THE INDEPENDENT INQUIRY INTO CHILD SEXUAL ABUSE

RESIDENTIAL SCHOOLS MODULE

CLOSING WRITTEN SUBMISSIONS
on behalf of the Slater & Gordon Core Participants

INTRODUCTION

1. These written submissions are submitted by Slater and Gordon, who represent nine Core Participants during this strand of the Inquiry: RS-H1, RS-H2, RS-H3, RS-A299, RS-A337, RS-A345, RS-A334, RS-A301 and Boarding Concern.

2. We wish to draw the Panel’s attention to a number of themes that have arisen from the evidence during this hearing:

   a. first, the lack of support that victims in general, and our clients in particular, received from the institutions and agencies they had to deal with as a result of their abuse in residential schools;

   b. second, the enduring fundamental problems with the inspections regime; and

   c. third, the urgent need for a mandatory reporting law.
A. LACK OF SUPPORT

Lack of Support at Clifton College

3. At Clifton College our clients, RS-A345 and RS-A334 were both covertly filmed by Jonathan Thompson-Glover during a school sanctioned trip to Cornwall. Our clients believe that the culture of the school at the time allowed Thompson-Glover to hide in plain sight. Appropriate professional boundaries were blurred because the school cultivated an ethos focused on personal relationships and “who you know” from top to bottom. This enabled abusers like Thomson-Glover to act without suspicion or censure. It is clear from the Penny Jones report that Thompson-Glover was able to draw upon these loyalties to escape suspicion, including his close friendship with the then headmaster, Mark Moore, who himself showed a staggering lack of judgment in this case.

4. You heard from our client RS-A345 in closed session. He described how Thomson-Glover was: “definitely one of the attractions to the house...He was kind of, you know, a kind of cool...Definitely as someone who was informal and lax. He didn’t really follow many procedures throughout the school rules...”

5. RS-A345 also highlighted how favouritism was an issue in the house and that he agreed with the Penny Jones report in this regard. He described how pivotal and influential the role of housemaster was to the students in that house: “The housemaster definitely could influence how well you got on at school. The housemaster would put people forward for the role of praeposter, which is like a prefect, and is a position of responsibility that you were awarded in the sixth form. They wrote you a personal statement to apply to university.”

6. RS-A345 described the grooming process deployed by Thomson-Glover, including the sometimes inappropriate and over-friendly banter, the talk about girls and the joking around. He described the Cornwall trip and then went on to describe his shock and horror
when he was identified as a victim by the police. He described the moment of having to identify himself as ‘the most traumatic moment of the whole process.’ RS-A345 described feeling: “completely shocked, horrified, embarrassed and sort of ashamed...”.

7. Safeguarding was not a priority at the school and our clients have read with dismay the disclosure from the Inquiry some which concluded that Mark Moore could and should have done more to challenge Thompson-Glover’s behaviour at the time. Penny Jones noted that in around 2006/7, an educational psychologist external to the school apparently remarked to two Clifton teachers that Thompson-Glover fitted the profile of an abuser and warned the headteacher about his grooming behaviour, particularly the way in which the boys were selected for trips to Cornwall. Further, the chair of the council who retired in 2010 and several other teachers at Clifton were aware that Thompson-Glover had favourites and that parents were unhappy with the situation.

8. Penny Jones also details that in 1999 or 2000 there were reports that a group of sixth formers had tied Thompson-Glover to a chair, the chair and tape were visible in his study and this incident was discussed widely within the house. The student’s mother was a social worker and thought that Thompson-Glover’s behaviour was inappropriate and could have had sexual connotations. She had a meeting with the deputy head to complain about the incident as well as Thompson-Glover’s neglect of the younger boys. She recalls that the deputy head made no commitment to investigate the incident and did not make any notes. There were further rumours of Thompson-Glover being tied to a chair on the cricket square in his underpants. Again, no written records were kept.

9. Both our clients have been profoundly affected by the discovery that Thompson-Glover had been filming them in his bathroom on the Cornwall trip in extremely private and intimate situations. As teenage boys who were trying to process what had happened to them it was particularly difficult for them to deal with the revelations without appropriate support. At the school, everyone was laughing and joking about it and so the only way to cope was to carry on laughing and joking about it on the outside. It has caused them shame, embarrassment, and concern that their images may potentially have been put
onto the internet. Both of our clients became anxious and depressed as a result of their experience, and RS-A334 developed an eating disorder.

