

1 Wednesday, 9 October 2019
 2 (10.00 am)
 3 THE CHAIR: Good morning, everyone, and welcome to Day 8 of
 4 this public hearing. Ms Scolding?
 5 MS SCOLDING: Good morning, chair and panel. The first
 6 witness we have this morning is Ms Karen Gaster, the
 7 executive principal of Southlands School.
 8 MS KAREN GASTER (affirmed)
 9 Examination by MS SCOLDING
 10 MS SCOLDING: Good morning, Ms Gaster. Thank you very much
 11 for coming.
 12 **A. Good morning.**
 13 Q. I have some preliminary things to say to you before we
 14 begin the questions.
 15 Firstly, this isn't a test of memory. There is
 16 a witness bundle in front of you with your witness
 17 statement. Please feel free to refer to that, or to any
 18 other notes you may have prepared.
 19 Secondly, we can stop at any time, and for any
 20 reason. Please let me know. We will be stopping at
 21 around 11.15 am, in any event.
 22 Thirdly, I've already mentioned the bundle. It is
 23 there in front of you, both with your witness statement
 24 and some other documents, but there is also a screen.
 25 If I am going to ask you to look at any particular

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1 are provided with at your school if they attend on
 2 a residential basis is provided through the children's
 3 home --
 4 **A. Yes.**
 5 Q. -- and the education element is provided through
 6 a school?
 7 **A. That's right.**
 8 Q. Is that right?
 9 **A. That's right.**
 10 Q. Can you explain why you have dual registration?
 11 **A. Under the legislation, we do have a number of young**
 12 **people where their needs are such that they have to be**
 13 **with us for 52 weeks of the year. Therefore, the**
 14 **residential element of the provision had to have**
 15 **a separate registration, to allow 52-week provision.**
 16 Q. You say "52-week provision". Does that literally mean
 17 that the children are with you every day of the year, or
 18 does it mean that they're with you most of the time but
 19 go home maybe for a couple of weeks a year?
 20 **A. It depends on the child. Some of the young people are**
 21 **with us for 52 weeks of the year, 365 days a year,**
 22 **absolutely. Others who do, who are permitted to go home**
 23 **to maintain those family relationships, that is all**
 24 **through agreement with the local authority and the**
 25 **social workers.**

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1 documents, I will also get them up on that screen.
 2 Chair and panel, it is core bundle E, tab B/6 for
 3 Ms Gaster's witness statement, I hope.
 4 Ms Gaster, can I ask you to turn to your witness
 5 statement, which should be behind tab A/1 of your
 6 bundle. Can I ask you to turn to the last page, which
 7 is page 41. Can you identify that you have signed this
 8 witness statement?
 9 **A. That's correct.**
 10 Q. Is everything within your witness statement true, to the
 11 best of your knowledge and belief?
 12 **A. It is.**
 13 Q. Thank you very much. You are Ms Gaster, and you are the
 14 executive principal of Southlands School. Could you
 15 tell us, firstly, what sort of school is Southlands and
 16 what does being an executive principal mean?
 17 **A. Southlands School is a special school for -- independent**
 18 **school. It is for children with Asperger's, which is**
 19 **high-function autism. The school is registered with**
 20 **Ofsted as an independent special school. However, we**
 21 **also have a children's home, which is registered with**
 22 **Ofsted, which is separate and quite distinct from**
 23 **Southlands.**
 24 Q. So is it the case that the residential element, in
 25 effect, the care element, of the education that children

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1 Q. At the moment, you have 57 students who are at the
 2 school, 18 of whom are day students and 39 are boarding?
 3 **A. That's right.**
 4 Q. Of those boarding students, how many are there on
 5 52-week-a-year placements?
 6 **A. 17 in total.**
 7 Q. So roughly half -- well, not quite half your boarders --
 8 **A. Yes, that's right.**
 9 Q. -- are there most of the time?
 10 **A. That's right.**
 11 Q. What ages of children do you cater for?
 12 **A. The ages range from 7 to 19. However, that's at the**
 13 **extremes. The general age range is probably between 12**
 14 **and 14.**
 15 Q. So children arrive with you at around the age of 12; is
 16 that right?
 17 **A. Yes, 11/12.**
 18 Q. Do most of them stay until they are 19?
 19 **A. No. Most of the time, by 16, we are looking to**
 20 **transition them to the wider community, to further**
 21 **education, and almost sort of employment -- so from 16**
 22 **onwards, they should be moving to the next step of their**
 23 **path.**
 24 Q. You identify their genders within your witness
 25 statement, and I understand there are 12 biological

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1 females, one of whom in fact identifies as male. So the
 2 rest of the students -- the vast majority of your
 3 students are male?
 4 **A. Yes. The numbers have actually changed very slightly.**
 5 **Since I wrote the statement, we have actually had a few**
 6 **more girls in, so we actually have a ratio of 1:4.**
 7 Q. So it is 75 per cent male --
 8 **A. Yes.**
 9 Q. -- 25 per cent biological female?
 10 **A. That's right.**
 11 Q. You identify -- you have obviously identified that they
 12 have Asperger's syndrome, high-functioning autism. How
 13 do they come to you? How do they end up being placed
 14 with you? Is it parental choice, is it that they have
 15 had difficulties within other settings? How do they
 16 arrive on your doorstep, so to speak?
 17 **A. It is probably a mixture. In the main, it's through the**
 18 **local authority referral, whereby the young people have**
 19 **had issues in prior placements, be it a mainstream.**
 20 **A lot of them, because of their condition and the way**
 21 **they present have probably been out of school for up to**
 22 **two years, so by the time they get to us, they're**
 23 **disaffected, shall we say, with education and not**
 24 **fitting in.**
 25 **Sometimes we get parental referrals, but all our**

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1 **profile insofar as they could be extremely gifted in,**
 2 **say, for example, English -- we have had one young**
 3 **person who has actually gone on to one of our UK lead**
 4 **universities this year. But that same young person**
 5 **would struggle with a GCSE maths, for example.**
 6 Q. That's interesting, because I would have thought it
 7 might have been the other way around.
 8 **A. Yes, it does -- you would say, with the Asperger's**
 9 **presentations, they tend to be quite rigid in their**
 10 **thinking, so something like a language, English**
 11 **language, for example, could be challenging, but on this**
 12 **particular case, the one I'm thinking about, he did**
 13 **actually buck the trend.**
 14 Q. So given that they are academically usually fairly able,
 15 if I put it that way, or within the neuro-typical
 16 cohort, shall we say, in terms of most of your
 17 children -- could most of your children take GCSEs and
 18 other kinds of formal qualifications?
 19 **A. Yes, absolutely.**
 20 Q. So why do they end up with you? You know, how does this
 21 happen, then? What difficulties or problems have they
 22 had in mainstream settings which have led them to be
 23 placed in a residential environment?
 24 **A. Children who have Asperger's, they're on the autistic**
 25 **spectrum. So, for example, they would have difficulties**

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1 **placements actually come through a local authority.**
 2 Q. So are they paid for largely by the Education Authority
 3 or by social services? I mean, how many of your
 4 children are looked after?
 5 **A. We have 17 young people who are looked after. They are**
 6 **generally paid for -- a combination of education and**
 7 **social services.**
 8 Q. Roughly -- I know you probably can't tell me exactly,
 9 but what are the rough, ballpark figures of what an
 10 annual placement at your institution would cost?
 11 **A. That really depends on the level of support the young**
 12 **person needs. So, for example, if a child was coming as**
 13 **a day placement, with very minimal support, then the**
 14 **figure would be around about £65,000/£70,000 a year.**
 15 **If, however, they were coming with one-to-one support in**
 16 **education, one-to-one support in the care provision, as**
 17 **well as intensive therapeutic input, that could be as**
 18 **much as £200,000/£250,000.**
 19 Q. So have the majority of your pupils -- you talk about
 20 them having Asperger's, so high-functioning autism. So
 21 I'm assuming that academically, at least in places, they
 22 can succeed within the neuro-typical range; is that
 23 right?
 24 **A. Absolutely. Absolutely. Their education --**
 25 **academically, they tend to have a little bit of a spiky**

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1 **with sensory processing. So they would be --**
 2 Q. What does that mean?
 3 **A. That would mean, for example, smells, excessive noise,**
 4 **taste, the feel of a particular material against their**
 5 **skin, that would distract -- that would distress them.**
 6 **They would also lack social -- picking up social cues.**
 7 **So they can't read facial expressions, for example; they**
 8 **are isolated -- because of that, they tend to be**
 9 **isolated in terms of friendship groups. So if they are**
 10 **in a mainstream school, they would probably be what is**
 11 **considered to be a bit of a loner. They can't make**
 12 **those relationships with their peers. They tend to be**
 13 **difficult in terms of abstract thinking and empathetic.**
 14 **They tend to live in their own type of world and meet**
 15 **their own needs.**
 16 Q. Is it usually the case that they have found it
 17 impossible to cope within a mainstream setting?
 18 **A. Absolutely.**
 19 Q. Is that largely because of -- what's that largely
 20 because of? Is that the sensory problems, the anxiety
 21 problems, the social problems?
 22 **A. Probably a combination of all. I think a lot of**
 23 **children who are Asperger's tend to have significant**
 24 **mental health issues, and this is something that, with**
 25 **mainstream schools, when you're looking at class groups**

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1 **of 20 to 30, can be particularly challenging, but when**
 2 **they come to us, they have class groups of between four**
 3 **and eight.**
 4 Q. You also identify in your witness statement a number of
 5 other disorders and difficulties which the range of
 6 pupils at your school can present with. For example,
 7 conduct disorders, Attention Deficit Hyperactivity
 8 Disorder, various other forms of anxiety disorders,
 9 depression. The full gamut of sort of mental health,
 10 anxiety and depressive range disorders. How does that
 11 impact upon your ability to deal with the pupils whom
 12 you receive?
 13 **A. Extremely tricky. Hence why we have a full therapeutic**
 14 **team working inside the school, actually employed by the**
 15 **school. We have a psychiatrist, clinical psychologist,**
 16 **speech and language therapists, OT, occupational**
 17 **therapists. So, when a child comes to Southlands, it is**
 18 **not just the education and care aspect, we are**
 19 **underpinning that with intensive therapeutic input as**
 20 **well.**
 21 Q. In particular, you identify something called PDA,
 22 pathological demand avoidance, and identify that
 23 a number of your pupils have that?
 24 **A. Yes.**
 25 Q. Now, I know that that's something which has been quite

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1 **before they happen.**
 2 Q. Can I ask as well, Ms Povey, told us about the different
 3 presentations of women to men in terms of autism. In
 4 terms of your cohort of biological females, how do they
 5 present themselves and is it different to the way that
 6 the young men present themselves?
 7 **A. Generally, yes, it is different. A lot of the girls,**
 8 **10 per cent more with the mental health; it is more**
 9 **obvious mental health issues. For example, self-harming**
 10 **and disordered eating. So the girls tend -- it is not**
 11 **just exclusive to girls, the boys, actually, can present**
 12 **in that way as well. Predominantly, it's the girls.**
 13 Q. Where do they tend to have come to you from -- from
 14 a mainstream setting or from a health setting?
 15 **A. If they are coming in at that level, in terms of**
 16 **self-harm and eating disorder, then it will be from**
 17 **a health setting.**
 18 Q. So they would have been in inpatient care, would they,
 19 before they arrive with you?
 20 **A. Yes, they would have been.**
 21 Q. You identify that -- obviously you're both a school and
 22 a children's home. But have you always had to be
 23 registered as a school and a children's home, or is that
 24 something which is relatively new?
 25 **A. Four years ago, before I actually got to Southlands, it**

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1 recently explored, certainly in the UK. Can you tell us
 2 a little bit about that and how it impacts upon your
 3 ability to manage the children in your care?
 4 **A. You're right, PDA is -- there is a lot of contentions --**
 5 **discussion around PDA, whether or not it exists or**
 6 **whether it is just purely bad behaviour and obstinance.**
 7 **PDA presents itself where a young person will**
 8 **actually categorically refuse to do something, for**
 9 **example. You could be asking them to participate in the**
 10 **lesson, it could be an outright "No". The way we would**
 11 **actually deal with a child with PDA is actually give**
 12 **them two choices, two options. So it is almost like --**
 13 **you know, you could either join in this lesson or you**
 14 **could actually work outside at this table. So you're**
 15 **giving them that choice. So they feel that they're in**
 16 **control, by making the decision, but either one is an**
 17 **option that we're prepared to work with.**
 18 Q. So I can imagine, in terms of welfare and safeguarding,
 19 that could be quite challenging, if you are asking them
 20 to do things to keep themselves safe?
 21 **A. Yes. I think this is where our vigilance and monitoring**
 22 **comes in. We know the young people extremely well.**
 23 **They have all got a sort of behaviour plan, a risk**
 24 **management plan, and the strategies we put in place to**
 25 **support the young people, we anticipate the behaviours**

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1 **was a residential special school. So the maximum term**
 2 **of placement they could have is up to 38 weeks. So the**
 3 **sort of -- four years ago, it changed, and that's when**
 4 **we became two distinct registrations.**
 5 Q. So now having had two distinct registrations, from your
 6 perspective, as somebody who has to implement them, what
 7 are the differences in the inspection regime, for
 8 example, for schools as opposed to children's homes?
 9 **A. Quite significant. I have also had experience of**
 10 **working and being head of a residential special school,**
 11 **but in the last eight years, I had led sites that are**
 12 **distinct registrations. Predominantly, the difference**
 13 **would be the level of scrutiny, the level of**
 14 **notification that a sort of -- a children's home and an**
 15 **independent school is required to work under Ofsted.**
 16 **Outside eyes looking in is constant, and the level**
 17 **of scrutiny and reporting outwards is markedly**
 18 **different.**
 19 Q. Is that helpful?
 20 **A. Absolutely, yes.**
 21 Q. Could you give us some examples of what ways it's
 22 helpful?
 23 **A. Okay. For example, we have to -- if we are making -- if**
 24 **there is a safeguarding incident, we would make**
 25 **a referral to our LADO, our local area designated**

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1 **officer. We would also pass that referral, that**
 2 **referral would go to Ofsted, and there have been**
 3 **occasions, if there's safeguarding, Ofsted will actually**
 4 **phone us or phone me and ask us about the particular**
 5 **referral, how is it progressing, and just have that**
 6 **level of attention, level of dialogue, professional**
 7 **dialogue.**
 8 Q. So there is a lot more hands-on sort of oversight of
 9 what's going on on a day-to-day basis; is that right?
 10 **A. Yes, absolutely.**
 11 Q. As far as the standards against which you're judged,
 12 obviously we have heard from various people that special
 13 schools are the national minimum standards, children's
 14 homes are the Quality Standards. Is there a difference
 15 in the expectations between the two?
 16 **A. Yes. From a practitioner's perspective, most**
 17 **definitely. The national minimum standards are just**
 18 **that: you aspire to achieve a minimum, which is an**
 19 **adequate position to be in. In Ofsted-speak, "adequate"**
 20 **would require improvement, so therefore, you know, by**
 21 **that definition, a school achieving just the minimum**
 22 **would be requiring improvement.**
 23 **Conversely, a school such as Southlands, whereby we**
 24 **have to aspire to standards, and those standards are**
 25 **significantly more challenging and exacting than the --**

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1 **example, a young person coming in, as an example, who**
 2 **has been out of school for two years. We'd work with**
 3 **them over a transition period, we would bring them in,**
 4 **and gradually sort of get them integrated by the social**
 5 **skills, the wider community type of involvement, and**
 6 **education, to the point that they are now working on**
 7 **a Saturday afternoon at a local garden centre, for**
 8 **example.**
 9 Q. Who is responsible -- obviously, in the children's home
 10 you would have a responsible individual, as I understand
 11 they're called.
 12 **A. Yes.**
 13 Q. In school, you have a designated safeguarding lead. Are
 14 they the same person or a different person?
 15 **A. No. I'm actually the responsible individual for the**
 16 **children's home, which legally means I am responsible**
 17 **for the safety, welfare and outcomes of those young**
 18 **people.**
 19 **The setup that we have at Southlands is -- I think**
 20 **it is quite unique, insofar as I have structured it in**
 21 **such a way we have an overriding designated safeguarding**
 22 **lead, who is my vice principal. The home has two**
 23 **registered managers, and they are both designated**
 24 **safeguarding leads, and the school has two DSLs as well.**
 25 Q. So you have, in effect, five people running

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1 Q. Can you give me an example of the ways in which they're
 2 significantly more challenging and exacting and how
 3 that's helpful for you as a school?
 4 **A. Okay. It's mostly around the outcomes of the young**
 5 **people, what we are required to deliver in terms of**
 6 **outcomes. So it's the outcomes for the young people,**
 7 **the expectation that the children will, and have to,**
 8 **make progress.**
 9 Q. When you say "outcomes", can you give us -- obviously
 10 not naming any individuals, but can you give me some
 11 examples of what is demanded under the Children's Homes
 12 Regulations that isn't in schools in terms of outcomes?
 13 **A. Just a sort of -- we have mentioned -- we will touch on**
 14 **this, I believe, later on, but in terms of advocacy and**
 15 **the voice of the child, it plays a significant part in**
 16 **everything we do at Southlands, particularly in the**
 17 **children's home. That is key, in terms of their voice**
 18 **is heard and their involvement in their education and**
 19 **their care planning.**
 20 **We are held accountable to the EHCP objectives. We**
 21 **agree them at the start of the pre-admission meeting, so**
 22 **that's quite a sort of well-attended affair with all**
 23 **parties at that meeting and, before the child actually**
 24 **attends the school, we are aware of what we are expected**
 25 **to do and achieve for that child. It could be, for**

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1 safeguarding -- two at the school, two in the home and
 2 one with overall control of both?
 3 **A. That's right. They meet weekly as a team and, as RI,**
 4 **I would sit in on those meetings to give the voice of**
 5 **challenge, just to make sure that things are all in**
 6 **order.**
 7 Q. During those weekly meetings, would there be quality
 8 assurance and management to make sure that things were
 9 going on well within the school and that accountability
 10 was taking place? Is that right?
 11 **A. Absolutely. From the safeguarding perspective, that**
 12 **would be the objective, yes.**
 13 Q. Within the school, you would have to have support and
 14 oversight from governors. How active a role does your
 15 governing body play in scrutinising and challenging you
 16 and the decisions that you and the school make?
 17 **A. Governance is every day, really. Officially, we meet**
 18 **three times a year. We have a board of governors**
 19 **chaired by the managing director for education. All**
 20 **parties within the -- from across the group would**
 21 **attend --**
 22 Q. You are a member of a group of schools?
 23 **A. Yes.**
 24 Q. All of whom specialise in teaching children, as
 25 I understand it, with some form of Autistic Spectrum

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1 Disorder; is that right?

2 **A. Yes.**

3 Q. So how many schools are there in the group in total?

4 **A. 36.**

5 Q. So it is quite a large organisation, in that respect?

6 **A. It is. For that reason, the governing body also is**

7 **attended by the -- we have within our area -- each area**

8 **has a regional quality lead, one for care, one for**

9 **education, so that individual would be -- those**

10 **individuals would come into the home and the school on**

11 **a monthly basis, meet with myself and fellow members of**

12 **the SLT. They would talk to the children, they would**

13 **observe practice, they would look at lessons, so it's**

14 **that level of quality. They then report directly back**

15 **to the MD, so it's almost like another level of scrutiny**

16 **for myself and the school.**

17 Q. So you have the governors coming in, but you also have

18 people coming in from the group overall on a monthly

19 basis?

20 **A. That's right.**

21 Q. Have your governors had relevant safeguarding training

22 in order to be able to inform themselves about

23 particular issues that your school may raise?

24 **A. Yes, they have.**

25 Q. Is that run alongside staff?

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1 **the schools, the overriding policy is there, and then**

2 **the local procedures are adapted to meet the needs of**

3 **the young people at each specific school.**

4 Q. So what happens when a safeguarding issue is raised at

5 your school and how frequently are such issues raised?

6 **A. In terms of frequency, we have, for example,**

7 **since January of this year, probably made three -- two**

8 **or three referrals to the safeguarding, to the LADO.**

9 Q. To the LADO?

10 **A. Yes.**

11 Q. Is that roughly the relevant annual -- or does it go up

12 and down, or is it dependent on the cohort of children

13 you have?

14 **A. It does depend on the cohort. One young person could be**

15 **responsible for two or three referrals, for example.**

16 **Unusually so, because we would have put measures in**

17 **place to work with them.**

18 **Sorry, the second part of the question was ...?**

19 Q. Do you know what, I'm afraid it's gone out of my mind as

20 well as yours. I think it's, what happens when

21 a safeguarding issue is raised?

22 **A. A safeguarding issue would be put on a cause for concern**

23 **form by any member of staff, they can actually raise**

24 **what they perceive to be a safeguarding issue. That**

25 **would go to the DSL or, if he is absent, one of**

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1 **A. Yes, it can be. All staff actually have to have -- we**

2 **actually -- we exceed the required minimum. All staff**

3 **have a level 3 face-to-face safeguarding training**

4 **delivered by our lead DSL. They also have online**

5 **safeguarding training they have to complete during --**

6 Q. And that's all staff, whether care or school staff?

7 **A. All staff, including admin and office staff as well,**

8 **yes.**

9 Q. You outline a number of safeguarding policies and

10 procedures in your witness statement. I don't think

11 I need to take you through them in any great detail.

12 There is a whole suite of them --

13 **A. Yes.**

14 Q. -- at paragraphs 49 to 56. Maybe, Ralph, we could get

15 that up on screen, _011 to _014. How often are your

16 policies updated and who keeps track of that?

17 **A. All policies are reviewed on an annual basis. The**

18 **overall responsibility would be the director of**

19 **improving Children's Services, his team. The**

20 **safeguarding policy, for example, is interviewed --**

21 **sorry, is reviewed at least annually.**

22 Q. Is this something -- are the policies devised by you as

23 a school or are they devised by the group and then, you

24 know, tweaked?

25 **A. Absolutely. I think, given the variability across all**

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1 **the deputy DSLs. It would be viewed as an SLT -- or**

2 **a team of the DSLs would look at the case. They would**

3 **actually refer it to LADO if they believed it was**

4 **a safeguarding concern, and negotiations with the LADO**

5 **if they thought it was to be a level 2 or 3, then that**

6 **would --**

7 Q. What's a level 2 or 3 concern?

8 **A. A level 2 would mean LADOs would agree that it's**

9 **a safeguarding concern. For example, they would insist**

10 **upon an internal investigation and they would actually**

11 **scrutinise that and challenge us on that. A level 3**

12 **would -- probably, we would actually pass everything**

13 **over and that would be investigated externally.**

14 Q. Who makes that decision? Is it you or the LADO who

15 makes the --

16 **A. The LADO.**

17 Q. Given the nature of your school, are you of the view

18 that the LADO has quite a good understanding of

19 the particular issues that children in your school may

20 face?

