Wednesday, 2 October 2019

THE CHAIR: Good morning, everyone. Welcome to Day 3 of this public hearing.

MS NIELD: Good morning, chair and panel. The first witness this morning is Claire Moreland. Before I ask to call Mrs Moreland, we wish to clarify a point, please, arising from yesterday.

RS-A5 has contacted us and requested that we clarify that Mrs Rhind was not her housemistress whilst she was at Chetham's School. Thank you.

I call now, please, Mrs Claire Moreland.

MRS CLAIRE MORELAND (affirmed)

Examination by MS NIELD

MS NIELD: Good morning, Mrs Moreland.

A. Good morning.

Q. Just a few things before I start my questions. This is not a test of memory. Please feel free to refer to your notes or a witness statement at any time, and if you can't remember a particular matter, then please do say so. We can take as many breaks as you like; just let me know if you wish to take a break at any time. We will be having a break every one hour and 15 minutes, in any event.

A. Thank you.

Q. If you could go, please, to your witness bundle that's behind tab A/6 -- chair and panel, this is in your core bundle D -- forgive me, that's behind tab A/1. You can use either the screen or the paper bundle or both, as you wish. But I will ensure that any documents that we are looking at will appear on the screen.

A. Yes.

Q. You were the head teacher of Chetham's School of Music from 1999 to 2016; is that correct?

A. Correct.

Q. You took over as head teacher there from Peter Hullah, I think?

A. That's right.

Q. You had previously worked at Rugby School?

A. That's right.

Q. What was your role there?

A. Initially, whilst I was expecting my son, I taught a bit of part-time French and German and, after maternity leave, I applied for, and got, the job of running the first girls' house at Rugby School. That was in 1992. I was a housemistress there for five years, and then I became the deputy head at Rugby School.

Q. So you had some pastoral responsibilities as housemistress?

A. Indeed, yes.

Q. Did you have pastoral responsibilities as deputy head?

A. Oh, yes.

Q. As well as your experience within residential schools, did you have any experience within music education at that point?

A. No, none at all.

Q. When you came to Chetham's School of Music, there were, I think, around 270 children at the time you began?

A. Yes.

Q. Children went to the school from the age of 8; is that right?

A. Yes.

Q. But it was quite a top-heavy school in the sense --

A. That's right.

Q. -- that there were far more children in the sixth form, I think --

A. That's right.

Q. -- than lower down the school?

A. Yes, that's right.

Q. In terms of the division between boys and girls, what were the sort of percentages there?

A. It largely seemed 50/50, but I think, on balance, there were slightly more girls than boys.

Q. How many of the children, or what percentage of the children, approximately, boarded?

A. Out of the 270, and then that grew towards 300, I would say there were about 230 boarders, generally.

Q. In terms of the day pupils, did they tend to be the younger children?

A. They did, yes.

Q. I would like to move on to the safeguarding regime or arrangements at Chetham's during your headship. In your witness statement, you have said that the safeguarding you inherited in 1999 needed improvement.

A. Mmm.

Q. Was that your observation on arriving at the school, or was something that you were recruited specifically for?
to deal with?

A. No, it was my observation. I saw immediately, even before I accepted the post, that the school needed more physical barriers. At the time, there was nothing to stop any member of the public from coming into the school, other than a person in the security lodge at the gate.

Q. We have heard that Chetham's School is situated in the centre of Manchester. It is very near to the cathedral and also to Victoria Railway Station; is that right?

A. That's right, yes.

Q. So it is, or was, quite a permeable site?

A. Yes.

Q. You have said that you considered the approach to child protection at Chetham's in 1999 was outdated. Was that in any particular respect?

A. Not that I can remember. I would clarify it by saying that, coming from Rugby School and my pastoral role there, the awareness of child protection and safeguarding was not as high as it should have been throughout the school.

Q. You may not be able to recall, but did the policies in place, when you became head, address risks relating to inappropriate conduct by staff in relation to pupils or sexual abuse of pupils by staff?

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A. I don't recall that, but I clearly recall that there was already in place a child protection officer, Barbara Owen, who later became the safeguarding designated lead, yes.

Q. When you took up the role of head teacher at Chetham's, having come from a residential school background, but not a specialist music education background, did you consider that there were specific child protection challenges within residential specialist music education?

A. Potentially, yes. But solely based on the fact that a lot of the most valuable education for the children took place on a one-to-one basis, but, other than that, there were no particular grounds for alerting me to a greater potentiality for child abuse.

Q. Had you considered, or were you aware of, the possibility that there may be a different relationship between an aspiring musician and a very experienced and highly esteemed teacher, instrumental tutor, which was a little different from the normal pupil-to-teacher relationship?

A. Yes. If asked about it at the time, I'm sure I would have said, yes, this was something which would have needed more care and management and training.

Q. In terms of making changes to safeguarding at Chetham's School when you arrived, you identified certain weaknesses that you noticed immediately, in terms of the physical side, the physical environment, and you say that you introduced security barriers, swipe cards for entry to the school campus, and you no longer allowed sixth formers out in the evening?

A. Every evening, mmm.

Q. We could perhaps categorise those as external risks to the pupils. Did you identify any risks to students from within the school, and particularly in relation to staff and safeguarding issues there?

A. No, I didn't.

Q. You say that your role initially was focused around the modernisation of Chetham's School and the safeguarding policies. We know that there were some big changes later on to the physical buildings at the school, and I will come to that in due course, and we also know that there was a critical inspection in 2013 which led to a lot of changes. But thinking back now to the time prior to that inspection in March 2013, do you recall any changes to policy, practice or procedure, in terms of safeguarding, prior to that inspection taking place, so in the period of 1999 to 2013?

A. Two answers to that, I suppose. One, yes, there were very regular changes and updates in line with the growing body of legislation around safeguarding following the Bichard Inquiry, and so on, but there wasn't -- if I can say, there wasn't anything out of the ordinary that I needed to put in place, in my view. It was simply keeping pace with the overall level of the legislative and regulatory frameworks that were gradually put in place.

Q. We have seen some of the code of conduct and disciplinary procedures under your predecessors' tenure. After your arrival in 1999, did you make any changes to school policies in terms of a code of conduct for staff or any policies that clarified what was acceptable or unacceptable conduct for teachers in terms of their interactions with students?

A. Well, as I say in my statement, we had regular staff training days for all members of staff at the beginning of every year, and there were always regular updates and tweaks and, I suppose, presentations about different sorts of child protection issues, and so on. So that is a very clear memory for me, that we always were trying to improve the code of conduct, the overall framework of behaviour and the expectations of the boys and girls and the parents, and so on.

Q. You have told us there was a child protection officer, Barbara Owen, who was in place when you arrived?

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1. A. That's right.
2. Q. Was Mrs Rhind still the housemistress when you arrived at the school?
3. A. No, not Anne Rhind. Her daughter, Carolyn Rhind, was a housemistress when I arrived there.
4. Q. I think she subsequently became the deputy --
5. A. Deputy head pastoral, yes, that's right.
6. Q. Who was responsible for the school's child protection policy, for drafting or amending it?
7. A. Well, the overall responsibility fell to what was then called the school committee, if you like, point of view --
8. Q. Which was the governing body?
9. A. -- yes -- which then, later, was modernised to be called the school governing body. But then, through me, to Barbara Owen, Mrs Owen, and she constantly took advice from the local authority designated officer, Majella O'Hagan, and any other specialists in the field.
10. Q. So there was a degree of liaison, then, between the school and the local authority --
11. A. Yes.
12. Q. -- designated officer, in terms of formulating child protection policy prior to 2013?
13. A. Yes.
14. Q. Would you say that the relationship between the local authority and the school, in relation to child protection and safeguarding issues -- did that change in any way during that period of 1999 to 2013?
15. A. No, it didn't. It became closer in some ways. When I became head, I think there was some misunderstanding at Manchester City Council as to the nature of Chetham's. It was felt to be, as an independent school and a boarding school, a posh boarding school for rich young musicians, but I explained to Sir Richard Leese, Sir Harold Bernstein, and so on, who I got to know quite well, that this was a school where all the parents were means tested if a child was given a place at the school, and it was very, very socially diverse.
16. So I, I suppose, felt very confident in all my dealings with Manchester City Council in terms of formulating cultural strategies for the city and the local music hubs, and so on. And, likewise, with the Children's Services and safeguarding, the relationship was found to be very close and helpful.
17. Q. How would you describe the liaison or the division of responsibilities between yourself, as head teacher, and the child protection officer?
18. A. I had regular meetings with Mrs Owen, once a week, in the diary. If anything cropped up in between those sessions, then she would always have immediate access to me. She later became a member of the wider senior management team.
19. Q. Do you know when that took place, that change?
20. A. No.
21. Q. Can you remember whether it was post 2013?
22. A. No, it was pre 2013. A former deputy head had retired, and I took that opportunity to rejig the responsibilities around the senior management team.
23. Q. Who was responsible for dealing with the delivery of child protection training?
24. A. It was also Mrs Owen, but, as I said, sometimes you would get specialists in from the local authority or other areas. We had people in from the police about CEOPs and that sort of thing, to give us greater insight into the whole world, which was then developing, of internet abuse and social media and the dangers involved with that.
25. Q. Did that include delivering child protection training to you, as head teacher?
26. A. Oh, yes.
27. Q. In relation to instrumental teachers, we have heard that certainly, when Mr Hullah first took over, most of the instrumental teachers were in fact not employed by the school; they were engaged on a peripatetic basis.
28. A. Yes.
29. Q. Is that something that you changed when you arrived at the school?
30. A. Yes. I had to wait until I had a new bursar on board, because the whole issue was actually rather expensive, in terms of employing them all. But we did do that, and it made all the difference, in terms of the school's management of the musicians.
31. Q. Did that mean, then, that they had to attend safeguarding training?
32. A. Yes, it did.
33. Q. What was the reaction from those music teachers who were then required to attend safeguarding training?
34. A. It varied. I think most of them realised that it was a necessary part of being an employee of Chetham's, which they generally wanted to be. Some resisted, because they simply had very busy lives. They might be involved -- they might be an instrumentalist in the London Symphony Orchestra or on tour and that sort of thing, so managing their diaries was tricky, but they always came. They had to, or we wouldn't have carried on their employment.
35. Q. It was effectively a condition of their contract?
36. A. Indeed.
37. Q. There were some considerable changes, I think, to the school site in 2012, with the building of the new...
I was very glad of it, honestly speaking, that it was actually much more transparent in concrete terms, if you like, as well as in -- sorry, in real terms, as in concrete terms, so the increasing transparency of the tuition was reflected in the physical makeup of the rooms.

Q. But that wasn't actually a requirement that was stipulated by the school, that all the music rooms had to be clearly visible from the outside?

A. No. But there was always a requirement, in my mind at least -- and it might have been in recommendations from the Musicians' Union, that there should always be a glass window in the door, and that was the case in the previous building that had been demolished.

Q. But, in fact, what you had were glass walls, in many cases?

A. Yes, in many cases; not all cases, but certainly around the central atrium, there's a great deal of glass.

Q. I'd like to ask you a little about your perception of the culture at Chetham's School, if I may. We have heard from Mr Hullah, and I think you have had the opportunity of reading his witness statement. All the practice rooms were very visible?

A. In the new building, yes.

Q. Did one-to-one tuition took place in those new rooms?

A. Oh, yes.

Q. Was that in response to any specific incidents at Chet's, or was there a more general awareness at that point, in 2012, that there needed to be greater visibility for one-to-one tuition?

A. No, it wasn't in response to anything specific. It was more by good fortune, in a way, that the architect who we employed to design and build the new school, with input from all of us and the musicians, decided that glass was going to be a very good material to use, and
you were aware of when you were the head at the school?
A.  I did not, no.
Q.  We have heard, again, from Dr Pace and other witnesses that the classical music world, and certainly the world of classical music education, is quite a small one, and within Manchester there is Chetham's School, there's the Royal Northern College of Music, there were -- certainly were -- two professional orchestras based in Manchester, and students tend to move from specialist school to specialist college, and then on to -- or perhaps another conservatoire. They may become teachers at one of those. And teachers tend to teach at several of the colleges. So people are known to each other and move about within those limited number of institutions.
A.  That's right.
Q.  Did gossip or rumours reach your ears prior to 2013 of those sort of issues having been a feature, whether at that time or in the past?
A.  Not really, no. I have thought about this, obviously, and I was really aware, following the first visit of the chief investigating officer, about the allegations regarding Mr Brewer. No. I obviously became aware of the allegations around Mr Layfield, a former violin teacher who left before I arrived, in 2002, right at the beginning of the century.

Malcolm Layfield, and that he had instigated an investigation into Malcolm Layfield around -- or before 2002 following these allegations, and he'd also involved the police. So I was aware from him in the first instance, yes.
Q.  There were two former pupils of Chetham's School who wrote to you in 2002 with allegations of their experiences with Malcolm Layfield?
A.  That's right.
Q.  I think they both gave descriptions of a teacher who had engaged in sexual activity with his students when they were 16 years old; is that right?
A.  That's right.
Q.  They told you that there had been incidents that had happened away from the school, during summer schools and outside of term time?
A.  That's right.
Q.  They spoke to you about the impact it had had on them?
A.  Yes.
Q.  They were writing to you to object to his appointment at the RNCM, but also one of them asked you whether you would give her an assurance that you would never employ Malcolm Layfield again, and you wrote back to those two women with some brief letters. Can we go, please, to those letters. First of all, CSM000450_004, please,

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

Q. I don't think we need to go to the specific minutes, but
D. was whilst the trial was ongoing. You noted that there
may be questions raised over Mike Brewer's departure in
1994.

A. Yes.

Q. What did you know, then, at that point, about the
circumstances of Mr Brewer's departure from the school?

A. When it became obvious to the staff that there was going
to be a trial, I became aware that were various members
of staff who remembered Mr Brewer — not very many —
and one particular member of staff — you've mentioned
Carolyn Rhind, her mother had had some involvement when
her mother, Anne Rhind, was a member of staff back in
1994 with the events surrounding Mike Brewer's
departure. And Carolyn passed those on to me
second-hand, if you like.

Q. What did she tell you?

A. She was a bit vague about it, I think, but she said that
her mother had seen or been around when there was a girl
in Mike Brewer's office one evening in that December,
and I’ve since read Peter Hullah's statement.

Obviously, I don't — it was way before my time, and
I'm sorry I can't be more specific with what Carolyn
told me, but —

Q. It wouldn't have been unusual for Mr Brewer to have
a student in his office?

A. No.

Q. So what is it that Mrs Rhind told you about the
circumstances of his departure?

A. Just that it was agreed between the governors and
Peter Hullah that Mike Brewer should leave with
immediate effect for ill-health reasons and that the
staff had a suspicion that it involved a girl and were
very surprised when Mr Brewer left immediately and just,
I suppose, rumours abounded at that time.

Q. But those rumours hadn't reached your ears until
Mr Brewer's trial began; is that right?

A. In all honesty, no.

Q. The trial was very widely reported, and I think you were
also kept updated on what was unfolding. You've said in
your witness statement that you were aware that
Peter Hullah had admitted that he and the former
chairman had allowed Mike Brewer to retire under
ill-health circumstances rather than dismissing him for
misconduct. So you had an understanding that he had
committed some sort of indiscretion?

A. Yes.

Q. Was that understanding that you had formed from the
trial reports, or had you had any conversation with
Mr Hullah himself?

A. No, I hadn’t had any conversation with Mr Hullah at all.

But by that stage, I was aware of these rumours amongst
the staff involving Anne Rhind. But also, I had
a member of staff sitting in court throughout
Mike Brewer's trial, and she told me that this had been
admitted, that there was this agreement, that
Peter Hullah had admitted that there had been an
agreement that Mike Brewer should leave on ill-health
grounds.

Q. Did you understand that to mean that the school had
covered up the real reason for his leaving?

A. Yes.

Q. After the conviction of Mr Brewer, Operation Kiso —
well, a number of people came forward with various
allegations about their experiences, both at
Chetham's School of Music and at the RNCM, and indeed at
other music schools.

A. Operation Kiso?

Q. Yes.

A. I don’t believe so, actually. I think they did look at
other music teachers at other institutions as well.

I think Jamie Daniels writes about that in his
statement. But it had its roots in Manchester.

