastated.</p> <p style="text-align: center;">Page 43</p>
<p>1 where the school had failed to reach the relevant 2 standards, that was a considerable document -- it is 3 23 pages of proposals with, by my count -- although 4 maths isn't, I'm afraid, my strong suit either -- 36 5 different issues to be addressed. So, in the end, the 6 ISI did not insert the word "small", did they?</p> <p>7 In fact, I think in relation to their reports and 8 the letter that you had written to both ISI and the 9 Manchester Children's Services, with the exception of 10 a few minor clarifications in the wording, they did not 11 accept your objections, in large part, did they?</p> <p>12 A. No, they didn't, no.</p> <p>13 Q. In fact, you had written, on 26 March, a formal 14 complaint letter to both Manchester Children's Services 15 and the ISI, and you summarised your complaint in these 16 terms:</p> <p>17 "Serious inaccuracies and misunderstandings in the 18 draft reports have resulted in inaccurate, 19 disproportionate and totally unjustified conclusions and 20 judgments which would cause serious reputational damage 21 to the school."</p> <p>22 Is that right?</p> <p>23 A. Yes.</p> <p>24 Q. One of your objections was that the rationale for having 25 the inspection was in relation to the recent allegations</p> <p style="text-align: center;">Page 42</p>	<p>1 Q. In terms of the action plan, that was written by you and 2 the child protection officer together; is that right?</p> <p>3 A. I formed -- I think right at the start of the action 4 plan is a list of all the members of the committee that 5 I formed to develop it. It included a former member of 6 the Manchester Children's Services, Pauline Newman.</p> <p>7 Q. The action plan included amending or revising the child 8 protection policy and procedures, the policies on 9 guardians, on offsite instrumental tuition, on missing 10 children, on complaints and appeals. Those are some of 11 the areas that were covered in the action plan?</p> <p>12 A. Yes.</p> <p>13 Q. In addition to those policy changes, I think -- or 14 I should say the action plan was approved by the 15 Department for Education, a follow-up inspection took 16 place in September 2013, and that found that the school 17 was then complying with the relevant safeguarding 18 standards?</p> <p>19 A. Mmm.</p> <p>20 Q. The action plan also set out that two new bodies were to 21 be created in response, really, to the criticism of 22 the governing body's lack of oversight and scrutiny?</p> <p>23 A. Mmm.</p> <p>24 Q. That was the Safeguarding Subcommittee of the school 25 committee, which was a governing body committee; is that</p> <p style="text-align: center;">Page 44</p>

1 correct?

2 **A. Yes.**

3 Q. And also the Independent Safeguarding Commission?

4 **A. Yes.**

5 Q. I would like, if I may, to ask you a little detail about

6 those two bodies. Can you tell us, first of all, about

7 the Safeguarding Subcommittee? You may wish to look at

8 your witness statement from paragraph 55 onwards,

9 because that deals with this area.

10 **A. Although the child protection officer interacted on**

11 **a regular basis with the school committee, then the**

12 **school governors -- sorry, which paragraph did you say?**

13 Q. I think it is from page 7, paragraph 55 onwards that

14 deals with this.

15 **A. We felt, in the light of the events of 2013, that we**

16 **should create a special subcommittee for this whole**

17 **area. There had obviously been a governor designated**

18 **with responsibility for child protection, Rosemary Pike,**

19 **and we thought that we should form a new area**

20 **subcommittee, as I say, of the governing body to look at**

21 **this whole area in its entirety.**

22 Q. How many governors were involved on the subcommittee?

23 **A. I'm afraid I can't remember.**

24 Q. Did all those governors on the Safeguarding Subcommittee

25 receive safeguarding training?

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1 **A. Oh, yes. All governors did, as a matter of course,**

2 **anyway.**

3 Q. How did the subcommittee work? Who reported to it?

4 **A. We all had input into the Safeguarding Subcommittee.**

5 **The governor with responsibility for child protection,**

6 **the Independent Listener, the safeguarding officer, we**

7 **created two deputies for her, and so on. House parents**

8 **were also there, as I say, and a number of other**

9 **governors came in to spend time in the school and become**

10 **aware of its policies and procedures.**

11 Q. How frequently did the Safeguarding Subcommittee meet?

12 **A. Termly.**

13 Q. Did it have responsibility for exercising scrutiny of

14 policies and procedures?

15 **A. Yes.**

16 Q. Did it also look at individual cases of safeguarding

17 concern?

18 **A. Yes.**

19 Q. Those were anonymised?

20 **A. Yes, indeed.**

21 Q. In terms of both the staff and the pupils involved?

22 **A. Yes.**

23 Q. The school also set up an Independent Safeguarding

24 Commission?

25 **A. Commission.**

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1 Q. Can you tell us a little bit about that?

2 **A. We took the events of 2013 very seriously indeed, both**

3 **in relation to the past and the present. It was felt**

4 **that we should have a body completely outside the school**

5 **to oversee all the arrangements, and so the idea/concept**

6 **of an independent commission was formulated and worked**

7 **on.**

8 **Fortunately, myself and some of the governors were**

9 **well connected in terms of the judiciary and links with**

10 **the Probation Service and the police, and so we were**

11 **able to invite senior members from these bodies to help**

12 **us form a commission, which was then overseen by**

13 **Sir David Maddison.**

14 Q. I think he was then the recently retired recorder of

15 Manchester?

16 **A. That's right.**

17 Q. So the senior judge at Manchester Crown Court?

18 **A. That's right.**

19 Q. The independent Safeguarding Commission, how did that

20 operate with the Safeguarding Subcommittee? What was

21 the relationship between the two?

22 **A. They had no relationship, as far as I was aware. That**

23 **was the whole point: they were independent. They**

24 **received the minutes from the Safeguarding Subcommittee,**

25 **and could ask to see minutes or notes of absolutely**

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1 **anything at all -- policies and procedures. That was**

2 **part of their remit, that they could follow up any**

3 **areas, they would be in receipt of minutes, feoffees'**

4 **meetings and so on.**

5 Q. So that would mean they would see the minutes in terms

6 of also the anonymised discussions of ongoing

7 safeguarding cases or issues?

8 **A. Yes. I can't remember whether they did ask to see that**

9 **generally, because there was always a part A and**

10 **a part B, and the part B was the anonymised.**

11 Q. Yes, so the confidential matters were kept in part B?

12 **A. Yes, unless the Safeguarding Commission required to see**

13 **anything.**

14 Q. Were you and the chair of governors ex officio members

15 of the Independent Safeguarding Commission?

16 **A. Yes.**

17 Q. Where had the idea come from to have an essentially

18 external body scrutinising safeguarding from the school?

19 **A. I suppose, essentially, it was the then chairman of**

20 **the school governors, Dame Sandra Burslem, and myself**

21 **who developed the idea. Dame Sandra had connections, as**

22 **I say, with the judiciary, as did I, and with the**

23 **Probation Service, and we were able to, as I say, issue**

24 **a few invitations to those people who might be**

25 **interested in helping us.**

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1 Q. Is it right that the Independent Safeguarding Commission
 2 was able to request that members of staff from the
 3 school or members of the leadership team from the school
 4 could come before it and give a report or an explanation
 5 of specific issues?
 6 **A. Yes.**
 7 Q. In the three years that you then remained at the school,
 8 because I think you retired in 2013 --
 9 **A. 2016.**
 10 Q. 2016, sorry. Was that at the end of the school year,
 11 2016?
 12 **A. Yes.**
 13 Q. In those three years that you remained at the school,
 14 what were your views on how effectively the Safeguarding
 15 Subcommittee and the Independent Safeguarding
 16 Commission, how effectively they operated in terms of
 17 oversight and scrutiny?
 18 **A. I think they worked well. Certainly the ability of**
 19 **the Independent Safeguarding Commission to help us and**
 20 **follow up any things which might have any kind of**
 21 **question mark over them was very much valued. Various**
 22 **issues came up, which you've referred to, which needed**
 23 **their oversight, and we welcomed that. One specific**
 24 **area was the Chetham's Piano Summer School. I remember**
 25 **we spent some time on that. So I felt that they were**

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1 **increasing the effectiveness of the overall governance**
 2 **of the school.**
 3 Q. Did you feel that it was making an impact on staff
 4 within the school, in terms of their awareness of
 5 transparency? Do you think that it made a difference in
 6 terms of staff willingness to discuss or report
 7 safeguarding concerns that they had?
 8 **A. Not necessarily, I suppose. My personal attitude, which**
 9 **I tried to encourage others -- everybody else to adopt,**
 10 **was one of the need to be blisteringly transparent about**
 11 **everything. One of the things which I remember saying**
 12 **in assembly as part of regular updates in individual**
 13 **year groups was that this is a telling school, and that**
 14 **applied as much to all those students as to all the**
 15 **members of staff and anybody associated, that people**
 16 **were always going to be able to raise any concerns**
 17 **whatsoever, and we, I suppose, and especially I, came to**
 18 **positively demand to be asked awkward questions.**
 19 Q. In terms of the management of safeguarding at the
 20 school -- so I'm talking about amongst the senior
 21 leadership team and the school management -- what was
 22 your assessment of the impact of those two bodies or
 23 either of them on safeguarding management at the school,
 24 having that additional layer?
 25 **A. It was useful to have other people holding us all to**

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1 **account.**
 2 Q. When inspections of the school took place by ISI
 3 subsequently, were the minutes of the Safeguarding
 4 Subcommittee and the ISC made available to them?
 5 **A. Yes, I believe so.**
 6 Q. This question is now asked on behalf, again, of
 7 the legal representatives of the core participant
 8 victims/survivors. It's been noted in the minutes of
 9 one of the Safeguarding Subcommittee meetings, I think
 10 from 4 December 2015 -- I don't think we need to get
 11 this up -- that the school itself had noted there had
 12 been some regulatory failings in connection with
 13 recruitment and the recruitment register that had
 14 occurred in September 2014 and September 2015. There
 15 were some discussions about when such failures should be
 16 notified to the ISI.
 17 It appears that those failures were not disclosed to
 18 the ISI in the February 2016 inspection, which wasn't
 19 focusing specifically on recruitment issues, it was
 20 focusing on sanctions and discipline.
 21 Did you consider that you had a duty of candour or
 22 transparency in relation to any failures, when they came
 23 up, in terms of informing the ISI, or was it more
 24 a question of, "Well, if they ask, we'll tell them"?
 25 **A. No, I think -- I know -- that the overall expectation of**

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1 **transparency and candour on myself and the whole team**
 2 **was very much there. I don't recall the matter in**
 3 **question that you mention, but I can only imagine that**
 4 **it was a clerical oversight on the behalf of the person**
 5 **who managed the single central register of employees.**
 6 Q. The core participant victims/survivors would also wish
 7 to ask about the Independent Listener at Chetham's.
 8 I think that was a system that came in during your
 9 headship?
 10 **A. Yes. I can't remember exactly when, but in the**
 11 **developing regulatory framework there came the need for**
 12 **all schools to have an Independent Listener, yes.**
 13 Q. I think you appointed Lady Mallick, who was a governor
 14 of the school?
 15 **A. Yes -- hang on, no, Lady Mallick wasn't. She was the**
 16 **Independent Listener, she wasn't a governor of**
 17 **the school, no.**
 18 Q. The current head, Alun Jones, in his witness statement,
 19 says that that lady has never been contacted by a pupil
 20 so far as he was aware. Were you aware of contact being
 21 made with her whilst you were at the school?
 22 **A. No, I wasn't aware. She was an attender of**
 23 **the Independent Safeguarding Commission and she did not**
 24 **report anything at any of the meetings.**
 25 Q. Did you consider reallocating the role, in the light of

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<p>1 the fact that she didn't seem to be being utilised by 2 the pupils? 3 A. I have to say, I didn't, no. 4 MS NIELD: I have no more questions for you, if you wait 5 there, please. 6 Chair and panel, do you have any questions? 7 THE CHAIR: Yes, we have one or two here. 8 Questions from THE PANEL 9 THE CHAIR: Could I ask, during your 17 years, and from the 10 beginning straight through, was there an explicit ban on 11 all relationships between teachers and students, whether 12 they be sexual or romantic? And I include in that 16-, 13 17- and 18-year-olds. 14 A. Yes. 15 THE CHAIR: How was that expressed? On paper? Were they 16 required to sign something? 17 A. We had the code of conduct, and the specifics I'm afraid 18 I can't bring to mind at the moment. But certainly one 19 of the areas which was very much heightened in the 20 growth of social media was that no member of staff 21 should be making contact with any pupil involving any 22 personal device, phones, text messages, and so on, and 23 if an instrumental teacher did need to, say, for 24 example, change a time of a lesson via text message, 25 they were having to report that immediately to their</p> <p style="text-align: center;">Page 53</p>	<p>1 employees and be subject to all the normal contracts -- 2 terms and conditions and training, and so on, as all the 3 other members of staff; but, secondly, the building -- 4 the fundraising and the building of a whole new school 5 which opened in 2012 allowed for all the teaching, with 6 the exception of the art department, I believe, to be in 7 one building, with a variety of different common rooms, 8 brew points, and so on, throughout the building. So 9 there was a much greater mingling of all staff, academic 10 and musical. 11 And the pastoral staff, the personal tutors of the 12 students, were drawn equally from the academic and the 13 musical sides of the school, and I felt it was always 14 a priority, being an academic teacher by background, 15 that we should try to make the education at Chetham's as 16 rounded in every way as possible, to make sure that 17 everybody was equally involved in the personal 18 development of all the students. 19 MS SHARPLING: I see, thank you. 20 THE CHAIR: Mr Frank? 21 MR FRANK: The bursar was one of the people who was 22 appointed to the Safeguarding Subcommittee, as 23 I understand it. 24 A. Mmm. 25 MR FRANK: But I think you also told us that the identity of</p> <p style="text-align: center;">Page 55</p>
<p>1 head of instrumental department. 2 THE CHAIR: So were you aware, via whatever means, of any 3 kinds of relationships or suspicions of relationships of 4 that nature? 5 A. No, but there were -- as is documented in my witness 6 statement, there was one specific instance where a girl 7 had complained about a member of staff having touched 8 her too much on the neck and shoulders. 9 THE CHAIR: Thank you. Ms Sharpling? 10 MS SHARPLING: Thank you. We have heard quite a lot of 11 evidence the last couple of days about the separation, 12 the distinctive nature, of the music department in 13 a specialist school. I wonder if you could help us by 14 describing how you coped with making sure that that was 15 all part of the one-school approach that we have also 16 heard about. 17 A. It was always an issue geographically that the music 18 department was in a building on the other side of 19 the medieval yard, and because the musicians, the 20 instrumental teachers, were largely not employees of 21 the school, they came and went during the week for their 22 lessons and did not really seem a part of the school 23 very much at all. 24 So two things which improved that holistic view of 25 the school were, firstly, the decision to make them all</p> <p style="text-align: center;">Page 54</p>	<p>1 the bursar changed in or about 2013; is that right? 2 A. No. The previous bursar -- I can't remember exactly 3 when -- had left in about 2002, in the early part of 4 the century. 5 MR FRANK: So a good deal before. So the bursar in 2013 who 6 was part of the Safeguarding Subcommittee would have 7 been the same person who was the bursar when Mr Hullah 8 contacted the school to try and find out information 9 from the period when he had been the headmaster, who has 10 told us that either the bursar or the bursar's secretary 11 told him that the documents he was looking for had been 12 lost. 13 A. Right. 14 MR FRANK: Do you remember seeing that in his witness 15 statement or hearing him say that? 16 A. No. No. 17 MR FRANK: I am not going to trouble you with it in detail, 18 but I just want to ask you this: has the bursar ever 19 said to you, "I had a conversation with Mr Hullah and 20 I had to tell him that I couldn't find the documents he 21 was looking for"? 22 A. I can't remember that, no. 23 MR FRANK: Thank you very much. That's all I ask. 24 THE CHAIR: We have no further questions. Thank you, 25 Ms Moreland.</p> <p style="text-align: center;">Page 56</p>

1 MS NIELD: I think this might be an appropriate point for
 2 a break, chair and panel.
 3 THE CHAIR: Yes. We will return at 11.45 am.
 4 MS NIELD: Thank you.
 5 (11.25 am)
 6 (A short break)
 7 (11.47 am)
 8 MS SCOLDING: Good morning, chair. We now hear evidence
 9 from Ms Elizabeth Coley and Ms Kate Richards, both of
 10 the Independent Schools Inspectorate.
 11 MS KATE RICHARDS (affirmed)
 12 MS ELIZABETH COLEY (sworn)
 13 Examination by MS SCOLDING
 14 MS SCOLDING: Good morning, both. Thank you very much for
 15 coming to give evidence to us. We are asking you to
 16 give evidence together to try and be as efficient as
 17 possible, and also because there are some questions that
 18 one or other of you may well be able to more suitably
 19 answer, or both of you may well wish to make
 20 a contribution. I will try and direct my questions to
 21 one or the other of you, but if you feel that it's been
 22 misdirected, please don't hesitate to say so, and I will
 23 ask the other, who then hopefully can provide me with
 24 some assistance.
 25 We will not be having a break until lunch time now.

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1 Just a few other preliminary matters, which I suspect
 2 you have heard. Firstly, this isn't a test of memory.
 3 I know you will have made notes. Please feel free to
 4 refer to them, or to your witness statement, or any
 5 other documents.
 6 Secondly, we can have breaks, and as often as you
 7 want or need. Please just raise your hand and I can
 8 organise that.
 9 Next, there are bundles in front of you. Now, both
 10 of you have a bundle each. Chair and panel, just for
 11 your purposes, it's F1, tabs 1 and 2, and F1, tabs 1, 3
 12 and 4.
 13 So we have an embarrassment of riches when it comes
 14 to witness statements from the both of you, but what I'm
 15 probably going to suggest is, most of the time, we will
 16 be looking at things on the screen, but I will give you
 17 the tab references if you need them.
 18 Ms Coley, I will take you first. There are two
 19 witness statements from you, both of them
 20 dated September -- well, one dated September 2019 from
 21 you, one dated September 2019 from Ms Richards, but, in
 22 effect, you made a large measure of factual contribution
 23 to. That's ISI001594. Can you just turn to that
 24 particular witness statement, Ms Coley.
 25 MS COLEY: Yes.

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1 MS SCOLDING: It is only two pages in length.
 2 MS COLEY: Oh, my statement?
 3 MS SCOLDING: Yes, just your statement.
 4 MS COLEY: Yes.
 5 MS SCOLDING: In that statement, you, in effect, indicate
 6 and adopt large portions of Kate Richards' statement of
 7 28 August 2019; is that right?
 8 MS COLEY: Yes.
 9 MS SCOLDING: Have you had an opportunity to read both this
 10 statement and that statement of Ms Richards recently?
 11 MS COLEY: Yes.
 12 MS SCOLDING: Is it still true, to the best of your
 13 knowledge and belief?
 14 MS COLEY: Yes.
 15 MS SCOLDING: Fine. What we are going to do is largely, for
 16 your benefit, chair and panel, rely on the witness
 17 statement of Ms Richards dated 28 August, which is
 18 ISI001576. That is at, chair and panel, F1/A, tab 3,
 19 just so you know.
 20 Sorry, that's the administrative bit at our end.
 21 Ms Coley, perhaps you would like to tell us briefly
 22 about your background and experience in inspecting
 23 boarding schools.
 24 MS COLEY: Oh, in inspecting board schools? My background
 25 in boarding is that I was a teacher at a boarding

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1 school. I was not involved in the day-to-day boarding
 2 side, but I would be helping with care some evenings,
 3 and I would certainly be helping with trips, and so on,
 4 out at the weekends. As far as my boarding experience
 5 is concerned, I went -- before 2012, when ISI took over
 6 the boarding, I was involved in inspecting schools where
 7 Ofsted were the boarding side of the inspection, and we
 8 worked together, and I would like to feel that we worked
 9 together well.
 10 But then, when 2012 came along and ISI was taking
 11 over the boarding, as inspectors, we were all lead
 12 inspectors, we were all retrained very carefully in the
 13 NMS and the expectations of the boarding side of
 14 the whole inspection, and then I think I have led --
 15 I don't know exactly, but I would think probably about
 16 40 boarding inspections since that time.
 17 MS SCOLDING: So since 2012?
 18 MS COLEY: Yes, but that's an approximation.
 19 MS SCOLDING: That's very helpful. Turning now to
 20 Ms Richards, we have two witness statements from you --
 21 one dated 15 August 2019, one dated 28 August 2019.
 22 They are ISI001574 and ISI001576. Again, could I ask
 23 you to turn to the last page firstly of ISI001574, which
 24 I think is behind tab 2 of your bundle.
 25 Did you sign this document? I know your signature

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<p>1 is covered over for data protection reasons.</p> <p>2 MS RICHARDS: Yes, I did.</p> <p>3 MS SCOLDING: Is it true, to the best of your knowledge and</p> <p>4 belief?</p> <p>5 MS RICHARDS: Yes, it is.</p> <p>6 MS SCOLDING: As I understand it, Ms Richards, and as you</p> <p>7 explain within both of your witness statements, you</p> <p>8 identify that, in a way, it is a corporate witness</p> <p>9 statement, so you have asked various individuals and you</p> <p>10 have had to piece things together from the records,</p> <p>11 because you only became chief inspector in 2017; is that</p> <p>12 right?</p> <p>13 MS RICHARDS: Yes, that's correct.</p> <p>14 MS SCOLDING: Could I ask also you to turn to the rear of</p> <p>15 ISI001576, which I think is behind tab 2 of your bundle.</p> <p>16 It is behind tab 2 of mine, anyway. It is 29 pages</p> <p>17 long. Can you also indicate whether or not you signed</p> <p>18 that witness statement?</p> <p>19 MS RICHARDS: Yes, I did.</p> <p>20 MS SCOLDING: Again, is it true, to the best of your</p> <p>21 knowledge and belief?</p> <p>22 MS RICHARDS: Yes, it is.</p> <p>23 MS SCOLDING: Again, the same caveats apply, in that</p> <p>24 sometimes you are telling us things within that witness</p> <p>25 statement which are not within your own direct knowledge</p> <p style="text-align: center;">Page 61</p>	<p>1 you, as an organisation, would have, until 2012, only</p> <p>2 looked at the education side of things.</p> <p>3 MS RICHARDS: Yes.</p> <p>4 MS SCOLDING: That, as I understand it, means inspecting for</p> <p>5 the purposes of statutory inspections against the</p> <p>6 independent schools standards as they were?</p> <p>7 MS RICHARDS: Yes, that's correct.</p> <p>8 MS SCOLDING: As they were and are?</p> <p>9 MS RICHARDS: Yes.</p> <p>10 MS SCOLDING: They first came into force in 2002 and were</p> <p>11 amended in 2010 and in 2014; is that right?</p> <p>12 MS RICHARDS: That's correct.</p> <p>13 MS SCOLDING: They have been amended in some ways but they</p> <p>14 haven't been radically revised, or would you disagree</p> <p>15 with that?</p> <p>16 MS RICHARDS: No, there have been some changes and</p> <p>17 iterations over time.</p> <p>18 MS SCOLDING: Yes. However, in respect of the boarding</p> <p>19 element, the statutory basis of which comes from the</p> <p>20 Children Act 1989, section 87, you inspect against</p> <p>21 a different body of standards, which is the national</p> <p>22 minimum standards; that is right?</p> <p>23 MS RICHARDS: Yes.</p> <p>24 MS SCOLDING: Again, those were issued in 2002, then they</p> <p>25 were revised in 2011 and then I think they were revised</p> <p style="text-align: center;">Page 63</p>
<p>1 but which have been either found out from other</p> <p>2 individuals in the ISI or from paperwork that is</p> <p>3 available?</p> <p>4 MS RICHARDS: Yes.</p> <p>5 MS SCOLDING: That's fine. Just to set a little bit of</p> <p>6 background, and I am not sure whether Ms Richards or</p> <p>7 Ms Coley is best to answer these questions, Ms Richards,</p> <p>8 I think if I direct some basic questions to you, and</p> <p>9 then some issues around what happened in 2011 to</p> <p>10 Ms Coley, the ISI has, since 2001, inspected schools</p> <p>11 that are members of organisations allied to the</p> <p>12 Independent Schools Council; that's right, isn't it?</p> <p>13 MS RICHARDS: Yes.</p> <p>14 MS SCOLDING: But until 2012, that simply involved looking</p> <p>15 at educational standards --</p> <p>16 MS RICHARDS: Yes.</p> <p>17 MS SCOLDING: -- rather than boarding welfare?</p> <p>18 MS RICHARDS: Yes, it did, and, as Liz mentioned, Ofsted</p> <p>19 were responsible for boarding welfare.</p> <p>20 MS SCOLDING: So until 2012, Ofsted did all boarding welfare</p> <p>21 and the ISI did educational standards?</p> <p>22 MS RICHARDS: And other inspectorates as well, previous to</p> <p>23 Ofsted.</p> <p>24 MS SCOLDING: What we are really looking at is the period</p> <p>25 between 2010 and 2014, for the purposes of today. So</p> <p style="text-align: center;">Page 62</p>	<p>1 again in 2015?</p> <p>2 MS RICHARDS: I'm unsure of the dates, but, yes, there were</p> <p>3 revisions.</p> <p>4 MS SCOLDING: As I understand it, although they are two</p> <p>5 different things and they're looking at different</p> <p>6 things, if you fail, shall we say, the national minimum</p> <p>7 standards, the boarding welfare bit, you can't pass now</p> <p>8 the education independent schools standards bit; is that</p> <p>9 right?</p> <p>10 MS RICHARDS: That's correct.</p> <p>11 MS SCOLDING: Has that always been the case, or has that</p> <p>12 changed?</p> <p>13 MS RICHARDS: I believe that to have always been the case.</p> <p>14 MS SCOLDING: From 2012 onwards, you would, therefore, have</p> <p>15 been able to run what's called "integrated inspections".</p> <p>16 What does that mean, to the layperson?</p> <p>17 MS RICHARDS: So an integrated inspection would look at all</p> <p>18 aspects of a school's provision, so where there was</p> <p>19 boarding, we would include looking at boarding, early</p> <p>20 years, for example. So an inspection would cover</p> <p>21 everything that a school offered, whether that be</p> <p>22 against the NMS or, indeed, the early years and, of</p> <p>23 course, against the ISSR, which are the school</p> <p>24 regulations.</p> <p>25 MS SCOLDING: How do you think that's helped you, as an</p> <p style="text-align: center;">Page 64</p>