21 **A. Our LADO in our local authority, absolutely, yes. We**

22 **work very closely with the LADO. We can actually**

23 **contact them for advices if there is something we are**

24 **not quite sure about. They also visit the school at**

25 **least once a year, and I'm not saying that's -- that**

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<p>1 that occurs across the country, but we are particularly</p> <p>2 fortunate and have an exceptionally good LADO.</p> <p>3 Q. Does that make a really big difference, in terms of your</p> <p>4 ability to refer concerns to them --</p> <p>5 A. Absolutely, yes.</p> <p>6 Q. -- and ability to manage things effectively?</p> <p>7 A. Absolutely. When you have that professional dialogue,</p> <p>8 it encourages transparency, encourages that openness,</p> <p>9 and I think it's very supportive of the school.</p> <p>10 Q. You identify at paragraph 56 -- that's _014, please,</p> <p>11 Ralph -- that you have two forms: you have a concern</p> <p>12 form and you also have a serious untoward incident form.</p> <p>13 A. Mmm-hmm.</p> <p>14 Q. Can I identify, is a concern form about both serious and</p> <p>15 nonserious things? Is it what we might call a sort of</p> <p>16 low-level safeguarding reporting service?</p> <p>17 A. Absolutely. It is a low-level safeguarding reporting.</p> <p>18 Q. Could you tell us how that works and what sort of issues</p> <p>19 would be logged? Just give me a few examples.</p> <p>20 A. Any member of staff can complete a concern form.</p> <p>21 They're held loosely in the staff room or available</p> <p>22 online on the school internet. An example of a concern</p> <p>23 form would be a member of staff witnessing another</p> <p>24 member of staff, for example, pushing or speaking rudely</p> <p>25 to a child. It could be that that's something that that</p> <p style="text-align: center;">Page 21</p>	<p>1 member of staff would actually report that, and that</p> <p>2 would be taken very seriously and we'd pick that up. So</p> <p>3 anything, really, that a member of staff -- any member</p> <p>4 of staff -- is uncomfortable with, they report it to --</p> <p>5 and it goes straight to the DSL. We actually have red</p> <p>6 envelopes, so it gets put in an envelope and given to</p> <p>7 the DSL, so it is actually a high priority.</p> <p>8 Staff are required to report any concerns within one</p> <p>9 hour.</p> <p>10 Q. Who then analyses those concerns and decides what to do</p> <p>11 about them? What's the reason to have this kind of</p> <p>12 system?</p> <p>13 A. The DSL would analyse -- would receive all the concerns,</p> <p>14 or the deputy DSL in his absence. It would be logged.</p> <p>15 We would look at each case individually and the DSLs</p> <p>16 would discuss it, just to sort of next steps.</p> <p>17 Q. I understand you've also introduced something called</p> <p>18 a chronology of unexpected behaviours. So this is</p> <p>19 paragraphs 60 to 65 of your witness statement, which is</p> <p>20 _015.</p> <p>21 Again, this is about low-level concerns, and you say</p> <p>22 at 63:</p> <p>23 "... if ... they do not ... meet the criteria for</p> <p>24 a safeguarding referral [but] are repetitive in nature</p> <p>25 and/or form an established and recognised element of</p> <p style="text-align: center;">Page 22</p>
<p>1 the young person's presenting behaviours ..."</p> <p>2 How long has that been introduced for and how</p> <p>3 helpful have you found it?</p> <p>4 A. It's probably been about, to my knowledge -- I have been</p> <p>5 there a year, so in the last year we have actually used</p> <p>6 this extensively. It was where an unexpected</p> <p>7 behaviour -- it wouldn't necessarily be a concern, but</p> <p>8 it could be that it's unusual for that presentation for</p> <p>9 that particular child. An example would be -- a very</p> <p>10 recent example: a young person started bedwetting. That</p> <p>11 was an unusual presentation. We would check the</p> <p>12 chronology. If it's not in there, it's not something</p> <p>13 they have done before. We would monitor that very</p> <p>14 closely. We would record it on the unexpected</p> <p>15 behaviour. So it is not a concern, but it is something</p> <p>16 that is unusual presentation, unexpected.</p> <p>17 We would keep an eye on that, monitor it very</p> <p>18 carefully. We might -- and then just to see -- because</p> <p>19 it could be indicative of prior trauma before coming to</p> <p>20 us that would have to be investigated.</p> <p>21 Q. Has it also been helpful when you're dealing with</p> <p>22 external inspectors, at paragraph 66 -- _016, Ralph --</p> <p>23 I think you say:</p> <p>24 "Higher level scrutiny is also present through the</p> <p>25 school's weekly submission ... and allows for regional</p> <p style="text-align: center;">Page 23</p>	<p>1 QA [quality assurance] ... to challenge the school ..."</p> <p>2 Do they have a look through those sorts of logs to</p> <p>3 check you are picking up the right things or identifying</p> <p>4 the right patterns; is that right?</p> <p>5 A. Yes, they do.</p> <p>6 Q. At paragraphs 68 to 71, which is _017 to _018, Ralph,</p> <p>7 you identify that the school has made a number of</p> <p>8 developments over the past decade in its approach to</p> <p>9 safeguarding. Can we just go through those briefly to</p> <p>10 show them. So, firstly, increased focus and resource.</p> <p>11 I think we have heard about that already; is that right?</p> <p>12 A. Yes.</p> <p>13 Q. Training. So you say improvements have been made on the</p> <p>14 quality, consistency and breadth of the subject area.</p> <p>15 A. Yes.</p> <p>16 Q. How frequently is everybody trained? I think we</p> <p>17 identify a whole range of subjects, so county lines,</p> <p>18 breast ironing, honour-based violence, forced</p> <p>19 marriage -- the sort of issues that, ten years ago,</p> <p>20 might not have been things that people would have</p> <p>21 thought about. How often do you train your staff in</p> <p>22 those sorts of matters?</p> <p>23 A. Staff training, I think, in a setting such as ours is</p> <p>24 key. All staff who come in actually have a four-week</p> <p>25 induction, so they would have a week classroom-based and</p> <p style="text-align: center;">Page 24</p>

<p>1 during the first session of day one is the safeguarding</p> <p>2 training presented by the DSL.</p> <p>3 They would then have some time shadowing members of</p> <p>4 staff, more experienced staff, who model practice within</p> <p>5 the homes and the school, and then they would have</p> <p>6 a final week in the classroom.</p> <p>7 Q. Then you say as well, at the induction stage of</p> <p>8 recruitment, six-monthly and annually, at 68.2.</p> <p>9 A. Yes.</p> <p>10 Q. Are there six-monthly refreshers?</p> <p>11 A. Yes, there are. It is not just that sort of</p> <p>12 face-to-face training, but also the DSL would send out</p> <p>13 any updates, safeguarding updates, bulletins -- anything</p> <p>14 that is new that's come up. We sort of scour what's</p> <p>15 happening, if you like, to keep ourselves completely up</p> <p>16 to date of our practice.</p> <p>17 Q. Obviously, you have identified that you have got sort of</p> <p>18 four designated safeguarding leads. Have they all</p> <p>19 undertaken training in order to be able to train other</p> <p>20 people?</p> <p>21 A. Yes. Three of them have. So, in fact, training the</p> <p>22 safeguarding staff, yes.</p> <p>23 Q. You also say:</p> <p>24 "All staff receive regular supervision which</p> <p>25 provides space and time ..."</p> <p style="text-align: center;">Page 25</p>	<p>1 So that's both within the children's home and within</p> <p>2 the school --</p> <p>3 A. Yes.</p> <p>4 Q. -- for reflection. How useful do you find that?</p> <p>5 A. Extremely useful. It is not common practice for staff</p> <p>6 within a school to have a regime of supervision. I know</p> <p>7 that doesn't take place in a mainstream school, for</p> <p>8 example. All our staff are subject to six-weekly</p> <p>9 supervision, myself included. We meet with sort of</p> <p>10 a line manager or a key worker. Supervision I find</p> <p>11 exceptionally useful, not necessarily to address</p> <p>12 practice, but it gives that space for two people to</p> <p>13 spend an hour/hour and a half, just to discuss what's</p> <p>14 gone on and how they can best improve their practice.</p> <p>15 Q. That is a practice which is, I think, common in social</p> <p>16 work, but uncommon in school --</p> <p>17 A. Absolutely, it's extended, yes.</p> <p>18 Q. Can we go to 68.3, please, Ralph. "Debrief summaries".</p> <p>19 Can you tell us a little bit about this?</p> <p>20 A. This is for all staff. Obviously, there are times when</p> <p>21 staff may witness or be involved in a situation that can</p> <p>22 be quite emotionally challenging for them, and it is</p> <p>23 important that they're given that opportunity and that</p> <p>24 support to have a debrief and talk about what they have</p> <p>25 seen, and so forth. So it's a sort of -- in terms of</p> <p style="text-align: center;">Page 26</p>
<p>1 supportive measure for the staff. However, we also</p> <p>2 include debriefs as part of our overall scrutiny, where</p> <p>3 I will be involved in looking at the debriefs as they</p> <p>4 come through, just to see if we can learn anything</p> <p>5 different or anything new from that.</p> <p>6 Q. Can we go to 68.4, please, Ralph. Then documentation.</p> <p>7 You have identified that there is a sort of wide variety</p> <p>8 of forms, but in particular we are interested in the</p> <p>9 risk management plan, and the impact risk assessment.</p> <p>10 A. Yes.</p> <p>11 Q. Are you given enough information when children are</p> <p>12 placed with you in order to make those forms and plans</p> <p>13 effective? We heard yesterday and we have heard from</p> <p>14 various individuals who have said one of</p> <p>15 the difficulties is that people don't -- aren't</p> <p>16 necessarily given the information in order to be able to</p> <p>17 plan appropriately when children first arrive with them.</p> <p>18 Do you find that to be your experience?</p> <p>19 A. Well, they wouldn't actually join the school unless we</p> <p>20 did have all the information.</p> <p>21 Q. Right.</p> <p>22 A. An example -- I can give a very recent example. We had</p> <p>23 a young person who was referred to us on paper.</p> <p>24 I believed, and my team believed, that we could meet</p> <p>25 their needs. We started the process of gaining further</p> <p style="text-align: center;">Page 27</p>	<p>1 information, talking to the previous provider, talking</p> <p>2 to the social worker, talking to the previous</p> <p>3 residential home. There was bits of information --</p> <p>4 there were gaps in the information we had been provided,</p> <p>5 so we continued with the transition, but very slowly,</p> <p>6 still asking for more paperwork and more information.</p> <p>7 When we eventually did get it, it transpired there</p> <p>8 had been significant issues of sexual abuse on younger</p> <p>9 people, younger children, so that information, had we</p> <p>10 not been insistent upon asking for it, that child would</p> <p>11 be in our school. The impact on the other children</p> <p>12 could have been horrendous, but obviously we would have</p> <p>13 managed that, but we wouldn't have known about it so we</p> <p>14 wouldn't have been able to put the strategies and</p> <p>15 support in place.</p> <p>16 As it is now, we have actually withdrawn, which is</p> <p>17 a shame, because we do feel we can meet that child's</p> <p>18 needs. However, at this moment in time, their impact on</p> <p>19 the other children in the school would be too great, so</p> <p>20 we have said, this is the therapeutic input we would</p> <p>21 recommend for this particular child and we are happy to</p> <p>22 keep looking and talking to them and supporting them to</p> <p>23 a future date.</p> <p>24 Q. Have you taken children who have histories of sexually</p> <p>25 abusing other children or demonstrating histories of</p> <p style="text-align: center;">Page 28</p>

<p>1 sexualised behaviour?</p> <p>2 A. More the latter, demonstrating a history of sexualised</p> <p>3 behaviour. We would look at that very, very carefully,</p> <p>4 because, obviously, the wider impact and repercussions</p> <p>5 could be huge. So if we didn't feel that we could meet</p> <p>6 that child's needs, then we wouldn't take them.</p> <p>7 Q. Can we move to the next paragraph, please, Ralph. This</p> <p>8 is 68 to 69. You have also identified that you say that</p> <p>9 you exceed the minimum practice set out in -- how do you</p> <p>10 know that you exceed the minimum practice?</p> <p>11 A. Talking to my peers. One of the things that is part of</p> <p>12 the safeguarding training is all staff, again, across</p> <p>13 the board, all staff, have to read annex A of the</p> <p>14 Keeping Children Safe in Education. We have this</p> <p>15 dilemma, they say, "I've read it" and they might sign</p> <p>16 a bit of paper to say they've read it, but have they</p> <p>17 understood it and have they understood the implications?</p> <p>18 So we devised a questionnaire based around the Keeping</p> <p>19 Children Safe in Education document. After the sort of</p> <p>20 part of their induction, staff are required to complete</p> <p>21 the questionnaire, which is quite challenging, I think,</p> <p>22 and then they have to -- if they get anything that's</p> <p>23 sort of -- if we identify any areas of misunderstanding,</p> <p>24 they would meet one to one with the DSL.</p> <p>25 The questionnaire is updated as and when the</p> <p style="text-align: center;">Page 29</p>	<p>1 document is and, occasionally, we will just write</p> <p>2 another questionnaire just to make sure we are covering</p> <p>3 all aspects.</p> <p>4 Q. What do you think about the usefulness of Keeping</p> <p>5 Children Safe in Education for your kind of setting?</p> <p>6 A. It could be better.</p> <p>7 Q. In what way could it be better?</p> <p>8 A. I think in terms of the sort of referring to SEN</p> <p>9 children. Now, whilst I understand there's significant</p> <p>10 variability across all SEN schools and no one school is</p> <p>11 the same, so I don't think we need a separate document,</p> <p>12 so to speak. However, I do believe more reference</p> <p>13 should be made to the needs of SEN children. They can</p> <p>14 be quite distinct and quite different. Within Keeping</p> <p>15 Children Safe, there are referral points to other</p> <p>16 organisations but it would be good to have that in the</p> <p>17 body of the document and more reference made to SEN.</p> <p>18 Q. Is that in particular, I suppose, from your experience</p> <p>19 of where your children have come from? Is it the case</p> <p>20 that any of them have come from situations where you</p> <p>21 thought, maybe if there'd been a bit more understanding</p> <p>22 of their particular needs, they wouldn't necessarily be</p> <p>23 in your setting at this time?</p> <p>24 A. Yes, absolutely.</p> <p>25 Q. There's also been some guidance which has been published</p> <p style="text-align: center;">Page 30</p>
<p>1 called "Sexual violence and sexual harassment between</p> <p>2 children in schools and colleges". Now, that has,</p> <p>3 I think, three lines of reference to children with</p> <p>4 disabilities, in the entire document, which is about</p> <p>5 60 pages long.</p> <p>6 A. Yes.</p> <p>7 Q. Do have any views about that? I mean, we will come on</p> <p>8 to talk about some incidents where you've had to deal</p> <p>9 with sexualised behaviour or sexual behaviours between</p> <p>10 young people later, but do you have any views about its</p> <p>11 usefulness for your particular -- the children with your</p> <p>12 particular needs?</p> <p>13 A. It is a useful document, insofar as it helps -- it gives</p> <p>14 a much better sort of reference point to the nature of</p> <p>15 sort of abuse or sexual harassment. So from that</p> <p>16 perspective, it is very useful.</p> <p>17 However, again, I think there should be a section or</p> <p>18 integrated within that should be reference to SEN</p> <p>19 children.</p> <p>20 Q. I'd like to ask you a few questions about the voice of</p> <p>21 the child now. You've talked about the fact that, as</p> <p>22 a children's home, you have a visitor who visits monthly</p> <p>23 with the team and the staff.</p> <p>24 A. Yes.</p> <p>25 Q. Do they have any training or qualifications in working</p> <p style="text-align: center;">Page 31</p>	<p>1 with children with autism, as far as you're aware?</p> <p>2 A. As far as I'm aware, no, they don't. However, we</p> <p>3 actually use NYAS as our Reg 44-monthly visitor.</p> <p>4 Q. NYAS is the National Youth Advocacy Service?</p> <p>5 A. That's right.</p> <p>6 Q. That's a national service --</p> <p>7 A. It is.</p> <p>8 Q. -- which runs advocacy, particularly for looked-after</p> <p>9 children, but also for other children who live away from</p> <p>10 home?</p> <p>11 A. That's right. In terms of the voice of the child,</p> <p>12 I think our children -- there's sort of many different</p> <p>13 ways that their voice can be heard. Through NYAS, the</p> <p>14 monthly regulator visit, that is important. They will</p> <p>15 actually --</p> <p>16 Q. Do they find it useful? Do they go and see them? Do</p> <p>17 they talk to them?</p> <p>18 A. They can do. They can do. It is a little bit tricky,</p> <p>19 because the visits are unannounced most of the time.</p> <p>20 But the inspector will actually find -- seek the</p> <p>21 children out to talk to them. We also have --</p> <p>22 Q. Do they talk to them? Because I'm thinking a number of</p> <p>23 your children won't be terribly keen on talking to other</p> <p>24 people, or they may not be terribly keen on talking to</p> <p>25 other people?</p> <p style="text-align: center;">Page 32</p>

1 **A. I don't know. It depends on the child. Some are very,**
 2 **very keen to have their voice heard and they will**
 3 **actually tell the Reg 44 Visitor exactly what's going on**
 4 **in the school, quite vocally, and will challenge**
 5 **authority. So, yes, some are and some aren't.**
 6 **I think one of the statements within the NYAS report**
 7 **that comes to myself as RI and also goes to our director**
 8 **of improving children's quality and also the manager**
 9 **director for education is the inspector has to declare**
 10 **that in her belief, or his belief, the children are safe**
 11 **and well looked after --**
 12 Q. Do you think --
 13 **A. -- and that's monthly.**
 14 Q. Do you think that's valuable?
 15 **A. Absolutely it is, yes. The report will challenge and**
 16 **make recommendations to us. Dialogue -- professional**
 17 **dialogue can take place. We might disagree and we will**
 18 **have that sort of dialogue as to why. Most of the time,**
 19 **it is almost like an affirmation that we are doing the**
 20 **right thing.**
 21 Q. Have people who have worked in your environment when it
 22 was just a school noticed a change, either positively or
 23 negatively, since the Reg 44 Visitor has been coming?
 24 **A. Yes. I would say they have noticed, obviously, but**
 25 **I think it is a positive change. It's more the sort of**

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1 **their voice heard. So we have, for example, home**
 2 **meetings, weekly home meetings, where the children would**
 3 **sit with the home manager. We have school council. We**
 4 **have the Reg 44. Whenever the quality leads are on**
 5 **site, they will find children and talk to children, as**
 6 **would Ofsted when they come in twice a year. As**
 7 **governors, within part of the governance structure,**
 8 **children are invited to talk to the governors, be it one**
 9 **to one, without any other staff there.**
 10 Q. Can all your children express themselves verbally to
 11 a stage where they're able to articulate their wishes
 12 and feelings, or do some of them prefer to write them
 13 down or prefer to use alternative methods of
 14 communication?
 15 **A. The majority of the children are highly articulate.**
 16 **Occasionally -- we have one young person, for example,**
 17 **who is quite new to us. When she is feeling distressed,**
 18 **she closes down and is unable to verbalise her concerns.**
 19 **She has let us know that she likes to use Makaton to**
 20 **express her -- when she is distressed so now all staff**
 21 **have been trained in using Makaton.**
 22 Q. Just to make sure, Makaton --
 23 **A. It is a sign language.**
 24 Q. -- is a form of sign language which is not grammatical
 25 in nature, it is words rather than phrases?

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1 **the home managers, registered managers, it would impact**
 2 **on. But NYAS will come in -- the Reg 44 will come in**
 3 **and spend the whole day in the home talking to staff,**
 4 **talking to children, and staff obviously have that voice**
 5 **as well and one-to-one time with the NYAS Reg 44 Visitor**
 6 **as well.**
 7 Q. Do you have any views -- obviously, you are quite
 8 fortunate in having NYAS come in and having somebody
 9 come in and also your children -- obviously some of them
 10 you have said are quite vocal and challenging. Do you
 11 think it would be useful for all your children to have
 12 some kind of advocate, either individually allocated by
 13 the local authority to speak on their behalf as they go
 14 through adolescence?
 15 **A. We do also have a NYAS advocate who comes into the**
 16 **school.**
 17 Q. Right.
 18 **A. Her poster -- her face is sort of plastered around the**
 19 **school, there are posters around. It's telling children**
 20 **how they can get in contact -- via email, phone or just**
 21 **ask for her to come in or have a private conversation**
 22 **with her.**
 23 Q. Is that service used by your children and young people?
 24 **A. Probably not. And the reason I think it's not is**
 25 **because they have so many other opportunities to have**

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1 **A. Absolutely, yes.**
 2 Q. Can I ask about oversight by local authorities. How
 3 many different local authorities place children in your
 4 school?
 5 **A. We have approximately 26 local authorities.**
 6 Q. Do they all come to annual reviews?
 7 **A. I think we probably buck the trend a little bit. Our**
 8 **annual reviews, we work very hard in getting local**
 9 **authorities to attend. I would -- I worked out a short**
 10 **while ago, we have between 80 and 85 per cent attendance**
 11 **at annual reviews -- sorry, LAC reviews as opposed to**
 12 **annual reviews.**
 13 Q. So looked-after children reviews, most people come. How
 14 about annual reviews?
 15 **A. It's about 50 per cent.**
 16 Q. Right. An annual review is likely to be the only time
 17 that somebody from a local authority visits?
 18 **A. Yes.**
 19 Q. Because we have heard that children who are placed away
 20 in residential care, even if they're not looked after,
 21 are meant to be visited on a six-monthly basis by the
 22 local authority. Does that happen?
 23 **A. No.**
 24 Q. Do you know why it doesn't happen?
 25 **A. I would probably think -- my opinion would be probably**

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<p>1 resources, lack of resources, a capacity to commit to 2 that level of engagement. 3 Q. But obviously they're paying, as we have heard -- 4 A. Absolutely. 5 Q. -- a considerable sum of money on an annual basis for 6 one child? 7 A. Yes. 8 Q. If one thinks about the AWPU, so the annual weighted 9 pupil unit, per child, is usually about £4,000 in 10 a mainstream school, so if one thinks about the 11 comparator. Has that changed over the past decade? 12 A. In terms of attendance? 13 Q. In terms of attendance. 14 A. Probably not. From my experience, no. I think it's -- 15 we are -- we provide the local authorities with 16 comprehensive reporting, so they do get a report prior 17 to the -- ten days before the annual review. It will 18 look at the holistic aspects of all the child and their 19 progress and how we are achieving and working towards 20 the EHCP objectives. 21 Q. Will that be, what, a two-page document, a ten-page 22 document? 23 A. More like a 10- to 15-page document that we would 24 actually send out. 25 Q. How often do local authorities look at the quality of</p> <p style="text-align: center;">Page 37</p>	<p>1 the provision and the welfare aspects of the provision, 2 rather than just the educational outcomes, if I put it 3 that way, either before they place children or whilst 4 their children are placed there? 5 A. We have the -- one of the sort of methods that local 6 authorities can come in and scrutinise the school is 7 what's referred to as a form B visit. This is where the 8 local authority would come in and spend a day or more at 9 the school looking at things like policies and progress 10 and so forth. I've had one in the last 12 months I've 11 been there. 12 Q. What is your relationship like with the 26 different 13 local authorities, and particularly with their LADOs, 14 because there may well be occasions when you refer to 15 them. Is that consistent? Does that vary? If so, how 16 does it vary? 17 A. It varies. It varies in terms of the level of response 18 and engagement. So, for example, if we needed to 19 contact a placing authority, the LADO of a placing 20 authority, we would notify our local authority and LADO 21 and we would notify the local authority -- the placing 22 local authority. There are some times we fall between 23 the two, whereby they each would ask the other to take 24 the case up or communicate with us. We're communicating 25 outwards with both, and I think it's probably a lack of</p> <p style="text-align: center;">Page 38</p>
<p>1 cohesive or joined-up communications. The 2 Working Together to Safeguard Children is huge. It is 3 a great document, but it is not followed. 4 Q. So there are still kind of turf wars, so to speak, 5 between about who is going to be responsible for doing 6 what? 7 A. Absolutely. I think what will happen -- as at the end 8 of September, we have this sort of -- the partnership 9 arrangement. 10 Q. Yes. 11 A. This is quite new, and I'm hopeful that with CCG on 12 board, the police commissioner and the local authority 13 from the safeguarding perspective, we will actually have 14 a specific point of contact, so if we were feeling that 15 we were falling down and we weren't actually 16 communicating effectively, I would be thinking that I'm 17 going to be going to that particular local authority's 18 partnership. 19 Q. So you welcome the new changes because you think they 20 might give you more of a voice in the process? 21 A. Hopefully. 22 Q. Can I ask as well, do health people ever come in? 23 Because, obviously, you have talked about the fact, 24 particularly with the young women that you admit to your 25 school, a lot of them have come from inpatient services,</p> <p style="text-align: center;">Page 39</p>	<p>1 so they will be paid for, I'm assuming at least in part, 2 by the Clinical Commissioning Group? 3 A. Yes. 4 Q. Do they ever come and have a look around at the 5 provision and make sure that it's suitable for their 6 needs? 7 A. Yes. Just to sort of put it in perspective, we actually 8 only have two at the moment young people coming from 9 there. I do tend to sort of limit how many young 10 children come in from a tier 4 stepdown, the reason 11 being -- 12 Q. Can I just double-check, a tier 4 stepdown is -- tier 4 13 means that a young person has been in inpatient -- 14 A. Inpatient, that's right. So when they come to us, 15 because of the level of support they need and 16 therapeutic support, staffing support, I tend to sort of 17 keep their numbers very small, you know, where we can, 18 until they have actually integrated fully into the site. 19 To answer your question, we don't have any visits 20 from CCG, no. 21 Q. Now, can I ask, you have obviously got a very complex 22 set of children that you have to deal with. How do you, 23 firstly, deal with young men and young women living 24 together in a residential setting? 25 A. Given the presentations of our young people, I should</p> <p style="text-align: center;">Page 40</p>

<p>1 imagine I'm experiencing the same sort of problems as 2 any school would where they have mixed genders. From my 3 perspective, it's very positive, purely because what we 4 are trying to do is, for these young people, by the time 5 they leave Southlands -- so life beyond 6 Southlands School, they need to be able to live in the 7 community, they need to be able to participate, they 8 need to have employment or be in higher education. So 9 where I can replicate, as near as possible, the wider 10 community, that's my objective. So, yes, girls are 11 challenging and tricky, but it is overall positive. 12 Q. What are the major problems you find during adolescence? 13 Because most of your children are coming to you on the 14 cusp of adolescence or when they are adolescents. What 15 are the issues you have to deal with on a day-to-day 16 basis? 17 A. I think with Asperger's children, it is variable. Each 18 one is unique. The difficulty we have is their lack of 19 a lot of -- their physical developments are going at 20 a sort of normal speed, if you like, where their 21 emotional toolkit or emotional intelligence is delayed. 22 The issues we have, they are really all about us 23 recognising that and giving them the tools and the sort 24 of support to understand their emotions as they're going 25 into puberty.</p> <p style="text-align: center;">Page 41</p>	<p>1 Q. As far as sexual behaviour between them, in your witness 2 statement at paragraph 112, you particularly deal with 3 some issues that the profiles of your children may 4 raise. Ralph, _031: 5 "Factors specific to the school" -- this is 6 paragraph 113, sorry, not 112: 7 "... must be taken into account ... as mentioned 8 above ... The school and children's home provide ... 9 young people with ... communication ..." 10 Are there any particular issues which arise in the 11 context of your school pupil population when it comes to 12 their sexual reactions with each other and them being 13 harmful? 14 A. Yes. Go to, first of all, where there are sexual 15 relationships -- or relationships that aren't sexualised 16 or harmful. We have, at the moment, two 16-year-olds 17 who are in a relationship. So that we have to monitor 18 very, very carefully. We have contracts of behaviour, 19 we have discussions with parents and social workers. As 20 I said, I think it would be detrimental to them if we 21 isolated them and prevented this type of development, 22 normal sort of -- 23 Q. Yes, it is a neuro-typical development to have 24 a boyfriend or a girlfriend when you're 16? 25 A. Yes, and we have to support them and we have to make it</p> <p style="text-align: center;">Page 42</p>
<p>1 safe for children. 2 Q. So they're subject, probably, to a considerably -- we 3 heard from Professor Hackett yesterday that children 4 with disabilities are subject to a much higher level of 5 scrutiny than children without disabilities when it 6 comes to their sex lives and their sexual identity. 7 Would you agree with that? 8 A. Yes, absolutely. I can't see me asking one of my 9 children to actually sign a contract of behaviour before 10 they took on a boyfriend or girlfriend. So it is that 11 level. But we also have those discussions -- the 12 child's voice gets heard in those discussions as well, 13 what they want and what they are hoping throughout this 14 relationship. So, yes, it's -- 15 Q. But you've identified that there have been occasions 16 upon which sexualised behaviour has taken place -- 17 A. Yes. 18 Q. -- between peers. How have you managed that? I think 19 you identify two at paragraph 135 -- that's _037 -- if 20 that would help. 21 A. Yes. These are historic sexual incidents that have 22 occurred at the school. I would like to say they 23 wouldn't happen now, but obviously -- because we have 24 strategies in place. However, one young -- 25 Q. You say you've got strategies in place so they wouldn't</p> <p style="text-align: center;">Page 43</p>	<p>1 happen. 2 A. Yes. 3 Q. In one of these, it was a young person who, 4 I understand, was accessing inappropriate social media 5 sites? 6 A. Yes. 7 Q. So ...? 8 A. Okay, right. We -- it is all about education as far as 9 our young people. In terms of the social media site, we 10 can't prevent a young person accessing, for example, 11 inappropriate images on their iPhones. Across the 12 school, we would -- we have firewalls on all the 13 school's devices. We ask parents and young people to 14 sign a user agreement prior to coming into the school. 15 However, if -- the parents will put parental controls on 16 but, within ten minutes of them leaving the school, the 17 child's taken them off. These children are highly able 18 in terms of their IT technology. So all we can do, in 19 terms, is education: talk to them and be quite explicit 20 about our expectations and the consequences. 21 Q. How did they find out that he was accessing 22 inappropriate social media sites? Was it something that 23 he then felt able to tell staff at the school? 24 A. No. One of his peers told the staff. Asperger's 25 children have quite a distinct view of what's right and</p> <p style="text-align: center;">Page 44</p>