Q. The parameters were within those two institutions, but
there were some allegations that came forward in
relation to other music schools —

A. That's right.

Q. -- and in some cases those were referred on to other
forces, I think.

A. That's right.

Q. You have referred to the statement of Detective Chief
Inspector Daniels describing Operation Kiso, and he set
A. Yes.
Q. He didn't, in fact, return to teach at Chetham's. The allegations were made by a former pupil of Chetham's who had in fact -- RS-F15 had been her educational guardian. She was an overseas student; that's right, isn't it?
A. That's right.
Q. There were a number of other prosecutions of former teachers at Chet's for sexual assaults on their pupils. Were you aware, or made aware, of the guilty plea of Nicholas Smith to an indecent assault on his pupil in 1978?
A. I became aware of it, yes.
Q. You were also aware, I think, that Malcolm Layfield was tried for an allegation of rape on a student in the 1980s, and he was acquitted of that charge. But in the course of that trial, he admitted that he had conducted a number of sexual relationships with 16- and 17-year-old students, at a time when that was not an offence; is that right?
A. Mmm, yes.
Q. I think you were also made aware that the Crown Prosecution Service recommenced, or launched, I should say, extradition proceedings to bring Christopher Ling back to the United Kingdom to face trial on charges of indecent assaults on 11 complainants, the majority of whom had been pupils at Chetham's in the late 1980s; is that right?
A. Mmm.
Q. Were you also aware that Mr Ling committed suicide in 2015 --
A. Yes.
Q. -- as he was about to be arrested on an arrest warrant to bring him back to the UK?
A. Yes.
Q. So the picture that was emerging, as Operation Kiso unfolded, of the school in the 1970s and 1980s in particular and, to an extent, in the early 1990s, in terms of the culture of the school, the prevalence of sexual abuse that was being alleged, did that cause you concern?
A. Obviously, it did when all these events came to light, but in the first few years of my headship, right up until 2012, with one or two exceptions, which I mention in my statement, I was not aware of this picture of the school from the 1970s and 1980s. I had one or two reunions for old boys of the school before it became a specialist music school in 1969, we had Founders' Day and old boys were encouraged to come back, and they had varying stories of the school being an absolutely wonderful place and others said that they had a really tough time.
Q. I believe that one or two allegations have come out, in amongst the ones that you mentioned, from those days before it was a specialist music school.
A. Oh, yes, of course. Yes.
Q. I'm going to now ask you some questions which have been requested by the legal representatives of those core participants who are victims and survivors of abuse at Chetham's School.
A. Yes, that's true.
Q. As a result of Operation Kiso and the emerging picture of the history of abuse at the school, did you consider that an independent review or enquiry into those non-recent safeguarding issues might be an appropriate response?
A. Might be an appropriate response, yes.
Q. But you didn't conduct one?
A. No. Sorry, I thought you meant this particular inquiry.
Q. No, I'm asking about what you did and what you thought might be appropriate in 2013?
A. In 2013? I beg your pardon, yes. We thought, in the light of the inspection reports, and of all the events, that it would be in everyone's best interests, most certainly the children and the parents of the current school, to have an overview of the school and all its arrangements, and that was part of the thinking in the makeup of the Independent Safeguarding Commission that restarted in 2013, to have that overview.
Q. But that didn't go back and look at the situation in the school in the 1970s or 1980s.
A. No.
Q. That was a current oversight?
A. Yes. Yes, that's true.
Q. You told, I think, the school committee, that you had written to all of the alumni of the school in March 2013 in relation to the issues that were emerging. Other than that letter, did you do anything else to reach out to victims?

A. I had various meetings with the chief investigating officer about this, and we were both very concerned to have a channel there for previous victims and survivors to come forward, and we set up a hotline, if you like, which we advertised on our website for those people to come forward in confidence. The Greater Manchester Police managed that.

I also gave out regular updated statements on the website, and that was intended to reach out to the survivors and also to other constituencies in the present-day school, so we were frequently updating the main statements on the website with regard to parents and the boys and girls and the music world in general.

Q. In terms of victims and survivors of abuse in the past at Chetham's School, when you were head, did you offer an apology to victims and survivors of past sexual abuse?

A. I did. I believe the first time was in my public statement outside Manchester Crown Court following the conviction of Mike Brewer.

Q. You told, I think, the school committee, that you had written to all of the alumni of the school in March 2013 in relation to the issues that were emerging. Other than that letter, did you do anything else to reach out to victims?

A. From the past?

Q. Yes.

A. Other than making everyone that we could aware of the care that was available from the phone line to the police, I don't think that we did. I wasn't aware at the time of much that we could realistically do because I wasn't aware, if you like, of who they were, necessarily.

Q. You were aware that Chris Ling committed suicide in 2015?

A. Yes.

Q. At that point, did you reach out to victims and survivors of Mr Ling?

A. Personally, I never became aware of who they were.

Q. I'd like to move on to a different topic now, and that's the inspection of the school that took place in March 2013. This was a joint inspection between the Independent Schools Inspectorate and Manchester Children's Services that took place on 6 and 7 March 2013. I think the ISI and Manchester Children's Services had, between them, divided up areas for inspection, with the idea that there would be a team of inspectors for each, so that all aspects of safeguarding could be inspected and addressed.

Prior to that inspection taking place, you were sent by the Independent Schools Inspectorate a pre-inspection information collection form; is that right?

A. Yes.

Q. Can we go to that, please. It is ISI001562. It is behind tab B/20 in your bundle. That's a form to be completed electronically with information about the school, distinctive features of the school, governance structure, and so on. All sorts of information. Can we go to page 9, please. Do you know who filled in that form?

A. Each time we had an inspection, it was a joint endeavour from members of the senior management team with specific responsibilities in specific areas.

Q. Actually, our page 11 is page 9 of the form, the internal numbering is a bit different. Can we go to our page 11 of that form, please. Is it your responsibility to ensure that the information on that form is correct?

A. Yes.

Q. If we can go to the bottom question and the bottom box, please, you were asked to indicate "any cases where a member of staff or other person connected with the school is subject to investigation, has resigned, or has been dismissed or disciplined because of questionable conduct with children". The box is filled in "N/A", not applicable.

A. Mmm.

Q. Why did it say "N/A"?

A. Because this box is since the last inspection.

Q. I think it says, "In each case, briefly mention any referral made to the DfE or the ISA since the last inspection". Is that what you had understood? You had understood the previous sentence to also refer to "since the last inspection"; is that right?

A. I think that was the norm in terms of reporting, yes.

Q. Because you were asked that question again during the inspection process itself, weren't you?

A. Mmm.

Q. Can we go to ISI001392_012. That's behind tab 21 in your bundle, please. Can we go to ISI001392_012. That's the "Questions for staff -- focused form". We can see at the top it's the headmistress that's being questioned. If we go on to the next page, page 13, at the top of that, can we just see the top paragraph, please:

"Has the school taken any disciplinary action, or issued a suspension, or departure of any individual (staff, volunteer or other person ...) because of
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<tr>
<td>1. I would not have deliberately covered anything up. Why would I? So that's all I can say, I'm afraid.</td>
<td>1. Q. Prior to those reports being published, you were sent copies of both of them for you to correct any factual inaccuracies: you wrote, effectively, to both the inspecting bodies with requests to alter or reword those reports. You said the fact that you were writing with an extensive list of what you said were inaccuracies should not be taken as an indication that you did not take the report seriously; is that right?</td>
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<tr>
<td>2. Q. Did Ms Coley, when she reasked you about staff disciplinary action, make any mention of the matters that she had noted the day before, about Manchester City Council having made her aware of a disciplinary issue?</td>
<td>3. A. Yes. It was the norm, following inspection reports, that there was a period in which one could make the inspectors aware of any factual inaccuracies or misunderstandings, and we were not given that time. I requested more time, in order to provide the inspectors with more information.</td>
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<tr>
<td>3. A. No. I can't remember specifically, but I don't think so.</td>
<td>4. We were also not given the normal verbal feedback at the end of that inspection in which certain misunderstandings could have been rectified.</td>
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<td>4. Q. ISI and Manchester Children's Services produced two separate reports, effectively. They're each on slightly different aspects of safeguarding arrangements at the school. But I think we can summarise the two reports by saying that they identified a number of shortcomings in the school's policies and procedures and practice in relation to safeguarding, that the relevant standards hadn't been met in relation to aspects of handling allegations, staff recruitment, the handling of complaints and concerns, and they also found that the governors and proprietors had failed to exercise sufficient oversight of compliance with those regulatory requirements, really by the fact that there had been failings to comply. It effectively meant that appropriate oversight had not been exercised; is that right?</td>
<td>5. May I just mention the oversight of compliance? That was one such when the proprietors were identified as the feoffees, who are the landlords of the school, and they were not the school governing body but they were treated as such by the inspectors. But that was a misunderstanding, which was then subsequently rectified.</td>
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<td>5. A. Mmm.</td>
<td>6. It is a small point --</td>
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<td>6. Q. Which was correct?</td>
<td>7. Q. I think the school committee were identified as the governing body and the feoffees were identified as the proprietors in the report, weren't they?</td>
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<tr>
<td>7. A. Mmm.</td>
<td>8. Yes.</td>
</tr>
<tr>
<td>8. Q. Then it says underneath -- these are her notes: &quot;MCC team declared that issue with teacher -- investigation and action taken by school before they informed LADO. LADO has it on record that she was told that disciplinary action had been taken.&quot;</td>
<td>9. A. Mmm.</td>
</tr>
<tr>
<td>9. Can we go then to the next day, so that is ISI001489 -- that's behind tab 22 in your bundle. So these are the notes from the next day, we can see at the top of the form, &quot;7/3/13&quot;. At point 3, you are reasked about staff disciplinary action or suspension: &quot;Had responded immediately by saying, yes, there were four (said she had not heard properly or understood yesterday).&quot; Is that right, that you had not understood the question when you were asked the day before?</td>
<td>10. Q. Can we go to the conclusion of the ISI report, please? ISI000729_011. This is tab B/11 in your folder. This is the final conclusion of the report: &quot;Pupils report that they are generally happy and feel safe and secure in school. A number of weaknesses have been identified in policy and practice in relation to safeguarding, handling allegations, staff recruitment, and the handling of complaints and concerns. These issues indicate insufficient effectiveness of the oversight of compliance with regulatory requirements by the proprietors and the management team. These deficiencies must now be remedied as a matter of urgency.&quot; When you wrote to ISI in an email on 25 March, you said that there was overwhelming evidence that the judgments were significantly flawed, and you asked for the publication of those reports to be delayed until your concerns had been addressed in that regard; is that right?</td>
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<tr>
<td>10. A. Yes.</td>
<td>11. A. Mmm.</td>
</tr>
<tr>
<td>11. Q. It is a small point --</td>
<td>12. No. No. I can't remember specifically, but I don't think so.</td>
</tr>
<tr>
<td>12. Q. It says there &quot;None declared&quot;. Elizabeth Coley, who conducted the inspection, has initialled it and dated it? A. Yes.</td>
<td>13. Q. Did Ms Coley, when she reasked you about staff disciplinary action, make any mention of the matters that she had noted the day before, about Manchester City Council having made her aware of a disciplinary issue?</td>
</tr>
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<td>13. A. Mmm.</td>
<td>14. A. No. I can't remember specifically, but I don't think so.</td>
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<td>17. A. Mmm.</td>
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A. The responsibilities of the feoffees I believe were seen to be just about the same as the school governing body, but, again, that was rectified -- sorry, it is a small point.

Q. Amongst other things, you said that it was misleading for the ISI report to state in its conclusion that a number of weaknesses had been identified. You wanted the word "small" to be inserted to read "a small number of weaknesses". Was that your assessment of what had been set out in that report, in terms of the number of safeguarding-related areas where standards hadn't been met?

A. Having re-read my action plan -- well, "my action plan"; the action plan that was put together by the whole team there -- there were areas which needed to be addressed and, for example, it wasn't written down that boys and girls could not go into staff accommodation. That was the norm. That was the rule. But it wasn't written down. So that sort of thing was rectified immediately.

Q. When you wrote the action plan to address the areas pointed out at that time.

A. Yes, and the whole school was devastated.

-- 36 23 pages of proposals with, by my count -- although maths isn't, I'm afraid, my strong suit either -- is it standards, that was a considerable document -- it is a small number.

Q. In terms of the action plan, that was written by you and the child protection officer together; is that right?

A. No, they didn't, no.

Q. In fact, you had written, on 26 March, a formal complaint letter to both Manchester Children's Services and the ISI, and you summarised your complaint in these terms:

A. Yes. That had surfaced in relation to sexual abuse at the school, and you pointed out that those were non-recent incidents. You also pointed out that the school had had a report -- the last report, in fact, was in 2011 from Ofsted that had rated the school as "good" and safeguarding as "good".

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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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<tr>
<td>1 Q. How did the subcommittee work? Who reported to it?</td>
<td>1 A. Oh, yes. All governors did, as a matter of course, anyway.</td>
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<td>2 A. We all had input into the Safeguarding Subcommittee.</td>
<td>2 Q. How frequently did the Safeguarding Subcommittee meet?</td>
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<td>3 The governor with responsibility for child protection, the Independent Listener, the safeguarding officer, we created two deputies for her, and so on. House parents were also there, as I say, and a number of other governors came in to spend time in the school and become aware of its policies and procedures.</td>
<td>3 Q. Did it have responsibility for exercising scrutiny of policies and procedures?</td>
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<td>4 A. Yes.</td>
<td>4 A. Yes.</td>
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| 5 Q. Did it also look at individual cases of safeguarding concern? | 5 Q. Those were anonymised?
| 6 A. Yes. | 6 A. Yes, indeed. |
| 7 Q. In terms of both the staff and the pupils involved? | 7 Q. The school also set up an Independent Safeguarding Commission? |
| 8 A. Yes. | 8 A. Commission. |
| 9 Q. The school also set up an Independent Safeguarding Commission? | 9 Q. Can you tell us a little bit about that? |
| 10 A. We took the events of 2013 very seriously indeed, both in relation to the past and the present. It was felt that we should have a body completely outside the school to oversee all the arrangements, and so the idea/concept of an independent commission was formulated and worked on. | 11 Q. And also the Independent Safeguarding Commission? You may wish to look at this whole area in its entirety. |
| 12 A. Yes. | 12 A. That's right. |
| 13 Q. Where had the idea come from to have an essentially external body scrutinising safeguarding from the school? | 13 A. Yes, unless the Safeguarding Commission required to see anything. |
| 14 A. I suppose, essentially, it was the then chairman of the school governors, Dame Sandra Burslem, and myself who developed the idea. Dame Sandra had connections, as I say, with the judiciary, as did I, and with the Probation Service, and we were able to, as I say, issue a few invitations to those people who might be interested in helping us. | 14 Q. Were you and the chair of governors ex officio members of the Independent Safeguarding Commission? |
| 15 A. Yes. | 15 Q. Yes, so the confidential matters were kept in part B? |
| 16 Q. Where had the idea come from to have an essentially | 16 A. Yes. |
| 17 external body scrutinising safeguarding from the school? | 17 Q. Where had the idea come from to have an essentially |
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| 26 A. Yes. | 26 Q. Where had the idea come from to have an essentially |
| 27 Q. I think it is from page 7, paragraph 55 onwards that | 27 external body scrutinising safeguarding from the school? |
| 28 Q. And also the Independent Safeguarding Commission? You may wish to look at this whole area in its entirety. | 28 A. Yes. |
| 29 A. Yes. | 29 Q. Where had the idea come from to have an essentially |
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Q. Is it right that the Independent Safeguarding Commission was able to request that members of staff from the school or members of the leadership team from the school could come before it and give a report or an explanation of specific issues?

A. Yes.

Q. In the three years that you then remained at the school, because I think you retired in 2013 --

A. 2016.

Q. 2016, sorry. Was that at the end of the school year, 2016?

A. Yes.

Q. In those three years that you remained at the school, what were your views on how effectively the Safeguarding Subcommittee and the Independent Safeguarding Commission, how effectively they operated in terms of oversight and scrutiny?

A. I think they worked well. Certainly the ability of the Independent Safeguarding Commission to help us and follow up any things which might have any kind of question mark over them was very much valued. Various issues came up, which you've referred to, which needed their oversight, and we welcomed that. One specific area was the Chetham's Piano Summer School. I remember we spent some time on that. So I felt that they were increasing the effectiveness of the overall governance of the school.

Q. Did you feel that it was making an impact on staff within the school, in terms of their awareness of transparency? Do you think that it made a difference in terms of staff willingness to discuss or report safeguarding concerns that they had?

A. Not necessarily, I suppose. My personal attitude, which I tried to encourage others -- everybody else to adopt, was one of the need to be blisteringly transparent about everything. One of the things which I remember saying in assembly as part of regular updates in individual year groups was that this is a telling school, and that applied as much to all those students as to all the members of staff and anybody associated, that people were always going to be able to raise any concerns whatsoever, and we, I suppose, and especially I, came to positively demand to be asked awkward questions.

Q. In terms of the management of safeguarding at the school -- so I'm talking about amongst the senior leadership team and the school management -- what was your assessment of the impact of those two bodies or either of them on safeguarding management at the school, having that additional layer?

A. It was useful to have other people holding us all to account.

Q. When inspections of the school took place by ISI subsequently, were the minutes of the Safeguarding Subcommittee and the ISC made available to them?

A. Yes, I believe so.

Q. This question is now asked on behalf, again, of the legal representatives of the core participant victims/survivors. It's been noted in the minutes of one of the Safeguarding Subcommittee meetings, I think from 4 December 2015 -- I don't think we need to get this up -- that the school itself had noted there had been some regulatory failings in connection with recruitment and the recruitment register that had occurred in September 2014 and September 2015. There were some discussions about when such failures should be notified to the ISI.

A. No, I think -- I know -- that the overall expectation of transparency and candour on myself and the whole team was very much there. I don't recall the matter in question that you mention, but I can only imagine that it was a clerical oversight on the behalf of the person who managed the single central register of employees.

Q. The core participant victims/survivors would also wish to ask about the Independent Listener at Chetham's. I think that was a system that came in during your headship?

A. Yes. I can't remember exactly when, but in the developing regulatory framework there came the need for all schools to have an Independent Listener, yes.

Q. I think you appointed Lady Mallick, who was a governor of the school?

A. Yes -- hang on, no, Lady Mallick wasn't. She was the Independent Listener, she wasn't a governor of the school, no.

Q. The current head, Alun Jones, in his witness statement, says that that lady has never been contacted by a pupil so far as he was aware. Were you aware of contact being made with her whilst you were at the school?

A. No, I wasn't aware. She was an attender of the Independent Safeguarding Commission and she did not report anything at any of the meetings.