10. At the time Clifton College failed to offer any apology or support. Our clients simply recall one big meeting during which a counsellor stated: “There is my office if you need me book an appointment”. We do not think this was good enough. Once they had been identified as boys who were impacted by Thompson-Glover’s criminal activities, they should have been spoken to again privately, and sensitively. The school should have apologised and offered appropriate academic and emotional support. Instead, there was no aftercare, and they were left to struggle alone.

11. We acknowledge that the current leadership of Clifton apologised for what occurred during oral evidence. As was clear from the evidence of Nick Tolchard, Tim Greene and Jo Newman, safeguarding at the school has since been overhauled. Their evidence contrasted starkly to the evidence of Mark Moore who seemed to be in denial about the scale and nature of the safeguarding issues under his watch and his role in the school’s serious failings.

12. However, whilst safeguarding may have substantially improved at the College since Thomson-Glover’s time, any improvement in levels of support provided to pupils should they be abused is less clear. Our clients have read and heard nothing during this hearing to convince them that should something similar happen again to other boys at the school, management would have the requisite level of sensitivity and understanding to ensure that appropriate support is provided. For them, it is important the Inquiry understands that the lack of support from the school was a key factor in their distress and that it is essential that schools focus on ensuring they have proper support in place in the event that children are abused.
Lack of Support at Headlands School

13. Our client RS-A301 was groomed and abused by Lindsay Collett at Headlands School. In our opening statement we expressed our client’s concerns that witness evidence disclosed to this Inquiry seemed to suggest that the investigations into Christopher Reen and Lindsay Collett constituted a break in the previous culture of safeguarding in the school and that things had effectively been dealt with much better than had previously been the case. Having now heard the oral evidence of RS-A301 along with the former headteacher Steven Rogers and the LADO Tony Marsh, we encourage the Inquiry to conclude that there was no such break and that what in fact occurred was a worrying continuation in lax safeguarding practice at the school.

14. The witness statements of Steven Rogers and Tony Marsh state that once concerns about Collett were raised by other teachers at the school, Collett was spoken to but her version of events was simply accepted by Mr Rogers. In particular Steven Rogers in his statement says: “her behaviour seemed to be more naivety than anything else and we felt that it would be better to deal with it by way of training and for an eye to be kept on her for a few weeks”. When Steven Rogers spoke to RS-A301 it was simply to tell him off for using a member of staff’s mobile phone. At no point during that conversation did he see him as a potential victim of Collett but simply as a naughty boy who needed to be disciplined. No attempt was made to get under the skin of what was really happening and ascertain if Collett was simply naïve, as Steve Rogers thought, or whether something more sinister was going on. It appears to our client that Steven Rogers was manipulated into thinking that she was the potential victim here rather than any of the boys who she could have been grooming for abuse.

15. RS-A301 was stunned to read at paragraph 115 of Steven Rogers’ witness statement that he believes that they caught Collett when she was grooming RS-A301. It was not Steven Rogers or the school that “caught” Collett at all. Collett was caught because RS-A301 disclosed the abuse to his mother, who in turn disclosed to the school. RS-A301 gave evidence about the telling off Steven Rogers had given him regarding the mobile phone,
making no attempt to investigate or explore the underlying causes of RS-A301’s behaviour, despite the concerns other teachers had raised about Collett.

16. This turns to the key issue which this Investigation has touched upon which is the abuse of male children by female abusers. RS-A301 is convinced that the reaction to the concerns about Collett raised by other teacher of both Tony Marsh and Steven Rogers was coloured by the fact that she was female and the pupils who Collett was having inappropriate relationships with were male. RS-A301 from his own professional background believes that if a teacher was caught hugging children in school and meeting and communicating with children outside of school then suspension would have been appropriate pending an investigation.