16 (Pages 61 to 64)

<p>1 inspection service, in identifying the culture of 2 a school? One of the issues we are very concerned about 3 in this inquiry is managing the culture of the school. 4 How has the change from being education only to being 5 education and boarding impacted upon your ability to 6 assess the culture of the school and the culture of 7 safeguarding? 8 MS RICHARDS: I think when we're inspecting safeguarding, 9 it's so important to consider everything that we see 10 during an inspection. So whilst there are specific 11 activities we would undertake which would link clearly 12 and obviously to safeguarding, such as checking the 13 single central register for appointments of new staff, 14 references, et cetera, there are also multiple other 15 activities which occur, which give us information about 16 what goes on in that school: what is it like for 17 children in that school? 18 So that integration enables us to use every single 19 piece of inspection activity -- observation, for 20 example, in a lesson might give us information about how 21 children's voices are heard, it might give us 22 information about the boundaries and about what 23 relationships are like. All of that contributes to that 24 understanding of the culture in that school. 25 MS SCOLDING: Do you think that that was able to be as</p> <p style="text-align: center;">Page 65</p>	<p>1 Inspectorate report of Chetham's in 2008, which was of 2 what I am going to call the education side, so that's 3 six years before the inspection we are going to look at 4 in-depth, which is the 2013. Was that a routine length 5 of time between inspections at that time, that the 6 education would only be inspected roughly once every six 7 years, or was that an unusual length of time? 8 MS RICHARDS: Yes, that was the timeframe. 9 MS SCOLDING: So it was a once-every-six-year education 10 inspection. Is that too long? I mean, now 11 I understand -- I think it is every three years there's 12 some form of inspection. 13 MS RICHARDS: Once we'd taken over the boarding, the overall 14 cycle remained six years, but every three years, so in 15 the interim period, boarding schools had an inspection 16 against the national minimum standards for residential 17 schools. 18 MS SCOLDING: So somebody -- there will be an inspection 19 every three years -- 20 MS RICHARDS: Yes. 21 MS SCOLDING: -- that's the current position -- 22 MS RICHARDS: Currently, yes. 23 MS SCOLDING: -- of some sort? 24 MS RICHARDS: We now have a different framework, but, yes, 25 that's true.</p> <p style="text-align: center;">Page 67</p>
<p>1 accurately or as in-depth when you were just looking at 2 the education side of things, in boarding settings? 3 MS RICHARDS: I am not sure, since that predates my own 4 knowledge and experience, I'm qualified to comment on 5 it. 6 MS SCOLDING: Ms Coley, I believe you would be able to 7 qualify and comment upon it? 8 MS COLEY: Yes. I mean, again, I'm afraid to say that it 9 could occasionally depend on the way the inspectorates 10 worked together, but, generally, yes, I think if you 11 were working well with your colleague from the other 12 inspectorate, then, you know, you could get a reasonable 13 view of what was going on, because, after all, you're 14 both looking at welfare, health and safety, pastoral 15 care of the children, so I think you could get a pretty 16 good view, but I would say that it is better now that we 17 are focused on the whole school in getting to the depth 18 of how safe are the children there and how well are they 19 cared for. 20 MS SCOLDING: So you have talked about working well with 21 your colleague. Now, that would have been if people had 22 been onsite at the same time. 23 MS COLEY: Yes. 24 MS SCOLDING: If one looks at the inspection history of 25 Chetham's, one sees there was an Independent Schools</p> <p style="text-align: center;">Page 66</p>	<p>1 MS SCOLDING: Can I just identify, so there was an ISI 2 inspection in 2008. There is then an Ofsted inspection 3 in 2011. Then there's an inspection that you, as the 4 Independent Schools Inspectorate, undertook along with 5 Manchester Children's Services in 2013. So this was 6 quite an unusual inspection. Ms Coley, perhaps you'd 7 like to tell us why. Have you ever been involved in an 8 inspection before which has involved you and 9 a Children's Services department going in together to 10 look at a school? 11 MS COLEY: No. That's why it was unique, in that we were 12 working together. The DfE had asked -- my understanding 13 from the office is that the DfE had asked that ISI 14 should go in alongside the Manchester Children's 15 Services, which is indeed what we did. But it's the 16 only inspection I've ever done that way, and I've done 17 more than 164 inspections. 18 MS SCOLDING: Did it work well? 19 MS COLEY: Very. Yes. 20 MS SCOLDING: Why did it work so well? 21 MS COLEY: It did work well, but I think it was because we 22 were -- we had clearly subdivided the areas of work so 23 that both teams were clear about what we were looking 24 for. However, we were in the same team room, we shared 25 our thoughts right from the word go. Every lunchtime</p> <p style="text-align: center;">Page 68</p>

1 and evening, we would have a meeting to discuss what we
 2 were finding in the various areas that we were looking
 3 at.
 4 So, yes, it worked well. But I must say that what
 5 we were doing at that school, the activities that were
 6 happening were the same activities that I would carry
 7 out on an ordinary inspection, except that this time we
 8 were looking in more depth because of the issues that
 9 had been raised.
 10 MS SCOLDING: Yes. So this inspection wasn't a routine
 11 inspection?
 12 MS COLEY: No.
 13 MS SCOLDING: It came as a result of a direct instruction
 14 from the Department for Education?
 15 MS COLEY: Yes.
 16 MS SCOLDING: In fact, they didn't just give you a direct
 17 instruction; they said, "We would like you, in
 18 particular, to look at certain areas"?
 19 MS COLEY: Yes. In those days, it would have been what we
 20 called an emergency inspection, but an emergency
 21 inspection, in those days, would have been a one-day
 22 inspection with two inspectors normally. But because of
 23 the situation here, there were two on the ISI team for
 24 two days.
 25 MS SCOLDING: I think it might be quite useful for us to get

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1 up paragraph 15 of your witness statement, which
 2 identifies the areas of -- ISO1001576_005, Ralph,
 3 please, which should be paragraph 15 of the witness
 4 statement of Ms Richards, but to which, I believe,
 5 Ms Coley -- so this was the commission that the DfE gave
 6 you. Is this unusual in its degree of prescription or
 7 usual?
 8 MS COLEY: I think -- in this particular instance, I think
 9 it was slightly more descriptive, but when the DfE asks
 10 for what we used to call emergency visits, or
 11 unannounced visits, the description is pretty tight on
 12 what you're wanted to look at, be it complaints,
 13 safeguarding, bullying, whatever it might be. The DfE
 14 are pretty prescriptive in what they want you to do.
 15 MS SCOLDING: Does that therefore mean you can't look
 16 outside that? Or is that just -- that's the minimum you
 17 have to look at; if you find anything else, "You need to
 18 tell us about it".
 19 MS COLEY: Yes. I was going to say, if there is time --
 20 that's true, because these are normally one-day, two-man
 21 visits. So you are going in with particular areas that
 22 you have to look at. If, on the way, you notice
 23 something else, then you may well stop and look at that,
 24 or you would certainly bear it in mind that you have
 25 noticed something that might not be quite right, and

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1 indeed I think I can think of a couple of inspections
 2 where in fact that did happen. But, generally, you are
 3 focused on, because the time is as it is.
 4 MS SCOLDING: Just for reference, the relevant NMS for
 5 boarding, if we can just very quickly look at those so
 6 we're clear at the standards which you were inspecting
 7 against. The first one which is relevant is 2, which is
 8 ISI001555_005. Chair and panel, if you are interested,
 9 it is tab 10 of bundle B of your core bundle.
 10 So standard 2 was the first one the DfE asked you
 11 about. So that's about induction for boarders:
 12 "Choice of staff for personal guidance or help with
 13 a personal problem."
 14 And the school identifies at least one person other
 15 than a parent outside the boarding and teaching staff
 16 who boarders may contact directly about personal
 17 problems or concerns at school:
 18 "The school ensures that the boarders know who this
 19 person is and how to contact them."
 20 And they are provided with appropriate helplines.
 21 As I understand it, it was in fact Manchester Children's
 22 Services that were responsible. They decided they were
 23 going to take responsibility for standard 2; that's
 24 right, isn't it?
 25 MS COLEY: I have to say, there was so much overlap --

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1 MS SCOLDING: Okay. We will come back to that later. But
 2 I just thought it useful to get the standard up so we
 3 are clear about what we are looking at here.
 4 MS COLEY: I certainly have in my notes of that, and
 5 I remember discussing with the head and the chair of
 6 governors about the Independent Listener and what their
 7 role already was in the school.
 8 MS SCOLDING: I think we will come back in a minute, when we
 9 talk about the findings you made, about the Independent
 10 Listener service, some more questions about that as
 11 a whole.
 12 We then have NMS11, ISI001555_008. It is
 13 highlighted:
 14 "The school ensures that ..."
 15 Why is it highlighted? It is highlighted in the
 16 document. If we look -- Ralph, do you mind getting up
 17 standard 11, "Child protection". So that's highlighted
 18 in the guidance. Is that because that's the central
 19 standard, or do we not --
 20 MS RICHARDS: I'm afraid I don't know. I don't know the
 21 highlighting.
 22 MS SCOLDING: Okay. So, as far as the situation is
 23 concerned, this was something else, Ms Coley, that you
 24 had to judge against. I can see, it's quite broad.
 25 Ms Richards, is it too broad, that standard?

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<p>1 MS RICHARDS: Broad or all-encompassing, and of course it 2 references very, very specifically the statutory 3 guidance by ministers. That includes, of course, 4 Keeping Children Safe in Education and Working Together. 5 So it is pinned very directly onto the (Independent 6 Schools Standards) Regulations. 7 MS SCOLDING: What do you understand "have regard to any 8 guidance" to mean? 9 MS RICHARDS: The short answer is that it must be followed 10 unless there is very good reason not to. It is rare, 11 I would say, to see any genuine reason that that should 12 not be followed. 13 MS SCOLDING: That's your understanding. Do you think 14 that's the understanding of the schools, as far as 15 statutory guidance is concerned, as well? 16 MS RICHARDS: I think it has increasingly become so, yes. 17 We certainly make it very clear to the schools in our 18 guidance and what we say that it must be followed unless 19 they have good reason not to. 20 MS SCOLDING: If we can go down -- Ralph, if you wouldn't 21 mind getting up 13, 14 and 15 of the standards, which 22 you as well had to look at. 13 is right at the bottom 23 of the same page, Ralph. 14 and 15 are at the top of 24 the next page. 25 So these are the other things. You had to look at</p> <p style="text-align: center;">Page 73</p>	<p>1 international student or a student whose parents are not 2 resident in the UK outside of term time. 3 MS RICHARDS: Yes. 4 MS SCOLDING: We will talk a little bit about the mechanism 5 for that later. Can we go to 15 now, Ralph? So this, 6 again, is all about staffing and, really, it is about 7 boarding staffing. So that there's the right number of 8 people of the right qualifications. 15.5, that staff 9 know the whereabouts of their boarders or how to find 10 their whereabouts in their charge at all times. 11 I suspect that's something that's changed quite 12 radically as now with "Find my iPhone" you can find them 13 wherever there are, whereas, 15 years ago, that might 14 have been slightly more challenging, and that they have 15 a policy in relation to children going missing and that 16 there's at least one adult member of staff that sleeps 17 in each boarding house at night. 18 So that's 15. 19 Then 17 and 18 -- Ralph, they're both on 10, in the 20 middle of the page: 21 "Boarders have an opportunity to contribute their 22 views ... pupils are not penalised for raising 23 a concern ..." 24 And that there is an appropriate complaints policy. 25 Turning generally, can I just ask a couple of</p> <p style="text-align: center;">Page 75</p>
<p>1 the management and leadership of practice and 2 development, Ms Coley, that senior boarding staff have 3 adequate experience and that the records specified in 4 appendix 2 are maintained and monitored by the school. 5 Just in brief, what are those records? 6 MS COLEY: Things like monitoring the safeguarding records, 7 monitoring the recruitment checks, monitoring behaviour 8 logs, complaints logs, all of those sorts of things. 9 MS SCOLDING: Okay. Staff recruitment. That's obviously 10 that they follow the relevant guidance which, at that 11 time, would have -- well, in fact, in 2013, I think it 12 would have been the first iteration of Keeping Children 13 Safe in Education. 14 MS COLEY: No, that was '14. So it was Safeguarding 15 Children and Safer Recruitment in Education. 16 MS SCOLDING: And then criminal records checks for those who 17 live on the school. Then, if we can go to the next 18 page, please, Ralph, just the top of it, which is the 19 end of 14/beginning of 15. So the end of 14: written 20 agreement about those who live with boarders in respect 21 of any offending; supervision of visitors; suitability 22 of arrangements for guardians. Now, again, we are going 23 to come back to the issue of guardians when we actually 24 go through the inspection. But just maybe for -- just 25 to clarify, a guardian is somebody who looks after an</p> <p style="text-align: center;">Page 74</p>	<p>1 general questions about these standards. They are 2 called national minimum standards rather than national 3 quality standards. Are these are a floor standard or 4 are they a "what you aspire to"? 5 MS RICHARDS: They are a floor standard. So if the 6 standards are met, then the intention is that all 7 children will be safe and well educated. So they are 8 designed to give a clarity and an assurance to 9 ministers, actually, but to everybody, that children are 10 safe. 11 MS SCOLDING: However, there was a situation, certainly 12 under these regulations, whereby you could fail one of 13 these, you could not comply, or they are not met -- 14 I believe you say "the standards are met" or "the 15 standards are not met", is the terminology you use, but 16 yet, you wouldn't necessarily fail an inspection. Is 17 that still the case, or has that changed? 18 MS RICHARDS: That's a difference between the way that we 19 inspect and the way our reports operate. So ISI reports 20 report on the individual regulation and there is a "met" 21 or "not met". We don't give an overall grade against 22 the regulatory requirements. 23 MS SCOLDING: Why don't you give an overall grade against 24 the regulatory requirements? 25 MS RICHARDS: The intention is that it makes it crystal</p> <p style="text-align: center;">Page 76</p>

<p>1 clear for everyone about what is not happening, or 2 indeed what is happening, and enables, where necessary, 3 enforcement action or further action to be taken against 4 those standards. 5 MS SCOLDING: Just to be clear, you are an inspector, you 6 are not a regulator? 7 MS RICHARDS: Exactly. 8 MS SCOLDING: So any conclusions from any reports go back to 9 the Department for Education, and it is then their job 10 to take action against it; that's right, isn't it? 11 MS RICHARDS: Yes. 12 MS SCOLDING: One of the concerns that's been raised, less 13 so within what I would call the mainstream boarding 14 sector, but certainly within the special schools sector, 15 is that these standards, being a floor standard, aren't 16 good enough, and that there should be the development of 17 a quality standard which should not just be the basics, 18 but should be, "This is good, and this is what every 19 school should meet". Do you have any particular views 20 about that? 21 MS RICHARDS: I think if the argument is, "We wish to raise 22 the bar of what is good enough for our children", then 23 we would be entirely in agreement that, actually, what 24 is good enough? Do I think that we need levels of 25 a grading system? I'm not sure that that makes children</p> <p style="text-align: center;">Page 77</p>	<p>1 those broad questions. 2 Turning now to focus on the 2013 inspection of 3 Chetham's -- Ms Coley -- sorry, I haven't let you answer 4 the question. I have moved on. 5 MS COLEY: That's fine, because I was not inspecting board 6 schools before the NMSs were slimmed down. I didn't 7 inspect until 2012. 8 MS SCOLDING: Ms Coley, we have your visit plan. Ralph, 9 ISI001533. No, that's not that. Let's forget about 10 that. 11 As I understand, there were two issues which you in 12 particular focused upon, Ms Coley: one, recruitment 13 selection and supervision of staff, including DBS 14 checks; and, two, complaints, policies and procedures, 15 including referrals to the LADO, guardianship and 16 reports to the governing body. 17 MS COLEY: Yes. 18 MS SCOLDING: Manchester Children's Services were to lead on 19 safeguarding policy, training and securing pupil's 20 views; that's right, isn't it? 21 MS COLEY: Yes. 22 MS SCOLDING: As I understand it, can we just double-check, 23 would the referrals to the LADO -- obviously, in this 24 case, you had Manchester Children's Services on site 25 with you, so they would have provided you with</p> <p style="text-align: center;">Page 79</p>
<p>1 safer. I think it's about, what is that floor standard 2 and making sure that that is high enough, which is what 3 makes children safer. 4 MS SCOLDING: I certainly know the NMS, the 2002 version, 5 was about 100 pages long, and it then reduced in 2011 6 and then, in fact, it reduced again in 2015. The 2002 7 NMS were much more prescriptive in terms of what had to 8 be had and much more detailed. I don't know whether it 9 is Ms Coley or Ms Richards can best answer this. 10 Was that level of prescription in the 2002 NMS 11 helpful or unhelpful? Because some of the teaching 12 unions have said, "Actually, we'd like a bit more 13 prescription of what should be in there". 14 MS RICHARDS: Perhaps if I may answer broadly and then 15 perhaps Ms Coley has something to add in terms of 16 the 2002. 17 I think that the greater the detail and the greater 18 the prescription, the greater number of loopholes there 19 are as well. I think the breadth and the 20 all-encompassing nature of the way it is written now 21 enables us to inspect, in terms of the welfare of 22 the children, outcomes for children, and that culture 23 that is being talked about so much at the moment. 24 I think that breadth enables that to happen. 25 MS SCOLDING: That's very helpful. Thank you very much for</p> <p style="text-align: center;">Page 78</p>	<p>1 information. What was the usual practice at that time, 2 in terms of contacting a LADO in the case of awarding 3 welfare inspection before the inspection took place? 4 MS COLEY: It would not be done directly by the reporting 5 inspector, the lead inspector, but the office at ISI, my 6 understanding is that they always contact the LADO 7 before any inspection takes place to find out the LADO's 8 view of the way the school operates with them, what 9 communication is like between them and the school, and 10 whether they have had any issues that have come to 11 light, and that information would be passed to the RI if 12 there were any concerns. 13 MS SCOLDING: Can I just ask: they're not under any 14 obligation to respond to you, are they? 15 MS COLEY: Who, the LADO? I don't know that. 16 MS RICHARDS: No, they're not, and Liz is correct. So in 17 2011, we would send a generic email. That's then been 18 refined to be a school-specific email. And we now, in 19 discussion with the national LADO network, have refined 20 it further to be a form where we ask very specific 21 questions about the engagement of the school with the 22 LADOs. 23 But to answer your direct question, no, there is no 24 formal requirement for the LADO to respond to us. 25 MS SCOLDING: Do you think there should be, and what value</p> <p style="text-align: center;">Page 80</p>

<p>1 does it add when the LADO does respond to you?</p> <p>2 MS RICHARDS: I certainly think that it is -- any</p> <p>3 information that we get adds value to the inspection,</p> <p>4 because it allows our inspection teams to triangulate</p> <p>5 the information and evidence that they're getting.</p> <p>6 MS SCOLDING: As far as DBS checks are concerned,</p> <p>7 I understand you checked the central staff register,</p> <p>8 Ms Coley, during the course of this inspection and</p> <p>9 checked whether or not all the relevant DBS checks or</p> <p>10 the reference checks had been made. Is that something</p> <p>11 which you would always do?</p> <p>12 MS COLEY: Absolutely. Every inspection.</p> <p>13 MS SCOLDING: To also identify, how many inspectors were on</p> <p>14 site in total during this 2013 inspection?</p> <p>15 MS COLEY: There were two of us from ISI and there were four</p> <p>16 from Manchester, I believe, and one from Barnardo's.</p> <p>17 MS SCOLDING: So there were sort of seven inspectors in</p> <p>18 total over two days?</p> <p>19 MS COLEY: Yes.</p> <p>20 MS SCOLDING: How many inspectors would there usually be</p> <p>21 over how many days?</p> <p>22 MS COLEY: Well, remembering that this was a completely</p> <p>23 unique inspection, on a normal ISI inspection, depending</p> <p>24 on the size of the school, you would have had the lead</p> <p>25 inspector and then probably anything between three and</p> <p style="text-align: center;">Page 81</p>	<p>1 "The school's reporting arrangements within 24 hours</p> <p>2 of a disclosure ..."</p> <p>3 So you had carefully gone through and identified,</p> <p>4 I think we see, in some detail exactly what needed to be</p> <p>5 added to and what was missing. Is that something,</p> <p>6 again, that you and other inspectors would do before</p> <p>7 every inspection?</p> <p>8 MS COLEY: At that time, yes. The reporting inspector was</p> <p>9 expected to analyse the safeguarding policy before every</p> <p>10 inspection, and to raise with the school issues that</p> <p>11 were not there, and to then make sure that the</p> <p>12 implementation was secure and, if that was the case,</p> <p>13 then they would be advised to put their policy right to</p> <p>14 match the implementation. But these days, since 2014,</p> <p>15 that job has been undertaken by a team in the ISI office</p> <p>16 of the analysis of the policies, but the RI is still</p> <p>17 expected to do their own analysis and to check that it</p> <p>18 is secure.</p> <p>19 MS SCOLDING: So, really, in advance of any school visit,</p> <p>20 you would look through that to make sure that -- and</p> <p>21 then you would check against it to see if they were</p> <p>22 actually doing it in practice?</p> <p>23 MS COLEY: That's right.</p> <p>24 MS SCOLDING: How would you do that?</p> <p>25 MS COLEY: Oh, there are all sorts of ways. I mean, as far</p> <p style="text-align: center;">Page 83</p>
<p>1 seven inspectors, depending on the size of the school.</p> <p>2 MS SCOLDING: Ms Coley, before you went into the school, you</p> <p>3 analysed the school's safeguarding policies. Ralph,</p> <p>4 I think this is at ISI001535. I think that's the</p> <p>5 document you just got up, but I might be wrong about</p> <p>6 that. Yes.</p> <p>7 This is "Analysis of child protection and</p> <p>8 safeguarding policy". When did you do this, Ms Coley?</p> <p>9 MS COLEY: I think it was mid February. I could look up the</p> <p>10 date, but I think it was about mid February, about</p> <p>11 17 February 2013.</p> <p>12 MS SCOLDING: So this was you going through and identifying</p> <p>13 particular issues that you'd noted within the policies</p> <p>14 themselves. So let's just take a couple of examples --</p> <p>15 MS COLEY: No, hang on. Yes, this is -- yes, sorry, this is</p> <p>16 my actual analysis. I was thinking for a minute it was</p> <p>17 the policy. But it's my actual analysis. Yes, my</p> <p>18 writing.</p> <p>19 MS SCOLDING: So specific mention of the general status and</p> <p>20 authority. It doesn't say anything about the note of</p> <p>21 the training received by the head. Ralph, can we go to</p> <p>22 the bottom of the page:</p> <p>23 "Other strongly recommended elements are missing or</p> <p>24 not clear ... no clear procedures to be followed for</p> <p>25 dealing with abuse by one or more pupils ...</p> <p style="text-align: center;">Page 82</p>	<p>1 as recruitment checks are concerned, looking at the</p> <p>2 single central register. One would have an interview</p> <p>3 with the DSL and go through with them what issues they'd</p> <p>4 had, how they'd dealt with them, how quickly they had</p> <p>5 gone to the local authority for advice or had spoken to</p> <p>6 the LADO about -- if there was an allegation against</p> <p>7 staff, and so on. You would talk to the pupils, how</p> <p>8 safe did they feel. The pupil and parent questionnaires</p> <p>9 were often helpful. And it only needed for one parent</p> <p>10 or one pupil to raise an issue about safeguarding or</p> <p>11 bullying before we would be looking at that very</p> <p>12 carefully indeed on an inspection.</p> <p>13 MS SCOLDING: Now, the conclusions that you reached in your</p> <p>14 full inspection report are actually very helpfully</p> <p>15 summarised within your witness statement, or in fact the</p> <p>16 witness statement of Ms Richards. So that's</p> <p>17 ISI001576_012-013. It is paragraph 27. Ralph, would</p> <p>18 you mind getting up both pages, because the table flows</p> <p>19 on to the next page.</p> <p>20 You deal in some more detail further on in the</p> <p>21 witness statement, so I'm not going to take you line by</p> <p>22 line, but I thought this would be a convenient way for</p> <p>23 us to look at the findings that you made.</p> <p>24 So the first finding I'm going to ask you to look at</p> <p>25 is the oversight of child protection. So this is under</p> <p style="text-align: center;">Page 84</p>

