


Hugh Davies OBE QC

 International School
Independent Review arising from the criminal conduct of William Vahey

FINAL REPORT

25 NOVEMBER 2014

██████ International School
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<u>Contents</u>	<u>Pages</u>
Part 1 – Introduction	1
The Review	2
References	2
Summary of Conclusions	3
Underlying Purpose	4
Structure	7
Confidentiality	8
Part 2 – Basic Sequence of Events	11
Part 3 – Ownership and Governance	13
Detailed Analysis: Education Board	16
Dissolution of Education Board	17
School Board	17
Cognita's role in authorising trips	21
Part 4 – Staff Recruitment and Vetting	21
General: interim report	21
Wider considerations	23
Detail of Vahey's recruitment	24
Analysis	28
Criminal Background Checks	28
Wider checks and inspections	29

[REDACTED] International School
 Independent Review arising from the criminal conduct of William Vahey

Wider observations	31
School's response	33
Part 5 – Vahey's Trips	35
What happened	35
Policies regarding trips	36
Practical procedures around trips	36
Vahey's residential trips	37
The Travel Club	37
Approval	38
Summary of individual trips	38
What went wrong?	42
Mandatory notification of questionable conduct	45
Part 6 – Child Protection Procedures and Reporting of Concerns	45
Overview	45
The nature and handling of individual reports	46
Summary of reports and non-reports	63
Conclusions as to the history and handling of reports	64
Part 7 – What, and why, things went wrong	69
Child protection structure within the School	70
The prevailing attitude to child protection matters and procedures	73
False perception that [REDACTED] was immune to sexual offending by staff	72

[REDACTED] International School
 Independent Review arising from the criminal conduct of William Vahey

Drafting and implementation of policy	75
Child Protection Policy 2009	77
Training	79
The limitations of training	81
Paradigm patterns of institutional offending	82
Duty and language of mandatory "notification" rather than "allegation"	83
Part 8 – Steps Taken By the School	85
Pre-April by new SLT	85
Post April and pre interim report	86
Post interim report	86
Part 9 – Conclusions and Recommendations	90
Central Recommendations	92
<u>Appendices</u>	
Appendix 1 - Terms of Reference and Frequently Asked Questions	
Appendix 2 - Interim Report	
Appendix 3 - Correspondence with parents and staff	
Appendix 4 - Vahey's recruitment and reference documentation	
Appendix 5 - Detailed comparative analysis of policies	

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

FINAL REPORT

1. Introduction

- 1.1 William Vahey was employed by ██████████ International School (“the School”) between August 2009 and June 2013. He was 60 years of age when first employed. He was an outwardly respectable and experienced married man, with adult children, whose wife held a prominent position in the world of international schools. He had an uninterrupted history of teaching at ten such schools from 1972. At the point of departure he enjoyed a very high degree of popularity with many students and parents at the School. Behind the scenes he was disrespectful of attempts to manage and improve his teaching, and progressively unpopular with other teachers and staff members who had to work with him directly.
- 1.2 His public persona disguised the reality of his character: the “inspirational” teacher, with an idiosyncratic approach to lessons and proven ability to organise adventurous foreign trips, was in fact an accomplished and cynical criminal. Having transferred to another international school in Nicaragua, in March 2014 a USB thumb drive taken from him was found to contain multiple abusive images of apparently unconscious students on school trips. No purpose is served by repeating what such images are reported to contain, and the Review knows nothing other than what has been reported. A significant number of these students were from ██████████. The nature and full extent of his offending at other schools remains under investigation by the Metropolitan Police Service (“MPS”) and FBI. Given the methodology of his offending, however, it is inevitably the case that even at the conclusion of their investigations a number of facts will remain unknown. As reported, he appears to have admitted to similar offending throughout his teaching career. On 21 March 2014, two days after being seen by the FBI, he committed suicide.
- 1.3 Before his offending was made public, and based on inaccurate reports that he had suffered a heart attack, news of his death was greeted by shock and expressions of grief at the School. As his pattern of offending emerged these emotions transformed to others of an enduring and damaging nature. To students – and parents of students - that either were, or believe that they or their child may have been, directly abused by him, it is impossible adequately to describe the reaction. For everyone who knew him at the School and suspected nothing, most particularly the students he befriended, the betrayal by

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

and profound undermining of trust in an adult they liked and believed they knew is both obvious and serious.

- 1.4 There is an inevitable degree of retrospection and dismay in the minds of other teachers and staff that signs were either not identified; or were not reported; or were reported and not either recorded or acted on adequately so as to investigate his conduct and promote effective intervention. I have no doubt that many such decision-makers are traumatised by their roles in the narrative of his conduct.

The Review: interim and final reports

- 1.5 Following his suicide in March 2014, the School announced a comprehensive and independent review (“the Review”) to be conducted by me, to identify and report on what occurred at ██████████ and to review the child protection procedures at the School more generally. I published an interim report in July 2014, which was a relatively detailed document primarily directed at identifying immediate procedural matters for reform. The interim report is appended to the final report as Appendix 2. Whilst primarily procedural, some background context was required in the interim report. This final report is directed at providing an accessible narrative history of what happened and why; analysing the quality of procedures and the degree of compliance with those procedures; providing a comprehensive treatment of policies and procedures over time; and making final recommendations for further reform.
- 1.6 It will be seen that I find that there were serious failures in individual decision-making; the procedures for reporting and recording matters of concern as to a teacher or staff member’s conduct; and the lines of reporting and accountability within the School’s structure of governance. These areas, and others, inter-relate: a complex picture is produced, albeit within this complex whole objectively straightforward errors were made.

References in this report

- 1.7 There are a number of individuals to whom I refer frequently in this report. To avoid confusion, the former Westminster Principal Terry Hedger and the current Executive Principal Graham Lacey are referred to predominantly by name. Unless otherwise stated, where reference is made to "the Deputy Principal" this refers to the former Deputy Principal (Pastoral) (there were other Deputy Principals with distinct responsibilities).

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

Summary of conclusions and headline recommendations

- 1.8 The report contains analysis and recommendations throughout. Part 9 is directed specifically at conclusions and recommendations. In absolute summary, however, my central conclusions are as follows:
- 1.8.1 The background checks conducted into Vahey by the School when he was recruited were consistent with UK regulatory standards at the time. Two independent inspections subsequently confirmed that ██████████ procedures met these standards, and did not recommend more extensive checks than were occurring in practice. To that extent the School is not to be criticised. More exhaustive background enquiry should however be mandatory in future;
- 1.8.2 Obviously inappropriate conduct by him was under-reported throughout his time at ██████████ and, even when reported, was inadequately recorded and managed;
- 1.8.3 The reasons for such under-reporting, objectively inadequate recording and poor decision-making are multi-factorial, but include (i) a false but dominant assumption by senior decision-makers that teachers, once vetted, could not represent a risk to students at the School, and that such criminality would not occur at ██████████ in any event; (ii) a lack of understanding amongst these decision-makers as to the patterns of institutional sexual offending against children; (iii) an incoherent system for reporting such matters as between the Deputy Principal and the designated Child Protection Officer, such incoherence producing no single (or any) central record of such reports; (iv) no practice of consulting with the local authority designated officer (“LADO”) for advice, or proper understanding of the threshold at which to do so; and (v) disproportionate significance being given to the opinions of students and/or parents;
- 1.8.4 There was the clearest possible basis for the School to intervene, and these various serious deficiencies prevented such intervention occurring;
- 1.8.5 While work is ongoing with regulatory bodies to deliver regulatory compliance, the deficiencies highlighted in the interim report have very substantially already been addressed by the School, such that revised procedures now provide significantly improved safeguarding of students. Following implementation of the recommendations of this Review (assuming they are accepted), and those of the various regulators working with the School (such as the LADO; Tri-Borough Children's Services; and Ofsted) in my opinion lines of responsibility, accountability and supervision of child protection matters in the School will now be understood and clear in practice.
- 1.9 My principal final recommendations are:
- 1.9.1 The continued implementation by the School of detailed recommendations arising from the interim and final reports, as additionally informed by advice from statutory agencies and the outcome of the Serious Case Review;
- 1.9.2 Mandatory criminal records checks in all countries in which an applicant has either worked or resided for a defined period (three months if practicable, otherwise six months) and in any event a mandatory criminal records check in the applicant’s country of nationality;

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

- 1.9.3 The introduction of mandatory training for all teachers and staff members as to the patterns of behaviour characteristic of institutionally-based sexual offending against children;
- 1.9.4 The introduction of a mandatory requirement, under the Code of Conduct, on all teachers and staff to provide a neutral notification to the safeguarding lead of defined activity by themselves and/or other teachers or members of staff (e.g. the fact of, and explanation for, unsupervised access to a student in sleeping or residential accommodation);
- 1.9.5 Corresponding duties on trip organisers to notify in writing significant medical events occurring on trips, with a duty on the safeguarding lead to consult such records;
- 1.9.6 Advice to parents and students that they should notify the safeguarding lead of such activity by teachers/staff, and other questionable activity, and that such notification will not be interpreted as either a “complaint” or “allegation” and will be treated confidentially;
- 1.9.7 Corresponding duties on the safeguarding lead to record such notifications centrally as part of a single neutral record, and obtain the advice of the Local Authority Designated Officer (“LADO”) as necessary.

Underlying purpose of the Review, and wider context

- 1.10 The detail of this is reflected in the residue of this final report. Recognising that I have reached some critical findings, I also emphasise that my purpose is not to attribute blame. For my part, only one person is deserving of blame in the sense of moral censure, and that is William Vahey.
- 1.11 Given the gravity of what occurred there is the necessity of seeking to understand what happened and, as appropriate, implementing measures to reduce the risk of recurrence. I accept that no person taking decisions in relation to Vahey was anything other than wholly committed to protecting children: such commitment on its own is however not enough.
- 1.12 As is characteristic of such offenders, Vahey manufactured popularity and approval where he needed it, and traded to criminal advantage off the trust placed by decision-makers in others, including that placed in other decision-makers and him. Trust and assumption are however no substitute for effective and accountable child protection procedures: the well-documented, and extensive, history of sexual offending against children in institutions demonstrates repeatedly that they are exploited most readily in environments that do not genuinely believe themselves to be at risk. This lack of insight as to risk applied to key decision-makers at ██████████. The most dangerous environment for a child is that in which certain risks are believed either not to apply, or will be addressed through the simple common sense and decency of its members. To achieve effective protection, commitment in principle must be matched by an informed understanding of how such institutional child abuse occurs, and why certain activity must be notified, recorded and evaluated.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

- 1.13 The energy and unique qualities of international schools derive in part from the intrinsically international nature of their students and teachers. The corollary of many obvious advantages arising from this internationalism is a particular vulnerability to this type of offending. Relative to non-international schools they have a mobile population of students and, in particular, a high turnover of staff. Teachers and staff are recruited from an international base; they will not generally be trained in UK safeguarding standards and procedures; their employment requires certification from multiple jurisdictions. Such documents may either be forged or obtained corruptly. These vulnerabilities must be addressed through strict, and easily understood, procedures for notifying and recording certain types of conduct.
- 1.14 With that said, the police investigation has not established any information to suggest criminality by any other person employed by ██████████. The intensive (and nearly concluded) review of the backgrounds to other teaching staff by Control Risks has not to date identified any matter of concern. The nature and extent of Vahey’s offending at other schools in different jurisdictions is under investigation by the FBI. From what is reported in the media it appears that his offending is serious, and continued after the date of his conviction for child molestation in the USA in 1969 up to and including his conduct at ██████████.