17. This issue was developed a little in the evidence of Marcus Erooga. We found the analysis of Mr Erooga in relation to his categorisation of different sorts of sexual offender troubling. In particular, his analysis of what he called ‘situational offenders’, who he described in his evidence as: “...do not have a predisposition or do not set out with the intention of abusing.” Mr Erooga went on to describe Lindsey Collett as fitting into the situational offender category. He talked about ‘the slippery slope notion’ and said ‘how could someone that didn’t set out to abuse become an abuser?’

18. The categorisation of Collett in this way is highly problematic. When you drive down into the detail of the case, it is clear that the systematic grooming and abuse of RS-A301 was carefully planned and premeditated. This was not an offender who did not have an intention to abuse or who simply fell down a slippery slope – Collett set out to systematically groom and abuse RS-A301 and that is what she did. She planned the after-school lessons, she created a special email for them to communicate, she messaged RS-A301 on social media, she sent him pictures of herself in her underwear, she bought him childish presents. She emotionally manipulated him by talking about her marital problems. She encouraged RS-A301 in his GCSE year to misbehave to such an extent that he would be removed from the classroom and placed in an isolation room with her which occurred on an almost daily basis at the height of the abuse. The Inquiry therefore should
be wary of accepting Mr Erooga’s evidence on this point which simply does not fit the facts of this case. But perhaps more importantly, but we also consider that his evidence goes to the heart of assumptions that society makes about female abusers – that somehow they must not be as serious as male abusers, they must not be as premeditated. We consider such assumptions to be dangerous. They risk victim blaming and they make it even more difficult for male victims of female abusers to disclose their abuse because their abuse is seen as ‘lesser’.

19. Like our clients at Clifton College, RS-A301 was provided with very little support. He encourages the Inquiry to make proper recommendations as to the type of support that should be provided to children in this position. He would like to see a standard protocol drawn up by the Department for Education with a step-by-step guide of what to do in situations where a teacher abuses a child. This protocol should include steps such as how to speak to the child and communicate with them, how to ensure that they don’t feel excluded or left out, how to ensure that a fully rounded counselling support package is put in place, how to ensure that their education does not suffer, including considering extra tuition, one to one support and special measures in exams if relevant.

20. The Panel will recall that this issue has been raised by core participants in a number of other Inquiry modules - the absence of victim support and aftercare appears to be a significant blind spot for many institutions examined by the inquiry. Everybody (school, Local Authority, police, governors) seems to assume someone else is organising support and guidance for children but there appears to be no strategic thought given to who should do this and how it should be done. We encourage the Inquiry to fill this vacuum by recommending the need for proper guidance for schools, governors, the police and LADOs/local authorities.
Lack of Support at Hillside School

21. All of our clients would like to put on record their shock and horror that last month the Parole Board took the decision to release Nigel Leat from prison back into the community. Whilst our clients understand that it is not part of the remit and scope of this Inquiry to consider the Parole Board’s decision, it is important that the Panel understands their distress that having been given an indeterminate sentence, Leat has only served 9 years of that sentence for hideous crimes committed against children. Our clients do not feel he is safe to be released, and consider that he remains a risk to children given the scale and nature of his offending. Our clients have received no counselling or other support from the authorities in relation to his release and want to underline that support for victims and survivors of abuse upon release of their abuser from prison is virtually non-existent. This is something that needs to change to ensure a truly victim-centred criminal justice system. The Panel may consider that a full review of the interactions with the Parole Board and victims including support services at the time of an offender’s release is something that the Inquiry could recommend the Ministry of Justice undertake.

B. AN INEFFECTIVE INSPECTION REGIME

Clifton College Inspection

22. Turning to the inspection regime, our clients at Clifton College have read with dismay the disclosure detailing ineffective ISI inspections, the evidence indicating that the then headteacher Mark Moore was unapproachable and discouraged complaints, and that until the most recent headteacher took up the post, there seemed to be little or no safeguarding culture or structure within the school. They worry that the ISI only got under the skin of what was going on at Clifton College after Thompson-Glover was arrested by the police, and not before. We question whether the inspections system is fit for purpose.
23. We continue to have concerns about the current safeguarding management and structure within the school. We note during day 10 of the evidence that Richard Johnson and Rhiannon Williams said that there had been major changes to the inspection system between 2013 and 2015 that could account for the difference in inspection reports, it seems to us from the findings of the 2015 inspection report that the long list of failings and concerns should have been picked up in 2013 and this oversight cannot simply be blamed on a change of approach in terms of the inspection system itself. The safeguarding failings revealed in 2015 were systemic and fundamental to the whole safeguarding structure (or lack thereof) at the school and clearly the 2013 inspection failed in not picking these up.