<p>1 the general standards 7, 8 in NMS11: 2 "Proprietor must: 3 "(i) ensure the annual review of the policy and the 4 efficiency ... is undertaken by the feoffees, not the 5 school committee; 6 "(ii) ensure full implementation of the child 7 protection policy; and 8 "(iii) ensure all required recruitment checks are 9 carried out in advance of contractor staff ..." 10 Now, your conclusion and concern was that the 11 feoffees, who were trustees, and who, as I understand 12 it, made up some of the governing body, but they were 13 the registered proprietor with the Department for 14 Education, as I understand it, because we have heard 15 from Ms Moreland before the break that she said, "Well, 16 I'm not really sure why the feoffees were required to do 17 this because, in fact, it's the governing body", but 18 I think you then wrote -- in fact I think the DfE and 19 you clarified with them to say, no, actually, the 20 registered proprietor, who is the person -- DfE has 21 a list, don't they? 22 MS COLEY: Yes. 23 MS SCOLDING: The registered proprietor were the feoffees, 24 and that, in fact, it was them and not the trustees who 25 had ultimate responsibility; is that right?</p> <p style="text-align: center;">Page 85</p>	<p>1 discussed in any great detail the efficiency with which 2 the duties were being discharged. 3 MS SCOLDING: So they'd looked at the policy, said "That 4 looks okay", but hadn't then sat there and said to the 5 head or called the designated safeguarding lead in, 6 which is a role which would have existed, I think, at 7 that time -- 8 MS COLEY: Yes. 9 MS SCOLDING: -- and said, "What's going on? What are you 10 doing? Can we have a look at this case, that case, to 11 examine what's happening"? 12 MS COLEY: Not enough challenge of what was happening, and 13 the minutes of their annual review indicated that the 14 policy was what they had focused on, rather than the 15 efficiency of the way in which the duties of the DSL are 16 being discharged. And that is part of the requirement 17 of governing -- of the responsible proprietor. 18 MS SCOLDING: Yes. So is this usual? I mean, I suppose 19 there's a question here, which is, is the failing -- was 20 the failing, as you perceived it, of Chetham's at that 21 time, is that fairly common in respect of governors? 22 Ms Coley or Ms Richards to answer that. Is it common 23 for governors just to look at the policy rather than 24 really try and scrutinise what's going on in the school? 25 MS COLEY: I think it can --</p> <p style="text-align: center;">Page 87</p>
<p>1 MS COLEY: Yes. Not the committee -- 2 MS SCOLDING: Not the governing body, sorry. 3 MS COLEY: -- not the committee -- 4 MS SCOLDING: Not the school committee -- 5 MS COLEY: Yes, I think the feoffees were the trustees -- 6 MS SCOLDING: Yes, the feoffees are the trustees, but they 7 were not the school committee, which I think was the 8 school's word for what we would know as a governing 9 body. 10 MS COLEY: Governing body, yes, they're what I would call 11 a local governing body, in a sense. Yes, the feoffees 12 would be the people who, by law, are responsible for 13 ensuring that the regulations are kept at the school if 14 they are the registered proprietor with the DfE. And 15 that, indeed, was the case. There was a lot of 16 discussion about this afterwards, I believe, between ISI 17 and the DfE. 18 MS SCOLDING: But what you, in effect, found was that there 19 hadn't been an annual appraisal or review, or the 20 governors weren't really scrutinising or acting as 21 a critical friend in respect of safeguarding? 22 MS COLEY: Having re-read some of the evidence forms, what 23 I remember is that the governing body, as such, had done 24 a review, but what I discovered was that, whilst they 25 had looked at the policy, they had not actually</p> <p style="text-align: center;">Page 86</p>	<p>1 MS SCOLDING: I think both of you look as if you wish to 2 answer. 3 MS COLEY: I think it can -- 4 MS SCOLDING: Ms Coley goes first. 5 MS COLEY: Sorry. I think it can be a problem, but we try 6 very hard when we are talking to governors, and one of 7 the roles I do as a consultant now is to train some 8 governors in their responsibility in safeguarding, and 9 to encourage them to make sure that they do check that 10 not only is the policy accurate, but it is being 11 implemented properly. That is absolutely crucial. And 12 that they check that the DSL is going to the local 13 authority as fast as they should do if there is 14 a concern, allegation or disclosure. 15 MS SCOLDING: If there is a failure to meet a standard, does 16 that therefore mean that the governors have failed in 17 their duty of oversight? 18 MS RICHARDS: Yes, in short. 19 MS SCOLDING: That's fine. 20 Ms Richards, can I ask you the same question that 21 I asked Ms Coley, which is, is this kind of failing 22 common within the sector which you inspect, or is it 23 unusual to have a board of governors who presented in 24 the way that those from Chetham's did? 25 MS RICHARDS: I think there have been increasing</p> <p style="text-align: center;">Page 88</p>

1 expectations on governing bodies, actually both in our
 2 sector and in the maintained sector, about the level of
 3 challenge, of scrutiny, of support, but actually of
 4 ensuring that the team, the head and the senior
 5 leadership team, are doing what needs to be done and
 6 ensuring that the standards are met.
 7 Is it common? I would say that it is not uncommon.
 8 I'm not sure that I could give you a percentage.
 9 MS SCOLDING: No. But do you think that governors know what
 10 it is they should know, so to speak? Are the
 11 expectations too high of what governors are meant to
 12 know, on the basis that, as I understand it -- this is
 13 evidence that AGBIS, who are the Association of
 14 Governing Bodies of Independent Schools, have given
 15 us -- is, they say there should be robust scrutiny and
 16 that governors should have the same training as staff in
 17 safeguarding, but there is no requirement of any
 18 governor -- in fact, not just in the independent sector
 19 but also in the maintained sector -- to undergo
 20 particular forms of training in safeguarding.
 21 MS RICHARDS: Yes, that's correct, and I think governing
 22 bodies vary massively in terms of their knowledge,
 23 skills, understand and, in fact, the training which they
 24 are required to undergo.
 25 MS SCOLDING: Do you think there should be explicit

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1 requirements for some kind of minimum or baseline
 2 training, for their benefit as well as for the school's
 3 benefit?
 4 MS RICHARDS: Absolutely.
 5 MS COLEY: I think a lot of schools do. I think a lot of
 6 schools do do that now. That is becoming more and more.
 7 MS RICHARDS: Yes.
 8 MS SCOLDING: The other issue which really I think Mr Scorer
 9 from Slater & Gordon has raised on behalf of his
 10 clients, who are the victims and survivors, is whether
 11 or not certainly in the independent school sector often
 12 governors come from people who are part and parcel of
 13 a trust deed, so they will often be members of the body
 14 which would originally have found the school or tend to
 15 be made of what could be called the great and the good,
 16 so to speak, who all know each other. Do you think that
 17 that therefore means that governance in independent
 18 schools can all be a bit cosy? A bit cosy and not
 19 challenging enough?
 20 MS RICHARDS: I think it depends, again, on individual
 21 governing bodies and the challenges they set themselves
 22 in terms of their own training and the advice and
 23 interactions with people who do know.
 24 What I would say is that the very best governing
 25 bodies do not behave like that. They take the training,

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1 they understand what they need to do. The prevalence --
 2 again, I'm not sure I can ...
 3 MS SCOLDING: Obviously, one of the concerns is -- I think
 4 one heard this in Ms Moreland when she said, "So and so
 5 was on the governing body and he was the head of
 6 the Royal Northern College of Music". One understands
 7 why you would have a governor from the Royal Northern
 8 College of Music and in fact they also have the Canon of
 9 Manchester Cathedral, who -- in fact, Robert Waddington
 10 was somebody against whom allegations of child sexual
 11 abuse were made and we have dealt with that in another
 12 investigation in this inquiry, but it is -- can you
 13 understand why, from an outsider's perspective, it all
 14 seems like an establishment club, so to speak, in the
 15 context of independent school governance?
 16 MS COLEY: I think it is fair -- having been a governor of
 17 three independent schools, I think it is fair to say
 18 that independent school governing bodies are becoming
 19 more and more conscious of making sure that they do have
 20 the expertise on that board and it is not so much the
 21 great and the good as it used to be. Some still are.
 22 But I think there is a move towards looking for
 23 expertise from among the parental body, perhaps, from
 24 within the local area, or even from further afield, and
 25 getting a good representation of skills that governors

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1 can bring to their role of governorship.
 2 MS SCOLDING: Largely, it doesn't really matter if they are
 3 great and good, as long as they act as a critical friend
 4 and they provide the appropriate level of challenge.
 5 MS RICHARDS: Yes.
 6 MS COLEY: Yes.
 7 MS SCOLDING: Do you think independent school governors
 8 understand the need for challenge, broadly or
 9 specifically?
 10 MS RICHARDS: Increasingly. Some will and some won't.
 11 MS SCOLDING: You say "increasingly". Is that because it is
 12 the exception rather than the rule, or ...?
 13 MS RICHARDS: I think, nationally, our understanding of not
 14 only safeguarding is increasing, but I think there is
 15 also an increasing understanding in governing bodies
 16 about their roles and their responsibilities, which cuts
 17 across all sectors, and in terms of what they must do in
 18 order to fulfil their duties as a governing body.
 19 MS SCOLDING: Because, of course, the governors have
 20 ultimate responsibility, as they're usually the
 21 trustees. They will have fiduciary responsibilities
 22 very often in the independent sector, they will also
 23 have responsibilities to the Charity Commission, but as
 24 well, all the research tells us that positive
 25 safeguarding starts from the top, and the top in an

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<p>1 independent school is usually the governing body or, if 2 it doesn't have one, the proprietor. Does that 3 therefore mean there needs to be an especial emphasis 4 upon leading from the top in respect of safeguarding and 5 do you think that governors understand that? 6 MS RICHARDS: I think there absolutely needs to be leading 7 from the top, but that's not to dismiss the importance 8 of that then running, like a stick of rock, through 9 everything that the school does and is. I think both 10 are vital. 11 MS SCOLDING: But to sort of take another turn, which is, in 12 this case with Chetham's, we had a governing body, but 13 there is no requirement upon any independent school to 14 have a governing body. Now, AGBIS, who have given us 15 evidence, have said they would like all independent 16 schools to have, at the very least, an advisory board or 17 an advisory body, because they have concerns about 18 a proprietor wearing too many hats. So there is not the 19 level of independent scrutiny. Is this something that 20 you, as the ISI, who are likely to inspect the vast 21 majority of schools which fall into that category, do 22 you have any concerns about what I would call the 23 owner/proprietor model? 24 MS RICHARDS: I think the issue is exactly the one you have 25 outlined, that it is about the extent to which that</p> <p style="text-align: center;">Page 93</p>	<p>1 complexities are sometimes a challenge to us as the 2 inspectorate. 3 MS SCOLDING: Ms Coley, now turning back to you, I'd like to 4 go back to the specifics and look at the information 5 about any referrals that have been made to the LADO. 6 We have dealt with this in evidence -- Ms Nield 7 dealt with this in evidence in respect of Ms Moreland. 8 Could we get up -- I think it is ISI001392_013. No, 9 that isn't the document I need. I'm just going to ask 10 Ms Nield -- oh, ISI001562_011. We can get that one up 11 first. That's the second document I need, Ralph, that 12 you just got up for me. I apologise. 13 This is the document that we took Ms Moreland to 14 this morning. Can we go to the bottom, please, Ralph, 15 "Please indicate". This is information -- this is 16 a form -- can you just explain what this form is, who it 17 gets sent to and who is meant to fill it in, Ms Coley? 18 MS COLEY: It is an electronic form available for all 19 schools and they are expected to fill it in in 20 preparation for an inspection. In those days, because 21 they had more notice of inspection, it would probably be 22 done just before the inspection. These days, they are 23 expected to keep this type of form up to date so that 24 when the inspection is announced, they can send it very 25 quickly to the reporting inspector.</p> <p style="text-align: center;">Page 95</p>
<p>1 owner/proprietor takes advice, gets that challenge and 2 how they do so to ensure that they are not the only 3 source of decision making, but that there are systems -- 4 that they put systems in place to challenge their own 5 thinking and to ask those robust questions. 6 MS SCOLDING: Ms Richards -- Ralph, could you get up 7 ISI001574, which should be paragraph 218 of your witness 8 statement. ISI001574_049: 9 "Some schools have additional layers of governance", 10 you then say at 219: 11 "ISI does not maintain an exhaustive list of these 12 but a few examples are ..." 13 You talk about those with an overarching parent 14 company; schools which are parts of companies with many 15 corporate layers; schools linked to university colleges. 16 I think in paragraph 218 you also talked about directors 17 based aboard and those with a head office. 18 What particular difficulties, in respect of 19 governance and management, do those structures make in 20 terms of ensuring accountability in respect of 21 safeguarding? 22 MS RICHARDS: So there's something around the appropriate 23 checks which may or may not be made about proprietors, 24 and then, in addition, in terms of where legal 25 responsibility sits and how that plays out, and those</p> <p style="text-align: center;">Page 94</p>	<p>1 This last box is about mentioning any referral that 2 would be made. 3 Now, I would just like to take your attention, if 4 I may, to the Manchester safeguarding review that 5 happened in 2013, and on page 5 -- 6 MS SCOLDING: Have you got the -- 7 MS COLEY: Okay, yes -- 8 MS SCOLDING: At the bottom of your page, if you want to 9 take me to a document -- 10 MS COLEY: It is CSM000326. If we may just have a look at 11 page 5, (ix). Ms Moreland did say that she put "not 12 applicable" in that box because she thought it referred 13 to only accusations/allegations that had been made since 14 the last inspection. But, in fact, here, under (ix), we 15 can see that there had been an allegation only two or 16 three weeks before the inspection which had not been 17 declared, and that pre-inspection information would only 18 have been sent to me, as the RI, a matter of two or 19 three days, because the inspection -- I think they were 20 only given something like four or five days' notice of 21 the inspection. 22 MS SCOLDING: Ralph, can we go back to the previous 23 document, which is the answer by Ms Moreland, 24 ISI001562_011. It says -- Ms Moreland had said: 25 "Please indicate any cases where a member of staff</p> <p style="text-align: center;">Page 96</p>

1 or other person connected with the school is subject to
 2 investigation, has resigned or has been dismissed or
 3 disciplined because of questionable conduct with
 4 children."
 5 Now, is that meant to be since the last ISI
 6 inspection, which was the explanation that Ms Moreland
 7 gave? One can see in her next sentence, it plainly
 8 says, "Any referral made to the DfE ... since the last
 9 ISI inspection". What is the sentence meant to mean?
 10 MS COLEY: We have always taken that to mean since the last
 11 inspection, because, clearly, they would have signed
 12 this prior to the previous inspection, so anything that
 13 had been raised would have been dealt with and looked
 14 into at that inspection. So this -- I think schools do
 15 take this, in my view, probably rightly, to mean since
 16 the last inspection, but I was just pointing out that,
 17 in fact, there was an allegation that had not been
 18 brought to our attention, and which was found on the
 19 inspection.
 20 MS SCOLDING: So on the inspection, you then went and spoke
 21 to the head about whether or not there had been any
 22 referrals or any problems, had anybody been subject to
 23 investigation, and this was the document I got up
 24 a little while ago, ISI001392_013.
 25 I think, if I can take you to the top:

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1 "Has the school taken any disciplinary action, or
 2 issued a suspension, or ..."
 3 So these are -- can I just double-check, whose notes
 4 are these?
 5 MS COLEY: They're mine. My writing.
 6 MS SCOLDING: I'm assuming, is this a verbatim note? Is it
 7 a minuted note? Is it contemporaneous? Does it happen
 8 afterwards?
 9 MS COLEY: No, for me, as an inspector, I plan -- I'm afraid
 10 I'm fastidious about planning what I want to ask, and so
 11 on. I will have prepared this form, leaving little
 12 gaps, before I went in to see the head. But this
 13 particular question is a question that I have to sign
 14 against to say that I have asked this question of
 15 the head on the front of the inspection checklist, which
 16 must then be sent to the DfE, and I have to sign against
 17 that.
 18 So, for me, I always made sure that, on an
 19 inspection, I had written this on the form so that
 20 I read it word for word in the way that I would then
 21 have to sign had I asked the head this question.
 22 What I did in this particular instance, I was
 23 surprised that none had been declared, which is why
 24 I dated and signed it -- well, my initials --
 25 MS SCOLDING: "EPC".

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1 MS COLEY: -- because I wanted to be absolutely clear that
 2 that's what I had heard and my colleague was with me and
 3 she heard the same thing.
 4 MS SCOLDING: Can we go to the bottom of the page. This is
 5 your "What does it all add up to?"
 6 MS COLEY: "What does it all add up to" probably was
 7 written -- this is what happens -- in the hotel at
 8 night. Because your basic stuff is there and you're
 9 then pulling together, "What does it all add up to".
 10 That's why I will have put:
 11 "Did not acknowledge suspensions or disciplinary
 12 proceedings -- at this stage!"
 13 Hoping that by the next day, because we had been
 14 advised --
 15 MS SCOLDING: Ms Coley, what did you, in fact, know about
 16 issues there were with discipline and suspension and who
 17 had given you that information?
 18 MS COLEY: Well, obviously, there had been a lot in the
 19 public domain, but I think, because of this one that
 20 I have just mentioned --
 21 MS SCOLDING: The recent arrest in February 2013 --
 22 MS COLEY: -- in the Manchester one, because we were talking
 23 with the Manchester team all the time, that information
 24 would have come to us that, in fact, there had been
 25 a recent note. On one of my evidence forms somewhere

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1 else I actually make the comment about one three weeks
 2 ago. So we obviously knew that something had come up,
 3 and we were surprised that this hadn't been revealed to
 4 us.
 5 MS SCOLDING: So we then turn to -- at that stage, it was
 6 said, no, there are none. You then went back the next
 7 day, as I understand it, and you spoke to the chair as
 8 well as that -- and this is ISI001576_016, I think.
 9 Sorry, I've scrawled some handwritten notes. No, that's
 10 not right. I'm going to ask Ms Nield if she can help
 11 me.
 12 While we get this up, you can perhaps explain to me,
 13 what did the head say at that point in time when she was
 14 with the chair of governors? You posed the question
 15 that we have just seen again. What was said?
 16 MS COLEY: She said that she hadn't heard -- no, first of
 17 all, she said that I hadn't said it the day before, and
 18 my colleague said, "Yes, Mrs Coley has just said it in
 19 exactly the same way as she said it yesterday", and then
 20 she said, oh, well, she hadn't understood or she hadn't
 21 heard it properly the day before, something along those
 22 lines.
 23 MS SCOLDING: That is ISI001489, which is what I had in my
 24 original note but scrubbed over. I apologise. It is
 25 completely my fault. This is the final meeting with the

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<p>1 head and chair of governors. Again, is it usual for you 2 to meet with the chair and head of governors together at 3 the end of any inspection? 4 MS COLEY: Yes. We would normally have a final meeting, 5 when we would bring to them the findings. I don't 6 remember quite why we didn't have a final meeting. 7 I don't remember that. Because, in our planning, the 8 Manchester Services and we had agreed that we would have 9 a final meeting -- I think it was between 3 o'clock and 10 4 o'clock, which was on the original timetable, but 11 I think we may well have said to the Manchester team, 12 "We really need to go back". We had been -- it had been 13 suggested to us by the chief inspector, who we had 14 alerted the night before that we hadn't received the 15 response that we wanted, and she had said, "Go back and 16 ask again". 17 Because I knew the chair of governors would be 18 there, I thought, I will ask the head again in front of 19 the chair of governors, which is why I did so, and that 20 was when she did say, yes, there had been four that she 21 mentioned. 22 MS SCOLDING: She said she had not properly understood 23 yesterday. 24 MS COLEY: Yes, and if you look down under number 3, about 25 the sixth line down, I say "I three weeks ago" which</p> <p style="text-align: center;">Page 101</p>	<p>1 MS COLEY: But that's not to say that there was any 2 information to pass on. 3 MS SCOLDING: What did you think about the head's view that 4 she hadn't heard properly or understood yesterday? Did 5 you reach any particular conclusions about that? 6 MS COLEY: My own personal opinion would be, this is highly 7 unusual, and slightly -- mmm. I suppose I might cause 8 the word -- am I allowed to use the word "dodgy"? 9 That's going to go out there now. 10 MS SCOLDING: You're allowed to use whatever word you like. 11 MS COLEY: Unusual, certainly. 12 MS SCOLDING: Ms Richards, you raised some general issues 13 which really the Chet's case points out, which is about 14 the fact that there is a relatively weak requirement 15 upon individuals to provide you with information. 16 I don't think we need to get it up, but regulation 17 24(1)(g) of the (Independent Schools Standards) 18 Regulations identifies the information which you can be 19 asked, and it does indicate that the standard about the 20 provision of information is met if the proprietor 21 ensures that any information reasonably requested in 22 connection with an inspection under section 162(a) -- 23 the regs have now changed, the Act has now changed, but 24 nothing turns on that -- which is required for the 25 purposes of the inspection and access to the school's</p> <p style="text-align: center;">Page 103</p>
<p>1 would match what the Manchester Children's Services were 2 saying. 3 MS SCOLDING: Can I just ask, obviously in this case you 4 knew that there had been a referral three weeks ago, 5 because you were involved with Manchester Children's 6 Services. Had you not had that information, which is 7 likely, would you have known to re-ask that question, 8 Ms Coley? 9 MS COLEY: I mean, you would say to the head, "Are you sure 10 you have not had anything? You must declare it if you 11 have", but, I mean, you know, other than that, you have 12 to rely on the head telling you the truth. Unless you 13 have any previous information. 14 MS SCOLDING: How often would you say, on the whole, do you 15 have previous information? Is it spotty, the 16 information you get given, patchy, spotty, whatever you 17 want to call it, or is it usual that you've got quite 18 good information from the LADO, from the DfE, from the 19 Charity Commission, from other people who might have 20 background info about a particular school? 21 MS COLEY: Well, if you have the information, it does make 22 it a lot easier. I wouldn't like to hazard what 23 percentage we get that on. From the inspections that 24 I've done, very rarely. 25 MS SCOLDING: Right.</p> <p style="text-align: center;">Page 102</p>	<p>1 admission and attendance register is provided to the 2 body conducting the inspection. 3 So I suppose the question in my mind is, is that 4 good enough in terms of information requirements, or do 5 you think that you need more in order to be able to get 6 under and find out what's going on in a school? 7 MS RICHARDS: I think that was intended to enable inspectors 8 to have access to records, information and so on. 9 I suppose the short answer is, no, I don't think it is 10 sufficient, and I think that leads us into the 11 discussions, the many discussions, about mandatory 12 reporting and, indeed, the duty of candour, and that 13 being a duty on an individual and an institution, 14 indeed, to declare, to disclose and to share any 15 information which might have some bearing on the 16 independent school standards, as we see it. 17 MS SCOLDING: As I understand it, in your witness 18 statement -- Ralph, it might be useful just to get this 19 up, ISI001574_065. It is paragraph 297. You identify 20 that the Independent Schools Inspectorate would like to 21 see a new duty of candour on schools and individuals to 22 proactively inform inspectorates of anything that might 23 affect inspection judgments. 24 MS RICHARDS: Yes. 25 MS SCOLDING: Is that precisely for the sorts of reasons</p> <p style="text-align: center;">Page 104</p>

