Promoting Best Practice

Learning Safeguarding Lessons from Recent Serious Case Reviews

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1 INTRODUCTION

The 2011 Munro Review of child protection, *Working Together,* emphasised Local Safeguarding Children's Boards' (LSCB) duty to commission and publish Serious Case Reviews (SCR). However, the Wood Report (March 2016) notes "general agreement that the system has not made the most of the learning available from carrying out SCRs… Despite the full repository [of SCRs] held by the NSPCC … sharing of learning is at best ad hoc." The BSA has looked carefully at a number of SCRs dealing with abuse of children in schools (principally, but not exclusively, boarding schools) in an effort to identify some of the key things that have gone wrong and to suggest strategies for addressing such issues in the future.

2 METHODOLOGY

Amongst the alarmingly large number of Serious Case Reviews (published 2013-2016) summarised and listed on line by the NSPCC (https://www.nspcc.org.uk/preventing-abuse/child-protection-system/england/serious-case-reviews/) there are a relatively small number which look at serious failings in Safeguarding at UK boarding schools. Reading through these and drawing on a few other high profile cases which did not result in SCRs, it is possible to draw out a series of things that have gone wrong in schools and led to significant abuse of children.

In this paper, an attempt is made to systematise these findings, focussing first on things which are generally characteristic of a boarding education and seem to elevate the level of risk, and then looking at some specific cultural factors that have contributed further to increase opportunities to abuse children at some schools. The importance of a well-trained staff, sensible to the need to be vigilant, and to act expeditiously on any suspicion of failures in safeguarding, is well established, so the third part of the paper looks at those things identified which have compromised either the training of staff or their effectiveness following training. Finally, the paper looks at lessons emerging for governors and managers.

3 SECTOR-SPECIFIC FACTORS

3.1 BOARDING

3.1.1 Children Detached from Carers: Weakened Student Voice.

We know the fact that boarding children live away from home can create a communication gap between the child and parents that reflects their physical detachment. Communication by mobile phone and the increased availability of weekend leave and exeats have done something to narrow the gap, but they do not really create the same space for piecemeal disclosure that is present when face-to-face contact between child and parents is more frequent. Day parents can often build a useful picture of what is going on at school from occasional passing comments made daily by their child: when a child is away from home, boarding schools must encourage parents to *make* opportunities to hear the "mood music" expressing how their child is really finding things at school.

Children in a boarding setting who are "known to Social Services" will often have diminished opportunities to speak out to those with a need to know. Such children may even drop out of sight of Social Services if their parents place them in an out-of-area boarding school (there is no duty on independent schools to tell either their own local authority or the pupil's home authority that the child is attending the school). Children who are formally "in care" may find themselves cast adrift if local social services place them in a boarding setting out-of-area (for, whilst continuing case responsibility will lie with the *home* authority, it is the *host* authority that will be contacted if concerns arise at the school—and that authority may not have a full picture of the child's family circumstances). Weak information-sharing can fail the child in circumstances like this and schools need to be mindful of this challenge. Schools need to know (for example) if there are significant changes in the home of a vulnerable child (e.g. if an unsatisfactory father returns to the home after a period of absence). Schools therefore must think about ways to gain this information by themselves.

3.1.2 Traditional Hierarchies: Power Structures Institutionalized.

Traditional hierarchical structures within a boarding house are often valued by many pupils, parents and staff. Moreover, "old boys" enhance tendencies towards institutional conservatism (those who flourished in the ethos prevailing in past years are the ones most likely to send sons on to the old school). These hierarchical structures provide a fertile setting for abuse of younger pupils and can only be retained with the exercise of considerable care. Some traditions associated with hierarchy (like "fagging", the introductory "bumf test", roles like "dorm captain" or "head of houseroom") are, arguably, close to being abusive in essence and, even if the practicalities associated with the labels have been significantly revised, there is a danger that the retention of traditional terminology can act as a counter-force to efforts aimed at keeping children safe. Schools need to tread with real caution when it comes to boarding traditions and should probably accept that flatter social structures within the pupil body are much safer than alternatives.

3.1.3 Living in Close Proximity: A Potent Cocktail.

It is acknowledged that, of the sexual abuse that gets reported, over 90% is the work of males and over 90% is done by members of the circle well-known to the victim. Reflection on this must alert schools to the need for realism when dealing with all-male boarding houses, and they have to write policy and develop practices mindful of this. KCSIE stresses the reality of peer-on-peer abuse (¶42, ¶¶76-78 & ¶80) and makes it clear that this issue has to be thoroughly addressed in the school's Safeguarding Policy.

3.1.4 Lack of Homogeneity in Independent Sector

One of the strengths of the "independent" sector is the opportunities it creates for real choices to be offered to parents. The NMS and KCSIE do set out a series of absolute requirements to be met by all schools within the sector but, even when all these requirements are met, there is plenty of room for considerable variations in practice. Non-conformist practice can be valued by a school as a "unique selling point" and this makes it very difficult to take a wholly negative line on practices which are non-conformist; schools should, however, take great care to identify all points at which their structures and procedures are non-normative and formally risk assess each one of these as a Safeguarding issue.

3.1.5 Regulatory Complexity: "Required Practice" unclear.

In 2009, Sir Roger Singleton recognised that the complexity of the regulatory framework within which schools operate can make it hard to follow. There have been clarifications and some streamlining since then, but the comprehensive revision called for has not been implemented and in some areas (e.g. the SCRA where there are new columns covering Prohibition Orders [required since April 2012] and Section 128 Orders [required since August 2015]) things have become further complicated. It looks as if, going forward, a complex regulatory framework is the reality within which schools are going to have to function and, in such circumstances, sufficient financial investment in staff to deal with these requirements is obviously necessary. Gone, for instance, are the days when, in a medium sized boarding school, the Bursar's Secretary could successfully maintain the SCRA in between doing other jobs.

3.1.6 Internationalism: No Consensus on Values and Expectations.

The internationalism of boarding schools has long been one of their strengths. It allows such schools to offer realistic preparation for the cultural melting pot which is found in many great cities these days. In one respect, however, internationalism does pose particular Safeguarding challenges, for it makes it natural to look abroad for staff as well as pupils and encourages recruitment of those who have spent time working outside the UK. The fact that the regulations on recruitment allow schools a significant measure of discretion in the background checks they run on those who have worked abroad (ISSRs ¶263 & ¶264), allied with the reality that Safeguarding checks of the robust quality commonplace in the UK today are alien to many foreign jurisdictions, means that some staff in many schools will effectively have significant gaps in the background checks run on them. Given that this is unlikely to be something that many colleagues will recognise, there is a serious risk that some working in schools, relatively unchecked, will be trusted as if they had been checked to DBS standards.

An additional consideration also comes to mind; that is that pupils joining from overseas will sometimes have different attitudes and expectations from those whose experience has been

consistently within the UK. The homogeneity of values, attitudes and behaviours which might once reasonably have been assumed in the typical boarding house can no longer be taken for granted. Some pupils may express themselves, for instance, with a gentle affection that can be misread; others may come from a setting where attitudes to physical confrontation (or women, or homosexuality – the list is potentially a long one) are quite different from those now normative in the UK. Such variety and difference present self-evident challenges when it comes to Safeguarding.

4   CULTURAL FACTORS PRESENT IN SOME SCHOOLS

4.1   ATTITUDES TO RECRUITMENT

4.1.1   Belief in Procedures: Excessive Trust in Vetting.
It is important to ask why, even after the extensive regulatory developments following on from the death of Victoria Climbié in 2000 and the Soham murders two years later, sexual predators still find it possible to gain employment and trust working in schools. Cases like that of William Vahey, who joined Southbank International School in 2009 when Safeguarding vetting was a well-established practice, remind us that trust in procedures is extreme foolishness. Vahey was able to do a great deal simply because colleagues knew he had been vetted and assumed he was therefore a "safe" recruit. It is important that Safeguarding training underlines to all staff and volunteers that recruitment checks guarantee nothing, and that questionable behaviour by colleagues must always be taken seriously when noticed, and reported expeditiously to the DSL.

4.1.2   Acceptance of Referees' Integrity: Careless Reference Writing.
One evident weakness in the whole process of "safer recruitment" is the part played by applicants' referees. Schools which fail to fully disclose information about suspect behaviour, by an employee seeking to move on, seriously compromise the safety of children; recruiters must thus take great care to be very specific about their expectations of an *exhaustive* account of a candidate's actions and character, that will include comment on suspicions, alongside full disclosure of disciplinary investigations. Too often, when a teacher is finally exposed as an abuser it emerges that indicative behaviour has been apparent in places where (s)he worked previously. This means, of course, that accepted references must always be countersigned by the Headteacher or Bursar of any previous school, and that Heads of large organisations (where intimate knowledge of the day-to-day habits of teachers and ancillary workers cannot be possible) should consult appropriately before writing their references.

4.1.3   Significant Fluidity in Staffing.
Rapid turnover in staffing constitutes a risk for a range of reasons. First, the strain of continually recruiting new teachers and ancillary workers is significant and can, potentially, compromise the quality of safer recruitment. Parts of the process can be inadvertently missed because those organising the process are just overloaded and, where there is an element of discretion allowed in the regulations, busyness in the office can tempt people to make convenient decisions that are unsafe, for example failing to request a discretionary overseas check (an action all the more tempting if an applicant has previously worked in a jurisdiction of questionable integrity).

