

1 Monday, 23 November 2020
 2 (10.30 am)
 3 THE CHAIR: Good morning, everybody, and welcome to Day 6 of
 4 this public hearing. Ms Scolding?
 5 MS SCOLDING: Good morning, chair. Good morning, panel.
 6 Our first witness this morning is Ms Sheila Smith.
 7 MS SHEILA SMITH (affirmed)
 8 Examination by MS SCOLDING
 9 MS SCOLDING: Good morning. Just before we go to your
 10 witness statement, a few introductory remarks from
 11 myself. Firstly, this isn't a test of memory. Please
 12 feel free to refer to any documents or notes you may
 13 have made. You should have a paper bundle in front of
 14 you, but we shall also be putting some documents up on
 15 screen, aided by my estimable colleague, Danny. That
 16 can sometimes take a few moments. We shall take a break
 17 after an hour, but if you do need a break any sooner,
 18 please let me know.
 19 If there are any technical glitches, please hang on
 20 and we shall try and get the problem sorted out.
 21 Once I have asked any questions, I shall pass to the
 22 chair and panel, who may have some questions for you.
 23 Ms Smith, you were a qualified social worker and are
 24 now the Director of Children's Services for
 25 North Somerset, having held that role since May 2010; is

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1 protection in schools?
 2 **A. So throughout my career -- I qualified as a social**
 3 **worker, so I've undertaken investigations into child**
 4 **protection issues in school. I have also led and**
 5 **managed quite complex investigations similar to the one**
 6 **we are referring to today.**
 7 **So from a child protection perspective, I have got**
 8 **quite a lot of experience. In regard to the running of**
 9 **schools, specifically in relation to teaching and**
 10 **learning, I have had experience since I became the**
 11 **deputy director in Cornwall, which was in 2006, which**
 12 **was at the point at which the government brought**
 13 **together both aspects of Social Services and the old**
 14 **local Education Authority, and so I've had a perspective**
 15 **from the point of view of school improvement and other**
 16 **aspects of educational provision, but it's very much at**
 17 **a distance in my role as deputy director and then**
 18 **subsequently director.**
 19 Q. As director of children's services, you have overarching
 20 statutory responsibility for the oversight of
 21 safeguarding arrangements made by the local authority,
 22 by which I mean both the Education Authority, as it used
 23 to be known, and Social Services?
 24 **A. I do, yes.**
 25 Q. I believe you wish to say a few words before we start

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1 that correct?
 2 **A. It is indeed, yes.**
 3 Q. We have a witness statement from you behind tab A1 of
 4 the bundle. Can I ask you -- it is dated 6 August 2020.
 5 Can I ask you to confirm that you signed this witness
 6 statement?
 7 **A. I did.**
 8 Q. Is it true, to the best of your knowledge and belief?
 9 **A. It is, yes. There's a couple of typos, but they're not**
 10 **fundamental.**
 11 Q. I understand you have constructed this witness statement
 12 alongside speaking to other colleagues who were involved
 13 at the time with Hillside Primary School; is that right?
 14 **A. Yes.**
 15 Q. You worked in children's services, as I understand it,
 16 in North Somerset before becoming director of children's
 17 services, acting both as a social worker and a senior
 18 manager; is that right?
 19 **A. No, no, not in North Somerset Council. I worked in**
 20 **other authorities. When I came to North Somerset**
 21 **Council, I came to take up the post of director of**
 22 **children's services.**
 23 Q. Thank you. Prior to taking on the role as director of
 24 children's services, had you had any day-to-day dealings
 25 with the running of schools or anything to do with child

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1 your substantive evidence?
 2 **A. I did. I wanted to make a very brief statement, both to**
 3 **the inquiry and to the families. I wanted, on behalf of**
 4 **North Somerset Council, to apologise for the horrific**
 5 **abuse that Nigel Leat perpetrated on those children in**
 6 **Hillside School.**
 7 **I also wanted to recognise the significant damage**
 8 **that that has caused those children and their families,**
 9 **and the council is grateful to them for the courage that**
 10 **they've shown throughout all this, and in particular the**
 11 **participation of some of them in this inquiry.**
 12 **I'd like to clarify and confirm for everybody that**
 13 **safeguarding children remains an absolute priority for**
 14 **North Somerset Council, and we will continue to do**
 15 **whatever we can to ensure that what happened at Hillside**
 16 **doesn't happen again.**
 17 **In conclusion, I'd just like to be clear that the**
 18 **council has cooperated fully with the inquiry at every**
 19 **stage of the journey, and that we are also fully**
 20 **supportive of your purpose and your objectives.**
 21 **In conclusion, we will welcome any recommendations**
 22 **that you may make, both through the panel and the chair,**
 23 **at the conclusion of your investigations. Thank you for**
 24 **listening to me.**
 25 Q. Thank you very much, Ms Smith. The first thing I wanted

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1 to deal with, very briefly, is, there were some records
 2 that we were expecting or anticipating that
 3 North Somerset Council would have kept -- the employment
 4 records for Mr Hood, Mr Leat and Ms Bamford. Obviously
 5 the chair, as you know -- well, the previous chair, as
 6 you know, issued a sort of general "Don't throw anything
 7 away" order in July 2015. We had anticipated that that
 8 would include relevant employment records where there
 9 had been safeguarding concerns.
 10 It would appear, however, that you did dispose of
 11 those relevant records, because you operated a six-year
 12 retention policy. I suppose the question is, could you
 13 please explain to us why those records weren't kept?
 14 **A. Turning to the ones that you specifically raised, we**
 15 **retained Chris Hood's HR file, and we retained**
 16 **Nigel Leat's HR file, and we continue to retain**
 17 **Michelle Bamford's HR file. So Nigel Leat, there were**
 18 **no previous concerns on his HR file, so that -- his HR**
 19 **file was complete, and of course he was summarily**
 20 **dismissed at a point in time.**
 21 Q. Yes.
 22 **A. Chris Hood's, we kept. What we were not able to access,**
 23 **because they were no longer there, were the notes of**
 24 **the investigation that was undertaken, the disciplinary**
 25 **investigation that was undertaken, into Chris Hood, and**

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1 **because, actually, those particular individuals did not**
 2 **fully link the importance of those to this inquiry.**
 3 Q. I'm also right to say that there aren't any child
 4 protection records held by the council about Mr Leat
 5 because there was no communication, shall we say,
 6 between the school and -- about Mr Leat's behaviour
 7 prior to his arrest?
 8 **A. That's correct.**
 9 Q. I wanted to ask you some questions about the role of
 10 North Somerset Council and its oversight of Hillside
 11 Primary School at the time when Mr Leat was teaching
 12 there. You identify at paragraph 6.1.1 of your witness
 13 statement -- that's NSO000041_003. In effect, what
 14 I think you're trying to say is that your role in any
 15 oversight of safeguarding was relatively limited?
 16 **A. Yes, it was -- I don't know that I was necessarily**
 17 **saying that there, but, yes, in effect, the role in**
 18 **regard to safeguarding was one where we responded to**
 19 **concerns that schools raised or other individuals raised**
 20 **about schools or where we received referrals about**
 21 **concern around children's care in their family and**
 22 **therefore then made contact with the school.**
 23 Q. So you would describe it -- if I would characterise what
 24 you have just said as you operated reactively rather
 25 than proactively?

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1 **the same is true in regard to Michelle Bamford.**
 2 Q. Right.
 3 **A. What we did retain were the Teaching Agency notes,**
 4 **which, of course, were a public document, and we**
 5 **retained some notes in regard to Ms Bamford.**
 6 **In regard to their destruction, what I can assure is**
 7 **that that was not done, I don't believe, by staff who**
 8 **were cognisant of the letter that was sent by the**
 9 **previous panel chair. So what I can assure you is that,**
 10 **when that letter was received in the council, as**
 11 **director of children's services, I both ensured that all**
 12 **children's records that met the criteria were retained,**
 13 **and indeed they have been, and also made additional**
 14 **enquiries because North Somerset used to be part of**
 15 **Avon County Council and I was aware that, in the past,**
 16 **there'd been children's homes -- to be frank, the**
 17 **emphasis amongst directors of children's services,**
 18 **certainly, was around those sorts of records relating to**
 19 **foster carers, residential schools and so on and so**
 20 **forth and I made sure they had been retained and they**
 21 **were held elsewhere in another authority, and those of**
 22 **us who were directors of the new four authorities**
 23 **ensured they were kept. So I hope that clarifies that**
 24 **what was not kept was in the HR sector and I do believe**
 25 **that that was not -- not done with malice, that was done**

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1 **A. Apart from the training, yes, we did.**
 2 Q. I suppose what I want to raise with you, Ms Smith, is,
 3 obviously, section 175 of the Education Act 2002, which
 4 came into force in April 2004, identified quite clearly
 5 that the local Education Authority, as it then was, then
 6 became the local authority in 2006, "shall make
 7 arrangements", this is what the legislation says, "for
 8 ensuring that the functions conferred on them are
 9 exercised with a view to safeguarding" and that that
 10 responsibility was parallel to that of a governing body.
 11 So it was kind of joint and several liability, if I put
 12 it that way.
 13 Do you think that North Somerset, between 2004, when
 14 that particular piece of legislation came into force,
 15 and Nigel Leat's arrest took sufficient steps to have
 16 oversight of safeguarding in the context of their
 17 mainstream schools?
 18 **A. So what I can say is that I have not -- where I have**
 19 **been able to, I have sought to put that in my statement.**
 20 Q. Yes.
 21 **A. It is clear that what I haven't been able to do is get**
 22 **the actual documentary evidence. What I would say is,**
 23 **though, on taking up post in 2010, the requirement, for**
 24 **example, for an annual audit under section 175 was**
 25 **there, and schools returned annual audits to the**

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1 **Safeguarding in Education officer, who then went through**
 2 **them and followed up with schools. There was a training**
 3 **programme in place for both what were designated**
 4 **teachers and also more generally for staff -- that was**
 5 **at several levels. There was training then provided,**
 6 **refresher training, every two years for designated**
 7 **teachers, every three years for everybody else. There**
 8 **was a governor services programme for governors as part**
 9 **of both the induction and the ongoing training, that was**
 10 **there.**

11 **In regard to contact with the school, there was**
 12 **contact -- I can't specify the frequency. It wouldn't**
 13 **have been weekly or monthly, or anything like that, but**
 14 **it would have been, probably, a couple of times a year,**
 15 **in line with other schools to check out, and indeed**
 16 **schools came back, attended training and also sought**
 17 **advice where they needed to.**

18 **We also ensured that procedures were up to date. We**
 19 **provided model policies for schools. And we also,**
 20 **alongside the local authority governor training, had an**
 21 **association called "Governors across North Somerset"**
 22 **which provided additional training to governing bodies**
 23 **as well.**

24 **So, in conclusion, what I would say, with my**
 25 **knowledge nationally, is that what happened in**

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1 that North Somerset may not have been as proactive as it
 2 should have been in respect of Hillside. So that's
 3 ensuring that maintained schools are aware of their
 4 responsibilities; monitoring their performance; making
 5 available appropriate training; providing model policies
 6 and procedures; providing advice and support; and
 7 facilitating links and co-operation with other agencies.
 8 And it says not just maintained schools but also
 9 potentially independent schools and FE colleges,
 10 although they can charge for that.

11 I think, if one goes to paragraph 2.16, Danny,
 12 _018-019, again, I think guidance at this particular
 13 point in time tended to be more specific, shall we say,
 14 than it is now. If we look at 2.16 -- can you see that
 15 okay, Ms Smith?

16 **A. Yes.**

17 **Q. "At this level, the local authority should", and then**
 18 **there is a set of bullet points which is about induction**
 19 **training for all staff who will work for all governors,**
 20 **including training on safeguarding and refresher**
 21 **training. Make sure that further training is provided**
 22 **by the LSCB, provide model policies and procedures,**
 23 **monitoring in cases of non-withdrawal, monitoring**
 24 **allegations against staff and volunteers. The authority**
 25 **should ensure that they comply with local LSCB agreed**

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1 **North Somerset was very much what happened in similar**
 2 **authorities.**

3 **Q. I know you can say that confidently from 2009 onwards**
 4 **because you have got the records.**

5 **A. Yes.**

6 **Q. And obviously you were also working in the environment**
 7 **from 2010 onwards. But what we can't say is what the**
 8 **position might have been between 2004 and 2009, because**
 9 **we don't have any records of what happened and what**
 10 **didn't happen during that period of time; is that right?**

11 **A. That is right, yes.**

12 **Q. If I just look at what the role should have been, I'm**
 13 **going to ask you to have a look behind tab B23. Danny,**
 14 **would you mind getting up -- it's called "Safeguarding**
 15 **Children and Safer Recruitment in Education". So it**
 16 **came into force in January 2007. So this would have**
 17 **been -- and there was a predecessor document in 2004,**
 18 **which said broadly similar things. Can we get up**
 19 **INQ006348_016, please, Mr Hyde. Paragraph 2.12. Would**
 20 **you mind getting up page 17 as well, so the entirety of**
 21 **paragraph 2.12. We look and see here that the local**
 22 **authority should have had three sorts of**
 23 **responsibilities -- strategic, support and operational.**
 24 **I particularly want to focus upon support, because it**
 25 **seems to me that that's the area where it's arguable**

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1 procedures, provide advice and support for maintained
 2 schools and senior designated staff, have in place
 3 arrangements to support staff in the authority, and
 4 those who have designating lead responsibility for child
 5 protection and who encourage and foster a good
 6 relationship.

7 So, I mean, this is kind of statutory guidance, so
 8 I think it's the usual "have regard", so it's, in other
 9 words, must follow unless there are exceptional reasons
 10 not to do so.

11 We have evidence from both Ms Bamford, who was the
 12 deputy headteacher, and Mr Hood, who was the headteacher
 13 at the time, and Mr Redding, who was one of
 14 the governors, all of whom identify and state that there
 15 was insufficient training -- I mean, Mr Redding says he
 16 can't really remember at all any training about
 17 safeguarding. Ms Bamford says she asked about training,
 18 she asked the local authority for more training. And
 19 Mr Hood, on Friday, said that the LADO didn't really act
 20 in any proactive way.

21 Do you have any response you want to make to those
 22 criticisms?

23 **A. I would refute them, in the main. I think they are not**
 24 **necessarily true that there was not adequate training.**
 25 **My observation is that probably, with the benefit of**

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1 **hindsight, that is their view. My view is that, when**
 2 **I came into North Somerset, what was clearly in place**
 3 **was what I have just outlined. So it wasn't that that**
 4 **came into being in 2010. That was already very well**
 5 **established. The LSCB did have training in place. The**
 6 **governor services did. Indeed, schools used to -- well,**
 7 **continue -- schools buy governor services training. So**
 8 **it's clearly there.**
 9 **So I -- my response to all three of their assertions**
 10 **is that I would refute them; in particular, the issue**
 11 **about the LADO. The LADO was, and continues to be,**
 12 **visible to schools. During that period, we have**
 13 **enquiries to the LADO; prior to that, the senior**
 14 **education welfare officer from other schools. So I --**
 15 **well, I confirm that I don't agree with their view of**
 16 **what was provided by North Somerset Council.**
 17 Q. Can I ask, in particular, you spoke earlier about
 18 section 175 audits. These are kind of safeguarding
 19 audits that the Local Safeguarding Children's Board --
 20 in fact, it would still happen now. Every year,
 21 a questionnaire gets sent out which says, "Do you do
 22 this? Do you do that? Do you do the other?" Do you
 23 have any evidence to suggest that that was done prior to
 24 2009, from discussions you may have had with
 25 headteachers or anything or any preparation you've made

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1 **that guidance in January 2010, I believe that that same**
 2 **Local Safeguarding Children Board would have done the**
 3 **same with the previous guidance. What we are clear**
 4 **about is that the recent guidance, the 2009 guidance,**
 5 **did go out. It did go out to all schools. And yet,**
 6 **Hillside did not respond.**
 7 **So from my point of view, what I'm clear about is,**
 8 **there was information available to Hillside School in**
 9 **a range of places that was there and that was not taken**
 10 **up and not taken account of. So, in one sense, whilst**
 11 **I haven't given you documentary proof of what happened**
 12 **prior to 2009, I would have a high degree of confidence**
 13 **that previous guidance was treated in the same way and**
 14 **that, actually, it was disseminated to all schools.**
 15 Q. I think, if we look at the 2009 guidance briefly --
 16 Danny, could we get up DFE003164_017, _018 and _019,
 17 please. This was the relevant guidance from 2009. It
 18 is behind tab B22 of your bundle, if you want to look at
 19 it. I think we can see there, there was very clear
 20 guidance issued about thinking about somebody's dress
 21 and, you know, maybe identifying that if their dress
 22 isn't right, to do something about that; looking at
 23 their use of personal space; looking at their propriety
 24 and behaviour; and, perhaps most importantly in respect
 25 of Mr Leat, if one goes to _018, the giving of gifts and

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1 for this inquiry?
 2 **A. So what I would say is, whilst there is not -- I don't**
 3 **have the paper evidence, what I can confirm is that**
 4 **longstanding headteachers in North Somerset, and indeed**
 5 **the previous safeguarding and education officer,**
 6 **confirmed that, yes, those audits were undertaken and,**
 7 **you're right, they continue today. There is also the**
 8 **157 audit that continues to be undertaken. As recently**
 9 **as this month, we had a 100 per cent return rate.**
 10 Q. Had there not been a return at that particular point in
 11 time, would that have been something that you think
 12 would have been picked up?
 13 **A. Yes. Yes.**
 14 Q. So the first information that you can find is,
 15 in November 2009, you disseminated Safer Working
 16 Practices guidance for those who work with children.
 17 **A. Yes.**
 18 Q. Do you suspect that that guidance, therefore, may not
 19 have been disseminated before 2009, because there was
 20 previous guidance from 2005, I think, which, had it been
 21 examined carefully by those at Hillside, may well have
 22 led to concerns about Mr Leat being exposed earlier?
 23 **A. I have been asked, "Was there proof?". I haven't found**
 24 **that proof. Do I believe, on the basis that the LSCB**
 25 **took seriously the information that they sent out in**

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1 rewards to children and young people.
 2 So, in all those cases, had that guidance been
 3 looked at and carefully scrutinised, that may well have
 4 raised some alarm bells or some thoughts in the minds of
 5 those who had direct responsibility for Mr Leat.
 6 Can I identify now what the local authority's
 7 oversight was? We have heard about what I would call
 8 the general oversight. What particular oversight --
 9 this is a maintained school, so you would employ the
 10 head, you would maintain the employment contracts, you
 11 would have human resources and various back office
 12 functions, to be responsible for them. What sort of
 13 day-to-day oversight would the local authority have had
 14 over a school like Hillside at the time in question?
 15 **A. There wouldn't have been day-to-day oversight. What**
 16 **I think is important -- and I did -- I think I explained**
 17 **it in my statement -- was that there was very clearly an**
 18 **expectation through government policy that, where**
 19 **schools were graded as Ofsted "good" or "outstanding",**
 20 **actually the local authority intervention should be in**
 21 **inverse proportion. In other words, the more successful**
 22 **the school, the less oversight was required from the**
 23 **local authority.**
 24 **So there was, I think it is fair to say, an**
 25 **assumption that, because they were in that category,**

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1 **that therefore they needed less intervention and less**
 2 **support, and if they needed support, it was clear that**
 3 **they would ask for it. So, at that stage, we had**
 4 **a school improvement service that was there to improve**
 5 **where schools were graded either "satisfactory" or**
 6 **"inadequate" but not for those "good" or better. So, in**
 7 **that context, there was that level of -- sort of**
 8 **oversight.**
 9 **In regard to safeguarding, as I said, there was the**
 10 **availability of policies, there were links through to**
 11 **the Local Safeguarding Children Board, there were**
 12 **headteacher representatives who sat on there, there was**
 13 **responses to particular child protection referrals.**
 14 **There was liaison around individual students who had**
 15 **special educational needs at that stage. So that was**
 16 **the oversight that the local authority had in those**
 17 **different settings.**
 18 Q. Do you think that oversight was sufficient and do you
 19 think the training was sufficient? Because Ms Bamford
 20 herself says in her witness statement she didn't feel
 21 that the training sufficiently trained her or her
 22 colleagues to be able to recognise the characteristics
 23 of a professional perpetrator. Do you think that the
 24 training may well have been insufficient of staff at
 25 that time in respect of grooming and identifying staff

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1 members about whom concerns should be expressed -- could
 2 be expressed?
 3 A. I think that people will often say they always need more
 4 training. So I think that's a particular response
 5 sometimes.
 6 What I would say, though, is that, as part of
 7 the training, what is always there is the notion that,
 8 if you need more information, if you need to discuss
 9 this, if you are unhappy -- first of all, there is the
 10 trainer in the room that you can go to at the end of
 11 the session; there is also very clearly the contact
 12 details for people, like the LADO, for the referral and
 13 assessment team, as it is in North Somerset Council, for
 14 the school improvement people; there's a plethora of
 15 professionals that, during that training, people become
 16 aware of, and also during their day-to-day practice.
 17 So my view is that, anybody who came off the
 18 training, which -- you could train for 365 days a year
 19 and probably still feel a degree of not necessarily
 20 knowing everything. That's, you know, that's life.
 21 So my view is that what is available around that
 22 training are those networks and those connections.
 23 So my response to that is that, if you have
 24 particularly a deputy head or a chair of governors who
 25 doesn't feel that they have been well trained, then

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1 **there are places and people they can go to to say that,**
 2 **to have that conversation, and to get that further**
 3 **support or knowledge.**
 4 Q. How about in respect of governors? One of the issues
 5 that we see at Hillside is that governors say, "Well, we
 6 weren't really made aware of any staff-related issues",
 7 and it's the question of, do they know which questions
 8 to ask? They're meant to be a critical friend. Do you
 9 think that governor training makes it clear enough what
 10 questions they should be asking about child protection
 11 then -- not now -- well, both now and then?
 12 A. So I think it does. What I think gets in the way then
 13 is how effective -- it doesn't get in the way. What
 14 then is crucial is the relationship particularly between
 15 the chair of governors and the headteacher. So, to be
 16 frank, what you need is a balance there. So you need
 17 headteachers who are open to challenge and who invite
 18 challenge, as well as seeking support from their chair;
 19 but you also need chairs of governors who have a level
 20 of confidence in their role, albeit as a layperson who
 21 isn't probably an educationalist, to then be that
 22 critical friend. And, where you get that balance, then
 23 that works very, very well.
 24 It is true to say, though, to be perfectly frank,
 25 that that balance sometimes tips, and so you can

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1 sometimes have headteachers who are quite fearful of
 2 their chair of governors, because of their style.
 3 Conversely, you have chairs of governors who feel very
 4 nervous about challenging their headteacher. And that's
 5 the reality.
 6 Q. What can we do about that? Because, ultimately, the
 7 departmental guidance says governors are responsible for
 8 the oversight and monitoring of child protection and
 9 safeguarding. What's essential to that is a good and
 10 open and transparent working relationship. What can you
 11 do, as a local authority, to try and encourage that?
 12 A. I think the other thing to say at this juncture, which
 13 may or may not be helpful, in North Somerset we have
 14 81 schools. Of those 81, only 17 are local authority
 15 maintained. So, in terms of an input, the input from
 16 the local authority to all 81 makes the section 175
 17 audit very critical and the provision of child
 18 protection training very critical.
 19 So I can only look at -- in terms of responding to
 20 your question, around those 17 schools. What we do is,
 21 schools can choose whether or not to buy back governor
 22 services training. It is a choice. It is not
 23 mandatory.
 24 So through our interaction, which has been much
 25 reduced because we no longer have a school improvement

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1 function, by and large; we're very, very lean because
 2 the grant has reduced so significantly. Every time
 3 a school becomes an academy, we get reduced funding.
 4 So it is very, very tricky, and it relies on us
 5 understanding and knowing our heads and our chairs of
 6 governors to know where the balance is set correctly and
 7 where one or the other needs support, and we would then,
 8 you know, endeavour to either provide that or commission
 9 that support.

