

18 February 2021

The Rt Hon Gavin Williamson CBE MP  
Secretary of State for Education  
Department for Education  
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Sent via post and email:-  
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Dear Mr Williamson

### Ampleforth College

I represented a number of the victims and survivors of abuse at Ampleforth College during the hearings at the Independent Inquiry into Child Sex Abuse and since 2005 have also represented victims in civil actions against the school in connection with abuse perpetrated by monks and other staff.

I am aware that a decision will soon be made as to whether to lift the Enforcement Notice on Ampleforth College imposed on 27<sup>th</sup> November 2020, banning it from accepting new pupils.

I have continuing concerns about the ability of Ampleforth College to achieve and maintain adequate safeguarding standards. These primarily are to do with the governance of the school and its public statements about governance.

IICSA in its August 2018 report into Ampleforth College and Downside School seriously criticised Ampleforth's safeguarding failings. The following passages are taken from the conclusions to the report.

"The Nolan Report, in 2001, was a turning point in Catholic Church safeguarding policy and practice, but we heard no evidence that demonstrated Downside and Ampleforth did any more than pay lip service to it. There was hostility to the Nolan Report in both institutions for some years after its adoption. They seemed to take a view that its implementation was neither obligatory nor desirable."

"A strict separation between the governance of these two abbeys and schools will be required if safeguarding arrangements are to be free from the often-conflicting priorities of the abbeys. This took too long to achieve at Ampleforth."

"On occasions abbots used semantic justifications for inadequate action. Timothy Wright at Ampleforth referred to admissions of abuse rather than disclosures of abuse, as if the distinction allowed them to avoid taking the action which Nolan prescribed on 'disclosures'.<sup>1</sup>"

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<sup>1</sup> Extracts from <https://www.iicsa.org.uk/publications/investigation/ampleforth-downside/part-d-conclusions>, paragraphs 12, 15, 16

Particularly noteworthy is IICSA's conclusion concerning the need for a strict separation in governance between the abbeys and schools. Mr Kelly, representing Ampleforth Abbey at IICSA said this in his closing statement.

The evidence heard by the inquiry and in the documents submitted since show that, since 1997, the college and the junior school at Ampleforth had been run by a separate educational trust, the St Laurence Education Trust. Since 2010, that trust has a majority of lay trustees, has always been chaired by a deputy chair, who is a layperson, and, whenever safeguarding issues were discussed, that deputy lay chair took the chair of the trust. Since this year, 2017, the St Laurence Education Trust not only has a majority of lay trustees, but it also has a lay chair, Claire Smith. It is the St Laurence Education Trust, not the abbey, which runs the school. That is intended to be a permanent arrangement. Ampleforth took the decision in 1997 to separate the school effectively from the Abbey Trust and has been working ever since to solidify that aim. That has continued to be the position, and will continue to be the position as it is now embedded in its constitution.<sup>2</sup>

Since the publication of the Enforcement Notice, Robin Dyer, the headmaster of Ampleforth College has made various public statements concerning governance of the school. In an interview for Times Radio on 29<sup>th</sup> December 2020 he said

"I run the school. My SLT and the new Board of Trustees. We run the school. We're not beholden to the monastery as was in the past."

Also, in a document linked from an email to parents and former pupils sent on 7<sup>th</sup> December 2020, the school stated:

"Driven by our failures in the past, over the past 18 months we have put in place a robust safeguarding regime in consultation with the Charity Commission; a new governance structure, including new Trustees, that has effectively separated the Abbey from the College; and a new and experienced senior leadership team. During this time, the Independent Schools Inspectorate has endorsed our actions through two successful inspections and the Charity Commission has discharged their Interim Safeguarding Manager. Ofsted's report and the DfE's action does not reflect the school we are today."<sup>3</sup>

My concern is that these statements by the school, its headmaster and legal representatives provide a partial and misleading account of the governance situation. The most recent Annual Return of the St Laurence Education Trust to the Charities Commission<sup>4</sup> submitted on 23<sup>rd</sup> June 2020 makes the following statements in its section on Governance.