Second, a fluid staff is one where teachers and ancillary workers are inevitably less well known to their colleagues, something which can make it easier for impropriety to pass unnoticed. Schools which are faced with a high staff turnover need to acknowledge the impact this can have on Safeguarding and, after evaluating the level of risk in a sober manner, take suitable steps to address the issue.

4.2   ATTITUDES TO THE INSTITUTION

4.2.1   Problems of Isolation

Boarding schools are often very self-contained places and this creates a number of issues that can compromise effective Safeguarding. First, the school which exists in something of a bubble can find itself persisting with habits that belong in the past and no longer constitute best practice. Second, local Children's Services can find boarding schools very alien institutions and fail accurately to understand them. Such considerations make it obvious that schools are likely to be best served by working at being open, outward looking institutions, taking the initiative with local Children's Services and engaging as extensively as possible with the wider boarding sector. It is not wise to think of the outside world as a source of red tape and constant interference.

4.2.2   Belief in the Institution: "It can't happen here".

Parents who choose a school for a child invest in the institution, expressing a **belief** in it that echoes the convictions of those who have happily worked there for years and come to love it. However, belief can be a source of blindness: significantly, it can cause people to misinterpret indications of abuse that are plainly apparent but not seen for what they are. For example, the teacher who is devoted to the children and manages a light, informal manner which elicits affection and delight from the pupils may be exactly what (s)he seems to be but, viewed from a neutral point of view, that teacher's manner of working might occasion questions which would just go unasked by those who have developed trust in the place where that work is accepted. KCSIE ¶19 stresses that "staff working with children are advised to maintain an attitude of 'it could happen here'." Where that mind-set is absent, it is all too easy for those who seek to abuse children to "hide in plain sight". Central, therefore, to good Safeguarding training is the message that abuse can happen in **any** school and that the activities of highly solicitous staff (and, indeed, pupils) must be examined for what they might be and not just accepted for what they seem to be. Staff should always be encouraged to mention exceptional attentiveness and generosity by colleagues to the DSL. Not only is this fundamental when it comes to acting always in the best interests of the child (KCSIE ¶19, again) but such an approach also works to safeguard the colleague who is becoming too relaxed and inadvertently slipping into unprofessional behaviour.

4.3   ATTITUDES TO COLLEAGUES

4.3.1   Commitment to Collegiality

A culture where staff are always positive about one another and behaviour goes uncriticised is probably a culture in which children are endangered. Safeguarding is always about putting children first and if staff give each other the benefit of the doubt, or hold back from saying anything when they do develop doubts, then children are not put first in what they think and do.

Leaders in boarding schools have to create a managed work place in which line managers critically assess those they have responsibility for, and in which peer-review by colleagues is a clear expectation. Staff have to be trained how to express concerns and reservations in order to ensure the consistent professionalism of colleagues, without creating rancour. Induction and training must cover and also emphasise the school's Whistleblowing Policy (ISSRs ¶101 & ¶102).

4.3.2   The Power of Connections

The boarding sector is relatively small which means that many people recruited to a school staff come, either personally known to one or more member of the community, or known by reputation as a consequence of things heard in conversation with staff at other schools. It is quite wrong to think this sort of personal knowledge improves the quality of recruitment. On the contrary, there is evidence that organisations recruit most successfully when they do not meet candidates face-to-face and, in a number of documented cases, the personal contacts associated with staff who went on to abuse children had the effect of putting those recruits some way above criticism in the schools that employed them. It is thus important that schools consistently follow recruitment procedures with thoroughness and total objectivity.

4.3.3   Creeping Acceptance of Distorted Normalities

Cases abound of abusers who regularly behaved in ways that in other circumstance would have been considered quite improper. The teacher who papered over windows, intended to permit those in the corridor to see into his room, went unchallenged in just the same way as the teacher who was known to regularly include inappropriate material in class discussions. We are incredulous when we hear reports of boys watching Match of the Day in a tutor's flat, wearing pyjamas and dressing gowns, or reports of a teacher selecting which pupils joined him on school "Travel Club" trips overseas, yet neither practice was hidden. Such instances illustrate the importance of occasionally "sanity checking" the things that have become normative practices in a school or boarding house. Peer review, in which Housemasters/mistresses spend some significant time visiting a colleague's house, is both useful INSET for the individual and a helpful check-up for the school. House tutors being moved around periodically, so that things do not become too settled in any house, and fresh eyes and ears regularly appear on the scene, can also put a brake on the development of questionable micro-cultures. Such measures should be augmented by the diligent management of boarding practitioners required by NMS ¶13.2 & ¶13.5 and by a system of Appraisal that involves discussion of key individuals' work on the boarding side of the school just as much as it evaluates classroom performance.

4.4   ATTITUDES TO STUDENTS

4.4.1   Informality and Poor Boundaries

One of the strengths of boarding schools is that, for a range of reasons they facilitate the development of forms of pupil management which are more relaxed than those required in day schools. Encouraging pupils to take significant responsibilities in the operation of clubs, societies and houses can often lead to an erosion of boundaries between teacher and pupil; but, in such circumstances, if what is institutionally commonplace is pushed to extremes by staff wishing to befriend and groom children, it can go unnoticed for some considerable time. The NSPCC cites inappropriate teacher-pupil relationships as one of the key issues emerging from serious case

reviews, thus boarding schools will have to take great care to strike the right balance between the desire to protect a valued feature of the ethos of "good boarding" and the importance of effectively Safeguarding children from abuse. Maintaining that balance is probably best achieved by managers occasionally dropping in unannounced at society meetings, play rehearsals, music practices and similar settings where excessive informality is most likely to develop.

The NSPCC is clear that the children being groomed in such circumstances are unlikely to speak out themselves, so they emphasise the importance of schools listening to what *other* pupils say about what is going on. This may come in the form of an explicit expression of concern, but it is probably more likely that warning signs will be picked up from what children let slip in conversations overheard by staff. Employees and volunteers have to be trained carefully so they are left in no doubt that such passing comments are never things to be ignored, but always to be reported to the DSL (who will need to act appropriately in response to what is passed on).

The NSPCC is also clear that harmful compromising of boundaries can never be laid at the door of a pupil. It is the responsibility of school staff to maintain boundaries. Thus excessive informality must never be tolerated as an expression of adolescent behaviour or be dismissed as the consequence of a student "crush". It is worth emphasising to staff that excessively affectionate relationships between staff and pupils can never be tolerated and have always to be viewed as an adult abusing a position of trust (if not directly by their own actions, then indirectly through a failure to correct inappropriate behaviour by a child).

4.4.2   Behaviour Poorly Understood

It is well known that poor attendance patterns (staying away to hide injuries sustained at home or to dodge challenges in the day that lies ahead at school) can be a sign that a child is being abused; boarding schools know they should be suspicious of frequent late returns from exeats or holidays. Equally, deteriorations in behaviour as holidays draw near is well understood as potentially indicative of developing anxieties about returning home, and significant changes in dress, hygiene or general appearance are also recognised as possible indicators of a wish to become less attractive to an adult showing a child unwelcome attention. However, behaviour patterns indicative of abuse are not always correctly interpreted by teachers and pastoral staff, so schools therefore have a duty to do more in Safeguarding INSET than just explain the different types of abuse and the different procedures for dealing with explicit disclosures of ill-treatment. Pastoral staff INSET should include discussion of case studies that encourage those offering front-line care to reflect that there is always a *range* of possible explanations for poor student behaviour and so become mindful of the less obvious, but crucially important possibilities, so they Safeguard children in the middle of a hectic term when they deal with student misbehaviour.

4.4.3   Bullying Poorly Understood

KCSIE underlines the unpalatable possibility that an abused child may well be being abused by a fellow pupil (¶42). It is really important that pastoral staff and teachers are not naïve about what bullying can amount to. Discussion of appropriate case studies at INSET can, and should, assist here.

4.4.4 Vulnerable Groups Poorly Understood

The closure of Stanbridge Earls School arose, in part, because the school did not fully understand the difficulties faced by vulnerable minorities. Girls were in a significant minority at the school (36/189 pupils) and the Serious Case Review emphasises that such a gender imbalance makes the girls very vulnerable: "in such circumstances staff should be alert to the possibility of inappropriate sexist culture or activity developing." Similarly, the review is clear that children with special learning difficulties can be very vulnerable; it cites the example of a girl with delayed emotional and social development who was judged to be consenting to things she was not fully able to comprehend. The Review is clear that children with such disability "are likely to be particularly vulnerable to coercion and there is inevitably an increased risk that [a] sexual relationship may not be consensual." Schools therefore have to carefully evaluate their pupil body, identifying vulnerable individuals and minority groups, and then risk assessing the possibilities of abuse being a consequence of circumstances. It is not only girls who are vulnerable when a minority: ethnic or religious groups can be exposed to bullying by exclusion and individuals may allow themselves to be treated abusively in order to win some sort of acceptance by the majority. This again is an area where the discussion of case studies at INSET can empower teachers and pastoral staff to provide more effective Safeguarding to children in their care.

