

<p>1 Secretary of State claims that inspections are carried 2 out by looking at the whole period, but, on the other 3 hand, in witness statements submitted to you, both 4 Christine Ryan and Kate Richards refer to school 5 inspection offering a snapshot -- their word -- of how 6 a school is performing across a wide range of areas, 7 including education and pupil welfare.</p> <p>8 As Kate Richards put it in her February 2018 9 statement, and I wrote, the purpose of inspection is to 10 report on the extent to which the school is meeting the 11 Independent Schools Standards at the time of inspection. 12 So, at the very least, there is uncertainty about the 13 basis on which inspections are conducted, and with all 14 due respect to the ISI witnesses, the precise detail of 15 what they examine and, just as importantly, how much 16 time they spend examining it, wasn't really any clearer 17 after their evidence this morning.</p> <p>18 The third issue, which was very obvious when you 19 heard from Ofsted this week, is limitations on 20 information. Inspectors are clearly only as good as the 21 information available -- inspections are only as good as 22 the information available to the inspectors. As Amanda 23 Spielman said, there is an enormous web of information 24 that Ofsted can't currently tap into and, clearly, in 25 your report you need to address the issues around GDPR</p> <p>Page 93</p>	<p>1 and information sharing. But information can also 2 clearly be deliberately withheld.</p> <p>3 Most parents would be absolutely staggered to hear 4 Mr Kennedy say, as he did this week, that you could have 5 a situation where a teacher has been banned from 6 teaching and inspectors, and I quote, "might not 7 necessarily know that because, routinely, we are not 8 given that information".</p> <p>9 We say that the government ministers you heard from 10 on Wednesday were remarkably complacent about that 11 situation, and they were also remarkably complacent, we 12 would also say, about lack of consistency in the 13 inspection system. We say that all children in all 14 parts of the school system should be able to expect the 15 same level of safeguarding, and we urge you in your 16 report to reject the idea that the convenience of adults 17 and their right to do something different is more 18 important than the right of children to equal protection 19 from abuse.</p> <p>20 Chair, as we have stressed before, the element that 21 we believe needs to be present in order to underpin 22 proper sharing of information between staff, schools and 23 local authorities is a legal requirement that all 24 allegations and reasonable suspicions of abuse are 25 reported. Clearly, in all three schools you have</p> <p>Page 94</p>
<p>1 examined in this hearing, there have been serious 2 failures to report allegations and reasonable suspicions 3 to the LADO.</p> <p>4 In all three cases, there were lots of flashing red 5 lights, and certainly at Hillside and Clifton some more 6 junior staff tried to sound the alarm, but at the senior 7 leadership level in all three schools there was 8 a catastrophic failure to report the available 9 information.</p> <p>10 Of course all three schools now recognise that. At 11 Clifton College, there has clearly been a big 12 improvement in their approach to safeguarding. 13 Mark Moore and Jo Newman are clearly poles apart in 14 their grasp of safeguarding and their commitment to it. 15 Mark Moore's first instinct, when faced with 16 a safeguarding crisis, was not to bring in safeguarding 17 expertise, it was to bring in a public relations firm. 18 Unfortunately, that's a reaction which we have seen far 19 too frequently in this inquiry and we hope you will be 20 clear in your report in condemning the use of public 21 relations firms to hide safeguarding failings.</p> <p>22 In contrast to Mr Moore, Jo Newman's professionalism 23 and commitment were very obvious. However, Clifton had 24 little choice but to raise its game. It was, for 25 example, struck off the Ministry of Defence recommended</p> <p>Page 95</p>	<p>1 list. So the college had to take drastic action. But 2 will the improvement be sustained if, for example, 3 Jo Newman leaves for another school? In any case, lots 4 of schools have not gone through the cathartic 5 experience which Clifton went through. In this hearing 6 you heard from two individuals, Mark Moore and 7 Christopher Hood, who were clearly completely unsuited 8 to be headteachers. In schools around the country, 9 there will be other Mark Moores and other 10 Christopher Hoods, so you need to provide for all types 11 of senior leadership behaviour.</p> <p>12 In listening to the evidence in this hearing, you 13 saw the full range of reasons why people don't report 14 abuse. Occasionally, there are deliberate coverups and 15 the overwhelming belief of our Hillside clients is that 16 Christopher Hood knew perfectly well what Nigel Leat was 17 doing and made a positive choice not to report it. 18 However, even more common is that staff don't want to 19 think badly of their colleagues or feel embarrassed 20 about reporting. As Amanda Spielman said, reporting is 21 always going to involve a degree of discomfort and we 22 shouldn't pretend otherwise. People worry, "What if I'm 23 wrong?" Because we don't have mandatory reporting, many 24 people see non-reporting of something as very much 25 a lesser evil, even though the consequences can be</p> <p>Page 96</p>

