

<p>1 Thursday, 13 August 2020</p> <p>2 (10.30 am)</p> <p>3 THE CHAIR: Good morning, everyone, and welcome to Day 15 of</p> <p>4 this public hearing. Mr Tahzib?</p> <p>5 MR TAHZIB: Good morning, chair, thank you very much.</p> <p>6 Chair, as you know, the first witness this morning is</p> <p>7 Ms Nazmin Akthar, who appears on behalf of the Muslim</p> <p>8 Women's Network UK.</p> <p>9 Just before we come to Ms Akthar's evidence, chair,</p> <p>10 we ask for your permission to adduce five statements,</p> <p>11 please, and with your permission I will just run through</p> <p>12 what they are.</p> <p>13 THE CHAIR: Please go ahead, Mr Tahzib.</p> <p>14 Witness statements adduced</p> <p>15 MR TAHZIB: Thank you, chair. The first statement, the URN</p> <p>16 of which is MBD000001, is a statement from Rabbi Sofer</p> <p>17 on behalf of the Manchester Beth Din, and that statement</p> <p>18 explains the role of the Beth Din and its involvement in</p> <p>19 the case of Todos Grynhaus, a perpetrator about whom we</p> <p>20 heard evidence in May.</p> <p>21 The second statement, and the URN is FOS000001, is</p> <p>22 a statement from Rabbi Lazarus. That's a statement</p> <p>23 about the child protection arrangements within the</p> <p>24 Federation of Synagogues and its member synagogues</p> <p>25 located in Greater London and Manchester.</p> <p style="text-align: center;">Page 1</p>	<p>1 The third statement, chair, for which the reference</p> <p>2 is ADC000001, is a statement of Sarah Caton. Ms Caton's</p> <p>3 statement explains the role and the work of</p> <p>4 the Association of Directors of Children's Services, the</p> <p>5 ADCS. The ADCS has not undertaken any work specific to</p> <p>6 child protection in religious organisations and</p> <p>7 settings.</p> <p>8 The fourth statement, for which the reference is</p> <p>9 MHC00001, is a statement from Penelope Hobman on behalf</p> <p>10 of the Ministry for Housing, Communities and Local</p> <p>11 Government. The ministry have policy responsibility for</p> <p>12 faith engagement and have provided a statement about</p> <p>13 their work, which includes a faith leader training</p> <p>14 initiative and work with Strengthening Faith</p> <p>15 Institutions from whom we heard in May.</p> <p>16 The final statement, chair, is a statement for which</p> <p>17 the reference is INQ006082, a statement from</p> <p>18 Ms Narinder Kooner, who is the cofounder for the Sikh</p> <p>19 Women's Action Network, or SWAN. SWAN is a company that</p> <p>20 was registered in 2016 to support victims of domestic</p> <p>21 abuse, child sexual exploitation, grooming and</p> <p>22 honour-based abuse.</p> <p>23 Chair, with that, with your permission, I will</p> <p>24 proceed to the evidence of Ms Nazmin Akthar.</p> <p>25 MS NAZMIN AKTHAR (affirmed)</p> <p style="text-align: center;">Page 2</p>
<p>1 Examination by MR TAHZIB</p> <p>2 MR TAHZIB: Good morning, Ms Akthar. Thank you for coming.</p> <p>3 We appreciate you being here.</p> <p>4 A. Good morning.</p> <p>5 Q. A few introductory points. Firstly, I understand that</p> <p>6 you have a hard copy of your statement and, indeed,</p> <p>7 a bundle there in front of you. This isn't a test of</p> <p>8 memory. Please feel free to refer to your statement, to</p> <p>9 any of the documents in that bundle or to other notes</p> <p>10 that you may have made.</p> <p>11 A. Thank you.</p> <p>12 Q. Second, we intend to take a break in about an hour's</p> <p>13 time, at around 11.30 am, but we can take a break at any</p> <p>14 time and for any reason. Just let me know.</p> <p>15 A. Thank you.</p> <p>16 Q. Finally, at various points, I will ask for documents to</p> <p>17 be brought up onto the screen. We may just have to wait</p> <p>18 a couple of seconds for Danny, our document handler, to</p> <p>19 bring them up, and we should all be able to see them</p> <p>20 there on the screen, and I can ask you about them.</p> <p>21 Ms Akthar, just to begin, could you please confirm</p> <p>22 your full name for the inquiry, as well as your role</p> <p>23 within the Muslim Women's Network UK?</p> <p>24 A. My name is Nazmin Akthar. I'm the co-chair of Muslim</p> <p>25 Women's Network UK and, as Muslim Women's Network UK is</p> <p style="text-align: center;">Page 3</p>	<p>1 a charitable company, that means I fulfil the role of</p> <p>2 trustee and non-executive director.</p> <p>3 Q. You have provided a statement to the inquiry, and it is</p> <p>4 13 pages long.</p> <p>5 A. Yes.</p> <p>6 Q. The reference for that statement is MWN000001. Just</p> <p>7 a brief point: I think the version of the statement that</p> <p>8 we have on our system and that you have in the bundle</p> <p>9 there isn't actually signed, but could I just confirm,</p> <p>10 have you had the chance to read through the statement</p> <p>11 recently?</p> <p>12 A. Yes, I have.</p> <p>13 Q. Are its contents true, to the best of your knowledge and</p> <p>14 belief?</p> <p>15 A. Yes, they are.</p> <p>16 Q. Thank you. Ms Akthar, to begin, then, just a few</p> <p>17 questions about the Muslim Women's Network UK generally,</p> <p>18 when was the organisation founded, please, and what is</p> <p>19 its aim?</p> <p>20 A. So the organisation was initially an informal community</p> <p>21 group that was actually working with government</p> <p>22 officials. It was initially part of the National</p> <p>23 Women's Commission. In 2007, it became independent and</p> <p>24 was registered as a community interest company, and then</p> <p>25 in 2013, it became a registered charity.</p> <p style="text-align: center;">Page 4</p>

<p>1 Its ultimate aims are to promote equality and 2 diversity, to promote social inclusion amongst Muslim 3 women and girls, and racial and religious harmony. 4 These are essentially our broader aims. In terms of 5 the work we do, it is even broader. 6 So we work with victims of abuse, of all forms of 7 abuse, with victims of discrimination, we carry out 8 research, training, we run a helpline and provide 9 counselling services, all as a bigger picture of 10 providing support and tackling and ending abuse and 11 discrimination on faith of Muslim women and girls in the 12 UK. 13 Q. You have just described there you do a very broad range 14 of work. 15 A. Yes. 16 Q. You work with, as you have just said, all victims of 17 abuse. What work do you do specifically with those who 18 have been sexually abused as children, please? 19 A. So, in terms of those who have been abused as children, 20 the key area of work that we do is run the Muslim 21 Women's Network helpline. That is the first point of 22 contact that victims would have with us, through which 23 we provide support and advice and casework support as 24 well, depending on individual needs. 25 Linked to that is our counselling service. As I'm</p> <p style="text-align: center;">Page 5</p>	<p>1 sure you will appreciate, given the trauma that the 2 victims of abuse go through (inaudible) counselling. 3 Linked to that is then our work to do with research 4 and advocacy. So what we -- we use the findings from 5 our cases and highlight the experiences of the victims 6 to (a) -- you know, (a) highlight that there is an 7 issue, because a lot of the times we find that there is 8 reluctance to accept the prevalence of child sexual 9 abuse in communities, and then we also use that to ask 10 for changes, make recommendations, and, finally, we also 11 carry out training and education sessions, where 12 possible, with children to, you know, empower them so 13 that they can better understand what is right and wrong 14 and their rights, with parents, with schools. 15 Essentially, whoever we can train and raise awareness 16 with, we work with on the issue. 17 Q. One of the things that you have just mentioned there, 18 and indeed it is in your statement as well, is that you 19 conduct research and you publish research reports. 20 Could you just give us an idea of the kind of research, 21 or the kinds of reports, that your organisation has 22 published? 23 A. Yes. So what we do is, like I say, use real-life case 24 studies, obviously amended and anonymised for the safety 25 and security of the individuals involved, in order to</p> <p style="text-align: center;">Page 6</p>
<p>1 highlight the issues that are prevalent, so that (a) it 2 can help raise awareness; (b) ensure that appropriate 3 support can be given and to effect change. 4 So the key example that's relevant to you is, in 5 2013, we published a report called "Unheard Voices", 6 which was focused on victims of -- Asian victims of 7 sexual exploitation. It was predominantly focused on 8 children, although there were young and vulnerable 9 adults involved within this project as well. And the 10 aim of it was, (a), to highlight at the time, especially 11 in 2013, there was generally a reluctance across the 12 board to accept that Asian Muslim girls could be victims 13 of sexual exploitation, so it was the first time that it 14 was, you know, highlighted that, actually, yes, this is 15 an issue within Muslim communities and we do need to 16 provide support and protection to stop child sexual 17 exploitation within the communities there. And, more 18 recently, we also published another report, which was 19 actually focused on the criminal justice system and 20 Muslim women's experiences within the criminal justice 21 system, but the link here is that one of the key issues 22 is obviously when -- victims find it very difficult -- 23 victims of sexual abuse in particular -- to seek help or 24 to report what's happened to them either now or 25 historically. What we are finding is that, when they do</p> <p style="text-align: center;">Page 7</p>	<p>1 take that step, it's not then taken further. So one of 2 the examples in one of the case studies in our criminal 3 justice report is of a victim who highlighted historical 4 child sexual abuse and she was told, "Well, there's 5 nothing more we can do about it because you've run out 6 of time", and it's one of those issues that we think is 7 really, really crucial to be addressed if we want to 8 tackle child sexual abuse because immediately that is 9 a barrier that this victim has faced and other victims 10 are going to feel discouraged to seek help themselves, 11 because, you know, one person tried and didn't get 12 anywhere. So this is another report where, although the 13 focus is criminal justice system-related issues, it does 14 still link into the wider picture of how victims of 15 sexual abuse -- child sexual abuse are being protected 16 and supported. 17 Q. Thank you very much. Ms Akthar, just before I forget, 18 I've just had a note from my transcribers. Just for 19 their benefit, if I could ask you just to try to speak 20 slightly more slowly, just so they can catch everything 21 you are saying, we would be very grateful. 22 A. I'll try. 23 Q. Thank you for your response there. Indeed, you 24 mentioned the report "Unheard Voices", which we will 25 come back to in a few moments.</p> <p style="text-align: center;">Page 8</p>

<p>1 As I understand it, Ms Akthar, the bulk of your work 2 as an organisation is with victims. 3 A. Yes. 4 Q. You mention at paragraph 8 of your statement that you do 5 also (interference) organisations. Could you briefly 6 just summarise what work you have done with religious 7 organisations specifically? 8 A. So our work with religious organisations is, I would 9 say, on an ad hoc basis, in the sense that we take the 10 opportunities when we are able to, depending on funding, 11 resources and also the willingness of religious 12 institutions to work with us. The types of work we have 13 done is training events with them to raise awareness of 14 child sexual exploitation, to enable attendees to spot 15 the signs, to also educate institutions on what they can 16 do to prevent and tackle child sexual abuse, and actions 17 that they can take. So it's usually in the context of 18 that. 19 We also do work with some religious institutions 20 from time to time to raise awareness of the support 21 that's available, so there will be mosques across the 22 country who, for example, will share details of 23 the helpline for victims that they may come across, for 24 example. 25 Q. Just going back to the helpline, you say at paragraph 5</p> <p style="text-align: center;">Page 9</p>	<p>1 of your statement that the helpline is, and I quote, 2 your greatest source of knowledge and information on the 3 issues faced by Muslim women and girls? 4 A. Yes. 5 Q. It is right that the helpline was launched 6 in January 2015? 7 A. Yes. 8 Q. Who runs the helpline, please? 9 A. The helpline is run by an expert team of highly trained 10 helpline advisors. We have a team of -- so the calls 11 are taken by helpline workers, and we have approximately 12 ten helpline workers at present who, on a rotational 13 basis, take calls. The helpline is then managed by 14 a helpline manager, who obviously provides support and 15 assistance. As I mentioned, linked to the helpline are 16 our caseworkers, as well as our counsellors. So our 17 helpline workers will carry out the initial work and the 18 more serious or more involved cases would then be 19 referred to either caseworkers or to the counsellors. 20 Overall oversight is with the executive director and 21 finally the board. 22 I guess the other aspect of it is that the executive 23 director and the board, including myself and my co-chair 24 and another trustee, do get involved in the very serious 25 safeguarding cases where we need to provide that</p> <p style="text-align: center;">Page 10</p>
<p>1 additional support and guidance on the next steps on how 2 best to safeguard children and young vulnerable adults. 3 Q. In terms of who can access the helpline, who is it open 4 to, please? 5 A. It is actually open to all. Absolutely anyone can call 6 us. The reason we are called the Muslim Women's Network 7 Helpline is essentially to make sure that Muslim women 8 and Muslim girls feel able to call somebody and know 9 that there is a service available that will specifically 10 understand their specific needs and issues and all of 11 the cultural and faith-based factors that may be 12 involved in their circumstances. 13 So it is open to all and we do get calls from people 14 from all genders and faiths and of no faith, but it is 15 predominantly Muslim women and girls that we end up 16 supporting, simply by virtue of who we are. 17 Q. It's right that you carry out annual reviews of 18 the helpline? 19 A. Yes. 20 Q. Who carries out these reviews, please? 21 A. We have an external evaluator who we hire on 22 a consultancy basis to carry out the evaluation because 23 it's very important to us that we are doing everything 24 absolutely correctly and that can only be done with an 25 external evaluator who can, you know, look at everything</p> <p style="text-align: center;">Page 11</p>	<p>1 and give us feedback on what can be improved. If you do 2 look at our reports, you will actually see that each 3 year we do then put any recommendations into action, and 4 whatever we can't put into action, we work on them going 5 forwards to put them in later, and you will be able to 6 see the gradual progress accordingly. 7 Q. Thank you. I do actually want to bring one of them up 8 now, if I may. So it's behind tab B7 of your bundle. 9 Danny, could we bring this up on the screen as well, 10 please? It's MWN000004. If we could just turn forward, 11 please, to page 4 of the document, Danny, we can see 12 there the substantive paragraph in the middle of that 13 page that says: 14 "The aim of the helpline was to make sure that the 15 voices of Muslim girls and women were listened to and 16 data about the lived experiences of Muslim women was 17 collected, collated and shared." 18 Then it describes: 19 "Over the four years, the helpline service has grown 20 from a part-time service responding to 68 contacts 21 monthly to a dynamic service, responding to over 22 302 contacts every month and offering support and 23 information on a range of 44 different issues that 24 affect Muslim women in the UK." 25 Obviously, it's grown significantly over the course</p> <p style="text-align: center;">Page 12</p>

3 (Pages 9 to 12)

<p>1 of the four years there. How have you advertised it or 2 assisted it to grow?</p> <p>3 A. It's pretty much -- we don't really have an advertising 4 or marketing budget. We did receive some support when 5 we first launched, and now and then we do get ad hoc 6 support to create some videos. So last year we were 7 able to receive support from the Build a Stronger 8 Britain campaign to have an awareness-raising video. 9 Other than that, it is pretty much predominantly just us 10 letting people know and word of mouth, you know, and 11 that's about it. Through our outreach workers and our 12 caseworkers, the more victims we help, the more we 13 become known.</p> <p>14 Q. Have you found Muslim organisations to be willing to 15 advertise your helpline?</p> <p>16 A. I think it depends on the organisation. I would say, 17 you know, there are some positive examples of 18 organisations and in my statement I do mention, for 19 example, a mosque in Southampton that displays our 20 helpline number very predominantly on its notice board 21 and encourages people to call us, but, you know, if you 22 look at the number of religious institutions in the UK 23 and the number that are willing to advertise, you know, 24 I would say the figures speak for themselves. It is 25 very low.</p> <p style="text-align: center;">Page 13</p>	<p>1 I think -- again, it's something that I mention in 2 my statement -- that is partly because we feel that they 3 don't think that there's a need for the Muslim Women's 4 Network Helpline and they don't understand why it is 5 necessary to begin with or it may be that they are not 6 supportive of our ethos and our values. By that, I mean 7 we are a very progressive pro equality and diversity 8 organisation and we have had various comments in life 9 saying that, you know, we shouldn't be supporting -- for 10 example, one of the comments made to us has been that 11 "You should be encouraging victims of domestic abuse to 12 go back to their perpetrators instead of breaking 13 homes", and you can imagine what more is said about 14 sexual abuse cases. You know, there's an ignorance of 15 the issue. They say -- you know, it's said we are 16 exaggerating numbers, for example. There is a lot of 17 issues around why we aren't getting the same level of 18 awareness raising support that we do from nonreligious 19 institutions -- you know, schools, other organisations 20 that work in the sector are very happy to support us and 21 raise awareness.</p> <p>22 Q. Thank you. So it sounds like there's a degree of 23 variation in how religious organisations respond to your 24 request to advertise the helpline. Have you encountered 25 resistance -- are there any particular sort of segments</p> <p style="text-align: center;">Page 14</p>
<p>1 or sectors of the community within which you have 2 encountered particular resistance?</p> <p>3 A. I wouldn't actually say specific sectors. It is -- it 4 just happens to -- I mean, we do work within the Muslim 5 community and it is an issue within the Muslim 6 community, and I would say that's across the board. As 7 I say, there are positive examples, but, unfortunately, 8 as we know, the next -- you know, it is something that 9 we need to focus on in order to effect change. As 10 I said, the examples I've given, they are quite regular. 11 You know, many a time where I personally have been 12 speaking to certain individuals linked to religious 13 institutions and informed them about the helpline and 14 their response has been, "Oh, we already have somebody 15 that can help out", and it's usually an employee that 16 they have decided, within their organisation, they think 17 is good enough to discuss these issues, when, in actual 18 fact, they don't have that training or expertise, and, 19 more important than that, the MWN Helpline is 20 a confidential, non-judgmental helpline and you need 21 that external support service, but, for some reason, 22 there is a complete lack of understanding of the fact 23 that this is necessary, especially victims -- children 24 who are victims of sexual abuse, they're not going to 25 feel able to open up to just about anybody.</p> <p style="text-align: center;">Page 15</p>	<p>1 Q. Danny, could we get the document back up, please, 2 MWN000004. I just want to move forward to page 47, 3 please. Danny, you have anticipated my question, which 4 was pages 47 and 48 up together, so that's great.</p> <p>5 Ms Akthar, this is an appendix to the review that we 6 were just looking at together, and it seems to be a log 7 of the different types of calls that are received. We 8 can see a total there at the bottom right of 2,793 9 calls. On page 46 there, we can see, three lines up 10 from the bottom, "Sexual abuse (child)" and a total of 11 17 calls. Just before we come to that, actually, the 12 table is organised according to three columns: 13 "Primary", "Secondary" and "Tertiary". Are you able to 14 just explain briefly what those refer to?</p> <p>15 A. Yes. So the "Primary" label refers to the main reason 16 that someone has called us, so, for example, when you 17 look at the line that you have actually highlighted, 18 seven people called us for, you know, "sexual abuse", 19 specifically with the aim of talking about this. In 20 other instances -- in fact, if you don't mind, if I can 21 go for a different example.</p> <p>22 So, for example, if we went to look at 23 "Immigration". So 20 people called us specifically 24 because they had an immigration issue, and that was the 25 main reason for calling us. However, sometimes someone</p> <p style="text-align: center;">Page 16</p>

<p>1 may call us for -- the main reason for calling us is 2 housing because they are about to become homeless and 3 immigration is actually the second -- you know, is 4 a secondary reason that contributes to the first, which 5 is why the "Secondary" column refers to, you know, the 6 link to issues to that. And the tertiary issue is 7 a further issue that is contributing to it which isn't 8 the main reason for someone calling, and that is perhaps 9 most prominent, for example, when we look at mental 10 health feelings. 58 people didn't call us for mental 11 health-related reasons, they called us for support in 12 relation to, for example, sexual abuse or domestic 13 abuse, but mental health was a key factor in all of 14 these issues that we needed to provide support on. You 15 wouldn't be able to support victims of sexual abuse if 16 you didn't also assist them with the mental health 17 aspect, which is why we specifically introduced the 18 counselling service. 19 So that is what it's referring to, that sometimes 20 people may not call us specifically for -- to talk about 21 sexual abuse, they may be calling to talk about 22 something else, but a factor then can be -- the 23 secondary or tertiary factor can be sexual abuse. 24 Q. Thank you. That's very helpful. So we can see that 25 many of the -- there are certain categories for which</p> <p style="text-align: center;">Page 17</p>	<p>1 there are many calls that you receive. Mental health, 2 that you have highlighted, is an example of that; 3 domestic abuse; and divorce are other examples; as is 4 the category of "none", actually. It has a total of 885 5 calls. In relation to child sexual abuse, so that's the 6 third row up from the bottom, there's a total of 7 17 calls there. Would that include non-recent child 8 sexual abuse as well as recent? 9 A. That would be -- historic cases of child sexual abuse 10 would be the category right above the one you have 11 highlighted, "Adult survivor of child sexual abuse" 12 calling us. 13 Q. Sorry, that's right. If someone called up to the 14 helpline to report child sexual abuse, what kind of 15 support would they receive from the helpline? Would 16 they be encouraged to report to the statutory 17 authorities? What other kind of support would they 18 receive? 19 A. Yes, especially with children involved, obviously we 20 have to consider their safeguarding and welfare and 21 there are additional laws, et cetera, that we need to 22 take into account, because their welfare and best 23 interests is paramount to all of this. With the support 24 we provide, it would range quite widely, depending on 25 the individual circumstances of the case. If somebody</p> <p style="text-align: center;">Page 18</p>
<p>1 was in immediate danger, for example, and we felt we 2 needed to intervene, we may, you know, feel the need to 3 call the police ourselves. The main point, step, is 4 always to build that rapport and assess the situation 5 and we do have very robust procedures in place to deal 6 with that, which is why all of our staff have been 7 highly trained to deal with these issues. But it would 8 be, you know, providing physical support, in terms of, 9 if they need to be removed away from the abusive 10 environment, if we needed to intervene; it will be 11 emotional support, building that trust, providing 12 counselling support; it might be providing casework 13 support, so they can have alternative housing, 14 et cetera. 15 It's difficult for me to give you an actual formula, 16 because it really is case by case. It depends on the 17 victim. Sometimes, as I'm sure you will appreciate, 18 some victims, if you intervene too soon, you have 19 actually broken that trust and what you need is 20 obviously them protected and their support. The last 21 thing you want is to call the police immediately and 22 then the victim turns around and says, "Nothing has 23 happened" and then they're stuck with the perpetrator 24 forever and will never, ever speak again. So it really 25 is a case-by-case decision to the extent of the support</p> <p style="text-align: center;">Page 19</p>	<p>1 that we provide and the extent of the intervention we 2 provide. Where possible, we do aim to try and work with 3 the victim to -- a lot of the work we undertake is with 4 support, at least with their permission. 5 Q. Ms Akthar, I want to go back now to another theme, go 6 back to your statement to look at another theme with 7 you, which is child sexual abuse in religious settings 8 generally. One of the things that you helpfully do 9 within your statement is identify a number of different 10 settings, religious settings, within which abuse may 11 take place. I just want to go through that, please, 12 with you. 13 Danny, could we bring up the statement, actually, 14 please: MWN000001_005. We can see there paragraph 10 of 15 your statement you describe a number of different 16 contexts. The first one is mosques and Islamic faith 17 schools. The next context that you identify at 10(b) is 18 abuse in the home environment, but in a teaching 19 context. You say that some parents may pay an 20 individual, an imam or a Hafez, to attend their moment 21 to teach their children about the Quran. 22 For those who are listening and may not be aware, 23 can you identify what an imam and what a Hafez is, 24 please? 25 A. An imam is a religious scholar who has had training to</p> <p style="text-align: center;">Page 20</p>

