

<p>1 Friday, 4 October 2019</p> <p>2 (10.00 am)</p> <p>3 THE CHAIR: Good morning, everyone. Welcome to Day 5 of</p> <p>4 this public hearing. Ms Nield?</p> <p>5 MS NIELD: Good morning, chair and panel. The first</p> <p>6 witness, please, is Margaret Moore.</p> <p>7 MRS MARGARET MOORE (affirmed)</p> <p>8 Examination by MS NIELD</p> <p>9 MS NIELD: Good morning, Mrs Moore. Just a few things</p> <p>10 before I begin my questions.</p> <p>11 First of all, it is not a test of memory. Please</p> <p>12 feel free to refer to your notes or witness statement at</p> <p>13 any time. We can have as many breaks as you like. Just</p> <p>14 let me know if you wish to take a break at any time, and</p> <p>15 we will be having a break every one hour and 15 minutes,</p> <p>16 in any event.</p> <p>17 There is a screen in front of you. The evidence</p> <p>18 handler, this gentleman sitting in front of me, will be</p> <p>19 bringing up on screen the documents that I refer to,</p> <p>20 which everybody else will be able to see on their</p> <p>21 screens in the room.</p> <p>22 You also have a paper bundle in front of you, which</p> <p>23 has the relevant witness statements, your own witness</p> <p>24 statement at the very front, and any documents that we</p> <p>25 are going to refer to, so you can use either the screen</p> <p style="text-align: center;">Page 1</p>	<p>1 or the paper bundle, or both, but I will ensure that the</p> <p>2 documents you need are on the screen.</p> <p>3 Your witness statement is at the front of that</p> <p>4 bundle behind tab A/1. Chair and panel, this is in core</p> <p>5 bundle D, behind tab D/15.</p> <p>6 You have signed it, you have dated it. Is it true,</p> <p>7 to the best of your knowledge and belief?</p> <p>8 <b>A. It is.</b></p> <p>9 Q. Have you had an opportunity of reading it recently?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. You were a teacher at the Purcell School for Young</p> <p>12 Musicians from 2002 to 2001; is that correct?</p> <p>13 <b>A. 2011.</b></p> <p>14 Q. Forgive me, 2011.</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. You were head of geography, I think, at the school?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. In a department of one?</p> <p>19 <b>A. In a department of one. It is a small school.</b></p> <p>20 Q. It is a small school and I think geography wasn't taught</p> <p>21 at A level; is that right?</p> <p>22 <b>A. That's right.</b></p> <p>23 Q. Before going to the Purcell School, you had previously</p> <p>24 taught at a number of schools, I think. You had spent</p> <p>25 seven years teaching at Watford Girls' Grammar prior to</p> <p style="text-align: center;">Page 2</p>
<p>1 taking up your employment?</p> <p>2 <b>A. I think it was much longer than that, because I worked</b></p> <p>3 <b>there from 1985 until 2002.</b></p> <p>4 Q. Can I ask you to speak up a little bit?</p> <p>5 <b>A. Sorry, I worked at Watford Girls' from probably about</b></p> <p>6 <b>1985 -- no, let's see. How old are you? You were born</b></p> <p>7 <b>in '84. So, in fact, probably from 1985 until 2002.</b></p> <p>8 Q. When you joined the Purcell School in 2002, you had</p> <p>9 then -- at the point where the head teacher,</p> <p>10 Peter Crook, joined the school, you had been teaching</p> <p>11 for about five years at that school?</p> <p>12 <b>A. Oh, yes.</b></p> <p>13 Q. I think, as head of the geography department at</p> <p>14 Purcell School, you would take students out on field</p> <p>15 trips and you'd have to write risk assessments for</p> <p>16 those?</p> <p>17 <b>A. Indeed.</b></p> <p>18 Q. You also served on the health and safety committee of</p> <p>19 the school?</p> <p>20 <b>A. For a while, yes.</b></p> <p>21 Q. I think there was a period of time when you had</p> <p>22 a pastoral role within the school; is that correct?</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. You were the visiting house tutor in the girls' boarding</p> <p>25 house?</p> <p style="text-align: center;">Page 3</p>	<p>1 <b>A. That's right.</b></p> <p>2 Q. What did that entail?</p> <p>3 <b>A. It was rather a nice job, actually. It was a bit like</b></p> <p>4 <b>being a mum. You know, you signed them in in the</b></p> <p>5 <b>evening, so that you -- they'd had supper, you asked</b></p> <p>6 <b>where they're going, what they're doing, so that you've</b></p> <p>7 <b>got a record of where they are. You wander around,</b></p> <p>8 <b>check if they're doing their homework, have a chat with</b></p> <p>9 <b>them about anything they're up to. Yeah, just a bit</b></p> <p>10 <b>like a mum, really.</b></p> <p>11 Q. Were you responsible for making sure they were in bed at</p> <p>12 bedtime?</p> <p>13 <b>A. No. What happened was, at the end of the evening,</b></p> <p>14 <b>I would write down in a log any concerns I might have or</b></p> <p>15 <b>anything that the children have told me that, you know,</b></p> <p>16 <b>a bit worried about, and I would hand that over to</b></p> <p>17 <b>someone else, who would then deal with bedtime, but</b></p> <p>18 <b>there was a record kept.</b></p> <p>19 Q. When you were at the Purcell School, what safeguarding</p> <p>20 training did you undertake?</p> <p>21 <b>A. Well, I certainly remember having the basic level 1</b></p> <p>22 <b>training. I'm not quite sure at what point, and I'm not</b></p> <p>23 <b>quite sure whether I had any more of those, but</b></p> <p>24 <b>I certainly had level 1 basic training.</b></p> <p>25 Q. I'm going to move on now to ask you about concerns that</p> <p style="text-align: center;">Page 4</p>

1 you raised ultimately in relation to the head teacher,  
 2 Peter Crook, and a PSHE lesson which had taken place in  
 3 his house.  
 4 When did you first hear about the PSHE lesson, and  
 5 how did you hear about it?  
 6 **A. Probably the next day, because so many people were**  
 7 **alarmed, and one of the music teachers, Clare, came in**  
 8 **and said this had happened, and she was really alarmed,**  
 9 **and we said to Clare, "Well, you have a duty to report**  
 10 **this".**  
 11 Q. What did she tell you that she had heard at that point?  
 12 **A. That there'd been this meeting in the house, that the**  
 13 **boys had described, somewhat vaguely, some of the things**  
 14 **that had happened, that they'd seen a video, that**  
 15 **there'd been clips from a computer, and some of**  
 16 **the language. They sort of didn't tell us a lot, but**  
 17 **certainly enough for us to be concerned.**  
 18 Q. Had Clare, the teacher -- is that Clare Sutherland?  
 19 **A. Mmm.**  
 20 Q. Had she told you what subjects had been discussed in  
 21 that?  
 22 **A. Oh, yes, yes.**  
 23 Q. What did she tell you at that point?  
 24 **A. That it was a discussion about masturbation, really,**  
 25 **largely.**

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1 tab B/10 in your bundle. That's the letter that says,  
 2 if we can go to the third paragraph:  
 3 "There have been whisperings at the Purcell School  
 4 about an incident that purportedly took place on Sunday,  
 5 10 May 2009, that I think you should be aware of."  
 6 That's the document that you wrote?  
 7 **A. It is.**  
 8 Q. In the third paragraph, you say:  
 9 "Late on Sunday evening, a small number of year 9  
 10 boys were asked to go to Mr Crook's private residence  
 11 where, amongst other things, an explicit discussion on  
 12 masturbation took place."  
 13 You go on to say you are reporting it in good faith  
 14 because you think "either appropriate action should be  
 15 taken against the students for spreading malicious  
 16 gossip or serious questions should be asked of  
 17 the headmaster, if, in fact, it was true?  
 18 **A. Absolutely.**  
 19 Q. You mention the school's code of conduct and child  
 20 protection policy and also a whistleblowing policy. You  
 21 say:  
 22 "Despite the whistleblowing policy ... this letter  
 23 remains unsigned because of a genuine fear of reprisal  
 24 by the headmaster should he become aware of who has  
 25 written it ..."

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1 Q. So you were saying that you told her she should report  
 2 it?  
 3 **A. Absolutely.**  
 4 Q. Who did you tell her to report it to?  
 5 **A. Well, I did say that the sequence should be that it goes**  
 6 **to the chair of governors, because that's the procedure.**  
 7 **If there's a concern about the headmaster, it goes to**  
 8 **the chair of governors. But we had a few doubts about**  
 9 **whether it might be dealt with properly, and so the**  
 10 **other alternative was take it straight out and take it**  
 11 **to social services.**  
 12 Q. Did she agree to report it?  
 13 **A. No, she didn't. But we very forcefully said, "You**  
 14 **should do this". She was very concerned. You know,**  
 15 **she's a music teacher; it's a good thing to have on your**  
 16 **CV that you are a music teacher in a specialist music**  
 17 **school.**  
 18 Q. Why was she reluctant to report the concerns?  
 19 **A. Because of her job. Yeah, very much because of her job.**  
 20 Q. As a result of the conversation that you had with  
 21 Mrs Sutherland, what did you then decide to do, in  
 22 relation to those concerns about the PSHE lesson?  
 23 **A. Well, because I wasn't 100 per cent sure that she would,**  
 24 **I wrote the anonymous letter to Graham Smallbone.**  
 25 Q. Can we get up, please, INQ004382. That's behind

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1 **A. That's right.**  
 2 Q. In that letter, were you conveying the information you  
 3 had been given about the PSHE lesson?  
 4 **A. Well, I think so, because I gave him enough clues that**  
 5 **this was something that was not right. I thought by**  
 6 **putting in the words that it was in his private**  
 7 **residence, that it was an explicit discussion on**  
 8 **masturbation, that there's lurid details -- I was kind**  
 9 **of giving him enough clues that this really wasn't**  
 10 **acceptable and that maybe he should do something about**  
 11 **it.**  
 12 Q. You have said in that letter that you were concerned  
 13 that if your identity were known, it might get back to  
 14 Mr Crook, and he may try to pressure you directly?  
 15 **A. Yes.**  
 16 Q. I'm taking from your witness statement, paragraph 24,  
 17 page 4 of your witness statement, you say that what  
 18 informed your decision to send the letter anonymously  
 19 was something you had heard about a complaint having  
 20 been made about Peter Crook. You said that the details  
 21 of that complaint were somewhat sketchy in your  
 22 knowledge, but, in essence, some girls had reported  
 23 something to their house parent, Sheila Young. She had  
 24 taken those concerns -- or the headmaster had intervened  
 25 in that situation. He knew that Mrs Young was involved,

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<p>1 and he'd spoken to both Mrs Young and the girls about 2 their complaint, which he shouldn't have done. 3 Can I take you, please, to the witness statement of 4 Paul Elliott -- PUR001247_009, paragraph 44. This is 5 behind tab 7 in your bundle. There is reference within 6 this witness statement to Mr Elliott -- he was the 7 designated safeguarding lead: 8 "I had already visited the chairman of governors at 9 his home following some concerns that had been raised by 10 a member of staff, Sheila Young, who had told me that 11 some girls had felt uncomfortable when Peter Crook, as 12 part of his observation of lessons, had watched the 13 girls playing netball in the gym. The girls had talked 14 to her about their concerns. I cannot remember exactly 15 when that meeting took place, but I think it may have 16 been in 2008. The member of staff felt uncomfortable 17 about going to the chairman of governors, but I felt it 18 was important to let him know what was being said. In 19 discussion with the chairman, we agreed that 20 Peter Crook's actions were more likely to have been 21 thoughtless rather than suspicious. I do not know if 22 the matter was taken any further. I took no further 23 action. I felt I had carried out my responsibilities by 24 reporting to the chairman of governors a concern about 25 the headmaster. This was what was required by the child</p> <p style="text-align: center;">Page 9</p>	<p>1 protection policy at the time." 2 Does that appear to be the same incident that you're 3 talking about, where Sheila Young had made a concern? 4 <b>A. Yes.</b> 5 <b>Q.</b> Your understanding was that she had been spoken to by 6 the headmaster about her complaint and the girls who had 7 made the complaint had also been spoken to? 8 <b>A. Mmm.</b> 9 <b>Q.</b> You've told us that you were concerned that if your 10 identity was made known, the head teacher may speak 11 directly to you. 12 A few days later, on 19 May, you recall there was 13 a staff meeting during which the head teacher spoke 14 about the PSHE scheme of work at the school; is that 15 correct? 16 <b>A. Yes.</b> 17 <b>Q.</b> What did he say? 18 <b>A. He said that he had to rewrite the PSHE scheme of work.</b> 19 <b>Q.</b> Who was head of PSHE at that time? 20 <b>A. We didn't have one because the previous person had left,</b> 21 <b>but there'd been no mention of, "Is there anyone on the</b> 22 <b>staff who would like to take it on?", which is pretty</b> 23 <b>unusual, because the headmaster doesn't write</b> 24 <b>curriculum, he writes policies. So it was just very</b> 25 <b>strange that he decided he was suddenly going to rewrite</b></p> <p style="text-align: center;">Page 10</p>
<p>1 <b>this.</b> 2 <b>Q.</b> We will come to the document that you found later on, 3 because I think, subsequently, some time after that 4 staff meeting, you actually found the rewritten policy, 5 and we will come to that in a moment. 6 There was, in the meantime, another staff meeting on 7 3 June 2009. Can we get up the minutes from that, 8 please -- INQ004583. You've said in your witness 9 statement that those minutes, in fact, weren't produced 10 until about three weeks after the meeting; is that 11 correct? 12 <b>A. That's correct.</b> 13 <b>Q.</b> Was that the usual delay for minutes of a staff meeting? 14 <b>A. No, and someone actually asked where the minutes were,</b> 15 <b>and we were told they were confidential, which seemed</b> 16 <b>strange, because minutes are never confidential. But</b> 17 <b>these were about three weeks later.</b> 18 <b>Q.</b> We see in there item 1 on the agenda, on a four-point 19 agenda, is PSHE. 20 <b>A. Mmm-hmm.</b> 21 <b>Q.</b> The headmaster informed staff that he had given a PSHE 22 anti-bullying session to all in a certain boarding house 23 in year 9 in the presence of TDS -- that's Tom Smith? 24 <b>A. It is.</b> 25 <b>Q.</b> "... in an attempt to reduce taunting and teasing and</p> <p style="text-align: center;">Page 11</p>	<p>1 to prevent potential bullying. Anonymous survey 2 feedback forms from the year group had been positive." 3 Then it says: 4 "A room change had been made and the pupils now seem 5 much happier and more settled." 6 Then there was some discussion of individual 7 children, and then PSHE comes up again at point 3: 8 "Opinions were expressed about PSHE and also about 9 rumours of possible bullying." 10 What was the nature of the discussion about PSHE 11 that's covered in point 3 of those minutes? 12 <b>A. Well, we were quite aware that there had been this</b> 13 <b>sexualised bullying of a particular lad, and it was</b> 14 <b>a lad that I had been quite concerned about, and so</b> 15 <b>I raised this, and -- because it's just strange that he</b> 16 <b>says "rumours of possible bullying", because we knew</b> 17 <b>this bullying had happened. So it turned -- this all</b> 18 <b>turned into a bit of a bloodbath in this meeting,</b> 19 <b>because we were very concerned that this wasn't PSHE.</b> 20 <b>We have a PSHE curriculum, it's taught in a classroom,</b> 21 <b>there's vetted resources, it's not done in a private</b> 22 <b>house on a Sunday evening. And so we were raising those</b> 23 <b>concerns quite vociferously, I think we can say.</b> 24 <b>Q.</b> What was the response of the headmaster when those 25 concerns were raised?</p> <p style="text-align: center;">Page 12</p>

1 **A. He said he'd taken advice, which was a common thing he**  
 2 **said.**  
 3 Q. Did he say who he had taken advice from?  
 4 **A. Yes, Health Promotion Hertfordshire, which I thought was**  
 5 **pretty strange they would give that sort of advice, and**  
 6 **also from a person in charge at a previous school, and,**  
 7 **again, it didn't add up, because no-one would ever use**  
 8 **this event as a response to bullying.**  
 9 Q. What was the demeanour of the head teacher when these  
 10 questions were being asked of him by his staff?  
 11 **A. Quite defensive. He thought he'd done nothing wrong.**  
 12 **He thought it was a very good thing to do, that it was**  
 13 **the right thing to do, and that the children had thought**  
 14 **it was good. But we didn't have the same view on that.**  
 15 Q. In your witness statement, you said that he appeared to  
 16 be trying to close down the discussion about it?  
 17 **A. Oh, yes. Yes, he wanted to move it on. You know, "If**  
 18 **anyone wants to come and talk to me about it, they can**  
 19 **come and talk to me individually". Well, no-one would**  
 20 **ever do that, because, ultimately, he's got power over**  
 21 **us, and so that is a very difficult thing. You wouldn't**  
 22 **just go into his house -- into his office to talk to him**  
 23 **about this.**  
 24 Q. I think, after that staff meeting, on that same day,  
 25 when you went home, you contacted both your union and,

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1 Q. Can we get up, please, INQ004672\_007.  
 2 **A. That's not the right one.**  
 3 Q. No, I don't think that's correct. We will see if we can  
 4 obtain that in a moment.  
 5 If we can go to page 7 of your witness statement,  
 6 please, paragraph 48 -- INQ004579\_007. If we could get  
 7 that up, please, Ralph, and we will see if we can get  
 8 the document from which you're quoting subsequently.  
 9 You have noted the document that you found. When you  
 10 found the rewritten scheme of work, did you take a copy  
 11 of it?  
 12 **A. Oh, yes.**  
 13 Q. Did you take it away with you?  
 14 **A. I did.**  
 15 Q. You later sent that to the local authority?  
 16 **A. I did.**  
 17 Q. In connection with their investigation into the matters  
 18 around the PSHE lesson?  
 19 **A. Yes.**  
 20 Q. Can we have a look, please, at the section in italics:  
 21 "In accordance with the spirit of 'every child  
 22 matters' and DCSF guidance on the prevention of  
 23 bullying ... and the Purcell School anti-bullying  
 24 policy, it will sometimes be appropriate to deliver  
 25 tutorials with smaller groups of pupils. If this is

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1 on the advice of your union, Ofsted; is that correct?  
 2 **A. Yes, it is.**  
 3 Q. I think Ofsted arranged for you to speak to  
 4 Hertfordshire social services, and you spoke to one of  
 5 the local authority designated officers, called  
 6 Mel Leicester-Evans?  
 7 **A. Yes.**  
 8 Q. I think you were informed by Ms Leicester-Evans that  
 9 others had, in fact, already contacted her anonymously  
 10 about concerns about the PSHE lesson; is that correct?  
 11 **A. It.**  
 12 Q. I'd like to come on --  
 13 **A. Can I just say one other thing? One of the things that**  
 14 **the headmaster said -- well, one of the members of staff**  
 15 **in the 3 June meeting said, "Could you tell us, if the**  
 16 **children ask us about what went on in your house, what**  
 17 **should we say?", and he just calmly said, "Well, you**  
 18 **tell them it's PSHE", and that's what was, ultimately,**  
 19 **the reason why I went to Ofsted, because I thought, this**  
 20 **is not PSHE, and you are asking us to potentially lie to**  
 21 **the children, and -- because it wasn't PSHE.**  
 22 Q. The PSHE scheme of work, you subsequently came across  
 23 that document, I think, in the staff room on the  
 24 photocopier; is that right?  
 25 **A. Yes.**

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1 done in an informal domestic setting, two adults must be  
 2 present ..."  
 3 Had that previously been in the policy, that it was  
 4 possible to deliver PSHE lessons in an informal domestic  
 5 setting?  
 6 **A. Absolutely not.**  
 7 Q. What were your concerns when you saw that document?  
 8 **A. That this was being written in that would give sort of**  
 9 **cover for what had happened in the headmaster's house,**  
 10 **that it would give it -- it would be an okay thing to**  
 11 **do, which, clearly, it wasn't and isn't.**  
 12 Q. So you said that you were concerned that Mr Crook was  
 13 retrospectively rewriting the scheme of work?  
 14 **A. Yes, so that it would then fit in with the story that it**  
 15 **was okay to have that session in his house.**  
 16 Q. What had your understanding been on the school policy on  
 17 giving lessons or talks or inviting pupils into staff  
 18 accommodation?  
 19 **A. Well, when I worked in the boarding house, we had very**  
 20 **strict rules. There was a meeting room just on the edge**  
 21 **of the boarding house where you would go in if you**  
 22 **wanted to talk to a child about anything, but you**  
 23 **certainly never had a child in your house, for fairly**  
 24 **obvious reasons. If there was abuse, then the child**  
 25 **could describe the contents of your house. So very,**

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1 **very good reasons for not having children in your house,**  
2 **and that never happened in the boarding house that**  
3 **I worked in.**  
4 Q. After you'd sent that document to social services, there  
5 was also a letter, I think, that you were involved in  
6 writing from the Staff Association to the chair of  
7 governors?  
8 **A. That's correct.**  
9 Q. That's PUR001145. That's behind tab B/10 in your  
10 bundle. The Staff Association, were there any teacher  
11 representatives on the school's governing body?  
12 **A. Oh, no. No.**  
13 Q. How many staff members were involved in the decision to  
14 write and send that letter?  
15 **A. About 25 of us.**  
16 Q. Mr Smallbone responded to that letter with a letter  
17 asking staff with concerns to give their names?  
18 **A. Yes.**  
19 Q. Was anyone from the Staff Association happy to do that?  
20 **A. Absolutely not.**  
21 Q. It may seem an obvious question, but why not?  
22 **A. Well, he's ultimately in charge. If we make a complaint**  
23 **and raise it with him, the next thing you know, you**  
24 **might be out of a job. You've got mortgages. So, yeah,**  
25 **we were very concerned. He has that power over us, and**

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1 **that might be raised, and yet, reading the witness**  
2 **statement -- I forget, somewhere in here -- the brief**  
3 **that the independent reviewers had seemed to be much**  
4 **more rigorous and looking to identify what had gone on**  
5 **and whether there might be people that should have any**  
6 **disciplinary action.**  
7 **So it was very -- what the reviewers were told and**  
8 **what we were told were two different -- two vaguely --**  
9 **slightly different things.**  
10 Q. When the reviewers came into school in September, we  
11 know a number of staff members spoke to them. I think  
12 you spoke to them as well. Was it your understanding,  
13 before you spoke to them, that the chair of  
14 the Staff Association had spoken to the chair of  
15 governors and to the local authority designated officer,  
16 Frazer Smith --  
17 **A. Yes.**  
18 Q. -- and had been assured by both of those people that the  
19 review would be entirely independent and that the two  
20 reviewers were not known to anyone on the board of  
21 governors?  
22 **A. That's right. And we were encouraged to come forward;**  
23 **you know, lay cards on the table, everything was going**  
24 **to be fine, come and tell us all what's going on. So we**  
25 **were fairly confident in going forward.**

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1 **so people were very reluctant, and there had been times**  
2 **in the past where people had reported things to**  
3 **Graham Smallbone and we weren't confident that they were**  
4 **being dealt with properly.**  
5 Q. Having contacted social services with your concerns, and  
6 being aware that there were others who had contacted  
7 social services with those concerns, I don't think you  
8 received any feedback directly from social services as  
9 to the outcome of those investigations?  
10 **A. No, we were completely in the dark.**  
11 Q. You've explained that the chair of governors wrote  
12 a letter to all the staff on 15 July 2009. I don't  
13 think we need to necessarily get that up. But in that  
14 letter, Mr Smallbone told the staff that the  
15 multi-agency decision had been that there was no case  
16 for them to consider, and that any remaining matters  
17 were for the school to resolve through its own internal  
18 management procedures, and it went on to say that there  
19 would be an independent review.  
20 **A. That's correct.**  
21 Q. Were you ever given the brief or the terms of reference  
22 for the independent review? Were you aware what their  
23 questions were?  
24 **A. Well, we were told that they were looking at why people**  
25 **had avoided the school system, and any other matters**

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1 Q. You spoke to the reviewers, and you raised the concerns  
2 that you had had around the PSHE lesson and other  
3 concerns about the --  
4 **A. That's right. And I know that a lot of my colleagues**  
5 **were going to do the same, because it said, "Any other**  
6 **matters". So we decided this -- well, individually,**  
7 **people decided they'd tell the reviewers what they knew.**  
8 Q. You say in your witness statement that after you had met  
9 with the reviewers, you were told by another member of  
10 staff that one of the reviewers had told them he was  
11 actually known to one of the governing body; is that  
12 correct?  
13 **A. That's right. I mean, we didn't --**  
14 Q. How did that affect your perception of the independence  
15 of the review?  
16 **A. Well, it went straight out the window. We didn't**  
17 **believe that it was going to be independent at all.**  
18 Q. The final report of the independent review wasn't shared  
19 with staff, was it?  
20 **A. No, not at all.**  
21 Q. But there was a staff -- you weren't given copies of it,  
22 or anything like that?  
23 **A. No, we had no --**  
24 Q. But there was a staff meeting with all the staff and  
25 Mr Smallbone and Mr Smith from the local authority on

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1 2 November to discuss feedback from the review. You  
 2 have said in your witness statement that the chair of  
 3 governors said that some staff would be answerable to  
 4 the governors. What did you take that to mean?  
 5 **A. Well, I just thought, "Hooray, he's worked it out at**  
 6 **last. This is it, he's going to get rid of Peter Crook**  
 7 **and Tom Smith". So I was maybe a bit naive, but that's**  
 8 **what I thought was going to be the outcome.**  
 9 Q. Can I take you to paragraph 77 of your witness  
 10 statement, please. That's on page 12, INQ004579\_012.  
 11 You said that some minutes were pinned to the  
 12 noticeboard in the staff room?  
 13 **A. They were.**  
 14 Q. And also another document called "Independent review"  
 15 that said:  
 16 "Amongst other reasons put forward for failure to  
 17 use the standard complaints procedure, the dominant  
 18 factor was judged to be the determination of a small  
 19 group of staff to use child protection complaints as  
 20 a vehicle for their own agenda in opposition to the  
 21 headmaster in his effort to implement the governors'  
 22 strategy for the school."  
 23 Had that been your motivation for reporting your  
 24 concerns around the PSHE class?  
 25 **A. Absolutely not.**

Page 21

1 **A. Yes, I did.**  
 2 Q. You, I think, disagreed with a number of the  
 3 conclusions?  
 4 **A. Certainly.**  
 5 Q. I'm taking from your witness statement, you had given an  
 6 example that in the report it's noted that fire drills  
 7 were efficiently managed, and you say that bears no  
 8 relation to the reality of fire drills when they were  
 9 carried out, which you have described as chaos?  
 10 **A. Mmm-hmm.**  
 11 Q. But you noted particularly this statement in the  
 12 report -- I don't know that we need to get it up:  
 13 "There's been a small but effective element within  
 14 the staff team which has actively undermined the head  
 15 teacher and the school."  
 16 Where did you think that observation had come from?  
 17 **A. Well, the school had kicked social services into touch,**  
 18 **because, clearly, it wasn't a prosecution. They had**  
 19 **commissioned their own independent review. And that**  
 20 **information from the independent review was passed on to**  
 21 **Ofsted. So that questioned the independent review.**  
 22 **I couldn't work out how they could have come to that**  
 23 **conclusion. So I assumed that somehow that comment had**  
 24 **been engineered into the report by the governors.**  
 25 Q. Did you think you were included again in that

Page 23

1 Q. How did you feel when you read that?  
 2 **A. I just was in utter disbelief that they could have come**  
 3 **to those sort of conclusions, because all the people**  
 4 **I knew that had had stories about the headmaster, they**  
 5 **were going to tell the stories of what had happened. So**  
 6 **this just seemed to be -- I don't know where they came**  
 7 **up with that conclusion. It just was bizarre.**  
 8 Q. Did you think that that description of the "small group  
 9 of staff using child protection complaints as a vehicle  
 10 for their own agenda" was supposed to include you?  
 11 **A. Oh, yes.**  
 12 Q. You were also informed, I think, that this independent  
 13 review had been made available to Ofsted prior to their  
 14 inspection?  
 15 **A. That's right.**  
 16 Q. And to the local authority?  
 17 **A. Yes.**  
 18 Q. When the Ofsted inspection took place on  
 19 11 November 2009, the focus was on boarding and, at that  
 20 point, you weren't a member of the boarding staff,  
 21 I don't think?  
 22 **A. No.**  
 23 Q. So you were not involved in that inspection?  
 24 **A. I wasn't.**  
 25 Q. But you saw the report that was published?