4.5 POOR CULTURE OF OPENNESS

4.5.1 Attitudes to Guidance & Regulations

The Serious Case Review into Cabin Hill Prep School makes a great deal of the school's failure to give proper consideration to government guidance. The case is an old one and attitudes have moved on a good deal since then as the disciplinary force of regular inspection has taken hold in schools. However, there is still a tendency in some quarters to see Regulations and Guidance as "red tape" and there is a danger that Pass/Fail Compliance Inspections by ISI could reduce a school's analysis of its Safeguarding arrangements to "box ticking". Richard Bird of ASCL, speaking at the Optimus Child Protection Conference in 2012 made plain his concern that too great an emphasis upon "getting it right" in terms of regulatory compliance could prove unhelpful to truly effective Safeguarding of children. Assumptions that an individual is safe with children because he is fully cleared according to the SCRA is an obvious example of how a "box ticking" approach can facilitate danger. It is thus critically important that regulations are not approached as a series of checks to be made and then forgotten: their purpose is to highlight fundamental requirements and they should represent, not a point of arrival, but a *starting point* from which effective Safeguarding can then develop. The National *Minimum* Standards are well named!

When the Coalition Government withdrew the old HASPEV (1998) guidance on trips and replaced it with a radically shorter document emphasising the need to focus on "how real risks are managed and not on the paperwork" it was clear that the intention was that schools should think things through for themselves in every case and satisfy themselves that children would be safe on each trip or expedition in prospect. The same emphasis on an institution constantly thinking for itself and testing whether it is genuinely satisfied by the way it is discharging its Safeguarding duties, day by day, should characterise responses to KCSIE, the ISSRs and NMS.

This manner of response to regulations and guidance creates an expectation of every employee. What is asked of them is much more than the ticking of a box (or, worse, relaxing in the knowledge that it has been ticked by someone else): what is demanded is a thoughtful approach to the Safeguarding of Children which takes as its starting point what is found in regulations. This is something that ought to be stressed repeatedly in all Safeguarding INSET.

4.5.2 Failure to Listen

Regulations make it plain that schools must provide mechanisms for pupils, staff and parents to voice concerns about abuse. There are clear regulations covering response to disclosures of abuse, the role of the DSL, the Independent Listener and such like. However, Jonathan Thomson-Glover, jailed for secretly filming children in his boarding house, was apparently a cause for comment by some parents a decade before his arrest. William Vahey who abused children over many years was referred to by some pupils as "paedo Vahey" and some staff apparently knew that he would occasionally watch boys shower. In light of such failures to pick up on things being said (but not directly *reported*) schools have to consider how they can improve their ability to hear what is being said in passing, in quiet, undemanding tones.

The NSPCC is specific in its recommendation that "schools must consider providing advocates/mentors to help young people present their views effectively" and the Office of the Children's Commissioner advocates school systems that "enable staff to get to know their students well, through regular formal and informal contact within the school," emphasising the importance of students "feeling comfortable to reveal their concerns about abuse and other safety issues" and to be "well enough known for problems they find it hard to talk about or understand to be picked up by others." There is a similar need to pick up what staff and parents are saying, but not explicitly reporting.

Things said in passing can potentially be brought to the fore if people are persuaded that they do not need firm evidence in order to speak out. It is emphasised in KCSIE that it is better to speak out than to do nothing (¶20) and that decisions must always be made in the best interests of the child (¶19) – rather than affected by friendship or loyalty to colleagues. The Children's Commissioner emphasises the importance of training to embed these principles in the minds of staff and parents, but this training will not be effective if it does nothing more than state what is expected of people for, until groups have an chance to explore their inevitable reservations about doing what is being asked of them, and have time to think through what might be the consequence of not following the line expected, there will be small chance that individuals will speak out clearly and be heard, when only suspicions are at issue.

Key to staff being willing to share things for which they have no evidence or guarantee of truth will be belief in the integrity of the DSL at the school: any thought that the DSL might be likely to relish gossip or use it to advance some personal cause, or management agenda, will destroy trust and stifle open communication. This is perhaps the most difficult aspect of effective Safeguarding   A school can have excellent policy material and procedures that look good on paper but, if key personnel are not effective because they are not trusted, then the school will not be as safe for children as it ought to be. It is salutary to recall that it is not enough for the Head to rate the person appointed DSL: that person has to enjoy the trust and confidence of the pupils, teachers and parents if the job is to be done effectively.

4.6 UNDERSTANDING THE OUTSIDE WORLD

4.6.1 Misunderstanding of Sexual Consent

The rules on sexual relations and school pupils are not complex but misunderstandings have arisen for a range of reasons and the consequences have been grave. To ensure there are no damaging misconceptions, schools do need to make some basic facts crystal clear to all pupils, staff and volunteers. First, anyone under eighteen years old is a *child* so any attempt to force or entice an individual under eighteen to take part in sexual activities, even ones not involving actual sexual contact, constitutes the sexual abuse of a child (KCSIE ¶39). Second, anyone over eighteen who is an employee or volunteer at a school is in a "position of trust" (Sexual Offences Act 2003 §16) and it is illegal for such a person even to arrange to meet (let alone actually meet) anyone who is a pupil at the school, with the purpose of engaging in *any* sort of sexual activity (including ones not involving actual sexual contact); this is the case even if the pupil is consenting and eighteen years old, or over. Third, a child over sixteen can consent to sexual relations with another person (with the definite exception of anyone who is an employee or volunteer at the child's school), but that consent has to *freely* given and can never be something into which the child is enticed, persuaded or pressurised. If there is any suspicion that a child has been pressed or cajoled into a sexual act activity (including activity not involving actual sexual contact) then there is a suspicion that sexual *abuse* has taken place; such suspicions always have to be reported expeditiously to the DSL. Fourth, whilst some children under sixteen may be deemed "Gillick Competent", that is, judged sufficiently mature to be able to give informed consent to medical treatment – including the use of contraception – assessment of whether a child *is* Gillick competent in matters of sexual activity is not an issue for teachers and those involved in the pastoral care of children, but the preserve of medical professionals (ISSRs ¶B27). As far as any employee outside a school's medical centre is concerned, the presumption has to be that someone under sixteen cannot freely consent to sexual activity and when such activity is known, or suspected, it has in *every* case to be reported to the DSL.

Because these rules are at odds with so much that is apparently commonplace in society and reported as normative in the media, schools need constantly to reinforce the legal position to all members of the community and to make it plain, too, to parents and guardians. Additionally, since the age of consent varies significantly across jurisdictions (varying between 14 and 18 within EU countries), boarding schools that educate pupils from overseas have to be very clear with non-UK students and must emphasise that the only law relevant to a school's Safeguarding duty is the law of England and Wales (or Scotland/Northern Ireland if that is where the school is located).

KCSIE makes it clear that children with special learning difficulties have particular issues when it comes to Safeguarding (KCSIE ¶85). It is important that schools are mindful that "consent" requires understanding and that levels of understanding usual for a child of sixteen or seventeen cannot automatically be attributed to a child of this age with a learning difficulty. Although KCSIE stresses "forcing or enticing" a child into sexual activity as the hallmarks of sexual abuse, it is evident that any exploitation of limited understanding on the child's part would mean that their participation could not be truly consensual, so the sexual activity would be abusive. Thus, if there is any suspicion that a child's naivety, emotional immaturity or intellectual limitations have

been exploited as a means of engaging the child in sexual act activity (including activity not involving actual sexual contact) then there is a suspicion that sexual **abuse** has taken place; such suspicions always have to be reported expeditiously to the DSL.

Issues like forced marriage (KCSIE, Annex A) serve as a reminder that cultural differences within the UK are relevant to the Safeguarding duty. It is important to note that a child with a distinct cultural identity may have retained an innocence that is at odds with what might usually be expected of a British teenager. Schools have to be clear in their Safeguarding training that this is pertinent to the point that sexual activity in the absence of consent is in all circumstances abusive, for a child cannot consent unless they are fully **informed** about what is at stake – a cultural background that inhibits the development of full understanding should cause questions to be asked about the degree to which a child's sexual activity is consensual. Where there is any suspicion that a child's cultural background has compromised the capacity for informed consent to sex (including sexual activities not involving actual sexual contact) there is a suspicion that sexual abuse has taken place; such suspicions always have to be reported expeditiously to the DSL

4.6.2   Misunderstanding of Confidentiality Duty
The Serious Case Review relating to the closure of Stanbridge Earls School identifies confusion about confidentiality as one of a series of "very basic errors" by the school. It is clear in ISSR ¶90 that Safeguarding training must include direct advice that confidentiality cannot be promised a child making a disclosure of abuse, and it is important to note that in the Boarding Standards references to respecting confidentiality are found under NMS ¶3.5 which deals specifically with **patient** confidentiality. In training staff and volunteers, schools must stress the point that confidentiality of information about pupils rests solely with school doctors and nurses, and that any other employee of the school has a professional duty to share information about the well-being of a child with those who need to know it (and, of course, with nobody else!). This sharing of information includes the sharing of significant suspicions, worries or concerns (KCSIE ¶21 & ¶31) as well as sharing actual information given in a disclosure or allegation (¶16 & ¶31).

