

<p>1 Thursday, 21 May 2020</p> <p>2 (10.30 am)</p> <p>3 THE CHAIR: Good morning, everyone, and welcome to Day 10 of</p> <p>4 this public hearing. Ms McNeill?</p> <p>5 MS McNEILL: Thank you, chair. Our first witness this</p> <p>6 morning is Catherine Hopper, who will give evidence on</p> <p>7 behalf of the Triratna Buddhist Order and Community.</p> <p>8 Could the witness please affirm?</p> <p>9 MS CATHERINE HOPPER (affirmed)</p> <p>10 Examination by MS McNEILL</p> <p>11 MS McNEILL: Good morning. Can you see and hear me okay?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. Now, I introduced you as Ms Catherine Hopper, which is,</p> <p>14 as I understand it, your legal name; is that correct?</p> <p>15 <b>A. Yes, that's right.</b></p> <p>16 Q. But within the Buddhist community, your given name is</p> <p>17 Munisha; is that right?</p> <p>18 <b>A. Yes, that's my ordination name.</b></p> <p>19 Q. So I will refer to you throughout as Munisha, if that is</p> <p>20 okay.</p> <p>21 <b>A. Yes, thank you.</b></p> <p>22 Q. You are giving evidence for us helpfully outside of</p> <p>23 the UK. We haven't, for that reason, been able to apply</p> <p>24 the background, just so there is no misunderstanding as</p> <p>25 to why your picture looks a little different to everyone</p> <p style="text-align: center;">Page 1</p>	<p>1 else's. A little bit of practicality before we begin.</p> <p>2 If you have any problems, at any time, seeing or hearing</p> <p>3 me, please do just indicate and our technical team will</p> <p>4 help, and we can take a break, if need be.</p> <p>5 You have been provided with a number of documents.</p> <p>6 I will take you through those documents where necessary</p> <p>7 and bring them up on screen if I would like you to</p> <p>8 comment on them?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. We will be taking a break in an hour's time, in any</p> <p>11 event. But if you need a break beforehand, please do</p> <p>12 just let us know, and we can take a break at any time.</p> <p>13 <b>A. Okay.</b></p> <p>14 Q. You have provided a witness statement for us dated</p> <p>15 22 November 2019. That's behind tab 1 of the bundle,</p> <p>16 chair. That is affirmed with a statement of truth. Can</p> <p>17 I confirm that that statement is true, to the best of</p> <p>18 your knowledge and belief?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. You will be relieved to know that that statement will be</p> <p>21 published, so I won't need to go through it in</p> <p>22 line-by-line detail, but we will be exploring some key</p> <p>23 topics arising from it this morning?</p> <p>24 <b>A. There was one tiny thing that I realised wasn't right,</b></p> <p>25 <b>which was a statement I made about how things are done</b></p> <p style="text-align: center;">Page 2</p>
<p>1 <b>in Sweden, but that's not relevant to the current</b></p> <p>2 <b>discussion.</b></p> <p>3 Q. When we come to that section of your statement, then you</p> <p>4 can give us that correction.</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. I note that you are currently the safeguarding officer</p> <p>7 for the Triratna Buddhist Order and Community?</p> <p>8 <b>A. That's right.</b></p> <p>9 Q. At the outset, can you tell us a little bit about the</p> <p>10 Triratna Buddhist Order and Community? I understand it</p> <p>11 was founded in London, in 1967, initially as the Friends</p> <p>12 of the Western Buddhist Order?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. It is now amongst the three largest Buddhist groups in</p> <p>15 the UK?</p> <p>16 <b>A. It has been described as such by a writer of a book on</b></p> <p>17 <b>British Buddhism. I can't verify that, but that's my</b></p> <p>18 <b>understanding.</b></p> <p>19 Q. Can you tell us the key features, then, about the</p> <p>20 Triratna Buddhist Order and Community and the work that</p> <p>21 it does?</p> <p>22 <b>A. Well, it is a new -- a relatively new Buddhist movement,</b></p> <p>23 <b>as you said, founded in Britain in the '60s. One of its</b></p> <p>24 <b>key features is that it doesn't have a monastic lay</b></p> <p>25 <b>aspect. So we don't have monks and nuns and we don't</b></p> <p style="text-align: center;">Page 3</p>	<p>1 <b>have lay people. We are all Buddhists, at whatever</b></p> <p>2 <b>level of commitment and understanding.</b></p> <p>3 <b>Our ordination is -- we have an equal ordination for</b></p> <p>4 <b>women and for men and it is not a celibate ordination.</b></p> <p>5 <b>So many of us are married or partnered -- some people</b></p> <p>6 <b>take an individual commitment to celibacy. I think the</b></p> <p>7 <b>key feature is it exists to help people of every kind</b></p> <p>8 <b>practise Buddhism in everyday life in a way that fits</b></p> <p>9 <b>with modern lifestyles.</b></p> <p>10 <b>A very key feature is that spiritual friendship is</b></p> <p>11 <b>very, very important, so the building of community,</b></p> <p>12 <b>a worldwide -- local and worldwide community of</b></p> <p>13 <b>Buddhists practising together.</b></p> <p>14 Q. Helpfully, at the top of page 2 of your witness</p> <p>15 statement, you have broken down a little bit some of</p> <p>16 the statistics around the demographic within Triratna.</p> <p>17 It is right that the Order includes 437 women and 552</p> <p>18 men in England and Wales?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. And generally, in terms of ethnicity, Triratna is</p> <p>21 predominantly white, as compared to other Buddhist</p> <p>22 denominations, which are traditionally of a Buddhist</p> <p>23 Asian heritage?</p> <p>24 <b>A. In Britain, yes, the census suggests that most British</b></p> <p>25 <b>Buddhists are Asian heritage.</b></p> <p style="text-align: center;">Page 4</p>

<p>1 Q. Can you explain for us what the Triratna Order is and 2 what is the Triratna community? 3 <b>A. If you come along to Triratna and you just want to do 4 a meditation class or you go to the odd thing here and 5 there with no particular commitment at all, you are 6 a Friend, with a capital F. It just means someone who 7 comes and goes. We don't keep any records at all of who 8 those people are. We have no particular -- they have no 9 particular commitment to us.</b> 10 <b>If you have been coming along for six months to 11 a year and you feel that, actually, this is your 12 spiritual home for the foreseeable future and you feel 13 that you are a Buddhist and you feel that you want to do 14 your best to live by the five ethical precepts of 15 Buddhism, you can ask to become what we call a Mitra, 16 which is a Sanskrit word meaning, again, "friend", 17 M-I-T-R-A, Mitra, and that means you now have some 18 commitment to contributing to our community and we now 19 have some commitment also to helping you because you 20 have made that commitment to us. It is a reciprocal 21 thing.</b> 22 <b>After a while, you might decide that you wish to 23 train for ordination, and you just ask, "I'd like to 24 train for ordination", and that begins a process that 25 takes as long as it takes and, at some point, you will</b></p> <p style="text-align: center;">Page 5</p>	<p>1 <b>be witnessed by other members of the Order who know you 2 well as being ready to make the commitment to joining 3 our Order.</b> 4 <b>So the Friends and the Mitras are the community, the 5 wider community, in Triratna, with lesser degrees of 6 commitment, and then the Order are the people who have 7 made a very distinct and very serious commitment to 8 practise the Buddhist teachings not just individually, 9 but in the company or the fellowship, you could say, of 10 the rest of the Order worldwide. So it is a commitment 11 to life in an order.</b> 12 <b>The whole thing collectively -- I will just 13 introduce this word sangha, S-A-N-G-H-A, which is a very 14 important Order in Buddhism, it means the community of 15 Buddhists which could be local or international, 16 worldwide. So the whole thing forms a sangha. That's 17 the difference between the community and the Order.</b> 18 Q. You also have a role called teachers or leaders? 19 <b>A. Well, we don't particularly call people teachers and 20 leaders, but members of the Order, some of them, many of 21 them, teach and lead. We are not ordained as teachers 22 or leaders, we are ordained as people who practise 23 Buddhism as part of an order. But some of us take on 24 leadership and teaching roles. But sometimes I'm 25 a teacher, for example, sometimes I'm a safeguarding</b></p> <p style="text-align: center;">Page 6</p>
<p>1 <b>officer, sometimes I'm sitting there being taught. But 2 I am always a member of the Order. And not all Order 3 members do teach or lead. We all serve in ways that we 4 have the talents and gifts for in different ways. Some 5 people run ethical businesses instead.</b> 6 Q. If one was to try to understand positions of 7 responsibility within Triratna, would it be easy to 8 produce a list of who would be qualified as a position 9 of responsibility within the Triratna Order or could 10 that vary on a day-to-day basis? 11 <b>A. Do you mean the types of roles?</b> 12 Q. Yes. 13 <b>A. Yes, it would be very easy, to a certain point. There 14 might be some areas that are a bit greyer, but it would 15 be very clear that -- serving as the chair of a centre. 16 So the leader of a particular Buddhist centre within 17 Triratna would be -- is a spiritual post, but it is also 18 the legal post of chair of the trustees of a centre. So 19 that's clearly a position of responsibility, being 20 a trustee.</b> 21 <b>Being one of the people who looks after the welfare 22 of the Mitras -- it is called a Mitra convener -- would 23 be a position of, I think, responsibility, because 24 people look up to you; you've been recognised as having 25 a particular responsibility of care.</b></p> <p style="text-align: center;">Page 7</p>	<p>1 <b>It probably starts to get a little bit greyer where 2 people are teaching and -- you know, because we are not 3 ordained as teachers. But I think that someone who is 4 teaching, when they are teaching, they definitely have 5 a position of trust.</b> 6 Q. So the ordination of itself wouldn't demark you as 7 somebody who is in a position of responsibility? 8 <b>A. Well, no, we wouldn't see it as that, because that's 9 a mark of one's own commitment to practising Buddhism. 10 However, I think this is where the grey area is. Many 11 Order members just don't teach at all, they just quietly 12 get on with their practice, they have no contact with 13 the public. But I think anyone who is actually meeting 14 the public and teaching in a centre, just by the very 15 fact that they -- I mean, I'm wearing my ordination kesa 16 here -- by the very fact they are wearing this and have 17 a Sanskrit or Pali name, like I have, and they are 18 upfront, and people are discovering Buddhism for the 19 first time and think it is wonderful, they will think 20 that the person teaching it is absolutely wonderful too 21 and they will hang on their every word, quite likely, or 22 they'll really look up to them, and that gives them 23 a position, I think, of what I would call a position of 24 trust.</b> 25 <b>So we can't, I think, say all Order members have</b></p> <p style="text-align: center;">Page 8</p>

1 **a position of trust, but many do.**  
 2 Q. We might come back a little bit to the effect of that.  
 3 We are going to talk in our evidence about DBS checks  
 4 and recruitment, so we will come back to that and  
 5 I think it will feed into it.  
 6 I just want to pick up on one section of your  
 7 statement on page 3 of your witness statement under  
 8 heading 6, "Sexual relations in Triratna today?"  
 9 **A. Yes.**  
 10 Q. You have already said that Triratna is not a celibate  
 11 order, but there are some restrictions on sexual  
 12 relationships between individuals and those they have  
 13 ordained; is that right?  
 14 **A. Yes.**  
 15 Q. Can you explain that to us, please?  
 16 **A. Yes. Some of us who have been -- when you have been an**  
 17 **Order member for longer than ten years, people who wish**  
 18 **to be ordained can ask you to be the person who ordains**  
 19 **them. So the group of senior Order members who look**  
 20 **after ordinations have made it very clear in writing**  
 21 **that a preceptor -- that's someone who can ordain other**  
 22 **people; I'm a preceptor myself -- cannot have sexual**  
 23 **relationships with someone they have previously ordained**  
 24 **and they cannot ordain someone they have previously had**  
 25 **sexual relations with, partly because of the very strong**

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1 **there has long since been an unwritten understanding**  
 2 **amongst the body of senior Order members who oversee**  
 3 **ordinations.**  
 4 Q. Thank you. That concludes my section on sort of  
 5 background and understanding Triratna, unless you think  
 6 there are any key aspects of Triratna I have not touched  
 7 upon that will help us before we move on to safeguarding  
 8 specifically.  
 9 **A. No, I think that's enough for now.**  
 10 Q. So safeguarding structures in Triratna. You are the  
 11 Triratna Chairs Assembly central safeguarding officer  
 12 for the UK and Europe, I understand?  
 13 **A. Yes. The Triratna Chairs Assembly is a charity founded**  
 14 **by the chairs of all our centres in Europe to look after**  
 15 **matters of common interest, and I am employed by them.**  
 16 **However, given that safeguarding, as we understand it in**  
 17 **this inquiry, is very much a British thing -- I think it**  
 18 **is unique in the world -- we can't say that the rest of**  
 19 **the centres that I work for in the rest of Europe are**  
 20 **necessarily following the same procedures, because they**  
 21 **have different ones in their countries, or none. But**  
 22 **I do advise them too, where it is helpful to them.**  
 23 Q. So the Triratna Chairs Assembly is a central body  
 24 registered as a separate charity; is that right?  
 25 **A. Yes.**

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1 **nature of the spiritual bond between those two people,**  
 2 **but also because of the difference in seniority. They**  
 3 **don't want to complicate that relationship.**  
 4 Q. For the avoidance of doubt, can you be ordained as  
 5 a child or are we only talking here about adults?  
 6 **A. No. In the early days, I think some people were**  
 7 **ordained -- I mean the very early days, like the 1960s.**  
 8 **One or two people were ordained, I think, in their**  
 9 **teens. I can certainly think of someone that I think**  
 10 **was ordained at 18, possibly 17. I don't think we would**  
 11 **do that now. Actually, I'm not in charge of**  
 12 **ordinations. I think we wouldn't ordain someone under**  
 13 **the age of 18, but I would have to check that.**  
 14 Q. So the restriction you have just described for us, and  
 15 the recognition of the power imbalance you've just  
 16 described for us, that is even as between --  
 17 **A. Adults.**  
 18 Q. Between adults?  
 19 **A. Yes, absolutely.**  
 20 Q. How long has that restriction been in place and that  
 21 sort of power imbalance been recognised?  
 22 **A. It's been in writing, I think, since 2017. I'd have to**  
 23 **check that. But that was -- it was -- definitely, it**  
 24 **was made absolutely clear in writing, in 2017, to the**  
 25 **entire Order. But it was made clear at the time that**

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1 Q. And it looks after the interests of all centres within  
 2 Europe?  
 3 **A. Yes. The members are the chairs of the trustees of all**  
 4 **those centres.**  
 5 Q. As safeguarding inspector, your role specifically  
 6 relates to the UK, but you provide assistance throughout  
 7 Europe?  
 8 **A. Yes, and, in fact, I also provide advice to centres in**  
 9 **the rest of the world, where they need it. But always**  
 10 **on British standards.**  
 11 Q. 90 per cent of your time is spent at the moment on  
 12 safeguarding?  
 13 **A. Yes.**  
 14 Q. Is your role a full-time role or a part-time role?  
 15 **A. Well, it is part time, in the sense that only**  
 16 **90 per cent is spent on it and 10 per cent is spent on**  
 17 **relations with other Buddhists -- co-operation with**  
 18 **other Buddhists. So it is nearly full time.**  
 19 Q. In terms of days a week, it is five days a week?  
 20 **A. Oh, I see what you mean. Five, yes.**  
 21 Q. How long has your role existed?  
 22 **A. It's existed since 2016, although in my previous role on**  
 23 **the same team, I was the communications officer and**  
 24 **I started writing standard model policies in my**  
 25 **communications officer role in 2015, but the role of**

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1 **safeguarding officer is 2016.**  
 2 Q. Can we talk about your professional background, if we  
 3 can, please. Can you tell us, what is your professional  
 4 background and how much experience did you have in  
 5 safeguarding or child protection before you took on this  
 6 role for Triratna?  
 7 **A. Well, I have no training in this area, but in my**  
 8 **previous job, which was working for a Buddhist --**  
 9 **another Buddhist charity that did a lot of work with**  
 10 **children, schools, school groups, I was already aware of**  
 11 **safeguarding requirements there and I was doing the DBS**  
 12 **checks and the policies for that charity, and it was**  
 13 **very obvious when I moved into my communications office**  
 14 **role in this new charity, the Triratna Assembly, I could**  
 15 **see from working with them in communications, just**  
 16 **witnessing their work, that they didn't have anyone**  
 17 **doing this for them and they needed it urgently.**  
 18 **So it was basically -- I learnt it on the job.**  
 19 Q. Your camera froze slightly for a moment there, but your  
 20 voice continued. I heard you perfectly clearly. Chair,  
 21 I am going to carry on, but if there is any difficulty  
 22 in hearing the witness's evidence, if somebody sends me  
 23 a message, we can take a break.  
 24 Sorry, Munisha, we will carry on. So by background,  
 25 I think, actually, you trained as a teacher?

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1 **A. No. Only that chairs are very overworked and they're**  
 2 **not specialists in this area and, you know, it was the**  
 3 **kind of thing that would slide to the bottom of**  
 4 **the pile, simply because they're already so busy and**  
 5 **they weren't going to get around to it. Quite**  
 6 **reasonably, they weren't going to get around to it**  
 7 **unless they had some really good help.**  
 8 Q. In 2013, when you started looking at the policies, is it  
 9 right from your statement that the impetus for this came  
 10 from the Buddhist insurance scheme, which is itself  
 11 underwritten --  
 12 **A. No --**  
 13 Q. -- by the Ecclesiastical --  
 14 **A. -- no, it wasn't. No. If you look on page -- when we**  
 15 **look at cases, it was number -- case 2, a former member**  
 16 **of our Order appeared in court. So I was already**  
 17 **pressing for safeguarding, but when that matter cropped**  
 18 **up, I thought, okay, this is serious, we need to get our**  
 19 **house in order.**  
 20 Q. So it was the -- coming to the fore was really, in fact,  
 21 that there was a case that came forward within Triratna,  
 22 which we will look at, that went to court that made you  
 23 think, "We need to have some policies in place"?  
 24 **A. Yes.**  
 25 Q. Maybe not part of that, but subsequently, is it right

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1 **A. Yes.**  
 2 Q. And then spent a long time working in educational  
 3 charity roles within Triratna and Buddhist charities?  
 4 **A. In religious education from a Buddhist perspective.**  
 5 Q. So in your role, I think, in 2013 or was it 2015 -- in  
 6 2013, it is the top of page 4, as the communications  
 7 officer for Triratna, you took on the responsibility for  
 8 safeguarding?  
 9 **A. Well, I took on the responsibility -- I was starting to**  
 10 **introduce it at the meetings of the chairs I worked**  
 11 **with. I was starting to say, "Look, people, you need to**  
 12 **thinking about safeguarding", and then I could see that**  
 13 **it was a really steep journey for them to go from**  
 14 **nothing to having something without any help at all and**  
 15 **that it would be a waste of their time if they all tried**  
 16 **to do it individually. So I offered to write them some**  
 17 **models, because, as a communications officer, I'm good**  
 18 **at writing and I knew something about it, so I wrote**  
 19 **them some models, which is where it all started off.**  
 20 Q. Can we take it chronologically a little bit. The role  
 21 slightly came about from your own initiative?  
 22 **A. Yes, it is my initiative.**  
 23 Q. Did you receive any resistance to the suggestion that  
 24 you should be bringing in some more safeguarding  
 25 policies, procedures or structures?

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1 that the Ecclesiastical Insurance Office, which  
 2 underwrites your insurance, requires you to have in  
 3 place safeguarding training and safeguarding policies?  
 4 **A. They do. They underwrite the Buddhist insurance scheme,**  
 5 **which is used by most Buddhist organisations in Britain.**  
 6 **However, I didn't actually know that until quite a lot**  
 7 **later. So it is very clear that is not the impetus for**  
 8 **our work. The impetus was that I want to protect**  
 9 **children in Triratna.**  
 10 Q. The process of writing the policies -- again, I don't  
 11 mean any disrespect, but did you feel that you had the  
 12 necessary skills, experience or qualification to start  
 13 pulling together those policies?  
 14 **A. I thought I knew enough to start, but I was very well**  
 15 **open to the fact that they would improve and develop as**  
 16 **needs and experience developed over the years. But**  
 17 **I started by getting help. Even in my previous job, we**  
 18 **were members of Thirtyone:eight, who you will all be**  
 19 **familiar with, and I certainly wasn't starting from**  
 20 **nothing, I used their models as the beginning of our**  
 21 **policies. But they're not Buddhist policies, so**  
 22 **I wanted to make them applicable to our particular**  
 23 **situations, but all the standard content is from**  
 24 **Thirtyone:eight.**  
 25 Q. Which helpfully leads me to exactly the question I was

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<p>1 going to ask: how much specialisation is required when 2 you are producing a policy? How much can you rely on 3 templates and off-the-peg, for want of a better word, 4 policies? 5 <b>A. Well, an off-the-peg policy will give you the legal 6 basis for the procedures and the best practice, but it 7 won't enable you to explain why that is also an 8 expression of Buddhist values. So, you know, I take the 9 basic content, you know, how to recognise signs of 10 abuse, all the different sorts of abuse that could 11 happen, but then put them in the framework of how these 12 express the ethical precepts of Buddhism, what are the 13 values that these are underpinned by in Buddhist 14 tradition.</b> 15 Q. In terms of the actual nuts and bolts, the procedures 16 and what needs to happen and who needs to report to 17 whom, a little change made to that, but the majority of 18 change is to what we might call the other faiths, the 19 theological underpinning? 20 <b>A. And the cultural side of it.</b> 21 Q. And the culture, okay. Looking at your safeguarding 22 team now, and I say "team", is it right that 23 safeguarding essentially is you and that you also have 24 a volunteer safeguarding advisor, somebody called 25 Amaladipa Remigio?</p> <p style="text-align: center;">Page 17</p>	<p>1 <b>A. Yes.</b> 2 Q. What's her professional background? What's her role and 3 how much time is she able to give you? 4 <b>A. Well, she gives anything from an hour to a day a week, 5 depending on needs. I mean, her background is in 6 Probation Service and it's described in section 8: 7 a postgraduate DipSW from Brunel University in 1994, 8 a social worker working in the Probation Service -- 9 basically, in the Probation Service, so she's very 10 senior in safeguarding in the Probation Service in 11 Wales. She contributes a great deal, given that I'm 12 self-taught.</b> 13 Q. In order to look at the work that you are doing, I think 14 it is easier, Danny, if we bring up TBO000001_004. It 15 is page 4 of your witness statement. The bullet points 16 in the middle of the page set out for us the main 17 responsibilities of the safeguarding team: publish 18 updated model policies every year. So you revisit your 19 policies every year? 20 <b>A. Yes.</b> 21 Q. You're a resource essentially available for consultation 22 by any of the centres' own safeguarding officers, who we 23 will come on to talk about? 24 <b>A. Yes.</b> 25 Q. You address serious cases which fall under the</p> <p style="text-align: center;">Page 18</p>
<p>1 responsibility of the Order generally, and we will talk 2 about the referral mechanisms, what makes it to you and 3 what doesn't. And you also work with Triratna's College 4 of Public Preceptors on the safeguarding implications of 5 their spiritual work. You told us the preceptors are 6 the individuals who are involved in ordaining others and 7 (overspeaking) -- 8 <b>A. Yes, the college --</b> 9 Q. -- (overspeaking) sort of category? 10 <b>A. The college are actually the body who oversee whether 11 people can be ordained at all. They actually oversee 12 the whole process of ordination. Therefore, they are 13 also the people who take away ordinations, where that's 14 necessary for disciplinary measures as a response to 15 a misconduct, or suspended.</b> 16 Q. Thank you. Danny, that can come down. 17 You sit within or work within the Triratnan Chairs 18 Assembly, that's separate from individual centres? 19 <b>A. Yes.</b> 20 Q. Can you talk to us a little bit about how important you 21 believe independence is for the role of somebody 22 providing safeguarding advice and services like you are? 23 <b>A. Well, one of the things we're always trying to do -- 24 you'll have to tell me whether this is the answer to 25 your question. But one of the things we are always</b></p> <p style="text-align: center;">Page 19</p>	<p>1 <b>trying to do is deal with the problem of conflict of 2 interest.</b> 3 <b>So because we are a community of Friends -- Friend, 4 Mitra and Order member -- all of us are founded on the 5 basis of spiritual friendship; that is our basic 6 organising principle, which is wonderful, but it also 7 means that there can be conflicts of interest and 8 conflicts of loyalty. So having people who are outside 9 a particular situation can be helpful for keeping 10 objectivity.</b> 11 <b>However, I don't think that's actually why we 12 have -- we have a central safeguarding team to advise 13 those centres because they're all -- most of them are 14 completely untrained in safeguarding, and it makes -- it 15 is just more effective to have a separate safeguarding 16 team with more expertise that keeps an overview of 17 the whole thing. But it's not that -- so we are 18 a separate safeguarding -- central safeguarding team 19 simply because that's more effective in terms of not 20 re-inventing the wheel at the level of each individual 21 centre. Does that help?</b> 22 Q. Have you found centres willing and able to engage with 23 your team -- 24 <b>A. Very.</b> 25 Q. -- to contact you for help on matters --</p> <p style="text-align: center;">Page 20</p>