1 **wrong, and if child A has been told, "This is**
 2 **inappropriate, you shouldn't do this", and he witnesses**
 3 **child B doing it, they are quite likely to tell staff.**
 4 Q. I think they are sometimes are described as "little
 5 policemen", as I understand it, or not so little
 6 policemen in your case?
 7 **A. Yes. Yes.**
 8 Q. How did you manage the risk of that? What did you do
 9 practically to try and stop him accessing, I'm assuming,
 10 social media sites that might involve pornography or
 11 other matters such as that?
 12 **A. This is an historic case, so I can't sort of comment too**
 13 **much on what the sort of actions were. However, what we**
 14 **would do today, we would actually look at – in extreme,**
 15 **we would confiscate the iPhone until the child has**
 16 **undergone the education and support and knowledge as to**
 17 **why we are saying no, and, actually, all about being**
 18 **safe –**
 19 Q. How long does that take? Because I'm assuming that you
 20 can't just say, "Don't do it with your iPhone" on
 21 a one-off occasion and then they don't do it again?
 22 **A. No, it really does depend. What we would probably do is**
 23 **gradually re-introduce the iPhone at limited times and**
 24 **actually subject to checks as well. Most young people**
 25 **are quite happy to show us their history, but we also**

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1 **accounts and sent rude messages or abusive messages to**
 2 **each other and also Photoshopping as well, which is they**
 3 **would take an image and they would put additional**
 4 **features on it and share that amongst their group.**
 5 Q. I'm assuming those additional features aren't usually
 6 welcome additional features?
 7 **A. No.**
 8 Q. How frequently do your children engage in sexting, so in
 9 sharing indecent images of each other?
 10 **A. It's difficult to say. Obviously we can only deal with**
 11 **what we uncover.**
 12 Q. What you know.
 13 **A. We have a case at the moment where a girl from outside**
 14 **of the school has sent in inappropriate images of**
 15 **herself to a young person within the school. He has**
 16 **shared that. It came to our attention because one of**
 17 **the young people he shared it with realised it's**
 18 **inappropriate and he shouldn't be doing it and felt very**
 19 **gallant about the whole incident. So we have actually**
 20 **followed up with that. So we have actually got in**
 21 **touch -- found out from the local authority where the**
 22 **girl lives, that she has got a social worker and we have**
 23 **informed the social worker that this could be a child**
 24 **protection issue, and then the three young people**
 25 **concerned, we have actually pulled them to one side and**

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1 **know they can delete. But it is that level of sort of**
 2 **open communication that we are trying to achieve.**
 3 Q. How frequently is this a problem? How frequently is
 4 social media a problem for your cohort of young people?
 5 **A. Social media is the bane of my life. It is also the**
 6 **boom. From an education perspective, social media is**
 7 **huge and it is amazing and it is important. However,**
 8 **from a social perspective, it is horrendous in terms of**
 9 **monitoring for our young people. Especially with our**
 10 **52-week children. They come to school and then they go**
 11 **home and they're with the same sort of cohort of peers**
 12 **52 weeks of the year. Social media can be used as**
 13 **a cyber bullying, if you like. So, for example, we**
 14 **could have one young person would put up on social media**
 15 **within a chat, "I particularly liked XYZ film" and**
 16 **another young person might be quite derogatory about**
 17 **that. Now, given the mental fragility, if you like, of**
 18 **our young people, that could be quite distressing.**
 19 Q. They wouldn't take that as just, "Well, he doesn't like
 20 the Marvel Universe" or whatever it is?
 21 **A. It would be quite upsetting for them. I think, things**
 22 **like, when young people are excluded from each other's**
 23 **chats, chat groups, that can be upsetting. We have also**
 24 **had quite sort of the other end of the spectrum, if you**
 25 **like, where young people have hacked each other's**

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1 **talked about the inappropriateness of it.**
 2 Q. Are there any other particular issues in respect of
 3 social media and access to social media which have
 4 a particular impact on child protection or child
 5 welfare, particularly in respect of sexual activity?
 6 **A. I think it's just the young people, it's their -- we**
 7 **kind of -- the school and the wider community, we are**
 8 **not keeping pace with technology, and I don't think we**
 9 **can, because the children always seem to be one step**
 10 **ahead of us, no matter sort of how much infrastructure**
 11 **you put in place, how much education, they kind of**
 12 **circumvent the measures, the physical measures, we're**
 13 **putting in place.**
 14 **I do have concerns how easy it is for the young**
 15 **people to access things such as the dark web, where**
 16 **I would probably think none of us in this room would**
 17 **want to or have actually accessed that and there is some**
 18 **quite alarming and disturbing images posted on -- in**
 19 **these locations.**
 20 Q. And your children don't find it that difficult to get to
 21 that?
 22 **A. No.**
 23 Q. Can I ask a few final questions. Firstly, about
 24 workforce development. You're obviously the registered
 25 person and you work within the childcare. How easy do

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1 you find it to recruit appropriately qualified and
 2 trained staff?
 3 **A. Recruitment within the school, not a problem at all. An**
 4 **application, for example, a learn and support assistant,**
 5 **we'd probably get 10 to 15 respondees.**
 6 **Conversely, within the children's home, we struggle,**
 7 **and that's a national picture. We're asking these**
 8 **people to come and work with the most vulnerable**
 9 **children in society, to support them, to sort of really**
 10 **guide them and be their key worker, and to get in and**
 11 **build those relationships.**
 12 **The group and my school, we pay slightly above the**
 13 **norm for support workers. However, in my view, it's**
 14 **still not enough for what we're asking them to do.**
 15 Q. Would you be -- I know Dame Christine Lenehan gave some
 16 examples of maybe having proper training, registration,
 17 skills and experience for children's home staff.
 18 Obviously you have the registered inspector and the
 19 relevant qualifications. Do you have any views about
 20 that, as someone who works in the sector on a day-to-day
 21 basis?
 22 **A. Yes. All of them -- the staff we employ within the home**
 23 **have to do an RQF, a residential quality framework,**
 24 **level 3 qualification within 12 months of joining us.**
 25 **So there are moves to actually put in that level of**

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1 that Dame Christine has identified is, you are, I think,
 2 somewhere in the New Forest; is that right?
 3 **A. That's right, yes.**
 4 Q. So do you find it difficult to find staff or do staff
 5 all know each other? Because Dame Christine said that
 6 in her review she raised some concerns about there being
 7 too intimate a relationship between everybody who is
 8 working in those environments?
 9 **A. That hasn't occurred at my school. We have, just at**
 10 **that one site, almost 200 staff. They are pulled from**
 11 **up to 20 or 30 miles away. So there isn't**
 12 **a community -- like, an inward-looking type of**
 13 **community.**
 14 MS SCOLDING: I have no further questions for you,
 15 Ms Gaster. Thank you very much for coming. Chair and
 16 panel, do you have any questions?
 17 THE CHAIR: Mr Frank?
 18 Questions from THE PANEL
 19 MR FRANK: Just one matter. You mentioned, and I think it
 20 is not the first time we have heard it, that you would
 21 rather like to see rather more in the KCSIE guidance
 22 concerning special schools. Can you give us an idea of
 23 where you would like to see that guidance coming from?
 24 Is it something that you, as it were, with your broad
 25 experience in your group, could provide perhaps some

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1 **education and support for the support workers.**
 2 **However, at this stage -- yes, I would welcome**
 3 **a registration and put the role on more of**
 4 **a professional-type footing as opposed to --**
 5 **historically, it just used to be perhaps mums working**
 6 **shift work and supporting the children. However, that**
 7 **could, in the short term, have a detrimental effect of**
 8 **putting people off applying anyway, if they realise.**
 9 **So I think the whole industry within support workers**
 10 **has to be packaged in such a way that it's recognised as**
 11 **a professional vocation -- as a professional profession,**
 12 **should I say, and that's paid well and it's recognised**
 13 **and valued.**
 14 Q. How do you find your staff turnover in the education
 15 sector and in the children's home? Is it any different
 16 or ...?
 17 **A. It is slightly up. We are better than the national**
 18 **average in terms of turnover. However, what usually**
 19 **happens is, within the school, they're 38 weeks, they**
 20 **generally work an 8.15 until 4.15. And in the homes,**
 21 **for a comparable salary, they're expected to work**
 22 **evenings and weekends, so yeah.**
 23 Q. The difference in attractiveness?
 24 **A. Yes, that would probably account for a lot of it.**
 25 Q. Do you have a range of staff? Because one of the issues

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1 indication as to what you would like to see added to
 2 that document?
 3 **A. Yes, I think the input could be sort of drawn from**
 4 **a number of areas. Obviously, Dame Lenehan, Carol Povey**
 5 **and obviously -- I think practitioners particularly,**
 6 **that would be very helpful to have that input.**
 7 MR FRANK: Thank you very much.
 8 THE CHAIR: Thank you. We have no further questions. Thank
 9 you very much.
 10 MS SCOLDING: Thank you very much for coming, Ms Gaster.
 11 **A. Thank you.**
 12 **(The witness withdrew)**
 13 MS SCOLDING: Chair, I note the time. Would it be
 14 appropriate to have a slightly earlier morning break?
 15 THE CHAIR: Yes. We will return at 11.25 am.
 16 MS SCOLDING: Thank you very much, chair.
 17 (11.08 am)
 18 (A short break)
 19 (11.24 am)
 20 MS ROBERTSON: Chair and panel, we are now going to move to
 21 consider Stony Dean School, which is a special school in
 22 Buckinghamshire. I would like to call as our first
 23 witness RS-A7.
 24
 25

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1 WITNESS RS-A7 (affirmed)
 2 Examination by MS ROBERTSON
 3 MS ROBERTSON: Good morning, RS-A7. I'm sorry that that's
 4 what I will be calling you.
 5 **A. That's okay.**
 6 Q. I know it is slightly odd, but I know you understand the
 7 reasons why. Thank you very much for coming this
 8 morning. I have a couple of things to say to you before
 9 we start. First of all, we can stop at any time and for
 10 any reason, if you feel the need to stop. I will also
 11 offer you the chance to stop halfway through, so that
 12 you know that that is coming.
 13 **A. Okay.**
 14 Q. Secondly, there is a paper bundle in front of you.
 15 **A. Yes.**
 16 Q. But there is also a screen in front of you. If I need
 17 to refer to any documents, I will make sure that they
 18 come up on the screen for you, so that you can see them
 19 there.
 20 **A. Okay.**
 21 Q. Lastly, I am going to ask you to try your best not to
 22 give the names of any of the children that you were at
 23 school with.
 24 **A. Okay.**
 25 Q. If it happens, it happens, but I'm hopeful that you will

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1 **A. Yes.**
 2 Q. But, in fact, there was more to it than that. When you
 3 were 16, you were diagnosed as having ADHD; is that
 4 right?
 5 **A. Yes.**
 6 Q. And then, when you were 19, you were diagnosed as being
 7 on the Autistic Spectrum Disorder; is that right?
 8 **A. Autism was recently. It was last year.**
 9 Q. It was last year. Now, none of that was known when you
 10 were at Stony Dean, obviously?
 11 **A. Not the autism. Only ADHD. No.**
 12 Q. So when you were there, you were just seen as being
 13 naughty?
 14 **A. Yeah, you could say that.**
 15 Q. Before you got to Stony Dean, you attended four
 16 different primary schools?
 17 **A. Yes.**
 18 Q. Why did you move schools so often?
 19 **A. Parents split up when I was young, so then I moved from**
 20 **Reading to [redacted]. I started off in [redacted] and**
 21 **then I was statemented, then I went to [redacted] --**
 22 MS ROBERTSON: Can I pause you just for a moment and can we
 23 cut the feed? Please don't worry.
 24 Chair, we can now carry on with proceedings, but
 25 I would like to remind everyone present that the

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1 be able to manage not to say any of the names, and I am
 2 going to try and do the same.
 3 **A. Yes.**
 4 Q. First of all, I'm going to ask you to confirm your
 5 statement. So if you could look at that paper bundle in
 6 front of you, and go to the first tab of it, I'm hoping
 7 that you will find your statement there?
 8 **A. The first page?**
 9 Q. Yes. If you go to the back of that document, you should
 10 see that the signature has been blanked out?
 11 **A. Yes.**
 12 Q. Can you tell me whether you have at some point signed
 13 that statement?
 14 **A. Yes, I have signed this statement.**
 15 Q. Can you confirm that the contents of the statement are
 16 true, to the best of your knowledge and belief?
 17 **A. Yes, it's true, to the best of my belief.**
 18 Q. I'm going to ask you a few questions about yourself and
 19 your background, to start with.
 20 **A. Okay.**
 21 Q. First of all, starting from your statement, I see that
 22 you have told us that, when you were a child, you were
 23 thought of as being a child who was naughty and
 24 destructive and attention seeking and having behavioural
 25 difficulties. Is that right?

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1 information previously stated is subject to your
 2 restriction order dated 29 September 2019.
 3 RS-A7, please don't worry.
 4 **A. Okay.**
 5 Q. It happens all the time. Tell us about the schools, but
 6 perhaps without mentioning the schools themselves. Just
 7 tell us why you moved?
 8 **A. The first school was mainstream and I was statemented**
 9 **and then I moved to special education.**
 10 Q. Did anyone tell you why you were being moved to
 11 a special education school?
 12 **A. Not at that time, no.**
 13 Q. Why did you think you were being moved?
 14 **A. I wasn't too sure at the time.**
 15 Q. You weren't too sure? It wasn't clear to you?
 16 **A. No.**
 17 Q. When you moved to Stony Dean, I think that was just part
 18 of your transition from primary school to secondary
 19 school; is that right?
 20 **A. Yes.**
 21 Q. When you got to Stony Dean, can you remember roughly how
 22 many pupils there were at the school?
 23 **A. About 150.**
 24 Q. Did you find it easy to settle down there when you
 25 arrived?

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1 **A. Yeah, I think I did. The first couple of months**
 2 **I settled in, but -- and then it all changed from there.**
 3 Q. Were there any members of staff that you particularly
 4 liked, who you felt happy to talk to when you arrived?
 5 **A. I can't really remember that far. But I think there**
 6 **probably was a few select teachers.**
 7 Q. Now, the headmaster, you're going to have to tell me how
 8 to pronounce his name, was Peter Newsholme. Is that how
 9 you say it?
 10 **A. Yes, Newsholme.**
 11 Q. Was he someone you felt comfortable talking to?
 12 **A. No.**
 13 Q. Why not?
 14 **A. He seemed to be a bit cold and not approachable.**
 15 Q. What was the atmosphere of the school like with
 16 Peter Newsholme as headmaster? Was it happy,
 17 frightening? What was it like?
 18 **A. Happy, but you were frightened if you had to go in front**
 19 **of him, if you were sent to him. He was a bit -- well,**
 20 **head teacher.**
 21 Q. There was another member of staff, the deputy head,
 22 called Deryck Miller. Do you remember him?
 23 **A. Yes.**
 24 Q. He was the school's child protection coordinator. Was
 25 he someone that you felt you could talk to?

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1 **and then his room would be in the middle of the two**
 2 **year 7 rooms, and then you'd have year 8 further up.**
 3 Q. So which boys slept nearest to his bedroom?
 4 **A. The year 7.**
 5 Q. Were they the youngest boys?
 6 **A. Yes.**
 7 Q. Why do you think he had the youngest boys nearest to
 8 him?
 9 **A. So he could groom them. Easy access.**
 10 Q. We have agreed that I'm going to give a summary of
 11 the abuse that happened to you, and then you can confirm
 12 whether I've got it right?
 13 **A. Yes.**
 14 Q. It began one night when you were feeling unwell, with
 15 a sore stomach, and you went to tell Mr Bulley. First,
 16 he sent you back to your own room, which you shared with
 17 three other boys. Then he asked you to come into his
 18 room and share his bed, and you said no. So he said you
 19 could sit on the sofa. Once you were inside his room,
 20 he threw you onto the bed. Although you tried to fight
 21 him off, he succeeded in removing your pyjama bottoms
 22 and masturbating you and performing oral sex on you. In
 23 the course of the struggle, he pinned your hands to the
 24 floor, so that you couldn't move. The assault ended
 25 because he heard a noise downstairs and you were banging

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1 **A. Not particularly, no.**
 2 Q. Again, why not?
 3 **A. I had a lot to do with him because of behaviour and**
 4 **stuff like that.**
 5 Q. How did that go?
 6 **A. Not very well between me and him.**
 7 Q. Can you remember any of the things that happened?
 8 **A. Not really off the top of my head, no.**
 9 Q. If anything happened that did worry or upset you, or if
 10 you were feeling homesick or anxious, was there any
 11 system at Stony Dean for you to go and find someone to
 12 help you?
 13 **A. There was people there, yeah, like Ms Phillips, Ms Dunn,**
 14 **you could speak to about things like that.**
 15 Q. I want to ask you about Anthony Bulley. His job, when
 16 you were there, was that he was head of care, and you've
 17 explained in your statement that that meant that his job
 18 was to stay and live with the children overnight and to
 19 wake you up in the mornings. Is that right?
 20 **A. Yes.**
 21 Q. Can you explain to us the layout, a little bit, about
 22 where his bedroom was compared with where the boys
 23 slept?
 24 **A. So it's a long corridor with the dorms on the left-hand**
 25 **side, so you'd have one in the corner and then one up**

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1 your head off the floor and you think he was scared that
 2 he was going to get caught. So you escaped from him and
 3 you went and were sick in his toilet. Once you had got
 4 out of his grip, you were then able to walk away. Is
 5 that a summary of what happened?
 6 **A. Yes.**
 7 Q. How old were you at the time when that happened?
 8 **A. 11/12.**
 9 Q. So would that have been in year 7?
 10 **A. Yes.**
 11 Q. The next incident happened about a week later, when he
 12 came into your room and he raped you in your bed. You
 13 kicked him off the bed and locked yourself in the toilet
 14 until he went away; is that right?
 15 **A. Yes.**
 16 Q. Then there was a third incident, when you woke up one
 17 morning and found your trousers around your ankles and
 18 Mr Bulley was waking you up. You're unsure whether
 19 anything happened, but you think that it did; is that
 20 right?
 21 **A. Yes.**
 22 Q. Now, these were the three incidents you told the police
 23 about, but you say in your statement there were many
 24 times you were woken up and you were taken into
 25 Mr Bulley's room and raped by him. You say you think it

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1 happened at least 20 times over a period of two years,
 2 up to being in year 9. We are going to come on in
 3 a minute to the reasons why you didn't feel able to tell
 4 the police about those assaults, but, for the moment,
 5 I want to clarify that those assaults took place during
 6 the period from year 7 to year 9?
 7 **A. Yes.**
 8 Q. So they were going on for about two years?
 9 **A. Yes.**
 10 Q. When the abuse began, was there anyone at the school
 11 whom you initially thought you could tell?
 12 **A. Not really.**
 13 Q. You say in your statement that during that two-year
 14 period, there were some teachers who tried to ask you
 15 about it, but they weren't asking the right questions.
 16 Ralph, I wonder if we could go to INQ004430_009.
 17 I'm just going to read out from the second line,
 18 where it starts with "I do think":
 19 "I do think there were definitely some teachers in
 20 the school that were trying to get us to talk but they
 21 weren't asking the right questions. Mrs Jeffrey was one
 22 of them. At some point before the second time Mr Bulley
 23 was suspended, she asked me if anything was 'going on'
 24 with Bulley, but I said it wasn't. I think the question
 25 she asked me was if I was close to Mr Bulley, and I said

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1 think that they need -- teachers in special schools need
 2 to be specially trained to know to ask direct questions?
 3 **A. Yes, I think all teachers should be trained.**
 4 Q. I'm going to talk a bit now about what happened in 2002.
 5 Mr Bulley, as you know, was suspended in 2002. Was he
 6 already abusing you at that point?
 7 **A. Yes.**
 8 Q. So how did you feel when you heard he'd been suspended?
 9 **A. I didn't know what he was suspended for.**
 10 Q. You say in your statement that you don't know what he
 11 was suspended for, but this was something you want now
 12 to find out.
 13 **A. Yes.**
 14 Q. Can I just clarify, you do now know why he was
 15 suspended?
 16 **A. Yes, I do know now why.**
 17 Q. Which was because someone else had made an allegation
 18 about him?
 19 **A. Yes.**
 20 Q. But you were obviously not told that at the time?
 21 **A. No:**
 22 Q. What were your feelings once he was gone from the
 23 school?
 24 **A. I was a lot happier that I could get on with what**
 25 **I needed to do in school. I felt safe.**

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1 I was close to him because he was head of care and so
 2 I saw him every day. The way I answer questions is very
 3 literal, I think because of the nature of my learning
 4 difficulties. So, for example, if, instead of skirting
 5 around the subject, she had asked me straight out if
 6 Mr Bulley touched my private parts, then I would have
 7 told her 'Yes' he did. I am not sure that the teachers
 8 were properly trained to ask me questions in the right
 9 way or other students. This surprises me, because
 10 Stony Dean was a special school and so I would have
 11 thought that the teachers would have had specialist
 12 training in these sorts of situations. Miss Jeffrey
 13 meant well but she just didn't ask the right questions
 14 in the right way."
 15 What would have helped you? What did you need to
 16 have been different?
 17 **A. Probably asked privately, in a one-to-one room, not in**
 18 **a classroom with other students, where that probably did**
 19 **happen. Like, she used to do food technology, so**
 20 **I can't remember if it was a question she asked me or if**
 21 **I was with other students at the time. But she did ask**
 22 **me if something was going on, but maybe I didn't have**
 23 **the bottle to say to her then, I don't really -- I can't**
 24 **really remember.**
 25 Q. What about -- you've mentioned about training. Do you

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1 Q. Again, in your statement, you say, "There wasn't any
 2 kind of investigation with me or other students being
 3 asked questions that I remember". Now, that's right,
 4 isn't it --
 5 **A. Yes.**
 6 Q. -- that nobody came and asked you --
 7 **A. No.**
 8 Q. -- whether there was anything that you needed to say?
 9 **A. No-one.**
 10 Q. So now that you know that he was being interviewed
 11 because of an allegation of sexual abuse against a child
 12 at the school, do you think you should have been
 13 interviewed?
 14 **A. I think so, yes.**
 15 Q. How do you feel about the fact that you were not
 16 interviewed?
 17 **A. Angry, let down.**
 18 Q. What difference do you think it might have made?
 19 **A. Could have stopped two more years of abuse.**
 20 Q. At paragraph 22 of your statement, you go on and you say
 21 that Mr Bulley, after his suspension, came back to the
 22 school "and I continued to be abused". What, if
 23 anything, were you told about him coming back?
 24 **A. I wasn't told anything.**
 25 Q. Did he just appear one day?

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1 **A. He just appeared, yes.**
 2 Q. I hardly need to ask this question, but how did you feel
 3 when you realised he was back?
 4 **A. Angry. I wanted to leave boarding school. I didn't**
 5 **want to do it.**
 6 Q. One of the things that you have said in your statement
 7 is:
 8 "That is why I want to understand why he was
 9 suspended, as I want to know if my abuse could have been
 10 stopped by the school at this earlier point in time,
 11 when he was suspended the first time around."
 12 Is that still something that you want to know?
 13 **A. Yes.**
 14 Q. Is that something that you would like Buckinghamshire
 15 County Council to be asked?
 16 **A. Yes.**
 17 Q. I'm just going to check with you, RS-A7, whether you're
 18 happy to continue, or whether you would like to have
 19 a break at this point in your evidence?
 20 **A. No, I'm more than happy to continue.**
 21 Q. Are you sure?
 22 **A. Sure.**
 23 Q. We will carry on then. In 2004, there were some further
 24 allegations against Mr Bulley and he was suspended
 25 again. Quite soon after that, Mr Newsholme, the

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1 **A. Yeah, I think she did.**
 2 Q. Did that make a difference to you?
 3 **A. Yes.**
 4 Q. When you went to talk to her with your friend, what did
 5 you tell her?
 6 **A. I said I was sexually abused by Anthony Bulley.**
 7 Q. How did she respond?
 8 **A. Very professional and very caring about the situation;**
 9 **exactly what I would expect from a head teacher.**
 10 Q. She took action, didn't she?
 11 **A. Yes.**
 12 Q. She acted on it. She told the police, and you then had
 13 a police interview; is that right?
 14 **A. Yes.**
 15 Q. I have already mentioned that you have said there were
 16 about 20 rapes that you did not feel able to tell the
 17 police about in your interview, and you've explained
 18 about that in your statement. So I'm going to go to
 19 your statement again, if I can. Ralph, it's
 20 INQ004430_006. It is paragraph 15. It begins:
 21 "I told all of this to the police."
 22 Now, that's talking about the three incidents that
 23 I went through at the beginning. You told those three
 24 incidents to the police:
 25 "I remember the police asked me if there were any

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1 headmaster, was replaced as the head teacher by a new
 2 head teacher, Miss Dichler?
 3 **A. Yes.**
 4 Q. Miss Dichler was someone that you did feel able to go
 5 and talk to about what had happened to you. Can you
 6 tell us what happened to make you go and talk to her?
 7 **A. So I was sat at dinner at dinner time with a few of my**
 8 **close friends, and I said to my best friend at the time,**
 9 **"It happened to me", and he said -- suggested for me to**
 10 **say something to someone, so I told Miss Dichler.**
 11 Q. Did you know, at that time, why Mr Bulley had been
 12 suspended?
 13 **A. Sort of could put two and two -- you know, two together,**
 14 **yes.**
 15 Q. Why did you feel able to tell Miss Dichler? What was
 16 different about her?
 17 **A. Someone who I've not really known for very long, female**
 18 **and highly approachable.**
 19 Q. Can you describe what made her approachable?
 20 **A. I think it was the way -- how she took the school, from**
 21 **when she came in. She -- you know, she was a nice**
 22 **person and she wanted to help and she cared.**
 23 Q. Did she give the school messages about -- I mean, did
 24 she speak to the school about being able to report
 25 things or being able to talk to staff?