10 Q. You talk about the fact that you only have 17 schools
 11 for which you currently maintain. So the vast majority
 12 of your schools are going to be academies now.

13 A. Yes.

14 Q. Because I think you have 78 schools in total within the
 15 North Somerset area, so you're talking about maybe
 16 20 per cent are operated by the local authority now.
 17 What oversight do you have of academy schools, in terms
 18 of understanding their relationship and their ability to
 19 understand child protection and safeguarding?

20 A. So our oversight is specifically in relation now,
 21 really, in terms of safeguarding, and that's why
 22 I referenced earlier, the 175 audit is quite critical
 23 because those schools don't have to attend the local
 24 authority safeguarding training that's additional, if
 25 you like, to the basic and the awareness. They can

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1 choose to do that through the fact that they are part of
 2 multi-academy trusts.

3 So here in North Somerset, I would be very clear
 4 about the multi-academy trusts that have schools in our
 5 area are quite a size and they, themselves, commission
 6 their safeguarding training and we monitor that through
 7 the 175 audit and also through when they make contact
 8 with the LADO or when they make referrals in to the
 9 referral and assessment team.

10 So what we have to do is maintain a level of soft
 11 intelligence, if you like, and relationships with all of
 12 those schools that's a different relationship to the one
 13 we have with our maintained schools, but it's
 14 a relationship that clearly says, "Safeguarding is
 15 everybody's business. We all have the responsibilities
 16 that are very clearly laid out. We are here both to
 17 audit and to ensure compliance, but also to give advice,
 18 to give training, if you wish to take up ours, or to
 19 ensure that you get specific appropriate training from
 20 elsewhere in order for you to fulfil your safeguarding
 21 responsibilities".

22 Q. Do you think you have sufficient power -- as the body
 23 which is ultimately responsible for safeguarding
 24 arrangements for children and young people in your area,
 25 do you think you have sufficient oversight, power and

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1 ability to manage child protection and safeguarding in
 2 schools which are not maintained by you?

3 A. What I would think -- what I would say to that is, in my
 4 experience, it is less about power and more about
 5 influence and relationships. So I'm not seeking to
 6 dodge the question about power, but I would -- and
 7 I think that probably sufficient evidence has been put
 8 before this panel to say that it's not simply about
 9 having a power, it's about exercising that collective
 10 responsibility, and so that's where I would say it's
 11 critical that that happens.

12 But I would want to emphasise -- so using this
 13 year's annual audit as an example, notwithstanding
 14 COVID, we have got 100 per cent returns. Within that,
 15 some schools were honest enough to say that, in some
 16 instances, they were not compliant with some things --
 17 not significant things. They were then followed up by
 18 the Safeguarding in Education officer and she has now
 19 been able to report to me that all of those have been
 20 followed up. I think there were six key issues.
 21 Schools have since come back and it's been signed off by
 22 their chair of governors and their head that they have
 23 addressed.

24 One particular thing was a policy that's not
 25 mandatory in relation to children missing education,

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1 that was one of the things. So what I would say to you
 2 is that the backstop that we have got is that audit --
 3 I'm not suggesting that an audit, of itself, would mean
 4 that Nigel Leat could not have offended, so I'm not
 5 making that link. I'm answering your question about,
 6 given the landscape with academies, how do I feel the
 7 responsibility goes.

8 Q. No, that's fine. We went slightly off on a tangent to
 9 a question I was going to ask you later, but it seemed
 10 the appropriate moment to ask it as you were talking
 11 about overall responsibility.

12 Can we go back to the relationship as it existed
 13 between Hillside and the local authority between sort of
 14 2000 and 2010. So although there wasn't any
 15 safeguarding, there was no discussion of safeguarding as
 16 far as we can see, there are no records of any visits to
 17 do with safeguarding, but there were 58 school
 18 improvement visits from the North Somerset learning and
 19 achievement advisor. Do you think, with the benefit of
 20 hindsight maybe, that those learning and improvement
 21 advisors should have looked at child protection at the
 22 same time that they were focusing upon educational
 23 attainment?

24 A. I would say, with hindsight, you could say that, yes.
 25 At the time, the directive was very clearly that their

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1 focus was teaching and learning, and, again, that was by
 2 invitation. Those visits were by invitation from the
 3 school because they were graded "good".
 4 Q. Do you even think, however, that the focus on academic
 5 success was maybe slightly misplaced, in that you can't
 6 be a good school leader if you don't care about child
 7 protection, if you don't put the welfare of your
 8 children first. In a way, it's a building block almost
 9 before academic attainment, because children can't
 10 attain well if they're not happy or if they're being
 11 abused. Do you think that was an oversight?
 12 A. I don't think it was an oversight because, actually,
 13 when you read -- and certainly through the individual
 14 management review that was part of the Serious Case
 15 Review, the person who was independent, who undertook
 16 that, formed the view, with which I concur, that,
 17 actually, the information that was available, both
 18 inside the school and from parents and the community and
 19 the staff, was that it was a happy school, a safe
 20 school. Certainly, when I took up post, it was not
 21 a school that I went into and thought, you know,
 22 "Actually, there's something wrong here". I didn't go
 23 into every classroom, so I'm not suggesting I went into
 24 all and interviewed everybody, but in terms of a sense
 25 of how a school was run, it was, and I think that's --

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1 because that's also been conveyed -- whilst I don't want
 2 to speak for people who went in on school improvement
 3 visits, I think it's clear that's what they saw. They
 4 saw children who were learning and, you're absolutely
 5 right, if children are unhappy, they then find it
 6 difficult to learn. They were not finding children who
 7 were finding learning difficult. They were finding
 8 children who enjoyed learning, who enjoyed school, who
 9 appeared to have positive relationships with their
 10 teachers and their LSAs and their teaching assistants.
 11 Q. One of the issues that could have been raised is, had
 12 there been a sort of low-level concerns policy in place
 13 at the time -- we obviously heard evidence from
 14 Mr Erooga and, as part and parcel of his expert report,
 15 he's looked at the issues around whether or not it
 16 should have been obvious -- I mean, he says, I think, it
 17 should have been obvious to people that there were
 18 significant problems with Mr Leat, possibly not to do
 19 with sexual abuse, but to do with his relationship with
 20 young children. I think the Serious Case Review
 21 identifies that as well, given that there were 30, as
 22 I understand it, concerns raised about his overtactility
 23 or inappropriate boundaries, shall we say, between
 24 children and adults.
 25 Do you think that the introduction of a low-level

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1 concerns policy may have brought to the fore issues
 2 around favouritism, around, for example, children
 3 stroking his leg, lots of kind of playing the piano and
 4 hugging children, that that would have led to a pattern
 5 being obvious and, therefore, may have led to him being
 6 discovered, shall we say, at a much earlier stage than
 7 he was?
 8 A. I think what I would want to say on that is, if you
 9 go -- if you refer back to the Safeguarding Children's
 10 Safer Recruitment, 2007, back in that, they say even
 11 allegations that appear less serious should be seen to
 12 be followed up. The local authority or designated
 13 officer should be informed of all allegations. And that
 14 was about people where it's about, "may be unsuitable to
 15 work with children". That document set out a level,
 16 a bar, that was quite low, in my view, in my
 17 professional view. I think -- "who may be unsuitable to
 18 work with children" is not the same as "who may harm
 19 children".
 20 Q. Yes.
 21 A. Depressingly, that was around from 2007, and yet that
 22 didn't percolate. So, in answer to your question about,
 23 do I think a low-level notification, of course that
 24 would help. I think I said in my statement I'm probably
 25 less of the view that "low level" should be a term

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1 because that is a term that could imply, "Oh, you don't
 2 need to worry about it". I can imagine individuals
 3 talking themselves out of it because it's so low level
 4 it's not worth it. I think I said I preferred the term
 5 "concern".
 6 I don't have any issue, other than it's a good idea.
 7 The critical issue for me, though, is, what gets in the
 8 way of people doing the right thing? Because my
 9 reflection -- I'm sorry -- I hope it's helpful. My
 10 reflection, when faced with what was coming out of
 11 the information from staff at that school, was absolute
 12 shock that there was a ceiling there. There was a sort
 13 of -- that meant they couldn't go upwards or outwards,
 14 and that for me is the issue. It's not necessarily
 15 about whether you make it easier in legislation or
 16 guidance terms for people to raise, you know, feelings
 17 of unease with a colleague's behaviour. It's about what
 18 gets in the way of them not doing that. I'll leave it
 19 there.
 20 Q. What do you think got in the way?
 21 A. The culture. I think -- a culture got in the way, but
 22 it's really hard to pick that out. There was a lot of
 23 strands. Because, genuinely, I would -- if you take --
 24 put Hillside to one side, and you've said to me that,
 25 "In this day and age, is it conceivable that these

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1 **things should happen in a school?", I would say to you,**
 2 **"No, no. Look, we've got policies, we've got**
 3 **whistleblowing, we've got designated safeguarding leads,**
 4 **we've got a LADO, we've got networks across schools of**
 5 **staff, you know, these are day schools, they're not**
 6 **closed institutions". I'd tell you all of that. And**
 7 **I sincerely say that because I -- you know, having heard**
 8 **and read, particularly from some of the children who are**
 9 **now young people, and their parents, you know, I do**
 10 **understand that -- that shock and that -- well, that**
 11 **complete -- what's the word? I guess it's**
 12 **unbelievability, that's not a word, I know, but how**
 13 **could this have happened? That's why I said all of**
 14 **those potential safeguards were there, but they weren't**
 15 **used. Sorry.**

16 Q. There were some issues that were raised in the Serious
 17 Case Review, and maybe we could have a quick look at
 18 that, particularly about the cultural focus on learning
 19 and attainments. Can we go to DFE002197_028 at
 20 paragraph 98. Ms Smith, if that helps, it's behind
 21 tab B4 of the bundle:
 22 "It is clear that the cultural focus of the school
 23 was on learning and attainment. This ... was not
 24 matched by a culture of safeguarding. The school IMR
 25 [said it] was ambitious ... for pupils ... This is in

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1 spite of the failure ... At face value, the envisaged
 2 school culture and visibility of the school management
 3 was also apparent, leading to the school being reported
 4 highly regarded ... External scrutiny of the school
 5 recognised the focus on attainment and appeared to have
 6 paid too little attention to assessing whether the
 7 culture of the school ensured that children were
 8 safeguarded."
 9 So that's something that the Serious Case Review
 10 said. But I suppose I ask the same question: what do
 11 you do to understand that culture? What do you do to
 12 get at the heart of that, Ms Smith?

13 **A. You have to have a culture that says it's not just about**
 14 **learning and attainment. You have to have a culture**
 15 **that says it is absolutely expected, not just okay, it's**
 16 **expected that, if you have any concerns about**
 17 **a colleague, this is an institution that invites you to**
 18 **discuss those. Not in a way that you're going to, you**
 19 **know, ruin their career, but that, actually, you're**
 20 **doing it because you want those children in that school**
 21 **to be safe and to learn and enjoy; that's the starting**
 22 **point, that people can do it in that context so that**
 23 **they're not fearful and that they're -- you know, they**
 24 **downplay things.**

25 Q. Can I ask about the Ofsted reports, because there were

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1 a number of -- we are going to ask Ofsted some questions
 2 about this tomorrow, but there were a number of Ofsted
 3 reports which were identified at the time and which were
 4 all very positive, and the Serious Case Review raises
 5 some issues about that. Danny, would you mind getting
 6 up DFE002197_020, paragraph 66. The Ofsted, in 2009,
 7 supports the school's self-evaluation, and there was an
 8 Investors in People award, which I understand involves
 9 somebody coming in and talking to lots of different
 10 people and there's a sort of 360 peer review question.
 11 This raises important questions about the judgments made
 12 by these external agencies. Then it says:
 13 "Unduly positive judgments run the risk of creating
 14 a false sense of security in parents or other
 15 professionals who might otherwise be inclined to observe
 16 more closely and question the performance of
 17 the school."
 18 Do you think that that was a significant factor,
 19 because it was succeeding well academically, because
 20 Ofsted came in and said, "Yes, we think it's doing
 21 a good job", everyone went, "Well, okay, we don't need
 22 to worry about this"?

23 **A. Yes, I think that's true. I have no doubt that**
 24 **colleagues in Ofsted, though, have a different view, and**
 25 **they are very clear, quite rightly, that it is**

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1 **a snapshot in time, et cetera. But, nevertheless, yes,**
 2 **if you talk to parents, they will say to you that, you**
 3 **know, the -- "I read the Ofsted report before I decided**
 4 **which school I sent my child to".**

5 **I would just comment, though, not an Ofsted, on the**
 6 **Investors in People. When I read that somehow that**
 7 **Investors in People person elected not to do their usual**
 8 **open, transparent assessment, that, again, said**
 9 **something to me about, whatever the power was in that**
 10 **small school, that's quite extraordinary. So I don't**
 11 **know about anybody else, but I have been through**
 12 **Investors in People awards on a number of occasions in**
 13 **different authorities, and I can say to you absolutely**
 14 **that you get fed back what you -- what they hear. So to**
 15 **hear that, actually, Hillside didn't get fed back all**
 16 **that they'd heard, I found -- I guess for me -- so there**
 17 **were some staff who, in one sense, took some tentative**
 18 **steps to an external person to tell them these were the**
 19 **difficulties, and yet, you know, it didn't get surfaced.**
 20 **So I just think that is another bit of evidence that**
 21 **says to you there was something in this school that was**
 22 **quite unbelievable, almost; that there was this -- that**
 23 **the persona of a happy, safe, learning, achieving,**
 24 **heading for outstanding school, but there was something**
 25 **going on in the midst that couldn't get out.**

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1 Q. In fact, what appears to have happened is, during the
 2 Investors in People process, a confidential annex was
 3 sent to the chair of governors, saying, "We think that
 4 there are problems with the head", but that wasn't made
 5 open or transparent so you or somebody else could have
 6 done anything about that.
 7 Turning back to sort of the issues to do with Ofsted
 8 a bit more, do you think -- you've talked about the fact
 9 that parents will say, "Well, I read the Ofsted report.
 10 It says it's 'good'". Do you think there needs to be
 11 more of a health warning, both for parents and for
 12 governors -- because we heard, for example, Mr Halford
 13 last week, who was the head, say, "Well, Ofsted" -- of
 14 Headlands, another school that we have been looking at,
 15 said, "Well, the Ofsted report was good, so I thought
 16 that safeguarding was good". Do you think there needs
 17 to be a sort of buyer beware, caveat emptor, as far as
 18 Ofsted inspections are concerned, in that they are no
 19 guarantee of the safety of children within any school
 20 environment?
 21 **A. I think, to be fair, Ofsted would say that and I think**
 22 **that's probably on the Ofsted website. However, I think**
 23 **the power of Ofsted, as the regulator, means that, you**
 24 **know, society's perception is that if they say it is**
 25 **good, it is good. So all those little warnings go out**

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1 Q. They should review the competencies and role
 2 descriptions and ensure headteachers are familiar with
 3 the role and responsibility of the post. Did you do
 4 that?
 5 **A. (No audible answer).**
 6 Q. The fact that earlier you were quite emphatic about the
 7 fact that you said the LADO was available and was there,
 8 but that recommendation rather indicates that the
 9 Serious Case Review, in any event, identifies that there
 10 needed to be maybe a bit more clarification about the
 11 role of what then became -- what is now the designated
 12 safeguarding lead. Do you agree?
 13 **A. Yes. This was about -- some of this was not that it**
 14 **wasn't there in all schools. It was because, as**
 15 **a result of finding that it wasn't there in Hillside, it**
 16 **seemed to us quite sensible and appropriate to then**
 17 **double-check that, actually, that was all in place.**
 18 **Because obviously, you know, we need to learn because if**
 19 **one school says, "Well, hang on, we weren't sure", or,**
 20 **"We didn't know", then we then have to go back and say,**
 21 **"Right, we need to make sure our schools do know".**
 22 Q. Then we have a review of all child protection training
 23 and the development of monitoring the engagement of
 24 schools in child protection processes. Was that done?
 25 **A. Yes.**

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1 **of the window.**
 2 **So I think it's one of those things. I think, you**
 3 **know, again, heads of schools, where maybe there's, you**
 4 **know -- there's -- sorry, there's more school places**
 5 **than there are students, heads are very keen, quite**
 6 **rightly, to say to parents, "We are Ofsted 'good', we**
 7 **are Ofsted 'outstanding'". It is one of those probable**
 8 **no-win situations where, despite Ofsted saying very**
 9 **clearly, "Look, this is what we found when we came to**
 10 **the school at this point in time, there you go".**
 11 **Nevertheless, it assumes a greater importance because**
 12 **people give it that greater importance.**
 13 Q. Can we have a look at the recommendations of the Serious
 14 Case Review. Danny, could we get up DFE002197_028-031.
 15 There were quite a few recommendations for you to carry
 16 out.
 17 **A. Yes.**
 18 Q. Can we just go through them and just identify whether or
 19 not this is the case.
 20 Firstly, there should be an audit from all schools
 21 based on this Ofsted publication and it should be
 22 reported to the board. Did that happen?
 23 **A. Yes.**
 24 Q. That's the bottom of _028.
 25 **A. Yes, it did.**

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1 Q. Then North Somerset schools should recommend the use of
 2 values-based interviewing. Was this introduced?
 3 **A. It was introduced. But, again, you will see it was for**
 4 **schools wishing to implement. So we couldn't insist on**
 5 **that happening but that was strong advice, so we did**
 6 **recommend that to schools.**
 7 Q. Do you think you should have the power to say, "Look,
 8 you should be using values-based interviewing"?
 9 **A. I think probably. In terms of the relationship between**
 10 **local authorities and schools and safeguarding, there's**
 11 **probably quite a number of things that, if we were to go**
 12 **down the road of mandation, then yes. So I think that**
 13 **would be one of the things that we -- you know, if that**
 14 **was part of the inquiry's conclusions, that would be one**
 15 **of the things that you would want to do if you were**
 16 **going to go down mandatory sort of insistence from local**
 17 **authorities to schools and academies, yes.**
 18 Q. Do you think there should be insistence?
 19 **A. I think that there should be some things that are**
 20 **mandatory. I think, though, what we get into is what**
 21 **the role of the local authority is. So, ie, is it in**
 22 **delivering or is it in ensuring the delivery of? Sorry,**
 23 **I'm being quite frank in terms of, you know, how --**
 24 **because, when I was reviewing some of these, in fact,**
 25 **some of these are no longer within our -- even our**

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1 **influence to do. So I just say that.**
 2 Q. For example, the child protection training, for example,
 3 you can't compel and say they all must do your training
 4 or they all must do a certain sort?
 5 **A. No, which is why, for me, I think -- when I said about**
 6 **values-based interviewing is one of the things, I think**
 7 **what might be useful in what's essentially a sort of**
 8 **fragmented but sort of loose education system that we**
 9 **have got, that standardising or accrediting both the**
 10 **quality and quantity of training for schools I think**
 11 **would be something that merits consideration.**
 12 Q. That's very helpful. Then you were obviously meant to
 13 write to the chief inspector, and I'm assuming that you
 14 did that (overspeaking), in particular to raise the
 15 issue that we have just discussed, which is, you know,
 16 you can't necessarily say that these things are safe.
 17 Danny, could we go to the next page, please, _030 and
 18 _031, if possible. Then here we have got:
 19 "Should make available to school managers
 20 [paragraph 12] a model of arrangements for robust
 21 appraisal and review and should ensure that the training
 22 emphasises the personal responsibility of those holding
 23 the role of ownership and reviewing the curriculum for
 24 the delivery of safeguarding."
 25 **A. And we (overspeaking). Sorry, my apologies.**

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1 **I meant, that, as that landscape changed, those**
 2 **responsibilities fell to them completely as to where**
 3 **they got their training from and got their HR support**
 4 **from. That's what I meant.**
 5 Q. I wanted to ask you next about the criminal
 6 investigation and the support you provided to victims
 7 and survivors. Firstly, I understand that this was an
 8 enormous investigation, so the police, I think,
 9 interviewed about 730 different individuals. What role
 10 did the local authority play during the course of
 11 the criminal investigation?
 12 **A. When the police were first contacted by the mother of**
 13 **the child, we were then notified and there was then --**
 14 **I can't remember now whether it was a strategy meeting**
 15 **or it was a LADO meeting, but on that same day, there**
 16 **was a joint meeting across police and social care, there**
 17 **were conversations between myself and the senior**
 18 **investigating officer, and so, from then, right the way**
 19 **through, whilst the police did a lot of the formal --**
 20 **the achieving best evidence interviews, social workers**
 21 **undertook the visits jointly with police officers, and**
 22 **then, along the way -- so we co-led the meeting at the**
 23 **school that I heard people reference last week.**
 24 **We decided that we had to do that, to let all**
 25 **parents know. We had social workers and educational**

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1 Q. Danny, you don't need to get up 12 -- you don't need to
 2 emphasise them, thank you for the offer, though. Review
 3 the content of the training, at 15; should review the
 4 provision of induction training; and should put in place
 5 robust systems and draw the attention of school
 6 governing bodies for the need for them to rigorously and
 7 intrusively ensure that school policies are effective
 8 and should also review governor training, as well as
 9 reviewing education support service in terms of
 10 compulsory governor training and safeguarding and
 11 reporting allegations, et cetera, et cetera.
 12 Were you able to put all those things into effect?
 13 You say in your witness statement that some of
 14 the recommendations had to be amended because of reduced
 15 circumstances. What do you mean by that?
 16 **A. Our schools -- part of this was around the move, the**
 17 **schools then moving on to become academies. So this**
 18 **came out in January 2012 and, by then, the landscape, in**
 19 **terms of schools and local authorities, was changing,**
 20 **and so, for example, the governing -- governing bodies,**
 21 **when schools then became academies and then moved on to**
 22 **become part of multi-academy trusts, then the whole**
 23 **governance arrangements change and also they weren't**
 24 **buying in our governor services, for example. They**
 25 **weren't buying our HR services anymore. So that's what**

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1 **psychologists there and, at the conclusion of**
 2 **the meeting, they stayed around and parents were able to**
 3 **go to them and talk to them.**
 4 **So right up until Nigel Leat's trial, there were --**
 5 **I guess there were probably two strands. One was in**
 6 **regard to the investigation, so social workers and the**
 7 **police had regular meetings and, you know, we had**
 8 **strategy discussions, we had the LADO involvement, and**
 9 **then, alongside that, we also had the support through**
 10 **the learning and achievement branch, so we put in --**
 11 **obviously, after Chris Hood's suspension, the interim**
 12 **head, the school improvement lead was there most weeks,**
 13 **you know, we needed to do a lot of work with the staff**
 14 **there. There were also available educational**
 15 **psychologists for parents there, they were also**
 16 **available in the school, the junior school that people**
 17 **went up into, because some of the children we thought**
 18 **had been involved were there. And then, I guess the**
 19 **other, later strand was around the held disciplinary and**
 20 **the advice and support we gave to the school through the**
 21 **disciplinary investigation.**
 22 **It was quite a significant investigation, and we**
 23 **also then had to access therapy through the Greenhouse,**
 24 **and I'm aware that some people didn't find that**
 25 **necessarily helpful, some did. Child, Adolescent and**

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1 **Mental Health Services. We also took part in the**
2 **Serious Case Review by doing individual management**
3 **reviews about a range of different services. So it was**
4 **quite significant.**
5 MS SCOLDING: Thank you. I note the time, chair. I have
6 a few more questions for Ms Smith. But may we have our
7 mid-morning break, with your permission, chair?
8 Ms Smith, don't forget not to discuss your evidence
9 with anyone else during the course of this break.
10 **A. Okay. Thank you.**
11 THE CHAIR: Thank you, yes, we will return at 11.45 am.
12 MS SCOLDING: Thank you very much, chair.
13 (11.32 am)
14 (A short break)
15 (11.45 am)
16 MS SCOLDING: Ms Smith, just before the break, you were
17 talking about the support that you provided to some of
18 the victims and survivors. Now, obviously, we have had
19 an opportunity to hear from both them and some of their
20 parents at the time. There are two things I'd like to
21 put to you -- well, three things, in fact.
22 Firstly, H1 said to us "Well, there was lots of
23 support that was provided in the school at the time of
24 the arrest", and that's the last place she wanted to go.
25 Obviously, because of the nature of the school, she'd