<p>1 <b>A. Absolutely. They love it. In each centre, very little</b>                  2 <b>happens. So they don't actually get a chance to build</b>                  3 <b>up much expertise, whereas we build up the expertise</b>                  4 <b>based on the experience of all the centres that come to</b>                  5 <b>us with the same problems and same difficulties and</b>                  6 <b>things, and we therefore develop protocols for dealing</b>                  7 <b>with these kind of things and, when someone comes to us,</b>                  8 <b>they come to us and they say, "What do we do about</b>                  9 <b>this?", and we say, "Don't worry, we have a protocol for</b>                  10 <b>that", and they are incredibly grateful. There is no</b>                  11 <b>problem at all working with local centres.</b>                  12 Q. Before we talk about the local safeguarding officers,                  13 I think it would help to tell us a little bit about the                  14 centres, how they work, what they do and in particular                  15 what the role of children will be within centres and                  16 Triratna in general?                  17 <b>A. Every centre is a separate charity with its own trustee</b>                  18 <b>body, its own chair, and those trustees are obviously</b>                  19 <b>responsible for safeguarding in their centres. They</b>                  20 <b>appoint a safeguarding officer to discharge that</b>                  21 <b>responsibility on their behalf.</b>                  22 Q. I'm just going to pause you there just to flush out the                  23 detail. The Triratna Order runs 24 urban centres and                  24 eight retreat centres. What activities happen at                  25 a centre? Is that a place of collective worship?</p> <p style="text-align: center;">Page 21</p>	<p>1 <b>A. Yes, it is. You can do lots of things. It teaches</b>                  2 <b>meditation. They have meditation classes, they have</b>                  3 <b>Buddhism classes, they run study groups for people who</b>                  4 <b>have made a bit of a commitment, they run drop-in</b>                  5 <b>classes, you know, one-offs. They also celebrate</b>                  6 <b>festivals. Most centres would probably have a weekly</b>                  7 <b>event at which they hold worship.</b>                  8 <b>Then they might also do various -- some of them also</b>                  9 <b>do projects like more kind of social work projects, like</b>                  10 <b>running groups for carers, people who care for the</b>                  11 <b>elderly and sick and -- you know, which might be paid</b>                  12 <b>for by local authorities. They might also have pain</b>                  13 <b>management courses. They may also let out their</b>                  14 <b>premises to other Buddhist projects of this sort.</b>                  15 Q. What sort of activities might children be present at,                  16 and in particular what sort of activities might children                  17 be present without their parents?                  18 <b>A. We have very few children in Triratna, partly because we</b>                  19 <b>had a very strong emphasis in the early days of building</b>                  20 <b>a new Buddhist community and not living so much</b>                  21 <b>according to traditional patterns in society but</b>                  22 <b>building community, living together, and so most of</b>                  23 <b>the children in Triratna have been born much more</b>                  24 <b>recently.</b>                  25 <b>We still don't have that many activities for</b></p> <p style="text-align: center;">Page 22</p>
<p>1 <b>children. We do quite a lot of work with schools, but</b>                  2 <b>that's a bit different. But some centres do have --</b>                  3 <b>I think probably one or two centres have what would</b>                  4 <b>count as a Sunday school, and there has been one</b>                  5 <b>after-school club I think for teenagers, but I don't</b>                  6 <b>think that we do very many things at all for under 18s</b>                  7 <b>without the company of their parents. I really -- off</b>                  8 <b>the top of my head, I can't think of any activities for</b>                  9 <b>under 18s, but it is starting to happen. It is starting</b>                  10 <b>to happen.</b>                  11 Q. Page 6 of your statement. You note that children are                  12 starting to attend as the children of adult members, as                  13 the Order grows, in age and in size, but --                  14 <b>A. Yes.</b>                  15 Q. -- you are starting to attract teenagers?                  16 <b>A. Yes. I mean, as with most Buddhist groups, the</b>                  17 <b>demographic has been going up and up and up for the last</b>                  18 <b>few years. We actually started a project for young</b>                  19 <b>Buddhists, by which we meant over 18s -- or, actually,</b>                  20 <b>under 40s. But they have started to work their way down</b>                  21 <b>and they are now coming to sort of 25 to 18, and they're</b>                  22 <b>starting to get the odd 17-year-old or 16-year-old who</b>                  23 <b>also wants to attend and we are (interference) on how to</b>                  24 <b>handle their presence safely, because they don't want to</b>                  25 <b>come with their parents, obviously. So they are just</b></p> <p style="text-align: center;">Page 23</p>	<p>1 <b>starting to have unaccompanied teenagers.</b>                  2 Q. I promised to come back to DBS checks. Can you give us                  3 an idea of who within a centre would be generally DBS                  4 checked?                  5 <b>A. Currently -- well, it depends what level you mean.</b>                  6 <b>Obviously, anybody could have a basic check. I think</b>                  7 <b>there might be one or two centres that have decided to</b>                  8 <b>DBS the entire -- basic DBS the entire team that runs</b>                  9 <b>the centre, like the administrators and the person who</b>                  10 <b>runs the bank accounts. But very few of our Order</b>                  11 <b>members are eligible for DBS checks because they don't</b>                  12 <b>actually work in regulated activity with children or,</b>                  13 <b>necessarily, vulnerable adults. But where -- for</b>                  14 <b>example, if they are running a Sunday school, they would</b>                  15 <b>have to be DBS checked, clearly, and if they are running</b>                  16 <b>courses that are specifically aimed at people in</b>                  17 <b>recovery from addiction or specifically people --</b>                  18 <b>mindful of sort of depression, for example, where</b>                  19 <b>they're actually targeted at quite obviously designated</b>                  20 <b>vulnerable adults -- adults at risk, then they would</b>                  21 <b>have to be DBS checked and they would be, as far as I'm</b>                  22 <b>aware.</b>                  23 Q. You said that many people wouldn't reach the definition                  24 for regulated activity. Is that because they are not                  25 having contact regularly enough --</p> <p style="text-align: center;">Page 24</p>

1 A. Yes.  
 2 Q. -- or because they are not doing it unsupervised? Those  
 3 are the two most common ones we have come across.  
 4 A. Because their role does not involve working with under  
 5 18s or the role does not involve working with  
 6 identifiable groups of people in recovery, say, from  
 7 mental health problems, or they only ever teach at  
 8 a family event once a year, as a one-off. However,  
 9 I have to say, part of the problem is, it seems  
 10 incredibly unclear. I find it very difficult to get  
 11 really clear standard advice on who is eligible.  
 12 Q. Who are you struggling to get the advice from? From the  
 13 DBS directly or --  
 14 A. Yes. Well, when I look up -- yes, I mean, trying to  
 15 contact the DBS service I find very difficult. I have  
 16 sent the a questions sometimes and I couldn't understand  
 17 the answers. Although I'm the safeguarding officer for  
 18 our charity, I'm not the person who does the DBS checks.  
 19 That's done by a colleague who works in administration.  
 20 Therefore, I'm not entitled to talk to the DBS checking  
 21 service at Thirtyone:eight. I'm currently working on  
 22 that, to get signed up as an additional checker so  
 23 I can. But it's not been very easy to get in-principle  
 24 advice.  
 25 When I use the online tools, there are various

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1 local safeguarding officers. Chair, this is at the  
 2 bottom of page 4 of the witness's statement. We went  
 3 a little bit away from the statement for a moment, but  
 4 we are back.  
 5 As far as I understand it, you have put in place  
 6 a requirement that each centre has a local safeguarding  
 7 officer. Is that right?  
 8 A. Yes. I think that's absolutely crucial to this working.  
 9 Q. At the bottom of page 3 -- I don't need to go back to  
 10 it -- you told us that that was put in place in 2015,  
 11 and saying that they're advised to appoint their own  
 12 safeguarding officer and adapt or adopt a safeguarding  
 13 policy. As far as you know, you reached nearly  
 14 100 per cent compliance within two years. How do you  
 15 monitor compliance within centres to make sure they do  
 16 have a safeguarding officer and they do have a policy?  
 17 A. I don't monitor it all that tightly, but I know who's  
 18 got a safeguarding officer and who hasn't because I have  
 19 got a list of them. I write to all of them several  
 20 times a year with updated guidance every time there is  
 21 anything from the Charity Commission or something  
 22 helpful, and they write back, or there's a bounceback  
 23 and I know that they're no longer working there, and  
 24 I meet the chairs of the centres twice a year at their  
 25 twice-yearly gatherings. So I've got a pretty good

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1 online tools available, they will tend to make it clear  
 2 that our roles are not -- most of our roles are not  
 3 eligible, but sometimes, when you actually talk to an  
 4 individual person, you discover they are. So it's quite  
 5 subtle.  
 6 Q. Understanding that you have to work within the rules as  
 7 they currently are, are there roles that you would like  
 8 to undertake a DBS check for -- an enhanced DBS check,  
 9 I should say -- but are unable to?  
 10 A. Well, I'm interested to find out whether -- I would be  
 11 interested for there to be a discussion about what  
 12 further roles could be eligible. So at the moment --  
 13 I mean, given that pretty much anybody who is an Order  
 14 member who works in contact with the public tends to be  
 15 looked up to and viewed as having a position of trust,  
 16 I think it could very well be advisable that any Order  
 17 member who teaches in a centre or runs anything in one  
 18 of our centres should have a DBS check beyond basic.  
 19 But they're not eligible.  
 20 Currently, also, anyone training for ordination  
 21 isn't eligible either because the training course  
 22 doesn't include any working with children or groups of  
 23 adults at risk. That means there's no way to screen out  
 24 people who may actually have a criminal past.  
 25 Q. We are going to move on from DBS to talking about the

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1 idea. But it is up to each charity to make sure it is  
 2 doing the right thing. I'm only in an advisory  
 3 capacity.  
 4 Q. Those centres I think you said are registered with the  
 5 Charity Commission independently?  
 6 A. Yes.  
 7 Q. In terms of who is appointed as a local safeguarding  
 8 officer, how are they chosen, how are they appointed?  
 9 A. Well, they're appointed by the trustees of  
 10 the respective charity, and very often they're chosen,  
 11 I'm sorry to say, because they are the only person  
 12 anyone can find willing to do it. It is an extremely  
 13 unpopular post, very understandably, it is mostly  
 14 totally voluntary. Although big centres might give that  
 15 role to somebody who is already on the administrative  
 16 team who has several other responsibilities too. But  
 17 sometimes they are someone in the sangha who actually  
 18 has professional experience as a social worker or  
 19 probation officer or something like that.  
 20 Q. But that's not a requirement, is it?  
 21 A. It is not a requirement. The requirement -- it has to  
 22 be quite basic, given the resources of some of these  
 23 very small voluntary groups, which is, basically, there  
 24 is a named person who anyone can go to with concerns and  
 25 who is responsible for making sure that something is

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<p>1 <b>done, and that is -- I think that is key, because where</b>                  2 <b>things go wrong, it's because it wasn't anyone in</b>                  3 <b>particular's responsibility.</b>                  4 Q. What you have said in your statement is that, in                  5 practical terms, most local safeguarding officers -- I'm                  6 using that phrase just to make sure we differentiate --                  7 have no experience of safeguarding?                  8 <b>A. I believe so. I haven't actually looked at my list to</b>                  9 <b>see what percentage of them actually are former social</b>                  10 <b>workers. My impression is that most of them are</b>                  11 <b>self-taught.</b>                  12 Q. What training do they receive?                  13 <b>A. Over a couple of years, we got training in from</b>                  14 <b>Thirtyone:eight. We actually had national safeguarding</b>                  15 <b>training days, one on child protection and one on</b>                  16 <b>safeguarding adults. I can't remember the dates off the</b>                  17 <b>top of my head -- probably 2016 and 2017. Then we also,</b>                  18 <b>through the Network of Buddhist Organisations, of which</b>                  19 <b>Triratna is a member and I'm on the committee, they also</b>                  20 <b>put on another Thirtyone:eight safeguarding day for the</b>                  21 <b>safeguarding officers of any Buddhist tradition in</b>                  22 <b>England and Wales. Most of the people who attended that</b>                  23 <b>were Triratna safeguarding officers.</b>                  24 Q. Is it compulsory for a Triratna safeguarding officer to                  25 have some safeguarding training, so either the</p> <p style="text-align: center;">Page 29</p>	<p>1 Thirtyone:eight session in 2016/17 or the session you                  2 have described in 2018?                  3 <b>A. It's not compulsory, but I advise them regularly to have</b>                  4 <b>training. But I don't have -- again, I have no powers</b>                  5 <b>to make them. But, on the other hand, I point out to</b>                  6 <b>them that they're all insured by the Buddhist insurance</b>                  7 <b>scheme, underwritten by Ecclesiastical, which requires</b>                  8 <b>evidence of annual training.</b>                  9 <b>Some of the training they get, though, is online</b>                  10 <b>training. There is various online training now through</b>                  11 <b>NSPCC and Thirtyone:eight. So they may be doing online</b>                  12 <b>modules that I don't even know about. But every time</b>                  13 <b>I become aware of that, I send out an email to all of</b>                  14 <b>them, saying, "Try this. Do this".</b>                  15 Q. You touched on it very briefly, but you say in your                  16 statement explicitly that being a local safeguarding                  17 officer is a challenging and unattractive job that few                  18 are willing to undertake, especially as it is voluntary?                  19 <b>A. Mmm.</b>                  20 Q. If it is not pointing out the obvious, why is it so                  21 unattractive a position to take up?                  22 <b>A. Because it is quite a weighty responsibility. It</b>                  23 <b>involves you in quite unpleasant tasks, like dealing</b>                  24 <b>with ex-offenders in the community, who can be -- and</b>                  25 <b>where -- this is another whole topic, but where a local</b></p> <p style="text-align: center;">Page 30</p>
<p>1 <b>Buddhist prison chaplain brought that ex-offender into</b>                  2 <b>the Local Buddhist community, there can be disagreements</b>                  3 <b>about the management of that person. It is not an easy</b>                  4 <b>post.</b>                  5 Q. We will look at ex-offenders as my next topic. Before                  6 we move on to that, it might help to display                  7 TBO000001_005. It is the top of page 5 of the witness's                  8 statement. Just to look at the bullet points at the                  9 very top, which are the list of responsibilities for                  10 a local safeguarding officer. So this is someone who is                  11 a volunteer?                  12 <b>A. Often. Some of them are financially supported.</b>                  13 Q. They draw up their own charity's policies, which may or                  14 may not be based on the ones you've produced?                  15 <b>A. Mmm.</b>                  16 Q. They provide safeguarding training for centre teams.                  17 Before we move on to that, the safeguarding officer                  18 themselves will be giving safeguarding training within                  19 the sector?                  20 <b>A. They may be. Or they may simply -- they may be, for</b>                  21 <b>example, signing up to an NSPCC online training module</b>                  22 <b>and doing it with the rest of the team.</b>                  23 Q. I imagine that will vary because you have said not                  24 necessarily every safeguarding officer themselves would                  25 have undertaken the (overspeaking) --</p> <p style="text-align: center;">Page 31</p>	<p>1 <b>A. No, indeed.</b>                  2 Q. -- training.                  3 <b>A. This is the range of things they may be doing.</b>                  4 Q. Making sure DBS checks are obtained for all teachers,                  5 staff and volunteers who are eligible.                  6 Is it the local safeguarding officer themselves who                  7 makes the decision or takes the, at least, initial view                  8 of who needs or who will be eligible for DBS check?                  9 <b>A. Yes.</b>                  10 Q. Or do they speak to you about that?                  11 <b>A. Both. It depends on how confident they are. But they</b>                  12 <b>are responsible for their charity's safeguarding. So</b>                  13 <b>they can ask me for help, but I often say the best thing</b>                  14 <b>is to ring up Thirtyone:eight and talk it through with</b>                  15 <b>them.</b>                  16 Q. Being available to receive concerns and complaints and                  17 consulting the safeguarding team on these where                  18 necessary. We will talk about allegations in a moment,                  19 but, essentially, they're the first point of call                  20 wherever there is a complaint or an allegation?                  21 <b>A. Yes, and, you know, their name and their photograph and</b>                  22 <b>how to contact them should be on the notice board in the</b>                  23 <b>Buddhist centre.</b>                  24 Q. They are in charge of dealing with written compacts --                  25 should that be "contracts"?</p> <p style="text-align: center;">Page 32</p>

<p>1 <b>A. "Compacts" is the term used quite often in -- it is</b>                  2 <b>a technical term, but I usually call it a contract or</b>                  3 <b>a behaviour agreement.</b>                  4 Q. With ex-offenders?                  5 <b>A. Mmm.</b>                  6 Q. Thank you, Danny. If you take that down and talk about                  7 ex-offenders, if we may. Chair, it is slightly out of                  8 turn in the witness's statement. It is actually page 12                  9 of the witness's statement dealing with ex-offenders.                  10 It is something you flag as a particular challenge,                  11 ex-offenders in Triratna. That's because, is it right                  12 that Triratna have seen increasing numbers of                  13 ex-offenders engaging with Buddhism in general and                  14 Triratna in particular?                  15 <b>A. That's right. I think it's because the Buddhist</b>                  16 <b>chaplaincy, prison chaplaincy, has grown in the last,</b>                  17 <b>I'm not sure, what, 10/15 years, and some members of our</b>                  18 <b>order are amongst those who work in chaplaincy in</b>                  19 <b>prisons. That way, they form (interference) people in</b>                  20 <b>prison who then want to continue their practice of</b>                  21 <b>Buddhism meditation when they come out and the probation</b>                  22 <b>officers are very keen to help them start a new life in</b>                  23 <b>positive company, very keen for them to join one of our</b>                  24 <b>centres.</b>                  25 Q. So that's seeing increasing numbers of ex-offenders</p> <p style="text-align: center;">Page 33</p>	<p>1 joining centres. Is there a rule in Triratna about                  2 ordaining ex-offenders?                  3 <b>A. Not yet. That's something we are looking at now.</b>                  4 Q. To your knowledge, are you, at the moment, or have you                  5 been ordaining any ex-offenders --                  6 <b>A. Yes.</b>                  7 Q. -- or can you not answer?                  8 <b>A. A tiny number, but yes. Actually, I don't know the</b>                  9 <b>numbers. That's the thing. I don't know the numbers.</b>                  10 <b>We don't have any idea. But I have reason to think that</b>                  11 <b>we have.</b>                  12 Q. If I heard you correctly, it is something you're looking                  13 into or thinking about at the moment?                  14 <b>A. Yes. It is an area of very serious concern now.</b>                  15 Q. That's obviously ordaining, and you explained to us the                  16 difference between being an ordained member of the order                  17 and someone who is a member of the community?                  18 <b>A. Yes.</b>                  19 Q. Within the community, there's no restriction, is there,                  20 on an ex-offender attending centres or activities?                  21 <b>A. There is a restriction, and that's what the written</b>                  22 <b>contract is about. When someone comes into one of our</b>                  23 <b>centres, you know, they're still in the care of</b>                  24 <b>the Probation Service, they will -- well, it depends on</b>                  25 <b>what the offence was, obviously, but if they are on the</b></p> <p style="text-align: center;">Page 34</p>
<p>1 <b>sex offender register, they will be required, as</b>                  2 <b>a condition of being as of their Order, to let our</b>                  3 <b>safeguarding officer know, and then the safeguarding</b>                  4 <b>officer will draw up a written contract which says what</b>                  5 <b>they can and cannot do at the Buddhist centre and on</b>                  6 <b>what terms, depending on their offence.</b>                  7 <b>And also who they may talk to about their offence so</b>                  8 <b>as not to cause enormous controversy in the community at</b>                  9 <b>the centre.</b>                  10 Q. Before we look at contracts, is there a step beforehand?                  11 Before a contract is put in place, do you undertake                  12 a risk assessment, and, if so, who does that and how                  13 does it work?                  14 <b>A. I've explained that the contract is done with the</b>                  15 <b>participation of their probation officer, their</b>                  16 <b>supervising officer, so since a centre safeguarding</b>                  17 <b>officer would not have the training, they wouldn't have</b>                  18 <b>the capacity to do a risk assessment, they shouldn't do</b>                  19 <b>that because they're not trained, so they would rely on</b>                  20 <b>the probation officer's co-operation in the drafting of</b>                  21 <b>the contract to know what was suitable for that</b>                  22 <b>ex-offender to do. So it would be the probation officer</b>                  23 <b>who would be responsible for the risk assessment.</b>                  24 Q. Will all ex-offenders necessarily still have a probation                  25 officer when they come to you? If you are not remaining</p> <p style="text-align: center;">Page 35</p>	<p>1 on licence any longer at all --                  2 <b>A. Yes.</b>                  3 Q. -- then you're not necessarily still under the care or                  4 the responsibility of probation?                  5 <b>A. No. No, that's true. I would hope that they would</b>                  6 <b>still have some kind of supervising social worker or</b>                  7 <b>a police -- what is it, PSO, police supervising officer?</b>                  8 <b>Those are the things I've come across so far. They</b>                  9 <b>usually have someone who is still keeping some degree of</b>                  10 <b>supervision over them, in the cases I'm aware of so far.</b>                  11 Q. It might be entirely hypothetical but have there been                  12 any difficulties in undertaking risk assessments for                  13 ex-offenders who aren't under the care of anybody else                  14 so it is literally just left to Triratna to decide?                  15 <b>A. Not that I'm aware of, no.</b>                  16 Q. In terms of managing the contracts or the compacts as it                  17 says in the statement, that's the responsibility of                  18 the local safeguarding officer?                  19 <b>A. It is, because they are in that relevant charity.</b>                  20 <b>However, they frequently send them to us (interference)</b>                  21 <b>in the central safeguarding team, "Do you think that we</b>                  22 <b>have got this right?", and sometimes we will say, "No,</b>                  23 <b>you haven't. You're being naive. With the best will in</b>                  24 <b>the world, that's not a good bet. You don't have enough</b>                  25 <b>people running your centre to take on that person with</b></p> <p style="text-align: center;">Page 36</p>

<p>1 the degree of risk they obviously present, given what</p> <p>2 terms the probation officer agreed. Please could you</p> <p>3 ask them not to attend anymore? We advise you to ask</p> <p>4 them not to attend anymore".</p> <p>5 And they say, "Thank you very much. We have been</p> <p>6 having an argument with each other about whether or not</p> <p>7 we want to stop this person coming because we feel we</p> <p>8 believe so strongly in their ability to change". We</p> <p>9 say, "Your first responsibility is to the care of</p> <p>10 the rest of your community".</p> <p>11 Q. The final question on this topic, then, is, you</p> <p>12 mentioned earlier -- it is actually something you set</p> <p>13 out in your statement -- that in many cases the local</p> <p>14 safeguarding officer can find themselves in conflict</p> <p>15 with the prison chaplains. Can you explain how that</p> <p>16 conflict arises and how it is resolved?</p> <p>17 A. Did I say "many"? I think I said "some". Well, yes,</p> <p>18 I mean, I think, as far as I'm aware, it's been resolved</p> <p>19 because the safeguarding officer and the trustees have</p> <p>20 said to the chaplain, "I'm sorry, but we run this</p> <p>21 charity, not you. Therefore, we make the decisions</p> <p>22 about whether this person can be part of our sangha".</p> <p>23 Q. Does the conflict arise from the fact that the prison</p> <p>24 chaplains themselves don't think the contract or the</p> <p>25 risk assessment is required at all or that, in its</p> <p style="text-align: center;">Page 37</p>	<p>1 terms, it's too conservative?</p> <p>2 A. Yes, it's too conservative. They believe it is too</p> <p>3 conservative. They say, "I have been working with this</p> <p>4 man for a very long time. He's changed dramatically.</p> <p>5 I think you're being very, very unfair to him. I have</p> <p>6 been encouraging him now for several years whilst he was</p> <p>7 in prison. And now he's out, I'm also working with him</p> <p>8 still and you're being much too conservative".</p> <p>9 Q. So it arises from their own experience with the offender</p> <p>10 rather than from a sort of theological point of view?</p> <p>11 A. Well, yes, I mean, we don't use the term "theological"</p> <p>12 in Buddhism. I just make that point, there is no</p> <p>13 concept of a creator God in Buddhism. So none of this</p> <p>14 comes from the idea that there is a higher authority out</p> <p>15 there. But, yes, because there is such a strong belief</p> <p>16 that everyone can change for the better, that no-one</p> <p>17 should ever be judged for the rest of their lives by the</p> <p>18 worst thing they have ever done. People can utterly</p> <p>19 transform themselves and we want to give them the</p> <p>20 conditions to do that.</p> <p>21 Q. You have given us a full copy of your policy within the</p> <p>22 bundle. I don't think it is going to be necessary,</p> <p>23 really, to go through the terms in detail. I'm just</p> <p>24 going to bring it up a little bit to give us a flavour</p> <p>25 of what's included in it. Danny, TBO000002. This is</p> <p style="text-align: center;">Page 38</p>
<p>1 a code of conduct, to begin with.</p> <p>2 A. Yes.</p> <p>3 Q. This is a child protection code of conduct. To whom</p> <p>4 does this apply and who do you expect to be signing</p> <p>5 this?</p> <p>6 A. This is like a ready -- a quick guide to safe</p> <p>7 behaviours, which could be handed out to anybody who --</p> <p>8 well, it should be given to anybody who teaches or</p> <p>9 administers a Buddhist centre in Triratna in England and</p> <p>10 Wales as a guide to safe behaviours. They should be</p> <p>11 signing up to that.</p> <p>12 It can also be used -- because it is short, it can</p> <p>13 also be used, for example, where someone has come to</p> <p>14 help out on a fairly temporary basis, just to remind</p> <p>15 them, you know, at the start of the day, what are safe</p> <p>16 behaviours, safe and responsible behaviours.</p> <p>17 Q. So we have got a name, signature and date at the bottom.</p> <p>18 It is not a requirement that a certain number of people</p> <p>19 have to have signed and returned this and kept it on</p> <p>20 file or (interference)?</p> <p>21 A. Not a certain number, no, but I would expect that</p> <p>22 anybody who volunteers or teaches or is a trustee should</p> <p>23 have signed up to these values. We say to the centre,</p> <p>24 "This is your record that you had this conversation with</p> <p>25 someone".</p> <p style="text-align: center;">Page 39</p>	<p>1 Q. You've also produced -- it is behind tab 4, Danny,</p> <p>2 TBO000004 -- a general advice document reducing the key</p> <p>3 aspects of your policies, et cetera, to a page and</p> <p>4 a paragraph. There is another paragraph on the second</p> <p>5 page. This is sent to all of your centres,</p> <p>6 I understand?</p> <p>7 A. Yes. It goes out with the (interference) every year.</p> <p>8 Q. The question I have from this is, looking at the second</p> <p>9 paragraph, you say "Meeting our ethical obligations".</p> <p>10 I incorrectly used the word "theology", but this is your</p> <p>11 statement essentially to say to your centres, "As part</p> <p>12 of your ethical obligations within Buddhism, is to adopt</p> <p>13 these policies and make sure you're living by them"; is</p> <p>14 that right?</p> <p>15 A. Yes. Bear in mind, this is a worldwide guidance, so</p> <p>16 they won't understand the regulations and law which we</p> <p>17 have in place in England and Wales for safeguarding.</p> <p>18 That's why I expressed it in terms of ethics.</p> <p>19 Q. Thank you very much.</p> <p>20 A. Apart from anything else, I want to make it clear that</p> <p>21 this isn't something non-Buddhist, it is an expression</p> <p>22 of our ethical precepts.</p> <p>23 Q. Danny, we can take that down. You used the term</p> <p>24 "non-Buddhist" so I'm going to jump ahead a little bit</p> <p>25 in my questioning to something you raise in your</p> <p style="text-align: center;">Page 40</p>