1 that we have seen this morning?
 2 MS RICHARDS: Exactly for those reasons, yes.
 3 MS SCOLDING: Do you think that that is -- that would solve
 4 the problem that's been identified both in this case and
 5 in other cases of individuals not telling you things
 6 which they really should tell you?
 7 MS RICHARDS: We think it is one part, potentially, of
 8 the solution. I think it works alongside other
 9 requirements, such as mandatory reporting, potentially,
 10 and which are emerging during this inquiry, so we see it
 11 as a potential way of requiring and expecting and
 12 raising those expectations that schools do not furnish
 13 that which is asked of them but are proactive in
 14 supplying us with information.
 15 MS SCOLDING: Also in this case, I think there was an
 16 identification that a school has carried out
 17 a disciplinary investigation without informing the LADO.
 18 Again, is that something which happens regularly, or is
 19 that quite unusual.
 20 MS RICHARDS: Where schools are found uncompliant, then that
 21 is often, I would say, part of those issues.
 22 MS SCOLDING: How good do you think independent schools are
 23 at liaising with the LADO? And LADOs at liaising with
 24 them? Because it is a co-operative -- it is a mutual
 25 situation. I think I'm probably going to ask both of

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1 you that question. Ms Richards, if you could answer
 2 first and then Ms Coley.
 3 MS RICHARDS: We have already identified that we don't
 4 always have responses from LADOs in terms of
 5 the information that we ask them, but from the responses
 6 we do get, I think it's something in the region of
 7 8 per cent of schools have little, or very little, no
 8 contact, with the LADO at all, and a greater number do
 9 have some contact and do make referrals, but that's
 10 based on a fairly low sample response rate.
 11 MS COLEY: Again, I think this is one of the things that is
 12 improving over time. When I talk to schools, I talk to
 13 the DSL about, "How good are your links with the LADO,
 14 do you know who it is, have you invited them into
 15 school, are you in touch with them on a regular basis?",
 16 and I would say that that is improving over time. But
 17 it varies from region to region.
 18 MS SCOLDING: There is one other matter, which is,
 19 I understand you do get given information by the
 20 Disclosure and Barring Service and by the DfE about any
 21 particular concerns or anybody who's been barred, who
 22 has already been barred, who is on the list. But if
 23 a referral has been made to the DBS, would the DBS tell
 24 you that a referral had been made prior to a barring
 25 decision being made?

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1 MS RICHARDS: No.
 2 MS SCOLDING: Is that something which causes a problem?
 3 Because I'm just thinking, it can take, you know,
 4 sometimes three or four years for something to go from
 5 a referral to a barring decision being made?
 6 MS RICHARDS: Of course it is very difficult to know what we
 7 don't know and whether there are -- have been issues
 8 that have occurred as a result in that interim period.
 9 But logic would say, where there has been sufficient
 10 concern that a referral has been made and for a period
 11 of two or three years potentially before that decision
 12 is made by the TRA now, then it seems to me fairly clear
 13 that that is too long a gap and, yes, has significant
 14 potential to be a problem.
 15 MS SCOLDING: Can I ask, Ofsted had gone in and inspected
 16 the boarding welfare element of the school in 2011, and
 17 they had described it as "good". You, in your witness
 18 statement, Ms Richards and Ms Coley, identify some
 19 concerns with the 2011 report, and this is at
 20 paragraph 58 of your witness statement, which is -- and
 21 you identified that there were some concerns that you
 22 had about the Ofsted 2011 report, particularly in
 23 respect of staff recruitment and checking.
 24 Ms Coley, would you like to tell us about that?
 25 MS COLEY: Well, only that, when I looked at the single

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1 central register, it was obvious that there were issues
 2 that were obvious from before that last inspection.
 3 MS SCOLDING: Your review and records can be seen at --
 4 Ralph, ISI001544, I think. No. Can we go ISI001487.
 5 No. Sorry. Let's forget about that.
 6 So there was a record of that and you identified
 7 that, in 2013, there had been some issues -- in 2011,
 8 there would have been issues which, had the central
 9 register been checked, should have been identified; is
 10 that right?
 11 MS COLEY: Yes.
 12 MS SCOLDING: Is that something -- do you always check the
 13 central register?
 14 MS COLEY: On every ISI inspection, the single central
 15 register is checked. Normally, we would look -- we
 16 would start from the newest staff appointed and work
 17 backwards, if you see what I mean, so that we want to
 18 know, are the school clear in their recruitment checks
 19 recently -- would you agree, that's the way we still do
 20 it? --
 21 MS RICHARDS: Yes.
 22 MS COLEY: -- and, as it were, go backwards. But on this
 23 inspection -- sometimes schools present their single
 24 central register in alphabetical order, which means it
 25 is not in the order in which people have been appointed.

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<p>1 So, therefore, your eyes are alighting on people who 2 sometimes have been there some time and then you see 3 things and you think, "Oh, dear ..." You can see, I put 4 circles around them or highlight them, or whatever. 5 MS SCOLDING: Chair, I note the time. Would now be an 6 appropriate moment to have a break for lunch? 7 THE CHAIR: Yes. We will return at 2.00 pm, thank you. 8 MS SCOLDING: Just to say, Ms Richards and Ms Coley, you are 9 under oath. So you can discuss general matters but 10 please do not discuss your evidence. 11 (1.00 pm) 12 (The short adjournment) 13 (2.00 pm) 14 MS SCOLDING: Good afternoon, chair and panel. 15 We will continue with the evidence of Ms Coley and 16 Ms Richards. 17 I just have a couple more things to raise with both 18 of you. Firstly, if I can identify that the report 19 found that the standards were not met in NMS 2 in 20 respect of the Independent Listener. Ralph, would you 21 mind getting up ISI000729_007, the top of the page, 22 please. This is your ISI report in which it was found: 23 "The school has appointed an Independent Listener, 24 but some of the pupils were not aware of who this was. 25 The person appointed is also a governor of the school</p> <p style="text-align: center;">Page 109</p>	<p>1 From your over 160 inspections of boarding provision -- 2 MS COLEY: Forty of boarding. 3 MS SCOLDING: From your 40 inspections -- firstly, is the 4 Independent Listener useful? Could you answer that 5 question? Is it something which is useful? Do the 6 children use it? 7 MS COLEY: I can't answer that, because I have no figures to 8 answer that. In some schools, it is clear that the 9 children know who the Independent Listener is and know 10 they can go to her or him if they wish to. The person 11 is introduced to them. But I have no idea whether, in 12 fact, that person is used. 13 I don't know that we would ask that question, 14 because it's something confidential for the children to 15 be able to go to them. So the school shouldn't know, 16 unless there is a safeguarding concern, about how many 17 times children go to the Independent Listener. 18 So I don't know. But, in some schools, the children 19 know who it is; in other schools, I have to say, the 20 children do not know who it is. And in this particular 21 school, I have noted that some of the children had heard 22 who it was, but some of them hadn't got a clue. 23 MS SCOLDING: I mean, as I understand it, I think the rough 24 rule of thumb in the guidance at the moment is that the 25 Listener should come in once a term or so. Do you think</p> <p style="text-align: center;">Page 111</p>
<p>1 and so is not demonstrably independent as would normally 2 be expected." 3 Ms Coley, would you like me to enlarge that 4 slightly? 5 MS COLEY: No, that's fine. 6 MS SCOLDING: I think this question is best judged by 7 Ms Coley. Can you identify -- I think Ms Moreland, this 8 morning, may well have said that she wasn't a governor 9 of the school. Have you managed to find your original 10 handwritten note to identify whether that was an error 11 on your part? 12 MS COLEY: Well, on my handwritten note, I have written that 13 the -- I was looking in the Boarding Handbook to see 14 whether it said who the Independent -- are we talking 15 about the Independent Listener? Yes. Who the 16 Independent Listener was. It wasn't mentioned in the 17 Boarding Handbook, but it was mentioned in the boarding 18 houses on the walls, which is where it should be, in the 19 boarding houses. But I have written down here: 20 "The Independent Listener is the child protection 21 governor, so not independent." 22 MS SCOLDING: Can I just ask generally about Independent 23 Listeners. They obviously -- I think it was in 2002 24 that this became a relevant standard, it came in with 25 the national minimum standards and has been in since.</p> <p style="text-align: center;">Page 110</p>	<p>1 that that's enough for the children to be able to build 2 a relationship of trust? Either one of you, or neither 3 of you. 4 MS RICHARDS: I think there is a tension between the two. 5 I think the independence is important, in that the idea 6 is that the children feel them to be separate from the 7 institution in which they are; and, at the same time, if 8 they are to talk to and disclose -- sometimes, and in 9 these cases, incredibly sensitive matters, then it is 10 important that they know who this person is and they 11 feel happy disclosing to them. So I think there is 12 a tension between that independence and being somebody 13 who can be confided in and trusted. 14 MS SCOLDING: I'm just thinking, within the children's homes 15 settings, you have something called the Regulation 40 16 Visitor, who has to visit monthly and whose job really 17 is to act as a quasi independent advocate and to -- has 18 a much more intensive role. Do you think that's 19 something that pupils in boarding school would benefit 20 from, or do you think that's not necessary? 21 MS RICHARDS: I'm not sure I can answer, but I think it is 22 certainly something which is worth consideration, and 23 I think I would have to understand a little bit more 24 about how that works. Of course there is now increased 25 opportunity for external links and contact, with mobile</p> <p style="text-align: center;">Page 112</p>

<p>1 phones and smart phones, et cetera. So over the last 2 20-odd years, that has changed significantly, in terms 3 of the way in which pupils can contact other people 4 outside the institutions that they're residing in. But 5 I think that's an interesting proposition, and I would 6 need to think further on it, I think. 7 MS SCOLDING: Following on from that, we know that mobile 8 phones are more common, but we're also looking at 9 Chetham's, as well as a number of the other music 10 schools, have quite a large component of international 11 students. It is one of their unique selling points, 12 really, is children come from all over the world. 13 Now, how much do you think the Independent Listener 14 service currently looks at or reflects or could be of 15 assistance to those children who might not have parents 16 on tap, on hand, because of time boundaries, time 17 differences -- if you are trying to telephone Australia, 18 for example, you are never going to get quite the right 19 time. Do you think that's something that, for those 20 schools where there's a significant proportion of 21 international students, there should be a different sort 22 of offer available? 23 MS RICHARDS: I certainly think there is an increased 24 vulnerability for these children in residential settings 25 where parents are overseas. So in short, I think the</p> <p style="text-align: center;">Page 113</p>	<p>1 But what does that tell us about -- because, obviously, 2 in 2011, one of the major differences is, nobody was 3 looking for anything. They were just going in, it was 4 a routine inspection. Whereas you were going in with 5 a direct brief to say, "We are going to look at this, 6 this, this and this", and not just that, but you went 7 in -- and this is an improper way -- but you went in mob 8 handed. I mean, there were seven people for two days as 9 opposed to two people or one day or two days. So it is 10 a very different type of thing. Do you think inspection 11 can really find out safeguarding problems? 12 MS RICHARDS: So the role of an inspectorate is not to dig 13 out, to investigate, individual concerns or complaints. 14 The role of inspections, and therefore inspectorates, is 15 to identify whether schools have got the policies, the 16 processes, and the implementation, of course, but -- and 17 the paperwork in place which enables the school 18 standards to be met. 19 So all process of inspection is about gathering 20 evidence. Where we have -- the better the quality of 21 the evidence and the information we have prior to an 22 inspection, the more able we are to be able to 23 triangulate all the information we have, and also to 24 shape our inspection trails and our thinking prior to 25 the inspection in order to ensure that we ask the right</p> <p style="text-align: center;">Page 115</p>
<p>1 answer is, yes, I think it is worth considering how that 2 service and that provision could be better suited to 3 those -- to the needs of those children. 4 MS SCOLDING: Could we now go to identify that Ofsted, in 5 2011, said that the boarding was "good". You found 6 a number of standards were not met, if I put it that 7 way, because I know you don't grade in that way. You 8 also identify within your witness statement, which 9 I don't think we need to go through in any great detail, 10 that there are a number of areas, not just staff checks, 11 for example, complaints, the way that the governing body 12 operated, the Independent Listener service even, all of 13 which could have been identified in 2011. What do you 14 think this tells us about the limits of inspection if 15 you aren't directed to a particular problem, if 16 anything? 17 MS RICHARDS: I'd perhaps like to point out, we don't have 18 the evidence from the Ofsted inspections. I think it is 19 unfair to make a comment about the evidence they found. 20 MS SCOLDING: I'm not asking you to sort of criticise, but 21 I'm just identifying -- it might be for perfectly 22 appropriate reasons that different judgments were 23 reached at that time. 24 MS RICHARDS: Yes. 25 MS SCOLDING: But it is obviously quite a small time period.</p> <p style="text-align: center;">Page 114</p>	<p>1 questions of the right people and probe more deeply. 2 So our role is not to investigate a specific 3 concern, and that, I think, is challenging sometimes, 4 I think, for people who are not involved in inspection 5 day to day to understand that is not our role. That 6 role lies properly with the people such as the police 7 who are trained, qualified and indeed have the power to 8 investigate, and indeed local authorities as well. 9 So it is the investigation of specific concerns that 10 lies there, whilst the inspection against the standards, 11 of which those concerns contribute evidence and 12 information, which enables us to shape the inspection 13 most effectively. 14 MS SCOLDING: You mention information sharing. I think we 15 can see in this case a direct example of Ms Coley being 16 able to identify something which hadn't been noted by 17 the school, which otherwise she might not have known. 18 Is information sharing good enough between yourself, the 19 local authority, the police, the Department for 20 Education and Ofsted and the DBS, who are the main 21 bodies who would be given information? 22 MS RICHARDS: So, as the regulator of the schools, the DfE 23 holds information about all of our schools, and, for 24 want of a better word, collates concerns. I have no 25 issue -- in fact, I am confident that the DfE shares all</p> <p style="text-align: center;">Page 116</p>

1 concerns with us prior to an inspection and, therefore,
 2 that -- the information that comes to us via the DfE,
 3 I am satisfied that we always receive it.
 4 Ofsted, indeed, would share concerns with the DfE.
 5 Do we always get information from other agencies? It
 6 would seem that we do not, and it came out in previous
 7 modules that we have been involved in that sometimes
 8 information -- we have become aware of information
 9 afterwards that actually was already in the knowledge of
 10 other groups and agencies.
 11 It is, of course, impossible to know what you don't
 12 know, again, as I mentioned earlier.
 13 MS SCOLDING: Yes. The last point, but by no means the
 14 least, we talked earlier about the guardian. In this
 15 particular case, it was the position -- Ralph, can we
 16 get up ISI000729_006, which, again, is, Ms Coley, the
 17 inspection report which was published. At the top,
 18 please, Ralph.
 19 So this is about educational guardians. We spoke
 20 briefly about them. But in the context of Chetham's, it
 21 was found that one current member of staff had been
 22 appointed by a parent as a guardian for a pupil.
 23 I believe that pupil had in fact made some allegations
 24 not against the staff member who was a guardian, but
 25 about something else:

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1 "Whilst the school did not appoint the individual,
 2 such an arrangement makes the lines of responsibility
 3 indistinct ..."
 4 Is there anything which specifically says that staff
 5 members cannot become guardians?
 6 MS RICHARDS: No, there isn't. Our expectation is that,
 7 were staff members to be appointed as a guardian, that
 8 the school risk assess that, but there is no legislation
 9 which precludes it.
 10 MS SCOLDING: Should there be?
 11 MS RICHARDS: My personal view is that, for exactly the
 12 reason we can see in the statement that's pulled up,
 13 actually it does blur boundaries, it has the potential
 14 to cause problems, or to not enable problems to be
 15 surfaced.
 16 MS SCOLDING: As far as you're concerned, in respect of
 17 guardianship as a whole, our understanding from the
 18 organisation which represents some of them is that it is
 19 an area which is pretty much unregulated, in that there
 20 are no formal standards, licence, registration,
 21 regulation; people should register with local
 22 authorities as private foster carers if they do it for
 23 more than 28 days in a row. Is it your experience --
 24 because obviously you are likely to inspect the vast
 25 majority of schools where guardians are required,

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1 because you inspect most independent boarding
 2 establishments.
 3 Firstly, what do you think about the current
 4 regulation and system of guardianship and, secondly, do
 5 you think it needs to be changed or enhanced in any way?
 6 MS RICHARDS: So given that there is no regulation, then,
 7 yes, I do believe that there should be some formal
 8 regulation.
 9 MS SCOLDING: Does this matter increasingly -- because
 10 I think I said in my opening there are now around --
 11 I think it is 29,500, roughly, boarders who are
 12 international boarders, so need guardians. So that --
 13 I have made that not quite half, but more than a third
 14 of the entire boarding population.
 15 So is this something which has become more of
 16 a problem over the past 15 years -- not a problem, but
 17 more of an issue over the past 15 years?
 18 MS RICHARDS: I don't have the stats to say how many -- the
 19 increase in overseas boarding, but certainly I believe
 20 it has increased. Of course, some of those will have
 21 family -- close family and friends appointed as
 22 guardians, so the total number will not be those who
 23 have appointed somebody unknown to the family. But it
 24 still remains a significant concern to me, yes.
 25 MS SCOLDING: Are there any other particular concerns you'd

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1 like to raise with the inquiry at this stage,
 2 recognising, of course, Ms Richards, that you will be
 3 returning, even if Ms Coley doesn't return, in phase 2
 4 to answer some more general questions, are there any
 5 particular issues in respect of international students
 6 that you would like to alert the inquiry to at this
 7 stage, either yourself or Ms Coley?
 8 MS RICHARDS: I think not at this stage, given the next
 9 stages.
 10 MS SCOLDING: Ms Coley, is there anything you would like to
 11 say about the international student, as somebody who
 12 actually physically goes and inspects these places? Are
 13 there any particular issues you have noticed?
 14 MS COLEY: No.
 15 MS SCOLDING: Chair and panel, I have no further questions.
 16 Please wait there, because the chair and panel may well
 17 have some questions for you.
 18 Questions from THE PANEL
 19 THE CHAIR: Yes, just to begin, did Chetham's have internal
 20 systems of quality assurance?
 21 MS COLEY: From the safeguarding point of view, do you mean?
 22 THE CHAIR: Yes, or, indeed, wider than that?
 23 MS COLEY: I mean, the internal systems for safeguarding
 24 should have been what the governors -- proprietor --
 25 feoffees, whatever they are called, they should have

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1 been having a quality assurance from that point of view.
 2 I have noted on one of my forms that the deputy head
 3 seemed overwhelmed by the process of the inspection at
 4 that time, and I'm wondering whether, perhaps, she had
 5 too much quality assuring to do of what was happening
 6 and found this a tricky system.
 7 THE CHAIR: I perhaps could press you on that. In terms of
 8 quality assurance, I mean, how did the school know
 9 whether they were getting better or worse in important
 10 aspects of their functioning?
 11 MS COLEY: Well, the report itself would have obviously made
 12 the issues clear after we had been in. But if they
 13 were -- I mean, there should be systems within every
 14 school whereby the senior management team are supporting
 15 their staff and overseeing and following out quality
 16 assurance. I'm not getting to your point, am I?
 17 THE CHAIR: No.
 18 MS COLEY: Sorry.
 19 THE CHAIR: Perhaps I'm not making it clear enough. But it
 20 seems to me that any institution with welfare functions
 21 should not be relying on inspectorates to tell them and
 22 provide assurance to them on whether they're performing
 23 well or performing badly.
 24 MS COLEY: Yes, I would agree. Do you want to say anything?
 25 MS RICHARDS: I think that from the report and from what

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1 Ms Coley found during the inspection, that those
 2 internal systems did not appear to be in place.
 3 THE CHAIR: Thank you. Ms Sharpling?
 4 MS SHARPLING: This is probably a general question for next
 5 week, but I said I would ask it, so I will do it now.
 6 The report in 2011 and the report in 2013 appear,
 7 from a public perspective, to be different.
 8 I understand, from what you have said, that there are
 9 differences, which may be to do, for example, with
 10 frameworks, et cetera -- I know not -- but do you have
 11 a solution to the problem, given that you're required to
 12 give an assurance, to some extent, to the public, who
 13 value inspectorate reports and may affect their choice
 14 of schools, for example, so it's very important that it
 15 gives correct information for public consumption? Do
 16 you have a view -- I'm looking specifically at
 17 Ms Richards -- as to how this sort of thing can be
 18 remedied for the future?
 19 MS RICHARDS: It is always a challenge because an inspection
 20 is always valid on the day and at the time of
 21 the inspection, because people change, processes change
 22 and, indeed, information changes. So there is a point
 23 at which an inspection evidently -- gathers the evidence
 24 at the time of the inspection and makes its judgment on
 25 that.

