

Investigation into safeguarding issues at Clifton College arising from the prosecution of X

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FOREWORD

1. This investigation examines complaints and concerns about X made before he was arrested for making, taking and possessing indecent images of Clifton pupils. During the investigation current and former students, their parents, past and present staff at Clifton have all spoken of their shock, disbelief, distress, and sense of betrayal. They still find it hard to believe that the popular and successful housemaster they knew so well had systematically groomed scores of boys over the 17 years he was a housemaster.

2. The head who recruited X captured these emotions when he wrote:

'all five headmasters of Clifton who knew X regarded his transformation from the scruffiest thirteen-year-old of his year group into the elegant, courteous and civilised young man he had become, as one of our success stories. How wrong we all turned out to be'

3. With a father and grandfather who were Old Cliftonians, he had a deep understanding of the school's history, culture and values which camouflaged his eccentric behaviour. The phrase 'hiding in plain sight' is a good description of X.

4. The investigation describes complaints and concerns which – with the benefit of hindsight – could have alerted Clifton to the risks X posed to children. There were no complaints that directly related to making, taking and possessing indecent images, but there were other safeguarding concerns that could have led the school to question his suitability to work with children. X was manipulative and deceptive in the way he groomed staff, students and parents so they dismissed safeguarding concerns as idiosyncrasies. Fragmented systems for recording complaints and concerns, unsuccessful investigations, failure to engage with the local authority and a lack of Board and senior management focus on safeguarding, all contributed to the College's failure to piece together the jigsaw which could have alerted them to X's risky behaviour, although not specifically to filming.

5. Most East Town boys enjoyed their time at Clifton. However, some recall neglect and bullying as X lavished time and attention on boys he favoured. Students liked the relaxed, low-stress, fun and friendly culture in the House. They remember superb teachers, caring matrons and some extremely happy times. They recall how well Clifton built close and constructive relationships throughout the school community. They do not want X's behaviour to overshadow their happy memories of Clifton and referred to the East Town motto 'Sol Semper Resurgit'¹.

6. The investigator is extremely grateful to all the students and staff, past and present, who contributed to the review and patiently answered her questions. She is grateful to past and present members of Council for their help. The bursar(2) and her staff provided good logistical support. She is particularly grateful to the current Designated Safeguarding Lead (DSL) and the chair of the Safeguarding and Welfare Sub-Committee (SWSC) for providing support, encouragement, challenge and constructive criticism as the investigation developed. The findings and recommendations are those of the investigator alone.

¹ The sun always rises again

Section 1 Terms of reference

1. The investigation was commissioned by the Safeguarding and Welfare Sub-Committee of Clifton College Council following the arrest and prosecution of a former teacher and day housemaster (HoM), X, on charges of making, taking and possessing indecent images. The police believe that X made indecent images of pupils at the school from 1998 until he was arrested in 2014. The investigation was commissioned to examine:

- whether concerns were raised about X prior to his arrest and, if so, what action was taken, the effectiveness of any such action, the College's approach to dealing with safeguarding concerns and how he was able to operate undetected for so long;
- whether the College's current safeguarding policies and procedures are compliant with current legislation and statutory guidance and are implemented effectively; and
- to make recommendations as to what more, if anything, can be done to ensure the highest possible quality of safeguarding within the College.

The terms of reference are attached at Annex A.

2. Clifton College is made up of three schools; the Upper School, the Preparatory School and the preschool (Butcombe). The investigation is limited to the Upper School as that is where X worked throughout his career at Clifton. The timeframe for the review is from September 1990 when X joined the school to his arrest in August 2014.

3. The report does not name individuals and takes all reasonable steps to anonymise contributions. The investigator considers this is the best approach to learning from what has gone wrong as well as protecting the privacy of students, parents and staff at the school. Annex E describes the period of service for postholders in the school who are distinguished by number eg head(1) is the first head to serve during the period of this report.

Section 2 X's offending behaviour

4. The report of Court proceedings provides a summary account of X's filming which the reviewer has been able to flesh out by matching with information provided by students and staff. The report found that he filmed images and processed them for his personal use, but so far as the police could establish the images were not uploaded to the internet or otherwise shared. The Court graded his offences as Category A, B or C, depending on the severity of the offence, with Category A the most serious. 330 videotapes were recovered giving 2,500 hours of footage and the vast majority were of the least serious 'Category C' footage of pupils using bathroom or shower facilities.

5. Filming started in 1998, one year after X became a HoM. The early footage was low quality and appeared to have been obtained by placing a camcorder in a bag and leaving it in the East Town changing/shower area.

6. By 2004 X had installed video cameras in some of the upstairs East Town studies that were usually allocated to pairs of 6th form pupils. These yielded some 'Category B' images of pupils

performing private sexual acts. He may also have installed video cameras in the East Town showers. X told the police the installation was undertaken during the school holidays and he led the cables back into his private accommodation. As he did not live in the East Town flat until 2006, the cameras must have been controlled from his study or possibly from the downstairs kitchen which he kept locked for his exclusive use.

7. A pupil who entered the house in 2005 remembers X installing a camera in his study, telling the boys this was to monitor their behaviour, but no member of staff has described surveillance cameras in East Town. Several colleagues were aware that X had cameras set up to monitor river levels from his study as he was a keen fisherman. Parents, pupils and staff enjoyed monitoring the progress of his dog's puppies from a screen he set up in East Town. Although X cultivated an image of being incompetent with IT, there are accounts from the 1990s of his enthusiasm for computers.

8. X was allocated a flat in the basement of East Town in September 2006 which had a spare bedroom. He quickly installed cameras in the spare room in the flat, and during the following months filmed 'Category A' images of pupils having sexual relations in his flat and in some of the upstairs studies.

9. Video camera filming in East Town reduced after summer 2007 and appears to have stopped before East Town underwent major refurbishment in 2009. There was some later footage from spy cameras located in the East Town showers that X destroyed, and the police understood that he had had difficulty getting more sophisticated technology to work.

10. X owned a holiday cottage in Cornwall and regularly took groups of pupils there to enjoy water sports. For many years these trips were informal, but in 2006 or 2007 they became official school trips. At some point, possibly summer 2003, he installed a hot tub. Pupils were strongly encouraged to use the hot tub and instructed to shower before and after using it. Spy cameras in the bathroom filmed many of the students who stayed in the cottage during these trips. Filming in Cornwall probably took place from 2004 until 2014 with the exception of 2010, 2011 and 2012 when there were no trips.

11. The investigator understands that many Clifton families own holiday homes in Cornwall and that they would make private visits to X's house in Cornwall. X sometimes invited friends, including Clifton staff and the families of current and former pupils, to stay at his cottage when he was there, or on their own. Some staff members and families were filmed during private visits.

12. In July 2016 X pleaded guilty to further offences committed during the 1980s and early 1990s. These do not involve Clifton College pupils.

Section 3 Organisation of the report, methodology and participants

13. The investigation spans 24 years during which three heads led the College. It is divided into sections which reflect the 'scope' section of the terms of reference:

- Investigate parental complaints related to X, and the College's handling of the situation (Section 7)

- Identify concerns raised about X prior to his arrest by College pupils, parents or staff, including how these were reported and how they were recorded and the documents retained (Section 5)
- Examine whether these concerns were acted on promptly and effectively in view of statutory and College requirements at the time they were made (Section 6)
- Consider, taking into account changes made to safeguarding practices by the College since the arrest of X, whether the College now has effective safeguarding policies and procedures in place (Section 8)
- Through findings and recommendations, explain why concerns were not acted on, or acted on effectively at the time they were raised, and suggest further changes to the College's safeguarding policies and practices to demonstrate best practice in safeguarding and child protection

14. The review covers a long period of time. Key pieces of written evidence have disappeared, been lost or destroyed, if they ever existed. Much of the evidence is hearsay, and those who raised concerns often have a clearer recollection than the staff to whom they were addressed. Where accounts differ, the investigation has decided 'on the balance of probabilities' whether or not a concern was raised and explained the reasons for that decision. This standard of proof is lower than the criminal standard of 'beyond reasonable doubt'. The analysis, findings and recommendations are based on 'balance of probabilities' decisions as to whether most of the concerns described in this report were raised.

15. Approximately 40 former members of staff and 40 current employees were interviewed or provided written submissions. All the former heads and most senior managers participated. 14 Board members were interviewed, including Chairs, Vice-Chairs and other members who held office in recent years. The terms 'Council members', 'governors', and 'trustees' are used interchangeably to refer to Council members who are governors and trustees, rather than the wider membership.

16. Every student and parent associated with East Town from 1997 onwards for whom Clifton had contact details was invited to contribute to the investigation, although it became apparent that many electronic and residential addresses were out of date. Around 70 families contributed evidence, some contributions coming from students, some from their parents, and others a combined effort. They paint a rich picture of life in East Town and flesh out the accounts staff gave of X's behaviour.

17. The police and local authority have contributed information about X's offending and their contact with the school.

18. X was invited to participate in the investigation but has not responded to the invitation.

Section 4 X's early career

19. X started teaching at a preparatory school in the south of England in 1985. In 1990 he answered an advertisement for a German teacher at Clifton College, and the College obtained a

satisfactory written reference from his employer before he started work at Clifton. A long serving member of staff recalls that the headmaster who appointed X was delighted to appoint a former pupil and, as the only old Cliftonian to be appointed to the staff in recent times, he was warmly welcomed to the school as part of the Clifton family.

20. No students, parents or members of staff expressed any complaints or concerns about X's behaviour at Clifton College in the years before he became a housemaster in January 1997.

Section 5 Concerns raised about X prior to his arrest by College pupils, parents or staff, how these were reported, how they were recorded and the documents retained and what action was taken.

21. Complaints that were recorded within the formal complaints system that operated after September 2003 are considered in section 7. As there was no formal system for handling complaints before September 2003, other 'complaints' and concerns are considered in this section. None of these complaints and concerns were about X filming or photographing children.

Concerns about favouritism, blurred boundaries and inappropriate socialising in East Town

22. The East Town matrons, several parents and many students described how X showed most interest in year groups with a cohort of good-looking, naughty, sporty boys. Most of the students who contributed to the review and many of their parents knew whether X liked their year group, and most could identify students that X favoured. Boys knew whether they were X's favourites and one recent pupil described X's view of the less favoured students as 'irrelevant'. Favouritism dominated the experience boys had in East Town and many boys and parents provided descriptions of how it affected their enjoyment of, and progress at, school.

23. Favourite boys were singled out for entertainment – beer, pizza and use of computer games in X's study until late into the evening. One favoured boy from the early 2000s described how the favourites were not nice to their peers. He said they 'walked around as if they owned the place, had the run of the house and loads of fun'. Another favourite described using the house credit card to order pizza and bullying X into giving them beers before they reached 6th form age. Other favourites described coming into X's study without knocking, lying on his sofa and joining in banter with sexual overtones.

24. Outside these groups X developed close but professional relationships with boys who went on to become heads of house, or who made a significant contribution to house activities, or were academically successful. Other boys received less attention and some who needed extra support were neglected. For example, a student from the late 1990s remembered that X showed little interest in him and his 'speccy, academic' friends. A peer described how his memories were 'clouded by jealousy and teenager-ness' because the favourites seemed to receive preferential treatment. There are reports of X losing his temper with boys he did not like, and where he was criticised or challenged by support staff about the level of entertainment.

25. X knew that for East Town to be successful the boys had to do well academically and excel in inter-house activities. An assistant HoM described how, from 2000 onwards, X wanted to improve East Town's standing in inter-house competitions. He showed most interest in boys who would stay late to participate in inter-house sport and other inter-house competitions, and ignored others who did not want to join in, or lacked talent.

26. Several concerns about favouritism were raised over the period of the investigation that could have alerted the school to the pattern of behaviour described in paras 22-25. The paragraph numbering indicates separate complaints/concerns.

27.1 In 1998 parents of a junior boy in East Town described meeting head(1) to raise concerns about several issues, including the regime of unsuitable 'rewards' for older boys. Their son told them that X offered beer, pizzas and use of a PlayStation in his study to selected 6th form students. He appeared to treat them as friends rather than students. X had also been bad tempered and swore in front of their son.

27.2 The mother remembers that head(1) explained that X was a new housemaster and just finding his feet. She does not think that head(1) took notes of the meeting and thought he did not seem interested in their complaint. Later, the parents wrote to head(1) with further concerns and received a reply suggesting that with 'so many complaints' perhaps their child could move school. The boy moved to another house. Head(1) has no memory of their concerns and no notes of the meeting, nor is the correspondence on X's personnel file. The parents destroyed the correspondence when their child left the school.