Page 22

1 description of the "small and effective element"?  
 2 **A. Absolutely.**  
 3 Q. You next received a letter, I think from the chair of  
 4 governors, on 2 December, inviting you to a meeting of  
 5 a panel of four governors. Did the letter say what the  
 6 meeting was about?  
 7 **A. He wanted to share more information about the review**  
 8 **with me personally. I didn't know why that was the**  
 9 **case, because it should be shared with everyone. But**  
 10 **there was going to be some collaborative discussion.**  
 11 **They didn't provide me with any information, any**  
 12 **minutes, any agenda of what I should be looking for. So**  
 13 **I was really suspicious about what that meeting was --**  
 14 **the intention of that meeting. And I rang**  
 15 **social services. It was social services that then**  
 16 **suggested that maybe we should go to this -- because**  
 17 **there were a number of us, that we should get our unions**  
 18 **involved.**  
 19 Q. So you took your union rep with you, I think?  
 20 **A. I certainly did.**  
 21 Q. How would you describe your experience in that meeting?  
 22 I think there were four governors.  
 23 **A. Well, pretty intimidating, really. You know, I hadn't**  
 24 **done anything wrong, so why was I suddenly there? Part**  
 25 **the way through the meeting, one of the governors sort**

Page 24

<p>1 <b>of handed over this code of conduct and said, what did</b>  2 <b>I think about this.</b>  3 Q. Can we get up a document at this point, then, please --  4 PUR000852. Did you retain the code of conduct?  5 <b>A. No. It was given out to me and then taken back off me.</b>  6 Q. If we can have a look at this code of conduct, I think  7 you've seen this document, I think.  8 <b>A. Mmm.</b>  9 Q. It talks about all school staff having to comply with  10 the school's child protection policies as published from  11 time to time. It talks about disclosures of concerns,  12 child protection concerns, having to be made in  13 accordance with child protection procedures, the  14 school's child protection procedures. It says:  15 "School staff should treat with respect other  16 members of school staff, that no member of staff or  17 pupils should be criticised or subjected to any  18 detriment for alerting the school to breaches of child  19 protection policies or procedures."  20 It says that no member of staff may send or  21 authorise the sending of anonymous complaints, anonymous  22 letters, poison pen letters or their equivalent. And  23 confidentiality of school, staff and pupil matters must  24 be respected and should only be shared on a need-to-know  25 basis, and that these principles are essential to the</p> <p style="text-align: center;">Page 25</p>	<p>1 well-being of the staff and pupils who make up the  2 school community. Can we go to the next page, please,  3 because there is a Post-it note on the bottom there:  4 "Any breach of the above principles, without good  5 reason, will be treated as gross misconduct under the  6 school's disciplinary procedures."  7 Does that document accord with your recollection of  8 what you were shown in that meeting?  9 <b>A. Because of the stress of the situation, I sort of</b>  10 <b>vaguely just assumed it would be like any code of</b>  11 <b>conduct that you would have in a school. So I didn't</b>  12 <b>pay particular attention to it. However, it's certainly</b>  13 <b>not the same one that was in the school document. So if</b>  14 <b>this was the --</b>  15 Q. In the school ...?  16 <b>A. After the review, they put -- well, within the school</b>  17 <b>staff handbook, there was a code of conduct, and that is</b>  18 <b>certainly different to the one in the school handbook.</b>  19 Q. That document is headed "Code of conduct" -- the  20 document we have got up is headed "Code of conduct  21 following review".  22 <b>A. Yes.</b>  23 Q. Is it right that during that meeting with the four  24 governors, Graham Smallbone mentioned the anonymous  25 letter that you had sent to him in May?</p> <p style="text-align: center;">Page 26</p>
<p>1 <b>A. He did.</b>  2 Q. At that point, how did you think he had found out it was  3 you who had written it?  4 <b>A. Well, I thought it was probably the independent</b>  5 <b>reviewers. It could have been social services, because</b>  6 <b>I'd been upfront right from the beginning as to what I'd</b>  7 <b>done.</b>  8 Q. Did you ask Graham Smallbone, during that meeting,  9 whether he believed you were someone who'd used child  10 protection concerns as a way of trying to get rid of  11 the headmaster?  12 <b>A. He did -- I did, sorry, yes, I did ask him that.</b>  13 Q. What was his response to that question?  14 <b>A. He sort of rocked back on his chair and said, "Oh, it's</b>  15 <b>just a perception". He'd created the perception.</b>  16 Q. Did his answer reassure you in any way?  17 <b>A. Absolutely not. It was horrible, because it was like</b>  18 <b>him telling me he knew that I was a whistleblower and he</b>  19 <b>knew I'd gone outside the school procedures.</b>  20 Q. I think, after that meeting, you received a letter  21 from -- can we get up, please, INQ004672_009. That's  22 a handwritten letter. It is perhaps not very easy to  23 read, but it says -- perhaps you might be able to read  24 it better than I can?  25 <b>A. "Thank you for your time today" -- hold on.</b></p> <p style="text-align: center;">Page 27</p>	<p>1 Q. Is it, "I hope to be able to clear up" --  2 <b>A. "... at least one misconception."</b>  3 <b>He's offering to return my copy of the PSHE</b>  4 <b>document. Obviously, that's the copy that I'd sent to</b>  5 <b>social services. So he was kind of rubbing it in, that</b>  6 <b>he knew that I was the person who had sent it off.</b>  7 Q. You have stated in your witness statement that that  8 meeting with the governors in December caused you  9 a great deal of anxiety, and you felt it damaged your  10 reputation within the school?  11 <b>A. Absolutely. I mean, it was a very strange thing,</b>  12 <b>because, having come in and said, "Some people are going</b>  13 <b>to be answerable to the governors", and then we get</b>  14 <b>a letter inviting us to this meeting, everybody assumed</b>  15 <b>in the school that those of us who had been invited to</b>  16 <b>the meeting were the ones who'd used child protection as</b>  17 <b>a vehicle to get rid of the headmaster. We came in, we</b>  18 <b>sat there like naughty schoolchildren outside the</b>  19 <b>headmaster's office, and a number of the admin staff,</b>  20 <b>who had no idea what was going on, were sort of looking</b>  21 <b>around corners, walking past, and then it became</b>  22 <b>a horrible situation in school, where you'd walk into</b>  23 <b>the school office and people would stop talking, and you</b>  24 <b>were sort of -- you were made to feel guilty that you</b>  25 <b>were the ones who'd caused the trouble. It was</b></p> <p style="text-align: center;">Page 28</p>

1 **horrible.**  
 2 Q. Can we look at the document that I think Mr Smallbone  
 3 was offering to return to you. It is INQ004672, which  
 4 is the document we got up, but \_007.  
 5 **A. That's the wrong one.**  
 6 Q. Can we try \_006. No, it's not coming up. There seems  
 7 to be a problem in bringing that up.  
 8 I think later on in that month of December 2009,  
 9 a recording of the PSHE lesson appeared, and it was  
 10 a parent who first brought that to the attention of  
 11 members of staff?  
 12 **A. It was.**  
 13 Q. In your witness statement, you went to listen to that  
 14 recording -- I think it was a CD; is that right?  
 15 **A. Yes.**  
 16 Q. You went to listen to it at the house of another staff  
 17 member?  
 18 **A. That's right.**  
 19 Q. There was a third staff member present?  
 20 **A. There was.**  
 21 Q. The three of you listened to it together?  
 22 **A. Yes.**  
 23 Q. This is paragraph 108 of your witness statement. You  
 24 said that when you listened to that, it confirmed to  
 25 you, in your mind, that you had done absolutely the

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1 Q. Can you tell us, in that time, 2009 to 2010, how was the  
 2 situation at school? You've explained it was a very  
 3 unpleasant environment to be in. How was that impacting  
 4 on your health at that point?  
 5 **A. Well, I'd started not to sleep very well, I would carry**  
 6 **all my things around with me all the time, because I was**  
 7 **worried I might forget something. One day I walked out**  
 8 **of school and wondered where my car was, and I'd totally**  
 9 **forgotten it was down the road having something done to**  
 10 **it. I was just getting more and more anxious.**  
 11 Q. I think in September 2010, you didn't, in fact, return  
 12 to the school. You were signed off by your GP due to  
 13 stress, work-related stress, and, in fact, you didn't  
 14 return to teach at Purcell for the rest of that academic  
 15 year?  
 16 **A. Mmm. One of the factors that finally precipitated me**  
 17 **leaving was there'd been this awful incident involving**  
 18 **one of my tutee group, and it alarmed me so much, there**  
 19 **was one particular night, and I didn't know you could**  
 20 **have panic attacks in the middle of the night, but**  
 21 **I suddenly was aware -- I woke up, half awake, I was**  
 22 **aware my heart was pounding away, and I sort of --**  
 23 **bizarrely, I thought I was having a heart attack. It**  
 24 **was so frightening. And so I'd gone to see my GP at**  
 25 **that point, and she said, "You've just got to leave this**

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1 right thing in reporting your concern to  
 2 social services?  
 3 **A. Yes, absolutely.**  
 4 Q. Were you aware that that recording had been sent to the  
 5 local authority?  
 6 **A. I think we got to find out slightly after it had been**  
 7 **sent to the local authority. I think it had gone to the**  
 8 **local authority and the police, and whoever else, before**  
 9 **we actually got to find out.**  
 10 Q. Before you heard it?  
 11 **A. Oh, before I heard it, yes.**  
 12 Q. Were you aware that some of the governors had been sent  
 13 a copy of the recording?  
 14 **A. Yes.**  
 15 Q. Is that your understanding?  
 16 **A. It is, because the parent concerned had made it quite**  
 17 **clear -- there was some music blog, and he'd written**  
 18 **something on this music blog to say that he'd done this,**  
 19 **and so I thought, okay, good.**  
 20 Q. Did you expect some sort of action to be taken against  
 21 the head teacher at that point?  
 22 **A. Absolutely.**  
 23 Q. Did anything appear to happen?  
 24 **A. No. The school just sort of carried on as normal --**  
 25 **well, as normal as it could be. It was bizarre.**

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1 **school. You have to leave it, because it's having such**  
 2 **a bad effect on your life", and so that was sort of in**  
 3 **my mind, that I might have to do that, that I couldn't**  
 4 **go on working there.**  
 5 Q. I'd like to ask you about something you said in  
 6 paragraph 96 of your witness statement. You said:  
 7 "There may well be policies in place, but policies  
 8 are just bits of paper. It's whether people understand  
 9 policies and how they're put into action that make sure  
 10 people are safe."  
 11 What was your experience of the understanding and  
 12 implementation of policies relating to safeguarding and  
 13 whistleblowing in that latter period of your employment  
 14 at Purcell School?  
 15 **A. Well, I just thought that they were words on a piece of**  
 16 **paper, that people didn't really understand what they**  
 17 **meant and what value they were and how they should be**  
 18 **implemented.**  
 19 Q. Did those events at the school that you've described to  
 20 us have an impact that you could see on the pupils in  
 21 terms of the relationship of trust between pupils and  
 22 staff?  
 23 **A. Yes. Some of the children who'd made disclosures were**  
 24 **almost hostile to the members of staff, because they**  
 25 **couldn't understand, the children couldn't understand**

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1 why they'd told everybody these things, and yet these  
 2 people were still in the school. The children were  
 3 confused as to what was going on, and their behaviour  
 4 became -- that particular group of boys, their behaviour  
 5 became really very challenging, and they weren't  
 6 unpleasant boys, they were just teenagers, but they --  
 7 you know, they'd stay in bed, they wouldn't get up, they  
 8 wouldn't come to lessons, I'd have to walk down the  
 9 corridor, they'd be playing pool, they weren't going to  
 10 early morning practice, which is a requirement for the  
 11 music side of things. They were in a bad way, those  
 12 boys were.

13 Q. Can you tell the inquiry, Mrs Moore, how your experience  
 14 at the Purcell School affected your faith in the systems  
 15 in place to keep children safe?

16 A. Well, completely gone. Completely gone. I mean, one of  
 17 the things -- if a child had come to me, for example,  
 18 and said, "Oh, Mrs Moore, the headmaster's just talked  
 19 to me about whether I'm masturbating or not", what was  
 20 I supposed to say to a child, "Oh, that's fine. He  
 21 talks like that all the time to everyone. He's been  
 22 investigated twice, the police have been involved,  
 23 there's nothing wrong". In fact, one of my colleagues  
 24 saw a young girl crying in the corridor, and it was  
 25 a girl we both taught, and I said, "What's wrong with

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1 MS NIELD: Thank you.  
 2 THE CHAIR: Thank you.  
 3 (The witness withdrew)  
 4 MS NIELD: The next witness, chair and panel, is  
 5 Mr Paul Bambrough. He's going to be questioned by  
 6 Ms Scolding QC.  
 7 MR PAUL BAMBROUGH (sworn)  
 8 Examination by MS SCOLDING  
 9 MS SCOLDING: Good morning, Mr Bambrough. Just a few things  
 10 before I start my questions. Firstly, as you will have  
 11 heard, this is not a test of memory. Please feel free  
 12 to refer to your notes or a witness statement as often  
 13 as you like and, if you can't remember anything, please  
 14 say so.  
 15 Secondly, we can have as many breaks as you like,  
 16 and we are likely to have a break in around 20 minutes,  
 17 in any event. But if you wish to have a break at any  
 18 other time, please just signal, and that can be  
 19 arranged.  
 20 Thirdly, there is a screen next to you. The  
 21 evidence handler, Ralph, will bring up on screen some  
 22 documents that I will be referring to, which everybody  
 23 else will be able to see.  
 24 Next, you have a bundle in front of you of relevant  
 25 witness statements with your own witness statement

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1 her?", and she said, "Oh, I don't know". I said, "Why  
 2 don't you know?" A crying child: you'd stop and ask  
 3 a crying child what's wrong with them, and she said,  
 4 "Oh, I don't want to get involved in case she tells me  
 5 something I might have to report". And you're thinking  
 6 this was a crazy situation, that we felt we'd been let  
 7 down, that social services had no powers, that the  
 8 independent reviewers weren't necessarily independent,  
 9 that the governors ultimately, in that independent  
 10 school, were in control, and they could do and say what  
 11 they wanted to. So it was just a crazy situation.

12 MS NIELD: Thank you very much, Mrs Moore. I haven't got  
 13 any more questions for you. Chair and panel, do you  
 14 have any questions?

15 THE CHAIR: No, we don't have any questions. Thank you very  
 16 much, Mrs Moore.

17 A. Could I just say one more thing? The one thing that  
 18 distressed me in the whole of this was that there are  
 19 a lot of members of staff that left the school at the  
 20 same time as me for various other reasons, but the thing  
 21 that upset me most of all was that a lot of those  
 22 children probably left Purcell thinking that people like  
 23 us had let them down, and actually it wasn't us. We'd  
 24 done as best we could. And that's what I found the  
 25 hardest thing to cope with.

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1 behind tab A/1. Now, I will always give you the paper  
 2 bundle reference number as well as the screen reference  
 3 number, and you can look at both or either.  
 4 Chair and panel, for your reference, it's bundle D,  
 5 tab D/16, is Mr Bambrough's witness statement.  
 6 Your witness statement is behind tab A/1. It  
 7 consists of 20 pages. At the back of that would be your  
 8 signature were it not redacted for data protection  
 9 purposes. Can you confirm that you have signed this  
 10 witness statement?

11 A. I can, yes.  
 12 Q. Is this witness statement true, to the best of your  
 13 knowledge and belief?  
 14 A. It is.  
 15 Q. I won't be taking you through the witness statement line  
 16 by line, but I might ask you to be looking at particular  
 17 passages, in which case I will either direct you to them  
 18 or get them up on the screen.  
 19 So, Mr Bambrough, you are the current principal of  
 20 Purcell School for Young Musicians; is that right?  
 21 A. I am indeed.  
 22 Q. You were appointed in June 2018, and started  
 23 in September 2018, so you've only been in post for about  
 24 a year; is that right?  
 25 A. Yes, that's right.

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1 Q. You have a degree in music and a PGCE and you had  
 2 a successful career as a singer, pianist, organist and  
 3 harpsichordist before specialising in music education  
 4 for the past 22 years?  
 5 **A. And alongside.**  
 6 Q. And alongside, okay. Prior to arriving at the  
 7 Purcell School, I understand you were the director of  
 8 music and senior curriculum manager at the sixth form  
 9 college Farnborough, which, as I understand, is the UK's  
 10 largest A level music department, with about 500 young  
 11 musicians studying there --  
 12 **A. It was at the time when I left, yes.**  
 13 Q. -- and about 20 staff?  
 14 **A. Yes.**  
 15 Q. You also ran -- and that's within the state sector; is  
 16 that right?  
 17 **A. It is.**  
 18 Q. You also ran workshops and projects with other primary  
 19 and secondary schools in the state sector?  
 20 **A. I did.**  
 21 Q. Around music and music education?  
 22 **A. I did, yes.**  
 23 Q. From 2014 to 2018, you were vice principal at the  
 24 Birmingham Conservatoire, which is part of Birmingham  
 25 City University and offers undergraduate and

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1 particular incidents, but not very much about the school  
 2 in general. As I understand, it is the oldest of  
 3 the specialist music schools, and currently has around  
 4 180 students?  
 5 **A. 180 students, yes.**  
 6 Q. It is also both day and boarding. What's the split  
 7 between day and boarding?  
 8 **A. Of the 180, we have, in rough figures, about 40 day**  
 9 **students.**  
 10 Q. Around 80 per cent of students are funded through the  
 11 Music and Dance scheme; is that right?  
 12 **A. That's right, yes.**  
 13 Q. So you only have a very small number of students who  
 14 would be paying the full fees?  
 15 **A. Yes, that's right.**  
 16 Q. As well, like the other music schools we have heard  
 17 from, you are quite top heavy, in that you have a number  
 18 of students who come to you in the sixth form?  
 19 **A. Yes, that's right. I mean, again, in round figures,**  
 20 **about half the school is sixth form.**  
 21 Q. So from what age are children admitted to the school and  
 22 from when can they board?  
 23 **A. From the age of 10, and they can board from the age of**  
 24 **10, although they tend not to. They tend to board from**  
 25 **11 onwards.**

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1 postgraduate courses. As I understand it, you were  
 2 responsible for the day-to-day management of  
 3 the conservatoire, so there's around 400 members of  
 4 staff, over 1,000 students and a very large budget. Is  
 5 that right?  
 6 **A. That's right, yes.**  
 7 Q. Alongside your role in respect of graduates and  
 8 undergraduates, you also had oversight of  
 9 the Junior Conservatoire, which is a Saturday school for  
 10 children aged 3 to 18; is that right?  
 11 **A. That's right. It was an oversight role. It had**  
 12 **a separate head of the Junior Conservatoire, but I was**  
 13 **responsible for overseeing the day-to-day running of**  
 14 **that under his auspice.**  
 15 Q. I understand in this role you had a number of  
 16 responsibilities in respect of safeguarding children,  
 17 including devising policies, practices and protocols; is  
 18 that right?  
 19 **A. Yes, I worked with the head of the Junior Conservatoire**  
 20 **to review the child protection policies that were in**  
 21 **place and the practices that were in place and then to**  
 22 **rereview them when the conservatoires relocated into**  
 23 **a new building and facility.**  
 24 Q. So let's now turn to hear a little bit about the  
 25 Purcell School. We have heard a lot about some

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1 Q. As I understand it, boarding in years 6 to 8, which  
 2 would be 11 to 13, in effect, is mixed, but from year 9,  
 3 so from 14 onwards, boys and girls are accommodated in  
 4 separate blocks; is that right?  
 5 **A. That's right, yes.**  
 6 Q. You also have a significant number of overseas  
 7 students -- well, you have 36 students, as I understand  
 8 it --  
 9 **A. Yes, that's right.**  
 10 Q. -- out of 180?  
 11 **A. Mmm-hmm.**  
 12 Q. So that is a significant minority of your school. Can  
 13 you tell us about any particular issues that dealing  
 14 with students from overseas brings out in respect of  
 15 safeguarding?  
 16 **A. Well, I think the first thing that has struck me is that**  
 17 **they often come with varying degrees of linguistic**  
 18 **skills, which enables them, to different degrees, to be**  
 19 **able to access the curriculum or the well-being**  
 20 **programmes, and we need to make sure that there's**  
 21 **adequate and sufficient support in place for them to**  
 22 **meet them at whatever level they arrive at, so that**  
 23 **that's possible.**  
 24 **Clearly, they come with different, often, cultural**  
 25 **expectations about the relationships between themselves**

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1 **and staff, how they might behave, acceptable behaviour.**  
 2 **An example is we have some students for whom, you know,**  
 3 **smoking with families and in schools in their countries**  
 4 **is perfectly acceptable, and they arrive with us and, of**  
 5 **course, we are saying this is no longer acceptable. So**  
 6 **we have to reeducate and help them to appreciate the**  
 7 **environment into which they have come.**  
 8 **Integrating students so that they feel welcomed and**  
 9 **a full part of the community requires a particular**  
 10 **investment of time on the part of house and pastoral**  
 11 **staff, to ensure that those linguistic skills, those**  
 12 **cultural barriers, don't prevent them from becoming full**  
 13 **participatory members of the school community.**  
 14 Q. You, like other schools, would have an Independent  
 15 Listener service?  
 16 A. **That's right, yes.**  
 17 Q. Who is your Independent Listener?  
 18 A. **Our Independent Listener is Kelly. I won't try to**  
 19 **pronounce the surname. Kelly's contact details are**  
 20 **published in the front of the student handbook, are also**  
 21 **in boarding houses, published in boarding houses.**  
 22 **I haven't met Kelly, and Kelly hasn't visited the school**  
 23 **in the year that I've been in, but has been invited to**  
 24 **come and speak to students in the course of this first**  
 25 **term.**

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1 **for the Independent Listener, and Independent Listeners**  
 2 **generally, to engage with schools without compromising**  
 3 **the independence of their status.**  
 4 Q. Can I ask in particular whether or not international  
 5 students -- given the issues that you have identified,  
 6 given their particular difficulties, possibly  
 7 linguistic, possibly cultural, whether or not they need  
 8 either the Independent Listener to be more involved with  
 9 them or they need some kind of bespoke service to try  
 10 and manage and address some of the difficulties that  
 11 they might feel?  
 12 A. **I think that is probably fair comment. I don't -- I'm**  
 13 **not aware of any -- because the Independent Listener**  
 14 **hasn't been consulted, to our knowledge, during the**  
 15 **course of this year, it's hard to see whether there's**  
 16 **a pattern that would evidence that.**  
 17 **I think that it's a fair assumption. I think it's**  
 18 **something that one would need to be mindful of as we**  
 19 **help them to adjust to new cultural surroundings,**  
 20 **certainly.**  
 21 Q. Can I also ask, given the number of overseas students  
 22 you have, do you have a particular policy on educational  
 23 guardians, or do you have any students who use the  
 24 services of guardians at the moment?  
 25 A. **Yes, we do. Along with many schools, we require**

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1 Q. Do you think Kelly should come in more often? I'm going  
 2 to use "Kelly" as the substitute for "Independent  
 3 Listeners" generally. Do you think an Independent  
 4 Listener should be in more often? You have said that  
 5 you haven't met her --  
 6 A. **Him.**  
 7 Q. Him. And Kelly hasn't been in for the entirety of  
 8 the year that you have been there. Do you think that's  
 9 good enough?  
 10 A. **No, I think -- and that's one of the reasons why we have**  
 11 **invited him to come in at the beginning of this year.**  
 12 **I mean, the -- obviously, the point of an Independent**  
 13 **Listener is that there is a degree of independence and**  
 14 **that they're not seen as part of the cultural fabric of**  
 15 **the school.**  
 16 Q. Yes.  
 17 A. **That's the point of having them. So their contact with**  
 18 **the school is necessarily limited.**  
 19 **But I do think that people should be able to have --**  
 20 **be able to put a face to the name, because obviously**  
 21 **that makes somebody much more approachable. They're**  
 22 **much more likely to pick up the phone and speak to**  
 23 **somebody that they have seen in person and heard in**  
 24 **person and is not just a name on a piece of paper.**  
 25 **So I think that there should be more opportunities**

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1 **overseas students to have appointed a guardian as a part**  
 2 **of the conditions --**  
 3 Q. I think it is usually a condition of any immigration  
 4 requirement as well?  
 5 A. **Yes, exactly. So they need to have done that, in order**  
 6 **to be able to uptake their place. We don't get involved**  
 7 **in the placement of students with guardians. That is**  
 8 **a parental responsibility. We do issue a guide which**  
 9 **points parents to the kind of qualities that one needs**  
 10 **to have in a guardian and in terms of proximity to the**  
 11 **school and a willingness to support the student in the**  
 12 **school at the necessary times.**  
 13 **Where parents don't have a family friend or member**  
 14 **of the family in the UK that they wish to place their**  
 15 **children with, then we point them in the direction of an**  
 16 **agency who can then advise and fix up guardians for**  
 17 **them.**  
 18 Q. Do you think that your oversight of guardians is at the  
 19 moment, which is sort of non-existent, because you have  
 20 no responsibility for them, do you think that that's  
 21 good enough, or do you think that you should have some  
 22 oversight over who they are and what they're doing with  
 23 the students out of term?  
 24 A. **I think, if I can answer that in two ways: simply, yes,**  
 25 **it's my belief that I think that guardians are currently**

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1 a little arms-length from the school in terms of their  
 2 place, and I think, you know, if there were a move that  
 3 enabled schools to more actively be involved in the  
 4 choice and the selection of guardians, then, despite the  
 5 managerial nightmare that might become, you know,  
 6 I think it would be welcomed. However, I will say that  
 7 where we have in the last year had some concerns about  
 8 the effectiveness of a guardian, be they either an  
 9 agency guardian or a family friend, then we haven't  
 10 hesitated to either -- to pass that concern on to either  
 11 the agent at the agency involved or to the parent, and  
 12 to say, "Actually, we're trying to liaise with the  
 13 guardian and they're not responding" or, "They haven't  
 14 turned up to pick up a student at a particular time and  
 15 this is not good enough".