Hillside Inspection Regime

24. Our Hillside clients reiterate their disgust upon reading the witness statement of Christopher Hood, the former headteacher of Hillside school, disclosed by this Inquiry. He appears to feel sorrier for himself than he does for the victims of Nigel Leat. This is also something that came through strongly in the oral evidence he gave to the Inquiry where it became clear that he was incapable of seeing this through the eyes of the victims and their families. Rather, he considered what had happened at Hillside as a personal tragedy which lost him his career. He had the temerity to suggest in his statement that because of his own personal experience of what he went through at Hillside, he has some insight into the damage Leat’s victims have suffered. His admission within his statement that he has not bothered to read the Serious Case Review as he ‘has been too traumatised by the whole affair’ is deeply insulting to our clients. It is clear that he should never have been appointed headteacher.

25. We consider the evidence of Michelle Bamford, the deputy head at the time of the abuse, troubling. She appeared to want to scapegoat Christopher Hood, without truly coming to terms with her own inaction and although she appeared to accept in oral evidence that perhaps she could have done more, she hid behind the cultural issues at the school caused by Hood as a justification for inaction.
26. It was clear from the evidence that the level of safeguarding training and awareness the headteacher and other staff had at the school was not up to scratch. What was even more concerning was the evidence of North Somerset Council who seemed to want to distance themselves as far as possible from any blame within the school including for lack of training.

27. All of our clients have been shocked to read the findings of the serious case review and the catalogue of failings that took place over a number of years at the school. Suspicions, reports and warnings in respect of Nigel Leat’s behaviour were simply ignored and not tackled effectively or at all by the school management team, leaving him free to abuse vulnerable children in his care. Our clients are particularly concerned that OFSTED rated the school as ‘good’ following two inspections that took place at the very time when Leat was abusing children at the school.

Outstanding Concerns about the Inspection Regime

28. The evidence that representatives from OFSTED, ISI and the Department for Education gave to the Inquiry has not allayed our concerns that there remain fundamental problems in the inspection regime insofar as safeguarding is concerned. This is for three reasons: an emphasis on academic attainment, a ‘snapshot’ approach to inspections and ongoing problems with information sharing.

29. With regard to the prioritisation of academic attainment at the expense of safeguarding, the Panel will recall the unsatisfactory evidence of Christopher Hood, and in particular the way he justified his failings in safeguarding on the basis that he was “overtly and having an especially...directed focus on trying to make the school the very best it was in academic performance”. He was supported in this regard, by North Somerset Council. In evidence he admitted; “I don’t remember having conversations with the school advisor on their termly visits about anything other than, “How well are your SATs doing? Are the children making progress over the year in the class? What’s their reading and writing and
mathematical ability like?" and so on and so forth". This attitude must change and we encourage the Panel to consider making specific recommendations in this regard.

30. We also remain concerned about whether all of the Inspectors carrying out school inspections understand that inspections must go beyond a “snapshot” of safeguarding standards at the time of inspection. We provided the Inquiry with some correspondence from 2010 indicating that those within the Department of Education, OFSTED and ISI have been on notice about concerns regarding the practice of inspections for some time\(^1\). Having heard the evidence during this hearing we wish to highlight to the Panel that at the very least there remains confusion on the part of those within the inspecting agencies as to the correct approach.