Q. Did you consider reallocating the role, in the light of Page 50
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| 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  

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| 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  

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| 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  

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IICSA Inquiry Public Hearings

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<tr>
<td>1 MS NIELD: I think this might be an appropriate point for</td>
<td>1 MS SCOLDING: It is only two pages in length.</td>
<td>1</td>
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<tr>
<td>a break, chair and panel.</td>
<td>2 MS COLEY: Oh, my statement?</td>
<td>2</td>
<td>(Pages 57 to 60)</td>
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<tr>
<td>3 THE CHAIR: Yes. We will return at 11.45 am.</td>
<td>3 MS SCOLDING: Yes, just your statement.</td>
<td>3</td>
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<tr>
<td>4 MS NIELD: Thank you.</td>
<td>4 MS COLEY: Yes.</td>
<td>4</td>
<td></td>
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<tr>
<td>5 (11.25 am)</td>
<td>5 MS SCOLDING: In that statement, you, in effect, indicate</td>
<td>5</td>
<td></td>
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<td>6 (A short break)</td>
<td>6 and adopt large portions of Kate Richards' statement of</td>
<td>6</td>
<td></td>
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<td>7 (11.47 am)</td>
<td>7 28 August 2019; is that right?</td>
<td>7</td>
<td></td>
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<td>8 MS SCOLDING: Good morning, chair. We now hear evidence</td>
<td>8 MS COLEY: Yes.</td>
<td>8</td>
<td></td>
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<tr>
<td>9 from Ms Elizabeth Coley and Ms Kate Richards, both of</td>
<td>9 MS SCOLDING: Have you had an opportunity to read both this</td>
<td>9</td>
<td></td>
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<tr>
<td>the Independent Schools Inspectorate.</td>
<td>statement and that statement of Ms Richards recently?</td>
<td>10</td>
<td></td>
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<tr>
<td>10 MS KATE RICHARDS (affirmed)</td>
<td>11 MS COLEY: Yes.</td>
<td>11</td>
<td></td>
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<tr>
<td>11 MS ELIZABETH COLEY (sworn)</td>
<td>12 MS SCOLDING: Is it still true, to the best of your</td>
<td>12</td>
<td></td>
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<tr>
<td>12 Examination by MS SCOLDING</td>
<td>knowledge and belief?</td>
<td>13</td>
<td></td>
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<tr>
<td>13 MS SCOLDING: Good morning, both. Thank you very much for</td>
<td>14 MS COLEY: Yes.</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td>coming to give evidence to us. We are asking you to</td>
<td>15 MS SCOLDING: Fine. What we are going to do is largely, for</td>
<td>15</td>
<td></td>
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<tr>
<td>give evidence together to try and be as efficient as</td>
<td>16 your benefit, chair and panel, rely on the witness</td>
<td>16</td>
<td></td>
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<td>possible, and also because there are some questions that</td>
<td>17 statement of Ms Richards dated 28 August, which is</td>
<td>17</td>
<td></td>
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<tr>
<td>one or other of you may well be able to more suitably</td>
<td>18 ISI001576. That is at, chair and panel, F1/A, tab 3,</td>
<td>18</td>
<td></td>
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<tr>
<td>answer, or both of you may well wish to make</td>
<td>19 just so you know.</td>
<td>19</td>
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<td>20 a contribution. I will try and direct my questions to</td>
<td>20 Sorry, that's the administrative bit at our end.</td>
<td>20</td>
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<tr>
<td>one or the other of you, but if you feel that it's been</td>
<td>21 Ms Coley, perhaps you would like to tell us briefly</td>
<td>21</td>
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<td>misdirected, please don't hesitate to say so, and I will</td>
<td>22 about your background and experience in inspecting</td>
<td>22</td>
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<td>ask the other, who then hopefully can provide me with</td>
<td>23 boarding schools.</td>
<td>23</td>
<td></td>
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<td>some assistance.</td>
<td>24 MS COLEY: Oh, in inspecting board schools? My background</td>
<td>24</td>
<td></td>
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<tr>
<td>25 We will not be having a break until lunch time now.</td>
<td>in boarding is that I was a teacher at a boarding</td>
<td>25</td>
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<td></td>
<td></td>
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<td>Just a few other preliminary matters, which I suspect</td>
<td>school. I was not involved in the day-to-day boarding</td>
<td>1</td>
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<td>you have heard. Firstly, this isn't a test of memory.</td>
<td>side, but I would be helping with care some evenings,</td>
<td>2</td>
<td></td>
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<tr>
<td>3 I know you will have made notes. Please feel free to</td>
<td>3 and I would certainly be helping with trips, and so on,</td>
<td>3</td>
<td></td>
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<tr>
<td>refer to them, or to your witness statement, or any</td>
<td>4 out at the weekends. As far as my boarding experience</td>
<td>4</td>
<td></td>
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<td>other documents.</td>
<td>is concerned, I went -- before 2012, when ISI took over</td>
<td>5</td>
<td></td>
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<td>Secondly, we can have breaks, and as often as you</td>
<td>6 the boarding, I was involved in inspecting schools where</td>
<td>6</td>
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<td>want or need. Please just raise your hand and I can</td>
<td>Offsted were the boarding side of the inspection, and we</td>
<td>7</td>
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<td>organise that.</td>
<td>worked together, and I would like to feel that we worked</td>
<td>8</td>
<td></td>
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<td>Next, there are bundles in front of you. Now, both</td>
<td>together well.</td>
<td>9</td>
<td></td>
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<tr>
<td>of you have a bundle each. Chair and panel, just for</td>
<td>But then, when 2012 came along and ISI was taking</td>
<td>10</td>
<td></td>
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<tr>
<td>your purposes, it's F1, tabs 1 and 2, and F1, tabs 1, 3</td>
<td>over the boarding, as inspectors, we were all lead</td>
<td>11</td>
<td></td>
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<td>and 4.</td>
<td>inspectors, we were all retrained very carefully in the</td>
<td>12</td>
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<td>So we have an embarrassment of riches when it comes</td>
<td>NMS and the expectations of the boarding side of</td>
<td>13</td>
<td></td>
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<tr>
<td>to witness statements from the both of you, but what I'm</td>
<td>the whole inspection, and then I think I have led --</td>
<td>14</td>
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<td>probably going to suggest is, most of the time, we will</td>
<td>I don't know exactly, but I would think probably about</td>
<td>15</td>
<td></td>
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<td>be looking at things on the screen, but I will give you</td>
<td>40 boarding inspections since that time.</td>
<td>16</td>
<td></td>
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<tr>
<td>the tab references if you need them.</td>
<td>MS SCOLDING: So since 2012?</td>
<td>17</td>
<td></td>
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<tr>
<td>Ms Coley, I will take you first. There are two</td>
<td>MS COLEY: Yes, but that's an approximation.</td>
<td>18</td>
<td></td>
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<td>witness statements from you, both of them</td>
<td>MS SCOLDING: That's very helpful. Turning now to</td>
<td>19</td>
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<td>dated September -- well, one dated September 2019 from</td>
<td>Ms Richards, we have two witness statements from you --</td>
<td>20</td>
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<tr>
<td>you, one dated September 2019 from Ms Richards, but, in</td>
<td>one dated 15 August 2019, one dated 28 August 2019.</td>
<td>21</td>
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<td>effect, you made a large measure of factual contribution</td>
<td>They are ISI001574 and ISI001576. Again, could I ask</td>
<td>22</td>
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<td>to. That's ISI001594. Can you just turn to that</td>
<td>you to turn to the last page firstly of ISI001574, which</td>
<td>23</td>
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<td>particular witness statement, Ms Coley.</td>
<td>I think is behind tab 2 of your bundle.</td>
<td>24</td>
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<tr>
<td>25 MS COLEY: Yes.</td>
<td>Did you sign this document? I know your signature</td>
<td>25</td>
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</table>
MS SCOLDING: That's fine. Just to set a little bit of
background, and I am not sure whether Ms Richards or
Ms Coley is best to answer these questions, Ms Richards,
I think if I direct some basic questions to you, and
then some issues around what happened in 2011 to
Ms Coley, the ISI has, since 2001, inspected schools
that are members of organisations allied to the
Independent Schools Council; that's right, isn't it?

MS SCOLDING: Yes.

MS SCOLDING: But until 2012, that simply involved looking
at educational standards --

MS SCOLDING: Yes.

MS SCOLDING: -- rather than boarding welfare?

MS SCOLDING: Yes, it did, and, as Liz mentioned, Ofsted
were responsible for boarding welfare.

MS SCOLDING: So until 2012, Ofsted did all boarding welfare
and the ISI did educational standards?

MS SCOLDING: And other inspectorates as well, previous to
Ofsted.

MS SCOLDING: What we are really looking at is the period
between 2010 and 2014, for the purposes of today. So

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inspection service, in identifying the culture of
a school? One of the issues we are very concerned about
in this inquiry is managing the culture of the school.
How has the change from being education only to being
education and boarding impacted upon your ability to
assess the culture of the school and the culture of
safeguarding?
MS RICHARDS: I think when we're inspecting safeguarding,
it's so important to consider everything that we see
during an inspection. So whilst there are specific
activities we would undertake which would link clearly
and obviously to safeguarding, such as checking the
single central register for appointments of new staff,
references, etcetera, there are also multiple other
activities which occur, which give us information about
what goes on in that school: what is it like for
children in that school?
So that integration enables us to use every single
piece of inspection activity -- observation, for
example, in a lesson might give us information about how
children's voices are heard, it might give us
information about the boundaries and about what
relationships are like. All of that contributes to that
understanding of the culture in that school.

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accurately or as in-depth when you were just looking at
the education side of things, in boarding settings?
MS RICHARDS: I am not sure, since that predates my own
knowledge and experience, I'm qualified to comment on it.
MS SCOLDING: Ms Coley, I believe you would be able to
qualify and comment upon it?
MS COLEY: Yes. I mean, again, I'm afraid to say that it
could occasionally depend on the way the inspectors
worked together, but, generally, yes, I think if you
were working well with your colleague from the other
inspectorate, then, you know, you could get a reasonable
view of what was going on, because, after all, you're
both looking at welfare, health and safety, pastoral
care of the children, so I think you could get a pretty
good view, but I would say that it is better now that we
are focused on the whole school in getting to the depth
of how safe are the children there and how well are they
cared for.
MS SCOLDING: So you have talked about working well with
your colleague. Now, that would have been if people had
been onsite at the same time.
MS COLEY: Yes.
MS SCOLDING: If one looks at the inspection history of
Chetham's, one sees there was an Independent Schools
Inspectorate report of Chetham's in 2008, which was of
what I am going to call the education side, so that's
six years before the inspection we are going to look at
in-depth, which is the 2013. Was that a routine length
of time between inspections at that time, that the
education would only be inspected roughly once every six
years, or was that an unusual length of time?
MS RICHARDS: Yes, that was the timeframe.
MS SCOLDING: So it was a once-every-six-year education
inspection. Is that too long? I mean, now
I understand -- I think it is every three years there's
some form of inspection.
MS RICHARDS: Once we'd taken over the boarding, the overall
cycle remained six years, but every three years, so in
the interim period, boarding schools had an inspection
against the national minimum standards for residential
schools.
MS SCOLDING: So somebody -- there will be an inspection
every three years --
MS RICHARDS: Yes.
MS SCOLDING: -- that's the current position --
MS RICHARDS: Currently, yes.
MS SCOLDING: -- of some sort?
MS RICHARDS: We now have a different framework, but, yes,
that's true.

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and evening, we would have a meeting to discuss what we were finding in the various areas that we were looking at.

So, yes, it worked well. But I must say that what we were doing at that school, the activities that were happening were the same activities that I would carry out on an ordinary inspection, except that this time we were looking in more depth because of the issues that had been raised.

MS SCOLDING: Yes. So this inspection wasn't a routine inspection?

MS COLEY: No.

MS SCOLDING: It came as a result of a direct instruction from the Department for Education?

MS COLEY: Yes.

MS SCOLDING: In fact, they didn't just give you a direct instruction; they said, "We would like you, in particular, to look at certain areas"?

MS COLEY: Yes. In those days, it would have been what we called an emergency inspection, but an emergency inspection, in those days, would have been a one-day inspection with two inspectors normally. But because of the situation here, there were two on the ISI team for two days.

MS SCOLDING: I think it might be quite useful for us to get up paragraph 15 of your witness statement, which identifies the areas of -- ISO001576_005, Ralph, please, which should be paragraph 15 of the witness statement of Ms Richards, but to which, I believe, Ms Coley -- so this was the commission that the DfE gave you. Is this unusual in its degree of prescription or usual?

MS COLEY: I think -- in this particular instance, I think it was slightly more descriptive, but when the DfE asks for what we used to call emergency visits, or unannounced visits, the description is pretty tight on what you're wanted to look at, be it complaints, safeguarding, bullying, whatever it might be. The DfE are pretty prescriptive in what they want you to do.

MS SCOLDING: Does that therefore mean you can't look outside that? Or is that just -- that's the minimum you have to look at; if you find anything else, "You need to tell us about it".

MS COLEY: Yes. I was going to say, if there is time -- that's true, because these are normally one-day, two-man visits. So you are going in with particular areas that you have to look at. If, on the way, you notice something else, then you may well stop and look at that, or you would certainly bear it in mind that you have noticed something that might not be quite right, and

indeed I think I can think of a couple of inspections where in fact that did happen. But, generally, you are focused on, because the time is as it is.

MS SCOLDING: Just for reference, the relevant NMS for boarding, if we can just very quickly look at those so we're clear at the standards which you were inspecting against. The first one which is relevant is 2, which is ISI001555_005. Chair and panel, if you are interested, it is tab 10 of bundle B of your core bundle.

So standard 2 was the first one the DfE asked you about. So that's about induction for boarders:

"Choice of staff for personal guidance or help with a personal problem."

And the school identifies at least one person other than a parent outside the boarding and teaching staff who boarders may contact directly about personal problems or concerns at school:

"The school ensures that the boarders know who this person is and how to contact them."

And they are provided with appropriate helplines.

As I understand it, it was in fact Manchester Children's Services that were responsible. They decided they were going to take responsibility for standard 2; that's right, isn't it?

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

indeed what is happening, and enables, where necessary,

enforcement action or further action to be taken against

those standards.

MS SCOLDING: Just to be clear, you are an inspector, you

are not a regulator?

MS RICHARDS: Exactly.

MS SCOLDING: So any conclusions from any reports go back to

the Department for Education, and it is then their job

to take action against it; that's right, isn't it?

MS RICHARDS: Yes.

MS SCOLDING: One of the concerns that's been raised, less

so within what I would call the mainstream boarding

sector, but certainly within the special schools sector,

is that these standards, being a floor standard, aren't

good enough, and that there should be the development of

a quality standard which should not just be the basics,

but should be, "This is good, and this is what every

school should meet". Do you have any particular views

about that?

MS RICHARDS: I think if the argument is, "We wish to raise

the bar of what is good enough for our children", then

we would be entirely in agreement that, actually, what

is good enough? Do I think that we need levels of

a grading system? I'm not sure that that makes children

safer. I think it's about, what is that floor standard

and making sure that that is high enough, which is what

makes children safer.

MS SCOLDING: I certainly know the NMS, the 2002 version,

was about 100 pages long, and it then reduced in 2011

and then, in fact, it reduced again in 2015. The 2002

NMS were much more prescriptive in terms of what had to

be had and much more detailed. I don't know whether it

is Ms Coley or Ms Richards can best answer this.

Was that level of prescription in the 2002 NMS

helpful or unhelpful? Because some of the teaching

unions have said, "Actually, we'd like a bit more

prescription of what should be in there".

MS RICHARDS: Perhaps if I may answer broadly and then

perhaps Ms Coley has something to add in terms of

the 2002.

I think that the greater the detail and the greater

the prescription, the greater number of loopholes there

are as well. I think the breadth and the

all-encompassing nature of the way it is written now

enables us to inspect, in terms of the welfare of

the children, outcomes for children, and that culture

that is being talked about so much at the moment.

I think that breadth enables that to happen.

MS SCOLDING: That's very helpful. Thank you very much for

information. What was the usual practice at that time,

in terms of contacting a LADO in the case of awarding

a welfare inspection before the inspection took place?

MS COLEY: It would not be done directly by the reporting

inspector, the lead inspector, but the office at ISI, my

understanding is that they always contact the LADO

before any inspection takes place to find out the LADO's

view of the way the school operates with them, what

communication is like between them and the school, and

whether they have had any issues that have come to

light, and that information would be passed to the RI if

there were any concerns.

MS SCOLDING: Can I just ask: they're not under any

obligation to respond to you, are they?

MS COLEY: Who, the LADO? I don't know that.

MS RICHARDS: No, they're not, and Liz is correct. So in

2011, we would send a generic email. That's then been

revised to be a school-specific email. And we now, in

discussion with the national LADO network, have refined

it further to be a form where we ask very specific

questions about the engagement of the school with the

LADOs.

But to answer your direct question, no, there is no

formal requirement for the LADO to respond to us.

MS SCOLDING: Do you think there should be, and what value
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1. does it add when the LADO does respond to you?
2. MS RICHARDS: I certainly think that it is -- any
3. information that we get adds value to the inspection,
4. because it allows our inspection teams to triangulate
5. the information and evidence that they're getting.
6. MS SCOLDING: As far as DBS checks are concerned,
7. I understand you checked the central staff register,
8. Ms Coley, during the course of this inspection and
9. checked whether or not all the relevant DBS checks or
10. the reference checks had been made. Is that something
11. which you would always do?
12. MS COLEY: Absolutely. Every inspection.
13. MS SCOLDING: To also identify, how many inspectors were on
14. site in total during this 2013 inspection?
15. MS COLEY: There were two of us from ISI and there were four
16. from Manchester, I believe, and one from Barnardo's.
17. MS SCOLDING: So there were sort of seven inspectors in
18. total over two days?
19. MS COLEY: Yes.
20. MS SCOLDING: How many inspectors would there usually be
21. over how many days?
22. MS COLEY: Well, remembering that this was a completely
23. unique inspection, on a normal ISI inspection, depending
24. on the size of the school, you would have had the lead
25. inspector and then probably anything between three and

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1. seven inspectors, depending on the size of the school.
2. MS SCOLDING: Ms Coley, before you went into the school, you
3. analysed the school's safeguarding policies. Ralph,
4. I think this is at ISI001535. I think that's the
5. document you just got up, but I might be wrong about
6. that. Yes.
7. This is "Analysis of child protection and
8. safeguarding policy". When did you do this, Ms Coley?
9. MS COLEY: I think it was mid February. I could look up the
10. date, but I think it was about mid February, about
11. 17 February 2013.
12. MS SCOLDING: So this was you going through and identifying
13. particular issues that you'd noted within the policies
14. themselves. So let's just take a couple of examples --
15. MS COLEY: No, hang on. Yes, this is -- yes, sorry, this is
16. my actual analysis. I was thinking for a minute it was
17. the policy. But it's my actual analysis. Yes, my
18. writing.
19. MS SCOLDING: So specific mention of the general status and
20. authority. It doesn't say anything about the note of
21. the training received by the head. Ralph, can we go to
22. the bottom of the page:
23. "Other strongly recommended elements are missing or
24. not clear ... no clear procedures to be followed for
25. dealing with abuse by one or more pupils ...
MS COLEY: Having re-read some of the evidence forms, what I remember is that the governing body, as such, had done a review, but what I discovered was that, whilst they had looked at the policy, they had not actually carried out in advance of contractor staff ...