16 Q. Are you aware -- so you have had some problems in the  
 17 past year or so with guardians?

18 A. We have had a handful of problems, yes.

19 Q. Are you aware that that's quite common over a pattern of  
 20 years, or has this been an unusual problem?

21 A. I can't answer that, I'm afraid. It's my experience of  
 22 this past year that there have been a handful of  
 23 occasions where we found it necessary, particularly with  
 24 the agencies, to raise some concerns.

25 Q. So, for example, one example that's been given to us is

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1 out. How has that turnover of senior staff impacted  
 2 upon safeguarding at the school?

3 A. Well, it's exhausted the school as well. I mean, that's  
 4 clear. The turnover in senior leadership of that kind  
 5 of any institution is going to leave an impression on  
 6 the institution, of course. That's going to manifest  
 7 itself in a number of ways.

8 There has been a certain amount of -- in response,  
 9 there has been a certain amount of self-sufficiency  
 10 within different divisions of the school, you know, in  
 11 order to be able to manage their areas of work. I call  
 12 it sort of silo working. And people have sort of put  
 13 their heads down a bit and just got on with their bit.

14 There's been a lack of co-ordinated strategy  
 15 about -- of the school's identity, what it needs to be.  
 16 One of the things that struck me when I first visited  
 17 the school and prior to my final interview and spoke to  
 18 various staff was, I thought walking into a school like  
 19 the Purcell, there would be a very clear and unified  
 20 idea about what the school was there to do and who it  
 21 was to serve and what its function was. In fact, every  
 22 person I talked to had a different view of what the  
 23 school was there to do. I think that's a clear symptom  
 24 of that turnover of leadership.

25 I'm also very aware that an institution which has

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1 that schools should -- for example, schools in the state  
 2 sector, often when children are entering, either in  
 3 nursery or home reception, will go and do a home visit,  
 4 so they will see go and see the child in situ. Would  
 5 something like checking where the guardian lived and  
 6 checking the room where the child will be staying in the  
 7 holidays, is that something that you think schools  
 8 should be looking at doing?

9 A. I think the school needs to -- if it is going to be  
 10 serious about saying that it has complete responsibility  
 11 for the safety of the students in its community, then by  
 12 extension, yes, of course.

13 Q. Can we now turn to the senior leadership team and  
 14 a little bit about safeguarding in Purcell as it is now.  
 15 Obviously, we have identified that there have been  
 16 a number of head teachers in the last ten years at  
 17 Purcell, of which you are obviously the last and current  
 18 incumbent. So Peter Crook left in 2011. Then  
 19 Paul Elliott was head from 2011 to 2012. Then  
 20 David Thomas was head from 2012 to 2015. James Harding  
 21 was acting head in 2015 to 2016. Stephen Yeo was  
 22 appointed in 2016. He left in 2017. James Harding then  
 23 stepped in again. Bernard Trafford stepped in in 2018  
 24 and then you have been the head since 2018.

25 Now, I feel quite exhausted just reading that list

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1 had that kind of turnover loses some of its inherent  
 2 self-confidence and it loses some of its inherent  
 3 ambition, and one of the things that I was very keen to  
 4 do, and remain very keen to do, because certainly we  
 5 haven't healed those wounds fully yet at all, is to  
 6 bring some positivism, some optimism, and a sense of  
 7 consistency and continuity to the school. I said to  
 8 staff in my very first address to them, having outlined  
 9 what I thought my vision for the school was going to be,  
 10 I said, "But I'm also aware you've heard this multiple  
 11 times from multiple people over the last few years, and  
 12 I want to reassure you that I'm here to stay. Whatever  
 13 we're faced with, we will face together, and move the  
 14 school forward".

15 Q. When you were first appointed to the school, were you  
 16 provided with any information about some of the past  
 17 issues that there had been, particularly in respect of  
 18 safeguarding?

19 A. No. I was aware of some of the troubles of the school,  
 20 and particularly some of the public troubles of  
 21 the school. I was certainly aware of those.

22 I discussed those with both Bernard Trafford, my  
 23 immediate predecessor, and the chair of governors, and  
 24 was reassured that those were troubles of the past.

25 In terms of safeguarding, I was -- we discussed the

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1 ongoing care, I think, of one or two students with  
 2 particular needs as part of that handover, but beyond  
 3 that, no, I wasn't aware of the extent of the school's  
 4 safeguarding history.  
 5 Q. When you became head teacher, you restructured the  
 6 senior leadership team?  
 7 A. That's right.  
 8 Q. Why did you do that?  
 9 A. I did that as a result of the review that we'd had into  
 10 safeguarding, which we will come on to, I'm sure.  
 11 Q. Yes.  
 12 A. That was the principal motivation, to give clearer lines  
 13 of accountability and responsibility to members of  
 14 the SLT for different aspects of the pastoral agenda in  
 15 particular.  
 16 Q. As I understand it, there are two new posts which are  
 17 either envisaged or have now been implemented?  
 18 A. They have been implemented.  
 19 Q. Which is, firstly, a head of boarding?  
 20 A. Yes.  
 21 Q. So that didn't exist?  
 22 A. Well, it did exist, but it was part of a portfolio of  
 23 a previous incumbent who was both head of boarding, head  
 24 of pastoral and DSL and that was clearly an unreasonable  
 25 load for one person to manage effectively.

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1 A. Yes.  
 2 Q. And also the Boarding Schools Association induction to  
 3 boarding training and safer recruitment training.  
 4 Because obviously, as I understand it, this is your  
 5 first experience of managing boarding students?  
 6 A. Absolutely. I was very aware of that and I was very  
 7 open about that throughout the whole interview process,  
 8 and one of the things I undertook with the governors was  
 9 that if I were to be appointed, then I would take the  
 10 BSA induction course prior to arriving at the school,  
 11 which I did, I think in August, before I arrived.  
 12 Q. So you are part of the safeguarding team. What  
 13 responsibilities do you think you have in developing the  
 14 safeguarding culture and ethos within the school?  
 15 A. Well, I think that -- I have always been very clear that  
 16 my first priority, my overriding priority, is to ensure  
 17 that all students in the school are safe, happy and  
 18 healthy, and I have been consistent in that message from  
 19 interview right through.  
 20 I really passionately believe that, unless you get  
 21 those things right, there's always going to be a ceiling  
 22 on everything that an individual can achieve, and I've  
 23 been consistent with that message, and consistency is  
 24 really important. Consistency of those kind of simple  
 25 messages is really important in facilitating any

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1 Q. Secondly, a head of pastoral and safeguarding, who is  
 2 also the designated safeguarding lead?  
 3 A. That's right, yes.  
 4 Q. Who are the safeguarding team now, then?  
 5 A. Well, the safeguarding team, led by the DSL. Another  
 6 thing -- when I arrived, there was a DSL and a part-time  
 7 deputy, which seemed utterly unsatisfactory. This was  
 8 raised, in fact, at my very first governors' meeting.  
 9 The governors said, "This is unsatisfactory". So we --  
 10 this is prior to the review, in fact. We trained up  
 11 a number of other members of staff, myself included,  
 12 with DSL training, to form a safeguarding team of five,  
 13 led by the DSL. In fact, another member of staff is  
 14 about to be trained, so it will be six.  
 15 They comprise the DSL, who is currently the head of  
 16 pastoral and safeguarding, myself, the director of  
 17 music, the head of learning support and one of the staff  
 18 accompanists in the music department, and the head of  
 19 sixth form is about to undergo that training.  
 20 Q. As I understand it, you, personally, have undergone some  
 21 training, both before becoming principal and  
 22 afterwards --  
 23 A. That's right.  
 24 Q. -- including NSPCC training, EduCare training to  
 25 level 3, which I understand is the senior level?

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1 culture, but particularly a safeguarding culture.  
 2 Now, if we want to break that down, obviously,  
 3 I have ultimate responsibility to ensure that all of  
 4 the safeguarding obligations within the school are met,  
 5 both in terms of compliance, in terms of practice and  
 6 monitoring that practice.  
 7 Do I do that personally on a day-to-day basis? No.  
 8 It's delegated to clear members of staff under my  
 9 oversight, such as the head of pastoral and  
 10 safeguarding, the head of boarding, other staff. It is  
 11 a collective responsibility.  
 12 It is my job to ensure that the infrastructure and  
 13 the time and the support is available for those staff  
 14 who are going to lead on a day-to-day basis in this  
 15 agenda, so there in that they have had sufficient  
 16 training. It was one of the reasons we split the roles,  
 17 to ensure that the person acting as DSL had time to act  
 18 as DSL and respond to issues as they arose, and it is  
 19 another reason that we decided that the DSL would not be  
 20 in a teaching capacity. In fact, I think she's doing  
 21 a small amount of PSHE teaching.  
 22 Q. So her allocation is largely to deal with  
 23 safeguarding --  
 24 A. Absolutely, yes.  
 25 Q. -- rather than being a teacher and doing a little bit of

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1 safeguarding on the side?  
 2 **A. That's absolutely right, yes. Absolutely right. So,**  
 3 **through those things, we exercise our collective**  
 4 **responsibility to ensure that we all look out for our**  
 5 **students at all times. It's a community-wide**  
 6 **responsibility, which, yes, I lead and others lead, in**  
 7 **terms of its sort of operational and procedural aspects,**  
 8 **but it is a shared and collective responsibility of all**  
 9 **members of the school community.**  
 10 MS SCOLDING: I think this might be a convenient point,  
 11 chair, with your permission, to break, to have the  
 12 morning break, if that's acceptable.  
 13 THE CHAIR: Yes. We will return at 11.30 am.  
 14 MS SCOLDING: Just to remind you, Mr Bambrough, you are  
 15 under oath. You may chitchat, but not speak about your  
 16 evidence.  
 17 **A. Thank you.**  
 18 **(11.15 am)**  
 19 **(A short break)**  
 20 **(11.30 am)**  
 21 MS SCOLDING: Mr Bambrough, just before the break, you were  
 22 talking about safeguarding and your safeguarding team.  
 23 I noted that one of the members of your team is seen to  
 24 be the director of music. Now, I know you've been  
 25 listening to the evidence this week, and have heard

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1 **What I found, in terms of musical colleagues at the**  
 2 **school, is that there is no lesser commitment to the**  
 3 **importance of this than there is in other parts of**  
 4 **the school. There are difficulties, of course, in**  
 5 **managing the visiting staff, and we have taken steps**  
 6 **during the course of this year to try to manage that**  
 7 **much more effectively in terms of training and**  
 8 **engagement than has been done historically, which, if**  
 9 **there is a potential for a divide, I hope that we can**  
 10 **take steps to mitigate that through the initiatives that**  
 11 **we are putting in place.**  
 12 Q. I'd like to hear a little bit about the initiatives that  
 13 you're putting in place now, so can I just get a feel:  
 14 how many tutors do you have who teach instruments who  
 15 come into the school on a visiting basis?  
 16 **A. In round numbers, about 60.**  
 17 Q. So you have about 60 members of staff who teach  
 18 instruments. And how many academic staff do you have,  
 19 or pastoral staff?  
 20 **A. Around 40 or 50.**  
 21 Q. So, in fact, the instrumental staff are the majority of  
 22 staff at your school. I'm assuming that they are the  
 23 individuals who come in and teach on one-to-one basis?  
 24 **A. That's right, yes.**  
 25 Q. Where does the one-to-one tuition take place in your

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1 about the divide that sometimes happens in specialist  
 2 music schools between musicians and the academic staff  
 3 and the pastoral side of things. Can you tell us  
 4 a little about how the director of music and the music  
 5 department work within the safeguarding structure that  
 6 you have now set up?  
 7 **A. Well, we all work within one structure, which is the**  
 8 **school structure. That's the simple answer.**  
 9 **I have always been slightly uncomfortable with the**  
 10 **term "specialist music school", something else I said to**  
 11 **staff in my very first presentation, because it gives**  
 12 **the implication that you do the music really well and**  
 13 **you leave everything else to look after itself.**  
 14 **I'm much more comfortable with what we call**  
 15 **ourselves, which is the Purcell School for Young**  
 16 **Musicians, a school for young musicians, and, therefore,**  
 17 **everybody who is in that institution in whatever**  
 18 **capacity and whatever function -- be that musical,**  
 19 **academic, pastoral support -- is there for the support**  
 20 **of, and the well-being of, all students in the school.**  
 21 **There is always a danger in a school such as ours**  
 22 **of, if you like, the kind of two-track outcomes that you**  
 23 **describe and we have heard described here. I can't**  
 24 **speak for the Purcell School in terms of its history and**  
 25 **whether that is true of its history.**

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1 school?  
 2 **A. The vast majority of it takes place on the school**  
 3 **premises, in practice rooms and teaching rooms in the**  
 4 **new music centre and around the main school building.**  
 5 **Some of our students receive their principal study**  
 6 **instrumental tuition through junior departments at the**  
 7 **London colleges, so particularly the Royal College of**  
 8 **Music, the Royal Academy of Music and the Guildhall.**  
 9 Q. Just to explain for those who aren't so familiar with  
 10 music education, those three colleges -- so that's the  
 11 Royal Academy of Music, the Guildhall School of Music  
 12 and Drama and --  
 13 **A. And the Royal College of Music.**  
 14 Q. -- the Royal College of Music, all run junior  
 15 departments on a Saturday morning, or all day  
 16 Saturday --  
 17 **A. They do.**  
 18 Q. -- where young people can go and have specialist music  
 19 tuition during that time?  
 20 **A. That's right. So a number of our students attend those**  
 21 **on a Saturday morning. Then a very small number of**  
 22 **students have lessons external to either of those two.**  
 23 **I think we have six students that have lessons external**  
 24 **to either of those two places.**  
 25 **So that's the overview of where lessons take place.**

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1 Q. So can I ask, just from a physical design perspective,  
 2 can you see into the practice rooms?  
 3 **A. You can.**  
 4 Q. And can people see out of them?  
 5 **A. You can see into practice rooms, yes. Yes.**  
 6 Q. Does any supervision take place of music teachers when  
 7 they're undertaking instrumental or voice tuition on  
 8 a one-to-one basis?  
 9 **A. There is -- currently, there is informal supervision, in**  
 10 **the sense that heads of department -- that's the**  
 11 **instrumental heads of department, so heads of keyboard,**  
 12 **heads of woodwind, heads of --**  
 13 Q. So you would have what, what, heads of strings --  
 14 **A. Heads of keyboard, heads of woodwind --**  
 15 Q. -- heads of keyboard, heads of woodwind, heads of brass,  
 16 heads of singing?  
 17 **A. Yes. Essentially, yes. They will manage their teams.**  
 18 **They are located in the buildings in which the lessons**  
 19 **are taking place. They are often present in those**  
 20 **buildings when those lessons are taking place.**  
 21 Q. Are the heads of all those separate little teams all  
 22 full-time employees of the school?  
 23 **A. No, they're not. No, they're not. Some are full time,**  
 24 **some are part time. Of course, the director of music is**  
 25 **full time --**

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1 **parents or tend to be met by parents. We have one**  
 2 **example of a younger student who travels with a sixth**  
 3 **form student, with the permission of the parents. We**  
 4 **have good relationships with the colleges at the other**  
 5 **end. So if, for example, it were the case that they**  
 6 **were expecting a student to appear and they hadn't, then**  
 7 **we would be informed immediately, just as they would**  
 8 **with any other student that was attending there.**  
 9 Q. I am assuming that there are safeguarding requirements  
 10 in place for all those conservatoires?  
 11 **A. There are.**  
 12 Q. But do you check that?  
 13 **A. Absolutely. I review the safeguarding policies of all**  
 14 **of those institutions and have recently reviewed them to**  
 15 **ensure that they are -- they meet our expectations.**  
 16 **Furthermore, both myself and the director of music have**  
 17 **good personal relationships with the heads of those**  
 18 **departments and can pick up the phone at any time and**  
 19 **talk to them about concerns regarding progress or**  
 20 **safeguarding or any aspect of that provision.**  
 21 Q. Now, as I understand it, you have said that there were  
 22 a very small number of children who have private lessons  
 23 with teachers, either at the teacher's home or at  
 24 a studio away from your premises?  
 25 **A. Yes.**

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1 Q. Yes.  
 2 **A. -- and he is always present. Members of the senior**  
 3 **leadership team have taken it upon themselves across the**  
 4 **last sort of term and a half, really, to navigate the**  
 5 **school via some of the practice rooms on a regular**  
 6 **basis. So when moving from A to B, you might go via**  
 7 **a circuitous route so that you take in one of**  
 8 **the practice room corridors. So students are used to**  
 9 **seeing people in and around.**  
 10 Q. Is there -- are there practice assistants who supervise  
 11 evening or weekend practice?  
 12 **A. Yes, there are.**  
 13 Q. Are those individuals employees of the school?  
 14 **A. Yes, they are.**  
 15 Q. So you've talked about the fact that a number of your  
 16 children have lessons at the conservatoire. So I'm  
 17 assuming you have to get the children out from Bushey in  
 18 to, I think, South Kensington, Regent's Park and the  
 19 Barbican on a Saturday morning and back again?  
 20 **A. Yes.**  
 21 Q. Are they chaperoned? Are they accompanied?  
 22 **A. There's a variety of different arrangements in place,**  
 23 **depending on the age of the student, and this is**  
 24 **negotiated between house parents and the families of the**  
 25 **children. Younger children tend to be accompanied by**

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1 Q. What is your school's policy on this?  
 2 **A. Well --**  
 3 Q. I understand you've got a new external music lessons  
 4 policy.  
 5 **A. Yes, that's right. It's one of the first things that**  
 6 **I introduced when I arrived, because I saw this as**  
 7 **a potential hole. We have reduced the number of**  
 8 **students that this applies to significantly. It is the**  
 9 **intention of the school to move to a point where all**  
 10 **students either receive their instrumental lessons**  
 11 **either in the school or at one of the junior**  
 12 **conservatoires. We are facilitating that by employing**  
 13 **more of those teachers that students have historically**  
 14 **gone to see one-to-one, and they come into school and**  
 15 **they deliver those lessons in school.**  
 16 **Of those that remain, they are always because this**  
 17 **is an established relationship that has the support of**  
 18 **the parent. Our new policy requires the director of**  
 19 **music or a nominated other -- usually the head of**  
 20 **the relevant instrumental department, if it is not**  
 21 **him -- to make a site visit to observe some teaching.**  
 22 **We require the same statutory requirements as we would**  
 23 **for any other member of staff. So we need to have a DBS**  
 24 **number from those people, we acquaint them with the**  
 25 **school's child protection policies, we acquaint them**

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1 with the code of conduct. So everything that we would  
 2 issue to one of our own instrumental staff we issue to  
 3 those external teachers now.  
 4 It is a legacy arrangement which, I would imagine,  
 5 when -- you know, during the course of the natural  
 6 passage of time -- because one doesn't want to upset  
 7 a teaching relationship that's working well, that we  
 8 will not see it in future years.  
 9 Q. As I understand it, when you arrived at the school, the  
 10 school's policy was that all private lessons were, in  
 11 effect, not part of the school and, therefore, parents  
 12 had to sign a disclaimer to say that they would be -- in  
 13 effect, that you would not act in loco parentis and they  
 14 were responsible for the child's welfare?  
 15 A. Yes, and that's what I found unsatisfactory.  
 16 Q. Yes. Can I just check, is everybody who is employed as  
 17 an instrument tutor at your school employed --  
 18 A. Yes.  
 19 Q. -- or are some of them self-employed?  
 20 A. No, they are all employed and we have moved recently to  
 21 employ those people who are regularly used as  
 22 deputies -- there's been some talk of deputies this  
 23 week -- to ensure that they are also employed on our  
 24 books as well.  
 25 Q. Can I just check so I understand: most of these people

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1 at the conservatoire?  
 2 A. Yes, it's the same guidance and we have rewritten the  
 3 Instrumental Teachers' Handbook this year, which in fact  
 4 the inquiry hasn't seen because we wrote it in August  
 5 for distribution this September. That goes to everybody  
 6 involved, and there's a very clear section in that about  
 7 the school's position on physicality and touch.  
 8 Q. What is the school's position on physicality?  
 9 A. It is to avoid it, in the first instance, and to find  
 10 all other ways of being able to enable a young person to  
 11 understand and move forward without it. However, it  
 12 also recognises that there may be some occasions where,  
 13 actually, it is more effective, and indeed more  
 14 efficient, to adjust a finger position or to check the  
 15 weight of an arm on a bow, or whatever it might be.  
 16 In those cases, the guidance is that one must seek  
 17 consent, and by "consent", we don't just mean that the  
 18 student says, "Yes, it is okay", but their body language  
 19 suggests otherwise; it is being much more sensitive to  
 20 the situation. That they consent that you explain why  
 21 you are going to do, you explain what you are going to  
 22 do, why it is necessary. You do it without  
 23 embarrassment and then you move away, and that you're  
 24 very conscious always of the body space relationship  
 25 between you and the young person.

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1 are not teachers, they are professional musicians who  
 2 teach either to earn money or to give something back.  
 3 Is that right?  
 4 A. Yes. I think that many of them would take, if I may say  
 5 this, exception to the notion that they're doing it just  
 6 in order to earn money. I think most musicians,  
 7 professional musicians, will see it as part of their  
 8 portfolio of work, which has equal importance and  
 9 significance to them as their performance work does.  
 10 Q. But, however, their performance schedule may well mean  
 11 that they are away for periods of time and, therefore,  
 12 they have people called deputies?  
 13 A. Yes, we don't have many of those in the Purcell School;  
 14 I mean literally a handful. They don't visit the school  
 15 regularly at all. It's worth acknowledging that the  
 16 commitment of the instrumental staff to the school is  
 17 considerable, and they will often work their performance  
 18 schedules around their commitments at the school.  
 19 Q. Can I also ask about -- the current child protection  
 20 policy of the school includes specific guidance both on  
 21 one-to-one tuition and on touching --  
 22 A. Indeed.  
 23 Q. -- as I understand it. Can you just tell us a little  
 24 bit about that and whether or not that applies to all  
 25 staff, including those who are teaching offsite or even

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1 Q. Now, there is some debate about whether or not there  
 2 should or shouldn't be a "no touch" policy. You  
 3 obviously don't have a "no touch" policy?  
 4 A. We don't.  
 5 Q. You have what I would describe as a "least touch"  
 6 policy?  
 7 A. Yes.  
 8 Q. Do you think a "no touch" policy is practicable for  
 9 specialist music tuition?  
 10 A. If I'm absolutely honest, if you ask me on one day,  
 11 I would say yes; if you ask me on another, I might say  
 12 no. I think that crystallises, in many ways, the  
 13 debate. There will be some teachers who say you cannot  
 14 do this without touch, there will be others who say you  
 15 absolutely can. What our heads of department in school  
 16 have said, when we have discussed this, is that, in  
 17 95 per cent of cases, it is possible to achieve the same  
 18 end without touch.  
 19 Q. You also identify in your witness statement that the  
 20 heads of the nine specialist music and dance schools  
 21 meet together to discuss issues and that there is also  
 22 a music and dance safeguarding network which was set up  
 23 in January 2018. Does anybody from Purcell School  
 24 attend this network?  
 25 A. It hasn't met during the course of my first year, but

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<p>1 <b>I know that the former DSL has attended those meetings</b>                  2 <b>in the past. In fact, it was, I believe, as a result of</b>                  3 <b>those meetings that we first learnt of the "My concern"</b>                  4 <b>package that we then implemented this year --</b>                  5 Q. Which we are going to talk about in a bit.                  6 <b>A. -- and some other training materials that have been used</b>                  7 <b>with staff since then.</b>                  8 Q. So have the heads of the music and dance schools got                  9 together and talked about some of the welfare and                  10 safeguarding --                  11 <b>A. Absolutely.</b>                  12 Q. -- issues which have arisen? In particular, I'm                  13 thinking about the issues which have arisen during the                  14 course of this week and which have been identified by                  15 various people, including the weight of the children's                  16 own expectation, the intense nature of the relationship,                  17 the power imbalance between, maybe, instrumental teacher                  18 and the fact that the instrumental teacher may well have                  19 some impact upon a child's career, and pressure by                  20 parents, what some people might call sort of the pushy                  21 parent. Is that something which has been the subject of                  22 explicit discussion since you've been a head of                  23 the school?                  24 <b>A. Well, in the year that I've been head of the school,</b>                  25 <b>I've attended two out of the three heads' meetings, and</b></p> <p style="text-align: center;">Page 65</p>	<p>1 <b>discussions in and around those topics have always</b>                  2 <b>featured. Now, not explicitly in those terms that you</b>                  3 <b>express them there, necessarily, but particularly,</b>                  4 <b>I remember discussions about parental expectation and</b>                  5 <b>parental pressure, which we all experience from time to</b>                  6 <b>time in our schools, and how we best manage that.</b>                  7 <b>At the spring meeting, directors of music also</b>                  8 <b>attended, and they had a separate parallel meeting that</b>                  9 <b>was running to the heads', and these were issues that</b>                  10 <b>were discussed, again, perhaps not explicitly in exactly</b>                  11 <b>those terms, but in essence whilst heads were also</b>                  12 <b>meeting.</b>                  13 Q. Have you had any dialogue with the Department for                  14 Education about these issues?                  15 <b>A. Not that I'm aware of.</b>                  16 Q. Can I turn now to safeguarding at Purcell and both some                  17 past practice and current practice. Now, obviously                  18 you're in a relatively unique position, certainly                  19 I think in comparison to a number of other staff, in                  20 that you've taught in the state sector largely --                  21 <b>A. I have.</b>                  22 Q. -- and then you've come into both the independent sector                  23 and the specialist music sector. Do you think that the                  24 safeguarding challenges of specialist music education                  25 are specific to it or different from the safeguarding</p> <p style="text-align: center;">Page 66</p>
<p>1 challenges in other sectors of schooling?                  2 <b>A. In a word, no, but there are additionalities.</b>                  3 Q. Right. What are those additionalities?                  4 <b>A. Well, they are exactly the things that you've just</b>                  5 <b>described, that we need to be mindful of. I think that</b>                  6 <b>managing young people's expectations of themselves and</b>                  7 <b>about what is realistic for them to achieve at any</b>                  8 <b>particular point of their development is one of</b>                  9 <b>the significant challenges of a school such as ours.</b>                  10 <b>I think it relies very heavily on the relationship</b>                  11 <b>between the one-to-one teacher, but also the</b>                  12 <b>relationship between the one-to-one teacher, the head of</b>                  13 <b>the department, and then, by extension, the director of</b>                  14 <b>music and, by extension, myself, to make sure that those</b>                  15 <b>relationships are being managed healthily and those</b>                  16 <b>expectations are healthy.</b>                  17 <b>But I should say, because I think this is important,</b>                  18 <b>that it is absolutely right for any teacher, be they</b>                  19 <b>a one-to-one music teacher teaching the piano or the</b>                  20 <b>strings or be they a physics teacher or whatever, to</b>                  21 <b>have high expectations of their students. I think any</b>                  22 <b>parent would be rightly concerned if teachers didn't</b>                  23 <b>have high expectations for their students. That's</b>                  24 <b>absolutely healthy.</b>                  25 <b>Where it becomes unhealthy and a problem is when</b></p> <p style="text-align: center;">Page 67</p>	<p>1 <b>those expectations are unrealistic from the point of</b>                  2 <b>the development of that individual child, but also if</b>                  3 <b>there is an absence of a support scaffolding in order to</b>                  4 <b>enable them to achieve those expectations.</b>                  5 <b>I always think, if I'm allowed to use a rather crass</b>                  6 <b>analogy, my experience has always been that, actually,</b>                  7 <b>the higher you raise the bar for a young person, then</b>                  8 <b>the higher they will jump. But our job, as teachers, is</b>                  9 <b>to provide the trampoline on which they can bounce from</b>                  10 <b>and a sort of safety net at the halfway point, in case</b>                  11 <b>they don't quite meet the bar, that we can catch them in</b>                  12 <b>and then get them back to where they want to be.</b>                  13 Q. Because, for example, the chair and panel have heard                  14 evidence, and I think you were here when that evidence                  15 from some individuals who were at Chetham's 30 years ago                  16 now, but they were talking about practising sort of ten                  17 hours a day and getting up at 5 o'clock in the morning                  18 and practising in the toilets and things like that.                  19 I mean, are those the sorts of things that you have seen                  20 go on at Purcell?                  21 <b>A. No. No student can practise at 5 o'clock in the morning</b>                  22 <b>at Purcell, no student can practise before 7 o'clock in</b>                  23 <b>the morning.</b>                  24 <b>We find -- myself, the director of music, in</b>                  25 <b>particular, and a number of pastoral staff have, on</b></p> <p style="text-align: center;">Page 68</p>

1 numerous occasions now during the course of my year at  
 2 the school, found ourselves saying to students, "Look,  
 3 you need to do less. You need to step back. You don't  
 4 need to do this competition. You don't need to do  
 5 this", and we have had those conversations with parents.  
 6 Actually, often we find ourselves having conversations  
 7 with parents that say, "No, look, actually, this  
 8 competition that you say they must do, we don't think is  
 9 in their interests to do. They must step back from it".  
 10 The welfare of the individual is absolutely paramount.  
 11 We have 180 or so students in the school. I like to  
 12 think that we are working towards having 180 individual  
 13 programmes of study.