Serious Case Review

- 1.15 Subsequent to the interim report it was announced that there is to be a statutory Serious Case Review (“SCR”) chaired by Dame Moira Gibb. All the material obtained by my Review will be provided on request to the SCR, although evidence obtained from individual witnesses will only be so provided with the express prior consent of the witness. This is consistent with the original Terms of Reference and terms of confidentiality by which I sought evidence and undertook to treat it. I anticipate that this will reduce the degree to which relevant witnesses will need to be questioned by the SCR. My Review will not publish or produce any material beyond that in the body of this report and the appended documents.
- 1.16 Whilst this review is written for the benefit of the ██████████ community and has no statutory basis, I have made recommendations in relation to these matters, and associated training, that if agreed by others (schools and statutory agencies in particular) are of potential general application. As a minimum, the central recommendations may or may not be adopted in some form by the SCR. For that reason I have included in the appendices the product of relatively detailed comparative analysis by the Review under separate headings.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

Ofsted inspections May and 8 October 2014

- 1.17 Ofsted undertook an emergency inspection of the School in May 2014, and consequential 'Action Plans' were submitted to the Department for Education ("DfE") by the School in July and September 2014. There was a further unannounced inspection on 8 October 2014, and an inspection report will be published arising from this visit. My understanding is that the School is still working with Ofsted to ensure full compliance with the Education (Independent School Standards) (England) Regulations. These provide inspection criteria for independent schools.
- 1.18 It may be observed that the School's new safeguarding policy was drafted following consultation with the local authority, and if it has omissions this perhaps demonstrates the difficulty of achieving absolute regulatory compliance on paper even with such informed advice. New procedures must also be given a chance to work, and then reviewed critically with an eye on further improvement.
- 1.19 It may be that the implementation of some of the recommendations from this Review will assist this process. It will be seen in particular that I have highlighted deficiencies under the old regime in relation to both effective practical supervision within the School of those with particular safeguarding roles, and over-confidence in staff that all concerns will be recognised and reported. As the evidence to this Review demonstrates, assumption as to the competence and actions of even the most trusted colleagues is a dangerous premise for effective safeguarding. I believe the findings and proposals emanating from this Review and continued liaison with the relevant statutory agencies will assist the School in achieving the practical resilience required of any effective safeguarding regime.
- 1.20 For the avoidance of doubt, where I refer to being satisfied with the School's new procedures complying with statutory guidance, this is my substantive rather than a technical school inspection view. My comments should accordingly be read as subject to such measures as may be recommended for the School to take by any of Ofsted, the LADO, Tri-Borough Children's Services or the SCR.
- 1.21 The procedures at ██████████ have been subjected to a depth of scrutiny that significantly exceeds that possible through inspection by agencies including Ofsted, ISI or SIS. One of the features of the history we report at ██████████ is that independent inspections prior to the discovery of Vahey's criminal conduct were consistently positive as to compliance. Our more detailed review has demonstrated that this provided significant, but ultimately false, reassurance to the governance and management of the School.
- 1.22 The dominant belief at ██████████ was that the type of offending committed by Vahey could not happen there. History demonstrates it can happen anywhere. As with any other school, in future

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

██████████ will need to ask itself the following questions: do teachers and staff understand the patterns of conduct typical of sexual offenders within institutions including schools? Do they understand – and accordingly accept – the purpose of recording in a neutral manner unauthorised access to children and illnesses suffered by children? What is the threshold for reporting (more neutrally, “notifying”) unsupervised access to children, and/or other defined or questionable conduct? Is such notification mandatory within the school community, so at the very least the safeguarding lead is aware of any such conduct? Is there a comprehensive single central record of such reports? Are students and parents aware of the threshold and mechanisms for notification, and is confidentiality appropriately protected by the associated procedures? Is there clear and distinct line management – i.e. genuine supervision – of child protection officers/safeguarding leads?

- 1.23 The history at ██████████ demonstrates that unless neutral reporting of each of these matters to the safeguarding lead is mandatory, human nature and the culture of the profession is such that reports may either not be made; or may not adequately be investigated; and/or will not be recorded adequately or at all.
- 1.24 Structure of the final report
- 1.25 Whilst my interim report [30 July 2014] included some (mainly provisional) findings of fact, it was primarily directed at identifying and recommending procedural changes for immediate implementation. It was accordingly (and may have read as) a somewhat technical document, particularly perhaps for a non-practitioner audience. Where necessary I refer to it in this final report, whilst limiting repetition to the minimum possible. The interim report is Appendix 2 to the final report.
- 1.26 The final report is directed at producing a factual history and further recommendations for reform. I have attempted to write it in a way that is readily comprehensible to anyone without a professional background in child protection, whilst including specific practical measures for those responsible for delivering child protection in practice. Without a degree of technical and evidential detail the report would be superficial; potentially unfair to those whose decisions are considered; and of limited practical utility to either the School or any other party that elects to read it.
- 1.27 The structure of the final report is as follows. In Part 2 I set out a very basic, neutral, history of core events as necessary background context; Part 3 rehearses a history of the School, including ownership and governance; Part 4 is directed at how Vahey was recruited, including the vetting process, and whether and to what extent these would have prevented his employment at the School (or any other

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

school); Part 5 Vahey's trips; Part 6 child protection procedures and reporting of concerns; Part 7 what, and why, things went wrong, insofar as not addressed in preceding Parts; Part 8 the steps taken by the School prior and subsequent to Vahey's criminal conduct being discovered, including measures to implement recommendations from the interim report; and Part 9 my conclusions and further recommendations for reform.

1.28 There are a number of Appendices to the final report. These are:

- Appendix 1 The Terms of Reference and Frequently Asked Questions ("FAQs") for the Review
- Appendix 2 My interim report dated 30 July 2014
- Appendix 3 Correspondence with parents and staff
- Appendix 4 Vahey's recruitment and reference documentation
- Appendix 5 Detailed comparative analysis of policies against relevant guidance

Documents in Appendix 4 are redacted to remove irrelevant confidential material. Given that Appendix 5 is relatively extensive and technical and therefore unlikely to be of interest to the majority of staff and parents, I have not distributed it other than to the School Board and SCR in the first instance. Having said this, any member of the ██████████ community who wishes to request a copy may do so by contacting the Farrer & Co team via the Review email address vaheyreview@farrer.co.uk and such a copy will be provided.

Confidentiality; evidence; the SCR

1.29 The Terms of Reference and FAQs for the Review [Appendix 1] set out the approach that would be taken to confidentiality. I have applied the defined approach in producing the final report, in particular paragraphs 30; 40; 44; 48 and 57.

Evidence to the Review

i. Existing and former teachers, staff and parents

1.30 Each of the primary decision-makers – including the former Principal, Terry Hedger; the former Deputy Principal; and the various child protection officers over the period in question – has voluntarily engaged with the Review. Real credit is due for that, most particularly given that each

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

may have anticipated that criticism could attach to their decisions, and that some of them are no longer employed by the School. Each was wholly committed to promoting the purposes of the Review. Each has given consent for attributed extracts of their evidence to be used.

1.31 Similarly, relevant existing members of the School staff (teaching and administrative), and employees of Cognita Schools Ltd, have addressed the detailed matters raised with them directly by the Review. Again, credit is due for this. Further, with limited exceptions, teachers and members of staff that accompanied Vahey on specific trips have either consented to their statements to the police being used by the Review, and/or addressed questions raised directly by the Review with them.

1.32 Existing members of School staff were invited to respond to the Review. Other than where approached directly, no contributions were received. Whilst one may speculate as to the reasons for this, it is worth observing (i) that a high proportion were not at the School with Vahey; and (ii) the changes recommended by the interim report, and those of the statutory agencies, are being implemented with the co-operation and feedback of staff. It may well be that if there is broad agreement with the basic analysis in the interim report, existing members of staff have concluded that they cannot contribute more directly.

1.33 Equally, I recognise that some may have elected not to contribute at all, or will do so only to the SCR. That is unquestionably their right. The immediate consequence is that their evidence will not form part of the analysis of my independent Review, this being a review that was commissioned by the School to be read by understandably concerned parents, and as to which the School will be held to account in terms of implementing recommendations. I can confirm that I have acted wholly independently, and neither the School nor Cognita have sought to influence my findings. I would accordingly encourage any such teacher or staff member who disagrees with my analysis to provide a reasoned response to the SCR, and/or any material evidence, given my conclusions.

1.34 Useful contributions have been received from both parents and former teachers at the School.

ii. *Students and former students*

1.35 I elected not to question students at the School, or former students of the School, even if now young adults. As reflected in my letter of 8 October 2014 [Appendix 3, pages 8 and 9] to parents and staff, my assessment (concurring with that of statutory agencies responsible for child protection) was that the possible benefit of such an exercise was significantly outweighed by the potential for harm it would cause. Questions (if any) of former students that attended particular trips with Vahey are a matter for the police investigation.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

Provision of evidence and documentary material to the SCR

- 1.36 In any event, the extensive material (witness evidence; statutory materials; policies; guidance; training materials, etc) obtained by the Review will be provided to the SCR for consideration. The exception is any witness evidence given to us where that witness has not consented to its disclosure to the SCR. Such witnesses provided evidence to my Review on defined terms of confidentiality, and these continue to apply notwithstanding the subsequently announced SCR.
- 1.37 More generally, the terms on which evidence is provided in future to the SCR is a matter of definition for that review. I do not attempt to address it further. Any witness considering such contribution should communicate directly with the SCR in this respect.

Concurrent investigations

- 1.38 The Review has been conducted as a distinct exercise, but with co-operation from the MPS and other statutory agencies. I am grateful for the high degree of co-operation and constructive engagement we received – and I hope reciprocated - in what is a very difficult context in terms of concurrent duties and responsibilities.
- 1.39 The information disclosed in this report as to Vahey’s underlying criminality represents my understanding, based on the co-operation I have described, of the current state of knowledge of the MPS. The MPS investigation is continuing and, once concluded, I anticipate it will communicate its findings as appropriate. I do not have the jurisdiction to provide additional information as to this. Throughout I have attempted to write the final report in a manner that does not identify those Vahey abused. To some degree this has circumscribed the level of detail I can include as to individual trips and associated reporting. This is a necessary and justified restriction, and in my opinion does not materially affect the quality of analysis that is possible.
- 1.40 Further, and for the avoidance of doubt, I have neither sought nor been given any information from the police as to the identity of the students who are known to have been abused by Vahey, and do not know such identities. I have no information as to on which of the trips such abuse is known by the police to have occurred.
- 1.41 Apart from the obvious need to preserve the anonymity of students, the facts as to which students were abused and when are simply not necessary to the outcome of my Review: the duties to report/notify, record and evaluate his questionable conduct were the same.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

1.42 With all this stated, the evidence the Review has obtained is comprehensive and more than sufficient to base the conclusions I have reached. The Review team at Farrer & Co has conducted an exhaustive exercise. My conclusions also benefit from detailed advice, and comparative input, from Jane Cooper HMI, to whom I express my gratitude.

1.43 With these introductory remarks concluded, I turn to the substantive analysis.

2. Basic sequence of events

2.1 I start with a very basic sequence of events, albeit partly repetitive. Further detail is found under individual Parts of the report.

2.2 Terry Hedger joined ██████████ International School in April 2006, initially as Acting Principal of the Westminster campus. He was appointed Principal of the Westminster campus in January 2007. Prior to this he had been the Secondary Principal (1993 – 1997), and then Director (1997 – 2006) of International College, Spain. He accepted the Principal’s position before he was told of the purchase of the School by Cognita, and said he would not have done so had he been aware of it.

2.3 Cognita Schools Ltd purchased ██████████ in December 2006. At the time this was highly contentious within sections of the School community, and ultimately led to the creation of the School Board: see Part 3, below.

2.4 William Vahey was employed by the School from August 2009, initially to provide maternity leave cover as a humanities teacher for the middle years programme (“MYP”). His post had not been advertised, and originated with a cold-call letter to Terry Hedger in October 2008. He may have been shown different international schools in London, including ██████████ by a Director of his wife’s international schools organisation. He was given a full-time contract, and made an advisor to Grade 6, from September 2010.