<p>1 be able to lead prayers. A Hafiz is somebody who is – 2 an imam is also trained to obviously teach the Quran as 3 well, but a Hafez is somebody who has been trained in 4 learning the Quran, is able to memorise it, recite it, 5 and is then able to teach it to others as well. 6 Q. Generally, how would a parent identify an imam or 7 a Hafiz to come to their home to teach their children? 8 Would it be a private arrangement or would it be 9 organised through a particular religious institution 10 such as the mosque? 11 A. Our experience says it's usually a private arrangement. 12 It may well be through the mosque in the sense that the 13 mosque may have recommended them or an individual may be 14 linked to a mosque. It really does vary. Sometimes 15 it's just word of mouth and where a friend says, you 16 know, "My child has been taught by such and such person 17 and we think they're very good", and then the parents 18 also take them on. Sometimes it is just a case of, you 19 know, somebody, once upon a time, knew this person, this 20 imam or Hafiz's family member, so the grandparents of 21 the parents and the Hafiz were friends once upon a time, 22 and they think, "Oh, I know this person, so I will hire 23 them to teach my child". It is very informal 24 arrangements. There is no specific register, for 25 example, where you would go and sign up and look for</p> <p style="text-align: center;">Page 21</p>	<p>1 somebody, or anything like that. The practices depend 2 on the individual. 3 Q. The next category that you identify, this is 4 paragraph 10(c) -- this is another context you say 5 within which abuse can be perpetrated, and that's abuse 6 facilitated through religious organisations or leaders. 7 A. Yes. 8 Q. Can you just briefly explain, what do you mean by that, 9 please, "religious organisations or leaders"? 10 A. So this is in the context of where religious leaders, 11 which could include imams or other institutions, have 12 some sort of interventional approach in matters, so the 13 example I have given you is actually of a woman who went 14 to a Sharia Council for a divorce and as part of 15 these -- for an Islamic divorce, sorry. As part of 16 these divorce proceedings, she was told that she can 17 only be divorced from her husband if she agreed to allow 18 the husband to meet the child, despite the fact that 19 they knew that the reason that she was actually even 20 asking for this divorce was that there were allegations 21 that the husband was sexually abusing the child and 22 Social Services were involved, Cafcass, et cetera, were 23 involved in the matter. They were going through, 24 obviously, the civil process. 25 And yet they were essentially saying to this woman,</p> <p style="text-align: center;">Page 22</p>
<p>1 "You are either going to stay married to this man 2 forever, because we are not going to grant you 3 a divorce, or you can allow your child to have access to 4 the father". So that's one example. 5 A similar example will be, for example, where 6 a husband or wife may split up and other self-appointed 7 religious leaders, I would say, not necessarily linked 8 to an institution, but those who have, you know, 9 a religious background, will get involved for mediation 10 purposes, and they will, you know, place pressure to 11 facilitate access, despite knowing what the allegations 12 are. 13 Q. Thank you. Just picking up on that example that you 14 have referred to there, it involved the Sharia Council. 15 Again, for those who may not know what that is, could 16 you just summarise what the Council is, please? 17 A. Yes. So apologies, this might be quite a long answer, 18 but, usually, where somebody has an Islamic marriage, in 19 order to get an Islamic divorce, either the husband has 20 to pronounce the divorce, and where the husband can't do 21 that, you would then have to go to a religious 22 institution to pronounce the divorce on behalf of 23 the husband instead, so they act as proxy. In this 24 situation, the husband was refusing to divorce the wife, 25 and so she had to go to Sharia Council and say to them,</p> <p style="text-align: center;">Page 23</p>	<p>1 you know, "This is everything that's happened and this 2 is why I want a divorce. Please pronounce it". The 3 Sharia Council is not -- it is not -- they have no legal 4 jurisdiction, they are informal committees, although 5 some are registered charities, but, generally, they 6 refer to themselves as providing 7 counselling/relationship -- you know, depending on how 8 they want to describe themselves, they refer to them as 9 providing those sorts of services. 10 But that is the context in which this woman went to 11 the Sharia Council. 12 Q. Thank you, that's very helpful. I want to go forward, 13 please, to subparagraph (d). Again, here you identify 14 another context in which abuse can be perpetrated which 15 you identify as spiritual guidance. You must forgive my 16 pronunciation here, spiritual healing, ruqyah. Can you 17 identify that what means, please? 18 A. I wouldn't be able to give you the Arabic translation, 19 but the simplest way I can explain it to you, it is 20 a form of exorcism in the sense that ruqyah is where it 21 is believed there is a spiritual issue in the sense that 22 a victim may have some black magic or external spirit 23 possession going on, and ruqyah involves various -- 24 everybody uses different methods, but some of 25 the methods will be reciting various verses of the Quran</p> <p style="text-align: center;">Page 24</p>

<p>1 and giving water and there may be some amulets Involved. 2 Each individual has their own form of practice book. 3 Essentially, the best way to describe it is to say 4 exorcism, in the sense that it is all about getting rid 5 of the black magic or evil spirit or dark presence 6 within an individual, allegedly within an individual, 7 I should say. 8 Q. Again, where would that usually take place? Would it be 9 in a religious organisation -- 10 A. It can be in a person's living room, so the parents 11 would hire somebody to come to their house and, you 12 know, perform these services. It can be in the mosque 13 and it can be in other religious institutions, depending 14 on who is being accessed. It can be in an individual's 15 home. For example, children are taken with their 16 parents to a person's home and told, "Okay, I will 17 perform the services here", and then the reason that 18 child sexual abuse then happens is obviously the parents 19 leave, the child is alone with this individual in that 20 person's home, and that's the context there. 21 Other times -- it can even be -- people can set up 22 shop as these spiritual healers. They won't necessarily 23 advertise it as such. From the outside, you're probably 24 looking at a very simple bookshop or clothes shop or 25 something to that effect, but within the community they</p> <p style="text-align: center;">Page 25</p>	<p>1 are known as individuals who can provide ruqyah services 2 or who have some sort of special powers that can help 3 get rid of these spirits, shall I say. So, you know, 4 you might be thinking you're going into a bookshop, but 5 actually there is someone there performing ruqyah and -- 6 so that's another setting. 7 Q. From what you are saying, it sounds like it is not 8 a formal list of people, for example, that's maintained 9 by the mosque who can provide these services, but it 10 could be informal and it can be by private arrangement? 11 A. It can be informal. It can be advertised, however, and 12 by religious institutions, and, in fact, you can 13 probably Google it and also find service providers. It 14 is completely unregulated. Most of the -- well, unless 15 you're in the community and facing these issues, you 16 wouldn't really be looking for it. So while there isn't 17 a formal process, formal organisations do get involved 18 and say, "Oh, we can provide this service". As I say, 19 this is what I meant by sometimes it can be within 20 a mosque if they say -- inform people that they do 21 provide that service or that a particular imam will do 22 something to that effect. 23 Q. I understand, thank you. Then, briefly, moving to the 24 last setting that you identify, this is 10(e), this is 25 Hijama -- again, I apologise for my pronunciation --</p> <p style="text-align: center;">Page 26</p>
<p>1 cupping sessions or spiritual counselling. Again, are 2 you able to briefly describe what this involves? 3 A. Hijama is a specific process that is said to have been 4 recommended by the Prophet, so it is a recommended 5 practice that's supposed to have health benefits, as 6 I understand it. The process itself involves using cups 7 to remove blood from the victim, so it is about removing 8 negative -- apologies, I don't know how to explain it, 9 like, medically or anything, but removing antitoxins and 10 toxic things in your bloodstream, for example. 11 I wouldn't be able to comment on the medical 12 authenticity of the process, but what we are finding is, 13 essentially, this is another form of service where it 14 opens up the possibility of abuse. Especially now 15 people are becoming more health conscious and they're 16 looking at more, you know, authentic, traditional, 17 holistic ways of promoting their health, and Hijama 18 sessions are one of those practices that is happening 19 more and more, but it requires, you know, an individual 20 to either go into somebody's home or somebody to come to 21 their home to remove them -- you know, remove their 22 clothing, and that has then led to forms of sexual 23 abuse. 24 Q. As I understand it, all of these are settings which you 25 say are settings within which child sexual abuse can be</p> <p style="text-align: center;">Page 27</p>	<p>1 perpetrated. 2 A. Yes. 3 Q. What you helpfully do in your statement after that is 4 identify -- having identified these settings, you then 5 identify various concerns about these settings which you 6 set out at paragraph 14 of your statement. Danny, we 7 don't necessarily need to get this up, actually, thank 8 you. 9 The first concern that you identify in 10 paragraph 14(a) is the lack of regulation in many of 11 these religious settings. Again, it's something we have 12 explored already in this investigation with others. 13 Does the Muslim Women's Network have any views about the 14 kinds of settings that ought to be regulated from 15 amongst the settings that you have just described, for 16 example? Which ones do you say -- 17 A. To be honest, I feel all of them need to be regulated in 18 one way or another. You know, if somebody, for example, 19 is setting up as providing "spiritual counselling" -- 20 and I use the word in quotes here, because spiritual 21 counselling covers providing, you know, ruqyah and 22 spirit possession and other forms of counselling. 23 I think there needs to be some form of regulation in 24 that because, even if we ignored that there is physical 25 sexual abuse involved, there is a lot of concern about</p> <p style="text-align: center;">Page 28</p>

<p>1 what is being said through these services, what exactly 2 is being done and, you know, who is being manipulated. 3 I think one of the issues that I haven't raised in 4 my statement, now that I think about it, is actually 5 that sometimes these services are the start of 6 the process of manipulating a child. They may well wait 7 until the child is 16, but the process has already 8 started, and it is -- so from a legal point of view, 9 there may not be sexual abuse at that point -- well, 10 sorry, there isn't child sexual abuse. However, this is 11 somebody who is taking advantage of a position of 12 authority, so it is sexual abuse in that sense. We need 13 to regulate all of these settings in order to ensure 14 that children aren't being manipulated, aren't being 15 coerced, aren't being, you know, forced into sexual 16 activities and forced sexual abuse upon them through 17 grooming. Sometimes it isn't an immediate process, it 18 can carry on over a long period of time, and then 19 physical sexual abuse occurs.</p> <p>20 Q. Thank you. As an organisation, do you have a view about 21 what kind of body might be best placed to provide this 22 regulation?</p> <p>23 A. It is difficult, because there is -- I understand the 24 various pros and cons of different institutions, but 25 I do feel, like, generally, that there should be an</p> <p style="text-align: center;">Page 29</p>	<p>1 external body. But it is perfectly possible to have an 2 external body but still have experts involved that have 3 a key understanding of the specific issues, for example. 4 So in the Muslim context, I don't see any reason why 5 there can't be an external body that governs all 6 religious settings but which includes, for example, 7 seeking guidance from the Muslim Women's Network, from 8 other religious community ourselves, et cetera, to guide 9 their understanding of faith-based practices, because 10 I feel one of the key issues around child sexual abuse 11 is actually being able to say, "Oh, well, you don't 12 quite understand how things work", or, "You don't 13 quite" -- "because you're not of this faith, then you're 14 not really going to understand the issues around it". 15 But, actually, child sexual abuse is really simple, 16 black and white. It doesn't matter what faith you are, 17 what community you are, at the end of the day, there is 18 no debate over what child sexual abuse is; it is about 19 how do we safeguard them. That's what -- yes, you might 20 need additional guidance from other organisations, but 21 I don't see why an external body wouldn't be able to do 22 that.</p> <p>23 Q. One of the things you say in this context -- this is 24 paragraph 14(a) still of your statement -- is that you 25 say it is very easy to manipulate the facts and to argue</p> <p style="text-align: center;">Page 30</p>
<p>1 that services are being provided to adults rather than 2 children. Can you just unpack what you mean by that, 3 please?</p> <p>4 A. What paragraph are we referring to?</p> <p>5 Q. Paragraph 14(a) of your statement.</p> <p>6 A. Yes, so, for example, and this is in the context of 7 ruqyah, if you ask an individual, "Has this person, you 8 know, been left alone with your child?", for example, 9 or, "Has this person -- have you hired this person to 10 carry out ruqyah services on your child?", they will 11 say, "No, they are somebody who provides us, as 12 a family, or us, as the parents, with spiritual guidance 13 and counselling. They're somebody who comes to our home 14 to better educate us on Islamic settings".</p> <p>15 The reason I say this is because we need to be 16 careful, if we are, for example, going to recommend that 17 all services are regulated, we need to be careful not to 18 say all services that are provided to children, because 19 my point is that then parents will say, "Oh, we can just 20 say that it is for us, not for our child", but then the 21 facilitation has happened anyway. What we need to make 22 sure is that the end goal is that children are protected 23 and anyone accessing children by providing those 24 services is stopped from having the opportunity to 25 sexually abuse the children, and that was the point</p> <p style="text-align: center;">Page 31</p>	<p>1 I was trying to make, that we do need to think of 2 the bigger picture and make sure there are no loopholes 3 around that people can exploit to still have access to 4 children and, in fact, potentially by using their 5 parents as the cover for it.</p> <p>6 Q. We have looked at one of your concerns around the 7 settings which is to do with regulation. At 8 paragraph 14(b) you identify another concern, which is 9 manipulation or misinterpretation of religious text as 10 a way of coercing victims. I want to just look at an 11 example of this with you, just to understand it. It's 12 behind tab B15 of your bundle. Danny, could we bring it 13 up, please, it is MWN000002. Again, this is one of 14 the annual reviews of your helpline. It's an earlier 15 one than the one we looked at before. It is 16 dated February 2017. As I understand it, it 17 reviews January to December 2016.</p> <p>18 A. Yes.</p> <p>19 Q. If we just go over the page, please, Danny, on to 20 page 23, at the bottom of the page there we can see 21 there is an example of child sexual abuse and sexuality. 22 It describes the case of Shabnam, which I know is 23 a fictitious name put in to protect the identity of 24 the victim, who was sexually abused as a child. She 25 raised her concerns about abuse as an adult survivor and</p> <p style="text-align: center;">Page 32</p>

<p>1 she was told that black magic was done on her. How 2 common is it, in your experience, to find that religious 3 texts are being used to justify behaviour in this way? 4 A. In my opinion, I feel that it's actually very common, 5 and it's not necessarily religious texts per se, but the 6 overall concept around it. So, for example, within the 7 Muslim community, within the Islamic faith, there is 8 a belief that there are external spirits, you know, 9 humans aren't the only people in this world, and that 10 context is then used to frighten and manipulate children 11 and adults, and so in this context I talk about black 12 magic. 13 The reality is, if you look at actually what Islam 14 says, even though, yes, there is an acknowledgement that 15 the world is -- or the universe is magnificent and there 16 will be a lot more in this world, it isn't saying that 17 black magic is very common and it isn't saying that 18 spirit possession is common. In fact, it is saying the 19 opposite, that this is rare, that this isn't going to 20 really happen to you. Yet that part is ignored. What 21 is focused on is, "Oh, yes, black magic is the reason 22 this has happened to you, you have been possessed by an 23 evil spirit", or the perpetrator has been possessed by 24 an evil spirit. We have had cases that, when the victim 25 has reported the matter or informed her parents of it</p> <p style="text-align: center;">Page 33</p>	<p>1 and, you know, there have been some discussions, they 2 say, "Oh, you know what, it wasn't him, the perpetrator, 3 that did this to you, it was the evil spirit that was 4 within him and now he's been cured and that's why he 5 won't do it anymore". 6 Q. So these are examples of, as you say, not just religious 7 texts but religious ideas of theology being used? 8 A. Yes. It's not necessarily religious texts, but the 9 manipulation or, you know, the way they misconstrue it. 10 So they will take one little thing and then turn it into 11 something completely different and sinister for their 12 sinister aims. 13 Q. Have you seen examples of the flip-side of this almost, 14 which is the idea of religious texts or religious ideas 15 being used to enhance child protection or reinforce the 16 importance of safeguarding? 17 A. Yes. So I'll actually have to give the example of 18 the Muslim Women's Network, because that is actually 19 what we are doing, and have been doing for a long time. 20 What we actually do is try to use the techniques of 21 the abusers against them by highlighting that, actually, 22 this is what the Quran says and this is what -- I will 23 give you an example of mental health, because it's 24 linked to sexual abuse, for example. 25 So one of the key tactics is that they will blame it</p> <p style="text-align: center;">Page 34</p>
<p>1 on black magic and say, you know, it's all to do with 2 that, and we will highlight that, actually, it's meant 3 to help (inaudible) and what you need to be doing is 4 seeking appropriate mental health help and we challenge 5 the stigma of mental health by highlighting that, 6 actually, the Quran says that you must, you know, seek 7 appropriate support, you need to make sure that you look 8 after your health and seek the correct support, and that 9 mental health matters are very real. 10 Similarly, we highlight that, you know, you have to 11 stand up -- you know, the Quran says you must stand up 12 for justice, for yourself and for others and it doesn't 13 matter if it is your own family member who is wrong, you 14 must stand up against them because that's your bigger 15 priority, which we use to encourage individuals -- 16 parents, friends, everybody -- that if you see wrong 17 happen to you, whether you're abused or whether you have 18 seen somebody else abused or you think somebody is about 19 to be abused, your faith actually tells you that you 20 need to do something about it. So we use it in 21 a positive context to highlight that actually what 22 they're saying isn't your faith; your faith is actually 23 telling you to protect people from abuse, telling you -- 24 promote a positive mental health and challenge the -- 25 you know, the myths around mental health, around sexual</p> <p style="text-align: center;">Page 35</p>	<p>1 abuse. 2 Q. Moving forward, and this is now 10(c) of your statement, 3 you identify another challenge within these contexts. 4 If I can summarise, it's naivety or a lack of 5 understanding of child sexual abuse. You say this may 6 be due to assumptions that those portraying themselves 7 as deeply religious would not sexually abuse children. 8 Do you think that this reverence or these assumptions 9 about religious figures continues today, despite all of 10 the publicised cases that we know about in recent times, 11 about religious leaders having been found to sexually 12 abuse children, for example? Do these sorts of ideas 13 still persist within the community, in your experience? 14 A. Absolutely, and I think part of the issue is there is 15 still, unfortunately, a prevalence of victim blaming. 16 So it will be in the form of saying, "The victim made it 17 all up" or "The victim was possessed by spirits, which 18 is why she's said all of this, but it's not really 19 true", notwithstanding the fact that, even though 20 there's been, you know, an official court finding, there 21 will still be -- it is very easy to say it's someone 22 else's fault and not this person's fault. 23 The other thing is as well, it's actually very easy 24 to say, "Oh, but it's only this person. It doesn't mean 25 everybody is like that" and of course, yes, I agree, you</p> <p style="text-align: center;">Page 36</p>

<p>1 must not stereotype anybody or assume that just because 2 it's happened once that it's not going to happen -- that 3 the universe is going to be like that. 4 Having said that, you shouldn't -- it always seems 5 to be the abuser -- there's a thousand excuses for the 6 abuser, and "Well, we shouldn't assume everybody is the 7 same". Yet it's very easy to blame the victims without 8 even thinking twice and thinking, "Hold on, if this 9 victim is saying it and that victim is saying it, why 10 don't we listen to them?" So there is a much bigger 11 issue here that needs to be addressed. 12 Q. Maybe just connected to that, you talk in your statement 13 about a lack of understanding of child sexual 14 abuse-related issues within the Muslim community. Do 15 you think it really is a case of literally less 16 awareness of these issues within the community, or is it 17 more a case that somehow the social norms of 18 the community prevent open discussion of these sorts of 19 issues? 20 A. I think it is a combination. I think some are just 21 naive, you know, they have grown up in, I guess, perhaps 22 more of an idealistic world, possibly, and they just 23 aren't aware that these issues have happened or they are 24 naive enough to just believe what's said to them, you 25 know, when someone -- they hear something and someone</p> <p style="text-align: center;">Page 37</p>	<p>1 says, "Oh, that person is making it up because they are 2 jealous of them" or "That person is making it up because 3 of mental health issues". You know, they are just very 4 quick to believe in it. 5 The other part of it is, however, that people just 6 don't speak about it. You know, there are many 7 occasions when the mother has been a victim of sexual 8 abuse herself, yet is reluctant to talk about it with 9 the child and, when the child raises it again, the 10 mother has been unable to really deal with it, and 11 I think that -- a part of that is that the mother is -- 12 herself has gone through the trauma and has not been 13 able to deal with it and almost has come back and 14 doesn't know -- you know, does not know what to do, and 15 that goes down to not being able to talk about it and 16 then there is the shame attached to it, the stigma 17 attached to it, especially where young girls are 18 involved. You know, there is, unfortunately, even to 19 this day, this attachment of honour on the girl, so 20 that, even though they have been abused and it is not 21 their fault in any way whatsoever, it's still, "Oh, you 22 have dishonoured us by this happening to you and this is 23 your fault and we need to now protect our family honour 24 by making sure nobody else finds out about it", because 25 it will be the girl who eventually is stigmatised.</p> <p style="text-align: center;">Page 38</p>
<p>1 That is what I mean when I was answering before 2 that, when it's the abuser, there is 1,000 excuses of, 3 "Oh, they have changed", or it's this reason or that 4 reason or whatever. But, when it comes to the actual 5 victim, it's "Oh, this has happened to her", and that's 6 it, "We're not going near her". She's been ostracised. 7 Q. Thank you. We will come back to shame and dishonour in 8 a moment. Just before that, one of the other factors 9 that you identify is fear of fuelling Islamophobia. 10 A. Yes. 11 Q. I wonder if you could just unpack how that operates as 12 a barrier? 13 A. So one of the unfortunate issues that keeps coming up is 14 when victims of sexual abuse -- and I don't mean just 15 children, I actually mean all victims of sexual abuse 16 within Muslim communities now. Whenever they raise, you 17 know, highlight their abuse and say who did it, 18 especially if it is somebody who is of a religious 19 authority, and by that I mean -- I don't necessarily 20 mean it has to be an imam, it is just somebody who is 21 deemed a religious figure, so it could be a Hafiz or 22 some other format, they're told, you know, "I don't want 23 to talk about it. Don't tell about it". Part of it 24 will be, yes, to do with shame and honour, "Oh, don't 25 talk about it because no-one will marry you ever again",</p> <p style="text-align: center;">Page 39</p>	<p>1 but the other excuse that is given to them or the reason 2 they are told to stay silent is, "Oh, don't talk about 3 it because, if it is picked up, then everyone will 4 think -- this will put the Muslim community in a bad 5 name", hence my link to Islamophobia, where essentially 6 they are worried that, because of the fear of 7 Islamophobia, they shouldn't talk about things and they 8 need to be protecting the community and keeping it 9 insulated from outside forces. 10 Q. Thank you, that's helpful. Where do these sorts of 11 fears come from? How are they inculcated within the 12 community? Is this a collective sense within the 13 community or does it come from the leadership? 14 A. I do feel it is becoming more and more collective. 15 I think it is just part and parcel of -- there is 16 Islamophobia, you know, within our world today, and 17 I guess when they see, you know, handling of certain 18 cases in the media, for example, and the way things are 19 portrayed, which then obviously has a knock-on effect on 20 the street, it does make them more defensive. So it 21 wouldn't just be religious leaders, it will be a general 22 sense across the board. 23 Having said that, whilst, yes, there is Islamophobia 24 and it is a very real issue within communities, that is 25 irrelevant to me when it comes to child sexual abuse and</p> <p style="text-align: center;">Page 40</p>