27.3 The investigator believes on the balance of probabilities that these concerns were raised. The mother has a clear recollection of the complaint and of her disappointment that the school did not address the issues it raised. Another parent remembers the complaint being made and the outcome. In 1999 she complained to deputy head pastoral(1) about these and other issues (see para 34.2).

28.1 A minute written in March 2003 by bursar(1) and sent to head(2), pastoral deputy(1) and the domestic bursar describes how deputy head pastoral(1) was approached several times by pupils complaining that X kept the house kitchen locked and few pupils could use it; he was using the washing machine and drier for his own purposes; he regularly slept in the house; he often socialised late with a group of lower 6th pupils; and there was excessive food waste and empty bottles of alcohol in the waste bins.

28.2 Deputy head pastoral(1) oversaw child protection at the time and explained that it was usual to provide food and limited alcohol in day houses after school events. Deputy(1) did not think the complaints about food waste and bottles indicated an inappropriate level or frequency of entertaining. The cleaners and domestic bursar had reported a bed in one of the studies that had not been allocated to pupils which they thought X slept in, but deputy head pastoral(1) explained that the bed could have been present because at the time beds were sometimes substituted for sofas.

28.3 Head(2) had a meeting with X to discuss the complaints. X explained that he had separated from his girlfriend and was living temporarily in the house. Head(2) remembers instructing X to make other living arrangements; there is a note on X's file two months later giving his new address. No written record of the meeting with head(2) or details of any investigation remains on X's personnel file.

29. Several boys who were students in the house during the late 1990s and early 2000s corroborated information in the complaints (para 23). They described how X would stay in the house overnight; they sometimes saw a sleeping bag on the sofa and evidence of evening meals in the bin. Some boys recall X behaving as a friend, not a teacher. Deputy head pastoral(1) notes that there were regular house visits but that none identified this behaviour.

30.1 Clifton parents purchased education psychology services from an external contractor. In 2006 or 2007 he supported a child from East Town whose mother said that she didn't like the way her son was left out by X. She told him that X had favourites who were taken on trips to Cornwall. The education psychologist had previously worked on court cases that involved grooming and remarked to two Clifton teachers that X fitted the profile of an abuser. He saw head(3) in the Senior Common Room to warn him about X's grooming behaviour, particularly the way boys were selected for trips to Cornwall. He recalls head(3) responded 'fine'. One of the teachers with whom he had shared his concerns saw the conversation take place but did not overhear it. The education psychologist did not follow up with a letter and head(3) cannot remember the conversation. Both Clifton teachers subsequently discouraged children with additional needs from applying for East Town when they moved up from the preparatory school. They did not take any further action as they understood that head(3) had been alerted to the education psychologist's concerns.

30.2 The investigator believes on the balance of probabilities that the conversation with head(3) took place as the education psychologist and the other teachers remember the sequence of events clearly. They gave independent and consistent accounts.

31. In 2006 or 2007, the assistant HoM noticed a photograph of a student driving X's car during the 'Pens' cross-country competition. The assistant HoM thought that it was inappropriate for a student to drive the car of a member of staff. He remembers informing the pastoral deputy, but cannot recall precisely who this was, and another (ie not pastoral) deputy can recall the matter being discussed at senior level. No written records can be found and no one can recall whether any kind of investigation was undertaken.

32. X had a detailed appraisal of his pastoral work in 2008 which included '360' feedback. It identified that in 'difficult situations...there is a risk that he will become too close to the issues and individuals involved... and evidence of blurred boundaries'. Later appraisals did not include a detailed assessment of safeguarding so these issues were not followed up.

33. The Chair of Council who retired in 2010 and several other teachers at Clifton were aware that X had favourites, and that parents were unhappy about the situation. Similar complaints were made about other houses and housemasters/mistresses from time to time, so these reports were not expressed at a level that triggered concern, or any form of written record.

Concerns about tying up

34.1 One student described to the investigator how, in 1999 or 2000, he and his friends heard a huge commotion in X's study at morning break. Once the commotion ended a group of 6th formers told the younger children that they had tied X to a chair; the chair and tape were visible in his study. Several other boys observed or participated and the event was widely discussed within the house.

34.2 The student's mother was a social worker and thought X's behaviour was inappropriate because it represented a worrying loss of control, and could have had sexual connotations. She thought it indicated an inappropriate relationship between X and the boys. She had a meeting with deputy head pastoral(1) to complain about the incident as well as X's neglect of the younger boys. She remembers that deputy head(1) made no commitment to investigate the incident and did not make any notes.

34.3 Deputy(1) cannot recall the meeting, and does not have any notes of the meeting, neither are there any notes on X's personnel file. Deputy(1) recalls rumours about X's behaviour which were investigated, which might have related to this incident. Deputy(1) recalls asking a cross-section of

pupils from East Town whether they had been involved but that none would admit to involvement or name those who might have been participants or witnesses. No records of the investigation have been retained. Deputy(1) recalls being under considerable pressure at the time as there were many other serious issues that required attention.

34.4 Despite the lack of written evidence, and deputy head(1)'s uncertain recall of events, the investigator believes on the balance of probabilities that the parent did make a complaint. The weight of evidence from boys in East Town confirming that X was tied to a chair is particularly persuasive.

35.1 The investigator has been given accounts of one, or possibly two later incidents, all featuring X being found in a state of undress, tied to a chair, after school hours. Accounts of the first incident come from students who were not present but heard contemporaneous account from friends. They heard that in summer 1999 X had been drinking one evening with 6th formers who taped him to a chair in the House where he was seen by at least one younger boy and/or a cleaner. Two staff members heard an account of the same complaint. The investigator has not found any written records or accounts of the incident being reported to senior management.

35.2 Two accounts of what appears to be a similar but separate incident come from staff members who were given a description by the colleague who found X 'taped to a chair on the cricket square in his underpants'. The sixth form were responsible for the prank. A former staff member confirmed the details adding that the event occurred after a Christmas House Supper 1999. The former member of staff who is alleged to have found X has chosen not to contribute to the review but described the event to his successor who passed information on to the investigation. The member of staff who allegedly found X has made it known through former colleagues that he reported all matters of concern to the heads he served.

35.3 Head(1) at the time is certain that he was not informed of the incident(s), and neither of his deputies can recall them. There are no written records.

35.4 Five members of staff working at the school at the time provided the reviewer with various versions of these incident(s) and a sixth heard the story more recently. Two tutors who served in East Town at various times from 2005 to 2014 heard the story from boys in the house, and deputy head pastoral(2) who joined the school in September 2006 recalls hearing confused rumours early in his time at Clifton (see para 39).

35.5 If there was no incident or incidents, it is difficult to explain why rumours about X's inappropriate behaviour began to circulate. Head(1) and some other (then) senior teachers cannot think of any reason that anyone would create rumours which could have threatened X's career and reputation. No one was known to have a grudge against him and no one can identify any sort of reason or motivation for anyone to manufacture the rumours.

35.6 The investigator has concluded that, on the balance of probabilities and hearsay evidence, some kind of event or events involving drink, sixth formers, X in a state of undress, tape and a chair took place late at night when there were few witnesses. She has also concluded on the balance of probabilities and hearsay evidence that at least one event involving X being tied up in a state of undress was reported to head(1), and that as the rumours of this or the incident at 33.1 came to the attention of head(2) as soon as he took up office, they would also have been reported to head(1). Head(1) does not agree with this conclusion.

36. Head(2) took up office in September 2000. He heard concerns about X being tied to a chair as a prank during the latter period of his predecessor's tenure, but is certain that they did not include drinking with pupils or a state of undress. He instigated an enquiry but staff did not provide firm evidence of what had happened. Tensions in the senior common room might have led to some staff being reluctant to contribute. For example, the then head of the preparatory school explained that he did not raise the matter with (Upper School) head(2) because head(2) had made it clear that he did not want any interference in Upper School matters. Complaint 3 (para 121 et seq) relates to rumours of a broadly similar nature.

37. In the absence of any concrete evidence from his investigation, head(2) wrote X a letter which said, in effect, 'whatever happened, don't do it again'. He is sure that the letter was placed on X's personnel file but is no longer there, neither is a description of the investigation that was undertaken. The personnel file was locked in a cabinet in the headmaster's study until it was removed recently to be lodged with other personnel files. Several of X's contemporaries remember X telling them there had been some kind of disciplinary action and that he was convinced that head(2) wanted him to leave, which supports the description of events head(2) has provided.

38. The investigator has concluded that, on the balance of probabilities, head(2) conducted an investigation and placed a letter referring to unsubstantiated concerns on X's personnel file. She has not been able to identify any explanation for the letter disappearing from X's file, but accepts that there is no proof that it was properly filed at the time.

39. Head(3) arrived in 2005, and he was followed in autumn 2006 by a deputy(2) who took over responsibility for safeguarding. Deputy(2) became concerned about confused rumours about X's inappropriate behaviour. He remembers raising his concerns with head(3), and head(3) telling him that the matter had been considered and dealt with. There is nothing on X's file to show whether or how this had been done. Head(3) does not recall this specific conversation; he does remember regular reviews of the suitability of all HoMs as part of performance management.

40. The investigator believes on the balance of probabilities that deputy(2) heard rumours about the incidents described in (paras 34 and/or 35) and that these concerns were raised with head(3). In the absence of written records, it is not possible to understand the context of deputy(2)'s query and the basis upon which head(3) gave his reply.

41. In 1999 or 2000 a boy remembered knocking on X's study door one morning to find X had been tied up with tape by older boys, and was wriggling on the floor; the older boys then released him. A week or so later X asked the student whether he had told any teachers, saying that word of the incident had got around the senior common room. He appeared worried. No documentation is on X's file and no senior staff can recall this event and whether there was an investigation at the time. The pupil did not make a complaint or tell others about the incident; X could have spoken to him to deter him from discussing it with anyone. This incident is unsubstantiated as there is no corroborating evidence.

42. Around 2005/2006 a cleaner reported concerns to the cleaning supervisor and premises manager that one of the boys in East Town was wrapped in cellophane by X as a prank. The premises manager remembers reporting the matter to the deputy head pastoral at the time. It is not clear who the deputy head pastoral was as there were several changes of personnel during this period. No one who served as deputy head pastoral during this period can recall a report being made and no written records have been kept. As three staff members independently recalled the incident, the investigator believes on the balance of probabilities that it took place.

2003 Onwards, concerns about trips to Cornwall

43. X owned a holiday cottage in Cornwall. In the late 1990s he would invite boys for weekends. Former students recall that some trips took place during term time and that students would also stay with X in the holidays. The administrative arrangements for these trips were unclear until they became 'awaydays' in 2006. However, informal house trips were accepted practice at the time; the parents of a student in the early 2000s commented that their boys were never part of the favoured circle so were not invited to Cornwall, but that they knew trips were a longstanding college tradition.

44. Parents first expressed concern about the way students were picked to go to Cornwall in 2003 or 2004. One boy remembers that a group of favourites was taken first, but then another trip may have gone after parents complained to X their children were left out. It is not clear how complaints were made, or who they were made to. There were still some boys who were not taken, who felt excluded and one of them expressed his feelings to the education psychologist (para 30)

45. Two boys remember there was a trip for selected boys in 2005 or 2006, and there do not seem to have been any complaints. From 2006 or 2007 things had changed, as the trip was now an official school 'away day'. A student remembers that anyone could apply, but that X chose a few boys. One of the tutors in the house complained that this was unfair and believes this complaint led to her being moved to a different house.

46. In 2007 there were at least two trips, one for a selected group of younger boys, the second a post A-level visit for boys in East Town and other houses who regarded X as a friend. In 2008 X did not take any boys from East Town; instead he approached boys from other houses to go. No one expressed concerns about these trips.

47. In 2009 X invited selected boys on two separate trips. On the first, the boys and X encountered another boy holidaying in Cornwall with his family. The boy's mother complained to tutors and the matrons that it was unfair that the trip did not include all the boys in the year group and also that it was inappropriate for X to take a residential trip without another member of staff present. There is no evidence that the tutors/matrons notified deputy head pastoral(2) of the mother's complaints. The matron explained that the complaints she received didn't reach the threshold that would have persuaded her to refer the complaints upwards, as the trips had been going on in the same format for such a long time.