<p>1 statement at the bottom of page 8, which is that some 2 within Triratna consider safeguarding to be an 3 un-Buddhist interference. Can you explain that for us, 4 please?</p> <p>5 <b>A. Well, I think because of this idea we are founded as 6 a community of Friends, there is a view I have come 7 across -- I don't know how widespread it is -- that 8 everything should be done on the basis of spiritual 9 friendship, kindly and through personal discussion, and 10 that we don't need these guidelines because we already 11 have -- in the order, we have ten ethical precepts which 12 cover all kinds of harm and, therefore, it shouldn't be 13 necessary to have lots of official documents because we 14 already have our own regulations, in a way, our own 15 ethical guidance, which is these ten precepts, and we 16 shouldn't have to have official procedures for doing 17 things because everything should be done through open 18 discussion with each other.</b></p> <p>19 Q. Danny, can we just bring up this section of 20 the statement, please? It is page 8 of the statement, 21 and it is the very last section. Just to help people 22 following as we talk about it, Munisha. Under "Within 23 Triratna". You have said there are essentially two 24 sides of the coin here. At one extreme, you have those 25 who think it is unnecessary, un-Buddhist interference,</p> <p style="text-align: center;">Page 41</p>	<p>1 "We already have our ethics, we have our precepts". At 2 the other extreme, you have some who believe your 3 safeguarding will not be trustworthy because, of itself, 4 it will be compromised by conflicts of loyalty?</p> <p>5 <b>A. Because we are all Friends.</b></p> <p>6 Q. Because you are all Friends. We looked at the document, 7 the general advice that you sent out to all of your 8 centres. How else have you sought to address these 9 concerns within Triratna? What else can you do, if 10 anything?</p> <p>11 <b>A. We just keep on. We just keep -- I find myself between 12 these two different wings, and I just keep sailing my 13 boat steadily through the middle of it. I keep on 14 (interference) and we just keep on pushing for the -- we 15 just carry on with integrity.</b></p> <p>16 Q. Have these concerns translated into any resistance to 17 training or to the implementation of policies or to 18 following advice --</p> <p>19 <b>A. Not at centre --</b></p> <p>20 Q. -- or are they more principled concerns?</p> <p>21 <b>A. No, not at centre level. At centre -- the level of all 22 the registered charities, there is, I find, no 23 opposition whatsoever. That doesn't mean it doesn't 24 exist, but it doesn't come to me. The local 25 safeguarding officer might be encountering some</b></p> <p style="text-align: center;">Page 42</p>
<p>1 resistance, but it doesn't come to me.</p> <p>2 <b>I think it is more at the level of the Order, which 3 doesn't exist in law, where it is not clear what the 4 responsibilities are or how we should meet them. The 5 order is just a gathering of individuals worldwide on 6 a database.</b></p> <p>7 <b>There, I think, people feel that -- some people, and 8 I must just say some people. The vast majority of 9 members of the Order think it is absolutely great, 10 I think, and they express their gratitude to me for 11 introducing all this stuff. But some people feel that 12 we should be doing everything much more informally.</b></p> <p>13 Q. Rounding off what I flagged as my cultural questions 14 before the mid-morning break, one of the things you also 15 say is at page 10 of your statement is that one of 16 the challenges within Triratna can be an inability for 17 people to believe that child sexual abuse can, or does, 18 happen within its members; is that fair?</p> <p>19 <b>A. Yes, I think that's also common in other Buddhist 20 organisations, probably all faith organisations. 21 Probably all organisations.</b></p> <p>22 Q. How do you go about addressing that, if it is not an 23 impossible question? What do you do to address that?</p> <p>24 <b>A. Well, in my general advice, I have given examples of 25 Buddhists, not in Triratna, in other organisations, who</b></p> <p style="text-align: center;">Page 43</p>	<p>1 <b>have actually been prosecuted for child sexual offences, 2 and I just keep on saying it: it could happen here, it 3 could happen here.</b></p> <p>4 Q. So it is about just keeping that message coming out?</p> <p>5 <b>A. I think, also, actually the publication of the policies, 6 because the trustees of the charity, every time they 7 adopt the policy, readopt the policy, every year, they 8 have to -- they are reminded, "Oh, this could happen 9 here. I'm responsible for making sure it doesn't", or 10 what to do when it does. But given that we haven't had 11 any cases within Triratna, it's not something that's top 12 of people's list, but -- I think you raise it by 13 actually, as the competence of the safeguarding officers 14 in all the centres goes up and up and up year by year 15 and they keep talking about it at trustee level, it's 16 just about -- it is a drip, drip, drip thing.</b></p> <p>17 MS McNEILL: Thank you. Chair, I have two short topics left 18 for this witness that I think will take about 19 20 minutes. Would now be an appropriate time for our 20 mid-morning break and then conclude her evidence after 21 that?</p> <p>22 THE CHAIR: Yes, we will return at 11.45 am.</p> <p>23 MS McNEILL: Munisha, I should say, don't discuss your 24 evidence with anyone during the break. You are under 25 oath, as it were.</p> <p style="text-align: center;">Page 44</p>

<p>1 (11.30 am)</p> <p>2 (A short break)</p> <p>3 (11.45 am)</p> <p>4 MS McNEILL: Munisha, thank you for coming back. Can you</p> <p>5 see and hear me?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. I have been reminded during the break that it is</p> <p>8 important both for our technology but also for those</p> <p>9 taking a transcript that we don't overspeak one another.</p> <p>10 It is probably entirely my fault. So if you wait until</p> <p>11 I completely finish the question and I will wait until</p> <p>12 you have completely finished answering. It just helps</p> <p>13 to get the transcript correctly.</p> <p>14 Moving to my penultimate topic for you, I need to</p> <p>15 talk about how you do deal with allegations and cases</p> <p>16 within Triratna. By way of setting the baseline or the</p> <p>17 background, I'm going to bring up a page of your policy.</p> <p>18 It is behind tab 3 of the bundle. Chair, I'm just</p> <p>19 bringing up two pages. It is TBO000003_005. Danny, can</p> <p>20 we have page 6 up at the same time as well, please? At</p> <p>21 the bottom of page 6, Munisha, it says:</p> <p>22 "Reporting concerns or allegations". It says</p> <p>23 specifically:</p> <p>24 "All reports or suspicions about abuse must be</p> <p>25 treated seriously. They may include.</p> <p style="text-align: center;">Page 45</p>	<p>1 "Something you see.</p> <p>2 "Something you are told ...</p> <p>3 "Rumours ...</p> <p>4 "Behaviour you observe.</p> <p>5 "Disclosure from a child directly."</p> <p>6 Then underneath it says what to do if a person under</p> <p>7 18 alleges abuse. Over the page, what to do next, which</p> <p>8 includes informing the safeguarding officer if you are</p> <p>9 not the safeguarding officer. That's the second bullet</p> <p>10 point. And then taking action in terms of reporting it</p> <p>11 to the police, et cetera, is covered. Telephone</p> <p>12 referrals should be confirmed in writing.</p> <p>13 I'd just like to clarify one thing. It says, "all</p> <p>14 reports or suspicions about abuse must be treated</p> <p>15 seriously", so both reports and suspicions. Is it</p> <p>16 expected within Triratna that both reports and</p> <p>17 suspicions are reported to you centrally or your team?</p> <p>18 <b>A. I can't say that it could be expected within Triratna,</b></p> <p>19 <b>because I don't have control over -- I'm only advisory.</b></p> <p>20 <b>But my standard is that I would expect a suspicion also</b></p> <p>21 <b>to be acted upon quite seriously, and certainly, if it</b></p> <p>22 <b>came to me, I would act on it.</b></p> <p>23 Q. Is this a policy intended to say that both reports and</p> <p>24 suspicions should be reported to the police or would it</p> <p>25 vary case by case?</p> <p style="text-align: center;">Page 46</p>
<p>1 <b>A. It varies case by case. A suspicion might be something</b></p> <p>2 <b>that someone might take to Crimestoppers, for example,</b></p> <p>3 <b>if, for some reason, they have a sense that they've got</b></p> <p>4 <b>a bit of a concern about something. But it might vary.</b></p> <p>5 <b>You might just ring up the police and have</b></p> <p>6 <b>a conversation with them. What you might have to report</b></p> <p>7 <b>might not meet the police threshold for taking a report,</b></p> <p>8 <b>but they might add it to background intelligence about</b></p> <p>9 <b>persons of concern, and I would certainly flag up</b></p> <p>10 <b>persons of concern, even where I didn't have a definite</b></p> <p>11 <b>named victim.</b></p> <p>12 Q. Obviously I understand you can't control what happens in</p> <p>13 the centres, but the way in which you seek to influence</p> <p>14 their response is through the policies, the training --</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. -- and that sort of thing. And it is your intention</p> <p>17 that both reports and suspicions are taken seriously,</p> <p>18 and necessarily what that entails will vary on</p> <p>19 a case-by-case basis?</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. But if it reaches the threshold of an allegation, would</p> <p>22 you expect all allegations to be reported to the police?</p> <p>23 <b>A. I would, definitely.</b></p> <p>24 Q. Again, from your experience --</p> <p>25 <b>A. I have never received a criminal allegation which I have</b></p> <p style="text-align: center;">Page 47</p>	<p>1 <b>not discussed with the police.</b></p> <p>2 Q. Would you also expect all allegations to be reported to</p> <p>3 you, so that you're aware of them, or your team?</p> <p>4 <b>A. I can't expect that because my role is only advisory.</b></p> <p>5 <b>Each charity is responsible for itself. However,</b></p> <p>6 <b>I would think it's very likely that anyone who</b></p> <p>7 <b>encountered something serious in their centre would ring</b></p> <p>8 <b>us up pretty quickly and ask what we thought, because</b></p> <p>9 <b>they would want our backing and they'd want the</b></p> <p>10 <b>confidence of knowing they checked it out with us.</b></p> <p>11 Q. Is that borne out by your experience of concerns --</p> <p>12 <b>A. Well, I certainly have had people ring me with concerns</b></p> <p>13 <b>and suspicions. Of course, I don't know about the</b></p> <p>14 <b>people who haven't rung me.</b></p> <p>15 Q. That's a fair point.</p> <p>16 <b>A. But I know that it has happened, that people do ring me.</b></p> <p>17 Q. We are going to look very quickly at some of the cases</p> <p>18 that Triratna has encountered, and they start at page 6</p> <p>19 of your witness statement. Danny, can we display</p> <p>20 TBO00000_006 and 007 at the same time.</p> <p>21 Case 1 involves an alleged victim, who was under the</p> <p>22 age of 18, who alleged in a video interview that they</p> <p>23 had been groomed and sexually abused by an Order member</p> <p>24 some time ago. It was a non-recent allegation. It was</p> <p>25 disclosed in 2017, and in terms of the Order's response,</p> <p style="text-align: center;">Page 48</p>

<p>1 that's the second paragraph, with the complainant's 2 agreement via an intermediary, you, the Triratna 3 safeguarding officer -- I am assuming we mean you -- 4 <b>A. Yes.</b> 5 Q. -- and the safeguarding officer at the centre in 6 question immediately reported the allegation to the 7 local police, but, ultimately, the complainant did not 8 wish to press charges or be contacted by the police. 9 You signposted him to the Truth Project. Is that right? 10 <b>A. Yes.</b> 11 Q. Was Triratna able to provide, or did the complainant 12 want, any sort of pastoral support as a response to this 13 or any other engagement, or did they not wish to have 14 that intervention? 15 <b>A. He didn't -- we had no personal contact with him at that 16 point, so we weren't able to do very much. All we were 17 able to establish via the intermediary was that he did 18 want the matter flagged up with the police but that he 19 didn't wish to take it any further. That was all we 20 could do at that point.</b> 21 Q. Case number 2, please, Danny. That is where the 22 complainant was under 16, and that related to an former 23 member of the order who was charged with offences in the 24 Crown Court, which had taken place in the 1970s and the 25 1990s. Ultimately, the case was dismissed and there was</p> <p style="text-align: center;">Page 49</p>	<p>1 no conviction. 2 <b>A. That's right.</b> 3 Q. Is it right that the Order member in question was no 4 longer a member of the Order at the time that the case 5 went to court? 6 <b>A. That's right.</b> 7 Q. So there was no follow-up action for Triratna to take in 8 that case? 9 <b>A. No.</b> 10 Q. I think you said that was the case that prompted, or was 11 the impetus for, looking at your safeguarding 12 procedures? 13 <b>A. That's what caused me to think that we now needed 14 a proper -- a central safeguarding officer to really 15 bring on our understanding and practice in this area.</b> 16 Q. Case number 3. You had a complainant who was aged 17. 17 This case related to possible grooming which had 18 occurred in the 1980s, but was disclosed in 2003. The 19 individual didn't name the alleged perpetrator who was 20 an Order member, but described what could be considered 21 grooming and indicated there had been a lack of consent 22 and that there were some, including the founder of your 23 order, who had known about this at the time? 24 <b>A. There's no mention of grooming in this. This is case 3?</b> 25 <b>There is no mention of grooming in this case. That was</b></p> <p style="text-align: center;">Page 50</p>
<p>1 <b>in case 1.</b> 2 Q. Okay, sorry. What I'm looking at is, individually -- 3 this was an allegation that someone within the Order was 4 actively pursuing teenagers, and that the complainant 5 said he had not provided his consent to sexual activity. 6 Sorry, thank you for flagging that. 7 <b>A. That's all right.</b> 8 Q. There's been no criminal charges in this case? 9 <b>A. No, the complainant doesn't wish to pursue it. I've 10 encouraged him several times. I've told him I'll 11 support him to do it. He doesn't wish to go any further 12 with it.</b> 13 Q. What we do see in this case is perhaps alternative 14 approaches of, a process of listening and a restorative 15 process. Could you tell us what they are and how they 16 work? 17 <b>A. Restorative process -- I'm not an expert in this 18 process, so this will be an amateur description, but it 19 is a form of -- it is a process, shall we say, whereby 20 the parties to a dispute can be gradually helped to -- 21 well, the complainant -- say, someone who has been 22 harmed, can be helped to identify what it is they need 23 to have heard and who needs to hear it, shall we say. 24 We have trained a lot of people within our order to be 25 restorative workers, you could say, or restorative</b></p> <p style="text-align: center;">Page 51</p>	<p>1 <b>mediators, perhaps, to help with restoring 2 communications in disputes within Triratna, and 3 sometimes, where a matter cannot be resolved by other 4 means, it could be resolved by a process of listening.</b> 5 Q. So the process of listening, the restorative process, is 6 something which is envisaged would take place within 7 Triratna rather than external to it? 8 <b>A. No, it could be external, because we do, where 9 necessary, engage the services of a professional -- of 10 a leading professional in this field who is not 11 a Buddhist, where it is obvious that the complainant 12 would feel better by knowing it was being done by 13 someone completely impartial.</b> 14 Q. Did the complainant take that offer up? 15 <b>A. No -- well, they did engage with it -- they engaged in 16 an initial conversation with the external restorative 17 expert, but didn't wish to pursue it.</b> 18 Q. I don't need to look at the fourth case. That was an 19 individual who was convicted of indecent exposure and 20 was suspended indefinitely from the Order, I understand. 21 <b>A. Yes. But the children had nothing to do with Triratna.</b> 22 Q. He was an Order member, but the offending itself took 23 place outside -- 24 <b>A. Yes, exactly.</b> 25 Q. But, nonetheless, Triratna took the decision to suspend</p> <p style="text-align: center;">Page 52</p>

<p>1 his membership of the Order indefinitely?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. Is that the closest you have to expulsion or is</p> <p>4 expulsion an option as well?</p> <p>5 <b>A. No, expulsion is also an option, but in this particular</b></p> <p>6 <b>case, because he clearly didn't have mental capacity to</b></p> <p>7 <b>understand what was happening to him, the people in</b></p> <p>8 <b>leadership at the time decided the kindest thing was to</b></p> <p>9 <b>make it clear he wasn't an Order member in good</b></p> <p>10 <b>standing, but also not just expel him.</b></p> <p>11 Q. Can we look at allegations that were made against</p> <p>12 Triratna's founder, Sangharakshita. Can we display</p> <p>13 page 2 of the witness's statement, TBO00000_002, heading</p> <p>14 number 5. I want to just establish a little bit what</p> <p>15 the nature of the allegations against your founder were</p> <p>16 before we talk about how you think that might have</p> <p>17 influenced or affected Triratna's approach to these sort</p> <p>18 of issues. Because it's been quite well publicised,</p> <p>19 I understand.</p> <p>20 <b>A. Yes. So Sangharakshita founded Triratna as the Friends</b></p> <p>21 <b>of the Western Buddhist Order in 1967, and he was 42 at</b></p> <p>22 <b>that time. His earliest followers, the people who</b></p> <p>23 <b>flocked to his lectures at the time, were mostly people</b></p> <p>24 <b>in their 20s, and they were mostly people from, you</b></p> <p>25 <b>know, a very hippy kind of community, very much into</b></p> <p style="text-align: center;">Page 53</p>	<p>1 <b>overturning traditional -- or developing a new approach</b></p> <p>2 <b>to societal values, and it was also the same year that</b></p> <p>3 <b>sex between men was partially decriminalised for men</b></p> <p>4 <b>over 21, and so probably there was quite a lot of quite</b></p> <p>5 <b>free sexual relationships in that young Buddhist</b></p> <p>6 <b>community, and, as part of that, Sangharakshita began to</b></p> <p>7 <b>have sexual relationships with some of his new Buddhist</b></p> <p>8 <b>friends and followers --</b></p> <p>9 Q. I'm going to interrupt, sorry, I'm breaking the speaking</p> <p>10 over rule, just to help you with the key aspects as far</p> <p>11 as this inquiry is concerned.</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. It is said that it was quite widely known he was</p> <p>14 engaging in these sexual relations at the time, but that</p> <p>15 it was some years later that some of those with whom he</p> <p>16 had been in ostensible relationships said that they felt</p> <p>17 that their consent had been compromised by his position</p> <p>18 and his role within the Order. Is that right?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. And that they thought that, to a greater and lesser</p> <p>21 degree, depending on the person, their great respect for</p> <p>22 him as a spiritual leader, as well as his position,</p> <p>23 meant that their consent wasn't necessarily freely</p> <p>24 given?</p> <p>25 <b>A. Yes. Exactly.</b></p> <p style="text-align: center;">Page 54</p>
<p>1 Q. What action did Triratna take when this all came to the</p> <p>2 fore?</p> <p>3 <b>A. Well, I mean, I wasn't around then, but from what I can</b></p> <p>4 <b>understand, talking to people, it wasn't even that it</b></p> <p>5 <b>really began to come to the fore. It was always known</b></p> <p>6 <b>about. It was just that, gradually, people's feelings</b></p> <p>7 <b>about it changed. So, I mean, most recently -- a number</b></p> <p>8 <b>of people over the years say that they did try to talk</b></p> <p>9 <b>to him about this, but most recently, I suppose, at the</b></p> <p>10 <b>end of 2016, I think, when there had been a new bout of</b></p> <p>11 <b>renewed discussion of the matter, people very close to</b></p> <p>12 <b>him, to Sangharakshita, talked to him again and he</b></p> <p>13 <b>decided to make a public apology for any ways in which</b></p> <p>14 <b>he had harmed people, and he indicated this did include</b></p> <p>15 <b>his sexual behaviour.</b></p> <p>16 Q. At that time, what was his role within Triratna?</p> <p>17 <b>A. Well, he was still the founder, and much revered, and,</b></p> <p>18 <b>you know, he was about 90, but he was no longer formally</b></p> <p>19 <b>in leadership, and he didn't teach anymore. He was</b></p> <p>20 <b>retired. He was elderly, blind and disabled.</b></p> <p>21 Q. Of course, I should say in died in October 2018,</p> <p>22 I understand.</p> <p>23 <b>A. That's right, yes.</b></p> <p>24 Q. There came a point in 2018 where you contacted the</p> <p>25 police. What prompted you to contact the police?</p> <p style="text-align: center;">Page 55</p>	<p>1 <b>A. Because, as the safeguarding officer, I began -- there</b></p> <p>2 <b>had been such a lot of discussion about this, and a lot</b></p> <p>3 <b>of the discussion assumes that, because he did have sex</b></p> <p>4 <b>with some young men who were then under the then age of</b></p> <p>5 <b>consent of 21, and a lot of confusion about this, there</b></p> <p>6 <b>were a lot of rumours circulating that he'd had sex with</b></p> <p>7 <b>children, even though, in fact, the youngest was 18.</b></p> <p>8 <b>I wanted to ascertain whether there was, in fact,</b></p> <p>9 <b>anything criminal; whether these actions were so</b></p> <p>10 <b>unethical as to also be criminal. I wanted to be clear</b></p> <p>11 <b>about this.</b></p> <p>12 <b>I also wanted to be completely open. The fact that</b></p> <p>13 <b>he was Sangharakshita, our founder, shouldn't mean that</b></p> <p>14 <b>we wouldn't be willing to talk to the police. I rang</b></p> <p>15 <b>them and they said they had heard complaints about him.</b></p> <p>16 <b>People had come to them, and they said nothing they had</b></p> <p>17 <b>ever been told was criminal. It is important it is</b></p> <p>18 <b>phrased like that. I'm not saying there is nothing</b></p> <p>19 <b>criminal about them, because I don't know, but nothing</b></p> <p>20 <b>they have ever been told was criminal. They said it was</b></p> <p>21 <b>unethical, and that was a matter for us, but it wasn't</b></p> <p>22 <b>criminal.</b></p> <p>23 Q. As I understand it, Triratna engaged with some, but not</p> <p>24 all, of the complainants in this matter?</p> <p>25 <b>A. Mmm.</b></p> <p style="text-align: center;">Page 56</p>