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1 left the school by the time the offending was
2 discovered. Do you think, with hindsight, that it would
3 have been more appropriate to have had a sort of
4 a neutral space at which the support could have been
5 provided?
6 **A. Yes and. Because I think it was important to have that**
7 **in the school, and obviously some parents did access it**
8 **in the school. What, of course, was -- H1 wasn't at**
9 **Hillside at the time of the investigation and obviously**
10 **had left, so I think, again, with the benefit of**
11 **hindsight, should we have done more for those children**
12 **who weren't at Hillside, then probably. I know there**
13 **was contact with that young person and her mother, but,**
14 **yes, I entirely agree with her that the last place she'd**
15 **want to go -- and I think certainly the parent of**
16 **another child in evidence said the same. I was**
17 **listening and I thought, yes, you're right, that whilst**
18 **they got the contact with the social worker and the**
19 **police officer, what they didn't get was the contact,**
20 **for example, with educational psychologists. So, yes,**
21 **with the benefit of hindsight, they're absolutely right,**
22 **that what we should have done was thought about what**
23 **else we could have done on top of what we were already**
24 **doing. So yes.**
25 Q. As well, I suppose a point that follows on from that is

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1 that a number of the young women and their parents have
2 said that the problems were not necessarily immediately
3 upon his arrest, but during adolescence, as one can well
4 understand, one recognises or begins to realise the
5 enormity of what has happened to you. We're only
6 talking about sort of five or six young women in total
7 who I think could be identified, although there may well
8 have been more who were the subject of abuse. I want to
9 make that absolutely clear. Do you think, again, you
10 could, or should, have kept in contact with them to
11 provide some support during adolescence and been a bit
12 more proactive about that, in particular as, in your
13 role as a local authority, there are ways and means in
14 which you can refer people and ensure that they get
15 timeous access, shall we say, to therapy in
16 circumstances where, otherwise, unfortunately, it could
17 take a very long time?
18 **A. I think, on that, that one, we did do that for --**
19 **I think it was H1, but we certainly did that for one**
20 **young person who came back to us later on.**
21 **I think the bit around how do we get contact I think**
22 **is quite a tricky one. So we did leave our contact**
23 **details, the social workers left their contact details,**
24 **but I entirely get that, you know, life happens and you**
25 **don't always keep people's phone numbers and cards, and**

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1 **I accept that.**
2 **I think the other thing just to say is, what we did**
3 **do -- again, I'm aware from listening to the mother of**
4 **the first child who was saying that her daughter, on**
5 **moving to the next school, that that teacher didn't have**
6 **any knowledge. I was quite saddened by that because one**
7 **of the things we did do was make sure that that next**
8 **school, the junior school, did not just have the details**
9 **of the children who were coming through, but also had**
10 **access -- we had educational psychologists in there for**
11 **some time afterwards, in addition, so that they could**
12 **give advice to parents, to staff and also, you know, if**
13 **need be, to the young people.**
14 **So I was quite saddened that that had clearly fallen**
15 **down with a very critical family. So we tried to do**
16 **that bit. I also heard the bit around, you know, the**
17 **school support, and the other thing that we did do was,**
18 **because Hillside is located in an area where we know the**
19 **children, by and large, are going to go on to the senior**
20 **schools, they, too, were briefed, and I am aware that we**
21 **had a subsequent referral in about one young woman from**
22 **the senior school when those precise issues kicked in in**
23 **adolescence, and we worked with her for quite some time.**
24 **But I think what -- the difficulty is that, of**
25 **course, with the greatest of respect, you know, my staff**

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1 then sort of move on to the next, you know, concern and
 2 the next -- you know, the next group of children, and,
 3 genuinely, we don't have the resources to be able to
 4 keep contact with people over, you know, a number of
 5 years, just a sort of touch base thing. And I apologise
 6 for that, but that is the reality at the moment, that we
 7 haven't got the resources to sort of have, you know,
 8 a running diary, if you like, that says, "Oh, actually,
 9 it's time to contact this family or it's time to contact
 10 that family" going over a number of years. But
 11 absolutely, if the resources were there, we would do it.
 12 Q. Do you think the resources should be there to do that?
 13 A. I think it would help. I think the other thing, though,
 14 is also the point you raised around easy access to some
 15 of the more specialist resources, and, again, it's
 16 difficult because, again, one of the other mothers who
 17 gave evidence, I heard her saying, you know, she didn't
 18 find the project that we sent useful. Now -- so that
 19 leaves me at a bit of a loss because that is quite, you
 20 know, a renowned, well-known, well-respected resource,
 21 and so I think that's a broader issue which, you know,
 22 this inquiry might help with, in terms of getting some
 23 understanding of what it is that those who are
 24 victims/survivors of abuse will really benefit from, do
 25 you know? So I think that is a much broader point which

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1 I would entirely take and think, yes, we should be
 2 looking at resourcing that properly for those young
 3 people as they grow up, because it's critical that they
 4 have that support to then move on in their lives.
 5 Q. The next point I wanted to ask you about was the parents
 6 both said that they received the Serious Case Review but
 7 they hadn't been given any advance warning of it, they
 8 hadn't been brought in to talk about it. It literally
 9 just dropped through their post box. Again, what, if
 10 anything, do you have to say about the way that that
 11 aspect of your investigation and post investigation was
 12 handled?
 13 A. The Serious Case Review was ready to be published
 14 in December 2011. We were very cognisant that that
 15 would have coincided with the anniversary, a year down
 16 the line, of Nigel Leat's arrest. So we -- when I talk
 17 about "we", I'm talking about the Safeguarding Children
 18 Board, so not just the local authority, it was us,
 19 police, health and others. So we took the decision that
 20 we would not publish it in December and we would leave
 21 it until the end of January. We also decided that what
 22 we would do is publish on the 26th, but that parents and
 23 staff would be notified on 24 and 25 January that the
 24 report was coming out and that they would get it at the
 25 same time as everybody else.

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1 So I am clear that that is what we did. Now, when
 2 I say "we", I mean it may have been my staff, it may
 3 have been the police. I can't tell you exactly who it
 4 was. But we made arrangements for all parents and all
 5 staff to be made aware those two days before.
 6 I also -- I don't know whether you want me to just
 7 deal with this, because there was an issue about people
 8 thinking that they maybe should have got it in advance.
 9 Q. Yes.
 10 A. My response to that is that we had to think about this
 11 quite long and hard, about whether anybody should
 12 receive an advance copy. Now, in part, that was to do
 13 with the fact that local media -- well, and national
 14 media -- had got quite an intense scrutiny on this.
 15 What we could not guarantee is that, by giving that out
 16 earlier, that wouldn't have then gotten to the media in
 17 advance of it going to other people. So we made the
 18 decision, rightly or wrongly, that we would notify but
 19 that we would only release the report on the day when
 20 everybody got it. But people were aware of
 21 the contents.
 22 Q. The next issue I wanted to indicate is obviously today
 23 you have apologised, and various civil claims have been
 24 brought against you and you have admitted liability.
 25 But you've never spontaneously apologised prior to

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1 today. I suppose what the victims and survivors might
 2 say is, "Well, why didn't you apologise at the same time
 3 as you settled the claims? Why hasn't there been any
 4 public apology before this morning?"
 5 A. My honest answer to that is, both at the school meeting,
 6 when there was a school meeting very early on,
 7 Chris Hood apologised, as the headteacher, for failing
 8 that community; right? When it came to Nigel Leat's
 9 trial, which was the other point, I think, that people
 10 may have said -- and, indeed, at that point, I was asked
 11 on TV was I going to resign as a consequence. My
 12 response then was that Nigel Leat perpetrated that
 13 abuse; I did not abuse those children. At each of those
 14 points, for me, it was around then learning.
 15 So once -- then, when we came through, I do
 16 apologise for what he did. It was not -- and I am
 17 deeply sorry for that, and I am deeply shocked by what
 18 he did. I guess that -- so I'm also saying that, for
 19 me, the fact that Chris Hood delivered that apology on
 20 behalf of the school, who had (interference) ...
 21 MS SCOLDING: We seem to have a slight glitch. I'm asking
 22 if technical support -- I think Ms Smith has just gone.
 23 Everybody else seems okay. Everybody is moving. I can
 24 see everybody else moving, but not Ms Smith.
 25 Mr Hughes, can you assist us at all?

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1 HEARING MANAGER: Yes, I'm making enquiries. Give us one
 2 minute.
 3 MS SCOLDING: Would it be appropriate for us to just pause
 4 at this moment in time or would it be more appropriate,
 5 Mr Hughes, for me to ask the chair if it would be
 6 possible to have a brief break to resolve this issue?
 7 HEARING MANAGER: Can we try a pause first, because that
 8 might be quicker, if it is a simple matter?
 9 MS SCOLDING: Thank you very much. I think if we just
 10 pause.
 11 HEARING MANAGER: Ms Scolding, they are trying to reinvite
 12 the witness. This may take -- could we have
 13 a five-minute break, do you think?
 14 MS SCOLDING: Chair, may we have a five-minute break?
 15 THE CHAIR: Yes, we will do that. Thank you.
 16 MS SCOLDING: Thank you very much. Thank you, chair.
 17 (11.57 am)
 18 (A short break)
 19 (12.03 pm)
 20 MS SCOLDING: Ms Smith, can you see me and hear me?
 21 **A. I can. There is some background noise, but I can hear**
 22 **you.**
 23 Q. I think somebody is pressing on their space bar with
 24 some vigour. So it is not you. I think somebody else
 25 was pressing on it with some vigour. That's the noise.

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1 have some principles". What's your view about that?
 2 **A. I think that would be really, really important. I think**
 3 **that, just linked back to your consulting paper that**
 4 **came out and said, actually, LADOs are on a spectrum and**
 5 **the schools are and it depends on that relationship. So**
 6 **I would welcome that national set of both principles and**
 7 **standards. That would be really useful.**
 8 Q. Thank you very much, Ms Smith, and thank you in
 9 particular for answering that question in the midst of
 10 what can only be described as some sort of
 11 woodpecker/weird computer noise. I apologise, I have
 12 absolutely no idea what is going on. I know it's not
 13 me. I think somebody might accidentally not have
 14 themselves on mute and be performing some kind of laptop
 15 fandango, so it's leave them to their fandangoing and
 16 carry on.
 17 Can I also ask, do you think that the designated
 18 safeguarding lead -- at the moment, it identifies that
 19 they should have adequate training, but there's no kind
 20 of professional qualification in the way that there is,
 21 for example, for special educational needs coordinators.
 22 Do you have any view about whether or not such
 23 a qualification would be helpful or not helpful?
 24 **A. I wouldn't feel strongly that they had to have such**
 25 **a qualification, and I don't know if you're going to go**

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1 Welcome back, Ms Smith. Apologies for that. I think
 2 there was a slight loss of connection.
 3 The first thing I have to do is just correct the
 4 transcript, if that is okay. I believe we both may have
 5 been slightly confused as to which cipher we were using
 6 for which particular young person. Just in order to
 7 correct the transcript, it was H1 who was the parent of
 8 the child who was still at the school, who is A300, who
 9 didn't want the in-school support and H2 had moved out
 10 of the area and her daughter is A320, and she was the
 11 individual who said that there was more should be done
 12 in respect of the children who weren't at the school.
 13 So I think we may have -- I think there was a sort of
 14 cipher mix-up in terms of who was who, although
 15 I suspect you know their real names, as do I, though
 16 let's not say those and cause yet more problems. Thank
 17 you.
 18 I'd finished asking you all the questions I wanted
 19 to about the situation in respect of Hillside
 20 specifically. I wanted to ask you some questions about
 21 the role of the LADO more generally. You're obviously
 22 ultimately responsible for the LADO in your local
 23 authority. We have had two previous LADOs both come to
 24 give us evidence, and they've both said, "We think it
 25 would be helpful to have some national guidance and to

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1 **on to ask me any more questions -- I was just going to**
 2 **return to, in a sense, a broader theme. The reason**
 3 **I say I'm not saying that would be an absolute**
 4 **necessity, for me, it's about that --**
 5 MS SCOLDING: If I can interrupt you. I think the technical
 6 fandango is happening at your end. I was wondering if
 7 we could just have -- no, it doesn't appear to be
 8 anything that you're doing, you don't appear to be doing
 9 anything, but we think it is happening at your end.
 10 Chair, may we have just a brief break in order to try to
 11 identify what the problem might be?
 12 THE CHAIR: Yes, of course.
 13 MS SCOLDING: Thank you.
 14 (12.07 pm)
 15 (A short break)
 16 (12.10 pm)
 17 MS SCOLDING: Ms Smith, third time lucky, hopefully.
 18 Ms Smith, we were talking about the designated
 19 safeguarding lead being subject to some form of
 20 professional qualification and whether that would be
 21 helpful. Do you have any view about that?
 22 **A. I don't have a strong view that that should be the case,**
 23 **because I think the danger in doing that of itself could**
 24 **mean that other people fail to see that safeguarding is**
 25 **their responsibility. So I would probably want to think**

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1 **that through and whether or not there is a danger that**
 2 **potentially other people might think, "Well, that's**
 3 **okay, I can relax", because I think my drive would be to**
 4 **land whole school, you know, outward-facing culture that**
 5 **says, "We are a school that is as safe as can be for**
 6 **children", and by doing that -- you know, those codes**
 7 **around dress, gifts, favouritism that challenge, that's**
 8 **all in place and we all have equal responsibility.**
 9 **Okay, the designated safeguarding lead has the**
 10 **particular knowledge and expertise and interface with**
 11 **the LADO, but, actually, it's down to all of us.**
 12 **So I wouldn't be averse to them having**
 13 **a qualification or, you know, some mandatory additional**
 14 **and regular training, but I think that would have to be**
 15 **one of a suite of measures that would have to be put in**
 16 **place.**
 17 Q. The other thing I wanted to ask is, at the moment, the
 18 LADO doesn't do any investigating. So Social Services
 19 investigate or the police investigate or the
 20 investigation takes place internally. Do you have any
 21 views about whether or not the LADO could undertake
 22 investigations of what one might call the sort of things
 23 which don't reach the threshold for social care
 24 investigations? If, for example, the children are no
 25 longer at the school or it is a non-recent allegation

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1 **A. I think what I would say is, because with the advent of**
 2 **Safeguarding Children Partnerships now replacing the**
 3 **Safeguarding Board and the local authority no longer**
 4 **having that lead responsibility, that it's a tripartite**
 5 **lead across us, health and the police, I think that's**
 6 **where things should be vested. I think that that**
 7 **recognition that it's not just the local authority, that**
 8 **it's all three of the partners acting together and**
 9 **equally, so I would see it probably -- and I think**
 10 **particularly with schools being part of multi-academy**
 11 **trusts, and so on, who answer to the regional schools**
 12 **commission and DfE, I think because of that diffuse**
 13 **landscape, the education landscape, I think we should**
 14 **probably focus on the responsibilities of the three**
 15 **agencies rather than just the local authority for**
 16 **safeguarding.**
 17 MS SCOLDING: I have no further questions, but please wait
 18 there. Thank you very much, Ms Smith. The chair and
 19 panel may have some questions for you. Professor Jay?
 20 THE CHAIR: Yes, thank you.
 21 Questions from THE PANEL
 22 THE CHAIR: I wonder if you could clarify something about
 23 the Ofsted self-evaluation process? Of course we can
 24 ask them ourselves, but do Ofsted take any steps to
 25 verify or triangulate the self-evaluation provided by

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1 and the police aren't involved, do you think there is
 2 a role for the LADO -- a more investigative active role?
 3 **A. My short answer is: no. Because I think one of**
 4 **the positives about the LADO is that they don't get into**
 5 **the -- you know, they don't meet the families, they**
 6 **don't meet the children, they often don't meet the**
 7 **perpetrator. So they are removed and, therefore, have**
 8 **that degree of objectivity and they don't get drawn in**
 9 **to, you know, that complexity.**
 10 **On the other hand, if you are saying, should there**
 11 **be the capability to undertake that work? Yes, of**
 12 **course. Should they be perhaps managed under the LADO**
 13 **person? Yes, probably. But I think that, for me -- my**
 14 **observation, over the years, of the LADO is that they do**
 15 **have this role that challenges without fear or favour,**
 16 **and they are one step removed but can provide that real**
 17 **challenge to people in the room. So, you know -- and**
 18 **I think that is really key, and I wouldn't want that**
 19 **diluted by them then being an investigator of the facts.**
 20 **I think it's important that they retain that distance.**
 21 Q. We talked earlier about mandating and what the role of
 22 the local authority may or may not be. If you could --
 23 in an ideal world, what would you perceive the role of
 24 the local authority should be in respect of safeguarding
 25 in schools?

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1 the school?
 2 **A. I would say no. In terms of with the local authority,**
 3 **do you mean?**
 4 THE CHAIR: No -- well, that may well be helpful, but I did
 5 actually mean did they check what the self-evaluation
 6 says with direct inspection of activities?
 7 **A. Yes, they would. Sorry, so when they go in, they would**
 8 **use that. That's their starting base. They would**
 9 **triangulate information then as they went during their**
 10 **inspection.**
 11 THE CHAIR: But it is interesting to know they don't
 12 triangulate with you; is that correct?
 13 **A. The context of the self evaluation, no. What does**
 14 **happen from time to time is that -- so I have quarterly**
 15 **meetings with an Ofsted senior HMI, as do probably all**
 16 **DCSs, where we do talk about schools in our area,**
 17 **regardless of whether they're academies or not. One of**
 18 **the issues that we talk about is whether -- is referrals**
 19 **to the LADO and any particular issues we may have as**
 20 **a local authority with any school across a range of**
 21 **factors.**
 22 THE CHAIR: I appreciate you weren't there, but there were
 23 none raised about --
 24 **A. No. No, there weren't, no.**
 25 THE CHAIR: Another matter of clarification, please:

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1 regarding the local authority auditing of safeguarding
 2 training, do your audits cover simply compliance having
 3 taken place or also content and standards of
 4 the training?
 5 **A. Are you talking about the training that we provide or**
 6 **the training that's provided to schools?**
 7 THE CHAIR: That the schools themselves may undertake?
 8 **A. No, we don't audit the quality. Although we do make --**
 9 **so the Safeguarding in Education officer, as an example,**
 10 **just to show you, she's realised that some of the --**
 11 **there's training that a lot of the schools have**
 12 **commissioned. This is in regard to restraint, because**
 13 **that was sometimes an issue in regard to physical abuse**
 14 **or potential physical abuse. What we have recognised is**
 15 **that the training that's been commissioned from the**
 16 **particular organisation is of a much better quality than**
 17 **that which we had provided and so we now recommend that**
 18 **to schools.**
 19 **So we look at it from that perspective. So we keep**
 20 **it under review, yes.**
 21 THE CHAIR: Finally from me, who monitors the attendance of
 22 headteachers at the necessary training courses?
 23 **A. The learning and development training -- section would**
 24 **do that. But then you're saying does that come through**
 25 **to me? And, no, it wouldn't. It doesn't at the moment.**

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1 **that they attend the next training.**
 2 THE CHAIR: So, in your opinion, would you say that there
 3 would be no reason for anyone in that -- in the
 4 leadership positions in schools to say that they had not
 5 had sufficient training?
 6 **A. No, I don't think that is a realistic judgment to make,**
 7 **that they haven't had sufficient training. No, I don't.**
 8 THE CHAIR: Thank you very much. I will ask my colleagues
 9 if they have any questions. Ms Sharpling?
 10 MS SHARPLING: No, thank you, chair.
 11 THE CHAIR: Mr Frank?
 12 MR FRANK: No, thank you.
 13 THE CHAIR: And Sir Malcolm?
 14 PROF SIR MALCOLM EVANS: No, thank you, chair.
 15 THE CHAIR: We have no further questions. Thank you very
 16 much for your evidence, Ms Smith.
 17 **A. Thank you.**
 18 **(The witness withdrew)**
 19 MS SCOLDING: Thank you very much, chair. I now pass over
 20 to Ms Bicarregui for the next witness. Thank you.
 21 MS BICARREGUI: Thank you. Chair, we will now be hearing
 22 from Mrs Bamford, continuing with the Hillside School
 23 evidence.
 24 MRS MICHELLE BAMFORD (sworn)
 25

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1 THE CHAIR: But the local authority checks that headteachers
 2 have attended the necessary training?
 3 **A. Yes.**
 4 THE CHAIR: And, I assume, refresher or repeat training
 5 that's required; is that the case?
 6 **A. Yes. It's covered through the annual audit.**
 7 THE CHAIR: Yes, so it's covered by the annual audit that
 8 they did, in fact, attend?
 9 **A. Sorry. So, generally speaking, the annual audit does**
 10 **have questions about, "Are you compliant with the**
 11 **requirements for ...", and the training requirements are**
 12 **all laid out and the schools then have to answer yes or**
 13 **no.**
 14 THE CHAIR: So would it be clear to you if a headteacher, or
 15 indeed any of the staff, who required the training as
 16 well had attended? It's not specifically asking them
 17 whether they have, it's asking them whether they're
 18 compliant with their requirements?
 19 **A. But it specifies what they are. So, for example, one of**
 20 **them will be, "Has your designated safeguarding lead**
 21 **attended their refresher training, as required?", and**
 22 **so, again, we will follow that up. And then, where**
 23 **a school hasn't said that, you know, say their**
 24 **three-year refresher training was due, staff haven't**
 25 **been on it, then that gets followed up and we make sure**

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1 Examination by MS BICARREGUI
 2 MS BICARREGUI: Mrs Bamford, before we begin with the
 3 questions, just a few introductory remarks. This isn't
 4 a test of memory, so I know you have got your statement
 5 there. Please do feel free to look at it and to any of
 6 the other documents in the bundle.
 7 If we need to look at something on the screen, then
 8 Danny, our evidence handler, will get that up on screen.
 9 It might take a minute or two, but it will appear.
 10 We are going to have a break in your evidence for
 11 lunch at that point, but if you do need a break before
 12 that, then please do let me know.
 13 If we lose you, if there are any technical problems,
 14 don't worry, we will sort it out at our end.
 15 I will be asking you questions, and when I have
 16 finished, the chair and panel may have some additional
 17 questions for you.
 18 If you could, Mrs Bamford, turn to tab A1 of your
 19 bundle, and that should be a copy of your witness
 20 statement. Do you have a copy of that, Mrs Bamford?
 21 **A. Yes.**
 22 Q. Have you signed that witness statement?
 23 **A. Yes.**
 24 Q. Is it true, to the best of your knowledge and belief?
 25 **A. Yes.**

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1 Q. Mrs Bamford, before I start asking questions, I believe
 2 that you have a short statement that you would like to
 3 read?
 4 **A. Yes, please. It is on behalf of all victims. I just**
 5 **wanted to say that what happened to the children at**
 6 **Hillside is horrendous, and there isn't a day that goes**
 7 **by that I don't feel terrible about what happened.**
 8 **There have been many lessons learned, and I take full**
 9 **responsibility for the decisions that I made at the**
 10 **time. I constantly reflect on the children in my care**
 11 **and would like to reassure everyone that decisions that**
 12 **I now make as a headteacher are rigorous and always with**
 13 **the children's best interests and safety at heart.**
 14 Q. Thank you, Mrs Bamford. Mrs Bamford, you are
 15 currently -- you have just referred to it -- the
 16 headteacher of a primary school; is that right?
 17 **A. Yes.**
 18 Q. You qualified as a teacher, I think, in 1999?
 19 **A. That's right.**
 20 Q. You took up the post of deputy headteacher at Hillside
 21 in 2003, I think?
 22 **A. Yes.**
 23 Q. Was that your first senior leadership position?
 24 **A. Yes, it would have been.**
 25 Q. We know that Nigel Leat was arrested at Hillside School

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1 **A. Yes.**
 2 Q. While you were the designated teacher for child
 3 protection, I think you were also teaching full time; is
 4 that correct?
 5 **A. Yes.**
 6 Q. So did you have any noncontact time, any time out of
 7 the classroom, to fulfil your role as the child
 8 protection --
 9 **A. No.**
 10 Q. What effect, if any, do you think that had on your
 11 ability to carry out that role effectively?
 12 **A. Quite significant, I'd say, because I didn't have the**
 13 **time to sort of have an oversight of what was happening**
 14 **in the school on a daily basis in an informal way, if --**
 15 **in terms of keeping up to date with guidance, I didn't**
 16 **have the opportunity to do that and didn't have the time**
 17 **to communicate with the headteacher himself, so I think**
 18 **it did have quite a big impact on not being able to have**
 19 **the time to devote to just that role.**
 20 Q. Was that something that you were conscious of at the
 21 time, or is it something that you have sort of thought
 22 about since?
 23 **A. Both. I mean, at the time, I had conversations with**
 24 **Mr Hood around -- not just from the designated teacher**
 25 **perspective, but as a deputy. I'd often said that,**

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1 on 13 December 2010. You were not suspended from your
 2 post following his arrest; is that right?
 3 **A. Yes.**
 4 Q. But you were subject to a disciplinary hearing, and
 5 eventually given a final written warning?
 6 **A. That's right.**
 7 Q. In the first year that you were at the school, the
 8 headteacher, Mr Hood, was the designated teacher for
 9 child protection. I think it was known as the child
 10 protection officer at that point. You shadowed him for
 11 a year; is that right?
 12 **A. Yes.**
 13 Q. Then I think, in September 2004, you took on the role of
 14 the designated teacher for child protection; is that
 15 right?
 16 **A. Yes.**
 17 Q. Then there were a number of periods between 2004 and
 18 2010 when you were not in that role. I think there were
 19 three periods of maternity leave and a secondment; is
 20 that right?
 21 **A. Yes, two periods of maternity leave, up to the 2010, and**
 22 **a secondment.**
 23 Q. When you weren't acting as the designated teacher for
 24 child protection, Christopher Hood took the role on
 25 again, I think; is that right?