Now, your conclusion and concern was that the registered proprietor with the Department for Education, as I understand it, because we have heard from Ms Moreland before the break that she said, "Well, I'm not really sure why the feoffees were required to do this because, in fact, it's the governing body", but I think you then wrote -- in fact I think the DfE and you clarified with them to say, no, actually, the registered proprietor, who is the person -- DfE has a list, don't they?

MS COLEY: Yes.

MS SCOLDING: The registered proprietor were the feoffees, and that, in fact, it was them and not the trustees who had ultimate responsibility; is that right?

MS RICHARDS: I think there have been increasing discussions in any great detail the efficiency with which the duties were being discharged.

MS SCOLDING: So they'd looked at the policy, said "That looks okay", but hadn't then sat there and said to the head or called the designated safeguarding lead in, which is a role which would have existed, I think, at that time --

MS COLEY: Yes.

MS SCOLDING: -- and said, "What's going on? What are you doing? Can we have a look at this case, that case, to examine what's happening"?

MS COLEY: Not enough challenge of what was happening, and the minutes of their annual review indicated that the policy was what they had focused on, rather than the efficiency of the way in which the duties of the DSL are being discharged. And that it is part of the requirement of governing -- of the responsible proprietor.

MS SCOLDING: Yes. So is this usual? I mean, I suppose there's a question here, which is, is the failing -- was the failing, as you perceived it, of Chetham's at that time, is that fairly common in respect of governors?

MS RICHARDS: Can I ask you the same question that Ms Coley or Ms Richards to answer that. Is it common for governors just to look at the policy rather than really try and scrutinise what's going on in the school?

MS COLEY: I think it can --

MS SCOLDING: I think both of you look as if you wish to answer.

MS COLEY: I think it can --

MS SCOLDING: Ms Coley goes first.

MS COLEY: Sorry. I think I can be a problem, but we try very hard when we are talking to governors, and one of the roles I do as a consultant now is to train some governors in their responsibility in safeguarding, and to encourage them to make sure that they do check that not only is the policy accurate, but it is being implemented properly. That is absolutely crucial. And that they check that the DSL is going to the local authority as fast as they should do if there is a concern, allegation or disclosure.

MS SCOLDING: If there is a failure to meet a standard, does that therefore mean that the governors have failed in their duty of oversight?

MS RICHARDS: Yes, in short.

MS SCOLDING: That's fine.

Ms Richards, can I ask you the same question that I asked Ms Coley, which is, is this kind of failing common within the sector which you inspect, or is it unusual to have a board of governors who presented in the way that those from Chetham's did?

MS RICHARDS: I think there have been increasing ...
expectations on governing bodies, actually both in our
sector and in the maintained sector, about the level of
challenge, of scrutiny, of support, but actually of
ensuring that the team, the head and the senior
leadership team, are doing what needs to be done and
ensuring that the standards are met.

Is it common? I would say that it is not uncommon.
I'm not sure that I could give you a percentage.
MS SCOLDING: No. But do you think that governors know what
it is they should know, so to speak? Are the
expectations too high of what governors are meant to
know, on the basis that, as I understand it -- this is
evidence that AGBIS, who are the Association of
Governing Bodies of Independent Schools, have given
us -- is, they say there should be robust scrutiny and
that governors should have the same training as staff in
safeguarding, but there is no requirement of any
governor -- in fact, not just in the independent sector
but also in the maintained sector -- to undergo
particular forms of training in safeguarding.

MS RICHARDS: Yes, that's correct, and I think governing
bodies vary massively in terms of their knowledge,
skills, understand and, in fact, the training which they
are required to undergo.

MS SCOLDING: Do you think there should be explicit
requirements for some kind of minimum or baseline
training, for their benefit as well as for the school's
benefit?

MS RICHARDS: Absolutely.
MS COLEY: I think a lot of schools do. I think a lot of
schools do do that now. That is becoming more and more.

MS RICHARDS: Yes.

MS SCOLDING: The other issue which really I think Mr Scorer
from Slater & Gordon has raised on behalf of his
clients, who are the victims and survivors, is whether
or not certainly in the independent school sector often
governors come from people who are part and parcel of
a trust deed, so they will often be members of the body
which would originally have found the school or tend to
be made of what could be called the great and the good,
so to speak, who all know each other. Do you think that
that therefore means that governance in independent
schools can all be a bit cosy? A bit cosy and not
challenging enough?

MS RICHARDS: I think it depends, again, on individual
governing bodies and the challenges they set themselves
in terms of their own training and the advice and
interactions with people who do know.

What I would say is that the very best governing
bodies do not behave like that. They take the training,
Independent school is usually the governing body or, if it doesn't have one, the proprietor. Does that therefore mean there needs to be an special emphasis upon leading from the top in respect of safeguarding and do you think that governors understand that?

MS RICHARDS: I think there absolutely needs to be leading from the top, but that's not to dismiss the importance of that then running, like a stick of rock, through everything that the school does and is. I think both are vital.

MS SCOLDING: But to sort of take another turn, which is, in this case with Chetham's, we had a governing body, but there is no requirement upon any independent school to have a governing body. Now, AGBIS, who have given us evidence, have said they would like all independent schools to have, at the very least, an advisory board or an advisory body, because they have concerns about a proprietor wearing too many hats. So there is not the level of independent scrutiny. Is this something that you, as the ISI, who are likely to inspect the vast majority of schools which fall into that category, do you have any concerns about what I would call the owner/proprietor model?

MS RICHARDS: I think the issue is exactly the one you have outlined, that it is about the extent to which that responsibility sits and how that plays out, and those complexities are sometimes a challenge to us as the inspectorate.

MS SCOLDING: Ms Coley, now turning back to you, I'd like to go back to the specifics and look at the information about any referrals that have been made to the LADO.

We have dealt with this in evidence -- Ms Nield dealt with this in evidence in respect of Ms Moreland.

Could we get up -- I think it is ISI001392_013. No, that isn't the document I need. I'm just going to ask Ms Nield -- oh, ISI001562_011. We can get that one up first. That's the second document I need, Ralph, that you just got up for me. I apologise.

This is the document that we took Ms Moreland to this morning. Can we go to the bottom, please, Ralph, "Please indicate". This is information -- this is a form -- can you just explain what this form is, who it gets sent to and who is meant to fill it in, Ms Coley?

MS COLEY: It is an electronic form available for all schools and they are expected to fill it in in preparation for an inspection. In those days, because they had more notice of inspection, it would probably be done just before the inspection. These days, they are expected to keep this type of form up to date so that when the inspection is announced, they can send it very quickly to the reporting inspector.

This last box is about mentioning any referral that would be made.

Now, I would just like to take your attention, if I may, to the Manchester safeguarding review that happened in 2013, and on page 5 --

MS SCOLDING: Have you got the --

MS COLEY: Okay, yes --

MS SCOLDING: At the bottom of your page, if you want to take me to a document --

MS COLEY: It is CSM000326. If we may just have a look at page 5, (ix). Ms Moreland did say that she put "not applicable" in that box because she thought it referred to only accusations/allegations that had been made since the last inspection. But, in fact, here, under (ix), we can see that there had been an allegation only two or three weeks before the inspection which had not been declared, and that pre-inspection information would only have been sent to me, as the RI, a matter of two or three days, because the inspection -- I think they were only given something like four or five days' notice of the inspection.

MS SCOLDING: Ralph, can we go back to the previous document, which is the answer by Ms Moreland, ISI001562_011. It says -- Ms Moreland had said:

"Please indicate any cases where a member of staff..."
or other person connected with the school is subject to investigation, has resigned or has been dismissed or disciplined because of questionable conduct with children."

Now, is that meant to be since the last ISI inspection, which was the explanation that Ms Moreland gave? One can see in her next sentence, it plainly says, "Any referral made to the DfE ... since the last ISI inspection". What is the sentence meant to mean?

MS COLEY: We have always taken that to mean since the last inspection, because, clearly, they would have signed off this prior to the previous inspection, so anything that had been raised would have been dealt with and looked into at that inspection. So this -- I think schools do take this, in my view, probably rightly, to mean since the last inspection, but I was just pointing out that, in fact, there was an allegation that had not been brought to our attention, and which was found on the inspection.

MS SCOLDING: So on the inspection, you then went and spoke to the head about whether or not there had been any referrals or any problems, had anybody been subject to the head about whether or not there had been any disciplinary issues there were with discipline and suspension and who had been subject to the head on the front of the inspection checklist, which must then be sent to the DfE, and I have to sign against to say that I have asked this question of the particular question is a question that I have to sign on. I will have prepared this form, leaving little I'm fastidious about planning what I want to ask, and so I will have prepared this form, leaving little gaps, before I went in to see the head. But this particular question is a question that I have to sign against to say that I have asked this question of the head on the front of the inspection checklist, which must then be sent to the DfE, and I have to sign against that.

So, for me, I always made sure that, on an inspection, I had written this on the form so that I read it word for word in the way that I would then have to sign had I asked the head this question. What I did in this particular instance, I was surprised that none had been declared, which is why I dated and signed it -- well, my initials -- "EPC".

"Has the school taken any disciplinary action, or issued a suspension, or ..."

So these are -- can I just double-check, whose notes are these?

MS COLEY: They're mine. My writing.

MS SCOLDING: I'm assuming, is this a verbatim note? Is it a minuted note? Is it contemporaneous? Does it happen afterwards?

MS COLEY: No, for me, as an inspector, I plan -- I'm afraid I'm fastidious about planning what I want to ask, and so on. I will have prepared this form, leaving little gaps, before I went in to see the head. But this particular question is a question that I have to sign against to say that I have asked this question of the head on the front of the inspection checklist, which must then be sent to the DfE, and I have to sign against that.

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else I actually make the comment about one three weeks ago. So we obviously knew that something had come up, and we were surprised that this hadn't been revealed to us.

MS SCOLDING: So we then turn to -- at that stage, it was said, no, there are none. You then went back the next day, as I understand it, and you spoke to the chair as well as that -- and this is ISI001576_016, I think.

Sorry, I've scrawled some handwritten notes. No, that's not right. I'm going to ask Ms Nield if she can help me.

While we get this up, you can perhaps explain to me, what did the head say at that point in time when she was with the chair of governors? You posed the question that we have just seen again. What was said?

MS COLEY: She said that she hadn't heard -- no, first of all, she said that I hadn't said it the day before, and my colleague said, "Yes, Mrs Coley has just said it in exactly the same way as she said it yesterday", and then she said, oh, well, she hadn't understood or she hadn't heard it properly the day before, something along those lines.

MS SCOLDING: That is ISI001489, which is what I had in my original note but scrubbed over. I apologise. It is completely my fault. This is the final meeting with the
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<td>head and chair of governors. Again, is it usual for you to meet with the chair and head of governors together at the end of any inspection?</td>
<td>MS COLEY: But that's not to say that there was any information to pass on.</td>
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<td>MS COLEY: Yes. We would normally have a final meeting, when we would bring to them the findings. I don't remember quite why we didn't have a final meeting.</td>
<td>MS SCOLDING: What did you think about the head's view that she hadn't heard properly or understood yesterday? Did you reach any particular conclusions about that?</td>
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<td>MS COLEY: Well, if you have the information, it does make background info about a particular school?</td>
<td>MS COLEY: My own personal opinion would be, this is highly unusual, and slightly -- mmm. I suppose I might cause the word -- am I allowed to use the word &quot;dodgy&quot;?</td>
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<td>to rely on the head telling you the truth. Unless you have, but, I mean, you know, other than that, you have nothing turns on that -- which is required for the purposes of the inspection and access to the school's admission and attendance register is provided to the body conducting the inspection.</td>
<td>MS SCOLDING: You're allowed to use whatever word you like.</td>
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<td>because you were involved with Manchester Children's Services. Had you not had that information, which is likely, would you have known to re-ask that question, Ms Coley?</td>
<td>MS COLEY: Unusual, certainly.</td>
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<td>MS COLEY: I mean, you would say to the head, &quot;Are you sure you have not had anything? You must declare it if you have&quot;, but, I mean, you know, other than that, you have to rely on the head telling you the truth. Unless you have any previous information.</td>
<td>MS SCOLDING: Ms Richards, you raised some general issues which really the Chet's case points out, which is about the fact that there is a relatively weak requirement upon individuals to provide you with information.</td>
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<td>MS SCOLDING: Can I just ask, obviously in this case you knew that there had been a referral three weeks ago, because you were involved with Manchester Children's Services. Had you not had that information, which is likely, would you have known to re-ask that question, Ms Coley?</td>
<td>24(1)(g) of the (Independent Schools Standards) Regulations identifies the information which you can be asked to provide.</td>
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<td>MS RICHARDS: I think that was intended to enable inspectors to have access to records, information and so on.</td>
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<td>MS SCOLDING: How often would you say, on the whole, do you have previous information? Is it spotty, the information you get given, patchy, spotty, whatever you</td>
<td>I suppose the short answer is, no, I don't think it is sufficient, and I think that leads us into the discussions, the many discussions, about mandatory reporting and, indeed, the duty of candour, and that being a duty on an individual and an institution, indeed, to declare, to disclose and to share any information which might have some bearing on the independent school standards, as we see it.</td>
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<td>MS SCOLDING: As I understand it, in your witness statement -- Ralph, it might be useful just to get this up, IS001574_065. It is paragraph 297. You identify that the Independent Schools Inspectorate would like to see a new duty of candour on schools and individuals to proactively inform inspectors of anything that might affect inspection judgments.</td>
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<td>MS COLEY: Well, if you have the information, it does make it a lot easier. I wouldn't like to hazard what percentage we get that on. From the inspections that I've done, very rarely.</td>
<td>MS RICHARDS: Yes.</td>
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<td>MS RICHARDS: I think that was intended to enable inspectors to have access to records, information and so on.</td>
<td>MS SCOLDING: Is that precisely for the sorts of reasons</td>
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<td>So I suppose the question in my mind is, is that good enough in terms of information requirements, or do you think that you need more in order to be able to get under and find out what's going on in a school?</td>
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<td>MS SCOLDING: How often would you say, on the whole, do you have previous information? Is it spotty, the information you get given, patchy, spotty, whatever you want to call it, or is it usual that you've got quite good information from the LADO, from the DfE, from the Charity Commission, from other people who might have background info about a particular school?</td>
<td>MS SCOLDING: As I understand it, in your witness statement -- Ralph, it might be useful just to get this up, IS001574_065. It is paragraph 297. You identify that the Independent Schools Inspectorate would like to see a new duty of candour on schools and individuals to proactively inform inspectors of anything that might affect inspection judgments.</td>
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<td>MS COLEY: Well, if you have the information, it does make it a lot easier. I wouldn't like to hazard what percentage we get that on. From the inspections that I've done, very rarely.</td>
<td>MS RICHARDS: Yes.</td>
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<td>MS SCOLDING: Right.</td>
<td>MS SCOLDING: Is that precisely for the sorts of reasons</td>
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that we have seen this morning?

MS RICHARDS: Exactly for those reasons, yes.

MS SCOLDING: Do you think that that is -- that would solve
the problem that's been identified both in this case and
in other cases of individuals not telling you things
which they really should tell you?

MS RICHARDS: We think it is one part, potentially, of
the solution. I think it works alongside other
requirements, such as mandatory reporting, potentially,
and which are emerging during this inquiry, so we see it
as a potential way of requiring and expecting and
raising those expectations that schools do not furnish
that which is asked of them but are proactive in
supplying us with information.

MS SCOLDING: Also in this case, I think there was an
identification that a school has carried out
a disciplinary investigation without informing the LADO.
Again, is that something which happens regularly, or is
that quite unusual.

MS RICHARDS: Where schools are found uncompliant, then that
is often, I would say, part of those issues.

MS SCOLDING: How good do you think independent schools are
at liaising with the LADO? And LADOs at liaising with
them? Because it is a co-operative -- it is a mutual
situation. I think I'm probably going to ask both of

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you that question. Ms Richards, if you could answer
first and then Ms Coley.

MS RICHARDS: We have already identified that we don't always have responses from LADOs in terms of
the information that we ask them, but from the responses
we do get, I think it's something in the region of
8 per cent of schools have little, or very little, no
contact, with the LADO at all, and a greater number do
have some contact and do make referrals, but that's
based on a fairly low sample response rate.

MS COLEY: Again, I think this is one of the things that is
improving over time. When I talk to schools, I talk to
the DSL about, "How good are your links with the LADO,
do you know who it is, have you invited them into
school, are you in touch with them on a regular basis?", and
I would say that that is improving over time. But it
varies from region to region.

MS SCOLDING: There is one other matter, which is,
I understand you do get given information by the
Disclosure and Barring Service and by the DfE about any
particular concerns or anybody who's been barred, who
has already been barred, who is on the list. But if
a referral has been made to the DBS, would the DBS tell
you that a referral had been made prior to a barring
decision being made?

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central register, it was obvious that there were issues
that were obvious from before that last inspection.

MS RICHARDS: Your review and records can be seen at
Ralph, ISI001544, I think. No. Can we go ISI001487.
No. Sorry. Let's forget about that.

So there was a record of that and you identified
that, in 2013, there had been some issues -- in 2011,
there would have been issues which, had the central
register been checked, should have been identified; is
that right?

MS COLEY: Yes.