48. X took 16 boys on his own on the second trip, which appears inconsistent with staff ratios in the school's education visits policy, although it is not clear when the policy became mandatory rather than advisory. Some of the boys were housed with other East Town parents who had houses, or rented holiday cottages nearby. No paperwork remains to show what risk assessments and checks were carried out. There were no trips in 2010, 2011 or 2012.

49. One boy told his parents that X had been instructed to take the whole year group on future trips, but there is no corroborating evidence for this. However, the next two trips (2013 and 2014) did include most of the boys and another adult who looked after half the cohort in a nearby holiday cottage. In 2013 most of the year group went but parents whose sons did not go complained to X and matrons as there did not seem to be any reasonable justification for not including their boys. The 2014 trip was organised in the same way although the investigator did not hear any complaints about the way boys were selected.

50. The school's Education Visits Coordinator (EVC) for much of X's career was an East Town tutor who retired in 2010. A few times he discovered that X had taken a trip down to Cornwall without authorisation and complained to deputy head pastoral(2). If he knew a trip was planned the EVC would complete the necessary paperwork himself in advance and make sure the trip was approved.

51. Two deputies have told the investigator there were a number of discussions in the senior management team about X taking trips alone from 2006 onwards. They recall a discussion in (probably) 2007 about inappropriate supervision as they had heard that pupils had been allowed to drink and smoke (tobacco). They also discussed whether it was appropriate for a master to take boys on a residential trip on his own as the school's policy specified a minimum of 2 staff. Senior management meetings during this period were not minuted so these discussions cannot be dated, and no record of any investigation was found on X's file.

52. Deputy head pastoral(2) recalls the EVC reporting X's compliance failures to him and is certain that these were always raised with head(3), most forcefully in 2013. In 2013 he found out shortly before the 2013 trip that X had not completed the necessary paperwork, or obtained approval for the trip. Deputy(2) went to see head(3) and asked him to require X to complete the necessary paperwork, or else stop the trip. Head(3) refused on the basis that parents had received a letter about the trip, and paid for it. Deputy(2) recalls head(3) saying 'it's X' and that his son was going on the trip. Head(3) accepts that the trip went ahead without the necessary risk assessments and other paperwork being in place.

53. The investigator tried to establish whether or not the necessary paperwork for the 2014 trip was in place. No one has been able to locate it, and there is no record of the trip being authorised centrally. After deputy head(2) left the school in August 2013 until the point of X's arrest the oversight arrangements for trips were unclear.

Poor administration and patchy application of school rules

54. Several colleagues described X's attitude as 'casual'. He did not apply school rules and punishments consistently and was reluctant to tackle poor behaviour in the house. One recent student observed 'X despised rules and regulations'.

55. Many pupils, matrons and parents described how X ignored 'call overs' (registration). A current pupil told the investigator there was only one call over per week in East Town; other than that X used a sign-in sheet. As X didn't carry out registration diligently, there were discrepancies between registration information and lesson attendance (at Clifton pupils are registered for every lesson). Marshal(3) described how he would often ask X to follow up lesson absences, but X rarely responded to his emails. Marshal(3) reported his concerns to deputy head pastoral(2), the senior mistress and head(3).

56. Clifton College's rules are published in a small booklet that is given to every pupil. The booklet contains the opening hours for each house which explained when day boys were allowed on campus, for example (2005) 'day boarders (ie day boys) must sign into their houses by 8.15 in the morning and sign out again when they leave. They must leave campus by 7pm unless they have specific permission to stay late'.

57. Throughout X's time in East Town students would sleep in the house after events such as House Suppers or team dinners. Many tutors and two of the matrons knew, or suspected, that some boys stayed in the house overnight. Some parents knew that their boys were staying in the house but, as there were teachers' children in East Town, they assumed that the school knew and approved of boys sleeping in the house from time to time.

58. Concerns about house opening/closing times were first raised in 2004 or 2005 when X asked the night porter to stop locking up the house. The porter was concerned that the house was not locked up properly as lights were often left on, and he felt he might be found to be at fault. He made a report to his supervisor who cannot remember what happened subsequently. No written records survive, but the head(2) at the time is certain that he was not told as X's instructions would have been countermanded. He would have applied school rules for opening and closing hours for day houses.

59. Despite the large number of staff, students and parents who knew that students sometimes slept in East Town, no further concerns were raised until 2013 when a teacher found that a group of 6th formers were unteachable the day after the 'House Song' competition. After listening to them talking, she realised they had stayed overnight in East Town. She expressed concern in an email to X and deputy head pastoral(2), but received an angry reply from X. Deputy head pastoral(2) cannot recall whether or not the issue was raised with head(3); he explained there were frequent difficulties with X that were reported to head(3) (described in the next paragraph) who did not take any action.

60. From 2010 onwards two senior staff members separately advised head(3) that X should not be reappointed as HoM. Their advice was that he was not a constructive member of the HoM body as he resisted change, that on a number of occasions he refused to follow instructions, and that his standard of administration was unacceptable, causing a lot of work for other members of staff. None of these concerns were directly related to safeguarding other than a general concern that his failure to follow school policies and procedures illustrated a poor attitude to safety and compliance. The investigator was provided with many other examples of poor administration by parents, substantiating these concerns.

Concerns about locks and a bed in a study

61. In spring 2003 the night porter discovered a girl and boy in the evening in East Town when he was locking up. Soon afterwards locks began to appear on study doors, and two students in the house at the time describe X letting them fit locks on their study doors. The cleaners can also remember some study doors being locked from time to time and the police have confirmed that some of X's videos show pupils locking their studies.

62. The night porter did not think it was appropriate for students to lock study doors as there did not seem to be any reason for doing so. He reported his concerns to his supervisor who cannot remember whether or not he reported the matter to head(2). Head(2) is certain he did not hear about locked doors, as he had been approached by boarders to allow them to fit locks, and refused the request. He would have seen no benefit nor justification for day boys gaining the privilege. No written records of the night porter's reports can be found.

63. In 2006 or 2007 the cleaners noticed a bed had appeared in a study. They felt this was inappropriate in a day house and reported the bed to their supervisor who took it up with X. The

supervisor remembers that X claimed it was for boys to rest after rugby. X then complained about the standard of cleaning in the house. The assistant HoM saw the bed, thought it was inappropriate, and told a deputy. The bed was removed but no one can remember whether any enquiries were made and no deputy can recall the incident.

Section 6 Examine whether these concerns were acted on promptly and effectively in view of the requirements (statutory, College or both) at the time they were made and, if they were not, why not.

64. This section of the report is divided into the three time periods which coincide with the three headships covering X's career at Clifton College. Each section explains the statutory and College requirements that were in force at the time, to assess whether concerns were acted on promptly and effectively in the light of the requirements in place at that time. Where concerns were not acted on promptly and effectively, there were a number of different reasons, and these reasons were often a factor in the handling of several different concerns. The reasons why concerns were not acted on promptly and effectively are set out in the Findings.

65. The investigation sets out a range of concerns about X's behaviour and his suitability to work with children. None of these concerns were directly related to filming, neither did anything emerge which suggested that there were clues to X's offences that were missed. Instead, the concerns describe several incidents of concern as well as a consistent pattern of behaviour that indicated staff/student boundaries were blurred as well as a lack of attention to the school's policies and procedures.

Period 1 September 1990 to August 2000

Statutory and College requirements

66. Until 2003 the Education Act 1944 required independent schools to provide:

- Suitable premises and accommodation
- 'Efficient and suitable' instruction; and
- The proprietor and teachers had to be 'proper persons' who were not barred from teaching

There were no safeguarding requirements beyond a duty for all schools to make a 'list 99' report where they had 'either ceased to use a person's services on grounds of misconduct or unsuitability to work with children, or if someone had left in circumstances where the employer might have ceased to use those services on those grounds'. Although the Children Act (1989) introduced the idea of 'safeguard and promote' the welfare of children at the end of this period, the legislation did not apply directly to independent schools. Inspection was in its infancy. 'Safeguarding' was a new concept and there was little public awareness of paedophile behaviour.

67. Independent schools like Clifton had a high degree of autonomy, each run in accordance with the priorities of their head and proprietor (for Clifton, the Council).

Culture at Clifton

68. Head(1), at Clifton during the 1990s has provided some useful insights into the way the school operated. He recalls that the House system was still strongly influenced by the evacuation to Bude during the Second World War. This developed less formal relationships between masters and students as they worked the land together, and buttressed the traditions of equality between day

and boarding houses. Throughout the 1990s the school modernised with the old fashioned approach of delegating significant powers to 6th form pupils dying out and regular HoMs meetings established.

69. Older staff at Clifton recall that HoMs were autonomous and the senior housemaster a powerful figure. Some former staff have described how houses had large entertainment budgets which funded entertainment where considerable amounts of alcohol were sometimes consumed by staff and older pupils. Two former Council members have described how poor financial discipline caused the College to get into financial difficulty and in 1998 the Council appointed bursar(1) to stabilise its finances.

70. Bursar(1) found that, along with a cavalier attitude to budgets, in most administrative areas there was a notable absence of process and control; for example, many staff had no contracts and the College needed to get to grips with new legislation. In his opinion the College did not have the infrastructure to underpin accountability – and this included an absence of meaningful Council oversight of the day-to-day functioning of the three schools. He observed that attitudes to behaviour and discipline in different houses were variable and found that HoMs strongly resisted efforts to curb their independence.

71. The practical effect was that pupil behaviour that would not have been tolerated elsewhere was tolerated because of the liberal ethos of the College that encouraged pupils to ‘show spirit’. Bursar(1) was aware of student and teacher behaviour that would now be unacceptable, with excessive alcohol consumption often a factor.

Were complaints and concerns acted on promptly and effectively in view of College and statutory requirements

72. The investigator has concluded on the balance of probabilities that several reports of behaviour that would cause concern in 2016 were made to head(1) and deputy head pastoral(1) (paras 27-29, 34-35). In the absence of any statutory or school requirements, such as a Code of Conduct or child protection policy, there is no objective standard against which to test whether the concerns described in this section would have met the threshold for action that head(1) and Council would have applied in the school. It follows that there is no benchmark against which to assess whether concerns were handled promptly and effectively.

Period 2 September 2000- August 2005

Regulatory backdrop

73. During this period the current regulatory framework was put in place. Minimum standards for boarding were introduced in November 2002, and boarding schools were inspected by the National Care Standards Commission. The Education Act 2002 paved the way for the first set of Independent School Standards in September 2003 covering:

- The quality of education
- The spiritual, moral, social and cultural development of pupils
- Welfare, health and safety of pupils
- Suitability of proprietors and staff
- Premises of and accommodation at schools
- Provision of information
- Manner in which complaints are to be handled

The first statutory safeguarding guidance 'Keeping Children Safe in Education and Safer Recruitment' had not been published. So schools did not have specific guidance about safeguarding policies, practices and thresholds.

Culture at Clifton

74. Head(2) worked closely with bursar(1) in improving the finances, procedures, policies and practices of the school. He felt the school needed stronger structures. He organised the senior management team to bring in greater accountability for academic standards, and make HoMs more accountable. There were regular and formal senior management and HoM meetings and written records were kept. Performance management was introduced.

75. Several members of staff remarked that moving Clifton staff, and particularly HoMs, towards head(2)'s vision of transparent systems and greater accountability was a Herculean task. The systems he introduced led to greater accountability across the school but the change was unpopular with HoMs. No area was off-limits; for example, head(2) gained the impression that alcohol consumption was at a higher level than he considered appropriate so he brought in a strict and unpopular alcohol policy and disciplined staff who did not adhere to it. A strategic review commissioned by the Board in 2001 noted 'academic staff are unusual in the nature of their responses, with phraseology on some issues evidencing considerable concern about the 'management' of the school'.

76. Head(2) was pleased that the 2001 inspection report commended the management changes that had been introduced, found the school was compliant and noted the clarity of vision. He worked hard with the senior team to ensure the school got to grips with new regulations and standards and the next full inspection report in 2007 recognised that further progress that had been made during his tenure.

77. During this period safeguarding practice was developing and colleagues remember that deputy head pastoral(1) was proactive in developing new policies. Head(2) recalls putting in place the first policies and procedures for educational visits and recruiting the first educational visits coordinator. He introduced remuneration for assistant HoMs and a tutor rota for each day house to improve supervision. Staff in the school found the new arrangements increased transparency, communications, and clarity about roles and responsibilities. Pupil numbers increased, academic standards improved, and these factors gave the school sufficient financial stability to start investing in new facilities.