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1 **actually, it would be really helpful, as a deputy, to**
 2 **have some time to undertake the deputy role, to have an**
 3 **opportunity to undertake almost a headteacher -- step in**
 4 **the shoes of a headteacher role, and, unfortunately,**
 5 **it's a small school, there are always budget**
 6 **constraints, that was never, ever possible and never**
 7 **afforded to me.**
 8 Q. There you focused, I think, on the deputy head. Did you
 9 ever have a conversation with Mr Hood where you said,
 10 "I just can't keep on top of the designated teacher for
 11 child protection work". Was that a conversation that
 12 you had explicitly with him at the time?
 13 **A. No, I don't recall.**
 14 Q. In your statement you say you taught a number of
 15 different year groups. We are not going to specify year
 16 groups. You were mostly, I think, in prefabricated
 17 classrooms in the playground; is that right?
 18 **A. Yes.**
 19 Q. So we have heard a little bit of evidence about how the
 20 school was sort of configured physically. In
 21 particular, RS-A299 told us that Nigel Leat taught in
 22 a classroom that was kind of a thoroughfare, that there
 23 were people coming through it to go to other places.
 24 That's your recollection of the continuous nature of
 25 the building as well, is it?

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1 **A. Yes. I mean, in fairness, the -- it's not -- it's an**
 2 **old Victorian building, so you have two internal**
 3 **classrooms within the old Victorian build. The people**
 4 **who'd be coming and going through what would have been**
 5 **Nigel's classroom would have been anybody accessing the**
 6 **ITC suite or the year 3 classroom. The other classrooms**
 7 **were all in the playground in prefabricated buildings,**
 8 **so they would have been accessed through the hall, most**
 9 **likely.**

10 Q. You were mostly in the prefabricated classrooms then.
 11 Is that correct?

12 **A. Yes.**

13 Q. Was there any point at which you were teaching in
 14 a classroom next to Nigel Leat in your time?

15 **A. Not whilst he was there, no.**

16 Q. Going back to the designated teacher for child
 17 protection role, it would be correct to describe you and
 18 Mr Hood as the main people responsible then for sort of
 19 safeguarding and child protection at the school while
 20 you were there; is that right?

21 **A. Yes.**

22 Q. So other staff members were sort of required to either
 23 report to you or to the headteacher. Can you tell us
 24 how staff were told about that? How were they told that
 25 you were the designated teacher for child protection

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1 when that was your role?

2 **A. I would have imagined it would have been at the**
 3 **beginning of the academic year that I took it on that**
 4 **I would be taking on the CPO role at that point. They**
 5 **would be continually told in the induction booklet that**
 6 **the designated person was myself. Back then, school**
 7 **websites weren't as they are now, whereas now it's very,**
 8 **very clear on school websites and on documentations,**
 9 **posters across schools, you can see who those designated**
 10 **officers are. I'd say it probably wasn't as explicit**
 11 **then.**

12 Q. Do you think that would have been the case for sort of
 13 people who were voluntarily coming into the school to
 14 help? Were they also informed about who they should
 15 contact if they had a concern?

16 **A. Yes. I think they would have been informed through the**
 17 **office and through meeting the headteacher on their**
 18 **arrival, the first conversations, the meet and greet,**
 19 **"If you have any concerns, come and speak to myself or**
 20 **speak to the deputy".**

21 Q. When you were on your periods of leave, at that point,
 22 how was that communicated so that they knew that they
 23 were supposed to be talking to Mr Hood at that point
 24 instead of you?

25 **A. I would have hoped that he would have shared that**

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1 **information with them at that point. Obviously,**
 2 **substantive staff would have been aware that I wasn't**
 3 **there. I would have hoped visitors and volunteers would**
 4 **have been told that on their arrival.**

5 Q. Thank you. I'd like to look a little bit in detail at
 6 the sort of training that you had, that the staff had at
 7 the school, and also a little bit about how the national
 8 policies and local policies were kind of disseminated to
 9 the staff.

10 You tell us in your statement that, when you were
 11 newly qualified, you undertook some training which
 12 covered the different categories of abuse, and you refer
 13 us to the DfE circular 1095. But I think, after that,
 14 you're not sure of the training you received until about
 15 2004; is that right?

16 **A. Yes.**

17 Q. Danny, could we get up OFS011782_038. Mrs Bamford,
 18 hopefully what will come up -- if you could get to
 19 5.4.2. Actually, that's fine. I think we can see that.
 20 So it looks like here -- this is from the individual
 21 management review from the school for the SCR. The
 22 deputy headteacher undertook safeguarding training and
 23 CPD, so we see February 2004. So that looks like when
 24 you became what was then the CPO, you had particular
 25 training?

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1 **A. That would have been a conference rather than training.**

2 Q. Okeydoke. So that was a conference. Yes, in fact, it
 3 says that, doesn't it? A conference in March 2005, 2006
 4 and 2009. So what's the difference, Mrs Bamford -- what
 5 does a conference mean, in terms of -- instead of what
 6 you would describe as training?

7 **A. It's difficult to recollect that far back. Conferences**
 8 **are usually, you know, information giving, key updates**
 9 **around, you know, perhaps something -- contextually**
 10 **around the time. Whereas training would have delved**
 11 **specifically into the aspects within the role and within**
 12 **child protection, key things around signs and symptoms**
 13 **and what to do around child protection.**

14 Q. So it doesn't look as though there was any training, as
 15 opposed to conferences, before October 2009. Is that
 16 also your recollection?

17 **A. My recollection is that I undertook a two-day -- and in**
 18 **my statement, I said I undertook a two-day inter-agency**
 19 **safeguarding training in March 2006. So the one that**
 20 **says "Safeguarding conference for the DTCP**
 21 **in March 2006", I wonder whether that was a two-day**
 22 **inter-agency safeguarding training.**

23 Q. On the face of that record, it looks like you were
 24 having reasonably frequent updates, in terms of the
 25 national guidance; is that fair to say, Mrs Bamford?

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1 **A. Yes.**
 2 Q. We have talked a little bit about how little time you
 3 had while you were in school to keep up to date with
 4 national guidance, but was the focus of these kind of
 5 conferences, as you've suggested, to kind of say, "This
 6 is what is now coming into force"?
 7 **A. (Overspeaking) sometimes, yes.**
 8 Q. You tell us in your statement that there's very little
 9 training that focused on adults in educational settings
 10 as perpetrators of abuse. Is that right?
 11 **A. Yes.**
 12 Q. Can you explain a little bit more what you mean about
 13 that? What would you have liked it to have been telling
 14 you about?
 15 **A. Obviously, hindsight is a wonderful thing, and now that**
 16 **we -- you know, what happened at Hillside, it certainly**
 17 **brings to the forefront the flaws within people's**
 18 **understanding in terms of identifying grooming**
 19 **behaviours, in terms of identifying what professional**
 20 **perpetrators look like or might do.**
 21 **The training that I had was very much centred around**
 22 **child protection and inter-agency working and very much**
 23 **around the signs and symptoms and what to do if children**
 24 **came in and disclosed information around something that**
 25 **had happened outside of school and then the procedures**

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1 **school. Going forward, that would be one of my real**
 2 **recommendations, that it is really on-the-ground, this**
 3 **is what it could look like, these are the sorts of**
 4 **behaviours you might see and how you could then react to**
 5 **it.**
 6 Q. We know that it was very clear from earlier than that,
 7 wasn't it, sort of 2004/2005 -- so the procedures, if
 8 you like, in terms of, what do you do if there is an
 9 allegation against a member of staff. Because we know
 10 that guidance from -- well, I think November 2005,
 11 safeguarding children in education: dealing with
 12 allegations of abuse against teachers and other staff,
 13 that definitely sort of set out what procedures schools
 14 should have for dealing with allegations against staff
 15 and volunteers, didn't it? So are you making
 16 a distinction, then, between knowing what the procedures
 17 are to deal with it and being given information which is
 18 more specifically about grooming?
 19 **A. Specifically about grooming. The word "allegation",**
 20 **I think Sheila kind of intimated about it. I think, you**
 21 **know, another recommendation is the word "allegation" is**
 22 **very emotive and quite big, and I know we will probably**
 23 **talk about it in a minute in terms of low-level**
 24 **reporting and neutral notification, which is what**
 25 **Marcus Erooga talked about, but I think what happens is,**

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1 **around core groups and referrals to social care and that**
 2 **kind of aspect of child protection, as opposed to**
 3 **actually what -- child protection in terms of an adult**
 4 **within a school setting, or in another setting,**
 5 **presenting as unsuitable or potentially a perpetrator of**
 6 **abuse, what to do.**
 7 **I think, although recently, I'd say from sort of**
 8 **2009 onwards, with the Safer Recruitment, that was very**
 9 **much more centred around those grooming behaviours and**
 10 **the barriers and how they overcome the barriers within**
 11 **schools. Up until then, we hadn't really had a lot of**
 12 **training around that. Any time there were any**
 13 **scenarios, it was always centred around a child**
 14 **presenting with a mark or a child -- a neglect scenario,**
 15 **rather than, "Actually, a member of staff within**
 16 **a school is behaving in this way", you know, "What might**
 17 **you do?"**
 18 **So for me, going forwards, I know, statistically**
 19 **speaking, there's probably more likelihood of children**
 20 **being subject to abuse outside of, you know, an**
 21 **educational setting than there is in, but I just think**
 22 **it's really, really important for staff to really,**
 23 **really understand grooming behaviours, because it**
 24 **doesn't just apply to the setting itself, it also**
 25 **applies to things that might be happening outside of**

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1 **people rationalise allegation versus a concern and, you**
 2 **know, what stops people from saying things? It's around**
 3 **the potential consequences to the individuals and the**
 4 **relationships that they have established.**
 5 **So, you know, just a subtle thing around, yes, you**
 6 **have to have the word "allegation" within policies and**
 7 **procedures, but actually, in terms of the language that**
 8 **you use with staff, it can be a barrier to talking, if**
 9 **you know what I mean.**
 10 Q. I think 2006 was when the Working Together document came
 11 out, and I think that would have been what you would
 12 have been talking about for your two days, wouldn't it,
 13 in 2006, on inter-agency -- the training that you
 14 discussed. If we could just get up, Danny,
 15 DFE003161_005. This is the Working Together. This is
 16 one of the appendices to Working Together 2006. This is
 17 a little bit about the threshold. So, Danny, if you
 18 could highlight the paragraph 13 for me. This is also
 19 something, I think, that, if you were listening to
 20 Ms Smith's evidence that she touched on, the
 21 threshold -- although it talks about allegations rather
 22 than concerns, but it does say:
 23 "However, it is important to ensure that even
 24 apparently less serious allegations are seen to be
 25 followed up and that they are examined objectively by

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1 someone independent of the organisation concerned.
 2 Consequently, the LA designated officer should be
 3 informed of all allegations that come to the employer's
 4 attention and appear to meet the criteria ..."
 5 We won't go back to paragraph 1, but the criteria
 6 also includes being unsuitable to work with children.
 7 So, again, in Ms Smith's evidence, she said, you know,
 8 unsuitability to work with children and then it seems
 9 like it is quite a low -- you should discuss less
 10 serious allegations. Was this in your mind, in your
 11 mind -- you don't know the mind of Mr Hood, but when
 12 safeguarding concerns arose in relation to Nigel Leat,
 13 did you have this idea of discussing less serious
 14 allegations with the LADO in mind?
 15 **A. Yes, and that's when I challenged Mr Hood around the**
 16 **2008 incident, when I reported to him after the members**
 17 **of staff had identified their concerns. I took that**
 18 **incident to him, spoke to him and asked whether that was**
 19 **something that should be reported or at least discussed**
 20 **with the local authority.**
 21 **The policy at the time made it clear that it was me**
 22 **to report to the headteacher, who would then have to**
 23 **report to the Educational Welfare Service and the LADO**
 24 **and take that advice. Mr Hood, at the time, said that**
 25 **he would deal with it in the appropriate way and that he**

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1 of the national guidance and the local guidance?
 2 **A. I think most of the guidance would have come through**
 3 **communications that would have been sent to the school,**
 4 **and then the headteacher would have usually disseminated**
 5 **that guidance on to the relevant people. I don't know**
 6 **if it came directly to me and certainly my recollection**
 7 **is it never came directly to me, either from the local**
 8 **authority or from Mr Hood.**
 9 Q. So just so I'm clear about this, in 2008, despite
 10 guidance which might suggest otherwise, your view was
 11 that you took it to the headteacher and he kind of had
 12 the final say over what happened in terms of that
 13 referral; is that right?
 14 **A. Yes, that was very much the culture of the school**
 15 **amongst everything.**
 16 Q. We have looked at some guidance which is called "Safer
 17 Working Practice for Adults who Work with Children and
 18 Young People". You have seen that in the bundle,
 19 I think?
 20 **A. Yes.**
 21 Q. So that was guidance which the council -- I think they
 22 said they put it on their website in November 2009 and
 23 they wanted schools to have that fully integrated by
 24 about January 2010. Now, you were the DCTP --
 25 I probably have that the wrong way around -- the

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1 **didn't feel that he needed to have that conversation.**
 2 **I did challenge him and say I was uncomfortable by**
 3 **it and I felt that he should, but he was very, very firm**
 4 **that he would deal with it in the appropriate way. With**
 5 **hindsight, and knowing more now, I wish that I had**
 6 **challenged him more or even had made that call myself.**
 7 Q. Just, again, I know that focusing on the guidance -- but
 8 if we could just have a look at the 2007 guidance, so,
 9 Danny, if we could get up INQ006348_089. This is
 10 appendix 3 of the 2007 guidance, so this is Safeguarding
 11 Children and Safer Recruitment in Education. So, again,
 12 this is the areas of responsibility for the designated
 13 senior person for child protection. That talks about,
 14 in terms of referrals, referring cases of suspected
 15 abuse or allegations to the relevant investigating
 16 agencies and acting as a source of support.
 17 Do you think, Mrs Bamford, that this bit of guidance
 18 wasn't at the forefront of your mind; that your view
 19 was, in 2008, that what you needed to do was to discuss
 20 it with Mr Hood, which is what you have just told us?
 21 **A. Yes. I'm not sure that Mr Hood shared that guidance**
 22 **with me.**
 23 Q. At the point where you were the designated teacher, was
 24 it Mr Hood to share it with you or were you more likely
 25 to be the one responsible for the sort of getting hold

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1 designated teacher for child protection -- in that term,
 2 weren't you, I think from September 2009 until January.
 3 So were you aware that the council had made this
 4 guidance available?
 5 **A. Yes, yes, and I even remember having the conversation**
 6 **with Mr Hood, prior to me leaving the school in**
 7 **the January to take up a secondment, that there had been**
 8 **a deadline by the local authority that all staff needed**
 9 **to have seen the documentation and been trained around**
 10 **it by the end of January.**
 11 **Mr Hood assured me that he would be doing that, and**
 12 **I know that I consequently did that -- shared that**
 13 **guidance with the school that I went to from the January**
 14 **of 2010.**
 15 Q. Now, I think you asked North Somerset, the safeguarding
 16 trainer from North Somerset Council, to give some
 17 in-school training in that term as well?
 18 **A. Yes.**
 19 Q. That's in paragraph 3 of your statement. It says:
 20 "North Somerset safeguarding trainer."
 21 She wasn't available to give training in that term;
 22 is that right?
 23 **A. Yes.**
 24 Q. So you and Mr Hood then gave -- delivered staff
 25 training, I think in the December of 2009?

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1 **A. Yes. Yes -- around the Safer Working Practice. I don't**
 2 **think I did the training around that guidance.**
 3 Q. No, all we know is that there was training
 4 in December 2009. We don't know what was contained in
 5 that training.
 6 **A. Right. Okay.**
 7 Q. That was one of my questions: did you refer to this
 8 particular guidance, given that it was about to be sort
 9 of required to be disseminated to all staff?
 10 **A. I think we might have done, yes.**
 11 MS BICARREGUI: Chair, I note the time. Would now be an
 12 appropriate time to have lunch?
 13 THE CHAIR: Thank you, Ms Bicarregui. We will return at
 14 1.45 pm. Thank you.
 15 (12.45 pm)
 16 (The short adjournment)
 17 (1.45 pm)
 18 THE CHAIR: Ms Bicarregui?
 19 MS BICARREGUI: Thank you, chair.
 20 Mrs Bamford, just before we broke for lunch, we were
 21 talking about the school term from September 2009
 22 running through to Christmas, and in particular some
 23 training in December 2009 which you delivered because,
 24 when you asked the council, you were told that there was
 25 no-one available from their team to give training; is

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1 changed when you came back into school
 2 in September 2010?
 3 **A. I very rarely saw Nigel Leat interacting with his**
 4 **children in class because I was in class full time, and**
 5 **I don't recall, during that term, undertaking any**
 6 **subject leader observations, which is the times when**
 7 **I would have seen him interacting with his class.**
 8 Q. Can I take you to a document. Danny, could we get up
 9 DFE003142_003. Mrs Bamford, this is a statement from an
 10 LSA who was at the school. I think she was there from
 11 sort of January 2007 until April 2009. She says that
 12 she heard -- sorry, that you had witnessed RS-A320
 13 getting upset when she wasn't able to sit on
 14 Nigel Leat's lap. If we could go over to the next page,
 15 please, Danny. If you could go to the top paragraph,
 16 thank you. This is a police interview, so this is after
 17 the arrest and this is the LSA recalling:
 18 "I can remember feeling quite uncomfortable about
 19 Mr Leat and how he was around a year [something] girl
 20 called RS-A320 ..."
 21 It says:
 22 "They would come into our class for singing and she
 23 would be clinging onto Nigel Leat. She would keep
 24 trying to sit on his lap. I remember that I tried to
 25 get her to come and sit on the carpet, but she wouldn't.

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1 that right?
 2 **A. Yes.**
 3 Q. Your recollection is that the Safer Working Practice
 4 guidance wasn't part of that training in December; is
 5 that right?
 6 **A. Yes, from my recollection, yes.**
 7 Q. But you said to us just before the break that you did
 8 deliver this training to the school that you then went
 9 to on secondment; is that right?
 10 **A. Yes.**
 11 Q. So that training, which talks about the suitability of
 12 people working with children, doesn't it, so that it is
 13 important not to have favourites and it also says in
 14 relation to physical contact that physical contact which
 15 occurs regularly with an individual child is likely to
 16 raise questions unless there is an explicit agreement on
 17 the need for, and the nature of, that contact. You
 18 recall that from the guidance? That was the kind of
 19 thing that the guidance was trying to put across.
 20 So you came back from the school that you were on
 21 secondment to, I think, in the September of 2010; is
 22 that right?
 23 **A. Yes.**
 24 Q. Do you have any recollection of whether or not your view
 25 of how Nigel Leat interacted with children in his class

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1 Eventually, she sort of leant over Mr Leat's feet.
 2 Mrs Bamford got her to sit down on the carpet but she
 3 sat at Mr Leat's side and cried. Mr Leat had put his
 4 hand on her hair and said that she was all right there
 5 with him."
 6 Danny, if you could go to the next paragraph down,
 7 please. It goes on to say:
 8 "Once the session had finished ..."
 9 She spoke to you about it, "It wasn't right" and she
 10 got the feeling that you were concerned that RS-A320
 11 would always be beside Mr Leat and that -- she goes on
 12 to say that he would always walk her down the steps to
 13 her mother at the end of the day.
 14 I should be clear, Mrs Bamford, this isn't after the
 15 Safer Working Practice guidance. So this is in the
 16 school year 2007/2008. But can you help us with what
 17 was the view at the time of this kind of thing when this
 18 occurred with Mr Leat? What do you think was going on
 19 in staff's mind? So this staff member is telling the
 20 police that she was concerned about it. Can you help us
 21 with what your view was at the time?
 22 **A. I wasn't aware of that incident until, obviously, the**
 23 **investigation processes happened, and Ms Behan then said**
 24 **that that incident had happened. I don't recall that**
 25 **incident happening. I do feel confident that, if I had**