MS SCOLDING: Is that something -- do you always check the
central register?

MS COLEY: On every ISI inspection, the single central
register is checked. Normally, we would look -- we
would start from the newest staff appointed and work
backwards, if you see what I mean, so that we want to
know, are the school clear in their recruitment checks
recently -- would you agree, that's the way we still do
it? --

MS RICHARDS: Yes.

MS COLEY: -- and, as it were, go backwards. But on this
inspection -- sometimes schools present their single
central register in alphabetical order, which means it
is not in the order in which people have been appointed.

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So, therefore, your eyes are alighting on people who sometimes have been there some time and then you see things and you think, "Oh, dear ..." You can see, I put circles around them or highlight them, or whatever.

MS SCOLDING: Chair, I note the time. Would now be an appropriate moment to have a break for lunch?

THE CHAIR: Yes. We will return at 2.00 pm, thank you.

MS SCOLDING: Just to say, Ms Richards and Ms Coley, you are under oath. So you can discuss general matters but please do not discuss your evidence.

1 (1.00 pm)

(Bit of the adjournment)

2 (2.00 pm)

MS SCOLDING: Good afternoon, chair and panel.

We will continue with the evidence of Ms Coley and Ms Richards.

I just have a couple more things to raise with both of you. Firstly, if I can identify that the report found that the standards were not met in NMS 2 in respect of the Independent Listener. Ralph, would you mind getting up ISI000729_007, the top of the page, please. This is your ISI report in which it was found: "The school has appointed an Independent Listener, but some of the pupils were not aware of who this was."

The person appointed is also a governor of the school and so is not demonstrably independent as would normally be expected."

MS COLEY: No, that's fine.

MS SCOLDING: I think this question is best judged by Ms Coley. Can you identify -- I think Ms Moreland, this morning, may well have said that she wasn't a governor of the school. Have you managed to find your original handwritten note to identify whether that was an error?

MS SCOLEY: Well, on my handwritten note, I have written that the -- I was looking in the Boarding Handbook to see whether it said who the Independent -- are we talking about the Independent Listener? Yes. Who the Independent Listener was. It wasn't mentioned in the Boarding Handbook, but it was mentioned in the boarding houses on the walls, which is where it should be, in the boarding houses. But I have written down here: "The Independent Listener is the child protection governor, so not independent."

MS SCOLDING: Can I just ask generally about Independent Listeners. They obviously -- I think it was in 2002 that this became a relevant standard, it came in with the national minimum standards and has been in since.

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From your over 160 inspections of boarding provision --

MS COLEY: Forty of boarding.

MS SCOLDING: From your 40 inspections -- firstly, is the Independent Listener useful? Could you answer that question? Is it something which is useful? Do the children use it?

MS COLEY: I can't answer that, because I have no figures to answer that. In some schools, it is clear that the children know who the Independent Listener is and know they can go to her or him if they wish to. The person is introduced to them. But I have no idea whether, in fact, that person is used.

I don't know that we would ask that question, because it's something confidential for the children to be able to go to. So the school shouldn't know, unless there is a safeguarding concern, about how many times children go to the Independent Listener.

So I don't know. But, in some schools, the children know who it is; in other schools, I have to say, the children do not know who it is. And in this particular school, I have noted that some of the children had heard who it was, but some of them hadn't got a clue.

MS SCOLDING: I mean, as I understand it, I think the rough rule of thumb in the guidance at the moment is that the Listener should come in once a term or so. Do you think
But what does that tell us about -- because, obviously, in 2011, one of the major differences is, nobody was looking for anything. They were just going in, it was a routine inspection. Whereas you were going in with a direct brief to say, "We are going to look at this, this, this, and this", and not just that, but you went in -- and this is an improper way -- but you went in mob handed. I mean, there were seven people for two days as opposed to two people or one day or two days. So it is a very different type of thing. Do you think inspection can really find out safeguarding problems?

MS RICHARDS: So the role of an inspectorate is not to dig out, to investigate, individual concerns or complaints. The role of inspections, and therefore inspectorates, is to identify whether schools have got the policies, the processes, and the implementation, of course, but -- and the paperwork in place which enables the school standards to be met.

So all process of inspection is about gathering evidence. Where we have -- the better the quality of the evidence and the information we have prior to an inspection, the more able we are to be able to triangulate all the information we have, and also to shape our inspection trails and our thinking prior to the inspection in order to ensure that we ask the right questions of the right people and probe more deeply.

So our role is not to investigate a specific concern, and that, I think, is challenging sometimes, I think for people who are not involved in inspection day to day to understand that is not our role. That role lies properly with the people such as the police who are trained, qualified and indeed have the power to investigate, and indeed local authorities as well. So it is the investigation of specific concerns that lies there, whilst the inspection against the standards, of which those concerns contribute evidence and information, which enables us to shape the inspection most effectively.

MS SCOLDING: You mention information sharing. I think we can see in this a direct example of Ms Coley being able to identify something which hadn't been noted by the school, which otherwise she might not have known. Is information sharing good enough between yourself, the local authority, the police, the Department for Education and Ofsted and the DBS, who are the main bodies who would be given information?

MS RICHARDS: So, as the regulator of the schools, the DfE holds information about all of our schools, and, for want of a better word, collates concerns. I have no issue -- in fact, I am confident that the DfE shares all
concerns with us prior to an inspection and, therefore, that -- the information that comes to us via the DfE, I am satisfied that we always receive it. Ofsted, indeed, would share concerns with the DfE. Do we always get information from other agencies? It would seem that we do not, and it came out in previous modules that we have been involved in that sometimes information -- we have become aware of information afterwards that actually was already in the knowledge of other groups and agencies. It is, of course, impossible to know what you don't know, again, as I mentioned earlier.

MS SCOLDING: Yes. The last point, but by no means the least, we talked earlier about the guardian. In this particular case, it was the position -- Ralph, can we get up ISI000729_006, which, again, is, Ms Coley, the inspection report which was published. At the top, please, Ralph. So this is about educational guardians. We spoke briefly about them. But in the context of Chetham's, it was found that one current member of staff had been appointed by a parent as a guardian for a pupil. I believe that pupil had in fact made some allegations not against the staff member who was a guardian, but about something else:

"Whilst the school did not appoint the individual, such an arrangement makes the lines of responsibility indistinct ... "

Is there anything which specifically says that staff members cannot become guardians?

MS RICHARDS: No. Our expectation is that, were staff members to be appointed as a guardian, that the school risk assess that, but there is no legislation which precludes it.

MS SCOLDING: Should there be?

MS RICHARDS: My personal view is that, for exactly the reason we can see in the statement that's pulled up, actually it does blur boundaries, it has the potential to cause problems, or to not enable problems to be surfaced.

MS SCOLDING: As far as you're concerned, in respect of guardianship as a whole, our understanding from the organisation which represents some of them is that it is an area which is pretty much unregulated, in that there are no formal standards, licence, registration, regulation; people should register with local authorities as private foster carers if they do it for more than 28 days in a row. Is it your experience -- because obviously you are likely to inspect the vast majority of schools where guardians are required, because you inspect most independent boarding establishments.

Firstly, what do you think about the current regulation and system of guardianship and, secondly, do you think it needs to be changed or enhanced in any way?

MS RICHARDS: So given that there is no regulation, then, yes, I do believe that there should be some formal regulation.

MS SCOLDING: Does this matter increasingly -- because I think I said in my opening there are now around -- I think it is 29,500, roughly, boarders who international boarders, so need guardians. So that -- I have made that not quite half, but more than a third of the entire boarding population.

So is this something which has become more of a problem over the past 15 years -- not a problem, but more of an issue over the past 15 years?

MS RICHARDS: I don't have the stats to say how many -- the increase in overseas boarding, but certainly I believe it has increased. Of course, some of those will have family -- close family and friends appointed as guardians, so the total number will not be those who have appointed somebody unknown to the family. But it still remains a significant concern to me, yes.

MS SCOLDING: Are there any other particular concerns you'd like to raise with the inquiry at this stage, recognising, of course, Ms Richards, that you will be returning, even if Ms Coley doesn't return, in phase 2 to answer some more general questions, are there any particular issues in respect of international students that you would like to alert the inquiry to at this stage, either yourself or Ms Coley?

MS RICHARDS: I think not at this stage, given the next stages.

MS SCOLDING: Ms Coley, is there anything you would like to say about the international student, as somebody who actually physically goes and inspects these places? Are there any particular issues you have noticed?

MS COLEY: No.

MS SCOLDING: Chair and panel, I have no further questions. Please wait there, because the chair and panel may well have some questions for you.

Questions from THE PANEL

THE CHAIR: Yes, just to begin, did Chetham's have internal systems of quality assurance?

MS COLEY: From the safeguarding point of view, do you mean?

THE CHAIR: Yes, or, indeed, wider than that?

MS COLEY: I mean, the internal systems for safeguarding should have been what the governors -- proprietor -- feoffees, whatever they are called, they should have
been having a quality assurance from that point of view.  
1  I have noted on one of my forms that the deputy head  
2  seemed overwhelmed by the process of the inspection at  
3  that time, and I'm wondering whether, perhaps, she had  
4  too much quality assuring to do of what was happening  
5  and found this a tricky system.  
6  THE CHAIR: I perhaps could press you on that. In terms of  
7  quality assurance, I mean, how did the school know  
8  whether they were getting better or worse in important  
9  aspects of their functioning?  
10  MS COLEY: Well, the report itself would have obviously made  
11  the issues clear after we had been in. But if they  
12  were -- I mean, there should be systems within every  
13  school whereby the senior management team are supporting  
14  their staff and overseeing and following out quality  
15  assurance. I'm not getting to your point, am I?  
16  THE CHAIR: No.  
17  MS COLEY: Sorry.  
18  THE CHAIR: Perhaps I'm not making it clear enough. But it  
19  seems to me that any institution with welfare functions  
20  should not be relying on inspectors to tell them and  
21  provide assurance to them on whether they're performing  
22  well or performing badly.  
23  MS COLEY: Yes, I would agree. Do you want to say anything?  
24  MS RICHARDS: I think that from the report and from what  
25  Chair and panel, for your note, it is F1, tab A/5  
20  Chair and panel, for your note, it is F1, tab A/5  
21  and S(i). I think that's right. It's 120 pages, thank  
22  you.  
23  MS HELEN HUMPHREYS (sworn)  
24  
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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 S(i). I think that's right. It's 120 pages, thank  
22  you.  
23  MS HELEN HUMPHREYS (sworn)  
24  
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Q. Yes. As I understand, paragraph 189(y) should be dated 2009 rather than 2008?
A. Yes, that's right.
Q. I'm not aware of any other corrections, but please do let me know?
A. From paragraph 187(a), we refer to the inspector at Purcell School as a female. In fact, it was a male.
Q. Thank you very much for those corrections. That's very helpful.
Ms Humphreys, how long have you been an inspector with Ofsted?
A. I transferred from the Commission for Social Care Inspection in 2007 and joined Ofsted. Prior to that, I'd worked for the Commission -- the Commission before that and in a local authority inspection unit.
Q. So, in fact, you have inspected Children's Services since 1998?
A. I have.
Q. So, really, since the beginning of the sort of modern system of inspection of Children's Services?
A. Yes.
Q. You are a social worker by background?
A. Yes.
Q. I'm a qualified social worker and one of Her Majesty's Inspectors.
A. I'm a qualified social worker and one of Her Majesty's Inspectors.
Q. What training and experience have you had in inspecting boarding provision and looking at the standards under section 87 of the Children Act 1989?
A. So, when I worked for the local authority, it was appropriate that you went on the standard boarding school inspection training that was delivered by Dr Roger Morgan in those days, and that was the standard. Since then, I have just taken training with Ofsted and I now deliver training to our social care inspectors who inspect boarding schools and residential special schools.
Q. Just for the purposes of the public, for the purposes of today, we are just going to be asking you a little bit about Chetham's and Wells, but you are returning next week to give us some evidence about some other schools, so just for those who are following along. This isn't the only time I will be asking you questions, Ms Humphreys, during the course of this phase of the investigation.
A. Can I take you to Ofsted's 2011 inspection of Chetham's. Ralph, OFS006551. It is behind your tab 24, please, Ralph.
This is the 2011 boarding welfare inspection.
Q. So you would have been inspecting against the national minimum standards that I dealt with with Ms Richards --
A. From 2002.
Q. Yes. Because, in fact, I took them to the 2011 standards. They changed towards the back end of 2011, didn't they?
A. They did.
Q. So the 2002 standards were more prescriptive, weren't they?
A. They were, and they were large in size, there was over 50 of them, and what Ofsted did, when we joined, was to identify key national minimum standards, to reduce the number of standards that needed to be inspected, and therefore inspectors would make judgments against key national minimum standards. That didn't mean to say that you wouldn't look at the others, but you would only look at the others if something came up that meant that you needed to look at that.
Q. Wouldn't that, therefore, have led to a diminution of assurance for the general public, if you're only really looking at ones -- and some ones are being called key and other ones aren't?
A. Because there was over 50 national minimum standards and, as has already been said, they were quite prescriptive and included things like how many bathrooms and toilets you needed, what were the size of the mattresses and things like that, it was decided that some of those more descriptive ones would be put to one side and we would only look at the key ones.
Q. Can we go to 011, please, Ralph, which is the summary. If I can just identify, a rating of "good" was given to Chetham's at this inspection. It says:
"The school meets all the national minimum standards, with the exception of any listed below."
Have you just explained that it's the exception of those listed below? So at that time, there were, as you said, over 50. So we say:
"Ensure all significant health and personal problems of boarders are managed appropriately, in particular share relevant information ..."
This is the first one.
A. Yes.
Q. "... and ensure that written individual welfare plans ... for those with significant emotional or behavioural difficulties"?
A. Yes.
Q. I suppose the question I have to ask is, how could you get a "good" if you haven't met that standard?
A. Because it wasn't a key standard.
Q. Right.
A. This was in relation to the fact that, at the time, the
that Ofsted can do to do more about it when it suspects that there are problems like this?

A. We certainly do -- in our training that we deliver to inspectors now, we certainly do far more about looking at individual needs of children in boarding schools and, of course, residential special schools.

What we didn’t know in 2011 is what is known now, in terms of the historic allegations, because none of those had surfaced at the time.

I think, as we say, with the benefit of hindsight, we could possibly have probed more.

What we don’t have is the full evidence base, because the practice at the time was for inspectors to take handwritten notes. They would then put a summary of that evidence onto the electronic record, which is what we do still have, and, in time, the paper records would be destroyed. As this was a school that was transferred to the ISI, although we kept them for quite a good number of years, in time it was determined that we wouldn’t keep all the paper bases.

So we don’t know how many children’s cases the inspectors looked at and whether they did identify any children. They may well have done, they might not have done. We just don’t know. We don’t know enough.

Q. Doesn’t this phrase, again -- the issue that I was raising with Ms Richards, which you may have heard just before we broke, which is, if you know that something is wrong, as an inspector, you go in, and it seems as if there is then -- you know, this inspection is maybe a paradigmatic example of that, and suddenly things are found, but in more general inspections, it would appear that, unless something very striking is wrong, nobody looks that closely. Is that right?

A. It can be so. If you know what you’re looking for, it’s easier to find it. There are inspections, and I have had inspections where, literally, things fall into your lap and you find them, you find a document, somebody says something to you, a child or a member of staff takes the opportunity to come and find you and tells you something, which means then you can then pursue a line of inquiry. But without all that, you are reliant on, as Ms Richards did say, people’s honesty to tell you what’s happening and for children to tell you.

We know of circumstances where children have been coached not to tell inspectors what’s really going on, and we have uncovered that afterwards. So we are reliant on people telling us the truth and for documents not to be falsified and for documents to be available to us.

Q. How frequently do people not tell you the truth?

sort of situation you would have had a dialogue with the school along the lines of, "That might be something we want to consider", rather than a shutdown of any suggestion that this might be something for them to consider.

Q. Yes, because I think you say in your witness statement at paragraph 277 -- I don't think we need to get it up, Ralph -- that Chetham's was not open to any form of criticism?

A. No. And that -- we have a pattern of that with the complaint after this inspection. There was a complaint after the 2008 inspection. And we now know there was a complaint after the 2013 inspection. Because they complained even though the judgment was "good".

Q. With the benefit of hindsight -- I know this wasn't a key standard, but certainly we heard from two complainers yesterday, both of whom identified that they had significant emotional problems, one of them identified that she, in fact, was -- probably had an eating disorder whilst she was at Chetham's, and there was lots of obviously kind of -- we have also heard other things about risk-taking behaviour, drug taking, inappropriate sexual relationships, all the sorts of -- which are not abnormal for teenagers, but do you think that Ofsted should have done more or is there anything
A. Not very often, no. No, it doesn’t happen a lot. We
are fortunate in that case. And because, mainly, people
want – they see inspections as an opportunity to
improve their services and they’re open to the dialogue
that the inspector can have and the – not so much
advice that you can give providers, but that you can
signpost them. You might say, “There’s a school up the
road that’s done this. You might want to go and talk to
them”. It’s more of an open dialogue, which wasn’t
a feature in this inspection.

Q. Can we go now to the next issue, which is, “Review the
process for parents to raise concerns to ensure that
they are appropriately responded to”.

A. Yes.

Q. Ms Coley, in fact, found exactly the same problem, which
was a problem with the complaints policy?

A. She did.

Q. We didn’t deal with it in any great detail because she
just said it was problematic. I suppose the question
again is -- obviously, she found that that was
significant enough to fail -- it is not a failure; that
that standard was not met. Whereas you didn’t find it,
or Ofsted didn’t find it, something that was
particularly significant or significant enough to mean
that it was “adequate” rather than "good"?

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A. It says in the report we only found a small number of
parents who were dissatisfied. The school didn’t agree
with us, the school said it was absolutely satisfactory,
but we kept it in as something for the school to be
aware of because that was our findings.