4.6.3   Poor Understanding of Pupils' Homes
In 2003 the courts refused to place a care order on "M" (a boy at a residential boarding school who had been known to social services since he was fourteen months old) instead placing him under a supervision order allowing him continuing contact with his family. M went on to commit serious offences and the case review concluded that **expert** witnesses had been mistaken in their assessments of the home, significantly misjudging the intentions of M's mother.

Residential schools assume cooperation from parents/guardians and cases like this highlight the extent to which things can go wrong if that assumption is misplaced and parents are not actually committed to proper care for their child. However, schools' opportunities to accurately gauge a parent's commitment to the child's wellbeing are limited and certainly less straightforward than those of expert witnesses who interview parents **in the home**.

Even so, schools have to consciously attempt to form a picture of child's home life and to do this well they need to synthesise information collected in passing by everyone who has direct

dealings with the family and link this with information gleaned from occasional comments made by the child. The challenge involved in doing this thoroughly is daunting; but it is unwise to depend solely on impressions formed in scheduled meetings with the parent. The most unsatisfactory parent can put on a good show for a scheduled meeting and successfully disguise shortcomings in character, and intentions towards a child.

4.6.4 Poor Understanding of Risk Factors

The caricature of a sexual predator as a middle-aged man in a shabby mackintosh and the cry of "Stranger! Danger!" are now consigned to the realm of myth; however, no re-focussed up-to-date image of an abuser is readily available. That said, serious case reviews are peppered with stories of people whom we feel could inform a fresh understanding of the sort of person likely to abuse children. Anthony Bulley entertained pupils in his flat with conversations about trophies and girlfriends; William Vahey (who ran residential trips at his school, personally selecting pupils and teachers to go on them) was known for an "unconventional teaching style" and popularity with pupils; Hugh Henry would take boys out to eat at a Wimpy in Slough and at pricey London restaurants[1]; Jonathan Thomson-Glover was seen by pupils as a friend who allowed them to smoke and drink on school trips to Cornwall. Schools might usefully take these case studies forward in INSET so that staff can begin to develop better awareness of how accomplished abusers successfully ingratiate themselves with children and operate in plain sight of colleagues whilst doing so. The NSPCC is insistent that staff "need to be able to identify the signs of grooming and be alert to worrying signs of potentially inappropriate relationships between colleagues and pupils."

In conjunction with such discussions, case studies based around the indications of abuse set out in "What to do if you're worried a child is being abused?" (March 2015; ¶5-21) can develop employees' ability to reflect on signifiers that a pupil could be being abused. Such signs can help highlight when the behaviour of someone who presents as a strongly committed professional, willing to travel the extra mile for students, has purposes which are not wholly innocent. Only well- constructed INSET, where there is time for the reflective discussion of challenging case studies, can encourage the imagination to think the unthinkable of situations or colleagues, and empower perceptive assessments of sinister events and situations which can too easily pass unnoticed in the day-to-day life of a busy boarding school.

4.7 ATTITUDES TO OUTSIDERS

4.7.1 Compromised partnership with others

It is clear in KCSIE that schools have a duty to pursue matters if their concerns about a child still persist even after they have raised things with outside agencies (¶24). The NSPCC suggests that there is a need for training in schools to empower people to challenge things when social workers do not make those decisions which a teacher, or someone else involved in pastoral care, is convinced best serves the interests of the child.

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[1] Daily Mail, 5 February 2014

Also, the need for effective cooperative working does not apply only to the necessity of close working relations between the school and local children's services: the serious case review on the closure of Stanbridge Earls lists a number of other organisations asked to provide a report to the Review and mentions instances of poor communication. The Review comments that Child Protection work is "notoriously bedevilled by the failures of agencies and professionals to talk to each other". Mindful of this, it seems axiomatic that schools must commit to open communication and ready cooperation with any agencies with which they have cause to engage in the best interests of the child."

5   POOR EDUCATION AND TRAINING

5.1   POOR MATERIAL ON POLICY AND PROCEDURES

5.1.1   Inadequate Policies

The requirements for a Safeguarding Policy are full and explicit in the ISSRs and it is quite easy to write a policy which ticks all the boxes. However, a policy that is simply compliant with regulations is not one that works effectively; the summarised requirements have to be applied to the particular situation and a school-specific policy then developed accordingly.

It is obvious that the requirement for a staff Code of Conduct (¶100) will not result in an effective document if what is created does not reflect the realities of the particular school, and policies which simply affirm that a school **will** do the things required by KCSIE (e.g. handle allegations of abuse in line with the requirements of the LSCB) are dead documents that do no more than tick a box. Effective Safeguarding requires schools to develop material setting out **specifically** what a school will do. This is best done, not by a manager working in isolation, but by thinking things through in a dialogue that involves the whole staff (not just the teachers!). The process will be a slow one, but it will produce, policy material that is not only realistic, but also familiar to those who have contributed to its development and feels owned by them – as such it will be much more powerful.

5.1.2   Inadequate Procedures

The point previously made is even more pertinent when it comes to the creation of procedures, which must be worked out so they operate successfully in a specific school. A point made by the Children's Commissioner is that the development of school practices cannot be wholly "top down". It is evident good sense that those who work on the ground in the care and supervision of children often have good ideas to contribute towards the development of better Safeguarding practices, and so it is unsurprising that the Commissioner advocates systems that "ensure **accessible** consultation and support for **any** staff in schools who may be in a position to identify child protection concerns". Schools should create formal INSET opportunities for everyone on the staff to discuss Safeguarding procedures in groups, so that enhancement of them can be the work of **everyone** involved.

The expectations underpinning practice need to be clearly defined if this process of corporate review is to be truly effective; the Vahey Review called for an "explicit safeguarding culture and

ethos with values and behaviours that are both articulated and lived at each level of the organisation". Thus schools should check at whole staff INSET that everyone is clear about what values and behaviours are advocated within the organisation, and everyone must have a chance to discuss whether the expectations properly fit the school (and, if is not, what might work better).

5.1.3 Inadequate Training

KCSIE requires that all staff in a school read Part 1 of the document and that the school's management ensures mechanisms are in place to assist staff in understanding and fulfilling what is required by the Guidance. Anyone who has worked in a classroom knows that bringing people to understanding requires a great deal more than merely **telling** them the facts. It is too often the case that inspectors discover that those who have attended training and read KCSIE Part 1 still do not understand the important points covered (e.g. that pupils can abuse other pupils), so successful training must include a good measure of discussion that allows people to progress in understanding at their own pace. Schools ought, additionally, to ensure that the success of training is evaluated through some form of testing of individuals (there are some good online packages available). Schools which employ workers whose English is weak face additional challenges, for it is not sufficient to lower expectation in such circumstances. Means have to be found to ensure that **every** worker understands what abuse is, what signifies it and what they have to do if they suspect it is taking place (or is about to take place).

5.1.4 Inadequate Practices

Even where sound policies and procedures have been developed and good training delivered, there can be no guarantee that individual employees/volunteers will always fulfil all that is expected of them. The potential abuser can, however, be deflected from his purposes, and the lax employee can be warned off behaviour that is becoming lazily deficient, if there is on-going rigorous audit of employees' compliance with a school's policies and procedures. The audit process has to involve checking that is random, unannounced and penetrates every area of a school's activity, including classes, rehearsals, society meetings, tutorial conversations in houses and so on. Proactive checking of practices right across the school keeps pushing the Safeguarding ball back up the proverbial hill that it threatens to roll down.

5.2 INEFFECTIVE STAFF INDUCTION

5.2.1 A Shared Responsibility

William Vahey was the subject of gossip amongst staff; colleagues were aware, to some extent, of Nigel Leat's conduct, including his indecent touching and inappropriate lesson content. Some mention of concerns was made to management in both cases but, when nothing happened, staff did no more. The **shared** responsibility to safeguard the welfare of children was not well understood in either school. KCSIE makes it clear that "Safeguarding and promoting the welfare of children is **everyone's** responsibility," and is explicit that "**any staff member** who has concerns about a child's welfare should follow the referral processes set out" (¶2&10). The successful communication of this point is an essential in effective induction training.

5.2.2   Abuse and Abusers

The NSPCC stresses that *all* staff should be able to identify the signs of abuse and KCSIE is clear that a school's proprietors/governors have a responsibility to ensure mechanisms are in place to assist staff in understanding the contents of KCSIE Part 1, which includes comprehensive definitions of abuse (¶35-40). Many who work in schools will not find it easy to absorb everything that is said in these paragraphs and schools should not fail to take account of this and do what is needed to assist all employees towards the level of understanding expected. Those whose English is weak will need careful assistance.

The NSPCC further makes the point that *all* cases of underage sex have to be treated as a potential child protection issue. Unpicking this point in training is challenging; some of the points discussed in 3.5.1 do not naturally echo the way much contemporary culture tends to look at things, and effective induction may thus require challenging some employees head-on.

The fact that abuse is not always a thing done to children by adults also requires careful discussion. Ways in which things designated "bullying" can be missed as instances of abuse need to be explored (see 3.3.6).