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<p>1 recalled it, like with all the other incidences, I would</p> <p>2 have recorded it and taken it to Mr Hood. That's not an</p> <p>3 incident that I directly recall.</p> <p>4 Q. At the time, I think this issue of favourites is</p> <p>5 quite -- comes out very compellingly, certainly in the</p> <p>6 SCR. I think, at your disciplinary hearing, you said</p> <p>7 you were aware that he had favourite pupils in that he</p> <p>8 gave certain pupils jobs to do, but that you didn't know</p> <p>9 that, for example, he allowed children to accompany him</p> <p>10 during his PPA time until 2008. PPA time. Can you just</p> <p>11 quickly tell us what that is? Is it planning and</p> <p>12 preparation time?</p> <p>13 A. And assessment time. A full-time teacher is entitled to</p> <p>14 10 per cent time out of the class to prepare the</p> <p>15 lessons, mark, et cetera, so that's what -- and then</p> <p>16 usually another member of staff would -- each school</p> <p>17 takes a different view on how they cover it, but</p> <p>18 basically somebody else would cover class for that</p> <p>19 period of time weekly.</p> <p>20 Q. In 2008, you became aware that Nigel Leat was</p> <p>21 allowing -- and it was RS-A320, wasn't it, to accompany</p> <p>22 him when he was on his PPA time; is that right?</p> <p>23 A. Was that the 2008 incident that I reported to Mr Hood?</p> <p>24 Q. Exactly, yes. But overwhelmingly, when staff at the</p> <p>25 school, not just teachers, but LSAs, dinner ladies, were</p> <p style="text-align: center;">Page 81</p>	<p>1 interviewed by the police after Mr Leat was arrested,</p> <p>2 they talked about the fact that he had favourites.</p> <p>3 I think there were at least nine statements which talk</p> <p>4 about just how clear it was -- I think they say things</p> <p>5 like "it was blatant", his favouritism was blatant. You</p> <p>6 were -- I know you were teaching, but obviously you were</p> <p>7 a member of quite a small staff group at this point.</p> <p>8 I think there were sort of six to eight teachers. You</p> <p>9 say that you knew he had favourites in a certain sense.</p> <p>10 Why do you think this wasn't ringing alarm bells at the</p> <p>11 time for you?</p> <p>12 A. I would say that, firstly, I never, ever saw Nigel Leat</p> <p>13 show favouritism towards any vulnerable children, or</p> <p>14 anything like that, or anything that would make me</p> <p>15 concerned. My view of his favouritism was it was an</p> <p>16 equal opportunity, from that perspective.</p> <p>17 My view was, it didn't ring alarm bells because it</p> <p>18 was seen more of a professional conduct thing, rather</p> <p>19 than a safeguarding thing, rather than a grooming</p> <p>20 behaviour. Part of that is, I think, because we weren't</p> <p>21 skilled enough around understanding that there were</p> <p>22 grooming -- these were precursor grooming behaviours</p> <p>23 from Nigel Leat.</p> <p>24 Q. We saw that it's quite explicit in the 2009 Safer</p> <p>25 Working Practice that this is something that really</p> <p style="text-align: center;">Page 82</p>
<p>1 shouldn't happen, but do you think -- why, at that</p> <p>2 point, did it not sort of raise further questions, do</p> <p>3 you think?</p> <p>4 A. I don't know.</p> <p>5 Q. In your statement, you say -- I just wonder if there is</p> <p>6 something -- in paragraph 9, you say Nigel Leat</p> <p>7 manipulated everyone to think he was a nice, easy-going,</p> <p>8 disorganised, slightly chaotic technophobe who loved</p> <p>9 working with children and helping them develop. I just</p> <p>10 wonder whether or not we're missing, if you like, the</p> <p>11 role Nigel Leat played in this. How did he -- that is</p> <p>12 a question. Was part of the way he portrayed himself</p> <p>13 part of the reason, do you think, that you were less</p> <p>14 concerned than you might have been about the</p> <p>15 favouritism?</p> <p>16 A. Yes, Nigel came across as, you know, a member of staff</p> <p>17 who deeply cared about the children, he cared about</p> <p>18 education. As a teacher, as I've said in my statement,</p> <p>19 he wasn't the strongest teacher. He was disorganised.</p> <p>20 He was very easy going, you know, very well liked. That</p> <p>21 came across through the statements from parents,</p> <p>22 children. Any time subject leaders undertook any kind</p> <p>23 of pupil conferencing, they always spoke very positively</p> <p>24 about him. So he came across as this person who was</p> <p>25 a genuinely nice person.</p> <p style="text-align: center;">Page 83</p>	<p>1 Q. I think, on the occasions where he found out that there</p> <p>2 were question marks around him -- so, for example, when</p> <p>3 he found out that you had reported to Mr Hood about the</p> <p>4 incidents in 2008, am I right in saying that he</p> <p>5 became -- he was a bit -- he wasn't very happy that you</p> <p>6 had reported that? How did that come across to you at</p> <p>7 the time?</p> <p>8 A. He very much kept his distance from me. I didn't see</p> <p>9 very much of Nigel during a normal teaching day. We</p> <p>10 might have sort of crossed paths in the morning and in</p> <p>11 the afternoons and perhaps at lunchtime. But, yeah, he</p> <p>12 very much kept his distance.</p> <p>13 Q. Can you help us a little with this, and this is</p> <p>14 something I raised with the headteacher on Friday.</p> <p>15 There were a lot of incidents that were not reported to</p> <p>16 either you or Mr Hood at the time, so I think out of,</p> <p>17 I think, 33 incidents in the SCR, I think about 11 are</p> <p>18 raised with both of you -- sorry, not with both of you,</p> <p>19 with one or the other of you, I should say. In</p> <p>20 particular, there is a very striking incident when one</p> <p>21 of the voluntary classroom assistants saw Nigel Leat</p> <p>22 sitting with a child reading, and then, when he stood</p> <p>23 up, he had an erection. She said she felt she couldn't</p> <p>24 report it to Mr Hood. Do you have any idea why, for</p> <p>25 example, she wouldn't have reported it to you?</p> <p style="text-align: center;">Page 84</p>

1 A. It's hard to understand why somebody would have chosen
 2 not to. Thinking about it, I wouldn't have been as
 3 accessible if I was in the class all the time. So, as
 4 it happened on that day, she may have not been able to
 5 access me because I was in a class. I do feel -- you
 6 know, people knew that they could approach me, staff
 7 knew they could share things with me, they knew that
 8 I would take their concerns to Mr Hood, and that's
 9 evident in the things that I've recorded and reported.
 10 So I don't know why she chose not to. I understand why
 11 she chose not to share with Mr Hood.

12 Q. So when you say you understand why she chose not to
 13 share with Mr Hood, why do you think that was? What's
 14 your understanding of that?

15 A. I think it was to do with the culture within the school.
 16 Mr Hood was fairly -- I think my statement says he was
 17 quite unpredictable from a mood perspective. Sometimes
 18 you knew when it was the right time to talk to him and
 19 sometimes you just knew it wasn't the right time to talk
 20 to him about things.

21 That unapproachability, that sort of
 22 unpredictability, will have put people off sharing
 23 concerns or sharing anything and, because many teachers
 24 felt that way, for this new member of staff that you're
 25 talking about, unfortunately, that would have then sort

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1 on his laptop, and so that was dealt with.

2 But I put this to Mr Hood, that, actually, what
 3 seems to have gotten lost in 2004 is the allegations
 4 that he was too tactile with the children, and RS-H4
 5 mentions that both in the April and again in the May.
 6 Do you think, Mrs Bamford, that the second part of this
 7 got a bit lost in 2004?

8 A. Yes, I do.

9 Q. Why do you think that was? I know it's difficult to
 10 look back, but why do you think that particular aspect
 11 kind just of wasn't given the same attention?

12 A. I think, if I recall, at that time, Mr Hood felt that it
 13 was hearsay, it was rumour and, therefore, it wouldn't
 14 have been something that necessarily needed to be
 15 actioned because of the fact that the parent involved,
 16 if I recall, didn't want to come and speak to the head
 17 and, therefore, he said it was just rumours.

18 Q. So even if something is a rumour, what's your
 19 understanding about whether or not that should be
 20 explored or whether that should be reported, for
 21 example, to the LADO?

22 A. Absolutely, now. I can't recall back then, but
 23 absolutely, now, even rumours should be reported to the
 24 LADO. Any concerns, no matter how small, that advice
 25 should be sought from the LADO.

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1 of added to the, "I won't go and share it with that
 2 member of staff".

3 Q. We know that there are only two concerns that were
 4 recorded, and in both cases they were recorded by you,
 5 I think, weren't they?

6 A. Yes.

7 Q. Danny, if we could get up DFE003202. We are not going
 8 to look at this in detail. I know you wrote it, but
 9 just so you're aware of what we are talking about. The
 10 first incident was in 2004, and there are two records
 11 that you make, in the April 2004 and in the May 2004.
 12 This is when somebody -- RS-H4 comes and talks to you
 13 about something that somebody else has told her, in
 14 fact, but she says that in Nigel Leat's class a child
 15 has seen an image of a naked adult on a laptop. That's
 16 the first thing that she reports.

17 The second thing is that she says that there's
 18 concerns that Nigel Leat is too tactile with the
 19 children in his class.

20 You remember that incident, I think, Mrs Bamford?

21 A. Yes.

22 Q. The first incident about the laptop I think you
 23 investigated with Mr Hood, and it turned out that there
 24 was a bit of PSHE software that was on all the laptops,
 25 so it wasn't something that Mr Leat had deliberately put

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1 Q. I think you accept in your witness statement that
 2 that -- that then, as well, this probably should have
 3 been followed up sort of externally; is that right?

4 A. Yes. I mean, had that happened now in my current role,
 5 I would phone the LADO and I would just -- you don't
 6 even have to say names, it could be a no-names
 7 consultation, you could say, "This is the situation,
 8 this is the information I have, what's your thoughts?"
 9 It's very much a two-way process at that point. Back
 10 then, that would have been a good thing to do.

11 Q. I think you were the designated teacher for child
 12 protection at this point, but you didn't feel that you
 13 could --

14 A. I wasn't the designated teacher, because that was 2004.
 15 So that was the year I was shadowing Mr Hood.

16 Q. So you were sort of watching what Mr Hood was doing in
 17 that year?

18 A. Yes.

19 Q. But when you were the designated teacher, so let's say
 20 for the 2008 incident, you didn't feel that those
 21 informal conversations were possible or you just didn't
 22 know about them? What was the position?

23 A. My recollection then is, I didn't know that you could
 24 have informal conversations with the LADO. I still felt
 25 a conversation with the local authority would have been

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1 **a good idea and that's what I challenged Mr Hood on at**
 2 **the time.**
 3 Q. So the 2008 incident, just so that everybody knows the
 4 one we are talking about, is when a number of different
 5 people -- I think four, possibly five, different members
 6 of staff -- come to you and say they are concerned about
 7 the relationship, how Nigel Leat is treating, shall we
 8 say, RS-A320, and, in particular, what stands out,
 9 I think, is a college tutor who is there overseeing
 10 a trainee teacher saying that their relationship looked
 11 a bit too close for comfort. You recall that sort of
 12 incident.
 13 As we know, you took it to Mr Hood, and he decided
 14 to speak to Mr Leat and then issue a verbal warning.
 15 I think you said, at that point, you weren't aware of
 16 guidance about referring it externally.
 17 I suppose, Mrs Bamford, it's very easy to look at
 18 this through -- with hindsight. If you had really
 19 thought that there was a chance that there was an
 20 inappropriate relationship at that point, do you think
 21 you would have just ignored Mr Hood and taken it
 22 externally? In other words --
 23 **A. Yes, I mean, it's hard to think, you know, ten years**
 24 **ago, you know, "Would I, would I have not?" I would**
 25 **like to think, at that point, if I was concerned that**

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1 right?
 2 **A. Yes.**
 3 Q. You talked to Mr Hood about that at the time, I think?
 4 **A. Yes.**
 5 Q. Why did you decide not to talk to the LADO about that?
 6 **A. You mean social care? Because it would have been social**
 7 **care.**
 8 Q. Yes.
 9 **A. I think I wanted to know more -- know what was happening**
 10 **more, to get a better picture, to understand it more.**
 11 **That would be my recollection back then.**
 12 Q. I know there's probably different guidance on this. You
 13 didn't think about mentioning it to RS-A300's mother as
 14 being a bit of concern?
 15 **A. In retrospect, and with hindsight, that's something**
 16 **I would do now, but I didn't then.**
 17 Q. Can you -- this is hard, but do you know why that was,
 18 because, of course, that's the crucial thing, really.
 19 What was stopping you sort of asking externally about
 20 this at that point?
 21 **A. I felt I wanted to know more about how it was happening.**
 22 **I think the child was displaying a rocking movement**
 23 **which I think in my witness statement I talked about I'd**
 24 **had a child before who had done exactly that rocking**
 25 **movement which had been described, which, in**

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1 **Nigel Leat was a perpetrator of sexual abuse, that**
 2 **I would have picked up the phone, regardless of what**
 3 **Mr Hood would have said, and certainly that's something**
 4 **I would do now.**
 5 Q. About the same time, or, actually, I think, probably
 6 slightly later, a question came up about whether or not
 7 RS-A320 should remain in Nigel Leat's class for
 8 a further year. We know that there was a decision taken
 9 that she shouldn't stay in his class for a further year.
 10 I think you were in the room when that decision was
 11 taken. Did you have any part in that decision or was
 12 that a decision of Mr Hood?
 13 **A. I'm not sure if I was in the room when the decision was**
 14 **made, but Mr Hood made that decision.**
 15 Q. Did you give your views on it? Did you have views on
 16 that at the time?
 17 **A. I can't recall.**
 18 Q. There was one further incident in 2010, where the LSA
 19 who was in Nigel Leat's class told you that RS-A300 was
 20 displaying some sort of inappropriate behaviours in
 21 class -- well, "inappropriate". She was sort of
 22 stimulating herself, rubbing her vagina on the carpet
 23 and that kind of thing, and the LSA was troubled about
 24 this and came and talked to you about it. I think you
 25 decided to monitor her behaviour for a week; is that

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1 **a professional meeting, an educational psychologist had**
 2 **referred to as a habitual thing. So it was that aspect**
 3 **that I wanted to get a picture of.**
 4 Q. The LSA was quite concerned about it, I think, wasn't
 5 she? She didn't think it was normal behaviour for the
 6 child? Is that correct?
 7 **A. Yes, that's what I recall, yes.**
 8 Q. I'd like to look at the sort of governance issues at
 9 Hillside at the time. I think I'm right in saying that
 10 you now look on Mr Hood's management differently to how
 11 you sort of thought of it at the time; is that right?
 12 **A. Yes.**
 13 Q. At the time, from your statement, you thought you had an
 14 effective working relationship, but you've since come to
 15 realise that it wasn't effective. Can you tell us
 16 a little bit about what you mean by that?
 17 **A. So what makes an effective management team and**
 18 **leadership team is a team where you have a two-way**
 19 **conversation, a team where you are able to challenge one**
 20 **another and that challenge is received in a respectful**
 21 **way; a leadership team where, as a deputy, I would have**
 22 **been empowered to have some opportunity to do some of**
 23 **the headteacher roles.**
 24 **I felt a lot of what -- if I went to Mr Hood with**
 25 **ideas, if they were ideas that he bought into, then you**

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1 were okay; if they were ideas that he didn't think there
 2 was any need for the school to be doing, then it was
 3 a clear, "No, we don't need to do that".
 4 When I was looking through all the witness
 5 statements about the unapproachability of him, it just
 6 made me think that it couldn't have been a very
 7 effective working relationship.
 8 Q. Do you think there's a possibility that Mr Hood's become
 9 a sort of convenient scapegoat because, you know, it's
 10 nice to have a simple answer. Is there any part of
 11 that, do you think?
 12 A. No, I don't think he has, because, you know, he was
 13 quite -- it was quite clear that Mr Hood was the
 14 headteacher and what Mr Hood said went. And then, you
 15 know, in terms of -- there were pieces of information
 16 that Mr Hood knew that I didn't know, that others didn't
 17 know, so, no, I don't think he's been scapegoated.
 18 Q. Looking back to the sort of --
 19 A. Sorry, can I just add on that one, the headteacher's
 20 role is to create a culture within a school, and that
 21 culture underpins everything. You know, where we're
 22 talking right now, in terms of safeguarding, it is the
 23 headteacher's role to make sure that that culture is
 24 absolutely open, it's open to challenge, it has trust
 25 and respect, and Mr Hood didn't create that culture

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1 teacher who was revealed to be an abuser was engaging in
 2 any practices which were incompatible with safeguarding
 3 guidance. You probably don't remember that, but it's in
 4 the bundle, isn't it?
 5 A. Yes, yes, no, and I would agree with that statement.
 6 Q. Even in the light of what you wrote in 2008? Because
 7 there were clearly practices that were incompatible with
 8 safeguarding guidance, weren't there, in terms of that
 9 2008 record that you made?
 10 A. But I don't think that we saw it in the cumulative
 11 perspective that we have now seen with all the other
 12 incidences. From my own perspective, it was seen as one
 13 of two key incidences.
 14 Q. I think there definitely are a number of sort of
 15 low-level incidents, but I think just that record that
 16 you wrote on 2008, I think, standing alone, that would
 17 constitute a safeguarding -- and you clearly thought it
 18 did at the time, didn't you, because you said that you
 19 challenged Mr Hood on taking that to the LADO? So it
 20 wasn't quite right to say that you didn't think the
 21 abuser was engaging in practices which were
 22 incompatible.
 23 The reason I ask, Mrs Bamford, is that, if, at the
 24 time, you thought that Mr Hood had done nothing wrong,
 25 then clearly something's changed between now and then.

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1 there, and that is the responsibility of the headteacher
 2 to do that so that everybody is empowered, everybody
 3 feels that they are able to share concerns, to have
 4 a voice, to challenge, and it's clear that that's not
 5 how it was.
 6 Q. Is it the unique responsibility of the headteacher? So,
 7 in other words, if the headteacher is not doing that, is
 8 there anything that can be done about it, do you think,
 9 or is it -- does the responsibility solely lie with the
 10 headteacher?
 11 A. A big responsibility lies with the headteacher,
 12 absolutely, because they're the person there day in, day
 13 out. Yes, governance -- or governors are there to
 14 challenge as well, but governance -- governors can only
 15 react on the information that they have. And, equally,
 16 with the local authority, when you were talking to
 17 Sheila, they can only react with the information that
 18 they're given.
 19 Q. I'm just going to look at -- go back a little bit and
 20 press you about this a little bit more, Mrs Bamford.
 21 You didn't, I don't think, want to be a witness at the
 22 Teaching Agency case against Mr Hood, did you?
 23 A. No.
 24 Q. I think your union rep wrote to the Teaching Agency and
 25 said that neither you nor Mr Hood were aware that the

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1 Maybe you could just help me with that?
 2 A. I'm not sure what you're asking me about.
 3 Q. It looks like, at the time of the Teaching Agency -- so
 4 that was one thing that your union rep wrote, and then
 5 I think in your interview, in March 2011, you said that
 6 you -- at the time of the incidents in 2004 and 2008,
 7 you believed the headteacher had followed the correct
 8 procedures and was dealing with the matters in hand, and
 9 therefore you did not feel that you needed to invoke the
 10 whistleblowing procedures.
 11 So I suppose I'm just asking whether or not -- if
 12 you were asked in March 2011, you didn't feel that you
 13 needed to, is it that you now look back and think you
 14 should have been firmer about the 2008 incident, or --
 15 A. Yes, I do. Looking back -- you know, hindsight is
 16 a wonderful thing -- I do feel I should have been
 17 firmer; I do feel I should have recognised the enormity
 18 of it then.
 19 Q. You're a headteacher now. You're probably in a fairly
 20 unique position, as having lived through the events at
 21 Hillside. What do you do now, Mrs Bamford, to make sure
 22 that the children in your school are safe? How do you
 23 create a culture that makes sure of that?
 24 A. You know, from the very, very -- not simplest. The
 25 first thing is about making sure that there is a culture

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1 that isn't complacent, a culture where there is a belief
 2 that it could happen here, and I think many schools
 3 then, some schools now, still have that complacency,
 4 "Oh, it won't happen here. We're all nice people.
 5 We're all in this job for the same reasons". But,
 6 actually, you know, perpetrators are very sneaky. You
 7 know, that grooming process happens over a long period
 8 of time. We know that now. And the learning is to
 9 always be aware of that. So, as a headteacher, I want
 10 that message across all -- my whole school, that,
 11 actually, don't take for granted that something might
 12 not happen. Be vigilant. Be aware of your own conduct.
 13 Be aware of other people's conduct. And, you know, if
 14 you've got any concern, no matter how small that concern
 15 may be, you must come and share that concern with -- and
 16 at the moment I'm designated safeguarding lead and my
 17 view is that the headteacher should be the designated
 18 safeguarding lead. Go and share it with me and, if you
 19 can't share it with me as the designated safeguarding
 20 lead, share it with the LADO or the local authority or
 21 the chair of governors. Just make sure that any concern
 22 you have is shared with somebody, no matter how small.
 23 I try to create a climate where the staff feel
 24 empowered to challenge and be open to challenge, because
 25 all of our behaviours should be questionable because we

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1 should be transparent and open about what we're doing.
 2 From sort of -- you know, the safeguarding guidance,
 3 I make sure that we are fully trained and fully
 4 compliant and make sure that we're embedding that
 5 safeguarding message in little drips all the time, so we
 6 ensure that that is something that is on our agenda
 7 weekly. It's on our governance agenda.
 8 So, you know, it is a constant message that
 9 safeguarding is everybody's responsibility, right from
 10 the person who is the named person, right through to
 11 somebody who might be there on a voluntary placement.
 12 Q. I think you still teach in North Somerset, in the local
 13 authority area; is that right?
 14 A. Yes.
 15 Q. I understand from your statement that you think that the
 16 local authority has been a lot more proactive in terms
 17 of the auditing and the training and all of that since
 18 the arrest of Nigel Leat; is that right?
 19 A. Yes. I would say, since the Serious Case Review came
 20 out, the training has been stronger. It's been a lot
 21 clearer that -- you know, the role of the designated
 22 safeguarding lead and where those lines of
 23 responsibility lie. It's very clear to all staff,
 24 regardless of where you sit within the hierarchy, that
 25 safeguarding is everybody's responsibility and that they

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1 have responsibility to identify any concerns.
 2 The training has been much improved around
 3 identifying professional perpetrators. You know, like
 4 grooming behaviour is included in our annual training.
 5 But I still think that is something that needs to be
 6 stronger.
 7 North Somerset deliver annual safeguarding training
 8 to schools, and in that training is every member of
 9 staff -- every governor, anybody who is regularly
 10 visiting the school. So that is controlled all the time
 11 by North Somerset. Obviously, I think for MATs,
 12 multi-academy trusts, they may buy in something
 13 different, but certainly, from a maintained schools'
 14 perspective, North Somerset come in and would look at
 15 that training. That training has certainly been a lot
 16 stronger than when I experienced it when I was at
 17 Hillside.
 18 We have designated safeguarding lead networks now.
 19 Those networks happen at least three times a year. The
 20 safeguarding officer for education leads that training
 21 and, as designated safeguarding leads, we are expected
 22 to attend a minimum of one of those networks. I would
 23 say probably most DSLs attend all of them.
 24 We have -- we have the safeguarding officer in post
 25 who is always available if we have got any questions,

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1 who signposts to new guidance, model policies, so the
 2 communication, from that perspective, is certainly much
 3 stronger.
 4 And the social care and the LADO also offer no-names
 5 consultations now, so, you know, as a headteacher --
 6 safeguarding can be a very, very grey area, as we have
 7 seen. You know, there can be those moments where, "I'm
 8 not sure. What do I do? What's the right action?" As
 9 a headteacher, I know I pick up the phone and
 10 I phone and I say, "I don't need to name names, but this
 11 is the situation. What would your advice be?" It's not
 12 necessarily them telling me what to do, but they're the
 13 specialists and it is a two-way conversation and you
 14 come to a conclusion as to what the best course of
 15 action might be in those situations.
 16 Q. Mrs Bamford, do you, as a headteacher now, think there
 17 is still an overemphasis -- or do you think schools are
 18 still primarily judged on academic performance? We saw
 19 that was one of the issues, that all of the sort of
 20 benchmarks, all of the oversight, was in relation to
 21 academic performance. Is that still the case, do you
 22 think, in terms of local authority interaction?
 23 A. I think there is still a great emphasis on pupil
 24 outcomes. But I think pupil well-being, right down to
 25 safeguarding, is much, much stronger. So when a local