<p>1 Q. And some wanted to work with Triratna and receive some 2 support, but some did not; is that right?</p> <p>3 <b>A. Yes. The members of some of Triratna's -- the Order's</b> 4 <b>senior leadership attempted to contact all the people</b> 5 <b>that anyone could think -- all the men that anyone had</b> 6 <b>any memory of having had relations, sexual relations,</b> 7 <b>with Sangharakshita, so asking amongst the very early</b> 8 <b>and now quite elderly members of the Order, who did they</b> 9 <b>remember had ever been a partner of Sangharakshita, and</b> 10 <b>that was about 24 people, although we can't ever be sure</b> 11 <b>that they all necessarily had sex with him.</b></p> <p>12 <b>Some of them are dead. Some of them are long since</b> 13 <b>left Triratna and completely out of contact, no-one</b> 14 <b>knows where they are. But all the ones that could be</b> 15 <b>contacted were offered the services of an external</b> 16 <b>specialist in restorative process, and a very tiny</b> 17 <b>number said that they had any wish to take it up.</b></p> <p>18 Q. You decided to deal with this, I think quite publicly, 19 on your website in an extract that's behind tab 6. It 20 is very short. Danny, it is TBO000006. You flag up, 21 I think, on a very early page on your statement, that 22 there has been controversy surrounding the sexual 23 activity of your founder and others:</p> <p>24 "As part of our commitment to transparency, we host 25 a public FAQ and dedicated archive around all of these</p> <p style="text-align: center;">Page 57</p>	<p>1 issues."</p> <p>2 He made a statement of apology about his own past, 3 which was endorsed by the Triratna College of Public 4 Preceptors and by the Adhistanas Kula, which I understand 5 is your ethics body?</p> <p>6 <b>A. No, it is a group of people amongst the senior</b> 7 <b>leadership who particularly took upon themselves the</b> 8 <b>task of sorting through the controversial allegations</b> 9 <b>about our past to see what could be established as true</b> 10 <b>and what needed to be done about it. They wrote the</b> 11 <b>frequently asked questions.</b></p> <p>12 Q. Then you repeat the statement:</p> <p>13 "We treat reports of abuse extremely seriously and 14 will investigate in accordance with the law and our 15 policies."</p> <p>16 We can take that down, Danny, thank you.</p> <p>17 Do you think, of itself, the allegations made 18 against your founder have brought safeguarding issues to 19 the fore or within the consciousness of Triratna members 20 more than might otherwise have been the case?</p> <p>21 <b>A. Yes, I'm sure they have.</b></p> <p>22 Q. Do you think it has helped, perhaps, people recognise 23 the need for these policies in the way that you said 24 sometimes there can be some resistance about the need 25 for them, or concern?</p> <p style="text-align: center;">Page 58</p>
<p>1 <b>A. It's helped some people. I'm a bit surprised that it</b> 2 <b>hasn't helped other people, who still think that</b> 3 <b>safeguarding is unnecessary. But the thing is, because</b> 4 <b>all these controversies are about adult safeguarding, as</b> 5 <b>I have said in my statement, that can tend to push child</b> 6 <b>protection into the wings. You know, there isn't --</b> 7 <b>because we haven't actually had any cases of child</b> 8 <b>sexual abuse within Triratna.</b></p> <p>9 Q. But you have some link to it that we looked at a moment 10 ago?</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. Then very finally, I'm just going to bring up -- I think 13 we have touched on all of them -- the recommendations 14 that you said might assist Triratna. They are at 15 page 15 of your statement. Danny, can we look at 16 TBO00000_015. Can we look at all of them below 17 heading 27, Danny, please. You indicated that you think 18 the law on positions of trust should be extended to 19 refer specifically to religious leaders, priests and 20 teachers?</p> <p>21 <b>A. Yes. That's not because of any particular recent cases,</b> 22 <b>but I cannot think of any good reason why it should not</b> 23 <b>cover religious teachers and leaders.</b></p> <p>24 Q. You are in favour of some form of external and regular 25 auditing, and at the moment this hasn't taken place, but</p> <p style="text-align: center;">Page 59</p>	<p>1 I know you're engaging with the Social Care Institute 2 for Excellence at the moment to talk about options?</p> <p>3 <b>A. We have been, yes.</b></p> <p>4 Q. Do you have any thoughts specifically about whether it 5 does need to be a Buddhist organisation doing the 6 auditing, or whether any external body or multi-faith 7 body could function just as well?</p> <p>8 <b>A. The most important thing is that it is a group which has</b> 9 <b>credibility, that whatever the result of their work, it</b> 10 <b>actually inspires trust and -- it inspires trust. So,</b> 11 <b>you know, if it was just a group within Triratna, that</b> 12 <b>wouldn't have that function because people could always</b> 13 <b>claim that it had compromised loyalties. But it should</b> 14 <b>be a credible organisation. But the trouble is, it also</b> 15 <b>needs to understand how Triratna itself works. You</b> 16 <b>can't just plonk an external regulation on something</b> 17 <b>without understanding the values of the organisation.</b></p> <p>18 Q. But you would accept that it doesn't need to be 19 a Buddhist organisation to understand the workings of 20 Triratna?</p> <p>21 <b>A. No.</b></p> <p>22 Q. We have already covered in your evidence earlier that 23 you do see a role for common standards, training 24 materials, model policies, et cetera --</p> <p>25 <b>A. Hang on a second. You said, "Would it have to be</b></p> <p style="text-align: center;">Page 60</p>

1 **a Buddhist organisation to understand how Triratna**  
 2 **works?". Probably only people in Triratna could totally**  
 3 **understand how Triratna works. Even other Buddhists**  
 4 **wouldn't -- any Buddhist organisation is very different**  
 5 **from any other Buddhist organisation, so they have their**  
 6 **own very particular characteristics. I would say,**  
 7 **ideally, it would be a Buddhist external regulating**  
 8 **body, even if not a Triratna body.**  
 9 Q. Why is that, then? Why would each sort of denomination  
 10 or faith -- why would Buddhists need their own auditor?  
 11 **A. I just think that the closer it gets to understanding**  
 12 **the basis of it -- I mean, safeguarding itself obviously**  
 13 **just has objective standards of child protection, but**  
 14 **understanding the nature of how an organisation**  
 15 **functions and the different roles in it, the further you**  
 16 **get from being Buddhist, the harder it is to understand**  
 17 **what those functions are. It is a bit hard to say, in**  
 18 **theory, I've got to say. But I know from working with**  
 19 **Thirtyone:eight that it's been difficult sometimes for**  
 20 **them to understand the kinds of roles within Triratna**  
 21 **using their own terms, for example.**  
 22 Q. I understand. That's linked a little bit with (c)  
 23 which, as I say, we have covered. That there is a role  
 24 for common standards, common training materials, common  
 25 training policies, but that they require some sort of

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1 in the course of this investigation.  
 2 I don't think we need to look at (e) or (f), which  
 3 we have definitely already covered, which is the need  
 4 for each place of worship to have one or more  
 5 safeguarding officers, and, finally, your view that all  
 6 religious leaders, teachers, priests, ministers should  
 7 be eligible for an enhanced DBS check?  
 8 **A. Yes.**  
 9 MS McNEILL: Danny, we can take that down.  
 10 Munisha, thank you, that concludes my questions for  
 11 you. I'm just going to hand over to the chair and  
 12 panel, who may well have questions for you.  
 13 Questions from THE PANEL  
 14 THE CHAIR: Thank you, Ms McNeill. I will ask a question,  
 15 and then pass over to the other panel members to see if  
 16 they have any questions.  
 17 Munisha, thank you for your evidence. I want to  
 18 refer to something you say on page 3 of your witness  
 19 statement, and it concerns the behaviour of your  
 20 founder, that you would certainly not permit -- "We  
 21 would certainly not permit such behaviour to go  
 22 unchallenged today". My question is, how would that  
 23 challenge take place, for example, with a current case  
 24 and, in particular, where any person concerned was in  
 25 a very senior position in the movement?

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1 amendment or adaptation to make them work within your  
 2 organisation?  
 3 **A. Yes.**  
 4 Q. The same applies to (d). You think that a programme of  
 5 training would assist, but I think -- are you saying in  
 6 subparagraph (d) that you think it is something that  
 7 Buddhist organisations could work collectively on,  
 8 together, to produce training?  
 9 **A. I think that would be great, because it would up the**  
 10 **standard of safeguarding in all Buddhist organisations,**  
 11 **and they would be more likely to do it, probably, if**  
 12 **they were working together with other Buddhists. That's**  
 13 **guesswork.**  
 14 Q. How would that be achieved? Is that going to require  
 15 all the Buddhist organisations writing to each other and  
 16 saying, "Shall we work together on this?", or is there  
 17 an easier way, perhaps, that that could be co-ordinated?  
 18 **A. There is the Network of Buddhist Organisations UK, which**  
 19 **is the umbrella organisation for Buddhists in Britain.**  
 20 **It is very small. It doesn't have a lot of capacity, in**  
 21 **terms of the number of people involved, but it is**  
 22 **a mechanism -- a channel through which that could**  
 23 **happen.**  
 24 Q. Chair, we do have a statement from the national Buddhist  
 25 organisation for the UK which has or will be published

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1 **A. Well, if we are talking about legal but possibly**  
 2 **unsuitable relationships, because of difference of -- an**  
 3 **imbalance of power or hierarchy, that would go to the**  
 4 **college -- the chair of the college of preceptors, so**  
 5 **the most senior person in the group of most senior Order**  
 6 **members, asking them to look into it, and that's up to**  
 7 **them how they would look into that. But assuming it**  
 8 **wasn't a criminal case, that would be dealt with, you**  
 9 **know, informally in discussion between that Order member**  
 10 **and the other -- one or two people, probably, in the**  
 11 **college who had been appointed to discuss with them the**  
 12 **suitability of these relationships they're having.**  
 13 THE CHAIR: An under-18-year-old?  
 14 **A. It hasn't happened, but I would regard that as very**  
 15 **unsuitable and I would refer that up to the college. It**  
 16 **hasn't happened on my watch, I should say. I'm not**  
 17 **aware of it.**  
 18 THE CHAIR: Would you be absolutely confident that it would  
 19 be addressed appropriately by the college, even if it  
 20 were a very senior member?  
 21 **A. I would assume so. I would be shocked if it was not so.**  
 22 **But I'm not in the college, and so I can't say for**  
 23 **certain, but I would be shocked if that was not the**  
 24 **case.**  
 25 THE CHAIR: But would you think there should be a process,

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1 or maybe, indeed, you already have one in place, for  
 2 example, that where a senior member, or indeed a member,  
 3 of the college is concerned, that they would clearly be  
 4 excluded from any such discussions?  
 5 **A. The person who was having the relationship with the**  
 6 **person under 18?**  
 7 THE CHAIR: Yes.  
 8 **A. That they, themselves, would be excluded?**  
 9 THE CHAIR: From any discussion at the level of the college,  
 10 if they were a member of the college?  
 11 **A. Discussion of what?**  
 12 THE CHAIR: Of what to do next or how it was to be treated.  
 13 **A. If it was about them?**  
 14 THE CHAIR: Yes.  
 15 **A. Definitely, yes. Yes, yes, it would be a group of other**  
 16 **members of the college who would be brought in to talk**  
 17 **to that person, yes.**  
 18 THE CHAIR: I see. Thank you.  
 19 **A. With other cases, that's what I witness.**  
 20 THE CHAIR: Thank you. Ms Sharpling?  
 21 MS SHARPLING: No, thank you, chair.  
 22 THE CHAIR: Mr Frank?  
 23 MR FRANK: No, thank you.  
 24 THE CHAIR: Sir Malcolm?  
 25 PROF SIR MALCOLM EVANS: Just one question, if I may, chair.

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1 you know, the sanctity of the confessional. And people  
 2 don't realise that, actually, the law in England and  
 3 Wales does not protect Buddhists in confession, so  
 4 people confess something quite serious and then no-one  
 5 knows what to do with it, and obviously, if you confess  
 6 it one to one, only the person who heard it knows about  
 7 it, but if you confess it in a group, then several  
 8 people witness this confession, they may feel that they  
 9 have a duty to keep it quiet because they are not quite  
 10 sure if it is -- you know, what should they do with  
 11 this?  
 12 **People feel that if you have to report something to**  
 13 **the police that is formally confessed, that will destroy**  
 14 **the practice of confession, and it also seems unfair.**  
 15 **If you, as a retreat leader, say, "Right, in the course**  
 16 **of this retreat, we are going to confess everything, and**  
 17 **then somebody confesses something really serious and you**  
 18 **go, "Right, my lad, you're nicked", that's a really**  
 19 **unfair position to have put that person in. This is**  
 20 **causing, I think, quite a lot of debate: what do we do?**  
 21 **We don't want to destroy this extremely valuable**  
 22 **(interference) life changing.**  
 23 **In Buddhism, when you confess, you are not absolved.**  
 24 **You are simply freeing yourself from the burden of**  
 25 **secrecy of your unethicalness, unethical behaviour, but**

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1 Munisha, on page 16 of your statement, under (b),  
 2 you raise issues regarding reporting that might arise in  
 3 the context of a formal confession. There is a little  
 4 bit about the sanctity of the confessional, and that you  
 5 are wanting to move towards a policy on this but there  
 6 is clearly some disputed discussion about this. Could  
 7 you just amplify on the nature of a formal confession  
 8 and the nature of the debate? Thank you.  
 9 **A. Confession in Triratna -- I won't speak for all**  
 10 **Buddhists, but this is how we see it -- is a matter**  
 11 **of -- hmm, how to explain that?**  
 12 **So Buddhism is a path of gradual moving towards the**  
 13 **development of deeper and deeper wisdom and compassion,**  
 14 **the understanding of the nature of mind, and that**  
 15 **process involves freeing yourself from all unexplored,**  
 16 **unethical behaviour, getting rid of the burden of things**  
 17 **that hold you back psychologically, you could say, and**  
 18 **that very often involves formal confession. Just**  
 19 **confess everything that you know that you have ever done**  
 20 **that was unethical. It can be that sometimes you invite**  
 21 **confession, formal confession, either to one other**  
 22 **person, another Order member, say, or in a group,**  
 23 **a confession group, on retreat. I think it can be**  
 24 **assumed that that happens in total confidentiality**  
 25 **because people are used to the sort of Christian model,**

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1 you still have to bear the consequences and you also  
 2 should still also make amends, where possible, to anyone  
 3 harmed.  
 4 **So merely confessing makes no difference to the**  
 5 **victims of your unethical behaviour. This is what**  
 6 **I would say, personally. But it is -- you know, there**  
 7 **is quite a big debate, a gathering debate, in some**  
 8 **quarters about what to do about this problem.**  
 9 PROF SIR MALCOLM EVANS: Thank you very much.  
 10 THE CHAIR: Thank you, Munisha. We have no further  
 11 questions. Thank you for your evidence.  
 12 **A. Thank you.**  
 13 MS McNEILL: Chair, I will pass over to Ms Scolding QC, who  
 14 is questioning our next witness, who is Amanda Spielman  
 15 on behalf of Ofsted.  
 16 (The witness withdrew)  
 17 MS SCOLDING: Good afternoon, chair and panel.  
 18 MS AMANDA SPIELMAN (sworn)  
 19 Examination by MS SCOLDING  
 20 MS SCOLDING: Ms Spielman, thank you very much for returning  
 21 to give us evidence today. You have given us evidence  
 22 in other strands of this inquiry. Thank you as well for  
 23 coming, given the work that you and your team at Ofsted  
 24 are doing to respond to the COVID-19 pandemic.  
 25 **A. Thank you.**

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<p>1 Q. So thank you for making the time. A few introductory 2 matters. Firstly, this isn't a test of memory. If you 3 have made notes or any material on your bundle, please 4 feel free to refer to that. Secondly, we can have 5 a break as often as you need. It is quite warm today, 6 and you may well be in a rather stuffy room. So if you 7 need more breaks than once an hour, please do let me 8 know. We will be breaking at 12.45 pm, in any event. 9 Thirdly, you should have a bundle in front of you 10 which has relevant documents in it. I will get those 11 documents up on screen if I wish them to be examined 12 with particular scrutiny. 13 <b>A. Okay.</b> 14 Q. Ms Spielman, there are two witness statements from 15 Ofsted in the bundle. The first one is yours, behind 16 tab A1. 17 <b>A. Yes.</b> 18 Q. Can you turn to the last page of that witness statement, 19 please. It is page 37. 20 <b>A. Yes.</b> 21 Q. Can you confirm that you signed that witness statement? 22 <b>A. I did.</b> 23 Q. Is the witness statement true, to the best of your 24 knowledge and belief? 25 <b>A. It is true, to the best of my knowledge and belief.</b></p> <p style="text-align: center;">Page 69</p>	<p>1 Q. Have you had an opportunity to read it recently? 2 <b>A. I have.</b> 3 Q. There is also a witness statement behind tab A2, which 4 is a witness statement of Ms Young, who is unable to 5 attend today, for health-related reasons? 6 <b>A. She's on maternity leave.</b> 7 Q. I didn't want to say that. Can I ask whether or not you 8 would be willing to adopt her witness statement as well 9 and confirm that that is true, to the best of your 10 knowledge and belief? 11 <b>A. I am willing to adopt it. It is true, to the best of my 12 knowledge and belief.</b> 13 Q. You are the chief inspector of Ofsted, which is 14 a statutory role. Since when have you had that role? 15 <b>A. Since 1 January 2017.</b> 16 Q. Ms Young is the principal officer for independent and 17 unregistered schools in Ofsted; is that right? 18 <b>A. That's correct.</b> 19 Q. At present, summarising what is set out in some detail 20 in both your witness statements, your organisation has 21 no oversight or involvement in what I am going to call 22 supplementary schools or out-of-school settings; is that 23 correct? 24 <b>A. That's correct.</b> 25 Q. Save for the following, which is nursery provision and</p> <p style="text-align: center;">Page 70</p>
<p>1 possibly child minding with a faith emphasis; is that 2 right? 3 <b>A. Yes. There are a number of -- we are the regulator of 4 early years provision and we run a childcare register 5 which has multiple sections for things which don't fall 6 into what are commonly considered to be nurseries for 7 children between 5 and 7 and for children of 7 and over. 8 For under 7s, it is compulsory registration of certain 9 activities; for over 7s, it's voluntary registration. 10 The important point is, there are some very big 11 carve-outs from this, so that the vast bulk of what is 12 being considered in this inquiry would normally fall 13 into the exemption, so would not be looked at routinely 14 by Ofsted.</b> 15 Q. As I understand it, there are exemptions. So you don't 16 have to register on this childcare register if your 17 organisation provides school study support, sport, 18 performing arts, arts and crafts or religious, cultural 19 or language study. So that would be the vast majority 20 of activities we have heard that organisations perform 21 with young people in this jurisdiction? 22 <b>A. If you perform no more than two of them, I think is what 23 it says. So if you perform three or more, you do fall, 24 but relatively few organisations do that.</b> 25 Q. So the vast majority of organisations we are talking</p> <p style="text-align: center;">Page 71</p>	<p>1 about don't have to register with you and are not 2 subject to any audit, oversight or inspection by you at 3 the moment? 4 <b>A. Yes.</b> 5 Q. However, you have come across these institutions, as 6 I understand it, in the work that you have been doing in 7 respect of unregistered schools. Is that right? 8 <b>A. That's right, and, more broadly, what we do in relation 9 to schools and what we do in relation to early years 10 provision, and, come to that, what we do in relation to 11 children's homes, there is something of a continuum from 12 things which very clearly don't fall into the statutory 13 definition of what's regulated or inspected at one end 14 to things that very definitely do, and there are often 15 grey areas, and there are quite often places where both 16 registered and inspected and unregulated provision are 17 happening, perhaps run by the same people in the same 18 premises or adjacent premises. So we do come across in 19 our work various examples of the kind of settings under 20 discussion and, on occasion, we visit when the 21 information given to us makes it look as though one of 22 them may be, in fact, an unregistered school that should 23 be registering or unregistered early years provision 24 that should be on the childcare register.</b> 25 Q. So if I can just think of a couple of practical examples</p> <p style="text-align: center;">Page 72</p>

1 where you may come across, leaving aside the issue of  
 2 where somebody has got in touch with you and said,  
 3 "Look, we think people are running a school", if, for  
 4 example, a church was running a nursery, which very many  
 5 do in the context of their church halls, but also ran  
 6 a Sunday school or some sort of Bible study group, you  
 7 might come across it when you were inspecting the  
 8 nursery. That's a possibility, isn't it?  
 9 **A. We might come across it. That example would be unlikely  
 10 to be operating on the same days. Church halls often  
 11 operate a shared space with different activities  
 12 happening at different times of the week and day and  
 13 evening, but we would not be enquiring into the Sunday  
 14 school or out-of-school setting.**  
 15 Q. Of those where you have undertaken an enquiry -- in  
 16 particular, we are going to look first at the issues  
 17 around unregistered schools and where that meets the  
 18 terms of reference for our investigation, which is about  
 19 child sexual abuse in religious organisations and faith  
 20 settings.  
 21 Now, if we can identify, it is not in our scope to  
 22 look at full-time schooling. We have another strand of  
 23 the investigation which is looking at that. But,  
 24 Ms Spielman, as you identified, there seems to be a sort  
 25 of Venn diagram of a crossover between out-of-school

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1 **A. No. We'd be looking to establish -- to establish  
 2 whether or not it's a school. We don't need to  
 3 determine whether or not it has satisfactory child  
 4 protection arrangements. This is not about judging the  
 5 quality of education or safeguarding or of anything  
 6 else, it is about, does it add up to a school.**  
 7 Q. Would you speak to any of the children or listen to what  
 8 they had to say? Obviously, if they spontaneously spoke  
 9 to you, but, obviously, in the context of the usual  
 10 Ofsted inspection framework, speaking to children and  
 11 their parents is an essential part of the work you do.  
 12 Is that the same in an unregistered schools inspection?  
 13 **A. I think the unregistered schools visits are quite  
 14 significantly different. They are not done on the  
 15 school inspection framework that's designed to judge the  
 16 quality of various aspects. They have got this narrower  
 17 scope. So we don't try to pick up what we might do in  
 18 a school inspection incidentally in them. We keep the  
 19 focus on, is what's there adding up to what amounts --  
 20 in terms of the law and the guidance as they stand, to  
 21 something that constitutes a school.**  
 22 Q. Right.  
 23 **A. The question of whether parents want their children to  
 24 be there, for example, or are happy with what they are  
 25 getting are irrelevant to that.**

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1 settings run by religious organisations, which may be  
 2 schools, may not be considered to be schools, but about  
 3 which you have concerns. Is that right?  
 4 **A. That is right. The most frequent way things come to our  
 5 attention is where it appears possible that provision  
 6 does constitute a school when it's operating for  
 7 sufficient hours in the week, when it is drawing in  
 8 a large enough number of children, or when it's clearly  
 9 a school-type curriculum with a reasonably full range of  
 10 subjects and activities constituting what people would  
 11 normally think of as a school, rather than simply  
 12 religious instruction, for example.**  
 13 So we gather reports of suspected schools and the  
 14 unregistered schools team organises -- which has  
 15 a number of inspectors assigned to it -- makes visits to  
 16 establish the fact of whether it seems likely --  
 17 firstly, that something is operating there, and,  
 18 secondly, whether it's likely that it satisfies the  
 19 definition of a school. That's not a full inspection of  
 20 the kind that we would perform on a registered school.  
 21 It is simply to gather sufficient evidence to attempt to  
 22 establish whether it is, in fact, a school.  
 23 Q. So you wouldn't necessarily look at its child protection  
 24 policies and procedures, in the context of that  
 25 investigation?