78. All the staff from this period who contributed to the review understood that compliance with safeguarding and other regulations was important to head(2) and part of their performance management assessment.

Were concerns acted on promptly and effectively in view of statutory and College requirements

79. As safeguarding guidance during this period was embryonic, there were no detailed statutory requirements the College had to meet. Head(2) put in place systems, policies and procedures soon after taking up post in September 2000. These included high expectations for staff conduct. He instigated two enquiries into X's behaviour, promptly, where he judged X could have displayed inappropriate behaviour (paras 28 and 36). At the time grooming behaviour was not well understood or publicised, and there was no statutory guidance or other official information raising awareness in schools. In the absence of any official guidance, and taking account of the low level of

public understanding and discussion about grooming, head(2) and senior staff did not appreciate the significance of X's behaviour.

80. It is not clear why the concerns about locks and locking up did not come to the attention of head(2) (paras 61-62). They were raised promptly by the night porter, but they did not make their way through the reporting chain to head(2). In the absence of written records, it is not possible to establish where communications broke down. Neither concern was dealt with promptly or effectively by the school.

81. There is no evidence that concerns about X's trips (paras 44-45) were reported to anyone outside East Town, and it is not clear whether they were expressed with any force by parents, or with any expectation that the school would take action. It is not possible to assess why they were not dealt with promptly and effectively.

Period 3 September 2005-August 2014

Regulatory backdrop

82. The greatest regulatory change in this period was increasing emphasis on safeguarding and welfare, with detailed guidance contained in '*Safeguarding Children and Safer Recruitment in Education*' (SCSRE) and '*Working Together*' (WT). Annexes B and C set out the key requirements for independent schools relevant to this investigation. These documents described the safeguarding systems, roles and responsibilities that schools and other organisations working with children should operate. They required all schools to develop a greater awareness of safeguarding issues, and to develop links with other organisations, particularly the local authority.

83. The Charity Commission published '*The Essential Trustee*' (2011). A key principle is that trustees act with reasonable care and skill. It talks about taking 'reasonable steps' to find out about legal and regulatory requirements and keep up to date. It pinpoints the law covering children and vulnerable adults as a particular area that trustees should focus on.

84. Guidance on '*Dealing with allegations of abuse against teachers and other staff*' was published in November 2005, and later incorporated into 'SCSRE' and covers the first part of this period. The key requirements are summarised in Annex D. Throughout the period the school's child protection/safeguarding policies were regularly reviewed and took account of new guidance as it was published.

85. The first national guidance on trips was contained in '*Health and Safety of Pupils on Educational Visits*' in 1999. It was not statutory guidance and schools were free to determine their own procedures although it was widely accepted as best practice. It envisaged that there would be at least two adults on residential trips such as X's trips to Cornwall. From 2010, and possibly earlier, the school's educational visits policy followed national guidance saying that there should be a minimum of two adults on residential trips.

Culture at Clifton

86. Head(3) was given two priorities by the Board which were to improve the school's financial position and academic performance. The school's profitability, income generation, balance sheet and academic results strengthened during this period.

87. Whereas the head(2) had introduced formal systems and channels of communication, head(3) disliked formal agendas and meetings within the upper school, and written and email

communication, and adopted a policy of 'speak what was difficult and write down what was good'. Formal systems and communications were retained within the College Executive Committee (CEC)

88. Head(3) managed the Clifton schools through the CEC as he steered Clifton towards becoming a single, coherent 3-18 group with a common ethos and purpose, that generated cash. Managing the school, as well as CCSL, the commercial arm, and developing £20 million of new facilities, was hugely time consuming. He felt stretched and believes that, in retrospect, the senior management structure may have been too thin to support the demands that were placed upon it. He accepts that these pressures led to Clifton being 'behind the curve' on safeguarding, but felt at the time evidence from inspection reports indicated safeguarding and welfare were well led and managed.

89. The new safeguarding guidance (SCSRE) placed duties on the proprietor (the Council) as well as the head and senior staff, from early 2007. There is no evidence that the new requirements were brought to the attention of the Council by head(3), nor that Council as a whole had a substantive discussion about the impact they would have on the school. There are no records showing that Council members were trained so that they understood the scope of their new duties.

90. Until 2008 there were occasional safeguarding discussions in the 'General Purposes' Sub-Committees for the three schools (GPCs). At the end of 2008 head(3) made the case for GPCs to be abolished and superseded by an Education Committee. The Education Committee's terms of reference did not include safeguarding, so from 2009 there was no regular Council scrutiny of any aspect of safeguarding performance and practice.

91. Council appointed a safeguarding governor who worked closely with the Designated Safeguarding Lead (DSL) soon after SCSRE came into force. Working with the DSL, she ensured that the child protection policy was kept up to date and agreed with the Local Safeguarding Board. She visited the school and made enquiries to ensure that safeguarding cases that involved children were handled appropriately. Although she attended training regularly, it was child focused and did not cover allegations handling. It was not until 2013 that she realised that Council was not meeting the statutory requirements.

92. In March 2013 the safeguarding governor and Chair decided that Council needed to pay more attention to safeguarding and Council received the first ever annual safeguarding review. It was incomplete as it did not cover allegations handling. In June 2013 governors became concerned about regulation and established a Compliance Sub-Committee which was soon upgraded to become a full Board Committee. The next two meetings in 2014 received reports from the Compliance Committee and the Board started probing safeguarding performance, including safeguarding incidents and allegations. A new safeguarding governor has now been appointed and membership of Council (and hence Compliance Committee) has been refreshed.

93. Although the Board and head(3) took little interest in safeguarding throughout the period, the DSL managed child protection casework and pastoral deputy(2) implemented safeguarding policies and practices through HoMs. Most HoMs accepted that deputy(2) was good at devising policies and procedures that he 'drove hard'. X disliked the safeguarding changes and HoMs described a serious clash of personalities and a culture whereby X would lobby head(3) privately to overturn changes that deputy head pastoral(2) was trying to implement. As safeguarding was not included in the school's performance management arrangements, it had poor visibility and implementation relied on HoMs' professionalism and sense of duty to the children they looked after.

94. Despite these difficulties, deputy head pastoral(2) and the senior master/mistress put in place changes within the school that were needed to keep pace with the new regulations. ISI found the school's boarding provision was outstanding in 2009, fully compliant at the interim inspection in 2013, and arrangements to ensure the welfare, health and safety of pupils throughout the school were judged excellent in 2011.

95. Although the school's policies and procedures were exemplary, its safeguarding practice did not extend to handling allegations of misconduct against staff with help from the Local Authority Designated Officer (LADO). Since 2005 the local authority had had a statutory role in providing advice to schools on handling safeguarding allegations. From 2005-2013 Clifton did not seek advice from the LADO on any allegations against staff, and there is no evidence that head(3) or other teachers within Clifton College understood the role of the LADO, or took any steps to establish a relationship with the LADO.

Were concerns acted on promptly and effectively and if not why not

96. During 2005 and 2006 two people raised concerns with head(3) about X's suitability to work with children (paras 30 and 39). Both complainants believe they acted promptly but they did not put their concerns in writing. As neither concern made a sufficiently strong impression on head(3) for him to remember the representations, or to trigger some form of action, the action of the complainants and the head(3) was, collectively, not effective.

97. Further concerns about X's behaviour on school trips were raised around 2006/2007 by parents (paras 45-46). They expressed concerns about favouritism in the way boys were selected for trips to Cornwall to tutors. Concerns about drinking and smoking during a Cornwall trip came to the attention of senior staff, although it is not clear how these reports were made. The Education Visits Coordinator had continuing concerns about X refusing to complete the required risk assessments and other paperwork. There was a separate concern that X allowed a student in the house to drive his car during a school event (para 31).

98. In the absence of written records and specific hearsay descriptions, it is impossible to work out whether concerns were reported promptly. As head(3) has no memory of any of these concerns being raised, other than general concerns about the administration of trips, it is impossible to work out whether this was because the concerns became lost in the system before they were reported to head(3), or whether they were not reported in a way that made sufficient impression to trigger an investigation or report. Whatever the reasons, the concerns were not handled effectively.

99. From 2010 concerns about X's poor administration and uncooperative behaviour mounted. Marshal(3) repeatedly raised concerns to senior staff and head(3) that X refused to follow up registration discrepancies. A senior manager was concerned about his refusal to answer emails and provide administrative information on time as it caused a lot of trouble for other staff in the school who were organising events or making appointments for activities around the school. Deputy head pastoral(2)'s main concern was that X was increasingly uncooperative and hostile to change, sometimes refusing to follow instructions, whereas the school had to adapt to the changing regulatory environment. Both senior managers recall expressing concerns about X's attitude separately and jointly to the head teacher. None of these concerns were about X's personal conduct and would not have triggered a report to the LADO.

100. Head(3) weighed up his options. He considered that X was a successful HoM as East Town continued to be a popular day house. Recruitment was a high priority for the school, and he believed X was a great asset in attracting day boys. X's appraisals showed that he was a relatively weak

teacher within a strong department. After balancing up competing pressures, and talking to X about his wishes, head(3) decided it was in the best interests of the school if X stayed in East Town rather than taking on a heavier teaching load. He agreed to provide a retirement package for X in 2017 when he reached 55.

101. No action was taken to address the concerns raised by the Marshal and other senior managers in the school; the head's actions were neither prompt nor effective.

102. In 2013 two further concerns were raised. The first concern was that X had not completed paperwork for the 2013 Cornwall trip (para 52). The second concern was about pupils sleeping in the house after House Song (para 59). Head(3) decided to take no action on hearing of the first concern and it is not clear whether or not the second concern was relayed to him; he has no memory of receiving a report. In both cases the concerns were not handled effectively in that X's behaviour was not challenged.

Section 7 Parental complaints related to X and the College's handling of the situation

103. Since 2003 there have been regulations prescribing how formal complaints should be handled in independent schools. This section covers parents' experience of accessing the formal complaints system, and the College's handling of specific complaints.

104. The school's complaints log stretches back to 2006. It lists 17 complaints in total, nine that were resolved informally by head(3), four that were classed as 'formal' and resolved by the Chair of Council, and four that proceeded to a full panel hearing. The school identified four complaints that had some element related to X or East Town. Records of the oldest complaint (2009) are incomplete but it does not appear to relate to X.

105. Independent School Inspectorate (ISI) reports examined the school's handling of parental complaints. They found that the school met the regulatory requirements from 2003 to summer 2014. The 2007 ISI report commented 'the College receives very few formal complaints and any problems are dealt with effectively and informally at House level. Parents appreciate the fact that staff can be contacted directly at College and that most return calls both promptly and efficiently'. The 2011 report reads 'an effective complaints procedure is in place and is operated appropriately, although it has not needed to be used recently. Parental concerns are dealt with sensitively, reasonably and promptly'.

106. It is important to make the general point that there were no complaints about filming, and no evidence that anyone was dissuaded from making a complaint about anything that would have led to X's filming being discovered. So even if all the complaints described below had been handled in a different manner, it is highly unlikely that they would have led to X's filming being discovered.

Accessing the complaints system

107. Although Clifton had few formal complaints, some parents were unhappy about the way East Town was run. They gave three reasons why they felt complaints were unwelcome.

108. The first was a feeling that complaining would be counterproductive, which was expressed by a parent with a child in East Town in the late 2000s:

'Why did we not complain? First, our children were happy and doing well, we are not needy parents and didn't want to 'rock the boat'. The odd drink, or texting your friends to sign you in, seemed part and parcel of a highly enjoyable experience. Second, it was very hard to complain as one had the

feeling that he (X) would take it out on your child. Thirdly, the head teacher's children were in the same house and the head and X appeared to be friends'

She went on to say 'If you were unhappy with your Housemaster (HoM) there was nowhere to go. The Head was simply unapproachable. The main meeting places between tutor, HoM and parents were social gatherings, not conducive to discussion of academic or pastoral matters. HoMs did not attend parent's evenings as these were to discuss academic progress. To my discredit I did not complain about incorrect reports, missed meetings or breaches of confidence. I'm afraid I did not feel comfortable about complaining about X, boundaries were too blurred.'

109. The second reason was that the complaints procedure was not available on the school's website until 2012. Before 2012 parents had to request the procedure if they wished to make a complaint, and this information was buried in the terms and conditions of their contract with the school. Several parents told the investigator that they did not know that they could make a formal complaint, or that they felt uncomfortable asking the school to provide a copy of the procedure.