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1 I mean, we have seen in other modules cases where
 2 information then is drawn out -- I think it was the
 3 point made earlier by counsel that where information is
 4 shared, it is -- that's much easier to focus one's
 5 attention and the inspection trails.
 6 So is there a solution to that? I'm not sure that
 7 there is. I think inspection is about a moment in time,
 8 giving an assurance at that moment that the systems, the
 9 processes, the policies and the understanding of
 10 the people and the implementation of all of those is
 11 doing what it should do, and that, therefore, should
 12 continue to do what it should do.
 13 MS SHARPLING: I see, thank you.
 14 THE CHAIR: No further questions. Thank you very much.
 15 MS SCOLDING: Thank you very much, Ms Richards and Ms Coley.
 16 Thank you for coming to give evidence.
 17 (The witnesses withdrew)
 18 MS SCOLDING: Chair, our next witness is Ms Helen Humphreys
 19 from Ofsted.
 20 Chair and panel, for your note, it is F1, tab A/5
 21 and 5/(i). I think that's right. It's 120 pages, thank
 22 you.
 23 MS HELEN HUMPHREYS (sworn)

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1 Examination by MS SCOLDING
 2 MS SCOLDING: Sorry we have kept you. You were due to give
 3 evidence this morning. We are running slightly late, so
 4 thank you very much for waiting.
 5 Just a few things, Ms Humphreys, before we start.
 6 Firstly, this isn't a test of memory. I can see you
 7 have made notes, so please feel free to refer to your
 8 notes as often as you need to.
 9 Secondly, we can have as many breaks as you need, so
 10 please just let me know.
 11 Thirdly, there is a screen in front of you; the
 12 evidence handler will bring up documents on the screen.
 13 I will also tell you which tab number they are behind in
 14 your bundle, but, largely, it is often easier just to
 15 see the documents on the screen.
 16 Ms Humphreys, we have a witness statement from you
 17 that is 120 pages in length, so I don't think we are
 18 going to be going through that line by line. That is
 19 OFS011578_001. It is dated 3 September 2019. Can you
 20 confirm that you signed this witness statement?
 21 **A. I did sign it, yes.**
 22 Q. Can you confirm it is true, to the best of your
 23 knowledge and belief?
 24 **A. It is, except there are a couple of errors that we need**
 25 **to amend.**

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1 Q. Yes. As I understand, paragraph 189(y) should be dated
 2 2009 rather than 2008?
 3 **A. Yes, that's right.**
 4 Q. I'm not aware of any other corrections, but please do
 5 let me know?
 6 **A. From paragraph 187(a), we refer to the inspector at**
 7 **Purcell School as a female. In fact, it was a male.**
 8 Q. Thank you very much for those corrections. That's very
 9 helpful.
 10 Ms Humphreys, how long have you been an inspector
 11 with Ofsted?
 12 **A. I transferred from the Commission for Social Care**
 13 **Inspection in 2007 and joined Ofsted. Prior to that,**
 14 **I'd worked for the Commission -- the Commission before**
 15 **that and in a local authority inspection unit.**
 16 Q. So, in fact, you have inspected Children's Services
 17 since 1998?
 18 **A. I have.**
 19 Q. So, really, since the beginning of the sort of modern
 20 system of inspection of Children's Services?
 21 **A. Yes.**
 22 Q. You are a social worker by background?
 23 **A. I'm a qualified social worker and one of Her Majesty's**
 24 **Inspectors.**
 25 Q. What training and experience have you had in inspecting

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1 boarding provision and looking at the standards under
 2 section 87 of the Children Act 1989?
 3 **A. So, when I worked for the local authority, it was**
 4 **appropriate that you went on the standard boarding**
 5 **school inspection training that was delivered by**
 6 **Dr Roger Morgan in those days, and that was the**
 7 **standard. Since then, I have just taken training with**
 8 **Ofsted and I now deliver training to our social care**
 9 **inspectors who inspect boarding schools and residential**
 10 **special schools.**
 11 Q. Just for the purposes of the public, for the purposes of
 12 today, we are just going to be asking you a little bit
 13 about Chetham's and Wells, but you are returning next
 14 week to give us some evidence about some other schools,
 15 so just for those who are following along. This isn't
 16 the only time I will be asking you questions,
 17 Ms Humphreys, during the course of this phase of
 18 the investigation.
 19 Can I take you to Ofsted's 2011 inspection of
 20 Chetham's. Ralph, OFS006551. It is behind your tab 24,
 21 Ms Humphreys, if that would help. We need to go to 011,
 22 please, Ralph.
 23 This is the 2011 boarding welfare inspection.
 24 **A. Yes.**
 25 Q. So you would have been inspecting against the national

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1 minimum standards that I dealt with with Ms Richards --
 2 **A. From 2002.**
 3 Q. Yes. Because, in fact, I took them to the 2011
 4 standards. They changed towards the back end of 2011,
 5 didn't they?
 6 **A. They did.**
 7 Q. So the 2002 standards were more prescriptive, weren't
 8 they?
 9 **A. They were, and they were large in size, there was over**
 10 **50 of them, and what Ofsted did, when we joined, was to**
 11 **identify key national minimum standards, to reduce the**
 12 **number of standards that needed to be inspected, and**
 13 **therefore inspectors would make judgments against key**
 14 **national minimum standards. That didn't mean to say**
 15 **that you wouldn't look at the others, but you would only**
 16 **look at the others if something came up that meant that**
 17 **you needed to look at that.**
 18 Q. Wouldn't that, therefore, have led to a diminution of
 19 assurance for the general public, if you're only really
 20 looking at ones -- and some ones are being called key
 21 and other ones aren't?
 22 **A. Because there was over 50 national minimum standards**
 23 **and, as has already been said, they were quite**
 24 **prescriptive and included things like how many bathrooms**
 25 **and toilets you needed, what were the size of**

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1 **the mattresses and things like that, it was decided that**
 2 **some of those more descriptive ones would be put to one**
 3 **side and we would only look at the key ones.**
 4 Q. Can we go to 011, please, Ralph, which is the summary.
 5 If I can just identify, a rating of "good" was given to
 6 Chetham's at this inspection. It says:
 7 "The school meets all the national minimum
 8 standards, with the exception of any listed below."
 9 Have you just explained that it's the exception of
 10 those listed below? So at that time, there were, as you
 11 said, over 50. So we say:
 12 "Ensure all significant health and personal problems
 13 of boarders are managed appropriately, in particular
 14 share relevant information ..."
 15 This is the first one.
 16 **A. Yes.**
 17 Q. "... and ensure that written individual welfare
 18 plans ... for those with significant emotional or
 19 behavioural difficulties?"
 20 **A. Yes.**
 21 Q. I suppose the question I have to ask is, how could you
 22 get a "good" if you haven't met that standard?
 23 **A. Because it wasn't a key standard.**
 24 Q. Right.
 25 **A. This was in relation to the fact that, at the time, the**

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1 school had no welfare plans for any student. So the
 2 school didn't consider that any child, at that time, had
 3 such specific welfare needs that they needed a specific
 4 welfare plan.
 5 Q. Is that usual?
 6 A. We thought it was unusual in a specialist music college.
 7 Q. Why did you think it was unusual for a specialist music
 8 college?
 9 A. Because children who are in this environment that's
 10 highly -- high levels of tension, high expectations,
 11 children put extreme pressures on themselves, that we
 12 thought it was unusual that the school didn't consider
 13 that there would be any child that would need a welfare
 14 plan.
 15 Q. Is that something that, with the benefit of hindsight,
 16 you should have provided more challenge to -- not you
 17 personally, because you, personally, didn't do this, but
 18 Ofsted, as a body, should have put more challenge to
 19 Chetham's?
 20 A. I have spoken to the inspector who was there at the time
 21 and said that the response back from the school was how
 22 many welfare plans did they think that they -- that we
 23 thought they needed, which wasn't perhaps the answer
 24 that we were expecting.
 25 It would be normal -- you would hope that in this

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1 sort of situation you would have had a dialogue with the
 2 school along the lines of, "That might be something we
 3 want to consider", rather than a shutdown of any
 4 suggestion that this might be something for them to
 5 consider.
 6 Q. Yes, because I think you say in your witness statement
 7 at paragraph 277 -- I don't think we need to get it up,
 8 Ralph -- that Chetham's was not open to any form of
 9 criticism?
 10 A. No. And that -- we have a pattern of that with the
 11 complaint after this inspection. There was a complaint
 12 after the 2008 inspection. And we now know there was
 13 a complaint after the 2013 inspection. Because they
 14 complained even though the judgment was "good".
 15 Q. With the benefit of hindsight -- I know this wasn't
 16 a key standard, but certainly we heard from two
 17 complainants yesterday, both of whom identified that
 18 they had significant emotional problems, one of them
 19 identified that she, in fact, was -- probably had an
 20 eating disorder whilst she was at Chetham's, and there
 21 was lots of obviously kind of -- we have also heard
 22 other things about risk-taking behaviour, drug taking,
 23 inappropriate sexual relationships, all the sorts of --
 24 which are not abnormal for teenagers, but do you think
 25 that Ofsted should have done more or is there anything

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1 that Ofsted can do to do more about it when it suspects
 2 that there are problems like this?
 3 A. We certainly do -- in our training that we deliver to
 4 inspectors now, we certainly do far more about looking
 5 at individual needs of children in boarding schools and,
 6 of course, residential special schools.
 7 What we didn't know in 2011 is what is known now, in
 8 terms of the historic allegations, because none of those
 9 had surfaced at the time.
 10 I think, as we say, with the benefit of hindsight,
 11 we could possibly have probed more.
 12 What we don't have is the full evidence base,
 13 because the practice at the time was for inspectors to
 14 take handwritten notes. They would then put a summary
 15 of that evidence onto the electronic record, which is
 16 what we do still have, and, in time, the paper records
 17 would be destroyed. As this was a school that was
 18 transferred to the ISI, although we kept them for quite
 19 a good number of years, in time it was determined that
 20 we wouldn't keep all the paper bases.
 21 So we don't know how many children's cases the
 22 inspectors looked at and whether they did identify any
 23 children. They may well have done, they might not have
 24 done. We just don't know. We don't know enough.
 25 Q. Doesn't this phrase, again -- the issue that I was

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1 raising with Ms Richards, which you may have heard just
 2 before we broke, which is, if you know that something is
 3 wrong, as an inspector, you go in, and it seems as if
 4 there is then -- you know, this inspection is maybe
 5 a paradigmatic example of that, and suddenly things are
 6 found, but in more general inspections, it would appear
 7 that, unless something very striking is wrong, nobody
 8 looks that closely. Is that right?
 9 A. It can be so. If you know what you're looking for, it's
 10 easier to find it. There are inspections, and I have
 11 had inspections where, literally, things fall into your
 12 lap and you find them, you find a document, somebody
 13 says something to you, a child or a member of staff
 14 takes the opportunity to come and find you and tells you
 15 something, which means then you can then pursue a line
 16 of inquiry. But without all that, you are reliant on,
 17 as Ms Richards did say, people's honesty to tell you
 18 what's happening and for children to tell you.
 19 We know of circumstances where children have been
 20 coached not to tell inspectors what's really going on,
 21 and we have uncovered that afterwards. So we are
 22 reliant on people telling us the truth and for documents
 23 not to be falsified and for documents to be available to
 24 us.
 25 Q. How frequently do people not tell you the truth?

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1 **A. Not very often, no. No, it doesn't happen a lot. We**
 2 **are fortunate in that case. And because, mainly, people**
 3 **want -- they see inspections as an opportunity to**
 4 **improve their services and they're open to the dialogue**
 5 **that the inspector can have and the -- not so much**
 6 **advice that you can give providers, but that you can**
 7 **signpost them. You might say, "There's a school up the**
 8 **road that's done this. You might want to go and talk to**
 9 **them". It's more of an open dialogue, which wasn't**
 10 **a feature in this inspection.**
 11 Q. Can we go now to the next issue, which is, "Review the
 12 process for parents to raise concerns to ensure that
 13 they are appropriately responded to".
 14 **A. Yes.**
 15 Q. Ms Coley, in fact, found exactly the same problem, which
 16 was a problem with the complaints policy?
 17 **A. She did.**
 18 Q. We didn't deal with it in any great detail because she
 19 just said it was problematic. I suppose the question
 20 again is -- obviously, she found that that was
 21 significant enough to fail -- it is not a failure; that
 22 that standard was not met. Whereas you didn't find it,
 23 or Ofsted didn't find it, something that was
 24 particularly significant or significant enough to mean
 25 that it was "adequate" rather than "good"?

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1 **A. It says in the report we only found a small number of**
 2 **parents who were dissatisfied. The school didn't agree**
 3 **with us, the school said it was absolutely satisfactory,**
 4 **but we kept it in as something for the school to be**
 5 **aware of because that was our findings.**
 6 Q. But, again, I mean, it is not realistic to expect that
 7 all parents are satisfied. I mean, that's the sort of
 8 counsel of perfection. Isn't that something, again,
 9 that inspectors need to be on their guard against,
 10 somebody saying everybody absolutely loves it, because
 11 that can't be right. You know, it may well be that the
 12 parent is not acting reasonably, but I simply don't
 13 believe that all parents at all schools think that
 14 something is marvellous?
 15 **A. So you would have a look at the process of**
 16 **the complaints procedure. You would see if children and**
 17 **staff -- children and parents were satisfied and had**
 18 **confidence in the complaints procedure. That doesn't**
 19 **mean to say that then the school upholds all complaints,**
 20 **but you want to see that there's been a reasonable**
 21 **process and the school has followed their own processes.**
 22 Q. We have then got the unpleasant odour. I don't think we
 23 necessarily need to go through that:
 24 "Ensure there is an appropriate process for the
 25 regular review of the performance of staff with boarding

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1 duties and that staff undertake training appropriate to
 2 their role and the needs of boarders."
 3 Can you tell us a little bit about why that concern
 4 came out and, again, as that was a concern, how an
 5 ultimate judgment of "good" could have been reached?
 6 **A. As we say, we don't have the full evidence base, but**
 7 **from talking to the inspector, he indicates that this**
 8 **was a small number of staff who weren't having their**
 9 **performance regularly supervised. There was a lot of --**
 10 **there was permanent staff who were, but there was staff**
 11 **that were coming in on an ad hoc basis, and that those**
 12 **were the staff who weren't having their performance**
 13 **regularly supervised.**
 14 Q. But, in a way, isn't it ad hoc staff -- well, you have
 15 to be very vigilant about all staff, but these are board
 16 staff with boarding duties, so these are staff who are
 17 going to be spending most time with the students in
 18 their leisure hours, so to speak, so isn't that
 19 something that all schools need to be absolutely
 20 100 per cent about?
 21 **A. Yes, and now we include all staff -- part time, agency**
 22 **staff, bank staff -- and the national minimum standards**
 23 **includes the fact that it should be all staff and don't**
 24 **make any differentiation between -- and also the fact**
 25 **that they should be qualified as well.**

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1 Q. So if you were inspecting Chetham's now, would that have
 2 led you to give a grade other than "good"?
 3 **A. Oh, most definitely. All of these things would have**
 4 **given a consideration of a different judgment because we**
 5 **don't have key standards now and we look at -- and the**
 6 **other thing is, we inspect against our social care**
 7 **common inspection framework.**
 8 Q. Now?
 9 **A. Now, and we have done since 2016, and we only use the**
 10 **national minimum standards if there is a weakness, so we**
 11 **would find -- if there was a weakness, then we would**
 12 **find the national minimum standard in order to make the**
 13 **recommendation, but we inspect against the common**
 14 **inspection framework.**
 15 Q. And that common inspection framework is, what, a higher
 16 set of standards than the national minimum standards?
 17 **A. Yes, it is a broader, holistic view of what is it like**
 18 **for a child to live at this school.**
 19 Q. Then the last one:
 20 "Review the arrangements for staff to know the
 21 whereabouts of boarders in their charge at all times."
 22 **A. Yes.**
 23 Q. That's something which is quite concerning, it would
 24 seem to me. I understood it was the case that children
 25 were going out. They would simply go out during lunch,

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1 after school and at the weekends and the people wouldn't
 2 know where they were?
 3 **A. That's right. So they knew that they'd left the school,**
 4 **because they had the swipe cards, but they didn't have**
 5 **to say where they were going, and, as has already been**
 6 **said, the school is in the middle of Manchester and**
 7 **there was a reported case where a child had managed to**
 8 **get on a train and get quite a long way, and the school**
 9 **didn't know where they were.**
 10 **The school were very, very resistant to this one as**
 11 **well, because they felt it was part of the culture of**
 12 **the school, that children should be able to be given the**
 13 **trust to be able to go out and about.**
 14 Q. So this was not just sixth formers, this was under
 15 16s --
 16 **A. No, this was -- I think -- from memory, from the**
 17 **evidence base, I think this was children from year 9.**
 18 Q. So this is sort of 14 onwards. As I understand it from
 19 Ms Nield, when you say it is in the centre of
 20 Manchester, it really is in the centre of Manchester?
 21 **A. Yes, it is opposite the cathedral.**
 22 Q. So they have pubs, clubs, everything, right on their
 23 doorstep?
 24 **A. I mean, Manchester was slightly different in 2011 than**
 25 **it is now. You know, we didn't quite have all the**

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1 **things that are there now. But it was still -- it still**
 2 **is in the centre of Manchester.**
 3 Q. Again, if you had found that now, under your inspection
 4 framework, what would have happened?
 5 **A. I think we'd be considering a judgment of "inadequate"**
 6 **if we had a school who didn't know the whereabouts of**
 7 **their boarders at all times.**
 8 Q. Is this report representative of the judgments that
 9 Ofsted were making generally at the time?
 10 **A. At the time, yes, definitely, at the time.**
 11 Q. Because, in fact, I could take you through it, but I'm
 12 not going to, both YMS and Wells, and Purcell, where
 13 similar issues were raised?
 14 **A. Purcell we only gave -- we did give a judgment of**
 15 **"satisfactory", but this was typical of the time. It is**
 16 **not typical of what we do now.**
 17 Q. As well, the ISI in their witness statement -- again,
 18 I don't think I need to get it up, but just to
 19 identify -- make various comments -- and I just want to
 20 give you the opportunity to respond. They found that
 21 there was insufficient proprietorial oversight by the
 22 feoffees. Is that something that should have been
 23 picked up in 2011?
 24 **A. I think at the time -- well, we know that the inspector**
 25 **interviewed the governors to talk about their governance**

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1 **oversight, and we know that because the school**
 2 **complained about that interview, where the inspectors**
 3 **drew the governors --**
 4 Q. That's in your second witness statement.
 5 **A. That's right. Asked the governors about governors'**
 6 **oversight, where their answers weren't as robust as we**
 7 **would have liked them.**
 8 **I think we were probably -- this is supposition --**
 9 **not as forensic as ISI were in terms of who actually**
 10 **were the proprietors and I think we accepted that the**
 11 **governing body was the governing body and not**
 12 **necessarily the proprietor.**
 13 Q. As far as, as well, the ISI say that it is likely that
 14 you didn't check the central register. Now, you don't
 15 have the evidence base, so you don't know whether that
 16 was the case or not.
 17 **A. That's right.**
 18 Q. But they certainly picked up matters which would have
 19 dated from 2011 which they say they would have
 20 anticipated again --
 21 **A. They would have found.**
 22 Q. Does this show -- and I think in some of the other cases
 23 that we are going to examine both this week and next, we
 24 see a similar issue -- that the central register at this
 25 point in time wasn't necessarily being routinely looked

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1 at by Ofsted?
 2 **A. So we would have only looked at the recruitment and**
 3 **selection of boarding staff.**
 4 Q. Right.
 5 **A. ISI would have look at all staff. So we don't know**
 6 **which staff ISI found failings in.**
 7 **It's quite likely that because recruitment and**
 8 **selection of boarding staff had been identified in the**
 9 **2008 and the 2005 inspection, that the school had**
 10 **addressed the issues in relation to boarding staff, and**
 11 **that the boarding staff files were appropriate. Now we**
 12 **look -- we don't concentrate -- even if it is only**
 13 **a boarding inspection, we wouldn't just concentrate on**
 14 **boarding; we would look at -- take a sample of all the**
 15 **staff that are working at the school, including**
 16 **contractors and peripatetic and cleaners and boarding**
 17 **staff and teaching staff and governors.**
 18 Q. In fact, I think I did take Ms Coley, before lunch, to
 19 the relevant document, but the number I can't remember,
 20 which showed her annotations of what she found on the
 21 central register. I think there were things like, it
 22 was the cleaning staff, you know, catering staff, agency
 23 workers -- Mr Wolfe is saying no. I'm going to ask
 24 Ms Nield if she can find the document for me.
 25 **A. That's fine.**

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1 Q. Whilst she is doing that, I wanted to move on to, again,
 2 in respect of the guardianship arrangement, do you know
 3 whether or not -- we think that the guardian arrangement
 4 for the staff member was in place in 2011, and, again,
 5 you didn't pick up on this. Again, is that something
 6 that you should have picked up on -- "you" collectively,
 7 rather than you personally?
 8 **A. Yes, that's right. Yes, and I would hope that it had
 9 been picked up, but we have no evidence that it was and
 10 we have no evidence that it wasn't. What we don't have
 11 any reference in the report is about that arrangement.
 12 Yes.**
 13 Q. The Independent Listener being a governor, again, is
 14 that something which should have been picked up in 2011?
 15 **A. We didn't pick it up in 2011. What we do say in the
 16 report is, though, that the children reported that they
 17 had plenty of people to talk to, but we don't make
 18 mention of an Independent Listener.**
 19 Q. Should you have made mention of the Independent
 20 Listener? Saying "We have lots of people to talk to" is
 21 not really the same thing?
 22 **A. Not the same as an Independent Listener, no, that's
 23 right.**
 24 Q. It is also the case that Manchester Children's Services
 25 in their report -- Ralph, would you mind getting up

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1 CSM000326_004? They identify, at 004, a number of
 2 difficulties. Under (iii), they say:
 3 "The school's procedure for dealing with issues of
 4 concern against members of staff is not always carried
 5 out in practice."
 6 In other words, it's the practice -- again, is that
 7 something which Ofsted should have looked at?
 8 **A. The evidence base doesn't indicate that there were any
 9 safeguarding -- that the head reported any safeguarding
 10 incidents, so the normal practice, just as ISI have
 11 explained, we would say to the head and the DSL, "Has
 12 there been any safeguarding concerns since the last
 13 inspection?" If we had no other corroborating evidence
 14 and the head said "no", then we would proceed on the
 15 knowledge that there hadn't been. What we now know is
 16 that there had been, but we weren't told about them.**
 17 Q. My understanding is that there were, and there would
 18 have been, referrals which should have been identified
 19 at that stage, but which were not identified to you.
 20 Doesn't that raise the same question that I raised with
 21 Ms Richards and Ms Coley, which is, would it have been,
 22 at that time, that Ofsted would have routinely asked the
 23 LADO, the DBS or the DfE for anything they knew about
 24 problems, concerns, disciplinary issues?
 25 **A. We would have approached the LADO, and we would have had**

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1 **information. The evidence base doesn't show what the
 2 LADO sent back, which, if the school hadn't referred
 3 anything to the LADO, the LADO wouldn't be aware of
 4 anything.**
 5 Q. So, as far as -- do you have the same issues that the
 6 ISI have, in that you have no compulsion to make the
 7 LADO tell you anything; is that right?
 8 **A. So we have a little bit more leverage than the ISI, in
 9 that we also inspect -- the other arm of social care in
 10 Ofsted inspects local authority Children's Services. If
 11 we had concerns about a LADO, a LADO's, perhaps,
 12 decision making, a LADO's failure to disclose any
 13 information to us, then we have another route via the
 14 local authority inspection under that process, and it is
 15 also that the senior HMI in each region has
 16 a relationship with the local Children's Services
 17 director and, if we had sufficient concern, would raise
 18 that as a matter of concern with the DCS.**
 19 Q. Can I take you to (v) on the same page, please, Ralph.
 20 It says:
 21 "The head teacher and governor for safeguarding had
 22 no knowledge of the frequency of the use of the forms,
 23 have taken no part in the monitoring of them and
 24 acknowledged that any scrutiny would be undertaken by
 25 the CPO. It is a cause for concern that only one form

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1 had been completed in the last two years."
 2 Given the conclusions you've reached about policies
 3 and practices, do you think this is something which
 4 should have been identified?
 5 **A. So only one form had been completed in the last two
 6 years, so that possibly is in the interim two years, but
 7 if the head told -- and the DSL told our inspectors
 8 there'd been no safeguarding concerns, and was also
 9 saying that -- and staff were also saying that they'd
 10 had no cause to raise any concerns of a safeguarding
 11 matter, then it's very difficult for you to pursue. You
 12 can't keep -- you can keep asking the question, but
 13 there reaches a point where you have to say, "Well, we
 14 have asked it in as many ways as we can. We have asked
 15 enough people in as many ways as we can. We don't have
 16 the powers to start searching cupboards and drawers".**
 17 Q. Should you have the power to start searching cupboards
 18 and drawers? This is something that I think we will
 19 return to next week.
 20 **A. Yes.**
 21 Q. But do you think you should have the power to search
 22 cupboards and drawers?
 23 **A. We have some powers under section 87, but the powers are
 24 in relation to, the school has to be co-operative with
 25 us, rather than us having powers.**