14 Q. What is your current relationship like with the LADO?  
 15 We obviously have a witness statement from Mr Smith and  
 16 there has been a degree of engagement with the LADO over  
 17 the past decade and a half. Do you have regular contact  
 18 with them and with the Hertfordshire safeguarding hub  
 19 more generally?

20 A. Yes, we do. I mean, obviously the DSL very regularly  
 21 has contact with the hub and members of the hub who are  
 22 always very helpful. I've had cause to take advice from  
 23 the LADO on a number of occasions during the course of  
 24 this year which -- both in terms of making referrals but  
 25 also in terms of seeking advice. My default position is

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1 where they are more free to move around the school  
 2 buildings. So I'm thinking about between, really, 6.30  
 3 and 10.30, when everybody is required to be back in  
 4 boarding houses -- younger students obviously earlier  
 5 than that.

6 So he helps and enables students to be where they  
 7 should be. He will challenge students who are not where  
 8 they should be. He will wander around the practice  
 9 rooms. If he finds students in practice rooms who are  
 10 not practising, then he will move them on or remind them  
 11 to practise.

12 Q. Have you found that helpful?  
 13 A. Yes. I think that -- the feedback we have had from  
 14 students recently is that they have found that helpful.  
 15 Obviously, not all -- it is not universally welcomed by  
 16 all, as you might imagine. But it gives us another  
 17 layer of confidence and assurance that there is a member  
 18 of staff available at those times who is not confined to  
 19 a particular duty point that some of the house staff  
 20 might well be.

21 Q. Yes. Does the evening security supervisor feed back,  
 22 so, you know, "X is always in the practice room not  
 23 really doing any practice. He smells a bit of  
 24 cigarettes", that kind of thing?  
 25 A. There have been occasions where that has happened, yes.

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1 always, if unsure, to seek advice.

2 So that relationship, those personal relationships,  
 3 which we have built up -- the former DSL over a number  
 4 of years; myself over the last year; and the new DSL is  
 5 starting to build up now -- I think are good. We can  
 6 pick up the phone to members of the safeguarding hub, we  
 7 can talk to them, we have met them personally, we know  
 8 who they are, and we get -- there is a strong sense of  
 9 working together on those cases where we need to work  
 10 together.

11 Q. Now, as I understand it, when you arrived at the  
 12 school -- we have already talked about your restructure  
 13 of the senior team. You created the external music  
 14 teacher policy, which we have heard about. You also  
 15 appointed an evening security supervisor?

16 A. Mmm-hmm.

17 Q. What's their role? That sounds like a bouncer?  
 18 A. Yes. I think he'd rather like that description. No,  
 19 one of the things that struck me was that the  
 20 Purcell School site is not large, but it does contain  
 21 a number of disparate buildings. They're not far from  
 22 each other, but they are separate from each other. It  
 23 occurred to me that, particularly during the evenings,  
 24 we would benefit from having more regular and fluid  
 25 supervision of where students are in some of the times

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1 It hasn't happened very often, but there have been  
 2 occasions where it has happened.

3 Q. You also, as I understand it, organised a full day's  
 4 face-to-face training for all instrumental staff rather  
 5 than the online courses which are sometimes used. Why  
 6 did you do that and what do you think the advantages are  
 7 of physical, face-to-face training?

8 A. This is, of course, about the cultural aspect of  
 9 managing a diverse and disparate workforce. We want to  
 10 have very clear safeguarding messages that safeguarding  
 11 is everybody's responsibility. We want to ensure that  
 12 everybody has had the statutory training that they  
 13 require and need. But, more than that, there is  
 14 a tremendous benefit to the institutions, to the school,  
 15 to bring everybody together in one room at one time to  
 16 discuss the well-being of our young people, which is our  
 17 first commitment.

18 I just need to correct one, perhaps, slight  
 19 misconception. It was a day-long safeguarding training.  
 20 The instrumental staff were required to attend in the  
 21 morning, which was the level 1. They were then invited  
 22 to stay for the afternoon, if they wished to. Some did,  
 23 some didn't.

24 Q. But you say in your witness statement, however, that by  
 25 the beginning of your second term in post, that would

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<p>1 have been April --</p> <p>2 <b>A. No, sort of around --</b></p> <p>3 Q. January this year, really?</p> <p>4 <b>A. Yes, a little before, but January, yes.</b></p> <p>5 Q. That your concerns about the day-to-day management of</p> <p>6 safeguarding were such that you commissioned</p> <p>7 a comprehensive independent review of the school from</p> <p>8 a safeguarding perspective. Now, we have a copy of that</p> <p>9 safeguarding review at PUR001260_001. I will possibly</p> <p>10 be referring to bits of it, but can I just identify, who</p> <p>11 conducted this review and what relationship, if any,</p> <p>12 have they had with the school?</p> <p>13 <b>A. Well, there was no relationship with the school. It was</b></p> <p>14 <b>conducted by Jane Cooper and Jane Melville.</b></p> <p>15 Q. Who are they?</p> <p>16 <b>A. Former HMI inspectors with considerable experience of</b></p> <p>17 <b>both boarding environment and of, obviously, you know,</b></p> <p>18 <b>quality review processes. And Jane Cooper in particular</b></p> <p>19 <b>has particular expertise in safeguarding.</b></p> <p>20 <b>They had no relationship with the school. I didn't</b></p> <p>21 <b>meet them until they -- I had never met them until they</b></p> <p>22 <b>arrived at the school for the first day of the review.</b></p> <p>23 Q. The brief was to examine a selection of past</p> <p>24 safeguarding cases, and then also look at current cases</p> <p>25 as well. As I understand it, you gave the reviewers</p> <p style="text-align: center;">Page 73</p>	<p>1 everything that you had given us as an inquiry; is that</p> <p>2 right?</p> <p>3 <b>A. We gave them a sample of five of the cases that we had</b></p> <p>4 <b>compiled for this inquiry, yes, that's right.</b></p> <p>5 Q. How did you decide which of those cases should be used?</p> <p>6 <b>A. They reflected -- well, two things, really. First of</b></p> <p>7 <b>all, where there was a sort of gravity of concern, and</b></p> <p>8 <b>then we wanted to look at different aspects of</b></p> <p>9 <b>the school's functions, so something that might concern</b></p> <p>10 <b>instrumental provision, something that might concern</b></p> <p>11 <b>a missing child, so there was a spread of potentially</b></p> <p>12 <b>different safeguarding issues for us to examine.</b></p> <p>13 Q. As I understand it, the overall conclusion of</p> <p>14 the safeguarding review was:</p> <p>15 "The case studies reflected a school culture which</p> <p>16 did not have student safety at its heart and in which</p> <p>17 the importance of safeguarding was not well understood."</p> <p>18 <b>A. That was the conclusion of some of those historical</b></p> <p>19 <b>reviews. There was one of those five which was cited --</b></p> <p>20 <b>from 2017, which was cited as an example of good</b></p> <p>21 <b>practice.</b></p> <p>22 Q. One of the five cases concerned was that in relation to</p> <p>23 Mr Crook and the PSHE lesson. The first part of</p> <p>24 the review looked at two cases which had happened during</p> <p>25 his headship and also criticised his response to the</p> <p style="text-align: center;">Page 74</p>
<p>1 safeguarding concerns and issues that were raised. In</p> <p>2 fact, if I look, if one goes to PUR001260_004-005, in</p> <p>3 boxes, it identifies the concerns -- if we can go down</p> <p>4 to 11, please, Ralph. If you could get up 11 and also</p> <p>5 the top of the next page. So this is the first half.</p> <p>6 The way that this review is written is that they go</p> <p>7 through, explain the factual situation and then say they</p> <p>8 raise the following questions. We have here that it</p> <p>9 raises concerns about recruitment of the head teacher,</p> <p>10 staff training and induction in respect of PSHE, why the</p> <p>11 head of PSHE was vacant, whether or not -- why the issue</p> <p>12 hadn't been indicated in respect of bullying, how</p> <p>13 a session could be legitimately identified as a PSHE</p> <p>14 lesson, how that worked into the SRE of the school, what</p> <p>15 the safeguarding culture was, the fact that there wasn't</p> <p>16 any staff code of conduct, and something about ICT use.</p> <p>17 So they raise a number of concerns and issues, shall</p> <p>18 we say.</p> <p>19 One then has a very extensive discussion that they</p> <p>20 have about the investigations and the staff code of</p> <p>21 conduct, and they then deal with some concerns that they</p> <p>22 have about the governors at PUR001260_010-011. Right at</p> <p>23 the bottom, you see there is a little box again, and</p> <p>24 another box, which says that "It raises the following</p> <p>25 issues", so that's the handling of allegations and</p> <p style="text-align: center;">Page 75</p>	<p>1 referrals, including a partisan approach to objective</p> <p>2 investigation. Then on the next page:</p> <p>3 "Failure of governors to issue a formal warning ..."</p> <p>4 The fact that there wasn't a code of conduct and the</p> <p>5 effectiveness of the one that was issued; issues of</p> <p>6 equality between boys and girls, or young men and young</p> <p>7 women; liaison with others; lack of whistleblowing; data</p> <p>8 protection; ICT; communications appraisal; and</p> <p>9 mechanisms for managing staff, monitoring and reviewing</p> <p>10 school policies.</p> <p>11 So I see there is quite a long list of concerns, as</p> <p>12 they put it, and identification.</p> <p>13 Can I just identify, particularly in respect of</p> <p>14 the PSHE lesson, how it would be responded to in the</p> <p>15 context of current policies. Now, I think you have seen</p> <p>16 the full transcript, as I understand it, but it might be</p> <p>17 useful for us to just look at it briefly. It is</p> <p>18 DFE001039.</p> <p>19 The first question I want to ask is, obviously, this</p> <p>20 talk took place in the head teacher's accommodation and</p> <p>21 office. In 2019, would students be allowed into staff</p> <p>22 accommodation?</p> <p>23 <b>A. No. There was a policy prior to September 2019 that</b></p> <p>24 <b>said that, on occasion, they could and there was</b></p> <p>25 <b>a particular form that house staff would fill in to say</b></p> <p style="text-align: center;">Page 76</p>

<p>1 <b>why this was necessary and why it was possible. What we</b>  2 <b>have now since done is rewritten that policy to say that</b>  3 <b>it may not happen. So from 1 September 2019, it may not</b>  4 <b>happen.</b>  5 Q. Who currently delivers PSHE and SRE at the school?  6 <b>A. It is co-ordinated by a member of house staff, and it is</b>  7 <b>delivered partly by her, partly by the new head of</b>  8 <b>safeguarding and pastoral and some other staff, and it's</b>  9 <b>supported by the tutorial programme, which is</b>  10 <b>collectively delivered via a wide variety of staff who</b>  11 <b>have tutorial responsibility.</b>  12 Q. Would you, as a head teacher, ever deliver a PSHE  13 lesson?  14 <b>A. Absolutely not, no.</b>  15 Q. The conduct of this lesson, because it is not just in  16 somebody's home, it is also at 9.00 in the evening on  17 a Sunday. I understand that there were snacks and  18 drinks. Would that, in and of itself, be a breach of  19 any current policy or code of conduct that you have in  20 place?  21 <b>A. It would be questionable activity under the current code</b>  22 <b>of conduct, certainly.</b>  23 Q. As I understand, the staff code of conduct currently  24 says:  25 "Professional boundaries should not be breached in</p> <p style="text-align: center;">Page 77</p>	<p>1 ways which might lead a reasonable person to question  2 their suitability to work with children, not behaving in  3 a way that could be misinterpreted or open to  4 allegations of inappropriate behaviour or behaviour  5 which undermines professional credibility."  6 Now, as far as you're concerned, we obviously have  7 had discussions of -- I mean, one may want to use the  8 term "locker room talk" in respect of some of  9 the discussions that were had, but there were certainly  10 some very graphic descriptions of measuring one's  11 genitalia, of masturbating, of masturbatory fantasies.  12 Would that be something that you would consider engages  13 the staff code of conduct?  14 <b>A. Absolutely.</b>  15 Q. I'd specifically like to ask you about the passage which  16 involves masturbation. Could we go to this document,  17 please, DFE001039_012, Ralph, if you wouldn't mind  18 enlarging that. At the bottom, it says:  19 "Occasionally, and please don't be horrified about  20 this, I have found, or I know, that boys quite like to  21 masturbate with one another, you have got to be a little  22 bit careful about that, it happens, or you might be,  23 say, watching a film or something like that and have  24 a go. You've got to be pretty sure that the other  25 person, if you ask them, they might be rather horrified</p> <p style="text-align: center;">Page 78</p>
<p>1 and you might lose a friendship. I just say that.  2 I also want to say to you that if something like that  3 were to happen in the school and, say, I walked into the  4 room, I would ignore it. Because you are growing up and  5 that's the way it is sometimes. Okay? But these things  6 are essentially private, but when you're living together  7 in a dorm, it's different, isn't it ..."  8 What would be the current response if you heard that  9 sort of discussion by a member of staff?  10 <b>A. The current position is really quite clear, that that</b>  11 <b>would be -- that discussion by a member of staff would</b>  12 <b>be a matter for the code of conduct.</b>  13 Q. What would be the range of possible outcomes that would  14 be likely?  15 <b>A. I think there could be a full range of serious outcomes</b>  16 <b>to such a breach of the code of conduct, whether it</b>  17 <b>would be classed as gross misconduct or misconduct --</b>  18 <b>I mean, that's a hypothetical supposition, but I would</b>  19 <b>imagine that those range of outcomes would sit at the</b>  20 <b>top end of the disciplinary sanctions.</b>  21 Q. Can I ask you, Mr Leverton, who, I believe, still  22 teaches at your school, has provided a witness statement  23 to this inquiry at INQ004580, please, Ralph. And we  24 need page 3. I think it is paragraphs 10 and 11. In  25 fact, I think I need the page before that. Could you</p> <p style="text-align: center;">Page 79</p>	<p>1 enlarge paragraphs 10 and 11, please, Ralph. So these  2 are two issues that also arose during the course of  3 Mr Crook's headship. Mr Leverton says that a student  4 had spoken to him and said that Peter Crook had offered  5 to buy her a purple, sequinned thong:  6 "I wrote this down and immediately spoke to the  7 [DSL, then called the DSP] DSP about it. He said he had  8 already heard this. He did not indicate if any action  9 was being taken."  10 Again, that may well have been said in jest or as  11 a jocular identity. If this came to your attention  12 these days, what would you do about it?  13 <b>A. Well, it would be investigated to establish the</b>  14 <b>circumstances around which the comment was made and</b>  15 <b>a judgment would be made about if there had been</b>  16 <b>a breach of the code of conduct and a sanction, if</b>  17 <b>appropriate, would be applied.</b>  18 Q. How about -- again, what we have understood, and we have  19 already raised this with Mrs Moore this morning, but,  20 separately, some of the girls had indicated that they  21 were uncomfortable about Mr Crook observing their  22 exercise class, reporting that he kept coming back to  23 watch it. Again, what would happen under your headship,  24 as far as those sorts of things are concerned?  25 <b>A. As I have just described, with the addition that if we</b></p> <p style="text-align: center;">Page 80</p>

1 **are talking about a collective picture building**  
 2 **response, then that would also inform any**  
 3 **decision-making for what action might be taken.**  
 4 Q. I can also identify that it seems to have been missed by  
 5 the independent review. However, the local authority  
 6 did in fact make a finding that a complaint against the  
 7 head teacher -- Mr Crook, as he then was -- was  
 8 substantiated, which is set out in the witness statement  
 9 of Mr Smith. This is HDC000467. Paragraph 4.6:  
 10 "He used wholly inappropriate language."  
 11 Now, I understand that he used the words "fuck" and  
 12 "cock" to two young people who had been engaged in  
 13 a sexual relationship. Again, under your current Code  
 14 of Practice, what would have happened to teachers who  
 15 used that sort of language?  
 16 **A. It almost certainly would be a serious breach of**  
 17 **the code of conduct which would necessitate disciplinary**  
 18 **action.**  
 19 Q. On the other hand, one could say that he was attempting  
 20 to speak to the children in a language that they would  
 21 understand. Wouldn't there be occasions when the use of  
 22 such obscenities could be justified?  
 23 **A. I would find it hard to see that, which is why it's**  
 24 **important that, when allegations of this nature are**  
 25 **raised, an investigation is undertaken.**

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1 current policy on maintenance of records?  
 2 **A. The school's policy is that, if an allegation or**  
 3 **a concern is raised about -- against a member of staff,**  
 4 **that would come to me. I would record that. If it is**  
 5 **a low-level concern which doesn't meet any threshold for**  
 6 **any immediate action, that is held in a secure filing**  
 7 **cabinet that's in my office. The DSL knows of that, as**  
 8 **does the deputy head, and know how to access it.**  
 9 **Everything is indexed and catalogued. What it means is**  
 10 **that, if I'm not around, or my successor or whomever**  
 11 **receives a complaint against a member of staff and they**  
 12 **go to that filing cabinet, they will see immediately if**  
 13 **there is anything else in that cabinet relating to that**  
 14 **member of staff.**  
 15 Q. Mr Elliott also says that, although he had delivered  
 16 safeguarding training following the incident which  
 17 involved F20, F20's contact with students wasn't  
 18 monitored in any way. In 2019, if there had been this  
 19 issue, even if it hadn't resulted in any formal action,  
 20 would there have been an increased -- would there be an  
 21 increased level of supervision or monitoring?  
 22 **A. I would have imagined so, yes.**  
 23 Q. I mean, what steps would you currently take? I mean,  
 24 this situation, in effect, involved -- the local  
 25 authority found the allegation to be unsubstantiated,

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1 Q. I would also like to ask you about a situation which  
 2 involved a staff member who we are calling F20. I'd  
 3 like to ask you about the current policy relationship.  
 4 Now, what happened was, a referral to the LADO was made,  
 5 and -- if you wouldn't mind getting up, please, Ralph,  
 6 PUR001247\_006, paragraph 27, please. As I understand  
 7 it, a referral was made to the LADO, but no records or  
 8 reports were kept of safeguarding allegations made  
 9 against staff on staff files after the local authority  
 10 investigation had been completed. The DSL didn't  
 11 consider that it was his responsibility to keep such  
 12 records. He says that in the penultimate sentence.  
 13 What he then goes on to explain is that similar  
 14 allegations were made some five years later, and because  
 15 there were no records of what had happened five years  
 16 earlier, he had to rely on his memory. Now, he was  
 17 still there. However, you were obviously working in the  
 18 state sector in 2009. Would you have expected records  
 19 to have been kept of an incident like this by the  
 20 school?  
 21 **A. Yes, I would have imagined so. Although I should**  
 22 **clarify that by saying that I wasn't involved in that**  
 23 **level of record keeping because that wasn't part of my**  
 24 **position at the time.**  
 25 Q. What would the school do now? What's the school's

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1 but the staff appear to have breached the code of  
 2 conduct -- for example, hugging, kissing, those sorts of  
 3 matters. Is there a policy on this? Would there be any  
 4 disciplinary or other action, capability action, that  
 5 would be taken?  
 6 **A. Almost certainly. It's quite possible to be in**  
 7 **a situation where the local authority hands something**  
 8 **back to the school to continue to process under its own**  
 9 **disciplinary procedures. It would then have its own**  
 10 **investigation, it would follow its own disciplinary**  
 11 **procedures, and that would lead to whatever the**  
 12 **appropriate outcome might be in those circumstances.**  
 13 Q. When deciding whether to invoke a disciplinary  
 14 procedure, do you think that it's something which a LADO  
 15 should provide you with some -- at the very least, some  
 16 advice or guidance about, or do you think it is  
 17 something which is solely the matter for a school?  
 18 **A. I think that, given the nature of partnership between**  
 19 **schools, local authorities, external agencies, it would**  
 20 **be helpful for schools to have some level of input from**  
 21 **the LADO about how to proceed beyond the point at which**  
 22 **they hand it back to the school.**  
 23 Q. Can I also identify, however, just in order to paint  
 24 a rounded picture, that the reviewers of the independent  
 25 review did examine a case from 2016 which they felt

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<p>1 demonstrated some good safeguarding practice. Ralph, if                  2 you wouldn't mind just having a look at PUR001260_018.                  3 I think one can see in the box, whereas we have                  4 a number of, shall we say, less positive comments, here                  5 we have:                  6 "This incident demonstrates:                  7 "The effectiveness of the school's safeguarding                  8 system ...                  9 "The effectiveness of record keeping [so that                  10 a clear picture ...                  11 "Effectiveness in pastoral and learning support.                  12 "Effective liaison with the GP and ..."                  13 This was an issue of abuse between two children at                  14 the school:                  15 "Effective liaison with parents ..."                  16 However, it does raise the need for a comprehensive                  17 PSHE programme and it caused some issues about CAMHS and                  18 issues around parents disclosing or not disclosing                  19 mental health issues before children are arriving as                  20 boarders at the school.                  21 So one can then see that at paragraph 46 of their                  22 conclusions -- this is page 19, please, Ralph -- it                  23 says:                  24 "By contrast, case 5 shows that, in 2016, there was                  25 some good safeguarding practice in the school. The</p> <p style="text-align: center;">Page 85</p>	<p>1 school had the mechanisms and infrastructure in                  2 place ...", et cetera, et cetera.                  3 But what it said prior to that, in paragraph 45, is:                  4 "The historical cases [as they call them] indicate                  5 that the Purcell School did not have a culture of                  6 safeguarding. There were many gaps in the school's                  7 policies and procedures ... the head teacher did not                  8 provide a good role model. The attitude of senior                  9 leaders was complacent."                  10 Taking that on board, what recommendations did the                  11 reviewers make to improve the current arrangements?                  12 <b>A. Well, they were quite -- when they visited in March,</b>                  13 <b>they concluded there were a number of areas that the</b>                  14 <b>school could do better, in some cases significantly</b>                  15 <b>better, particularly around the leadership and</b>                  16 <b>management of boarding.</b>                  17 Q. Yes.                  18 <b>A. And the way in which the senior team were monitoring the</b>                  19 <b>implementation of the policies, procedures and</b>                  20 <b>practices.</b>                  21 <b>What they were clear about was that the school had</b>                  22 <b>fit-for-purpose policies, procedures and guidance.</b>                  23 <b>Their issue was that it didn't seem always to be</b>                  24 <b>implemented consistently and that senior leadership were</b>                  25 <b>not monitoring that effectively enough.</b></p> <p style="text-align: center;">Page 86</p>
<p>1 <b>So, as a result of their recommendations, we</b>                  2 <b>constructed the action plan and the resulting strategic</b>                  3 <b>plan which encapsulated all of their recommendations at</b>                  4 <b>that point, and was shared with them at that point, and</b>                  5 <b>they were asked if it, in their opinion, was sufficient</b>                  6 <b>to address all of the areas that they had raised. They</b>                  7 <b>said that it did.</b>                  8 Q. Can we have a quick look at that strategic plan. It is                  9 behind tab 12 of your bundle, but it is                  10 PUR001256_005-009.                  11 These are your priorities for the strategic plan.                  12 <b>A. Yes.</b>                  13 Q. There are eight of them that you go through. So the                  14 first one is to improve the management of safeguarding.                  15 So have you -- I'm just going to take you through every                  16 single one of these and just for you to summarise what                  17 have you done, when did you do it?                  18 <b>A. Okay. Well, the review of the composition and</b>                  19 <b>responsibilities of SLT has been implemented. We have</b>                  20 <b>changed the constitution of the SLT to have better</b>                  21 <b>reporting lines and accountability.</b>                  22 <b>The single central register is now in a completely</b>                  23 <b>different format and contains the correct information.</b>                  24 <b>Staff files for those staff that we have appointed</b>                  25 <b>since the March review are now as they should be and</b></p> <p style="text-align: center;">Page 87</p>	<p>1 <b>complete of information. We still have a job of work to</b>                  2 <b>do to retrospectively work backwards through all</b>                  3 <b>existing files.</b>                  4 <b>We now have a system for managing external</b>                  5 <b>contractors and their employment information, and all of</b>                  6 <b>those records are now in place.</b>                  7 <b>We now have all staff -- we do have a valid DBS for</b>                  8 <b>all staff.</b>                  9 <b>Not all of them is less than three years old</b>                  10 <b>necessarily. That's an aspiration. The first task was</b>                  11 <b>to ensure that all had one. We had a number of members</b>                  12 <b>of staff who didn't have one because they had been</b>                  13 <b>appointed prior to the requirement to have one, and that</b>                  14 <b>had never been plugged, that gap. But that gap is now</b>                  15 <b>plugged.</b>                  16 <b>The recruitment processes are now absolutely fit for</b>                  17 <b>purpose and capture all of the necessary information</b>                  18 <b>that's required, including safeguarding questions and</b>                  19 <b>including a checking of gaps in employment records.</b>                  20 <b>We are in the process of establishing a rolling</b>                  21 <b>review of policies. We have now engaged professional HR</b>                  22 <b>support.</b>                  23 Q. Now, we have priority 2, "to improve attendance                  24 monitoring and supervision", and that seems largely to                  25 be about making sure that children are where they should</p> <p style="text-align: center;">Page 88</p>

1 be when they should be there?

2 **A. Yes.**

3 Q. And making sure that there's follow-up if they don't

4 turn up to lessons?