31. On the one hand, the Secretary of State claims that it is ministerial policy that inspections are carried out by looking at the whole period. On the other hand, in witness statements submitted to you, both Christine Ryan and Kate Richards refer to school inspections offering a “snapshot” of how a school is performing across a wide range of areas, including in relation to education and pupil welfare. As Kate Richards put it in her February 2018 statement, “the purpose of inspection is to report on the extent to which the school is meeting the independent schools standards at the time of inspection”. We do not consider this an acceptable approach to safeguarding, and we encourage the Inquiry to recommend that inspectors inspect and report on:

a. all known DBS notifications including police notifications and against all referrals made under SVGA 2006 received since the last inspection, even if the relevant events occurred prior to the last inspection;

b. the safeguarding records throughout the whole of the inspection period; and

\(^1\) See letter of William Pumfrey dated 6 September 2019 (INQ004652)
c. ensure that all the notifications inspected are actually reported on in the published inspection report, so that there is a permanent record of what has been reviewed which can be seen by those carrying out subsequent inspections

32. Every notification and referral might highlight a previously undetected shortcoming in the school's safeguarding. It is vital that all of them are inspected against to ensure that the school has checked this and updated its procedures where necessary.

33. In light of the evidence heard, we doubt whether the existing inspectorates, primarily tasked with inspecting educational achievement have at present or can acquire in future the necessary specialist knowledge to become sufficiently effective at inspecting safeguarding. We therefore suggest the panel recommend that a separate specialist safeguarding inspectorate be set up to handle this.

34. A further weakness of the present system of inspections is that the period between Ofsted inspections is extended for schools whose academic achievement is higher. However, a high academic standard will not necessarily correlate with sound safeguarding practice, and so the interval between safeguarding inspections needs to be decoupled from that between educational inspections – another reason to assign the task to a separate specialist inspectorate.

35. Finally, we remain concerned about the limitations on information. Amanda Spielman highlighted the problems where information was deliberately hidden; “I think what many of these cases have shown is, firstly, that where there is deliberate concealment, especially by senior leaders, it is extraordinarily difficult to get into it until you know that there is something there”

36. However, it is clear from the evidence we heard that deliberate concealment is not the primary challenge. Inspections are only as good as the information available to inspectors and as Amanda Spielman stated; “There is an enormous web of information to which we
... aren’t necessarily able consistently to tap in. There is no question it’s a difficult network to draw on. There is also no question that the very strong international sort of policy priority in recent years around privacy and data protection and, more recently GDPR and the...very heavy regime operated by the Information Commissioner also make it ...difficult for people to know what they can properly record and share. So it is a difficult environment for good information sharing. I think there are real tensions here.” As an example, Mr Kennedy described how you could have a situation where a teacher has been banned from teaching and inspectors “might not necessarily know that because, routinely, we are not given that information”.

C. THE URGENT NEED FOR A MANDATORY REPORTING LAW

37. The shocking failures at Clifton College, Headlands and Hillside Schools are each examples of why mandatory reporting is needed and why it is so important as a necessary element of an effective safeguarding system. We wish to state clearly what we regard as the essential components of well-designed mandatory reporting, as proposed by Mandate Now. These are:

   a. A statutory obligation to report known or suspected abuse of a child where there are reasonable grounds for suspicion.

   b. That the obligation applies to all Regulated Activity personnel who have personal responsibility for the care of children.

   c. Legal immunity for personnel when reporting on reasonable grounds under a mandatory reporting law.

   d. A criminal sanction for failure to report - Mandate Now proposes a fine to Level 3.

38. In Hillside school for example, if a mandatory reporting law backed by criminal enforcement sanctions and legal protections for reporters had been in place at the time, then it is likely Christopher Hood would have been far more pro-active in forwarding concerns to the authorities. If he hadn’t done so, Michelle Bamford and other staff would have been empowered to go above his head and report their concerns about Leat to the
relevant authorities safe in the knowledge that they were legally protected in doing so. A mandatory reporting law would therefore have provided two additional levels of protection to the children at the school.