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1 **We would only have powers to seize documents if we**
 2 **were conducting a prosecution, for which we don't have**
 3 **the powers in a school anyway, we only have those powers**
 4 **in the services that we regulate.**
 5 Q. The report goes on to say that there seemed to be --
 6 one's an issue about governors not seeking assurance
 7 about current safeguarding arrangements, but, secondly,
 8 there was very heavy reliance on what was then called
 9 the CPO, what I would probably know as the DSL, the
 10 designated safeguarding lead, regarding all safeguarding
 11 issues:
 12 "There is limited time and capacity to manage
 13 significant demand due to the lack of consideration and
 14 emphasis placed upon safeguarding being a shared
 15 responsibility supported by appropriate infrastructure,
 16 resources and supervision."
 17 That's (x), which is CMS000326_005.
 18 Again, that's likely to have been the case --
 19 **A. Yes.**
 20 Q. I mean, that's likely to have been the school's process.
 21 I don't think that is something that would have
 22 miraculously changed between 2011 and 2013?
 23 **A. But if the story at the 2011 inspection from the staff**
 24 **and the head was that there had been no safeguarding**
 25 **concerns and we don't really have safeguarding concerns,**

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1 **then I would imagine that the CPO wasn't saying that**
 2 **they didn't have sufficient time to manage any**
 3 **safeguarding matters.**
 4 Q. Now if we can just briefly touch upon -- we have found
 5 the document.
 6 **A. Excellent. Have you found boarding staff that --**
 7 Q. Yes, ISI001544. I don't know, because, although
 8 I looked at the document this morning, I didn't look at
 9 it with that particularly in mind. ISI001544, Ralph.
 10 We think that's the document.
 11 **A. Is this the extract from the -- no, that's not --**
 12 Q. No, that's 1550, Ralph. 1544, please. It may well be
 13 it is incapable of us resolving this question within the
 14 next five minutes. We did get it up this morning. Can
 15 Ms Nield and Ms Bicarregui, maybe in the next five
 16 minutes, check to see if it is anywhere else? I'm
 17 looking across the room to see if Mr Wolfe or Ms McKimm
 18 might be able to assist me with the document number.
 19 ISI001487.
 20 Yes. That's the recent central register. So we can
 21 see across. We have security officers, electrical
 22 contractors, deputy estates manager, resident house
 23 assistant. And we've got issues there, qualified --
 24 **A. She started on 1/9/2011 and this inspection was on**
 25 **30/3/2011, so she started after this inspection, if**

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1 **she's a she. Sorry, I have just assumed that.**
 2 Q. One doesn't know. I think you might be right, but one
 3 doesn't know.
 4 But I think you can see here that there are sort of
 5 various individuals where there are concerns about --
 6 **A. Yes, absolutely, but none of these staff we would have**
 7 **looked at because they weren't working in boarding, and**
 8 **at that point we would just look at boarding.**
 9 Q. Isn't that -- I mean, that's really a failure of
 10 the system, isn't it?
 11 **A. That was the practice at the time, and, as I said**
 12 **earlier, that's not the practice now, where we would**
 13 **look at a sample of all -- staff at all levels,**
 14 **including governors and volunteers.**
 15 Q. Thank you, Ms Humphreys.
 16 **A. Actually, the single central register only tells you so**
 17 **much of the story. What you need to look at is the**
 18 **actual recruitment files, because these figures can mean**
 19 **anything.**
 20 Q. I think when Ms Coley carefully went through the
 21 recruitment files, she identified difficulties and
 22 omissions with references and various forms of
 23 omissions.
 24 Can I deal with -- one of the issues raised by ISI
 25 this morning that they had concerns about was the

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1 Independent Listener. We have touched upon whether or
 2 not you should have identified that. The Independent
 3 Listener has been in the national minimum standards
 4 since they were instituted in 2002. It still appears.
 5 Is it useful to have one?
 6 **A. Yes, it is important. It's another element of**
 7 **safeguarding in schools, that there is somebody that**
 8 **children can contact. We have the same experiences as**
 9 **our colleagues from ISI do, in that some schools operate**
 10 **this system extremely well, where the Independent**
 11 **Listener is somebody who is well known to children and**
 12 **will come into the school. In other schools, in other**
 13 **school inspections, when you talk to children about who**
 14 **is the Independent Listener, who can you contact, they**
 15 **have no idea, and then they sort of vaguely remember who**
 16 **it is.**
 17 **Sometimes you can be asking questions of children on**
 18 **the first day, and they don't know, but miraculously, by**
 19 **the second and third day, they do, because the word's**
 20 **got out that this is what we're asking about.**
 21 Q. So the head teacher says to everyone, "It's
 22 Mrs So-and-So"?
 23 **A. "It's Mrs So-and-So, don't forget to say". We would**
 24 **always ring the Independent Listener to find out --**
 25 Q. Was that then or is that now?

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1 **A. That is now. We would always ring the Independent**
 2 **Listener, and we would try and find out from them their**
 3 **level of independence, their skills and experience in**
 4 **talking to children, because if a child is going to**
 5 **contact the Independent Listener, it takes a certain**
 6 **amount of bravery in order to do that, and we have an**
 7 **issue around accessibility, because in lots of boarding**
 8 **schools, they are -- by the nature of a boarding school,**
 9 **children are heavily timetabled and they have very**
 10 **little free time in order to make that call to the**
 11 **Independent Listener.**
 12 Q. Even in the era of WhatsApp, text messages, emails?
 13 **A. For a lot of schools, there are periods of time where**
 14 **they are not allowed their phones, they have to hand**
 15 **phones in, or they don't have access to the phones. In**
 16 **some of the schools -- some of the boarding schools that**
 17 **we inspect, particularly in the Muslim boarding schools**
 18 **and the Jewish boarding schools, they are not allowed**
 19 **phones at all, and they have to use -- they still have**
 20 **pay phones, and the last Muslim boarding school I was**
 21 **in, the pay phones were in a corridor where everybody**
 22 **was on the phone, and so there was absolutely no**
 23 **privacy. So it would be quite challenging, again, for**
 24 **a child to be able to contact the Independent Listener**
 25 **in that way.**

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1 **We certainly think it is important. It's part of**
 2 **a range of things that schools should have to ensure**
 3 **that if children have concerns about a range of matters,**
 4 **that they have someone they can talk to.**
 5 Q. Do you think that it should just be -- I mean, the
 6 Independent Listener isn't really currently identified,
 7 there's no minimum standards, there's nothing.
 8 Obviously, you come from a social work background. You
 9 know about -- and I suspect you may well inspect some
 10 children's homes as well.
 11 **A. Yes.**
 12 Q. They have the Reg 40 Visitor, I believe?
 13 **A. 44.**
 14 Q. The Reg 44 Visitor, I apologise, who plays a much more
 15 integral role -- it is almost an assurance role, really.
 16 **A. Yes.**
 17 Q. Do you think that's something that should be seriously
 18 considered in boarding?
 19 **A. Yes, most definitely.**
 20 Q. And why?
 21 **A. Because it's important that boarding schools have**
 22 **somebody from -- externally, who is coming in to look at**
 23 **what's going on. A Reg 44 Visitor is a person that**
 24 **children can talk to, but they also conduct an**
 25 **inspection under regulation and are required to look at**

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1 **certain things, and they are required to give a judgment**
 2 **on whether the welfare of children is promoted and**
 3 **whether children are safe. They have to make that**
 4 **judgment every month that they go in.**
 5 **We don't have that within boarding schools. Within**
 6 **residential special schools, there is capacity for**
 7 **a governor or somebody to be appointed to go in six**
 8 **times a year to do the same thing, but it isn't**
 9 **a feature of boarding schools. And particularly some of**
 10 **the boarding schools that we inspect -- because we only**
 11 **inspect a small number of boarding schools, compared to**
 12 **the ISI. We inspect the state boarding schools and then**
 13 **we inspect the non-association boarding schools. So**
 14 **these are the schools that can't join the association**
 15 **because of their inspection judgments or don't choose to**
 16 **join. They are broadly, but not exclusively, the Muslim**
 17 **boarding schools and the Jewish boarding schools. Those**
 18 **schools tend to be closed communities with very little**
 19 **access to anybody external to their community. Again,**
 20 **for somebody to go into those schools on a regular basis**
 21 **with the authority to go in and carry out tasks, talk to**
 22 **children, look at the welfare, look at the boarding**
 23 **arrangements, I think would be a valuable addition.**
 24 Q. How about international students and the Independent
 25 Listener? Obviously, you know, there are nearly 30,000

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1 international students who don't have close family who
 2 live in the UK. There may well be relatives living
 3 there. Do you think that the Independent Listener
 4 service, as it currently operates, works for those
 5 students, where there might be linguistic barriers,
 6 where there might be different cultural barriers, to
 7 them wanting to tell people things?
 8 **A. Yes, exactly as you have just said as well, because**
 9 **also -- I was inspecting a boarding school last year**
 10 **where they had a system where children had to hand in**
 11 **phones and tablets, but actually, there was an awful lot**
 12 **of international students and they had difficulty then**
 13 **contacting parents in the effective time zones because,**
 14 **when their parents were awake, that wasn't the time at**
 15 **which they had their phones -- that was the period of**
 16 **time -- or where the WiFi was turned off.**
 17 Q. For anybody who wants to see that, I don't think we need
 18 to get it up, that is paragraph 204 of your witness
 19 statement. You talk about a couple of examples where
 20 you have inspected schools and there have been problems.
 21 So you think there needs to be particularly -- well,
 22 not just for international students, for all --
 23 **A. I think there needs to be particular attention -- given**
 24 **that the growth in the number of international students**
 25 **in boarding schools -- I think we need to pay particular**

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<p>1 attention to the needs of those children who are living</p> <p>2 in a country where the culture, the language, the</p> <p>3 weather, the food is so different, and they haven't got</p> <p>4 that parental -- they haven't got that parental</p> <p>5 oversight that's easily accessible, they haven't got</p> <p>6 members of their community there, things are different.</p> <p>7 We have come across children who take a long time to</p> <p>8 adjust to living in the UK when you've come from</p> <p>9 a different country.</p> <p>10 Q. In particular, is that something -- because the</p> <p>11 Children's Commissioner does run a helpline for children</p> <p>12 who live away from home, but they have told us it's</p> <p>13 really not really used by people from boarding schools,</p> <p>14 although it could be.</p> <p>15 A. Yes.</p> <p>16 Q. Could you see a role for the Children's Commissioner,</p> <p>17 for example, particularly in respect of international</p> <p>18 students, to try to do some work around how one could</p> <p>19 develop a service that at least caters for, or is more</p> <p>20 tailored to, the particular needs of those individuals?</p> <p>21 A. As long as the children knew who the person was, because</p> <p>22 it is extremely difficult for a child, any child, even</p> <p>23 an international student, to contact a stranger. They</p> <p>24 need to know who this person is if they are going to use</p> <p>25 them for a safeguarding concern.</p> <p style="text-align: center;">Page 153</p>	<p>1 registered with an agency?</p> <p>2 A. I don't know that we have a particular view, but it</p> <p>3 would be an additional safeguard.</p> <p>4 Q. Is there anything else you'd like to say about</p> <p>5 international students, particularly in this context,</p> <p>6 because it gets raised in the music school context in</p> <p>7 a way that it isn't in other contexts?</p> <p>8 A. I think it would be really good if there was a national</p> <p>9 minimum standard that concentrated -- that put</p> <p>10 expectations on schools that they had to be able to</p> <p>11 demonstrate that they had taken into account the</p> <p>12 specific needs of children who are not from this</p> <p>13 country.</p> <p>14 MS SCOLDING: Thank you very much, Ms Humphreys. I know</p> <p>15 that was a whistlestop tour. Just to be clear, in your</p> <p>16 mind, I am now passing over to the chair and panel, but</p> <p>17 can I just say, you will be released, so you will not be</p> <p>18 under oath for the next week, which is otherwise the</p> <p>19 situation. Thank you. Chair and panel?</p> <p>20 THE CHAIR: Thank you very much. No, we have no questions.</p> <p>21 Thank you very much, indeed.</p> <p>22 MS SCOLDING: Thank you, Ms Humphreys.</p> <p>23 (The witness withdrew)</p> <p>24 MS SCOLDING: Chair, I am going to suggest, if I may, that</p> <p>25 we have a break now, before we come back and hear</p> <p style="text-align: center;">Page 155</p>
<p>1 Q. We are also dealing with the issue -- what comes up here</p> <p>2 again because of the international students is</p> <p>3 educational guardianship. Now, we have explained that,</p> <p>4 and there are a number of issues around it. But does</p> <p>5 Ofsted have a view about whether or not the current</p> <p>6 education guardianship regime works or doesn't work?</p> <p>7 A. No, there are an insufficient number of safeguards. We</p> <p>8 did note in Kate Dixon's witness statement that there's</p> <p>9 a suggestion that the NMS would be extended to include</p> <p>10 all educational guardians, which we would support.</p> <p>11 Q. So that would be you would be inspecting not just the</p> <p>12 ones that were appointed by the school, but everyone?</p> <p>13 A. Well, I think the expectation is that the school has</p> <p>14 responsibility --</p> <p>15 Q. More of an oversight role?</p> <p>16 A. Oversight of all educational guardians, irrespective of</p> <p>17 whether they have -- whether they make that</p> <p>18 arrangement --</p> <p>19 Q. Are they equipped to do that, though? I'm just sitting</p> <p>20 here thinking educational guardians, you know, they</p> <p>21 range, but they can just be, you know, somebody's friend</p> <p>22 or somebody's cousin, things like that, and it would</p> <p>23 involve physically going to all those people's homes?</p> <p>24 A. Or using a registered agency.</p> <p>25 Q. Do you think that all educational guardians should be</p> <p style="text-align: center;">Page 154</p>	<p>1 Mr Tighe and Ms Bennett, whom Ms Nield is taking.</p> <p>2 THE CHAIR: That's fine. We will return at 3.20 pm.</p> <p>3 MS SCOLDING: Thank you very much, chair.</p> <p>4 (3.05 pm)</p> <p>5 (A short break)</p> <p>6 (3.21 pm)</p> <p>7 MS NIELD: Chair and panel, I call, please.</p> <p>8 Mr Alistair Tighe and Mrs Helen Bennett.</p> <p>9 MRS HELEN BENNETT (sworn)</p> <p>10 MR ALISTAIR TIGHE (sworn)</p> <p>11 Examination by MS NIELD</p> <p>12 MS NIELD: Mr Tighe first of all. You are the headmaster of</p> <p>13 Wells Cathedral School; is that right.</p> <p>14 A. Correct.</p> <p>15 Q. You wrote for the inquiry a witness statement that was</p> <p>16 signed on 24 June 2019?</p> <p>17 MR TIGHE: That's right.</p> <p>18 MS NIELD: Have you had an opportunity to read that</p> <p>19 recently?</p> <p>20 MR TIGHE: I have.</p> <p>21 MS NIELD: That statement was endorsed with a statement of</p> <p>22 truth. Can you confirm that statement is true, to the</p> <p>23 best of your knowledge and belief?</p> <p>24 MR TIGHE: Yes.</p> <p>25 MS NIELD: That document will be found behind tab A1 of your</p> <p style="text-align: center;">Page 156</p>

<p>1 bundle. Chair and panel, that's in core bundle D behind 2 divider B8. 3 Mrs Bennett, you are the former safeguarding lead at 4 Wells Cathedral School; is that right? 5 MS BENNETT: Yes. 6 MS NIELD: You produced a witness statement for this inquiry 7 signed on 17 June 2019. Have you also had an 8 opportunity to read that recently? 9 MS BENNETT: Yes, I have. 10 MS NIELD: It is endorsed with a statement of truth. Can 11 you confirm that that statement is true, to the best of 12 your knowledge and belief? 13 MS BENNETT: I can confirm that. 14 MS NIELD: You will find that behind tab A1 in your bundle. 15 Chair and panel, that is in core bundle D, behind 16 divider B7. 17 Before I go any further with any questions, some 18 preliminary matters. It is not a test of memory, so 19 please feel free to refer to your witness statement or 20 any other documents or notes at any time. We can take 21 a break at any time if you wish to. We will be 22 completing by 4.30 at the latest today, in any event. 23 There is a screen in front of you. If I refer you 24 to any documents during the evidence, those documents 25 will appear on the screen, but they should also be in</p> <p style="text-align: center;">Page 157</p>	<p>1 a co-educational independent day school for four years? 2 MR TIGHE: That's correct. 3 MS NIELD: And deputy director of music and assistant 4 housemaster at Oundle School, which is an independent 5 coeducational boarding school, for five years. 6 MR TIGHE: Correct. 7 MS NIELD: At those previous schools, had you received 8 statutory safeguarding training? 9 MR TIGHE: In all of them, yes. 10 MS NIELD: Had you undergone any safeguarding training prior 11 to taking up your position as headmaster? 12 MR TIGHE: I hadn't gone under any specific training. I'd 13 been part of the statutory training and, when I arrived 14 as headmaster at Wells, I undertook the basic awareness 15 level 1 training that all staff are obligated to 16 undergo. I have subsequently enhanced my training by 17 doing a level 2 training, which I undertook myself, as 18 it were, with the support of the school. 19 MS NIELD: Who was that provided by? 20 MR TIGHE: That was provided by the Somerset Child 21 Safeguarding Board. 22 MS NIELD: Can we set out a little background about Wells 23 Cathedral School. It is an independent day and boarding 24 school, I think, for both boys and girls. 25 MR TIGHE: Correct.</p> <p style="text-align: center;">Page 159</p>
<p>1 the bundles in front of you, so I will give you the 2 bundle reference as well. It is entirely a matter for 3 you whether you prefer to use the paper version or use 4 the screen. 5 The reason that we are hearing your evidence 6 together is to help the inquiry to have as full 7 a picture as possible of the safeguarding policies and 8 procedures and practice at Wells Cathedral School and to 9 see how that practice has evolved and developed in 10 recent years. I will do my very best to address 11 questions to one or other of you, but please feel free 12 to indicate if you think the other one is better placed 13 to answer. 14 Mr Tighe, I think you have held the post of 15 headmaster at Wells Cathedral School 16 since September 2018, so you have been in post for just 17 over one academic year? 18 MR TIGHE: That's correct. 19 MS NIELD: I think, prior to taking up that position, you 20 had been deputy head (academic) at Bedford School, which 21 is an independent boarding school? 22 MR TIGHE: That's correct. 23 MS NIELD: That's an all boys' school; is that right? 24 MR TIGHE: That's right. 25 MS NIELD: You had been director of music at Eltham College,</p> <p style="text-align: center;">Page 158</p>	<p>1 MS NIELD: It is one of the four specialist music schools in 2 England which are funded in part through the Department 3 for Education's Music and Dance scheme? 4 MR TIGHE: That's correct. We have about a quarter of our 5 pupils are in the specialist music programme, but our 6 specialist music provision has been in the context of an 7 all-round school. 8 MS NIELD: So it is rather different from the other three 9 specialist music schools, in that it is not exclusively 10 a specialist music school? 11 MR TIGHE: That is correct, yes. 12 MS NIELD: You've said about a quarter of the school 13 population are following a specialist music programme; 14 is that right? 15 MR TIGHE: Yes. 16 MS NIELD: Those specialist musicians win their place at the 17 school by audition; is that correct? 18 MR TIGHE: Yes. The specialist musicians are all done on 19 the basis of an audition. We also have what we call 20 general musicians who are those pupils in the school who 21 maybe still have instrumental tuition, possibly studying 22 GCSE or A level music, but are not on the specialist 23 programme. 24 MS NIELD: The specialist musicians who are on the 25 specialist programme can qualify for a means tested</p> <p style="text-align: center;">Page 160</p>

<p>1 Music and Dance scheme bursary; is that right?</p> <p>2 MR TIGHE: Some of them can. So we have up to 80 of our</p> <p>3 pupils in any academic year may be funded by the Music</p> <p>4 and Dance scheme. We have -- that's about, I suppose --</p> <p>5 well, we have about 150/160 specialist musicians in</p> <p>6 total. So not all of our specialist musicians are</p> <p>7 funded by that means.</p> <p>8 MS NIELD: I think there are other bursaries and</p> <p>9 scholarships that are available to those pupils?</p> <p>10 MR TIGHE: The school has our own bursary funds and</p> <p>11 scholarship funds, which we also help to -- to use, and</p> <p>12 other specialists might be on full fee-paying</p> <p>13 arrangements as well.</p> <p>14 MS NIELD: I think the school is divided into nursery and</p> <p>15 prep, which is just under 100 pupils. The junior</p> <p>16 school, which is years 3 to 6, just over 100 pupils.</p> <p>17 Then the senior years, which are year 7 to the</p> <p>18 upper sixth, there are about 550 pupils there?</p> <p>19 MR TIGHE: That's right, yes.</p> <p>20 MS NIELD: Mrs Bennett, you were the designated safeguarding</p> <p>21 lead at Wells Cathedral School from 2005 to 2016, when</p> <p>22 you retired, I think?</p> <p>23 MS BENNETT: Yes, that's right.</p> <p>24 MS NIELD: You had previously been a teacher at Wells</p> <p>25 Cathedral School teaching French from 1985, is that</p> <p style="text-align: center;">Page 161</p>	<p>1 your successor?</p> <p>2 MS BENNETT: Yes, there was.</p> <p>3 MS NIELD: I think you also undertook a number of training</p> <p>4 courses in preparation for the role of DSL and whilst</p> <p>5 you were DSL; is that right?</p> <p>6 MS BENNETT: Oh, yes, I continued training all through the</p> <p>7 time.</p> <p>8 MS NIELD: What sort of training courses did you undertake?</p> <p>9 Who were they provided by?</p> <p>10 MS BENNETT: I attended all the Somerset County Council</p> <p>11 training sessions, but I also went to the National Child</p> <p>12 Safeguarding Conferences each year in London and I did</p> <p>13 training with the Lucy Faithfull Foundation.</p> <p>14 MS NIELD: Can you explain who the Lucy Faithfull Foundation</p> <p>15 is?</p> <p>16 MS BENNETT: Well, the Lucy Faithfull Foundation is quite an</p> <p>17 impressive organisation involved in the Stop It Now!</p> <p>18 campaign, which is very specifically talking about child</p> <p>19 sexual abuse and the grooming processes, and it had some</p> <p>20 very, very useful training schemes which made a big</p> <p>21 impact on me and which I was able to use in my training</p> <p>22 in the school.</p> <p>23 MS NIELD: So you undertook more than the strategy minimum</p> <p>24 training for your role?</p> <p>25 MS BENNETT: I did, yes.</p> <p style="text-align: center;">Page 163</p>
<p>1 correct?</p> <p>2 MS BENNETT: Yes, but I continued to teach until I left.</p> <p>3 MS NIELD: You continued to teach alongside your DSL role?</p> <p>4 I think you had been a housemistress, which was</p> <p>5 obviously a role with pastoral responsibilities from</p> <p>6 1987 until you became the DSL in 2005; is that right?</p> <p>7 MS BENNETT: That's correct.</p> <p>8 MS NIELD: I think your own children also attended the</p> <p>9 school?</p> <p>10 MS BENNETT: They did, yes.</p> <p>11 MS NIELD: In preparation for your role as the designated</p> <p>12 safeguarding lead, I think there is a process by which</p> <p>13 you shadowed the existing child protection officer for</p> <p>14 a full year; is that correct?</p> <p>15 MS BENNETT: That's correct.</p> <p>16 MS NIELD: You then, throughout that year, discussed any</p> <p>17 child protection concerns that arose together and</p> <p>18 discussed how they would be dealt with.</p> <p>19 MS BENNETT: We did, yes.</p> <p>20 MS NIELD: I think also in preparation for your role as DSL,</p> <p>21 you attended some external training days and conferences</p> <p>22 on child protection?</p> <p>23 MS BENNETT: That's correct.</p> <p>24 MS NIELD: When you were preparing for your retirement in</p> <p>25 2016, was there a similarly managed handover period for</p> <p style="text-align: center;">Page 162</p>	<p>1 MS NIELD: What were your primary responsibilities as</p> <p>2 designated safeguarding lead? What did that mean, in</p> <p>3 terms of the role?</p> <p>4 MS BENNETT: Well, it meant that I trained every member of</p> <p>5 the staff and the support staff, every volunteer,</p> <p>6 whether it was a parent or local volunteer, in any</p> <p>7 capacity in the school. I gave them the same training.</p> <p>8 I also trained the governors and I trained all the</p> <p>9 visiting music staff and the cathedral choir, and, in</p> <p>10 addition to that, I was there for children and staff to</p> <p>11 deal with problems as they arose, and just being</p> <p>12 available to discuss issues that came up.</p> <p>13 MS NIELD: Were you responsible for making referrals, where</p> <p>14 they were necessary, to the local authorities as the</p> <p>15 designated officer?</p> <p>16 MS BENNETT: Certainly, yes.</p> <p>17 MS NIELD: If a member of staff had a concern about a pupil</p> <p>18 or, indeed, another member of staff, would those be</p> <p>19 reported to you or to other members of the senior</p> <p>20 leadership team?</p> <p>21 MS BENNETT: Well, in the training, I made it quite clear</p> <p>22 that all initial concerns would come via me or to one of</p> <p>23 my deputies, who would then talk to me, and then I would</p> <p>24 always talk to the head about anything. So we would</p> <p>25 have a discussion about any matters arising.</p> <p style="text-align: center;">Page 164</p>