5.2.3   Code of Conduct

Jeremy Forest made extensive use of Twitter as he groomed the fifteen-year-old girl he took away to France in 2012; the girl's telephone allegedly contained a number of inappropriate images of Forest. Cases such as this remind us that some who work in schools will decisively step well over the boundaries—Forest's conduct represents a total betrayal of common sense. However, others have slipped quite unintentionally into improper conduct, on line and in the real world, because they were naïve and not sufficiently well supported by the Code of Conduct at their school (see 4.1.1).

An effective Code of Conduct is not simply one developed through extensive dialogue and consultation with staff: it is also a code that is effectively commended to new members of staff and thoroughly explained at induction. Just as the complex details in Part 1 of KCSIE have to be explained at a level that allows all who work in a school to understand what is required, so the Code of Conduct has to be presented in a way that allows for discussion and reflection. Much in the conduct of a teacher has to be more careful and more circumspect than what is normative in wider society; schools owe it to those whom they employ that they thoroughly discuss this higher expectation of probity, and look in some detail at some of the situations a new member of staff might encounter where unnatural caution ought probably to be exercised. Many recruited directly from university will find themselves in social situations where they run across pupils; they deserve to be properly prepared for dealing with some of the inevitable challenges this will entail.

5.2.4   Adolescent Development

It is well known that children mature physically at a far swifter rate than the speed of their emotional and rational development. A teenager who is physically mature does not necessarily have the emotional maturity of the young adult they outwardly present as being. This is why the law speaks of an "age of consent" – the age at which a teenager is deemed to have the

emotional capacity to give consent to sexual activity – distinguished from the point when the teenager becomes physically capable of the activity.

The statutory age of consent can have its significance compromised by ill-informed talk of "Gillick" competence (see 3.5.1), and it is important that induction training makes it clear that attributing Gillick competence to a child under sixteen is entirely a matter for the medical professionals in the school and not within the competence of ordinary staff (see NMS ¶3.5). Induction must make it plain that a member of staff who knows a child under sixteen is engaged in sexual activity always has to discuss this with the DSL.

Furthermore, having the legally recognised capacity to consent does not mean that every child over sixteen engaging in sexual activity without protest is actually consenting to what is happening. Induction must make the point that a child with specific learning difficulties may have delayed acquisition of emotional and/or intellectual maturity so, whilst a child may be over the "Age of Consent", their personal capacity to consent to sexual activity may not be that of a normative sixteen-year-old. Such young people may be susceptible to deceit, persuasion and coercion and it is important that a school's induction discusses such issues, especially if a school has many pupils for whom such matters may be pertinent.

Many who work schools come across individual children only occasionally, and in circumstances where the developmental matters at issue may be all but invisible. Schools should routinely warn staff that effective safeguarding necessitates caution in making commonplace assumptions about the capabilities of older children in their care.

Schools also owe it to employees who will have significant pastoral involvement with any child with known specific difficulties to brief them thoroughly, explaining that the child's levels of development are atypical – only so can pastoral staff care effectively for the individuals in their care.

Considerations of this sort can be crucial when it comes to identifying relationships as abusive. At Stanbridge Earls, for example, although the school was well used to dealing with children with specific difficulties (indeed it was effectively a "specialist" in this regard within the boarding sector), a girl with delayed emotional and social development was treated as Gillick competent and judged to be giving informed consent to sexual acts which were subsequently recognised as beyond her understanding, and as such abusive.

5.2.5 Challenging Roles

Occasionally, those who work in boarding find themselves in unusual and highly challenging pastoral circumstances. A child placed in a boarding school by Tower Hamlets, for example, was first known to the borough's children services when he was fourteen months old; he had been on the local child protection register on two occasions prior to his enrolment at the school and it was hoped that therapeutic input from the school would help him address his sexually harmful behaviour.

The school was not given effective induction and support to deal with the child placed in its care. The serious case review indicates that the borough's children's services did not fully understand what they were dealing with.

Schools accommodating children from challenging backgrounds do need to be properly informed about individuals coming into their care and must demand full discussion with, and support from, those sponsoring each child. If a school does not feel it knows enough about the child to provide proper care and support, it should not be enrolling the child. This is the case even if (as is true in a good number of instances) a school's foundation was focussed on the hospitable care of disadvantaged children; it is also true if a school has a religious ethos that encourages works of significant charity.

Problems can be compounded if a school persists with children from challenging backgrounds (or with children who are simply challenging youngsters) after previously undisclosed or undiagnosed difficulties become apparent (doing so, presumably, out of some sense of duty to fulfil a commitment, even though that commitment was made when facts were not fully clear to the school). The point emphasised strongly in KCSIE, that pupils can abuse other pupils, could be pertinent here if a child is developing behaviours which put at risk the wellbeing and safety of others at the school. Also pertinent is the practical point that time and other resources are limited; an unexpected necessity for excessive investment in one extremely needy individual can potentially pull the care offered to others, in a school or boarding house, below acceptable levels (as defined, for example, in NMS ¶15).

Obviously, in circumstances where what is at issue is a "disability"[2] that has developed or been diagnosed after a pupil has begun at the school, the management does have a clear duty, under the Equality Act (2010), to act as hospitably as possible, and to make such reasonable adjustments as are possible to ensure the pupil's continuing access to the education provided. However, the expectation is only that a school will make *reasonable* adjustments (reasonable in terms of such things as the financial outlay and time commitments required). Practical limitations could, in some circumstances, restrain the exercise of good intentions, and desires to fulfil a sense of obligation, even when it comes to issues of disability – when what is apparently needed makes *disproportionate* demands on finances or staff time (for example) or works to the disadvantage of other pupils in the school (or boarding house or class)[3].

In brief, schools must be mindful that they have a safeguarding duty to every child in their care, and that this can be compromised by tendencies to be unreasonably hospitable to one individual presenting a level of challenge the school is not equipped to manage effectively.

5.3   INEFFECTIVE STAFF TRAINING PROGRAMME

5.3.1   Absence of Understanding
The NSPCC summary of learning for improved practice arising from recent serious case reviews identifies a number of issues where it has become clear that poor understanding on the part of

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[2] A "disability" is something which has a "substantial and long-term effect" on an individual's ability to carry out "normal day-to-day activities".

[3] Judgements that the demands at issue are disproportionate are not to be taken lightly where a disability is at issue. It is incumbent upon the school to make a formal assessment of the costs of the adjustments that would be required to continue accommodating the pupil at issue and to evaluate the reasonableness of the commitment in the context of the resources available to the school. It is sensible to retain a copy of this assessment on the pupil's file.

school staff has had a negative impact on safeguarding. For example, staff must understand that changes in a pupil's pattern of school attendance, or other alterations in a pupil's behaviour, can be indicative of safeguarding issues, and they need to know how they should act if they observe changes, taking the issue forward in discussion with the DSL. Again, schools must take care to ensure that staff understand what "grooming" looks like, and check they know they must always act if they develop suspicions, understanding that any developing concern has to be raised expeditiously with the DSL.

5.3.2   Absence of Reflection

KCSIE is clear that staff training has to be undertaken frequently and specifies an annual up-date for *all* staff, presented either electronically or in staff meetings. The guidance places a duty on governors/proprietors to ensure that safeguarding training is not simply delivered but is actually "effective" and points out that staff expertise is enhanced where opportunity is provided for staff "to contribute to and shape safeguarding arrangements and child protection policy". The NSPCC makes the point that effective training must include opportunities for individuals to reflect on both personal practice and the practice of the whole school organisation.

Recent serious case reviews contain many examples indicating that staff in schools where things went wrong had not fully assimilated their safeguarding training and that, although they may have received a good deal of information about child abuse and child protection procedures, this information did not have a satisfactory impact upon how they actually behaved when confronted with serious safeguarding issues. In other cases, staff did react appropriately when they developed concerns, but the schools at issue then failed to deal appropriately with the information given to them by employees.

Problems of this sort should be reduced if schools ensure that safeguarding training includes the discussion of case studies which force staff to think about what they ought to do when faced with issues. Debate and reflection during training provides opportunities for staff to reflect and articulate things that might inhibit their ability to recognise what they see or hear as possible evidence of abuse, or cause them to remain silent even though concerned they might have spotted a child protection issue to be addressed. Such discussions can also empower staff to identify concerns about the school's safeguarding arrangements and express them with the confidence that comes when speaking in number. In perhaps the most extreme case, for instance, staff debate can voice concerns about the approachability or trustworthiness of the DSL – something that has to be beyond dispute if a school's safeguarding arrangements are to be robust.

5.3.3   Details not Effectively Covered

Safeguarding training can easily focus too much on the mainstream themes of child protection (the types of abuse, the signs of abuse etc.): it is important that training also covers points which all staff need to know but which do not feature in the majority of safeguarding cases. For example, the significance of a specific learning difficulty for accurately identifying behaviour as abusive (see 4.2.4) or the legitimate use of restraint when a child's actions may cause harm to him/herself or to others, are things everyone with a safeguarding responsibility has to understand in some detail, even though they may never have cause to actually apply the knowledge in any situation dealt with. Moreover, such things do have to be understood *before*

the knowledge might be needed – it is obvious that one has no time to go away find out about the appropriate use of restraint when one is finally being confronted by an incident!