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1 more times and I said I thought there were but, by that
 2 point in the interview, I was starting to get really
 3 embarrassed. I want the inquiry to understand the
 4 reasons why I felt unable to talk more to the police at
 5 that time. The main reason was that my dad was sitting
 6 in another room watching and listening to the whole
 7 interview behind some glass. I knew he was there and
 8 I felt so ashamed and embarrassed. I really didn't want
 9 to talk about being sexually abused knowing that my dad
 10 could hear every word of it. Looking back, I would have
 11 preferred to have been offered someone outside the
 12 family to listen, such as a female social worker.
 13 I think I would have been able to disclose more than
 14 I actually managed to, had I been given that option."
 15 How old were you when you gave that interview, can
 16 you remember?
 17 **A. I would have been 14/15 years old.**
 18 Q. Did anybody check with you beforehand who you were
 19 comfortable talking in front of?
 20 **A. No.**
 21 Q. Do you think they should have done?
 22 **A. Yes.**
 23 Q. Do you think that that's something that should be
 24 standard practice --
 25 **A. Yes.**

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1 Q. -- for police interviews?
 2 **A. Yes.**
 3 Q. Do you think, if you'd had someone else there, you might
 4 have been able to say more?
 5 **A. Yes.**
 6 Q. You also say in your statement that you don't think the
 7 police asked you enough questions and that they didn't
 8 seem to be trained to deal with your special needs?
 9 **A. No.**
 10 Q. Is that something --
 11 **A. No.**
 12 Q. -- that you think --
 13 **A. I think they could have done a lot better and asked**
 14 **a lot better questions, yes.**
 15 Q. So, at that time, would you say there was a need for
 16 more awareness and training on the part of the police?
 17 **A. Yes.**
 18 Q. Are there any other thoughts that you have about that
 19 experience you had of being interviewed? Anything else
 20 that you would have liked to be different?
 21 **A. I can't really remember too much of the interview, but**
 22 **I remember it being almost like a house, sort of, setup**
 23 **and then a camera right in front of you. It was very**
 24 **offputting.**
 25 Q. So you would have liked the camera to be done

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1 parents didn't tell you. Do you know which of those it
 2 was?
 3 **A. I think my parents were holding a lot of it -- well, my**
 4 **dad was holding information back from me.**
 5 Q. Is that the sort of thing that you think the CPS should
 6 have talked to you about directly?
 7 **A. I think so, yes, because it was dealing with me, not my**
 8 **dad.**
 9 Q. Is there anything else that you would have liked the CPS
 10 to do differently?
 11 **A. Not what I'm aware of, no.**
 12 Q. Can I just go back and ask one other question about the
 13 police interview. I'm sorry, I had moved on.
 14 **A. That's okay.**
 15 Q. It is just one last thing. You were talking about it
 16 being difficult to have the camera in your face and that
 17 these things should be written down. Did the police,
 18 during the interview, ask you whether you would rather
 19 do a written statement?
 20 **A. No.**
 21 Q. The decision of the Crown Prosecution Service was that
 22 they took the case to trial, as you know.
 23 **A. Yes.**
 24 Q. In 2005, Mr Bulley was charged with 17 offences
 25 altogether. Now, as I understand it, he pleaded guilty

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1 differently?
 2 **A. I wouldn't have wanted the camera -- you know, I'm**
 3 **telling you about sexual abuse in front of a camera.**
 4 **Things like that just need to be written down. There**
 5 **don't need to be video evidence of that. That's how**
 6 **I feel.**
 7 Q. Following that police interview, matters were taken
 8 forward by the Crown Prosecution Service, and you tell
 9 us that they never spoke to you. Now, I think you've
 10 just said you were 14 or 15 at that time. So maybe it
 11 is difficult for them to talk to someone who was still
 12 a child. Do you think they should have talked to you or
 13 talked to your parents?
 14 **A. I think they should have spoken to me as well as my**
 15 **parents.**
 16 Q. Would you have wanted that at the time?
 17 **A. Well, yes, because I was coming up into a young adult,**
 18 **so I was -- I had my own mind and my own thoughts.**
 19 Q. You have told us that, at one point, you were told that
 20 you were going to have an internal examination to see if
 21 there was any internal scarring or injuries from the
 22 abuse that you had described, and you then say that that
 23 never happened and nobody told you why. Now, that might
 24 have been because the CPS didn't tell anyone, or it
 25 might have been because they told your parents, but your

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1 to six offences, which were two counts of indecent
 2 assault, two counts of rape of a male under 13, one
 3 count of sexual activity with a male child under 16 and
 4 one count of causing or inciting a male child under 16
 5 to engage in sexual activity. So those were the six
 6 things that he pleaded guilty to. The other 11 charges
 7 were left to lie on the file. I want to check that you
 8 and I understand the same thing by that phrase, that
 9 that means that they were never aired properly in court
 10 and they were never decided on; is that right?
 11 **A. Yes.**
 12 Q. So they remain undecided?
 13 **A. Yes.**
 14 Q. In relation to his assaults on you, he pleaded guilty to
 15 an indecent assault of you, but he did not plead guilty
 16 to rape of you; is that right?
 17 **A. Yes, that's correct.**
 18 Q. So one of the charges that was left to lie on the file,
 19 was one of those charges an allegation of rape of you?
 20 **A. Yes.**
 21 Q. So that was never decided on?
 22 **A. Never decided, no.**
 23 Q. You have said you didn't give evidence or attend the
 24 trial. Did you want to?
 25 **A. I would have liked to, yes.**

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1 Q. Did anyone ask you whether you wanted to go?
 2 **A. No.**
 3 Q. How do you feel about it now, that you didn't attend the
 4 trial?
 5 **A. Quite angry.**
 6 Q. How do you feel now about the fact that the allegation
 7 of rape was never decided on, in your case?
 8 **A. Still angry about it.**
 9 Q. There is another aspect to all of this, which is the
 10 support and help that you needed as a result of what had
 11 happened to you. I think it is fair to say that you
 12 were not very satisfied with the response of
 13 Buckinghamshire County Council in terms of helping you
 14 through your experience; is that fair?
 15 **A. Yes, that is fair.**
 16 Q. One of the things you've said is that you think you
 17 should have been taken out of Stony Dean school; is that
 18 right?
 19 **A. Yes.**
 20 Q. Why do you think that was important?
 21 **A. So I could carry on with my education and try and move**
 22 **on from there. Maybe being still in that school wasn't**
 23 **the best thing for me -- memories, thoughts, still the**
 24 **same teachers, it wasn't good for me. I remember having**
 25 **some time away from school because of it all.**

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1 The counselling took place at [a location] in
 2 a conference room. It was a group counselling session
 3 with other pupils from the school. There were about ten
 4 boys there. It was absolutely useless. There was no
 5 way I was going to talk about my sexual abuse in a group
 6 counselling session full of other boys. None of us
 7 really said anything. It was no benefit at all and, if
 8 anything, just made me feel worse, because it was
 9 embarrassing to have to go and sit with other boys and
 10 wonder if they had been abused as well. It just
 11 confused me even more and left me feeling more angry and
 12 upset. I attended most of the sessions arranged but
 13 hated them."
 14 What do you think Buckinghamshire County Council
 15 should have offered you by way of counselling?
 16 **A. One to one, not group, and asked me what I wanted; not**
 17 **offer what they think I should have. They should have**
 18 **asked, "How can we help you? Can we give you one-to-one**
 19 **counselling? We can do this, we can do that". There**
 20 **was nothing. Just that.**
 21 Q. Do you think one-to-one counselling would have helped
 22 you?
 23 **A. I think, yes, it would have done.**
 24 Q. Was it something that you wanted at the time?
 25 **A. I probably wouldn't have wanted it at the time, because**

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1 Q. Did the other children at school know what had happened
 2 to you, because of the convictions?
 3 **A. I'm not aware of it. I'm not too sure, no.**
 4 Q. Did Buckinghamshire County Council offer you a change of
 5 school?
 6 **A. No.**
 7 Q. But you think they should have?
 8 **A. I think they should have done, yes.**
 9 Q. Ralph, can you go to _012 of that same document, please.
 10 What Buckinghamshire did do was they provided you with
 11 some group counselling, which you make clear was not
 12 right for you. If you go to paragraph 41, please. You
 13 say:
 14 "I had 13 weeks' counselling in [somewhere]. It was
 15 group counselling. I wasn't told who had arranged
 16 counselling, but I think it was Buckinghamshire County
 17 Council who arranged it. I was at college by this
 18 point."
 19 Can I just pause there and ask you, how old were you
 20 when the counselling happened?
 21 **A. 16.**
 22 Q. There had obviously been a gap before the counselling
 23 was arranged?
 24 **A. Yes.**
 25 Q. "There was one male and one female counsellor present.

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1 **of my age and where I was in my life, and I was being**
 2 **a bit of an idiot, but I probably would have accepted**
 3 **it, and it probably would have helped me.**
 4 Q. You mention in your statement -- sorry, before I go on
 5 to that, can I just ask, did they offer you any other
 6 form of support?
 7 **A. No.**
 8 Q. Any referrals to any support agencies, or anything like
 9 that?
 10 **A. No.**
 11 Q. So that offer of group counselling must have been, what,
 12 a year and a bit after the event?
 13 **A. Yes.**
 14 Q. That was the sum total?
 15 **A. Yes.**
 16 Q. You have also mentioned in your statement that you were
 17 not offered an apology. Who do you think should have
 18 apologised?
 19 **A. The school should have apologised and Buckinghamshire**
 20 **County Council should have done as well.**
 21 Q. Can you just explain to us why an apology would help?
 22 **A. More for the fact of the school and the council know --**
 23 **you know, acknowledging they have made a mistake and,**
 24 **you know, apologising for their mess-up.**
 25 Q. Is there anything else that you think the council should

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1 have done?

2 **A. Never employed Anthony Bulley and done proper security**

3 **checks on him and not let the head of care and the**

4 **deputy head do what they done, cover it up.**

5 Q. Do you want to say any more about what you say they did?

6 **A. Miller should have stayed, not -- you know, should have**

7 **suspended Bulley when he had his suspicions, not tried**

8 **covering it up, like he did; doing investigations before**

9 **they even should have started, because -- I can go on**

10 **with them.**

11 Q. Most of the matters that you wanted to raise in your

12 statement we have covered, but one thing that you have

13 raised is that you think that CCTV should be installed

14 in corridors at special schools. Can you explain to us

15 why you recommend that?

16 **A. Because if there was cameras in them corridors, he**

17 **wouldn't have been able to do that.**

18 Q. You've also --

19 **A. At least, if there is allegations of the crime what he**

20 **done, there's evidence of children going in and out of**

21 **his room, there's times -- you know, it's proof, then,**

22 **it's hard core evidence, you know. What's a camera in**

23 **a corridor to protect children? It's nothing.**

24 Q. Thank you. You have also raised the suggestion that

25 children in special schools should have an appointment

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1 Q. I've covered most of the issues that your statement

2 raises. Is there anything else that you want the

3 inquiry to know about what you think or how you feel?

4 **A. I'm just frustrated with it all now, and I just hope it**

5 **never happens to any other school in this country,**

6 **because no children in school should go to school and be**

7 **sexually abused. It should be safe for them to have**

8 **their education and not to be abused.**

9 MS ROBERTSON: Thank you very much, RS-A7. If you just stay

10 there for a moment, please.

11 Chair and panel, do you have any questions?

12 THE CHAIR: No, we don't have any questions, but on behalf

13 of the panel, I'd like to thank you very much for

14 telling us about your experiences, and particularly your

15 evidence has been helpful in helping us understanding

16 how the institutions could better protect children and

17 how they should respond in these awful circumstances.

18 Thank you.

19 **A. Thanks.**

20 **(The witness withdrew)**

21 MS ROBERTSON: Chair, I wonder if we could just have a short

22 break to allow this witness to leave safely and to open

23 the court again?

24 THE CHAIR: Yes.

25 MS ROBERTSON: Five minutes?

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1 with an independent psychologist or psychiatrist

2 somewhere not at the school, but in a safe place, once

3 a year to check that everything is okay. Do you think

4 it needs to be a psychologist or psychiatrist, or could

5 it be someone else, as long as they are independent?

6 **A. Yes, it could be anyone, if they're independent.**

7 Q. It could be a social worker, for example?

8 **A. Yes.**

9 Q. We have heard about somebody in the residential school

10 sector called an Independent Listener. The Independent

11 Listener tends to go into the school. Tell us why you

12 think it's important that this happen away from the

13 school?

14 **A. Because you're not feeling like you're in school, so you**

15 **haven't got the pressure. You're more -- I would have**

16 **felt more open to speak to someone outside of school**

17 **about school than inside of school.**

18 Q. What has been the impact on you of your experiences at

19 Stony Dean School?

20 **A. Since I've left school, it's made my adult life very,**

21 **very difficult. I find it difficult to keep**

22 **relationships and friendships. I'm quite hard work most**

23 **of the time. I need still, today, quite a bit of**

24 **support to get myself through daily challenges. But**

25 **I seem to be doing okay.**

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1 THE CHAIR: Yes.

2 (12.02 pm)

3 (A short break)

4 (12.07 pm)

5 MS ROBERTSON: Thank you, chair and panel. I now call

6 Richard Nash from Buckinghamshire County Council.

7 MR RICHARD NASH (sworn)

8 Examination by MS ROBERTSON

9 MS ROBERTSON: Mr Nash, thank you very much for coming.

10 Before we start, I've got one or two things to say to

11 you. First of all, this is not a memory test. You have

12 papers with you and you may have notes that you have

13 made or other documents that you want to refer to, and

14 that is absolutely fine. Please feel free to refer to

15 any such documents.

16 Secondly, we can stop at any time and for any

17 reason, so please let me know if you need to do that.

18 Thirdly, there is a paper bundle in front of you.

19 There is also a screen. Any document that I am going to

20 ask you about will be in your bundle, but will also come

21 up on the screen, to make it easy to find.

22 Lastly, I am going to ask you to try not to mention

23 the names of any of the children that we are talking

24 about, but to use the ciphers instead.

25 Can I first of all take you to your own statement,

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1 which is at tab 1 in the bundle in front of you. Have
 2 you got it?
 3 **A. I have, yes.**
 4 Q. Can you turn to the end? You should find there your
 5 signature has been blanked out.
 6 **A. Yes.**
 7 Q. Can you confirm that you have signed that statement?
 8 **A. I can, yes.**
 9 Q. Are the contents of the statement true, to the best of
 10 your knowledge and belief?
 11 **A. They are.**
 12 Q. Thank you very much. Can I start by asking you a little
 13 bit about yourself and your role. So you are
 14 Richard Nash, and you are the service director for
 15 children's social care at Buckinghamshire County
 16 Council; is that right?
 17 **A. That's correct, yes.**
 18 Q. What does that entail?
 19 **A. So I report directly to the executive director for**
 20 **Children's Services and I'm also -- I'm in a directorate**
 21 **with education colleagues and children's social care**
 22 **colleagues. I'm responsible for the statutory social**
 23 **work teams in Buckinghamshire Council, so that means all**
 24 **the child protection teams, the out-of-hours service,**
 25 **services for looked-after children, services to children**

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1 **A. I haven't got that information in front of me, but I can**
 2 **get it for you.**
 3 Q. Is it a big school, are there hundreds of children, tens
 4 of children?
 5 **A. No, there's -- I think there's approximately 200**
 6 **children who use the school.**
 7 Q. Do you know what -- it is a special school; is that
 8 right?
 9 **A. That's right.**
 10 Q. What sort of children does it cater for? What are their
 11 needs?
 12 **A. A range of needs of children who have Education Health**
 13 **and Care Plans so that they -- they have an assessed**
 14 **need through that process, and it's been agreed that**
 15 **that's the right environment to meet their educational**
 16 **needs.**
 17 Q. Is it a fairly wide spectrum of need? Does it go from
 18 the less severe right up to very severe need, or not?
 19 **A. I think the school themselves would say they have pupils**
 20 **of a wide variety of need.**
 21 Q. I think that it is no longer a boarding school; is that
 22 correct?
 23 **A. That's correct.**
 24 Q. We will come on to the reasons for that in due course.
 25 It is currently day school only?

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1 **on child protection plans and child in need plans.**
 2 Q. Can I just ask you to keep your voice up, thank you.
 3 I can hear you, but only just.
 4 **A. Thank you.**
 5 Q. In terms of education, how does that come within your
 6 ambit?
 7 **A. So I work with colleagues from education. They're in**
 8 **the same directorate as myself. In order for the**
 9 **service to ensure that vulnerable children and young**
 10 **people in Buckinghamshire are safe and safeguarded, that**
 11 **requires significant joint work with schools, with**
 12 **colleagues from education and within the county council,**
 13 **and other partner agencies.**
 14 Q. How long have you been in that post?
 15 **A. Since April 2018.**
 16 Q. Very briefly, what was your background before?
 17 **A. In local authority children's services primarily, so,**
 18 **before that, I was an assistant director in a London**
 19 **borough and prior to that I was an Ofsted inspector.**
 20 Q. You have come today to talk to us about events that
 21 happened in Stony Dean School in Buckinghamshire. Can
 22 you perhaps begin by telling us a little bit about the
 23 school. How many pupils does it have currently?
 24 **A. I haven't got --**
 25 Q. Approximately.

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1 **A. It is.**
 2 Q. It is a maintained school; is that right?
 3 **A. That's right.**
 4 Q. As such, it's the governing body that's responsible for
 5 ensuring that the school is compliant with legislation;
 6 is that correct?
 7 **A. It's a combination of responsibilities from the**
 8 **governing body, the head teacher and the local**
 9 **authority.**
 10 Q. I know from your statement that, since 2006,
 11 Buckinghamshire County Council have had a body called
 12 the Safeguarding Advisory Service, and I am going to ask
 13 you about that in more detail later on, but does that
 14 have a role in ensuring compliance in a school such as
 15 Stony Dean?
 16 **A. Yes, it has a more direct role, but it is -- it has to**
 17 **be a shared responsibility for everybody.**
 18 Q. So in terms of responsibility for recruitment, the
 19 governing body appoints the staff, apart from the head
 20 teacher; is that correct?
 21 **A. Yes.**
 22 Q. But the contract of employment remains with the local
 23 authority?
 24 **A. Yes.**
 25 Q. So the local authority remains the employer, even

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<p>1 although the board of governors appoint the staff?</p> <p>2 A. Yes, it's a delegated responsibility to the governors</p> <p>3 and the head teacher, depending upon the designation of</p> <p>4 the staff member being appointed.</p> <p>5 Q. What about the head? Who appoints the head?</p> <p>6 A. The governors, but also the local authority have a role</p> <p>7 in that as well.</p> <p>8 Q. What is the local authority's role?</p> <p>9 A. Mainly advisory.</p> <p>10 Q. That's the case now. Has that always been the case?</p> <p>11 A. I'm unsure of the past, in that respect.</p> <p>12 Q. I'm going to start looking at the past now, in a very</p> <p>13 specific case in relation to the recruitment of</p> <p>14 a teacher called Anthony Bulley, whom we have heard</p> <p>15 about this morning from RS-A7.</p> <p>16 A. Yes.</p> <p>17 Q. Now, Bulley taught at Stony Dean from 1995 to 2005. I'm</p> <p>18 going to do this slightly oddly -- I hope you will</p> <p>19 forgive me -- but I'm going to start at the end of</p> <p>20 the story and then go back to the beginning because</p> <p>21 I think it makes it clearer what actually happened. Can</p> <p>22 I start -- Ralph, could you get us DFE001810_042. This</p> <p>23 is a decision of the General Teaching Council for</p> <p>24 England from 2008. It is the outcome of a disciplinary</p> <p>25 hearing in relation to Mr Graham Newsholme and</p> <p style="text-align: center;">Page 85</p>	<p>1 Deryck Miller, who were the former head and deputy head</p> <p>2 respectively of Stony Dean.</p> <p>3 Both men were found guilty by the General Teaching</p> <p>4 Council of unacceptable professional misconduct, based</p> <p>5 on a series of failures in the discharge of their</p> <p>6 duties. I want to look at some of those failures as</p> <p>7 they have been specified by the General Teaching</p> <p>8 Council.</p> <p>9 So looking at that page, at the top of that page in</p> <p>10 bold type we have what is an allegation, and the</p> <p>11 allegation against Mr Newsholme here is an allegation of</p> <p>12 failing to ensure that the school properly contacted on</p> <p>13 and managed child protection issues and concerns</p> <p>14 including:</p> <p>15 "(a) a failure in 1995 to follow up a reference in</p> <p>16 support of Mr Bulley's application for employment, which</p> <p>17 contained a reference to a child protection issue."</p> <p>18 So this is all about a reference that we are going</p> <p>19 to have to look at, but if we go down to the bottom of</p> <p>20 that page, the third paragraph from the bottom, it's the</p> <p>21 second of those two paragraphs, at the bottom of that</p> <p>22 paragraph it says:</p> <p>23 "Mr Newsholme failed to seek clarification of</p> <p>24 the child protection issue, he made no contact with the</p> <p>25 author of the reference (the principal of</p> <p style="text-align: center;">Page 86</p>
<p>1 Cotswold Community) and he did not investigate the issue</p> <p>2 with Bessels Leigh in detail; making a 'phone call is</p> <p>3 not 'follow up'."</p> <p>4 In order to make sense of that, let us now look at</p> <p>5 the reference. That's BUC000044_001.</p> <p>6 So this is a reference obtained -- we can see the</p> <p>7 date at the top is 16 February 1995. It is from the</p> <p>8 Cotswold Community, which was Mr Bulley's previous</p> <p>9 employer, and the last paragraph down at the bottom,</p> <p>10 Ralph, if you could enlarge that, says:</p> <p>11 "Nigel's strength is in the area of basic childcare</p> <p>12 and recreational activities. He is good at doing things</p> <p>13 with children. He got on well at his previous school,</p> <p>14 Bessels Leigh, although his departure was slightly</p> <p>15 spoiled by a child protection issue, which, in the end,</p> <p>16 didn't amount to anything."</p> <p>17 What, in your view, ought the head teacher to have</p> <p>18 done on receiving that letter?</p> <p>19 A. Immediately follow it up. Contact the school and gain</p> <p>20 a comprehensive understanding of what that referred to</p> <p>21 and formed his own decision -- his own view as to what</p> <p>22 that meant and whether or not it was still a good idea</p> <p>23 to employ that person.</p> <p>24 Q. It appears that he didn't do that; do you agree?</p> <p>25 A. Correct, yes.</p> <p style="text-align: center;">Page 87</p>	<p>1 Q. It appears, also, that nobody from Buckinghamshire</p> <p>2 County Council noticed that he didn't do that. Was that</p> <p>3 a gap in oversight, do you think?</p> <p>4 A. Yes, absolutely.</p> <p>5 Q. Should that have been something that the local authority</p> <p>6 would oversee?</p> <p>7 A. We know that the local authority at the time, after the</p> <p>8 appointment of Mr Bulley, had a copy of that reference.</p> <p>9 Q. I am going to come to that, yes.</p> <p>10 A. So absolutely, it should have been followed up.</p> <p>11 Q. Was there a system in place at that time to make sure</p> <p>12 that Buckinghamshire had their finger on the pulse of</p> <p>13 that kind of issue?</p> <p>14 A. It's unlikely that it was as comprehensive as it should</p> <p>15 have been.</p> <p>16 Q. I'm now going to ask some questions on behalf of one of</p> <p>17 the victims and survivors, who wants to ask this: if</p> <p>18 a headmaster now, in 2019, failed to check up</p> <p>19 a reference or failed to follow up a poor reference, is</p> <p>20 there any way that your local authority, or any other</p> <p>21 agency, would know?</p> <p>22 A. So there are a number of checks and balances that are in</p> <p>23 place now, so that starts, if you like, with the</p> <p>24 governing body, and the governing body have a safe</p> <p>25 recruitment lead, and this applies to all schools, and</p> <p style="text-align: center;">Page 88</p>

1 **it's their responsibility to provide oversights and**
 2 **satisfy themselves that safer recruitment practice has**
 3 **taken place when appointments are made. So there's the**
 4 **check and balance within the school network, if one**
 5 **likes.**
 6 **Each school in Buckinghamshire is required to**
 7 **complete an annual safeguarding audit, which goes into**
 8 **specific detail about safer recruitment, recruitments**
 9 **that have been made in the previous 12 months,**
 10 **confirmation that references have been taken and that**
 11 **they have been followed up where necessary.**
 12 Q. Who did they submit that audit to?
 13 **A. Into the local authority and to the Education**
 14 **Safeguarding Advisory Service and other colleagues have**
 15 **a key role at examining those audits, and they --**
 16 Q. If they failed to submit it, would that be noticed?
 17 **A. Yes, it would.**
 18 Q. What would happen?
 19 **A. So they would have -- there would be direct contact, and**
 20 **almost certainly members of the Education Safeguarding**
 21 **Advisory Service would go to that school.**
 22 Q. Now, you mentioned a moment ago that a copy -- going
 23 back to that 1995 reference, a copy of it was received
 24 by Buckinghamshire County Council. It is not clear how
 25 it got there. I don't know whether Graham Newsholme,

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1 Q. The references would presumably -- well, a report on the
 2 references would come to you in the annual audit?
 3 **A. Correct.**
 4 Q. But the references themselves perhaps would not?
 5 **A. Correct.**
 6 Q. So it may be now that you're not seeing those references
 7 at all, ever?
 8 **A. That's the current system.**
 9 Q. So is it reliant on self-reporting, then?
 10 **A. So in order for what happened, in respect of Mr Bulley's**
 11 **appointment, to happen again, the governing body and**
 12 **their designated person wouldn't have done -- fulfilled**
 13 **their role. In addition, the head teacher would also**
 14 **have to have made the same mistakes. So there are**
 15 **checks and balances now that there weren't then.**
 16 Q. What I'm asking though is that, if your system is that
 17 an audit tells you that all references have been
 18 followed up, it could easily say that about a letter
 19 like this, but you wouldn't know what was in the letter,
 20 so you wouldn't know whether it had been followed up
 21 appropriately or not?
 22 **A. That's true.**
 23 Q. So is that still a current gap in your system?
 24 **A. You could describe it as that, if you wish. I think**
 25 **it's robust, in that the training and the**

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1 the head teacher, sent it in or whether it came direct
 2 from the previous employer. Do you happen to know?
 3 **A. I don't know.**
 4 Q. But it did arrive. As far as I can tell from the
 5 papers, it appears that nobody at Buckinghamshire County
 6 Council acted on that, followed it up?
 7 **A. That's correct.**
 8 Q. That's correct. In a sense, I wonder whether that's two
 9 gaps that there were in your system: the first was not
 10 following through on what the head teacher was doing;
 11 but the second is not responding to your own post?
 12 **A. Yes.**
 13 Q. Again, what would happen now? Would you nowadays
 14 receive that letter as a matter of course?
 15 **A. Not directly. So the responsibility for recruitment is**
 16 **delegated to the school and the governors in the way**
 17 **that I've just described.**
 18 Q. Yes.
 19 **A. It isn't -- it wouldn't be that references would come to**
 20 **the county council as a routine matter. However,**
 21 **support would be given to schools about following up on**
 22 **references or answering their concerns about them.**
 23 Q. That would be through your advisory service?
 24 **A. And colleagues in the human resources department of**
 25 **the county council.**

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1 **responsibilities and the conversations that happen**
 2 **between the local authority and the schools and**
 3 **governing bodies is really clear, and so, expectations**
 4 **and responsibilities are really clear within that.**
 5 **There can never be absolute guarantees that**
 6 **individuals within that will do the right thing.**
 7 Q. What about the fact that Mr Newsholme only obtained one
 8 reference? Would that have been standard practice in
 9 1995?
 10 **A. I don't believe it would have been, but we know that**
 11 **that's what happened in this particular instance.**
 12 Q. Yes. Is that something that you think the local
 13 authority should also have picked up on, that he only
 14 asked for one reference?
 15 **A. Yes.**
 16 Q. Again, many of my questions are going to be on the same
 17 pattern of saying, "How is it different now?" --
 18 **A. Of course.**
 19 Q. -- and so, now, if a head teacher only asked for one
 20 reference, presumably you would say to me that would
 21 come to your attention through the same system, in terms
 22 of your audit, that you have just told me about?
 23 **A. Yes, it would.**
 24 Q. So I think we are agreed that there were some quite
 25 serious deficiencies, in terms of what Mr Newsholme did,

