

To follow this correspondence, start at the bottom of this document with an email addressed to Mr Sheridan, and work to the top.

Tom received no reply to the email of the 9th November.

From: Tom Perry [mailto:]
Sent: 09 November 2007 16:34
To: 'Margaret.PATTINSON'
Subject: RE: Declaration of Letters of Notification in Inspectors Reports.

Dear Mrs Pattinson,

I have meshed my response (in blue) into your email.

The Department does not consider that releasing the number of individuals referred by individual schools to our Safeguarding Operations Division would add to parental understanding of a school's child protection arrangements. [That the department does not believe this is clear, what is not available is the reasoning for these 'beliefs' without which the beliefs are unjustifiable.](#) In fact, if anything it has the potential to mislead and damage both individuals and schools since it is unwise to suggest that the number of referrals made to the Department somehow reflects how safe a school is. [And following the same correlation it must be unwise for the DCSF to suggest that exam results reflect how good a school might be performing educationally. Is this the logic? If so, I am at a loss to follow the merits of the Department's 'beliefs?'](#) A referral does not always result in an individual being placed on List 99 and there are occasions when unfounded allegations are made, or when the evidence does not reach the statutory threshold for barring. [In the absence of published statistics of abuse in schools, which the DCSF is perfectly capable of producing but chooses not to, we only have your departments assurances for this assertion. We do not know the incidents of unfounded allegations so until this is provided this element of the argument has to be set aside. But what I find so disturbing is that the rights of the perpetrator seem to trump the rights of a child and the childs parents in the eyes of the DCSF. Indeed, one might argue that the fact a school is actually referring individuals to the Department constitutes a positive indicator that robust child protection mechanisms are in place. Were this your opinion I would despair and making this suggestion to me who as you are aware is a victim of abuse, is extraordinarily offensive. To highlight why it is so offensive – my abuser was allegedly dismissed at the end of the summer term in 1963 for abusing boys yet he was present at the school following term when I started and finally retired in 1993.](#)

[Something is amiss in your department for this extraordinary suggestion to be promulgated. It is a statutory obligation to send a Notification, and schools may willingly adhere to the obligation safe in the knowledge that these letters](#)

never see the light of day again, and you suggest that it could be argued that merely receiving them indicates robust child protection mechanisms are in place. It is an extraordinary suggestion.

Your department knows the number of incidents of alleged abuse occurring in schools which have been contemporaneously reported to the police. The Department could easily tell us the following figures:

Total Referrals	State/Private
Reported to police / SS contemporaneously	State/Private
Convictions	State/Private
False allegations	State/Private
Other events	State/Private

But the DCSF fails to provide these statistics. Why?

Why would this be useful information? It would remove doubt from the minds of parents that the propensity to conceal alleged abuse in independent schools is epidemic. This sector as you know has no policing umbrella such as the LEA which is so productively employed in the State sector. As we know, so much child protection information produced by the DCSF is recommendation and nothing more than that. State schools through their LEA's tend to adopt the recommendations whilst the independent sector can choose. The Independent sector's ability to choose means that few of the recommendations are adopted other than those which might be required to adhere to the National Minimum Standards.

So to see the Child Protection performance differentiations between state and independent per 1000 pupils in education would be highly relevant and very good for parents in both sectors.

Even if it were justified in policy terms, disclosing this information would present a number of important legal issues for consideration. Disclosing numbers from an individual school might enable individuals to be identified, raising law of confidence, human rights and data protection issues. At the very least, there would be speculation amongst parents and the wider community which could destabilise the operation of a school deemed perfectly satisfactory by inspectors.

This suggests a lack of understanding of activities at the point of delivery. Teachers in the independent sector presently leave the school when an 'incident' occurs, and no one outside the relevant circle is told the truth. Police and Social Services are mostly excluded. The teacher is entitled to confidentiality until charges are made, and of course this must remain. Inspections happen every 6 years. A teacher having left or been dismissed could occur just weeks or days before an Inspection. With only the close circle knowing the truth a digit can easily appear in a report which is produced 6 months later and parents will not be able to identify the person, neither would they try in my experience. It is a 60 month cycle between inspections and the digit could have been in Month 1. Digits relate directly to performance, just as

exams. If I saw a 7 at a school it provides me with the opportunity to seriously question the performance and what is happening now. All parents should be entitled to do this. The DCSF knowingly leaves parents in the dark which is unwise and reprehensible.

It is for the above reasons that the regulatory framework for independent schools, against which schools are inspected, does not include the number of referrals made by individual schools to be reported on. This position is the same for maintained schools.