Serious case reviews have commented on limited familiarity with the more "esoteric" aspects of safeguarding training within children's services. If they face difficulties on this score, schools which are not dealing with child protection incidents, day-in, day-out, are likely to have the problem on a larger scale. Schools therefore should ensure that, amongst the case studies discussed in staff induction and re-training, there are a few where some of the less commonplace issues in child protection are addressed.

5.4   INEFFECTIVE SUPERVISION AND APPRAISAL

5.4.1   Formal Supervision

Jonathan Thomson-Glover was a schoolmaster with a "relaxed attitude" who allowed pupils to smoke cigarettes, drink alcohol and engage in sexualised banter. Over sixteen years he also collected over 2,500 hours of video images involving at least 130 girls and boys at the school where he was a housemaster.

Traditionally, housemasters/mistresses have been perceived as senior figures within boarding schools and this has usually meant they have been subject to lower levels of supervision and management than other, less "senior" teachers in a school. In recent years, the development of "social care" inspections has introduced a significant increase in the external scrutiny of boarding houses and those who run them; additionally, NMS ¶13 requires that governors/proprietors monitor "the effectiveness of the leadership, management and delivery of the boarding and welfare provision in the school, and takes appropriate action where necessary". Where, however, the internal supervision of housemasters/mistresses is not fully comprehensive, opportunities to exploit the trust which comes with seniority in an organisation will be inevitable. Jonathan Thomson-Glover, for example, used the school vacations to install much of the equipment he used to make video recordings of pupils during term time.

Effective supervision of those in charge of boarding accommodation cannot be predictable and routine. Nor can it be restricted wholly to times when the school is in session. Schools have to formally think through the opportunities for abuse which are created by their arrangements for pastoral staff and develop systems of formal supervision that address those opportunities. Traditional patterns of staff supervision within boarding schools may well have to be inverted in consequence, with the most senior housemasters and mistresses becoming the most carefully scrutinised employees.

5.4.2   Formal Feedback

NMS ¶13.2 requires "clear leadership and management of the practice ***and development*** of boarding in the school" (emphasis mine), and ¶13.5 demands that "the school's leadership and management and governance actively promote the wellbeing of pupils". This means that it is not sufficient to formally supervise housemasters/mistresses, matrons and other pastoral staff: the managers who scrutinise their work have to provide candid feedback on their findings. Just as lesson observation is followed by oral feedback and a written commentary, with agreed targets for development, based upon what has been observed, so the observation of pastoral practice

should lead into face-to-face discussion that deals with specifics and leads into relevant target-setting. Many of the issues discussed in serious case reviews might not have developed if staff had been given the sort of developmental advice that would have corrected weak practice before it evolved in to something more serious and damaging.

5.5   TRAINING ON SPECIFIC ISSUES

5.5.1   Single Central Record of Appointments
Problems with the SCRA do not feature significantly in serious case review, possibly because the regulations are so extensive, and the vigilance of the inspectorate so strong, that schools cannot possibly be unaware that maintaining the Register is an extremely important requirement; circumstances are also such that they are unlikely to be tempted to take a careless approach to it.

That said, in the case of William Vahey, recruitment practices did fall short of statutory standards; the serious case review noted that they also did not comply with requirements of the consortium which owned the school. The most likely reason for shortcomings in the fulfilment of company policy setting out important standards is that staff responsible for the delivery of policy are inadequately trained, and so not fully *au fait* with what is required of them. ISI reports high levels of inadequate practice in completing details on the SCRA and this probably also suggests errors multiplying as a result of poor training.

It follows that it is not enough for schools to make the appointments needed to maintain the SCRA: they also have to put careful arrangements in place to ensure that the individual(s) responsible understand precisely what it is they have to do. Bearing in mind that the ISI Handbook for Inspection of School contains 28 pages dealing with the SCRA, the level of training necessary will be quite high.

In areas where there is a degree of discretion permitted, such as requests for overseas police checks, training is not merely about making sure those maintaining the SCRA know what they have to do: it is also about developing a confidence in making judgements and standing by them. High quality effectiveness in maintaining the SCRA must entail a willingness to challenge managers who are tempted to cut corners in an effort to avoid delay in making a much needed appointment.

5.5.2   Effective Record-Keeping
Review of the Vahey case also found that record keeping was "insufficiently robust". Participants in off-campus activities run by Vahey, for example, were frequently absent from school when the activity concluded; because the school's record-keeping was weak, a pattern of events that should have raised questions went wholly unnoticed.

Reflecting on the example, one might ask what, without the benefit of hindsight, "sufficiently" robust record keeping will look like. Clearly, deciding what records might prove significant is not something that can be left to the judgement of individuals; schools need to take time to consider, probably in discussion with staff, when a record might be useful and the degree of detail that needs to be recorded for it to be effective.

Should every conversation with a pupil be noted by a housemaster/mistress? Should every exchange with a parent? Is the form any record takes a matter for the individual record-keeper to decide? Such considerations indicate that schools need to develop a policy on record-keeping that is fairly comprehensive, and spend significant time training different employees to ensure they understand what it is that they should be doing.

Furthermore, schools need good policies on record-sharing. Currently a great deal of school record-keeping is probably precautionary and done with an eye to potential complaint or litigation. Schools need to remember that is not the purpose of record-keeping in the context of Safeguarding.

In Safeguarding, record keeping is about the identification of **patterns.** Many of the records required by the Independent Schools Standards Regulations are required because they, potentially, can reveal telling patterns. This, of course, means that records kept in private files and left unscrutinised will not be as effective as intended. In Safeguarding, summative records work properly when different people, holding discrete parts of a single jigsaw, share knowledge to bring together things they have heard or seen, and construct a meaningful, significant picture from the various fragments.

5.5.3   Emerging Challenges
In a number of areas, but particularly when it comes to what children do on-line, and new challenges consequent upon constant innovation in the on-line world, most staff in schools are almost wholly behind the curve, struggling to keep up. Whilst these staff discuss particular difficulties presented, for example, by Facebook, pupils have moved on and are using very different social media with altered opportunities and risks. This disconnect in the on-line culture of young people and adults (even those recently arrived from university can be very out of step with the mid-teen years) means teachers who have groomed children on-line have found opportunity in schools where adult culture was focussed on social media no longer in vogue with youth.

It is thus of obvious importance that schools have someone on their staff (or else available as a consultant) who is consistently well-informed and up-to-date about the fast-moving world of ICT, and that this person is tasked with regularly up-dating staff and sounding alarm bells when innovations seem to have the potential to cause particular concerns. This is of increased importance now that schools have to deal with "Prevent" and the risks of on-line radicalisation of children. The NSPCC suggests schools must **enforce** a comprehensive e-safety policy and develop ways of **monitoring** use of ICT by both teachers and pupils.

5.6   POOR EDUCATION OF PUPILS
A school's Safeguarding duty is to not only to protect children from abuse but also to **promote their welfare** (which entails educating children about managing risks and improving their resilience). In boarding schools, this work of promoting welfare is done, not only in the classroom but also in the "informal curriculum" which includes pastoral discussions in the

boarding house, work with games coaches and activities leaders, and the learning which comes when individuals live alongside each other for a sustained period[4].

5.6.1 PSHE

The Office of the Children's Commissioner emphasises the importance of equipping children with a conceptual understanding of what danger, risk and harm might mean (in relation to both themselves and their peers). Such understanding should allow children to recognise when they should be concerned about things happening in their lives, and provide them the vocabulary to express the nature of misgivings when they arise. The Commissioner's Office further suggests that PSHE lessons are of particular importance in helping students to understand issue like domestic violence, abuse in peer relationships, sexual exploitation and substance abuse. The centrality of discussion in the delivery of PSHE is of evident value and drama productions (and other special events) are also identified as helpful.

5.6.2 Informal Curriculum

As part of risk management, the Children's Commissioner's Office is clear that a school environment where children feel comfortable revealing their worries and problems, to both adult staff and fellow pupils, is of significant value. It suggests that things cannot be left to chance, and suggests that children's access to conversation and support needs to be coherently organised and properly established.

In the boarding school context, this means that assumptions that pastoral care has effective penetration, and meets the needs of pupils, simply because it is an organic part of the institution and provided 24/7, is not really sufficient. Schools should look at the arrangements they have in place to allow children to access advice and support, and evaluate them for effectiveness, asking the pupils what is working well and what additional initiatives might prove useful.

For example, schools might usefully test pupils' familiarity with their personal tutors, and evaluate their perception of the trustworthiness and accessibility of those in the tutor role; the consistency of provision across the school is also worth looking at. The pupils' comments on the range of extra-curricular opportunities available, and the extent to which each child in the school can find there a coach or mentor with whom they might develop open dialogue on the basis of shared interests, are important; their observations about individual games coaches and others with whom they have extra-curricular contact are also worth gathering. Schools could also consider whether they might add value to the informal curriculum if professional counselling were available to children with particular needs.