<p>1 it's not even something that should be considered.</p> <p>2 MR TAHZIB: Chair, I am about to move on to another topic</p> <p>3 but also conscious of the time. I wonder if that might</p> <p>4 be an appropriate moment for our mid-morning break?</p> <p>5 THE CHAIR: Yes. We will return at 11.45 am.</p> <p>6 (11.30 am)</p> <p>7 (A short break)</p> <p>8 (11.45 am)</p> <p>9 MR TAHZIB: Hello, Ms Akthar. Can I just check that you can</p> <p>10 still see and hear me okay?</p> <p>11 A. I can, yes, thank you.</p> <p>12 Q. Just before we get back to the questions, just another</p> <p>13 reminder, please, just about the pace of your responses,</p> <p>14 if possible, just to watch out so that our transcribers</p> <p>15 can catch everything. Thank you very much.</p> <p>16 Ms Akthar, we were talking before the break about</p> <p>17 some of the challenges that you have identified in the</p> <p>18 settings that we discussed previously. We were talking</p> <p>19 about Islamophobia. I want to move on now to discuss</p> <p>20 another one, please, which is shame and dishonour, which</p> <p>21 you also just referenced. It is something that the</p> <p>22 inquiry has already heard some evidence about in the</p> <p>23 first section of this hearing back in May.</p> <p>24 In your experience, does the concept of shame and</p> <p>25 dishonour apply as much to men as it does to women?</p> <p style="text-align: center;">Page 41</p>	<p>1 A. It is predominantly focused on women. The concept of</p> <p>2 shame and honour is revolved around anybody, but if we</p> <p>3 are talking about sexual abuse or -- well, violence --</p> <p>4 abuse in general, it is women and girls that it's</p> <p>5 focused on. You know, when we talk about child sexual</p> <p>6 abuse, even though the perpetrator will be male, for</p> <p>7 example, and the victim may be female, the dishonour is</p> <p>8 around the fact that she's been abused, not the fact</p> <p>9 that the perpetrator has abused her, which pretty much</p> <p>10 highlights how much of a gendered issue this is.</p> <p>11 Q. It is an issue that you explore in your report "Unheard</p> <p>12 Voices" which you referred to before. I just want to</p> <p>13 turn to that briefly now, please. That's at B16 of your</p> <p>14 bundle. There we see it, "Unheard Voices: The Sexual</p> <p>15 Exploitation of Asian Girls and Young Women.</p> <p>16 September 2013". Can you just briefly explain to the</p> <p>17 inquiry, please, what the background is to this report?</p> <p>18 A. The background to this report is essentially, at the</p> <p>19 time, around 2011/2012/2013, there were a lot of</p> <p>20 grooming cases that had come to light across the</p> <p>21 country, and one of the things that we had noticed was</p> <p>22 that, in all of the discussions, in all of</p> <p>23 the conversations around grooming guides, there was</p> <p>24 a lack of -- well, a lack of mention, a lack of</p> <p>25 understanding, of the fact that, actually, this is --</p> <p style="text-align: center;">Page 42</p>
<p>1 you know, victims can also be Asian and Muslim, and</p> <p>2 hence the title of it, "Unheard Voices", because we</p> <p>3 wanted to highlight that it's not -- you know,</p> <p>4 Asian/Muslim girls are also being exploited and their</p> <p>5 voices need to be heard too so that they can also be</p> <p>6 protected and provided with appropriate support and</p> <p>7 safeguarding. So that was the background behind it.</p> <p>8 We then -- it was led by my co-chair, Shaista Gohir,</p> <p>9 who collated the research. We got the cases together.</p> <p>10 These are real case studies. The helpline wasn't there</p> <p>11 at the time, so they aren't MWN-specific case studies.</p> <p>12 We worked with other organisations to obtain the case</p> <p>13 studies so we could collect them together, highlight the</p> <p>14 key findings, highlight that there are Asian victims of</p> <p>15 abuse, that the model of grooming is very different to</p> <p>16 the ones that were in the media at the time. The ways</p> <p>17 that Asian victims of grooming are targeted and then</p> <p>18 trapped and exploited is a different model, and so it</p> <p>19 was in order to raise awareness of that and, you know,</p> <p>20 help people spot the signs so that they can actually</p> <p>21 intervene and protect victims.</p> <p>22 Q. Danny, if we could get the report back up, please, and</p> <p>23 just going over the page to page 75 of the report, this</p> <p>24 is an extract from chapter 7 of the report which, as</p> <p>25 I understand it, deals with barriers to disclosure and</p> <p style="text-align: center;">Page 43</p>	<p>1 reporting. We can see there that section 7.2 is to do</p> <p>2 with blackmail involving shame and honour, and it says:</p> <p>3 "As sex before marriage is regarded as sinful in</p> <p>4 Asian culture and Muslim faith, girls did not want their</p> <p>5 families to find out that they were engaging in sexual</p> <p>6 activity."</p> <p>7 Further down, it gives examples of blackmail and</p> <p>8 threats that were featured in a few of the cases in the</p> <p>9 study, and perhaps just looking at a couple of them</p> <p>10 briefly. I know, again, you have anonymised the names</p> <p>11 here. So the first one is 12-year-old Farhah, whose</p> <p>12 boyfriend took her to a flat where he raped her, took</p> <p>13 photographs and threatened to tell her family unless she</p> <p>14 did as she was told. We can see the second one,</p> <p>15 a 15-year-old was raped in a local park, and her ordeal</p> <p>16 was filmed.</p> <p>17 Again, is this something that you encounter</p> <p>18 frequently in your work with the Muslim Women's Network?</p> <p>19 A. Yes.</p> <p>20 Q. Sexual abuse being filmed or photographed and those</p> <p>21 images being used as a threat, effectively?</p> <p>22 A. Yes. This issue has also featured in our latest report</p> <p>23 that was launched last year on the criminal justice</p> <p>24 system because it is prominent that it's still ongoing</p> <p>25 and, actually, perpetrators are becoming more and more</p> <p style="text-align: center;">Page 44</p>

<p>1 sophisticated in being able to use the loopholes to 2 their benefit.</p> <p>3 For example, one of the issues is that the threat of 4 making -- the threat to share is not yet covered, so -- 5 you know, as a criminal offence, which they use because 6 they haven't actually shared it yet. But the threat to 7 the victim, and that threat itself, is damaging for the 8 victims because, for them, it is the fact that the 9 parents might find out that is the issue.</p> <p>10 The other thing that we are also seeing is that, in 11 addition to images, and to photographs and videos, audio 12 recordings are now also being taken because there is no 13 law covering audio recordings. But the audio 14 recordings, you know, if it was played out to your 15 family member, they would know that -- you know, who the 16 victim is, so she's still identifiable, but the law 17 wouldn't cover it. So we are finding that, with each 18 year, perpetrators are actually getting more and more -- 19 well, smarter, they're learning how to find ways to 20 manipulate the law so that, if something did happen, and 21 the victim did report them, they wouldn't be in as much 22 trouble.</p> <p>23 Q. Have you had any experiences about how this particular 24 barrier to disclosure can be overcome?</p> <p>25 A. It's difficult because it really does depend on the</p> <p style="text-align: center;">Page 45</p>	<p>1 families and the communities and the support they can 2 provide. They are actually key to overcoming this 3 barrier and it's not going to happen overnight.</p> <p>4 We do have positive examples of families who, when 5 they have been told what's happened, have fully 6 supported their daughters and their children, and they 7 do need to be commended for that, because, actually, we 8 find more and more that they are the minority that 9 support their children. More often than not, it's the 10 daughter's fault, one way or another, and I do apologise 11 for focusing on girls, I know that boys are also 12 sexually abused, but because of the work we do and the 13 issues around honour and abuse and dishonour, it's 14 mostly girls that we deal with. But whilst there are 15 positive examples, more often than not the girl is 16 blamed, it was somehow her fault, she must have 17 encouraged it or it must have been the way she was 18 dressed. And then the consequences are -- it can be 19 deadly. It can be honour-based abuse, it could lead to 20 honour killings. We know victims who have been taken 21 abroad and forced into a marriage because they were 22 raped and sexually abused.</p> <p>23 You know, that's a problem, that the vast -- 24 unfortunately, the vast majority do take the most 25 deadliest and scariest of actions when they find out</p> <p style="text-align: center;">Page 46</p>
<p>1 that it almost -- even if a victim's parents would 2 generally actually be supportive, you just don't know 3 how they would react because no-one talks about it to 4 begin with and, when you do hear somebody talking about 5 it, it's in the negative and you have heard about 6 something really, really bad happening.</p> <p>7 Q. Having discussed these various barriers to disclosure in 8 your statement, one of the things you say -- this is at 9 paragraph 17 of your statement -- is that one of 10 the main challenges faced by those within religious 11 organisations is to change the culture of ignorance and 12 naivety and establish a safe environment where victims 13 feel able to speak up and to seek help.</p> <p>14 In your work with the Muslim Women's Network, have 15 you seen examples of that kind of cultural change being 16 achieved and sustained and what has it taken?</p> <p>17 A. As I said, change doesn't happen overnight, and it does 18 take a lot of different -- there is no one solution to 19 it. You need to carry out various different activities, 20 carry out -- you know, take various steps to achieve 21 change. But to give an example of something we have 22 done, you know, we have regularly worked with victims -- 23 sorry, we have regularly worked with children in schools 24 where we educate them on signs of abuse, signs of -- you 25 know, what's right, what's wrong, the law, how they can</p> <p style="text-align: center;">Page 47</p>	<p>1 be protected, et cetera, and that leads to more 2 disclosures, but it also leads to the teachers also 3 being educated and them calling -- because they have 4 then spotted signs, they then call and say, "Okay, 5 I think that this child may be abused or be at harm in 6 some way. What shall I do?" And that's a positive 7 sign. Because the key thing is to be able to think, 8 "Okay, child sexual abuse is wrong; I need to do 9 something about it," and that is the first step to 10 change in order to then end child sexual abuse; to 11 recognise that as wrong, recognise that it has such 12 a devastating impact on individuals' lives that you have 13 to be active and not passive and you have to actively do 14 something to stop it from happening.</p> <p>15 A key part of it, therefore, is for religious 16 institutions to make sure that they have full training 17 and full understanding of the issues, and not just pay 18 lip service to it with some sort of policy, "Oh, we 19 talked about it once upon a time five years ago and 20 that's enough". It has to be consistent, it has to be 21 regular, it has to be specific, that it really looks at 22 the key issues and really goes on the details. The 23 cases we just highlighted from "Unheard Voices", they 24 need to know those specific examples so that they can 25 spot the signs properly and then they need to ensure</p> <p style="text-align: center;">Page 48</p>

<p>1 that they take the steps to do something about it.</p> <p>2 Sometimes taking the step is just calling somebody</p> <p>3 else for advice who can help better. We are not saying</p> <p>4 that every religious institution and every employee has</p> <p>5 to be an overnight safeguarding expert and know exactly</p> <p>6 what they need to do, but they can, at the very least,</p> <p>7 call up for support and call the organisations, the</p> <p>8 charities, you know, the statutory service providers for</p> <p>9 the right support and say, "Look, I think this is</p> <p>10 happening. Please help".</p> <p>11 Q. Ms Akthar, I want to turn, finally, to explore with you</p> <p>12 various recommendations for improving child protection</p> <p>13 in religious settings, particularly in Muslim settings.</p> <p>14 You deal with this towards the end of your statement.</p> <p>15 I want to start with regulation and vetting and barring.</p> <p>16 I know we have touched on regulation already. One of</p> <p>17 the things you say in your statement is that the</p> <p>18 existing arrangements in respect of regulation are</p> <p>19 generally inadequate. Can we bring up, please, tab B8?</p> <p>20 It is document MWN000003, which is, as I understand it,</p> <p>21 your response to the DfE's consultation on out-of-school</p> <p>22 settings.</p> <p>23 A. Yes.</p> <p>24 Q. It's dated January 2016. If we can go to the second</p> <p>25 page, please, Danny, one of the things you say there in</p> <p style="text-align: center;">Page 49</p>	<p>1 paragraph 5 is that safeguarding concerns, such as</p> <p>2 sexual abuse and corporal punishment in faith-based</p> <p>3 educational settings, have long been highlighted over</p> <p>4 the years, but overlooked by successive governments. In</p> <p>5 what way do you say they have been overlooked?</p> <p>6 A. What we mean by that is that there have been, you know,</p> <p>7 campaigners, charities, women's activists have been</p> <p>8 talking about this for a very, very long time. It is an</p> <p>9 open secret in the sense that everybody is talking about</p> <p>10 it, everybody knows it is happening, yet action has yet</p> <p>11 to be taken. I mean, we are in 2020 now and we are</p> <p>12 talking about this now still, even though I have known</p> <p>13 about this for as long as I have been alive. So this is</p> <p>14 what we are talking about, that, you know, we know that</p> <p>15 this is happening, it has been going on for decades and</p> <p>16 decades and decades, and yet nothing has actually</p> <p>17 happened to address that within, you know, faith-based</p> <p>18 educational settings or the religious settings.</p> <p>19 Q. So moving down towards the meat of the proposals, as it</p> <p>20 were, you discuss there inspections. One of the things</p> <p>21 you say at paragraph 9 at the bottom, you say faith</p> <p>22 communities shouldn't be allowed to self regulate, and</p> <p>23 that inspections of such settings ought to be carried</p> <p>24 out by Ofsted. Why do you consider that Ofsted is best</p> <p>25 placed to carry out these inspections?</p> <p style="text-align: center;">Page 50</p>
<p>1 A. At the time that it was written, Ofsted obviously were</p> <p>2 the ones that were carrying out inspections in other</p> <p>3 school settings, so we felt then, and we still continue</p> <p>4 to feel, that whoever is already fully equipped and able</p> <p>5 to carry out inspections should be able to do it.</p> <p>6 I don't think there is necessarily a need to reinvent</p> <p>7 the wheel. Having said that, our key point from all of</p> <p>8 this is that we need to have an external body. So even</p> <p>9 though we have mentioned Ofsted here, if it was decided</p> <p>10 that there will be a new body set up to specifically</p> <p>11 look at religious institutions, we would be fine with</p> <p>12 that as well. Our key point is that, you know, faith</p> <p>13 institutions should not be self-regulating, they need --</p> <p>14 you know, they shouldn't be having their own little</p> <p>15 bodies because then it just becomes a tick-box exercise</p> <p>16 where everybody is just agreeing with each other. We</p> <p>17 need an external organisation with specific statutory</p> <p>18 powers that is able to review, intervene and take</p> <p>19 action.</p> <p>20 Q. Just over the page, please, Danny, paragraph 10 there at</p> <p>21 the top of the page, you talk about the fact that, for</p> <p>22 inspections of these settings, if it becomes necessary</p> <p>23 to utilise inspectors that are also from the same</p> <p>24 background, it is important to ensure that women are</p> <p>25 also utilised.</p> <p style="text-align: center;">Page 51</p>	<p>1 Now, the inquiry has heard a range of evidence on</p> <p>2 the question of who ought to carry out these inspections</p> <p>3 and what qualifications they ought to possess, and so</p> <p>4 on. Do you think it is important that inspectors are of</p> <p>5 the same religious background as the setting in which</p> <p>6 they are inspecting, or is it sufficient that they are</p> <p>7 sort of generally faith literate, shall we say?</p> <p>8 A. I think being faith literate is sufficient, but that</p> <p>9 having somebody of the same background may also be</p> <p>10 helpful. So, essentially, what we are saying is, it's</p> <p>11 not -- it doesn't need to be compulsory that only</p> <p>12 a Muslim goes into a Muslim institution to inspect. If</p> <p>13 anything, actually, perhaps a better balance would be to</p> <p>14 have people of different faiths go in, so there was</p> <p>15 almost, like, you know, a wider way of viewing and</p> <p>16 carrying out inspections and to pick up on various</p> <p>17 issues.</p> <p>18 The key point for us is that, if you are going to</p> <p>19 decide that you must -- you know, if the decision is</p> <p>20 that it will be compulsory to have people of the same</p> <p>21 faith inspecting, then we must ensure that women are --</p> <p>22 you know, Muslim women are involved in that, because</p> <p>23 I can't think of anything worse than to decide that only</p> <p>24 Muslim men will be going into, you know, Muslim</p> <p>25 institutions to carry out inspections. They will not</p> <p style="text-align: center;">Page 52</p>

<p>1 pick up on the issues that Muslim women will be able to</p> <p>2 pick up on. We need to ensure that whoever carries out</p> <p>3 the work will actually do it keeping child safeguarding</p> <p>4 into account. To be honest, that is ultimately the real</p> <p>5 criteria: is the individual able to understand and</p> <p>6 identify risks associated with child sexual abuse? If</p> <p>7 they are, then they're competent enough to do the job as</p> <p>8 an inspector.</p> <p>9 Q. Thank you. In terms of the scope of any regulatory</p> <p>10 scheme, one of the things that you say in your witness</p> <p>11 statement is that the ambit of the scheme has to be wide</p> <p>12 enough in order to capture those organisations that only</p> <p>13 indirectly work with children. We have talked already</p> <p>14 about the Sharia Council, which I think would be an</p> <p>15 example of that, in your mind.</p> <p>16 A. Yes.</p> <p>17 Q. Would there be other -- are there other Muslim</p> <p>18 organisations that indirectly work with children that</p> <p>19 you are able to identify?</p> <p>20 A. So I guess the examples that I've mentioned before, they</p> <p>21 fall within it. So, you know, as I said, where they say</p> <p>22 that they're giving counselling support to parents, to</p> <p>23 do with marriage counselling, for example -- because</p> <p>24 they may not set themselves up as a Sharia Council, they</p> <p>25 may say they are some sort of counselling service. So</p> <p style="text-align: center;">Page 53</p>	<p>1 they need to be regulated because they may still have</p> <p>2 access to children and also make decisions for the</p> <p>3 children, for example, facilitating abuse.</p> <p>4 There will be -- you know, there may be other</p> <p>5 organisations that work with parents in a different</p> <p>6 manner, for example, informal community groups, they may</p> <p>7 be part of, you know, associations, et cetera, where</p> <p>8 children will be involved. Essentially, what we are</p> <p>9 asking for is that we don't want any loopholes within</p> <p>10 this, let's please make any recommendations, any steps</p> <p>11 taken, wide enough so that, no matter which way a child</p> <p>12 can be contacted or, you know, you can work with the</p> <p>13 child, they will be covered by the regulations.</p> <p>14 Q. Moving on to a related question, one of the things this</p> <p>15 investigation has been exploring with various witnesses</p> <p>16 is the whole scheme of vetting and barring, and, indeed,</p> <p>17 the inquiry is about to hear from Mr Greaves from the</p> <p>18 Home Office on this very question.</p> <p>19 Do you think that the current provisions relating to</p> <p>20 DBS checks are adequate to the various settings that you</p> <p>21 were describing earlier on today, or do you have any</p> <p>22 recommendations for how that might be changed?</p> <p>23 A. No, I don't think they're adequate, and I do think that</p> <p>24 they need to be strengthened. I'm not entirely sure</p> <p>25 why, at some point, that they were changed, because</p> <p style="text-align: center;">Page 54</p>
<p>1 there was a time when, you know, tutors, et cetera, who</p> <p>2 were working in the home environment, for example,</p> <p>3 I believe they needed to be DBS checked, or at least it</p> <p>4 was certainly recommended, and now they don't want to</p> <p>5 have to.</p> <p>6 I think it is very, very crucial to make that -- you</p> <p>7 know, make that compulsory. It doesn't really make</p> <p>8 sense to me that, in a teaching context in a school, you</p> <p>9 do need to be checked, but then a person can still come</p> <p>10 into your home and teach your child and there is no</p> <p>11 requirement for them to, you know, to check whether they</p> <p>12 have got a criminal background, and, in fact, I would</p> <p>13 say that -- I do appreciate that you don't want to go</p> <p>14 too far and, you know, ask that there's a DBS check for</p> <p>15 every single instance, but I think the approach that</p> <p>16 needs to be taken is it's better to err on the side of</p> <p>17 caution than not, and so the more -- I would rather have</p> <p>18 that more circumstances are covered where DBS checks are</p> <p>19 needed than not, because the balance really does have to</p> <p>20 be in favour of child protection.</p> <p>21 Q. Thank you, Ms Akthar. The last question I have for you</p> <p>22 is about minimum standards. One of the things that you</p> <p>23 say at paragraph 20 of your statement is that you</p> <p>24 believe that religious organisations should be subject</p> <p>25 to minimum standards. Obviously various organisations</p> <p style="text-align: center;">Page 55</p>	<p>1 have already done some work in this area -- the NSPCC,</p> <p>2 for example, have sort of template standards that they</p> <p>3 have defined. Do you think that the existing materials</p> <p>4 in this area are sufficient?</p> <p>5 A. I think the existing materials are helpful, and we</p> <p>6 should utilise them, but, at the same time, it would</p> <p>7 also be helpful to have more specific -- you know,</p> <p>8 guidance and rules specific to faith institutions, so</p> <p>9 that the additional factors can be taken into account,</p> <p>10 and we do need to look at it from an intersectional</p> <p>11 perspective because, as we have talked about, this isn't</p> <p>12 just about a faith here or about, you know, Asian.</p> <p>13 Ethnicity, age, all the cultural factors are also</p> <p>14 involved, and we need to take into account all the</p> <p>15 additional factors that need to be considered in terms</p> <p>16 of spotting the signs of abuse and the steps that need</p> <p>17 to be taken.</p> <p>18 One of the things I said before is, for example, our</p> <p>19 helpline, we do decide things on a case-by-case basis</p> <p>20 because, ultimately, we need to make sure we are</p> <p>21 protecting the victim from any further harm, and so it</p> <p>22 might not necessarily be the case that the best thing to</p> <p>23 do immediately is to call the parent because of</p> <p>24 suspected child sexual abuse, because, actually, (a) the</p> <p>25 parent may cause -- you know, cause harm or the parent</p> <p style="text-align: center;">Page 56</p>