2.5 Vahey participated in multiple School trips, many of which were residential, and of these a significant number were abroad. He established a “Travel Club” at the School, run exclusively by him, that organised a number of “cultural” trips abroad, including to so-called "long-haul" destinations. On such Travel Club trips he was self-appointed trip leader. On many other trips he was not, and tended to undermine the authority of those who were in terms of discipline and other rules. Either way he accordingly achieved easy popularity with the students. Additionally he quickly sought and acquired an extra-curricular position at the School training students to play basketball.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

- 2.6 Given marked and recognised differences of approach, by agreement with Sir Chris Woodhead - who had become Chairman of the new School Board formed in September 2011 - Terry Hedger left the School at the end of the school year in June 2012.
- 2.7 Graham Lacey replaced Terry Hedger as Principal of the Westminster campus, and was appointed to the newly-created position of Executive Principal from August 2012. He remains in post. He came to the post from an international school in Berlin, having previously worked for an extended period at Sevenoaks School in Kent.
- 2.8 In reality, the change of Principal reflected a mutually-acknowledged, and marked, difference in philosophy as to how the School should be run as between the School Board, chaired by Sir Chris Woodhead (and then Chairman of Cognita), on the one hand, and that of Terry Hedger on the other. As set out below, more widely strong opinions both existed and were expressed on either side of this debate. The process of transition was inevitably difficult, and produced the departure of significant numbers of teaching staff, including the original senior management team, this in turn including the former Deputy Principal whose decision-making is reflected in this report. There was strong resistance, for example, to the introduction of appraisal-based performance-related pay for teachers. The process of regulatory and management reform continues under the existing Executive Principal, and was further catalysed by Vahey's death and external recommendations including those in the interim report.
- 2.9 Vahey provided notice of intention to leave the School in January 2013, and did so in June 2013. He immediately took up a teaching position at the American Nicaraguan School in Managua, Nicaragua. In his exit meeting with Graham Lacey, and his associated exit document, he was highly critical of the (as he saw it) changing ethos of the School, and aggressively dismissive as to the purpose of attempts by his head of department to supervise and improve his teaching.
- 2.10 The FBI has not provided further information to that which is publicly available. It appears that a USB thumb drive was stolen from Vahey's room in Nicaragua, and this was examined by the FBI on or around 19 March 2014 and the incriminating photographs discovered.
- 2.11 Following some form of questioning or interview by the FBI, Vahey committed suicide in Minnesota on 21 March 2014.
- 2.12 The FBI has released certain information and continues to investigate Vahey's offending. In relation to ██████████ it is working in conjunction with the MPS.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

- 2.13 The School appointed me to conduct an independent review on 5 May 2014. The scope of that review, and its associated Terms of Reference, and FAQs, are Appendix 1 to this final report.
- 2.14 I produced an interim report dated 30 July 2014 that was released on 31 July 2014. This is reproduced as Appendix 2 to this final report.
- 2.15 On 26 September 2014 it was announced that a statutory SCR would be held, chaired by Dame Moira Gibb. Amongst other material, this will take into account my Review (i.e. the interim and final reports), and evidence provided to it by the Review. More specifically, “It will review the context of what happened, and consider whether there were any missed opportunities to identify and prevent the abuse. The SCR will also produce findings and is likely to make recommendations to the school, and possibly the wider independent and private school community, as well as Government departments”. I understand the SCR intends to report in the first half of next year.
- 2.16 As part of the conduct of this Review I have sent a number of letters to members of the school community. Independently, Graham Lacey (as Executive Principal) has written to parents and others as to developments. For completeness a number of these are reproduced as Appendix 3.

3. Ownership and Governance

- 3.1 I addressed School history and structure of management at 4.1 – 4.15 of the interim report. Rather than repeating this, the following analysis assumes that it has been read. Some points of detail have emerged that affect my final conclusions.
- 3.2 Questions of ownership and governance may instinctively appear somewhat technical and removed from the matters under consideration in this Review. It is certainly accurate to say that decisions in individual cases are unlikely routinely, if at all, to be matters for a supervising body whether it is a conventional Board of Governors or a rather different model such as existed at ██████████. Individual decision-makers necessarily must however be accountable through a system of supervision, and the effectiveness of the arrangements as a whole requires separation between those taking decisions; those supervising them; and, above that, some corporate supervision of the effectiveness of child protection procedures, and statutory compliance, by the Governing Body/Proprietor.
- 3.3 As will be seen, at ██████████ the structures of governance did not deliver effective supervision of those with operational responsibility for child protection. Stated very shortly, those with operational responsibility for safeguarding were in some cases also managers; managers were also members of the supervisory bodies i.e. the Education Board and/or School Board; other than ensuring (through

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

the Principal) that policies were in place that withstood inspection, these Boards did not intensively review the implementation of child protection procedures or consider whether they were actually working; the Education Board made up as it was principally of managers was in no position to police the implementation by those managers of effective safeguarding systems; the School Board on the other hand, when it was created later in the piece, regarded the setting and monitoring of safeguarding policy as matters on which Cognita would oversee the School's management team as it would with other schools in the Cognita group; Cognita, as proprietor, distributed the relevant statutory material and pro-forma policies to the School but, in ██████████ case, did not hold senior management to account for its implementation, instead devolving individual operational decision-making to the School.

- 3.4 When this was coupled with the culture of trust and false assumptions that certain risks would not apply to ██████████ and the inherent flaws in the reporting of matters of concern (see Parts 6 and 7, below), and reliance on the assurances offered by independent inspections in 2010 and 2013 (namely, that the child protection procedures were compliant in fact and in practice), a system was created whereby (i) child protection procedures were not an operational priority at the School, and were assumed to be effective in the absence of reports to the contrary; and (ii) there was no effective and independent supervision within the system from the point of reporting a concern to what was said to the Education Board, School Board or Cognita. It is a matter of fact that none of the reports about Vahey were ever communicated to the Education Board, School Board or Cognita, and, in the absence of any such reports, none saw that there was anything to either supervise or investigate.

Devolution of operational decision-making as to specific child protection cases

- 3.5 It is common ground between the former Principal, the existing Executive Principal, and witnesses from Cognita that individual child protection issues were devolved to staff at the School. I do not find this controversial: assuming clear responsibility within the School, and appropriately trained decision-makers, decisions as to individual students or teachers should be taken in the first instance by qualified people at the School. Apart from anything else, this preserves the necessary confidentiality of the process. Decision-makers “on the ground” are also better placed to make informed inquiry of the merits than a remote centralised body.
- 3.6 If confirmation is required, the ISI inspection in February/March 2010 characterised the relationship as follows:

...everyday running devolved to the education board, whose chair is currently the director of admissions for the whole school, and whose other members include the three principals as

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

well as the director of international schools. Marketing, finance, admissions, payroll and personnel and staff appointments are all handled centrally for all four ██████████ sites.

[2.3] Governance is satisfactory. The proprietor provides appropriate oversight of strategy, and support for the aims and ethos of the whole school: the education board oversees whole-school development and co-ordinates the work of the whole school well. However some aspects of recruitment have not been completed properly.

[5.1] There is currently no direct involvement by representatives of Cognita with the staff, students or parents.

- 3.7 Devolving decision-making in this way was accordingly both agreed and appropriate, but should have been coupled with effective managerial oversight of those taking decisions. Effective supervision and oversight required that those maintaining records for child protection were effectively monitored, and that as a minimum the School and/or Education Boards and/or Cognita were routinely informed of any material events insofar as they affected the School more widely (even though – as in the State system - individual children’s cases would not ever appropriately be discussed by any management or governing body that includes other parents). Beyond knowledge of distribution of central policies to ██████████ and all other Cognita-owned schools, Cognita's original representative on the School Board did not take an intrusive approach to these matters.
- 3.8 It follows that it is not surprising that, for reasons of confidentiality, individual children were not discussed by either of the School or Education Boards, or Cognita. At no stage during Vahey’s employment was any general child protection matter raised with any of these bodies, whether relating to Vahey or otherwise, beyond (possibly) a formal update as to the generation of inspection-compliant revised policies. During the course of Vahey's employment a number of concerns were raised with the School's management about his conduct on trips (see Parts 6 and 7, below). At no stage were any of these concerns reported to either of these Boards, or to Cognita, and neither did anyone other than the external inspectors review (albeit favourably) the implementation of the reporting and/or recording practices carried out by the child protection officers.
- 3.9 The headline points that emerge are that: (i) the previous management and governance structures were structurally flawed; (ii) in terms of ensuring effective oversight of those with direct responsibility for ensuring that child protection policies were delivered in practice, rather than as documents on a shelf, they failed to provide any material form of supervision or policing; (iii) there was a high level of assumption between colleagues at all levels as to what each other was doing, or would do, that has been shown to be factually misplaced; and (iv) the existing structure, reflecting changes already introduced from 2012 and additionally as recommended in the interim report, remedies these flaws, most particularly when coupled with changes to the defined duties of

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

designated safeguarding leads. The new structure is reflected at Part 8, paragraphs 8.6 and 8.17 below.

3.10 Detailed analysis: (i) the Education Board

3.11 To go back in history, the system of governance at the School, and as between the School and its proprietor (namely Cognita), has gone through a number of stages. In very simple terms, following purchase certain functions were centralised and the responsibility of Cognita. This included most strategic matters and any capital investment projects. Cognita also distributed model policies and material of general application such as national statutory guidance etc on safeguarding issues. Operational matters – and I repeat that it is common ground amongst witnesses that this included control of individual child protection cases, and discipline of students, teachers and staff – were ultimately for the Principal, who had to account to the Education Board as to his decisions.

3.12 Prior to the purchase of the School by Cognita, there was a School Board consisting of the head teacher; the head of the Hampstead campus; and director of finance (later executive director until 2011). The senior management team (“SMT”) consisted of the head teacher; director of finance; the three campus Principals; director of admissions; and director of marketing.

3.13 Following the purchase by Cognita, the position of head teacher was abolished and the Education Board created in July 2007. Membership of the Education Board was the executive director of the Education Board (the former director of finance); the three campus Principals (Terry Hedger being Principal of the Westminster campus); the director of admissions; the head of communications; the executive administrator; and a representative of Cognita called Bob Findlay.

3.14 The overlap between the memberships of the Education Board and SMT is accordingly obvious. The responsibilities of the Education Board were, in summary, the effective management and development of the School. This covered strategic management of the School. More specifically, it included the mission statement and core values of the School; long-term development plans (capital and building projects, etc); the academic programme; policy matters; evaluation of the management structure; evaluation of senior academic and administrative staff; appointment of senior staff; approval of School-wide educational and non-educational matters; implementation of effective means of communication, and an IT system; and appointment of the Chair of the Education Board.

3.15 As can be seen, although in principle the responsibilities of the Education Board extended to evaluation of the management structure and the performance of senior academic and administrative staff, the high degree of overlap with the members of the SMT produced the result that people were

[REDACTED] International School
Independent Review arising from the criminal conduct of William Vahey

effectively policing themselves. From 2007 – 2009 Terry Hedger was both Principal of the Westminster campus and chair of the Education Board; from 2009 – 2011 the chair of the Education Board was concurrently director of admissions and accordingly on the SMT; and from 2011 – 2012 the Chair was Principal of the Kensington campus and a member of the SMT. Perfectly properly of course members of the Education Board worked closely as colleagues outside these duties. Although there was a Cognita representative on the Education Board, in reality the result was a structure inimical to genuine, objective, independent accountability and scrutiny.

- 3.16 A conventional Governing Body does not suffer from these conflicts of interest quite simply because senior managers are not concurrently governors.

Dissolution of the Education Board, and creation of the Senior Leadership Team and School Board

- 3.17 Following the creation of the School Board under Sir Chris Woodhead in September 2011, the Education Board was disbanded with effect from the appointment of Graham Lacey as Executive Principal in September 2012. The senior management team was created in its place. The SMT was re-named the senior leadership team ("SLT") in September 2013 and is made up of the Executive Principal, the three campus Principals, the directors of finance and administration and, as of November 2014, the director of admissions, external relations and marketing and the IT systems manager. This was more similar to the traditional school structure with an executive board overseen by a largely non-executive board (albeit as we shall see the School Board regarded its operational remit as limited in nature).