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<p>1 in terms of following up that reference?</p> <p>2 A. Yes, we are.</p> <p>3 Q. In the recruitment initially?</p> <p>4 A. Yes.</p> <p>5 Q. There was a separate issue also about his recruitment,</p> <p>6 which was to do with his criminal record check. Now,</p> <p>7 the recruitment of Mr Bulley took place in 1995, and at</p> <p>8 that time, as I understand it, all that was possible was</p> <p>9 a check on the police national computer for criminal</p> <p>10 convictions, and nothing more detailed than that. Is</p> <p>11 that your understanding also?</p> <p>12 A. It is my understanding, yes.</p> <p>13 Q. Ralph, could we have BUC000044_008. That is the</p> <p>14 certificate that appears to have been obtained by</p> <p>15 Mr Newsholme -- no, that's 2004. I beg your pardon. We</p> <p>16 will come on to that later. He did, as I understand it,</p> <p>17 obtain a criminal record check for Mr Bulley in 1995,</p> <p>18 and that came back clear for criminal convictions, as we</p> <p>19 understand it.</p> <p>20 A. Yes.</p> <p>21 Q. Now, the check that was done was done in the name of</p> <p>22 Anthony Bulley; is that right?</p> <p>23 A. Yes.</p> <p>24 Q. And yet the reference that we looked at earlier was</p> <p>25 a reference in the name of Nigel Bulley. This was</p> <p style="text-align: center;">Page 93</p>	<p>1 because Mr Bulley changed his name in between being</p> <p>2 recruited and starting work at the school; is that</p> <p>3 right?</p> <p>4 A. That's my understanding, yes.</p> <p>5 Q. We know that both the school and the local authority</p> <p>6 were aware of this name change, because there is</p> <p>7 correspondence from the school to the local authority</p> <p>8 alerting them of the name change and asking for it to be</p> <p>9 copied to the payroll department -- very crucial.</p> <p>10 I'm now going to ask some more questions on behalf</p> <p>11 of some of the victims and survivors. Given that there</p> <p>12 were these two names that the head teacher and the local</p> <p>13 authority knew about, was it appropriate for</p> <p>14 Graham Newsholme to run just one of the names on the</p> <p>15 police computer check?</p> <p>16 A. No.</p> <p>17 Q. Should he have run both names?</p> <p>18 A. He should have run both names, but he should also have</p> <p>19 asked himself and others why the change of name, because</p> <p>20 that's a red flag in respect of Safer Recruitment.</p> <p>21 Q. The local authority again didn't appear to notice this</p> <p>22 omission, that it had only been done in one name.</p> <p>23 Should the local authority have noticed that?</p> <p>24 A. Yes.</p> <p>25 Q. So that's another omission on the part of the local</p> <p style="text-align: center;">Page 94</p>
<p>1 authority?</p> <p>2 A. Yes.</p> <p>3 Q. If the headmaster was to fail to run both names today,</p> <p>4 in the knowledge that an applicant had changed his name,</p> <p>5 is there any way that you or any other agency would</p> <p>6 know?</p> <p>7 A. So that would come to the attention, I would expect,</p> <p>8 first of all, from the audits done by the</p> <p>9 safeguarding -- the Safer Recruitment governor of</p> <p>10 the school, and that would be reported back in to the</p> <p>11 local authority.</p> <p>12 Q. So it is the responsibility of the safeguarding</p> <p>13 governor --</p> <p>14 A. Sorry, the Safer Recruitment -- the governor who has</p> <p>15 responsibility for Safer Recruitment is probably</p> <p>16 a better way of saying that.</p> <p>17 Q. I think, in 1995, List 99 also existed, which was</p> <p>18 a forerunner of the barred list. Should Mr Newsholme</p> <p>19 have checked both names against List 99 as well?</p> <p>20 A. Yes.</p> <p>21 Q. That doesn't appear to have happened at all, as far as</p> <p>22 I can see from the paperwork?</p> <p>23 A. That's my understanding as well.</p> <p>24 Q. I'm going to turn now to the actual allegations that</p> <p>25 were made against Anthony Bulley, which came some time</p> <p style="text-align: center;">Page 95</p>	<p>1 later, the first set of allegations in 2002. In that</p> <p>2 year, a child at the school, who we are going to call</p> <p>3 RS-A200, alleged that Mr Bulley had touched him on or</p> <p>4 near his penis, had put his hand down his trousers and</p> <p>5 touched his bottom and had made inappropriate sexual</p> <p>6 remarks. Now, that allegation was described at</p> <p>7 a strategy meeting as being clear and consistent?</p> <p>8 A. Yes.</p> <p>9 Q. We know, again from the -- we don't need to go to this</p> <p>10 document, but from the General Teaching Council findings</p> <p>11 in relation to Mr Newsholme, we know that both</p> <p>12 Mr Newsholme and Mr Miller were found to have failed to</p> <p>13 have managed this allegation properly as a child</p> <p>14 protection matter. That was largely in connection with</p> <p>15 their failure to report the matter to the local</p> <p>16 authority.</p> <p>17 So they didn't tell the local authority about the</p> <p>18 allegation, but the local authority were alerted by</p> <p>19 RS-A200's mother, and the local authority convened</p> <p>20 a strategy meeting. Now, this is dealt with in your</p> <p>21 statement -- Ralph, can we have BUC000048_005. This is</p> <p>22 your statement, Mr Nash, at paragraph 33.</p> <p>23 A strategy meeting was convened for the afternoon of</p> <p>24 20 May 2002. Deryck Miller attended in his role as the</p> <p>25 school's child protection coordinator. Graham Newsholme</p> <p style="text-align: center;">Page 96</p>

<p>1 did not attend. The local safeguarding procedures in 2 place at the time required a head teacher to attend in 3 cases of allegations against staff. 4 "The representatives at the meeting were given no 5 information by Deryck Miller about Anthony Bulley's 6 change of name from Nigel Bulley to Anthony Bulley or 7 about the information contained in the reference from 8 the principal at Cotswold Community. As a result, 9 police continued to believe they had all the available 10 information concerning Anthony Bulley. 11 "Deryck Miller withheld crucial information and told 12 the meeting the school did not have any concerns about 13 Anthony Bulley. He also reported that RS-A200 was prone 14 to lying and on a previous unspecified date had been 15 found in Anthony Bulley's flat without permission." 16 You then say: 17 "There was no record on logbooks or files at the 18 school of that incident." 19 Can we also, Ralph, go to paragraph 37: 20 "The human resources representative at the 21 20 May 2002 strategy meeting did not bring with her the 22 human resources files on Anthony Bulley. There was no 23 specific guidance or procedures for human resources 24 staff about their role and what was expected of them at 25 strategy meetings. Not taking the file prevented her</p> <p style="text-align: center;">Page 97</p>	<p>1 from identifying that Anthony Bulley had previously 2 changed his name." 3 So can I just take you through some of that and ask 4 for your responses. What do you say about the fact that 5 Mr Miller attended the meeting instead of Mr Newsholme? 6 A. I think it's clear what the expectation was at that 7 time. However, I would also say that the police and 8 children's social care and individuals who are managing 9 the strategy meeting needed to take assertive control of 10 who attended the strategy meeting, what information was 11 going to be shared with them and on what basis. I would 12 suggest that none of those things happened, and that is 13 a root cause of a number of the issues I think you're 14 going to take me through. 15 Q. Yes. So that meeting fell short of expectations in 16 a number of ways? 17 A. Yes. 18 Q. For example, what do you say about Mr Miller omitting to 19 mention the change of name? 20 A. It's difficult to find the right words. My view is 21 that's appalling. 22 Q. Likewise the reference? 23 A. Yes. 24 Q. Omitting to mention the reference. What do you say 25 about his comment that RS-A200 is prone to lying and had</p> <p style="text-align: center;">Page 98</p>
<p>1 been in Mr Bulley's flat previously? 2 A. Again, I'm thinking about the venue before I choose my 3 words, but that is outrageous and something that I think 4 would -- should have been taken extremely seriously 5 about the implications of that comment, not only for the 6 involvement in this very significant child protection 7 enquiry, but also it raises questions about his 8 suitability, at that point in time, to be in the role 9 that he was in. 10 Q. So what would be done about that, in practical terms, 11 today if a comment like that was made at a strategy 12 meeting? 13 A. I would make sure that there would be an investigation 14 into Mr Miller. I wouldn't have Mr Miller at that 15 strategy meeting or any further ones. I would be 16 conscious of the possibility of Mr Miller and 17 potentially the head teacher undermining such an 18 investigation. 19 Q. You use the word "I". Would it come to you? 20 A. In the current structure, I would have an opportunity to 21 be involved if this happened today in such a serious 22 investigation. I would be told formally and I would 23 then be able to make a decision as to the -- how to 24 resource and who to resource that piece of work to. 25 Q. What about the failure to take the human resources file,</p> <p style="text-align: center;">Page 99</p>	<p>1 Mr Bulley's staff file, if you like? Evidently, I'm 2 sure you will agree, that is another failing in relation 3 to that meeting? 4 A. I don't understand why someone was asked to bring the 5 file. I don't understand why the meeting didn't go and 6 get the file and make provision for that within the 7 strategy of the investigation. 8 Q. Is that a requirement now, that the file would be at the 9 meeting? 10 A. It won't be written down in a policy, because that's 11 very specific. But what is clear is the expectation of 12 those police and county council leaders who are managing 13 such an investigation to consider all the information 14 that they would need and to consider very carefully how 15 they saw that information so as not to lose the 16 integrity of the investigation. Because at the starting 17 point of a piece of work like this, one doesn't know 18 whether the allegation is the entire iceberg or the tip 19 of a very nasty one and, of course, other members of 20 staff, if it is a school that we are using as an 21 example, could be witnesses or could be implicated. 22 Q. What I am anxious to establish is whether this could 23 happen again. Is there anything that would -- I mean, 24 you say they have an obligation to take everything on 25 board, but that sounds a bit -- to take on board all the</p> <p style="text-align: center;">Page 100</p>

<p>1 information that they need, but that sounds a bit vague. 2 What I'm wondering is, is it entirely clear that if they 3 are having a strategy meeting about a member of staff 4 who is the recipient of allegations of child sexual 5 abuse, that they must look in his staff file? 6 A. Yes, it is. 7 Q. It is entirely clear? 8 A. So right now, the local authority -- the LADO, the local 9 authority designated officer, who has expertise in 10 dealing with allegations against members of 11 the children's workforce, and that's absolutely clear, 12 that they would secure that information. 13 What I was suggesting was, they wouldn't be asking 14 a third party to go and do it. They would go and do it 15 themselves to ascertain they have got the right 16 information and they have got that in a way that 17 reflects the seriousness of what's being investigated. 18 Q. The staff file obviously is held by the school and not 19 by the LADO. So it would be a question, would it, of 20 the LADO requiring the school to produce it? 21 A. It would be a question of those leading the strategy 22 meeting to decide the best way of securing that 23 information without compromising any of the integrity of 24 the piece of work. 25 Q. Ralph, could we have the same document, page 5. This</p> <p style="text-align: center;">Page 101</p>	<p>1 is, again, your statement, paragraphs 38 and 39: 2 "The focus at the strategy meeting ..." 3 This was in the absence of all this information, in 4 the absence of the reference and the name change and the 5 staff file: 6 "The focus ... appeared to be on proving what had 7 happened to a criminal law burden of proof and there is 8 no evidence that a balance of probability approach was 9 adopted. The meeting did not appear to consider the 10 fact that children might be at risk and protective 11 actions were required ... 12 "Deryck Miller's attitude at the initial meeting 13 served to polarise views about what had happened. Only 14 the representative from children's social care 15 challenged Deryck Miller about his failure to remain 16 neutral and nonjudgmental. The ensuing discussion 17 concerned the opposing views held by Deryck Miller and 18 Dan Russell, service manager for referral and 19 assessment, diverted the meeting from undertaking 20 a rigorous and comprehensive analysis of the facts, 21 context and circumstances of the allegation so as to 22 decide what to do." 23 That was obviously a disaster of a meeting. Is that 24 putting it too strongly? 25 A. No, not at all.</p> <p style="text-align: center;">Page 102</p>
<p>1 Q. Because they failed in their basic duty to decide what 2 to do in the best interests of protecting the children? 3 A. Yes. I think that what we know, and what we know with 4 hindsight, is both Mr Newsholme and Mr Miller took 5 a proactive position of trying to undermine the 6 allegations and were set on a course of action that was 7 designed, in my opinion, to disprove those allegations, 8 and the repeating theme for me is that they weren't -- 9 their quite extraordinary change in behaviour wasn't 10 managed well by the police and children's social care 11 individuals at those strategy meetings. 12 Q. So a question of oversight again arises, because one 13 would have hoped that if a meeting had gone off course, 14 or if that happened now and a meeting went off course in 15 such an alarming way, somebody at the local authority 16 perhaps would have maybe passed it up to your level. 17 Would that happen now? 18 A. Absolutely it would. So in Children's Services, and 19 across the whole Children's Services directorate, we 20 have a "need to know" policy that all staff have and are 21 obliged to follow, and that means that when any sort of 22 serious incident happens to do with a child, that both 23 myself and the director of Children's Services are 24 notified of that incident, so that we have an 25 opportunity to take what action we think is right and</p> <p style="text-align: center;">Page 103</p>	<p>1 proper. So that would include strategy -- if it would 2 include allegations of sexual abuse by a member of 3 the children's workforce, I would be told of that. As 4 I said earlier, I would have an opportunity then to help 5 manage with police colleagues how that would be taken 6 forward in the right way. 7 Should a meeting take place and someone behave in 8 the way as described by Mr Miller, that would also be 9 escalated to me if I wasn't present at that meeting. 10 Q. Do you know why it wasn't escalated in 2002? 11 A. No, I don't. 12 Q. What happened after that meeting, there was no clear 13 direction that came out of that meeting. There were 14 then a series of almost competing meetings. There was 15 a section 47 investigation and there were internal 16 investigation meetings, there were strategy meetings. 17 It was a muddle, if I can put it frankly. 18 One of the decisions taken at one of those meetings 19 was that both Mr Bulley and RS-A200 should be excluded 20 from an upcoming school trip. It is mentioned later 21 that RS-A200 might have seen this as a punishment for 22 making the allegations. Do you have a view now about 23 the appropriateness of excluding him, the child, from -- 24 A. Completely wrong, completely inappropriate and almost 25 certainly was designed to get the outcome that the head</p> <p style="text-align: center;">Page 104</p>

1 **and deputy head wanted, in my opinion.**
 2 Q. What are the chances of that happening now, being
 3 excluded from a school trip in that way?
 4 **A. That's a very specific question, of which I would hope**
 5 **and think and, if I had anything to do with it, wouldn't**
 6 **happen again. However, individuals within positions of**
 7 **trust have to take responsibility for their own actions.**
 8 **But any stance by a school to punish a young person who**
 9 **has made an allegation would be treated with huge**
 10 **seriousness. It is completely inappropriate.**
 11 Q. Another decision that was taken in one of these meetings
 12 was that, with one exception, no other boys from the
 13 dormitory should be interviewed, the exception related
 14 to a boy who was said to have -- it was possible that he
 15 might want to make a disclosure and, in the end, he
 16 didn't. But with the exception of that one boy, the
 17 decision was made that no other boys should be
 18 interviewed about whether they had any allegations to
 19 make.
 20 Now, I don't know whether you had the benefit this
 21 morning of listening to RS-A7's evidence from outside
 22 the room?
 23 **A. I did.**
 24 Q. You heard him talk about the fact that he was not
 25 interviewed and what a difference he feels -- he is very

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1 Now, your evidence is very forthright about what you
 2 say about that investigation, if I can take you to
 3 paragraph 61 of your statement -- the same document,
 4 Ralph, page 8. Paragraph 61. You say:
 5 "Deryck Miller appears, from the records
 6 available ... to have worked on the hypothesis that the
 7 allegations were false and to have used his
 8 investigation to prove this hypothesis. He did not
 9 demonstrate impartiality or balance in his
 10 investigation."
 11 Then further down, at paragraph 64, you say:
 12 "It can be concluded that the investigation by
 13 Deryck Miller was completely flawed and not in the best
 14 interests of RS-A200."
 15 This is an investigation happening in a school in
 16 your area, Buckinghamshire's area. Did the local
 17 authority exercise any interest or oversight in relation
 18 to that internal investigation?
 19 **A. There isn't any evidence of that.**
 20 Q. Should it have done?
 21 **A. Yes -- sorry, if I may, such an investigation shouldn't**
 22 **have happened by that person at that time in that way,**
 23 **and it's part of, in my opinion, the actions taken by**
 24 **the school to get the outcome that they wanted, which**
 25 **was, "There is no abuse here. Please move on".**

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1 angry about that and he feels that that could have made
 2 all the difference to Mr Bulley going on to commit
 3 further abuse. I wondered whether there's any response
 4 that you wanted to make on that topic about the fact
 5 that no other boys were interviewed?
 6 **A. I totally agree with what was said earlier, and it's not**
 7 **easily explainable. I don't know what the rationale for**
 8 **that was and it was completely wrong.**
 9 Q. Well, it appears to have been Mr Miller who didn't want
 10 further boys to be interviewed. Do you agree with RS-A7
 11 that it could have made all the difference to --
 12 **A. Absolutely.**
 13 Q. -- Mr Bulley not going on to offend further?
 14 **A. Absolutely.**
 15 Q. And that's how important it was?
 16 **A. Yes.**
 17 Q. So, in the event, no further boys were interviewed. So
 18 there was no corroborative evidence obtained.
 19 Unsurprisingly, the Crown Prosecution Service decided
 20 not to proceed. The section 47 investigation, which was
 21 still running at that point, paused in order to allow
 22 a disciplinary investigation to take place, and the
 23 disciplinary investigation was an internal matter for
 24 the school, and it was headed by none other than the
 25 deputy head, Deryck Miller.

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1 Q. A further feature was that Mr Miller, in relation to his
 2 investigation, was advised several times to have an
 3 independent monitor as part of the investigation, and he
 4 refused to do so. You would agree that's a further flaw
 5 in his investigation?
 6 **A. The advice to have an independent monitor was a small**
 7 **positive in what was a sea of doing the wrong thing.**
 8 **The fact that he ignored it is not surprising. I'm not**
 9 **sure what difference it necessarily would have made, for**
 10 **the reasons I have previously stated. But there was no**
 11 **challenge to him ignoring that, which is of concern.**
 12 Q. So coming back to the present day again, it is still the
 13 case, as I understand it, that where criminal
 14 proceedings are not proceeded with, matters will often
 15 return to the school for a disciplinary investigation;
 16 is that right?
 17 **A. Not necessarily, because it's very, very important to**
 18 **understand and think about the burden of proof and the**
 19 **balance of probability and the child protection**
 20 **implications. Even if the Crown Prosecution Service**
 21 **don't run with a prosecution of somebody, that's not**
 22 **a statement to say that that act has not happened. It**
 23 **is a statement around the burden of -- the level of**
 24 **proof. So the safeguarding responsibilities for the**
 25 **school, the school community, governors and the local**

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<p>1 authority remain, and so decisions have to be made</p> <p>2 around the safety of children in light of that</p> <p>3 information.</p> <p>4 Q. Absolutely, the burden of proof is different, but one</p> <p>5 possible outcome is for an investigation -- sorry,</p> <p>6 a disciplinary proceeding to be taken within the school?</p> <p>7 A. Absolutely, but, sorry, what I was trying to suggest</p> <p>8 was, there's an order of play in respect of that.</p> <p>9 Q. Yes, I understand that. So, in any action that is</p> <p>10 taken, whether it be further child protection measures</p> <p>11 or a disciplinary process, what are the arrangements for</p> <p>12 ensuring that there are independent people involved in</p> <p>13 that so that somebody like Deryck Miller can't control</p> <p>14 it in the way that he did all those years ago?</p> <p>15 A. So if we're going back in time to that point in time,</p> <p>16 there would be clear evidence of the fact that Mr Miller</p> <p>17 was not neutral in this and, therefore, he shouldn't,</p> <p>18 and couldn't, be involved in such a disciplinary</p> <p>19 investigation. I would expect now that with colleagues</p> <p>20 from the human resources department, the county council,</p> <p>21 we would appoint an independent person to do that</p> <p>22 investigation, and take control of it with the governing</p> <p>23 body in an appropriate way.</p> <p>24 Q. So the conclusion of Mr Miller's investigation, I can</p> <p>25 take you to it but I don't think we need to go, is that</p> <p style="text-align: center;">Page 109</p>	<p>1 his finding at the end was that it was extremely</p> <p>2 improbable that the actions alleged by RS-A200 could</p> <p>3 have taken place. Actually, I'm sorry, I will take you</p> <p>4 to it. Ralph, can we have BUC000043_006. That document</p> <p>5 is Mr Miller's report. Next page, _007. Following on</p> <p>6 from his finding that it's extremely improbable that the</p> <p>7 actions alleged could have taken place, he then goes on,</p> <p>8 on the next page -- on this page, to say:</p> <p>9 "If they did not take place, then we need to examine</p> <p>10 why such an allegation has been made. There are</p> <p>11 a number of possible explanations and observations:</p> <p>12 "[The child] had a vivid dream which he is attaching</p> <p>13 reality to.</p> <p>14 "He is recalling some event that took place in</p> <p>15 another place and another time but transferring</p> <p>16 identities.</p> <p>17 "His educational/emotional special needs have not</p> <p>18 yet been fully identified and understood.</p> <p>19 "He has a history of making allegations against</p> <p>20 staff -- though none so extreme.</p> <p>21 "He no longer wanted to board but felt he was not</p> <p>22 being listened to ...</p> <p>23 "He is not telling the truth."</p> <p>24 That list, I would suggest to you, seeks to blame</p> <p>25 the child for what has happened. Would you agree?</p> <p style="text-align: center;">Page 110</p>
<p>1 A. Absolutely.</p> <p>2 Q. What do you say about that list?</p> <p>3 A. Again, it's appalling. It's not a very subtle way of</p> <p>4 Mr Miller disclosing to the world his position on this,</p> <p>5 that it's about blaming the child and about closing down</p> <p>6 what happened.</p> <p>7 Q. Again, what would you do if you met such a series of</p> <p>8 bullet points in a document produced by one of your</p> <p>9 schools?</p> <p>10 A. Then I would seek to take the strongest possible action</p> <p>11 against that person, because of what that -- the</p> <p>12 implications of that position would be for their ability</p> <p>13 to protect and safeguard vulnerable children.</p> <p>14 Q. So the end result of the outcome of that report, which</p> <p>15 suggested that it was extremely improbable that the</p> <p>16 events could have taken place, was that Mr Bulley</p> <p>17 returned to work?</p> <p>18 A. Yes.</p> <p>19 Q. There was then a reaction to all of that on the part of</p> <p>20 Mr Newsholme, the headmaster, the head teacher, who</p> <p>21 felt, as you have said in your statement, that</p> <p>22 Deryck Miller had been challenged in strategy meetings,</p> <p>23 and Graham Newsholme had been challenged about the</p> <p>24 decision to exclude the child from the school trip.</p> <p>25 Now, your evidence in your statement is that</p> <p style="text-align: center;">Page 111</p>	<p>1 Mr Newsholme didn't like that, didn't like those</p> <p>2 challenges, and so, in order to reinforce his arguments</p> <p>3 he asked for a multi-disciplinary debrief; in other</p> <p>4 words, he asked the Department for Education and Skills</p> <p>5 to come and look into the way that the allegation had</p> <p>6 been handled. Now, that review took place, but rather</p> <p>7 than exonerating Mr Newsholme, it concluded that</p> <p>8 87 requirements were not met, or only partially met, and</p> <p>9 that additional distress had been caused to the child</p> <p>10 and that opportunities to secure a more definite outcome</p> <p>11 were lost due to weaknesses in practice and procedure.</p> <p>12 Do you know whether there was any response at the</p> <p>13 time from Buckinghamshire County Council to that</p> <p>14 multi-agency review?</p> <p>15 A. No, I don't.</p> <p>16 Q. Do you know whether the local authority were even aware</p> <p>17 of that review?</p> <p>18 A. I haven't seen any information that suggests they were</p> <p>19 at that time.</p> <p>20 Q. Do you think they should have been aware --</p> <p>21 A. Absolutely.</p> <p>22 Q. -- and that was another gap in the system?</p> <p>23 A. Yes.</p> <p>24 Q. So presumably, then, if Buckinghamshire didn't know</p> <p>25 about it, they weren't in a position to put in place any</p> <p style="text-align: center;">Page 112</p>