The Education (Independent School Standards) (England) Regulations 2003 as amended, require that a school has a range of documented policies in place, one of which is child protection. As in maintained schools that policy must cover staff responsibilities with regard to identifying and managing child protection issues within the school and identifying the appropriate local agencies and determining how and when they should be engaged. The policy must also include the requirement for schools to have documented procedures for dealing with allegations of abuse against members of staff or volunteers that comply with locally agreed inter agency procedures. Inspectors will check that procedures in schools cover this and will look to make sure that the school has the required contacts.

Mrs Pattinson, I am grateful for you pointing this out to me. I am aware of these issues and also aware of their shortcomings which you do not seem to consider can happen. I can put in front of you policies of a school which were confirmed to the DfES in 2000, indeed I have a copy of the very letter sent to the DfES. In 2001 these same policies were broken and one child has suffered appallingly as a result. A full record of the matter exists and how the school got away with it and effectively concealed a 'scandal' as they saw it.

How can schools do this you might wonder? It is very simple, i) there is no policing authority for independent schools. ii) The policy which was confirmed to the DfES was concealed from parents, so not even the parents knew what should have happened and, iii) since the beginning of time and presently there is no obligation in the independent sector to report alleged abuse to the Police or Social Services. If a school is operating on a commercial template you will never get a report made to the correct agencies without it being a statutory obligation to report all alleged offences to Police and Social Services. What is more as a result of this not happening the child does not receive the treatment s/he requires that will set them on a path of recovery.

The interests of a child and the school are diametrically opposed when alleged abuse occurs. The Cabin Hill School Northern Ireland is a perfect example of this fact. The DCSF could well do with reading the report commissioned by DENI and the recommendations contained therein. And of course in NI it is a statutory obligation to report alleged abuse to the Police.

Finally I should add that when the Safeguarding Vulnerable Groups Act comes into force in autumn 2008, employers, including independent schools, will be under a duty to refer to the Independent Safeguarding Authority any individual whom they have had to prevent from working with children on the

grounds that the individual has harmed or poses a risk of harm to child. Failure to refer will be a criminal offence.

As for your final paragraph, until it is a statutory obligation to report these matters to the Police and Social Services we have yet another agency destined for fudge and failure. The Independent Safeguarding Authority is not a prosecuting authority and neither does it report events to the Police or Social Service, and therefore it takes the lot of abused children no further forward.

What is require is :-

- Reporting of LoN digits in reports with a definition of a notification.
- The requirement of schools to post reports (both) on their websites
- The requirement on schools to post their Child protection policy in full on their website
- The statutory obligation on schools to report all alleged abuse to police and/or Social Services.

Other issues are also needed but they fall outside your remit.

Independent schools may then be improving – until then the DCSF appears complicit in the concealment of alleged abuse in schools.

I look forward to the facts behind the beliefs emerging from the department.

Sincerely

Tom Perry

From: Margaret.PATTINSON [mailto:Margaret.]
Sent: 31 October 2007 13:20
To: Tom Perry
Subject: FW: Declaration of Letters of Notification in Inspectors Reports.

Dear Mr Perry

I have been asked to respond to your e-mail to John Sheridan below.

The Department does not consider that releasing the number of individuals referred by individual schools to our Safeguarding Operations Division would add to parental understanding of a school's child protection arrangements. In

fact, if anything it has the potential to mislead and damage both individuals and schools since it is unwise to suggest that the number of referrals made to the Department somehow reflects how safe a school is. A referral does not always result in an individual being placed on List 99 and there are occasions when unfounded allegations are made, or when the evidence does not reach the statutory threshold for barring. Indeed, one might argue that the fact a school is actually referring individuals to the Department constitutes a positive indicator that robust child protection mechanisms are in place.

Even if it were justified in policy terms, disclosing this information would present a number of important legal issues for consideration. Disclosing numbers from an individual school might enable individuals to be identified, raising law of confidence, human rights and data protection issues. At the very least, there would be speculation amongst parents and the wider community which could destabilise the operation of a school deemed perfectly satisfactory by inspectors.

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Finally I should add that when the Safeguarding Vulnerable Groups Act comes into force in autumn 2008, employers, including independent schools, will be under a duty to refer to the Independent Safeguarding Authority any individual whom they have had to prevent from working with children on the grounds that the individual has harmed or poses a risk of harm to child. Failure to refer will be a criminal offence.