"Trustees of St Laurence Education Trust and Ampleforth Abbey Trust meet regularly to ensure there is a harmonious and mutual understanding of the works of each Trust. Joint committees with Ampleforth Abbey Trust have been formed to consider Trustee appointments and senior staff remuneration, safeguarding, health and safety and risk management."

I note that safeguarding is within the scope of these joint committees. Further down the page in the section on trustees, this statement is made.

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<sup>2</sup> <https://www.iicsa.org.uk/key-documents/3612/view/15-december-2017-roman-catholic-church-public-hearing-transcript.pdf>, pages 76-77

<sup>3</sup> [https://mcusercontent.com/7325c51493a52b055143fc2ea/files/0f0040a8-5830-4aaa-9b2a-9b75797c0c91/Ampleforth\\_College\\_FAQs\\_4\\_December\\_2020.pdf](https://mcusercontent.com/7325c51493a52b055143fc2ea/files/0f0040a8-5830-4aaa-9b2a-9b75797c0c91/Ampleforth_College_FAQs_4_December_2020.pdf)

<sup>4</sup> <https://register-of-charities.charitycommission.gov.uk/charity-search/-/charity-details/3941722/accounts-and-annual-returns>

“Trustees are appointed by the Ampleforth Abbey Trust. Candidates identified as potential new trustees are recommended to the Nominations and Remuneration Committee which reports jointly to the Ampleforth Abbey Trust and the Saint Laurence Education Trust.”

The most recent Charities Commission returns for the Ampleforth Abbey Trust were lodged on 16 June 2020<sup>5</sup>. On governance, the return states

“On 26 October 2018, the Ampleforth Abbey Trust and the St Laurence Education Trust signed a Framework Agreement governing the works of Ampleforth. The revised governance relationship enshrined in the Agreement allows the trustees of each Trust to discharge their legal duties and responsibilities, operate as independent charities with intrinsic links, and places the highest priority on the safeguarding of children and vulnerable adults, thereby reflecting a best practice approach to governance.

Work on the governance review continues, and Phase 3 is now underway, focussing on the implementation of an organisational development programme considering executive structures, the employment model across the Trusts, and effective working (joint or otherwise) across the Trusts.

The governance review has included the establishment of a Joint Safeguarding Committee and a newly-constituted independently-chaired Safeguarding Commission developed in full consultation with the Catholic Safeguarding Advisory Service (CSAS) and relevant statutory bodies.”

The trustees of St Laurence Education Trust are listed among the “key personnel” in the Ampleforth Abbey Trust return and the Ampleforth College headmaster Mr Robin Dyer is named among the “Officers and key management personnel” for Ampleforth Abbey Trust.

One of the Ampleforth Abbey Trustees, Reverend Cedd Mannion, is also a House Chaplain within the college. So it appears that he both reports to the headmaster Robin Dyer as a member of staff and that Dyer reports to him as a trustee.

In light of all this, it seems that the claims that the school is governed independently of the school cannot be taken at face value. Ampleforth Abbey Trust appoints the trustees of the St Laurence Education Trust, and closely supervises its operations through joint committees on a range of topics including safeguarding. All the assets of the Abbey are held by the Ampleforth Abbey trust, the land which the College occupies is owned by Ampleforth Abbey Trust, and according to its returns the St Laurence Education Trust holds no assets of land and no significant other investment assets.

In the circumstances the “independence” of the St Laurence Education Trust is only pro forma and it has no effective means of acting independently of the Abbey. For all practical purposes they should be regarded as a single organisation, with the trustees of the Ampleforth Abbey Trust (the great majority of them monks) wielding effective control over both the Abbey and the College. Given the lengths the Abbey and College have gone to in order to give the impression of a much greater degree of separation than appears in fact to exist, and given the attitude of the monks towards safeguarding as thoroughly documented by IICSA in its report, it is most questionable whether this is a state of affairs in which the safety of the pupils can be reasonably assured.