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[4] 'When a multitude of young men [and women], keen, open-hearted, sympathetic, and observant … come together and freely mix with each other, they are sure to learn one from another, even if there be no one to teach them; the conversation of all is a series of lectures to each, and they gain for themselves new ideas and views, fresh matter of thought, and distinct principles for judging and acting, day by day.' (Cardinal Newman: *The Idea of a University*)

6 POOR GOVERNANCE AND MANAGEMENT

6.1 INEFFECTIVE TRAINING

The serious case review on failures at Stanbridge Earls School notes that proprietors and governors who do not understand Safeguarding in some depth are unable to ask the right questions to fully assess managers' performance in delivering effective safeguarding in a school.

KCSIE specifies that proprietors/governors should understand the procedures and practice of the local authority, including local protocols for assessing children about whom there is concern, and have knowledge of the LSCB's threshold document. KCSIE also states that proprietors/governors should have awareness of the guidance on inter-agency working set out in *Working Together to Safeguard Children*.

Commenting more generally on the responsibilities of proprietors/governors, KCSIE stipulates that governing bodies and proprietors have a duty to ensure their school has "***appropriate*** policies and procedures" (emphasis added) to support effective, timely action to safeguard and promote children's welfare."

In order to assess the extent to which the policies and procedures in question are in fact fit for purpose, a considerable level of understanding is required of governors/proprietors; the relevant sections of the ISI Handbook for the Inspection of Schools run to over fifty pages! What this means is that, although there is no statutory requirement for a Safeguarding Governor, every board of governors should have, either a member who was appointed because they have expertise in Safeguarding, or a board member who has been charged with acquiring the necessary understanding of Safeguarding (by attending fairly extensive training).

This governor will be needed to take lead gubernatorial responsibility in the review of the school's child protection policy (along with associated procedures, and the effectiveness of the implementation of policy and procedures) which KCSIE specifies has to be undertaken at least annually.

This governor should also take the lead for governors in the Safeguarding discussion between the governing body and the school's management /DSL, which ought to be an annual fixture in the cycle of governors' meetings, formally noted on the agenda and minuted in detail.

Proprietors should also seek a high level of Safeguarding expertise through training and undertake a formal, annual review.

6.2 POOR MANAGEMENT OF SAFEGUARDING ISSUES

6.2.1 Safeguarding not given Strategic Priority

The Office of the Children's Commissioner identifies seven principles of good practice in Safeguarding, the first of which is that child protection is given "strategic priority" by the school leadership; within the regular self-evaluation undertaken by the school's leadership team, child protection is given the same careful consideration that is given, for example, to students' academic performance. Since the leadership team sets the school's agenda it should

consistently impress upon staff the importance of taking safeguarding concerns seriously and be clear that good academic attainment is only possible for children if they are, and feel, safe from actual and potential abuse. By engaging strategically with child protection issues, the leadership accustoms school staff to the language of child protection, empowering them to articulate concerns they may subsequently develop.

The attitude of school leadership to Safeguarding issues in some schools looked at in serious case reviews has fallen well short of these standards. Managers have, reportedly, omitted to record conversations with staff disclosing concerns about colleagues, failed to act on reports of employees' suspicious conduct, and sought to mollify parents expressing concerns—rather than responding to the things told them with expeditious, decisive action.

6.2.2   Limited Evaluation of Safeguarding Performance

In the case of Jonathan Thomson-Glover, an independent investigation found that, over a number of years, the school failed to act on a number of reports of concern about the teacher's conduct. In part, this was because poor record keeping at the school meant reported incidents were always considered in isolation. The full picture of what was being said about the teacher was not visible (see 5.5.2).

At the time in question, there were no regulations requiring specific systems and procedures, so the school's poor record keeping did not represent a regulatory failure, but it is worth reflecting how a similar failure to maintain records would be picked up in the current era. It is easy enough to spot non-compliance in a record that is in existence (such as, for example, the SCRA) but much harder to discover non-compliance when it involves occasional failure to contribute to a paper trail—the documents just don't exist! How, on its triennial inspection, is the ISI to know which missing documents it ought to notice?

The serious case review on Stanbridge Earls notes that LSCBs have no legal powers to "quality assure" school's performance in such areas. Local authorities do take some responsibility for auditing schools' compliance with safeguarding requirements; but, whilst replies are expected from all schools in an area, many routinely fail to complete the audit—and do so without penalty. (In Hampshire, the authority where Stanbridge Earls was located, only 57% of independent schools had completed the safeguarding audit. It was in fact completed by only 74% of the LEA's maintained schools—only one in two academies in the area responded.)

In the apparent absence of an effective, rigorous, external audit of safeguarding, it must fall to governing bodies and proprietors to check carefully that those they charge with the day-to-day management of a school are actually doing all that they should be when it comes to Safeguarding. The motivation to do this with real toughness should be self-evident if schools consider the reputational damage and potential litigation that will follow when failures are left unchecked and later come to light.

6.2.3   Pupil Voice

One of the recommendations following the Vahey case was that schools should ensure young people have a voice in the institution, and establish clear mechanisms for them to raise safeguarding concerns.

The Office of the Children's Commissioner suggests that a "student-centred and participatory ethos" is the key to ensuring pupils' welfare. It points out that secondary school children often choose to confide in one another, in preference to sharing concerns with adults, and suggests carefully structured peer-to-peer mentoring, as an effective way of accommodating the realities of teenage behaviour within a set up that ensures the concerns young people express reach the ears of adults responsible for safeguarding them.

Effective peer-to-peer mentoring schemes require (amongst other things) careful training of those who act as peer mentors, and effective supervision of the mentors by the adults who support and administer the scheme.

Effective supervision involves regular group meetings with mentors, where issues raised by pupils accessing the mentoring scheme are discussed, in general, anonymous terms. Where an issue that seems to require further attention comes up in this general discussion, the supervisor must, subsequently, move to further, specific, non-anonymous discussion with the peer mentor involved. All peer mentors have to understand from the outset that they cannot guarantee confidentiality to the pupils they talk to, and have to be ready to pass on full details of what they are told when child protection is at issue.

7 POOR LEADERSHIP

In the past, leadership in schools had acted in ways which have not supported Safeguarding effectively. There are some key themes.

7.1 LEADERSHIP OUT OF TOUCH

In 1992/3 a dormitory prefect sexually assaulted a number of younger boys. One of the victims recalls the headmaster dismissing the assault as adolescent sexual experimentation and, during an enquiry in 1999, the Chairman of Governors characterised the incidents as "boyish behaviour" adding that "these things go on in boarding schools."

The case is a pretty old one and much has changed in schools since then; it is hard to imagine reactions like this occurring nowadays. However, the expectations and attitudes of a past age can still colour reactions to what is happening in the present; a generational disconnect on homosexuality, gender identity and such like, potentially allow reports of misconduct to be taken less seriously by some adults than they ought to be, and so undermine Safeguarding in schools.

Conservatism in values is not the only risk, either, for over-liberal attitudes have allowed abusive practices to go unchallenged in the name of cultural diversity. The NSPCC reports that, in some case where there have been child protection concerns, parents have claimed that worrying parenting practices are part of cultural or religious belief. On occasion, these parents have attempted to prevent intervention by charging professionals with discrimination. KCSIE Annex A is very clear that cultural difference offers no license to disregard the Law, and that schools have a duty to uphold the Law across all cultures. The duty placed on teachers to report discovered cased of FGM directly to the police underlines the point at issue here.

7.2 LEADERSHIP AVERSE TO CONFRONTATION

In the Vahey case, the management of the school had opportunities to act on the risks posed by Vahey but failed to do so. The Case Review speaks of him "'hiding in plain sight', openly bringing to the attention of the school community behaviours … now known to be part of his pattern of offending." It is reported that staff spoke to managers with safeguarding responsibilities and, on one occasion, a parent raised a concern but nothing was done.

As one would expect, the case review highlights the importance of an explicit safeguarding culture, with clear policies and procedures; but it then adds that a "courageous management who are prepared to act appropriately on concerns, and staff who are prepared to challenge and raise concerns" are also essential if there is to be effective Safeguarding.

The point that effective Safeguarding is courageous, "prepared to challenge and raise concerns" is fleshed out elsewhere in the Review. A number of parents were strongly supportive of Vahey, believing him a charismatic teacher who was extremely popular with many children, and he was insulated from active investigation by these good opinions. Safeguarding concerns may require challenging action that goes against the demands of parents as much as against the inertia of management.

The importance of schools not automatically complying with the demands of parents is further illustrated by the experience of the prep school where Peter Wright abused boys in the 1960s. A pupil at the school many years later allegedly made a report against a different teacher but, although a written statement was taken from the pupil and the teacher left the school, no report was made to the police or social services[5]. School notes on the case record that "the parents [did] not wish any further action to be taken and did not wish their son to be subjected to a further ordeal. In particular, they did not wish their son identified to any outside body." Such respect for parental wishes cannot be appropriate—as things were left, if the teacher who left the school had indeed behaved as alleged, then he could have continued his abuse elsewhere.

Guidance reminds schools that courage may be required in other quarters, too; it is sometimes important to stand up to other professionals, as well as to managers and parents. KCSIE states: "If after a referral the child's situation does not appear to be improving the designated safeguarding lead (or the person that made the referral) should **press** for re-consideration to ensure their concerns have been addressed and, most importantly, that the child's situation improves" (emphasis added).