110. The third reason was that parents gained the impression that head(3) (from 2005) strongly discouraged complaints. A recent Clifton parent described how she met head(3) and a deputy to discuss a disciplinary issue in one meeting and the quality of teaching in a specific subject area in a second. She remembers being told on both occasions 'if you don't like it why are you still here?' and 'if you don't like it you can leave'. This response discouraged her from making a formal complaint and also from raising further concerns, and she thought her experience was similar to that of other parents who had expressed concerns.

111. Early in the complaints process two complainants (below) were sent letters making three general points:

- Parents have a contractual obligation to behave reasonably
- Formal complaints are extremely rare at Clifton
- Their child might want to leave the school or move to a different house

These points, particularly the third point, could have had a chilling effect on anyone considering whether to make a complaint, if complainants had discussed the school's response with other parents.

The College's handling of three parental complaints

Complaint 1 (2012) about X failing to follow school's behaviour policy

112. Although this complaint is logged, it did not fit into the published procedure as it was made to the Chair of Council after parents had met head(3) and deputy(2). There was a supplementary letter about head(3)'s handling of the case. The parents did not want to use the formal complaints process; they wanted to draw Council's attention to their concerns.

113. The school's discipline policy said 'housemasters are the direct link with home; they will be in contact with parents or guardians when there are concerns about an individual's behaviour'. The parents complained that X did not contact them about their son's detentions or behavioural issues until the point at which their son was expelled. As the pupil's file and the Marshal's records do not correspond to the number of detentions allegedly verbally notified by X to the parents, it is not possible to understand why X did not contact the parents before their son was expelled. The file also contains an allegation made by X about the boy's behaviour which turned out to be untrue. The false allegation could have contributed to the decision to exclude the pupil, although with nothing about

the decision making process available, and no published process relating to appeal or review of decisions, the investigator was unable to understand how decisions were made.

114. The Chair of Council discussed the expulsion at length with the boy's grandfather at the time and was aware that the boy's parents were unhappy with the way that X, deputy head(2) and head(3) had handled it. He expressed sympathy to the grandfather and understood that his sentiments had been passed on to the boy's parents. When the parents did not get a reply to their letters two and a half months later, the Chair explained he had not received the letters. The parents supplied copies.

115. The Chair reviewed the letters after the summer holidays and half the following term had passed. He took the view that no effective purpose would be served by further correspondence. He regarded the detention complaint as a side issue and took it no further. He believes he spoke to the grandfather again but did not write back to the parents. With hindsight he considers that he was discourteous in failing to respond to the parents.

116. There is no evidence that anyone investigated the substance of the parents' complaints about X's actions or head(3)'s handling of the expulsion. As there were no school procedures for handling correspondence that fell short of a formal complaint, there were no standards of quality or timeliness that the correspondence had to meet. However, the correspondents did not receive a reply and there was no effort to look into their concerns. This falls below the standard generally applied in most organisations in England.

Complaint 2 (2012) about a staff appointment in East Town

117. After several email exchanges with deputy head pastoral(2), a parent complained to the Chair of Council that she had concerns about a staff appointment that X made in East Town. She believed that the appointee could have breached a confidence and thought that the appointment raised issues of confidentiality and conflict of interest. She was particularly concerned that matrons had access to confidential information on HoM's emails. Deputy head pastoral(2) explained that matrons did not have access to HoM emails.

118. The Chair explained how the complaints process worked and the parent made a formal complaint to Council. Shortly afterwards she received a letter from head(3). He explained the process that had been followed in making the appointment and offered to meet her to reassure her although he was 'at a loss to understand the nature of your complaint'. The parent did not take up head(3)'s offer of a meeting, so 3 weeks later the Chair wrote to her encouraging her to think about options for resolving the situation before she met head(3), including a house move.

119. The complainant decided not to pursue the complaint further, instead meeting X to discuss her concerns. She received a final email from head(3) following this meeting that said 'seeking a 'clear the air' meeting with X is of course the route you should have taken from the outset. I am sure you will now want to let the matter rest...I remain at a loss to understand your complaint (there is absolutely no justification for it) and I hope this is the end of the matter'

120. The complaint was handled within the prescribed timescales but the complainant continued to feel that the school had not understood her concerns.

Complaint 3 (took place over a period of time culminating in 2012) was contained in papers that accompanied a complaint about events in another house at Clifton that did not involve X. Papers accompanying the complaint referred to an allegation that X was found tied to a chair in his

underpants. This report does not contain any investigation of, or observations about, the handling of any other aspect of the complaint.

121. This complaint followed the school's complaints process and went through all the formal stages.

122. In papers incidental to another complaint, parents alleged that a member of staff, in a social setting, advised them 'how we should not allow our son to go into East Town as there were serious concerns over the House Master's sexuality and that on one occasion the HoM was found tied to a chair in his underpants'. The complainant told the investigator the staff member described how X was found by two 5th form or two 6th form pupils. There was no mention of children in the written account that was distributed to head(3) and governors as part of the complaints process.

123. When questioned by the investigator, the staff member said it was the first time he had been formally questioned (i.e. things written down and confirmed with him) about the allegation which he described as gossip between friends. He said that he could not be sure when the conversation took place. His wife, who also works at the school, was present when the conversation with the complainant took place and is certain that the complainants' recollection is faulty. Like her husband she did not recall hearing that any children were involved and pointed out that they put their own child into East Town, which is inconsistent with the concerns that were described. She believed the allegation arose when X was said to have been found in his study in East Town by a cleaner in the late 1990s.

124. The staff member and his wife both told the investigator that they did not consider at the time that the gossip raised safeguarding concerns because no children were involved, and because they had heard the story 3rd or 4th hand so it lacked reliability. The staff member added that he did not believe the allegation to be true, and he would not have wanted to get his colleague into trouble over something that was no more than a rumour.

125. Head(3) became aware of the allegation when it was included in a note of a meeting with the complainant in May 2012. The complainant drafted the note after the meeting. Head(3) did not think that the matter had been raised in the meeting, neither was it in the note of the meeting that his personal assistant had made.

126. Nevertheless, head(3) asked the staff member about the allegation. Neither head(3) nor the staff member made a note of the conversation but head(3) remembers that the staff member described the allegation as unsubstantiated gossip from years ago, and said that no pupils were involved as far as he knew. Head(3) checked X's personnel file and could not find anything of concern. As head(3) had no evidence that pupils were involved, he did not believe that the allegation met the criteria for reporting to the LADO.

127. The personal assistant who recorded the meeting and saw the note from the complainant deferred to head(3) as he had higher level professional training, and was the person to whom she would have reported safeguarding allegations.

128. The complaint continued to a meeting with head(3), the Chair of Council and another administrative assistant present (Stage 2 of the complaints process). The Chair read the allegation but thought X had a reputation as a womaniser so he assumed the reference was to adult, heterosexual activity. Nevertheless, he questioned head(3) and was reassured to find that head(3) had investigated the complaint and was satisfied that no children were involved. The Chair initiated an informal discussion with the East Town matron who had no concerns about X's behaviour. The

administrative assistant who took minutes at the formal hearing did not read the papers, and does not recall that the allegation was discussed at the hearing as it was incidental to the substance of the complaint.

129. Head(3) then commissioned a tightly focused internal review of the complaint by a senior teacher of the way the senior team dealt with specific aspects of the complaint. The teacher did not read the section that contained the allegation as it was not relevant to the terms of reference of the review.

130. The parents' complaint was escalated to a Stage 3 panel in accordance with the College's complaints procedures. The panel hearing included two governors who had had no prior involvement, and an independent person. The panel was professionally advised by the College's solicitors who have expertise in education, safeguarding and child protection matters.

131. The governor who chaired the panel read the papers thoroughly and was concerned about the allegation, thinking it had potential sexual connotations.

She took the following action:

- Raised it with the Chair who told her he had discussed it with head(3), and that head(3) had investigated and found no evidence that children were involved, or that the allegation had substance
- Sometime later she too spoke to the East Town matron who assured her there was nothing to worry about; the matron felt she would know if there was anything untoward
- At the next Council meeting informally over lunch, and in the presence of the safeguarding governor, she raised the matter with head(3). He told her he had looked into the allegation, there was nothing on X's personnel file, his own son was in East Town and he would know if there was anything untoward. He recalls the governor informing him that tying to a chair could have sexual connotations. The safeguarding governor does not recall being part of this conversation
- Some months later she saw the staff member who made the allegation. She clearly remembers raising the issue with him when the pair visited solicitors to make statements on a separate matter. She is clear that the staff member (i) denied making the statement (ii) told her there was no truth in the allegation as he knew X well, holidaying together and with his son in East Town. The staff member does not agree with the governor's recollection of their conversation, although he does recall the governor mentioning X.

132. The other governor on the panel asked head(3) about the allegation. He recalls that head(3) told him that he had investigated but had no date, no name, and no place. Head(3) recalls the governor questioning him.

133. The independent person on the panel believed the gossip not to have any bearing on the complaint that was being considered by the panel.

134. The parents did not accept the panel's findings and brought a claim against the school which went to mediation. The mediation papers contained a record of the 'Stage 3' panel which was seen by another governor, bursar(2) and the school's solicitors as part of the mediation process. This governor viewed the allegation in the context of one of several accusations set out in the middle of a very long and bad tempered email. He admits that, with hindsight, the meaning and importance of the allegation were not given the importance it merited.

135. Bursar(2) was aware of the allegation but knew that head(3), the Chair of Council and the Chair of the Panel had considered it. As she did not line manage the relevant member of staff she did not consider there was any action she needed to take.

Handling the allegations

136 To provide context, head(3) explained that the allegation was incidental to a complaint about a separate matter, which had caused relations between the complainant and the school to become strained. The deteriorating relationship led head(3) to consider the possibility that the allegation could be malicious. He explained that a former teacher at the school was the subject of malicious rumours a few years earlier that turned out to be wholly without foundation. These two factors weighed heavily in his mind in deciding how to respond to the allegation about X.

137. SCSRE contained guidance on handling allegations. It said that allegations should be handled in line with local procedures that should include contact details for the LADO responsible for providing advice. The school's *Safeguarding and Protecting Children Policy*, (May 2012) which was agreed with the local authority, said that the Head Master will contact the LADO **as soon as an allegation comes to light, however trivial**. It goes on to say **'the Head Master will not investigate the substance of the allegation without first seeking advice'**. The school's policy indicates that the head should have referred the allegation to the LADO for advice before any enquiries were made by the school.

138. Head(3) did not feel that he felt that he had any evidence at all to put to the LADO, so the allegation did not meet the 'however trivial' reporting threshold. He approached the allegation from the direction of establishing whether or not children were involved, considering that would have been the trigger for a report to the LADO. After interviewing the staff member, he applied the test set out in SCSRE which was to consider whether X had:

- Behaved in a way that had harmed a child, or may have harmed a child;
- Possibly committed a criminal offence against a child; or
- Behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.

He could not find evidence that any of these three conditions were met so did not consider that advice needed to be sought from the LADO.

139. There was separate guidance on handling historic allegations contained in *'Working Together'*. This document has a section on historic allegations and says that warning signs may not be 'related directly to abuse'. Matters to consider are whether boundaries had been blurred, inappropriate behaviour had taken place, or matters such as fraud, deception or pornography were involved. Head(3) did not refer to the guidance in *Working Together*.

140. The College had a Safer Working Practices policy that arguably covered the behaviour described in the allegation. Relevant sections include 'College employees should avoid behaviour which might be misinterpreted by others', 'staff...should adopt high standards of personal conduct...and individual's behaviour either in or out of College should not compromise his/her position at the College'. There was a reference to the GTCE's Code of Professional Values: 'teachers ...recognise that professionalism involves using judgement over appropriate standards of personal behaviour'. Head(3) did not consider whether the allegation fell within the scope of the Safer Working Practices policy because he thought there was no evidence to support the allegation.

141. SCSRE has a section on record keeping. It says ‘**a clear and comprehensive summary of any allegations (should be kept)..details of how the allegation was followed up and resolved, and a note of the actions taken and decisions reached is kept on a person’s confidential personnel file and a copy provided to the person concerned**’. Head(3) did not keep a written record of the enquiries made, and his decisions and actions. As the allegations were not discussed with X, no note was provided to him or placed on his personnel file.