<p>1 may know who the abuser is and is covering up, for 2 example. So we need to be aware of the wider issues 3 that may be at play, and ensure that the guidance also 4 covers that to say, these are the various circumstances 5 that could be involved, take them into account, don't 6 just immediately take -- you know, make a quick decision 7 and make a decision that could actually end up harming 8 the child more.</p> <p>9 MR TAHZIB: Thank you very much. Ms Akthar, you will be 10 relieved to hear that was my last question for you. But 11 if you just pause there for a moment, the chair and 12 panel may have questions for you.</p> <p>13 Questions from THE PANEL</p> <p>14 THE CHAIR: Thank you. Ms Akthar, I have a question 15 concerning the role of the police and Social Services in 16 investigating child sexual abuse and sexual exploitation 17 in your faith community. Have you any observations 18 about how that might be more effective?</p> <p>19 A. I would. So recently, we did have -- as I said, we 20 published a report on Muslim women's experience of 21 the criminal justice system, and that was one of 22 the issues that was covered, you know, the way child 23 sexual abuse, sexual abuse and sexual exploitation is 24 covered. A lot of it does, unfortunately, come down to 25 funding and resources. We do appreciate that the police</p> <p style="text-align: center;">Page 57</p>	<p>1 and the judiciary in general are underfunded and 2 under-resourced and have a lot to do, but it does come 3 down to -- we need them to take -- understand more of 4 the issues that are involved and to take -- also take 5 into account the various factors that could be at play.</p> <p>6 So, for example, they need to -- if they have been 7 informed that a victim has been sexually abused, the 8 immediate stand shouldn't be to go and call the parents, 9 perhaps. You know, they need to work with the victim. 10 They need to understand all aspects of it first before 11 they do that.</p> <p>12 The other thing is that we do need to ensure that 13 it's reported. Some of the issues we are finding is 14 that victims are reporting but then there is no 15 follow-up action. This isn't an example of a child 16 sexual abuse case, but I think it is important to share. 17 There was a victim of sexual abuse who was abused -- 18 she's an adult but she was abused during a Hijama 19 cupping session. Literally, she contacted us. With our 20 support, it was reported to the police, but initially 21 she didn't feel comfortable calling the police herself 22 so we did the reporting for her. And the police said, 23 "No, we can't accept it from you. She has to report 24 it", not understanding that, if you insist she reports 25 it, nothing is ever going to go anywhere. Eventually,</p> <p style="text-align: center;">Page 58</p>
<p>1 they did take our report, but then, by the time they 2 took any action, because this particular Hijama cupping 3 service provider only advertised now and then, so it was 4 an informal service, now and then he put it on his 5 Facebook on or some sort of WhatsApp group that he's 6 providing services on a particular day, by the time that 7 they took any action, he was long gone. There was no 8 further information about him. So nothing could be 9 done.</p> <p>10 Then she decided that she's not going to take any 11 further action. She said, "You know what, this is too 12 stressful. I don't want to pursue it any further". 13 I do feel that this particular victim has been let down 14 and this, therefore, hopefully demonstrates the level of 15 work that needs to be done, because, actually, victims 16 take a huge step, especially in the Muslim community, 17 when they report sexual abuse, because they do it at 18 great cost to themselves. They are the ones that are 19 going to be ostracised, they are the ones at risk of 20 violence and abuse. Yet, when they take that step, if 21 they don't receive the support and the correct process 22 isn't followed, then they are going to keep feeling let 23 down. That is going to discourage more and more victims 24 from seeking help. And, eventually, perpetrators are 25 going to feel more and more emboldened, because, if they</p> <p style="text-align: center;">Page 59</p>	<p>1 got away with it once, then they are going to get away 2 with it again and again.</p> <p>3 THE CHAIR: Thank you. Just a follow-up question here: when 4 the main statutory authorities are looking across the 5 piece looking at prevention within your faith community 6 and others, there has in the past certainly been 7 a tendency to approach traditional religious leaders and 8 community leaders who are almost always male.</p> <p>9 A. Yes.</p> <p>10 THE CHAIR: How do you think that issue might be addressed 11 or, indeed, do you believe that women ought to be, and 12 girls ought to be, more involved in engaging?</p> <p>13 A. Absolutely. I think they need to stop going to the 14 so-called, you know, traditional male religious leaders, 15 who are usually self-appointed to begin with. They need 16 to be going to women's rights organisations, they need 17 to be going to the women themselves and the girls 18 themselves. It is always frustrating for me that we 19 talk about protecting, you know, female children from 20 sexual abuse, yet we go to the men to ask them, "Right, 21 how can we protect them?" Why are we not going to their 22 mothers, to women, to women's rights activists within 23 the community, that are working at grass roots level? 24 We need to change that narrative and we need to say, 25 "Actually, stop. Who has the real knowledge? They do.</p> <p style="text-align: center;">Page 60</p>

<p>1 Let's go to them".</p> <p>2 THE CHAIR: Thank you, Ms Akthar. I will ask my colleagues</p> <p>3 if they have any questions. Ms Sharpling?</p> <p>4 MS SHARPLING: No, thank you, chair.</p> <p>5 THE CHAIR: Mr Frank?</p> <p>6 MR FRANK: No, thank you.</p> <p>7 THE CHAIR: And Sir Malcolm?</p> <p>8 PROF SIR MALCOLM EVANS: No, thank you, chair.</p> <p>9 THE CHAIR: Thank you very much, Ms Akthar. That concludes</p> <p>10 our questions.</p> <p>11 A. Thank you.</p> <p>12 (The witness withdrew)</p> <p>13 MR TAHZIB: Chair, thank you very much. The next witness is</p> <p>14 Mr Greaves, and I will hand over now to Ms Scolding.</p> <p>15 MS SCOLDING: Good afternoon, chair and panel.</p> <p>16 MR DANIEL PAUL RICHARD GREAVES (sworn)</p> <p>17 Examination by MS SCOLDING</p> <p>18 MS SCOLDING: Good afternoon, Mr Greaves. Thank you for</p> <p>19 coming. A few introductory matters: firstly, this isn't</p> <p>20 a test of memory, so please feel free to refer to your</p> <p>21 statements or those of your colleagues, any exhibits or</p> <p>22 notes. Secondly, we can have a break at any time and</p> <p>23 for any reason. Thirdly, at various points, I will ask</p> <p>24 for documents to be brought up on the screen and</p> <p>25 hopefully, if the technology works as planned, that</p> <p style="text-align: center;">Page 61</p>	<p>1 should take place, but there are also copies in your</p> <p>2 bundle.</p> <p>3 To start with, could I ask you to confirm your full</p> <p>4 name and also your role within the Home Office, please?</p> <p>5 A. My name is Daniel Paul Richard Greaves. I'm the crime</p> <p>6 director in the Home Office and I'm part of the crime</p> <p>7 policing and fire group.</p> <p>8 Q. Thank you very much. You have provided a witness</p> <p>9 statement to the inquiry which, chair and panel, is</p> <p>10 behind tab 10 of the bundle, which is two paragraphs</p> <p>11 long, dated 17 June 2020. Can I just ask you to</p> <p>12 double-check, did you sign that witness statement?</p> <p>13 A. Yes, I did.</p> <p>14 Q. Is it true, to the best of your knowledge and belief?</p> <p>15 A. It is.</p> <p>16 Q. Within that witness statement you essentially verify the</p> <p>17 contents of two witness statements that your colleague,</p> <p>18 whom I believe previously had policy responsibility for</p> <p>19 this area, undertook, which is Susan Young, dated</p> <p>20 29 May 2019 and 27 August 2019, and those witness</p> <p>21 statements, chair and panel, are behind tab 7 and tab 11</p> <p>22 of the bundle, and they will be published later today</p> <p>23 along with Mr Greaves' witness statement, because</p> <p>24 Mr Greaves' witness statement incorporates those two.</p> <p>25 Can you confirm that you have had a chance to read</p> <p style="text-align: center;">Page 62</p>
<p>1 those two statements of Ms Young recently?</p> <p>2 A. I can.</p> <p>3 Q. Could you confirm that the contents, as far as you're</p> <p>4 aware, are true to the best of your knowledge and</p> <p>5 belief?</p> <p>6 A. They are.</p> <p>7 Q. In her first witness statement, Ms Young says that the</p> <p>8 Home Office has oversight of the policy and legislative</p> <p>9 framework that governs and underpins the Disclosure and</p> <p>10 Barring regime and the Disclosure and Barring Service,</p> <p>11 and that, although responsibility is shared amongst</p> <p>12 a number of government agencies, you ultimately have</p> <p>13 operational responsibility for making sure that the</p> <p>14 system works correctly and for bringing forward any</p> <p>15 amendments to legislation. Am I right in thinking that?</p> <p>16 A. That's absolutely right. We have, in the Home Office,</p> <p>17 overall policy and legislative responsibility for the</p> <p>18 enabling framework around disclosure and also barring.</p> <p>19 I'm also the senior sponsor for the Disclosure and</p> <p>20 Barring Service, so I'm responsible for advising</p> <p>21 ministers on appointments to the DBS board, and</p> <p>22 monitoring their performance.</p> <p>23 However, we work really closely in partnership with</p> <p>24 a range of other departments, including the Department</p> <p>25 for Education on child protection matters, the</p> <p style="text-align: center;">Page 63</p>	<p>1 Department for Health and Social Care on issues relating</p> <p>2 to adult -- vulnerable adults. We also work closely</p> <p>3 with other departments such as the Department for</p> <p>4 Culture, Media and Sport and the Department for</p> <p>5 International Development where their issues come to the</p> <p>6 fore in respect of our regime.</p> <p>7 Q. That's very helpful. If I may say to you, your</p> <p>8 enthusiasm is admirable, but if you wouldn't mind</p> <p>9 slowing your speech down slightly, in order to ensure</p> <p>10 that our transcribers can get a fully contemporaneous</p> <p>11 note, I would be most grateful.</p> <p>12 I think in the vast majority of our investigations,</p> <p>13 we have looked at Disclosure and Barring, but just for</p> <p>14 those people who are watching along, so to speak, there</p> <p>15 are four basic checks that can be undertaken in respect</p> <p>16 of Disclosure and Barring. There is a basic</p> <p>17 certificate, which pretty much anyone can get, as</p> <p>18 I understand it?</p> <p>19 A. Anyone for any purpose, yes.</p> <p>20 Q. Which simply tells you whether you have been convicted</p> <p>21 of something which is not spent and whether or not you</p> <p>22 have got any cautions which haven't expired; is that</p> <p>23 right?</p> <p>24 A. That's correct.</p> <p>25 Q. Then you have got standard certificates for those</p> <p style="text-align: center;">Page 64</p>

<p>1 working in particular roles. For example, I would have 2 a standard certificate, as would any other solicitor, 3 which would tell you not just about spent convictions, 4 but, basically, about your offending history, so any 5 convictions and cautions you may have had?</p> <p>6 A. That's correct.</p> <p>7 Q. Then there are also enhanced certificates, which include 8 spent and unspent convictions and cautions, and by 9 "spent" and "unspent", the Rehabilitation of Offenders 10 Act sets up a regime whereby, in effect, after a certain 11 amount of time, some offences fall off your record, but 12 most sexual offences never fall off your record, and so 13 are never spent. That's really for the purposes of 14 the public. I know you know that very well.</p> <p>15 That's largely those who work with children in 16 a supervised capacity, so teachers, social workers, 17 doctors, would all require an enhanced certificate in 18 order for them to be able to do their jobs; that's 19 right?</p> <p>20 A. That's right.</p> <p>21 Q. Then there's also something called a barred list check, 22 which is for children -- we are focusing upon the regime 23 as it is in respect of children. There is also a regime 24 in respect of vulnerable adults which is similar in its 25 scope. So barred list checks are where the Disclosure</p> <p style="text-align: center;">Page 65</p>	<p>1 and Barring Service has decided that somebody is not 2 suitable to work with children, not appropriate, they're 3 a risk, but there may well not be -- there may be 4 a conviction or a caution, but there may well not be. 5 It may simply be, for example, their school or their 6 place of employment has referred them because it has 7 concerns about their behaviour and approach towards 8 children?</p> <p>9 A. Yes.</p> <p>10 Q. We're really focusing on the enhanced -- who gets to be 11 checked under the enhanced certification regime and 12 enhanced certification with barred list checks. In 13 effect, what that does is, that gives you access to more 14 than just convictions; it gives you, in effect, soft 15 intelligence, so things which the police might have 16 known about but which hasn't resulted in a conviction or 17 things which haven't resulted in criminal offending but 18 have been significant enough to lead, for example, to 19 dismissal or resignation from employment?</p> <p>20 A. Yes, that's right. In an enhanced check, as you say, it's spent and unspent convictions and cautions and police intelligence. However, there is a case-by-case consideration by the police force concerned about whether the information is relevant and ought to be disclosed.</p> <p style="text-align: center;">Page 66</p>
<p>1 Q. Also as well, I know that there are a whole series of 2 cases about how far that information needs to fall off 3 the agenda, be removed at various areas, in terms of 4 intelligence, when it's no longer proportionate to 5 maintain and keep it.</p> <p>6 A. Yes.</p> <p>7 Q. That's right, isn't it?</p> <p>8 A. Yes, and there's also a debate about which minor or aged convictions ought to be filtered out from records for the purposes of rehabilitation, particularly for younger people, and you would be aware of the recent Supreme Court judgment in that respect, which struck a delicate balance between, on the one hand, a disclosure to protect children and, on the other hand, enabling rehabilitation.</p> <p>16 Q. But, fundamentally, you only need those checks if you 17 fall under the mechanism of regulated activity, and 18 Ms Young helpfully sets out the definition of "regulated 19 activity" in her witness statement at HOM003294_003. It 20 is behind tab 7, chair and panel, and, Mr Greaves, if 21 you want to look at it. It is paragraph 14. Danny, 22 could you get up the next paragraph as well, which is 23 paragraph 15. If you wouldn't mind, Danny, highlighting 24 14 and 15 and bringing it up on the screen in an 25 enhanced form.</p> <p style="text-align: center;">Page 67</p>	<p>1 In effect, the definition of "regulated activity", 2 is, teaching, training, instructing, caring, but in 3 specified places, in effect, or -- and it has to be done 4 regularly, save for the issue of personal care, which is 5 defined, in effect, as toileting, washing, bathing, 6 dressing, in which case it doesn't matter where it takes 7 place, it's considered to be a regulated activity.</p> <p>8 And what is "frequently" is any time on more than 9 three days in any period of 30 days or between 2.00 am 10 and 6.00 am and it involves having face-to-face care of 11 children.</p> <p>12 So it is largely aimed, as I understand it, at those 13 individuals who work, shall we say, largely within the 14 statutory system?</p> <p>15 A. I need to come in and clarify at this point, because, essentially, the definition of "regulated activity" seeks to capture those activities which pose the highest risk arising out of the nature of the post and the access to children. As you have said, it makes an individual eligible for an enhanced disclosure and a check on the Disclosure and Barring regime.</p> <p>22 Essentially, this definition is aimed to capture the totality of activity which may pose a risk to children, not just in the statutory sector. So if you look at the first limb, it's unsupervised activities such as</p> <p style="text-align: center;">Page 68</p>

<p>1 teaching, training, instructing, caring for or 2 supervising children, providing guidance on well-being. 3 And that applies equally to, say, a Sunday School, 4 a Scout leader, as it does to a teacher or in a health 5 setting. 6 So I, as a Scout leader, am not in a statutory 7 setting but I am subject to enhanced disclosure with 8 a barring check. If my activity gives the Scout 9 Association any cause for concern about whether I have 10 harmed or may be at risk of posing harm to a child, then 11 they have a statutory duty to refer that to the 12 Disclosure and Barring Service to consider me for 13 barring. So it is not correct to say it was designed or 14 applies only specifically to the statutory sector. 15 However, in the second limb, it provides that work for 16 a limited range of establishments -- these are called 17 specified places -- where there is particular 18 opportunities for contact with children -- these are 19 places like schools, children's homes or childcare 20 premises -- it's not just those undertaking teaching, 21 training or guidance, it's those also giving ancillary 22 activities, such as the caretaker or the cook. It 23 applies to those working in those settings other than 24 supervised volunteers, who are, as we will come on to, 25 I'm sure -- you know, they are not in regulated</p> <p style="text-align: center;">Page 69</p>	<p>1 activity. I hope that clarifies matters. 2 Q. Yes. So you're either performing -- you either perform 3 teaching, training, instructing, caring, or you work in 4 an environment -- you work in a school, a children's 5 home, a care home and hospitals, NHS facilities, and 6 various forms of clinical facilities are also included 7 in that? 8 A. That's quite right, and there is a frequency test as 9 well, which is four or more times in a month or once 10 a week, and the length of that session isn't prescribed 11 in legislation. 12 Q. So lots of people have told us that this is quite 13 complicated to apply, particularly in respect of 14 the religious or the voluntary sector, because they say, 15 for obvious reasons, this was first designed largely for 16 the statutory sector. This replaced a system which was 17 introduced -- well, which had operated for a number of 18 years on a kind of quasi statutory basis. The 19 Department of Health used to run a list; the Department 20 for Education used to run a list; CRB checks had been in 21 place since 1997. But this was the first time there was 22 a comprehensive, shall we say, legislative regime aimed 23 at checking or having as part of Safer Recruitment the 24 routine checking of individuals to see whether or not 25 they had criminal convictions.</p> <p style="text-align: center;">Page 70</p>
<p>1 So it's largely -- they say the difficulty is that 2 this definition doesn't really capture the range of 3 activities that a number of voluntary organisations put 4 in place. 5 What I'm going to do is take you through some of 6 the concerns that have been raised by various 7 individuals and then ask you to comment upon those, if 8 I may. 9 So the first issue, if we could get up, Danny, 10 please, Yehudis Goldsobel's transcript, which is Day 2, 11 page 92, line 23, please. This is the transcript of 12 the evidence that people have given to this inquiry? 13 A. Yes, I was provided with that yesterday. 14 Q. If you look at the bottom of the page, page 92: 15 "Question: You talk about synagogues not being 16 places for regulated activity. Do you mean by that that 17 they're therefore not subject to Disclosure and Barring 18 checks, because regulated activity comes from that piece 19 of legislation, or do you mean something different by 20 that?" 21 Danny, can we get up the next page, please, if we 22 have got it. Yes, we do: 23 "Answer: ... details of a regulated activity, it 24 doesn't fully describe the activities that are held in 25 synagogues. So whether that's services, clubs, groups,</p> <p style="text-align: center;">Page 71</p>	<p>1 youth services, and I think the issue is because most of 2 them are run by volunteers and it will not be the same 3 volunteer that -- the number of times a month that it is 4 needed to be. So it will be a rota of volunteers. You 5 might get the same volunteer once a quarter as opposed 6 to once a month, or several times a month." 7 They wouldn't be captured, as I understand it, 8 because of the frequency. If you were only volunteering 9 to undertake some kind of Sunday School activity once 10 a month, you wouldn't necessarily be captured by the 11 enhanced list because you wouldn't meet the frequency 12 qualification, as I understand it? 13 A. Can I make a clarification at this point, which is that 14 a basic check is eligible -- is open to anyone for any 15 purpose. 16 Q. Yes. 17 A. An enhanced check -- so regulated activity covers only 18 activity such as training, teaching and guiding which is 19 done on a frequent basis and that's defined in the 20 legislation as four or more times. However, if there is 21 activity with children which is infrequent, so your 22 example of a monthly Bible study class, that would be 23 eligible for an enhanced check but without a check of 24 the barring list. 25 Q. So you'd get an enhanced check but you wouldn't get</p> <p style="text-align: center;">Page 72</p>