1 MS NIELD: How did the DSL role fit into the senior
 2 leadership team or senior management team within the
 3 school?
 4 MS BENNETT: Well, interestingly, when I began the role,
 5 I was just a teacher, like anyone else. As the years
 6 went by, the Keeping Children Safe in Education advised
 7 that the DSL should be on the leadership team, and I was
 8 aware that I wasn't, but in discussions with the
 9 leadership team, we thought that perhaps it was easier
 10 that I wasn't part of the leadership team at that time
 11 because I was very approachable from the community. But
 12 actually, as I -- I think it was in 2014 that I did
 13 become part of the management committee, and so I was
 14 part of the leadership team, in that sense.
 15 MS NIELD: I think there was a difference between the senior
 16 management team and the senior leadership team? I don't
 17 know if Mr Tighe can assist?
 18 MR TIGHE: The management of the school is slightly
 19 different now compared to what it was in Helen's time.
 20 At the current time, we've got -- as a result of some
 21 management changes I have implemented since arriving
 22 a year ago, we have got one senior management team, of
 23 which the current DSL is a member of that senior
 24 management team.
 25 Previously, there had been a senior leadership team

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1 and a senior management team in the school, of which
 2 Helen, I believe, was on the senior management team, but
 3 that was slightly distinct from leadership. So
 4 historically, there's a slightly less -- it was
 5 a slightly different tiering, I suppose, which I have
 6 tried to ensure is clearer now since my arrival.
 7 MS NIELD: Before you were a member of the senior management
 8 team, did you encounter any difficulties in the fact
 9 that you were not part of the management team or the
 10 leadership team at the school, in terms of carrying out
 11 your role as DSL?
 12 MS BENNETT: Not really. Because if I needed the attention
 13 of the head, if I needed time to spend with a child or
 14 with an issue, I was given full support all the way
 15 through.
 16 A couple of times, perhaps, things might not have
 17 been done as I would have suggested, but they were very
 18 minor things.
 19 MS NIELD: You said that you were given support all the way
 20 through. What official support, in terms of supervision
 21 and so on, were you given as DSL at Wells Cathedral
 22 School?
 23 MS BENNETT: Well, I was supervised externally by
 24 a supervisor that was provided and paid for by the
 25 school in the last couple of years of my time and, prior

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1 to that, I suppose it was just really supervision by the
 2 head and by the deputy head, in as far as we would just
 3 discuss everything as it came up.
 4 MS NIELD: In terms of pay for the additional work of
 5 the role and time to carry out your responsibilities,
 6 how was that organised?
 7 MS BENNETT: It was quite simple. I was paid an allowance
 8 for my role, and I was given time on my timetable to
 9 deal with the issues, a generous time allowance, and
 10 I was given protected time to do the training during the
 11 school day.
 12 MS NIELD: You have spoken about whole school training, that
 13 every person working at the school was given training by
 14 you.
 15 MS BENNETT: Yes.
 16 MS NIELD: That was face-to-face training, rather than
 17 online?
 18 MS BENNETT: Face-to-face training. In fact, looking back
 19 at the registers, I think I completed staff training
 20 probably every two weeks, because, even if it was just
 21 a couple of people coming in as a volunteer, going on
 22 a trip or new catering staff, new cleaners, quite
 23 a quick turnover in some of the areas of the school,
 24 I trained them all, and every two weeks.
 25 MS NIELD: I think you've said in your witness statement

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1 that the content of the training was provided by the
 2 local authority, but you added material to that that you
 3 had chosen because it highlighted the -- it was tailored
 4 to the environment, it highlighted the specific risks at
 5 a specialist music school; is that right?
 6 MS BENNETT: Certainly. The Somerset County Council
 7 material was good. It was very factual. It covered all
 8 the basics -- basic awareness training. But I felt
 9 that -- well, as early as 1989 in the Children Act, we
 10 were aware of the dangers and risks involved in having
 11 a specialist music school and a choir school within that
 12 school, within the main academic school, and I think
 13 that it would be fair to say that, even right back in
 14 1989, we were paying particular attention to the risks
 15 of these very intense relationships between musicians
 16 and their students and the intensity and the closed
 17 community of the choir and having adults and children
 18 together.
 19 So we started pretty early looking at the risks
 20 involved in these situations.
 21 MS NIELD: In terms of the material provided by the local
 22 authority, was that tailored to a residential school, or
 23 was that another aspect that had to be addressed?
 24 MS BENNETT: No, it wasn't, and that's where my extra
 25 material was very important, because I wanted to talk to

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<p>1 the staff and -- I mean, this is all the staff -- the 2 cleaners particularly, the groundsmen -- about the risks 3 of children being away from home and the risks 4 associated with boarding, with children not being able 5 to necessarily go home every evening and talk to their 6 parents about things that were going on. 7 I also tailored the training to give guidance to 8 music teachers and how they could protect themselves and 9 the children in terms of limited touch and so on, and 10 keeping to the official channels of communication, being 11 careful about trips and taking children in their cars. 12 Quite simple things like that, and social media. All 13 those sorts of things where the very familiar and 14 intimate relationship between a music teacher and their 15 student might -- where the boundaries between a normal 16 teaching member of staff and a student might be a little 17 bit blurred, I tried to make sure that they would be 18 aware of those risks. 19 MS NIELD: Mr Tighe, you have explained that the DSL at 20 Wells Cathedral School is now part of the senior 21 leadership team. Which members of staff make up the 22 safeguarding team currently? 23 MR TIGHE: We have a designated safeguarding lead who is 24 also deputy head (pastoral). He has around him a team 25 of six or seven other deputy safeguarding leads and we</p> <p style="text-align: center;">Page 169</p>	<p>1 concerns seriously and that everyone is approachable and 2 that every member of staff, be they academic, music or 3 support staff, children know that they can approach them 4 with any concerns that they might have. 5 But it also then means, more specifically, within 6 the pastoral context of the school, we have recognised 7 people who are crucial in the life of that child. So 8 that might be, for example, their house parent, it might 9 be their tutor. Every child is part of a tutor group of 10 about 14 or so pupils. 11 It might be the matron within the school, it might 12 be our school nurses or school doctor, we have got 13 school counsellors. So all of these people would be 14 part of the team that meet on a regular basis. 15 So we have weekly meetings of the safeguarding 16 teams, and then we, in addition, would have a termly 17 safeguarding meeting at which the safeguarding governor 18 also attends and I, as headmaster, would also attend 19 those meetings, and that's in addition to the education 20 committee of the governing body that meet and it is an 21 agenda item each term and safeguarding is also an agenda 22 item at the full committee of the whole body of 23 governors at the end of each term. 24 MS NIELD: You have also said in your witness statement that 25 the Music and Dance scheme schools -- I think there are</p> <p style="text-align: center;">Page 171</p>
<p>1 try to make sure -- all of whom are trained to the level 2 of a DSL, so they have level 3 training. We try to 3 ensure that those deputy safeguarding leads are part of 4 specific areas of the school, so we have a deputy 5 safeguarding lead for boarding, a deputy safeguarding 6 lead within the junior school, a deputy safeguarding 7 lead within the music department and, in an attempt to 8 make sure that all the different facets of the school, 9 all the different departments of the school, there's 10 a specific person with a particular oversight of 11 safeguarding. They all fall under the responsibility 12 and the line management of the main school designated 13 safeguarding lead, but it allows us to have as broad 14 a team as possible around the issue of safeguarding and 15 often we find it's really important that more than one 16 person is thinking about particular issues or particular 17 concerns and we are having a team that makes it very, 18 very possible. 19 MS NIELD: You have said in your witness statement that at 20 Wells you used the team around the child approach to 21 pastoral care and safeguarding. What does that mean, 22 exactly? 23 MR TIGHE: I think, in a sense, it's a reflection of 24 the ethos -- the policy that it's everyone's 25 responsibility at the school to take safeguarding</p> <p style="text-align: center;">Page 170</p>	<p>1 eight of them in the UK, so that includes dance schools 2 as well as specialist music schools -- meet regularly to 3 discuss a number of common issues, including 4 safeguarding. What shape is that taking in terms of 5 safeguarding? 6 MR TIGHE: In my time, I have only been the head of an MDS 7 school for a year, but, in my time, there's been termly 8 meetings of the heads of those Music and Dance schools 9 which address a whole range -- and the agendas for those 10 meetings might address a whole range of issues, 11 including safeguarding. Then I believe that in 12 2018/2017, there was a form of a safeguarding 13 submeeting, as it were, of safeguarding leads within the 14 MDS schools with the intention they would meet twice 15 a year to discuss specifically any safeguarding practice 16 or sharing of issues and sharing of concerns, and that 17 usually has taken place with the designated safeguarding 18 lead attending that particular meeting. 19 MS NIELD: Mrs Bennett, I'd like to ask you some questions 20 about raising safeguarding awareness at the school 21 whilst you were designated safeguarding lead. You have 22 identified within your witness statement a number of 23 what you describe as turning points at the school in 24 terms of awareness of safeguarding and improving 25 safeguarding and understanding.</p> <p style="text-align: center;">Page 172</p>

1 You mentioned earlier the Lucy Faithfull Foundation
 2 and the Stop It Now! campaign and the fact that you had
 3 attended training and you then were able to use that
 4 training to staff -- I think you invited the Stop It
 5 Now! campaign to come into the school and deliver
 6 a presentation; is that correct?
 7 MS BENNETT: That's correct.
 8 MS NIELD: What was the impact on staff of that?
 9 MS BENNETT: Well, the presentation itself, which was given
 10 by Donald Findlater, came on the back of our having
 11 experienced the imprisonment of a member of staff for
 12 abuse against a student. At that time, the staff was
 13 deeply shocked by what had happened because they were
 14 aware that they had been groomed by this -- by the man,
 15 the member of staff, and that this had happened under
 16 their noses, as it were. So it was a very important
 17 moment for us to just revise our practices, and this
 18 material from the Lucy Faithfull Foundation was very
 19 hard hitting, and it talked about how people who want to
 20 have sex with children will do anything to groom
 21 a network of people at a school, and parents, in order
 22 to achieve their aim.
 23 We began to recognise that this is what had happened
 24 to us, and thereafter it was actually quite easy for me
 25 to speak with authority, because everybody knew what the

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1 dangers were, and so I think that it would be true to
 2 say that, when I led these training sessions, people
 3 were very respectful, and for a couple of years, I used
 4 the materials with new members of staff as they joined,
 5 but because the training I did was every three years,
 6 I tried to vary it, because I didn't want it to be
 7 boring, I didn't want it to lose its impact.
 8 And so I used -- I used some clips -- for one
 9 session particularly, I used some clips from the
 10 Channel 4 film "Chosen", which is a film where adults in
 11 their 50s reflect on abuse that had taken place in the
 12 '60s at a school, Caldicott School, and they had been
 13 traumatised by this, and they talked so openly about it.
 14 I took some clips from this film and included this in
 15 the training, and it made a lot of sense to people.
 16 Then, latterly, I used some of the awful local
 17 stories that had happened in Somerset to bring the point
 18 home. I just didn't really hold back on the dangers
 19 that were out there. I just tried to keep child
 20 protection and safeguarding a bit of a buzz in the
 21 school, because I wanted people to be part of a team.
 22 I wanted everybody to be involved.
 23 I just tried to keep in touch with every member of
 24 the school. I think I was in an unusual situation
 25 because, because I trained everybody, I knew everybody,

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1 and I tried to keep in touch with them, and that
 2 included having lunch with people, you know, visiting
 3 music staff, making sure I knew the catering staff's
 4 name and so on, things like that.
 5 MS NIELD: You mentioned a case where there was a member of
 6 staff from the school who was imprisoned in relation to
 7 sexual offences against a child at the school, and that
 8 was Mr Julien Bertrand, who was convicted, I think, in
 9 2006, the abuse having been disclosed in 2005. I think
 10 as soon as those offences were disclosed, Mr Bertrand
 11 was suspended from the school --
 12 MS BENNETT: He was.
 13 MS NIELD: -- and the police were notified and began an
 14 investigation.
 15 MS BENNETT: Yes.
 16 MS NIELD: You say that, on reflection, there was
 17 consideration of the way that Mr Bertrand had groomed,
 18 effectively, members of the school community and not
 19 only the victim in that case.
 20 MS BENNETT: Yes.
 21 MS NIELD: You say in your witness statement that you
 22 believe his conviction opened staff eyes to unseen
 23 dangers. Wells Cathedral School is a small school,
 24 relatively speaking. Do you think there was perhaps
 25 a sense that everybody knows everybody and that sort of

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1 thing couldn't happen here, prior to that case having
 2 taken place?
 3 MS BENNETT: Well, I think that nobody really wants to think
 4 that that sort of thing would happen in their
 5 establishment. Actually, people -- nobody wants to
 6 believe that that could happen. That would be the norm.
 7 MS NIELD: Is it right to say that you became DSL, I think,
 8 designated safeguarding lead, very shortly before the
 9 abuse was in fact disclosed --
 10 MS BENNETT: Yes, there was a little bit of crossover
 11 between my predecessor and me because she became ill.
 12 So I was sort of training that year and then she was ill
 13 and I sort of took over a little bit before, I think.
 14 I'm a bit vague on those -- on that time, but yeah.
 15 MS NIELD: You have been able to go back through notes and
 16 records that were made at the time. It seems that there
 17 were a number of -- perhaps we can call them low-level
 18 concerns reported about Mr Bertrand's behaviour with
 19 both that particular boy, RS-A202, but also generally in
 20 terms of blurring boundaries in terms of bending the
 21 rules at school and so on?
 22 MS BENNETT: Yes, certainly. Looking back through the file,
 23 I observed a number of concerns raised by staff, not to
 24 me, because I wasn't the DSL at the time, and I did
 25 raise a concern myself when I wasn't DSL, and referred

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<p>1 that to the leadership team myself. 2 There were things that people observed in his 3 behaviour that gave concern, but at every stage we were 4 reassured by the parents, the child's parents, the 5 student's parents, that he was a great family friend, he 6 was like a son to them, and we were just reassured over 7 and over again, and even though matrons and cleaners and 8 members of staff, including me, were suspicious of him, 9 we were stopped by this sort of -- this family 10 relationship that was reassuring us at every point that 11 this was a normal -- this was fine. 12 At one point, the parents colluded with an incident 13 to say that -- we were concerned that the child was 14 upset and the parents said, "No, it's fine", and they 15 colluded with Julien Bertrand and the child to put our 16 minds at rest. So even though our eyes were open, we 17 couldn't see what was there. 18 MS NIELD: You say that in the aftermath of that case, once 19 the abuse was disclosed and the full story became clear, 20 that sharpened your practices in terms of noticing 21 grooming behaviour. I think some school policies and 22 practices changed as a result of that, and you 23 introduced what you refer to in your witness statement 24 as "Guidelines for Safer Working Practice". We don't 25 have a copy of that 2005 document. What does it cover</p> <p style="text-align: center;">Page 177</p>	<p>1 something was not right, and to ask themselves not "What 2 if I'm wrong?", but, "What if I'm right?" Is that 3 correct? 4 MS BENNETT: It is. 5 MS NIELD: How was that message received by the staff? 6 MS BENNETT: At the end of most of the training sessions, 7 one or two people would stay behind to talk to me about 8 something. They knew where I was. I was very, very 9 visible in the school, and people would often just talk 10 something through with me, and I encouraged them to do 11 this, because, in the end, you can't see, you can't 12 identify what a paedophile looks like, but you can just 13 watch behaviour, and I encouraged the staff to look 14 across and watch behaviour of children and their 15 colleagues. It isn't a nice thing to do, but I just 16 said, "Just talk to me if you have any concerns". 17 MS NIELD: Was your experience that staff did do that? 18 MS BENNETT: People did. They did. 19 MS NIELD: Mr Tighe, I would like you to comment, if you 20 can, on what Mrs Bennett has told us about that level of 21 awareness raising within the school and involving the 22 whole school, the whole staff. Are staff currently 23 receiving training that's tailored to the specific 24 challenges of a residential specialist music school? 25 MR TIGHE: Well, a lot of what Helen has said is still very</p> <p style="text-align: center;">Page 179</p>
<p>1 and set out in terms of staff/student interactions and 2 what's acceptable? 3 MS BENNETT: Well, it had quite a lot guidance in, actually, 4 but one of the things that we particularly wanted to 5 rule out was the sort of touchy-feely climate where 6 children would play-fight with members of staff and 7 hugging and kissing, all that sort of thing. 8 In the training thereafter, I said very clearly to 9 the members of staff in front of me, "We are not 10 a touchy-feely school. We don't hug and kiss our 11 children, and even if the child is 18, a day student, 12 and you're meeting them socially outside, you cannot 13 have sex with them", and they just remembered that, and 14 it was quite a blunt thing to say, but I did say it 15 every single time. 16 MS NIELD: There is sometimes perceived to be a tension 17 within schools between reporting a sense that things 18 might not be quite right, a nagging doubt, where staff 19 may be acting entirely innocently, and there may be 20 sometimes perceived a tension between speaking up about 21 concerns and not making an allegation against someone 22 who may be innocent of any wrongdoing. You say in your 23 witness statement that when you were delivering 24 safeguarding training to staff, you encouraged them to 25 report any concerns that they had where they felt that</p> <p style="text-align: center;">Page 178</p>	<p>1 much current practice in the school. So we make it very 2 clear in all our training that we have a "it could 3 happen here" mentality, and that that is a message that 4 we want all our staff to be aware of. 5 We do -- we are conscious of our -- the fact that we 6 have a number of different departments within the 7 school, we are a specialist music school, we are 8 a residential school, we do have overseas pupils, and 9 therefore we recognise that that does create certain 10 additional risks and we try and make sure, therefore, 11 that we enunciate those risks in our training to make 12 sure that, particularly if staff are arriving from 13 another school, perhaps, that hadn't been a residential 14 school, they realise in our context there are additional 15 safeguarding factors that might -- that need to be taken 16 into account which perhaps they hadn't had to consider 17 in a previous school, for example. 18 So absolutely just trying to ensure that, within our 19 context, what is our context, explaining that to staff, 20 and making sure that, again, the level of concern -- 21 I think one of the things that we are very conscious of 22 is vigilance, and everyone keeping an eye on everything, 23 and if anyone has any concern, bringing that forward -- 24 these days, we have a slightly more formalised version 25 of what Helen's system was in her time as DSL, in that</p> <p style="text-align: center;">Page 180</p>

<p>1 people can still go to the DSL, they can still go to the 2 DSL's deputies and speak to them directly about any 3 concerns, but we also now have an online platform called 4 a neutral notification form which the school introduced 5 about three years ago, I think, which is on the front 6 page of the school portal, as it were, and that would 7 allow any member of staff to just make either 8 a self-report or a report about something they had 9 noticed. These are all notified directly to the DSL and 10 a central record is kept.</p> <p>11 Then they are able to monitor that and, if there is 12 any accumulation of low-level concerns, they're able to 13 kind of risk assess that and understand whether there is 14 something more happening as a result of a number of 15 low-level concerns potentially coming forward.</p> <p>16 MS NIELD: I wonder, Mrs Bennett, if I can ask you now about 17 the way that you monitored low-level concerns or 18 recorded low-level concerns, and perhaps an example is 19 a particular member of staff about whom you had 20 concerns, RS-F23. It is perhaps an illustration of what 21 those low-level concerns can be.</p> <p>22 When you had concerns about a member of staff that 23 were below the threshold for referring to the local 24 authority designated officer, there wasn't the 25 formalised system of Mr Tighe's. How did you record</p> <p style="text-align: center;">Page 181</p>	<p>1 MS NIELD: And comments made by the boys about the closeness 2 of the relationship between this staff member and 3 certain boys?</p> <p>4 MS BENNETT: Certainly, yes. In fact, at quite an early 5 stage, he was asked not to be volunteering -- he was not 6 volunteering in the boarding house and was not employed 7 at the school anymore, but of course, because of 8 the proximity of his residence, there was still 9 crossover between the boys, and it always seemed to be 10 the same group of boys. So I was just being vigilant 11 about that.</p> <p>12 MS NIELD: There came a point, I think, where F23 was no 13 longer employed by the school but continued to have 14 a role within the cathedral, so continued to come into 15 contact with certainly the choristers at the school and 16 lived very close to the school.</p> <p>17 MS BENNETT: Yes.</p> <p>18 MS NIELD: You noted in your witness statement there were 19 six or seven occasions when teaching staff, house 20 parents or cleaners spoke to you about their concerns 21 that children, for example, were visiting him in his 22 house, although that was against the cathedral rules, 23 getting lifts in his car or that he was seen larking 24 about with the choristers in the cathedral, and so on. 25 When you drew those concerns to the attention of</p> <p style="text-align: center;">Page 183</p>
<p>1 those concerns? How did that work?</p> <p>2 MS BENNETT: Looking back through my notes of the last -- 3 well, of ten years, I noticed there was, in connection 4 with F23, a lot of rule bending and blurring of 5 boundaries, and I had lots and lots of references to 6 this over the years, and I would raise these with the 7 head and with the deputy head from time to time, and F23 8 would be reminded of the rules and spoken to about the 9 rules. Sometimes F23 was indignant, sometimes 10 apologetic. But, nevertheless, I don't know what -- 11 I won't know what was going on, but I just was vigilant, 12 and --</p> <p>13 MS NIELD: How did you record the concerns? Was it making 14 notes?</p> <p>15 MS BENNETT: I just made notes. I made notes and dated them 16 and made notes of the actions, made notes of the letters 17 sent, involved the cathedral and involved the leadership 18 team.</p> <p>19 MS NIELD: So these were concerns, if we can summarise them 20 as the blurring of the boundaries -- horseplay between 21 this member of staff and certain boys at the school, 22 going into the dormitories late at night and early in 23 the morning, where he had a volunteer role but not 24 a paid staff role; is that right?</p> <p>25 MS BENNETT: Yes.</p> <p style="text-align: center;">Page 182</p>	<p>1 the school's senior management in the summer of 2009 -- 2 this is paragraphs 9.23 and 9.24 in your witness 3 statement -- how were senior management responding to 4 your concerns?</p> <p>5 MS BENNETT: Well, sympathetically, but there wasn't very 6 much we could do, other than talk to him about 7 boundaries.</p> <p>8 MS NIELD: Were those concerns brought to the attention of 9 the cathedral's safeguarding --</p> <p>10 MS BENNETT: Yes, they were.</p> <p>11 MS NIELD: By you or by --</p> <p>12 MS BENNETT: By me.</p> <p>13 MS NIELD: You said, regarding that, that you felt there was 14 a reluctance by the cathedral to sanction one of their 15 employees who was persistently breaking the rules in 16 relation to having students in the house. Were you able 17 to speak to anyone at the cathedral about that?</p> <p>18 MS BENNETT: I was, and I was disappointed that they didn't 19 sanction and give a warning, a last warning, for 20 example, because I felt it would have been a good 21 example to the whole cohort of the choir, that they 22 shouldn't use their private accommodation to have music 23 lessons, and so on.</p> <p>24 Whilst they listened to me and they were sympathetic 25 and they also sent letters, they didn't ever issue</p> <p style="text-align: center;">Page 184</p>