142. The allegation came to the attention of governors as it progressed through the complaints process. Governors made their own enquiries, in the first instance seeking reassurance from head(3) that he had considered the allegation carefully in the light of the school’s procedures. Their actions went further than questioning head(3); one governor identified a possible sexual element and others thought the alleged behaviour was inappropriate if it occurred on school premises. The investigator believes that governors made reasonable enquiries from a lay perspective and the governor who questioned the staff member who made the allegations was particularly tenacious. The governors’ decision to seek specialist legal advice was consistent with the Charity Commission’s guidance to Trustees in discharging their responsibilities with ‘reasonable care’.

143. If the governors had been familiar with the school’s procedures for reporting allegations, they might have asked head(3) whether the allegation had been referred to the LADO for advice. However, it would be unfair to criticise Individual governors for failing to recognise that the school’s guidance required a report to be made to the LADO in the event of allegations against staff, particularly as the panel relied on independent professional legal advisors. Council as a whole had not kept up to date with safeguarding requirements, so this was a collective failing.

Section 8 Consider, taking into account changes made to safeguarding practices by the College since the arrest of X, whether the College now has effective safeguarding policies and procedures in place

144. Clifton had an unannounced emergency inspection on 1 July 2015 and the school received the ISI’s report at the end of August. It found failings in several areas including:

- out of date child protection policy with reporting and handling allegations a particular area of concern
- poor communication with the LADO
- defining the duties of the designated safeguarding officer
- carrying out an annual review of safeguarding
- no formal policy for access to private accommodation in Houses
- minor failings in the single central register
- timescales for resolving complaints
- governor oversight

145. The governing body took rapid and decisive action to address these concerns and the follow-up report of 29 February 2016 showed that all the shortcomings identified in the emergency inspection report had been remedied.

146. Governors immediately appointed a new Designated Safeguarding Lead (DSL) who set to work putting an improvement plan in place. They also established a Safeguarding and Welfare Sub-Committee (SWSC) which started work at the end of October 2015, that had terms of reference agreed with the LADO. The Committee was established in order to review the culture of the College, to address change, to update policies and procedures in line with safeguarding guidelines and latest

legislation, and ensure that safeguarding pupils is the school's priority. The SWSC gave the DSL the status, authority, time and resources to tackle the problems the school faced. It agreed that the annual safeguarding review would take place in June 2016 so that it could assess effectiveness after the first academic year of operating the new arrangements. The College has made a commitment to ensure that the 'golden thread of safeguarding' runs throughout the College.

147. By the end of September the DSL had introduced a new electronic Child Protection Online Monitoring System (CPOMS), which enabled all staff to report all safeguarding concerns, however small, to the DSL. All staff were trained to use CPOMS over the period to December, and deputy DSLs for each school were identified and trained. Training is ongoing to support less confident staff.

148. The DSL then went through all the pupil files where there had been safeguarding concerns to ensure they had been thoroughly investigated, and checked that any aspects that involved adults had been picked up and reported. The DSL has built a relationship with the LADO through meetings and telephone conversations, which can be evidenced. She continues to consult the LADO for advice.

149. The DSL oversaw a comprehensive review of policies and procedures and joined the Bristol Safeguarding Children Board Education Sub-Group (BSCB). She completed the BSCB audit for schools and early years. She worked with personnel colleagues to implement iTRENT which includes a record of safeguarding (and other training). The failings in the SCR were also addressed by the College's HR department who introduced more stringent background checks as well as an internal auditing and spot checking process to ensure consistency. Improvements were made to site and visitor security. The College's Safeguarding and Protecting Children Policy was reviewed, updated and signed off by the Chairman of the SWSC. The policy now outlines staff safeguarding responsibilities and demonstrates clear channels for reporting concerns. The policy is reviewed on a regular basis in line with changes in legislation e.g. FGM, extremism

150. The next phase of work was to change from a reactive to proactive approach. This involved a large amount of training for all members of staff and supplementary training for those with specific safeguarding responsibilities. Since September the DSL has provided internal Safeguarding and Child Protection to training to almost 700 members of staff including teachers, caterers, cleaners, administrators and porters. The DSL has personally completed a comprehensive range of safeguarding training.

151. The College has been working closely with a safeguarding specialist consultant who has provided 'Offender Behaviour and Risk On and Off Line' training to key members of College staff and council. The Senior Team have also received 'Safer Interview Skills' training provided by the NSPCC. Key points from this training have been integrated into the College interview process with immediate effect. The school also offered e-safety training to parents; this was well attended.

152. The Safeguarding and Compliance Committees take their responsibilities very seriously. Both chairs have come into school to make spot checks on documents, and to talk to staff to check they understand safeguarding policies and procedures. At their insistence, safeguarding has become part of the appraisals for both teaching and support staff and is on every relevant Senior Leadership Team and board agenda. The school will also commission an independent specialist to assist with the annual audit and review process.

153. More recently, the DSL has contributed to updating policies on alcohol, trips, access to 'private side' accommodation and protocols for family members living on site who are not

employees of the school. Complaints handling arrangements have changed so that all complaints and concerns are captured and all information is now held in one centralised location. Work on e-safety had continued apace, linking network use with CPOMS reports. The College has invested in a number of improved IT systems including a new firewall system, new monitoring and blocking software and a new filtering and blocking product. They have also improved the security of the College Wi-Fi. Four e-safety officers have been appointed who are trained as CEOP (Child Exploitation & Online Protection) ambassadors. There has been an e-safety week and guidance on Facebook use.

154. CCSL and other users of the site will all have to meet the same safeguarding standards as Clifton staff. The school provides training for all CCSL staff and other organisations that use the school during the holiday. All CCSL employees and other users of the school site have to sign up for Clifton's Code of Conduct. The College has appointed an additional Deputy DSL to cover the holiday period who will work closely with current College staff as well as the external partners and their teams.

155. Rapid and effective work within the College has been matched by the Board. Compliance Committee has drafted a comprehensive governance framework document which describes the structure of the board, the legal obligations of governors and the ways that Board will work. So far the College does not have a matching document to describe the roles and responsibilities of staff, but the Board is determined this will be put in place as soon as possible.

156. The Board has also examined the effectiveness with which the College manages its policies. This involved a survey of the College's policies and an audit of their 'usability'. Compliance Committee now has a work programme for securing regular policy reviews, managed within an agreed framework.

157. The school's rapid and intensive action plan has addressed the safeguarding shortcomings which gave X the opportunity to offend. ISI has judged that Clifton's safeguarding policies are compliant, and the College has the resources and commitment to keep the policies up to date. The Findings and Recommendations set out some areas the College might consider for further work to embed the rapid changes that have made over the past 10 months.

FINDINGS AND RECOMMENDATIONS

FINDING 1 Throughout X's time in East Town there were no concerns or complaints that were directly related to filming or photographing children. On the other hand, there were several incidents that could have indicated X was unsuitable to work with children, that were not investigated. These incidents, coupled with concerns about favouritism and poor compliance with policies and procedures, should have raised questions about X's suitability to be employed as a housemaster, as well as his broader suitability to work with children.

Inadequate investigations of serious concerns meant that the school did not recognise or record X's continuing inappropriate behaviour or specific incidents of inappropriate behaviour. Inadequate recording and reporting meant that significant concerns were not brought to the attention of senior staff. Letters of complaint and notes of meetings were not placed on X's personnel file and a note of disciplinary action in 2000 was lost. Concerns about his failure to comply with policies and procedures were not recorded on his personnel file and did not form part of the formal, written performance assessment.

Poor record keeping meant that successive heads were unable to see that a large number of concerns about X had been raised during his career at Clifton. Each incident was considered in isolation, none met the threshold applied at the time for disciplinary action, and the cumulative effect of the various incidents and behaviours was never considered.

From 1997-2000 several concerns about X's behaviour were - on the balance of probabilities - reported to senior managers. HoMs had considerable autonomy so X's behaviour did not attract scrutiny from colleagues or senior managers. A lack of consistent systems, procedures, oversight and accountability allowed X to establish what would now be recognised as grooming behaviour. There were no regulations or school rules at the time requiring specific systems and procedures to be in place, neither was there a good public understanding of the way children might be groomed by trusted adults.

In September 2000 head(2) introduced systems of accountability and control. Head(2) investigated two allegations of inappropriate behaviour. Neither investigation identified safeguarding risks, partly because staff did not cooperate and partly because there was limited understanding of grooming behaviour or safeguarding risk at the time. While X continued to groom pupils in East Town, he worked hard to improve his image and avoid behaviour that might attract further management attention.

After September 2005 head(3) dismantled many of the formal management systems within the Upper School as his management style was to 'speak what was difficult and write down what was good'. His priorities were finance, pupil recruitment, and aligning the three Clifton schools through the College Executive Committee (CEC). Safeguarding received little Council scrutiny and senior management attention. Staff worked hard to ensure cases involving children were handled effectively but the Council and head(3) did not appear to be aware of the role of the LADO in handling allegations against staff.

The absence of formal, minuted senior management meetings and a culture which discouraged written reports led to ineffective arrangements for reporting and recording allegations against staff. Safeguarding training was focused on supporting children and did not equip staff to recognise

grooming or other inappropriate behaviour by colleagues. Tensions in the senior management team, and X's bullying behaviour, discouraged East Town staff from reporting or exploring their concerns, and concerns raised by parents. The school did not carry out annual safeguarding reviews or develop a relationship with the LADO.

X was perceived by other staff and parents as cultivating a close relationship with head(3), although head(3) was clear that X was treated in the same way as other HoMs. Staff observed that X invested a lot of energy in marketing East Town and in preparing UCAS forms; these aligned with head(3)'s priorities. These perceptions discouraged staff and parents from reporting concerns about X. Head(3) did not discipline X for serious administrative shortcomings, neither did he recall hearing any safeguarding concerns about X's behaviour throughout his tenure at Clifton College.

Personnel files were split between the personnel department and the headmaster's office. There was a lack of clarity about what was stored in each location, and dividing the files between two locations made it difficult to get a holistic view of staff performance.

Recommendation

That the school has a root and branch overhaul of record keeping and the arrangements and thresholds for reporting concerns. The CPOMS system has transformed systems for recording safeguarding concerns but it needs to be linked to historic records and other personnel information such as appraisals. In investigating current concerns, the school should take account of the poor standard of reporting and recording in the past. When the school receives new allegations against staff it will need to consider whether there is any evidence of past concerns that were not reported, recorded or investigated at the time they arose.

FINDING 2 Throughout X's career in East Town he displayed behaviour that could have indicated he was grooming groups of boys. He selected groups of boys with specific characteristics and developed friendships with them; gained their trust through attention, entertainment and sharing the 'secret' of breaking school rules; sexualised the relationship through friendly banter; this took place while he appeared charming to adult carers and the school community. Staff did not have the background, experience, training or curiosity to identify X's pattern of behaviour.

Grooming behaviour varies between offenders, but there are similarities between the different stages of grooming². The first stage is selecting vulnerable children, and para 22 describes how X would select good-looking, sporty boys who were 'a bit naughty', who found rules and regulations a nuisance. He gained their trust through providing friendship, attention, beer and pizza, and extended evenings socialising in his study. He extended it by encouraging them to break school rules (lax registration, staying overnight, inviting girls into studies, bullying younger children without any punishment). Some boys have described how he sexualised the relationship through inappropriate banter and discussing his own (heterosexual) relationships.

At the same time X paid attention to adult carers, befriending them, often inviting selected parents for drinks in the house. He also paid close attention to the needs and interests of head teachers,

² Sexual grooming of children: Review of literature and theoretical considerations, Craven, S, Brown, S, Gilchrist, E. Journal of Sexual Aggression vol 12 2006

boasting to friends that he pruned the bushes in head(2)'s garden, and fostering a shared interest in dogs and country pursuits with head(3) and his family.

For many years favouritism was an accepted part of Clifton culture. (paras 22-33) Most boys, parents and members of staff in East Town realised X had favourites who received more time and attention than other boys. They knew favourites were singled out for entertainment in his office and trips to Cornwall. Several colleagues thought the relationships were inappropriate, but did not connect their concerns with the guidance on Safer Working Practices to the extent of taking advice from the Designated Safeguarding Lead. With the exception of the school's education psychologist, no one recognised favouritism and the invitations for selected boys to go on trips as potential signs of grooming.

Recommendation: That safeguarding training explicitly covers favouritism and grooming so that staff are aware of indicators of grooming, and how to avoid developing inappropriately close relationships with students and parents. All children must feel equally valued by teachers, and teachers have to guard against any perception that they are favouring any group, or groups, of pupils. Teachers need to employ professional judgement in examining their own conduct, and the conduct of colleagues, so that any concerns are picked up early and considered in the light of Clifton's Code of Conduct and Whistleblowing Policy.