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<p>1 authority school improvement partner makes a visit, they 2 will periodically check your single central record. 3 When they talk to children, they will talk about what 4 the children -- "Do the children feel safe?". When they 5 talk to staff, they will ask staff about, "What are the 6 safeguarding processes or policies within your school?". 7 So they do test that out in those visits, in the same 8 way that Ofsted do now as well. 9 Q. Actually, that reminds me of something that was in the 10 IMR, which was also that, at the time, in Hillside, 11 there seemed to be a real failure to talk to the 12 children, actually, that, you know, nobody was really 13 engaging with the children in Nigel Leat's class or 14 asking questions. Is that something you accept and -- 15 it sounds like that might be something that's changed? 16 A. I'd say children were asked questions, but it was around 17 (interference) observations such as leader monitoring. 18 Children were asked, "Do you like coming to school? Do 19 you like teachers?", from those perspectives, and the 20 children were only ever very complimentary. 21 Q. In your time as a teacher and a senior leader, have you 22 detected any change in approach to Ofsted towards 23 safeguarding? I imagine you've been through a number of 24 Ofsted inspections in different roles. Have you 25 detected a greater emphasis on safeguarding?</p> <p style="text-align: center;">Page 101</p>	<p>1 A. Yes. Yes. Much greater emphasis, as I described 2 before, in terms of the approach of testing it out on 3 the ground. The Ofsted inspections are recent -- you 4 know, safeguarding is a limiting factor, so actually, 5 before even your inspection starts, they will test out, 6 you know: have you got all the basic legislative checks 7 done from a Safer Recruitment perspective; is your SCR 8 up to date? They will have had a questionnaire out to 9 parents and I think from my understanding there is 10 a free text text service now where parents can send 11 messages to the Ofsted inspectors during the inspection, 12 pre the inspection, so, you know, if any concerns were 13 raised, it would be a trail within the actual 14 Inspection. 15 It is much greater emphasis. If, at that very first 16 point, there is any kind of flaw within a school's 17 safeguarding approach, the school will go straight into 18 special measures and the inspection would stop at that 19 point because of that reason. 20 Q. Mrs Bamford, just to go back, if you like, to the 21 beginning of your evidence, where you made your 22 statement, there was a question that I was asked to put 23 on behalf of victims/survivors and I think it was 24 answered in your statement, but I just want to go back 25 to that as I end these questions to you.</p> <p style="text-align: center;">Page 102</p>
<p>1 That question from the representatives of 2 the victims/survivors was what personal responsibility 3 did you feel for the events at Hillside? I think you 4 answered that in your statement, but if we could just -- 5 if I could have an answer to their question, if you 6 like, that would be helpful? 7 A. I accept that, in terms of the decisions I made at the 8 time, based on the information I had at the time, and 9 the person I was at the time, that I could have taken 10 different decisions, I could have challenged Chris, 11 I should have challenged Chris, and, you know, if I had, 12 you know, with hindsight, would everything have been 13 discovered much, much earlier? So I do deeply regret 14 those decisions I made then and, no, that -- you know, 15 hindsight is a wonderful thing, and I am very sorry for 16 all the victims. 17 MS BICARREGUI: Thank you very much, Ms Bamford. Chair, 18 I don't have any further questions for Mrs Bamford. 19 Mrs Bamford, if you could stay there, the chair and 20 panel may have some questions. 21 THE CHAIR: I have no questions. Ms Sharpling? 22 MS SHARPLING: No, thank you, chair. 23 THE CHAIR: Mr Frank? 24 MR FRANK: No, thank you. 25 THE CHAIR: Sir Malcolm?</p> <p style="text-align: center;">Page 103</p>	<p>1 PROF SIR MALCOLM EVANS: No, thank you, chair. 2 THE CHAIR: Thank you very much, Mrs Bamford. 3 (The witness withdrew) 4 MS BICARREGUI: Chair, before we conclude evidence on 5 Hillside, I just have some documents that I would like 6 to seek permission to adduce. I will briefly state what 7 those are. They are a witness statement from 8 Gregor McGill, the director of legal services for the 9 CPS, which is CPS004917; a witness statement of 10 the assistant chief constable, Stephen Cullen, which is 11 ASP000483; the witness statement of Mr Tony Oliver, who 12 was the independent chair of the North Somerset 13 Safeguarding Children Board, which published the SCR, 14 which is INQ005173; and the witness statement of 15 Paul Redding, who was the chair of governors at the time 16 of Nigel Leat's arrest, INQ005623; and, lastly, the 17 Serious Case Review into Hillside First School, 18 DFE002197 -- chair, if I could ask permission for those 19 to be adduced in full. 20 THE CHAIR: Yes, I will do that. 21 MS BICARREGUI: I now pass to Ms Scolding, who is going to 22 ask questions in relation to the trade unions. Thank 23 you, Mrs Bamford. 24 MS SCOLDING: Chair, our next witnesses are Ms Brown, 25 Dr Roach and Mr Whiteman.</p> <p style="text-align: center;">Page 104</p>

<p>1 MS AMANDA BROWN (affirmed) 2 MR PAUL WHITEMAN (affirmed) 3 DR PATRICK ROACH (affirmed) 4 Examination by MS SCOLDING 5 MS SCOLDING: Thank you very much. Thank you, all three of 6 you, for coming. We are especially thankful to you, 7 given the very many calls there are on your time at the 8 moment. A few preliminary issues before I ask you to 9 look at your witness statements. You should all have 10 bundles in front of you containing relevant information. 11 I shall refer to tab numbers, but I shall also ask 12 Danny, our evidence handler, to bring some documents up 13 on screen. If you can't see them when they're on the 14 screen, please just let me know in the time-honoured 15 fashion of putting your hand up. 16 Secondly, please feel free to refer to any notes you 17 may have made, as this is not a test of memory. 18 Thirdly, as you are all giving evidence 19 concurrently, I shall try and preface each question with 20 whom I wish to answer it, but that doesn't mean that 21 another of you cannot contribute, so, again, if I could 22 ask if you could put your hands up if you feel you wish 23 to contribute something different or wish to add 24 anything. 25 If the technology crashes -- we have had a couple of</p> <p style="text-align: center;">Page 105</p>	<p>1 glitches today -- in the wise words of Corporal Jones, 2 please don't panic, we shall work as fast as possible to 3 get you back. 4 I'm going to ask Mr Whiteman first, we have two 5 witness statements from you, behind tabs 4 and 5 of 6 the bundle I'm hoping you have got in front of you. 7 Your first witness statement is dated 25 July 2019. Can 8 you confirm that you signed this witness statement? 9 MR WHITEMAN: I can, yes. 10 MS SCOLDING: Is it true, to the best of your knowledge and 11 belief? 12 MR WHITEMAN: It is. 13 MS SCOLDING: Next, could I ask you to go to tab 5. This is 14 a witness statement dated 6 October 2020. Again, did 15 you sign this witness statement? 16 MR WHITEMAN: Yes, I did. 17 MS SCOLDING: Is it true, to the best of your knowledge and 18 belief? 19 MR WHITEMAN: It is. 20 MS SCOLDING: Mr Whiteman, you're the general secretary of 21 the National Association of Head Teachers; is that 22 correct? 23 MR WHITEMAN: That's correct. 24 MS SCOLDING: How many members of the profession do you 25 represent?</p> <p style="text-align: center;">Page 106</p>
<p>1 MR WHITEMAN: At the last count, it's about 34,000 now that 2 are actually still in school, with about another 15,000 3 life members that are now retired. 4 MS SCOLDING: Across which sectors of education do your 5 members come from? 6 MR WHITEMAN: All phases and sectors, although predominantly 7 the state sector. 8 MS SCOLDING: Thank you. For how long have you been the 9 general secretary? 10 MR WHITEMAN: Since September 2017. 11 MS SCOLDING: Thank you very much. Ms Brown, turning now to 12 you, we have two witness statements from you, which are 13 behind tabs 6 and 7 of the bundle I hope you have in 14 front of you, first, we have a witness statement from 15 you dated 28 July 2019. Again, can I ask whether you 16 signed that witness statement? 17 MS BROWN: I did. 18 MS SCOLDING: Is it true, to the best of your knowledge and 19 belief? 20 MS BROWN: Yes, it is. 21 MS SCOLDING: Then we have a second statement from you, 22 dated 29 September 2020. Again, did you sign this? 23 MS BROWN: I did. 24 MS SCOLDING: Is it true, to the best of your knowledge and 25 belief?</p> <p style="text-align: center;">Page 107</p>	<p>1 MS BROWN: Yes, it is. 2 MS SCOLDING: Ms Brown, you're the deputy general secretary 3 of the National Education Union. For how long have you 4 held that role? 5 MS BROWN: For approximately two years. 6 MS SCOLDING: Right. How many members does the NEU 7 represent at the moment? 8 MS BROWN: About 450,000. 9 MS SCOLDING: Across which sectors of education? 10 MS BROWN: Again, across all sectors, both state and -- we 11 have independent school members as well, primary and 12 secondary, yes, up to post 16. 13 MS SCOLDING: I understand, in fact, you are the largest 14 teaching union in Europe; is that right? 15 MS BROWN: That's right. 16 MS SCOLDING: Third, Dr Roach. We have a witness statement 17 from you behind tab 8 of the bundle, which I hope you 18 have in front of you. This is dated 7 October 2020. 19 Again, can you confirm that you signed that witness 20 statement? 21 DR ROACH: I can confirm that, yes. 22 MS SCOLDING: Can you confirm that it is true, to the best 23 of your knowledge and belief? 24 DR ROACH: It is true, to the best of my knowledge and 25 belief.</p> <p style="text-align: center;">Page 108</p>

<p>1 MS SCOLDING: I'm most grateful. There is also a witness 2 statement from your predecessor, Ms Keates, which is 3 dated 6 August 2019, which was adduced in phase 1. You 4 are the general secretary of the NASUWT. How long have 5 you held that post for? 6 DR ROACH: Since April this year. 7 MS SCOLDING: How many members do you have? 8 DR ROACH: 300,000 teachers and headteachers. 9 MS SCOLDING: What educational establishments do they cover? 10 DR ROACH: We cover teachers and headteachers working in 11 early years, primary, secondary, sixth form colleges and 12 FE colleges in both the state-funded sector and the 13 independent sector. 14 MS SCOLDING: Thank you very much. Thank you all very much. 15 The first issue I want to talk to you about is 16 registration requirements and teaching of child 17 protection for individuals before they become teachers 18 or whilst they're in the initial teacher training phase. 19 Mr Llewellyn of the Education Workforce Council has 20 indicated to us that he's not happy that teachers within 21 the independent sector -- and obviously in Wales they 22 don't have any academies -- do not have to register with 23 his organisation and the same is obviously true of 24 the Teaching Regulation Authority. There is 25 a compulsion for everyone who is a qualified teacher to</p> <p style="text-align: center;">Page 109</p>	<p>1 register with the TRA, but obviously you don't have to 2 be a qualified teacher in academy schools or in 3 independent schools. 4 Ms Brown, from your perspective, are there any 5 safeguarding or child protection concerns which arise 6 from not having everyone registered or not having to be 7 registered or not having to have qualified teaching 8 status? 9 MS BROWN: I'm not sure that having qualified teaching 10 status is really the indicator. I mean, clearly, we 11 have, at the moment, in England, regulated activity and 12 that being the issue which would bring you into 13 regulation, and we think that that is -- we think that 14 that works well because that -- it's about contact and 15 the reality of work in schools. 16 MS SCOLDING: Yes. 17 MS BROWN: So, from our point of view, what's important is 18 both the regime which allows -- which must provide that 19 those who are working with children or who come across 20 children regularly in their work are regulated, and 21 that's really the key issue. So that would depend, 22 therefore, on their day-to-day work and activities as 23 opposed to the particular kind of label or title of any 24 post. 25 So it's about -- for us, it's mostly about making</p> <p style="text-align: center;">Page 110</p>
<p>1 sure that the work that they do on a day-to-day basis is 2 regulated or not, but also that those are carried 3 through in real life in schools and make sure that the 4 procedures that are necessary are actually carried out 5 there. 6 MS SCOLDING: Because even if people aren't necessarily 7 registered with the Teaching Regulatory Agency, if they 8 carry out teaching tasks, they are regulated by them, 9 ie, they are subject to their disciplinary concerns, 10 aren't they? 11 MS BROWN: Indeed, it is the work that you're doing and the 12 contact with children, we think, and vulnerable adults 13 in another context, which is the important element. 14 MS SCOLDING: Dr Roach, do you have any observations or 15 anything about the importance or otherwise of QTS status 16 in terms of child protection? 17 DR ROACH: What I would say is that the NASUWT has some 18 serious concerns about the decision that was taken in 19 2010/11 to disapply the requirement to hold qualified 20 teacher status in schools in England, and just by way of 21 absolute clarity, not only with respect to academies but 22 all state-funded schools. 23 We have a diversity of routes into the teaching 24 profession: traditional initial teacher training through 25 higher educational institutions, but also a variety of</p> <p style="text-align: center;">Page 111</p>	<p>1 school-based routes into the profession. And we think 2 that, regardless of the route into the teaching 3 profession, there needs to be an overarching concern 4 about the preparedness of new entrants into the 5 profession. We think that's absolutely essential that 6 that should be underpinned by clear national standards 7 and benchmarks to which all providers of initial teacher 8 training should be required to comply. 9 Now, it's absolutely clear that, in the context of 10 beginning teachers, they are subject to the teacher 11 standards, the professional standards, which apply to 12 teachers, which does include a safeguarding component. 13 What's vitally important is that the preparation for 14 new and beginning teachers actually equips them to 15 discharge that responsibility fully and effectively. 16 MS SCOLDING: Do you think that the current course content 17 for initial teacher training or teacher training in 18 whatever way you do it, whether it is via a university, 19 whether it is on the job, whether it is via different 20 routes, do you think that the current content in respect 21 of child protection and safeguarding is adequate for 22 those people training to become teachers? Dr Roach? 23 DR ROACH: I think one of the issues is around -- as I say, 24 diversity, routes into the profession, and the extent to 25 which the government and the Teacher Regulatory Agency</p> <p style="text-align: center;">Page 112</p>

1 actually has a full and effective oversight of those
 2 routes into the profession, and particularly in terms of
 3 preparation for teaching in the context of child
 4 protection and safeguarding.
 5 I'm not going to say that those routes don't prepare
 6 for; what I'm saying is there needs to be an assurance
 7 that they do prepare for in accordance with national
 8 benchmarks and criteria which government and the TRA
 9 should have a responsibility for determining.
 10 So it's a vitally important job that government
 11 should be undertaking proactively with regard to new
 12 teacher preparation.
 13 MS SCOLDING: Yes, and, of course, at the moment, whilst
 14 every course has to make sure that it satisfies the
 15 relevant teacher standards, or it teaches the content,
 16 there isn't any kind of national approved detailed
 17 syllabus or detailed content, other than those which are
 18 set out in the Teacher Standards, which are quite broad,
 19 aren't they, in terms of -- and quite general? Am
 20 I right in thinking that, Dr Roach?
 21 DR ROACH: I think that would be a fair assessment to make.
 22 MS SCOLDING: Mr Whiteman, do you have anything you'd like
 23 to add about that, about the quality of current teacher
 24 training and whether it's adequate in respect of dealing
 25 with child protection?

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1 you can add on to that.
 2 Ms Brown, do you think that would be a good idea?
 3 Because that would encompass both teaching staff but
 4 also support staff, learning mentors, people like that,
 5 who often play a very valuable and important role in
 6 children's lives and in their education.
 7 MS BROWN: We would certainly think that -- I think that
 8 most -- those people who are employed to work with
 9 children ought to have child protection training to some
 10 level. So that will differ according to the role.
 11 It might be, in fact, that those who are working
 12 most closely with children, and some support roles,
 13 would need more in-depth training in particular areas
 14 than other roles might. But, yes, I don't think -- we
 15 wouldn't see a problem with that, I don't think, at all.
 16 That could very well be helpful.
 17 MS SCOLDING: Dr Roach, what do you think about that as
 18 a suggestion?
 19 DR ROACH: It is absolutely clear that initial teacher
 20 training, regardless of what one may think of its
 21 strengths or relative force, is only a starting point
 22 for entry into the profession, and one has to look at
 23 initial teacher training, or ITT, alongside early
 24 professional development for beginning teachers and
 25 continuing professional development for teachers

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1 MR WHITEMAN: Our members report that the pressure on
 2 initial teacher training is great and that all subjects
 3 could benefit from more depth if the time was there. So
 4 the extent -- so that applies to safeguarding as much as
 5 any other issue. But that's the extent to which I can
 6 illuminate that point, I'm afraid.
 7 MS SCOLDING: Thank you. Ms Brown, do you have anything you
 8 would wish to add?
 9 MS BROWN: I would agree with my colleagues. We have had
 10 reports from members of ours that, actually, in teacher
 11 training, they had -- they did have some training on
 12 child protection and relevant procedures and
 13 expectations, but not much, and it's certainly something
 14 which we think there could be more focus on and, as has
 15 been said, there ought to be some national oversight of
 16 the standards expected and the level of training that
 17 should be within the initial teacher training programme.
 18 MS SCOLDING: One suggestion that's been put to us is that
 19 anyone who is going to set foot in the classroom,
 20 whether they're teaching or whether they're playing
 21 a support role, in terms of if they're working directly
 22 with children, that they should all undertake a child
 23 protection course, so there should be a sort of
 24 nationally-accredited course which should be undertaken
 25 for everyone, other people in more senior positions or

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1 throughout their careers.
 2 Certainly it's not my view, it's not the view of
 3 the NASUWT, that preparation for teachers in the area of
 4 child protection and safeguarding is something that can
 5 be done as a tick-box or one-off exercise. This has got
 6 to be something which is affirmed and reaffirmed as part
 7 and parcel of the development of teachers' professional
 8 practice.
 9 So I'm not sure that a stand-alone certificate will
 10 necessarily do it. I think that what we have to do is
 11 to bring rigour into ITT, into initial teacher training,
 12 and we have also got to ensure there is an entitlement
 13 around early provisional development and continuing
 14 professional development for teachers.
 15 The government is quite right to insist that
 16 teachers have a set of legal responsibilities in this
 17 area. It certainly would be my view that government
 18 needs to ensure that, where it's making that insistence,
 19 that it's also providing teachers with the means to
 20 discharge those responsibilities and to do so
 21 effectively.
 22 If I can also refer to the development and
 23 preparation of school leaders, the same would apply,
 24 that in respect of the frameworks, statutory frameworks,
 25 that should operate with regard to school leadership, it

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<p>1 is essential that we have a set of clear national 2 expectations about what beginning and experienced school 3 leaders should be exposed to in terms of their 4 development in child protection and safeguarding, and 5 whilst the national professional qualification for 6 headship was effectively deregulated by the government 7 in 2012, it's not clear what requirements have taken its 8 place in respect of the preparation of new headteachers. 9 It can't be left to being a lottery of local 10 provision. It has to be something which government is 11 very clear about from the expectation of those who are 12 leading and managing schools as well as the expectation 13 of all those who are working in schools in terms of 14 the form of professional development that they undertake 15 to discharge their roles effectively. 16 MS SCOLDING: Mr Whiteman, obviously, as an organisation 17 which largely deals with senior leaders, do you have any 18 views about what Dr Roach has just said, in terms of 19 the lack of consistency, shall we say, in respect of 20 preparation of heads and senior managers in dealing with 21 child protection and safeguarding? 22 MR WHITEMAN: Yes, we would largely agree with what Dr Roach 23 has just said, actually. The main problem, and it goes 24 to your question about a national certificate as well, 25 is the lack of consistency in continued professional</p> <p style="text-align: center;">Page 117</p>	<p>1 development in respect of these areas. So we don't have 2 a formal position on a certificate as such, but the 3 extent to which you can bring national consistency and 4 quality to training around these areas would be of great 5 benefit. 6 What we need to remember as well as those national 7 standards and those national qualities is it would all 8 need to be supplemented with local knowledge and would 9 need a system of regular review and regular refresh to 10 remind people, and, as the horizon changes and our 11 knowledge changes about these issues, so do our skills 12 and our training as well. So a formal certificate just 13 given once at the start of a career or at the start of 14 a leadership position simply wouldn't be enough. It 15 would need to be kept reviewed and refreshed. 16 MS SCOLDING: Thank you. Ms Brown, can you hold that 17 thought for 15 minutes? Because I see it is 2.45 pm, 18 and, chair, I think now is an appropriate moment for the 19 mid-afternoon break, obviously with your permission. 20 Can we come back at 3.00 pm, please? 21 THE CHAIR: Yes, we will do that, thank you. 22 MS SCOLDING: Thank you. Ms Brown, hold your thought. 23 I will come back to you straight away. Thank you. 24 (2.45 pm) 25 (A short break)</p> <p style="text-align: center;">Page 118</p>
<p>1 (3.00 pm) 2 MS SCOLDING: Ms Brown, just before the break, you were 3 about to talk about the need for national training for 4 leaders about child protection and for that to be 5 consistent. Perhaps you'd like to give us your thoughts 6 now? 7 MS BROWN: I was actually going to pick up on the need that 8 had just been mentioned for local liaison as well as 9 a national. Yes, absolutely, I think there should be 10 national oversight and national expectations, but the 11 need for local liaison to make sure that those practices 12 are embedded and consolidated on an ongoing basis 13 I think is a really key issue, and the role of local 14 authorities, LADOs, in that is something to explore. 15 But local liaison and consolidation I think is also an 16 important thing and, as has also been mentioned, the 17 opportunity for school staff to further choose to 18 develop their own expertise and training is also, 19 I think, useful. It is almost at the three levels that 20 we would want to see that that's really consolidated. 21 MS SCOLDING: Well, Keeping Children Safe in Education says 22 that staff should have adequate training and that the 23 DSL should have more specialist training, but doesn't 24 say what that should be or what the content of that 25 should be, saying it prefers to leave it to local</p> <p style="text-align: center;">Page 119</p>	<p>1 circumstances. 2 Do you think that's appropriate, or how would you 3 like to see training set out? 4 MS BROWN: I think that that could be further -- the issue 5 is, giving complete discretion around that can lead to 6 some difficulties, but the way, I would say, to respond 7 to that is about building expertise collegiately, so 8 within a local area ensuring that there is -- there are 9 conversations about what expectations are, how the 10 training can be improved, and there can be peer-to-peer 11 training as well as it being something which is CPD 12 which is just delivered to people. So some more nuanced 13 conversations about how that's done and more of a focus 14 on local liaison to develop that, I think, as well. 15 MS SCOLDING: Dr Roach, if I could turn to you, one of 16 the issues that's been raised with us is whether or not 17 the designated safeguarding lead, whether it would be 18 helpful, at the very least maybe in larger schools, 19 maybe in secondary schools, that that person should have 20 some sort of safeguarding qualification, a bit like 21 SENCO, you know, one can see the role of the SENCO 22 started off as a sort of voluntary role and then there 23 was increasing professionalisation. Can you see that as 24 potentially a good idea or do you think it doesn't 25 really add anything?</p> <p style="text-align: center;">Page 120</p>

<p>1 DR ROACH: There is always potential for looking at the 2 architecture for professional development for those who 3 are undertaking critical roles at school level, and so, 4 therefore, the potential for a specialist qualification 5 or certification for the designated safeguarding lead 6 within the school may have some merit. 7 We would have to see what proposals government may 8 come forward with in that particular regard in order to 9 determine whether or not that actually does make sense 10 in the context of the rubric of professional standards 11 and the rubric of terms and conditions of service for 12 teachers and for school leaders. But certainly there 13 needs to be an architecture which is underpinned by, as 14 I think I've said previously, a national -- clear and 15 coherent national framework and standards in relation to 16 safeguarding practice at school level. 17 That has got to be the driver here from our point of 18 view, and then the question of who needs what forms of 19 accreditation, specialist or otherwise, would flow from 20 that. 21 MS SCOLDING: Do you think the current guidance and 22 landscape, the current architecture, provides adequate 23 safeguarding -- does it provide the relevant 24 accreditation and the relevant national standards, as 25 you've identified them?</p> <p style="text-align: center;">Page 121</p>	<p>1 DR ROACH: Well, we are concerned that the issues that are 2 woven through Keeping Children Safe in Education are 3 important, but a government which has been fixated on 4 autonomy and the relaxation of regulatory requirements 5 and associated with that enforcement of those regulatory 6 requirements we think is, if you will, an Achilles heel 7 within the current framework. 8 We would like to see that framework to be 9 strengthened, and certainly for greater clarity within 10 that framework in terms of what schools must do rather 11 than merely what schools should do. The government has 12 been very clear that it places a lot of trust on the 13 ability of schools to devise their own approaches when 14 it comes to, for example, the professional development 15 and training arrangements for their workforce. It's not 16 a view that we would share, and we believe that 17 safeguarding and child protection is critically 18 important. It should be seen as a national priority 19 within an education service, and, with that, it should 20 follow that government should also be clear about what 21 it expects to see in relation to workforce development 22 and also development of strong and effective governance 23 at school level. 24 We would like to see that strengthening in terms of 25 mandatory requirements, the compliance within schools,</p> <p style="text-align: center;">Page 122</p>
<p>1 how schools deal with concerns when they do arise, how 2 schools investigate concerns, how schools manage affairs 3 when it comes to those working within schools who do not 4 have a contractual relationship within the school, so, 5 for example, agency workers, and in relation to what 6 good practice looks like. We think there's room, 7 there's scope, for improvement across the board in those 8 areas. 9 MS SCOLDING: That's very helpful, Dr Roach. Mr Whiteman, 10 do you have any views which are different to that of 11 Dr Roach in that regard? Because I note that you, too, 12 in your witness statement, identify the need for 13 mandatory requirements and the need for a national 14 system, in effect, so less autonomy, more 15 standardisation, I think would be the way I would 16 describe it. Mr Whiteman, do you have anything you 17 would like to add to that? 18 MR WHITEMAN: I think that's correct. I think our members' 19 narrative around Keeping Children Safe in Education is 20 it is a substantive and good document, in that it begins 21 to deliver the balance between mandation and the freedom 22 that school leaders need. However, that balance needs 23 to be maintained and the idea of more mandate and more 24 explicit expectations would be helpful. 25 But then it moves into -- and this is the crux of</p> <p style="text-align: center;">Page 123</p>	<p>1 the matter, I think -- the funding to maintain those 2 standards and continue the accreditation and the 3 training of those involved, the kind of organisation 4 around it, so the co-operation between all players and 5 all partners in Keeping Children Safe, followed by the 6 co-operation of those organisations too. So there's 7 a real balance here that needs to be maintained. But 8 absolute clarity on what must be done has to be the 9 starting point, but school leaders do guard that ability 10 to lead their school and that freedom to lead their 11 school quite jealously too. 12 MS SCOLDING: What I'm hearing from you is that you don't 13 disagree with Dr Roach that it would be helpful to have 14 a set of kind of mandatory principles. You can build 15 upon those flexibly, so that everybody knows, "This is 16 what you do, this is when you refer, this is how you 17 investigate, and this is what you must do as a school 18 leader or as somebody working in a school", and there's 19 clarity about that. 20 MR WHITEMAN: Yes. Sorry, if my answer took us away from 21 that point, what I was trying to overlay on top of that 22 answer was the need for more than that. It is not 23 enough just to mandate, there has to be more than that 24 as well. 25 MS SCOLDING: Can I ask you about that. Mr Whiteman, I will</p> <p style="text-align: center;">Page 124</p>