<p>1 a check of the barred list?</p> <p>2 A. That's right.</p> <p>3 Q. So you would know if there were any convictions or</p> <p>4 cautions, but you wouldn't necessarily know if they had</p> <p>5 resigned from a post at a school because of activity</p> <p>6 that could be considered to be a sexual offence but</p> <p>7 about which no conviction was brought?</p> <p>8 A. To be clear, you would have access to spent and unspent</p> <p>9 convictions and cautions, and you would also have access</p> <p>10 to some police intelligence where it is relevant and</p> <p>11 ought to be disclosed. So there's quite a range of</p> <p>12 information that's available. Of course, one would</p> <p>13 expect the Disclosure and Barring regime to work within</p> <p>14 the wider framework of safeguarding policy and practice</p> <p>15 within an organisation, so you would expect a good</p> <p>16 employer to have undertaken preemployment checks,</p> <p>17 interviewed, looked at – also looked at gaps in CVs and</p> <p>18 had strong safeguarding arrangements in place. That's</p> <p>19 a point I suspect we will come back to in my evidence,</p> <p>20 which is that the Disclosure and Barring Scheme does not</p> <p>21 operate in a vacuum. It operates as part of a wider</p> <p>22 context of safeguarding, and there's a balance between</p> <p>23 the role of the state, on the one hand, in</p> <p>24 undertaking – providing disclosures and undertaking –</p> <p>25 maintaining a barred list, and, equally, the employer in</p> <p style="text-align: center;">Page 73</p>	<p>1 their wider responsibilities in safeguarding policy and</p> <p>2 practice.</p> <p>3 Q. A similar concern about the definition of "regulated</p> <p>4 activity" was raised by Rebecca Fetterman, who was the</p> <p>5 director of youth at Liberal Judaism. Again, Danny,</p> <p>6 would you mind bringing up the transcript for Day 3,</p> <p>7 page 28, line 8, please. She raises a series of</p> <p>8 concerns from line 28 through -- page 28 through to</p> <p>9 page 29, line 6. Because she had said in her witness</p> <p>10 statement that she considered the definition of</p> <p>11 "regulated activity" is unclear and unhelpful, and the</p> <p>12 answer she gives starts at page 28 and goes over to</p> <p>13 page 29. It says here:</p> <p>14 "Answer: So Liberal Judaism has some freelance</p> <p>15 rabbis who don't work for a community ... So, say, for</p> <p>16 example, there's a death ... We can't DBS check ...</p> <p>17 because they don't work enough for us and they aren't</p> <p>18 working with young people in a regulated activity, and</p> <p>19 it's really difficult.</p> <p>20 "The same with our Beth Din ...</p> <p>21 "So community rabbis are fine ... but we find it is</p> <p>22 the part-time rabbis.</p> <p>23 "The same with our religion schools. As I said,</p> <p>24 a lot of our communities are not in huge Jewish areas</p> <p>25 ... and they come to religion school once a month ...</p> <p style="text-align: center;">Page 74</p>
<p>1 they are left with a teacher ... They can't be DBS</p> <p>2 checked."</p> <p>3 I think what that means is, obviously anyone can</p> <p>4 have a standard check. What's meant here is an enhanced</p> <p>5 check with a barred list activity. So she has concerns,</p> <p>6 on behalf of Liberal Judaism, that she would like to be</p> <p>7 able to check these people and check them against the</p> <p>8 barred list as well as the enhanced check, but she's</p> <p>9 unable to do so at the moment. Do you have a view as to</p> <p>10 whether or not this sort of concern can be addressed and</p> <p>11 whether the definition should be broadened in order to</p> <p>12 encompass these sorts of concerns?</p> <p>13 A. Can I just make a point about kind of clarity and</p> <p>14 complexity. I think that's been a theme here, and</p> <p>15 I will come back to the specific instances raised by</p> <p>16 Liberal Judaism in just a moment.</p> <p>17 We acknowledge that some people, particularly those</p> <p>18 for whom this is not day-to-day business, find the</p> <p>19 definition harder to apply to their circumstances,</p> <p>20 because, of course, the definition has to be broad</p> <p>21 enough to encompass the private, the public and the</p> <p>22 voluntary sector. We believe the definition is</p> <p>23 proportionate and a practical response to identify those</p> <p>24 at highest risk of harming children.</p> <p>25 There is some really useful advice and guidance on</p> <p style="text-align: center;">Page 75</p>	<p>1 the Disclosure and Barring Service website, including an</p> <p>2 online eligibility tool and a phoneline. In the light</p> <p>3 of feedback, over the last two years, the Disclosure and</p> <p>4 Barring Service has really stepped up its efforts to do</p> <p>5 stakeholder outreach and engagement, including</p> <p>6 a dedicated registered body team. They are working in</p> <p>7 partnership with a range of organisations, including the</p> <p>8 Strengthening Faith Initiative, who I believe gave</p> <p>9 evidence to your inquiry.</p> <p>10 So we are committed to making the guidance as</p> <p>11 transparent as possible. If there are suggestions about</p> <p>12 how it will be improved -- it could be improved,</p> <p>13 clearly, we and the DBS will consider that on</p> <p>14 a case-by-case basis. Clearly, if a significant</p> <p>15 overhaul is required requiring new legislation or a new</p> <p>16 balance between public policy objectives, of course that</p> <p>17 would be for ministers.</p> <p>18 Returning to your question about Liberal Judaism, it</p> <p>19 is actually quite challenging to offer advice on this</p> <p>20 one, because I don't know enough about the employment</p> <p>21 context of these individuals, and whether -- you know,</p> <p>22 so, as you have said, a basic check can be undertaken by</p> <p>23 any person for any -- you know, for any purpose, and</p> <p>24 that gives you unspent criminal convictions. If you're</p> <p>25 talking about a part-time rabbi -- I think that was</p> <p style="text-align: center;">Page 76</p>

<p>1 mentioned in the evidence -- you know, it doesn't 2 matter. It's the activity which matters. If it is 3 teaching, guiding, and supervising, for example, it's 4 the frequency which matters. So if it's a part-time 5 rabbi who is still doing that activity with children on 6 four or more times per month, that becomes -- that would 7 become regulated activity. If it is less frequent than 8 that, so once a month doing some study of holy 9 scriptures, that would be subject to an enhanced check. 10 So, you know, it really is sensitive to the 11 employment status. 12 I got the sense from -- although it wasn't clear 13 from the transcript, that these might have been 14 peripatetic kind of rabbis, who come to solve a gap, if 15 you like. I'd need to understand whether they were 16 provided by some overarching organisation. Are they 17 engaged, supplied, approved by Liberal Judaism, or are 18 they engaged by a third party, in which case, you know, 19 clearly they would be eligible. 20 So I guess the wider point here also is that those 21 checks work in the context of a wider safeguarding 22 context and the responsibility of the employer to use 23 criminal records information and to use other 24 opportunities at their disposal, like checking 25 employment history, taking up references, which provide,</p> <p style="text-align: center;">Page 77</p>	<p>1 also, some protection. 2 Q. But, of course, some of the words you have said are much 3 less common in the context of the faith sector. 4 Firstly, you mentioned the word "employer". Lots of 5 religious bodies, their religious leaders will not be 6 employed. They may well be office holders or they may 7 well be the subject of self-employment, and, therefore, 8 that discounts that. 9 Secondly, as you have already identified, the very 10 fact that we have just had to spend five minutes having 11 a discussion about whether somebody may or may not come 12 into it, and you have had to say, "The context is all", 13 demonstrates, I think, perhaps the complexity of 14 the system, as you, yourself, have acknowledged, for 15 those who are not expert within it. 16 I mean, I have no doubt, Mr Greaves, it is what you 17 do day in and day out, so you would be able to tell me, 18 within a sort of two-second basis, what sort of checking 19 would be needed. These would be organisations which may 20 well be largely volunteer led and therefore won't have 21 that level of sophisticated expertise. 22 I think what they're saying is, "We read everything 23 that the DBS gives us. We do look on the website, and 24 we still find it confusing". It is not just those 25 smaller organisations. Can I ask you to look at the</p> <p style="text-align: center;">Page 78</p>
<p>1 witness statement of Mr Justin Humphreys, who is the 2 chief executive officer of an organisation called 3 Thirtyone:eight, which provides training and consultancy 4 services largely to Christian organisations, but also 5 some other faith groupings. 6 Danny, would you mind getting up THO000076_025, at 7 paragraph 18.9 through to 18.12. 8 If you would like to look at a paper version, 9 Mr Greaves, it is behind tab 9, chair and panel, as 10 well. But Mr Humphreys gave us oral evidence to this 11 effect. Now, they are the largest provider of DBS 12 checks to the faith sector, so a number of faith 13 organisations basically contract out their DBS 14 functions. So I think they told us they did somewhere 15 between 15,000 and 20,000 DBS checks every year. So 16 they're a fairly significant user of the service. 17 They say: 18 "It is our view that the definitions and their 19 application ... are insufficiently clear and extremely 20 difficult to understand and implement in many of 21 the settings with whom we work. ... it has resulted in 22 a significant reduction in the numbers of checks being 23 issued but at the same time has caused significant 24 confusion and cynicism within the sector." 25 Can we go to 18.10, please, Danny. It says the</p> <p style="text-align: center;">Page 79</p>	<p>1 electronic processing is much better, et cetera, 2 et cetera. So that's something that obviously has 3 improved over time. 4 Can we go to 18.11, please, Danny: 5 "Many groups ... [will consider] that those who are 6 in positions ... will be in regulated activity ... this 7 is not something which is universally practised, 8 however, and some guidance or regulation on this matter 9 would be beneficial to bring the necessary consistency 10 into practice here." 11 18.12: 12 "... too complicated and fails to create a realistic 13 and clear application to the many and varied roles that 14 are typical within the faith community. The level of 15 prescriptive detail surrounding the test for frequency 16 and intensity of contact with children set alongside the 17 vagueness of what supervision means create confusion and 18 potential failures in the consistent application of this 19 eligibility test when considering the need for 20 appropriate criminal records checks." 21 If we can go to 18.13, please, Danny, which is at 22 the bottom of the page: 23 "... I believe that determining whether a role is in 24 regulated activity ... and therefore subject to a more 25 stringent range of checks ... should be made on a much</p> <p style="text-align: center;">Page 80</p>

<p>1 clearer basis; assessed by the nature and context of 2 the contact with children ... the likelihood of this 3 being in situations where greater risk and/or 4 vulnerability is apparent and the degree to which the 5 risk of an abuse ... power dynamics and influence 6 operating within many faith communities are extremely 7 complex and exist regardless of whether there is a clear 8 or formal role that might be recognised elsewhere." 9 This isn't just Thirtyone:eight who has said this. 10 The NSPCC have also said that the current vetting and 11 barring regime is complex and in need of reform, given 12 the confusion that there is. 13 So, in this context, what religious organisations 14 are telling you is, firstly, there needs to be greater 15 clarity so that those who are in positions of religious 16 authority should be subject to the highest level of 17 checks, in effect, irrespective of frequency. So you 18 should have, if I'm thinking about the way the 19 legislation currently operates, if you are in a position 20 of religious authority, which would be something which 21 you would have to subject to some form of legislation, 22 I would imagine, but it would probably be either the 23 subject of some sort of religious licence or performs an 24 oversight or role of spiritual ministry, no matter what 25 your faith organisation -- because we know lots of</p> <p style="text-align: center;">Page 81</p>	<p>1 people do that on a volunteer basis -- they should 2 automatically be considered to require the highest level 3 of checks, rather than, at the moment, it is going to 4 depend upon their frequency of their contact with 5 children. 6 Do you agree that that's something that this 7 government should look at? 8 A. So that was quite a long set of issues and a range of 9 questions, which were together. Perhaps I will take 10 them in turn. 11 So you asked about the -- you talked about the 12 complexity of the definition of "regulated activity". 13 Q. Yes. 14 A. I think it is important to say that the definition 15 itself is actually fairly simple and straightforward. 16 It is the complexity of the world around us and how that 17 is applied to different contexts, whether that's in the 18 public or the voluntary sector and the complexity of 19 the roles in society which kind of makes it complex, and 20 that is not going to go away, whatever our definition 21 is. We are going to have to kind of grapple with kind 22 of judgment and application. 23 I think, you know, people have said we should just 24 simplify this, we should talk loosely about, I don't 25 know, people who are trusted, contact, power dynamics.</p> <p style="text-align: center;">Page 82</p>
<p>1 You know, it is incumbent upon us, as people who draft 2 the legislation, and parliament, in approving that 3 legislation, to make sure it is simple, clear and 4 proportionate, and I have not seen a clear case made out 5 for a different definition. So I accept there's 6 something to do about kind of clarity of guidance, but 7 I don't think necessarily there is a single silver 8 bullet in terms of a different approach. 9 You asked about faith leaders and whether faith 10 leaders should be in scope of regulated activity. Now, 11 of course, where a faith leader teaches, trains, guides 12 or supervises on a frequent basis, they will be 13 subject -- they will be in regulated activity and, 14 therefore, eligible for an enhanced check with barring. 15 If they undertake the same activities but on an 16 infrequent basis, say once a month for a study of holy 17 scriptures, they would be eligible for an enhanced 18 disclosure without barring. All faith leaders, anyone 19 for any purpose, it is possible for them to have a basic 20 check. 21 So, to some extent, faith leaders are already 22 covered by the regime. You specifically gave 23 a proposal, however, about extending the definition of 24 "regulated activity" to faith leaders. Now, that would 25 be quite a significant shift. The current legislation</p> <p style="text-align: center;">Page 83</p>	<p>1 talks about regulated activity, and it is the activity, 2 which is to train, to guide, to supervise, and its 3 frequency, which is how the legislation is crafted. 4 If we wanted to change that and to legislate that 5 religious leaders or those in positions of trust were 6 going to have to be within regulated activity, we would 7 need to work out a formulation in law which was clear, 8 practical and proportionate, and that's actually quite 9 a challenge, on the face of it, something that ministers 10 would need to grapple with if they were considering 11 this. 12 You know, we're not talking just about vicars and 13 rabbis here, we are talking about the diversity of faith 14 communities in the UK -- 15 Q. Yes. 16 A. -- you can capture a faith leader. 17 It won't be clear just from their role they're doing 18 the same task or a task of authority, for example, 19 a pastor. So we would have -- it is not necessarily the 20 case that all faith leaders would have any contact with 21 children, so it may not be proportionate. So there is 22 a range of considerations that ministers would need to 23 make if they were minded to consider, again, the 24 definition of "regulated activity". 25 MS SCOLDING: That's very helpful. I note the time. I do</p> <p style="text-align: center;">Page 84</p>

<p>1 have a few more questions for you, Mr Greaves, but 2 I note the time, chair. May we resume after the lunch 3 break, Mr Greaves? Chair, may we have our break for 4 lunch now and resume again at 1.50 pm? 5 THE CHAIR: Yes, we will do that. Thank you, Ms Scolding. 6 MS SCOLDING: Thank you very much. Mr Greaves, I remind you 7 you're under oath, so please do not discuss your 8 evidence with anybody else. 9 A. So I need to be back here at 1.45 pm? 10 MS SCOLDING: Yes, please, thank you. 11 A. Okay. See you in a moment. 12 (12.50 pm) 13 (The short adjournment) 14 (1.50 pm) 15 THE CHAIR: Ms Scolding? 16 MS SCOLDING: Thank you. Mr Greaves, just before lunch, you 17 were talking about making legislative changes to the 18 Safeguarding Vulnerable Groups Act and the difficulties 19 there might be with that. One of the points you made 20 is, the law needs to be simple and clear, but people's 21 lives are complicated. 22 The corollary may well be that, where things are 23 complicated, complicated legislation may need -- well, 24 legislation which is as simple as it's possible to be 25 but complex problems sometimes require complex</p> <p style="text-align: center;">Page 85</p>	<p>1 solutions, and I would suggest to you that, in fact, the 2 solution doesn't need to be that complicated. 3 If you were, for example, to redraw the legislation 4 to identify a wider range of establishments, for 5 example, to be specified places, that could be one 6 fairly straightforward way of amending the underlying 7 legislation, to include, for example, voluntary bodies 8 who work with children or religious organisations where 9 children may be present. That would be a way around 10 creating greater complexity in the system. Would you 11 agree? 12 A. I just need to understand your proposition. I think 13 you're saying that we should add various faith settings 14 in as specified places, and if I have understood that 15 correctly, in some faiths, that could mean a faith 16 setting is someone's front room, for example. 17 Q. Yes. 18 A. It would also mean that it would capture ancillary 19 workers who may be employed or engaged and also 20 volunteer on an unsupervised basis, so you'd need to be 21 very careful not to capture things like vergers, flower 22 arrangers, potentially. So it is, on the face of it, 23 attractive but, on the other hand, also quite 24 challenging for the similar sorts of reasons, that you 25 want to make sure it is clear and there are no</p> <p style="text-align: center;">Page 86</p>
<p>1 unintended consequences. 2 Q. Obviously it would involve capturing a significant -- 3 significantly more people, but the question is, where 4 does the balance lie? What religious bodies are telling 5 us -- the reason that we are asking you these questions 6 is not because, as an inquiry, we have any particular 7 view. We are here to inquire. But because, almost 8 uniformly, religious organisations have told us that the 9 current legislation does not work for them, and, in 10 particular, doesn't capture people in positions of 11 trust. 12 Now, within the context of a religious setting, 13 often that is someone who is a religious leader, but it 14 needn't necessarily be, because there are people who 15 undertake what you and I might consider to be not 16 important places from the perspective of an adult, but 17 for a child would be considered to be someone who is due 18 respect and deference. 19 So, given that, given that it's the sector itself 20 that's saying to you things are wrong, is it not 21 something that, at the very least, ministers should 22 carefully consider? 23 A. A shift of that sort would, of course, need to be agreed 24 by ministers, because it strikes a balance between 25 different public policy objectives and would require</p> <p style="text-align: center;">Page 87</p>	<p>1 legislative change. 2 Q. You've talked on a number of occasions about things 3 needing to be proportionate. I suppose I'm just looking 4 to see, if the religious organisations themselves are 5 saying it doesn't cover enough people -- for example, we 6 have had two examples, both in the Union of Orthodox 7 Hebrew Congregations who say that their rabbis aren't 8 routinely DBS checked, by which I mean the enhanced plus 9 barred list, I don't mean basic checks, and the 10 Jehovah's Witnesses, who have indicated that none of 11 their elders are the subject of Disclosure and Barring 12 checks, despite the fact that, in both of those 13 situations, those religious leaders have significant 14 positions of power and responsibility over their flock, 15 over their congregations, so to speak. 16 Given the obvious loopholes that have been exposed 17 by this investigation, do you not think that it would be 18 useful for ministers to consider this very carefully? 19 A. We will, of course, consider the feedback and the 20 recommendations of this inquiry. That goes without 21 saying. 22 In relation to regulated activities, I've said it 23 reflects those activities which pose the highest risk, 24 and it's really about the activity and the kind of 25 engagement with children, the nature of the role</p> <p style="text-align: center;">Page 88</p>

<p>1 undertaken, the frequency which is in the current 2 definition. It would be a significant shift if we were 3 to loosely define positions of trust or authority or 4 include people because of their position notwithstanding 5 their activities. That would be a significant shift and 6 a balance that ministers would need to take a view on. 7 Q. Obviously, if I could just indicate that one of 8 the reasons that a number of religious organisations are 9 talking about positions of trust is because, as you have 10 heard in a number of the evidence we have had from 11 victims and survivors, the reality is that there is 12 great scope for abuse of power in the context of 13 religious organisations, given the role that religious 14 organisations play in children's lives. In some way, 15 they command more respect and authority than potentially 16 many of the other settings which are already in 17 specified places may do, for example, a nursery setting. 18 You're likely to have -- a rabbi is likely to be held in 19 more reverence and respect, potentially, than a nursery 20 teacher, for example, not just by the child but also by 21 the community and their parents. 22 So can you see, from a practical perspective, why 23 a number of religious organisations -- and this is both 24 Christian and Jewish and, in fact, the East London 25 Mosque also said that they would like there to be an</p> <p style="text-align: center;">Page 89</p>	<p>1 extension so they're able to provide greater security as 2 part and parcel of wider Safer Recruitment, so that the 3 balance is struck, they would say, more in favour of 4 the protection of children. Do you understand where 5 they come from when they're telling us that? 6 A. So, as it stands, the legislation refers to certain 7 activities and talks about the frequency of those 8 activities, because it's based on the insight that 9 sustained and ongoing engagement on a frequent basis 10 with the child can give rise to grooming. 11 So we haven't included people just by dint of 12 their -- the post that they hold, and that's a kind 13 of -- something that would need very careful 14 consideration. You talked also about the role of 15 parents and the role of organisations. I think we have 16 focused very much on Disclosure and Barring. That can 17 only ever be one part of a wider safeguarding context. 18 DBS checks in and of themselves are not a fail safe. 19 They need to be part of a much wider context of good 20 safeguarding practice, and that's what the forthcoming 21 DfE guidance around out-of-school settings is aiming to 22 improve. That will be accompanied by guidance to 23 parents to help parents make informed choices about 24 protecting their children, have grownup conversations 25 with children.</p> <p style="text-align: center;">Page 90</p>
<p>1 So we need to see -- when we are looking at 2 improving safeguarding in an out-of-school setting 3 context, it needs to be part of a wider system. 4 Q. The other area where a number of concerns have been 5 raised is what's known as the supervision exemption. 6 Now, the position, as I understand it, is that where you 7 have a volunteer -- and this really only applies to 8 those in volunteers. If people are undertaking 9 regulated activity, ie, teaching, training, instructing, 10 caring, supervising children or providing advice on 11 their physical, emotional or educational well-being, or 12 driving a minibus or a taxi or any registered vehicle 13 only for children, then as long as they are supervised 14 by someone who has an enhanced DBS check, so to speak, 15 they, themselves, don't have to be the subject of any 16 checking. Am I right in thinking that that's the way 17 the system currently works? 18 A. That's right. So the activities, if done on an 19 unsupervised and frequent basis, are regulated activity. 20 If they are done on a supervised or infrequent basis 21 they are not regulated activity. The legislation 22 provides that supervision should be undertaken by 23 someone who's in regulated activity. The supervision 24 must be regular and day to day and must be reasonable in 25 all circumstances to protect children. That framework</p> <p style="text-align: center;">Page 91</p>	<p>1 of legislation is then elaborated in the relevant 2 statutory guidance. 3 Q. Again, a number of organisations have said to us that 4 they don't think the supervision exemption works 5 particularly well in the context of religious settings 6 because the context of supervision in a faith context is 7 very different, for example, from the supervision of, 8 I don't know, a trainee social worker when you have 9 a social work manager or with a local authority's 10 children and family team, in that there are things like 11 how much supervision, what does it look like, how much 12 contact is needed, and faith organisations find this 13 confusing. The NSPCC have also said to us they find it 14 confusing. And they would like the supervision 15 exception to be deleted so that anyone, whether 16 supervised or not, in effect, and it doesn't matter 17 whether they're a volunteer or not, if they meet the 18 criteria, even the criteria as it currently stands, of 19 frequency or intensity, so to speak, should be 20 incorporated. What, if anything, does the Home Office 21 think about that suggestion? 22 A. We don't refer to it as the supervision exemption. We 23 consider our approach in this context to be 24 a proportionate response which balances the role of 25 the employer and the state. So, on the one hand,</p> <p style="text-align: center;">Page 92</p>