39. The Panel has heard evidence that there is a tension, often insurmountable, for those with safeguarding concerns regarding their colleagues. As Amanda Spielman put it; “I think we should recognise that there is always going to be a challenge to some extent, that no matter how many mechanisms you have in place – remember that a staff group in any school has to work together as a team to educate effectively and to safeguard effectively. Remember that a large proportion of the harms of various kinds that affect children originate outside school and schools have to bring staff together to provide the right kind of support, effectively cutting across, often a lot of different activities in the school. So there is always going to be a need for good teamwork and a sense of mutual cohesion, and we should recognise, I think, that it will always be difficult for an individual to overcome that to the point of telling somebody outside about it, and we can do a great deal to facilitate, but we shouldn’t kid ourselves that it can even be something that won’t require some personal discomfort to do.” Mandatory reporting is a solution to these competing tensions. If someone knows they have an enforceable legal obligation to report then the choice and the moral dilemma is largely removed from them. Reporting then becomes a truly neutral and relatively routine act. There is ample precedent in other areas (e.g. drink-driving) that changes in law over time become internalised and that value systems adjust around the new circumstance.

40. It is necessary that mandatory reporting is accompanied by other measures, such as:

a. a nationally accredited safeguarding training scheme for staff in regulated activities, so that they have a clear understanding both of their legal obligations and of good safeguarding practice around them;

b. a national LADO training system and a clearer role for LADOS who would receive and triage all reports from regulated settings (the Panel will recall that the Teaching Unions raised this proposal, which we support); and,
c. clearer statutory guidance including a model safeguarding policy which can be adopted with minimal adaptation by schools, and which then forms the foundation of the training scheme for regulated activity staff. The existence of a model policy makes inspections much easier and more effective. Inspectors can ask the setting for details of local variations to the policy. Then, knowing that generally 90% or more is common to all settings, it is much easier to check whether the records of safeguarding practice match the policy.

41. This is why adopting the correct model of MR is so important - as Ben Matthews stated in the second Mandatory Reporting seminar "I don't think it's good public policy to consciously put in place a model you know is not as sound as another."

42. The panel also heard evidence concerning the possible use of a Duty of Candour in the context of safeguarding. It is our view that this has not worked in the NHS, as shown for instance in the recent revelations concerning Shrewsbury and Telford Maternity Hospital NHS Trust. We would like to bring to the Panel’s attention to the attached submission by Dr David Drew, an NHS whistleblower, who has described his experiences in the NHS around the shortcomings of this system. We hope that in the light both of this submission and the evidence you have heard in the course of this and other hearings that you will conclude that Duty of Candour is not an effective alternative to Mandatory Reporting.

43. The Inquiry has of necessity concentrated on settings where safeguarding failures have come to light. It is hard to estimate what proportion of settings where no such failure has been discovered have sound safeguarding, and what proportion do not and therefore might be harbouring an undetected abuser. In the aftermath of the death of Daniel Pelka, Jonathan West (our client in the Roman Catholic Church strand of this Inquiry) attempted to estimate the proportion of schools in Coventry (the city that Pelka was living in at the time of his death) that might have undetected poor safeguarding. He did so by analysing the safeguarding policies of the schools in the city, reasoning that while a good policy might not be matched by good practice, it was almost impossible to achieve good practice without a good written policy. The results were published in an article in "Every Child
(a copy of which is appended to these submissions). He concluded that poor safeguarding practice may be extremely widespread and undetected by the inspectorates. If this is true, then the measures we have described to rectify this become all the more urgent and important. We also provide a copy of a chart prepared by Mr West summarising the results of his research in terms of the proportions of schools achieving different standards of safeguarding policy against the criteria (derived from statutory guidance) which he used.

**Conclusion**

44. The evidence in these hearings demonstrates beyond doubt that serious sexual abuse of children has repeatedly occurred in residential and day schools without inspectors knowing about or suspecting it. Inspection regimes are failing to identify serious safeguarding failings. This can only be remedied by reforming the legal framework within which schools and their staff operate. A “duty of candour” has not worked in the NHS and there is no evidence to suggest that it would work here. Only well-designed Mandatory Reporting using the Mandate Now model can properly remedy the problems exposed in these hearings, and we urge the inquiry to recommend it.

Richard Scorer

Kim Harrison

Emma-Louise Fenelon

On behalf of the Slater and Gordon Core Participants

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2The Every Child Journal is part of Teaching Times, and the article was subsequently published on his blog. ‘No Place to Hide’, Jonathan West, May 2014 at [https://scepticalthoughts.blogspot.com/2014/06/no-place-to-hide.html](https://scepticalthoughts.blogspot.com/2014/06/no-place-to-hide.html).