

67. The COM members decided to issue a formal written warning around use of social media, with a number of attached conditions. A formal written warning was the most serious sanction below dismissal and it was determined that dismissal was not warranted at that time. The COM members considered the School Disciplinary Policy, Police involvement, the Investigation and legal advice in reaching this determination.
68. TB was verbally advised of the intention to issue him with a final written warning at the disciplinary meeting and this was followed up in writing, on 9 September 2019. The Chair of the disciplinary meeting met with the School's employment law adviser on 5 September 2019 and agreed an outcome letter. TB's suspension was lifted on 3 September 2019.
69. I maintained email contact with JP over this period. Communicating with Denbighshire at this time was however difficult [INQ005976]. I repeatedly chased JP for responses and tried calling several times.
70. CMS Investigations also had difficulties with contacting Denbighshire. It is noted in their report that they sent an email to JP, but did not receive a response [page 9 DEN000033]. They then spoke with him on 20 August 2019. CMS Investigations recorded their difficulties with me by email.
71. An outcome meeting was arranged as part of the Part 4 procedure for the morning of 2 September 2019. It was then rescheduled by Denbighshire to 3 September 2019 however the disciplinary meeting remained scheduled for the afternoon of 2 September 2019.
72. A potential concern was raised at the Part 4 meeting on 3 September 2019 relating to breach of terms of suspension. This concern was then stood down on 4 September 2019.
73. The outcome of the Part 4 meeting held on 3 September 2019 was shared by email with the COM on 4 September 2019 and a detailed report followed, before the COM's away day on 7 October 2019. All information from the Part 4 process and the Investigation Report was made available to the COM. A full and detailed review of all associated matters took place at the away day on 7 October 2019.

**Redacted**

74. Criticisms relating to transparency with the Part 4 procedure arise from the Witness Statement of Nicola Stubbins ("NS") [DEN000034].
75. NS, in particular, relies on the availability of the Investigation Report to support the Part 4 process, namely for the outcome meeting on 3 September 2019. I accept that the Investigation Report was not made available to Denbighshire until after this meeting. This was owing to concerns around confidentiality of those who had participated in the Investigation. The COM was unclear as to how widely the Investigation Report could be circulated, as a disciplinary document. I however read out the conclusions of the Investigation at the Part 4 meeting on 3 September 2019.

shared between us in our voluntary capacity. It was agreed that a COM member with a special interest in safeguarding would now lead in dealing with the Part 4 procedure.

85. At this point, in November 2019, due to the further developments the COM took a resolution to instruct a further independent consultation to undertake a suitability assessment. The COM also sought legal advice to support the disciplinary process.
86. The COM was again mindful of the serious disciplinary action that might need to be taken, also the potential for an employment tribunal claim and the need to protect the best interests of the School. The COM therefore again considered that suspension was the best course of action, to allow for legal advice and independent assessment. Further, the recent Part 4 process developments had given rise to new information that had to be considered as part of an investigation.
87. Following the outcome of the suitability assessment TB was dismissed, on 2 February 2020.

**Redacted**

88. The COM were always very keen to follow up on any safeguarding concerns raised with them. This was both historically and throughout the events of 2019. Minutes from the May 2019 Part 4 meeting reflect that concerns raised in relation to safeguarding practices the previous year had been followed through and the School was happy to receive any feedback on how these may be further improved.
89. The COM did not however always feel it could gain engagement from Denbighshire to enable it to follow up concerns accordingly. In particular, this is reflected in interactions around an action point arising from the first Part 4 meeting in 2019.
90. When I met with JP on 20 May 2019 I raised with him point 10 of the action plan arising from the 14 May 2019 meeting, which I had been unable to attend when overseas, which stated *“concerns raised within today's meeting with regards to RS's board of trustees and their understanding of their roles and responsibilities in relation to safeguarding matters be addressed outside this meeting”*. I asked JP for further details of what this meant and was advised that he had requested that this point be taken outside the Part 4 process.
91. I then sent an email to JP on 29 May 2019 acknowledging this and stating *“you have mentioned that this is separate to the part 1V enquiry. We will make this an agenda item at a future meeting and whilst in the consideration of more urgent matters please provide us with details of those concerns so that we may follow up.”*
92. I did not receive a response and as I was keen that this concern was addressed I raised it again at Part 4 meetings in June and July 2019. My request to follow this up is noted