5 **A. Yes, that's absolutely right. So the first thing we had**

6 **to do was to make sure that people were able to register**

7 **their classes and all of their teaching spaces, which**

8 **was not the case. There were some rooms where teaching**

9 **was taking place and they didn't have access to**

10 **a computer that enabled them to register and they were**

11 **registering retrospectively. So that has now been done.**

12 **We now have a system where I receive a report on**

13 **a daily basis of registers which are incomplete and,**

14 **initially, I was following those up each day, so going**

15 **back to teachers and saying, you know, "There are gaps**

16 **in these registers. Please ensure that they are**

17 **completed". We are not talking about statutory**

18 **registration, we are talking about lesson-by-lesson**

19 **registration.**

20 Q. I was thinking, if it was statutory registration, there

21 are some significant worries if that was the case?

22 **A. No, we are not talking about statutory registration. We**

23 **have clarified the action we want, both -- well, all**

24 **staff to take if somebody doesn't appear, which is to**

25 **inform the house staff in the first instance and the**

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1 next page. So this is basically to improve practice and

2 procedures. So you have done all of this, as far as

3 I can see.

4 **A. Yes.**

5 Q. So there's creating a head of boarding role, having

6 lanyards, sign in and out ports, room booking system,

7 better registration, et cetera, et cetera. If we go to

8 priority 4, we have also got improving discipline and

9 sanctions. You have said the review was critical of

10 a lack of consistency in dealing with poor behaviour

11 between houses?

12 **A. Yes.**

13 Q. Could you just explain to me what the problems were?

14 **A. Well, the perceptions of students were that different**

15 **houses would implement different sanctions at house**

16 **level for the same indiscretions. There's a perception**

17 **that some houses were stricter than others, and the**

18 **review found that there was substance in that**

19 **perception.**

20 **It pointed to two houses in particular where it felt**

21 **that the application of the policies could be more**

22 **consistent. So the head of boarding, along with myself**

23 **and the head of pastoral and safeguarding, have been**

24 **working to ensure that there is greater consistency**

25 **there, partly through monitoring how the sanctions are**

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1 **house staff will look to locate those students, and**

2 **there's much evidence to demonstrate that that's working**

3 **particularly well with instrumental colleagues who were**

4 **unsure sometimes of what to do if a student didn't**

5 **appear.**

6 **The music department have a more effective way of**

7 **tracking students during music blocks. Music blocks --**

8 **this is a tricky thing, because the music block, to**

9 **explain, is where all of the rehearsals, orchestras,**

10 **ensembles, will rehearse, and of course the personnel**

11 **for those will change often on a weekly basis, who is**

12 **required when and where. So for those ensembles which**

13 **are pretty fixed and are fixed for a length of time,**

14 **they are now registrable through SIMS in the usual way,**

15 **but we now have a tighter system for informing house**

16 **staff of who won't be involved in a music block activity**

17 **so that they can ensure that they're either in-house or**

18 **that they are practising.**

19 **We have still got some work to do on that, to make**

20 **sure that that -- I mean, this is an action plan which**

21 **is still in operation.**

22 **I think we have dealt with --**

23 Q. I think we have dealt with all those other issues.

24 **A. -- all of those other issues.**

25 Q. If we can skip on to priorities 3 and 4, which is the

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1 **applied and also by being present, particularly in the**

2 **out-of-hours time.**

3 Q. Can I ask in particular, there is recommendations about

4 students who attempt to access pornographic material?

5 **A. Yes.**

6 Q. Is this quite a regular thing? I'm not suggesting your

7 school is different from any others, but obviously the

8 chair and panel are interested in what actually happens

9 on a practical level. So is it the case that, on an

10 almost weekly basis, somebody is trying to access

11 pornography through one portal or another, shall we say?

12 **A. The report would suggest that, yes. What tends to**

13 **happen is, when the report is investigated, we find that**

14 **things are not always as they might first appear.**

15 Q. Right.

16 **A. Because the firewall tools are so vociferous that**

17 **a student researching something quite sort of legitimate**

18 **might provoke -- you know, prompt the firewall to enact,**

19 **which would then register on the report that they have**

20 **been trying to access pornographic material. It might**

21 **have been just that they were -- well, a good example of**

22 **that is that you can't stream this inquiry on the**

23 **computer systems because of the words "abuse", "child"**

24 **and "sexual". So that would be an example.**

25 Q. Yes.

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1 **A. However, there are occasions where it is clear that --**  
 2 **when the conversation is had that a student has tried to**  
 3 **access such material, that conversation --**  
 4 Q. You can usually tell from the IP address, can't you?  
 5 **A. Yes, exactly. And that leads to a conversation first at**  
 6 **house level and then it is escalated if the attempts to**  
 7 **access that material are repeated.**  
 8 Q. We have got four more priorities, all of which have  
 9 either been implemented or are in train. I'm not sure  
 10 we need to go through those in as much detail as we have  
 11 identified the rest of them?  
 12 **A. No, that's fine.**  
 13 Q. What we are interested in is, you have implemented  
 14 something called the "My concern" package. We would  
 15 like you to tell us about this and what its aims are?  
 16 **A. Well, what it does, it's a secure online package which**  
 17 **is accessible from any computer, any web-enabled**  
 18 **computer or device from anywhere. Staff can log into**  
 19 **it, and there's a very simple process by which they can**  
 20 **report a concern that they might have.**  
 21 Q. When you mean "concern", is that something terrible has  
 22 happened --  
 23 **A. No.**  
 24 Q. -- or is that just --  
 25 **A. Any concern from, "This doesn't feel quite right",**

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1 **I don't think, particularly at this stage, if things are**  
 2 **recorded there and recorded elsewhere as well. So it's**  
 3 **a very simple tool for people to -- it has the benefit**  
 4 **of giving immediate notification to the DSL, who can**  
 5 **then triage and assign tasks to either members of**  
 6 **the safeguarding team or, indeed, to other members of**  
 7 **staff. So the DSL can then make a decision about**  
 8 **whether to reveal that information to other members of**  
 9 **staff -- it might be a house parent, it might be medical**  
 10 **staff -- so that the information is easily shared.**  
 11 Q. How are concerns recorded?  
 12 **A. Well, they're recorded in the system.**  
 13 Q. Are they recorded by child name or by staff name?  
 14 **A. They are recorded by child name, and then you -- the**  
 15 **information is searchable either by child name or by**  
 16 **type of concern, nature of concern.**  
 17 Q. How are concerns to yourself recorded? Because you've  
 18 identified that concerns involving a member of staff  
 19 wouldn't necessarily go via "My concern". How are they  
 20 recorded? Who records those and where are they kept?  
 21 **A. Well, the current policy is that if a member of staff**  
 22 **has a concern about my conduct, then they are to report**  
 23 **that to the chair of governors and the chair of**  
 24 **governors would record that.**  
 25 Q. Let's assume it's not about you. How about other

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1 **"I found this student was slightly distressed at the end**  
 2 **of this lesson. I'm not entirely sure why", through to**  
 3 **much more concerning --**  
 4 Q. For example, the purple, sequinned thong?  
 5 **A. Yes. We don't -- I mean, the policy currently is that**  
 6 **concerns related to members of staff should come to me**  
 7 **rather than through the "My concern" package.**  
 8 Q. Okay.  
 9 **A. And the reason for that is that, whenever a concern is**  
 10 **logged onto "My concern", all members of**  
 11 **the safeguarding team are immediately notified, and so**  
 12 **all of those members of the safeguarding team could**  
 13 **access that concern.**  
 14 **Now, that might be -- it may be that if somebody is**  
 15 **recording a concern about a member of staff, that it is**  
 16 **not necessarily appropriate, at that point, for that**  
 17 **information to be so widely available.**  
 18 Q. Sort of more widely circulated?  
 19 **A. Yes.**  
 20 Q. But, on the other hand, if one is in a culture of  
 21 transparency, one could say, "Well, everybody needs to  
 22 know what everybody else is up to"?  
 23 **A. That is a valid argument, and we are in a sort of**  
 24 **transitory period of recording -- of using this system**  
 25 **at the moment and, actually, it is not a huge issue,**

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1 members of staff?  
 2 **A. Sorry, I don't ...?**  
 3 Q. Other members of -- you have identified that people  
 4 would come to you to talk about members of staff --  
 5 **A. Yes.**  
 6 Q. -- and problems and concerns around members of staff?  
 7 **A. Mmm-hmm.**  
 8 Q. So they wouldn't necessarily use the "My concern" --  
 9 **A. No, and they're recorded -- as I said earlier, I will**  
 10 **record those. I record them against the staff name.**  
 11 **They will be not held in the staff file, but they will**  
 12 **be held in a separate file facility, which is accessible**  
 13 **by myself, by the DSL, by the deputy head, so that if**  
 14 **I were unavailable or I had moved on, or whatever it**  
 15 **might be, then somebody can see immediately if there**  
 16 **have been previous concerns relating to a member of**  
 17 **staff.**  
 18 Q. Do you think that the "My concern" package has helped  
 19 with creating more transparency about what's going on  
 20 with the school?  
 21 **A. It's very, very early days yet. This is the first**  
 22 **academic year that we have been employing it across the**  
 23 **whole structure, we phased it in during the course of**  
 24 **the last academic year. So it is perhaps a little too**  
 25 **early to be able to assess its actual impact.**

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1 **It is certainly our hope that that is what it will**  
 2 **do, and it is certainly our hope that it will increase**  
 3 **transparency and a sense of consistency of reporting and**  
 4 **reporting back over time, and enable us also to be able**  
 5 **to see much more easily trends recurring -- recurring**  
 6 **concerns, not just about an individual, but, you know,**  
 7 **thematic concerns, because you can extract data in**  
 8 **a report.**  
 9 Q. So drug taking, accessing pornography, smoking, mental  
 10 health problems?  
 11 **A. Exactly right, and those can then be fed into whether we**  
 12 **need to make adjustments in the PSHE programme or the**  
 13 **tutorial programme or we need to be taking, you know,**  
 14 **more decisive action in another way about a particular**  
 15 **issue.**  
 16 Q. Do you think that staff come to you to report concerns?  
 17 We have obviously heard from Mrs Moore this morning, who  
 18 gave evidence before you, about the concerns that  
 19 members of staff had at that time about reporting  
 20 matters to the head teacher about other members of  
 21 staff?  
 22 **A. Yes.**  
 23 Q. Is that culture still present in the school?  
 24 **A. I have received reports of concerns about members of**  
 25 **staff during the course of my year.**

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1 Q. Do the governors scrutinise or does the safeguarding  
 2 governor scrutinise individual cases?  
 3 **A. Yes. Usually in a meeting either with myself or with**  
 4 **the DSL.**  
 5 Q. You mentioned earlier that if there are any concerns  
 6 about yourself, there should be a referral and a report  
 7 to the chair of governors?  
 8 **A. Yes.**  
 9 Q. What would happen if the chair of governors decided to  
 10 do nothing about that?  
 11 **A. I would hope -- my hope would be that the safeguarding**  
 12 **governor or -- well, let's think backwards. If somebody**  
 13 **reported it directly to the chair of governors and**  
 14 **nothing appeared to happen, I would hope that that**  
 15 **member of staff would make another report to the**  
 16 **safeguarding governor. That's what's outlined in the**  
 17 **child protection policy, that you report to the chair of**  
 18 **governors. If the chair of governors is unavailable or**  
 19 **unresponsive, then the safeguarding officer.**  
 20 **If a member of staff felt that they were getting**  
 21 **nowhere with either of those, then the advice, of**  
 22 **course, is always to report directly to an external**  
 23 **agency.**  
 24 Q. Report to the LADO --  
 25 **A. Yes.**

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1 Q. The last topic I want to deal with with you is  
 2 governance. Now, obviously the independent review was  
 3 critical about the role that the governors played in the  
 4 incident in 2009/2010. Is there currently  
 5 a safeguarding governor and a Safeguarding Subcommittee  
 6 on the governing body?  
 7 **A. There is certainly a safeguarding governor, yes. There**  
 8 **isn't currently a Safeguarding Subcommittee, although**  
 9 **that has been discussed and it's been discussed several**  
 10 **times during the course of this last year. But**  
 11 **a decision has yet to be taken about whether to**  
 12 **implement that.**  
 13 **Certainly there is a safeguarding governor. She's**  
 14 **extremely knowledgeable. She's received good levels of**  
 15 **training. She engages really very well and regularly**  
 16 **with the school, and with me in particular, and with the**  
 17 **DSL.**  
 18 **So, yes, that is in place.**  
 19 Q. How often does the safeguarding governor come in to the  
 20 school? Does she come into the school to speak to  
 21 staff? Is it just during governing body meetings that  
 22 there's any discussion?  
 23 **A. No, I did a tally, she visited the school on eight**  
 24 **occasions last year, which were not connected to**  
 25 **governing body meetings.**

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1 Q. -- or report to the police, depending on the nature of  
 2 the contact?  
 3 **A. Yes.**  
 4 Q. Do governors receive safeguarding training at your  
 5 school?  
 6 **A. Yes, they do, annually, the same update training as**  
 7 **members of staff.**  
 8 Q. Is that a compulsory element for governors?  
 9 **A. Yes.**  
 10 Q. What challenge do the governors provide you on  
 11 safeguarding? Because they, under the statutory  
 12 guidance, are ultimately responsible for the  
 13 safeguarding policies and practices. Do they provide  
 14 you with sufficient challenge as to what's going on with  
 15 safeguarding?  
 16 **A. Yes, certainly the safeguarding governor does, and then**  
 17 **there are the formal agenda items, safeguarding agenda**  
 18 **items, in various full governors' meetings and committee**  
 19 **meetings, where particularly the annual safeguarding**  
 20 **report that we present to the governors, which is the**  
 21 **summation of the various incidents and concerns across**  
 22 **the course of a year, that will always lead to**  
 23 **a scrutiny discussion.**  
 24 Q. Now, a teacher at the school, Mr Leverton, who has given  
 25 witness evidence to this inquiry, which I spoke of

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1 earlier, he identifies that he considers that there  
 2 isn't very much contact or communication between  
 3 teaching staff -- not yourself, but more general  
 4 teaching staff -- and governors. Do you agree with  
 5 that?  
 6 **A. I think that can be fair criticism. The requirement of**  
 7 **the governing body currently -- and the chair has been**  
 8 **explicit about this -- is that all members of staff**  
 9 **should visit the school for at least one day --**  
 10 Q. You mean all governors, rather than members of staff?  
 11 **A. I beg your pardon, yes. All governors should visit the**  
 12 **school for at least one day, or the equivalent of one**  
 13 **day, outside of their committee or meeting duties. It**  
 14 **would be fair to say that there are a handful of**  
 15 **governors who have done significantly -- visited the**  
 16 **school significantly more than that, and the chair has**  
 17 **made 11 visits during the course of the last academic**  
 18 **year and seen a variety of staff during the course of**  
 19 **that time. But, of course, he does come in and he sees**  
 20 **the staff that he's asked to see.**  
 21 Q. Yes.  
 22 **A. So there is an opportunity via an annual informal lunch**  
 23 **to meet with governors and to talk to governors. I can**  
 24 **only speak for the one that I attended at the end of the**  
 25 **last academic year, which was reasonably well attended**

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1 **strengthened by both of those things. But, ultimately,**  
 2 **it is not my decision to decide on the composition of**  
 3 **the governing body. I can only recommend.**  
 4 MS SCOLDING: I have no further questions, thank you very  
 5 much.  
 6 Chair and panel, do you have any questions?  
 7 Questions from THE PANEL  
 8 THE CHAIR: Could I begin and take you back to the beginning  
 9 of your evidence, Mr Bambrough. You told us, and we  
 10 have this in writing as well, that from 2011, when  
 11 Peter Crook left and when you took up post last year,  
 12 there were six principals in seven years. Have you any  
 13 explanation for why that might have been? Because it  
 14 must have been very disruptive?  
 15 **A. It has undeniably been very disruptive. I don't think**  
 16 **that -- I don't think that like to speculate. I don't**  
 17 **know the reasons why those staff turned around in the**  
 18 **way that they did.**  
 19 **My view is that it's much more important about where**  
 20 **we are going and moving forward in a spirit of**  
 21 **positivity and optimism and, whilst recognising the**  
 22 **wounds that that turnaround has caused, that we seek to**  
 23 **heal those as we move forward.**  
 24 **I haven't, rightly or wrongly, enquired in any**  
 25 **detail about why heads have not stayed for a long period**

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1 **from a cross-section of the staff, both house staff,**  
 2 **music staff, academic and housekeeping, estate, support**  
 3 **attended that meeting.**  
 4 **But I suspect that it may be the case that**  
 5 **a successive chair might want to find more opportunities**  
 6 **to meet face to face in a more open and self-selecting**  
 7 **way for members of staff.**  
 8 Q. Are there any parent governors?  
 9 **A. There are no parent governors in the sense of an elected**  
 10 **parent governor. There are governors who have been**  
 11 **current or recent parents of the school. My**  
 12 **understanding is that a decision was taken some time ago**  
 13 **not to actively have an elected parent governor but,**  
 14 **rather, to rely on a parent to be recommended or to --**  
 15 Q. Doesn't that always give rise to concerns that --  
 16 **A. Of course.**  
 17 Q. -- you only choose the people who aren't going to say  
 18 anything or provide any challenge?  
 19 **A. Of course, that's absolute fair criticism. I'm just**  
 20 **stating the facts as I understand them to be, without**  
 21 **any judgment.**  
 22 **I haven't worked in an environment where there**  
 23 **hasn't been a parent governor, and indeed a staff**  
 24 **governor, on the governing body. It would be my**  
 25 **personal view that the governing body would be**

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1 **of time at the Purcell School. It doesn't influence my**  
 2 **commitment to the school, and I've made a commitment to**  
 3 **the school to stay in post to create stability, and so**  
 4 **that is my focus.**  
 5 THE CHAIR: Yes, but you will appreciate we are interested  
 6 in what has happened at the school and try to understand  
 7 what impact various events may or may not have had on  
 8 that period of time.  
 9 **A. Yes, but I can't comment with any clarity -- it would be**  
 10 **mere speculation -- on events I haven't witnessed and**  
 11 **people I've never met. I would feel very uncomfortable.**  
 12 THE CHAIR: And nobody amongst your staff ever refers to  
 13 that period?  
 14 **A. Not often.**  
 15 THE CHAIR: Okay. Thank you. Thank you very much,  
 16 Mr Bambrough.  
 17 (The witness withdrew)  
 18 MS SCOLDING: Chair, one of the afternoon witnesses has got  
 19 an urgent need to get away and I haven't had an  
 20 opportunity to speak with her yet. With your  
 21 permission, would it be appropriate for us to break for  
 22 an early lunch so I can consult with her, and then  
 23 reconvene earlier this afternoon?  
 24 THE CHAIR: Yes. We will return at 1.45 pm.  
 25 MS SCOLDING: Thank you very much.

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<p>1 (12.42 pm) 2 (The short adjournment) 3 (1.46 pm) 4 MRS YASEMIN WIGGLESWORTH (affirmed) 5 Examination by MS SCOLDING 6 MS SCOLDING: Good afternoon, Mrs Wigglesworth. Just a few 7 preliminary matters before we come on to the substance 8 of your evidence. 9 Firstly, this isn't a test of memory, so please feel 10 free to refer to any notes you've made or to your 11 witness statement. Secondly, we can stop as often as is 12 needed, and for any reason, so please do let me know if 13 you need a break. Thirdly, we have your witness 14 statement, and there are a number of documents which are 15 attached to it. We will get those up on screen, but 16 there's also a bundle in front of you. 17 We have a witness statement from you dated 18 4 July 2019, the last page of which has your signature. 19 Chair and panel, behind bundle D, tab E/17. I think 20 it is tab 17. I have it behind E. It is a seven-page 21 document. Ms Wigglesworth, did you sign this document? 22 I know your signature is overprinted? 23 <b>A. Yes, I signed it, yes.</b> 24 Q. Is it true, to the best of your knowledge and belief? 25 <b>A. Yes.</b></p> <p style="text-align: center;">Page 105</p>	<p>1 Q. Mrs Wigglesworth, you are the executive officer of an 2 organisation called the Association for Education and 3 Guardianship of International Students, which I believe 4 is usually abbreviated to AEGIS? 5 <b>A. Yes, AEGIS. It is a tricky one.</b> 6 Q. What is it that you do in AEGIS? 7 <b>A. So I oversee the running of the charity, in all areas of</b> 8 <b>the day-to-day running, really -- marketing, I'm</b> 9 <b>responsible for the accounting, for reporting to our</b> 10 <b>board of trustees, and liaising with our inspection</b> 11 <b>team. So, really, overseeing the day-to-day running of</b> 12 <b>the charity.</b> 13 Q. At AEGIS, I understand that you are a charity which 14 inspects and accredits guardianship organisations 15 throughout the UK? 16 <b>A. That's right.</b> 17 Q. Could you just describe for us briefly, what is 18 educational guardianship, or educational guardians or 19 guardianship, however one wants to describe it? 20 <b>A. So an educational guardian provides -- can be a single</b> 21 <b>person or can be a company. So it's referred to as</b> 22 <b>educational guardian or educational guardianship</b> 23 <b>organisation, and they provide guardianship services to</b> 24 <b>international students who are studying in the UK whose</b> 25 <b>parents are overseas.</b></p> <p style="text-align: center;">Page 106</p>
<p>1 <b>So they provide services such as airport transfers,</b> 2 <b>home stay accommodation during holidays, they can attend</b> 3 <b>parents' evenings, they support children if they need to</b> 4 <b>go and have doctors' appointments, hospital</b> 5 <b>appointments, and generally support the child both</b> 6 <b>emotionally and practically while they're settling into</b> 7 <b>their life in the UK and should support them throughout</b> 8 <b>their studies in the UK, and they are representing the</b> 9 <b>parents.</b> 10 Q. So they act in loco parentis, as lawyers might call it? 11 <b>A. That's right.</b> 12 Q. So do they, therefore, have to sign some kind of formal 13 document saying that, assigning parental -- or sharing 14 parental responsibility with the parents, would be the 15 way it works? 16 <b>A. Our accredited guardianship companies do, yes. There is</b> 17 <b>a contract between the guardian and the parents. But</b> 18 <b>I don't know about unregulated guardians.</b> 19 Q. As I understand it, the Department for Education thinks 20 that there are roughly 28,910 non-British pupils whose 21 parents live overseas. Is that right, according to your 22 figures, if you know them? 23 <b>A. According to the ISC census, yes.</b> 24 Q. Your organisation looks after or accredits organisations 25 who look after around 6,000?</p> <p style="text-align: center;">Page 107</p>	<p>1 <b>A. That's right.</b> 2 Q. So the vast majority of international students are 3 either registered with family members and friends or are 4 registered with unaccredited organisations? 5 <b>A. Yes.</b> 6 Q. So you provide a system of accreditation. I would just 7 quite like to discuss with you how that works in 8 practice. I'd firstly like to get up your handbook, 9 because I think that's probably the most useful place to 10 start. This is guardianship organisation minimum 11 standards January 2009. Ralph, please, AEG000002_001. 12 Could you just tell us a little bit about this 13 document, who uses it and what it is used for? 14 <b>A. This is for any guardianship organisation who comes</b> 15 <b>forward interested in our accreditation process, and it</b> 16 <b>is really a document in one, which is a helpful manual,</b> 17 <b>but it also contains our set of minimum standards. So</b> 18 <b>it is really like a one-stop shop for what you need</b> 19 <b>to -- what requirements need to be met in order to pass</b> 20 <b>accreditation.</b> 21 Q. Can we turn to the process of registration and then 22 accreditation. Ralph, could we go to _006 of this 23 document? There is a process of initial registration, 24 which is assembling a number of documents and policies. 25 Roughly, what documents and policies do people have to</p> <p style="text-align: center;">Page 108</p>

<p>1 give to you?</p> <p>2 <b>A. They have to fill out an application form and give their</b></p> <p>3 <b>name, the person within their organisation who has</b></p> <p>4 <b>a background in education management. So they fill that</b></p> <p>5 <b>out, and it basically just asks for details, references</b></p> <p>6 <b>for their company. So that's a very initial stage.</b></p> <p>7 Q. Then, at stage 1, if we can go down to stage 1, please,</p> <p>8 Ralph, there is then a more formal application form, and</p> <p>9 a lead inspector, it says, will be appointed, and</p> <p>10 contact the guardianship organisation to arrange</p> <p>11 receipt, and there will be a scrutiny of -- it's a sort</p> <p>12 of paper-based scrutiny; is that right?</p> <p>13 <b>A. That's right. The lead inspector is appointed at this</b></p> <p>14 <b>stage.</b></p> <p>15 Q. Who would that lead inspector be?</p> <p>16 <b>A. So all of our inspectors are either -- are independent</b></p> <p>17 <b>school-experienced inspectors.</b></p> <p>18 Q. So they're people who would have worked for the ISI or</p> <p>19 for Ofsted?</p> <p>20 <b>A. Or for Ofsted, that's right, and they are contracted, so</b></p> <p>21 <b>they still carry out their inspection work for schools</b></p> <p>22 <b>and for us. So we have a pool of inspectors and we have</b></p> <p>23 <b>a head of inspection also.</b></p> <p>24 Q. So they will look at the documents and policies. What</p> <p>25 will they be looking for, roughly?</p> <p style="text-align: center;">Page 109</p>	<p>1 <b>A. Well, they are scrutinising all their documentation, so</b></p> <p>2 <b>all their paperwork and their policies as well. We ask</b></p> <p>3 <b>for a huge range of policies. And they're really</b></p> <p>4 <b>looking to check that, for instance, safer recruitment</b></p> <p>5 <b>procedures have been followed, that DBS -- for example,</b></p> <p>6 <b>we insist that every member of a home stay family is DBS</b></p> <p>7 <b>checked aged 16 and over; ensuring that there is</b></p> <p>8 <b>appropriate insurance in place, such as professional</b></p> <p>9 <b>indemnity insurance, public liability insurance;</b></p> <p>10 <b>contracts, they check the parent/guardian contract. We</b></p> <p>11 <b>also ask guardianship companies to provide handbooks to</b></p> <p>12 <b>a home stay which outline their hosting duties, and it</b></p> <p>13 <b>would contain information such as e-safety monitoring</b></p> <p>14 <b>and cyber bullying, online grooming, how to behave with</b></p> <p>15 <b>a student, what is acceptable behaviour if a student is</b></p> <p>16 <b>homesick, for example.</b></p> <p>17 <b>And then a student is provided with a student</b></p> <p>18 <b>handbook, so we always want to ensure that there are the</b></p> <p>19 <b>contact details of the local authority safeguarding</b></p> <p>20 <b>partnership, so the child knows who to contact if they</b></p> <p>21 <b>have a concern.</b></p> <p>22 Q. I think that's fine.</p> <p>23 <b>A. Is that okay?</b></p> <p>24 Q. If we go to page 2, once they pass that paper stage, as</p> <p>25 I understand, on stage 2, they contact the office and</p> <p style="text-align: center;">Page 110</p>
<p>1 then there's a stage 2 accreditation process, and that</p> <p>2 is really when an organisation is already up and</p> <p>3 running, and then, as I understand it, an inspector</p> <p>4 visits, sees everything, sees both the school and the</p> <p>5 home stay arrangements, and says, "Yes, this seems to be</p> <p>6 working to our satisfaction or to the standards that we</p> <p>7 have imposed", or not. Is that right?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. Only once that stage is passed will the organisation be</p> <p>10 accredited with AEGIS?</p> <p>11 <b>A. That's right.</b></p> <p>12 Q. As I understand it, accreditation takes --</p> <p>13 re-accreditation takes place once every four years?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. Can we turn now just to have a quick look at your</p> <p>16 minimum standards? I don't think we need to go through</p> <p>17 all of them, but if we could go to _015 onwards, please,</p> <p>18 Ralph, of the same document. As I understand it, most</p> <p>19 of these are mandatory; a couple of them are not. But</p> <p>20 the first four are all mandatory. So this is the</p> <p>21 statement -- so there has to be a statement of aims and</p> <p>22 that it works in daily practice. So if we could go to</p> <p>23 2, which is also mandatory, on the next page, please,</p> <p>24 Ralph. In effect, there are clear job descriptions,</p> <p>25 there's proper induction procedures, there's a clear set</p> <p style="text-align: center;">Page 111</p>	<p>1 of requirements, and there's relevant DBS checking, in</p> <p>2 effect, as well as in Scotland they have to pay due</p> <p>3 regard to the requirements of the Scottish Care</p> <p>4 Inspectorates, where I understand there has to be</p> <p>5 registration in Scotland of guardians?</p> <p>6 <b>A. That's right.</b></p> <p>7 Q. One then turns as well to -- there is then further</p> <p>8 information about handbooks, contracts and insurance, so</p> <p>9 there has to be a suitable -- can we have a quick look</p> <p>10 at handbooks, please, Ralph, the next page. We have got</p> <p>11 a suitable handbook for students which should be written</p> <p>12 in age-appropriate style, and there's a set of specific</p> <p>13 details which have to be included -- I'm assuming about</p> <p>14 where they're staying, who they can contact if they have</p> <p>15 got problems, what's going on -- and also a suitable</p> <p>16 handbook for those who are hosting the children and</p> <p>17 possibly a separate handbook for schools, and there also</p> <p>18 needs to be relevant insurance.</p> <p>19 If one then goes to record keeping, at 2.5, there is</p> <p>20 then a whole lot of records which have to be kept,</p> <p>21 including a file for each home stay, including all</p> <p>22 correspondence, safeguarding training records, safer</p> <p>23 recruitment training records, safeguarding case notes,</p> <p>24 checks. In addition, record of any correspondence</p> <p>25 between the guardianship organisation and any parent, so</p> <p style="text-align: center;">Page 112</p>