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1 Q. Ms Young sets out in some detail the work that you have  
 2 been doing. It is predominantly since 2016, that it  
 3 appears the main focus of this work has taken place. So  
 4 at paragraph 17 of her witness statement -- Danny, would  
 5 you mind getting up OFS012296\_005, paragraph 17. So  
 6 between 2016 and 2019, you have investigated  
 7 644 settings suspected of operating as unregistered  
 8 schools. Around a sixth of those are settings providing  
 9 religious instruction. The rest of them are what you  
 10 call general education settings, alternative provision  
 11 and tuition centres. Could you just -- just for the  
 12 purposes of people who might not be so familiar with the  
 13 education sector, alternative provision would be what  
 14 used to be known as pupil referral units, which is  
 15 provision for people who have been excluded from school,  
 16 or are you talking about another sort of provision when  
 17 you're talking about alternative provision?  
 18 **A. It is for children who have been excluded from school or  
 19 who have fallen out of school without necessarily having  
 20 a formal exclusion. They're not local authority  
 21 operated units, they are often entities that have arisen  
 22 quite informally to provide some kind of programme for  
 23 these teenagers, perhaps with a vocational focus and  
 24 perhaps linking in to some particular charitable  
 25 initiative locally. Often they just grow a bit and**

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<p>1 sometimes they just don't realise that they have tripped                  2 the definition of a school. That's not always the case,                  3 but the pupil referral unit is generally used for                  4 something that's been set up by the local authority and                  5 in which the local authority places children. It is                  6 a slightly different flavour of provision for excluded                  7 children.                  8 Q. It might be something like a sort of youth centre that's                  9 gradually developed work over time with the work that                  10 it's been doing with pupils who have been excluded who                  11 it's found on the streets and it's (overspeaking) --                  12 <b>A. Some kind of local social entrepreneur often or somebody                  13 who has worked in this area starts something and gets --                  14 the local authority pays for them to work with the                  15 children. But it reaches, in terms of hours, in terms                  16 of -- or in terms of children, the 18 hours a week or                  17 the five or more children, and then they're required to                  18 register. Sometimes people are not aware of that.</b>                  19 Q. Let's just sort of unpack this. In order to be                  20 considered to be a school, you have to provide education                  21 for 18 hours or more a week, and have five or more                  22 students. Is that right?                  23 <b>A. Firstly, these tests are in the guidance, not in --</b>                  24 Q. They are not in statute.                  25 <b>A. The 18 hours a week is certainly in the guidance. The</b></p> <p style="text-align: center;">Page 77</p>	<p>1 five, I can't remember whether it is in the statute or                  2 the guidance. But the 18 hours is the softer bit                  3 because that's definitely only in guidance. But what we                  4 see is, in practice, it tends to get interpreted as                  5 though it were a hard and fast rule and that                  6 17 and a half hours equals not a school, even if it is                  7 the only place, or the main place, that a child is                  8 getting its education. So, for us, it is unsatisfactory                  9 to have something that is interpreted in practice as                  10 being so tightly linked to the number of hours rather                  11 than the essence of whether this is really the place                  12 that's taking responsibility for a child's education.                  13 Q. Because let's remember, most children will get about                  14 25 contact hours a week. So what you are looking at,                  15 really, in terms of what's a school, are places which                  16 are offering at the moment more than two-thirds of that.                  17 <b>A. Yes.</b>                  18 Q. I can envisage situations where particularly alternative                  19 provision or provision for people with certain sorts of                  20 special educational needs, it might be more sensible to                  21 have less hours than 18, but it would still be the foci                  22 of their education?                  23 <b>A. That's exactly right.</b>                  24 Q. So that's your concern at the moment, that at the moment                  25 it is just 18 hours. So if you wanted to not run</p> <p style="text-align: center;">Page 78</p>
<p>1 a school and not have all the regulatory oversight, if                  2 you ran something for 17 and a half hours a week, you                  3 wouldn't have to register as a school?                  4 <b>A. The fastest way to take yourself out of the view of our                  5 unregistered schools team, yes, is to cut the hours you                  6 offer, and that's the route chosen by quite a number of                  7 these establishments after we visit.</b>                  8 Another thing that happens is, people split their                  9 provision and sort of describe it as being two separate                  10 providers, even though, in practice, the same people,                  11 the same premises may be used. So there is a certain                  12 amount of avoidance activity around this definition.                  13 Q. You identify that obviously it is a criminal offence to                  14 run an independent school and not register.                  15 <b>A. Indeed.</b>                  16 Q. But if it is not a registered independent school, as we                  17 have already identified, there are no standards or                  18 practices which necessarily have to be put in place.                  19 There is not even any statutory guidance at the moment;                  20 is that right?                  21 <b>A. That's right. It is extremely recent that there has                  22 been any enforcement of the requirement to register.                  23 The four prosecutions over the last 18 months, all of                  24 which have begun with the work of our unregistered                  25 schools team, as far as I know are the first</b></p> <p style="text-align: center;">Page 79</p>	<p>1 <b>prosecutions that there have ever been.</b>                  2 Q. Even though it's been an offence to run an unregistered                  3 school since 1944, and I think, actually, even before                  4 that it was an offence to run a school which wasn't                  5 registered in some way, shape or form with the then                  6 Board of Education?                  7 <b>A. I believe that's the case. I think the assumption in                  8 the law was that nobody would want not to comply, that                  9 anybody to whose attention it was drawn that they                  10 weren't in compliance would immediately want to                  11 register. I think circumstances have changed ahead of                  12 the law.</b>                  13 Q. Okay. So circumstances have changed. So this is                  14 something which you think has started to happen more,                  15 that people are running kind of unregistered                  16 institutions flying below any sort of regulatory radar?                  17 <b>A. Yes. Because we have a permissive regime in this                  18 country around home schooling as well, there is no                  19 default expectation that any state institution or                  20 registered establishment should have sight of any given                  21 child. So one of the things we notice is that some                  22 children who are nominally being educated at home, and                  23 perfectly legitimately being educated at home, are, in                  24 fact, in illegal schools.</b>                  25 Q. If we could just identify, I can't remember the exact</p> <p style="text-align: center;">Page 80</p>

<p>1 figures, because nobody knows because there is no                  2 requirement to register children who are educated at                  3 home. But I think the understanding of both yourselves                  4 and the Department for Education is, the number of                  5 children who are educated at home has increased                  6 significantly over the past ten years?                  7 <b>A. Yes. The Association of Directors of Children's                  8 Services publishes estimates of the number from various                  9 sources of information that local authorities can draw                  10 on. That number has been increasing very significantly.</b>                  11 Q. I believe -- although I can't entirely remember -- we do                  12 have a witness statement from Sarah Caton of the                  13 Association of Directors of Children's Services.                  14 <b>A. (Overspeaking).</b>                  15 Q. I think in her witness statement she said it was about                  16 60,000 children that you think might be educated out of                  17 school?                  18 <b>A. That sounds about right. Whereas, 40 or 50 years ago,                  19 it was probably very substantially parents home                  20 schooling by choice out of educational -- philosophical                  21 educational preference for a particular kind of                  22 education. That has broadened out dramatically over the                  23 last few years, I think, into people -- some -- which is                  24 essentially children falling out of school, for whom                  25 there is no alternative provision, but also some for</b></p> <p style="text-align: center;">Page 81</p>	<p>1 <b>whom it is a matter of religious preference, either to                  2 make religious education the focus or to ensure that                  3 there is nothing in the child's education that causes                  4 any discomfort religiously to the parents. So we are                  5 seeing a much more complex picture in home education                  6 than we once did.</b>                  7 Q. Ms Spielman, I have been asked to ask if we can both                  8 slow down slightly. I think the poor transcribers are                  9 working as fast as they can, and I think we may well be                  10 encouraging each other, because I'm a speedy talker. So                  11 I think both of us, if we could just try and both slow                  12 down. I will try, and if you wouldn't mind trying as                  13 well.                  14 If we look at the religious settings that you have                  15 investigated, and go to paragraph 23, that's                  16 OFS012296_007. So 108 of those settings are settings                  17 which provide religious instruction. By that, do you                  18 mean primarily religious instruction or religious                  19 instruction alongside lots of other things?                  20 <b>A. I believe this figure means both, both ones that, when                  21 we visit, turn out to be essentially entirely religious                  22 instruction and ones which are offering a mixed                  23 curriculum of both secular subjects and religious                  24 instruction of the preferred variety. But I will need                  25 to follow up. If I have got that wrong, my team will</b></p> <p style="text-align: center;">Page 82</p>
<p>1 <b>correct me, if necessary.</b>                  2 Q. I'm sure they will. Then six were Christian, 29 were                  3 Jewish, 70 were Muslim, two were Hindu and one was Sikh:                  4 "If investigations establish reasonable cause to                  5 suspect an unregistered school may be operating, we                  6 inspect."                  7 You have inspected about half of whom you have                  8 referred a referral and, of those, 31 had been settings                  9 providing religious instruction.                  10 Danny, could you go to the top of the next page, if                  11 possible. Twelve were Muslims. The table in annex A --                  12 I don't think I necessarily need to take you to that.                  13 It will be available on the website afterwards. But                  14 that basically sets out -- in fact, it may well assist                  15 you in terms of defining things. Danny, could we go to                  16 OFS012296_022. This is the definitions. So you look at                  17 exclusively/almost exclusively religious instruction;                  18 largely religious instruction with some other questions;                  19 unable to gain access. And then you've got the outcome                  20 of the inspection. At table 2, you have summarised for                  21 us all 31 institutions which you have inspected which                  22 have a religious ethos or were involved with the                  23 provision of religious instruction, and that starts at                  24 _024, Danny, and goes to _027.                  25 Now, I'd just like to get up 1 and 2 here, on _024,</p> <p style="text-align: center;">Page 83</p>	<p>1 just so that we can get a point before lunch, which is,                  2 if you are providing only religious instruction, no                  3 matter for how many hours a day, even if it is the only                  4 place that your child is, in reality, receiving                  5 education, there is no duty to register as a school. Is                  6 that correct?                  7 <b>A. That's correct. That's a point that's been clarified                  8 relatively recently. We did make some visits to some                  9 yeshivas, what proved to be some yeshivas, before that                  10 point was clarified. But, as the law stands, the                  11 narrowing of the curriculum of itself precludes them                  12 being treated as schools. That's one of the matters                  13 that was in the DfE consultation that is currently                  14 suspended by reason of COVID.</b>                  15 Q. In the vast majority of cases, it seems you took no                  16 action at all, largely because there was either                  17 insufficient evidence or because the curriculum was                  18 restricted?                  19 <b>A. Indeed.</b>                  20 Q. That doesn't necessarily mean there weren't any problems                  21 within that context; simply that they weren't problems                  22 that you could look at or remedy?                  23 <b>A. Indeed.</b>                  24 Q. Is that right?                  25 <b>A. That's right.</b></p> <p style="text-align: center;">Page 84</p>

<p>1 Q. You also identify two schools within the context of 2 the witness statement -- Danny, you could take that 3 information down now. 4 You identify two schools out of three where there 5 have been prosecutions recently, where you have 6 prosecuted individuals for running an unregistered 7 school, and two of those had a religious basis. Could 8 we go, Danny, please, to OFS012296_036, please. It is 9 annex C of Ms Young's witness statement. So these are 10 three schools which you have prosecuted for running -- 11 of which two of them were, in fact, Islamic, in these 12 circumstances. 13 <b>A. If I may add here, there was a further set of 14 prosecutions where there were convictions in March this 15 year, I think after this statement was submitted, and in 16 this fourth prosecution, which was also a school with an 17 Islamic ethos, the two people most directly responsible 18 were given suspended custodial sentences, which I think 19 were the first to be given for this. It was the chief 20 magistrate who described the case as the most serious of 21 its type, due to the safeguarding concerns and the 22 number of children involved.</b> 23 MS SCOLDING: I see the time. I think it may be appropriate 24 to break now. When we come back after lunch, you can 25 maybe tell us a little bit about the safeguarding</p> <p style="text-align: center;">Page 85</p>	<p>1 concerns that were found in the context of that 2 institution. 3 <b>A. Of course.</b> 4 MS SCOLDING: Thank you very much. Chair, may we break for 5 lunch now and return at 1.45 pm, if that is permissible? 6 THE CHAIR: Yes, we will do that, thank you. 7 MS SCOLDING: Thank you very much. Please remember, do not 8 discuss your evidence with anyone else, as you're on 9 oath. 10 <b>A. Thank you.</b> 11 <b>(12.45 pm)</b> 12 <b>(The short adjournment)</b> 13 <b>(1.45 pm)</b> 14 MS SCOLDING: Ms Spielman, can you see me and hear me? 15 <b>A. Yes, I can, thank you.</b> 16 Q. Just before the lunch break, we were looking at the 17 prosecutions that you'd undertaken. Danny, if you 18 wouldn't mind getting up OFS012296_036. You've 19 indicated to us that we should add one more to that 20 list, which is March 2020? 21 <b>A. Yes.</b> 22 Q. You said that three of the schools, including the one 23 which isn't on the list, had an Islamic ethos. 24 <b>A. Yes.</b> 25 Q. Did they have any direct relationship with any mosque or</p> <p style="text-align: center;">Page 86</p>
<p>1 place of religious worship at all, as far as you are 2 aware? 3 <b>A. I believe -- my understanding is that, in at least one 4 case, there was a sort of loose connection with 5 a particular mosque, that the proprietor and head 6 teacher were -- participated in. But in every case, my 7 understanding is that it was a loose connection.</b> 8 <b>The fourth case, that postdates this statement, 9 Advance Education Centre, the proprietor was 10 a charitable trust -- was a trust, and the trust and its 11 chair were also convicted, as well as the head teacher. 12 But none of them was a school directly operated by 13 a religious entity.</b> 14 Q. When you say they had an Islamic ethos, did that mean 15 that they therefore focused upon, if not exclusively 16 ran -- because, obviously, if they exclusively ran 17 religious education, Quranic and Arabic education, they 18 wouldn't be incorporated as a school. So they would 19 have to be running some kind of national-curriculum-type 20 thing. Is that right? 21 <b>A. A mixed curriculum that might include some religious 22 instruction, Arabic or what have you, but also some 23 maths, English, other subjects.</b> 24 Q. I see that the fines are relatively low, considering 25 that I'm assuming these organisations were charging</p> <p style="text-align: center;">Page 87</p>	<p>1 money for this service. These weren't free operations? 2 <b>A. Yes. I am no expert in the matter of sentencing. 3 Without any precedent in the matter of convictions for 4 unregistered schools, I have no idea what kind of 5 context this can be put in. But I think -- I brought up 6 the fourth prosecution in part because this was the one 7 where suspended custodial sentences, short sentences, 8 but custodial sentences, were passed.</b> 9 Q. That's very helpful. Thank you. For those schools 10 which aren't prosecuted, at _008 to _009, if you think 11 that they're running an unregistered school but you 12 decide that it doesn't meet the prosecutorial threshold, 13 you can send something called a warning notice. 14 Danny, would you mind getting up OFS012296_008, the 15 bottom of the page. Paragraph 25. Could you go to the 16 top of the next page as well, Danny, and just pull out 17 the rest of that matter. You've issued warning notices 18 to 88 settings. That's of the 319 that you have 19 inspected. And five of those provided religious 20 instruction and a further 13 had a faith ethos, and over 21 half of them have been warned to modify their service to 22 comply with the law. This is usually by reducing their 23 hours of operation. A small number have registered as 24 a school, and some have closed: 25 "Where no further action can be taken, this will</p> <p style="text-align: center;">Page 88</p>

<p>1 usually be due to limitations in the current legislation 2 and in Ofsted's powers to investigate." 3 You have already identified that, in the context of 4 the sorts of inspections you're undertaking here, you 5 cannot, in effect, exercise the full panoply of your 6 powers. I understand, in particular, there are limits 7 both on looking at their child protection policies and 8 processes in this context when you're going in and 9 looking at them, but also you have no power to seize 10 documents or to enter the premises, in effect, or to get 11 a warrant to enter the premises, or matters like that. 12 Is that correct? 13 <b>A. Yes. I think, because when the original law here was -- 14 as I said earlier, nobody contemplated people not 15 wanting to comply. So there isn't an enforcement regime 16 with sort of layered interventions. Nobody has any 17 power to close an unregistered school that continues to 18 operate simply because it is an unregistered school. In 19 fact, the fire service may be able to close it down, at 20 least temporarily, if it doesn't meet fire standards, 21 but there is no sort of regime that is designed to bite. 22 One of the things we found with one of the earlier 23 prosecutions, I think the first one on that list, was 24 that the school carried on operating for some time after 25 the conviction, I believe. We found that it was still</b></p> <p style="text-align: center;">Page 89</p>	<p>1 <b>operating. We have since been told by its lawyers that 2 it has ceased to operate. If somebody chooses to carry 3 on operating after a conviction, the only thing we can 4 do is to go back around the cycle of attempting to 5 initiate another prosecution, which, of course, is 6 a long, slow haul.</b> 7 <b>The warning notices that we issue after our visits 8 do very often prompt some kind of action. But, as 9 I have said, most often to reduce hours.</b> 10 <b>May I make a point of clarification, by the way, to 11 what I said earlier? Just to be clear, the guidance 12 about the 18 hours a week is Department for Education 13 guidance, not Ofsted guidance.</b> 14 Q. Yes. It is the DfE guidance and it is your view, as 15 I think you made clear before lunch, that you think it 16 shouldn't be based on the number of hours but on whether 17 or not it is somebody's primary place of education, so 18 to speak? 19 <b>A. Yes. It will never be possible, in my view, to make 20 a sort of neat and tidy definitive, objective test. 21 That will simply encourage a lot of avoidance around the 22 edges. There needs to be a test of principle and 23 substance here.</b> 24 Q. So it is sort of contextually based, but a question of 25 fact and degree, almost?</p> <p style="text-align: center;">Page 90</p>
<p>1 <b>A. Yes.</b> 2 Q. Something which lawyers are familiar with, even if 3 members of the public may not be. 4 These concerns that you have identified now are not 5 new. Your predecessor first wrote to the 6 Secretary of State in December 2005. Danny, would you 7 mind just getting this up briefly: OFS012395_001. Chair 8 and panel, it is behind tab B10. 9 This is Sir Michael Wilshaw, who was your 10 predecessor as the chief inspector for schools. He 11 said: 12 "I wrote to you earlier this year to express my 13 serious concern about the safety of children who find 14 themselves being educated in unregistered schools. 15 "... It is vital, therefore, that when we do 16 identify such illegal activity, the full force of 17 the law is brought to bear ... 18 "Since September 2014, [we have checked] 28 [matters 19 and some] 800 pupils were found to be in these premises 20 ... there is evidence to suggest some of these schools 21 are using the freedoms ... as a cover for their 22 activities." 23 Can we go on to the next page, please. They visited 24 a school for the fifth time. The number of female 25 students, the girls had left the building by an exit,</p> <p style="text-align: center;">Page 91</p>	<p>1 squalid conditions, including three single mattresses 2 covered in filthy sheets. Clear evidence of 3 segregation. No evidence of appropriate vetting checks. 4 No information about where the young people had lived. 5 They were so concerned -- local authorities are not 6 acting swiftly enough to identify unregistered provision 7 and ensure children and young people are kept safe. 8 Local authority officers acknowledged the problem but 9 too often use the excuse of bureaucracy, legislation or 10 lack of resources as a reason of inaction. 11 We heard from three local authorities last week, at 12 least one of whom, Tower Hamlets, has been involved in, 13 I think, one of the cases which -- in a case which may 14 have led to prosecution or in which you were involved. 15 They all said to us, "We would like to do more in this 16 area, but we are materially hampered by the legislation 17 as it currently exists and operates". Is that something 18 with which you agree, as Ofsted? 19 <b>A. Yes. I think it is fairly widely seen that the 20 legislation as it currently stands simply doesn't 21 provide the tools that are needed here. So it is 22 unfortunate that the consultation has had to be put on 23 hold. But I do -- have no reason not to expect it to 24 be -- to continue once we are past the worst of 25 the current epidemic.</b></p> <p style="text-align: center;">Page 92</p>

<p>1 Q. This is a consultation, which will mean that those who 2 are the subject of home tuition have to be on some form 3 of register, as I understand it? There is 4 a consultation on that, and also various enforcement 5 powers? 6 <b>A. Yes, and there are -- I think there are a lot of 7 consultations in --</b> 8 Q. (Overspeaking). 9 <b>A. -- on various fronts. I think I've got this right. The 10 one on the registration of home-educated children 11 happened some time ago and closed well before the 12 crisis, but the outcome has not yet been published. The 13 other, around the changes -- proposals for changes to 14 the law around unregistered schools and the regime 15 around those, that is the consultation that I think has 16 been suspended partway through.</b> 17 Q. I'm sure we have Ms Dixon from the Department of 18 Education coming in August, so we will ask her all about 19 where she's got to as far as that's concerned at that 20 stage. 21 I think it is also fair to say, however, that you 22 are not necessarily concerned about all supplementary 23 schools and out-of-school settings. However, you do 24 identify that you have some concerns with some of 25 the schools which are run by what you call isolated</p> <p style="text-align: center;">Page 93</p>	<p>1 religious communities. 2 You set this out at paragraph 47 of your witness 3 statement, which is OFS012297_012. These are 4 supplementary schools. Perhaps you would like to 5 identify what is your particular concern about those 6 sorts of settings? 7 <b>A. I think, as I've expressed in this paragraph, these are 8 often educating the children who are least likely to 9 have any other path to report concerns, least likely to 10 be able to telephone Childline, least likely ever to 11 meet any adult outside what can be a relatively small 12 and narrow community, where adults may be reluctant to 13 believe them or believe that the interests of the group 14 are more important than the interests of any individual 15 child.</b> 16 <b>I think you've heard quite a bit of evidence over 17 the last couple of weeks, as well as in other hearings, 18 about these dynamics.</b> 19 Q. Yes. Important as well, you say at paragraph 48, is, 20 "Parents often believe that their children are educated 21 only within their cultural beliefs and norms. The legal 22 requirements such as shared values" -- well, I think 23 that's not a subject which we are concerned with -- 24 "respect for those with protected characteristics and 25 relationships and sex education may conflict with their</p> <p style="text-align: center;">Page 94</p>
<p>1 parental expectations. ... a consequence of this can be 2 that children lack the understanding and vocabulary to 3 report incidents of abuse, particularly sexual abuse." 4 Is that correct? 5 <b>A. Yes, it is. On the "educated only within their own 6 cultural beliefs and norms", I think that is also quite 7 significant. The understanding and vocabulary around 8 incidents of abuse itself is one piece, but the wider 9 understanding of the context in which others may operate 10 and of their own rights, choices, freedoms as adults, 11 and I think the language used by Baroness Hale about 12 equal freedom for men and women to choose how they will 13 lead their lives within the law, and that young girls -- 14 she was talking in the context of a case about a girl. 15 Young girls from ethnic, cultural or religious 16 minorities growing up here face particularly difficult 17 choices, how far to adopt or distance themselves from 18 the dominant culture. But that question of how children 19 get the right balance of information and knowledge to be 20 able to make those choices, which of course may well be 21 to stay within that religious group, that culture, but 22 nevertheless, that it's an informed choice that they 23 make.</b> 24 Q. You identify within your witness statement a number of 25 specific examples that I would just like to take you</p> <p style="text-align: center;">Page 95</p>	<p>1 through briefly, if I may. Can I take you to 2 paragraph 7 of your witness statement, which is 3 OFS012297_003, which is to do with three yeshivas, 4 which, for those who are not familiar with them, are 5 religious schools, largely for boys, although 6 I understand girls can go at a later age, albeit 7 I understand it's usually on a segregated basis. That 8 runs solely religious curriculum and instruction. So it 9 would be Torah learning and learning about Jewish 10 practices and culture. Is that right? 11 <b>A. Yes.</b> 12 Q. You identify various concerns. Can we go, firstly, to 13 paragraph 9, so that's recruitment. Can I just 14 identify, are these places which run sort of a couple of 15 hours on a Saturday afternoon, or are these, in effect, 16 full-time schools, where people would be receiving their 17 education? 18 <b>A. These are the main places that these children will be 19 getting their education. Yeshivas quite often run for 20 longer hours than a mainstream school, rather than 21 shorter. Children can be there for many hours a week. 22 I don't have the information about the number of hours 23 these three particular establishments were running.</b> 24 Q. It is just a sort of general thing. I have had another 25 plea from the transcriber that we are both speaking too</p> <p style="text-align: center;">Page 96</p>