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<sup>5</sup> <https://register-of-charities.charitycommission.gov.uk/charity-search/-/charity-details/1026493/accounts-and-annual-returns>

In addition to the issues of governance, there are statements the school has made in public or to parents concerning the September 2020 Ofsted inspection report and the justification of the Enforcement Notice. On safeguarding, the school told parents on 7<sup>th</sup> December 2020 the following<sup>6</sup>.

"We have a record of compliments about the professionalism and attentiveness of our safeguarding from a number of external agencies including the police, the NHS, members of North Yorkshire Safeguarding Children's Partnership (NYSCP), and safeguarding partnerships from other regions. Our parents and pupils tell us that our pastoral care is of the highest order and this is reflected in independent customer insight research conducted this October by Mungo Dunnett Associates which states:

*Pastoral care remains an exceptional strength of the school. Parents remarked on an inclusive culture amongst the pupils, and with numerous mentions of individualised care by members of staff. Instances of criticism were unusually rare, and with no particular theme emerging. There is no concern about child safeguarding issues, with parents feeling this is entirely a historic matter, and that external parents' criticisms on these grounds are annoyingly unfounded."*

Mungo Dunnett Associates has no expertise in safeguarding that is known to me or mentioned on its website.

Concerning the Ofsted inspection the school told parents on 7 December 2020

"We don't know why Ofsted came, 16 teaching days after the second successful ISI inspection in August 2020. There is absolutely nothing in their report that suggests that any student has been harmed by activities at the school or by our members of staff or our students. As you know, we appealed this report. On 3 December we received a decision on our appeal which partially upholds our complaint and includes a rewritten inspection report. We are considering our next steps."

On 11<sup>th</sup> December, in an email to parents, Dyer said

"While our parents and other independent regulators are satisfied with our safeguarding performance, Ofsted is not. This is not only extremely disappointing but does not represent the progress we have made"

In his interview on Times Radio on 29 December, the headmaster said of the Ofsted report

"There is no evidence expressed in the report. There's a lot of overblown language which suggests that they were not happy, but the actual instances that they're referring to in the report are not to do with emergency not to do with harm to children. Essentially, it's about procedural opinion or opinion about procedures."

On being asked what Ofsted had asked the school to do he said

"There are three things I think. One we need an inspection and new inspection a team to arrive, whether it be the Independent Schools inspectorate or Ofsted to come with a fresh approach, fresh mind, perhaps not necessarily with the mindset of the inspection that occurred in September. So that's number one and we need that really in mid-January because any longer and the Restriction order will impact very adversely on the school.

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<sup>6</sup> [https://mcusercontent.com/7325c51493a52b055143fc2ea/files/0f0040a8-5830-4aaa-9b2a-9b75797c0c91/Ampleforth\\_College\\_FAQs\\_4\\_December\\_2020.pdf](https://mcusercontent.com/7325c51493a52b055143fc2ea/files/0f0040a8-5830-4aaa-9b2a-9b75797c0c91/Ampleforth_College_FAQs_4_December_2020.pdf)

The second thing is I think we need some political input here, because the secretary of state has issued this order. It seems to be cast in the past. It seems to be about 2016 to 2018 and remarkably little about what has happened in the school since August 19 when I started to lead the school, so I think we need some political action to be honest with you.

And third we need a much better relationship with North Yorkshire Safeguarding Partnership, NYSCP it is called, who we think are not terribly happy with the idea of the college living alongside a separate institution, the monastery. They seem to feel that the old relationship of the past continues and that isn't the case, we're now separate institutions."

The impression given by these statements is that, in the school's opinion, the Ofsted report is unfair, its concerns are unfounded and the DfE action is unjustified. Presumably the school's direct communications with DfE have sought to convey a different impression.

What weight you choose to give to any assurances offered by Ampleforth College is of course a decision for your Department, but I urge you to exercise the greatest possible caution in any decision about lifting the Enforcement Notice.

Yours sincerely



Richard Scorer  
Principal Lawyer  
**Slater and Gordon**

cc. Baroness Berridge of the Vale of Catmose  
Parliamentary Under Secretary of State (Minister for the School System)