<p>1 programme or monitoring or plan of action to remedy the 2 shortcomings that had been found? 3 A. Correct. 4 MS ROBERTSON: I'm going to come on next to the 2004 5 allegations. 6 Chair, given that I'm turning to a new topic at this 7 time, it is slightly early, I'm happy to continue, but 8 I wonder if this would be a better place to stop? 9 THE CHAIR: Yes, we will stop and return at 1.55 pm. 10 MS ROBERTSON: Thank you very much. 11 (12.55 pm) 12 (The short adjournment) 13 (1.59 pm) 14 MS ROBERTSON: Thank you, chair. Before we recommence, may 15 I clarify something from this morning? It's been 16 brought to my attention that the headmaster of 17 Stony Dean School is sometimes referred to in the 18 documents as "Peter Newsholme" and sometimes as 19 "Graham Newsholme" and we have been using those names 20 interchangeably. I can see from the General Teaching 21 Council findings that he is Peter Graham Newsholme. 22 I think he is referred to as "Peter" in some of 23 the documents but was known as "Graham" and that's where 24 the confusion arises. Unfortunately, I can't absolutely 25 promise that I will stick to one or the other, but, to</p> <p style="text-align: center;">Page 113</p>	<p>1 be clear, it is the same man. 2 THE CHAIR: Thank you for that clarification. 3 MS ROBERTSON: Mr Nash, before lunch, I said we were going 4 to reconvene on the subject of the 2004 allegations, 5 which were the next set of allegations against 6 Mr Bulley, as I'm sure you know. 7 It was actually right at the end of 2004, on 8 30 December, that a child, RS-A240, made an allegation 9 of sexual assault against Mr Bulley, and, again, before 10 we go into the detail of that, I'd like to go to the 11 General Teaching Council findings about it. Ralph, this 12 is at DFE001810_045. 13 It is about halfway down, the bold paragraph (d). 14 That sets out the allegation that was made against 15 Mr Newsholme. The allegation is that he failed, on 16 4 January 2005, to disclose relevant information at 17 a multistrategy meeting called to consider Mr Bulley's 18 conduct. 19 Then, if you skip the next paragraph, which is 20 background information, and go to the next one, which 21 begins, "Further", that tells us: 22 "Further, Mr Newsholme did not advise the meeting 23 that a child protection issue had been raised at the 24 initial reference, did not provide detail of 25 the concerns raised by Miss Jeffrey and Ms Lord only six</p> <p style="text-align: center;">Page 114</p>
<p>1 months before, and did not even confirm that the school 2 had, in their view, capability concerns about Mr Bulley. 3 The committee is satisfied that these pieces of 4 information were relevant for the multistrategy meeting 5 and that Mr Newsholme, for whatever reason, failed to 6 disclose them." 7 The concerns that had been raised by Miss Jeffrey 8 and Ms Lord only six months before were, I think, 9 a series of complaints and concerns that had been raised 10 about Mr Bulley, and I don't propose to ask you about 11 those in any detail, save to note that that had also 12 been going on in the background. Are you aware of that? 13 A. Yes. 14 Q. Going back to your statement, where you deal with this 15 whole issue, it is paragraph 76 of your statement which, 16 if you want to look at it, is at BUC000048_010. You are 17 talking about the same meeting, and just starting at the 18 second sentence, you say: 19 "Graham Newsholme took the case file for [the child] 20 but not Anthony Bulley's personal file. Detailed 21 information about the content of [the child's] 22 disclosure was given at the meeting. However, 23 Graham Newsholme challenged the veracity of RS-A240 at 24 interview. He gave Anthony Bulley's background history 25 at the school, but omitted to tell the meeting about the</p> <p style="text-align: center;">Page 115</p>	<p>1 previous incident at Bessels Leigh, the reference from 2 Cotswold Community or about Anthony Bulley's name change 3 in 1996." 4 What we actually have is, we have -- if I can ask 5 you to turn to BUC000045_003, we have the minutes, which 6 I think are the minutes of that meeting. That will tell 7 us in more detail exactly what it was that Mr Newsholme 8 did and didn't say at that meeting. 9 If I start at the top paragraph, at the end of 10 the third line: 11 "Mr Newsholme stated that RS-A240 did have a history 12 of fantasising and that Mr Newsholme felt he may have 13 knowledge of a previous allegation. Mr Newsholme was 14 unable to give as much information as he would have 15 liked about RS-A240 due to him not being the teaching 16 professional who knew him best and the strategy meeting 17 being called at short notice. It was acknowledged by 18 the chair that RS-A240 may fantasise, as other children 19 do, but this did not necessarily mean that he was being 20 untruthful in his allegation." 21 Mr Nash, let's start with that. There are echoes, 22 are there not, of what happened in 2002 with Mr Miller 23 saying that the child in that case was prone to lying? 24 A. Yes, absolutely. 25 Q. A very similar situation?</p> <p style="text-align: center;">Page 116</p>

1 **A. Yes.**
 2 Q. But in this case, it perhaps goes further, in terms of
 3 saying the child has a history of fantasising. I assume
 4 that your response to -- well, your view of those
 5 comments would be very similar to your view in relation
 6 to Mr Miller's comments two years previously?
 7 **A. Absolutely.**
 8 Q. The acknowledgement by the chair that children do
 9 fantasise, but that doesn't mean that the allegations
 10 are untrue, in your view, was that a sufficient
 11 challenge?
 12 **A. No.**
 13 Q. What should the chair have done?
 14 **A. I think it was right for the chair to say what they**
 15 **said, but I think that they should have gone further in**
 16 **(a) understanding what happened and made themselves**
 17 **aware of what happened in 2002, made themselves aware of**
 18 **what was the known history of Mr Newsholme and indeed**
 19 **Mr Miller and the school previously, and that, in my**
 20 **view, that would mean that Mr Newsholme shouldn't be**
 21 **part of that strategy meeting, if his position was going**
 22 **to be to cloud the information and seek to blame**
 23 **children again.**
 24 Q. Going on to the next paragraph, paragraph 3, the second
 25 sentence. This is where Mr Newsholme is telling the

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1 **would be found to have not done anything wrong. That**
 2 **was the attempt, I think, by Mr Newsholme and I think he**
 3 **was attempting to use the previous information in order**
 4 **to do that.**
 5 Q. Mr Newsholme, we know, omitted to tell the meeting about
 6 the three crucial pieces of information: the incident at
 7 Bessels Leigh, the reference from the Cotswold Community
 8 and the name change. There's an extraordinary parallel,
 9 would you agree, with what happened in 2002. History is
 10 repeating itself?
 11 **A. Yes.**
 12 Q. So it would seem no lessons have been learned between
 13 2002 and 2004?
 14 **A. That would have to be the conclusion.**
 15 Q. Thus far, the two processes have been very similar, but,
 16 soon after, the sequence of events diverges, because,
 17 whereas in 2002 we saw the meeting go out of control and
 18 reach no clear conclusion, at this meeting the police
 19 made it clear that they intended to arrest
 20 Anthony Bulley and the meeting also made it clear to
 21 Mr Newsholme that he must suspend him. You deal with
 22 that at paragraph 78 of your statement, which I just
 23 wish to refresh my memory of. You say:
 24 "Graham Newsholme was given unambiguous information
 25 about the actions he was expected to take."

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1 strategy meeting all about Mr Bulley, and he says:
 2 "... after the previous allegation Mr Bulley was
 3 made aware of his own vulnerability. He was advised
 4 about not putting himself in vulnerable situations."
 5 What do you, on behalf of your local authority, say
 6 about that response to the events of 2002 and whether
 7 that was an appropriate piece of advice to be giving
 8 Mr Bulley?
 9 **A. I think it was a wholly inadequate response, and not the**
 10 **right advice.**
 11 Q. It puts the focus on protecting the adults rather than
 12 protecting the children, doesn't it?
 13 **A. Absolutely.**
 14 Q. The following paragraph, which begins, "Mr Newsholme
 15 stated", it is at the top of the screen now, the second
 16 sentence:
 17 "He [Mr Bulley] was described as very caring and
 18 secure but that he didn't always get everything right,
 19 no cause for concern other than a lack of awareness of
 20 how things could be misconstrued."
 21 Do you think that was an accurate representation of
 22 the school's view of Mr Bulley at that time?
 23 **A. It's difficult to answer categorically, but I would**
 24 **interpret that -- those comments of Mr Newsholme as**
 25 **preparing the ground for the situation where Mr Bulley**

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1 It is right, I think -- but please correct me if
 2 I am wrong -- that Mr Newsholme was not, in fact,
 3 suspended in 2002 but was placed on management leave.
 4 Do you know whether that's right?
 5 **A. You mean Mr Bulley, I think.**
 6 Q. I do, I'm sorry, I mean Mr Bulley.
 7 **A. Without going through the papers, I can't recall from**
 8 **my -- I'm aware of that phrase being used.**
 9 Q. I take it, from what you have written here, that that
 10 seems to imply that unambiguous instructions had to be
 11 given to Mr Newsholme and that he would appear to have
 12 been reluctant to impose that sanction without being
 13 given those instructions?
 14 **A. My understanding of that instruction was to ensure that**
 15 **Mr Bulley was not at school immediately, and this**
 16 **sequence of events is, in my view, the first time**
 17 **decisive action is being taken. The police are saying**
 18 **they're going to arrest Mr Bulley, and that it's**
 19 **absolutely clear what needs to happen next, ie, he needs**
 20 **to be out of the school.**
 21 Q. That is interesting, is it not, because it's a clear
 22 decision on the part of the police to make that arrest,
 23 still without the three crucial pieces of information?
 24 **A. Yes.**
 25 Q. There was then another strategy meeting nine days later,

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<p>1 and you deal with that at paragraph 80 of your 2 statement, where you say: 3 "At the strategy meeting on 13 January, Diana Jones, 4 senior human resources officer, looked at 5 Anthony Bulley's HR file ..." 6 That's the first time that that's been brought to 7 the meeting: 8 "... and saw Anthony Bulley's letter advising of his 9 change of name. No-one had checked Anthony Bulley's 10 file in advance of the first or the second strategy 11 meetings. She also saw the reference from 12 Cotswold Community and immediately drew the attention of 13 the meeting to these two matters." 14 I know we looked at the reference right at the 15 beginning before lunch, but we only actually looked at 16 the last paragraph of it, so I wonder if we could just 17 look at that reference again. It is at BUC000044. We 18 looked previously at the final -- sorry -- yes, the 19 final paragraph. I want to look at the one above that, 20 which begins, "Nigel's and the community's ..." 21 What it says is: 22 "Nigel's and the community's mutual decision that he 23 should leave is based on the nature of our work, which 24 is very intense, working very long hours with some of 25 the most seriously disturbed boys in the country. The</p> <p style="text-align: center;">Page 121</p>	<p>1 therapeutic work is based on close attachments forming 2 between an individual boy and a grown-up. Nigel has 3 found that this is not an area of work for which he is 4 well suited." 5 Would you agree that that paragraph in itself is 6 a big red flag? 7 A. Yes. 8 Q. It is very worrying, isn't it, first of all, that there 9 is a mutual decision to leave. Now, that suggests that 10 it wasn't entirely Mr Bulley's choice to go? 11 A. I think it says that quite clearly, yes. 12 Q. On its own, would that have been enough, in your view, 13 to require follow-up? 14 A. Yes. 15 Q. Taking that together with the following paragraph, which 16 is the paragraph that tells us that his departure from 17 Bessels Leigh was "slightly spoiled by a child 18 protection issue which, in the end, didn't amount to 19 anything", it is unsurprising what happened next. That 20 reference having been read at the strategy meeting, 21 DC Taylor left the meeting immediately to run further 22 checks on the police computer using Anthony Bulley's 23 previous name. This revealed information about the 24 Bessels Leigh investigation. Is it your understanding 25 that that all happened very quickly, possibly even at</p> <p style="text-align: center;">Page 122</p>
<p>1 the strategy meeting? 2 A. Sorry, can you repeat that question? 3 Q. Yes. The information was put through the police 4 computer straight away. The police officer left the 5 meeting to go and interrogate the police computer. And 6 that revealed information about the Bessels Leigh 7 investigation, the previous investigation. 8 A. Yes. 9 Q. Do you know whether that happened at the meeting, that 10 the information was forthcoming straight away? 11 A. My interpretation of the papers I have seen is that it 12 did. 13 Q. Do you know why the human resources file was taken to 14 that meeting when it had not been taken to any of 15 the previous meetings? And I'm not being facetious when 16 I ask, was it just luck? 17 A. I haven't got any information to be able to say 18 explicitly about what that -- what was behind that 19 correct decision. 20 Q. The actions taken by the police officer and by 21 Diana Jones, who was the senior HR person -- in other 22 words, to read out the relevant bits of the file and to 23 seek information from the police computer -- those were 24 the right and competent things to do in that situation, 25 were they not?</p> <p style="text-align: center;">Page 123</p>	<p>1 A. Yes. 2 Q. What I believe was discovered about the Bessels Leigh 3 investigation was that there had been an investigation, 4 and the result of it had been inconclusive. Were you 5 aware of that? 6 A. Yes, I was. 7 Q. Inconclusive is, as we all know, not the same thing as 8 unfounded. Would you agree? 9 A. Correct. 10 Q. In other words, he had not been found guilty, but he had 11 not been cleared? 12 A. Yes. 13 Q. So that would remain a cause for child protection 14 concerns? 15 A. Yes, it would. 16 Q. We all are aware that the human resources file should 17 have been brought to the 2002 meeting. If it had been, 18 it's likely, is it not, that the same information would 19 have come to light straight away at that meeting? 20 A. Yes. 21 Q. Just to be clear, my basis for putting that point to you 22 is in part because, although, in 1995, when Mr Bulley 23 was originally recruited, the only police checks 24 available were the police computer checks for criminal 25 records, if I'm right, by 2002, the system had moved on</p> <p style="text-align: center;">Page 124</p>

1 and it was, by that stage, a CRB check that was possible
 2 to be done, and that did show up, in 2002, as it would
 3 have done in 2004, investigations as well as
 4 convictions?
 5 **A. Yes. So I would agree with that. But I'd also state**
 6 **that if the information -- the HR file had come to the**
 7 **2002 strategy meeting, then there would have been**
 8 **opportunities to contact Bessels Leigh's -- contact**
 9 **local police and make those enquiries regardless of**
 10 **issues around the police national computer.**
 11 Q. In a sense, please forgive me if I'm asking you the same
 12 thing twice, but I'm putting this point on behalf of one
 13 of the victims and survivors, who asks, if there had
 14 been fewer shortcomings in 2002, in other words, if the
 15 reference and the details of the previous child
 16 protection matter and the change of name had all been
 17 disclosed in 2002, first of all, might the outcome have
 18 been different?
 19 **A. Yes.**
 20 Q. And, secondly, might the abuse from 2002 onwards have
 21 been prevented?
 22 **A. Yes.**
 23 Q. Thank you. Going back to the events of 2005, the
 24 strategy meeting decided that, this time, other boys
 25 would be interviewed, and that resulted in further

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1 **A. I would imagine so, but I haven't seen any documentation**
 2 **that describes what that trigger was.**
 3 Q. I am wondering why the case was referred to that group,
 4 who then set up the steering committee?
 5 **A. I would imagine it would have been a change in local**
 6 **policy and procedures. I think, if I have -- if my**
 7 **history of local authority child protection is right, it**
 8 **would have moved from area child protection committees,**
 9 **2004 Act and, therefore, local safeguarding children's**
 10 **boards. I think it's in that process that this changed.**
 11 Q. Okay.
 12 **A. That's my understanding.**
 13 Q. So once the steering group was set up and had their
 14 first meeting on 31 January, things moved very swiftly,
 15 did they not? Because, at that meeting -- again, I take
 16 this from your statement -- they concluded at their very
 17 first meeting that they were not satisfied that children
 18 at the school were safe or protected, and they closed
 19 the boarding unit the same day?
 20 **A. Yes.**
 21 Q. Has that boarding unit remained closed ever since?
 22 **A. Yes.**
 23 Q. So that was the end of boarding at Stony Dean?
 24 **A. It was.**
 25 Q. They also decided that Graham Newsholme should not

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1 allegations being made, as we heard from RS-A7 this
 2 morning. Quite swiftly after that, the case was then
 3 referred to something called the Strategic and Serious
 4 Cases Subcommittee, and they in turn set up a steering
 5 group to manage the case. I take that information from
 6 your statement.
 7 **A. Yes.**
 8 Q. Those two groups, were they local authority bodies?
 9 **A. It's the local safeguarding partnership.**
 10 Q. The local safeguarding partnership?
 11 **A. That's my understanding.**
 12 Q. Was that a multi-agency group then?
 13 **A. Yes.**
 14 Q. Involving the local authority, the police -- I'm
 15 guessing. I don't know?
 16 **A. That's my understanding.**
 17 Q. Anyone else?
 18 **A. Not to my knowledge.**
 19 Q. Does that mechanism still exist?
 20 **A. Not in the same way, no.**
 21 Q. Because other structures have taken the place of that
 22 mechanism; is that right?
 23 **A. Yes.**
 24 Q. Do you know what the trigger would have been for
 25 referral in 2004? Was there a threshold?

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1 participate in any more strategy group meetings, as he
 2 had demonstrated that he could not act in an impartial
 3 or objective manner. Two days later, Deryck Miller and
 4 Graham Newsholme were both suspended by the Director of
 5 Education. That, presumably, would have been a local
 6 authority decision, to suspend those two people?
 7 **A. Yes.**
 8 Q. Should that decision have been made sooner?
 9 **A. My view is, absolutely, yes. I think, to clarify,**
 10 **I think it was a decision made by the local authority**
 11 **and the governors of the school, but, yes, I would**
 12 **agree, it should have been taken sooner.**
 13 Q. I have other matters that I'm going to ask you about, in
 14 a way, just to conclude that narrative of what happened.
 15 First of all, obviously, as we know, Anthony Bulley
 16 subsequently -- having been arrested, he was charged and
 17 then pleaded guilty to six counts of sexual abuse of
 18 children, including two rapes, and with 11 counts to lie
 19 on the file, and was sentenced to ten years in prison.
 20 To complete the other strand of that sequence of
 21 events, I take from the General Teaching Council hearing
 22 record and their findings that both Graham Newsholme and
 23 Deryck Miller were found guilty of unacceptable
 24 professional misconduct, and it is my understanding that
 25 they were subsequently sacked by the school for gross

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<p>1 misconduct. Is that right?</p> <p>2 A. I believe so, yes.</p> <p>3 Q. That, presumably, would then have resulted in them being</p> <p>4 placed on the barred list at that time?</p> <p>5 A. That's my understanding of the process, yes.</p> <p>6 Q. Things are very different now, you have been telling me</p> <p>7 throughout this evidence.</p> <p>8 A. Yes.</p> <p>9 Q. One of the things that I know is different is that you</p> <p>10 have, in 2006, set up the advisory service -- sorry,</p> <p>11 before I go on to that, I just want to ask one other</p> <p>12 thing. The board of governors are noticeably absent</p> <p>13 from the narrative so far. Obviously, things had been</p> <p>14 going badly for some time at that school, as is now</p> <p>15 clear from the General Teaching Council findings, and</p> <p>16 there was a Serious Case Review which we will come on to</p> <p>17 shortly, but that Serious Case Review found that the</p> <p>18 head teacher had been resistant to challenge and would</p> <p>19 not follow advice or guidance. That Serious Case Review</p> <p>20 also found that the governing body had been relatively</p> <p>21 ineffectual.</p> <p>22 What can you tell us about what was going on with</p> <p>23 the governing body at that time? Were they doing</p> <p>24 anything?</p> <p>25 A. It's difficult for me to comment further than the</p> <p style="text-align: center;">Page 129</p>	<p>1 statement you just made. That's what I understand to be</p> <p>2 the case. I also understand the culture at the school,</p> <p>3 from conversations that I've had more recently, was that</p> <p>4 Mr Newsholme made it very difficult for anybody to get</p> <p>5 to him at the school. He managed the school in a very</p> <p>6 closed way. It was hard for both staff and children and</p> <p>7 young people to speak to him, and I believe that he had</p> <p>8 the same approach to the governors at the time, who</p> <p>9 appeared to have been either happy with that position or</p> <p>10 were unable to find a way of changing that position.</p> <p>11 Q. I suppose my first question, in a sense, is just to</p> <p>12 check with you that I haven't missed something in the</p> <p>13 papers. I haven't found that the board of governors</p> <p>14 were able to challenge him effectively at all, and that</p> <p>15 seems to be your reading of the papers as well?</p> <p>16 A. It does.</p> <p>17 Q. You've not found that either?</p> <p>18 A. No.</p> <p>19 Q. The concern, therefore, would be, you know, if the board</p> <p>20 of governors is meant to be a layer of protection and is</p> <p>21 meant to be a layer of oversight, it clearly didn't work</p> <p>22 then. It is still a layer of protection now, and it is</p> <p>23 one that you heavily rely on as part of the structure,</p> <p>24 the child protection structure, of the school. What is</p> <p>25 different now that would enable you to be confident that</p> <p style="text-align: center;">Page 130</p>
<p>1 a board of governors would be better able to challenge</p> <p>2 a difficult headmaster?</p> <p>3 A. I think there's a range of things, some of them kind of</p> <p>4 practical and straightforward but some of them cultural.</p> <p>5 So I would argue very strongly that in Buckinghamshire</p> <p>6 County Council that safeguarding of vulnerable children</p> <p>7 and young people and adults is an absolute priority for</p> <p>8 elected members, for the chief executive, for the</p> <p>9 corporate management team and for officers, and that</p> <p>10 number one priority is delivered through a real</p> <p>11 commitment to things like mandatory training for all</p> <p>12 Buckinghamshire County Council staff when they start on</p> <p>13 safeguarding and protection, regardless of their job.</p> <p>14 It also manifests itself in the training and often the</p> <p>15 relationship that the county council has with all</p> <p>16 governing bodies of schools. They're much closer, and</p> <p>17 there's much more interaction around ensuring that those</p> <p>18 governors take up the training offers that are provided</p> <p>19 and, indeed, mandated for them, and that they understand</p> <p>20 that we will be checking that they have not only done</p> <p>21 that training, but there is evidence of them putting</p> <p>22 that to use.</p> <p>23 So it is much harder for a group of governors for</p> <p>24 a particular school and a head teacher to have the</p> <p>25 relationship that we have just described now, as</p> <p style="text-align: center;">Page 131</p>	<p>1 a result of those things.</p> <p>2 Q. This is where I was going to go on to: is there a role</p> <p>3 in all of that for the advisory service that you set up</p> <p>4 in 2006?</p> <p>5 A. Yes.</p> <p>6 Q. Can you talk a bit about that and explain to us what</p> <p>7 that service does?</p> <p>8 A. So it's a service that provides safeguarding advice to</p> <p>9 schools and schools' governors. The service is</p> <p>10 organised in such a way as there is a named individual</p> <p>11 for clusters of schools, and so there's consistency.</p> <p>12 They will -- so, if there is an Ofsted inspection, that</p> <p>13 the outcome has -- there are some problems within</p> <p>14 a school of whatever nature, then the service,</p> <p>15 specifically using ESAS, if I can use the acronym for</p> <p>16 that service, and other members --</p> <p>17 Q. Before you go on, ESAS stands for?</p> <p>18 A. Education, Safeguarding and Advisory Service. That's</p> <p>19 what was set up in 2006, to be clear. So ESAS and</p> <p>20 colleagues from the education department will then go</p> <p>21 into that school and support them to make the changes</p> <p>22 that have been identified and will also carry out their</p> <p>23 own enquiries, investigations -- that's possibly too</p> <p>24 formal a way of putting it, but in a supportive way of</p> <p>25 what needs to be better within that school.</p> <p style="text-align: center;">Page 132</p>

1 Similarly, if there are complaints either to Ofsted
 2 or to the local authority about something that happens
 3 within a school, then we will look at that and contact
 4 the school and work out what that might be an indicator
 5 of and where support and help might be needed. I think,
 6 therefore, the landscape is very much one of increased
 7 interaction, a two-way interaction, and that silence
 8 from a school is not an option because we do need to
 9 talk and they need to talk to us, and that's really
 10 based on the corporate principle that safeguarding is
 11 genuinely everybody's business but we have to be
 12 proactive in making that happen and, therefore, we rely
 13 on each other to keep vulnerable kids safe.

14 Q. I think that you have answered this. This is a question
 15 I have from some of the victims and survivors. I think
 16 you have answered it, but to be clear, what they are
 17 asking is, where a head teacher is underperforming and
 18 difficult and the governors are ineffectual, what is the
 19 mechanism for ensuring that an assertive challenge is
 20 made from an external body?

21 A. **I think I have stated that.**

22 Q. Are you confident that the Safeguarding and Advisory
 23 Service would always pick up if a problem existed, or
 24 whether a problem existed?

25 A. **I think in the child protection and safeguarding sense,**

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1 anything, just made me feel worse, because it was
 2 embarrassing to have to go and sit with other boys and
 3 wonder if they had been abused as well. It just
 4 confused me even more and left me feeling more angry and
 5 upset."

6 Would Buckinghamshire County Council now consider
 7 group counselling to be appropriate for children who had
 8 been sexually abused?

9 A. **First of all, the group counselling that was offered,**
 10 **and as described, was wholly inappropriate, in my view,**
 11 **for the reasons that individual has described. I would**
 12 **expect professionals to have worked that out at the**
 13 **time, that that would be the experience of an individual**
 14 **child, or group of children and young people, whom that**
 15 **was offered to.**

16 I am aware that there was a range of offers made at
 17 the time to a range of young people who were either
 18 directly harmed or witnessed harm, and some of that
 19 offer didn't include group counselling, it did include
 20 offers of one-to-one support. That was accessed through
 21 CAMHS and that would have required that young person's
 22 family to agree to that and take the necessary steps
 23 with a GP, for example, to access CAMHS. So there was
 24 a wide variety of offers. I don't think -- my view is
 25 that it wasn't well delivered, it wasn't well organised

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1 in that environment, it's very difficult to make
 2 absolute assertions of fact that something could never
 3 happen. I think it is clear that (a) I work in an
 4 organisation where that's under constant review as to
 5 strengths and weaknesses of the service we provide; and,
 6 secondly, there would have to be a series of failings
 7 for the circumstances and outcomes from 2002 and indeed
 8 2005 to be repeated.

9 Q. Does the advisory service cover Safer Recruitment
 10 practices, as well as --

11 A. **So that's covered with the training offer from the local**
 12 **authority to schools. Schools themselves, with their**
 13 **governing body, can decide to take up that offer or**
 14 **source it from somewhere else. It's not an option for**
 15 **them to do neither.**

16 Q. Can I move on now to some questions, again on behalf of
 17 victims and survivors, and in particular from RS-A7, who
 18 I know you heard this morning. I read out this morning
 19 part of his statement which described his 13 weeks of
 20 group counselling that he was offered by your local
 21 authority, and he describes them, if I can just remind
 22 you, as, "... absolutely useless. There was no way
 23 I was going to talk about my sexual abuse in a group
 24 counselling session full of other boys. None of us
 25 really said anything. It was no benefit at all and, if

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1 **and it wasn't well co-ordinated.**

2 Q. What about now, which is what my question was: would
 3 that group counselling be --

4 A. **No.**

5 Q. -- considered now?

6 A. **No.**

7 Q. I have the strategy meeting minutes from 25 July 2005,
 8 BUC000045_021. That is what we have recorded at that
 9 stage as the input that was offered to the various
 10 children, so we have one of the children being referred
 11 to the NSPCC, three of them with nothing, or nothing so
 12 far, and two of them with CAMH, which I assume is what
 13 we call CAMHS. Is that the extent, as far as you know,
 14 of what was offered?

15 A. **Yes.**

16 Q. To your knowledge, were there some children who were
 17 offered nothing?

18 A. **I think my understanding is the offer was made to all,**
 19 **but there were responses made, sometimes on behalf of**
 20 **children, ie, by their parents and not by the child**
 21 **themselves, which is an issue, but sometimes the offer**
 22 **was -- that particular child didn't want to, either that**
 23 **was a direct response from the child or their parent.**

24 Q. Would one-to-one counselling now be offered to a child
 25 who had been abused?

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1 **A. I think it is really important to say there would be**
 2 **a child-focused and individual needs approach to what**
 3 **the child or young person may want if there were ever**
 4 **the same horrendous circumstances now. It is also**
 5 **important that the organisation making that offer needs**
 6 **to understand it is not a one-time offer set in**
 7 **a specific window of time. We know that individuals who**
 8 **go through this sort of horrendous abuse go through**
 9 **stages in their recovery and may not want any**
 10 **counselling for a year, five years, or even ten years,**
 11 **and so it's really important there's a co-ordinated and**
 12 **open offer to victims of abuse.**

13 Q. RS-A7 says in his statement -- and, for the record, it's
 14 at paragraph 37 of his statement -- that one teacher,
 15 after everything came to light, said to him she was
 16 really sorry about what had happened and, "If you need
 17 anything, I will help you", is what she said, and he has
 18 said that, apart from that, there was no other help with
 19 exams or involvement with the Department of Education or
 20 having interviews with anyone other than the police.
 21 I think I know what you are going to say, Mr Nash,
 22 but do you think that was an appropriate level of
 23 support for RS-A7 to have received?