Compliance Committee should ensure the school has mechanisms for pupils and staff to express concerns about staff who do not treat all pupils fairly or equally. This could be through a comprehensive pupil, parent and staff survey broken down by house, which included questions on safeguarding, as well as through informal means. Any survey would ideally be benchmarked against practice in other schools.

FINDING 3 A parental complaint in 2012 was a missed opportunity to identify X's inappropriate behaviour. The school should have referred the complaint to the LADO for advice.

The analysis at para 137 suggests that head(3) should have sought advice from the LADO at an early stage, before undertaking his own enquiries, and that he should have made a written record of the allegation and action taken. Some members of Council made diligent enquiries about the complaint but there is no evidence that they questioned whether the LADO's advice should have been sought. There is no evidence that head(3), the school or Council understood the role of the LADO, or made any effort to build a working relationship with the LADO, before safeguarding became a mandatory agenda item during 2013.

Recommendation All staff and governors have received thorough safeguarding training and updates are planned. Governor training needs to focus on overseeing safeguarding within the school and this includes the quality of relationships between the school and the statutory agencies, and handling allegations. While safeguarding is a very high priority for the governing body at present, safeguarding training and awareness for governors needs to be sustained over the long term so all governors keep abreast of rapid changes to safeguarding policy and practice. The safeguarding governor should take a close interest in the quality and effectiveness of relationships between the school and the local authority.

FINDING 4 From 2007 – 2014 Council did not discharge its safeguarding responsibilities effectively; it failed to provide appropriate oversight of and accountability for safeguarding complaints, policies and practices. Until 2013 it did not carry out an annual review of safeguarding, have a substantive discussion of safeguarding policy or practice, or recognise that the College had not established a relationship with the LADO. Risk assessment did not extend to safeguarding and the Nominations Committee did not recruit candidates with a high level of current safeguarding expertise.

Council's oversight of the senior management team, and performance management within the school, was inadequate. There were serious tensions within the senior team that inhibited effective implementation of the school's safeguarding policies. After 2008, no performance management of head(3) was carried out; if carried out effectively it could have addressed these tensions and identified safeguarding as an area of concern. After senior management, HoMs were key figures in implementing safeguarding policies and procedures, but no written appraisal of HoMs safeguarding performance was carried out between 2008 and 2014. Poor scrutiny of performance management procedures meant that Council did not realise that safeguarding and pastoral care did not form a substantial element of performance assessment.

The College's objectives do not encompass safeguarding. This gives the impression that safeguarding is not part of the College's core values

The investigation could not identify any Council meeting before 2013 when there was a substantive, minuted discussion of the Council's duties to safeguard and promote the welfare of children, their duties as charity trustees to safeguard 'vulnerable beneficiaries', or the safeguarding expectations of school inspectors. Although the child protection policy was agreed every year, there was no evidence of challenge or questioning. Council did not appear to take an interest in safeguarding, or, as a body, develop safeguarding expertise. The safeguarding governor worked diligently with the DSL on cases involving children, but this work did not feed into Council discussions or extend to handling allegations as these were dealt with by the head, in isolation from other safeguarding issues. Council may have placed too much reliance on strong inspection judgements, using these as a substitute for making their own enquiries into practice at the school.

The Investigation has only been able to identify one formal appraisal of head(3), in 2008, soon after the new safeguarding arrangements were introduced. Most Board members supported the principle of appraisal. It is not clear why the Board did not support their Chair in undertaking later appraisals, particularly after he took external professional advice on how this might be done in 2012, and identified a possible independent assessor. From 2006 onwards safeguarding practice was overseen by deputy head pastoral(2). Senior colleagues have described serious tensions between deputy(2) and head(3) that undermined deputy(2)'s efforts to introduce a consistent approach to rules and regulations, including safeguarding practice. Head(3) explained that he would 'speak what was difficult', so there was no written record of his behaviour. Some Board members were aware of tensions in the senior team but in the absence of performance management there were no formal mechanisms to address these concerns.

In 2012 head(3) told the Council that 'systems were in place to monitor the development of staff in all areas of activity, not just examination grades'. The investigator has examined X's personnel file and found that his performance as HoM (rather than as a teacher) was only assessed formally once after 2005, in 2008, by his line manager, deputy head pastoral(2). In 2009 a new pay and appraisal

system was introduced. In theory it covered pastoral care, but deputy head pastoral(2) was not asked to contribute a formal assessment to feed into the new system. Issues identified in the 2008 assessments were not followed up. Head(3) did not realise that the arrangements for formal written assessments of pastoral care had lapsed, but explained that he was aware of X's performance through informal mechanisms.

Council has provided outstanding leadership in changing the safeguarding culture at Clifton. Policies and procedures are a safety net, but they should flow from core beliefs that guide Council. The College needs a vision, values and behaviours that are clearly articulated and embedded into the College. If the culture is right, everyone in the College will comply with policies and procedures.

Recommendation The Compliance Committee and SWSC are closely engaged in overseeing the school's overarching approach to compliance and risk management, including safeguarding. The Board needs to continue its careful scrutiny of safeguarding practice for the foreseeable future so that staff at the school understand that there has been a permanent change in culture. Scrutiny and challenge should cover all the areas set out in the new Keeping Children Safe in Education draft guidance (September 2016), particularly interagency working; the effectiveness of referrals procedures; the quality of support and advice within school; the extent and effectiveness of safeguarding training; and the degree of seniority and authority of senior safeguarding staff.

Council should put in place formal performance management arrangements for all members of staff, including the head, that include safeguarding objectives. Council might consider whether all the areas set out in the National Standards of Excellence for Head teachers should be included in the head's objectives, and whether all staff should be required to meet the Teachers' Standards. Council must ensure through sampling and other oversight that performance assessment is comprehensive, well moderated, timely, and linked to the school's development plan.

The most effective schools have a harmonious management team where all members model the organisation's Code of Conduct. Concerns about performance are managed through the formal performance management system and poor performers are supported. The Board should take a strong interest in performance management of the top team, ensuring through the head that each one makes a full contribution and the whole team works well together. Where there is friction, the Board should explore the reasons and support the head in identifying an appropriate solution. Formal records of performance discussions are an essential part of accountability and sound management as they provide certainty as to the school's policies, decisions and accountabilities. Safeguarding must be part of formal performance management procedures.

Work is underway to articulate a vision, values and behaviours that will include safeguarding. It would be helpful to complete this quickly to make a public commitment to buttress the changes that have been made. The Board might consider how it could articulate a vision of excellent safeguarding practice as contributing to the liberal philosophy and principles of the school's founder; safeguarding has to become part of the 'DNA' of the school.

FINDING 5 From 2007-2014 head(3) did not keep Council up to date with emerging safeguarding practices and expectations, including the handling of complaints and concerns related to safeguarding

The head of any school has a duty to his or her governors to keep them informed about changes to policy and practice. Heads have access to support from professional associations, professional advisers, technical updates, colleagues and other sources and draw out what is timely and relevant for their school. Head(3) at Clifton did not keep Council abreast of safeguarding developments or practice, neither did he invite deputy(2) who led on safeguarding to provide support. His lack of interest in safeguarding contributed to Council's lack of awareness of the pace and direction of change.

Recommendation. There are so many different areas to cover in a large and complex school such as Clifton that the head cannot be an expert in every area; he needs to draw on external experts, deputies and other colleagues for advice. Council might examine how it could develop capacity within the whole senior team so that there is a wider pool of talent to draw on for expert advice. Council should develop a dialogue with the head, the safeguarding lead and other senior staff, so it is equipped to scrutinise and challenge safeguarding policies and procedures.

The head teacher should inform Council of safeguarding issues relating to children and staff. Reports should be made promptly and in a manner that respects confidentiality.

FINDING 6 From 2005, head(3) did not discipline X when he ignored school rules and policies for registration and identifying missing pupils, nor when he refused to follow Education Visits procedures. While disciplinary action would not have identified X's crimes, tightening up on Education Visits procedures might have deterred X from taking trips where pupils were filmed, or recognised favouritism in the way boys were selected for trips and accommodation, or identified concerns about the accommodation arrangements.

Recommendation: Schools have legal responsibilities to identify pupils missing from education and parents expect schools to let them know if their children are not at school. Compliance Committee should check that registration discrepancies are followed up quickly and effectively, without exception.

Risk assessments and plans are an essential part of ensuring pupils stay safe, and allow the school to respond in an emergency. Compliance Committee must ensure there is a reliable system for authorising all school trips which ensures the necessary paperwork has been completed. If staff property is used, the school might consider an independent risk assessment. New arrangements might include finance department cross-checking payments against trip authorisations.

Compliance with school rules, policies and procedures should be part of performance management so all staff are held to account regularly for implementing the school's policies.

FINDING 7 From 2005 the school did not have effective arrangements for responding to parental concerns about X, neither was there an effective mechanism for reporting parental concerns to the Board

East Town parents told the investigator that X never responded to emails and rarely returned telephone calls, so they had to make an appointment if they wanted to discuss concerns with him. Although unhappy, they did not find head(3) of the Upper School easy to approach with their

concerns, and the boys sensed that X did not like parents to raise concerns. Where parents raised concerns they found the system difficult to navigate and the school unsympathetic.

While the school was proud of the low number of formal parental complaints, this masked an unwillingness to listen to and respond to their concerns. A parental survey in 2013 found that the school scored relatively poorly on parental communications, which supports testimonies from parents who found the school unapproachable.

Recommendation Any healthy organisation addresses complaints and concerns with speed, care and compassion. Clifton has reviewed its approach to handling complaints and concerns to speed things up. It needs to persuade parents they can raise concerns informally and that they will be addressed immediately and sympathetically. Compliance Committee should keep the school's approach to handling complaints and concerns under review to ensure responses are sympathetic and timely. As well as reviewing the topics that concern parents, senior management and the board should regularly review the quality and timeliness of the school's response to complaints and concerns.

FINDING 8 Over the entire period of the review there were no arrangements for monitoring the amount of unsupervised access individual staff had to students. In late 1990s and early 2000s, the low level of supervision in the house provided X with opportunities to film students. Filming stopped shortly after levels of supervision were improved by introducing matrons. X subsequently filmed students in his holiday home in Cornwall while he was in sole charge. This suggests that the amount of unsupervised access to students, in an informal setting, was a significant factor in enabling X to develop close relationships with students in the house. These close relationships, coupled with X's open dislike of rules and regulations, created an environment where students were encouraged to indulge in behaviours that X filmed, and the opportunity for X to take many hours of footage.

When X started in East Town, levels of supervision were far lower than they are today. He required less of his tutors than other HoMs, and he was praised for extended opening hours. As levels of supervision improved with the introduction of assistant HoMs and more tutors, X had fewer opportunities to groom students. Shortly after matrons were introduced in 2006, he probably stopped filming in the house. He organised the house in a way that optimised the amount of unsupervised access he had to students in the evening and at weekends. Although rotas were monitored, the prime concern of the school was that some kind of supervision was in place, rather than the extent of unsupervised access to students.

Staffing arrangements in boarding houses are tightly controlled, so it is unlikely that any individual would have the same level of opportunity to select children for attention in a boarding house.

Recommendation: It is not always practical to have two people on duty in day houses. The school should have oversight arrangements to ensure that no member of staff spends a disproportionate amount of time alone with the same group of students in an informal setting. This would reduce the risk of staff crossing the professional boundary to form friendships with students. Staff need to reflect on their own practice and raise concerns if they feel exposed through the amount of unsupervised access their post requires. Compliance Committee should review the oversight arrangements to check they protect staff and students from the risks that arise from a large amount of regular, unsupervised, informal, contact.

FINDING 9 From 2005-2014 Council lacked the support of a Clerk with education and compliance expertise; this contributed to Council's lack of awareness of developing safeguarding practice.

Throughout this period Council relied on bursar(2) for support; bursar(2) is a finance specialist and provides expert support for the Council on financial matters. By her own admission, she did not have an education background and relied on head(3) to provide direction in those areas where she did not have expertise. Throughout the period she worked diligently to provide appropriate training, information and support for Council members to strengthen their understanding of roles and responsibilities. She found that members sometimes had difficulty in finding sufficient time to access training.

Recommendation That Council identifies a Clerk/Secretary to Council who has sufficient time, expertise and training to maintain an overview of all the different areas that governing bodies of independent schools and charities need to consider in order to keep up to date with regulatory and other developments. The Clerk should have sufficient independence and status to challenge the head and Chair if he/she believes the Board is overlooking something that is important, and take a proactive approach to governor training.