Yours sincerely,

Margaret Pattinson
Team Leader
Independent Education and Boarding Team.

From: Tom Perry [mailto:]
Sent: 10 October 2007 12:11
To: SHERIDAN, John
Subject: FW: Declaration of Letters of Notification in Inspectors Reports.

Dear Mr Sheridan,

Here is the key element of my inquiry.

Below in different typeface is an extract from Page 1 of the :- ISI "*Revised handbook for the inspection of independent schools in the Independent School Council*" Part 1 – THE INSPECTION FRAMEWORK

[Under the Agreement between ISI and the Department for Education and Skills (DfES), signed in December 2003, ISI is also a body approved by the Secretary of State for Education and Skills for the purpose of inspection of independent schools in membership of ISC under Section 162A(1)(b) of the Education Act 2002, as amended by the Education Act 2005.

In addition, ISI contributes to the inspection of boarding by the Commission for Social Care Inspection (CSCI) and of early years by the Office for Standards in Education (Ofsted).

The ISI inspections of independent schools in the ISC are thus required by:

- the ISC, to help schools to; improve *and inform parents of the quality of ISC schools*”]

This is a misleading statement. Ofsted’s similar statement is equally misleading and for the following reasons.

1. There is presently no obligation on independent schools to report alleged abuse to the police or social services.
2. When alleged abuse occurs there is an immediate divergence of interests between the school the victim and the parents of the victim.
3. Being founded on commercial principles the default setting of schools is to conceal the event/s.
4. This includes reducing the likelihood of the events reaching court with all the attendant publicity which might occur as a result.
5. Often, as can now be proven, this concealment and non-reported event is at the expense of the victim. Without the agencies becoming involved, including the social services, the victim does not receive the correct psychological treatment which will assist him/her make a full recovery at an early stage.
6. The school – having made no report of events to Social Services or police then completes a ‘letter of notification’ which is sent to the TMS section in Darlington.
7. Until 2005 the DCSF did nothing with these notifications other than use them for their own purposes in relation to list 99 and ensuring those who should not be teaching children are less likely to achieve their objectives.
8. The reports were never in possession of the inspectors of schools prior to an inspection being made. So quite clearly the credibility of welfare reports before 2005 is non-existent. It is only since this date that inspectors have been informed notifications in advance of an inspection.

Despite Inspectorates being in possession of this information we have yet to see that they have used it to satisfy themselves that similar circumstances could not lead to similar

complaints being made once again. Nothing is visible in their reports indicating inspection against notifications has occurred.

The DCSF apparently does not insist that the Inspectorates reveal the number of notifications they've received (between inspections) in their reports. Why not? This is very important information to parents when deciding upon a school for their child. We wish the digit (if there is one) in a box titled "number of notifications between inspections" [with an explanation of what a notification is] to have a comment next to it from the inspector indicating that he/she is satisfied that similar events (without in any way indicating what they were) are very unlikely.

How do parents presently find out if a school has or had a history of 'that sort of thing' as I have heard child abuse described? Well there is the school car park on the school run, friends of friends, a former teacher, a former parent – rumour, speculation, and what you heard in the pub. This is the only route open to parents as a result, I am being told, of the DCSF policy of non-information in this area. And of course how will the parents discover any truth when the default setting of these commercial enterprises is to conceal bad news?

So clearly the reports are designed to "*partially inform parents of the quality of schools but not on the subject of child protection performance*" the most important discipline in the place.

Of course the advantage of featuring 'the digit' in the report is two fold:

1. Parents are informed clearly by the inspectorates of vital facts relevant and perhaps key to their decision making and the present misleading claims are closer to being achieved.
2. Because the school knows the digit will be published, and complacency in this area is likely to be removed by the institution because they know the result will be published.

Of course there is also a downside. With the digit now appearing in the reports, it might encourage an institution to forget the statutory letter of notification. Schools complete these presently knowing that it is very unlikely that the notification will be seen again. If it is known that parents and potential parents will see this letter as a digit, their motivation to fulfil their statutory obligation could wither. Can I risk it will be thinking of some schools?

The answer is to make it a statutory obligation on all schools to have to report all events of alleged abuse to the police. With this in place the cost of failing to fulfil any part of the obligations is too grim to risk.

A secondary benefit of this new rule being applied is that the victim of any alleged abuse, will for the first time and as a result of the school fulfilling it's new statutory obligation to report the events to police, be guaranteed to see a member of the social services and a psychologist and assessed for correct treatment.

I look forward to your reply on these points.

Sincerely

Tom Perry