<p>1 a definition of regulated activity seeks to capture 2 those activities and roles which are of the highest 3 risk. If someone is working with someone unsupervised 4 on a regular basis, then the state kind of acknowledges 5 that level of risk and provides for an enhanced 6 disclosure, a check of the barred list to determine 7 whether someone is entitled to work with children, and 8 then there's a duty to refer on the organisation if 9 a person in regulated activity causes harm or poses 10 a risk of harm.</p> <p>11 With unsupervised roles, by contrast, the state 12 provides employers with criminal records information 13 which then helps them manage that risk, and that goes 14 alongside the employer's responsibility to play their 15 part in exercising a duty of care in safeguarding 16 children, for example, by providing adequate 17 supervision.</p> <p>18 Where a workplace or a faith setting doesn't allow 19 for an adequate degree of supervision, then the 20 organisation should consider again whether a person is 21 in regulated activity if they are essentially 22 unsupervised.</p> <p>23 Q. But the difficulty is, it's all about the quality and 24 nature of the supervision, and what you have got in 25 a number of faith settings will be volunteers</p> <p style="text-align: center;">Page 93</p>	<p>1 supervising volunteers. Again, in the context of 2 a clear employment -- a statutory setting, one can see 3 entirely how the legislation works, but in the context 4 of an organisation which may well be volunteer led and 5 managed, you have volunteers supervising volunteers, and 6 there is a degree of confusion about when that does or 7 doesn't become regulated activity and what the quality 8 of the supervision needs to be, particularly because 9 most of the guidance is around supervision in what might 10 be called statutory settings rather than religious 11 organisations or more voluntary activities, where 12 a wider range of activities with children might take 13 place.</p> <p>14 At the very least, do you consider that the 15 Department for Education guidance for voluntary bodies 16 should be made clearer in terms of the quality or nature 17 of the supervision required so that people understand 18 the need for volunteers to be adequately supervised?</p> <p>19 A. So there was quite a lot in your question. 20 Q. Sorry. 21 A. You asked, in the first instance, whether the guidance 22 should be clearer about what constitutes appropriate 23 supervision. So the legislation, as I said, provides 24 there must be supervision by a person who is in 25 regulated activity. Supervision must be regular and day</p> <p style="text-align: center;">Page 94</p>
<p>1 to day and must be reasonable in all circumstances to 2 protect children, and that's then elaborated in 3 guidance. However, this is not a straightforward 4 question, and what is suitable in a particular context 5 may depend on a range of variables recognised in that 6 guidance. For example, the number, age and the 7 vulnerability of the children involved; the nature of 8 the activity and the number of adults involved. If 9 adequate supervision cannot be afforded in this 10 particular setting, the organisation should consider 11 putting it in regulated activity.</p> <p>12 If the guidance itself is now unclear, that's 13 feedback we would consider very carefully. As I said 14 before, the regime necessarily covers both statutory and 15 voluntary settings and it is really important that we 16 communicate in the clearest possible terms what the 17 duties and powers of the relevant organisations in a way 18 which they can understand.</p> <p>19 As I said before, the DBS has taken great steps to 20 improve its accessibility, its outreach and its 21 stakeholder engagement, and I know that they would want 22 to seek to consistently improve in that area.</p> <p>23 Q. I suppose the question is that the new form, say, the 24 new iteration of this legislation has been in place 25 since, well, 2012 in its finalised form. There was an</p> <p style="text-align: center;">Page 95</p>	<p>1 interregnum period between 2010 and 2012 when a review 2 took place. There's now been a decade of work on, work 3 around, looking at this, and also some people may say 4 between 2010 and 2020 there's been a significant 5 cultural shift in the way that people feel about DBS 6 checks.</p> <p>7 There was, potentially, when the system first came 8 in, some nervousness around people asking, "Well, why 9 should you have to check me? I'm a perfectly fine 10 person". Would you agree that most of that nervousness 11 has dissipated, given the relatively successful 12 operation of the regime in many respects over the past 13 ten years?</p> <p>14 A. I think ministers were anxious back in 2012 that perhaps 15 the regime that was proposed, what would have been the 16 Vetting and Barring Scheme, would have gone both too 17 deep and too wide, and there was some concern at the 18 time which informed ministers' consideration about the 19 impact that would have about volunteering. I think 20 that -- you know, what we have now, we believe, is 21 a proportionate regime which strikes the right balance 22 between, on the one hand, quite -- a regime which 23 provides perhaps more stringent checks in relation to 24 supervised as opposed to kind of unsupervised, where the 25 risk is less, and we think that's a proportionate</p> <p style="text-align: center;">Page 96</p>

<p>1 response and, as well as the improved Disclosure and</p> <p>2 Barring Service, performance and accessibility are some</p> <p>3 of the factors for improved public confidence in this</p> <p>4 area.</p> <p>5 Q. Obviously in response, I think what those religious</p> <p>6 organisations would say is, "Yes, we can understand</p> <p>7 maybe the nervousness about depth and width. We have</p> <p>8 now had a chance to work with this system for ten years</p> <p>9 and we think it needs more width and more depth, and</p> <p>10 that many of the misconceptions have been allayed by the</p> <p>11 working of the system over the past decade". So I think</p> <p>12 what I would ask on behalf of the inquiry is that you</p> <p>13 take those words back to the ministers when you're</p> <p>14 carefully considering any recommendations which we may</p> <p>15 make in this area.</p> <p>16 A. It is our duty, as civil servants, to understand the</p> <p>17 evidence, understand the legislation, understand the</p> <p>18 views and evidence provided by stakeholders, including</p> <p>19 this inquiry, to provide them with candid and balanced</p> <p>20 evidence. You can be guaranteed of that.</p> <p>21 MS SCOLDING: Thank you very much, Mr Greaves. I have no</p> <p>22 further questions for you. I would ask you to wait</p> <p>23 there in case the chair and panel have any supplementary</p> <p>24 questions. Thank you for your evidence.</p> <p>25 THE CHAIR: Thank you. I have no questions, but I will ask</p> <p style="text-align: center;">Page 97</p>	<p>1 my colleagues if they have any questions. Ms Sharpling?</p> <p>2 MS SHARPLING: No, thank you, chair.</p> <p>3 THE CHAIR: Mr Frank?</p> <p>4 MR FRANK: No, thank you.</p> <p>5 THE CHAIR: Sir Malcolm?</p> <p>6 PROF SIR MALCOLM EVANS: No, thank you.</p> <p>7 THE CHAIR: No. Thank you very much, Mr Greaves, for your</p> <p>8 evidence.</p> <p>9 (The witness withdrew)</p> <p>10 MS SCOLDING: Chair, I would now like to call Ms Kate Dixon</p> <p>11 on behalf of the Department for Education.</p> <p>12 MS KATE DIXON (affirmed)</p> <p>13 Examination by Ms Scolding</p> <p>14 MS SCOLDING: Good afternoon, Ms Dixon. Before we begin,</p> <p>15 just a few introductory issues. Firstly, if the</p> <p>16 technology breaks down -- I hope it won't -- please be</p> <p>17 patient. RTS will try and get you logged in as soon as</p> <p>18 possible.</p> <p>19 Secondly, I think during the course of this week, we</p> <p>20 have at least had a dog and a builder, so please do not</p> <p>21 worry if there are any interruptions.</p> <p>22 You know, as you have obviously come to give</p> <p>23 evidence to us before, but we would particularly like to</p> <p>24 thank you on this occasion, as we know, as the Director</p> <p>25 of Schools, over the past six months you would have been</p> <p style="text-align: center;">Page 98</p>
<p>1 having an incredibly busy time. So we thank you for</p> <p>2 giving up your time to come and try and assist us this</p> <p>3 afternoon.</p> <p>4 As you already know, you should have a bundle in</p> <p>5 front of you. Chair and panel, there are two files for</p> <p>6 this particular witness. Just to identify that Mr Hyde,</p> <p>7 Danny, will get documents up on the screen if and when</p> <p>8 we require them, but I will also refer to them from the</p> <p>9 bundle.</p> <p>10 A. Thank you.</p> <p>11 Q. The next issue to identify is, obviously, you can have</p> <p>12 made notes and please feel free to refer to your witness</p> <p>13 statement and any exhibits or any other documents or</p> <p>14 notes you may have made.</p> <p>15 We will also have a break at around 2.50 pm, for</p> <p>16 approximately 15 minutes.</p> <p>17 If you cannot see any of the documents or they are</p> <p>18 not clear, please do let me know.</p> <p>19 Please could you turn to tab A2 of the bundle in</p> <p>20 front of you. We have two witness statements from you</p> <p>21 there, the first of which is 31 pages long, dated</p> <p>22 9 January 2020. I note it's the 12th witness statement</p> <p>23 you have given to this inquiry. Can you confirm that</p> <p>24 you signed this witness statement?</p> <p>25 A. I can.</p> <p style="text-align: center;">Page 99</p>	<p>1 Q. Is it true, to the best of your knowledge and belief?</p> <p>2 A. Yes, it is.</p> <p>3 Q. Also, chair and panel, behind what I have as tab 2/1 is</p> <p>4 the most recent witness statement, Ms Dixon, which is</p> <p>5 really just updating on the various issues which you</p> <p>6 dealt with and where you are at legislatively or</p> <p>7 otherwise at this particular point in time. That's</p> <p>8 a four-page document, dated 27 July 2020. Again, did</p> <p>9 you sign that witness statement?</p> <p>10 A. I did.</p> <p>11 Q. Is it true, to the best of your knowledge and belief?</p> <p>12 A. Yes.</p> <p>13 Q. That's your 13th witness statement.</p> <p>14 A. Thank you.</p> <p>15 Q. There are a number of issues we wish to cover with you.</p> <p>16 The first one of those is, in fact, working with other</p> <p>17 government departments, because we have heard from</p> <p>18 a number of government departments during the course of</p> <p>19 this investigation.</p> <p>20 You, as the Department for Education, as</p> <p>21 I understand it, are the central government department</p> <p>22 who has overall policy responsibility for the</p> <p>23 overarching framework in respect of child safeguarding;</p> <p>24 am I right?</p> <p>25 A. Yes, you are.</p> <p style="text-align: center;">Page 100</p>

<p>1 Q. You don't have any particular policy remit about 2 religious organisations generally? 3 A. No, other than faith-designated schools. 4 Q. So, in fact, in this investigation, we have had to get 5 witness statements from yourself, from the Department of 6 Housing, Communities and Local Government, from the 7 Department of Culture, Media and Sport, from the 8 Home Office and from the Ministry of Justice -- that's 9 five different departments of state -- in order to 10 understand the picture in respect of the regulation or 11 absence thereof of religious organisations. That's 12 right, isn't it? 13 A. Yes. 14 Q. In fact, all of you who have provided evidence on behalf 15 of the government have all pointed us to the areas in 16 which other government departments have lead policy 17 responsibility. We can see some examples of potentially 18 direct overlap, because we have, for example, the DCMS 19 toolkit that came out in February, which was informed by 20 the Scouts, which was a sort of online safeguarding 21 toolkit for voluntary organisations; we have your 22 potential voluntary out-of-school settings code? 23 A. Yes. 24 Q. We have the template documents that Strengthening Faith 25 Institutions have produced for settings, which is</p> <p style="text-align: center;">Page 101</p>	<p>1 funded, largely, by the Department of Housing, Community 2 and Local Government -- I can never remember the right 3 formulation for that particular government. 4 Has there not been any cross-departmental discussion 5 about trying to draw these various strands of work 6 together and trying to have sort of a voluntary 7 organisation -- not necessarily saying religions alone, 8 but a hub for voluntary organisations, to stop this 9 potential replication and overlap of advice? 10 A. We obviously consult different government departments 11 and link in with the different teams in those different 12 departments. But the overall joining-up of policy is 13 Cabinet level. 14 So if things needed to be joined up at that level, 15 that's where they would go. I think you're correct in 16 that you needed to get witness statements from a number 17 of different departments, and, indeed, from people like 18 the Charity Commission, who are not part of government 19 but quite close. 20 I think, in terms of the way we view the world, as 21 you rightly put, we don't view religious organisations 22 as a way that we cut things. In the Department for 23 Education, we look at education and childcare settings. 24 I think, though, the Department for Education would 25 feel the most in the lead, because we own the policy and</p> <p style="text-align: center;">Page 102</p>
<p>1 legislative framework on safeguarding, which clearly is 2 the subject of this inquiry, so I think it's right that 3 you call me. 4 I think, to your challenge of, you know, should we 5 be more joined up, I'm sure there are things that have 6 fallen down the cracks between us, but we attempt to be 7 joined up and we cut things by our sector 8 responsibilities and content rather than necessarily the 9 same scope that this inquiry is looking at. 10 Q. I understand that, but I suppose what we are worried 11 about is that there might be too many cooks but not 12 necessarily making a whole meal. So we have got 13 somebody doing a starter, somebody doing a main course, 14 somebody doing a dessert, and what you need is maybe 15 just one chef with overall control of those three 16 different aspects. Would there be any appetite, 17 extending the meal metaphor maybe a stretch too far, for 18 one department taking the lead for voluntary settings, 19 if one were to put it that way, so that there is, for 20 example, a voluntary hub, shall we say, or all materials 21 are placed on one website, to stop the slightly silo 22 nature of the way that policy is constructed and 23 implemented at the moment? 24 A. We would certainly look at the merits of that. I think, 25 if I were looking through the eyes of the church,</p> <p style="text-align: center;">Page 103</p>	<p>1 I probably would think about the services I was offering 2 and go to those places, which would lead me to, in the 3 instances of children, going to the Department for 4 Education. 5 So I think there are many different ways of cutting 6 the world. I'm not sure that we have heard significant 7 problems in that respect with the way that we cut the 8 world, but our ears are open. 9 Q. What I would say is, we have had a number of 10 organisations say to us, "We don't know where to go. 11 We don't know where to look". The NSPCC, for example, 12 said, "We don't really know -- we run the Child 13 Protection in Sport Unit. It is quite clear -- we have 14 got quite clear lines, but when it comes to other 15 voluntary organisations, it's slightly fragmented". So 16 I don't think it's fair to say that people haven't told 17 us that. Pretty much everyone has said, "It's quite 18 difficult to find out where I go", particularly smaller 19 and less experienced organisations. 20 The Church of England is practically next door, 21 opposite -- Church House is practically opposite the 22 Department for Education, so they can just walk across 23 the road and have a chat. Whereas smaller, and, shall 24 we say, newer religious movements might not have that 25 long historic relationship with the state and might be</p> <p style="text-align: center;">Page 104</p>

<p>1 looking for somewhere easy to go to?</p> <p>2 A. I think we have definitely heard communications</p> <p>3 questions. When we come on to talk about the voluntary</p> <p>4 code, for example, one of the things we are thinking</p> <p>5 about is, it's good to have that published when it's</p> <p>6 published, but, actually, how do you get it to the right</p> <p>7 people? Even, I think, in the work we have been doing</p> <p>8 on COVID, the work that we did around holiday clubs and</p> <p>9 out-of-school settings for coronavirus, you know, we</p> <p>10 produced some guidance for parents, but it's only -- you</p> <p>11 know, it's obviously strengthened by the number of</p> <p>12 parents that read it, given that it is advice rather</p> <p>13 than a "must do". So that, I think, is a fair</p> <p>14 challenge, the communications and getting it to people.</p> <p>15 Q. The second issue I wanted to ask you about is</p> <p>16 Working Together, which is your current statutory</p> <p>17 guidance. I am going to get a passage of it up. You</p> <p>18 can look at it, if you wish. It is behind tab B21,</p> <p>19 chair and panel, that's the first tab of file 2. But</p> <p>20 I would ask Danny to get up DFE002815_070 and _071,</p> <p>21 please. This is paragraphs 57 to 62, pages 70 and 71 of</p> <p>22 Working Together. We just have to wait for Danny.</p> <p>23 It takes a few seconds for Danny to work his magic.</p> <p>24 A. I remember the magic from Ralph before.</p> <p>25 Q. Well done, Danny. This is it as far as voluntary</p> <p style="text-align: center;">Page 105</p>	<p>1 charities, social enterprise, faith-based organisations</p> <p>2 and private sectors are concerned. This is the advice</p> <p>3 that they're given in Working Together. Most of them</p> <p>4 have said to us, "This isn't enough". Are you going to</p> <p>5 do anything about that?</p> <p>6 A. I think there's always a balance to be struck with long</p> <p>7 documents that the department produces about whether</p> <p>8 they have enough detail versus whether people actually</p> <p>9 even ever find the detail because the documents are so</p> <p>10 long.</p> <p>11 So I think, you know, we look to review and consult</p> <p>12 on changes for our guidance periodically, and that</p> <p>13 applies to Working Together, it applies to Keeping</p> <p>14 Children Safe in Education. It's always a balance</p> <p>15 because, every time we look at it, people want more</p> <p>16 things in it.</p> <p>17 So at the moment, we haven't got a plan to review</p> <p>18 and add more things in, but next time we look at it,</p> <p>19 then I'm sure we will take into account both the inquiry</p> <p>20 and what the voluntary sector are saying.</p> <p>21 Sometimes, in the case of Keeping Children Safe in</p> <p>22 Education, we obviously did a big stand-alone</p> <p>23 peer-on-peer abuse extra, which was useful to people for</p> <p>24 a short term and now we are trying to incorporate, you</p> <p>25 know, a section of it into the main guidance. So</p> <p style="text-align: center;">Page 106</p>
<p>1 sometimes things can, for a short while, need more</p> <p>2 explanation, so we would certainly consider that sort of</p> <p>3 thing if it was felt to be an issue that needed to be</p> <p>4 fixed in the short term.</p> <p>5 Q. I suppose the reality is, this document is designed for</p> <p>6 and aimed at statutory provision, largely. I know it</p> <p>7 has bits and pieces in it about other things, but,</p> <p>8 largely, it is what -- Social Services or a school would</p> <p>9 have a copy of it around, or a CCG would, and they would</p> <p>10 refer to it and look at it when they are thinking about</p> <p>11 what they are doing, around a number of children,</p> <p>12 largely around whether children should remain with their</p> <p>13 parents and the services to children in need.</p> <p>14 So is there a space, do you think, for sort of</p> <p>15 separate guidance which isn't part of Working Together</p> <p>16 but which sets out clearly what the responsibilities of</p> <p>17 voluntary organisations are in respect of safeguarding,</p> <p>18 and do you think, as a department, that you're well</p> <p>19 placed to provide that?</p> <p>20 A. I'm sure we are going to come on to questions about the</p> <p>21 voluntary Code of Practice, but that is largely what</p> <p>22 that document is aiming to do, to provide -- it is not</p> <p>23 statutory, but to provide guidance to out-of-school</p> <p>24 settings on a number of different things, but with</p> <p>25 a focus on safeguarding.</p> <p style="text-align: center;">Page 107</p>	<p>1 Q. Can we go back -- Danny, would you mind getting up</p> <p>2 DFE002815_071 again. Can we go to paragraphs 61 and 62,</p> <p>3 please. I would like to use this as a jumping-off point</p> <p>4 to discuss some aspects of regulation, or absence of</p> <p>5 regulation, in a little more detail with you, if you</p> <p>6 wouldn't mind, Ms Dixon.</p> <p>7 Firstly, every organisation should have policies in</p> <p>8 place to safeguard and protect children from harm, but</p> <p>9 that's not a statutory obligation, is it?</p> <p>10 A. So I'm sure we are going to come on to the question of</p> <p>11 regulation and registering out-of-school settings, but,</p> <p>12 at the moment, we don't.</p> <p>13 Q. So the entirety of this paragraph, whilst it is written</p> <p>14 in "should", there is no legislative basis for that. It</p> <p>15 is just "it is a good idea to" rather than "one is</p> <p>16 obliged to"?</p> <p>17 A. There is no legislation or regulation of out-of-school</p> <p>18 settings; out-of-school settings as we sort of define</p> <p>19 them, but don't quite define them, as it were. I'm sure</p> <p>20 we will get on to that.</p> <p>21 Q. There have been some steps taken under the Children and</p> <p>22 Social Work Act. We have heard from a number of local</p> <p>23 authorities which have created this concept of</p> <p>24 the relevant agency. Now, as I understand it, you have</p> <p>25 the local children's safeguarding board -- no, the local</p> <p style="text-align: center;">Page 108</p>

27 (Pages 105 to 108)

<p>1 children's safeguarding partnership, that's what they 2 are now, LCSPs, sorry, so they are the local authority, 3 the health authority and the police? 4 A. Correct. 5 Q. They have overarching responsibility to make sure that 6 all their agencies do what they say they are going to do 7 and monitor and review and have a look at that. That 8 organisation has power to make certain organisations 9 relevant agencies, and that includes, as I understand 10 it, charities and religious organisations who run 11 schools, in effect, schools with a religious character, 12 but nobody else has to be a relevant agency. Am I right 13 in that or have I got that completely wrong? 14 A. The partnership, the CCG, the police and the local 15 authority, can name additional partners. It is that 16 trio of people who name the partners. There is, again, 17 a balance to be struck for them about how many they name 18 and the change to the partnership from the local 19 children's safeguarding board was on the basis that 20 actually it was the strength of the relationships that 21 was the important thing and in putting together a plan 22 between those three agencies, and indeed any other 23 relevant agencies that they name, that was the strength 24 of how well they worked rather than the precise naming 25 of who was on the partnership.</p> <p style="text-align: center;">Page 109</p>	<p>1 It might be a good point for me to mention that one 2 of the pilots that we are funding through the £3 million 3 and, in fact, one of the ones we have extended in 4 Hackney -- 5 Q. We have sort of talked about the pilots but perhaps now 6 would be a useful time for you to say roughly, for the 7 benefit of the audience following along -- we obviously 8 know it from your witness statement -- what the pilot 9 scheme is and then you can tell us about what's going on 10 in Hackney? 11 A. Perfect. Why don't I do that. Following the 12 consultation, the call for evidence, we did in 2015 13 about whether we should regulate out-of-school settings, 14 we haven't ruled it out but we decided not to at that 15 point. One of the things we decided to test off the 16 back of it was to put £3 million into a number of local 17 authorities -- 16 local authorities -- to pilot how they 18 identify and take action where they have got concerns. 19 That was against a range of concerns, anything from 20 where the call for evidence started, which was in the 21 Prevent space -- so radicalisation and countering 22 extremism, through to safeguarding through to corporal 23 punishment. So a range of concerns. 24 That pilot scheme we initially thought might run for 25 a year, but, actually, in totality, with the extension</p> <p style="text-align: center;">Page 110</p>
<p>1 of the pilots, is probably going to run for about three 2 years. 3 The main body of the piloting, in terms of 4 the 16 local authorities, finished in March, but we had 5 some extra money which we have -- sorry, within the 6 3 million, some unspent money that we have used to 7 extend six of the 16, so the existing pilots, for 8 a little bit longer, probably for another year they will 9 run, and one of those is Hackney. 10 We chose the extended pilots because they were 11 continuing to pilot, or proposing to pilot, something 12 that we were particularly interested in coming out of 13 the main body of the pilots, and Hackney are looking at 14 the issue you raised in terms of the trio of partners 15 and who they then name as their extended partners, and 16 they are looking to see sort of how far they can push 17 that partnership arrangement to not quite compel, but go 18 as close as possible to compelling, the relevant 19 agencies, whom they name, to follow both 20 Working Together in terms of the paragraph you showed 21 me, but also the voluntary code that will be published 22 this autumn. 23 So they are piloting the extent of that power, of 24 that partnership. 25 That's relevant within the context of the pilots</p> <p style="text-align: center;">Page 111</p>	<p>1 because one of the things we wanted the pilots to do and 2 to learn from the pilots was to see how far the current 3 powers amongst relevant partners in a local area could 4 both identify and address concerns that came up. 5 Stop me if I'm rambling, but the original 6 consultation in 2015 looked at whether we should 7 legislate to regulate out-of-school settings. At that 8 point, we decided not to. What we are doing -- partly 9 doing through the pilots is looking at the extent of 10 the current powers. If you add all those powers up that 11 different agencies have got, what's the gap? What can't 12 they do that they might want to do? So that we have 13 a better evidence base for knowing what gaps there would 14 be, might be, in the legislation and how we might act to 15 fix them. 16 Q. We will look at some of this in a bit more detail in 17 a moment, but just to come to -- you obviously said that 18 one of the things you're doing with Hackney is looking 19 at how far. Now, we have had the benefit of having 20 Jim Gamble come to give us evidence earlier in the week, 21 and he said to us, they have taken legal advice on this 22 issue, they don't think that the relevant agencies -- 23 the way that the legislation works at the moment works, 24 because it can't compel anyone. In effect, it is 25 a toothless -- it is regulation, in that you can --</p> <p style="text-align: center;">Page 112</p>