3.18 (ii) The School Board

- 3.19 In early 2010 a new School Board had been created, in part to address significant parental concerns as to Cognita's motives and accountability. It would be unrealistic to exclude from my analysis reference to this forcibly expressed opposition to Cognita. It came from significant sections throughout the School community, not least the "[REDACTED] Parents' Initiative". Many members of the teaching staff, including Terry Hedger, opposed many of the measures Cognita had sought to introduce to the management and accountability of the School. The School Board was temporarily disbanded in early 2011 and a new School Board was established in September 2011 with Sir Chris Woodhead as Chair. After this date the wider opposition described was exemplified by strong resistance to the introduction by Cognita of performance-related merit pay for teachers.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

- 3.20 As I have already observed, more generally, some of the procedural and regulatory reforms Cognita introduced ran opposite to the philosophy of senior members of the SMT which it inherited. These divisions ultimately led to the departure of Terry Hedger, and that of the original SMT.
- 3.21 Addressing the limits of the supervisory role of the post-September 2011 School Board first however, its Mandate and By-Laws are accessible documents and not rehearsed in full. In basic summary, the membership of the Board is the Chair (at the relevant time, Sir Chris Woodhead); the Executive Principal; three elected parents (one from each site); three parents selected by Cognita; Cognita’s chief financial officer; and Cognita’s chief facilities officer.
- 3.22 Following consultation with the parents as to priorities and the School Development Plan, the School Board provides strategic direction and oversight, but most operational matters are delegated to the SLT led by the Executive Principal. Leaving aside budgetary matters, the definitions insofar as they may affect child protection policies and strategic direction are provided for in the emphasised parts of the By-Law as follows.

The School Board exists to provide strategic direction for the work and improvement of the school. The Board will monitor the effectiveness of the school, holding the Senior Leadership Team (SLT) to account for the standards achieved and the overall quality of the education provided. The School Board will also determine key targets and objectives for the SLT. The Board will advise Cognita on investments which need to be made in the school and monitor the quality and timeliness of the advice and support provided by Head Office staff.

As the owner of ██████████ Cognita retains ultimate responsibility for the school. This means in particular that decisions on fees and major capital investment will be taken by Cognita in the light of advice offered by the School Board. Cognita will, however, delegate responsibility for the management of the school budget to the Board and will ensure that the Board has all necessary financial information. Cognita will be responsible for the appointment of Principals and the Executive Principal, taking into account the views of the Board.

- 3.23 In the immediate context the potentially applicable matters within the School Board’s Mandate (beyond general strategy considerations) are paragraphs 8 (“To approve school policies provided by the SLT”) and 9 (“To monitor the quality of education provided at ██████████ and to set targets and objectives for the SLT based on the evidence of external reviews and feedback from parents”). These are supervisory rather than operational functions.
- 3.24 Whilst it is clear that the existing Executive Principal has sought to promote far greater compliance with statutory obligations and guidance (and not always to popular effect in terms of perceptions of culture), there is no evidence that compliance with child protection obligations was ever raised specifically as an issue for the School Board until Vahey’s conduct was disclosed following his death: in fact, the School Board was given no specific reason to do this, as it had received no indication of

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

any child protection issues of concern, and two independent inspections had positively approved the procedures in place in the period 2010 – 2013. If the School Board had asked the Principal he would have replied, based on his then understanding, that procedures were both compliant and effective. Terry Hedger accepts that he did not raise his removal of Vahey from Trip L, or make any reference whatsoever to Vahey, with Sir Chris Woodhead, Cognita, or either of the Education or School Boards at any time during the period in question.

3.25 It will be seen that within the Mandate there is no direct reference to ensuring compliance with policies, including child protection policies, once approved and applied. The rationale was explained by Sir Chris Woodhead as follows:

Cognita draws up School policies on regulations and compliance for its schools to individualise in terms of their local circumstance. The Head of HR and the Head of Compliance are responsible within Cognita for the policies utilised in different schools. Because ██████████ has a School Board, I would expect them to notify me if they had any concerns. There has been no such notification. In addition, ██████████ got a clean bill of health in the inspection in May 2013 and as Chairman of the Board I had no safeguarding concerns prior to the news of Vahey's crimes.

Most independent schools have a Board of Governors and a senior management team. Things are different at ██████████ because it is part of the Cognita education company. I expect, and expected, that Cognita's compliance executive and HR executive would give advice when asked and keep a supervisory role on what the executive are doing there. I would also expect that if there were to be any serious issues regarding child protection, safeguarding etc. the Principal in the School would report that to me immediately. I haven't heard any such report in the time I've been in my position.

Should I now or in 2010 have wanted to check the recruitment and vetting process at ██████████ I would have asked Graham Lacey or his predecessor for the appropriate policy and would have consulted Cognita's compliance and HR executives. However, I had no reason to do this because there were no complaints and no one had raised any problems. Moreover, the inspectors had signed us off in 2010 and 2013.

There is no doubt that prior to the creation of the School Board, and in the year between the School Board being re-established and his leaving the School, Terry Hedger was responsible for the safe running of ██████████. The Cognita compliance officer would be responsible regarding the monitoring of policies and intervening if any concerns came up, but the person at ██████████ was Terry Hedger. In my position as Chairman I had a double level of comfort. Terry Hedger was responsible for the running of the School, but I also had the Cognita 'Quality assurance' team. I think the ██████████ Board was in theory in a very good situation – it had a Principal and back-up from Cognita.

3.26 This expected degree of “back-up” from Cognita (through Bob Findlay) does not appear to have been matched in practice. Bob Findlay told the Review that he

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

... became involved in ██████████ International School ("the School") after Cognita's acquisition of it in January 2007. As far as I can recall my role at the School did not come with a specific job description. Although technically Cognita was the "proprietor" for the purposes of DfE guidance, my involvement with the School was very light touch as the day-to-day running of the School remained the responsibility of senior management at the School. The School created an Education Board ("EB") shortly after I became involved. As far as I can recall, the role of the EB was to manage the day-to-day operations of the School, review education and operational policies and address occasional educational, welfare and management issues that arose. I was an ex-officio member of the EB and I was involved in the Board in an advisory capacity. I did not attend all their meetings as a matter of course but attended occasionally as a 'critical friend'. If during the meetings I felt I could contribute I would do so. I do not recall whether or not I received minutes of the EB meetings. As far as I can recall I attended meetings with the EB about twice a year. The School was long established and it had been running well and effectively over a number of years. My remit was to deal with the School on the basis of a 'light touch' and allow [management] to continue to manage the day-to-day operations of ██████████

The safeguarding and child protection policies were all developed by the School. As far as I was aware there was no specific regime for reviewing school child protection policies by Cognita at this point in time. I did not review the child protection policies but expected the School to ensure that these policies were compliant with local and national guidance. External reviews of school policies were undertaken by both the IBO and ISI. [There] was an external consultant at Cognita and it was his role to deal with compliance issues at all UK schools, including the School.

In the four years I worked for Cognita I was never made aware of any child protection concerns raised by the School. As far as I can recall no child protection concerns were raised at any other schools I was involved with.

I would absolutely have expected any child protection concern to be reported to me and had any concerns been raised with me I would have discussed them with Cognita's Chief Executive and I would have assisted the School with any resulting investigation. I did not have any interaction with the Child Protection Officer at the School. I don't think there was anything in writing or any policy at that time to say that the School should raise child protection concerns with Cognita but that was my expectation. I think that any child protection concerns should have been reported immediately and simultaneously to the relevant local authority and to Cognita. Schools must ensure the safety of the children and any child protection issue should have been escalated to Cognita. Both Cognita and the School have a duty of care and once the issue had been reported to Cognita our role would have been to make sure that the School acted in the best interests of the child.

- 3.27 As is set out in Part 8, I am satisfied that the changes introduced by the School Board and the existing Executive Principal remedy this gap as between matters for which the School Board regarded themselves as responsible, and those for which Cognita regarded itself as responsible. Line management and accountability are now clear from the point of reporting/notification to the safeguarding lead up to and including (via the "lead safeguarding lead", i.e. the Executive Principal) the School Board.

Cognita's practical role authorising trips

[REDACTED] International School
Independent Review arising from the criminal conduct of William Vahey

3.28 Individual trips are considered under Part 5.

3.29 In most practical respects it appears that implementation and compliance were delegated at the operational level to the Principal, and later the Executive Principal, with a somewhat greater role for Cognita in the approval of certain categories of individual trips. The former, with appropriate School Board oversight, is not intrinsically wrong and, as to the latter, clarification and improvement of the existing relationship between the School and Cognita as to authorisation was required and has been addressed subsequent to the interim report: see Section 8. Under the revised process, it is clear that the Executive Principal has clear responsibility for whether a trip is authorised.

4. Staff recruitment and vetting processes, including those applied to Vahey

4.1 General: interim report

4.2 I addressed staff recruitment and vetting in Section 8 of the interim report [Appendix 2]. Once again, the final report assumes this either has or will be read.

4.3 I set out in the interim report a series of provisional conclusions and these should be read as my final conclusions unless otherwise stated.

4.4 Paragraph 8.3 of the interim report stated as follows:

One of the central questions for the school community is whether, assuming certain vetting procedures had been followed, Vahey's recruitment would not have arisen at this or any other school. The short answer to this is that I do not yet know: the answer to whether his conviction in the USA would have been disclosed is a matter within one or both of the police investigations, and similarly the Review is not investigating either (i) the extent of his criminality or (ii) what of it, or other suspicious conduct, was known to his previous schools. I hope, but cannot guarantee, to have further evidence on these points by the date of the Final Report.

4.5 I am not able to provide further information as to Vahey's offending at preceding schools, or as to what would have been said to [REDACTED] had it made enquiry of such schools beyond the two that it did.

4.6 The FBI is responsible for investigating his conduct at schools outside the United Kingdom and its investigation has not yet concluded.

4.7 In order to identify a complete criminal record history the School would have had to obtain a formal record of Vahey's lack of convictions in a series of jurisdictions over a period of decades. On the information known to me, his only conviction was in California in 1969 when aged 19/20, and it is to

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

be observed that according to his resume/CV he obtained his first teaching post (an American school in Iran) in 1972, a post-graduate qualification in the same country (a college in the State of Vermont) in 1976 and subsequent teaching qualifications from the State of New Jersey.

- 4.8 It is still not clear to the Review whether his conviction was known to the State of New Jersey when he qualified as a teacher: some media reports suggest – however remarkable it now seems – that this may be the case. For example, according to a detailed article in the US newspaper *National Post* dated 13 May 2014:

...he received a 90-day jail sentence and five years' probation, with a condition that he should be supervised in the company of males younger than 16 during that time. After two years on probation, he was allowed to leave the country unsupervised following college graduation in 1972.

...was required to register as a sex offender and update his address whenever he moved, but he never updated his information after the first time he registered and authorities didn't pursue the matter. When the state registry was put online in 2004, his name wasn't included because authorities discovered he was no longer living in California.

Halfway through his 12-year stay in Saudi Arabia, he received a principal's certificate in New Jersey. It was March 1986, seven months before a law took effect requiring all new teachers and administrators to undergo background checks. New Jersey Education Department spokesman Mike Yapple said there is no record of Vahey undergoing a background check before he got the certificate.