FINDING 10 Cleaners, porters and other domestic staff were aware that X behaved in a different way to other HoMs and grasped the implications of his behaviour. Their complaints were diluted, lost or disbelieved as they were reported up the management chain. When they complained they were bullied by X. Matrons and some tutors in the house knew that X had favourite boys, that he developed a close bond with them, that he took them on trips to Cornwall and socialised with their parents. They also sensed that X would not like it if they made a complaint, and that complaining would jeopardise their future in East Town.

The liberal culture at Clifton deterred pupils, parents and staff from reporting concerns when X broke school rules, for example sleepovers in the house and girls entering areas of the house that were off-limits.

Recommendation

The latest version of 'Keeping Children Safe in Education' makes it clear that **all** staff members have a duty to report unsafe practices; ignoring poor practice is unacceptable. All staff members who are aware of safeguarding issues have a duty to report them, rather than staying silent, even if this criticises or undermines their line manager. The school needs to create an environment which supports staff in questioning the safeguarding practice of **all** colleagues, however senior, and make disclosures in a safe environment.

Parents should feel able to raise any safeguarding concern, however small, with the school. While much has been achieved through CPOMS, Compliance Committee must ensure that parents and staff at all levels of seniority are confident that referrals will be treated seriously and confidentially.

FINDING 11 Clifton is unusual in having many members of staff who are also parents. Some had concerns about X but did not feel comfortable about criticising a popular colleague who ran a successful house.

The investigator understands that parents who are also staff do not want to interfere in the way colleagues run their houses and that they develop friendships with other parents who are not staff. Parents who were not staff looked at the behaviour of parents who were staff members in assessing whether X's behaviour, particularly behaviour that broke school rules, was acceptable.

Recommendation Parent teachers can be placed in a difficult situation if they observe practices that other parents and children tolerate, but which are not in accordance with school rules or professional ethics. They must place their professional duties before all other considerations and they cannot under any circumstances condone or ignore unprofessional or unethical behaviour of colleagues. The school should examine the Code of Conduct with teachers who are also parents to see whether it needs extending so they have greater clarity as to where the boundary between their roles as parent and teacher lies, and how to deal with any conflicts of interest.

FINDING 12 Some teachers were accustomed to socialising with parents and explained that was a well-established Clifton tradition. Parents described how blurred boundaries deterred them from raising concerns

Many Clifton College parents live close to the school, so friendships between parents and teachers develop at the school gate and in the community. Two of the three heads X served encouraged close relationships between parents and teachers, seeing them as part of a long standing Clifton tradition. Several East Town parents felt X's friendship with specific families was inappropriate as it led to him favouring their children and gossiping about other families. In one instance, X released personal information about a pupil to another boy's parents who mistakenly accused the pupil of criminal damage. Parents also raised concerns about breaching confidentiality where parents had business dealings with the school.

Recommendation The relationship between teachers and parents has to be formal, with all parents treated equally and with respect irrespective of personal relationships with individual members of staff. Under no circumstances can staff breach confidentiality; as well as their professional responsibilities they must bear in mind the provisions of the Data Protection Act. The situation is particularly sensitive when parents have a business relationship with the school. Clifton should review the Code of Conduct with teachers who have faced professional boundary issues, to ensure it is clear, realistic and effective.

FINDING 13 The investigator found that some staff members envisaged the Compliance Officer would take away the burden of keeping policies up to date and implementing them.

Clifton has an increasingly well-ordered approach to compliance. Senior staff need to be accountable for implementing policies and procedures and keeping them up to date. They control resources and line manage staff; both are required to make sure legal requirements are implemented effectively.

Recommendation That individual senior managers are clearly accountable for ensuring that the College is compliant with its legal obligations. The Compliance Officer's role is to support them in understanding what the legal obligations are and helping them meet deadlines, make statutory returns and monitor the quality of compliance. If there are areas where the Board needs independent assurance that policies are implemented effectively, they might purchase an internal audit service, or other external assurance, that reports directly to the Board.

Annex A

Terms of reference

Investigation into safeguarding issues at the College arising from the prosecution of X

Background

The College Council takes seriously events connected with the conviction of former teacher and day housemaster, X on charges of making, taking and possessing indecent images, the action taken by the College and the impact that this has had on parents, pupils, staff, members of Council and the wider community in Bristol.

The advice note published by the Independent Schools Inspectorate on 8 September 2015 in relation to an unannounced inspection on 1 July 2015 identified a number of regulatory action points which the College has been required to address by way of a notice served under section 114(5) of the Education and Skills Act 2008.

The Council wishes the College to become a beacon of excellence for education, pastoral care, safeguarding and governance.

The Council has formed a Safeguarding and Welfare Sub-committee (SWC) and has delegated the commissioning of an independent investigation of safeguarding at the College to investigate:

- whether concerns were raised about X prior to his arrest and, if so, what action was taken, the effectiveness of any such action, the College's approach to dealing with safeguarding concerns and how he was able to operate undetected for so long;
- whether the College's current safeguarding policies and procedures are compliant with current legislation and statutory guidance and are implemented effectively; and
- to make recommendations as to what more, if anything, can be done to ensure the highest possible quality of safeguarding within the College.

Terms of Reference

	Item	Overview
1	Investigator	Penny Jones, formerly Deputy Director of Independent Education and School Governance at the Department for Education
2	Scope of investigation	The Investigation will: <ul style="list-style-type: none">• Investigate parental complaints related to X and the College's handling of the situation.• Identify concerns raised about X prior to his arrest by College pupils, parents or staff including how these were reported, how they were recorded and the documents retained and what action was taken.• Examine whether these concerns were acted on promptly and effectively in view of the requirements (statutory or College policy or both) at the time they were made and, if they were not, why not?

	Item	Overview
		<ul style="list-style-type: none"> • Consider, taking into account changes made to safeguarding practices by the College since the arrest of X, whether the College now has effective safeguarding policies and procedures in place and recommend any further changes to the College's safeguarding policies and practices to enable it to demonstrate sector best practice in safeguarding and child protection. <p>The Investigator will:</p> <ul style="list-style-type: none"> • Consider documentary evidence held by or available to the College which is relevant to the scope of the investigation and interview relevant staff, former staff, parents and pupils insofar as she considers it reasonable and proportionate to do so. In particular, she will: • Interview relevant current members of staff; • Consider whether it would be helpful to speak to former members of staff and if so to invite them to interview in terms to be agreed with the Chair of the SWC; • Consider whether it would be helpful to speak to or otherwise obtain the views of current or former parents and/or pupils and if so, to invite them to interview or otherwise for their views, in terms to be agreed with the Chair of the SWC.
3	Access to materials	<ul style="list-style-type: none"> • The College will make arrangements for the Investigator to meet with the Clerk to Council to facilitate access to documents (whether hard copy or electronic). • The Investigator will be entitled to sight of any documents which she may reasonably request for the purposes of this investigation. Any such queries should be addressed to the Secretary to the Council in the first instance. • Should the Investigator consider that it would be helpful to speak to individuals for the purposes of the review, then any such requests should also be directed to the Secretary to the Council in the first instance. • The Investigator will contact the Bristol LADO to access information held by them relevant to her investigation.
4	Conflict of interest	<p>The Investigator has confirmed that she has no known conflict and has agreed to notify the College should a conflict of interest or the potential for one arise.</p> <p>Council acknowledges the possibility of a conflict of interest of some of its members in the issues under investigation and has therefore delegated the commissioning of this investigation to the SWC.</p>

Annex B – Historic safeguarding requirements

Since 1 July 2007 schools have had a duty to follow statutory guidance set out in *Working Together to Safeguard Children; A guide to interagency working to safeguard and promote the welfare of children (April 2006)* and *Safeguarding Children and Safer Recruitment in Education (2007)*. While the College's 2008 child protection policy was out of date in referring to guidance dating back to 2005, the 2010 and subsequent policies up to the time of X's arrest refer to the correct documents.

Safeguarding Children has clear instructions on handling allegations that might indicate a person is unsuitable to work with children. They apply when a staff member has:

- Behaved in a way that has harmed a child, or might have harmed a child;
- Possibly committed a criminal offence against or related to a child; or
- Behaved towards a child or children in a way that indicated that s/he is unsuitable to work with children

Allegations should normally be reported immediately to the head teacher. The guidance goes on to say that it is important to ensure that even allegations that appear less serious are followed up and taken seriously, and that they are examined objectively by someone independent of the school. Consequently, the local authority designated officer (LADO) should be informed of all allegations that come to the school's attention and appear to meet the criteria above. The LADO will discuss the allegations with the head to confirm details and establish that it is not demonstrably false or unfounded.

Working Together (2006) covers historical allegations saying:

'There have been a number of widely reported cases of historical abuse...when such allegations are made, they should be responded to in the same way as contemporary concerns....It is important not to assume that initial signs are necessarily related directly to abuse, and to consider occasions where boundaries have been blurred, inappropriate behaviour has taken place, and matters such as fraud, deception or pornography have been involved.'

This was superseded in October 2012 by 'Dealing with allegations of abuse against teachers and other staff' that made a small change to the definition of reportable allegations:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

It also emphasised the importance of reporting allegations to the Local Authority Designated Officer (LADO):

'In the first instance, the head teacher or principal, or chair of governors, chair of the management committee or proprietor of an independent school (the 'case manager') should immediately discuss the allegation with the LADO. The purpose of an initial discussion is for the LADO and the case manager to consider the nature, content and context of the allegation and agree a course of action. The LADO may ask the case manager to provide or obtain relevant additional information....The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern; in which case this decision and a justification for it should be recorded by both the case manager and the LADO, and agreement

reached on what information should be put in writing to the individual concerned and by whom. The case manager should then consider with the LADO what action should follow both in respect of the individual and those who made the initial allegation.'

Annex C

Safeguarding requirements for proprietors of an independent school ***Keeping Children Safe in Education 1 January 2007 – April 2014***

Proprietors should ensure that:

- The school has a child protection policy and procedures in place that are in accordance with locally agreed inter-agency procedures, and the policy is made available to parents on request
- The school operates safe recruitment procedures and makes sure that all appropriate checks are carried out on staff and volunteers who work with children
- The school has procedures for dealing with allegations of abuse against members of staff or volunteers that comply with locally agreed inter-agency procedures and guidance (ref to Chapter 5). These include procedures for the proprietor to liaise with other agencies in the event that allegations are made involving the head teacher
- A senior member of the school's management structure is designated to take lead responsibility for dealing with child protection issues and liaising with other agencies where necessary (etc)
- In addition to basic child protection training, the designated person undertakes training in inter-agency working that is provided by, or to the standards set by, the LSCB, and refresher training at two yearly intervals to keep his or her knowledge and skills up to date
- The head teacher and all other staff who work with children undertake training that equips them with the knowledge and skills necessary to carry out their responsibilities for child protection that is kept up to date by refresher training at three yearly intervals, and temporary staff and volunteers who work with children are made aware of the school's arrangements for child protection and their responsibilities
- Any weaknesses or deficiencies in regard to child protection arrangements are remedied without delay; and
- The proprietor undertakes an annual review of the school's policies and procedures relating to safeguarding, and how the above duties have been discharged

Annex D

Guidance on 'Dealing with allegations of abuse against teachers and other staff' was published in November 2005, and later incorporated into 'SCSRE' and covers the first part of this period. Key features were:

- That a clear and comprehensive summary of any allegations made, and how they were followed up and resolved, and a note of any actions taken and decisions reached, are kept on a person's personnel file. This is to enable accurate information to be given in response to later enquiries and to prevent unnecessary re-investigation
- A designated LA officer should be used in management and oversight of individual cases and a report should be made on the same day that the concern is reported to the head. The LA designated officer would then discuss the matter with the head and the head should not investigate the allegation until a discussion with the LA has taken place
- The LA designated office should be informed about all allegations that come to the school's attention and appear to meet criteria (as in SCSRE)
- All schools must have procedures for handling allegations

Annex E

Key personnel and timescales

Head(1) September 1990 – August 2000

Head(2) September 2000 – August 2005

Head(3) September 2005 – December 2015

Deputy head pastoral (1) sometimes referred to as deputy(1) September 1995 – Summer 2006

Deputy head pastoral (2) September 2006 – August 2013

Bursar(1) September 1998 – April 2006

Bursar (2) August 2006 -

Marshal (2) September 2008 – July 2010

Marshal (3) September 2010 -