<p>1 accident books, all the things that you would expect to                  2 see in an organisation dedicated to the welfare of                  3 children. I think that's fair to say.                  4 <b>A. Yes.</b>                  5 Q. We have then got 2.8, if we could go to the next page                  6 but one, please, Ralph, _020, it is then -- they have to                  7 comply with the safer recruitment guidance as set out in                  8 Keeping Children Safe in Education and they have to have                  9 undergone relevant training and they have to have the                  10 relevant policy.                  11 Then, as far as induction, if we could go to the                  12 next page, please, Ralph, _021, there has to be                  13 induction programmes which should, importantly, be                  14 suitable to their age and language needs.                  15 <b>A. Yes.</b>                  16 Q. And the organisation has to show that students have been                  17 given an opportunity to ask about anything which they're                  18 unsure?                  19 <b>A. That's right.</b>                  20 Q. If we then go to 6, which is _023, there has to be quite                  21 extensive checks of all members of their household. So                  22 that's passport checks, birth certificates, that they                  23 have got the right to work in the UK, enhanced DBS for                  24 all persons aged 16 and over, and two written references                  25 and self-declarations. Would the self-declaration be,</p> <p style="text-align: center;">Page 113</p>	<p>1 you know, "You've never been ..."?                  2 <b>A. Criminal convictions, yeah, and also, during that --</b>                  3 <b>that home stay check is quite stringent, because they</b>                  4 <b>will also ask questions about any other adults that</b>                  5 <b>might be visiting the home stay on a regular basis and</b>                  6 <b>whether they would require a DBS check as well.</b>                  7 Q. So if, for example, somebody had a partner who didn't                  8 live with them but came to visit every weekend, that                  9 person would also have to be subject to an enhanced DBS                  10 check?                  11 <b>A. Yes.</b>                  12 Q. Or any other individuals. Then could we go to the next                  13 page, which is student accommodation. One can see the                  14 home stay profile. But the accommodation, which goes on                  15 to the next page, is, there are various minimum                  16 standards, in effect, of what should be expected, which                  17 is, you know, suitable bedroom in good repair, natural                  18 light, not share the same bedroom if they're of opposite                  19 sex, may share the bedroom if they're of the same sex,                  20 only one student in a double bed, suitable heating and                  21 lighting, access to private space, access to appropriate                  22 hanging space, bathroom with a lock on the door, and be                  23 able to opt for no smoking and to make sure there is no                  24 more than three students at any one time.                  25 6.5.3, Ralph, the next page, please, to require that</p> <p style="text-align: center;">Page 114</p>
<p>1 when students are under the age of 16 and are in the                  2 care, no students over the age of 20 are being hosted.                  3 I'm assuming that's for safeguarding reasons as well?                  4 <b>A. Yes.</b>                  5 Q. I could take you through the rest of it, but                  6 fundamentally what happens is, they also have to                  7 undertake annual training, health and safety                  8 assessments, they have to keep folders with relevant                  9 records for the home stay organisations, and they have                  10 to have a safeguarding policy which complies with                  11 Keeping Children Safe in Education, and the student                  12 folder is quite extensive, in that it's likes, dislikes,                  13 dietary requirements, religious requirements, cultural                  14 requirements?                  15 <b>A. Yes.</b>                  16 Q. There is quite an extensive range of matters which have                  17 to be undertaken.                  18 Now, can I ask you, how many of your guardians or                  19 organisations register as private foster carers, because                  20 I'm assuming -- as we know, the law says if you look                  21 after a child for more than 28 days in a row, you have                  22 to register with the local authority as private foster                  23 care?                  24 <b>A. We have 47 accredited guardianship companies. The</b>                  25 <b>majority will be looking after boarding school students,</b></p> <p style="text-align: center;">Page 115</p>	<p>1 <b>but there are a number who will be looking after day</b>                  2 <b>pupils also, but I don't know the actual number.</b>                  3 Q. But do you make it a requirement that they have to                  4 register if students are going to be with them for more                  5 than 28 days?                  6 <b>A. Absolutely, yes.</b>                  7 Q. You also, as I understand it, provide guidance for                  8 schools, which is at AEG000003, if we could just get                  9 that up. So this is just a quick guide for the aims of                  10 the guardianship policy. If we could go down to 2.                  11 Basically, what it does is, it sets out the educational                  12 guardian requirements and then private foster care and                  13 the fact that there should be registration with private                  14 foster care. Who does this policy get circulated to?                  15 <b>A. Our member schools. So it's a member school benefit.</b>                  16 Q. Who are your member schools?                  17 <b>A. We have around 80 schools who support us and our work.</b>                  18 <b>In return for their membership -- they pay a small</b>                  19 <b>annual membership fee, and we provide guidelines for</b>                  20 <b>a school guardianship policy and a legal framework which</b>                  21 <b>outlines the legal responsibilities of a school,</b>                  22 <b>guardian, parent and home stay, and they receive</b>                  23 <b>discounted member rates at our events as well.</b>                  24 Q. So the guidance at schools also sets out the                  25 expectations of the guardian, the fact that a school has</p> <p style="text-align: center;">Page 116</p>

1 a right to reject guardian arrangements if they are not  
 2 happy with them, and that the guardians must be of  
 3 a minimum age?  
 4 **A. That's right, yes.**  
 5 Q. Can I just identify, our understanding as an inquiry --  
 6 I might be wrong -- is that the Home Office will only  
 7 give you a visa if you have an educational guardian in  
 8 place?  
 9 **A. Yes.**  
 10 Q. Is that right?  
 11 **A. Yes.**  
 12 Q. In order to get what's known as a tier 4 visa, which is  
 13 the student visa for access to the UK?  
 14 **A. Yes.**  
 15 Q. Do you know whether or not the Home Office have any  
 16 requirements regarding safeguarding in respect of  
 17 guardians?  
 18 **A. Not that I know of, but I'm not 100 per cent sure.**  
 19 Q. What obligations are there on a school at the moment to  
 20 check the guardianship arrangements? Obviously your  
 21 schools will have the checking operating through you or,  
 22 in effect, you work in partnership with all the various  
 23 organisations to make sure that all the rules and  
 24 regulations are followed. Is there any obligation on  
 25 a school at the moment to check guardian arrangements?

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1 **independent person if they have any concerns.**  
 2 Q. Obviously, you're a voluntary organisation -- you're  
 3 a charity. Signing up to your organisation is currently  
 4 voluntary. Do you think that the sort of checking that  
 5 we have described here should be something that should  
 6 be compulsory and, if so, why?  
 7 **A. Yes. At the moment, due to the lack of regulations and**  
 8 **legislation around guardianship, unaccredited guardians**  
 9 **and guardianship companies fall under the radar.**  
 10 Q. Do you have any examples that you can tell us about?  
 11 **A. Yes. So, for example, due to the fact that a parent can**  
 12 **appoint anyone as guardian -- so if they appoint an**  
 13 **unaccredited guardian, for example, who doesn't have any**  
 14 **procedures to follow, we have evidence of students being**  
 15 **placed in unsupervised Airbnb accommodation during**  
 16 **holidays, with inappropriate home stays and also home**  
 17 **stays where the host might not be present very often.**  
 18 Q. You give some examples of this at paragraph 36 of your  
 19 witness statement, such as you've had situations where  
 20 people owned a vicious dog that would threaten to attack  
 21 the students, the students were placed in places where  
 22 there wasn't any heating in the house, they were placed  
 23 in Airbnb accommodation when they were under 16. I also  
 24 understand that there are some concerns that some  
 25 children are being trafficked and then going missing

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1 **A. No. Currently, the national minimum standards state**  
 2 **that if a parent appoints a guardian, then the school**  
 3 **doesn't have any obligation to do any checks on the**  
 4 **guardian.**  
 5 Q. As far as you're aware, do schools do checks on  
 6 guardians if they're not part and parcel of an  
 7 organisation like yours? I think you're the only  
 8 organisation that provides these services in the  
 9 United Kingdom; is that right?  
 10 **A. Yes, that's right. As far as I understand, because of**  
 11 **the national minimum standard, if a parent appoints the**  
 12 **guardian, as I understand it, the schools don't get**  
 13 **involved with the guardianship arrangement. I think the**  
 14 **confusion comes in due to the tier 4 visa sponsor**  
 15 **responsibilities, where the school does have**  
 16 **responsibility for the child in and out of school**  
 17 **grounds.**  
 18 Q. What do you think about -- we have had some occasions in  
 19 this hearing this week where individuals who are school  
 20 staff have been identified as acting as educational  
 21 guardians for children. Does AEGIS have any views about  
 22 this?  
 23 **A. Yes. AEGIS' best practice dictates that it's preferable**  
 24 **for a guardian to be independent of the school, due to**  
 25 **conflicts of interest and the fact that a child needs an**

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1 using the regime as it currently operates. Is that  
 2 right?  
 3 **A. Yes.**  
 4 Q. Would you like to tell us a little bit about that?  
 5 **A. We do know of cases where a student has a legitimate**  
 6 **place at school and has used an AEGIS-accredited**  
 7 **guardian, for example, and all the paperwork,**  
 8 **everything, was absolutely fine and then the children**  
 9 **did disappear once they arrived.**  
 10 Q. You have also identified other situations whereby  
 11 unaccredited agencies are using somewhat unorthodox,  
 12 methods, shall we say, to attract families to undertake  
 13 home stays. Could you give us an example of where this  
 14 has happened?  
 15 **A. There was one case, for example, where an overseas pupil**  
 16 **who was under the age of 16 had an unregulated guardian,**  
 17 **and he produced a flyer with personal details of**  
 18 **the student and her photo and leafleted an area of**  
 19 **houses near the school and recruited a family in that**  
 20 **way, and no safer recruitment checks were carried out,**  
 21 **so no DBS checks, and that's how the family was**  
 22 **recruited.**  
 23 Q. Is that something which is very unusual and a one-off,  
 24 or do you suspect that that sort of behaviour is quite  
 25 common? Maybe not as extreme as that, but that there is

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1 a lack of DBS checking, for example, of home stay  
 2 families?  
 3 **A. I would imagine so, because there is absolutely no law**  
 4 **that requires a home stay to have to have a DBS check**  
 5 **when hosting, aside from the private fostering**  
 6 **arrangements.**  
 7 Q. I suppose the question really is, why does there need to  
 8 be a licensing and registration system? This is  
 9 something that parents enter into with their eyes wide  
 10 open. It should be their responsibility to check these  
 11 matters. Why should the state become engaged?  
 12 **A. I think that some parents automatically assume, as do**  
 13 **a lot of people in the UK, that there is some sort of**  
 14 **regulation around home stays and guardians. When I've**  
 15 **spoken to agents, for example, they have automatically**  
 16 **presumed that -- some have automatically presumed that**  
 17 **there would be DBS checks as a minimum for home stay.**  
 18 Q. What do you mean by "agents"?  
 19 **A. Sorry, agents recruit students -- it is like a placement**  
 20 **service they offer. They are often the go-between**  
 21 **between the parent and the school.**  
 22 Q. Perhaps you'd like to explain a little bit -- members of  
 23 the general public who aren't familiar with the  
 24 recruitment of international students might not  
 25 understand this. Perhaps you'd like to explain to us

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1 Q. What do you mean by that? Are you talking about places  
 2 where there might be a lot of language schools --  
 3 **A. For example, yes.**  
 4 Q. -- alongside boarding schools who would be dealing with  
 5 children under the age of 18 and teaching them for  
 6 a summer, for example?  
 7 **A. Yes, that's right. My experience is that when there has**  
 8 **been a case that's of concern, LADOs will contact us for**  
 9 **advice about guardianship, and then they will be amazed**  
 10 **that there's no regulation, and they're completely**  
 11 **supportive of the work we do, and we've worked very well**  
 12 **together, but they are wanting regulation also, the ones**  
 13 **who we've worked with.**  
 14 Q. Have you had any meetings with the Independent Schools  
 15 Council, the Department for Education or the Boarding  
 16 Schools Association to discuss the creation of some sort  
 17 of regulation or licensing system?  
 18 **A. We have had meetings with the DfE around our concerns of**  
 19 **the unregulated nature of guardianship and, as we**  
 20 **understand, they are going to introduce -- planning to**  
 21 **introduce a new minimum standard around guardianship.**  
 22 **With regard to the Boarding Schools Association, we**  
 23 **partnered with them in June 2018 and the whole reason is**  
 24 **to raise awareness of best practice in guardianship**  
 25 **amongst schools and raise standards in general, so they**

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1 how the process works, then?  
 2 **A. Yes. So either a school -- sorry, a parent can find**  
 3 **their own school by themselves or there are educational**  
 4 **agents who run a sort of consultancy service and help**  
 5 **parents find the right school for their child and they**  
 6 **will place the student.**  
 7 Q. Do they operate in the UK, these organisations, or do  
 8 they operate in the countries from which they recruit?  
 9 **A. Both. There might be a local agent and they travel to**  
 10 **the UK on a regular basis, or they might be UK based.**  
 11 Q. What do you think the minimums should be of any  
 12 registration or licensing system?  
 13 **A. Our minimum standards, I would say, as a minimum.**  
 14 Q. Can I ask, obviously the local authority should or is  
 15 interested in the way that education guardians are  
 16 regulated or registered, because it doesn't matter  
 17 whether or not there's any system of accreditation, if  
 18 there's the potential of risk of harm or welfare to  
 19 a child, the local authority should get involved. How  
 20 familiar do you think local authorities are, or does  
 21 your organisation think local authorities are, with the  
 22 situation in respect of international students?  
 23 **A. I think the local authorities who are in a county where**  
 24 **there might be a large number of international students**  
 25 **might be aware of the guardianship type of arrangement.**

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1 **have been very supportive of our work.**  
 2 Q. Now, obviously, there might be a difference between  
 3 long-term home stays and short-term home stays. Do you  
 4 think that there should be any quantity of time -- if  
 5 there were to be a regulatory system, should it be, you  
 6 know, less than 28 days, there doesn't need to be  
 7 registration requirements; more than 28 days, there  
 8 does? And what could be the risks in that?  
 9 **A. I think that any family who is hosting an international**  
 10 **student -- it doesn't matter whether it is for a day or**  
 11 **ten days -- it's the same risks involved and I think it**  
 12 **needs to be regulated. There's more regulation and**  
 13 **licensing around looking after people's pets in your**  
 14 **home as a dog care business than there are looking**  
 15 **after --**  
 16 Q. So doggy daycare has more regulation than that for  
 17 children?  
 18 **A. That's right.**  
 19 MS SCOLDING: I don't think I have any further questions,  
 20 but please wait here, Mrs Wigglesworth. The chair and  
 21 panel may have questions.  
 22 THE CHAIR: No, we have no questions. Thank you very much,  
 23 Mrs Wigglesworth.  
 24 MS SCOLDING: Thank you very much, Mrs Wigglesworth.  
 25 **A. Thank you.**

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<p>1 <b>(The witness withdrew)</b></p> <p>2 MS SCOLDING: Chair and panel, the next witness is</p> <p>3 Mr Dale Wilkins of the Boarding Schools Association.</p> <p>4 Chair and panel, just for your reference, it is</p> <p>5 bundle D, tab B/18.</p> <p>6 MR DALE WILKINS (sworn)</p> <p>7 Examination by MS SCOLDING</p> <p>8 MS SCOLDING: Good afternoon, Mr Wilkins.</p> <p>9 <b>A. Good afternoon.</b></p> <p>10 Q. Thank you very much for coming to give evidence. Just</p> <p>11 a few preliminaries. Firstly, this isn't a test of</p> <p>12 memory. Please feel free to refer to any notes you've</p> <p>13 made or to your witness statement, and if you're unclear</p> <p>14 or don't know the answer, please feel free to say so.</p> <p>15 Secondly, we can stop as often as you need, and will</p> <p>16 be stopping, at any event, if you are still giving</p> <p>17 evidence at this time, at 3.15 pm for a short break.</p> <p>18 Thirdly, you have a bundle in front of you which has</p> <p>19 your witness statement in it and also other relevant</p> <p>20 documents, but documents will also come up on screen.</p> <p>21 If you need them to be enlarged or you're unclear,</p> <p>22 they're not clear for you, please do let me know and we</p> <p>23 will see what we can do. I ask this gentleman, Ralph,</p> <p>24 here, to get them up on the screen.</p> <p>25 Can I ask you to turn to tab A/1 of the bundle,</p> <p style="text-align: center;">Page 125</p>	<p>1 which is your witness statement. It is some 13 pages.</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. At the back, there was your signature, which has been</p> <p>4 marked over on your copy and on mine. Can you just</p> <p>5 confirm that you signed this witness statement?</p> <p>6 <b>A. I did.</b></p> <p>7 Q. And that it is true, to the best of your knowledge and</p> <p>8 belief?</p> <p>9 <b>A. Yes, it is.</b></p> <p>10 Q. So, Mr Wilkins, you have been the safeguarding and</p> <p>11 standards -- is it director, head of safeguarding and</p> <p>12 standards, I understand is your official title, at the</p> <p>13 Boarding Schools Association since September 2017. Is</p> <p>14 that right?</p> <p>15 <b>A. Yes, I've had some changes of title in recent times, so</b></p> <p>16 <b>I'm currently director of safeguarding standards and</b></p> <p>17 <b>training, but I've worked in that -- in the safeguarding</b></p> <p>18 <b>and standards role for the Boarding Schools Association</b></p> <p>19 <b>for two years.</b></p> <p>20 Q. Prior to that, I understand you had a career for</p> <p>21 31 years in boarding education, including as</p> <p>22 a designated safeguarding lead and a tutor on the</p> <p>23 Boarding Schools Association boarding practice course.</p> <p>24 You have also been an Ofsted CSCI, which was the initial</p> <p>25 regulator and inspector of social care, and then the</p> <p style="text-align: center;">Page 126</p>
<p>1 NCSC, which was the successor body to the CSCI, which</p> <p>2 was then -- then became Ofsted, as an inspector of</p> <p>3 boarding welfare provision. Is that right?</p> <p>4 <b>A. Yes. The NCSC came first in 2002 --</b></p> <p>5 Q. Oh, sorry --</p> <p>6 <b>A. -- and then CSCI and then Ofsted, and I was, I think</b></p> <p>7 <b>I recall, boarding sector professional inspectors in the</b></p> <p>8 <b>first instance and then boarding sector additional</b></p> <p>9 <b>inspectors later on.</b></p> <p>10 Q. You have also undertaken safeguarding and been involved</p> <p>11 with Dudley Local Children's Safeguarding Board between</p> <p>12 2001 and 2017; is that right?</p> <p>13 <b>A. It was around about 2011. I haven't got the date when</b></p> <p>14 <b>I officially started, but my first certificate was 2011</b></p> <p>15 <b>and I finished in 2017 when I took on the BSA role.</b></p> <p>16 Q. That was as a safeguarding trainer?</p> <p>17 <b>A. Yes, I was a multi-agency safeguarding trainer training</b></p> <p>18 <b>up to what was -- at that time, the parlance was</b></p> <p>19 <b>a level 3 advanced safeguarding with multi-agency local</b></p> <p>20 <b>authority partners.</b></p> <p>21 Q. Perhaps you'd just like to explain briefly what the</p> <p>22 Boarding Schools Association is and what it does?</p> <p>23 <b>A. It's a member association. We have, at the moment,</b></p> <p>24 <b>approximately 600 members, of whom around about 100 are</b></p> <p>25 <b>outside the UK. We have members in Scotland, we have</b></p> <p style="text-align: center;">Page 127</p>	<p>1 <b>members in Wales. In England, we have members who are</b></p> <p>2 <b>in state boarding schools. We also have -- the majority</b></p> <p>3 <b>of our schools are schools that are inspected by ISI, so</b></p> <p>4 <b>members of one of the ISC associations. We also have</b></p> <p>5 <b>a small number of residential special schools in</b></p> <p>6 <b>membership, and various other -- occasional FE colleges</b></p> <p>7 <b>with residential provisions. So we have quite a diverse</b></p> <p>8 <b>membership both in the UK and beyond.</b></p> <p>9 Q. Are you the first occupier of the post of director of</p> <p>10 safeguarding or head of safeguarding and standards or</p> <p>11 director of --</p> <p>12 <b>A. Yes, I am.</b></p> <p>13 Q. You identify in your witness statement that, for the</p> <p>14 first 30 years, the BSA was primarily a networking</p> <p>15 organisation, but that it now has a training element.</p> <p>16 When did the training element come to the fore or when</p> <p>17 was that introduced?</p> <p>18 <b>A. Yes, I think there are always elements -- small elements</b></p> <p>19 <b>of training or of advice. There was an early piece of</b></p> <p>20 <b>legal advice that was sent out in the early 1990s, but</b></p> <p>21 <b>fundamentally it was the arrival of a new national</b></p> <p>22 <b>director and a new director of training in the late</b></p> <p>23 <b>1990s, where the entire programme and direction of</b></p> <p>24 <b>the association first changed tack and really took on</b></p> <p>25 <b>the training brief in quite some substantial way.</b></p> <p style="text-align: center;">Page 128</p>



1 Q. So you run -- at the moment, you run something called  
 2 the certificate of professional practice in boarding  
 3 education?  
 4 **A. Yes, we do.**  
 5 Q. And a diploma course in boarding education. Can you  
 6 describe -- I don't think we need to know in any great  
 7 detail, but can you describe roughly who does them and  
 8 what the components of those qualifications are?  
 9 **A. So the certificate courses are run over two years. The**  
 10 **first year there are four training days spread over the**  
 11 **course of the year. The same in year 2. Participants**  
 12 **are expected to undertake some personal reflection,**  
 13 **they're expected to write assignments. Those**  
 14 **assignments are marked and moderated by the course**  
 15 **tutors. And those who attend those courses range from**  
 16 **right the way across the boarding sector, and we tailor**  
 17 **the material so that it's suitable both for those who**  
 18 **have a degree and those who are nongraduates, and**  
 19 **also --**  
 20 Q. So both -- not to typify or stereotype, so both for  
 21 those who might be undertaking a teaching role and those  
 22 who might be undertaking a more cape-type role?  
 23 **A. Yes, so we have specific modules for nurses and matrons,**  
 24 **for health and pastoral care staff, but also for those**  
 25 **who are working in boarding with an aspiration to become**

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1 **A. Numbers are --**  
 2 Q. You've got the numbers at paragraphs 10 and 12 of your  
 3 witness statement, which is BSA000012\_003. I think you  
 4 say 459 delegates who attended the certificate course  
 5 and 76 have been engaged in the higher level diploma  
 6 course?  
 7 **A. That sounds right. That's absolutely right, yes.**  
 8 Q. You then identify -- on at paragraph 13 -- that  
 9 significantly larger numbers have attended -- the next  
 10 page, please, Ralph -- have attended shorter courses?  
 11 **A. Yes.**  
 12 Q. Can I ask, what element is there of that of child  
 13 protection/safeguarding?  
 14 **A. So child protection, in the initial days of our**  
 15 **certificate and diploma programme, was seen, I think, by**  
 16 **schools as being the preserve of local authorities**  
 17 **because, in those days, it was very much the expectation**  
 18 **that the local authority would deliver the safeguarding**  
 19 **training. In more recent times, that's been less the**  
 20 **case.**  
 21 Q. When you say "more recent times", is that over the past  
 22 decade --  
 23 **A. It is over the past decade, yes. I think in particular**  
 24 **in relation to matters of budget cuts, a lot of the --**  
 25 **the impetus for training has been pushed back onto**

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1 **boarding leaders, which then leads on to the diploma**  
 2 **course, which is a one-year course with three training**  
 3 **days and a lengthy 4,500-word assignment at the end**  
 4 **where participants are asked to reflect on an element of**  
 5 **boarding practice, they are expected to do an action**  
 6 **research, a piece of research into a change they are**  
 7 **undergoing within their boarding environment. Those are**  
 8 **people who are either current or aspirational senior**  
 9 **leaders in boarding.**  
 10 **This year, we have just launched, as of September,**  
 11 **the very first small cohort of an MA in residential**  
 12 **education with the University of Buckingham, but that's**  
 13 **a very fledgling thing that's just taken off this year.**  
 14 Q. Is it a requirement of some schools that the individuals  
 15 within them undertake your certificate or diploma before  
 16 they can reach senior leadership level?  
 17 **A. Yes. We can't insist that schools do that, but some**  
 18 **schools certainly make it a requirement that members of**  
 19 **staff moving into senior leadership positions or into**  
 20 **boarding responsibilities should undertake our**  
 21 **certificate and diploma courses and we have regular**  
 22 **cohorts from particular schools where this is a regular**  
 23 **thing as part of their training package.**  
 24 Q. Roughly how many people do you train per year in these  
 25 courses?