- 4.9 Vahey's resume/CV shows that he graduated from California State University in 1973 (with a BA in Political Science, although it also states that he was teaching in Iran between 1972 - 1973), and was employed in Saudi Arabia between 1980 and 1992. It describes his role there as that of Principal.
- 4.10 The accuracy of what is reported in the *National Post* and similar publications is beyond the scope of my Review. It is a matter for the FBI to address. Important questions are raised by what is reported, including the knowledge of American educational authorities as to Vahey's conviction when he was permitted to teach and obtain subsequent qualifications as a teacher/Principal, and what information was in fact recorded about him more generally. Whilst there is a public interest in these questions being addressed, anyone directly affected by his criminality over four decades is surely entitled to a definitive explanation. I hope that the FBI will provide it.
- 4.11 More generally, the FBI has informed the Review, through the MPS, that if any prospective employer had required Vahey to obtain a criminal record check from the United States, such a check would have disclosed his 1969 conviction.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

- 4.12 Assuming both this is correct and that Vahey has not relied on a forgery, this would mean that none of the schools that employed him made that inquiry since - one would like to assume - it is inconceivable that he would have been employed by any school if a conviction for child molestation was notified. This assumption is, of course, just that, given he may have been permitted by US authorities to qualify as a teacher even with such a conviction.
- 4.13 As can be seen, without knowledge of that conviction, he would have presented to any potential school as both highly qualified and experienced, and this was coupled with powerful references from his two most recent schools covering the period from 1992.
- 4.14 Specifically as applied to documenting his criminal background in the USA, from information on the United Kingdom's DBS's website, and that of the FBI, it appears that the only mechanism by which Vahey's US record could have been checked was for him to have sought his US criminal record history (FBI identification record) himself: in other words, the School would have had no right to obtain it directly. From this it may be inferred that if – which I do not know – Vahey had ever been asked by a school to conduct this check, he could simply have withdrawn from the recruitment process at that particular school and applied elsewhere.

Wider considerations

- 4.15 What emerges from my analysis are some important points of general application as to the weight any school attaches to criminal records checks and references.
- 4.16 A feature of the evidence is that other teaching staff at ██████████ and certain of the designated child protection officers, consistently assumed that the fact Vahey (and other teachers) had been subject to a vetting process on recruitment in some way certified him as a person that did not – could not – represent a threat to children. Given the significant inherent limitations of the vetting process – at ██████████ and any other school - this assumption was, and is, hopelessly and dangerously misplaced. This false assumption adversely affected decision-making as to notifying Vahey's conduct, and in what was already an over-trusting environment as to the potential of fellow employees to abuse children: see reporting of concerns under Part 6, and my wider analysis under Part 7.
- 4.17 Further, although ██████████ recruitment procedures are now as stringent as that of any school, and probably represent the limits of what may be achieved in practice, certain inherent limitations remain. As reflected in the interim report, other than (i) formal checks of matters known to the police; and (ii) proof of matters such as identity and professional qualifications, what any recruiting school may

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

establish from the recruitment exercise is in reality limited. This particularly applies to references: for example, for UK schools covered by the statutory guidance, it is now forbidden to refer to a history of “unsubstantiated” complaints.

- 4.18 Criminal record checks in certain jurisdictions are easier sought than received, and even the process of seeking the certificate may (such as in the US) require an application by the prospective teacher. Further, documents supplied by the applicant to a school on demand that purport to prove a lack of criminal conviction in, or qualifications from, certain jurisdictions may either be forged or obtained corruptly, a problem recognised by international policing agencies. These problems apply to all schools in the United Kingdom, but are a defining feature of the challenge to a school such as ██████████ that is declaredly international in its recruitment policy, and with recruited teachers typically transferring to other international schools every three-to-four years.
- 4.19 The corollary of the limits of these background checks – which should represent the irreducible minimum of the checks conducted - is that any school must ensure that systems of notification, reporting and recording questionable conduct are effective once the teacher or staff member starts their employment.
- 4.20 Detail of Vahey’s recruitment: what happened
- 4.21 I turn to the detail of the history of Vahey’s vetting and recruitment.
- 4.22 The starting point was an unsolicited email from Vahey to the School dated 13 October 2008 to “jobs” [Appendix 4, pages 1 to 3]. It attached his CV.
- 4.23 Vahey appears to have visited the School on 20 October 2008. To the best of Terry Hedger’s recollection this consisted of no more than a brief introductory discussion, and a standard tour of the School. Whenever the meeting was (or meetings were), the relevant senior administrator remembers it/them as having been conducted by Terry Hedger alone. As to 20 October 2008, there is no record of it, and in any event at this point in time there was no available position. Vahey pursued the possibility of employment at a different international school in London.
- 4.24 Vahey’s possible employment with another international school in London had not ultimately resulted in such employment: he sent an email to Terry Hedger on 11 November 2008 rehearsing the change of circumstances. Essentially, he contended that the other school had reduced staffing requirements following the financial crash in 2008 [Appendix 4, page 4]. By Spring 2009 the School

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

was seeking to recruit someone to provide maternity cover for a humanities teacher from September 2009.

4.25 As to ██████████ requirements, according to Terry Hedger the circumstances were as follows:

Vahey replaced a lady on maternity leave. I had wanted to offer a full-time position but [the relevant person with authority on the Education Board] had been adamant that the position should be part-time and I had no choice but to agree. This made recruitment for the position difficult: there were not many experienced international school candidates willing to take on a part-time maternity cover and it also meant that we could not recruit through an agency. We would ordinarily recruit staff at recruitment fairs. These were arranged by companies such as Search Associates and would ordinarily take place in large hotels. At any one fair there could be approximately 200 recruiters from 150 schools and 800 teachers looking for a position. The agency would provide the schools with references and background checks and the schools would then interview the candidates in the hotel. If the School found someone we liked we would invite that candidate to an additional interview at the School so that they could speak to staff and pupils.

4.26 What happened next is not wholly clear on the evidence, but may anyway be of limited significance. Emails suggest [Appendix 4, pages 5 to 7] that the relevant senior administrator arranged a telephone conversation between Terry Hedger and Vahey on 4 June 2009. These emails suggest that Vahey was in Venezuela on that date, and there is no record of any other interview on a different date. Terry Hedger's best recollection (he is not certain; there are no notes; and this is some 5 years ago) is that he interviewed Vahey in his office on that date over a period of about 35 minutes; he cannot say that the administrator (or any other person) was present (she says she was not present for any interview); he says that there should be notes of interview and there are none; and that after interview he introduced Vahey to the then Head of Humanities and another named member of staff to obtain their approval, before recommending Vahey to the administrative/payroll department to process the application in terms of vetting, etc.

4.27 The Head of Humanities has since left the School, and the named member of staff has no recollection of having met Vahey before he arrived as an employee.

4.28 On the evidence as a whole my finding is that there was an initial visit by Vahey in October 2008 where he met Terry Hedger relatively informally, followed by an undocumented telephone interview of Vahey by Terry Hedger alone on 4 June 2009 when Vahey was in Venezuela. By 9 July 2009 Terry Hedger is writing to Vahey offering a temporary position, subject to statutory checks, from 21 August 2009. The offer starts with the wording "Thank you for speaking with me recently", rather than "meeting with me recently" or similar. Taken together with the emails, my interpretation is that Terry Hedger is simply conflating the initial informal visit and the subsequent telephone interview,

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

and this is simply the product of a flawed memory some five years after the events in question. Further, I cannot exclude the possibility of him introducing Vahey to the then Head of Humanities on the informal visit in October 2008.

- 4.29 Terry Hedger has accepted that he did not address safeguarding with Vahey as part of his discussions with Vahey. Nothing from either discussion gave him any cause for concern. Whilst not asking specific safeguarding questions is a technical breach of the regulatory guidance then in force (*Safer Recruitment 2007*), given Vahey’s extensive teaching record, and ability to navigate questions more generally, I have reached the clear conclusion that any questions on this theme would have produced convincing and acceptable answers. In other words, failing to ask Vahey about safeguarding was a procedural error that probably made no difference to his recruitment. One may speculate that it may have encouraged the application, but that is ultimately speculation. On any view, Vahey was an intelligent liar and accomplished at avoiding suspicion. He would have presented as an experienced and credible teacher, with an extensive record of organising ambitious and successful foreign trips for students, and married to someone with a high profile in the field of international schools.
- 4.30 Vahey’s application was thereafter sent to the administrative/payroll department for processing. It was the responsibility of this department to conduct and record the necessary background checks prior to employment being confirmed. The letter offering employment is reproduced at Appendix 4, pages 8 and 9.
- 4.31 On 24 August 2009 the School received confirmation from Venezuela, that being the country in which he had worked for the preceding 7 years. This confirmed that he had no convictions in that period: Appendix 4, pages 20 to 22.
- 4.32 This information was correctly entered onto the School’s single central register.
- 4.33 The School was not absolutely required under the statutory guidance to obtain confirmation of his (presumably lack of) criminal history from other jurisdictions, and did not do so. As I set out below, whilst the School has now adopted a different and more exhaustive approach, I do not believe that its historical practices necessarily meant that it was non-compliant at the relevant date: the statutory guidance simply referred to “such further checks as are considered by the school to be appropriate”, and the administrative/payroll department limited the extra-jurisdictional search to one covering the immediate past seven years. This approach was not criticised by the independent inspections in 2010 or 2013 (again, see below). Additionally, there is no evidence that wider checks would have disclosed

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

convictions in other jurisdictions than the United States: on what is known, there are none. Again, this is a matter for the FBI.

- 4.34 In addition, specific references (as distinct from pre-prepared generic “recommendations”) were sought and obtained by email from his two preceding schools, covering a continuous period from 1992. These are reproduced (with redaction of the senders’ names) at Appendix 4, pages 15 to 19. As can be seen, they could hardly be more positive as to Vahey’s ability: in terms, one summarised the approach as “Hire him!” One came from a highly experienced and respected Principal personally known to Terry Hedger (although he says it was not his responsibility to read these references). It is common ground that the referees were not contacted by way of follow-up.
- 4.35 The United Kingdom criminal records check (covering as well those prevented from teaching under DBS scheme) was appropriately sought, but not received until 21 November 2009.
- 4.36 Whilst confirmation of employment may be contingent on the satisfactory outcome of these statutory checks (which in practice may take weeks), a teacher/staff member may commence employment at a school before that. I do not criticise this in principle. The corollary is however that as and until such confirmation of a lack of disqualifying criminal conduct is given, additional contingency arrangements should be put in place in terms of unsupervised access to children. This is reflected in statutory guidance.
- 4.37 I have reviewed the single central register maintained by the human resources department as to how such contingencies were implemented and recorded. This register is computerised; apparently well-maintained; and reflects short but specific details as to (i) when criminal record checks are requested, from whom, and with what result (dated); and (ii) what contingencies were imposed pending completion of the checks. Examples for different teachers include “all lessons under constant supervision in the library before CRB confirmed” (albeit for one-on-one language tutors), and (for a teacher rather than a language tutor) “Head of Department monitored her on an occasional basis”, and (for an administrative staff member) “...works in the office downstairs and every effort is made so that she is not left in Reception alone”.
- 4.38 As against Vahey there is no record of any contingency having been in place until his CRB check was received on 21 November 2009, after which unless there was cause to act otherwise no such contingency measure would have been required. This is significant, since it follows (i) that his teaching methods, and attitude to students and safeguarding, were apparently never made subject to supervision by his head of department (or anyone else) prior to his employment being confirmed; and

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

(ii) he was able to go on a residential trip with students before the result of the CRB check was known. As I reflect in the Parts of this report addressing trips (Part 5) and reporting/notifying concerns (Part 6), there was no cross-check between the process of authorising the trip and the single central register, and – importantly – other teachers/staff on that trip wrongly assumed that Vahey had cleared his criminal background checks. They may accordingly - if mistakenly - have assumed him to be of no risk to students or, as a minimum, interpreted his actions giving weight to that vetting.

4.39 Terry Hedger does not believe that he was responsible for determining what contingency was appropriate. Assuming the working principles were understood (which they appear to have been), delegation to a specialist department within the School would not have been inappropriate. The decision-maker in relation to Vahey at least is not clear from the evidence.