7.3 POOR INTERACTION WITH OTHER AGENCIES

Amongst the findings of the enquiry into what went wrong at Stanbridge Earls are that the school failed "to make and keep other agencies aware of cause for concern" and that there were "no formal arrangements" for managing the relationship between the school and the GP who provided health services. The school nursing staff were also judged to have had insufficient access to clinical supervision. In the case of Cabin Hill, the school doctor is criticised: the

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[5] The Guardian, 30 September 2008

headmaster's authoritarian style meant that staff who might have pressed for matters to be pursued further than the school chose to take them felt inhibited; but the doctor, answerable to different management, did not have the same excuse for his failure to pursue matters.

The relationship expected between schools, local children's services and the police are detailed in KCSIE and schools which fail to meet the requirements will not do so with impunity. However, schools also draw on a range of professional services: nurses, doctors, counsellors, psychologists and other medical professionals deserve relationships with the school that are well thought out and defined in an agreement or contract. Both parties in the arrangement need to be very clear about the expectations of the other side and how they understand their professional responsibility for safeguarding.

8   SUMMARY OF KEY THEMES

The importance of children being able to speak freely and to be heard properly when they encounter abusive treatment is critically important to the success of a school's efforts to safeguard the wellbeing of children. Children living in a boarding setting enjoy less of that incidental and informal communication with the adult word that is the normative experience of children living full-time in the home, and boarding schools have to work in light of this to remove obstacles which might inhibit the development of informal chances for children to speak freely on matters that cause them concern. Additionally, schools have to be mindful that adolescents living in close proximity, alongside an institutional conservatism that is sometimes a problem in the boarding sector, can compound the difficulties they have to manage as institutions committed to offering children the best and safest care away from home.

Variations in the character of boarding institutions and the complexity of the regulatory framework within which these diverse schools operate can make for further challenges, as can the ethnic and cultural diversity of the pupil body in many boarding schools. When life is complicated, it is easy to rely excessively on systems designed to give support. There are obvious risks associated with over-reliance upon the efficacy of things like safer recruitment procedures; moreover, the effectiveness of these can be undermined if turnover in staff is rapid.

Where a school staff is well-settled, strong collegial bonds can make for different difficulties, since the tendency to become, by long habituation, accepting of an individual's quirks of character or idiosyncrasies in behaviour, can result in the acceptance of things that ought rightly to be scrutinised. Mutual trust between schools within the relatively small boarding sector can also create issues, for it has the potential to soften the reservations which should be carefully considered throughout the process of appointing *every* new member of staff—no matter how well-known an individual might be from the touchline at another school, as a potential recruit that person should be treated as an unknown!

The business of an institution which does not close for weeks at a time and where pupils need engagement for about sixteen hours a day can result in the development of poor policy material, weak procedures and uneven compliance, because individuals' time is squeezed and life is just too busy. The boarding dimension creates many demands, so the typical employee is burdened by a wide range of disparate responsibilities, each pressing for attention; unsurprisingly,

induction and in-service training are not always well absorbed, even if expertly delivered, simply because minds wander, anxious about other pressing things as yet undone.

The same pressures on time can make for poor record keeping and compromise communication, things which mean that the full picture on any child is often not known, even by the one individual specifically charged with the child's pastoral care. When things get forgotten or information is not passed on, no one can know a child fully, and the safeguarding of that child is compromised by incomplete information.

The inevitable relaxation in the traditional distance between teacher and pupil, which comes about when everyone lives together 24/7, can also add to risk factors to be considered. These easy relations are an undeniable strength of the boarding experience, but they can sometimes become excessively informal, so that important professional boundaries come to be dangerously undermined—the consequences of this happening are too often read about in tabloid papers.

Pressure to deliver good results also crowds the school curriculum; time for effective personal, social, health and economic education is squeezed, with the result that children are not always effectively taught to manage the risks they face and how to be resilient when dealing with safeguarding issues.   Time to think about how new issues (like rapidly changing social media) might be addressed effectively in the classroom is also very scarce; gaps in what teachers actually know, and the issues they might then discussed with children, can thus arise. Such gaps too easily create opportunities for those who seek to exploit children who are naïve and unprepared for the challenges and cruelties of the modern age.

Poorly informed governors and management who fail to give safeguarding proper strategic responsibility contribute in all this. Valuing the culture of independence which is central to the identity of many schools in the boarding sector, there can be temptations (at every level in the organisation) to see increased regulation as outside interference, and to be blind to the positive intentions underlying each new requirement, focussing instead on merely following the new rules, and bemoaning an increase in "red tape". Organisational reluctance means that safeguarding concerns will not be placed centre-stage in schools and things designed to build safe schools will go imperfectly addressed, pending the time when the institution is faced with difficulties which need never have developed.

Thus, although many of the suggestions developed in this paper may seem time-consuming or over pernickety, they are offered in the context of a world where a single failure in safeguarding can result in significant institutional damage. They are made, too, in the sure belief that no child should ever be exposed to a risk that could have been avoided. The long-term significance of failures in safeguarding, for individuals are painfully evident in the SCRs from which these suggestions were first developed.

9   RECOMMENDATIONS

9.1   RISK MAPPING AND ASSESSMENT

The evidence indicates that schools need to take a holistic view when it comes to assessing safeguarding risks; it is never sufficient to rest content with a "tick box" audit. Such a 360° review should be a regular (at least an annual), central element of the work of the senior leadership team and feature in reports for discussion with the governing body or board.

Appendices 2 and 3 of the NMS give details of the records and issues to be monitored. Holistic assessment should further include evidence from:

- Student and staff behaviour patterns
- Patterns evident in records of sanctions and rewards
- Patterns apparent in disciplinary records of staff and students
- Informal (as much as formal) complaints at classroom or boarding level
- Student voice/student council/student surveys

Various audits tools and templates are available to assist schools in their reflections, including the BSA NMS Self-Assessment Toolkit, the ISI Self-Evaluation forms (published April 2016) and the 2009 Safeguarding Audit framework. However, these do work only as a starting point for analysis—fully effective assessment of an institution's effectiveness in safeguarding must look well beyond and beneath these headline measurements.

Holistic reviews have to consider the potential impact and likelihood of **all** safeguarding risks (not forgetting, for example, that risk assessment is an element of safeguarding). Seeking out significant trends and analysing evidence that emerges will help schools to correctly focus attention on where a school actually stands on safeguarding. Conclusions will inform developments in training and support the creation of improved policies, protocols and procedures.

9.2   REVIEW AND SCRUTINY

It is clear that both the senior leadership team and the school governing body/board must have a very active role in scrutinising all aspects safeguarding and compliance. This needs to become a feature of the operational management as well as the strategic leadership of the school. Schools should not wait for the inspection schedule to initiate such reviews.

It is also essential that all staff and parents are made aware of this compliance activity as part of setting out the school's safeguarding culture.

9.3   INDUCTION AND TRAINING

Too often things have gone wrong in schools because staff have not been effectively trained about what they must do, to ensure that the school's safeguarding culture is effectively upheld by the contribution they make as individuals. Thorough training in operational responsibilities has to be augmented by work to check personal attitudes are properly configured, and to ensure

that everyone in the school workforce recognises that prompt action must follow when things which are not appropriate are encountered in the workplace.

The education of pupils, so that they are properly empowered to protect their own interests when necessary, is also a vital element in any school's approach to safeguarding training and induction.

Care is required, too, to ensure that induction, training and education are never merely about the delivery of information. These processes must provide opportunities for the reflective development of individual and institutional understanding of what good safeguarding entails. They ought also to open lines of communication between those who can feel as if they are at the bottom of the organisation and those charged with the management of the school's safeguarding culture—often, new insights and sharp questioning can bring about valuable improvements in established safeguarding practices and policy materials.

9.4   LEADERSHIP AND MANAGEMENT

This review of Serious Case Reviews indicates that responsibility for many significant historic safeguarding failings lay with the school leadership team. Consequently, it is imperative that senior staff take active responsibility to ensure that sound safeguarding practices are deeply rooted in the organisation for which they hold responsibility.

10 SOURCES

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10.1.2 The Safeguarding implications of events leading to the closure of Stanbridge Earls School (K. Harrington & J. Whyte, Hampshire LSCB, 2015)

10.1.3 Serious case review: executive summary: Child A (B. Rayns, Knowlsey LSCB, 2013)

10.1.4 A serious case review of child sexual abuse at Stony Dean School, Buckinghamshire: executive summary report (J. Held, Buckinghamshire LSCB, 2009)

10.1.5 Serious case review in respect of JLS: executive summary (unknown, Wirral LSCB, 2008)

10.1.6 Executive summary of the serious case review into the services provided to 'M' and his family (Monaghan, Tower Hamlets LSCB, 2007)

10.1.7 Cabin Hill statutory inquiry report (2006)

10.1.8 Education and Learning from Case Reviews (NSPCC, 2014)

10.1.9 Good practice in safeguarding and child protection in secondary schools (Office of the Children's Commissioner (September 2013)

10.1.10 Investigation into safeguarding issues at Clifton College arising from the prosecution of X (P. Jones, 2016)