<p>1 quickly again, so I think --</p> <p>2 <b>A. Apologies.</b></p> <p>3 Q. No, that's absolutely fine. So there's issues firstly</p> <p>4 with recruitment; is that right?</p> <p>5 <b>A. Yes. There are some very clear principles in all the</b></p> <p>6 <b>pieces of safeguarding guidance that come out of DfE</b></p> <p>7 <b>about the kinds of basic checks that are expected, and</b></p> <p>8 <b>about building the culture of the right kind of enquiry</b></p> <p>9 <b>around recruitment, you can't rely just on DBS checks,</b></p> <p>10 <b>you have to look at people's history, gaps in their CVs,</b></p> <p>11 <b>stay alive to the possibility that there may be</b></p> <p>12 <b>something that you should know about. In these</b></p> <p>13 <b>establishments, we did not find that kind of expectation</b></p> <p>14 <b>and culture.</b></p> <p>15 Q. And then security, paragraph 10. There were issues with</p> <p>16 security. In particular, concerns about people being</p> <p>17 able to come and go at will. So inspectors were able to</p> <p>18 come in and nobody said, "Who are you? What's going</p> <p>19 on?"</p> <p>20 <b>A. Yes, and that's something we have seen in quite a lot of</b></p> <p>21 <b>unregistered schools. In one of the criminal cases</b></p> <p>22 <b>I mentioned, we found children not yet in their teens</b></p> <p>23 <b>adjoining space that was being used by other local</b></p> <p>24 <b>businesses with no effective separation.</b></p> <p>25 Q. Fire safety, paragraph 11.</p> <p style="text-align: center;">Page 97</p>	<p>1 <b>A. It is a frequent problem. Bordesley Green, I think, had</b></p> <p>2 <b>all its fire exits locked and chained.</b></p> <p>3 Q. So it is quite frequently that they won't comply with</p> <p>4 fire regulations. Now, in and of itself, failing to</p> <p>5 comply with fire regulations can lead to criminal</p> <p>6 prosecution and/or civil cases, as I understand it.</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. Physical safety. If we could go to paragraph 12,</p> <p>9 please, Danny, and then on to the top of the next page.</p> <p>10 Physical safety. When you're talking about these, are</p> <p>11 these things which you just don't see in the context of</p> <p>12 school settings usually? Are these significantly more</p> <p>13 problematic?</p> <p>14 <b>A. These are things that are astonishing to find anywhere</b></p> <p>15 <b>that people think is a sensible place to look after or</b></p> <p>16 <b>to educate children. Broken and shattered windows,</b></p> <p>17 <b>jagged edges, exposed wires in sockets or on appliances,</b></p> <p>18 <b>knives lying around, I think in one case with young</b></p> <p>19 <b>children around, kitchen knives lying around. All</b></p> <p>20 <b>manner of hazards that no responsible operator of</b></p> <p>21 <b>the kind that we look at in our routine inspections</b></p> <p>22 <b>would contemplate.</b></p> <p>23 Q. Can we go to paragraph 13 now, please, Danny, which is</p> <p>24 food hygiene. So you found -- yes, this is the knives,</p> <p>25 and then a number of vermin traps with the lids open, so</p> <p style="text-align: center;">Page 98</p>
<p>1 the children could have eaten them or used them, and, in</p> <p>2 fact, one of your inspectors I think fell over and broke</p> <p>3 something?</p> <p>4 <b>A. I believe they did, yes, most unfortunately. But part</b></p> <p>5 <b>of the point I wanted to make here is that, our concerns</b></p> <p>6 <b>are not narrowly about any one aspect, and it is</b></p> <p>7 <b>certainly not a concern about religious instruction.</b></p> <p>8 <b>This is about institutions that fail on many of</b></p> <p>9 <b>the fronts that we would expect any minimally competent</b></p> <p>10 <b>and satisfactory school to achieve. It is across the</b></p> <p>11 <b>board inadequacy that we see here.</b></p> <p>12 Q. Basically, what you then go on to say in the rest of</p> <p>13 your witness statement is that you can't do anything</p> <p>14 about this. You have reported it to various people --</p> <p>15 you say the local authority, the Health and Safety</p> <p>16 Executive, the London Fire Brigade, the Met Police --</p> <p>17 and you say at paragraph 16 that little effective action</p> <p>18 has been taken on the basis of this referral. This is</p> <p>19 in part because of the lack of available powers.</p> <p>20 However, where organisations have relevant powers, they</p> <p>21 have sometimes been reluctant to use them.</p> <p>22 We then come -- I think the relevant local authority</p> <p>23 in this respect is Hackney. We will be hearing from the</p> <p>24 Hackney Local Children's Safeguarding Partnership</p> <p>25 in August, but Ofsted, you had a meeting -- well, not</p> <p style="text-align: center;">Page 99</p>	<p>1 you personally, your organisation had a meeting with</p> <p>2 Hackney in this respect and they said they didn't have</p> <p>3 the grounds to intervene unless there were concerns</p> <p>4 about the abuse or neglect of a specific child. Is that</p> <p>5 right?</p> <p>6 <b>A. That's right. I should say that Hackney has been one of</b></p> <p>7 <b>the more active local authorities. They have done a lot</b></p> <p>8 <b>of work to try and get to a good understanding and to</b></p> <p>9 <b>act where they can see a need and where they believe</b></p> <p>10 <b>they have the basis to do so, which in part -- I think</b></p> <p>11 <b>one of the concerns that's been expressed by, I think it</b></p> <p>12 <b>is the Union of Hebrew Congregations, is that Hackney</b></p> <p>13 <b>has been overzealous. I wouldn't want to criticise</b></p> <p>14 <b>Hackney for not not trying to act responsibly, but it is</b></p> <p>15 <b>extraordinarily difficult for any one entity to bring</b></p> <p>16 <b>this to bear.</b></p> <p>17 <b>I think there is a pilot that's either planned or</b></p> <p>18 <b>going ahead, I'm not sure whether it's been affected by</b></p> <p>19 <b>COVID, but to look at how existing powers can be used --</b></p> <p>20 Q. That's going ahead at the moment, and we have heard some</p> <p>21 evidence about it, and there are 16 local authorities</p> <p>22 who are doing various sorts of tracing. So we have</p> <p>23 heard the evidence about that, trying to map out --</p> <p>24 trying to see whether or not anything as it currently</p> <p>25 exists is working.</p> <p style="text-align: center;">Page 100</p>

<p>1 Obviously one route, as you identify in your witness                  2 statement, would be for the local authority to issue                  3 school attendance orders, because parents, although they                  4 don't have to send their child to a school, or any kind                  5 of institution, do have to provide their child with                  6 suitable education, and, therefore, there is                  7 a possibility, albeit I can see there being a legal                  8 argument about what is suitable education in the context                  9 of a belief that one's education should be wholly                  10 religious in nature, and you say one of the concerns is                  11 that that hasn't really ever been used in this respect,                  12 and maybe could be. Is that right?</p> <p>13 <b>A. I'm not sure how much better, because people can simply                  14 say they are home educating their child. Again, one of                  15 the places where there have been the unregistered school                  16 convictions, the entity claimed to be a learning centre                  17 for home-educated children. So all of those children                  18 were nominally home educated but, in practice, they were                  19 being educated in an illegal school. There is                  20 a blurring there that, in the context of a permissive                  21 regime around home education, makes it very hard to                  22 achieve anything with a school attendance order.</b></p> <p>23 <b>Q. I'm asked to ask you, on behalf of the Union of Orthodox                  24 Hebrew Congregations some questions, some of which I am                  25 going to ask you in a minute, but one of which I am</b></p> <p style="text-align: center;">Page 101</p>	<p>1 going to ask you now. They say, have there been any                  2 concerns around child sexual abuse in particular in the                  3 organisations in which you've expressed concerns in                  4 other areas?</p> <p>5 <b>A. I don't think child sexual abuse concerns are implicated                  6 in any of the four cases with convictions. Certainly --</b></p> <p>7 <b>Q. No, I think in respect of the Jewish schools in                  8 particular. I don't think in respect of schools                  9 generally. Because I think there is at least one school                  10 you have investigated where there has been CSA concerns                  11 that Tower Hamlets told us about last week.</b></p> <p>12 <b>A. Indeed there has. I think -- you're talking about, yes,                  13 some half a dozen schools in Hackney which have been                  14 investigated, which have been visited, and where there's                  15 been referrals to the Teacher Regulation Agency in                  16 relation to a number of individuals, and my                  17 understanding is that those investigations are still                  18 continuing.</b></p> <p>19 <b>Q. I suppose the point that the UOHC really want to make                  20 is, well, all of this is very helpful, Ms Spielman, in                  21 terms of general concerns that you have, but what's this                  22 got to do with child sexual abuse?</b></p> <p>23 <b>A. One of the things that we have learned from your                  24 previous inquiries and from many other sources is that                  25 the potential for child sexual abuse to happen happens</b></p> <p style="text-align: center;">Page 102</p>
<p>1 <b>in many places. Religion is not a defence against it.                  2 It doesn't just happen in places that may have                  3 a religious affiliation. We have seen scandals around                  4 sporting institutions, around all kinds of clubs and                  5 activities for children.</b></p> <p>6 <b>From my perspective, it is across the board being                  7 alive to the fact that child sexual abuse, as you know                  8 from your Truth Project, is something where almost as                  9 much happens in out-of-school settings as happens in                  10 schools. We expect a substantial regime of safeguarding                  11 to look properly after children's interests while                  12 they're at school. So it seems bizarre to set an                  13 arbitrary dividing line and say, "While they are there,                  14 what happens really matters", but if the institution can                  15 just slip the other side of the line that defines them                  16 as a school then, boom, safeguarding is irrelevant.</b></p> <p>17 <b>There are enough examples -- case studies from                  18 survivors, survivors' associations, helplines, criminal                  19 prosecutions, to make very clear that there are                  20 significant risks and, alas, too many cases in which                  21 children and young people have been harmed. I think                  22 there's a fairly broad consensus that what we have got                  23 at the moment is not sufficiently looking after the                  24 interests of children.</b></p> <p>25 <b>So even recognising the importance of people being</b></p> <p style="text-align: center;">Page 103</p>	<p>1 <b>able to bring up their children within their faith and                  2 to make most of the choices about their children's                  3 lives, there still needs to be some system to help make                  4 sure that, where children are being abused or at risk of                  5 being abused, there is a system through which there is                  6 a chance of surfacing that before the damage is done                  7 rather than after, and of making sure that action is                  8 taken swiftly when abuse does happen and is uncovered,                  9 that further children are not put at risk and that                  10 issues are addressed as fast as they can be.</b></p> <p>11 <b>Q. When we are talking about these schools in 2019, you                  12 visited them, at least in part, because somebody had                  13 given you a pamphlet. I would like to have a quick look                  14 at this pamphlet. The pamphlet is called "Encouragement                  15 to teachers and guidance for parents". OFS012283.                  16 Chair and panel, you may or may not have this in your                  17 bundle. If you do have it in your bundle, it will be                  18 behind tab 13 or 14.</b></p> <p>19 <b>Could you just tell us a little bit. Could we                  20 switch over to _003 and _004, please. "Things suggested                  21 to consider how people act properly". It was published                  22 by somebody called M Lowen. I think we can see here                  23 it's got the imprimatur of Rabbi Padwa, who is the                  24 principal rabbinical authority of the Union of Orthodox                  25 Hebrew Congregations and also the chief dayan, who is</b></p> <p style="text-align: center;">Page 104</p>

<p>1 the chief judge, as I understand it, of that relevant                  2 Beth Din:                  3 "... wrote in praise of it; and I join in his                  4 important words in his praise of the publication and the                  5 author ... "                  6 And I think these are various individuals who are                  7 very important in the Haredi community, who have                  8 religious authority and influence:                  9 "... in which he wisely explains in a clear way                  10 [this is from Moshe Chaim Ephraim Padwa] the risks                  11 involved with modern educational methods. And similarly                  12 from the other side what the teacher is required to                  13 inspire, to teach ... And teachers will certainly find                  14 matters and assistance for this in their work, which is                  15 a holy work. May God grant us children and children's                  16 children who toil in Torah and Mitzvos in the ancient                  17 way of Israel, Amen so may it be his will."                  18 So the context is that Rabbi Padwa certainly was, at                  19 one point, the lead rabbi for the Haredi community or at                  20 least part of the Haredi community in London. So this                  21 leaflet had his imprimatur, as well as several other                  22 senior rabbinical and other religious figures, as we                  23 understand it. Yet it seems to suggest that various                  24 things are acceptable, which, in fact, are certainly                  25 illegal in a school setting. Can we go to _032, please.</p> <p style="text-align: center;">Page 105</p>	<p>1 There are several other examples that we could pull                  2 up at various places in this pamphlet, but this is the                  3 one that I particularly wanted to have a look at.                  4 This is in the context of, as I understand it --                  5 there's various discussions about the way that teaching                  6 should take place, about the appropriate role of                  7 the teacher, about the roles and responsibility of                  8 the pupil. It says, if we look at the second paragraph                  9 down:                  10 "And the ways of force have forever been through                  11 giving punishments, and as it is written in the                  12 Shulcan Orech ..."                  13 I'm going to apologise to everybody for my appalling                  14 pronunciation of that:                  15 "... that it is required to be angry at them and to                  16 humiliate them.                  17 "And so, too, in corporal punishment, like Chaza'l                  18 said, that the rabbi punishes his student. And we find                  19 three levels to this. (A) with a small strap for                  20 neglecting study. (B) also a large staff to steer him                  21 away from evil when rebuke is ineffective. (C) to hit                  22 even if there was no wrongdoing ...                  23 "And the reason for corporal punishment is to knock                  24 down the strength of the evil inclination -- to put fear                  25 on them -- to make them submissive because submission is</p> <p style="text-align: center;">Page 106</p>
<p>1 the foundation to revoke their own opinion and receive                  2 the faith ..."                  3 If we have another example at _018, please, Danny,                  4 if you wouldn't mind going back, it says here:                  5 "Education by compulsion and force. The                  6 innovators ..."                  7 I believe that's modern education. So this is                  8 a critique of modern educational practices:                  9 "... are careful to not put any pressure on the                  10 students ... And they are disgusted by force ... And                  11 when the young ones ... causes them ... But those who                  12 believe in the Torah of Moshe our Rabbi know what                  13 Maimonides writes that this is not force, because to the                  14 contrary his inclination forces him. And the teacher                  15 reminds and forces the student to remove the spirit of                  16 nonsense that comes into him until he says [I] want."                  17 If we go over to _020, please:                  18 "And everyone acts ... In their youth, a person is                  19 attached to the education ...                  20 "It is proper that adults compel the young."                  21 This is at M:                  22 "... that there should be no compulsion ... Because                  23 even the teacher does not want anyone to compel him ...                  24 But turn your eyes to see the benefit of the compulsion.                  25 Because the believer in the holiness and pleasantness of</p> <p style="text-align: center;">Page 107</p>	<p>1 the Torah, all compulsion is to acquire the dear                  2 treasure and it always benefits the person."                  3 I think, ultimately, what it is trying to say is,                  4 there should be the exercise of authority almost                  5 absolute by adults over children, and if they don't want                  6 to learn, well, then that doesn't really matter, and the                  7 way that they should be taught -- and I'm sure I'm                  8 saying this in a very unnuanced way, for which                  9 I apologise, but I'm simply trying to summarise what is                  10 a 45-page document, that, in effect, they should do what                  11 they are told and shouldn't complain about it, and, if                  12 appropriate, physical punishment should be used?                  13 <b>A. It positively encourages the use of physical punishment,</b>                  14 <b>even where the child has done nothing wrong. It's</b>                  15 <b>a manifesto -- much of it comes across as a manifesto</b>                  16 <b>for corporal punishment and an assertion that this is</b>                  17 <b>the traditional way and that nobody should be led into</b>                  18 <b>modern ideas of education.</b>                  19 Q. There are various things I don't think I really need to                  20 take you through, but the first 20 pages sort of go                  21 through modern ideas of education and say modern                  22 educators say this, this is why it is wrong, for the                  23 following reasons, and gives rabbinical and Torah and                  24 various other spiritual references to that.                  25 That would all be, well, okay, if it wasn't then</p> <p style="text-align: center;">Page 108</p>

<p>1 acted upon. Have you got or have you seen any examples 2 of there being the use of physical chastisement and 3 corporal punishment in the context of yeshivas? 4 <b>A. At one of the emergency inspections we carried out just 5 over a year ago, pupils told us that adults were using 6 physical contact to manage behaviour, and we reported 7 that to the Hackney LADO. We were, in fact, 8 commissioned to do emergency inspections of three 9 schools, all of which took place in January 2019. 10 I think it was one of them where pupils reported the use 11 of some physical contact.</b> 12 Q. You wrote to -- Danny, could we just get up OFS012284. 13 You wrote to the local authority identifying your 14 concerns in respect of the safeguarding of children as 15 a result of what you found during the course of those 16 inspections? 17 <b>A. We did, yes.</b> 18 Q. And identifying the booklet in particular. As 19 I understand it, the booklet was originally written in 20 Hebrew and you had the booklet translated in order so 21 that you could understand exactly what it was that was 22 being said. So you said in the January 2019 inspection 23 of the Talmud Torah Yetev Lev, pupils reported to 24 inspectors that adults used inappropriate physical 25 context such as pinching cheeks or a slap or a smack</p> <p style="text-align: center;">Page 109</p>	<p>1 would be used by the head teacher as a sanction for 2 misbehaviour? 3 <b>A. Yes.</b> 4 Q. Now, it isn't just yeshivas where you have concerns. 5 Can I ask you to turn to paragraph 21 of your witness 6 statement, and that's OFS012297_006. This is the second 7 case study that you identify, which was an inspection 8 that you carried out in May 2016, where you were 9 particularly concerned around the safeguarding policies 10 and practices? 11 <b>A. Yes.</b> 12 Q. I'm not sure we need to highlight any particular 13 paragraph there. Can we just keep the entire page up, 14 please. You issued a warning notice and the 15 registration was cancelled. So can you just tell us 16 a little about the safeguarding concerns you found in 17 that institution? 18 <b>A. I think in paragraph 22 we have set out it was the kinds 19 of behaviour management strategies they were using, 20 isolation and forcing them to stand for considerable 21 periods.</b> 22 Q. These are small children? 23 <b>A. Yes. It was an early years inspector we took -- this 24 was provision for young children, although, as you can 25 see from the numbers, an unusually large volume of</b></p> <p style="text-align: center;">Page 110</p>
<p>1 <b>children --</b> 2 Q. I was just about to say to you, is that accurate, that 3 figure you identify there, 3,000 children were attending 4 during the week? 5 <b>A. I believe so. Again, I will ask my colleagues to 6 double-check and will confirm. That is unusually large 7 for early years provision, but I suspect a number of 8 groups and classes.</b> 9 <b>Again, this was a setting which was registered, but 10 it was on the voluntary childcare register, which is 11 provision for -- the registered piece of it -- the 12 voluntary work is registration for children of eight and 13 over and, to the extent that they were providing for 14 younger children, may must have been able to claim one 15 of the exemptions.</b> 16 Q. Which I think is less than four hours a day, if I'm 17 right? 18 <b>A. And being removed from the voluntary childcare register 19 has no implication except that it stops parents from 20 being able to claim tax credit relief. I don't quite 21 understand how the tax scheme works, but that's the only 22 consequence.</b> 23 Q. I think if you're an employee, you can claim some money 24 via your employer in respect of -- 25 <b>A. Towards your childcare, yes.</b></p> <p style="text-align: center;">Page 111</p>	<p>1 Q. Via the tax credit system. So that's case study 2 number 2. Case study number 3, from paragraph 26 to 3 paragraph 29. Next page, please, Danny. Again, I don't 4 think we need to get up any particular paragraph, but if 5 you wouldn't mind putting the entire page on the screen, 6 I would be grateful. 7 Can you tell us a little bit about this school -- 8 please don't name it, because you obviously haven't 9 named it within here -- and to identify the particular 10 problems you found? It seems from paragraph 26 you 11 found some problems before you even got through the 12 door? 13 <b>A. Indeed, we did. I thought it was interesting that 14 this -- this highlights the level of challenge and abuse 15 that we often face in doing the work.</b> 16 <b>We have enormous difficulty in that we operate 17 within the framework and structures of UK law and the 18 rights it accords to individuals and to children in 19 particular, but simply by being an agent of that law, we 20 are seen as having a secular agenda because we do not 21 come essentially to say, "We will operate inside the 22 structure of religious expectations".</b> 23 <b>I do not have the power to do that. I have to apply 24 the law as it stands, and I have to inspect all kinds of 25 school and provision consistently.</b></p> <p style="text-align: center;">Page 112</p>

<p>1 <b>But it is often taken at the receiving end as</b>                  2 <b>evidence of bias or an agenda, and the response of this</b>                  3 <b>proprietor I think illustrates this.</b>                  4 <b>This one also caused us significant concerns. When</b>                  5 <b>the proprietor essentially assaults your inspectors, to</b>                  6 <b>the point that the police charge them with assault, you</b>                  7 <b>are in very difficult territory indeed. You can imagine</b>                  8 <b>that it is not straightforward having the inspection</b>                  9 <b>conversation. And things that happen because of</b>                  10 <b>the lack of powers for evidence, people can simply walk</b>                  11 <b>the children out or tell the children to go when we</b>                  12 <b>arrive. They can simply pick up every piece of paper,</b>                  13 <b>every book and take it away with them without letting us</b>                  14 <b>see it. So we often get a very incomplete picture of</b>                  15 <b>what's happening.</b>                  16 Q. So he said that, and, in fact, another member of staff                  17 who had been in charge of the setting was accused of                  18 sexually assaulting a child, although that was not                  19 proceeded with. So there were some quite significant                  20 safeguarding concerns that were raised by, and came out                  21 of, that setting?                  22 A. Yes. Very often, we can see from the kinds of visits we                  23 do that safeguarding deficiencies are often very obvious                  24 indeed, and we can pick that up without doing what we                  25 don't have the power to do, which is to do sort of case</p> <p style="text-align: center;">Page 113</p>	<p>1 <b>investigation. That's outside our remit. But it is</b>                  2 <b>unsurprising that some of these very poorly managed</b>                  3 <b>operations that cases of child abuse can and will</b>                  4 <b>emerge.</b>                  5 Q. Can we go to the last case study, which is at the bottom                  6 of the page, Danny, and at the top of the next page,                  7 down to 32. That's possible alcohol and drug misuse by                  8 tutors and the fact that the person who was running the                  9 centre, or certainly one of the people teaching at the                  10 centre, had been dismissed from a local school following                  11 assaulting a pupil and that, in fact, it turned out he                  12 was prohibited from teaching due to the assault?                  13 A. And not just a teacher; the proprietor as well.                  14 Q. Can you tell us the particular problems you found there?                  15 A. I don't have a briefing beyond what's included in the                  16 case study here, but what we found there bore out the                  17 information we'd been given about the unsuitability of                  18 the individual to be the proprietor and operator of                  19 provision for children, and because we had no powers, we                  20 referred to the LADO about this individual. We did not                  21 have proof of actual harm to children, but his                  22 unsuitability, having been dismissed for an assault and                  23 barred from teaching, made it blindingly obvious that                  24 this was not a place that any responsible parent who was                  25 aware of this was likely to want to place their child,</p> <p style="text-align: center;">Page 114</p>
<p>1 <b>which I think is why the LADO took the step of telling</b>                  2 <b>all the parents.</b>                  3 Q. There is no compulsion for the LADO to necessarily take                  4 that step, is there? In any event, it is not -- at the                  5 moment, you can set yourself up as a tutor or a teacher                  6 if you are barred from teaching within a school because                  7 the criminal offence is committed by the person who                  8 employs you, and if you're employing yourself, one can't                  9 imagine one is reporting oneself, although obviously                  10 there are self-reporting duties in various                  11 circumstances. So this is something which is a sort of                  12 a general problem across the sector, isn't it, across                  13 the voluntary and tutoring sector, so to speak?                  14 A. This comes back to what I said about not relying too                  15 narrowly on DBS checks, for example. Enquiring into the                  16 background of anybody teaching and having sufficient                  17 assurance obtained that everybody who is teaching or in                  18 a position of control is somebody who is responsible and                  19 fit to be taking responsibility for other people's                  20 children matters very much, and in illegal schools and                  21 irresponsible, unregistered out-of-school provision,                  22 that doesn't happen. The risks are real.                  23 Q. You also set out, which I don't think I am going to take                  24 you to, something which isn't religious in status but                  25 where you found similar kinds of concerns and problems</p> <p style="text-align: center;">Page 115</p>	<p>1 for people running out-of-school activities.                  2 Particularly, you found that premises were housed --                  3 were leased to an adult male who hadn't been DBS checked                  4 and who had unrestricted access to pupils and nobody                  5 thought that there was any problem with that, that this                  6 man could come and go at will?                  7 A. Yes. If you drive around some parts of London, for                  8 example, you will see a lot of places advertising                  9 themselves as after-school tuition centres. Some of                  10 them you can see, from the kind of premises they occupy,                  11 are very ropery indeed. I have been out myself with one                  12 of the unregistered team inspectors to visit two                  13 different places on one day, and one of the ones I saw                  14 very much illustrated the kinds of shortcomings that                  15 this case showed.                  16 But the point I'd like to stress, and one of                  17 the reasons we included this, is because, for us, this                  18 is not narrowly a problem about -- this is not a problem                  19 about faith per se. There are some particular -- there                  20 are problems that have arisen and obviously arisen in                  21 a number of kinds of out-of-school setting. I know this                  22 inquiry is focused on the religious dimension, but, for                  23 us, we are looking at and thinking about all                  24 out-of-school settings and what is the right iteration                  25 of the status quo which, overwhelmingly, people seem to</p> <p style="text-align: center;">Page 116</p>