<p>1 start with you, as you represent the NAHT. What is good 2 leadership in respect of child protection in a school 3 setting? What are the hallmarks of that? How does 4 a school leader achieve that? 5 MR WHITEMAN: Well, it is setting the culture and setting 6 the expectations within a school and making sure that if 7 issues do arise or concerns arise, teachers and 8 everybody within the school, actually, feel free and 9 have confidence in reporting those and they have 10 confidence they will be dealt with appropriately. 11 So I think you can get to lots of sophistication 12 around that, but that's basically what's required. 13 MS SCOLDING: Do you think, at the moment, that what -- 14 Keeping Children Safe in Education, do you think it 15 encourages an excellent safeguarding culture or do you 16 think it focuses too much on kind of minimum? 17 MR WHITEMAN: Our members -- so, remember -- I have to give 18 you evidence based on what our members tell us rather 19 than -- 20 MS SCOLDING: What do your members tell you? 21 MR WHITEMAN: Our members don't present us with any deep 22 concerns around Keeping Children Safe in Education. 23 They tell us that that's the basis of what they do and 24 it gives them a good basis, good sound basis, for taking 25 things forward. What they do report concerns about is</p> <p style="text-align: center;">Page 125</p>	<p>1 the time allowed, the finance allowed and the standards 2 of training and continued professional development and 3 then the organisation and support that they can get from 4 outside school. 5 One of the main points is, schools can't do all of 6 this alone and their ability to seek assistance and tap 7 into advice is very much restricted by the lack of 8 resources out there right now. 9 MS SCOLDING: Dr Roach, from your members' perspective, what 10 is a good safeguarding culture in a school and what is 11 good leadership of that? 12 DR ROACH: I think it is clear that setting a culture of 13 expectation in terms of professional conduct and 14 practice has got to be a core part of that, and that is 15 enshrined in leadership and management practice within 16 schools, but it's also enshrined within the practice of 17 good and effective governance of schools as well, and 18 the issues around governing boards I think is also 19 crucially important. There has to be, if you will, 20 a balanced approach that is taken within schools that 21 a focus on improving educational standards is critical 22 to the success of any school, but it can't be done with 23 the exclusion of issues around child well-being, 24 safeguarding and child protection. That's also 25 crucially important.</p> <p style="text-align: center;">Page 126</p>
<p>1 It also can't be done if the workforce isn't 2 adequately supported, in terms of tasks and 3 responsibilities and accountabilities they're expected 4 to demonstrate. So how schools -- how school leaders 5 and managers go about the day-to-day work of dealing 6 with concerns if and when they arise is also about how 7 you demonstrate a culture of effective practice when it 8 comes to safeguarding, and I think my written submission 9 indicates that our members do have concerns about the 10 way in which safeguarding matters sometimes are dealt 11 with at school level, which may actually be 12 counterproductive to instilling a culture of effective 13 practice in this area. 14 MS SCOLDING: That's very helpful. Ms Brown, do you have 15 anything else you wish to add about creating a strong 16 safeguarding culture in schools? Then I will come on to 17 Dr Roach's point about governance, if I may. 18 MS BROWN: The other point I would like to add, I think, is 19 the importance of schools having the capacity to develop 20 systems for listening to children and for the good 21 pastoral care within the schools, because there has been 22 such an attention paid to academic achievement, which is 23 obviously right, but we also know that, over recent 24 years, school funding cuts have made a difference to 25 schools and their ability to develop other systems, and</p> <p style="text-align: center;">Page 127</p>	<p>1 that pastoral care is really important within that for 2 children and young people. 3 So making sure that those systems are still there, 4 as well as, at the same time, yes, having a really 5 robust system for child protection and for 6 investigations, but a system which is very fair as well 7 so that people know that things can be raised, they know 8 how to raise them, they know they will be dealt with 9 quickly and that there will be an outcome that they can 10 rely on. 11 MS SCOLDING: Ms Brown, coming on to governance, Dr Roach 12 raised the need for adequate oversight and governance by 13 governing bodies or by boards of management or by 14 trustees, depending upon what sort of school we are 15 looking at. At the moment, there is no requirement for 16 governors to receive safeguarding training. They have 17 to read Keeping Children Safe in Education, but that's 18 it. Do you think that's good enough and do you think 19 that enables governors to be able to have the relevant 20 oversight and management of safeguarding and child 21 protection that they need, as the people who are 22 ultimately responsible for setting the culture and 23 standards in a school? 24 MS BROWN: It's necessary for -- governors, who are 25 particularly responsible around safeguarding issues,</p> <p style="text-align: center;">Page 128</p>

1 should have access to training and, possibly, more than
 2 that, should certainly be encouraged to have that. It
 3 seems to me, for those who are going to be exercising
 4 governance over those matters, it really doesn't make
 5 sense that they shouldn't have expert knowledge. You
 6 need that in order to be able to exercise effective
 7 governance.
 8 For other governors, there may be less of a need,
 9 but certainly, for those who are particularly
 10 responsible, I think that would be helpful.
 11 MS SCOLDING: Dr Roach?
 12 DR ROACH: For the NASUWT, we would say it is essential that
 13 that training is provided for governing boards. They
 14 may very well be volunteers, but they carry a weight of
 15 public responsibility as a result of the office that
 16 they assume, and that responsibility has got to be taken
 17 seriously. I've said previously in this session that,
 18 you know, child safeguarding, child protection, are
 19 critically important and that these are matters of
 20 national importance to us and it's vitally important
 21 that those who have guardianship over the resources
 22 within schools and for the provision of education, that
 23 they're equipped to undertake that role, discharge that
 24 role, effectively, whether they are volunteers or not.
 25 Having said that, governing bodies do have, as

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1 a role need to be sufficiently trained and have
 2 sufficient understanding. So those governors that have
 3 a particular responsibility will benefit from a greater
 4 depth of understanding and knowledge. But also need
 5 somewhere to go for expert advice on the occasions that
 6 they need it. Just that you have been immersed in some
 7 training, when events actually happen to you and you
 8 have to deal with events, it's very different from the
 9 learning and training they have received. So they also
 10 need access to advice as well.
 11 MS SCOLDING: Ms Brown, both you and Mr Whiteman and
 12 Dr Roach have focused on the idea of the role of
 13 the local authority. Now, we heard from Ms Smith this
 14 morning, who was the director of children's services,
 15 who in effect said, although there is an oversight role
 16 as part of the safeguarding partnerships, it's fairly
 17 limited. There's the role of the local authority
 18 designated officer so they provide sort of model
 19 policies, training, et cetera, et cetera, but they don't
 20 have any powers. What's your view about the usefulness
 21 or what's the view of your members about the usefulness
 22 of the LADO and the oversight that a local authority
 23 could, or should, have of schools irrespective of
 24 whether they're maintained, academies or independent?
 25 MS BROWN: Our members in the past have found they haven't

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1 I say, an important contribution to make but they're not
 2 alone in making that contribution. In terms of, if you
 3 will, strategic oversight of arrangements, effectiveness
 4 of arrangements, within schools in respect of
 5 safeguarding, local authorities may also play an
 6 important role, working alongside, perhaps, governing
 7 boards, but, nevertheless, having a role to play in
 8 terms of strategic oversight of what's happening within
 9 individual schools and across schools in their areas.
 10 There are, of course, challenges around that at the
 11 present time -- other witnesses have alluded to that
 12 today -- one of which is around funding and resources.
 13 I'm not going to dwell on that here and now, but if
 14 local authorities are to discharge the role that
 15 actually I think the general public, that parents, would
 16 expect local authorities to be discharging, then it is
 17 vitally important local authorities are given the tools
 18 and the resources and the powers to be able to do so.
 19 MS SCOLDING: I'm going to come back to that role about the
 20 role of the local authority in a minute, Mr Roach.
 21 I just want to go to Mr Whiteman about governor training
 22 and governor experience and training. Mr Whiteman, do
 23 you have anything to add to what Ms Brown and Dr Roach
 24 have said?
 25 MR WHITEMAN: Only to broadly agree that all those that have

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1 felt as engaged with some of the local arrangements as
 2 they would like to be and some of that has been felt in
 3 particular where there have been investigations and
 4 there's been a lack of keeping in touch, a lack of
 5 feedback, a lack of feeling really part of what's going
 6 on.
 7 Our members have said that they feel that, although
 8 there is an expectation around schools participating,
 9 that's not matched by them feeling that they really are
 10 part of that system as a whole.
 11 So we would say that, if there was the
 12 opportunity -- and I don't want to focus on funding too
 13 much, but there really is a need for additional funding
 14 and support and consolidation and capacity building, and
 15 that could be much better done locally than done
 16 nationally, we would say; that building the
 17 relationships, the peer support that you can do locally
 18 is something that can best be done through the existing
 19 systems and by perhaps enhancing the existing systems
 20 and that would actually be very helpful in supporting
 21 schools and headteachers and others and the DSLs who are
 22 trying to liaise so that they can develop their practice
 23 to be much more expert.
 24 MS SCOLDING: For example, we had in the example in Bristol
 25 City Council where they have a sort of DSL forum, where

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1 all the designated safeguarding leads, no matter what
2 the sort of type of school, get together, have
3 discussions on a kind of monthly or every-other-monthly
4 basis, facilitated by the LADO, heads also can attend
5 the sort of safeguarding forums. Is that the sort of
6 idea of the thing that you're thinking about, to roll
7 that out on a national level?
8 MS BROWN: I think that sounds like a positive development
9 and, yes, rolling it out nationally, but obviously
10 making sure that that is something that people can
11 really feel that they're participating in. It's not
12 just about directing or focusing on particular problems,
13 but also about developing systems to help schools to
14 prevent problems from arising as opposed to just dealing
15 with those that do arise.
16 MS SCOLDING: Dr Roach, do your members have any views about
17 the role of the local authority and the LADO in terms of
18 child protection and whether or not that works fine,
19 whether it might need to be improved and, in which case,
20 how it should be improved?
21 DR ROACH: Yes, sure. Clearly, as I have already indicated,
22 there is an important role for local authorities in this
23 particular area, particularly in the context of
24 accountability and strategic oversight, and irrespective
25 of the schools within -- that may exist within

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1 You also, though, seemed to ask about the view of
2 NASUWT members about the role of the LADO, and much will
3 depend on where those members are across the country.
4 So I'm not trying to avoid the question, I'm just
5 reflecting the fact that there are inconsistencies in
6 terms of arrangements that do exist. But often where
7 our members express concerns around the role of the LADO
8 is in the interface around investigations of
9 safeguarding concerns and what role the LADO might play,
10 how schools refer matters to the LADO, whether schools
11 seek advice and advice is capable of being provided by
12 the LADO to schools around the effective handling of
13 investigations, and what's seen, if you will, as
14 a cultural assumption about what a referral to the LADO
15 indicates. Does it indicate that, actually, a teacher
16 is guilty of an allegation that has been made or,
17 actually, is it about finding out the facts and ensuring
18 that the matters are progressed in an effective manner?
19 So that's where, you know, our members would express
20 concerns, or certainly raise questions about the role of
21 the LADO.
22 MS SCOLDING: All three of you have, in fact, raised some
23 concerns about the fact that one of the concerns -- I'm
24 going to come on to Mr Whiteman to ask him about the
25 role of the LADO in a moment. But just to unpack some

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1 a geographical boundary, local authorities have still
2 a statutory responsibility in respect of the education
3 and welfare of children within their areas.
4 So it is important that local authorities are able
5 to discharge that function, whether it is a maintained
6 school, whether it is an academy, whether it is an
7 independent school. They should have an active,
8 a proactive, interest in what's happening within their
9 areas, and, as I say, the powers to be able to discharge
10 that particular function.
11 With regard to the role of the LADO, I mean,
12 clearly, one of the things that we have said is, we want
13 to see government strengthening guidance to ensure there
14 is clarity for schools about what not only they're
15 expected to do, but also what they're required to do.
16 But we have also said that government has a role to play
17 in terms of promoting models of good practice. It
18 should not be a lottery in terms of what arrangements
19 might exist, how local authorities or the local
20 authority designated officer works with schools within
21 the area. There should be learning from good and
22 effective practice across the system, and certainly we
23 would want to see there to be strengthening of
24 partnership working between schools and local authority
25 central services.

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1 of those things with you, if you don't mind, Dr Roach.
2 Firstly, all of you sort of seem to emphasise that
3 there is too much variation about what should be
4 referred to a LADO and what shouldn't. Do you think
5 that there is a role for some kind of national
6 threshold? Do you think it's ever possible to devise
7 those sorts of thresholds? Or do you think there should
8 just be a simple test of, "If in doubt, refer"?
9 DR ROACH: Is that to me?
10 MS SCOLDING: Yes, to you, Dr Roach.
11 DR ROACH: I apologise, sorry, lack of clarity on my part.
12 Certainly the latter part of your question, "If in
13 doubt, refer", that is the situation now and that should
14 be the situation which pertains, but, actually, you
15 know, how can we remove the scope for there to be doubt?
16 How can we bring greater clarity to bear so that schools
17 can act with confidence when engaging with the LADO?
18 It's not always about referral, by the way, it's also
19 about seeking expert advice about how to deal with
20 a matter and whether such a matter needs to be -- merits
21 a referral.
22 So certainly, should there be a trigger? I think
23 that may merit some exploration, some consideration.
24 There certainly needs to be greater clarity and, as
25 I say, I come back to the importance of expectations

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1 around training, because that builds confidence within
 2 the system, about when it's appropriate to refer and
 3 when it's not appropriate to refer.
 4 But premature referral, if I can say, can sometimes
 5 present issues in and of itself. Have schools actually
 6 established the facts of the matter for themselves
 7 before saying, "We have passed this to the LADO",
 8 almost, "It's out of our hands". It's vitally important
 9 that schools are undertaking their responsibilities
 10 fully, preferably supported by local authorities in
 11 discharging that function, but actually establishing the
 12 facts of the matter where concerns or complaints have
 13 been raised.
 14 So schools have to take seriously that
 15 responsibility and be equipped to do so and they need to
 16 have the confidence about how they work with the LADO
 17 when concerns arise.
 18 MS SCOLDING: I'm going to come back to you about that and
 19 about the role of the LADO and the interrelationships of
 20 school and the LADO in a moment, Mr Roach, if I may.
 21 Mr Whiteman, passing on to you, what are your
 22 members' views about the role of the local authority and
 23 where it could be strengthened, changed or altered in
 24 any way, if your members have that view?
 25 MR WHITEMAN: Our members report a differing experience of

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1 findings without ever having spoken to someone who may
 2 be accused or suspected, that can then blight the school
 3 and blight individuals without any of the concepts of
 4 natural justice, and others reporting that they have got
 5 very little support or help. So the two extremes are
 6 there too.
 7 For us, it keeps coming back to establishing at
 8 least a basic level of quality and consistency that
 9 schools and school leaders can rely upon.
 10 MS SCOLDING: Ms Brown, coming to you, you indicated in your
 11 first witness statement concerns that your unions had
 12 had in the past about the handling of allegations
 13 against school staff and a lack of confidence by some
 14 school leaders when conducting investigations. Now,
 15 obviously, one of the issues we have to think about, as
 16 an inquiry, is whether or not school leaders are best
 17 placed to investigate allegations against their own
 18 staff because there is obviously, you know, you know
 19 them, you may well be friends -- even if you're not
 20 friends with them, you have a professional relationship.
 21 There will be all sorts of conflicts of interest which
 22 give rise there.
 23 So, Ms Brown, do you think that schools or school
 24 leaders are best placed to investigate allegations
 25 against staff, particularly in respect of child sexual

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1 the relationship with local authorities across the
 2 country, and I pick up on that point about the lack of
 3 uniform experience in terms of these matters.
 4 I mean, I think what comes back to us consistently
 5 is a lack of consistency in approach and quality. Some
 6 local authorities do very well and others are less
 7 accessible and slightly more chaotic, perhaps, than
 8 others might be.
 9 That can change as well to when you're seeking
 10 advice and intervention. Some of the reports that we
 11 are getting back about changing and increasing threshold
 12 tests for intervention and help for children upon
 13 referral is concerning our members quite a lot at the
 14 moment. So it is not just a case of a question about
 15 should there be an automatic trigger for referral or at
 16 what point do you refer, it is knowing and having the
 17 confidence that you are going to get consistent and
 18 good-quality advice and intervention quickly if you do
 19 find a need to pick up that telephone.
 20 Actually, in terms of what happens when you make
 21 that referral and ask for advice, we have different
 22 levels of experience where school leaders report almost
 23 losing control of what's happening in their school
 24 because it's picked up out of their hands and led from
 25 elsewhere, sometimes resulting in LADOs reaching

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1 abuse? I'm not talking about anything else here. Our
 2 terms of reference are clear in that respect.
 3 So, in that respect, do you think they're best
 4 placed to do so or do you think it would be better if
 5 the LADO or somebody independent was able to come in and
 6 cast an objective eye on what's going on? Ms Brown?
 7 MS BROWN: I think there will be different kinds of
 8 investigations, and even at the moment there are certain
 9 investigations where there will be independent support
 10 and perhaps independent investigation of the
 11 allegations.
 12 MS SCOLDING: Yes.
 13 MS BROWN: I don't think that it's necessarily the case that
 14 school leaders are not the right people to investigate
 15 concerns. They will be used to investigating and
 16 understanding situations in their schools in all sorts
 17 of areas and, as you say, child sexual abuse or
 18 child abuse of any kind is particular, but the processes
 19 that people will go through in order to investigate may
 20 well be very similar, although the issues may be
 21 different.
 22 I think the question is -- it is a question of
 23 clarity about the process. It is a question of
 24 confidence in dealing with matters and having really
 25 clear, robust systems that have been put in place before

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<p>1 any allegation is made, so that everybody understands, 2 and that those are embedded properly. 3 So I don't think it's necessarily the case that 4 school leaders are not the right people. There may be 5 occasions, and there are already are, as I say, where 6 there will be independent investigations, but the most 7 important thing, again, is consistent and solid, robust 8 support for school leaders when they're doing those 9 investigations, and good systems in place to ensure 10 those. 11 MS SCOLDING: Dr Roach, I turn to you for the same question, 12 just identifying that what Keeping Children Safe in 13 Education says is that, if the issue is particularly 14 complicated -- so, I mean, obviously, you will have 15 situations where there's a potential criminal offence, 16 so the police will investigate. You will also have 17 situations where there's a risk of harm to children or 18 to a child presently in the school, so Social Services 19 might investigate, even if it doesn't amount to 20 a criminal offence. But then you have those 21 investigations which don't meet those investigative 22 criteria, for one reason or another, but where it is 23 still important that there's some sort of investigation 24 of fact or even assessment of risk, even if you can't 25 assess fact.</p> <p style="text-align: center;">Page 141</p>	<p>1 Now, what Keeping Children Safe in Education says 2 is, there will be some occasions when that should be 3 external, depending on the fact and complexity. 4 I suppose the question in our mind is, should it be 5 appropriate, when you're dealing with allegations of 6 abuse against staff, for school leaders to investigate 7 internally, or should that always go to an independent 8 person, whether it's a LADO to undertake a more 9 investigative role or somebody else within the local 10 authority or somewhere else to carry out an 11 investigation? Do you have any views about that, 12 Dr Roach? 13 DR ROACH: Thank you. I think the reality is that schools 14 are dealing with complexity and uncertainty and, when 15 matters come before school leaders, often they have to 16 make a judgment call about how complex might this be 17 before they have actually established the facts. 18 The worry I think that I would have is that school 19 leaders being divested of any responsibility in relation 20 to workforce management around safeguarding and child 21 protection and just automatically knee-jerk referral to 22 the local authority or to the LADO, because it might 23 present itself as a complex case at some point further 24 down the line. 25 There has to be clarity about the role that schools</p> <p style="text-align: center;">Page 142</p>
<p>1 should play and how investigations should be conducted 2 and there has to be some exemplification, if you will, 3 of what good and effective practice looks like when it 4 comes to managing an investigation. 5 Often, there is confusion about what an 6 investigation means. What it means, first and foremost, 7 is establishing the facts. Was the person there? Could 8 they have been involved in whatever is being alleged? 9 So, you know, establishing the facts is a crucial part 10 of any investigation process, and I think it's vitally 11 important that school managers, school leaders, are 12 trained in effective investigation practice. 13 Have we sought the view of the individual who the 14 allegation is directed against? Have we sought the 15 teachers' version of the facts? 16 In managing an investigation, have we considered, 17 rather than knee-jerk moving to suspension of 18 the individual, have we considered alternatives around 19 that? 20 The good procedural management of an investigation 21 is really what I'm pointing to and that's what schools 22 need to be focusing on. I'm not sure that that 23 necessarily answers your question. I think I started 24 from the premise that, you know, an automatic referral 25 to the local authority or to the LADO might be</p> <p style="text-align: center;">Page 143</p>	<p>1 unnecessary or disproportionate before that 2 establishment of the facts has actually been undertaken. 3 Schools have a role to play here as well. It's not 4 merely a role for the local authority. 5 MS SCOLDING: I suppose the thing is, do you think there is 6 adequate training at the moment of school leaders and 7 school managers? Now, obviously, you might have -- of 8 making investigations. So, for example, I suppose I'm 9 thinking about, you may well have very large 10 multi-academy trusts where you've got a whole raft of 11 back office staff, so to speak, who can carry out those 12 sort of investigative roles or who are used to dealing 13 with HR functions. Because what you are really looking 14 at is a kind of HR investigative-type function. Really 15 you think headteachers have those skills? Do you think they 16 have them in sufficient quantity? And if they don't, 17 how can we -- if you think that that's the appropriate 18 place where the investigation should happen, how do you 19 think we can assist them in that way? 20 DR ROACH: Well, as I say, I think in terms of 21 the fact-finding elements, I think headteachers and 22 school leaders do have a role to play here, but that 23 doesn't mean to say only they can play that role. One 24 of the things we are looking for is clarity in the 25 context of a national framework that would apply in</p> <p style="text-align: center;">Page 144</p>