Q. But, again, I mean, it is not realistic to expect that
all parents are satisfied. I mean, that’s the sort of
counsel of perfection. Isn’t that something, again,
that inspectors need to be on their guard against,
somebody saying everybody absolutely loves it, because
that can’t be right. You know, it may well be that the
parent is not acting reasonably, but I simply don’t
believe that all parents at all schools think that
something is marvellous?

A. So you would have a look at the process of
the complaints procedure. You would see if children and
staff -- children and parents were satisfied and had
confidence in the complaints procedure. That doesn’t
mean to say that then the school upholds all complaints,
but you want to see that there’s been a reasonable
process and the school has followed their own processes.

Q. We have then got the unpleasant odour. I don’t think we
necessarily need to go through that:
"Ensure there is an appropriate process for the
regular review of the performance of staff with boarding
duties and that staff undertake training appropriate to
their role and the needs of boarders."

Can you tell us a little bit about why that concern
came out and, again, as that was a concern, how an
ultimate judgment of "good" could have been reached?

A. As we say, we don’t have the full evidence base, but
from talking to the inspector, he indicates that this
was a small number of staff who weren’t having their
performance regularly supervised. There was a lot of --
there was permanent staff who were, but there was staff
that were coming in on an ad hoc basis, and that those
were the staff who weren’t having their performance
regularly supervised.

Q. But, in a way, isn’t it ad hoc staff -- well, you have
to be very vigilant about all staff, but these are board
staff with boarding duties, so these are staff who are
going to be spending most time with the students in
their leisure hours, so to speak, so isn’t that
something that all schools need to be absolutely
100 per cent about?

A. Yes, and now we include all staff -- part time, agency
staff, bank staff -- and the national minimum standards
includes the fact that it should be all staff and don’t
make any differentiation between -- and also the fact
that they should be qualified as well.
things that are there now. But it was still -- it still
is in the centre of Manchester.
Q. Again, if you had found that now, under your inspection
framework, what would have happened?
A. I think we'd be considering a judgment of "inadequate"
if we had a school who didn't know the whereabouts of
their boarders at all times.
Q. Is this report representative of the judgments that
Ofsted were making generally at the time?
A. At the time, yes, definitely, at the time.
Q. Because, in fact, I could take you through it, but I'm
not going to, both YMS and Wells, and Purcell, where
similar issues were raised?
A. Purcell we only gave -- we did give a judgment of
"satisfactory", but this was typical of the time. It is
not typical of what we do now.
Q. As well, the ISI in their witness statement -- again,
I don't think I need to get it up, but just to
identify -- make various comments -- and I just want to
give you the opportunity to respond. They found that
there was insufficient proprietorial oversight by the
feeoffees. Is that something that should have been
picked up in 2011?
A. I think at the time -- well, we know that the inspector
interviewed the governors to talk about their governance
oversight, and we know that because the school
complained about that interview, where the inspectors
drew the governors --
Q. That's in your second witness statement.
A. That's right. Asked the governors about governors'
oversight, where their answers weren't as robust as we
would have liked them.
I think we were probably -- this is supposition --
not as forensic as ISI were in terms of who actually
were the proprietors and I think we accepted that the
governing body was the governing body and not
necessarily the proprietor.
Q. As far as, as well, the ISI say that it is likely that
you didn't check the central register. Now, you don't
have the evidence base, so you don't know whether that
was the case or not.
A. That's right.
Q. But they certainly picked up matters which would have
dated from 2011 which they say they would have
anticipated again --
A. They would have found.
Q. Does this show -- and I think in some of the other cases
that we are going to examine both this week and next, we
see a similar issue -- that the central register at this
point in time wasn't necessarily being routinely looked

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Q. Whilst she is doing that, I wanted to move on to, again, in respect of the guardianship arrangement, do you know whether or not we think that the guardian arrangement for the staff member was in place in 2011, and, again, you didn't pick up on this. Again, is that something that you should have picked up on -- "you" collectively, rather than you personally?
A. Yes, that's right. Yes, and I would hope that it had been picked up, but we have no evidence that it was and we have no evidence that it wasn't. What we don't have any reference in the report is about that arrangement.
Q. The Independent Listener being a governor, again, is that something which should have been picked up in 2011?
A. We didn't pick it up in 2011. What we do say in the report is, though, that the children reported that they had plenty of people to talk to, but we don't make mention of an Independent Listener.
Q. Should you have made mention of the Independent Listener? Saying "We have lots of people to talk to" is not really the same thing?
A. Not the same as an Independent Listener, no, that's right.
Q. It is also the case that Manchester Children's Services in their report -- Ralph, would you mind getting up in CSM000326 .004? They identify, at 004, a number of difficulties. Under (iii), they say: "The school's procedure for dealing with issues of concern against members of staff is not always carried out in practice."
In other words, it's the practice -- again, is that something Ofsted should have looked at?
A. The evidence base doesn't indicate that there were any safeguarding -- that the head reported any safeguarding incidents, so the normal practice, just as ISI have explained, we would say to the head and the DSL, "Has there been any safeguarding concerns since the last inspection?" If we had no other corroborating evidence and the head said "no", then we would proceed on the knowledge that there hadn't been. What we now know is that there had been, but we weren't told about them.
Q. My understanding is that there were, and there would have been, referrals which should have been identified at that stage, but which were not identified to you. Doesn't that raise the same question that I raised with Ms Richards and Ms Coley, which is, would it have been, at that time, that Ofsted would have routinely asked the LADO, the DBS or the DfE for anything they knew about problems, concerns, disciplinary issues?
A. We would have approached the LADO, and we would have had information. The evidence base doesn't show what the LADO sent back, which, if the school hadn't referred anything to the LADO, the LADO wouldn't be aware of anything.
Q. So, as far as -- do you have the same issues that the ISI have, in that you have no compulsion to make the LADO tell you anything; is that right?
A. So we have a little bit more leverage than the ISI, in that we also inspect -- the other arm of social care in Ofsted inspects local authority Children's Services. If we had concerns about a LADO, a LADO's, perhaps, decision making, a LADO's failure to disclose any information to us, then we have another route via the local authority inspection under that process, and it is also that the senior HMI in each region has a relationship with the local Children's Services director and, if we had sufficient concern, would raise that as a matter of concern with the DCS.
Q. Can I take you to (v) on the same page, please, Ralph.
It says: "The head teacher and governor for safeguarding had no knowledge of the frequency of the use of the forms, have taken no part in the monitoring of them and acknowledged that any scrutiny would be undertaken by the CPO. It is a cause for concern that only one form had been completed in the last two years."
Given the conclusions you've reached about policies and practices, do you think this is something which should have been identified?
A. So only one form had been completed in the last two years, so that possibly is in the interim two years, but if the head told -- and the DSL told our inspectors there'd been no safeguarding concerns, and was also saying that -- and staff were also saying that they'd had no cause to raise any concerns of a safeguarding matter, then it's very difficult for you to pursue. You can't keep -- you can keep asking the question, but there reaches a point where you have to say, "Well, we have asked it in as many ways as we can. We have asked enough people in as many ways as we can. We don't have the powers to start searching cupboards and drawers".
Q. Should you have the power to start searching cupboards and drawers? This is something that I think we will return to next week.
A. Yes.
Q. But do you think you should have the power to search cupboards and drawers?
A. We have some powers under section 87, but the powers are in relation to, the school has to be co-operative with us, rather than us having powers.
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<td><strong>We would only have powers to seize documents if we</strong></td>
<td><strong>she's a she. Sorry, I have just assumed that.</strong></td>
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<td>were conducting a prosecution, for which we don't have</td>
<td><strong>Q. One doesn't know. I think you might be right, but one</strong></td>
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<td>the powers in a school anyway, we only have those powers</td>
<td><strong>doesn't know.</strong></td>
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<td>in the services that we regulate.**</td>
<td><strong>But I think you can see here that there are sort of</strong></td>
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<td>Q. The report goes on to say that there seemed to be --</td>
<td><strong>various individuals where there are concerns about --</strong></td>
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<td>one's an issue about governors not seeking assurance</td>
<td><strong>A. Yes, absolutely, but none of these staff we would have</strong></td>
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<td>about current safeguarding arrangements, but, secondly,</td>
<td><strong>looked at because they weren't working in boarding, and</strong></td>
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<td>there was very heavy reliance on what was then called</td>
<td><strong>at that point we would just look at boarding.</strong></td>
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<td>the CPO, what I would probably know as the DSL, the</td>
<td><strong>Q. Isn't that -- I mean, that's really a failure of</strong></td>
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<td>designated safeguarding lead, regarding all safeguarding</td>
<td><strong>the system, isn't it?</strong></td>
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<td>issues:</td>
<td><strong>A. That was the practice at the time, and, as I said</strong></td>
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<td>&quot;There is limited time and capacity to manage</td>
<td><strong>earlier, that's not the practice now, where we would</strong></td>
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<td>significant demand due to the lack of consideration and</td>
<td><strong>look at a sample of all -- staff at all levels,</strong></td>
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<td>emphasis placed upon safeguarding being a shared</td>
<td><strong>including governors and volunteers.</strong></td>
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<td>responsibility supported by appropriate infrastructure,</td>
<td><strong>Q. Thank you, Ms Humphreys.</strong></td>
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| resources and supervision."

| That's (x), which is CMS000326_005. | A. **Actually, the single central register only tells you so** |
| Again, that's likely to have been the case -- | **much of the story. What you need to look at is the** |
| **A. Yes.** | **actual recruitment files, because these figures can mean** |
| Q. I mean, that's likely to have been the school's process. | **anything.** |
| I don't think that is something that would have | **Q. I think when Ms Coley carefully went through the** |
| miraculously changed between 2011 and 2013? | **recruitment files, she identified difficulties and** |
| **A. But if the story at the 2011 inspection from the staff** | **omissions with references and various forms of** |
| **and the head was that there had been no safeguarding** | **omissions.** |
| **concerns and we don't really have safeguarding concerns,** | **Can I deal with -- one of the issues raised by ISI** |
| **Page 146** | **this morning that they had concerns about was the** |
| **Page 147** | **Page 148** |

| Independent Listener. We have touched upon whether or | **3** Listener has been in the national minimum standards |
| not you should have identified that. The Independent | **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** |
| A. **Yes, it's important. It's another element of** | **safeguarding in schools, that there is somebody that** |
| safeguarding in schools, that there is somebody that | **8** children can contact. We have the same experiences as** |
| children can contact. We have the same experiences as | **9** our colleagues from ISI do, in that some schools operate** |
| our colleagues from ISI do, in that some schools operate | **10** this system extremely well, where the Independent** |
| this system extremely well, where the Independent | **11** Listener is somebody who is well known to children and** |
| Listener is somebody who is well known to children and | **12** will come into the school. In other schools, in other** |
| will come into the school. In other schools, in other | **13** school inspections, when you talk to children about who** |
| school inspections, when you talk to children about who | **14** is the Independent Listener, who can you contact, they** |
| is the Independent Listener, who can you contact, they | **15** have no idea, and then they sort of vaguely remember who** |
| have no idea, and then they sort of vaguely remember who | **16** it is.** |
| it is. Sometimes you can be asking questions of children | **17** Sometimes you can be asking questions of children on** |
| on the first day, and they don't know, but miraculously, | **18** the first day, and they don't know, but miraculously, by** |
| by the second and third day, they do, because the word's | **19** the second and third day, they do, because the word's** |
| got out that this is what we're asking about. | **20** out that this is what we're asking about.** |
| Q. So the head teacher says to everyone, "It's | **21** Mrs So-and-So?"** |
| Mrs So-and-So?"** | **22** A. "It's Mrs So-and-So, don't forget to say". We would** |
| **A. "It's Mrs So-and-So, don't forget to say". We would** | **always ring the Independent Listener to find out --** |
| **always ring the Independent Listener to find out --** | **Q. Was that then or is that now?** |
| **A. She started on 1/9/2011 and this inspection was on** | **Page 148** |
| **30/3/2011, so she started after this inspection, if** | **Page 146** |

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**Residential Schools IICSA Inquiry Public Hearings 2 October 2019**

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A. That is now. We would always ring the Independent Listener, and we would try and find out from them their level of independence, their skills and experience in talking to children, because if a child is going to contact the Independent Listener, it takes a certain amount of bravery in order to do that, and we have an issue around accessibility, because in lots of boarding schools, they are -- by the nature of a boarding school, children are heavily timetabled and they have very little free time in order to make that call to the Independent Listener.

Q. Even in the era of WhatsApp, text messages, emails?

A. For a lot of schools, there are periods of time where they are not allowed their phones, they have to hand phones in, or they don't have access to the phones. In some of the schools -- some of the boarding schools that we inspect, particularly in the Muslim boarding schools and the Jewish boarding schools, they are not allowed phones at all, and they have to use -- they still have pay phones, and the last Muslim boarding school I was in, the pay phones were in a corridor where everybody was on the phone, and so there was absolutely no privacy. So it would be quite challenging, again, for a child to be able to contact the Independent Listener in that way.

---

We certainly think it is important. It's part of a range of things that schools should have to ensure that if children have concerns about a range of matters, that they have someone they can talk to.

Q. Do you think that it should just be -- I mean, the Independent Listener isn't really currently identified, there's no minimum standards, there's nothing. Obviously, you come from a social work background. You know about -- and I suspect you may well inspect some children's homes as well.

A. Yes.

Q. They have the Reg 40 Visitor, I believe?

A. 44.

Q. The Reg 44 Visitor, I apologise, who plays a much more integral role -- it is almost an assurance role, really.

A. Yes.

Q. Do you think that's something that should be seriously considered in boarding?

A. Yes, most definitely.

Q. And why?

A. Because it's important that boarding schools have somebody from -- externally, who is coming in to look at what's going on. A Reg 44 Visitor is a person that children can talk to, but they also conduct an inspection under regulation and are required to look at certain things, and they are required to give a judgment on whether the welfare of children is promoted and whether children are safe. They have to make that judgment every month that they go in.

---

We don't have that within boarding schools. Within residential special schools, there is capacity for a governor or somebody to be appointed to go in six times a year to do the same thing, but it isn't a feature of boarding schools. And particularly some of the boarding schools that we inspect -- because we only inspect a small number of boarding schools, compared to the ISI. We inspect the state boarding schools and then we inspect the non-association boarding schools. So these are the schools that can't join the association because of their inspection judgments or don't choose to join. They are broadly, but not exclusively, the Muslim boarding schools and the Jewish boarding schools. Those schools tend to be closed communities with very little access to anybody external to their community. Again, for somebody to go into those schools on a regular basis with the authority to go in and carry out tasks, talk to children, look at the welfare, look at the boarding arrangements, I think would be a valuable addition.

Q. How about international students and the Independent Listener? Obviously, you know, there are nearly 30,000 international students who don't have close family who live in the UK. There may well be relatives living there. Do you think that the Independent Listener service, as it currently operates, works for those students, where there might be linguistic barriers, where there might be different cultural barriers, to them wanting to tell people things?

A. Yes, exactly as you have just said as well, because also -- I was inspecting a boarding school last year where they had a system where children had to hand in phones and tablets, but actually, there was an awful lot of international students and they had difficulty then contacting parents in the effective time zones because, when their parents were awake, that wasn't the time at which they had their phones -- that was the period of time -- or where the WiFi was turned off.

Q. For anybody who wants to see that, I don't think we need to get it up, that is paragraph 204 of your witness statement. You talk about a couple of examples where you have inspected schools and there have been problems. So you think there needs to be particularly -- well, not just for international students, for all --

A. I think there needs to be particular attention -- given that the growth in the number of international students in boarding schools -- I think we need to pay particular
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<td><strong>Q.</strong> We are also dealing with the issue -- what comes up here again because of the international students is educational guardianship. Now, we have explained that, and there are a number of issues around it. But does Ofsted have a view about whether or not the current education guardianship regime works or doesn't work?</td>
<td><strong>Q.</strong> More of an oversight role?</td>
<td><strong>A.</strong> Correct.</td>
<td><strong>Q.</strong> You wrote for the inquiry a witness statement that was signed on 24 June 2019?</td>
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<td><strong>A.</strong> No, there are an insufficient number of safeguards. We did note in Kate Dixon's witness statement that there's a suggestion that the NMS would be extended to include all educational guardians, which we would support.</td>
<td><strong>A.</strong> Oversight of all educational guardians, irrespective of whether they have -- whether they make that arrangement --</td>
<td><strong>MR TIGHE</strong>: That's right.</td>
<td><strong>MR TIGHE</strong>: Have you had an opportunity to read that recently?</td>
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<td><strong>Q.</strong> So that would be you would be inspecting not just the ones that were appointed by the school, but everyone?</td>
<td><strong>A.</strong> Yes.</td>
<td><strong>MS NIELD</strong>: Have you had an opportunity to read that recently?</td>
<td><strong>MS NIELD</strong>: That statement was endorsed with a statement of Wells Cathedral School; is that right.</td>
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<td><strong>A.</strong> Well, I think the expectation is that the school has responsibility --</td>
<td><strong>Q.</strong> Could you see a role for the Children's Commissioner, for example, particularly in respect of international students, to try to do some work around how one could tailor a service that at least caters for, or is more tailored to, the particular needs of those individuals?</td>
<td><strong>MR TIGHE</strong>: That's right.</td>
<td><strong>MR TIGHE</strong>: That statement was endorsed with a statement of Wells Cathedral School; is that right.</td>
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<td><strong>Q.</strong> In particular, is that something -- because the Children's Commissioner does run a helpline for children who live away from home, but they have told us it's really not really used by people from boarding schools, although it could be.</td>
<td><strong>A.</strong> Could you see a role for the Children's Commissioner, for example, particularly in respect of international students, to try to do some work around how one could</td>
<td><strong>A.</strong> Correct.</td>
<td><strong>A.</strong> Correct.</td>
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<td><strong>A.</strong> Yes.</td>
<td></td>
<td><strong>Q.</strong> You wrote for the inquiry a witness statement that was signed on 24 June 2019?</td>
<td><strong>Q.</strong> You wrote for the inquiry a witness statement that was signed on 24 June 2019?</td>
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<td><strong>Q.</strong> Do you think that all educational guardians should be registered with an agency?</td>
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<td><strong>MR TIGHE</strong>: That's right.</td>
<td><strong>MR TIGHE</strong>: Have you had an opportunity to read that recently?</td>
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<td><strong>A.</strong> I don't know that we have a particular view, but it would be an additional safeguard.</td>
<td></td>
<td><strong>MS NIELD</strong>: That statement was endorsed with a statement of Wells Cathedral School; is that right.</td>
<td><strong>MS NIELD</strong>: That statement was endorsed with a statement of Wells Cathedral School; is that right.</td>
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bundle. Chair and panel, that's in core bundle D behind

divider B8.