<p>1 somebody can be asked to co-operate, but the reality is, 2 you can't then really make them do anything, or the way 3 that the legislation is currently drafted. So he said 4 very firmly to us in his robust manner, "Not good 5 enough", and, in fact, all -- we have had, I think -- 6 I think we have had evidence from -- we have had 7 evidence in written form, I think, from eight out of 8 your 16 -- it is either eight or seven out of your 16, 9 and we have had evidence in oral form from four out of 10 your 16, so 25 per cent of your cohort, and all of them 11 have said to us, "We don't think our powers are 12 sufficient", and Hackney in particular, which, I think, 13 for reasons we will come on to in a moment, has had 14 quite a longstanding concern about a very small group of 15 institutions but which -- where it has tried to use the 16 various powers it has. It has reached the stage where 17 it says, "Well, we can't do anything else without 18 legislation". Is that something which you are going to 19 think about? I mean, I can't ask you to do anything 20 other than think quite seriously about what the local 21 authorities are telling you about the limits they have 22 on their powers? 23 A. Yes, absolutely. I mean, I think obviously -- I know 24 Jim Gamble has got some very powerful views and 25 expresses them, indeed, and has, for a long time, had</p> <p style="text-align: center;">Page 113</p>	<p>1 a problem with the group of education or otherwise 2 defined institutions that he spoke about. 3 Hackney proposed testing the system for us, so 4 seeing how far their power would take them. I think 5 Jim Gamble's advice to you is probably what our 6 advice -- the advice coming to us from lawyers is that 7 we don't think that that use of naming relevant agencies 8 is robust enough. 9 We would like to see how far Hackney get with it, 10 obviously, that's the point of the pilots, but I think, 11 yes, the three years' worth of piloting is to do exactly 12 what you have heard from local authorities, which is to 13 find out the extent of those powers and where the gaps 14 are, and then to take to our ministers some advice about 15 how and whether/when we might want to do something about 16 them. 17 I don't know if this is a good time just to recap 18 maybe some of the other commitments in terms of 19 legislation? 20 Q. I'm going to ask you to go through the other commitments 21 in terms of legislation, so that's what -- we have gone 22 on a slight diversionary route, but that's fine because 23 we have got the evidence out on what is quite an 24 important issue. 25 We have dealt a little bit about relevant agencies.</p> <p style="text-align: center;">Page 114</p>
<p>1 The issue that Mr Gamble is particularly concerned about 2 is not necessarily about what we would call part-time 3 settings, but is about some faith settings, and it is 4 not exclusively related to faith settings, but we have 5 had both Ms Spielman and Mr Gamble come to give us 6 evidence about particular concerns they have and the 7 local authorities have also -- other local authorities, 8 such as Tower Hamlets that we have heard evidence from, 9 Bradford, various others have said the same thing, about 10 organisations which look like schools, act like schools, 11 but aren't, at the moment, compelled to be registered as 12 schools. 13 So, as I understand it, at the moment, there is no 14 compulsion for something that walks like a school, talks 15 like a school, provides full-time education, to be 16 registered as a school if it only has a very narrow 17 curriculum. So if it only teaches religious education, 18 it doesn't have to be registered as a school. If it 19 only teaches sport, it doesn't have to be registered as 20 a school. If it only teaches dancing, it doesn't have 21 to be registered as a school. So there are exemptions 22 currently within the system for kind of, I suppose, 23 mono-focused institutions. 24 You, I understand it, have introduced -- or there is 25 some discussion, shall we say, about introducing some</p> <p style="text-align: center;">Page 115</p>	<p>1 legislation to remedy this. Can you tell us about where 2 you have got to as far as that's concerned and what's 3 being proposed? 4 A. Yes. So we have made a public commitment to legislate 5 as soon as possible -- I can't remember the exact 6 language, but it is no doubt something like that -- to 7 tighten the definition of an independent school. So the 8 reason I say "independent" is, that is how these 9 institutions would fall under the legislation and the 10 requirement to register. 11 The issues of single-focus -- religious, sport, 12 dance -- examples are not what we intended in drafting 13 the legislation requiring schools to register, and we 14 have subsequently, you know, discovered that people are 15 using that as an exemption to the legislation to not 16 register, and we have made a commitment that, when we 17 can, we would like to tighten that definition to bring 18 them within the scope of requirement to register, which 19 would then bring them -- 20 Q. What's the requirement going to be, then? What's the 21 proposed legislation? What's that going to look like? 22 A. So we have consulted on the definitions of "independent 23 schools". A few different changes that we wanted to 24 make. Thinking about the question of what is full and 25 part time and proposing to tighten that to make it</p> <p style="text-align: center;">Page 116</p>

<p>1 a requirement in the legislation rather than solely in 2 our guidance. 3 Q. At the moment, there is no definition of what full-time 4 education is, in any statute? 5 A. There isn't. 6 Q. No. 7 A. There is not. So the key changes in legislation for the 8 definition and registration of independent schools, 9 which would cover the institutions that you are talking 10 about, is, there would be a criteria for full time and 11 there would be a criteria for content of what they 12 teach. At the moment, our assumption was that a school 13 taught things that the school would teach in terms of 14 broad education. What we have found is, actually, there 15 can be a very narrow interpretation of that, which means 16 that schools -- or institutions fall out of 17 the definition of independent schools. We would 18 consider those to be schools. As you have heard 19 evidence from other people, they would also consider 20 them to be schools. We want to bring them into the 21 scope of the registration system. 22 Q. What's likely to be the definition of full-time 23 schooling? I know you consulted on that and you haven't 24 published the legislation yet, but is it going to be 25 32.5 hours a week, are you going to say full time is the</p> <p style="text-align: center;">Page 117</p>	<p>1 equivalent of X, is it going to be a quantitative test 2 or a mixture of the two? 3 A. A mixture of the two, but our working definition is 4 18 hours. That's what we use -- it's not in statute, 5 but that's what we use as our definition within the 6 independent schools registration system at the moment. 7 Our primary, practical sort of concern or criteria 8 is that it would stop you going to another school. I'm 9 sure you have heard that from Ofsted as well. So, 10 actually, if it is operating in school hours and it's 11 providing the bulk of time that would be dedicated to 12 education, those are the schools that we would like to 13 capture and register under this system and, when we 14 legislate, that's what we will seek to do. There were 15 other bits in our consultation around the appeals system 16 for independent school registration, but those two, the 17 full time and the content, are the ones I think -- 18 Q. What are you going to do about the content? What are 19 you going to say? Are you going to put in legislation 20 that, "These are the minimum requirements. Any school 21 has to teach the following ...", or "must take into 22 account the following"? How is that going to work? 23 A. At the moment, we have, through the Independent Schools 24 Standards, the content of education that we consider 25 should be taught in schools that are registered.</p> <p style="text-align: center;">Page 118</p>
<p>1 Actually, the argument made by some of these 2 institutions is that they don't cover things outside of 3 the scope of religious education, so that means they 4 have argued that they don't fall under this system. 5 So we will be extending that to bring them into 6 scope by not -- we thought we were being broad, but, 7 actually, what we have done is knock out some 8 institutions. So we will talk about the hours and the 9 time that they're in, as well as the sorts of things 10 they're taught. 11 I don't know the exact wording of what we have 12 drafted in our proposals for legislation, but if you 13 would like me to find out, we can do that. 14 Q. No. I think we have got some -- there was 15 a consultation that was launched last year about this, 16 but obviously it doesn't contain a draft bill. 17 Sometimes consultations contain draft bills. It didn't 18 contain a draft bill, so it was just important for us to 19 get an idea of -- so, therefore, the idea is meant to be 20 that these institutions will have to become registered. 21 That therefore means they have to meet the Independent 22 Schools Regulations, as I understand it. 23 A. Yes, correct. 24 Q. And the various minimum standards that come with that, 25 and would also have to comply with other statutory</p> <p style="text-align: center;">Page 119</p>	<p>1 obligations, such as the Equality Act 2010? 2 A. Yes. 3 Q. That would also be the case. Now, you have said that 4 you have got a commitment to legislate. Obviously, we 5 have got both COVID and Brexit, both of which are fairly 6 significant matters. How realistic is it that there 7 will be any legislation within this parliamentary term? 8 A. I can't give a definitive answer, but I can tell you 9 that we continue to bid for these bits of legislation, 10 and they continue to be on the list. They haven't been 11 knocked out. So it's maybe relevant to mention the 12 other two bits of legislation I think are relevant in 13 this space that we have publicly committed to. So one 14 is giving Ofsted great powers around unregistered 15 schools. 16 Q. Tell us a little bit about that. What are you proposing 17 to do? 18 A. We haven't published, and I wouldn't want to say 19 publicly exactly what the powers would be. We have 20 chosen not to do that because we don't want to give 21 people a head start to start finding ways around them. 22 But, in essence, Ofsted are saying to us that they have 23 been -- and they have, indeed, been very successful at 24 finding, and jointly we have prosecuted, a number of 25 unregistered schools. Ofsted don't have the powers of</p> <p style="text-align: center;">Page 120</p>

<p>1 entry and the powers to shut down the school or the 2 institution when they arrive at it, nor to seize the 3 materials that they might need to create the most robust 4 case. 5 I think we respect Ofsted's work in this area, and 6 they don't have the powers that they would have in the 7 equivalent of a school, so we would like to in some way 8 replicate those powers so they can be as strong and as 9 effective in those unregistered schools. 10 The second one I wanted to mention was the public 11 commitment to create a "children not in school" 12 register. So this stemmed from our consultations around 13 home education. We have one outstanding response to the 14 most recent consultation on the "children not in school" 15 register, and we moved away from a register for 16 home-educated children to a register for children not 17 in school because of some of the issues around people not 18 necessarily all falling into home education, but not 19 falling into school, for some of the reasons around 20 safeguarding and education across these different 21 settings. 22 We have committed, again, to legislating, you need 23 to legislate for the register to be created. We have 24 committed to that, and I think the reason I mention 25 these three things together and they're relevant to this</p> <p style="text-align: center;">Page 121</p>	<p>1 inquiry around, you know, the discussion about 2 out-of-school settings, is, if you pull one of these 3 levers hard, then you may end up inadvertently sending 4 the children into one of the areas where you haven't 5 tightened up the process. 6 So we bid for these three bits of legislation at the 7 same time. We see them together in our head as 8 strengthening the safeguarding system. Whether they 9 make the priority list for legislation, I couldn't tell 10 you. As you say, there's pressure on the legislative 11 programme. But we do continue to bid for those and bid 12 for them under a safeguarding set of reasons rather than 13 a purely educational one. 14 Q. Can we have a little bit of a look at the proposal? We 15 have got a consultation from you that finished 16 on June 2019. I don't think there's been any response 17 to that consultation. I think COVID has probably 18 stopped any publication that was due to take place. If 19 we could have a quick look at that, it is behind tab 27, 20 chair and panel, which is file 2, and can I just 21 double-check, I think the first proposal we have -- the 22 first proposal you identify is that local authorities 23 will need to maintain a register of children not 24 registered at specified types of school; that's right, 25 isn't it?</p> <p style="text-align: center;">Page 122</p>
<p>1 A. Yes. 2 Q. That's at _010. DFE002824_010. It is paragraphs 2.2 3 and 2.3: 4 "The basic proposition is ... every local 5 authority ... [has to] maintain a register ..." 6 So every individual who isn't at one of those 7 institutions would have to be on a register so the local 8 authority would know who they were. But the duty to put 9 them on the register is going to be that of the parent. 10 Am I right in thinking that? 11 A. Yes. 12 Q. Which is set out at DFE002824_015. This is the 13 proposal. Obviously, the difficulty with that is it 14 relies upon parents letting local authorities know that 15 that's what they're doing. Do you think that most 16 parents will comply with that, or how do you think -- 17 the unintended consequence of that may well be parents 18 deliberately not telling you that their children are 19 being home educated, so you're still going to have the 20 same problem, just at once remove? 21 A. Yes, of course that's a risk. I think we have said in 22 our guidance that is under the current statutory regime, 23 so before, if, indeed, we do progress to legislate on 24 the register, that we are asking local authorities to do 25 more and to feel more confident to do more within the</p> <p style="text-align: center;">Page 123</p>	<p>1 current powers, which can look at their data mapping to 2 try and help identify where children exist that they 3 don't know about. So that is one way that potentially 4 children who are purposefully being hidden from the 5 system could be identified. 6 At the moment, though, without the register and 7 without asking parents to report where their children 8 are being educated, or if they're not at school, then we 9 haven't taken a step even towards that. 10 Now, that has been fraught with contention for more 11 than ten years about whether we are invading people's 12 privacy, but I think, at this point, there is 13 a direction of travel both in the government, in 14 stakeholders and amongst the public that this is more 15 acceptable, that finding out -- at least knowing where 16 children are is a step that we could take. 17 It is still contentious -- 18 Q. There is a strong home education lobby who would be very 19 unhappy with this proposal because they would feel it 20 was invading their right to teach their children in the 21 way that they wished, and it's parents -- they would see 22 that as part of their rights as parents? 23 A. Yes, that's right. But our original consultation 24 proposed looking at the content of teaching and whether 25 that met certain standards. We have chosen to do just</p> <p style="text-align: center;">Page 124</p>

<p>1 the first part of it, the creation of the register, 2 partly in response to that feedback. This is 3 a difficult issue in which to step into, and taking the 4 first step, from a safeguarding point of view, felt 5 important to us, so that's what we have progressed 6 our -- you know, our consultation that we will respond 7 to hopefully sometime in the autumn, to find out how we 8 would do this, how we could make it work, what sort of 9 funding would be required, the practicalities of doing 10 that, and I think, along with that, comes your very 11 relevant question about, what if they don't and how do 12 you find those children? 13 But we are in that position at the moment, albeit 14 for very small numbers of children, probably, but if 15 those children are being hidden purposefully, then there 16 is the concern for their well-being, putting education 17 aside, and obviously we care about both of those things. 18 But, yes, I wouldn't want to be portrayed as somebody 19 who was criticising the majority of home-educating 20 parents, who are doing a very good job, as many 21 home-educating parents who have tried to work through 22 coronavirus and failed have probably found out. 23 Q. I think a number of parents have found the reality of 24 home education may well be less attractive than the idea 25 of it in the abstract, as a result of the past six</p> <p style="text-align: center;">Page 125</p>	<p>1 months. 2 On that note, I note the time. There are a couple 3 more things I want to ask you about this proposal and 4 then we are going to move on to the voluntary code of 5 practice, if I may. 6 Chair, may we have a mid afternoon break now, 7 please? 8 THE CHAIR: Yes, we will return at 3.05 pm. 9 (2.50 pm) 10 (A short break). 11 (3.05 pm) 12 THE CHAIR: Thank you. Ms Scolding? 13 MS SCOLDING: Thank you very much. 14 Ms Dixon, just before the break, we were talking 15 about the new proposal for registration of children who 16 are currently educated in out-of school settings. 17 A particular problem that Hackney found, and they 18 have given evidence about, is the fact that they can't 19 get any information about who these children are in the 20 institutions that they suspect may well be being run as 21 unregistered schools. 22 I note you have a proposal to try to remedy that 23 particular issue -- at DFE002824_018, Danny. Perhaps 24 you would like to tell us a little about this duty upon 25 proprietors to provide you with some information.</p> <p style="text-align: center;">Page 126</p>
<p>1 (Pause) 2 Ms Dixon? Do we in fact have Ms Dixon? (Pause) 3 I appear to have asked a question literally into the 4 void, because Ms Dixon doesn't apparently look as if 5 she is on the call. I was wondering if it might be 6 sensible -- I am looking at Ms Nicholls and Mr Tahzib, 7 whether or not they can send me a message as to what may 8 or may not be happening, as I can't see Ms Dixon. 9 Is it the case that we may need to take a short 10 break while we look to see if we can find Ms Dixon? 11 Chair, would you mind if we take a very short break 12 while we resolve this problem? Thank you. 13 (3.07 pm) 14 (A short break) 15 (3.14 pm) 16 MS SCOLDING: I am going to ask Ms Dixon to identify herself 17 so I don't ask a question into the ether again. 18 Ms Dixon, can you let me know you are there? 19 A. I am here. 20 Q. Thank you very much. I just asked a two-minute question 21 without realising that you weren't there, so that's 22 absolutely fine. 23 Can I ask you to look at -- we were just looking at 24 the consultation document before the break. I'd like 25 you to look at this, "Creation of a duty on proprietors</p> <p style="text-align: center;">Page 127</p>	<p>1 for certain education settings to respond to enquiries 2 from local authorities". Can you tell us about this 3 proposal and what it is meant to achieve? 4 A. So we are back in the "children not in school" register? 5 Q. We are. We are back on children not in school. 6 A. Honestly, no, I can't. If you would like me to read it, 7 give me a moment, I might be able to once I have read 8 it. 9 Q. I think the idea is meant to be that local authorities 10 can then ask questions of proprietors about whether 11 children are there or aren't there, and it looked to me 12 that this duty may well extend and deal with one of 13 the issues that Mr Gamble was telling us about, which is 14 institutions saying, "We are not going to give you lists 15 of who is there", or, "We are not going to tell you who 16 is there". I think that's the response to this, but 17 I just wanted to check that with you? 18 A. Okay. I mean, that sounds sensible. I guess my 19 question would be, given that the settings that 20 Mr Gamble is referring to aren't yet covered as 21 educational settings, do we need to do the bit of 22 legislation change that we talked about earlier to make 23 them education settings before this proposal would bite 24 on them? Ideally, we would do, as I said, all the bits 25 of legislation that pull on different bits of the system</p> <p style="text-align: center;">Page 128</p>

<p>1 at the same time in order to not cause ourselves</p> <p>2 problems, but that would be my question. But you're the</p> <p>3 one supposed to be asking the questions and me giving</p> <p>4 the answers, so sorry about that.</p> <p>5 Q. That's not a problem. It also says the proposals do not</p> <p>6 seek to amend existing monitoring or assessment powers</p> <p>7 of local authorities. I think some local authorities</p> <p>8 would say they would like to have assessment and</p> <p>9 monitoring powers for education, if it's being provided</p> <p>10 at home, just to make sure that it is suitable, because</p> <p>11 any home education has to be suitable. At the moment,</p> <p>12 whilst -- the element of suitability lies almost</p> <p>13 entirely in the hands of the parent rather than the</p> <p>14 local authority to act as a sort of overseer or safety</p> <p>15 net, really, in those small number of cases where there</p> <p>16 are problems. Why is it you decided not to extend the</p> <p>17 powers?</p> <p>18 A. So I alluded to that a little bit before the break. We</p> <p>19 first consulted on the three things, but, given the</p> <p>20 responses that we got back and the contentious history</p> <p>21 that stepping into this space has, we decided to take it</p> <p>22 in parts and go with the creation of the register, which</p> <p>23 was the most palatable and we thought would take us at</p> <p>24 least on the journey, and not look at the monitoring and</p> <p>25 the content of the education through proposals to</p> <p style="text-align: center;">Page 129</p>	<p>1 legislate.</p> <p>2 There is already existing responsibility and cover,</p> <p>3 I suppose, for local authorities to investigate where</p> <p>4 they think that there might be a problem in the quality</p> <p>5 of the education or in safeguarding, and the guidance</p> <p>6 that we have produced for the current system is seeking</p> <p>7 to give local authorities more confidence and more cover</p> <p>8 to step into that space under the existing statutory</p> <p>9 regime, and we produced quite a detailed piece of</p> <p>10 guidance about the steps that they can take, so those</p> <p>11 two things combined, we will see how far that takes us</p> <p>12 and how well it goes down or how difficult it is, and</p> <p>13 consider the other two parts of the consultation further</p> <p>14 into the future.</p> <p>15 Q. Just to sort of clarify, there is power for a local</p> <p>16 authority potentially to bring something called an</p> <p>17 education supervision order or a school attendance</p> <p>18 order, both of which, in effect, compel a parent to have</p> <p>19 a child educated at a particular setting?</p> <p>20 A. Correct. A staged set of things that the local</p> <p>21 authority can do, and that's sort of the middle ground.</p> <p>22 Ultimately, they could put a care order in place if,</p> <p>23 actually, they were concerned about the safeguarding, or</p> <p>24 indeed the quality of education, so there is way that</p> <p>25 they can go along that path. But, again, we suspect</p> <p style="text-align: center;">Page 130</p>
<p>1 that would be fairly unusual and extreme circumstances,</p> <p>2 but the intention there is to show the local authority</p> <p>3 and give them the confidence that they can progress down</p> <p>4 this route if they have concerns.</p> <p>5 Q. Can I ask as well, the other proposal that you are</p> <p>6 making is to create a duty on local authorities to</p> <p>7 provide support to parents who choose to home educate</p> <p>8 their children. Is that proposal likely to go ahead?</p> <p>9 A. I think probably. That got more support. I think</p> <p>10 exactly what that is is the question. So, you know, it</p> <p>11 could be a range of things from paying for exam fees to</p> <p>12 providing support materials. I suspect, again, the</p> <p>13 coronavirus period may well have taught us something</p> <p>14 about the support that home educating families welcome</p> <p>15 and don't welcome. We might be able to learn from that.</p> <p>16 But I think it was also an attempt to recognise that</p> <p>17 many home-educating families are doing a good job, and</p> <p>18 it is a very difficult job, and we should be grateful,</p> <p>19 and if there is some support that we can give them, then</p> <p>20 the local authority -- asking the local authority to</p> <p>21 recognise that and give some support.</p> <p>22 Q. But the obvious corollary of that is, that will cost</p> <p>23 local authorities some money, so you are going to have</p> <p>24 to fund that adequately and probably create some new</p> <p>25 posts and spaces for individuals within local</p> <p style="text-align: center;">Page 131</p>	<p>1 authorities to be able to perform that work effectively,</p> <p>2 aren't you?</p> <p>3 A. Yes, depending on exactly what it is, but, yes, the</p> <p>4 creation of the register and the support is not free.</p> <p>5 Both of those things would cost money and will be part</p> <p>6 of our spending review bidding process. So that</p> <p>7 combined with the legislative bidding process, we will</p> <p>8 see how fast or slow we are able to make progress with</p> <p>9 this particular set of proposals.</p> <p>10 Q. The next topic I wanted to ask you about is about the</p> <p>11 voluntary Code of Practice and how it's come into being.</p> <p>12 You currently have consulted upon a voluntary Code of</p> <p>13 Practice, but I want to take us back a few steps to what</p> <p>14 happened in 2015, so we can see where you are and where</p> <p>15 you have got to.</p> <p>16 Now, in 2015, the local authority proposed</p> <p>17 a register of out-of-school settings of all natures,</p> <p>18 providing they provided more than a minimal number of</p> <p>19 hours per week, and there were a significant number of</p> <p>20 responses to this, and we can see, shall we say, the</p> <p>21 collation of those responses in your report on the call</p> <p>22 for evidence which you published in April 2018, which,</p> <p>23 chair and panel, and Ms Dixon, is behind B28, which is</p> <p>24 DFE002825_001. Danny, no need to get it up at the</p> <p>25 moment. We might need to get it up a bit later.</p> <p style="text-align: center;">Page 132</p>