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1 **schools. So in terms of the child protection element,**  
 2 **we have started to do more and more of that as part of**  
 3 **our courses. But in terms of the broader safeguarding**  
 4 **element, we have always had elements of safeguarding as**  
 5 **part of our courses, with mental health experts, experts**  
 6 **in bereavement -- loss and bereavement, experts in**  
 7 **matters such as eating disorders and various other areas**  
 8 **of safeguarding, online safety experts. So we pull in**  
 9 **a wide range of experts who we use either on our**  
 10 **certificate and diploma course, as part of the output**  
 11 **there, but also on bespoke elements of our day seminar**  
 12 **courses.**  
 13 Q. Other than that, I understand at paragraph 14 that you  
 14 undertake -- there is an annual safeguarding conference?  
 15 **A. Yes, correct.**  
 16 Q. As well as regional events which take place?  
 17 **A. Yes.**  
 18 Q. You have identified you also provide training materials  
 19 about signs and symptoms of abuse, child sexual  
 20 exploitation, harmful sexual behaviours and guidance on  
 21 the most recent DfE guidance on sexual harassment  
 22 between others; is that right?  
 23 **A. Yes, so some schools commission us to undertake training**  
 24 **in their schools, and those elements are always**  
 25 **included, but those elements are always included if**

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1 we're delivering one-day training courses as part of our  
 2 certificate and diploma courses and also we disseminate  
 3 some of that advice through our weekly newsletter and  
 4 also through our safeguarding newsletters, which I try  
 5 and get out a couple of times a term.

6 Q. I think you've described at paragraph 15 the recent  
 7 contents of those newsletters --

8 A. Yes.

9 Q. -- and, having looked at them, they include, for  
 10 example, coverage of the various hearings that we have  
 11 had which might have some relevance, issues around  
 12 sexting, issues around peer-on-peer abuse, various kind  
 13 of -- relevant and relatively up to date?

14 A. Yes, and, additionally, things that pop up from time to  
 15 time. There was a discussion at one point around  
 16 concerns around the drug Xanax, issues around online  
 17 content that was very disturbing. What I try and do is  
 18 distil what's going on at the moment for practitioners  
 19 and, generally speaking, it is a short piece which will  
 20 then refer them to, in the case of the inquiry, the  
 21 inquiry website, refer them to particular pages,  
 22 particular transcripts, and in terms of other matters,  
 23 refer them to particular items of guidance. In  
 24 particular, things like the work of the contextual  
 25 safeguarding network and also the sexual violence and

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1 Q. When was this first issued, this document?

2 A. It was first issued -- so this was the revised  
 3 version in May 2019. From memory, it was issued in  
 4 2018, in the middle of 2018.

5 The genesis of it was last year's BSA chair, who is  
 6 Martin Reader, head at Cranleigh School, wrote the bulk  
 7 of this, and it was in response to a number of  
 8 situations.

9 We'd had contact with NAPAC, the National  
 10 Association for People Abused in Childhood, and had done  
 11 some work with them. We'd also been contacted by some  
 12 of the victims and survivors, some of whom have been in  
 13 contact with the inquiry, who made contact with the BSA  
 14 and, you know, wanted to know what our position was and  
 15 what we were going to do about it, which led to our  
 16 safeguarding statement in the light of the Alex Renton  
 17 documentary on ITN and, as the year moved on, we felt  
 18 that we really needed to get some advice and guidance  
 19 out there from four schools that spelled out really what  
 20 we felt the position was and also gave them, I think,  
 21 the wherewithal to be able to find support for  
 22 themselves and for their staff so that they knew of  
 23 the kinds of things that they should have been thinking  
 24 of.

25 So one of the pieces of advice in the guidance, for

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1 sexual harassment guidance.

2 Q. You've also produced some briefing papers. One of them  
 3 I'd like to take you to now. It's behind tab 20 of your  
 4 bundle. But BSA000008. It is a briefing paper. Could  
 5 we go to the next page, please, Ralph. And the next  
 6 one. If we could just -- yes. This is really about how  
 7 heads deal with non-recent sexual abuse. How did such  
 8 guidance come about and why was it needed?

9 A. I think, if I can take that in reverse order, the reason  
 10 it was needed, I think, is that, although there are some  
 11 schools which have had allegations and are used to  
 12 dealing with them because they have been dealing with  
 13 them for a couple of years, or for even longer, I think  
 14 in the case of schools where they get an allegation --  
 15 an unexpected allegation out of the blue and they have  
 16 no experience of how to deal with it, no background of  
 17 how to deal with it, it can actually be quite  
 18 a difficult area for them to know exactly how to handle  
 19 that and to tackle that. I think also we felt it was  
 20 really important to have a piece of guidance that came  
 21 from the centre, where we were giving a view from the  
 22 sector as a whole, so that when they have conversations  
 23 with legal firms and with insurers, that they had  
 24 something to refer to, where we were giving our opinion  
 25 of what we felt.

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1 example, is to make sure that they've had those  
 2 conversations with their front-line staff who will pick  
 3 up the telephone so they know, you know, how to handle  
 4 that.

5 Q. Shall we have a quick look through some of it? Can we  
 6 go to \_006, please, Ralph. It says:  
 7 "Responding to an allegation can be very complex.  
 8 Different levels of responsibility."  
 9 The example you give is it will often be a school  
 10 receptionist who receives the school and will have  
 11 somebody tell them their story. So that's where we pick  
 12 up with the front-line staff?

13 A. Yes, absolutely. If it is the case that that person has  
 14 never had a call of that sort before -- I think it is  
 15 from two perspectives. Firstly, it is about making sure  
 16 there's the right level of support there for the  
 17 receptionist, but, also, we are very conscious of  
 18 the fact that victims and survivors tell us that the  
 19 first -- you know, taking the courageous step to contact  
 20 a school, which can sometimes be many years after the  
 21 abuse has happened, as the inquiry knows only too well,  
 22 is a real step for some people and to get an immediate  
 23 knockback from the person who answers the phone, because  
 24 they don't know how to handle it, can be very  
 25 distressing, so it is trying to make people aware of how

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<p>1 <b>important it is to try and get those initial</b>                  2 <b>conversations right.</b>                  3 Q. If we go to _008-009, so we have got advanced planning                  4 here. If we look at _008. It is:                  5 "Review the processes; make sure that you have                  6 identified all key staff; include victim response                  7 training for key staff; consider the different                  8 scenarios; have guidance in place to respond."                  9 In fact, the point you just made is there on that                  10 page:                  11 "Remember that a phone call is the end of a long                  12 process. The victim is therefore very vulnerable at                  13 this point."                  14 And draw up a checklist for what you could say to                  15 a victim. Ralph, could you go further down that page,                  16 so we can have a look. Say that you are very sorry,                  17 show belief, ask whether or not it's been passed to                  18 authorities, ask them that and let them know that you                  19 have to inform the appropriate people?                  20 <b>A. Yes.</b>                  21 Q. I think we can see you're attempting to introduce                  22 a degree of standardisation of response and a response                  23 which takes into account the needs of victims and                  24 survivors; is that right?                  25 <b>A. Yes. I think -- I actually characterise it more as</b></p> <p style="text-align: center;">Page 137</p>	<p>1 a sensitivity of response, in terms of being responsive                  2 to the needs of victims and survivors. We know that not                  3 every victim and survivor will find any solace                  4 whatsoever in what BSA or the schools have to say, but                  5 we have found that by engaging actively with those who                  6 wish to come forward and speak to us, or speak to the                  7 schools, we have actually found that that's been a very                  8 important experience for us as a sector as well, and we                  9 have had, as I think I've alluded to in my witness                  10 statement, you know, one victim -- one survivor that the                  11 chair and I went to visit last summer. We are obviously                  12 in touch with people such as Alex Renton. And another                  13 survivor who has actually done some training for us. He                  14 did some training at one of our safeguarding workshops                  15 talking about his experiences and trying to put into                  16 words for the audience exactly what it felt like and how                  17 it's impacted on his life.                  18 I think bringing those things into the conversations                  19 within schools are really important so that people                  20 understand that it may well be that the abuse happened                  21 30 or 40 years ago, but, for the individual survivor, it                  22 is very live and very current and it is very important                  23 that we take that seriously.                  24 Q. Can we have a quick look at _009, please, Ralph. This                  25 is, again, about managing expectations and about</p> <p style="text-align: center;">Page 138</p>
<p>1 acceptable language, and I was particularly interested:                  2 "Schools need to be very sensitive about the                  3 language they use and to avoid using the word 'closure'                  4 as victims and survivors say they do not have closure."                  5 But also making sure you don't get drawn into the                  6 detail as you want to make sure you're not contaminating                  7 any potential police investigation there might be?                  8 <b>A. Yes, and I think that's actually much easier to write in</b>                  9 <b>a document than it is to do in practice. Because my</b>                  10 <b>experience is that when survivors -- and all of the ones</b>                  11 <b>who have spoken to me have already been through the</b>                  12 <b>legal process, so there's been nothing that's needed</b>                  13 <b>referring, but once you get them started, it's very</b>                  14 <b>important they should be able to say whatever they feel.</b>                  15 <b>But also we have highlighted in there as well</b>                  16 <b>sensitivity around words such as "historic" and</b>                  17 <b>"historical", which is something the inquiry itself has</b>                  18 <b>highlighted and making sure those sorts of terms are</b>                  19 <b>kept out of the agenda.</b>                  20 Q. The last page I would like to look at is _011. Ralph,                  21 could you get the whole page up? So this is the longer                  22 term. So this identifies, firstly, potentially offering                  23 counselling, potentially offering -- and you have                  24 a central list or you are starting to compile a central                  25 list of people who might have some expertise in this</p> <p style="text-align: center;">Page 139</p>	<p>1 area, and also supporting the wider community, so                  2 ensuring that there's counselling for teachers, and                  3 ongoing engagement with victims and survivors if they                  4 wish to do so. Then there's some various bits and                  5 pieces.                  6 <b>A. Yes, and on the back of that, we were asked, and have</b>                  7 <b>since done so, to produce a similar version for</b>                  8 <b>Scotland, where the legal situation is slightly</b>                  9 <b>different. So we have a now bespoke guidance document</b>                  10 <b>for Scotland as well.</b>                  11 Q. Following on from this, or at the same time as this, the                  12 Boarding Schools Association launched a Commitment to                  13 Care Charter on 1 February 2016, I believe it was?                  14 <b>A. That's right, yes.</b>                  15 Q. Ralph, would you mind putting this up on screen, please?                  16 It is BSA000003. This is the Commitment to Care                  17 Charter.                  18 <b>A. Yes.</b>                  19 Q. So what is this and what is it meant to do?                  20 <b>A. When it was first set up in 2016, it was effectively</b>                  21 <b>wanting to ensure that our schools felt that it was an</b>                  22 <b>absolute condition of membership that they should take</b>                  23 <b>safeguarding seriously.</b>                  24 Q. Ralph, would you mind enlarging it a bit? Because it is                  25 red, I can barely see it. Sorry, middle-aged lady here.</p> <p style="text-align: center;">Page 140</p>

1 Right, that's better. Please, carry on.  
 2 **A. The key points are the five points in bold with then**  
 3 **explanations in smaller type.**  
 4 Q. Yes.  
 5 **A. So, you know, our key view is that all schools that are**  
 6 **in membership of BSA should have those as absolute**  
 7 **commitments, that they should have the highest duty of**  
 8 **care in safeguarding; that anyone working in a school**  
 9 **will raise concerns immediately; that schools will**  
 10 **follow all statutory safeguarding guidance and laws and**  
 11 **report to the relevant authority, and to let us know as**  
 12 **well -- I will come back to that in a moment; support**  
 13 **any present pupils affected by abuse and offer support**  
 14 **to past pupils; and BSA, in return, will support member**  
 15 **schools which responsibly follow the charter, to the**  
 16 **best of our ability.**  
 17 Q. Can we go -- I think there is some information on the  
 18 rear of that.  
 19 **A. Yes, there is.**  
 20 Q. Could we turn to the rear, please, Ralph. So that would  
 21 be \_002. In other words, you have instituted a regime  
 22 whereby schools should inform. Is that "must" or "may"?  
 23 **A. In 2016 to 2017, it was, we wished them to; and**  
 24 **from September 2017, it was "must".**  
 25 Q. So the BSA is then told of all incidents where statutory

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1 Q. Who receives that information? That's you?  
 2 **A. Generally me. The authority lies with me, the chief**  
 3 **executive and the chief operating officer. We are the**  
 4 **ones who have access to the log and to the detail. One**  
 5 **of them will often receive things if I am away or**  
 6 **unavailable, but, generally speaking, the log is kept**  
 7 **entirely by me, although they have access to it if they**  
 8 **need to.**  
 9 Q. How long is this information kept for and for what  
 10 purpose is it kept?  
 11 **A. It's kept for the purpose of trying to establish and**  
 12 **trying to find out what the current situation is with**  
 13 **regard to abuse situations in boarding schools. For**  
 14 **example, although the requirement had been introduced**  
 15 **before the ITN documentary, I think what was key -- the**  
 16 **key moment for me was listening to Alex Renton in the**  
 17 **programme talking about the number of cases he had been**  
 18 **aware of and the awareness he had from Freedom of**  
 19 **Information requests of what was going on in the sector,**  
 20 **although it was noteworthy that not every local**  
 21 **authority responded to his FOI.**  
 22 **Before the charter, we would have had absolutely no**  
 23 **idea about any of that, and our feeling, as an**  
 24 **association, is that, if we want to be seen and want to**  
 25 **be viewed as taking the safeguarding of students in**

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1 agencies have become involved involving child sexual  
 2 abuse or safeguarding?  
 3 **A. That's the expectation, yes. Obviously, the**  
 4 **clarification is, we never know what we're not told, but**  
 5 **the expectation is that schools must tell us if there is**  
 6 **an ongoing case in their school.**  
 7 Q. Who is meant to be reporting this to you?  
 8 **A. Generally speaking, it is heads or pastoral deputies or**  
 9 **DSLs; whoever the school chooses to get to do that.**  
 10 Q. What sort of information is meant to be given?  
 11 **A. The absolute key -- and this is one of the issues we had**  
 12 **to explore in detail with schools when we first**  
 13 **introduced it -- is that we absolutely don't want to cut**  
 14 **across any requirements or obligations the schools have**  
 15 **in regard to statutory agencies. So this is not meant**  
 16 **to be a replacement for picking up the phone and talking**  
 17 **to the LADO. It is meant to be that, at a certain point**  
 18 **in time, when a case has reached a point where they feel**  
 19 **they can contact us, they let us know simply that they**  
 20 **have a live case or have a case, and that they give us**  
 21 **simply the information -- the barest of information --**  
 22 **effectively, I ask for whether it is current case or**  
 23 **a case of non-recent abuse and whether it affects**  
 24 **a staff member or whether it is a case of peer-on-peer**  
 25 **abuse.**

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1 **boarding schools as seriously as we possibly can, it**  
 2 **can't be the situation that we have no idea about what's**  
 3 **going on in our member schools.**  
 4 Q. So how many reports have there been to date?  
 5 **A. With the caveat that there have been, I think, three in**  
 6 **this academic year -- I have given the figures for --**  
 7 Q. Paragraph 29.  
 8 **A. Thank you very much.**  
 9 Q. It is BSA000012\_008, please. If you could enlarge  
 10 paragraphs 28 and 29, please. In fact, 28, 29 and 30.  
 11 **A. Yes. So this effectively -- although I wrote this**  
 12 **statement in the summer, of course schools weren't in**  
 13 **session at the time. So these are the statistics for**  
 14 **2017 to 2019 in paragraph 29. 173 reports, so if**  
 15 **I clarify that, 118 of those were allegations against**  
 16 **adults, 29 of those were allegations of current**  
 17 **incidents. Now, it's sometimes not immediately clear**  
 18 **whether to classify an incident as current or**  
 19 **non-recent. But generally speaking, current is**  
 20 **something which we consider to be live at the moment or**  
 21 **for a member of staff who is currently working in the**  
 22 **school.**  
 23 Q. Employed.  
 24 **A. 75 were of reports of non-recent abuse, and particularly**  
 25 **at the beginning of the compulsory reporting period in**

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1 2017, we had quite a lot of what I might call catch-up  
 2 notifications, where schools were letting us know of  
 3 situations that they had been dealing with over the  
 4 previous time.  
 5 In addition, there were 14 reports which were made  
 6 to me where, actually, what the staff were telling me  
 7 was that they had passed something on to the LADO but  
 8 the LADO had said, "Actually, this doesn't meet the  
 9 threshold", or, after an initial investigation, it was  
 10 referred back to the school to be dealt with. So  
 11 I categorised those separately so we could see that.  
 12 Then, of course, as is seen in paragraph 30, we have  
 13 also been notified of 55 cases of peer-on-peer abuse, of  
 14 which 41 were current pupils and 12 were of non-recent  
 15 peer-on-peer abuse, some of which actually went back  
 16 quite a long way.  
 17 Q. Has the Independent Schools Council supported your  
 18 attempt to try and gather some data about what's going  
 19 on on the ground?  
 20 A. Yes, they have, yes.  
 21 Q. Other than reporting the data, what else can they come  
 22 to you for, in terms of support and advice and guidance?  
 23 A. Well, in effect -- so the minimum expectation is that  
 24 they should tell me there's a case and that it's been  
 25 dealt with and referred to all of the relevant

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1 achieve.  
 2 Q. Yes.  
 3 A. I think what I would characterise --  
 4 Q. If we can get that guidance up briefly, that's  
 5 BSA000009. So this is further guidance.  
 6 A. Yes.  
 7 Q. It says:  
 8 "Why are we issuing further guidance?"  
 9 There's been some questions and queries about what  
 10 should be reported when, why, so then you identify, "Why  
 11 should cases be reported?", and you identify that,  
 12 really, it is to try and provide some data in order to  
 13 feed into safeguarding training and best practice; is  
 14 that right?  
 15 A. That's absolutely right. I think the -- if I can just  
 16 clarify what some of the concerns were at the very  
 17 beginning, essentially it was around schools wanting to  
 18 be reassured about two things: firstly, that by  
 19 disclosing anything to BSA, that we were going to be  
 20 absolutely watertight with what we did about that  
 21 information and that it couldn't possibly go anywhere  
 22 else; and also making absolutely sure, I think, in the  
 23 case of schools, that they weren't in conflict with any  
 24 of their statutory obligations by telling us anything at  
 25 all, which is why it's frameworked in the way that it

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1 authorities. But, obviously, in a confidential manner,  
 2 I'm also able to give advice, to be a bit of a sounding  
 3 board, if you like. We have informed -- a school might  
 4 say, for example, "We have informed a variety of people.  
 5 These are all the people we have told. Is there  
 6 anything we have forgotten?", and I might -- two  
 7 examples from practice that's actually happened: the  
 8 first would be a school that had completely forgotten  
 9 that they might have a duty to report to the  
 10 Charity Commission; and another case where they were  
 11 telling me of abuse where the alleged abuser had worked  
 12 in more than one school, and I asked them to go back and  
 13 clarify with the LADO that that was known to the LADO  
 14 and that the LADO had therefore been able to follow up  
 15 with another authority.  
 16 Clearly, I don't know the outcome of that, because  
 17 that then went back through to the LADO.  
 18 Q. Do you think that the Commitment to Care Charter has  
 19 helped change the way or sharpen the way that schools  
 20 are approaching safeguarding, both current issues but  
 21 also non-recent issues?  
 22 A. I'd like to think it has. I mean, certainly, in the  
 23 early days, it wasn't entirely straightforward, and  
 24 you'll notice that we issued additional guidance to try  
 25 and explain to schools what it was we were trying to

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1 is, so they're not -- so we don't ask for any details of  
 2 names of anybody. And the only time, effectively,  
 3 I will be told the name of the people involved is where  
 4 the case has gone to court and the information is in the  
 5 public domain.  
 6 Q. Now, what happens if you find out that schools don't  
 7 abide by the charter and how do you find that out?  
 8 A. Well, we can find that out by a number of ways, and by  
 9 cases coming -- cases being reported in the media that  
 10 we don't feel we know anything about. What we would do  
 11 about that is, I would be asked to interact with the  
 12 school, to find out from the school what the situation  
 13 is, to see if I can get more information about where the  
 14 school stands, and to date -- again, with that initial  
 15 caveat, that I only know what I know and what's been  
 16 disclosed to us, we had one school, which I think I've  
 17 mentioned in my statement, where we had serious concerns  
 18 that they weren't engaging with us, they weren't  
 19 engaging with any authorities, they were in dispute with  
 20 Ofsted, and we were -- or the board were on the verge of  
 21 putting proceedings in place whereby they were looking  
 22 at terminating that school's membership. The school, at  
 23 that point, stopped boarding and withdrew from  
 24 membership, in any case, although I think it was  
 25 inevitable that the board would have taken that step had

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<p>1 they had to.</p> <p>2 In more recent times, it's been the case that I have</p> <p>3 been asked to go into the schools concerned, I have</p> <p>4 consulted with them, I have consulted with the staff.</p> <p>5 In at least two cases, I have been given the opportunity</p> <p>6 of conducting a little review of my own within the</p> <p>7 school, and then been able to report back to the board</p> <p>8 on my findings, and on the assurances from the schools</p> <p>9 and the leadership teams, that they are in full support</p> <p>10 of the charter and of what the BSA aims for.</p> <p>11 Q. How do you monitor the effectiveness of this charter?</p> <p>12 A. I produce a report for the board on an annual basis.</p> <p>13 I have just completed a report for the academic year</p> <p>14 2018/19, which goes to our board meeting in November.</p> <p>15 Because this is sort of the second year, really, of</p> <p>16 the more formal cycle, we have now got for the first</p> <p>17 time data where we can look at levels of reporting, how</p> <p>18 are levels of reporting this year compared to last year,</p> <p>19 are we getting a full buy-in in terms of the proportions</p> <p>20 from the different associations with regard to all their</p> <p>21 schools supporting the charter, and the evidence</p> <p>22 indicates that we very much are.</p> <p>23 Of course, the other aspect of the charter which was</p> <p>24 something you highlighted in your questions to me before</p> <p>25 the inquiry is, why was the wording changed in 2017, and</p> <p style="text-align: center;">Page 149</p>	<p>1 one of the other aspects of it is, when I first came</p> <p>2 into post, it was attempting to reflect the fact that we</p> <p>3 have an international membership. So there is nothing</p> <p>4 in the charter that could not be supported by a school</p> <p>5 in Scotland or by a school in Wales or by a school in</p> <p>6 any other country, and we have actually had</p> <p>7 notifications from other parts of the UK.</p> <p>8 Q. At the moment, if a school fails an inspection and the</p> <p>9 failure of that inspection relates to safeguarding or</p> <p>10 regulatory action is taken by the Department for</p> <p>11 Education in respect of your schools within England or</p> <p>12 Estyn in respect of your schools within Wales or the</p> <p>13 Welsh Government, are you told about that as an</p> <p>14 organisation?</p> <p>15 A. It's worth perhaps also adding that in Wales it would be</p> <p>16 the Care Inspectorate Wales as well as Estyn.</p> <p>17 Q. I apologise, yes, I know there are two inspectorates in</p> <p>18 Wales who look at schools.</p> <p>19 A. Yes. It's a little bit patchy. We know at the moment</p> <p>20 from our own work that we currently have 23 schools in</p> <p>21 membership that are not currently compliant, for various</p> <p>22 reasons. We have been informed by DfE and by Ofsted</p> <p>23 about some of those failings, but we are not</p> <p>24 automatically informed. We are able to collect that</p> <p>25 data for ourselves, but it is a little bit -- going back</p> <p style="text-align: center;">Page 150</p>
<p>1 to the Freedom of Information thing, we actually have to</p> <p>2 trawl through and dig that information out. There is no</p> <p>3 formal process for us to find it. I think possibly,</p> <p>4 also, with regards to the charter, it is worth</p> <p>5 clarifying, for the panel in particular, that</p> <p>6 a safeguarding failure or an inspection failure is not</p> <p>7 in itself a breach of the charter. The charter is clear</p> <p>8 that it's the failure to respond to those kinds of</p> <p>9 issues which is potentially a breach of the charter, and</p> <p>10 we feel that, actually, it is precisely at that moment</p> <p>11 when a school has an inspection failing or has</p> <p>12 a safeguarding failure where actually the value of</p> <p>13 the membership of the BSA is at its most acute, because</p> <p>14 we can then offer assistance and we can offer to either</p> <p>15 send our own people in or send myself in or put them in</p> <p>16 touch with relevant experts who can help them to get</p> <p>17 back to compliance.</p> <p>18 I think, as you know from the evidence of</p> <p>19 Ms Richards and Ms Humphreys over this part of</p> <p>20 the inquiry and other parts, that safeguarding failures</p> <p>21 come in a number of different guises. So I think some</p> <p>22 of them are relatively quickly and easily fixed,</p> <p>23 although they are failings --</p> <p>24 Q. Some of them could be administrative or regulatory --</p> <p>25 A. Yes, things, for example, where something has been</p> <p style="text-align: center;">Page 151</p>	<p>1 missed off the single central register, there hasn't</p> <p>2 been a barred list check for a particular individual,</p> <p>3 and, as soon as that is put right and those who</p> <p>4 reinspect are satisfied, then the matter is dealt with.</p> <p>5 Whereas, if it is more cultural and more endemic that</p> <p>6 the safeguarding failure is part of the fabric of what's</p> <p>7 going on, I think that's when we see more in-depth</p> <p>8 action plans from ISI or -- for ISI or for Ofsted. We</p> <p>9 have on occasion been asked to work with schools on</p> <p>10 helping them to comply with their action plans and, in</p> <p>11 fact, both with member schools and with non-member</p> <p>12 schools with Ofsted, we have done that work for them.</p> <p>13 Q. Obviously this charter is a form of mandatory reporting,</p> <p>14 really, isn't it?</p> <p>15 A. Yes, it is.</p> <p>16 Q. You identify in your witness statement that you consider</p> <p>17 that mandatory reporting of allegations -- does this --</p> <p>18 is this allegations, suspicions or disclosures? Is it</p> <p>19 all of those three or just one part of those three, that</p> <p>20 there should be some form of disciplinary, regulatory or</p> <p>21 criminal offence created of failing to report child</p> <p>22 sexual abuse; is that right?</p> <p>23 A. Yes. I think it is a very -- I mean, I attended both of</p> <p>24 the seminars on mandatory reporting, and it is a very</p> <p>25 complex picture. I think what -- if I go back to my</p> <p style="text-align: center;">Page 152</p>