Mrs Bennett, you are the former safeguarding lead at
Wells Cathedral School; is that right?

MS BENNETT: Yes.

MS NIELD: You produced a witness statement for this inquiry
signed on 17 June 2019. Have you also had an
opportunity to read that recently?

MS BENNETT: Yes, I have.

MS NIELD: It is endorsed with a statement of truth. Can
you confirm that that statement is true, to the best of
your knowledge and belief?

MS BENNETT: I can confirm that.

MS NIELD: You will find that behind tab A1 in your bundle.
Chair and panel, that is in core bundle D, behind
divider B7.

Before I go any further with any questions, some
preliminary matters. It is not a test of memory, so
please feel free to refer to your witness statement or
any other documents or notes at any time. We can take
a break at any time if you wish to. We will be
completing by 4.30 at the latest today, in any event.

There is a screen in front of you. If I refer you
to any documents during the evidence, those documents
will appear on the screen, but they should also be in

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the bundles in front of you, so I will give you the
bundle reference as well. It is entirely a matter for
you whether you prefer to use the paper version or use
the screen.

The reason that we are hearing your evidence
together is to help the inquiry to have as full
a picture as possible of the safeguarding policies and
procedures and practice at Wells Cathedral School and to
see how that practice has evolved and developed in
recent years. I will do my very best to address
questions to one or other of you, but please feel free
to indicate if you think the other one is better placed
to answer.

Mr Tighe, I think you have held the post of
headmaster at Wells Cathedral School
since September 2018, so you have been in post for just
over one academic year?

MR TIGHE: That's correct.

MS NIELD: I think, prior to taking up that position, you
had been deputy head (academic) at Bedford School, which
is an independent boarding school?

MR TIGHE: That's correct.

MS NIELD: That's an all boys' school; is that right?

MR TIGHE: That's right.

MS NIELD: You had been director of music at Eltham College,
Music and Dance scheme bursary; is that right?

MR TIGHE: Some of them can. So we have up to 80 of our pupils in any academic year may be funded by the Music and Dance scheme. We have normally about 150/160 specialist musicians in total. So not all of our specialist musicians are funded by that means.

MS NIELD: I think there are other bursaries and scholarships that are available to those pupils?

MR TIGHE: The school has its own bursary funds and scholarship funds, which we also help to -- to use, and other specialists might be on full fee-paying arrangements as well.

MS NIELD: I think the school is divided into nursery and prep, which is just under 100 pupils. The junior school, which is years 3 to 6, just over 100 pupils. Then the senior years, which are year 7 to the upper sixth, there are about 550 pupils there?

MR TIGHE: That's right, yes.

MS NIELD: Mrs Bennett, you were the designated safeguarding lead at Wells Cathedral School from 2005 to 2016, when you retired, I think?

MS BENNETT: That's correct.

MS NIELD: You had previously been a teacher at Wells Cathedral School teaching French from 1985, is that correct?

MS BENNETT: Yes, that's right.

MS NIELD: You were the designated safeguarding lead from 2005 to 2016, when you retired, I think?

MS BENNETT: That's correct.

MS NIELD: I think also in preparation for your role as DSL, you attended some external training days and conferences and safeguarding conferences each year in London and I did training with the Lucy Faithful Foundation. Then the senior years, which are year 7 to the upper sixth, there are about 550 pupils there?

MS BENNETT: That's correct.

MS NIELD: You were responsible for making referrals, where you shadowed the existing child protection officer for a full year; is that correct?

MS BENNETT: That's correct.

MS NIELD: You then, throughout that year, discussed any child protection concerns that arose together and discussed how they would be dealt with.

MS BENNETT: We did, yes.

MS NIELD: I think also in preparation for your role as DSL, you attended some external training days and conferences on child protection?

MS BENNETT: That's correct.

MS NIELD: When you were preparing for your retirement in 2016, was there a similarly managed handover period for your successor?

MS BENNETT: Yes, there was.

MS NIELD: I think you also undertook a number of training courses in preparation for the role of DSL and whilst you were DSL, is that right?

MS BENNETT: Oh, yes, I continued training all through the time.

MS NIELD: What sort of training courses did you undertake?

MS BENNETT: I attended all the Somerset County Council training sessions, but I also went to the National Child Safeguarding Conferences each year in London and I did training with the Lucy Faithful Foundation.

MS NIELD: Can you explain who the Lucy Faithful Foundation is?

MS BENNETT: Well, the Lucy Faithful Foundation is quite an impressive organisation involved in the Stop It Now! campaign, which I was particularly talking about child sexual abuse and the grooming processes, and it had some very, very useful training schemes which made a big impact on me and which I was able to use in my training in the school.

MS NIELD: So you undertook more than the strategy minimum training for your role?

MS BENNETT: I did, yes.

MS NIELD: What were your primary responsibilities as designated safeguarding lead? What did that mean, in terms of the role?

MS BENNETT: Well, it meant that I trained every member of the staff and the support staff, every volunteer, whether it was a parent or local volunteer, in any capacity in the school. I gave them the same training.

I also trained the governors and I trained all the visiting music staff and the cathedral choir, and, in addition to that, I was there for children and staff to deal with problems as they arose, and just being available to discuss issues that came up.

MS NIELD: Were you responsible for making referrals, where they were necessary, to the local authorities as the designated officer?

MS BENNETT: Certainly, yes.

MS NIELD: If a member of staff had a concern about a pupil or, indeed, another member of staff, would those be reported to you or to other members of the senior leadership team?

MS BENNETT: Well, in the training, I made it quite clear that all initial concerns would come via me or to one of my deputies, who would then talk to me, and then I would always talk to the head about anything. So we would have a discussion about any matters arising.

MS BENNETT: Yes, but I continued to teach until I left.
MS BENNETT: Well, interestingly, when I began the role, I was just a teacher, like anyone else. As the years went by, the Keeping Children Safe in Education advised that the DSL should be on the leadership team, and I was aware that I wasn't, but in discussions with the leadership team, we thought that perhaps it was easier that I wasn't part of the leadership team at that time because I was very approachable from the community. But actually, as I -- I think it was in 2014 that I did become part of the management committee, and so I was part of the leadership team, in that sense.

MS NIELD: I think there was a difference between the senior management team and the senior leadership team? I don't know if Mr Tighe can assist?

MR TIGHE: The management of the school is slightly different now compared to what it was in Helen's time.

At the current time, we've got -- as a result of some management changes I have implemented since arriving a year ago, we have got one senior management team, of which the current DSL is a member of that senior management team.

Previously, there had been a senior leadership team and a senior management team in the school, of which Helen, I believe, was on the senior management team, but that was slightly distinct from leadership. So historically, there's a slightly less -- it was a slightly different tiering, I suppose, which I have tried to ensure is clearer now since my arrival.

MS NIELD: Before you were a member of the senior management team, did you encounter any difficulties in the fact that you were not part of the management team or the leadership team at the school, in terms of carrying out your role as DSL?

MS BENNETT: Not really. Because if I needed the attention of the head, if I needed time to spend with a child or with an issue, I was given full support all the way through.

A couple of times, perhaps, things might not have been done as I would have suggested, but they were very minor things.

MS NIELD: You said that you were given support all the way through. What official support, in terms of supervision and so on, were you given as DSL at Wells Cathedral School?

MS BENNETT: Well, I was supervised externally by a supervisor that was provided and paid for by the school in the last couple of years of my time and, prior to that, I suppose it was just really supervision by the head and by the deputy head, in as far as we would just discuss everything as it came up.

MS NIELD: In terms of pay for the additional work of the role and time to carry out your responsibilities, how was that organised?

MS BENNETT: It was quite simple. I was paid an allowance for my role, and I was given time on my timetable to deal with the issues, a generous time allowance, and I was given protected time to do the training during the school day.

MS NIELD: You have spoken about whole school training, that every person working at the school was given training by you.

MS BENNETT: Yes.

MS NIELD: That was face-to-face training, rather than online?

MS BENNETT: Face-to-face training. In fact, looking back at the registers, I think I completed staff training probably every two weeks, because, even if it was just a couple of people coming in as a volunteer, going on a trip or new catering staff, new cleaners, quite a quick turnover in some of the areas of the school, I trained them all, and every two weeks.

MS NIELD: I think you've said in your witness statement that the content of the training was provided by the local authority, but you added material to that that you had chosen because it highlighted the -- it was tailored to the environment, it highlighted the specific risks at a specialist music school; is that right?

MS BENNETT: Certainly. The Somerset County Council material was good. It was very factual. It covered all the basics -- basic awareness training. But I felt that -- well, as early as 1989 in the Children Act, we were aware of the dangers and risks involved in having a specialist music school and a choir school within that school, within the main academic school, and I think that it would be fair to say that, even right back in 1989, we were paying particular attention to the risks of these very intense relationships between musicians and their students and the intensity and the closed community of the choir and having adults and children together.

So we started pretty early looking at the risks involved in these situations.

MS NIELD: In terms of the material provided by the local authority, was that tailored to a residential school, or was that another aspect that had to be addressed?

MS BENNETT: No, it wasn't, and that's where my extra material was very important, because I wanted to talk to...
MR TIGHE: We have a designated safeguarding lead who is part of the leadership team. Which members of staff make up the safeguarding team currently?

MS NIELD: Mr Tighe, you have explained that the DSL at Wells Cathedral School is now part of the senior leadership team. Which members of staff make up the safeguarding team currently?

MR TIGHE: We have a designated safeguarding lead who is also deputy head (pastoral). He has around him a team of six or seven other deputy safeguarding leads and we try to make sure -- all of whom are trained to the level of a DSL, so they have level 3 training. We try to ensure that those deputy safeguarding leads are part of specific areas of the school, so we have a deputy safeguarding lead for boarding, a deputy safeguarding lead within the junior school, a deputy safeguarding lead within the music department, and, in an attempt to make sure that all the different facets of the school, all the different departments of the school, there's a specific person with a particular oversight of safeguarding. They all fall under the responsibility and the line management of the main school designated safeguarding lead, but it allows us to have as broad a team as possible around the issue of safeguarding and often we find it's really important that more than one person is thinking about particular issues or particular concerns and we are having a team that makes it very, very possible.

MS NIELD: You have said in your witness statement that at Wells you used the team around the child approach to pastoral care and safeguarding. What does that mean, exactly?

MR TIGHE: I think, in a sense, it's a reflection of the ethos -- the policy that it's everyone's responsibility at the school to take safeguarding concerns seriously and that everyone is approachable and that every member of staff, be they academic, music or support staff, children know that they can approach them with any concerns that they might have. But it also then means, more specifically, within the pastoral context of the school, we have recognised people who are crucial in the life of that child. So that might be, for example, their house parent, it might be their tutor. Every child is part of a tutor group of about 14 or so pupils.

It might be the matron within the school, it might be our school nurses or school doctor, we have got school counsellors. So all of these people would be part of the team that meet on a regular basis. So we have weekly meetings of the safeguarding teams, and then we, in addition, would have a termly safeguarding meeting at which the safeguarding governor also attends and I, as headmaster, would also attend those meetings, and that's in addition to the education committee of the governing body that meet and it is an agenda item each term and safeguarding is also an agenda item at the full committee of the whole body of governors at the end of each term.

MS NIELD: You have also said in your witness statement that the Music and Dance scheme schools -- I think there are eight of them in the UK, so that includes dance schools as well as specialist music schools -- meet regularly to discuss a number of common issues, including safeguarding. What shape is that taking in terms of safeguarding?

MR TIGHE: In my time, I have only been the head of an MDS school for a year, but, in my time, there's been termly meetings of the heads of those Music and Dance schools which address a whole range -- and the agendas for those meetings might address a whole range of issues, including safeguarding. Then I believe that in 2018/2017, there was a form of a safeguarding submeeting, as it were, of safeguarding leads within the MDS schools with the intention they would meet twice a year to discuss specifically any safeguarding practice or sharing of issues and sharing of concerns, and that usually has taken place with the designated safeguarding lead attending that particular meeting.