4.40 Analysis: did anything go wrong, and with what consequences?

4.41 As I have said, Section 8 of the interim report provided a detailed analysis of the underlying legislative obligations and my provisional conclusions as to Vahey’s recruitment. I stand by that analysis, and make the following additional points.

4.42 As to Vahey’s recruitment, and judged by reference to standards in 2009, whilst there were the procedural errors I have documented [interim report 8.11.3] I do not believe that these ultimately affected the fact of his recruitment. He was objectively a strong candidate for the position on merit, and supported by powerful references covering the preceding 17 years of continuous employment in similar roles.

The extent of the criminal background checks conducted by the School

4.43 The School’s decision not to seek criminal record checks beyond that in Venezuela was probably within the reasonable exercise of the School’s judgement under the statutory guidance then in force. Paragraphs 4.67 – 4.71 of the 2007 Statutory Guidance addressed checks on individuals who had lived outside the United Kingdom. They provided that they must be subject to “such further checks as are considered by the school to be appropriate”, and certificates of good conduct should be obtained from relevant embassies and police forces as appropriate before the individual starts work.

4.44 The requirements of the 2014 Statutory Guidance are to similar effect, and formalise the concept of a single central record of defined matters: see interim report 8.25 – 8.27. Paragraphs 68 and 69 address “individuals who have lived or worked outside the United Kingdom”. Paragraph 68 states that the same duties arise as in relation to other individuals and “in addition, schools and colleges must make

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

any further checks that they think appropriate so that any relevant events that occurred outside the UK can be considered”. Paragraph 69 provides a link to a Home Office website as to obtaining criminal record data from abroad.

- 4.45 More generally, the probability of a school (or any employer) checking back for such confirmation on a discretionary basis probably declines progressively as an employment history is documented. Assumptions will be made as to the outcome of checks conducted by the initial series of employers, most particularly where these are all other schools. These assumptions have obviously been demonstrated to be unsafe. There is certainly an argument, however, that, even when checks are not carried out in every country in which a candidate has lived or worked, they should be required from the candidate's country of origin, most particularly if they have lived there for extended periods (including for education). I have made this country of nationality check a recommendation in all cases.

Wider background checks: the 2010 and 2013 independent inspections

- 4.46 Most particularly, with hindsight, many will contend that common sense, as distinct from regulation, dictated that a US criminal record check should have been required of a US citizen who, whilst he had worked overseas and outside of the US for many years, had nevertheless been born, brought up, educated and qualified there as a teacher. His resume/CV showed an address in Miami as his “current address”, and a “summer address” on Hilton Head Island.
- 4.47 If such checks were required as a matter of common sense, or more generally were an obvious minimum requirement, this was not reflected in independent inspections of the School in 2010 and 2013. These inspections may be taken as reflecting the industry standard at the time, even if other schools may well have been conducting more exhaustive enquiry even then. ██████████ was entitled to rely on the assessment of these independent inspections, and did so. I have no doubt that those with responsibility within the School at the relevant time acted in reliance on these inspections, even if objectively it is now apparent that they did not produce criminal checks beyond the UK mandated CRB check and, in Vahey’s case, the country in which he had worked for the preceding seven years.
- 4.48 As to the 2010 ISI (“Independent Schools Inspectorate”) standard inspection final report, following inspection visits in February and March 2010, this specifically addressed under “2.(b) Action points, (i) compliance with regulatory requirements” the question of compliance with vetting procedures. It set out:

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

2.4 At the time of the initial visit, the school did not meet all the requirements of the Independent Schools Standards Regulations 2003, as subsequently amended, and therefore it was required to:

- Ensure that an enhanced criminal record check is made by the proprietor in respect of any person employed at the school and that any enhanced criminal record certificate which is the subject of application is obtained before or as soon as practicable after the appointment [Regulation 4(2)(b) under the Standard for the suitability of staff and proprietors];
- Ensure that in relation to each member of staff appointed on or after 1 May 2007 the register shall show where a check was made to establish whether the member of staff is subject to any direction under section 142 of the 2002 Act (reference to List 99) [Regulation 4C(2)(b) under the Standard for the suitability of staff and proprietors];
- Ensure that in relation to each member of staff appointed before 1 May 2007 the register shows whether each check was carried out [Regulation 4C(3) under the Standard for the suitability of staff and proprietors];
- For the same reason as above, implement all aspects of the safeguarding policy [Regulation 3(2)(b)]

2.5 At the time of the final team visit, the school had rectified all of the above shortcomings, as noted in the text of the report

4.49 No other recommendations were made.

4.50 As to the 2013 SIS (“School Inspection Service”) inspection report, reflecting dates of inspection of 30 April – 2 May 2013, this reported under “What the school must do to comply with the regulations” a single sentence response, namely “The school meets all the regulations”. As to vetting and recruitment, the total entry is as follows:

PART 4 – Suitability of the staff, supply staff and proprietors

The required checks relating to the suitability of the staff, supply staff and proprietors are undertaken, and the school maintains careful records of these matters. A single central register of all the checks undertaken meets requirements.

Does the school meet the requirements for registration?

Yes

4.51 Again, no other recommendations were made as to vetting and recruitment.

4.52 It was of course open to the School, notwithstanding the declarations of regulatory compliance for registration, to have conducted more exhaustive criminal background checks than such registration requirements demanded. It appears to me that each of the inspection reports was overly UK-centric in

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

its approach to the underlying point of pre-employment checks, and did not take into account the defining characteristic of ██████████ recruitment policy that many employees would have an international, rather than predominantly or exclusively, UK background. Some may reasonably level the same criticism at ██████████ namely that there was an over-dependence on domestic UK regulatory compliance, and not enough thought given to what was needed to address the real point of pre-employment vetting in individual circumstances.

4.53 On balance, however, I have concluded that ██████████ reasonably acted in accordance with UK regulatory standards at the time, and as positively advised by two independent inspections, in limiting its check to that covering Vahey's preceding seven years employment in Venezuela; his UK CRB check; and positive and specific references covering his immediately preceding 17 years' teaching. Others may reasonably disagree. I have of course made a number of recommendations for improvements in this area that, if adopted, would extend the mandatory criminal records checks in future: see below.

4.54 In that context, the Review investigated the DBS online guidance (at the gov.uk website) in relation to applying for criminal record information for an overseas candidate. This consists primarily of the applicable process in individual countries, and further guidance as to the extent of the checks required is not provided, an approach that is consistent with the 2014 Statutory Guidance. The net result is that, subject to the matters that must be documented on the single central record, there remains discretion as to antecedent checks. ██████████ revised procedures represent an exhaustive approach to these discretionary background checks, which effectively applies my earlier recommendation.

Wider observations

4.55 More generally, I repeat my conclusions as to the limitations of recruitment checks from the interim report since I regard them as important. They are:

8.32 Limitations of the recruitment checks

8.33 There are a number of limitations to these checks that need to be understood. They include:

8.33.1 As already stated, even if a reference from a preceding school is mandatory (there is a possible tension between the 2007 and 2014 Statutory Guidance), applying the 2014 Statutory Guidance under UK Law even a "history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious should not be included in any reference" (paragraph 129). Although at one level I find this surprising – "unsubstantiated" is defined to mean "there is insufficient

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

evidence to either prove or disprove the allegation” – it no doubt reflects a considered balance (agreed at National level) with the rights of the teacher;

8.33.2 Checks – even enhanced checks - with the DBS and/or the police will only authoritatively identify conduct known to and reported to the UK police. This will invariably exclude foreign offending or conduct;

8.33.3 Schools appear to have discretion as to the extent of any further checks made on teachers that have worked abroad.

4.56 These limitations are important because they demonstrate just how uninformative the effect of background checks may be in relation to a manipulative offender. Quite aside from the possibility of securing documents corruptly, or even forging them, it would be very straightforward in many cases for an applicant simply to re-write their employment records so as to remove a jurisdiction in which a conviction had arisen. Offenders frequently change identities between jurisdictions. In many vulnerable jurisdictions the probability of being successfully caught and prosecuted to conviction is remote: the local law enforcement regime may simply be inadequate. If an offender is the only party able to secure the necessary documentation from state agencies, he will simply withdraw his application for employment when things reach a difficult point and try elsewhere.

4.57 Further, and for a number of well-documented reasons, much institutional offending goes undiscovered and/or unreported.

4.58 The wider significance of this is simple. I have been struck by the disproportionate significance given by teachers at all levels, including trained child protection officers, to the fact a newly recruited teacher has been subject to criminal background checks of this nature. Appreciating my experience is that of a lawyer with a background in the policing and prosecution of such domestic and extra-jurisdictional sexual offending against children, rather than that of a teacher, I nonetheless find it somewhat surprising. At a most basic level, an offender has to start somewhere, and offenders using institutions – including international and other schools, here and abroad – as cover to obtain access to and sexually abuse children can hardly be said to have been a novel proposition in 2009 – 2013. There had been many widely-publicised examples in a variety of institutional contexts.

4.59 The prevailing, and strongly-held, belief at ██████████ was that passing such a retrospective criminal background check effectively certified that a teacher or staff member was by definition no prospective threat to children. If – as I accept is the case, given the repetition of the point in evidence - this may be the starting point for the level of understanding within significant sections of the teaching profession, particularly as to institutionally-based sexual offending against children, it reinforces my conclusions as to (i) training; and (ii) the creation of a corresponding and accepted duty

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

to notify the safeguarding lead of conduct or events that may, either in isolation or as part of a pattern, be indicative of the paradigm methodology of practised offenders. This would apply to every other school: there is no reason to conclude that the teachers at ██████████ were atypical in their understanding.

4.60 The School's response

4.61 The School, through the Executive Principal and senior administrator, has responded constructively and effectively to the recommendations made in my interim report. Some detail of this is reflected in Part 8.

4.62 The response may be summarised as follows:

4.62.1 Control Risks has nearly concluded its retrospective analysis of the recruitment of teachers and staff. Criminal record checks have been conducted in any jurisdiction in which an employee was resident as an adult for three months or more. The checks have included proof of qualifications. While the process is not entirely complete, no matters of concern have arisen to date;

4.62.2 It follows that the School community can on conclusion of the exercise have confidence, given the inherent limitations of such checks, that whatever procedural errors may have occurred historically no teacher with either false qualifications or a disqualifying criminal record is employed at the School;

4.62.3 The School will carry forward the requirement of a criminal record check for future employees for each country in which the applicant has lived or worked since the age of 18 subject to a minimum period of three months residence. There will be an obligation to obtain the criminal record check and reference in all cases from at least the most recent employer. So long as there are no missing periods in an applicant's history (i.e. periods of less than six months' residence should be reflected in the declared history, even if a criminal record check is not then mandatory) I regard the three-month residential period as reasonable and proportionate, and I understand that it is not proving impracticable to achieve. The application form has been updated to require this information. As implemented, the policy effectively removes the element of discretion under the 2014 Statutory Guidance by requiring checks in all countries where an applicant has lived as an adult for a non-trivial period of time;

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

- 4.62.4 The School has ended the previous practice (i.e. that which preceded the appointment of Graham Lacey) of recruiting from organised (mass attendance) employment fairs. There is a defined, more intensive, interview and recruitment process that significantly exceeds the previous recruitment-fair led approach;
- 4.62.5 In conjunction with the Review, the questions asked of referees (typically previous schools) have also been made more specific and the results are accordingly likely to be more informative. In addition to more general questions to do with a candidate's suitability to work with children, referees are now asked:
- Is there any policy or legal restriction on your disclosing certain types of allegations or concerns in a reference (e.g. those that were malicious; were unsubstantiated; or where there was insufficient evidence to trigger an investigation)? If such a policy or legal restriction exists, please set out what it is;
 - Has [the applicant] been subject to any disciplinary procedures relating to the safety or welfare of children or young people, including where the disciplinary sanction has expired or where no disciplinary sanctions were imposed, or where any sanction has expired? If so, please give details;
 - Have you at any time imposed any restriction on the manner in which the candidate may work with children or young people (which are not imposed on members of staff generally), including in relation to school trips? If so, please give details;
 - Have there been any allegations or concerns expressed about the candidate during his or her employment that relate to the safety and welfare of children and young people or his or her behaviour towards children or young people? If so please give details, including whether the allegation or concern was investigated, the outcome and how the matter was resolved.
- 4.63 Overall, I am satisfied that the revised arrangements at ██████████ are suitable, satisfy those mandated by the Statutory Guidance and represent a stringent approach to criminal record checks for those who have lived abroad. Given the international quality of the applicants this is proportionate and appropriate.
- 4.64 Of equal importance is that all members of the School community appreciate (i) the nature of institutional offending; (ii) that any vetting process is intrinsically limited, and certainly cannot certify that the person recruited is not a potential risk to children; and (iii) that recruitment should be seen as the start of a continuous process of vetting and supervision, not the end of it.
- 4.65 These propositions would apply equally to all schools.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

5. Vahey's trips

5.1 What happened

5.2 On what is known to the Review, the abuse of students by Vahey appears to have occurred on residential School trips. How this was possible is obviously a matter of central interest and concern to everybody, most particularly of course students that attended these trips, their parents, and other teachers and staff members who accompanied him.