24 **A. No.**

25 Q. Another question which I put on behalf of the victims

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1 Serious Case Review was published, which pointed out the
 2 many, many failings of the system generally, not just
 3 your local authority's but the school's and other's. As
 4 I understand it, nothing so far has been done. Why has
 5 it taken so long?

6 **A. There are records of an attempt to apologise by**
 7 **Buckinghamshire County Council in the past, and I've**
 8 **seen those records. I don't think they went anywhere**
 9 **near far enough, and I am assuming that, in the past,**
 10 **some individuals thought that that had therefore been**
 11 **delivered, and I think they were sadly mistaken, and**
 12 **I think the Serious Case Review taking so long to be**
 13 **finalised and finished also contributed to it. But**
 14 **ultimately, the lack of apology and frankness from**
 15 **Buckinghamshire County Council to date has been part of**
 16 **the myriad of problems that we have talked about.**

17 Q. What are you doing about it now?

18 **A. Well, as I have said, I think we need to reach out to**
 19 **those individuals who are victims and to organise the**
 20 **right apology for them and have a conversation with them**
 21 **about outstanding needs and do everything we can to put**
 22 **this right.**

23 Q. That sounds more like an aspiration than a plan. What
 24 I'm interested in is, is there a timescale, is there an
 25 action plan?

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1 and survivors is whether, given everything that you have
 2 very frankly told us today, in your view, it would be
 3 appropriate in some way or in some format for there to
 4 be an apology made to the victims and survivors? What
 5 is your local authority's view on that?

6 **A. It's an absolute view that it is appropriate for there**
 7 **to be the right apology given to those that feel that**
 8 **they need an apology. Clearly, Buckinghamshire County**
 9 **Council must take responsibility for what went wrong in**
 10 **the past in respect of their actions. There's clearly**
 11 **a number of different parties who have contributed to**
 12 **what happened, both pre 2002, 2002 and 2005, if I can**
 13 **put it in that way. And I think the appropriate thing**
 14 **to do is for that apology to be delivered to those now**
 15 **adults in a way that they would like it to be delivered**
 16 **and from the people from whom they would like it to be**
 17 **delivered. I also think that that needs to also follow**
 18 **on from that apology, there needs to be a conversation**
 19 **about their needs now. Because if there are still**
 20 **outstanding therapeutic needs, it is absolutely clear**
 21 **that Buckinghamshire County Council needs to assist and**
 22 **support them to meet those needs.**

23 Q. Two questions arising from that. One, if that is right,
 24 what you have just said, without meaning to be unkind,
 25 why has it taken so long? It's ten years since the

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1 **A. Yes, there is, but I'm not going to impose that on**
 2 **individuals who have been through this horrendous**
 3 **experience. We can do it with them and we will contact**
 4 **them as soon as possible from today.**

5 Q. A timescale for you, I meant, not a timescale for them.

6 **A. Yes.**

7 Q. Are you able to share that with us?

8 **A. As soon as I'm finished here, there will be those**
 9 **conversations.**

10 Q. We have mentioned several times the Serious Case Review,
 11 which was published in 2009. The case was referred for
 12 a Serious Case Review -- well, that's one of my
 13 questions. Do you know why it was referred for
 14 a Serious Case Review?

15 **A. It would have met the threshold for doing so, as laid**
 16 **down.**

17 Q. It did take a long time. It was not published until
 18 2009. Do you know why it took so long?

19 **A. My understanding is that the way in which it was**
 20 **commissioned and the quality assurance arrangements**
 21 **around it were somewhat lacking.**

22 Q. What does that mean?

23 **A. It means that it went back to the author several times**
 24 **for it to be of sufficient quality.**

25 Q. Once it was published, did Buckinghamshire County

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1 Council find it helpful, the report?
 2 **A. My view of that is that some of the content was helpful,**
 3 **and I think it went into detail where it should, but the**
 4 **recommendations and actions were less than helpful.**
 5 Q. I have a question from one of the victims and survivors
 6 about this. I know you're aware of the paragraph of
 7 the review that it refers to, which is a paragraph which
 8 states -- it is paragraph 9.40, if you want to look at
 9 it, it's at INQ000570_120. Paragraph 9.40 down at the
 10 bottom:
 11 "CSCI [the Commission for Social Care Inspection]
 12 did not send the report to Buckinghamshire County
 13 Council."
 14 This was about the Commission for Social Care
 15 Inspection. That was a routine inspection, as
 16 I understand it, of the school?
 17 **A. Yes.**
 18 Q. When they had done that, they didn't send their report
 19 to Buckinghamshire County Council. The paragraph goes
 20 on to say:
 21 "This is consistent with current methodology and is
 22 accepted practice at CSCI. It is a loophole that can be
 23 exploited by a manager or head teacher who wants to
 24 avoid close scrutiny."
 25 Does that loophole still exist?

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1 **open ended, in that it's clear that victims should, and**
 2 **could, have the ability to revisit their needs around**
 3 **something that's happened at any point in the future.**
 4 Q. If it is a corporate responsibility, who has it on their
 5 "to do" list?
 6 **A. So it has to be part of the corporate memory that that's**
 7 **the case. So the way in which it works right now is**
 8 **through my service and colleagues in the legal**
 9 **department having that -- the ability to hold on to that**
 10 **information and access it when it's required.**
 11 Q. Is it something you're proactive about?
 12 **A. Yes.**
 13 Q. There's one final, different topic that I want to ask
 14 you about quite briefly before we finish, and that is
 15 about a different teacher at the school, whom we have
 16 not even mentioned yet, and his name is Malcolm Stride.
 17 You will recall that he had been the previous head of
 18 care before Anthony Bulley was made head of care, and
 19 the two men were actually at the school at the same time
 20 for a short period, but, in 1998, Malcolm Stride was
 21 suspended and then subsequently jailed for indecent
 22 assault against children not at Stony Dean, but at the
 23 school he had worked at previously, and it was as
 24 a result of his dismissal that Anthony Bulley was
 25 promoted to be head of care.

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1 **A. In my view, no. So -- and Ofsted do the inspections of**
 2 **our schools and any residential schools. They will**
 3 **inform the local authority before they do an inspection**
 4 **that they're about to do that inspection. For**
 5 **maintained schools, the local authority will routinely**
 6 **attend the feedback session at the end of that**
 7 **inspection and, of course, the report is published.**
 8 Q. Another of the recommendations of the Serious Case
 9 Review was that Buckinghamshire County Council should
 10 establish comprehensive follow-up and support services
 11 for children and families affected by abuse by
 12 professionals. Would you say you have now done that?
 13 **A. I think it has to be delivered on a case-by-case basis**
 14 **and based on individual need. So it is true to say that**
 15 **the county council can access those services in those**
 16 **circumstances. So yes.**
 17 Q. Does that count as having comprehensive follow-up
 18 services? I mean, in a sense, have you a team that is
 19 dedicated to making sure those services are provided?
 20 **A. No, we haven't got a team.**
 21 Q. How does it work then?
 22 **A. So it is a corporate responsibility to make sure that --**
 23 **as I referred to earlier, I think it's absolutely --**
 24 **it's really important that any offers of support to any**
 25 **victims in this sort of context, and any apologies, are**

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1 Now, in relation to Malcolm Stride, can I just go to
 2 paragraph 18 of your statement -- BUC000048_003:
 3 "Malcolm Stride was visited in prison by Bob Aylott,
 4 area education advisor, Rex Wilson, chair of governors
 5 at Stony Dean School and [Buckingham County Council]
 6 senior legal assistant, Mohammed Sayed. He was offered
 7 the opportunity to resign by way of a compromise
 8 agreement. The personnel subcommittee of the governing
 9 body authorised the offer on advice from BCC.
 10 Malcolm Stride refused to resign because he was
 11 confident the charges against him would be dropped. BCC
 12 and the governors do not appear to have considered the
 13 potential implications of such a compromise agreement in
 14 relation to the future protection of children."
 15 Can you just flesh out for us what you think those
 16 potential implications were?
 17 **A. It was wholly inappropriate for that action to take**
 18 **place. There clearly had not been a consideration as to**
 19 **whether or not any children and young people at**
 20 **Stony Dean had been harmed by this man on the basis of**
 21 **his, at that time, arrest and being charged with serious**
 22 **sexual offences against children, and none of that was**
 23 **considered.**
 24 Q. Let me just -- can I just go through it step by step.
 25 Because it seems to me that offering a compromise

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1 agreement would have had no implications at all if
 2 Malcolm Stride had been convicted. Because if he had
 3 been convicted, he would have gone to prison and would
 4 have lost his job and been barred and not been able to
 5 work with children again. But if he had been acquitted,
 6 that would have been an acquittal based on the criminal
 7 standard of proof.
 8 **A. Yes.**
 9 Q. As we have discussed earlier in your evidence, there are
 10 a number of actions that then flow from that situation,
 11 but certainly one of the possibilities is that a further
 12 investigation will be undertaken at the school,
 13 possibly, to investigate matters to the civil standard,
 14 and it could well be, could it not, that a person who is
 15 acquitted might be found, on the basis of the balance of
 16 probabilities, to have committed serious misconduct?
 17 **A. It was a completely inappropriate act.**
 18 Q. If that had happened, such a person might, for example,
 19 have been referred to the General Teaching Council and,
 20 if that had happened, such a person might have their
 21 details passed to the Disclosure and Barring Service or
 22 List 99 or whichever of those bodies was currently in
 23 operation. You are nodding, so yes?
 24 **A. Mmm.**
 25 Q. You're agreeing with me. Just to spell it out, by

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1 THE CHAIR: Ms Sharpling.
 2 Questions from THE PANEL
 3 MS SHARPLING: Thank you, Mr Nash. In view of
 4 the difficulties and the failures that you have
 5 described today to the inquiry, has the county council
 6 thought about undertaking what might be called a cold
 7 case review to look at those cases in the past that may
 8 have been subjected to the same difficulties and
 9 failures that the ones we have heard about today were?
 10 **A. Sorry, just to clarify, are you talking about looking at**
 11 **the possibility of there being similar other cases?**
 12 MS SHARPLING: Yes.
 13 **A. Yes, that consideration has been made and there haven't**
 14 **been other cases, to my knowledge, that have come out of**
 15 **that piece of work. However, the service is -- its**
 16 **current position, as I said in my statement, has**
 17 **a significant improvement journey ahead of it, and it's**
 18 **important that we look back at pieces of work and**
 19 **children we are working with now to make sure that all**
 20 **the things we are doing now are based on factual**
 21 **information and the right actions, and if they aren't,**
 22 **we will put them right.**
 23 MS SHARPLING: The piece of work that you have just
 24 described is an internal piece of work. You haven't
 25 employed somebody from the outside to do it for you.

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1 offering a compromise agreement, what Buckinghamshire
 2 County Council did was -- if it had been accepted, it
 3 would have relieved Mr Stride of any of those sanctions,
 4 wouldn't it?
 5 **A. It would, and, in my view, more importantly, would have**
 6 **not been the best course of action in order to protect**
 7 **children in the future.**
 8 Q. No, indeed, because he would then, having not had any of
 9 those actions taken against him, have been free to go
 10 and seek employment elsewhere with children?
 11 **A. Yes.**
 12 Q. Just to flesh out when you talk about the implications
 13 of that agreement, that's what I suggest to you that
 14 they were, and I think you're agreeing that --
 15 **A. I am agreeing, yes.**
 16 Q. -- those were the implications. You have already said
 17 that that was a completely inappropriate offer to have
 18 made. Is there anything else that you want to say about
 19 that?
 20 **A. No.**
 21 MS ROBERTSON: Mr Nash, I don't have any more questions for
 22 you, but, please, will you stay there just for a moment?
 23 **A. Of course.**
 24 MS ROBERTSON: Chair and panel, do you have any questions
 25 for Mr Nash?

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1 **A. No, it's -- I'm making reference to the fact that we**
 2 **have an inadequate Ofsted rating as a local authority,**
 3 **and that was from 2017, and we have an improvement board**
 4 **chaired by an independent person appointed by the DfE**
 5 **and we are subject to regular Ofsted monitoring, and so**
 6 **we have, as an authority, significant pairs of eyes on**
 7 **our progress and our ability to do the right thing for**
 8 **our children and young people.**
 9 MS SHARPLING: Thank you.
 10 THE CHAIR: We have no further questions. Thank you very
 11 much.
 12 **A. Thank you.**
 13 **(The witness withdrew)**
 14 MS ROBERTSON: Chair, with your permission, I'm going to
 15 hand over to Ms Bicarregui.
 16 MS BICARREGUI: Thank you, chair. Chair and panel, we are
 17 now going to begin some evidence on Stanbridge Earls
 18 School, with a focus on inspection and monitoring in
 19 special schools and also oversight of independent
 20 schools. I now call Mr Derek Benson, who is the
 21 independent chair of the Hampshire Safeguarding Children
 22 Partnership.
 23 MR DEREK BENSON (sworn)
 24
 25

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1 Examination by MS BICARREGUI
 2 MS BICARREGUI: Good afternoon, Mr Benson, you can sit down.
 3 Thank you for coming. I just have a few things to say
 4 before I start asking you some questions. The first is
 5 that this isn't a test of your memory, so if you have
 6 notes, you can refer to them.
 7 **A. Thank you.**
 8 Q. And if you need to find any documents, they should
 9 either be in the file or I should be able to bring them
 10 up on screen.
 11 Secondly, we can have a break if you need one, so
 12 just let me know.
 13 Can I ask you, first of all, then, to turn to your
 14 witness statement. So it should be in the first tab of
 15 the file in front of you.
 16 **A. Yes, thank you.**
 17 Q. If you turn to the back of that statement, your
 18 signature will have been redacted. But can you confirm
 19 that you did sign that witness statement?
 20 **A. Yes, that's correct, I did.**
 21 Q. Does it remain true, to the best of your knowledge and
 22 belief?
 23 **A. It does, yes.**
 24 Q. Mr Benson, you have provided us with a witness statement
 25 in your capacity as, as it then was, the independent

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1 an overview of some of those different regions?
 2 **A. Yes, that's correct.**
 3 Q. Can you explain to us what the aim of a -- I know that
 4 the arrangements have changed and we will come on to
 5 that later on, but what's the main aim of having a local
 6 safeguarding children board?
 7 **A. The statute would tell us that it's around coordinating**
 8 **what the partners do, around ensuring effectiveness, and**
 9 **promoting the welfare of children. That's the official**
 10 **version. In layman's terms, as it were, it's around**
 11 **co-ordination, it's around negotiation and influencing.**
 12 **It's around seeking assurance from the partner agencies**
 13 **that they're doing what we want them to do. The**
 14 **independent chair has a responsibility around challenge,**
 15 **probing, scrutiny, asking the difficult questions, as it**
 16 **were. There are local variations, as you said, around**
 17 **just culture and history. There's a liaison role to it,**
 18 **working with directors of Children's Services, working**
 19 **with senior police officers, senior colleagues from**
 20 **health and other colleagues from the voluntary sector**
 21 **and other partner agencies.**
 22 Q. When you say "partner agencies", are you primarily
 23 talking about local authorities, the police and health?
 24 Are those the key --
 25 **A. Under the new arrangements, they are the three main**

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1 chair of the Hampshire Safeguarding Board; that's right,
 2 isn't it?
 3 **A. That is correct, yes.**
 4 Q. You have been in that role since 2016?
 5 **A. Yes, December 2016.**
 6 Q. As I understand it, you have also chaired a number of
 7 other local safeguarding children boards?
 8 **A. That's correct, yes.**
 9 Q. I am going to call those LSCBs, just to keep it shorter.
 10 So where were those other LSCBs based?
 11 **A. Worcestershire, Hampshire, as you know, the**
 12 **Isle of Wight, more recently Coventry and Southampton.**
 13 Q. So you have experience in a number of different local
 14 safeguarding children boards?
 15 **A. Yes, that's correct.**
 16 Q. Prior to those roles, I understand you were a police
 17 officer for 30 years?
 18 **A. Yes, indeed.**
 19 Q. During that time as well, you also sat on some of
 20 the local safeguarding children boards?
 21 **A. I sat on all three of the safeguarding children's boards**
 22 **in Essex, the county council and the two unitaries.**
 23 Q. So you're well placed I think, then, to give us some
 24 idea -- they're obviously very different beasts in
 25 different regions -- but you're well placed to give us

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1 **safeguarding partners, but under the old arrangements,**
 2 **again, they were the pre-eminent partners, but there was**
 3 **a far wider range of partners involved: voluntary**
 4 **sector, probation, fire service, faith groups**
 5 **potentially, lay members of boards. It will vary from**
 6 **place to place.**
 7 Q. If somebody was sitting watching this at home and
 8 scratching their heads a bit about what an LSCB was,
 9 I think at the beginning of what you said it was that
 10 the main aim is to safeguard children in the local area?
 11 **A. That's correct, yes.**
 12 Q. That remains the overarching aim of these bodies?
 13 **A. Yes.**
 14 Q. We are going to look at the new arrangements a little
 15 bit later, but I am also going to ask you some questions
 16 about the Stanbridge Earls Serious Case Review. Again
 17 in layman's terms, if you can, can you tell us what
 18 a Serious Case Review is and why these are commissioned?
 19 **A. If I may, if I start with the official version and then**
 20 **expand upon that. For every case where abuse or neglect**
 21 **is known or suspected, and either a child dies or there**
 22 **are concerns about how organisations and professionals**
 23 **work together, where a child has suffered serious harm,**
 24 **so in the Stanbridge Earls case, it was the latter of**
 25 **the two, around serious harm. There were no deaths**

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<p>1 involved.</p> <p>2 So in layperson's terms, it is a review. It is the</p> <p>3 upper end of the range of reviews that are available to</p> <p>4 us. It is about learning and improvement. It is not</p> <p>5 about apportioning blame. There are other judicial</p> <p>6 processes for that.</p> <p>7 Q. Again, just to establish the basis on which you are</p> <p>8 telling us about the Stanbridge Earls Serious Case</p> <p>9 Review, you didn't commission that review, did you?</p> <p>10 A. No, I did not.</p> <p>11 Q. And you weren't in post, I think, when it was</p> <p>12 established?</p> <p>13 A. That's also correct.</p> <p>14 Q. You set out in your witness statement that in preparing</p> <p>15 to come to give us evidence, you have talked to a number</p> <p>16 of people who did commission it and who were in post at</p> <p>17 that time; is that right?</p> <p>18 A. That is correct, yes.</p> <p>19 Q. You are familiar with the contents of the review?</p> <p>20 A. Yes, I am.</p> <p>21 Q. You have had a chance to re-read them before coming</p> <p>22 here?</p> <p>23 A. Yes.</p> <p>24 Q. Mr Benson, the primary focus of the inquiry in relation</p> <p>25 to the Stanbridge Earls Serious Case Review is the</p> <p style="text-align: center;">Page 153</p>	<p>1 question of whether or not the inspectorates are able to</p> <p>2 pick up issues of safeguarding, especially in</p> <p>3 residential special schools, or in schools where there</p> <p>4 are children who have special educational needs. As</p> <p>5 I know you know, the issue here was that Ofsted</p> <p>6 acknowledged that three of its boarding welfare</p> <p>7 inspections failed to get underneath issues of</p> <p>8 safeguarding in the school. It only really came to</p> <p>9 light following a tribunal judgment in January 2013.</p> <p>10 You're familiar, are you, with that background?</p> <p>11 A. I am, yes, thank you.</p> <p>12 Q. Ofsted will be giving evidence tomorrow, chair and</p> <p>13 panel, and the ISI has submitted a statement to you on</p> <p>14 these grounds.</p> <p>15 So if we could then turn, Mr Benson, to the Serious</p> <p>16 Case Review -- Ralph, if we could have up, please,</p> <p>17 HSB000011_008 at the very top. So this is the context</p> <p>18 and the school. This is just to give a little</p> <p>19 information about what type of school Stanbridge Earls</p> <p>20 was. We see there a fairly lengthy description, but,</p> <p>21 essentially, a co-educational day and boarding school</p> <p>22 for children and adults from 10 to 20, which is a large</p> <p>23 age spectrum. It specialises in teaching pupils with</p> <p>24 specific learning difficulties and those with special</p> <p>25 educational needs or disabilities, some with statements.</p> <p style="text-align: center;">Page 154</p>
<p>1 It goes on to give some description of the school's</p> <p>2 premises itself.</p> <p>3 Mr Benson, you say in your statement that it was</p> <p>4 viewed by many to be a specialist school, but that it</p> <p>5 was not registered as a residential special school. Do</p> <p>6 you recall that from your statement?</p> <p>7 A. Yes, I do.</p> <p>8 Q. Now, you and I have had a conversation about this.</p> <p>9 Chair and panel, it seems like quite a dry topic, but it</p> <p>10 is quite important for safeguarding. Mr Benson, do you</p> <p>11 think there was some confusion about whether or not</p> <p>12 Stanbridge Earls was a residential special school or</p> <p>13 a boarding school who took some pupils who had special</p> <p>14 needs?</p> <p>15 A. Yes, there was confusion. I think it's the case, sat</p> <p>16 here today, that that confusion continues. In</p> <p>17 preparation for today, I've sought to access various</p> <p>18 references to better understand for myself the status of</p> <p>19 Stanbridge Earls. There's the comment there, there is</p> <p>20 a slightly different interpretation in the SENDIST</p> <p>21 Tribunal report. There is confusion as to whether it</p> <p>22 was, or was not, registered with the Department for</p> <p>23 Education. There are various references to its status</p> <p>24 in Ofsted reports, going back to 2011, and there are</p> <p>25 even -- there are references to its status in the</p> <p style="text-align: center;">Page 155</p>	<p>1 Independent Schools Inspectorate statement for this</p> <p>2 inquiry. So I would have to answer you, in all honesty,</p> <p>3 that I am still confused as to the status of</p> <p>4 Stanbridge Earls.</p> <p>5 Q. That is a question we will be asking tomorrow of Ofsted.</p> <p>6 The reason it is important, I think, is that the</p> <p>7 requirements -- even from the perspective of a local</p> <p>8 safeguarding children board -- of oversight of a school</p> <p>9 which is a special school which has pupils who have</p> <p>10 special educational needs will be different, won't it,</p> <p>11 from that of a typical boarding school, if you like? Do</p> <p>12 you accept that?</p> <p>13 A. I think that's a fair description, yes.</p> <p>14 Q. It was a slightly odd beast, in some ways, wasn't it,</p> <p>15 because, in contrast to a lot of special schools,</p> <p>16 a number of students at Stanbridge Earls were placed</p> <p>17 there by their parents; is that right?</p> <p>18 A. That is correct, many of them being from military</p> <p>19 families.</p> <p>20 Q. Also a large number of the pupils did not have</p> <p>21 statements of special educational needs?</p> <p>22 A. That's certainly my understanding, yes.</p> <p>23 Q. If we could go, Ralph, to HSB000030_004. If we could go</p> <p>24 to paragraph 16. This is where you describe the fact</p> <p>25 that the population or cohort of pupils at the school</p> <p style="text-align: center;">Page 156</p>

<p>1 changed over time. Do you recall what you said in your 2 statement?</p> <p>3 A. Yes, that's correct.</p> <p>4 Q. Essentially, you said what happened was more and more 5 pupils with more complex needs started to become pupils 6 at Stanbridge Earls; is that right?</p> <p>7 A. Yes, that's right.</p> <p>8 Q. You then considered that it would have been challenging 9 for staff to manage the full needs of all the children 10 who were attending the school?</p> <p>11 A. It's certainly my understanding that there were a range 12 of complexities amongst the pupil cohort there, yes.</p> <p>13 Q. So we have a situation where a boarding school is 14 becoming more complex because it's having pupils who 15 have more complex needs over time. Something else that 16 you mention at the time is that the head at the time in 17 question had a lack of expertise in issues to do with 18 children with special educational needs. Why did you 19 say that?</p> <p>20 A. Based on my -- the documentation available to me and my 21 reading of that documentation, including the SENDIST 22 Tribunal. There were clear concerns that I had around 23 understanding issues such as consent, confidentiality, 24 the complexities of the pupil cohort and the various 25 needs that that would present.</p> <p style="text-align: center;">Page 157</p>	<p>1 Q. Again, just to reinforce that -- Ralph, if we could go 2 to HSB000011_025. This is actually the Serious Case 3 Review, Mr Benson. This is paragraph, hopefully, 4 6.1.14. So towards the bottom, please. We see here 5 that the finding there as well was that the head teacher 6 in post had very little experience in the education of 7 young people with special needs and, therefore, 8 underestimated the nature and extent of support and 9 protection that a particular child would require. Do 10 you see that?</p> <p>11 A. I do, yes, thank you.</p> <p>12 Q. So would it be fair to summarise some of the problems 13 that arose as being a combination of the school 14 beginning to take more complex pupils, not knowing, in 15 a sense, if it was required to have all of 16 the procedures of a residential special school, and 17 having an inexperienced head? Is that the context of 18 the Serious Case Review?</p> <p>19 A. I think that's a fair assessment, yes.</p> <p>20 Q. As the local safeguarding children board -- I know you 21 weren't in post at the time -- would there have been any 22 way that that board would have known that the school had 23 begun to admit a more complex -- children with more 24 complex needs?</p> <p>25 A. I think it's fair to say that, in terms of oversight</p> <p style="text-align: center;">Page 158</p>
<p>1 from the local authority itself before it reaches the 2 safeguarding board, they're only aware of a limited 3 proportion of the pupils in such an establishment such 4 as this. There's no requirement to notify the host 5 local authority unless the child is a looked-after 6 child. Beyond that, children with complex needs who are 7 placed there by another local authority or indeed by 8 their parents, there's no requirement for them to notify 9 the local authority and, therefore, the safeguarding 10 board, as was, would similarly not have had line of 11 sight.</p> <p>12 Q. So if this problem were to arise again, there would be 13 a similar lack of knowledge of the cohort of pupils in 14 a particular school in the same way?</p> <p>15 A. It's my understanding that that risk remains, yes.</p> <p>16 Q. Mr Benson, I'd like to clarify some of the -- the extent 17 of the allegations that were made in respect of 18 Stanbridge Earls. Again, the sharp focus, if you like, 19 from all of the agencies involved on the safeguarding 20 policies and practices was the result of a tribunal 21 decision, wasn't it, in January 2013. Your 22 understanding of the position prior to that is that 23 I think Ofsted had rated the school consistently as 24 "outstanding"; is that right?</p> <p>25 A. Certainly that is my understanding, yes.</p> <p style="text-align: center;">Page 159</p>	<p>1 Q. Again, just to be clear, Ofsted was responsible for 2 boarding welfare at this point; is that your 3 understanding?</p> <p>4 A. Yes, that is correct.</p> <p>5 Q. And ISI was responsible for the education inspection?</p> <p>6 A. Yes, although, reading the documentation, there does 7 appear to be some confusion amongst those bodies as to 8 what their responsibilities were. But, yes, that is my 9 understanding, as you describe.</p> <p>10 Q. When you say "some confusion between the bodies", what 11 are you referring to?</p> <p>12 A. Who was responsible for looking at the safeguarding and 13 boarding elements, who was responsible for looking at 14 the educational attainment, was there a gap, was there 15 overlap. It is not immediately clear.</p> <p>16 Q. It is certainly true to say there was some overlap in 17 terms of the safeguarding requirements, but we will, 18 I think, deal with that tomorrow with the inspectorate. 19 Again, just briefly so everybody has an 20 understanding of what the tribunal decision was, if 21 I summarise it, if you could perhaps let me know if 22 that's your understanding from the Serious Case Review, 23 that this was a disability discrimination claim against 24 the school in which there were allegations of serious 25 sexual assaults, those allegations made by a female</p> <p style="text-align: center;">Page 160</p>