<p>1 <b>think isn't satisfactory, what's the pragmatic step that</b>                  2 <b>helps to get to the next level of assurance around</b>                  3 <b>children's welfare and the prevention of sexual abuse or</b>                  4 <b>the tackling of the situation very fast when it does</b>                  5 <b>happen.</b>                  6 <b>So I don't want anybody to think that our focus is</b>                  7 <b>narrowly on religious entities per se.</b>                  8 Q. You provided and you undertook a facilitated discussion                  9 in November 2019 about supplementary schools, and, in                  10 particular, safeguarding children in faith-based                  11 supplementary schools. Danny, would you mind getting                  12 that up, OFS012404_001. Chair and panel, behind                  13 tab B12.                  14 As I understand it -- can we get up _004? You had                  15 an exchange event in June 2019 that brought together                  16 practitioners in the UK and inspectorates from around                  17 Europe to discuss the challenge of safeguarding in                  18 supplementary schools, and you identify:                  19 "In this document we identify some of the key issues                  20 we faced, defining what's meant by them, sharing those                  21 findings and opinions from teachers to police and those                  22 working in counterextremism and terrorism."                  23 You say:                  24 "Recent discussion ... feelings can run high on all                  25 sides. But our objective must always be to protect</p> <p style="text-align: center;">Page 117</p>	<p>1 children."                  2 Can we go to _005. This is the introduction and the                  3 executive summary. I just really want to look at the                  4 executive summary. So you had a paper and then you had                  5 an event in November which was a sort of round-table                  6 discussion. The conclusion of this is on what's termed                  7 "out-of-school settings", which you say operate as                  8 a parallel unregistered system of schooling and your                  9 concern is largely as you have already identified on                  10 those which are there. If we go to the next page:                  11 "Given the decision not to move ahead with statutory                  12 regulation and to gather evidence in support of                  13 a voluntary code ... the question is how children can be                  14 safeguarded ... we need to better explain to the public                  15 the difference ..."                  16 You then identify the range of safeguarding                  17 concerns, which we have gone through; the negative                  18 reaction from faith communities. The question is put                  19 whether that code will work:                  20 "We ask whether increasing aspiration amongst                  21 immigrant communities ... necessarily means that the                  22 poor quality teaching and the dissemination of                  23 narratives rejected democracy and human rights in                  24 supplementary schools will be called out.                  25 "The report includes the experience of EU member</p> <p style="text-align: center;">Page 118</p>
<p>1 states in how they handle the supplementary school                  2 sector and safeguard children in their country."                  3 This is a situation where you looked at not just                  4 practice in the UK, in England and Wales, but also some                  5 other European countries as well.                  6 As I understand it, this was largely focused, if we                  7 can be realistic, on extremism and radicalisation, was                  8 it not?                  9 <b>A. That's right. This particular conversation came out of</b>                  10 <b>some discussions with our counterparts in other</b>                  11 <b>countries, in other European countries, because, to</b>                  12 <b>a greater or lesser extent, similar issues are emerging</b>                  13 <b>in many, many places. People are at different stages of</b>                  14 <b>getting to grips with them. We saw it as really helpful</b>                  15 <b>to have a discussion involving different countries,</b>                  16 <b>different faith representatives, different perspectives</b>                  17 <b>on the problem. I think we included people from the</b>                  18 <b>police, from local government, it was designed as</b>                  19 <b>a private round-table discussion to really air all</b>                  20 <b>sides, to look and think about where good work is</b>                  21 <b>happening that is contributing to improving the</b>                  22 <b>situation.</b>                  23 <b>There were some very interesting things in the</b>                  24 <b>discussion, especially some of what was said by various</b>                  25 <b>faith representatives, about the level of -- quite</b></p> <p style="text-align: center;">Page 119</p>	<p>1 <b>a level of parent discomfort, actually, about some of</b>                  2 <b>the supplementary schooling that's provided in various</b>                  3 <b>places, where there's a very strong sort of community</b>                  4 <b>pressure to have their child in the supplementary school</b>                  5 <b>or schools, but parents are not necessarily satisfied</b>                  6 <b>that their child is really being properly looked after,</b>                  7 <b>responsibly looked after, while they are there.</b>                  8 Q. One way, if you were advocating to keep it as                  9 a voluntary basis, is these schools will die out as                  10 parents say, "This isn't good enough", and, therefore,                  11 you should just let the market take its course. It is                  12 a libertarian approach, but one which I suspect might                  13 find favour with some.                  14 <b>A. The problem is, as your survivor group said, that</b>                  15 <b>parents are very reluctant to believe bad things of</b>                  16 <b>the place that they have put their child. Who, as</b>                  17 <b>a parent, wants to believe that the place you chose for</b>                  18 <b>your child to go to has been the place where they have</b>                  19 <b>been abused? So we have seen so many stories of</b>                  20 <b>reluctance to believe, sort of foot dragging in</b>                  21 <b>accepting that the child's disclosure could possibly be</b>                  22 <b>right.</b>                  23 <b>So, no, I am not -- while I absolutely recognise the</b>                  24 <b>importance of parental choice and religious freedom,</b>                  25 <b>I don't think simply saying, "Leave it to the market",</b></p> <p style="text-align: center;">Page 120</p>

<p>1 especially because parents do not have a direct view,                  2 they are not sitting in the classroom, they're hearing                  3 it second-hand, and we all know that one of                  4 the techniques used for child sexual abuse is to make                  5 the child ashamed of it, to make them think that bad                  6 things will happen to them or their families if they                  7 tell anyone about it.                  8 So parents -- it is not like the food in                  9 a restaurant, that you can decide whether you like the                  10 meal or not and not go back if you didn't like it. We                  11 are dealing with a much trickier problem, of how we get                  12 to a place where we are not just seeing the problems                  13 long after they have happened and saying, "Oh, dear,                  14 poor child", but actually putting in place some of                  15 the structures that can help to reduce the likelihood of                  16 it happening and increasing the chance that if, sadly,                  17 it does happen, that it's picked up fast and acted on                  18 fast, because it is always a bad thing for a child to be                  19 sexually abused, but to be sexually abused persistently                  20 over a period of ten years is probably a great deal                  21 worse than to be abused once. It is not just abuse yes                  22 or no. We don't want to compound bad situations for                  23 children.                  24 Q. Now, the DfE took on board some of the issues I think                  25 largely, if one is being completely honest, not really</p> <p style="text-align: center;">Page 121</p>	<p>1 from the focus of child sexual abuse but because of                  2 concerns that had been raised about radicalisation, and                  3 in 2015 published a consultation which sought, in                  4 effect, to operate a registration regime for all                  5 organisations which I think provided more than six hours                  6 a week of some form of education, whether that was                  7 religious or nonreligious in nature, and the proposal                  8 was that you would be -- the DfE would be the register,                  9 but that you would be the regulator, in effect, of that.                  10 You identify the difficulties that this consultation                  11 arose, both within your witness statement but also                  12 within the November 2019 document. I think it might be                  13 useful to get the 2019 document up so we can sort of                  14 talk through the problems through the lens of that                  15 particular consultation. That's OFS012404_024 over to                  16 _025, Danny, please, behind tab B12, chair and panel and                  17 Ms Spielman of your bundle. Pages 24 and 25. Handily,                  18 Ms Spielman, your documents always have enormous page                  19 numbers on them so we always know exactly where they                  20 are.                  21 It would be fair to say, I think, at the very least,                  22 that tensions ran high when there was publication of                  23 this, particularly from faith groups, including, for                  24 example, the Archbishop of Canterbury, from whom we have                  25 heard on a couple of occasions, who said, "We didn't</p> <p style="text-align: center;">Page 122</p>
<p>1 think that it was right", and an opinion piece in the                  2 Jewish News, and we heard yesterday -- Danny, if we                  3 could go to the next page -- in fact, no, could we go to                  4 page 28, please. That's _028. It, again, identifies                  5 that MPs were also hostile to the idea of statutory                  6 regulation, and we heard from the Evangelical Alliance                  7 yesterday, we heard from their witness, that they were                  8 very unhappy about it and felt that it was utterly                  9 inappropriate. The Christian Institute also took                  10 umbrage, as did the Northern Council of Mosques. So                  11 I think, at the very least, the triumvir of                  12 the Abrahamic faiths demonstrated a radical agreement                  13 that they thought it was a bad idea.                  14 Can you try and explain what Ofsted's view is about                  15 why that consultation provoked such a furore?                  16 <b>A. I think the radicalisation and sort of association --</b>                  17 <b>links with terrorism aspect of it certainly wound people</b>                  18 <b>up to a really astonishing degree, and there were many</b>                  19 <b>organisations that felt, rightly, that there was no</b>                  20 <b>evidence of anything that they had ever done ever, ever</b>                  21 <b>remotely contributing to any undesirable action on that</b>                  22 <b>front and that it was indeed a very, very small subset</b>                  23 <b>of provision that perhaps we should be concerned about.</b>                  24 <b>So I think that the wider principle here around more</b>                  25 <b>general safeguarding and protection, and, in particular,</b></p> <p style="text-align: center;">Page 123</p>	<p>1 <b>preventing sexual abuse of children rather got lost in</b>                  2 <b>that flow of rage about it being by implication linked</b>                  3 <b>with the chain of radicalisation.</b>                  4 MS SCOLDING: I note, chair, the time. I do have some more                  5 questions to ask Ms Spielman after the break. Probably                  6 around another 20 to 30 minutes. May we now have our                  7 afternoon break?                  8 THE CHAIR: Yes, Ms Scolding. We will return at 3.00 pm.                  9 MS SCOLDING: Thank you very much. Ms Spielman, again, the                  10 same applies: please do not confer with others about                  11 your evidence.                  12 <b>A. Thank you.</b>                  13 <b>(2.45 pm)</b>                  14 <b>(A short break)</b>                  15 <b>(3.00 pm)</b>                  16 MS SCOLDING: Before I continue with the questioning of                  17 Ms Spielman, I would just like to make a brief                  18 clarification. It's been brought to my attention that                  19 I may well have inadvertently -- or something that                  20 I said just before the break this afternoon, could be                  21 misconstrued.                  22 In respect of the document that we looked at that                  23 was translated from Hebrew into English, I was not meant                  24 to indicate, by implication or otherwise, that it would                  25 ever be acceptable to perform corporal punishment or</p> <p style="text-align: center;">Page 124</p>

<p>1 physical chastisement upon a child in any educational 2 setting. It is, of course, illegal. 3 After that clarification, I wish to return, if we 4 may, Ms Spielman, to the question of the opposition of 5 faith groups to the 2015 out-of-school settings 6 consultation. 7 You identified in particular that one of the reasons 8 there might have been unhappiness -- you set this out at 9 paragraph 53 of your witness statement, which is 014. 10 What you indicated is that the proposed prohibition on 11 undesirable teaching -- because what the out-of-school 12 setting did is, it required some form of registration, 13 but what it then said is, "We would not allow what was 14 called undesirable teaching". I think the intention of 15 that was to try and deal with the sort of extremist and 16 terrorist-type teaching? 17 <b>A. Yes.</b> 18 <b>Q. There was a lot of concern that it would be drawn more</b> 19 <b>widely and so, therefore, faith groups with, for</b> 20 <b>example, views on transgender people or people who are</b> 21 <b>gay or lesbian might be drawn into being seen as</b> 22 <b>promoting undesirable teaching; is that right?</b> 23 <b>A. More generally, it would have taken us into the space</b> 24 <b>where we would have been looking at the subject matter</b> 25 <b>of what's taught, which especially when what's being</b></p> <p style="text-align: center;">Page 125</p>	<p>1 <b>taught is religious instruction was seen as potentially</b> 2 <b>having us opine on the acceptability or otherwise of</b> 3 <b>a particular piece of theology, which of course we</b> 4 <b>couldn't, and shouldn't, be doing, unless we find</b> 5 <b>ourselves in the territory of the booklet we discussed</b> 6 <b>before the break, which is clearly advocating breaking</b> 7 <b>the law.</b> 8 <b>I do think that that's an understandable concern,</b> 9 <b>and I think it's not a place that we would want to get</b> 10 <b>into either, to try to look at the generality of what's</b> 11 <b>being taught.</b> 12 <b>Equally, we are not in a position to comment on the</b> 13 <b>adequacy of a sort of elite sports coaching programme or</b> 14 <b>many other kinds of things that might get offered in</b> 15 <b>some kinds of out-of-school setting.</b> 16 <b>So our concerns are mainly around the sort of child</b> 17 <b>protection, safeguarding, occasionally sort of health</b> 18 <b>and safety, and narrowing the scope back to those which</b> 19 <b>pick up concerns that are properly universally</b> 20 <b>applicable and don't, for the vast majority of</b> 21 <b>out-of-school settings, raise any anxiety about conflict</b> 22 <b>between any group or religious or cultural ideas and the</b> 23 <b>kinds of sort of control assurance there ought to be.</b> 24 <b>Nearly everybody, provided they see it as</b> 25 <b>administratively workable, accepts that some sensible</b></p> <p style="text-align: center;">Page 126</p>
<p>1 <b>way of getting assurance around those things is fair and</b> 2 <b>reasonable and appropriate for children, provided you</b> 3 <b>can do it in a proportionate way.</b> 4 <b>Q. You would say, and I think probably the Evangelical</b> 5 <b>Alliance and the various individuals who responded</b> 6 <b>negatively -- and there were many thousands who did so,</b> 7 <b>identified that it was the issues to do with undesirable</b> 8 <b>teaching, fundamental British values and extremist views</b> 9 <b>which were three terms which were used which they said</b> 10 <b>would be regulated. But it was those issues that they</b> 11 <b>had concerns about because they considered it would</b> 12 <b>conflict with their -- it could conflict with their</b> 13 <b>right to express their religious beliefs. That's right,</b> 14 <b>isn't it?</b> 15 <b>A. Yes. The British values is a slightly different thing</b> 16 <b>from religious belief. That's around democracy, rule of</b> 17 <b>law, mutual respect for those with different beliefs.</b> 18 <b>It is not, for most people, a remotely controversial</b> 19 <b>concept, but looking at it can, in a sort of small</b> 20 <b>proportion of religious contexts, take you into conflict</b> 21 <b>with expectations in a particular group or community.</b> 22 <b>Q. As a result of all these concerns, the Department for</b> 23 <b>Education sort of abandoned the consultation, in effect?</b> 24 <b>A. Yes.</b> 25 <b>Q. What it has come up with, however, is a voluntary Code</b></p> <p style="text-align: center;">Page 127</p>	<p>1 of Practice. Now, what are your views about the 2 voluntary Code of Practice as it has been drafted in the 3 consultation document? Because I think the consultation 4 document came out, the consultation document ended, 5 I think, in March last year, but we haven't seen a fully 6 formed Code of Practice being issued yet. What are 7 Ofsted's views as to the current voluntary Code of 8 Practice? 9 <b>A. As you say, a final version hasn't been seen. We had</b> 10 <b>a number of concerns about the code. Partly, we were</b> 11 <b>concerned that, as initially formulated, it was too</b> 12 <b>close to being a tick list that would make people think,</b> 13 <b>"Right, tick those boxes and, boom, safeguarding/child</b> 14 <b>protection done". It would be hard to get people to</b> 15 <b>understand that it's not just having some ticks on</b> 16 <b>a list. It is the culture, the sort of continuing</b> 17 <b>culture, that matters.</b> 18 <b>But partly also because -- the idea of it being put</b> 19 <b>out as a voluntary code, our concern was that the people</b> 20 <b>who already do things responsibly would use it as</b> 21 <b>intended and make it live and create something that does</b> 22 <b>provide some sort of assurance for children, and the</b> 23 <b>people who we are actually most concerned about simply</b> 24 <b>wouldn't, would just leave it on the shelf. So my fear</b> 25 <b>was that, even if it reached a sort of level of</b></p> <p style="text-align: center;">Page 128</p>

<p>1 <b>theoretical perfection, as a voluntary code, it wouldn't</b>                  2 <b>reach the corners that we are most concerned about.</b>                  3 Q. So what do you think should happen in respect of not                  4 just religious organisations, but voluntary                  5 organisations who undertake activities with children of                  6 a sufficient quantity or quality? What's Ofsted's                  7 solution? You have identified the problem. What is                  8 your solution?                  9 <b>A. We have thought about it quite a bit, obviously, and one</b>                  10 <b>thought was whether in some form it made sense to revive</b>                  11 <b>the 2015 proposals in some slightly modified form to</b>                  12 <b>take account of the objections.</b>                  13 <b>But I think the view we have come to is that that's</b>                  14 <b>probably a step further than we can comfortably take and</b>                  15 <b>get enough of the world to come along and embrace it.</b>                  16 <b>To put a different regime into law but have a very large</b>                  17 <b>slice of the voluntary sectors of hostile or resistant</b>                  18 <b>actually would probably be self-defeating.</b>                  19 <b>So the proposal that we have put into these papers</b>                  20 <b>to air and to see what others think of is something that</b>                  21 <b>is -- it is not self-regulation, but it is a two-layer</b>                  22 <b>model, it is building on the fact that, in so many</b>                  23 <b>out-of-school activities of various kinds, there are</b>                  24 <b>already umbrella organisations that often do run some</b>                  25 <b>kind of affiliate model that are helping individual</b></p> <p style="text-align: center;">Page 129</p>	<p>1 <b>settings with training, with model policies and advice</b>                  2 <b>to see if that could be elaborated into a two-level</b>                  3 <b>model where out-of-school settings are required to</b>                  4 <b>register but with an umbrella body, an appropriate</b>                  5 <b>umbrella body, which could be in their faith or activity</b>                  6 <b>space, if they're a sporting body, but umbrella bodies</b>                  7 <b>themselves are accredited by a central government agency</b>                  8 <b>and that that agency also acts as a direct regulator</b>                  9 <b>only of the settings for whom there is no accredited</b>                  10 <b>umbrella body or who have been unable to sustain their</b>                  11 <b>membership because they have shown that they're not</b>                  12 <b>willing to sign up to the expectations of the umbrella</b>                  13 <b>body.</b>                  14 Q. So one of the issues that's raised by that, I can see                  15 how that works in situations where you can't do the                  16 activity unless you sign up to the affiliate. I'm just                  17 thinking, you know, if you wanted to play league                  18 cricket, for example, or if you wanted to play league                  19 tennis, you would need to be a member of the LTA or the                  20 England and Wales Cricket Board. But there would be                  21 lots of situations where there is either no umbrella                  22 body or, as we have heard in this investigation, in                  23 religious organisations there are lots of umbrella                  24 bodies but they all tell us they have no powers to                  25 influence their members; all they can do is advise and</p> <p style="text-align: center;">Page 130</p>
<p>1 guide and not enforce.                  2 So there is possibly a disjunct there between those                  3 organisations which say, "You can't come in. You can't                  4 be a member of our organisation unless you do this", and                  5 those organisations which act more like sort of guidance                  6 and advisory bodies, which don't have rules of                  7 compulsion or for whom there are no adverse consequences                  8 if they are no longer members?                  9 <b>A. First of all, I think there is a great deal of valuable</b>                  10 <b>work is being done in advice and guidance space.</b>                  11 <b>I think some of the evidence you've heard over the last</b>                  12 <b>couple of weeks, some of it has come from some really</b>                  13 <b>quite impressive operations. What people like</b>                  14 <b>Thirtyone:eight are doing I think has a great deal to</b>                  15 <b>recommend it.</b>                  16 <b>Of course, one of the things that's important to</b>                  17 <b>remember is that many, many umbrella bodies that exist</b>                  18 <b>at the moment accommodate -- they don't own the</b>                  19 <b>organisations who are their members, and they</b>                  20 <b>accommodate quite a diversity, often, of interest</b>                  21 <b>preference within them. So they're constantly sort of</b>                  22 <b>handling the conversation about what the acceptable</b>                  23 <b>space should and shouldn't be.</b>                  24 <b>So there's no need for everybody who belongs to</b>                  25 <b>an umbrella body to have an identical outlook on</b></p> <p style="text-align: center;">Page 131</p>	<p>1 <b>everything. But where the choice is between forming</b>                  2 <b>an umbrella body with other people who may have slightly</b>                  3 <b>different views than you on some things, but who</b>                  4 <b>nevertheless share an activity and a preference for how</b>                  5 <b>that activity is approached may be greatly preferable to</b>                  6 <b>being directly overseen by a central government</b>                  7 <b>regulator. I suspect, given that choice, that quite</b>                  8 <b>a few people who at the moment say it would be</b>                  9 <b>impossible to find an umbrella body might find that they</b>                  10 <b>were able to do so.</b>                  11 <b>That would create that strong -- at that point,</b>                  12 <b>disaffiliation, if the umbrella body says, "I'm sorry,</b>                  13 <b>because you won't undertake to notify to the</b>                  14 <b>authorities, or you haven't notified these cases, I'm</b>                  15 <b>afraid you can no longer be our affiliate", at that</b>                  16 <b>point, that, of itself, has teeth if that transfers you</b>                  17 <b>to a central government regulatory model.</b>                  18 Q. So would you envisage that the central government                  19 regulator would regulate the affiliates to make sure                  20 that they have the right policies and processes in                  21 place?                  22 <b>A. No, only those that are not affiliates of an accredited</b>                  23 <b>umbrella body. So essentially, the central body would</b>                  24 <b>look at the --</b>                  25 Q. (Overspeaking) --</p> <p style="text-align: center;">Page 132</p>

<p>1 <b>A. -- (overspeaking) for the umbrella bodies only and</b>                  2 <b>direct regulation only of the entities that did not</b>                  3 <b>belong to an umbrella body, and then the central</b>                  4 <b>government body wouldn't necessarily deal with direct</b>                  5 <b>enforcement. I would have thought it would make sense,</b>                  6 <b>given that a lot of these are very small local</b>                  7 <b>organisations, to make use of local authorities for</b>                  8 <b>a lot of the local work. So you might collect a lot of</b>                  9 <b>information at the centre and, equally, some of it</b>                  10 <b>locally, but delegate, as far as possible, to avoid</b>                  11 <b>creating a sort of central monolith that could become --</b>                  12 <b>Q. A great behemoth that's chugging -- going towards you?</b>                  13 <b>A. The last thing we need in this space is a behemoth.</b>                  14 <b>Q. Then, as far as you're aware, would there be any kind of</b>                  15 <b>auditing of those accredited organisations by the</b>                  16 <b>central government regulator? You talk about</b>                  17 <b>accreditation. One of the issues that's been raised by</b>                  18 <b>a number of individuals is the absence of accountability</b>                  19 <b>and transparency in a number of these organisations and</b>                  20 <b>there's been various things put forward about whether</b>                  21 <b>there should be audits, if so, what sort of audits</b>                  22 <b>should there be, what should they look at. Can you see</b>                  23 <b>a space for the body that you're talking about</b>                  24 <b>undertaking some form of auditing function, both of</b>                  25 <b>the organisations which it directly accredits and the</b></p> <p style="text-align: center;">Page 133</p>	<p>1 umbrella organisations?</p> <p>2 <b>A. Yes, and I think there are precedents for that. I think</b>                  3 <b>in the independent fostering agencies that we inspect,</b>                  4 <b>for example, who are expected to have some level of</b>                  5 <b>assurance over the foster carers who belong to them,</b>                  6 <b>that falls a long way short of a sort of a full</b>                  7 <b>inspection regime but is a risk-based -- a sampling and</b>                  8 <b>risk-based model that helps make sure the agency has</b>                  9 <b>a sense of where problems may be arising, follows up on</b>                  10 <b>those and gets a bit of wider insight from visiting</b>                  11 <b>a few of its members routinely to stay on top of</b>                  12 <b>the issues that need addressing, where the focus of its</b>                  13 <b>training policy's support needs to be, what needs to</b>                  14 <b>develop in the sector.</b>                  15 <b>I think many of the elements, of the really</b>                  16 <b>important elements, have been seen in some of</b>                  17 <b>the organisations that have presented to you over the</b>                  18 <b>last couple of weeks.</b>                  19 <b>Q. Can I also ask, one of the other issues that's been</b>                  20 <b>raised in respect of regulation is, a lot of people say,</b>                  21 <b>well, these are very small organisations, these can be</b>                  22 <b>sort of one-man-bands or the equivalent thereof. It is</b>                  23 <b>not appropriate to seek to enforce or regulate them.</b>                  24 <b>I'd like to look at the experience that you have of</b>                  25 <b>child minders, for example, who are quite literally</b></p> <p style="text-align: center;">Page 134</p>
<p>1 one-man bands but who are subject to registration by                  2 yourselves and have to have various forms of                  3 accreditation. How does that system work and I'm                  4 assuming -- there aren't very many child minders that                  5 run large-scale organisations; it tends to be sort of                  6 three or four children in your front room. Whether or                  7 not you have any problems with accreditation and                  8 regulation of that sector, which is similar, maybe, in                  9 terms of its fragmented nature and its size?</p> <p>10 <b>A. No, that's right. We have been doing it for</b>                  11 <b>a considerable time. It transferred from -- this work</b>                  12 <b>transferred from local authorities to Ofsted a number of</b>                  13 <b>years ago. I think because of concerns about the</b>                  14 <b>inconsistency between areas. But there are tradeoffs</b>                  15 <b>between the local and the central. I wouldn't say the</b>                  16 <b>arguments all go one way.</b>                  17 <b>But, yes, we register, we inspect, we enforce.</b>                  18 <b>Interestingly, whenever the idea of not routinely</b>                  19 <b>inspecting child minders is floated, one of the things</b>                  20 <b>that pops straight out is, "But they want parity with</b>                  21 <b>nurseries and want that -- most of them want that</b>                  22 <b>inspection badge", so it is interesting. You might</b>                  23 <b>think they would say, "Yippee, let us out", but that's</b>                  24 <b>not where the sector voices go.</b>                  25 <b>But, yes, we make regulatory visits, as well as</b></p> <p style="text-align: center;">Page 135</p>	<p>1 <b>routine inspections, where concerns arise. We have</b>                  2 <b>a very sort of prompt follow-up, and a system of grading</b>                  3 <b>the level of concern and deciding whether something is</b>                  4 <b>simply put on file for the next inspection or prompts</b>                  5 <b>some kind of enquiry or an immediate regulatory visit.</b>                  6 <b>We can suspend, we can cancel, we can impose conditions.</b>                  7 <b>And that seems to work pretty well and pretty</b>                  8 <b>efficiently.</b>                  9 <b>There are something like 40,000 child minders. We</b>                  10 <b>have done a regulatory review over the past year to look</b>                  11 <b>at ways that we can really make ourselves as efficient</b>                  12 <b>and straightforward as possible, from the point of view</b>                  13 <b>of these very small operators we're dealing with. The</b>                  14 <b>last thing we want is to be any more of a burden on them</b>                  15 <b>than we absolutely have to be. But we certainly have</b>                  16 <b>a model that's evolved, to have the conversations at the</b>                  17 <b>right level for somebody who isn't -- hasn't got an HR</b>                  18 <b>department and a legal department sitting behind them,</b>                  19 <b>who is just the person you see in front of you doing</b>                  20 <b>their best with the training they have had, often from</b>                  21 <b>a child minder agency or from a local authority, and</b>                  22 <b>some kind of handbook of what's in the early years</b>                  23 <b>foundation stage, and their experience as a parent.</b>                  24 <b>Q. Can you tell me, do you envisage Ofsted being the people</b>                  25 <b>who would do the accreditation and regulation in this</b></p> <p style="text-align: center;">Page 136</p>

1 space in respect of voluntary organisations?