MS NIELD: Mrs Bennett, I'd like to ask you some questions about raising safeguarding awareness at the school whilst you were designated safeguarding lead. You have identified within your witness statement a number of what you describe as turning points at the school in terms of awareness of safeguarding and improving safeguarding and understanding.
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<tr>
<td>1 You mentioned earlier the Lucy Faithfull Foundation and the Stop It Now! campaign and the fact that you had attended training and you then were able to use that training to staff -- I think you invited the Stop It Now! campaign to come into the school and deliver a presentation; is that correct?</td>
<td>1 and I tried to keep in touch with them, and that included having lunch with people, you know, visiting music staff, making sure I knew the catering staff's name and so on, things like that.</td>
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<td>2 MS BENNETT: That's correct.</td>
<td>3 MS NIELD: You mentioned a case where there was a member of staff from the school who was imprisoned in relation to sexual offences against a child at the school, and that was Mr Julien Bertrand, who was convicted, I think, in 2006, the abuse having been disclosed in 2005. I think as soon as those offences were disclosed, Mr Bertrand was suspended from the school --</td>
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<td>3 MS NIELD: What was the impact on staff of that?</td>
<td>4 MS BENNETT: He was.</td>
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<td>4 MS BENNETT: Well, the presentation itself, which was given by Donald Findlater, came on the back of our having experienced the imprisonment of a member of staff for abuse against a student. At that time, the staff was deeply shocked by what had happened because they were aware that they had been groomed by this -- by the man, the member of staff, and that this had happened under their noses, as it were. So it was a very important moment for us to just revise our practices, and this material from the Lucy Faithfull Foundation was very hard hitting, and it talked about how people who want to have sex with children will do anything to groom a network of people at a school, and parents, in order to achieve their aim. We began to recognise that this is what had happened to us, and thereafter it was actually quite easy for me to speak with authority, because everybody knew what the dangers were, and so I think that it would be true to say that, when I led these training sessions, people were very respectful, and for a couple of years, I used the materials with new members of staff as they joined, but because the training I did was every three years, I tried to vary it, because I didn't want it to be boring, I didn't want it to lose its impact. And so I used -- I used some clips -- for one session particularly, I used some clips from the Channel 4 film &quot;Chosen&quot;, which is a film where adults in their 50s reflect on abuse that had taken place in the '60s at a school, Caldicott School, and they had been traumatised by this, and they talked so openly about it. I took some clips from this film and included this in the training, and it made a lot of sense to people. Then, latterly, I used some of the awful local stories that had happened in Somerset to bring the point home. I just didn't really hold back on the dangers that were out there. I just tried to keep child protection and safeguarding a bit of a buzz in the school, because I wanted people to be part of a team. I wanted everybody to be involved. I just tried to keep in touch with every member of the school. I think I was in an unusual situation because, because I trained everybody, I knew everybody,</td>
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<td>1. that to the leadership team myself.</td>
<td>1. something was not right, and to ask themselves not &quot;What if I'm wrong?&quot;, but, &quot;What if I'm right?&quot; Is that correct?</td>
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<td>2. There were things that people observed in his behaviour that gave concern, but at every stage we were reassured by the parents, the child's parents, the student's parents, that he was a great family friend, he was like a son to them, and we were just reassured over and over again, and even though matrons and cleaners and members of staff, including me, were suspicious of him, we were stopped by this sort of -- this family relationship that was reassuring us at every point that this was a normal -- this was fine.</td>
<td>3. MS BENNETT: It is.</td>
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<td>4. At one point, the parents colluded with an incident to say that -- we were concerned that the child was upset and the parents said, &quot;No, it's fine&quot;, and they collided with Julien Bertrand and the child to put our minds at rest. So even though our eyes were open, we couldn't see what was there.</td>
<td>5. MS NIELD: How was that message received by the staff?</td>
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<td>6. MS NIELD: You said that in the aftermath of that case, once the abuse was disclosed and the full story became clear, that sharpened your practices in terms of noticing grooming behaviour. I think some school policies and practices changed as a result of that, and you introduced what you refer to in your witness statement as &quot;Guidelines for Safer Working Practice&quot;. We don't have a copy of that 2005 document. What does it cover?</td>
<td>7. MS BENNETT: At the end of most of the training sessions, one or two people would stay behind to talk to me about something. They knew where I was. I was very, very visible in the school, and people would often just talk something through with me, and I encouraged them to do this, because, in the end, you can't see, you can't identify what a paedophile looks like, but you can just watch behaviour, and I encouraged the staff to look across and watch behaviour of children and their colleagues. It isn't a nice thing to do, but I just said, &quot;Just talk to me if you have any concerns&quot;.</td>
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<td>8. MS NIELD: Was your experience that staff did do that?,</td>
<td>9. MS BENNETT: People did. They did.</td>
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<td>9. MS NIELD: Mr Tighe, I would like you to comment, if you can, on what Mrs Bennett has told us about that level of awareness raising within the school and involving the whole school, the whole staff. Are staff currently receiving training that's tailored to the specific challenges of a residential specialist music school?</td>
<td>10. MS NIELD: Was your experience that staff did do that?</td>
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<td>10. MS BENNETT: Well, it had quite a lot guidance in, actually, but one of the things that we particularly wanted to rule out was the sort of touchy-feely climate where children would play-fight with members of staff and hugging and kissing, all that sort of thing.</td>
<td>11. MS NIELD: People did. They did.</td>
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<td>11. In the training thereafter, I said very clearly to the members of staff in front of me, &quot;We are not a touchy-feely school. We don't hug and kiss our children, and even if the child is 18, a day student, and you're meeting them socially outside, you cannot have sex with them&quot;, and they just remembered that, and it was quite a blunt thing to say, but I did say it every single time.</td>
<td>12. MS NIELD: Mr Tighe, I would like you to comment, if you can, on what Mrs Bennett has told us about that level of awareness raising within the school and involving the whole school, the whole staff. Are staff currently receiving training that's tailored to the specific challenges of a residential specialist music school?</td>
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<td>12. MS NIELD: There is sometimes perceived to be a tension within schools between reporting a sense that things might not be quite right, a nagging doubt, where staff may be acting entirely innocently, and there may be sometimes perceived a tension between speaking up about concerns and not making an allegation against someone who may be innocent of any wrongdoing. You say in your witness statement that when you were delivering safeguarding training to staff, you encouraged them to report any concerns that they had where they felt that</td>
<td>13. MS BENNETT: People did. They did.</td>
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<td>13. MR TIGHE: Well, a lot of what Helen has said is still very much current practice in the school. So we make it very clear in all our training that we have a &quot;it could happen here&quot; mentality, and that that is a message that we want all our staff to be aware of.</td>
<td>14. MS NIELD: Was your experience that staff did do that?</td>
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<td>14. We do -- we are conscious of our -- the fact that we have a number of different departments within the school, we are a specialist music school, we are a residential school, we do have overseas pupils, and therefore we recognise that that does create certain additional risks and we try and make sure, therefore, that we enunciate those risks in our training to make sure that, particularly if staff are arriving from another school, perhaps, that hadn't been a residential school, they realise in our context there are additional safeguarding factors that might -- that need to be taken into account which perhaps they hadn't had to consider in a previous school, for example.</td>
<td>15. MS NIELD: Was your experience that staff did do that?</td>
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<td>15. So absolutely just trying to ensure that, within our context, what is our context, explaining that to staff, and making sure that, again, the level of concern -- I think one of the things that we are very conscious of is vigilance, and everyone keeping an eye on everything, and if anyone has any concern, bringing that forward -- these days, we have a slightly more formalised version of what Helen's system was in her time as DSL, in that</td>
<td>16. MS NIELD: Was your experience that staff did do that?</td>
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<td>1. Those concerns? How did that work?</td>
<td>1. MS BENNETT: And comments made by the boys about the closeness</td>
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<td>2. MS BENNETT: Looking back through my notes of the last --</td>
<td>2. of the relationship between this staff member and</td>
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<td>3. well, of ten years, I noticed there was, in connection</td>
<td>3. certain boys?</td>
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<td>4. with F23, a lot of rule bending and blurring of</td>
<td>4. your concerns?</td>
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<td>5. boundaries, and I had lots and lots of references to</td>
<td>5. MS BENNETT: Well, sympathetically, but there wasn't very</td>
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<td>6. this over the years, and I would raise these with the</td>
<td>6. much we could do, other than talk to him about</td>
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<td>7. head and with the deputy head from time to time, and F23</td>
<td>7. boundaries.</td>
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<td>8. would be reminded of the rules and spoken to about the</td>
<td>8. MS NIELD: You noted in your witness statement there were</td>
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<td>9. rules. Sometimes F23 was indignant, sometimes</td>
<td>9. six or seven occasions when teaching staff, house</td>
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<td>10. apologetic. But, nevertheless, I don't know what --</td>
<td>10. parents or cleaners spoke to you about their concerns</td>
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<td>11. I won't know what was going on, but I just was vigilant,</td>
<td>11. that children, for example, were visiting him in his</td>
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<td>12. and --</td>
<td>12. house, although that was against the cathedral rules,</td>
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<td>13. MS NIELD: How did you record the concerns? Was it making</td>
<td>13. getting lifts in his car or that he was seen larking</td>
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<td>14. notes?</td>
<td>14. about with the choristers in the cathedral, and so on.</td>
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<td>15. MS BENNETT: I just made notes. I made notes and dated them</td>
<td>15. MS BENNETT: I was, and I was disappointed that they didn't</td>
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<td>16. and made notes of the actions, made notes of the letters</td>
<td>16. sanction and give a warning, a last warning, for</td>
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<td>17. sent, involved the cathedral and involved the leadership</td>
<td>17. example, because I felt it would have been a good</td>
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<td>18. team.</td>
<td>18. example to the whole cohort of the choir, that they</td>
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<td>19. MS NIELD: So these were concerns, if we can summarise them</td>
<td>19. shouldn't use their private accommodation to have music</td>
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<td>20. as the blurring of the boundaries -- horseplay between</td>
<td>20. lessons, and so on.</td>
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<td>21. this member of staff and certain boys at the school,</td>
<td>21. Whilst they listened to me and they were sympathetic</td>
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<td>22. going into the dormitories late at night and early in</td>
<td>22. and they also sent letters, they didn't ever issue</td>
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<td>23. the morning, where he had a volunteer role but not</td>
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<td>24. a paid staff role; is that right?</td>
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<td>25. MS BENNETT: Yes.</td>
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a sanction, and I was disappointed about that. But
I have been pleased to see that, subsequently, the rules
have seriously tightened up about the accommodation in
Vicars’ Close where the male members of the choir live,
and they have different contracts that they have to sign
every year about children entering their homes for music
lessons, and so on.

MS NIELD: I think, Mr Tighe, in terms of safeguarding
between the school and the cathedral, there is now
a written partnership agreement; is that correct?
MR TIGHE: Yes, that is correct. So we are very conscious
that -- it mainly falls to our choristers, so all the
choristers at the cathedral are educated at the
Cathedral School, and, therefore, during the school day,
as it were, they come under the school’s responsibility,
but when they’re performing their duties within the
cathedral, they fall under the cathedral’s
responsibility.
I think what we were keen to do is to codify, as it
were, what had been happening in practice, which is that
there was close liaison between the cathedral and the
school in terms of safeguarding arrangements and making
sure that children were safe, but perhaps nothing
formally in place to demonstrate what was happening. So
we put in the partnership which we hoped would be one
way of codifying and demonstrating the very close
liaison we have between the safeguarding team at the
school and the safeguarding team at the cathedral.

MS NIELD: You have had an opportunity, I think, of reading
Mrs Bennett’s witness statement that sets out the detail
about the issues that arose with F23. How would those
sort of issues, if they arose now, be dealt with under
the agreement? Would they meet those circumstances?
MR TIGHE: If something like that were to occur now, there
would be an automatic sharing of information between the
cathedral and the school. So, if something happened
under school -- on school territory that involved
a cathedral employee, we would notify the safeguarding
team at the cathedral, and vice versa; if it happened on
cathedral territory and involved a chorister, the school
would be notified.

We would then make sure that the DSL in the school
and the cathedral safeguarding officer were in liaison
and we would make sure a submission, where appropriate,
would be made to the LADO.
We would, between us, decide whether that submission
came from the school or from the cathedral, but we would
be sure that, at every stage, we knew what each other
was doing and that we were working in partnership on it.

MS NIELD: I don’t know if we need to get up -- I don’t
think we probably do need to get up the full agreement.
But it notes that there is a threshold for referral of
safeguarding concerns to the local authority, which is
where there is an allegation that a person has behaved
in a way that may have harmed a child or has behaved
towards a child in a way that indicates they may pose
a risk of harm to children, or has possibly committed
a criminal offence towards a child.
It states that where there are safeguarding concerns
falling short of that threshold, they should be dealt
with by cathedral safeguarding staff if those issues
have arisen within the cathedral, and they will make
a decision about how to handle such concerns and whether
to use disciplinary processes.
So where the school raises a safeguarding concern
below the referral threshold about the behaviour of
cathedral staff towards the school’s children, is it
still a matter for the cathedral safeguarding team to
decide how to deal with that, whether to issue
disciplinary sanctions and so on?

MR TIGHE: Yes, it would. So those thresholds are national
thresholds that we would abide by. If the assessment
were to fall below those thresholds, then, yes. If it
was a cathedral employee, I would expect the cathedral
safeguarding team to take the risk assessment and to
determine the next course of action.

MS NIELD: So would it be open to the cathedral to take
a less serious view of the behaviour than the school’s
safeguarding team might have done?
MR TIGHE: I believe currently probably not, no, because
I think, although the cathedral operates under
a separate safeguarding policy, the Church of England
has its own child protection policies which are distinct
from KCSIE which schools are obligated to, nonetheless
they are -- they have high thresholds as well. The kind
of -- there is commonality between the two policies,
even if they are not exactly the same policy.

But I think also, under the terms of the partnership
agreement, I would expect, with my DSL, to be kept
informed at all stages of what was happening on -- you
know, what steps the safeguarding team were taking at
the cathedral and, therefore, if I or the DSL or anyone
else in the school’s safeguarding team felt that to be
inappropriate or not of sufficient severity, then we
would raise that as a concern, and I -- you know, that’s
the nature of the partnership, to make sure that we have
got open and frank discussion between the two
institutions.

MS NIELD: It has also been noted in the school cathedral
safeguarding partnership agreement that more robust
MS NIELD: Is there a timeframe for these developments?

MR TIGHE: Absolutely.

MS NIELD: They don't have to go through the DSL?

MR TIGHE: No. So any member of staff is told, if they wish to make a report direct to the LADO, they are welcome to do so, and the contact details are available. But we would encourage them to go through the DSL on the basis that the DSL has specific training and has a relationship with the LADO and we know the LADO very well. So that helps kind of facilitate that reporting, but it is not the only route by which it could take place at all.

MS NIELD: The local authority's designated officer has, of course, a relationship with the school. He has said in his witness statement, which I know you have seen, that the school — his perception is the school don't approach him for advice very regularly. He says referrals are made appropriately and properly documented. Is that your perception, that he is not consulted for advice very often?

MR TIGHE: I can only speak in the tenure I have held. Somerset LADO have recently added an additional safeguarding resource, back in 2015 I think it was, as a result of the South Bank case, we put it into our school staff code of conduct.

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MR TIGHE: We do say in our staff code of conduct you must report if you have any low-level concerns or, indeed, if you feel that you have put yourself in a situation that might be misinterpreted. So it's about protecting each other from misinterpretation of what's going on. So as an example, for example, a member of staff was walking down the science lab late at night and there were two girls who were coming the other way. Because of the nature of the light, they were slightly startled, so that member of staff then reported that via the neutral notification system to say, 'Just to let you know, I have just walked past two girls, I startled them in the dark, just so you're aware'. That's the sort of thing which we would encourage staff to tell us about via the neutral notification system. It is embedded, I'd like to think, quite strongly within the school culture.

MS NIELD: I think you said any member of staff can access the system and log a concern, it doesn't have to go through the DSL anymore.

MR TIGHE: That's correct.

MS NIELD: Do staff have to receive training on how to use the system?

MR TIGHE: It's fairly intuitive. It is part of our safeguarding training to staff, the basic awareness that...
MR TIGHE: That's correct.

MS NIELD: Who is responsible for monitoring or reviewing the neutral notification log?

MR TIGHE: So the primary responsibility would fall to the DSL, who gets those notifications. He would then, through the safeguarding team -- as I say, they meet weekly and, if there were particular issues coming up, that might be a forum within which it could be discussed as well amongst the other safeguarding team. "Okay, so we have had a number of low-level concerns this week or month, what does that mean? Is it reaching a particular threshold that demands more than simply neutral notification but we need to take further action on this?"

MS NIELD: Are concerns logged under the name of the staff member about whom there are concerns or are concerns logged by pupil name? How does that work, in terms of being able to review the concerns?

MR TIGHE: I'm not entirely sure exactly how it would be logged. I think, because it is an electronic device, you could search by any category. You could type in pupil, staff, date, do it that way.

MS NIELD: In terms of the safeguarding concerns that are logged, what happens when a member of staff moves on to a new school, for example? Takes up employment elsewhere. Do those records follow them, like their personnel file? What happens?

MR TIGHE: The files don't, but obviously, as part of the recruitment process, references are taken, and now, as part of our safer recruitment in all schools questions about safeguarding concerns, whether there's any history of concerns or allegations or prosecutions, that has to be part of a reference that you would write.

MS NIELD: Even where that hasn't amounted to an allegation or a referral to the local authority designated officer?

MR TIGHE: It would only be in those situations where -- that's distinct from neutral notification. Neutral notification wouldn't form part of a reference. But if anything had reached a particular threshold that took it into a concern or an allegation or, indeed, a substantiated allegation, then that would have to form part of a reference and the details given.

MS NIELD: Have there been any staff concerns about using neutral notification in terms of it having an impact on when they wanted -- if they wanted to move on to a new school, and so on?

MR TIGHE: Not that I am aware of, no.

MS NIELD: Are staff personnel files kept separate from the safeguarding logs?

MR TIGHE: Yes, they are.

MS NIELD: How long are they kept?

MR TIGHE: The safeguarding files are kept indefinitely, currently. The personnel files are kept in line with our data protection policy. I'm afraid I can't remember exactly -- off the top of my head, exactly how long that is, but we have a data protection policy as a school and that's where the personnel files would be kept for that length of time.

MS NIELD: Does it make a difference, Mr Tighe, in your view, in terms of staff using neutral notification, that it doesn't use terms like "allegation" or "report"? Do staff seem open to the idea of noting any concerns? We are striving to do is have an open culture where we are all vigilant and aware and try and ensure that we are all vigilant and aware and that anything that -- just the smallest niggle, there is an opportunity for you to be able to say something in good faith that it will be seriously taken and it won't just be dismissed, but, equally, it's not going to be blown out of proportion necessarily.

MR TIGHE: I'd like to ask you now about safeguarding audits and reviews that have been undertaken or commissioned by the school, I should say. Wells Cathedral School is inspected by the Independent Schools Inspectorate, but in addition to inspections by the ISI, I think in the last six years, you have, or the school has, commenced a number of external audits or reviews focusing on safeguarding in various aspects. I think the first of those was in response to publicity in 2013 about -- well, the Michael Brewer trial, but also allegations
that had been made against Malcolm Layfield, and there
were reports, I think media reports, at the time that
Mr Layfield may have behaved inappropriately towards
a student on a Wells Cathedral School tour of
the Far East in the 1990s. Is that right, that he was a
member of staff?

MR TIGHE: No, he wasn't a member of staff, but he was
a guest conductor, as far as I'm aware, on that tour, so
he was -- for a specific activity and then something
came to light about an allegation that occurred on that
tour, and so we then -- the school -- my predecessors
instigated a review -- two reviews at that particular
time.

MS NIELD: What were the two reviews?

MR TIGHE: One was historic, the Liddiard Report, which
I think you have a copy of, which looked back at what
happened in 1990 and tried to ascertain what steps the
school had taken at that point in time to deal with the
allegation and how they had investigated, and
simultaneously, as I understand it, there was another
report, a review, carried out by Wiola Hola, who is
a forming safeguarding inspector, I think, for Ofsted,
and that was to look at the current school --

MS NIELD: So current in 2013?

MR TIGHE: Current in 2013, absolutely. Two things
happened: there was a retrospective review of what
happened in 1990, obviously with the distance of time,
and then a current review of what was happening. That
was in the first of, I think, three or four separate
reviews that have happened subsequently.

MS NIELD: I think Mrs Hola made some recommendations about
improving the physical environment, in terms of
safeguarding and security at the school; is that right?

MR TIGHE: I think there were a series of different things.
It brought -- some of the suggestions were to do with
making sure that our music teaching rooms had vision
panels in, for example, and there was also -- I think,
then, in a subsequent review -- so we then had --

Mrs Hola then came back to do another review, I think in
2017, if I remember correctly, which was also in
response to a previous safeguarding review which
Somerset County Council had done for us -- again, all of
which was designed just to ensure that our practice was
as robust as we thought it was and we hoped it would be,
but we wanted external verification that what we thought
to be the case was indeed the case.

MS NIELD: So you've mentioned the review from -- I think it
was Somerset County Council Support Services in
Education who undertook an audit of current safeguarding
policies and practice.
MR TIGHE: I think the risks you have identified there are real ones. I think the way you mitigate against those is to be as certain as you possibly can be that the people you are asking to undertake these reviews are as expertly qualified as they possibly can be and as independently minded as they can be. In our instance, we went to the county council and to safeguarding team at the county council who are experts in the area but are not related directly to the school in any way, although we happened to be in Somerset, or a former Ofsted inspector who, as far as I'm aware, had never been to the school prior to the first review, hadn't inspected us previously and was a lead inspector for, again, an independent organisation that was entirely distinct from the school.

MS NIELD: You are, of course, inspected on safeguarding by the Independent Schools Inspectorate, and they are obviously, when they come, usually looking at a number of different areas, of which safeguarding is but one. Is there time, do you think, for safeguarding, and certainly in terms of the safeguarding culture of the school, to be assessed properly in an inspection visit?

MR TIGHE: Well, the framework has changed recently, certainly in my time since I have been in senior management of the school, whereby the framework is now divided into compliance inspections and then an educational quality and compliance inspection. So you can expect to have your compliance checked every three years and your educational quality inspected every six years. So that does mean that safeguarding would come under compliance. That's a reasonably frequent amount of time at which that would be looked at. I do accept, having been part of inspections myself at schools I have worked at, that those inspectors have a lot to look at in a relatively small space of time. The number of inspectors who come into a school will vary depending on the size of the school. If you are a residential school, a boarding school, there will be inspectors specifically looking at the boarding element. So I think probably, although there is a lot for them to have to get through, they are able, I would say, to be able to get a pretty accurate assessment of what goes on on the ground and I know that they do a lot of research in advance of arriving at school in terms of looking at the paperwork and the policies and all that kind of thing as well.

MS NIELD: Mr Tighe, I have no more questions for you, or for you, Mrs Bennett, but if you wait there, please.

Chair and panel, I don't know if you have any questions?
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