<p>1 a sanction, and I was disappointed about that. But</p> <p>2 I have been pleased to see that, subsequently, the rules</p> <p>3 have seriously tightened up about the accommodation in</p> <p>4 Vicars' Close where the male members of the choir live,</p> <p>5 and they have different contracts that they have to sign</p> <p>6 every year about children entering their homes for music</p> <p>7 lessons, and so on.</p> <p>8 MS NIELD: I think, Mr Tighe, in terms of safeguarding</p> <p>9 between the school and the cathedral, there is now</p> <p>10 a written partnership agreement; is that correct?</p> <p>11 MR TIGHE: Yes, that is correct. So we are very conscious</p> <p>12 that -- it mainly falls to our choristers, so all the</p> <p>13 choristers at the cathedral are educated at the</p> <p>14 Cathedral School, and, therefore, during the school day,</p> <p>15 as it were, they come under the school's responsibility,</p> <p>16 but when they're performing their duties within the</p> <p>17 cathedral, they fall under the cathedral's</p> <p>18 responsibility.</p> <p>19 I think what we were keen to do is to codify, as it</p> <p>20 were, what had been happening in practice, which is that</p> <p>21 there was close liaison between the cathedral and the</p> <p>22 school in terms of safeguarding arrangements and making</p> <p>23 sure that children were safe, but perhaps nothing</p> <p>24 formally in place to demonstrate what was happening. So</p> <p>25 we put in the partnership which we hoped would be one</p> <p style="text-align: center;">Page 185</p>	<p>1 think we probably do need to get up the full agreement.</p> <p>2 But it notes that there is a threshold for referral of</p> <p>3 safeguarding concerns to the local authority, which is</p> <p>4 where there is an allegation that a person has behaved</p> <p>5 in a way that may have harmed a child or has behaved</p> <p>6 towards a child in a way that indicates they may pose</p> <p>7 a risk of harm to children, or has possibly committed</p> <p>8 a criminal offence towards a child.</p> <p>9 It states that where there are safeguarding concerns</p> <p>10 falling short of that threshold, they should be dealt</p> <p>11 with by cathedral safeguarding staff if those issues</p> <p>12 have arisen within the cathedral, and they will make</p> <p>13 a decision about how to handle such concerns and whether</p> <p>14 to use disciplinary processes.</p> <p>15 So where the school raises a safeguarding concern</p> <p>16 below the referral threshold about the behaviour of</p> <p>17 cathedral staff towards the school's children, is it</p> <p>18 still a matter for the cathedral safeguarding team to</p> <p>19 decide how to deal with that, whether to issue</p> <p>20 disciplinary sanctions and so on?</p> <p>21 MR TIGHE: Yes, it would. So those thresholds are national</p> <p>22 thresholds that we would abide by. If the assessment</p> <p>23 were to fall below those thresholds, then, yes. If it</p> <p>24 was a cathedral employee, I would expect the cathedral</p> <p>25 safeguarding team to take the risk assessment and to</p> <p style="text-align: center;">Page 187</p>
<p>1 way of codifying and demonstrating the very close</p> <p>2 liaison we have between the safeguarding team at the</p> <p>3 school and the safeguarding team at the cathedral.</p> <p>4 MS NIELD: You have had an opportunity, I think, of reading</p> <p>5 Mrs Bennett's witness statement that sets out the detail</p> <p>6 about the issues that arose with F23. How would those</p> <p>7 sort of issues, if they arose now, be dealt with under</p> <p>8 the agreement? Would they meet those circumstances?</p> <p>9 MR TIGHE: If something like that were to occur now, there</p> <p>10 would be an automatic sharing of information between the</p> <p>11 cathedral and the school. So, if something happened</p> <p>12 under school -- on school territory that involved</p> <p>13 a cathedral employee, we would notify the safeguarding</p> <p>14 team at the cathedral, and vice versa; if it happened on</p> <p>15 cathedral territory and involved a chorister, the school</p> <p>16 would be notified.</p> <p>17 We would then make sure that the DSL in the school</p> <p>18 and the cathedral safeguarding officer were in liaison</p> <p>19 and we would make sure a submission, where appropriate,</p> <p>20 would be made to the LADO.</p> <p>21 We would, between us, decide whether that submission</p> <p>22 came from the school or from the cathedral, but we would</p> <p>23 be sure that, at every stage, we knew what each other</p> <p>24 was doing and that we were working in partnership on it.</p> <p>25 MS NIELD: I don't know if we need to get up -- I don't</p> <p style="text-align: center;">Page 186</p>	<p>1 determine the next course of action.</p> <p>2 MS NIELD: So would it be open to the cathedral to take</p> <p>3 a less serious view of the behaviour than the school's</p> <p>4 safeguarding team might have done?</p> <p>5 MR TIGHE: I believe currently probably not, no, because</p> <p>6 I think, although the cathedral operates under</p> <p>7 a separate safeguarding policy, the Church of England</p> <p>8 has its own child protection policies which are distinct</p> <p>9 from KCSIE which schools are obligated to, nonetheless</p> <p>10 they are -- they have high thresholds as well. The kind</p> <p>11 of -- there is commonality between the two policies,</p> <p>12 even if they are not exactly the same policy.</p> <p>13 But I think also, under the terms of the partnership</p> <p>14 agreement, I would expect, with my DSL, to be kept</p> <p>15 informed at all stages of what was happening on -- you</p> <p>16 know, what steps the safeguarding team were taking at</p> <p>17 the cathedral and, therefore, if I or the DSL or anyone</p> <p>18 else in the school's safeguarding team felt that to be</p> <p>19 inappropriate or not of sufficient severity, then we</p> <p>20 would raise that as a concern, and I -- you know, that's</p> <p>21 the nature of the partnership, to make sure that we have</p> <p>22 got open and frank discussion between the two</p> <p>23 institutions.</p> <p>24 MS NIELD: It has also been noted in the school cathedral</p> <p>25 safeguarding partnership agreement that more robust</p> <p style="text-align: center;">Page 188</p>

<p>1 induction processes for cathedral staff teaching 2 choristers are to be developed by the chapter clerk of 3 the cathedral and that a code of conduct is being 4 developed by the cathedral for cathedral staff who are 5 coming into regular contact with choristers. Do you 6 know if either of those things has happened? 7 MR TIGHE: At the moment, they are works in progress, at the 8 moment, yes. 9 MS NIELD: Is there a timeframe for these developments? 10 MR TIGHE: I would imagine within the next six months, 11 I would imagine. 12 MS NIELD: If I could ask about the low-level concerns, that 13 is, concerns below the threshold for referral to the 14 LADO, and you have set those out. Where there is 15 a safeguarding allegation against a member of staff and 16 the referral has to be made to the LADO, you said in 17 your witness statement that staff are reminded that 18 that's everybody's responsibility, to report concerns. 19 So is it the case that staff may report directly to the 20 LADO? 21 MR TIGHE: Absolutely. 22 MS NIELD: They don't have to go through the DSL? 23 MR TIGHE: No. So any member of staff is told, if they wish 24 to make a report direct to the LADO, they are welcome to 25 do so, and the contact details are available. But we</p> <p style="text-align: center;">Page 189</p>	<p>1 notification facility for low-level concerns. I think 2 that was a response to a recommendation in the Serious 3 Case Review into safeguarding failures at South Bank 4 International School where there had been some very 5 serious offences against children? 6 MR TIGHE: Yes, that's my understanding as well, yes. 7 MS NIELD: I know you have also had an opportunity to have 8 a look at the report of Marcus Erooga in his report to 9 this inquiry -- that's EWM000471. He describes neutral 10 notification or recording low-level concerns as a system 11 of mandatory reporting of any concerns, however small, 12 even just a nagging doubt, for example, that an adult 13 may have acted in a way inconsistent with the school's 14 code of conduct or child protection policy or conduct 15 that could be misinterpreted or fall outside the 16 boundaries of expected professional conduct. 17 Do you recognise the system within Wells Cathedral 18 School in that description given by Mr Erooga? Are 19 those the sort of concerns that are being reported? 20 MR TIGHE: Absolutely. When the suggestion was made that 21 a neutral notification system might be appropriate as an 22 additional safeguarding resource, back in 2015 I think 23 it was, as a result of the South Bank case, we put it 24 into our school staff code of conduct. 25 MS NIELD: Is it mandatory to report?</p> <p style="text-align: center;">Page 191</p>
<p>1 would encourage them to go through the DSL on the basis 2 the DSL has specific training and has a relationship 3 with the LADO and we know the LADO very well. So that 4 helps kind of facilitate that reporting, but it is not 5 the only route by which it could take place at all. 6 MS NIELD: The local authority's designated officer has, of 7 course, a relationship with the school. He has said in 8 his witness statement, which I know you have seen, that 9 the school -- his perception is the school don't 10 approach him for advice very regularly. He says 11 referrals are made appropriately and properly 12 documented. Is that your perception, that he is not 13 consulted for advice very often? 14 MR TIGHE: I can only speak in the tenure I have held. In 15 that time, I have gone with my DSL to the LADO for 16 advice. Somerset LADO have recently added an additional 17 box on the referral form which allows you to seek 18 advice, which allows you not necessarily to make an 19 allegation necessarily, but if something has come to 20 light and you want some advice as to what the next steps 21 ought to be, that's another way of us being able to seek 22 external expert advice about what our course of action 23 should be. I wouldn't hesitate to use that, and indeed 24 I have used that in my time already as headmaster. 25 MS NIELD: You have told us something about the neutral</p> <p style="text-align: center;">Page 190</p>	<p>1 MR TIGHE: We do say in our staff code of conduct you must 2 report if you have any low-level concerns or, indeed, if 3 you feel that you have put yourself in a situation that 4 might be misinterpreted. So it's about protecting each 5 other from misinterpretation of what's going on. So as 6 an example, for example, a member of staff was walking 7 down by the science lab late at night and there were two 8 girls who were coming the other way. Because of 9 the nature of the light, they were slightly startled, so 10 that member of staff then reported that via the neutral 11 notification system to say, "Just to let you know, 12 I have just walked past two girls, I startled them in 13 the dark, just so you're aware". That's the sort of 14 thing which we would encourage staff to tell us about 15 via the neutral notification system. It is embedded, 16 I'd like to think, quite strongly within the school 17 culture. 18 MS NIELD: I think you said any member of staff can access 19 the system and log a concern, it doesn't have to go 20 through the DSL anymore. 21 MR TIGHE: That's correct. 22 MS NIELD: Do staff have to receive training on how to use 23 the system? 24 MR TIGHE: It's fairly intuitive. It is part of our 25 safeguarding training to staff, the basic awareness that</p> <p style="text-align: center;">Page 192</p>

<p>1 all staff get talks about the neutral notification 2 system, where to find it. Essentially, it is a system 3 of a Google form where you type in your details, you 4 type in the date, the nature of the incident. It is not 5 particularly complex, in terms of having to understand 6 how to use it, but we do direct staff to know where they 7 can find it and it is pretty visible, as I say, on the 8 front page of -- along with a whole series of other 9 school resources, but it's there on the front page of 10 our kind of bookmarked online resources. 11 MS NIELD: The system I think notifies the DSL whenever 12 there is a neutral notification submission made by any 13 member of staff. 14 MR TIGHE: That's correct. 15 MS NIELD: Who is responsible for monitoring or reviewing 16 the neutral notification log? 17 MR TIGHE: So the primary responsibility would fall to the 18 DSL, who gets those notifications. He would then, 19 through the safeguarding team -- as I say, they meet 20 weekly and, if there were particular issues coming up, 21 that might be a forum within which it could be discussed 22 as well amongst the other safeguarding team. "Okay, so 23 we have had a number of low-level concerns this week or 24 month, what does that mean? Is it reaching a particular 25 threshold that demands more than simply neutral</p> <p style="text-align: center;">Page 193</p>	<p>1 notification wouldn't form part of a reference. But if 2 anything had reached a particular threshold that took it 3 into a concern or an allegation or, indeed, 4 a substantiated allegation, then that would have to form 5 part of a reference and the details given. 6 MS NIELD: Have there been any staff concerns about using 7 neutral notification in terms of it having an impact on 8 when they wanted -- if they wanted to move on to a new 9 school, and so on? 10 MR TIGHE: Not that I am aware of, no. 11 MS NIELD: Are staff personnel files kept separate from the 12 safeguarding logs? 13 MR TIGHE: Yes, they are. 14 MS NIELD: How long are they kept? 15 MR TIGHE: The safeguarding files are kept indefinitely, 16 currently. The personnel files are kept in line with 17 our data protection policy. I'm afraid I can't remember 18 exactly -- off the top of my head, exactly how long that 19 is, but we have a data protection policy as a school and 20 that's where the personnel files would be kept for that 21 length of time. 22 MS NIELD: Does it make a difference, Mr Tighe, in your 23 view, in terms of staff using neutral notification, that 24 it doesn't use terms like "allegation" or "report"? Do 25 staff seem open to the idea of noting any concerns?</p> <p style="text-align: center;">Page 195</p>
<p>1 notification but we need to take further action on 2 this?" 3 MS NIELD: Are concerns logged under the name of the staff 4 member about whom there are concerns or are concerns 5 logged by pupil name? How does that work, in terms of 6 being able to review the concerns? 7 MR TIGHE: I'm not entirely sure exactly how it would be 8 logged. I think, because it is an electronic device, 9 you could search by any category. You could type in 10 pupil, staff, date, do it that way. 11 MS NIELD: In terms of the safeguarding concerns that are 12 logged, what happens when a member of staff moves on to 13 a new school, for example? Takes up employment 14 elsewhere. Do those records follow them, like their 15 personnel file? What happens? 16 MR TIGHE: The files don't, but obviously, as part of 17 the recruitment process, references are taken, and now, 18 as part of our safer recruitment in all schools 19 questions about safeguarding concerns, whether there's 20 any history of concerns or allegations or prosecutions, 21 that has to be part of a reference that you would write. 22 MS NIELD: Even where that hasn't amounted to an allegation 23 or a referral to the local authority designated officer? 24 MR TIGHE: It would only be in those situations where -- 25 that's distinct from neutral notification. Neutral</p> <p style="text-align: center;">Page 194</p>	<p>1 MR TIGHE: Yes, I think so. I think, on the basis that what 2 we are striving to do is have an open culture where 3 safeguarding is paramount and in terms of reinforcing 4 the idea that it's everyone's responsibility, I think 5 the neutral notification system is an additional way of 6 achieving that. I think it's not necessarily the only 7 way that concerns can be raised, and obviously there are 8 various different people that can be spoken to, but it's 9 definitely another tool that we have at our disposal to 10 try and ensure that we are all vigilant and aware and 11 that anything that -- just the smallest niggles, there is 12 an opportunity for you to be able to say something in 13 good faith that it will be seriously taken and it won't 14 just be dismissed, but, equally, it's not going to be 15 blown out of proportion necessarily. 16 MS NIELD: I'd like to ask you now about safeguarding audits 17 and reviews that have been undertaken or commissioned by 18 the school, I should say. Wells Cathedral School is 19 inspected by the Independent Schools Inspectorate, but 20 in addition to inspections by the ISI, I think in the 21 last six years, you have, or the school has, commenced 22 a number of external audits or reviews focusing on 23 safeguarding in various aspects. I think the first of 24 those was in response to publicity in 2013 about -- 25 well, the Michael Brewer trial, but also allegations</p> <p style="text-align: center;">Page 196</p>

<p>1 that had been made against Malcolm Layfield, and there 2 were reports, I think media reports, at the time that 3 Mr Layfield may have behaved inappropriately towards 4 a student on a Wells Cathedral School tour of 5 the Far East in the 1990s. Is that right, that he was a 6 member of staff? 7 MR TIGHE: No, he wasn't a member of staff, but he was 8 a guest conductor, as far as I'm aware, on that tour, so 9 he was -- for a specific activity and then something 10 came to light about an allegation that occurred on that 11 tour, and so we then -- the school -- my predecessors 12 instigated a review -- two reviews at that particular 13 time. 14 MS NIELD: What were the two reviews? 15 MR TIGHE: One was historic, the Liddiard Report, which 16 I think you have a copy of, which looked back at what 17 happened in 1990 and tried to ascertain what steps the 18 school had taken at that point in time to deal with the 19 allegation and how they had investigated, and 20 simultaneously, as I understand it, there was another 21 report, a review, carried out by Wiola Hola, who is 22 a forming safeguarding inspector, I think, for Ofsted, 23 and that was to look at the current school -- 24 MS NIELD: So current in 2013? 25 MR TIGHE: Current in 2013, absolutely. Two things</p> <p style="text-align: center;">Page 197</p>	<p>1 MR TIGHE: That's right. 2 MS NIELD: I think that was October 2017. But explain what 3 or who Somerset County Council Support Services in 4 Education are? What body is that? 5 MR TIGHE: Again, this happened before my time. 6 I believe -- I'm not entirely certain -- it was part of 7 the safeguarding team that the county council had in 8 place, and that we asked them to come in as experts 9 within the local region, within our county, on 10 safeguarding matters to come and give us an independent 11 review of what was going on. 12 MS NIELD: Did they make any recommendations in that review? 13 MR TIGHE: There were some recommendations made about 14 signage around the school. Our school site is fairly 15 porous, and so there were some recommendations about 16 signage, about CCTV cameras being in place. Those were 17 the main recommendations, and something I think 18 regarding, again, signage to the junior school 19 particularly, all of which resulted in my predecessors 20 putting in an action plan to address all those 21 recommendations, and that was then another reason why we 22 instigated a further review from Mrs Hola -- again, 23 there's a second review from her -- to check that we had 24 put into place the recommendations that the Somerset 25 review had recommended.</p> <p style="text-align: center;">Page 199</p>
<p>1 happened: there was a retrospective review of what 2 happened in 1990, obviously with the distance of time, 3 and then a current review of what was happening. That 4 was in the first of, I think, three or four separate 5 reviews that have happened subsequently. 6 MS NIELD: I think Mrs Hola made some recommendations about 7 improving the physical environment, in terms of 8 safeguarding and security at the school; is that right? 9 MR TIGHE: I think there were a series of different things. 10 It brought -- some of the suggestions were to do with 11 making sure that our music teaching rooms had vision 12 panels in, for example, and there was also -- I think, 13 then, in a subsequent review -- so we then had -- 14 Mrs Hola then came back to do another review, I think in 15 2017, if I remember correctly, which was also in 16 response to a previous safeguarding review which 17 Somerset County Council had done for us -- again, all of 18 which was designed just to ensure that our practice was 19 as robust as we thought it was and we hoped it would be, 20 but we wanted external verification that what we thought 21 to be the case was indeed the case. 22 MS NIELD: So you've mentioned the review from -- I think it 23 was Somerset County Council Support Services in 24 Education who undertook an audit of current safeguarding 25 policies and practice.</p> <p style="text-align: center;">Page 198</p>	<p>1 MS NIELD: That was in 2018 that Mrs Hola undertook her 2 second -- 3 MR TIGHE: I think it was May 2018, just before I arrived at 4 the school. 5 MS NIELD: That was in relation to general safeguarding 6 culture; is that right? 7 MR TIGHE: Absolutely, yes. 8 MS NIELD: I think between those two reviews, 9 in December 2017, a review was commissioned to look at 10 safeguarding during school trips and visits, and that 11 was following allegations of inappropriate conduct by 12 a staff member on a school trip; is that right? 13 MR TIGHE: That's correct, yes. 14 MS NIELD: What were its conclusions, as to the safeguarding 15 regime for school trips? 16 MR TIGHE: Favourable. You've got the copies of 17 the reports, and they felt that there was a strong 18 safeguarding culture at the school, and that everyone 19 took their responsibilities seriously. 20 MS NIELD: The school, of course, when they undertake these 21 independent reviews, are paying for the review to take 22 place, and there is, some may say, the potential for 23 a supposedly independent review to make conclusions that 24 are favourable to the school. How do you ensure that 25 a review is thorough and impartial and robust?</p> <p style="text-align: center;">Page 200</p>

<p>1 MR TIGHE: I think the risks you have identified there are 2 real ones. I think the way you mitigate against those 3 is to be as certain as you possibly can be that the 4 people you are asking to undertake these reviews are as 5 expertly qualified as they possibly can be and as 6 independently minded as they can be. In our instance, 7 we went to the county council and to safeguarding team 8 at the county council who are experts in the area but 9 are not related directly to the school in any way, 10 although we happened to be in Somerset, or a former 11 Ofsted inspector who, as far as I'm aware, had never 12 been to the school prior to the first review, hadn't 13 inspected us previously and was a lead inspector for, 14 again, an independent organisation that was entirely 15 distinct from the school. 16 MS NIELD: You are, of course, inspected on safeguarding by 17 the Independent Schools Inspectorate, and they are 18 obviously, when they come, usually looking at a number 19 of different areas, of which safeguarding is but one. 20 Is there time, do you think, for safeguarding, and 21 certainly in terms of the safeguarding culture of 22 the school, to be assessed properly in an inspection 23 visit? 24 MR TIGHE: Well, the framework has changed recently, 25 certainly in my time since I have been in senior</p> <p style="text-align: center;">Page 201</p>	<p>1 questions? 2 THE CHAIR: No, we have no questions. Thank you very much, 3 both of you. 4 (The witnesses withdrew) 5 MS NIELD: That concludes the witnesses for today, if you 6 wish to adjourn, chair. 7 THE CHAIR: Thank you. 8 (4.27 pm) 9 (The hearing was adjourned to 10 Thursday, 3 October 2019 at 10.00 am) 11 12 13 I N D E X 14 15 MRS CLAIRE MORELAND (affirmed)1 16 17 Examination by MS NIELD1 18 19 Questions from THE PANEL53 20 21 MS KATE RICHARDS (affirmed)57 22 23 MS ELIZABETH COLEY (sworn)57 24 25 Examination by MS SCOLDING57</p> <p style="text-align: center;">Page 203</p>
<p>1 management of the school, whereby the framework is now 2 divided into compliance inspections and then an 3 educational quality and compliance inspection. So you 4 can expect to have your compliance checked every three 5 years and your educational quality inspected every six 6 years. So that does mean that safeguarding would come 7 under compliance. That's a reasonably frequent amount 8 of time at which that would be looked at. 9 I do accept, having been part of inspections myself 10 at schools I have worked at, that those inspectors have 11 a lot to look at in a relatively small space of time. 12 The number of inspectors who come into a school will 13 vary depending on the size of the school. If you are 14 a residential school, a boarding school, there will be 15 inspectors specifically looking at the boarding element. 16 So I think probably, although there is a lot for them to 17 have to get through, they are able, I would say, to be 18 able to get a pretty accurate assessment of what goes on 19 on the ground and I know that they do a lot of research 20 in advance of arriving at school in terms of looking at 21 the paperwork and the policies and all that kind of 22 thing as well. 23 MS NIELD: Mr Tighe, I have no more questions for you, or 24 for you, Mrs Bennett, but if you wait there, please. 25 Chair and panel, I don't know if you have any</p> <p style="text-align: center;">Page 202</p>	<p>1 2 Questions from THE PANEL120 3 4 MS HELEN HUMPHREYS (sworn)123 5 6 Examination by MS SCOLDING124 7 8 MRS HELEN BENNETT (sworn)156 9 10 MR ALISTAIR TIGHE (sworn)156 11 12 Examination by MS NIELD156 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 204</p>

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