5.3 To this extent it is important to seek to rehearse as much detail as possible as to the organisation and conduct of these trips to address these questions. This is the purpose of this Part of the final report, which must of course be read in conjunction with others, most particularly those that follow.

5.4 The provision of detail is necessarily to be balanced against ensuring that the facts that are made public do not tend to identify particular students who either were, or are, at the School. Simply anonymising names would not achieve this objective, most specifically within the School. For that reason I have had to be circumspect in the level of detail I provide as to individual trips, and do not even identify the destination of individual trips, or whether it was a Travel Club trip, since it may tend to identify a student.

5.5 I repeat an important over-arching point: I do not know on which trips students are known to have been abused, and I do not know the identities of those who were abused.

Unusual medical conditions and alteration of accommodation arrangements

5.6 These necessary restrictions do not affect the underlying analysis. As will become apparent, no teacher or student saw or had reported to them sexual abuse by Vahey on these trips. In other words, he was not directly observed abusing students. What was observed, on repeated trips, was a series of individual students supposedly becoming unwell with unusual conditions for students that age (such as dehydration; faintness; drowsiness; unconsciousness; etc), such conditions being diagnosed by the medically-unqualified Vahey, and Vahey altering or seeking to alter accommodation arrangements (such as moving a student to his room; remaining in a student's room; retaining keys to students' rooms; or otherwise obtaining unsupervised access to unwell students), coupled with other inappropriate or questionable conduct, that should have been notified to the School and recorded. To the extent that it was reported, the handling of the report in each case was, for a number of reasons, objectively wholly inadequate: see Part 6, below.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

- 5.7 So as further to limit the possibility of identification of students I will use the generic terms "fell ill" or "became unwell", and the term "altering accommodation arrangements" throughout the following accounts of individual trips, rather than describe in greater detail the events that happened. I have also referred throughout to students and teachers on trips, and to parents, without reference to their gender. I have edited witness statements accordingly.
- 5.8 Policies re trips
- 5.9 Section 9 of the interim report rehearses a summary of the policies underpinning trips at ██████████. It would not be helpful to rehearse this procedural background again: the analysis stands. Appendix 5 of the final report reflects a detailed comparative exercise as to how ██████████ written policies complied with statutory guidance and/or best practice.
- 5.10 As addressed below, the School has implemented my recommendations (and other changes) as rehearsed in the interim review. Any ambiguity that existed as between the School and Cognita as to who ultimately authorises trips has also been resolved: in future, the authorisation will be the responsibility of the Executive Principal. Given his direct responsibility for safeguarding at the School this is both the most efficient and accountable outcome. The person with direct operational responsibility for safeguarding should be the most informed party when it comes to authorising individual trips, and this person should work within the School.
- 5.11 Practical procedures around trips
- 5.12 I take the same approach to the practical procedures around trips. The technical procedural matters are sufficiently reflected in the interim report, and certain sensible improvements outlined below.
- 5.13 It is worth observing that I do not find that any of the trips were intrinsically worthless or could not have achieved approval under whatever procedure existed. Whilst Vahey grossly and criminally abused his position on these trips, trips of this character are in principle, and should remain, an important and valuable part of the ██████████ experience. There is absolutely no reason why they should not be into the future. The new procedures are clearer and easier to apply, and will simply be more accountable as to what happens on them.
- 5.14 Vahey's residential trips
- 5.15 Between September 2009 and June 2013 Vahey appears to have attended approximately 17 residential trips with students. I say approximately because paperwork does not exist for all trips.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

These were a combination of Discovery Week trips (mandatory for students; effectively mandatory for most teachers) that used to be held in September and May/June each year (now only September); trips organised by Vahey as part of his “Travel Club”; other club and sports trips; and his accompanying students to destination countries when students were participating in student exchanges (more technically described as “home-hosted residential trips”).

5.16 Vahey’s general conduct and the Travel Club

5.17 Before summarising these 17 trips, it is useful to address features of Vahey’s conduct on trips, and his manipulation of the process so as to achieve de facto control over all aspects of trips conducted through his Travel Club.

5.18 On trips where Vahey was not the designated trip leader, his conduct was consistently undermining of the teacher who performed that role. Typical conduct would be to countermand instructions as to food (e.g. buying students ice creams when another teacher had only just prevented the same children ordering dessert having not finished the main course); undermining directions as to disciplinary matters (lights out; noise, etc); and reference to inappropriate subject matter in front of students. Although when described like this it may appear trivial, conduct such as this significantly undermined the authority of the other teacher, and concurrently enhanced the popularity of Vahey with the students. He was lax as to discipline relative to other teachers. This too would also have promoted both his popularity with students and their future attendance on other Travel Club trips. He encouraged secrecy and requested that teachers did not report certain illnesses to either parents or the School. Properly understood, these were grooming techniques typical of sexual offenders in institutions.

5.19 Further, Vahey’s Travel Club was itself a manipulative process. In order to conduct adventure holidays in distant destinations he needed a body of students whose parents could afford the cost. International schools can deliver this benefit. He was a capable salesman and described these trips at whole school assemblies before asking for students to apply. Notwithstanding the cost, his trips were over-subscribed, and it is certainly possible that he manipulated who attended rather than conducting the supposedly open democratic ballot he claimed. He was able to pick students who liked him, and who were perhaps accordingly less likely to complain.

5.20 His organisation of these trips was also positively re-assuring to parents: pre-trip meetings were held appropriately in advance and he was available by email. Post-trip meetings were held with slide-shows, silly prizes, etc, for students and parents to attend.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

- 5.21 Although the numbers of boys and girls on the trips was approximately balanced, teachers and staff on the trips report (after his death) that he showed a bias for the boys on the trip. He was able to select the teacher (or staff member) who accompanied the trip and, as trip leader, was of course effectively in control throughout. He navigated around concerns expressed by Cognita as to staff:student ratios (2:30, or even more, for long distance destinations) by reliance on known adults (known to him, that is) helping to organise the adventure element once the party landed. As trip leader it was his responsibility alone to account for the trip once it was over to the School: not a single written report of the illnesses characterising each of his trips – some of which for students that age were highly unusual, and none of which justified him altering accommodation arrangements - was made, and no others have been recovered.
- 5.22 How approval was secured
- 5.23 Vahey secured approval for his trips (whether through Travel Club or otherwise) through the normal channels, and in accordance with ██████████ policies over time. For overseas, residential and/or adventure trips, this meant preparing an application (including a risk assessment), submitting it to the Educational Visits Co-ordinator (who was, coincidentally, the Deputy Principal (Pastoral)), who would in turn refer the application to the Principal and thereafter Cognita.
- 5.24 Summary of individual trips
- 5.25 In order to produce a comprehensible analysis of the pattern of conduct; what was reported; and what was done in response to such reports, the 17 trips necessarily must be examined. This I have done in sequential order in the version of this report that I am providing to the SCR (who themselves have provided the Review with assurances of confidentiality). To prevent the possible speculation or identification of students which may result from wider publication of a sequential account, however, I have removed the relevant paragraphs from this version of the report and instead I provide a generic account of my findings of what happened in respect of the 17 residential trips in question. I refer in this report to certain trips by letter. But again, although the trips are chronologically in alphabetical sequence, to prevent possible identification of students it should not be assumed that the first trip in the sequence is trip A; that letters have not been omitted from the sequence; or that the last is Trip Q.
- 5.26 Throughout this report where I refer to a “room” this may be a tent, cabin or bedroom: each was used. “Room” is used simply further to disguise the trip. As will be seen, some other details that compound the inappropriateness of Vahey’s conduct or otherwise materially differentiate any trip have also been omitted since they may be specific enough to promote identification of the student.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

- 5.27 Although his Venezuelan police check had been returned by the date of the first trip, the United Kingdom CRB/DBS check had not. There was no system in place at the authorisation stage of a trip for the School's single central register to be consulted. Those with responsibility for organising the trip, and maintaining the single central register, were different parties, and the procedure did not either provide for or mandate consultation between them. No such consultation accordingly occurred. I am satisfied that no contingency was in place to provide additional supervision of Vahey before the CRB check came through. My recommendation in this respect is set out at paragraph 8.40 below.
- 5.28 I observe immediately that whilst the CRB/DBS check would of course have returned no UK convictions, and Vahey was not barred from teaching, if such basic contingency arrangements had been in place other teachers may well have been more questioning of his conduct. Vahey was after all an unknown quantity at the School. Anything questionable would have been more likely to be raised with the School. He did not at this date have a signed contract.
- 5.29 Of the 17 trips, in only five has any meaningful paperwork been retained. Looking at such limited paperwork as still exists, and dealing with each of these five trips in turn:
- 5.29.1 A risk-assessment was completed by Vahey using a tick-box precedent. A detailed itinerary with accommodation; names; addresses; and contact details was provided;
- 5.29.2 In another case a detailed letter was sent by the trip leader (not Vahey) to parents about six weeks before the trip dealing with dates; outline; objectives; travel times; staff; accommodation; food; equipment; clothing; pocket money; behaviour; insurance and safety;
- 5.29.3 The appropriate form (for a "Category C" visit) was submitted but one week before the trip rather than the theoretical six months. There is no positive documentary evidence as to a process of assurance from the recipient school as to host families, and the overall risk assessment is highly generic;
- 5.29.4 The trip application was made late and Vahey was the trip leader. No detail was given in the application to conduct the trip as to sleeping arrangements. Only a generic risk assessment was done and parents were given only limited information in advance;
- 5.29.5 There is no evidence of vetting of third party providers, although when asked the company concerned provided written assurance of the vetting of its staff.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

- 5.30 Of the 17 trips I have identified four where the staff:student ratio was arguably inadequate and/or where third party staff were used to supplement the ratio but where evidence of vetting of such staff was limited. Taking each of these four trips in turn:
- 5.30.1 Terry Hedger indicated that there was no formal process for determining staff:student ratios at the time, although on Discovery Week trips it was usually between 9:1 and 12:1 excluding additional adults provided by the centre itself. Whilst the staff:student ratio was compliant with ██████████ policy at the time, it did not take into account the national guidance to the effect that a ratio of 1:10 was appropriate for residential trips. Such a ratio takes account of a teacher becoming ill or injured or having to accompany a child that does;
- 5.30.2 There is no clear record of how many students attended. Vahey was trip leader. Only one other staff member attended, and adult:student ratios appear to have been improved only by local trip-related adults at the destination organising the activities;
- 5.30.3 This was a trip of 30 or more students with Vahey as trip leader and a single other member of staff accompanying them. ██████████ policies allowed for a ratio of 1:15-20 depending on age, although the guidance in place at the time recommended 1:10 for residential trips. The lower ratio is obviously necessary where a trip is in a challenging physical environment and/or involves adventurous activity. The party also had an adult male to assist. There is no evidence on file that he was subject to vetting.
- 5.30.4 Vahey was trip leader. He attended with 30 or more students but only a single junior staff member (a late replacement). ██████████ policy required a ratio of 1:6 at the time on residential trips. Plainly this trip was not compliant with that rubric. Vahey justified this on the basis that adults would be meeting the party on arrival from the flight (to the effect that the only period where other adults would not be present was the flights) and Cognita ultimately accepted this proposal. There was no evidence of vetting of third party providers, although written assurance of vetting of staff was provided by the company concerned. The specific guides' vetting was discussed and approved provided that parents were made aware of the arrangements.
- 5.31 Of the 17 trips there were four in which conduct relating to Vahey was reported to the School's management. These reports are from trips D, I, G and K. I address in detail the reporting of concerns from these trips in Part 6 below.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