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<p>1 disastrous.</p> <p>2 Mark Moore illustrated this attitude when he said</p> <p>3 that non-reporting was, as he put it, a sin of omission</p> <p>4 rather than commission. He saw non-reporting as</p> <p>5 something much less serious.</p> <p>6 So we come back to the point that the only thing</p> <p>7 that can capture all of these problems is a mandatory</p> <p>8 reporting law along the lines advocated by Mandate Now,</p> <p>9 namely, a legal obligation to report knowledge or</p> <p>10 reasonable suspicion of abuse occurring within regulated</p> <p>11 activities and backed up by a criminal sanction. The</p> <p>12 Welsh model we heard about yesterday is not mandatory</p> <p>13 reporting and, in our view, cannot be relied upon to be</p> <p>14 effective because it has no legal teeth behind it.</p> <p>15 Of course, one of the other reasons identified for</p> <p>16 reluctance to report is a concern about false</p> <p>17 allegations. You heard that concern expressed by the</p> <p>18 teaching unions. Chair, we have lodged with the inquiry</p> <p>19 the report from the DfE in 2008 on false allegations,</p> <p>20 and that identifies that false allegations of sexual</p> <p>21 abuse constitute only a very small percentage of all</p> <p>22 allegations against teachers.</p> <p>23 However, even though research shows that to be the</p> <p>24 reality, it is understandable that teaching unions will</p> <p>25 be concerned about this issue. On this particular</p> <p style="text-align: center;">Page 97</p>	<p>1 point, we say that mandatory reporting would actually be</p> <p>2 helpful. The problem at the moment is that schools have</p> <p>3 a discretion as to whether to report an allegation or</p> <p>4 suspicion to the LADO. Because they have a discretion,</p> <p>5 when they do report, this can be seen as signifying that</p> <p>6 they consider the allegation or suspicion to be true.</p> <p>7 The exercise of discretion implies that the school is</p> <p>8 making a judgment about the strength of the evidence.</p> <p>9 However, if we had a mandatory reporting law, then the</p> <p>10 reporting of a matter to the LADO would become, in fact,</p> <p>11 a genuinely neutral notification. It would not carry</p> <p>12 the implication that the allegation is necessarily true.</p> <p>13 So we say that, contrary to the understandable fears</p> <p>14 of the teaching unions, mandatory reporting brings that</p> <p>15 neutrality into the situation to the benefit of all</p> <p>16 concerned, and also a statutory duty to report protects</p> <p>17 the person reporting from defamation claims, removing</p> <p>18 a major source of the "What if I'm wrong?" worry.</p> <p>19 I make one other point on mandatory reporting.</p> <p>20 There's been talk in these hearings about introducing</p> <p>21 a duty of candour similar to the NHS. We say that this</p> <p>22 is nothing like enough, and there is no evidence of</p> <p>23 the duty of candour making a meaningful difference in</p> <p>24 the Health Service.</p> <p>25 On the contrary, research published in the Health</p> <p style="text-align: center;">Page 98</p>
<p>1 Service journal identified an ongoing failure by</p> <p>2 NHS Trusts to adhere to the duty and a failure by the</p> <p>3 CQC also to enforce it. The only thing, in our view,</p> <p>4 and in survivors' view, which would realistically have</p> <p>5 ensured that the concerns about Nigel Leat were passed</p> <p>6 on to the LADO would have been a mandatory reporting</p> <p>7 duty backed up by criminal sanctions for failure to</p> <p>8 report. Even if Christopher Hood didn't forward</p> <p>9 concerns to the LADO himself, in breach of such a law,</p> <p>10 junior staff could have bypassed him, safe in the</p> <p>11 knowledge that they were complying with a legal duty.</p> <p>12 Chair, finally on recommendations, we said in the</p> <p>13 previous hearing in this strand that there needs to be</p> <p>14 far more consistency amongst LADOs. You heard from</p> <p>15 Nicola Laird, who is clearly an outstanding LADO. But</p> <p>16 there is no formal accreditation requirement for LADOs</p> <p>17 across the country. We strongly urge you, as part of</p> <p>18 your final report, to make recommendations for the</p> <p>19 training and accreditation of LADOs and a structured</p> <p>20 system of rules for their work.</p> <p>21 LADOs are, of course, a crucial part of the chain</p> <p>22 and even if you recommend mandatory reporting, as we</p> <p>23 hope you will, its benefits will only be felt fully if</p> <p>24 the performance of some LADOs improves.</p> <p>25 So, chair, these are our recommendations on behalf</p> <p style="text-align: center;">Page 99</p>	<p>1 of victims and survivors: too many schools currently</p> <p>2 have undetected poor safeguarding which abusers can</p> <p>3 exploit and in some cases are probably exploiting right</p> <p>4 now without our knowledge. Survivors feel that without</p> <p>5 these reforms nothing will really change. We urge you</p> <p>6 to ensure that this inquiry is the means by which real</p> <p>7 change is brought about. Thank you.</p> <p>8 THE CHAIR: Thank you, Mr Scorer. Ms Leek?</p> <p>9 Closing statement by MS LEEK</p> <p>10 MS LEEK: Chair, panel members, Dr Greene, Mr Tolchard and</p> <p>11 Ms Newman would like me to begin by acknowledging, on</p> <p>12 behalf of Clifton College, the powerful personal</p> <p>13 evidence given by A345 at the beginning of last week and</p> <p>14 the written evidence of A334. However much they have</p> <p>15 read of what has gone on in the past, the first-hand</p> <p>16 account of these victims and others whose views have</p> <p>17 been represented in this inquiry serves as a salutary</p> <p>18 reminder of the effects of abuse and breaches of trust</p> <p>19 by teachers and those in positions of authority.</p> <p>20 It serves to underline how important it is not just</p> <p>21 to have safeguarding policies, but to make sure those</p> <p>22 policies are properly implemented and that the reasons</p> <p>23 for them are understood by all involved. They would</p> <p>24 like to thank A345 for his recognition of what he</p> <p>25 described as the paradigm culture shift in the school</p> <p style="text-align: center;">Page 100</p>

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