<p>1 pupil against a male pupil. Is it fair to say, 2 Mr Benson, that the tribunal decision was damning of 3 the school's safeguarding procedures? 4 A. I think it is fair assessment, yes. The tribunal, as 5 I recall, were quite critical of the school's response 6 to that particular child's allegations and their needs. 7 Q. That's also where you derive your concern about the 8 head's experience, isn't it? 9 A. It comes out clearly from the tribunal findings, yes. 10 Q. Can we just be clear that there were no criminal 11 prosecutions as a result of the tribunal decision, 12 despite a police investigation? 13 A. That is correct, yes. 14 Q. There were no allegations against teachers or other 15 members of staff sexually abusing children in the 16 school, were there? 17 A. That is also correct. 18 Q. Pausing there for one moment, the Serious Case Review 19 does make clear -- Ralph, if we could get up 20 HSB000011_036. Right at the bottom, the last paragraph, 21 please. This is, again, the Serious Case Review, 22 Mr Benson, and it does make clear, doesn't it, that 23 a former Stanbridge Earls student, Gareth Stephenson, 24 had been convicted, shortly before the Serious Case 25 Review was published, of 11 sexual offences against</p> <p style="text-align: center;">Page 161</p>	<p>1 younger boys, including three at Stanbridge Earls? 2 A. Yes, that is correct. 3 Q. That conviction was in respect of abuse at the school 4 between 2002 and 2006, wasn't it? 5 A. Yes, it was, yes. 6 Q. Again, just the Serious Case Review was largely looking 7 at events from 2010; is that your understanding? 8 A. That is correct, yes. 9 Q. That's why this wasn't looked at in more detail? 10 A. Yes. 11 MS BICARREGUI: Chair and panel, I know you will be aware 12 that you have evidence from a victim/survivor of abuse 13 at Stanbridge Earls perpetrated by Gareth Stephenson in 14 the form of a witness statement from RS-A189. 15 Mr Benson, you also have had a look at the witness 16 statement of RS-A189, and a number of the issues which 17 we see in the Serious Case Review and which we are going 18 on to look at in the form of a lack of adequate 19 supervision of children and the approach to safeguarding 20 in general, they also feature, don't they, in the 21 evidence of RS-A189? 22 A. Yes, they do. 23 Q. Chair and panel, again pausing there, you have also 24 a witness statement from RS-A207, who was a complainant 25 of peer-on-peer sexual abuse at the school during the</p> <p style="text-align: center;">Page 162</p>
<p>1 period that is governed by the SCR. She is known as 2 Child J in the Serious Case Review. 3 Ralph, could you get up HSB000011_019. If we could 4 look at paragraph 5.2.1. I think it is important, 5 Mr Benson, to see the context in the Serious Case Review 6 of what was said about Child J, and the Serious Case 7 Review makes clear that she is the child for whom there 8 are the earliest recorded concerns, and these concerns 9 arose from the incident in which she is said to have 10 been assaulted in a sexualised way by a group of 11 children. Further allegations of sexual assaults were 12 made subsequently and her parents feel there were other 13 incidents in a climate of continual bullying. It goes 14 on to say that she was a child with very complex needs. 15 Ralph, if we could go to _024. Again, in relation 16 to Child J, who we have evidence from, it says: 17 "In the period under review, the first evidence of 18 the school's lack of alertness to safeguarding 19 issues ..." 20 It goes on to describe current safeguarding 21 procedures which were not current, but at the time of 22 the publication of the SCR, which described that what 23 she was subject to, essentially, I think, was bullying 24 with a sexualised element. Do you see that? 25 A. Yes, thank you.</p> <p style="text-align: center;">Page 163</p>	<p>1 Q. If we could turn to paragraph 20 of your statement, 2 Mr Benson, and, Ralph, that's HSB000030_005. Taking 3 a step back again, and looking at why things might have 4 gone wrong, you try and explain to us the background, 5 don't you? Could you briefly take us through what you 6 think the key points were in relation to this? 7 A. Certainly. You've got a mix of pupils in the cohort 8 there, many of whom are from different parts of 9 the country, and many of them significant distances away 10 from families. I mentioned earlier about military 11 families. There's the issue around the variety of needs 12 and some of those very, very complex at the school. The 13 issue of supervision struck me in reading this material. 14 It's part of the school -- the school doesn't exist now. 15 Part of its statement of purpose was it seemed to pride 16 itself on not providing out-of-school-hours supervision, 17 which would raise questions, I think. 18 Q. Mr Benson, if I could interrupt you there, do you think 19 that's also part of the confusion about whether or not 20 it was a boarding school or whether or not it was 21 dealing with pupils who had greater needs, or would that 22 be a problem anyway? 23 A. It was a boarding school. A significant proportion of 24 the pupils boarded there. It was catering for pupils 25 with special needs. So terminology is one thing.</p> <p style="text-align: center;">Page 164</p>

1 **There's a reality behind this, and that's**
 2 **a responsibility to safeguard those children.**
 3 **The final point on there was around -- the**
 4 **environment didn't seem to be in place where children**
 5 **would come forward if they had concerns. There wasn't**
 6 **a culture of safeguarding, certainly from the**
 7 **documentation I've seen. Previous area highlighted,**
 8 **they use the term "alertness to safeguarding". I think**
 9 **we could discuss that at length as to whether it went**
 10 **beyond an alertness to safeguarding.**
 11 Q. If we could get up the conclusions from the SCR, which
 12 are at HSB000011_062. Paragraph 8.2 describes the crux,
 13 I think, of this, and we have seen -- I have taken you
 14 on a bit of a whistlestop tour, but what was said about
 15 Child J and the fact that she wasn't safeguarded when
 16 she was subjected to bullying, sexualised bullying:
 17 "The crux of these complex events is that some
 18 vulnerable girls were not adequately protected. The
 19 school that should have been preventing that
 20 maltreatment and promoting those girls' best interests
 21 failed to do those things sufficiently thoroughly."
 22 It goes on to say:
 23 "Girls were a small minority of the young people ...
 24 not all of those girls were unhappy or mistreated but
 25 the school staff and trustees generally were not

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1 culture of the school, conduct which had the potential
 2 to cause harm, and did so."
 3 **A. I think that's a fair assessment, yes.**
 4 MS BICARREGUI: I think we should look, just, again, to get
 5 the full picture in relation to some of the things that
 6 went wrong, at the next paragraph.
 7 Chair, I notice that it is 3.15 pm. I don't have
 8 a great deal more for Mr Benson, but I do have some
 9 things which we probably should explore. I wonder
 10 whether you would like to take a break now and then
 11 I can deal with that quickly?
 12 THE CHAIR: How much longer will you be?
 13 MS BICARREGUI: I think I have at least another 15 to 20
 14 minutes probably.
 15 THE CHAIR: We will take a break and then return.
 16 MS BICARREGUI: Thank you.
 17 (3.15 pm)
 18 (A short break)
 19 (3.30 pm)
 20 MS BICARREGUI: Mr Benson, we were just going to look in
 21 a little bit of detail at the conclusions of the Serious
 22 Case Review. Ralph, if we could have up HSB000011_062.
 23 We have looked at the first two paragraphs. So 8.5,
 24 Mr Benson, looks at some very basic errors by the
 25 school, and you have touched on some of these, I think,

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1 sufficiently alert to the needs of vulnerable girls ..."
 2 Do you see that?
 3 **A. I do, yes, thank you.**
 4 Q. Do you agree that that was essentially the overarching
 5 message in relation to the problems that arose at
 6 Stanbridge Earls?
 7 **A. There was definitely a gender imbalance in the school,**
 8 **but, as it says there, amongst the pupils, both male and**
 9 **female, there were significant numbers who didn't have**
 10 **concerns as to their treatment whilst there. But, in**
 11 **summary, some of the girls did suffer and the**
 12 **safeguarding policies, procedures and application**
 13 **thereof let them down.**
 14 Q. I think in the second half of the next paragraph, we
 15 see -- so there's an acceptance that not all of
 16 the families certainly felt this way and that definitely
 17 comes through, doesn't it, in the SCR?
 18 **A. Very much the case.**
 19 Q. The last sentence:
 20 "However, the evidence in respect of the girls who
 21 are specifically referred to in this report ..."
 22 So we have looked a little at Child J and there is
 23 another child, Child F, in particular:
 24 "... is convincing. There was an insufficient
 25 challenge to some established patterns of conduct in the

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1 but just to recap: a lack of alertness to safeguarding
 2 issues and incidents with safeguarding implications;
 3 failure to keep parents properly informed. Again, you
 4 pointed out these were children, in some cases, whose
 5 parents were abroad because they had been placed by the
 6 Ministry of Defence or they were being paid for in that
 7 way; is that right?
 8 **A. That's correct, yes.**
 9 Q. A failure to make and keep other agencies aware of cause
 10 for concern. Would that include your agency?
 11 **A. Without splitting hairs, we are not an agency, as such,**
 12 **but, yes, very much, I think there has to be**
 13 **a relationship with the local safeguarding partners,**
 14 **yes.**
 15 Q. A failure to recognise -- this is critical for what the
 16 inquiry is looking at -- that sexual activity between
 17 children might raise safeguarding concerns or concerns
 18 that crimes may have been committed?
 19 **A. Yes. You have got young people together in**
 20 **a residential environment. I think that's where**
 21 **supervision and safeguarding is of paramount importance.**
 22 Q. And then confusion about confidentiality, and weakness
 23 in basic administration. Do you see those?
 24 **A. Yes. If you have policies, then adhere to them and have**
 25 **that dialogue with the young people as well. Understand**

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<p>1 what is meant by confidentiality and consent. It is 2 basic principles of safeguarding. 3 Q. I think this is important because there was some concern 4 amongst some groups of parents, wasn't there, that, 5 actually, when Ofsted did a volte-face, when they 6 decided that the school wasn't "outstanding" anymore 7 because of the tribunal decision, they did that because 8 of the tribunal decision and they shouldn't have 9 immediately changed their position on that. Do you 10 remember that from the Serious Case Review? 11 A. It is fair to say that a number of parents were very 12 much of that view, yes. 13 Q. Whilst, as we described, not all of the -- there wasn't 14 a conviction, if you like, arising out of that tribunal 15 decision, but nevertheless, it is the case -- well, 16 I will ask you the question: there were serious failings 17 of safeguarding at this school found by the Serious Case 18 Review. Is that true? 19 A. That is true, yes. 20 Q. Mr Benson, I'd like you to now think about the 21 independent school sector and local safeguarding 22 children boards. I keep using that term and I know we 23 are under new arrangements now, but the Serious Case 24 Review stated that the main issue at this point for the 25 Hampshire safeguarding children board was that of</p> <p style="text-align: center;">Page 169</p>	<p>1 safeguarding children in schools outside of the state 2 sector. Do you recall that from the Serious Case 3 Review? 4 A. Yes. 5 Q. That remains a live issue, doesn't it, for local 6 safeguarding children boards? 7 A. It's certainly my opinion it does, yes. The vast 8 majority of independent schools will comply and fulfil 9 their safeguarding obligations. The more complex the 10 needs of the pupils become, then the more important it 11 is to have that line of sight from the agencies to the 12 independent sector. But the clue, to a degree, is in 13 the title. It is a series of independent entities. 14 There is no one independent sector. It takes many 15 forms. 16 Q. If we could have a look at what you say in your 17 statement. Ralph, if we could get up HSB000030_007. 18 Your paragraph 33: 19 "Local authorities have no way of knowing (because 20 there are no requirements on parents to register with 21 local authorities) which children are being educated or 22 cared for by independent schools ... when children are 23 placed directly by their parents (eg, not as part of 24 looked-after child ..." 25 You mentioned that at the beginning of your</p> <p style="text-align: center;">Page 170</p>
<p>1 evidence? 2 A. Yes. 3 Q. "SEND [special educational need and disability] 4 placements by other local authorities are also not 5 routinely notified." 6 That was the case at Stanbridge Earls; is that 7 right? 8 A. That was the case and it is my understanding it is still 9 the case. 10 Q. You say that for many of the children placed where their 11 parents were abroad, it was unclear who was really 12 providing the oversight for arrangements for these 13 children and that you think that those children should 14 be afforded the same level of care and attention as any 15 other child. So -- 16 A. Yeah, I think where you've got children in general, 17 children with vulnerabilities, children with specific 18 needs, it is incumbent upon those of us with 19 safeguarding responsibilities to be able to do the job 20 we are seeking to do, and we need that oversight role, 21 yes. 22 Q. We have been looking at this a little bit with some of 23 the people who have given us witness evidence. Ralph, 24 if you could go to INQ004310_038. The recommendation 25 right at the bottom. Mr Benson, I showed you this</p> <p style="text-align: center;">Page 171</p>	<p>1 recommendation. This is from a report of the Children's 2 Commissioner some time ago, in 2014, and this is 3 a recommendation that was discussed on Monday with 4 Dame Christine Lenehan: 5 "DfE should change its requirements so that private 6 residential special schools ..." 7 So what we have been calling independent residential 8 special schools: 9 "... are required to provide a full range of 10 pupil-level data as part of the annual school census." 11 Do you see that? 12 A. I do, yes, thank you. 13 Q. What's your view on that recommendation, Mr Benson? 14 A. As a principle, immediately supportive of it. But the 15 devil lies in the detail. What do we mean by "a full 16 range of pupil-level data" and what is then done with 17 it? If it is just collected for no apparent reason, 18 then I'm not sure of the value. If it is then shared 19 with partner agencies in the localities who then 20 understand the young people who are in their area, then 21 there is a purpose to it, yes. 22 Q. We are really just exploring this, obviously, at this 23 stage, but if there was information, if you like, about 24 the level of children's special educational needs that 25 formed part of this data, and that was shared, for</p> <p style="text-align: center;">Page 172</p>

1 example, with the safeguarding partners, would that be
 2 something which would be helpful to you?
 3 **A. Again, yes in principle. We'd then need the**
 4 **conversation as to what our responsibilities following**
 5 **on from that would be. I'm not looking to -- I'm not**
 6 **advocating a massive bureaucracy. I'm coming at this**
 7 **from a safeguarding perspective. So, in answer to your**
 8 **question, yes, I think it would be useful.**
 9 Q. The question being posed, I think, by you is we don't
 10 know, really, about the needs of the children in
 11 independent schools in our area. So this is possibly
 12 one way those needs could become apparent to local
 13 safeguarding children boards?
 14 **A. We don't know about the needs because, in some cases, we**
 15 **don't even know about the children in the first**
 16 **instance.**
 17 Q. Can we have a look at what you might know at the moment.
 18 This is referred to in the Serious Case Review.
 19 Certainly in Hampshire, the safeguarding children board
 20 is quite proactive in something called a section 157
 21 return.
 22 **A. Yes.**
 23 Q. Just let me summarise, I think, that briefly. There is
 24 a requirement, isn't there, for independent schools to
 25 fill in themselves some information, and as part of your

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1 Q. So where a school is a business with a -- they are
 2 sometimes able to put a good presentation forward. Is
 3 that fair? Or am I being too cynical about that?
 4 **A. I would want to believe that they provide an honest,**
 5 **open assessment of their safeguarding policies,**
 6 **procedures and how safeguarding is in their particular**
 7 **institution.**
 8 Q. What would happen if a school didn't provide you with
 9 this information?
 10 **A. We would follow it up. We would seek to -- there's**
 11 **a deadline for submissions. Not every school complies**
 12 **with that deadline. We will then make contact with them**
 13 **to encourage them to submit their return.**
 14 Q. If they say no?
 15 **A. We'd continue to encourage them to submit their return.**
 16 Q. But you have no means of doing anything other than
 17 encouraging?
 18 **A. It is a requirement. It is a -- on them. We don't have**
 19 **sanctions available to us, as such. But I'd like to**
 20 **think that, in most cases, they would return them. But**
 21 **then it would raise questions in my mind, "Why have you**
 22 **not returned?".**
 23 Q. That's currently the only way that you have of assessing
 24 the sort of population in independent schools?
 25 **A. As a safeguarding partnership, that's my understanding,**

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1 duties, which were in the Children Act 2004, you were
 2 required to use that information. So tell me what
 3 happens in Hampshire. That's probably the most useful?
 4 **A. The 157 process allows independent schools to**
 5 **self-assess where they are against certain issues, and**
 6 **for our interests, safeguarding, we do it on a biannual**
 7 **process. So in the intervening years when they are not**
 8 **filling in the pro formas, we will then work with them**
 9 **on if there's been an action plan to see what progress**
 10 **they are making against the action plan. However, the**
 11 **level of insight is influenced by capacity.**
 12 **In 2018/19, following on from the 175 for mainstream**
 13 **schools, 157 for independent schools, there were 10**
 14 **follow-up visits from many hundreds of schools. Of**
 15 **those 10, two were independent schools. So we can only**
 16 **ever really get a snapshot of what is going on in the**
 17 **independent sector.**
 18 Q. To put that in context, how many independent schools are
 19 there in Hampshire?
 20 **A. Around about 50.**
 21 Q. So out of 50, you're visiting two of those schools?
 22 **A. Two, and that's every other year.**
 23 Q. Is that based on information that the schools themselves
 24 provide to you?
 25 **A. Yes, it is.**

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1 **yes. We have an ongoing relationship with the**
 2 **independent sector in Hampshire. We have an independent**
 3 **school head teacher who sits on the board as part of**
 4 **the partnership as is. We have other mechanisms where**
 5 **we work with designated safeguarding leads from**
 6 **independent schools. So relationships are better and**
 7 **continue to improve. Our line of sight continues to**
 8 **improve.**
 9 Q. You also, I think, in paragraph 40 of your statement --
 10 this is one of the recommendations that's been made
 11 a lot earlier in the Singleton review -- think that it
 12 is worth exploring whether the inspectorate should ask
 13 the new partnerships, so the equivalents -- the new
 14 equivalents -- of the LSCBs, about how a school is
 15 engaging and interacting with the local safeguarding
 16 board before inspections are carried out. So at the
 17 moment, the Ofsted and the ISI will go to the LADO,
 18 won't they, and they will ask the LADO if there is
 19 anything they should know about. You think it is worth
 20 exploring, you don't go further than that, whether or
 21 not a similar duty should be on them to ask the local
 22 safeguarding children board about how engagement is?
 23 **A. If I was an inspectorate, which I am not, I would want**
 24 **to know as much as I can before going in to a particular**
 25 **school, and if that meant asking the local safeguarding**

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1 **partnership how a school does or doesn't engage, yes,**
 2 **I would want to know that information. As I say, the**
 3 **mechanics of it are, in Hampshire, we have a very, very**
 4 **active subgroup to the main board, an education**
 5 **subgroup, chaired by a senior officer from the local**
 6 **authority who is very dynamic, very proactive, and that**
 7 **involves working with the mainstream sector and we have**
 8 **independent sector representation on that subgroup as**
 9 **well as the main board. But that is a conduit,**
 10 **a funnel, in and out of the sector. As I said before,**
 11 **the sector is not a single entity in itself.**
 12 Q. No, and that obviously does pose problems, and that will
 13 be different, presumably, in each region as well?
 14 **A. I can only speak for those regions where I work, and**
 15 **there are differences, yes.**
 16 Q. But in some cases, would it be helpful information for
 17 the inspectorates to know that a school wasn't engaging,
 18 for example, with --
 19 **A. Putting an inspector hat on and making some assumptions,**
 20 **I would certainly find that information of value,**
 21 **I think.**
 22 Q. You say that you have worked with a number of different
 23 local safeguarding children boards in different regions.
 24 **A. Yes.**
 25 Q. We have some evidence from the National Association of

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1 **a Big Brother-type bureaucracy, and I think, for much of**
 2 **the independent sector, as already said, they largely**
 3 **fulfil their safeguarding requirements. But when we get**
 4 **into areas of complexity, whether that's around gender**
 5 **imbalance, age range, separation from the home**
 6 **environment and children and young people with complex**
 7 **needs and disabilities, yes, I think greater**
 8 **registration and regulation might be of benefit, the**
 9 **detail of which would need careful consideration.**
 10 Q. Again, reflecting on what we have seen at
 11 Stanbridge Earls, if you had known about, as a local
 12 safeguarding board, the increased complexity of need,
 13 the fact that those children were far from home, would
 14 that have led to a different level of engagement, do you
 15 think?
 16 **A. Potentially so.**
 17 Q. The only way you can do that is if you know about those
 18 children; is that right?
 19 **A. Yes.**
 20 Q. Just very briefly, the new safeguarding partner
 21 arrangements, because they come in last month. You
 22 remain an independent chair, don't you, in the new
 23 arrangement?
 24 **A. I certainly do in Hampshire, yes.**
 25 Q. Do you feel that the new arrangements -- I know you've

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1 Independent Schools -- I'm not going to get it up --
 2 that says that it doesn't believe that many special
 3 schools are well served by the majority of local
 4 safeguarding children boards. They are talking there
 5 mostly about training and advice. You've described that
 6 it is quite difficult to have contact with very many
 7 independent schools generally. Do you have anything to
 8 say about outreach to special schools in particular?
 9 **A. Again, I can only speak from experience, and in those**
 10 **areas where I have worked, there has been a good**
 11 **relationship with representatives of the special school**
 12 **sector. As an example, from my understanding, I have**
 13 **been out to visit some of those schools, so I understand**
 14 **what the reality of being a special school might be.**
 15 **But does that mean we know what's going on in each and**
 16 **every one? No, it doesn't. It will always only be**
 17 **a representative sample. But certainly there is special**
 18 **school representation on the board, as was, the**
 19 **partnership, as is.**
 20 Q. I think you said in broad terms there needs to be more
 21 registration and more regulation of the independent
 22 school sector. Now, that is a broad statement, and
 23 I know you have said that to me as well. Is that still
 24 something you believe would be useful?
 25 **A. It is a broad statement. I'm not advocating**

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1 been briefed on them to a certain extent. What have you
 2 been told about the reason for having new arrangements
 3 in place?
 4 **A. Without going into too much detail, there was a review**
 5 **commissioned, I believe, by the Department for**
 6 **Education, the Wood Review, leading to a new Child and**
 7 **Social Care Act 2017, Working Together 2018.**
 8 **Personal view, and others may well challenge me on**
 9 **this: three named safeguarding partners -- the police,**
 10 **health in the form of Clinical Commissioning Groups and**
 11 **the local authority -- there is a glaring omission**
 12 **there. Education are not a named safeguarding partner.**
 13 **I believe the DfE's position is, it's open to us locally**
 14 **to make our own local arrangements. But bear in mind,**
 15 **children and young people spend a significant proportion**
 16 **of their time in educational establishments. Personal**
 17 **view: it's an omission.**
 18 Q. So they are relevant agencies, aren't they, so they are
 19 required to work with the partners but they are not one
 20 of the central partners?
 21 **A. They are, and we could spend time debating terminology.**
 22 **A relevant agency or a partner. I know which one has**
 23 **greater resonance for me anyway.**
 24 MS BICARREGUI: Thank you very much, Mr Benson. Chair and
 25 panel, I don't have any further questions for Mr Benson.

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1 I don't know if you do.
 2 Questions from THE PANEL
 3 THE CHAIR: I just want to clarify a couple of points about
 4 the new arrangements as well. In the previous ones, in
 5 the local safeguarding boards, it is the case that there
 6 was no direct control over individual partners within
 7 the boards; is that correct? In other words, they
 8 retained their own line management arrangements for
 9 anything that they were doing in relation to child
 10 protection and safeguarding?
 11 **A. I think that's a fair assessment. As a partnership, it**
 12 **is that, it is a partnership, it is not about control.**
 13 THE CHAIR: I think there may be a general misapprehension
 14 that you have powers which you don't actually have to
 15 direct agencies who are within the partnership. Is
 16 there any difference to that within the new partners?
 17 **A. There are the three named partners, but, again, the**
 18 **dynamic will work itself out locally. We are able, the**
 19 **partners are able, to name those relevant agencies that**
 20 **they want to work with. But in terms of control, it's**
 21 **not a controlling relationship.**
 22 THE CHAIR: Indeed, it isn't. Are there any reasons -- you
 23 have influence, there's no question that you could have
 24 influence if you chose to exert it?
 25 **A. We seek to influence through building consensus, through**

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1 MS BICARREGUI: Thank you very much, chair and panel. That
 2 concludes our evidence for today.
 3 THE CHAIR: Thank you.
 4 (3.49 pm)
 5 (The hearing was adjourned to
 6 Thursday, 10 October 2019 at 10.00 am)
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1 **seeking assurance, through negotiation. It is not**
 2 **a command and control relationship.**
 3 THE CHAIR: No. And the board, or perhaps the new
 4 partnerships, are they going to be funded by the
 5 relevant partners or is government going to fund them?
 6 **A. They are almost exclusively funded by the three**
 7 **safeguarding partners: police, CCG and local authority.**
 8 **There is an opportunity for those partners to enter into**
 9 **a dialogue with the other relevant agencies. But**
 10 **certainly, I'm not aware of any government funding, as**
 11 **such.**
 12 THE CHAIR: To your final point about the role of education
 13 in this, if they were to co-operate and join, or wished
 14 to, would they need to make a financial contribution?
 15 **A. Almost everywhere I work, education are front and**
 16 **centre, if not a named safeguarding partner. They are**
 17 **really involved, really engaged. The financial issues**
 18 **for year 1 of the new arrangements have largely been**
 19 **settled. I think most areas are looking to cast their**
 20 **eyes into year 2 and beyond as to how the financial**
 21 **arrangements might be sorted thereafter. If I was to**
 22 **guess, I would say, in those years ahead, it will still**
 23 **be the three that provide the funding.**
 24 THE CHAIR: Thank you very much.
 25 (The witness withdrew)

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