2 **A. I think we're one of the bodies that would be equipped**

3 **to do it, but we are certainly not the only one.**

4 **I think there are arguments for various possibilities**

5 **here.**

6 Q. What are the arguments for the various possibilities?

7 **A. Well, the Department of Education is the regulator of**

8 **independent schools. We're the regulator of early years**

9 **and children's homes and a few other kinds of entity --**

10 **the Department of Education of independent schools. It**

11 **is a historic position. I don't think it's come about**

12 **for any particular reason, other than historical**

13 **accident.**

14 **But we, in the Department of Education, are the**

15 **obvious places where sort of expertise in safeguarding**

16 **and child protection sits. It's harder to see it**

17 **sitting logically in other parts of government at the**

18 **centre, I think.**

19 Q. You wouldn't advocate some kind of voluntary sector

20 agency or organisation separate to the DfE or yourselves

21 that would undertake that accreditation and regulation?

22 Or even using a large charity like the NSPCC, maybe, to

23 do it?

24 **A. It's possible. It would be quite a burden on any of**

25 **those. I suspect, at some point, you would want some**

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1 **me like children and safeguarding rather than corporate**

2 **structure.**

3 Q. As far as you're concerned, do you think there should be

4 some kind of statutory duties or statute imposed,

5 whether that's by direct statute or by some sort of

6 statutory instrument, or mandatory guidance to all these

7 organisations which they should have to follow? For

8 example, the NSPCC said one of the issues is that

9 Working Together has two paragraphs, faith bodies and

10 voluntary organisations. There should be

11 a Working Together for the voluntary sector?

12 **A. That's come across quite widely. I don't think we would**

13 **disagree with that. There's always a difficult balance**

14 **between getting specific enough for every kind of**

15 **organisation and situation and having so many reams that**

16 **people simply can't find the bit that they need. The**

17 **crucial thing for me in this, and the issue that comes**

18 **out over and over and over again, is the reluctance to**

19 **disclose something outside a particular group.**

20 **So if a decision is taken -- were to be taken to go**

21 **with an umbrella group model, then the one thing that**

22 **absolutely must flow through this as an unalterable**

23 **requirement is that there is an expectation that all**

24 **kinds of abuse of children will be reported promptly --**

25 **not narrowly within the umbrella body, but to the**

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1 **kind of -- that would be a self-regulatory model, unless**

2 **there was some link from there ultimately back to**

3 **accountability to government. I haven't really**

4 **considered models like that. The Charity Commission has**

5 **been mentioned a few times.**

6 **I think I see two sort of potential downsides there,**

7 **one of which is not having well-defined expertise around**

8 **safeguarding, but the other is, when I look at these**

9 **kinds of entities -- so, for example, those four**

10 **prosecutions, they were mostly commercial entities. We**

11 **have got a lot of entities in this space that are faith**

12 **aligned but not faith operated. I think we'd find that**

13 **a great many things were sort of sole trader small**

14 **businesses, things that charity regulation simply**

15 **couldn't touch. I think to require everybody who is**

16 **running any kind of business in the out-of-school space**

17 **to turn their operation into a charity is not feasible.**

18 **Many of them are just not suitable to convert into**

19 **a charity model. Some of them are part of quite big**

20 **companies already.**

21 Q. Of course, within other voluntary organisations, some

22 things are almost exclusively charitable, but there are,

23 I'm thinking, the dance and music sectors which are

24 largely commercial rather than charitable in nature?

25 **A. Absolutely. So the organising principle here feels to**

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1 **appropriate authorities outside, and that nobody should**

2 **be able to sustain their accreditation as an umbrella**

3 **body if they don't set that expectation very clearly for**

4 **settings and disaffiliate anybody who doesn't abide by**

5 **that.**

6 Q. Isn't that a form of -- I mean, that is, in effect,

7 mandatory reporting?

8 **A. It is.**

9 Q. Or a species of mandatory reporting, in any event?

10 **A. It is a species of mandatory reporting, as the quid pro**

11 **quo for saying there are some advantages to keeping**

12 **quite a lot of the conversation in the space, in the**

13 **particular activity or community. It's**

14 **(overspeaking) --**

15 Q. That would be by way of criminal offence? You would

16 therefore say it would be a criminal offence for people

17 if they didn't report it in this space in voluntary

18 settings, or are you simply suggesting they would just

19 be disaffiliated and the proprietor or the person

20 concerned would be unable to run voluntary activities in

21 the future, for example?

22 **A. I think there are arguments. As with all these things,**

23 **we can see from the evidence in so many of your hearings**

24 **to date that there's a great spectrum of culpability and**

25 **there are some places where, blindingly obviously, it**

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<p>1 would be extraordinary for people not to be held                  2 responsible all the way through to prosecution, and                  3 others where poor judgment is probably more implicated                  4 than anything that could properly be characterised as                  5 criminal intent.                  6 So we haven't given careful consideration to                  7 precisely what should be framed as an offence.                  8 I think I have some sympathy with the concept that,                  9 at least for leaders and people with the main                  10 safeguarding responsibility, there should be some kind                  11 of hard sanction for failure to report in serious cases.                  12 Q. I have a few questions that I have to ask you on behalf                  13 of both the Union of Orthodox Hebrew Congregations and                  14 also on behalf of Migdal Emunah, who are a Jewish                  15 survivor group. Migdal Emunah have given us evidence,                  16 the Union of Orthodox Hebrew Congregations will be                  17 giving us evidence, we hope, in August.                  18 The UOHC would like you to look at a document which                  19 was produced by a think-tank called Policy Exchange                  20 called "The Watchman Revisited". OHC000008_012. It                  21 isn't in my bundle, chair and panel. It may well be in                  22 yours, in which case it will be behind tab B13.                  23 What they, in effect, are saying is that you have                  24 damaged your relationship with faith communities in the                  25 way you have acted in respect of your new inspection</p> <p style="text-align: center;">Page 141</p>	<p>1 framework. I think this is the inspection framework                  2 that came into force in 2018, is that right, or 2017?                  3 I can't quite remember. But:                  4 "We commend Ofsted's readiness to tackle genuine                  5 extremism. However, by damaging its relationship with                  6 the faith communities, it has made this important task                  7 more difficult."                  8 It gives three reasons for that. First, if it is an                  9 undue focus on time and resources in the wrong area;                  10 secondly, if parents of faith feel that they cannot have                  11 education that respects their belief in regulated                  12 schools, they are more likely to seek out unregistered                  13 provision. Thirdly, by alienating peaceful, law-abiding                  14 people of faith, Ofsted makes it harder to work with                  15 these communities to tackle radicalisation.                  16 Do you think that this view and the view that you                  17 take within the Policy Exchange paper -- I think it uses                  18 the words "muscular liberalism" when talking about your                  19 approach to various matters in respect of your                  20 inspection of schools -- this isn't out-of-school                  21 settings, this isn't unregistered schools; this is                  22 schools which you are responsible for inspecting -- that                  23 that would preclude you from being able to have the kind                  24 of relationships with faith organisations which you                  25 would need?</p> <p style="text-align: center;">Page 142</p>
<p>1 A. Quite a lot of questions in there. I will start at the                  2 back end. As Ofsted, we are expected to respect and to                  3 inspect against a number of pieces of law and government                  4 policy. If I take the Equalities Act, for example, that                  5 covers belief. It also covers matters of sexuality,                  6 including the position of women and girls, as well as                  7 the freedom to practise different kinds of sexuality and                  8 a number of other areas.                  9 We have to look into all of these when we inspect,                  10 and we are unable to give one priority over another.                  11 The assertion that is often made in connection with,                  12 particularly, the most conservative religious                  13 institutions is that religious belief should allow them                  14 a derogation from some of the other expectations, that                  15 they should be able to claim the benefit of religion to                  16 say, "We cannot be expected to apply these other                  17 aspects". That is a derogation that we simply cannot                  18 give. But our inability to do that is often                  19 characterised as bias or a secular agenda.                  20 In fact, I gave a speech to Stonewall last year in                  21 which I pointed out the importance of respecting                  22 religious rights, where, similarly, a conversation was                  23 getting very focused on one in education and failing to                  24 recognise there is an argument at the other end.                  25 Because we have some pieces of legislation which</p> <p style="text-align: center;">Page 143</p>	<p>1 reflect values that are broadly accepted by society, but                  2 which in certain quarters absolutely aren't, we are in                  3 a situation where the vast majority of institutions,                  4 including most faith institutions, absolutely manage to                  5 operate within the law to find that balance, to let                  6 children know what they should be expected to know, to                  7 protect them in the right way, and don't have any                  8 difficulty with it.                  9 There is a small subset of institutions which are                  10 typically at the most conservative end of the spectrum                  11 that construe anything that isn't exactly how they want                  12 to do it as an interference in their right.                  13 I think I'd actually like to quote from something                  14 else, because there is a very relevant letter that                  15 a group of Haredi rabbis wrote to the Prime Minister                  16 just this week which I have a copy of. It asserts                  17 unequivocally that matters of education are entirely for                  18 rabbinical authority. These are matters that can only                  19 be governed by rabbinical authority and not by the                  20 secular world. It says:                  21 "It is our position and conviction that ..."                  22 Sorry, the introduction says:                  23 "The Ministry of Education has introduced new laws                  24 and practices that adversely affect all faith schools,                  25 including the private educational institutions of</p> <p style="text-align: center;">Page 144</p>

<p>1 the Orthodox Jewish community. It is of deep concern                  2 that some aspects of recent legislation are in direct                  3 opposition to the long-established principles and                  4 articles of faith that are at the very heart of Orthodox                  5 Judaism."                  6 Then:                  7 "It is our position and conviction that any measures                  8 proposed which may conflict with our honoured religious                  9 principles cannot be considered ..."                  10 And then the last bit, it wants to make clear:                  11 "There is no room for negotiations or compromises on                  12 the Orthodox Jewish education altering, even minutely,                  13 practices and lifestyles we have inherited from our                  14 previous generations conforming to the laws of our                  15 Torah."                  16 So I think that helps to illustrate how hard it is                  17 to have the kind of conversation that might take things                  18 forward and find how we can reconcile the world view                  19 that is embedded in the law of the land and the world                  20 view of many of the most conservative synagogues.                  21 I think there were 15 or so signatories to this letter,                  22 and four of the first five identify themselves as                  23 members of the Union of Orthodox Hebrew Congregations.                  24 So I'm not sure it is an identical group, but it is                  25 essentially from the same place.</p> <p style="text-align: center;">Page 145</p>	<p>1 So I think that any entity which, like us, is at the                  2 pointy end of the spear which has to go out and apply                  3 the framework of law and policy in inspecting schools or                  4 any other provision is going to be in this position.                  5 Whether it is Ofsted or anybody else, I think they                  6 would -- I think precisely the same conversations,                  7 accusations, allegations would arise very quickly, which                  8 is one of the reasons why I think some level of                  9 distribution of responsibility around the system with                  10 some pieces sitting at the centre, some in umbrella                  11 bodies, some with local authorities, is probably better                  12 than creating a single, all-powerful entity.                  13 Q. Thank you very much for drawing our attention to that                  14 letter. It should be noted that the Union of Orthodox                  15 Hebrew Congregations didn't see fit to give it to the                  16 inquiry, despite the fact that it is obviously under its                  17 auspices. It would be very helpful, Ms Spielman, if you                  18 wouldn't mind providing a copy of that to the inquiry?                  19 A. It is dated only two days ago.                  20 Q. It may well be on its way. Thank you very much,                  21 Ms Spielman, for drawing that to our attention.                  22 I think what the UOHC have asked is, what can you do                  23 to restore trust, and my impression of your answer is,                  24 it wouldn't matter what we did if what we were telling                  25 them was they couldn't necessarily teach, or they might</p> <p style="text-align: center;">Page 146</p>
<p>1 have to teach, things which they didn't think were                  2 appropriate for their community?                  3 A. I think that's probably broadly right. We do put an                  4 immense amount of time into meetings with faith groups                  5 of all kinds, including a considerable number of                  6 conservative Jewish groups.                  7 In the new framework, which we began in September,                  8 we made some efforts to make sure, for example, that --                  9 it had been pointed out to us that there were ways in                  10 which, with the previous inspection framework, the same                  11 shortcoming, perhaps around Equalities Act expectations,                  12 could knock through into several judgments and trigger                  13 a sort of slightly worse overall position than might                  14 otherwise have been the case, and we took steps to                  15 rectify that to make sure that other parts of                  16 the inspection didn't get implicated by default.                  17 So we have done everything we can. We have also                  18 been through our policies and procedures minutely to try                  19 to make sure that we are doing exactly what we're                  20 required to do by law and not gold plating anywhere,                  21 which of course we shouldn't. It is not for us to make                  22 policy. I would never want to be in that space.                  23 But inevitably, we do get to a point where it is                  24 very hard to see what we can do. We endeavour to be                  25 transparent, open, discuss -- always be ready to</p> <p style="text-align: center;">Page 147</p>	<p>1 discuss, and it is hard -- it can be hard not to feel                  2 that the only trust that would come would be if we said,                  3 "We will find ways of making exceptions", when there is                  4 no basis in law for us to make exceptions.                  5 Q. Is largely the concern related to same-sex relationships                  6 and sex and relationship education, and issues around                  7 the Equality Act, or is it broader than that?                  8 A. No, it is wider than that. I think -- we touched on                  9 this a little bit earlier. I think it came up in the                  10 paragraph where I drew attention to the word "only",                  11 where parents want their children to know only certain                  12 things. So that's often associated with not wanting                  13 children to have access outside the community. So, for                  14 example, we have found on inspection schools where even                  15 the phone numbers for Childline were redacted on posters                  16 that were in the schools, so in theory, yes, there is                  17 a Childline poster, but, in practice, no child could                  18 have telephoned.                  19 So the restriction of the child -- of children's                  20 knowledge and access is something that's a bit broader,                  21 I think, than just -- than a desire not to teach                  22 anything about sexuality, which is a significant                  23 problem, I absolutely understand. The new relationship                  24 and sex education guidance that is coming in                  25 in September, an immense amount of effort went into</p> <p style="text-align: center;">Page 148</p>

<p>1 negotiating that with many, many religious organisations</p> <p>2 to get to something that overwhelmingly religious groups</p> <p>3 are comfortable with, and we very much welcome that.</p> <p>4 One of the great challenges we have had is, we have to</p> <p>5 inspect against these obligations, but there's been very</p> <p>6 little in the way of standards, standards and explicit</p> <p>7 expectations, that we have been able to anchor that. So</p> <p>8 I really welcome -- from my point of view, the more</p> <p>9 specificity we have about what is expected, the more it</p> <p>10 helps us, because, ultimately, we are dealing with</p> <p>11 something that flows through into politics, that's not</p> <p>12 about the technicalities of inspection or a tighter or</p> <p>13 looser role. It is essentially a political issue here.</p> <p>14 Q. I'm asked to ask you on behalf of Migdal Emunah really</p> <p>15 the obverse question, which is, do you, in effect, only</p> <p>16 send Ofsted inspectors of the same religion when you are</p> <p>17 inspecting religious education or when you're looking at</p> <p>18 unregistered school settings and, therefore, you are, in</p> <p>19 effect, putting the cultural sensitivities of</p> <p>20 the community above the needs of children, possibly, by</p> <p>21 only sending people who are sympathetic to, and/or</p> <p>22 members of, that particular religious grouping?</p> <p>23 A. No, we don't do that. We used to, is my understanding.</p> <p>24 Before my time, I think -- I think we discontinued it at</p> <p>25 some point I think in the last decade. We found it was</p> <p style="text-align: center;">Page 149</p>	<p>1 leading to inconsistency of approach depending on</p> <p>2 people's affiliations. So we discontinued that.</p> <p>3 Having said that, we have inspectors from many faith</p> <p>4 backgrounds and none, obviously, and they are all</p> <p>5 expected to operate in exactly the same way irrespective</p> <p>6 of their personal beliefs. But we do not allow</p> <p>7 inspection to -- we haven't allowed inspection to become</p> <p>8 Muslim inspectors dealing with Muslim schools and Jewish</p> <p>9 inspectors dealing with Jewish schools in recent years.</p> <p>10 It doesn't mean that we would never send a Muslim</p> <p>11 inspector to a Muslim school either. The inspector</p> <p>12 allocation, I believe, is essentially blind to</p> <p>13 particular affiliations. Unless inspectors have</p> <p>14 declared a conflict of interest, they can be sent</p> <p>15 anywhere.</p> <p>16 MS SCOLDING: Thank you very much, Ms Spielman. I have no</p> <p>17 further questions for you. But if I could ask you to</p> <p>18 wait there, because the chair and panel may well have</p> <p>19 some questions. Thank you. Professor Jay?</p> <p>20 THE CHAIR: Thank you, Ms Scolding. I have no questions,</p> <p>21 but I will ask my colleagues whether they have any.</p> <p>22 Ms Sharpling?</p> <p>23 Questions from THE PANEL</p> <p>24 MS SHARPLING: Thank you, chair, just one.</p> <p>25 Thank you, Ms Spielman. I am going to ask what</p> <p style="text-align: center;">Page 150</p>
<p>1 perhaps is a slightly unfair question. If you had but</p> <p>2 one recommendation to make to improve the prevention of</p> <p>3 child sexual abuse, what would it be?</p> <p>4 A. I think it would be to embed, in whatever arrangement,</p> <p>5 this expectation of reporting outside the community or</p> <p>6 the particular activity. That secrecy, that urge to</p> <p>7 secrecy, to me feels like the most damaging thing we</p> <p>8 have for children in the system today.</p> <p>9 MS SHARPLING: Thank you very much.</p> <p>10 THE CHAIR: Mr Frank?</p> <p>11 MR FRANK: Yes, please. I just want to ask about one of</p> <p>12 the instances that you cited. It is in annex C to</p> <p>13 the --</p> <p>14 A. I'm afraid I can't hear you very well. Is it possible</p> <p>15 to come a bit closer to the microphone?</p> <p>16 MR FRANK: I shall do my best without looming too closely at</p> <p>17 everybody. Can you hear me better now?</p> <p>18 A. Yes, much better.</p> <p>19 MR FRANK: The incidents that you cited in annex C to your</p> <p>20 statement concerning one of the prosecutions that I know</p> <p>21 you were involved in at one point, it's on page 36</p> <p>22 behind tab 2 of the file, I think.</p> <p>23 A. Yes, which one are you asking me about?</p> <p>24 MR FRANK: I'm asking you about Freiston Hall.</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 151</p>	<p>1 MR FRANK: I want to ask you about that because that was an</p> <p>2 instance where, although it concerned one school, there</p> <p>3 were no less than six different local authorities that</p> <p>4 were sending their children to an unregistered school.</p> <p>5 A. Yes. It was a special school that was -- there was</p> <p>6 a registered children's home for children with complex</p> <p>7 needs, so children were placed in the children's home by</p> <p>8 local authorities, often some distance away because</p> <p>9 there were very few homes capable of looking after</p> <p>10 children with those needs, and they had set up and were</p> <p>11 operating an unregistered school alongside that which</p> <p>12 local authorities were paying to place children in,</p> <p>13 presumably in the belief or on the assumption that it</p> <p>14 was a fully-registered school, in the same way that it</p> <p>15 was a fully-registered children's home. I believe we</p> <p>16 had judged the children's home inadequate.</p> <p>17 MR FRANK: Can you remember that at least one of the local</p> <p>18 authorities agreed that they knew that it wasn't</p> <p>19 registered at the time they sent the child there, but</p> <p>20 they had been told that it would become registered and,</p> <p>21 in any event, they were, having difficulties finding</p> <p>22 a placement for that child and they were under pressure</p> <p>23 to find somewhere, so they sent the child there in the</p> <p>24 hope that it would become registered.</p> <p>25 A. I wasn't aware of that, or if I was, I've forgotten it.</p> <p style="text-align: center;">Page 152</p>

1 **But, yes. There are a number of areas, and there is**  
 2 **a lot of pressure on children's homes at the moment.**  
 3 **Various changes, including greater awareness of various**  
 4 **kinds of harm and neglect to children, have led to more**  
 5 **children, and particularly older children, coming into**  
 6 **the care system. There is a lot of pressure on places**  
 7 **and the children with the most complex needs are often**  
 8 **the hardest to find places for.**  
 9 **It is clearly very unsatisfactory that a local**  
 10 **authority would do that, but it is not unprecedented and**  
 11 **it doesn't surprise me.**  
 12 MR FRANK: One of the things that you have been speaking of  
 13 is the relative lack of power that there is to sanction  
 14 such unregistered behaviour. In that instance, I think  
 15 there was a modest fine for each of the persons running  
 16 the school, about £1,000, I think --  
 17 **A. Yes, that's right.**  
 18 MR FRANK: -- the surcharge of £20 per child and no sanction  
 19 at all for the authorities who had actually sent the  
 20 children there in the first place.  
 21 **A. Correct.**  
 22 MR FRANK: Do you think that is a satisfactory state of  
 23 affairs or would you like to see your powers extended  
 24 for further sanction?  
 25 **A. Well, in relation to local authorities, we do do**

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1 **I think the will is now there to tackle this.**  
 2 MR FRANK: Am I right in thinking that you started your  
 3 investigation in 2017 and the unregulated school wasn't  
 4 closed until October 2019, so it took two years for the  
 5 inspection to achieve the objective?  
 6 **A. The time delays can be quite substantial. We don't**  
 7 **bring prosecutions. For a number of years, I think**  
 8 **there was a sort of -- there was some scepticism in**  
 9 **other quarters that prosecutions would succeed, that**  
 10 **courts would be willing to convict people, so it was**  
 11 **that -- that was only the third case but, as you say, it**  
 12 **took quite a long time to wind up -- sorry, to get into**  
 13 **motion.**  
 14 **I believe that the most recent case that I talked**  
 15 **about came through the system rather more rapidly, now**  
 16 **that people -- there's a little bit of a path being**  
 17 **established for these kinds of cases, there are people**  
 18 **in the CPS and elsewhere who understand what's involved**  
 19 **and people in the Department for Education, so I hope**  
 20 **that we will be able to see future cases through the**  
 21 **system faster. But, also, prosecution really should be**  
 22 **a last resort. Having it as the only regulatory**  
 23 **sanction with no intervening sanctions is clearly**  
 24 **problematic. It would be helpful to be able to -- be**  
 25 **desirable, for children, to be able to deter and cause**

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1 **inspections of local authority children's services. So**  
 2 **I'm not aware of the particular local authorities**  
 3 **concerned. But any sort of systematic irresponsibility**  
 4 **like that, inspection is not a full investigation of any**  
 5 **service or establishment. It cannot -- we cannot**  
 6 **guarantee that it picks up everything. But any local**  
 7 **authority that was systematically abdicating**  
 8 **responsibility in that way I would hope we would**  
 9 **establish that at inspection.**  
 10 **Sorry, what was the other half of your question?**  
 11 MR FRANK: Whether or not you felt that there would be --  
 12 you would have an advantage from having further powers?  
 13 **A. Well, we are the inspectorate, so we report on local**  
 14 **authorities. We have no enforcement powers of any kind**  
 15 **against local authorities in any context.**  
 16 **I think for us to become a regulator of local**  
 17 **authorities might be a rather sweeping change in**  
 18 **government. But we have been putting considerable**  
 19 **pressure on government and local authorities to think**  
 20 **creatively about how to create more capacity in the**  
 21 **sector, and a good deal of work has been going on around**  
 22 **the problems of unregistered children's homes and**  
 23 **unregulated provision for older children, and, again,**  
 24 **I think it is one of these things where COVID isn't**  
 25 **helping with the work of taking this forward. But**

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1 **people to close or change their operations much more**  
 2 **rapidly with the kinds of sanctions that can be operated**  
 3 **quickly.**  
 4 **So, as with child minders, we can suspend -- if some**  
 5 **kinds of intelligence come in to a child minder, we can**  
 6 **suspend them on the same day. That's a very different**  
 7 **place from the position of an unregistered school.**  
 8 MR FRANK: Yes, thank you very much.  
 9 THE CHAIR: Finally, Sir Malcolm?  
 10 PROF SIR MALCOLM EVANS: No, thank you, chair.  
 11 THE CHAIR: Thank you very much. Thank you, Ms Spielman,  
 12 for your evidence today.  
 13 MS SCOLDING: Thank you very much, chair. We have no  
 14 further evidence for today. May we adjourn until  
 15 10.30 am tomorrow when we will hear from  
 16 a representative from the Ministry of Justice?  
 17 THE CHAIR: Yes, we will do that, thank you.  
 18 MS SCOLDING: Thank you, Ms Spielman.  
 19 **A. Thank you very much.**  
 20 **(The witness withdrew)**  
 21 **(3.48 pm)**  
 22 **(The hearing was adjourned to**  
 23 **Friday, 22 May 2020 at 10.30 am)**  
 24  
 25

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