<p>1 time as a DSL, as a DSL, the last thing I wanted my                  2 front-line staff to be doing was to be considering about                  3 which different avenue of reporting they needed to be                  4 going down and did the matter meet this threshold or                  5 that threshold or did they have this responsibility or                  6 that responsibility. I wanted my front-line staff to                  7 know that they had to report any concerns immediately.                  8 I think the vast majority -- well, hopefully all DSLs in                  9 all schools would feel exactly the same.</p> <p>10 But around the particular issues of mandatory                  11 reporting, the issues for me are things like mandatory                  12 reporting of what? It is not always immediately                  13 apparent that what you're dealing with is a case of                  14 sexual abuse. Physical abuse could actually turn out,                  15 when further investigated by the authorities, to have                  16 been sexual abuse. Should we be including emotional                  17 abuse? Where does neglect fit in all this? There is                  18 a big question about exactly what it is we should be                  19 asking for reporting of. By whom? So who should be                  20 covered?</p> <p>21 I know that Mandate Now, for example, with whom we                  22 have -- I would like to say a good working relationship,                  23 we speak to them and they speak to us, their view, if                  24 I'm not wrong on this, is that it should be all those                  25 who are in regulated activity to whom the duty should</p> <p style="text-align: center;">Page 153</p>	<p>1 fall.</p> <p>2 I absolutely fundamentally agree with that, except                  3 we know that there are one or two exceptions to                  4 regulated activity which would provide one or two                  5 loopholes if that was the end of it. So, for example,                  6 although the expectation, as was spelled out this                  7 morning and is spelled out in the statement by AGBIS is                  8 that all governing bodies and all governors in the                  9 members of the ISC in particular, but also members of                  10 state schools, would have a DBS check and would                  11 receive -- would be expected to undergo some                  12 safeguarding training, I think technically under the                  13 guidance they are technically not in regulated activity.</p> <p>14 Q. Well, they may not be --</p> <p>15 A. They may not be.</p> <p>16 Q. -- if they don't spend the quantity of time providing                  17 tuition or supervising it or things like that. It                  18 depends whether or not they meet the definition as set                  19 out in the Safeguarding Vulnerable Adults Group. So                  20 they may not be and the same could be said for                  21 proprietors, if they don't engage in the physical                  22 teaching of children?</p> <p>23 A. So my worry would be that the cleaner, who has had no                  24 appropriate training as to what that person should or                  25 shouldn't do -- and hopefully that's not a case that</p> <p style="text-align: center;">Page 154</p>
<p>1 exists in any of our schools -- you know, would                  2 technically be under regulated activity in a boarding                  3 school because they have unsupervised access to                  4 children -- could be under a mandatory duty to report                  5 and yet a member of the governing body may not be. So                  6 there are some areas of confusion there about exactly to                  7 whom that duty should apply.</p> <p>8 Q. Do you have any views about to whom that duty should                  9 apply?</p> <p>10 A. I think our view, as an association, is that the primary                  11 duty should be the responsibility of the school --</p> <p>12 Q. Yes.</p> <p>13 A. -- in that --</p> <p>14 Q. So that would be the governing body --</p> <p>15 A. Yes.</p> <p>16 Q. -- or the trustees, whoever is the proprietor?</p> <p>17 A. And the leadership team. So, if a member of staff has                  18 not reported because they had not been trained properly                  19 as to what to do, then clearly that has to be the                  20 responsibility of those who failed to train them, in my                  21 opinion.</p> <p>22 Whereas, if a member of staff has wilfully chosen                  23 not to disclose something that they know they have                  24 a duty to disclose, I think that is a different matter.</p> <p>25 Q. It would be mandatory reporting to whom -- the police or</p> <p style="text-align: center;">Page 155</p>	<p>1 the local authority?</p> <p>2 A. I think, again, this is a huge issue for me. I think                  3 whatever system we bring in -- you will know from our                  4 statement, and ISC is in exactly the same position -- we                  5 are in favour of any form of mandatory reporting that                  6 improves outcomes for young people, and by that I think                  7 we mean any system that makes it easier for matters                  8 around abuse and abuse cases to be reported swiftly and                  9 without -- without delay and without obfuscation.                  10 I think the issue for me is that what I absolutely don't                  11 want to see, having been a practitioner on the ground,                  12 is for there to be an additional layer of reporting duty                  13 that in any way conflicts with what's already there.</p> <p>14 We have noticed, I think, in the inquiry, it already                  15 exists to a degree in the fact that, within school, the                  16 duty to report a matter relating to a child is with the                  17 DSL, but the duty to report an allegation against                  18 a member of staff is with the head, and there's                  19 absolutely the hope and expectation that those two                  20 people -- in fact, it is in the guidance, in Keeping                  21 Children Safe in Education, that they should be                  22 communicating with each other.</p> <p>23 But I think what I would hate to see under mandatory                  24 reporting is any element whereby we are adding to the                  25 difficulty and confusion for members of staff trying to</p> <p style="text-align: center;">Page 156</p>

1 **deal with these issues on the ground.**  
 2 Q. You also identify in your statement something which  
 3 others have also suggested to this inquiry,  
 4 particularly, I think, the NSPCC and the Children's  
 5 Commissioner, which is, irrespective of whether or not  
 6 mandatory reporting is made a duty, a criminal offence,  
 7 or some form of regulatory offence, that concealment of  
 8 abuse, ie, deliberate withholding of information, should  
 9 become a criminal offence. Is that right? Is that the  
 10 Boarding Schools Association position or your position  
 11 personally?  
 12 **A. I think it would certainly be my personal position.**  
 13 **I don't know that the association has taken a particular**  
 14 **view on that beyond our previous statement on mandatory**  
 15 **reporting, but I can't believe, knowing them as I do,**  
 16 **that any of the board would be against that concept.**  
 17 MS SCOLDING: Chair and panel, I know we started slightly  
 18 earlier, so I'm going to suggest that now might be an  
 19 appropriate moment for a brief afternoon break.  
 20 THE CHAIR: Yes. We will return at 3.15 pm.  
 21 MS SCOLDING: Mr Wilkins, just to remind you, you are under  
 22 oath.  
 23 (3.00 pm)  
 24 (A short break)  
 25 (3.15 pm)

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1 **to BSA, I put together a sort of toolkit that schools**  
 2 **could use to audit themselves against those standards**  
 3 **and I have updated that ever since and will do so again**  
 4 **when the next standards are issued, we think sometime in**  
 5 **2020.**  
 6 Q. So there are some minimum standards which are currently,  
 7 I understand, being redrafted?  
 8 **A. Yes.**  
 9 Q. Do you think those standards should be minimum? We have  
 10 had some evidence to this inquiry, which we will hear  
 11 about next week, that there should be a move from  
 12 minimum standards to what are sometimes identified as  
 13 quality standards?  
 14 **A. Quality standards.**  
 15 Q. In order to raise the bar, in terms of what's expected  
 16 of schools?  
 17 **A. Yes. I think it's a very complex issue, and I think if**  
 18 **they do go down the route of quality standards, they**  
 19 **need to be really very, very careful about how they**  
 20 **framework the grade descriptors, so that it is clear**  
 21 **what the criteria are for reaching a particular level**  
 22 **and what the criteria are for being considered to be**  
 23 **good as opposed to a minimum --**  
 24 Q. A satisfactory or a floor standard?  
 25 **A. Yes. There are certain things which, for example, are**

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1 MS SCOLDING: Thank you very much, chair and panel.  
 2 Mr Wilkins, if we can move on to another topic,  
 3 which is the national minimum standards.  
 4 **A. Yes.**  
 5 Q. Now, I understand that the Boarding Schools Association  
 6 assisted in their introduction, or at the very least was  
 7 one of the bodies consulted by the Department for  
 8 Education before they were introduced in 2002; is that  
 9 right?  
 10 **A. Yes. I think it might have been the Department of**  
 11 **Health for the original standards, but, yes, it was the**  
 12 **National Boarding Standards Committee and, at the time,**  
 13 **it was the chief executive or the national director, as**  
 14 **he was called in these days, Adrian Underwood, and our**  
 15 **director of training, Tim Holgate. We worked very**  
 16 **closely in conjunction with people such as, for example,**  
 17 **Dr Roger Morgan, who became the children's rights**  
 18 **director, and as a result of that, we were also**  
 19 **involved -- BSA at the time, but also myself**  
 20 **professionally were involved -- in the first phase of**  
 21 **appointing and training the first cohort of boarding**  
 22 **sector professional inspectors. So it was all part of**  
 23 **the same continuous piece of work.**  
 24 **So BSA has been involved in that right from the**  
 25 **start, and as a school practitioner at the time linked**

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1 very much a case of compliant or not. So, for example,  
 2 if, under standard 2, you have the number for the Office  
 3 of the Children's Commissioner displayed, you are  
 4 compliant. If you haven't, you are not. So some  
 5 matters are very straightforward. Some matters are far  
 6 more complex. I just question how quality standards  
 7 would apply to standards such as, for example,  
 8 standard 11, which is --  
 9 Q. Can you tell us -- we did talk about standard 11 the  
 10 other day with the ISI, but perhaps you would like to  
 11 tell us a little bit about it?  
 12 **A. Standard 11 is the one which, I think in five lines, is**  
 13 **very succinct around child protection and safeguarding**  
 14 **but effectively refers practitioners to meet all of the**  
 15 **requirements of Keeping Children Safe in Education, and**  
 16 **any other guidance, which is 100-and-something pages.**  
 17 **How you would effectively put a quality descriptor in**  
 18 **against that standard -- it is certainly not impossible,**  
 19 **but I think one needs to be really careful about how**  
 20 **that was drafted.**  
 21 Q. If I remember rightly, and I think my understanding is  
 22 imperfect -- roughly accurate but not totally accurate,  
 23 it says something like, "must ensure the adequate  
 24 welfare and safety of children and promote their  
 25 safeguard -- promote their welfare" --

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1 A. Yes.  
 2 Q. -- "and must have regard to the relevant guidance"?  
 3 A. Yes. I think what would be unfortunate in a quality  
 4 standard, if, then, by means of measuring the quality,  
 5 you then had alongside Keeping Children Safe in  
 6 Education a whole list of other requirements that were  
 7 part of the quality standard side as opposed to -- so  
 8 I think there's a real conversation about how that would  
 9 work and how it would work at a practical level for  
 10 schools, but also for inspectors trying to inspect  
 11 against those kinds of standards.  
 12 Q. As someone who has been involved in the system since its  
 13 inception, some people have said to us they preferred  
 14 the more prescriptive level of the 2002 standards.  
 15 There were 50 standards. Each of these -- you could  
 16 almost tick a number of them off, "Met this, met this",  
 17 whereas the standards now are much slimmer but they're  
 18 much broader in terms of their interpretation. Do you  
 19 have any particular view about which style you think is  
 20 better for the protection of children?  
 21 A. I think there is a degree to which some schools would  
 22 like to be just, you know, "Just tell us what we need to  
 23 do and we will do it", and I think there is some merit  
 24 in that. I think if I go back, really, to the  
 25 development of that, partly it was naturally of course

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1 Q. Shall we get standard 5 up?  
 2 A. Yes.  
 3 Q. I think, Ralph, standard 5 is going to be -- it is  
 4 behind my tab 10. This is the one about boarding  
 5 accommodation; is that right?  
 6 A. Yes.  
 7 Q. Can we have a look at ISI001555\_006. I'm not entirely  
 8 sure whether this is the 2011 version or the 2015  
 9 version, but I suspect it matters not.  
 10 A. So it is not really there in the wording, but it's  
 11 interpreted by Ofsted in particular that the suitability  
 12 of the accommodation includes the suitability of  
 13 the boarders to share with each other and that schools  
 14 are expected to undertake risk assessments of how  
 15 a particular boarder is suited to share a room with  
 16 another particular boarder. So if a child has  
 17 particular needs, how a school assesses that. I think  
 18 just greater clarity about how -- what that means and  
 19 how that's interpreted within the standard would be very  
 20 helpful. In fact, many of the things I have in mind we  
 21 have already fed back to DfE and I know they have one or  
 22 two of them in mind for the revision of the standards  
 23 that's coming up.  
 24 Q. Can I now turn to a slightly different subject, which is  
 25 international students and where parents are abroad?

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1 because of the government slimdown of all documentation,  
 2 where everything that was long was brought down to be  
 3 much more concise.  
 4 Q. That was 2010, wasn't it?  
 5 A. That sort of tied in with the sort of period where they  
 6 were becoming ready for review. But I think, actually,  
 7 a lot of the work of the first set of standards was to  
 8 get people up to speed with what was expected because  
 9 they were the first set of standards. I know they then  
 10 went for the principle of core standards but, as you  
 11 identified earlier this week, does that mean, if it  
 12 isn't a core standard, does it not matter? I think that  
 13 was a difficult time. I think my view is, for want of  
 14 sitting on the fence, that probably somewhere in the  
 15 middle is where we need to be, simply because practice  
 16 has moved on and a lot of what was required in the first  
 17 set of standards probably doesn't need to be spelled out  
 18 in the same way, but actually, I think there are some  
 19 areas where we could have a little bit more guidance at  
 20 the moment.  
 21 Q. Do you have any suggestions of the areas where there  
 22 could be a little more guidance?  
 23 A. Yes, I'd highlight standard 5, where there is  
 24 a particular interpretation by Ofsted -- though not  
 25 necessarily by ISI -- as to how --

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1 A. Yes.  
 2 Q. The first question I want to ask you about is  
 3 guardians --  
 4 A. Yes.  
 5 Q. -- educational guardians. What is the view of the BSA  
 6 about the current licensing and regulation and  
 7 registration schemes for guardians or absence thereof?  
 8 A. Well, we support the view of AEGIS that it would be  
 9 immensely preferable for as many guardians as possible  
 10 to be properly accredited, and through accredited  
 11 guardian agencies. However, it's a hugely complex area,  
 12 because many people who live overseas might have family  
 13 members living in this country who become the guardian  
 14 for the young person.  
 15 Q. Do you think they should be subject to some form of  
 16 accreditation?  
 17 A. I think it would be very difficult to see -- in fact,  
 18 I believe that in order for that to be the case, there  
 19 would need to be some kind of primary legislation --  
 20 Q. Well, there would need to be.  
 21 A. -- which would be very difficult. I think that would be  
 22 very difficult for families and very difficult for  
 23 schools. But it does create, as I think perhaps  
 24 Mrs Wigglesworth highlighted, a space between those two  
 25 positions which unscrupulous operators are able to

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1 exploit.

2 Now, I believe -- I firmly believe -- that our

3 member schools take their responsibilities in this

4 regard very, very seriously, but, again, I think, just

5 linking back to our conversation a moment ago about the

6 national minimum standards, it's quite difficult for

7 schools in this regard because the NMS make it clear

8 that either the school is responsible for making the

9 arrangements, in which case it has a huge amount of

10 regulation and documentation to undertake, or the parent

11 is responsible, in which case it is not the school's

12 responsibility. But, clearly, against that is the

13 school's safeguarding responsibility. If it becomes

14 aware that the arrangements around a child are not safe,

15 then it has a safeguarding duty to act.

16 So, in effect, commonsense, the school's

17 safeguarding duty and duties under the NMS are actually

18 pulling in three different directions there.

19 Q. Yes, because the relevant standard under the NMS simply

20 says any guardians appointed by the school are subject

21 to the same recruitment processes as staff generally?

22 A. Or appointed by anybody on behalf of the school --

23 Q. Of the school.

24 A. -- such as if the school gets an agency to appoint them

25 on its behalf.

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1 school is the one that is actually putting the child in

2 the taxi or sending the child off at the end of term and

3 needing to know where they are going or which flight

4 they are on, et cetera, et cetera. There is a huge

5 variety of different possibilities as to how those

6 things can pan out. I think one of the problems with it

7 is that it is very difficult to put something absolutely

8 concretely in place that takes account of all the

9 different possibilities, in terms of what you might call

10 loopholes, I suppose.

11 Q. You also mention in your witness statement concerns that

12 schools have come to you about, about children who are

13 attending in the UK but where there are concerns about

14 their welfare when they are at home. How well do

15 boarding schools currently understand that they should

16 refer that to local authorities and local authorities

17 have a power to act, because they would be considered to

18 be, at the very least, habitually resident in the UK for

19 these purposes?

20 A. I think how I would characterise it is that schools try

21 very hard to establish good relationships with local

22 authorities and with local authority designated

23 officers, and in a huge number of cases, it's very, very

24 successful. But we do have cases where schools come to

25 us because they have tried to report the fact that they

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1 Q. Yes.

2 A. I think deciding where, has the school appointed the

3 guardian, has the school not appointed the guardian, is

4 very difficult. But if a school becomes aware -- for

5 example, in our guidance enquiries we have occasionally

6 questions on this matter, and schools will contact me

7 and say, "Look, you know, we've got a situation where

8 the child is with a person appointed by the parents. We

9 don't think the arrangement is safe. We have no

10 jurisdiction because it is the parents' call. We

11 haven't appointed the guardian. The parent refuses to

12 do anything about it". In those cases, I always -- and

13 I think schools don't need an awful lot of nudging in

14 this direction -- advise that they go through their

15 normal safeguarding procedures, and if they feel it is

16 unsafe, that they must contact children's social care

17 and ask them for an opinion.

18 Q. Do you think -- one of the things that I discussed with

19 Mr Bambrough this morning is that schools should

20 routinely do basic things, like maybe welfare checks, on

21 anybody who has a guardian just to make sure that where

22 they are going in the holidays is appropriate.

23 A. I think many schools do, in terms of finding out exactly

24 where the young people are. It may well be that

25 although the guardians have made the arrangements, the

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1 have concerns about a child who is resident overseas and

2 actually have had kickback from local safeguarding

3 partners that, actually, it is nothing -- either it is

4 nothing to do with them or there is nothing they can do

5 or they have investigated and they can't take it any

6 further, which puts the onus back on the school.

7 I had one school that contacted me and said their

8 local authority were telling them that because they were

9 an independent school, they had no access at all for

10 their pupils to any mental health services locally,

11 et cetera, et cetera. Now, those are only small

12 examples, and against that is a huge amount of very,

13 very good practice, and I know we have heard earlier

14 this week that some LADOs would consider that, actually,

15 it is quite difficult to get the schools to work with

16 them.

17 Q. Yes.

18 A. So I would certainly advocate that a closer relationship

19 between local authorities and independent schools would

20 be very favourable in terms of dealing with exactly

21 these sorts of issues. But I can tell you that I have

22 had cases where schools have come to me for that advice,

23 I have told them, "Yes, absolutely, you must go to the

24 local authority", and the local authority have taken

25 that on and have really gone to town with it and have

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<p>1 worked very, very hard to get the right outcome for the</p> <p>2 child and, in at least one case I know of, the child, at</p> <p>3 least in the short term, did not go home because the</p> <p>4 conditions back in the home were considered to be so</p> <p>5 unsafe that they didn't want to allow them to leave.</p> <p>6 Q. So, I mean, maybe something like a memorandum of</p> <p>7 understanding or a code of conduct, so that everybody is</p> <p>8 clear about what everybody's rights and responsibilities</p> <p>9 are between local authorities and particularly the</p> <p>10 independent sector, which tends to be a little more</p> <p>11 arm's length from the day-to-day running of a local</p> <p>12 authority practice?</p> <p>13 A. I would certainly agree on behalf of the independent</p> <p>14 sector, but having worked in a state boarding school for</p> <p>15 many years, I think some of the issues also arise with</p> <p>16 state boarding schools, which may be slightly removed</p> <p>17 from their local state networks, although they work very</p> <p>18 hard to maintain them.</p> <p>19 Yes, I think one has to understand that, from the</p> <p>20 local authority point of view -- and the local authority</p> <p>21 where I lived and worked for many years -- or still live</p> <p>22 and work for many years, there were three -- there were</p> <p>23 two boarding schools, there are now three, and they are</p> <p>24 as different as you can possibly imagine. There is</p> <p>25 a small independent school which just does home stay,</p> <p style="text-align: center;">Page 169</p>	<p>1 there is a majority state boarding school and there is</p> <p>2 a sixth form college with residential provision. You</p> <p>3 know, those are very much lone operators within the</p> <p>4 local authority. So getting the local authority to</p> <p>5 understand how that works can sometimes be quite</p> <p>6 difficult, and the relationship -- working on the</p> <p>7 relationship, you know, takes both sides, and I think in</p> <p>8 many cases -- for my part, my relationship with the</p> <p>9 local authority was always very, very good. But of</p> <p>10 course, particularly where you're dealing with</p> <p>11 children -- less so when you're talking about</p> <p>12 relationships with the LADO -- I worked in an area where</p> <p>13 there were five metropolitan boroughs and four counties</p> <p>14 within half an hour's drive even for the day pupils, let</p> <p>15 alone the boarders, who may be, you know, flung to the</p> <p>16 four winds.</p> <p>17 I think one of the big issues that schools would</p> <p>18 want me to say, and DSLs in particular, is that there is</p> <p>19 still too much -- it is still too much the case that one</p> <p>20 gets a different experience from different local</p> <p>21 authorities, particularly in terms of record keeping and</p> <p>22 filling in forms. I think I alluded in my witness</p> <p>23 statement to, you know, the fact that I have on occasion</p> <p>24 had to complete multiple forms because each local</p> <p>25 authority needs it on their own paperwork for the same</p> <p style="text-align: center;">Page 170</p>
<p>1 case with the same children.</p> <p>2 So I think there is a lot of work to be done.</p> <p>3 I think there is a huge willingness and I would say the</p> <p>4 willingness is increasingly on both sides. I know there</p> <p>5 are real concerns about how the new safeguarding</p> <p>6 partnership arrangements will work and where independent</p> <p>7 schools in particular will fit into that.</p> <p>8 Q. What are the concerns about that and where independent</p> <p>9 schools will fit in?</p> <p>10 A. I think one of the biggest concerns -- when I went to</p> <p>11 the Working Together to Safeguard Children consultation</p> <p>12 discussion, one of the big discussions was, who is going</p> <p>13 to pay for all this and how does the funding model work</p> <p>14 and where do independent schools fit in --</p> <p>15 Q. Just to clarify, so we can work back a bit, under the</p> <p>16 Children and Social Work Act the local children</p> <p>17 safeguarding bodies no longer exist?</p> <p>18 A. That's right.</p> <p>19 Q. There are partner agencies, which are the local</p> <p>20 authority, health and the police?</p> <p>21 A. Yes.</p> <p>22 Q. They can, in effect, co-opt -- I think it says that they</p> <p>23 can nominate people who then shall co-operate with them</p> <p>24 in the discharge of safeguarding functions?</p> <p>25 A. Yes. And I would imagine all independent schools would</p> <p style="text-align: center;">Page 171</p>	<p>1 want to be cooperated with, and co-operating, in that</p> <p>2 regard. I think there is no doubt in my mind that</p> <p>3 that's what's best for the children, what's best for the</p> <p>4 school, but also best for local authority arrangements</p> <p>5 as well.</p> <p>6 Q. Now, the Independent Schools Inspectorate have raised an</p> <p>7 issue with the inquiry about introducing something</p> <p>8 called the duty of candour arising, really, from</p> <p>9 situations they have had where, you know, you only know</p> <p>10 what you know. There is some sort of Donald Rumsfeld</p> <p>11 conversation about that. But do you think that</p> <p>12 introducing a duty of candour so that schools are under</p> <p>13 an obligation to provide information rather than it</p> <p>14 being something which should happen is something which</p> <p>15 should be introduced?</p> <p>16 A. I am certainly in favour, and I think BSA would be in</p> <p>17 favour, of the transparency that such an arrangement</p> <p>18 would bring in. I think I refer back to my previous</p> <p>19 comments about mandatory reporting, that any such duty</p> <p>20 has to work in conjunction with what's already there.</p> <p>21 But, as will be clear from my statement, we very much</p> <p>22 feel that we would want our member schools to be telling</p> <p>23 us when there are safeguarding failures, to be telling</p> <p>24 us when they are not compliant at inspections. So</p> <p>25 I don't think I could sit here and say that it is not</p> <p style="text-align: center;">Page 172</p>

1 appropriate for ISI to be doing the same thing and  
 2 asking the same questions.  
 3 Q. The last topic I have for you is about regulated  
 4 activity. Can you tell me about any gaps that the  
 5 Boarding Schools Association have identified or any  
 6 concerns they have about the way that the concept of  
 7 regulated activity works in respect of schools?  
 8 A. Yes, and I'm not an expert on regulated activity, and  
 9 wouldn't pretend to be, but I think there are -- one of  
 10 the issues, and I know this doesn't relate specifically  
 11 just to regulated activity. One of the issues I think  
 12 is an awful lot of guidance and legislation is written  
 13 on the education side with day schools in mind and  
 14 doesn't always take into account the quirks of the  
 15 residential side, and I think that's true of many  
 16 aspects.  
 17 With residential activity, I think some aspects of  
 18 the definition of "regulated activity" can cause schools  
 19 problems. If I, as a resident member of staff, have  
 20 someone come to visit, does that trigger the aspect of  
 21 regulated activity that that person is there and present  
 22 between 2.00 am and 6.00 am and, therefore, in regulated  
 23 activity? Because if I'm asleep, I can't be deemed to  
 24 be supervising my visitor, et cetera, et cetera. These  
 25 are things that schools have raised with us.

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1 A. This may be something that the inquiry would want to  
 2 take away and perhaps look at in phase 2. But one of  
 3 the things we do in our guidance work is refer people to  
 4 relative guidance when we need it. So, for example, if  
 5 we have peer-on-peer enquiries, we refer them  
 6 immediately to the sexual violence and sexual harassment  
 7 guidance. You were talking this morning about the issue  
 8 of touch or non-touch. There is, again, for the day  
 9 sector rather than the boarding sector, some guidance  
 10 for safer working practice. It's got a very easy,  
 11 trip-off-the-tongue name. I think it is "Guidance for  
 12 Safer Working Practice for Adults Who Work with Children  
 13 and Young People", which is published by the Safer  
 14 Recruitment Consortium, which, for many years, was  
 15 a document that schools were meant to adopt and  
 16 governing bodies were meant to endorse.  
 17 It's become less standard than it was a few years  
 18 ago, but it has recently been relaunched by the Safer  
 19 Recruitment Consortium, and it does cover issues such as  
 20 safe touch and physical contact and one-to-one  
 21 situations and dealing with issues around personal care,  
 22 et cetera, et cetera. But it's one of the other  
 23 concerns I have as a practitioner, that in the world  
 24 where adults working in boarding are becoming more and  
 25 more concerned about making sure they behave

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1 So it is little quirks such as that which I think  
 2 just need a little bit of investigating. I have  
 3 highlighted the one with regard to governors. I think,  
 4 also, it is worth just bearing in mind that in schools  
 5 a wider range of people fall under regulated activity  
 6 than would be the case in day schools. So there will be  
 7 all sorts of people who might perform functions in a day  
 8 school after 3.30 when all of the children have gone --  
 9 Q. Cleaners, independent contractors, those sorts of  
 10 individuals?  
 11 A. Yes, who tend, in boarding schools, to have to operate  
 12 when the boarders are present and, therefore, under  
 13 certain definitions, depending on how easy it is to  
 14 supervise them or not, could be considered to be in  
 15 regulated activity. These are the kinds of headaches  
 16 that schools have in terms of what checks they need to  
 17 do on which people.  
 18 So lots of work, I think, in that area in terms of  
 19 streamlining and clarifying exactly who it covers and  
 20 who it doesn't.  
 21 Q. That's very helpful, Mr Wilkins. I have no further  
 22 questions for you.  
 23 A. Could I raise just one issue which might be helpful, and  
 24 I hope it is?  
 25 Q. Of course.

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1 appropriately and properly towards children, what we  
 2 can't allow that to do is to create a space where,  
 3 because the adults don't want to go anywhere near the  
 4 bathroom areas or anywhere near the changing areas,  
 5 those become areas where bullying can take place and  
 6 we're actually creating the very problems we are trying  
 7 to remove, and I think looking at that guidance in  
 8 advance of phase 2 and perhaps considering how that  
 9 might apply more broadly to residential schools would  
 10 possibly be a helpful thing for the inquiry.  
 11 MS SCOLDING: That's very helpful. Thank you very much.  
 12 Please wait there. The chair and panel may have  
 13 questions for you.  
 14 THE CHAIR: No, we have no questions. Thank you very much,  
 15 Mr Wilkins.  
 16 (The witness withdrew)  
 17 MS SCOLDING: Chair and panel, we have no further witnesses  
 18 today. May I ask that we adjourn now to Monday morning,  
 19 when we will hear from Dame Christine Lenehan as our  
 20 first witness?  
 21 THE CHAIR: Yes, thank you very much.  
 22 (3.38 pm)  
 23 (The hearing was adjourned to  
 24 Monday, 7 October 2019 at 10.00 am)  
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