<p>1 respect of the management of safeguarding matters where 2 concerns do arise.</p> <p>3 We want to see what good practice looks like. We 4 want government to come forward with proposals around 5 what good practice looks like. If that means working 6 together on a cluster basis or, indeed, across an entire 7 local authority area to ensure that, you know, there is 8 that economy of scale, there is that quality of, if you 9 will, procedural resource that's available to any school 10 where concerns arise, then that's something that 11 certainly merits consideration. But that's not the same 12 as saying that schools do not have a role to play here 13 where matters of concern are raised, but it's vitally 14 important that schools are working in partnership with 15 local authorities in the discharge of their statutory 16 responsibilities.</p> <p>17 MS SCOLDING: Mr Whiteman, as the representative of school 18 leaders, what's your view about the role they should or 19 shouldn't play in carrying out investigations about 20 alleged child sexual abuse?</p> <p>21 MR WHITEMAN: I think it would be wrong to remove them 22 completely from the picture. When school leaders talk 23 about keeping children safe, they often talk about it as 24 their first responsibility, and it's a responsibility 25 they take tremendously seriously, right from creating</p> <p style="text-align: center;">Page 145</p>	<p>1 the atmosphere and the climate in school for that to 2 happen and the policies and procedures and the ability 3 for people to raise concerns, but also the atmosphere 4 for children too, in terms of understanding healthy 5 relationships and unhealthy relationships, in terms of 6 the education they give them and the standards of 7 behaviour that they talk about with children too.</p> <p>8 So if something goes wrong, simply saying that you 9 remove or allow the school leader to abdicate 10 responsibility at that phase, I don't think that really 11 underlines the responsibility and confirms that 12 responsibility to the school.</p> <p>13 What school leaders are also very worried about, and 14 it is agreeing with Dr Roach, really, is very quickly, 15 if you just flick a switch, things can run away with you 16 very, very quickly and do as much damage as not flicking 17 that switch. So there is a judgment to be made early on 18 about, what's the surface facts that we have, how 19 complex and how serious are these issues, before you 20 determine exactly what follows.</p> <p>21 That said, though, the level of experience and skill 22 of school leaders is variable across the country. You 23 have some that are very new into school leadership or 24 into headship, some leading very small schools and 25 honing their craft and understanding more about their</p> <p style="text-align: center;">Page 146</p>
<p>1 craft, and others that have been school leaders for much 2 longer, running huge and complex organisations, and 3 their ability to respond to issues will be very, very 4 different. What we will always talk about is that 5 co-operation with fellow professionals and experts in 6 the local authority or within the trust, support from 7 each other, that helps with that professionalism.</p> <p>8 Just the point you started on, about could school 9 leaders stand aside from the personal relationships that 10 they have with their staff when issues arise? I think 11 we have to have a degree of trust that they know when 12 they are too far one side of the line and remove 13 themselves from an investigation and make that call for 14 themselves, that they're too close to an individual or 15 not. But, on the whole, relationships are entirely 16 professional and school leaders are able to conduct 17 a professional investigation into issues that arise.</p> <p>18 MS SCOLDING: Mr Whiteman, following on from that, one of 19 the issues that victim and survivor groups often raise 20 is all these problems about who carries out what 21 investigation would go if you were to have a concept of 22 mandatory reporting. So if there were to be 23 a reasonable suspicion or an allegation of child sexual 24 abuse, it must be reported to the LADO and, if it isn't, 25 then in some of the models that you see, it would be the</p> <p style="text-align: center;">Page 147</p>	<p>1 individual member of staff that would have 2 responsibility, in others it's said the governing body 3 or the head would have, ultimately, responsibility 4 backed in terms of professional disciplinary sanctions 5 or criminal sanctions.</p> <p>6 Wouldn't that be a way of, in fact, safeguarding 7 your members by, in effect, saying, "Right, okay, this 8 is a really complicated issue". There may be nothing in 9 it. It may well be, you know, speculative or malicious. 10 But just in order to make sure, because of 11 the seriousness of the consequences, both to the member 12 of staff and to the child, that it should just all go 13 off and be automatically reported. Do you have any 14 views about that? I know, as a union, in 2016, you 15 said, "We don't agree with that". I was just wondering 16 if your thinking had moved on at all.</p> <p>17 MR WHITEMAN: Certainly mandatory reporting will centre the 18 experience of the victim in everything that we do, and 19 it underlines the importance that the person making the 20 complaint is taken seriously.</p> <p>21 What we haven't seen so far is evidence or 22 semi-academic evidence of the difference that that would 23 make. So we think it's an issue worthy of further 24 consideration and discussion. We are not yet convinced 25 it has an overall impact. But it's certainly something</p> <p style="text-align: center;">Page 148</p>

1 that needs to be reviewed further. So we are still kind
 2 of considering our policy position on that, as such, but
 3 we do recognise the arguments for mandatory reporting,
 4 but we also recognise some of the potential problems
 5 that come with it.
 6 MS SCOLDING: If I could just pick you up on the evidence,
 7 what victim and survivor groups would say is that there
 8 is some research evidence, certainly from Australia,
 9 there's also evidence from states in the US. I mean,
 10 I know, obviously, there's also other European countries
 11 at which variations on mandatory reporting have been
 12 implemented.
 13 So it is wrong to say that there isn't any research.
 14 Where there hasn't been any research is any research in
 15 this country because it's never been implemented in this
 16 country. Would you agree with that?
 17 MR WHITEMAN: Well, I think the point I'm making is that
 18 there isn't research that compels us to a conclusion
 19 and, therefore, that's where we believe it's still
 20 worthy of further consideration.
 21 MS SCOLDING: Okay. Ms Brown, what's your union's policy
 22 position, if you have one, upon mandatory reporting to
 23 a LADO where there are allegations or reasonable
 24 suspicions of child sexual abuse, backed by either
 25 a professional disciplinary sanction or a criminal

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1 completely against mandatory reporting, depending on the
 2 consequences, and the sanctions should be around the
 3 institution, not the individual.
 4 MS SCOLDING: I think, as far as the issue of numbers are
 5 concerned, although I think the experience in parts of
 6 Australia is, initially, there is a rise, that then
 7 tapers off, so that you get no more or no fewer than you
 8 would have had beforehand, or certainly that's been the
 9 experience in some of the Australian states, anyway, so
 10 just to keep you -- to identify that.
 11 Can I ask Dr Roach about that, then, what your view
 12 is about mandatory reporting?
 13 DR ROACH: Well, I mean --
 14 MS SCOLDING: Your union, rather, not your personal view.
 15 The views of your members.
 16 DR ROACH: Yes, I appreciate that, thanks for that
 17 clarification as well.
 18 Certainly the view of the NASUWT, our members, and
 19 also my view, is that there is a lot to be still worked
 20 through in relation to responding to the question of
 21 mandatory reporting and how that would operate and how
 22 any unintended consequences might be avoided.
 23 In our experience, it's not about a failure to
 24 report, but, rather, around failure to take appropriate
 25 action, either at school level or indeed beyond, and

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1 sanction?
 2 MS BROWN: Our position has been that, although we would
 3 be -- we don't believe that the responsibility and the
 4 sanction should lie with the individual. We can
 5 understand the notion of a responsibility on a school,
 6 an institution, to report, but I think then you need to
 7 think about what's the consequence of that, and it links
 8 with your previous question, when you said who should
 9 investigate. If the reporting, mandatory reporting,
 10 then triggers an external investigation, we come back to
 11 the same considerations that we were talking about in
 12 the last question, and we wouldn't say that would be the
 13 case.
 14 If it is a reporting that there has been an
 15 investigation and a report of the system that was used
 16 or the outcome, then that's something different. But to
 17 have -- the other consideration that we are concerned --
 18 that is a concern is that, if there is a mandatory
 19 reporting obligation on individuals, that -- the balance
 20 for how that happens and how it's dealt with could be
 21 a problem, and also whether or not there are then so
 22 many reports at different levels of seriousness that,
 23 actually, some of the most difficult and concerning
 24 cases are perhaps lost within the number.
 25 But we wouldn't say that we're necessarily

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1 I've alluded to some of that in relation to how
 2 investigations have been -- are managed procedurally,
 3 the time that it takes sometimes to deal with such
 4 matters, the knee-jerk suspension or knee-jerk referral,
 5 rather than actually focusing on the issues to hand.
 6 If mandatory reporting was to be introduced -- and,
 7 ultimately, this is a matter that government will have
 8 to give some consideration to and we would respond to
 9 any government consultation on this matter in the
 10 fullness of time. I mean, government has already put
 11 this matter to some initial consultation, and might
 12 choose to do so again, but, you know, as other witnesses
 13 have indicated in this session, there are issues around
 14 any additional accountability burdens that are placed
 15 onto teachers or onto schools and what consequences,
 16 intended or otherwise, that may have within the system;
 17 the extent to which it could create a culture of
 18 inappropriate or defensive reporting within schools,
 19 which may not be conducive to the kind of school
 20 cultures that we would want to be seeing where there is,
 21 you know, a real sense of professional openness,
 22 transparency and collegiality in relation to working
 23 practices; whether safeguarding agencies, local
 24 authorities and the LADO, might become overwhelmed with
 25 numbers of referrals; and whether, indeed, those, if you

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1 will, most at risk might be overlooked as a result of
 2 the resource impacts that might be felt by agencies.
 3 Those are not reasons for not considering mandatory
 4 reporting; they're questions that would need to be
 5 addressed as part and parcel of any such consideration.
 6 MS SCOLDING: An alternative may be, what we have noted in
 7 a number of cases that we have had is a lack of
 8 candour -- a lack of candour to inspectorates, a lack of
 9 candour to LADOs, a lack of referral, both in this phase
 10 of the investigation and the previous phase. One of
 11 the suggestions of the Independent Schools Inspectorate
 12 is the introduction of a duty of candour similar to the
 13 sort of duty of candour that now exists within
 14 NHS Trusts, in order so that the full picture is put
 15 before people who come into the school or is -- there is
 16 a sort of compulsion -- it is not quite a mandatory
 17 reporting, but there is a duty for the headteacher, for
 18 example, to be candid with the LADO.
 19 Can you see that being a prospective way of solving
 20 some of the problems that we have come across in the two
 21 phases of our investigation about, shall we say, people
 22 being economical with the truth about what's going on in
 23 their school environments? Dr Roach?
 24 DR ROACH: I have got no evidence to suggest there is a lack
 25 of candour. There is certainly now -- as a result of

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1 have no evidence that there is a lack of candour in the
 2 dealings of headteachers, so I'm not sure I can assist
 3 you further.
 4 MS SCOLDING: Ms Brown, do you have any views about that?
 5 MS BROWN: I would only make the same point, about our lack
 6 of evidence. The other point that I'd like to make is,
 7 I think one of the issues must surely be about how we
 8 support schools and professionals to understand and have
 9 confidence in knowing -- in what they should be doing.
 10 Some of this is about not so much penalising, but
 11 actually developing systems and developing capacity and,
 12 certainly, if there was going to be a move towards
 13 a duty of candour, and, as I say, I don't see --
 14 I haven't been aware of any problem with that -- I think
 15 it should absolutely be balanced by further support to
 16 schools to make sure that they have the capacity to deal
 17 with the problems, where there are problems, properly,
 18 but also that they are building their systems to prevent
 19 difficulties arising and some -- some focus on the needs
 20 of schools to ensure that they are meeting their
 21 obligations in the way that they would like to, would
 22 also be helpful.
 23 MS SCOLDING: Ms Brown, turning to you, you say in your
 24 second witness statement that the current regime for
 25 inspection is not the best route for accountability in

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1 the changes to the inspection framework, for example,
 2 for schools, there is much more of a focus around issues
 3 to do with safeguarding and, indeed, it's a far richer
 4 conversation that takes place in that particular
 5 context. But, you know, those discussions have to take
 6 place at a variety of levels. There has got to be
 7 a culture within schools in which safeguarding is, if
 8 you will, a key topic of professional conversation
 9 amongst teachers, amongst the education workforce within
 10 schools, within the governing body, with the local
 11 authority, with the inspectorate.
 12 But I am not aware of any evidence of a lack of
 13 candour and, in fact, I'm certainly aware of evidence of
 14 school inspection reports which do raise concerns around
 15 safeguarding practice and which do also show case good
 16 practice in relation to safeguarding within schools,
 17 which would point to at least some degree of
 18 professionalism and maturity, I should say, in relation
 19 to the discussions that are taking place around
 20 safeguarding.
 21 MS SCOLDING: Mr Whiteman, from your perspective, would you
 22 view it as positive if a duty of candour were imposed
 23 upon headteachers to tell sort of the unvarnished truth
 24 rather than a constructed truth?
 25 MR WHITEMAN: I think I'd agree with Dr Roach, in that we

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1 respect of safeguarding. What would be the best route,
 2 therefore, in your view?
 3 MS BROWN: Well, my point was made about a wider point about
 4 accountability of schools, not just in relation to
 5 safeguarding. We accept, obviously, that Ofsted has
 6 a safeguarding remit within its inspection. We believe
 7 that that's carried out sufficiently well at the moment.
 8 Right at the beginning of the remit around safeguarding
 9 that came in, there were some concerns that we had about
 10 some of the decisions and conclusions and judgments that
 11 were made, but we haven't had any experience of
 12 difficulties with that recently.
 13 My point was a wider one. We are much more
 14 interested in local accountability, developing of
 15 systems, self-assessment of schools, as well as the
 16 national system of Ofsted or Estyn at the moment. So
 17 that was my point around that.
 18 So a question around whether or not the funding for
 19 Ofsted was actually in the right place at the moment was
 20 slightly outside where my answer wanted to be because
 21 that's not the system that we would promote.
 22 MS SCOLDING: Thank you. Dr Roach, you identify some
 23 concerns about the fact that outstanding schools, until,
 24 I think, this summer, when -- I'm not entirely sure that
 25 the legislation, in fact, was introduced, but it was

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1 proposed it was going to be introduced to get rid of
 2 the exemption, that, in fact, they hadn't been subject
 3 to routine inspections since then. What concerns does
 4 that cause you in respect of oversight of child
 5 protection and safeguarding issues in those particular
 6 institutions? I think there were 1,600 schools hadn't
 7 been inspected for at least six years, is what you say
 8 in your witness statement, and that comes from the
 9 National Audit Office report that they indicated in 2018
 10 or 2019, I think.
 11 DR ROACH: That's correct.
 12 MS SCOLDING: I can't remember which year it was.
 13 DR ROACH: That certainly was a concern. The government has
 14 given a very clear commitment that all state-funded
 15 schools will be subject to inspection. We think that's
 16 absolutely the right way to go. It's vitally
 17 important -- I would not argue against proportionality
 18 in relation to an inspection framework, but we certainly
 19 don't believe that it could be right that, in
 20 a state-funded education system, that as many as
 21 a quarter of schools would not be subject to any form of
 22 inspection because they'd achieved an "outstanding"
 23 grade. In fact, if we have aspirations that all of our
 24 schools should be "outstanding", you can immediately see
 25 what would follow.

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1 the professionals calls on that because it mitigated
 2 against good diagnostic insight into schools that had
 3 once been considered "outstanding" but things had
 4 changed around them, if nothing else.
 5 We have also said, in those commissions and our
 6 commission on school improvement, that the relationship
 7 between schools and the inspectorate has become rather
 8 toxic and it's become almost a pass-or-fail,
 9 high-stakes, very short visit which we have some
 10 sympathy with the inspectorate, in terms of
 11 the resources available to them, in, are they able to
 12 simply do a very quick snapshot, "This school appears to
 13 be okay today" or, what we are calling for, a much more
 14 in-depth diagnostic insight that will give you pointers
 15 for improvement and you can apply that to safeguarding
 16 as much as anything else, not "Is this school safe?" but
 17 actually "This school is safe and we could be doing
 18 more". As set up at the moment, the way it works is
 19 a pass or fail toxic relationship that doesn't serve to
 20 help school leaders and their teams improve.
 21 MS SCOLDING: Thank you, Mr Whiteman. Chair, I just have
 22 one more question for these witnesses, but I note the
 23 time. It is 4.00 pm. May I run over by five minutes
 24 just to ask the final question? Thank you very much.
 25 Just in case you have any questions as well.

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1 So we are glad to the government listened to the
 2 NASUWT on that particular matter, but the government
 3 needs to go further than that. If we take the issues
 4 with regard to academy schools, there is still an issue
 5 around the inspection of academy trusts by Ofsted. We
 6 think that's not right and we think it is vitally
 7 important that government looks at the issue of the role
 8 of Ofsted in respect of the inspection of multi-academy
 9 trusts, but also looks at accreditation of academy trust
 10 sponsors. We think they would send, again, an important
 11 signal to the sector about the importance of
 12 safeguarding in terms of who is given, fundamentally,
 13 the right, the privilege, to lead and manage our
 14 schools.
 15 MS SCOLDING: Thank you. Mr Whiteman, do you have anything
 16 else you want to add about the effectiveness of
 17 the inspectorates or of inspection as a tool for finding
 18 safeguarding concerns or for identifying problems with
 19 safeguarding?
 20 MR WHITEMAN: I think it is an overall commentary about
 21 where inspection is that applies equally to safeguarding
 22 as it does to other areas as well. We, too, were
 23 pleased. Our commission on school accountability called
 24 for the removal of the exemption some time ago, so we
 25 are pleased that the government agreed with all of

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1 Ms Brown, we are hearing from representatives from
 2 the government and the relevant inspectorates in Wales.
 3 Are there any issues relating to child protection and
 4 safeguarding in Wales that your union would like to
 5 raise to us or any questions or concerns you have about
 6 the role of safeguarding and the inspectorates in Wales,
 7 separate from those you have already raised today which
 8 could apply to both England and Wales?
 9 MS BROWN: I think one of the issues that we think is
 10 important is just making sure where the differences are
 11 between England and Wales and also being clear about how
 12 those work in practice in different schools.
 13 The approach that we have seen in Wales more
 14 generally, we feel, has been broader in terms of what
 15 the ambition of the Education Service and the inclusion
 16 of a wider curriculum and more pastoral elements which
 17 we think is positive.
 18 I'm not, myself, an expert in the regulatory matters
 19 in Wales, so we certainly would want to see that
 20 developing in line with the ambitions of the education
 21 system there, but we do feel that certainly some of
 22 the problems that have been experienced are likely to be
 23 similar in terms of capacity, the importance of
 24 confidence in the system, the importance of really clear
 25 lines of responsibility and clear structures.

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1 So I think one of the difficulties with the child
 2 protection matters is distinguishing between the
 3 national systems, the local systems, but implementation,
 4 and making sure that the systems are properly embedded
 5 and that people understand them, and that goes across
 6 different systems, whether England and Wales or other
 7 areas as well.
 8 MS SCOLDING: Thank you. Mr Roach, do your members have any
 9 particular issues or concerns in respect of child
 10 protection or safeguarding in Wales which are separate
 11 to, or different from, those which you have already
 12 raised?
 13 DR ROACH: Well, I mean, obviously I know that we have
 14 been -- you know, there is a lot to cover in the time
 15 that's been available to us today and you will see in
 16 our written -- my written submission that a number of
 17 other issues have been highlighted not least around
 18 malicious allegations and how those matters are dealt
 19 with, both false and malicious allegations. I have not
 20 been able to cover that today, but you have a flavour of
 21 that in my written submissions --
 22 MS SCOLDING: We certainly do, Dr Roach, thank you.
 23 DR ROACH: I would also raise the issues of the way in which
 24 the EWC conducts the management and handling of hearings
 25 in Wales, which has been a cause of concern for our

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1 I'm talking about the necessity for investigation if an
 2 issue arises or the assessment of risk?
 3 MR WHITEMAN: Should I start? I'm not sure we have
 4 a settled policy position on that. I've never had that
 5 question put to me in quite those terms. But the
 6 concern of school leaders is that they get sufficient
 7 support and expert advice when these issues arise and
 8 they have collaboration and co-operation from the local
 9 authority, local health services and social services and
 10 police too.
 11 It is where that breaks down, where you can't
 12 achieve an obvious path through, that you will get some
 13 problems. So I think, to answer that question
 14 specifically, I think we'd need to look at some specific
 15 situations and examples as to where it is.
 16 THE CHAIR: Thank you. Are there any other responses?
 17 MS BROWN: I would say that we think that within -- that
 18 heads shouldn't have complete autonomy. There is always
 19 a sense of accountability and there is a system of
 20 accountability for all schools. So we wouldn't say that
 21 heads have entire autonomy in deciding how
 22 investigations happen. But what we would say is that
 23 they have autonomy within a system which sets out how
 24 particular kinds of allegations or concerns will be
 25 dealt with, so that there is a -- there is a structure

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1 members, and the issues around funding and capacity
 2 challenges for schools, for local authorities in
 3 particular, would also merit some exploration, given the
 4 significant funding gap that exists between Wales
 5 compared to England and whether that, in itself,
 6 impacts, and how it impacts, on safeguarding practice.
 7 MS SCOLDING: Thank you very much, Dr Roach. Mr Whiteman,
 8 any further observations?
 9 MR WHITEMAN: I don't think we have anything further to add,
 10 thank you.
 11 MS SCOLDING: Thank you all very much. I have no further
 12 questions. Again, I must say how grateful I am, given
 13 the very many calls upon your time, to you for making
 14 the time to speak to us this afternoon. I now pass over
 15 to Professor Jay. She and the panel may have some
 16 questions for you.
 17 THE CHAIR: Thank you, Ms Scolding. I have just one
 18 question.
 19 Questions from THE PANEL
 20 THE CHAIR: We have heard quite a lot about collaborative
 21 practice and partnership working with the local
 22 authority. I just want to clarify one aspect of what
 23 that means. Is it your belief that school leaders
 24 should have the final say in safeguarding decisions
 25 which affect their staff or school, and in this respect,

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1 within which they make their decisions, as has been
 2 said, seeking advice, seeking the support of others
 3 around them, so that it is understood at what level that
 4 will be taking place.
 5 So it is not entire autonomy, but certainly it is
 6 a role within a structure which is of national and
 7 local -- and locally determined and monitored.
 8 THE CHAIR: Thank you. Dr Roach?
 9 DR ROACH: Just finally from me, I would say that the
 10 importance -- to stress the importance of clear national
 11 frameworks within which schools and school leaders
 12 operate, THAT they are prepared to operate effectively
 13 within those frameworks, in other words, how they're
 14 trained for the roles that they undertake, and that they
 15 are held to account.
 16 Whether that's about saying that headteachers have
 17 the final say about every single decision that takes
 18 place within the life of a school is probably for me not
 19 quite the question -- the real question. The real
 20 question is how headteachers demonstrate their
 21 accountability for the decisions that they do take and
 22 that they're taking the appropriate decisions at the
 23 right time and in the right way, and are clear about
 24 what good practice actually looks like.
 25 THE CHAIR: Thank you very much. Ms Sharpling?

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<p>1 MS SHARPLING: No, thank you, chair. 2 THE CHAIR: Mr Frank? 3 MR FRANK: No, thank you. 4 THE CHAIR: Sir Malcolm? 5 PROF SIR MALCOLM EVANS: No, thank you. 6 THE CHAIR: We have no further questions. Thank you very 7 much to all the witnesses. Thank you. 8 (The witnesses withdrew) 9 MS SCOLDING: Thank you. Chair, we have no further evidence 10 for the day, I have no doubt you will all be very glad 11 to hear. May we adjourn now until 10.30 am tomorrow? 12 THE CHAIR: Thank you, Ms Scolding. 13 MS SCOLDING: Thank you. 14 (4.08 pm) 15 (The hearing was adjourned to 16 Tuesday, 24 November 2020 at 10.30 am) 17 18 19 I N D E X 20 21 MS SHEILA SMITH (affirmed)1 Examination by MS SCOLDING1 22 Questions from THE PANEL55 23 MRS MICHELLE BAMFORD (sworn)59 24 Examination by MS BICARREGUI60 25 MS AMANDA BROWN (affirmed)105</p> <p style="text-align: center;">Page 165</p>	<p>1 MR PAUL WHITEMAN (affirmed)105 2 DR PATRICK ROACH (affirmed)105 3 Examination by MS SCOLDING105 Questions from THE PANEL162 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 166</p>
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