<p>1 In effect, you had a significant number of 2 responses, I think it was something like 12,500, and 3 around -- no, in fact, it wasn't 12,500, there were 4 3,000 responses. You had 3,000 responses, of whom just 5 over 50 per cent came from a faith group, and, largely, 6 they were very concerned about the element that was in 7 your original proposal, which is that there should be 8 regulation of what was known as "undesirable teaching", 9 and the prohibition of extremist views, neither of which 10 term was, in fact, defined.</p> <p>11 It seems to me, and it may well be my misreading of 12 the response to the consultation, that largely that was 13 the concern of the majority of respondents. Am I right 14 in thinking that?</p> <p>15 A. I think it was 18,000 responses we got, but, you're 16 right, about half of them were from faith groups and 17 about three-quarters of the totality, not the 18 50 per cent, were against our proposals. There were 19 a number of things that people were worried about, 20 including how you define what we call out-of-school 21 settings, and we created that term, so how you find 22 them, what the threshold would be, the burden on small 23 and voluntary organisations, some resistance or 24 questioning of the -- who would regulate. We had 25 proposed Ofsted. The practicalities of enforcement,</p> <p style="text-align: center;">Page 133</p>	<p>1 funding, what legal powers were needed. But, yes, one 2 of the things was the potential -- well, like we talked 3 about in home education -- overstepping of government's 4 role into religious freedom of expression. You're 5 right, where this call for evidence stemmed from was 6 a commitment in the Prevent strategy in 2011 coming out 7 of concerns about what we would -- the undesirable 8 teaching in the context of countering extremism and 9 counter-terrorism. I think what we have learnt and, you 10 know, no doubt you have also learnt from hearing from 11 people is, actually, the questions and the way in which 12 we asked the question at that point very much got 13 people's backs up, particularly from religious 14 organisations, and we did get a lot of concern and 15 opposition against the accusation that we were somehow 16 saying that religious organisations were teaching 17 undesirable things.</p> <p>18 I think, you know, five years on, the lens in which 19 we would look through this question and how we would 20 frame it would be far more to do with safeguarding, of 21 which undesirable teaching or countering extremism might 22 be a small part but not the overwhelming tone of 23 the document. But, yes, I think your assessment is 24 correct, that was -- that clouded it and was some but 25 not all of the -- certainly far from all of</p> <p style="text-align: center;">Page 134</p>
<p>1 the practical questions that people asked, but it was 2 a part of it.</p> <p>3 Q. I understand entirely some of the practical problems, 4 but it would seem to me that most of those practical 5 issues could probably be overcome. So, for example, one 6 of the concerns that you raised was about a concern 7 about volunteer-led organisations and smaller 8 organisations but, I mean, let's be honest, they have to 9 comply with a panoply of regulatory activity about other 10 things, like food safety, for example. Let's just think 11 about it. Food safety, fire, health and safety, all of 12 those things have to be complied with, no matter whether 13 it is you in a front room or you running, you know, 14 20,000 children a year in a large mosque, for example.</p> <p>15 So do you think that possibly your response -- that 16 the government's response was slightly pusillanimous in 17 simply giving in at this stage, rather than necessarily 18 recasting the proposals to focus firmly on what are the 19 real issues, which is around child protection, and 20 ensuring there's a minimum standard for all 21 organisations? So you shouldn't have necessarily said, 22 "Right, we are not going to do anything", you should 23 have said, "Okay, the undesirable teaching bit doesn't 24 really work, we understand that. But we are still going 25 to do this, this and this?"</p> <p style="text-align: center;">Page 135</p>	<p>1 A. I think two points. One is that we didn't not do 2 anything. Actually, we sought ways of trying to 3 progress our understanding of the issues that were 4 raised in the consultation through both the pilots that 5 we have talked about and through the voluntary code, 6 which we may talk a little bit more about, I don't know. 7 And the intent through those two things were to learn 8 more and generate a greater evidence base for if there 9 was a problem and whether those practical questions and 10 considerations could be overcome and whether the way 11 that we had proposed doing it was right, wrong or could 12 be better.</p> <p>13 The second point is, it's hard. So, actually, those 14 practical things, you know, I'm sure from where you're 15 sitting you would say, "Well, nothing is too hard in 16 terms of child safeguarding, so just get on with it", 17 but the more that we have learnt through the pilots, 18 actually, the more those difficulties of practically how 19 do you do it and what's the best way and, if you do it 20 this way, what things do you miss, have come out, 21 I think. And we continue to learn. That's not to say 22 that they can't be overcome or you can't say, well, 23 we'll take an 80/20 model and get on with something, but 24 we don't know the answer about how to do this. We are 25 still learning.</p> <p style="text-align: center;">Page 136</p>

<p>1 I think, you know, the pilots -- we have got some 2 evidence. We are waiting for the evaluation report of 3 the main 16. We have got the extended pilots for 4 a little longer on some of the six. We haven't been 5 told there's a simple one answer that we could get on 6 with straight away. That's not to say that we couldn't 7 try, and we might find that it might soon be time to ask 8 the question again with a slightly different 9 proposition, but I think if we were to ask the question 10 again, you're absolutely right, we would ask it with 11 a different tone and a different slant, I think.</p> <p>12 Q. So can I ask, what has come out of the pilot projects? 13 You have set out in your witness statement sort of some 14 basic facts about them, but you have said -- we would be 15 most interested, as an inquiry, as to, what have the 16 pilots thrown up that might work and what you think 17 might not work and why?</p> <p>18 A. I can say a little bit, but we haven't --</p> <p>19 Q. (Overspeaking) research, qualitative element. There 20 must be something, emerging findings. What can you tell 21 us about your emerging findings?</p> <p>22 A. No problem. I guess the first thing to say is that -- 23 the point I made, which is it is complex and 24 out-of-school settings don't come and sort of bite you 25 on the nose. So I think the first thing that absolutely</p> <p style="text-align: center;">Page 137</p>	<p>1 surprised us about the pilots is how long it has taken 2 the local authorities who are piloting this to map, or 3 even try to map, the number of settings that are in 4 their patch. I don't think any of them would say they 5 have done that comprehensively.</p> <p>6 So I think that's a significant point of learning 7 for us.</p> <p>8 I think the second point of learning, again, perhaps 9 going back to what we talked about right at the 10 beginning, which was the multi-agency partnership 11 working, is the cementing of the partnerships between 12 local agencies being absolutely paramount and the more 13 that those relationships have developed, the more that 14 they can combine their powers to tackle the concerns or 15 find the concerns that they --</p> <p>16 Q. I was just going to say, can you give me an example of 17 that in practice?</p> <p>18 A. Yes, sure. For example, some of the, you know, work 19 that we talked about with unregistered schools and 20 Ofsted, actually, you know, Ofsted finding out that that 21 is the extent of their current power and actually they'd 22 like to go a little bit further, but that -- and I think 23 you are talking to the Charity Commission tomorrow. 24 Actually, the Charity Commission in some instances have 25 greater powers than some of the other agencies. They</p> <p style="text-align: center;">Page 138</p>
<p>1 are a small organisation and can't necessarily act on 2 all of them, but, actually, you know, to know that 3 sometimes they have a power that nobody else has got 4 that could get at a problem has been really useful, and, 5 again, you cited the health and safety legislation. 6 Again, that may be the simplest and easiest route in for 7 a local authority to go in under the health and safety 8 legislation where they have got concerns. I think 9 that's been a significant learning from the pilots.</p> <p>10 In terms of the concerns that are coming out, and 11 I caveat this heavily because this isn't all the 12 out-of-school settings in the patch. Local authorities 13 have taken different decisions as to which ones to go 14 and find. Again, a bit of learning from local 15 authorities is we funded a post in every local 16 authority, so, you know, somebody who works a normal 17 9 to 5 kind of job will spend more time finding and 18 visiting the settings that are open between those hours 19 than the ones that are out of hours. Perhaps that's 20 something we have learnt. But I think, you know, we -- 21 the pilots found lots of different kinds of concerns 22 which, in your eyes, may well come under the banner of 23 safeguarding in their totality. But, you know, some 24 radicalisation concerns, as, you know, we talked about, 25 but not huge -- you know, that wasn't the overwhelming.</p> <p style="text-align: center;">Page 139</p>	<p>1 Some safeguarding concerns, some health and safety 2 concerns, corporal punishment concerns, so -- and, you 3 know, in terms of the child sexual abuse inquiry 4 element, some sexual abuse concerns, although more 5 historic than current, not to say that they weren't 6 investigated.</p> <p>7 So a range of different concerns. Again, I think 8 that talks to your point at the beginning about, if we 9 were to do this again, we would frame the reason that we 10 are doing it in a different way, based on what we found 11 out from those pilots.</p> <p>12 Q. Again, one of the things that a lot of religious 13 organisations have told us is, they would welcome some 14 form of compulsory minimum standards, and the most 15 obvious place that they would come from, from you. So 16 we know that the NSPCC produces some sort of basic style 17 voluntary organisations. We are not talking about 18 anything terribly sophisticated. Similar to what you 19 set out in your voluntary Code of Practice, but you have 20 to have a policy, people have to have been trained, that 21 training has to be from people who know what they are 22 doing, et cetera, et cetera. Something which most of us 23 would expect that good organisations would do in any 24 event.</p> <p>25 Can you see any scope, given the package of</p> <p style="text-align: center;">Page 140</p>

<p>1 legislation you have already taken us to, to extending 2 that legislation to include those kinds of matters as 3 being required for out-of-school settings, as opposed to 4 done on a voluntary basis? 5 A. I think it's a good question for you to ask. I'd say 6 the stage we are at the moment is that we feel that we 7 have still got some evidence gathering to do because the 8 pilots aren't finished and we want that evaluation 9 report, and because, although the voluntary code now 10 called "Keeping children safe during community 11 activities and afterschool clubs and tuition", because 12 of the feedback that we didn't want to call it the 13 voluntary code, I think that has not yet been published, 14 although it has been socialised and, you know, tested 15 with stakeholders, and I think -- 16 Q. What does "socialised" mean? I've never heard of 17 a document being socialised before now. 18 A. People have read it and know about it. But I think, 19 coming back to a point I think we both made at the 20 start, this is two-pronged. There is a piece of 21 guidance for providers and there is a piece of guidance 22 for parents, and both providers and parents need to know 23 this guidance exists in order to act within it or ask 24 the questions within it. 25 So it feels like we have got a couple more things</p> <p style="text-align: center;">Page 141</p>	<p>1 that we ought to have done and tried and tested, but 2 whether it is the right time or it might soon be the 3 right time to re-ask the question about whether we need 4 to go further is, I think, a very relevant question. 5 Q. Ofsted have said to us in their evidence that they have 6 some concerns about the contents of the code because 7 I think they perceive it to be slightly tick-box in its 8 approach and not sort of holistic enough. Have you 9 taken on board that particular criticism? 10 A. We have worked -- a criticism of us might be how long 11 it's taken to publish it. 12 Q. I was kind of glossing over the fact that all of these 13 things seem to be taking -- do you accept that there has 14 been an inordinate level of delay in both publishing the 15 voluntary Code of Practice and also in the various other 16 pieces of legislation, which have been, shall we say, 17 mulling for at least the past three or four years? 18 A. Yes. I think that is a criticism that it would be 19 difficult to say was wrong. I think with the code you 20 always think you can make something better, don't you? 21 You always think you can -- you talk to that stakeholder 22 and make it a little bit better before you publish it, 23 and then COVID comes and you get it knocked out of 24 the water. 25 We hoped to publish in the autumn. We did lift some</p> <p style="text-align: center;">Page 142</p>
<p>1 bits from the code and put it in our COVID guidance, so 2 some of those bits about safeguarding are in both the 3 guidance to parents and guidance to settings for, you 4 know, how to open safely during coronavirus. So we have 5 made use of those. 6 To the question about, have we taken on board 7 people's comments and Ofsted's, then, yes, we have 8 listened and refined. You know, we have changed the 9 name. We have made it shorter. I think the criticism 10 about tick-boxy, I mean, to a degree, we want it to be 11 a bit tick-boxy because we want people to go down and 12 think, have they done these things, and particularly the 13 guidance to parents, we want them to say, "Oh, right, 14 should I have asked about DBS in my piano teacher's -- 15 when I send my son to the piano teacher". So we do want 16 to make it easy to use. We have tried to get the 17 balance between those two things but I'm sure it won't 18 be quite right for some people, but that's the nature of 19 consultation. 20 Q. As it is a voluntary code, how are you going to be 21 monitoring it or is there any way of you effectively 22 monitoring it? Because that is the problem. If it is 23 voluntary, you have got no way of seeing whether it is 24 working or not. What are you going to do about that? 25 You are talking about "the time may have come". Have</p> <p style="text-align: center;">Page 143</p>	<p>1 you got any proposals to undertake any research, 2 anything like that? 3 A. So we have got -- at the moment, we are funding some 4 comms work to try and work out how we can -- 5 Q. I understand, I'm sorry. 6 A. Communications activity to help us answer the question 7 about, how do you get these pieces of guidance to the 8 right people and get them used in the right way. So 9 that is one thing. 10 We continue to have, for the pilots and for the 11 development of the code, stakeholder groups whom we 12 convene to hear their views and help us with whatever we 13 are going to do next, or, at the moment, refine the two 14 proposals we have in the code and in the pilots, we 15 would continue to talk to those two groups. 16 But, you're right, it is a good question: how would 17 we know the time had come to ask the question again? 18 I suspect it would be through our normal stakeholder 19 channels, and maybe whatever this inquiry decides to 20 write or recommend. 21 Q. Because I suppose the last thing I should probably put 22 to you is, some organisations have said to us that there 23 is considerably more registration and regulation of 24 looking after your pet than there is of looking after 25 your child, in the context of these sorts of voluntary</p> <p style="text-align: center;">Page 144</p>

<p>1 settings. Do you agree that that balance may need to 2 change?</p> <p>3 A. I guess -- I can't fully answer the question until 4 I have the evidence from the pilots and from the use of 5 the code, and I think, really, what the pilots are 6 trying to gather the evidence for is, are the existing 7 systems and legal powers good enough or not, and if they 8 are not, what do we need to change?</p> <p>9 Q. I think there are three quite discrete topics I want to 10 ask you about before we finish your evidence, the first 11 one of which is about regulated activity. Now, we had 12 Mr Greaves just before we had yourself to talk all about 13 that, but I am going to ask you the same question that 14 I asked Mr Greaves, which is, given the concerns which 15 have been expressed by religious organisations about the 16 limits of the way that regulated activity is currently 17 defined, would you consider rethinking or assisting the 18 Home Office in rethinking some of those definitions to 19 make sure that those within -- particularly within 20 religious organisations, but also sporting activities 21 and other voluntary organisations which play such an 22 important part in our children's lives, that they are -- 23 you relook at that definition to make sure that we are 24 capturing the right people when we are checking them?</p> <p>25 A. I think two points. One, what we learn through the use</p> <p style="text-align: center;">Page 145</p>	<p>1 of the code and the pilots is relevant to DBS checking 2 and we would want to look at the evidence we get through 3 that. Secondly, you are right to have asked Dan the 4 question. It is the Home Office's policy. If the 5 Home Office do choose to look at that policy, we would 6 be very interested in working alongside them. It is 7 always, as he said, a balance of, you know, who is in, 8 who is out, the burden on different organisations, and 9 if they were to look at that again, I'm sure we would 10 have some views. Whether we would come up with a better 11 answer, I don't know, but we would certainly be 12 interested in being involved.</p> <p>13 Q. I suppose the question is, like everything in government 14 departments, there is a sort of push-me-pull-you, 15 really, isn't there? So you could go to the Home Office 16 and say, "Look, we have heard all the evidence from the 17 religious organisations alongside the issues that have 18 come out about voluntary code, the various bits, we 19 think it is time to have another look at this and expand 20 the definition to make it more inclusive than it is at 21 the moment". Would that be something that you may be 22 willing to consider? I'd like to say, "Please can you 23 do it"?</p> <p>24 A. Yes, if we have the evidence to support that. As 25 Mr Greaves said, we collect the evidence, listen to our</p> <p style="text-align: center;">Page 146</p>
<p>1 stakeholders, give our ministers a choice, and if they 2 want to push for some change, then that's what we would 3 do.</p> <p>4 Q. I suppose I will say as clearly as I can that the 5 organisations that would like to see those changes 6 include the Muslim Council of Great Britain, the 7 Church of England, Thirtyone:eight and very many other 8 religious organisations which make up the majority, if 9 not the totality, of religious organisations in this 10 country. So I think that is more of a statement than it 11 is a question.</p> <p>12 The next issue I would like to raise with you is 13 about faith and belief. We had some evidence from 14 Lisa Oakley, who chairs the National Working Group on 15 Child Abuse Linked to Faith and Belief, and we know that 16 was set up by the Department for Education, I think well 17 over a decade ago now. The impression that's been given 18 during the course of this inquiry, and it might be 19 wrong, is that that work has taken rather a back seat 20 recently. Can you reassure us that that isn't the case?</p> <p>21 A. I'm afraid I can't reassure you either way. I don't 22 know enough about it. If it is about a funding 23 decision, then I suspect we took a prioritisation 24 decision, but if it is about something else, I would 25 probably need a bit more information.</p> <p style="text-align: center;">Page 147</p>	<p>1 Q. That's fine. Thank you very much.</p> <p>2 The other issue is about concealment of abuse. What 3 a number of the victims and survivors in this 4 investigation have said is that there should be 5 a criminal offence of concealing abuse, because they 6 say, particularly within religious organisations, for 7 all the reasons -- we have had a lot of evidence about 8 the barriers to reporting -- that people might not just 9 not report it, but it might be actively hidden. I know 10 you did undertake some consultation about this a few 11 years ago, but I don't think anything came of it to 12 date. Is that something that you are still actively 13 considering, whether there should be the introduction of 14 some form of offence of concealing abuse?</p> <p>15 A. Again, I know, and I have seen through various bits of 16 briefing and other people's statements, that people are 17 interested in wilful concealment offence, but, no, 18 I don't know anything about that from the DfE. If 19 I should, then I'm happy to find out.</p> <p>20 MS SCOLDING: Thank you very much. I have no further 21 questions, Ms Dixon. I pass over to the chair and 22 panel, in case they have any questions for you.</p> <p>23 A. Thank you.</p> <p>24 THE CHAIR: Thank you, Ms Scolding. I have no questions, 25 Ms Dixon, but I will ask my colleagues if they have any</p> <p style="text-align: center;">Page 148</p>

1 questions for you. Ms Sharpling?
 2 MS SHARPLING: No, thank you, chair.
 3 THE CHAIR: Mr Frank?
 4 MR FRANK: No, thank you.
 5 THE CHAIR: Sir Malcolm?
 6 Questions from THE PANEL
 7 PROF SIR MALCOLM EVANS: Yes, chair, if I may, just one
 8 question.
 9 Could I just ask, you have made it, I think, clear,
 10 Ms Dixon, that you are thinking that there is a move
 11 towards registration and, perhaps, for the purposes of
 12 this question, more relevantly, regulation of
 13 the full-time schools which are operating outside the
 14 regulated framework at the moment. I don't doubt that
 15 it can be, but I'm just wondering, within that area,
 16 what thought has been given to how to make that
 17 compatible with the obligations under the protocol to
 18 the European Convention on Human Rights on the state
 19 when it assumes responsibility in relation to education
 20 to ensure that such education is in accordance with
 21 parental, religious or philosophical convictions?
 22 **A. I'm afraid I don't know the answer to that question. If**
 23 **you would like me to try to find out, then I can do.**
 24 **But I presume that you are making that point because of**
 25 **the religious freedoms of expression question.**

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1 PROF SIR MALCOLM EVANS: Indeed. There is no doubt that
 2 these things can be balanced. It is just a question of
 3 how that balancing act is being taken into account in
 4 the thought processes around the development of policy
 5 in this area. Thank you.
 6 **A. Would you like us to come back to you?**
 7 PROF SIR MALCOLM EVANS: I would. Yes, please.
 8 THE CHAIR: Thank you. There are no further questions.
 9 Thank you, Ms Dixon.
 10 **A. Thank you.**
 11 MS SCOLDING: Thank you very much, Ms Dixon. Good
 12 afternoon.
 13 (The witness withdrew)
 14 MS SCOLDING: Chair, we have no further witnesses this
 15 afternoon, so may we adjourn until 10.30 am tomorrow
 16 when we shall hear from the Charity Commission?
 17 THE CHAIR: Yes, Ms Scolding, until tomorrow morning, thank
 18 you.
 19 MS SCOLDING: Thank you very much.
 20 (3.47 pm)
 21 (The hearing was adjourned to
 22 Friday, 14 August 2020 at 10.30 am)
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