- 5.32 There is however conduct by Vahey on other trips which was not reported to the School management until after Vahey's death. This includes:
- 5.32.1 On one trip a student fell ill. The Review is dependent on a reported account, rather than a direct one, from the most directly concerned other teacher on the trip. Seemingly Vahey told this teacher that a student had become unwell during the night and Vahey had accordingly altered the accommodation arrangements. The teacher concerned did mention this to another teacher subsequent to the trip, but the management of the School did not become aware of it until after Vahey's death.
 - 5.32.2 After Vahey's death it was reported that amongst other matters Vahey on a trip suggested to students a wholly inappropriate game of a sexual nature; gave medication (with parental consent); and insisted on having keys to their rooms. According to the MPS, at some stage this game was made known to a different teacher. It was not reported to the School management until after Vahey's death.
 - 5.32.3 Subsequent to Vahey's death it was reported that a student became unwell, was given pills by Vahey who altered the accommodation arrangements (other details omitted). There was other questionable conduct on this trip that was only reported after Vahey's death.
 - 5.32.4 Not on a trip itself, but around the time of a trip, a highly explicit and inappropriate sex education class (a graphic account of male homosexual intercourse) was presented to students that, at least to some degree, was witnessed by another teacher. The teacher did tell other staff members but did not report this to the CPO. Again this was only reported to School senior management after Vahey's death.
 - 5.32.5 Subsequent to Vahey's death students told a teacher that Vahey regularly slapped students' backsides and kept a key to all rooms on [detail omitted] trips and that students joked about him being a paedophile.
 - 5.32.6 After Vahey's death it was reported that a student had become unwell on another Vahey trip; that Vahey had altered the accommodation arrangements; and that an adult working for a third party was observed leaving a student's room. From a reported, rather than a direct, account it appears the latter incident may have been witnessed by the other member of staff on the trip but was not reported to School management.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

- 5.32.7 Amongst other matters reported after Vahey's death it has been reported that on a trip Vahey altered the accommodation arrangements.
- 5.32.8 After Vahey's death it was reported that Vahey on trips tickled students in the morning to wake them up, whipped sheets off their beds and insisted they slept only in underpants. This was seemingly mentioned by students to a teacher at the time but was not reported to School management until after Vahey's death.
- 5.33 The detail of these reports has been removed for confidentiality, but will be provided to the SCR. The SCR has provided the requisite assurances as to confidentiality.
- 5.34 What went wrong?
- 5.35 Even this heavily neutralised account of events makes for unhappy reading. It does not include anything like all the detail that could be rehearsed, detail that would further document a deeply disturbing, but distinctive, pattern of events on these trips.
- 5.36 The primary feature of what emerges relates to the reporting/notification of this conduct at the time; what if any investigation occurred; and what was done to avoid repetition. This is addressed under Part 6.
- 5.37 Other features are (i) the only person with an express post-trip reporting function was the trip leader, and insofar as this obligation existed it was either not fulfilled or could be manipulated by Vahey; and (ii) if, exceptionally, any non-██████████ adults are to be used to secure/supplement adequate staff:student ratios, they should be vetted. It is to be remembered that they will not be subject to the same duty to report to the School questionable conduct by teachers, and in practice will not do so. It is hard to see that two teachers/staff to 30 or more students could ever have been justified, since there was by definition no resilience if one teacher was unavailable. Third parties used on Vahey's trips appear to have been both known to him, and with a commercial interest in him using their services for future trips. This further reduced the probability of them making an adverse report about him. Further, even if vetted, they are unlikely to have had any safeguarding training.
- 5.38 Taking the organisation and conduct of trips in isolation (which is of course convenient but artificial), the Review has also considered the conduct of trips other than those involving Vahey. Whilst there is no evidence (or reports) of inappropriate conduct by any other member of ██████████ teachers or staff on such trips, historically the paperwork associated with these trips is often less than comprehensive and suffered from many of the procedural defects I have summarised in relation to

International School
Independent Review arising from the criminal conduct of William Vahey

Vahey's trips. Given the clear policy and procedural changes introduced by the School subsequent to the interim review, resulting in a letter from Graham Lacey to parents of 3 September 2014 (Appendix 3, pages 6 and 7), I have elected not to rehearse particular examples.

5.39 For ease of reference I repeat the recommendations I made in the interim report, which should now make somewhat more sense given the summary of individual trips I have just set out. In this respect I rehearse two that now represent final recommendations for the future: the others have essentially already been, or are being, implemented:

9.66.6 If there is a significant medical event (I would certainly include any student becoming significantly dehydrated, passing out or becoming unconscious, etc), and/or if there are any circumstances in which a teacher has (contrary to the planned intention) had unsupervised access to a student, the fact and reasons for any such material departure should be reflected automatically in a record of the trip. This will protect the conscientious teacher and avoid the necessity of any other teacher on the trip having to decide whether the actions of another were questionable. It would be a neutral and mandatory report setting out in a summary of proportionate length the relevant circumstances.

9.66.7 The School should ensure that all adults accompanying a trip are appropriately vetted to do so, and that host families have been checked or assurances received of their suitability from the relevant host school or agency. The School should ensure that no adult has sole and unsupervised access to pupils who has not been appropriately vetted, and that supervision arrangements allow (for example) a teacher to take a sick child for treatment.

5.40 The detailed policies announced by Graham Lacey address each of the other matters.

5.41 As his letter of 3 September 2014 summarises:

5.41.1 The School is now responsible for approving trips;

5.41.2 Guidance and checklists will be reviewed;

5.41.3 Parents will be provided with details and qualifications of all staff, whether internal or external;

5.41.4 The introduction of a mandatory post-trip evaluation form; and

5.41.5 Specific measures directed at exchange trips.

5.42 The responsibility and criteria for approving individual trips, most specifically residential trips, has been resolved as between the School and Cognita, which is a welcome clarification and more accountable in practice. Final approval will, from the end of this term, be for the Executive Principal.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

It should over time make the whole process of planning, authorising and conducting even the most ambitious trip more rather than less straightforward both for trip leaders and the Executive Principal. In other words this is not the creation of unnecessary procedures or paperwork, and removes a layer of administration as between the School and Cognita.

Student exchanges/home-hosted residential trips

5.43 As to the procedures applicable to student exchanges, I observe that statistically these are at the very lowest end of proven risk in terms of child protection: in other words, the number of cases where abuse has occurred in the context of host families is very low indeed. That is not to say there is no risk, but that what is reasonably to be expected of a school must be proportionate to the realities of the situation. As clarified by the Review, the decision in any event is one for a student's parents, not the School. The School cannot impose a host family on a student, whereas it does determine who teaches them.

5.44 It is not required of any school that they obtain the equivalent of a CRB check on each host family on such foreign exchanges. As a matter of national policy, the Review sought evidence from the DfE (Department for Education). The Review has established that the DfE wrote to the Independent Schools Council ("ISC") in June 2014. In the context of Annex C of the *Keeping Children Safe in Education* statutory guidance, the letter from Dr Peter Swift (deputy director, Independent Education and School Governance Division) is as follows:

In our meeting we clarified that the Department had not changed the policy in relation to host families as set out in Sir Roger Singleton's report *Drawing the Line* [December 2009] and the Government's response to those recommendations. Sir Roger recommended, and the Government accepted, that where the child's parents have accepted the responsibility for the selection of host parents, this should be seen as a private matter and the school should not have to make a check on the host parents.

The text in Annex C of the guidance does not conflict with this, but the situation it describes, where the situation "could amount to a regulated activity", refers to the situation where the school has made the placement with no further reference to the child's parents rather than the circumstances where the child's parents have accepted the responsibility for the selection of the host parents. It is the former case where the guidance recommends that the school should check the host parents. The guidance is currently silent with respect to the latter case but I confirm that the policy is unchanged – that there is no expectation that the school should check the host parents.

5.45 In this context, the procedure ██████████ will adopt (which reflects the Cognita Safeguarding Policy, and specific advice from the LADO) is both proportionate and practical. It accords with national standards. The School will make reasonable inquiry of the host school (and other reasonably

████████ International School
Independent Review arising from the criminal conduct of William Vahey

accessible sources) as to the suitability of parents, but the arrangement ultimately is as between participating parents, and the acceptance of a nominated host family one for the ██████ parent. Arrangements on these trips made by ██████ must ensure that the visiting ██████ student has clear instruction as to when, and how, to report anything of concern that arises with the host family, and that (as now) sufficient ██████ staff are available in the destination to address such matters.

5.46 Mandatory notification of questionable/defined conduct

5.47 One of my central recommendations is that teachers and staff should be mandated, under the School's Code of Conduct, to notify the safeguarding lead (i) of any conduct that they suspect may be inappropriate (whether in isolation, or as part of a pattern); and (ii) that this general duty will include certain defined conduct, such as (a) unsupervised access to a child in changing, sleeping or non-public accommodation at the School or on school trips; (b) the use of sexually inappropriate language, references or jokes; and (c) other private communication outside the School's defined social and social media policies.

5.48 These notification duties would plainly apply to trips, and be both better understood and accepted once training has occurred as to the paradigm behaviour of sexual offenders in institutions.

5.49 I address this further under Parts 6, 7 and 9.

6. Child protection procedures and reporting of concerns

6.1 Overview

6.2 This is an important Part of this report, since central purposes of the Review included (i) identifying what was, and was not, reported on different dates, by whom, and with what outcome; (ii) exploring possible explanations for any failures to report and/or evaluate and record and/or take action; and (iii) to make further recommendations for reform.

6.3 Whilst these issues are not without complexity, in particular as to the multi-faceted explanations for objectively poor decision-making, I am in no doubt that there are clear objective grounds to criticise the quality of individual decisions in relation to Vahey. What happened cannot properly be explained away in the conventional mantra of "systemic failings", or by reference purely to wisdom with the benefit of hindsight. The fact that I have also concluded, equally clearly, that other matters – e.g. the mechanism to report concerns was confused and failed; that there were serious failures in record keeping; that the culture of the profession generally, and the "trusting" one at ██████ particularly,

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

militated against reporting colleagues; that there were deficits in training; and over-reliance was placed on the assurances given as to safeguarding by the approval of previous independent inspections - all contributed, does not escape this uncomfortable fact.

- 6.4 Stated shortly, Vahey's conduct on trips, most particularly his altering of accommodation arrangements, was manifestly inappropriate. Teachers surely must know this should not happen. It should accordingly have been reported, recorded and fully investigated at the time. On occasions it was not. When reports were made the decisions and actions taken respectively by the then Deputy Principal and Terry Hedger were objectively inadequate. The type of basic inquiry and record keeping that all other members of the school community were entitled to expect was occurring quite simply did not. The procedures for reporting were incoherent, and decision-makers too quick to assume – even without investigation - the most favourable interpretation of events. Almost as a default finding Vahey's conduct was interpreted as legitimate, and inquiry and confrontation avoided.
- 6.5 Individual reports justified intervention even taken in isolation. With no such effective inquiry or recording into the limited, but significant, number of reports that were made, no pattern was established and no effective intervention occurred. There was a clear pattern of intrinsically inappropriate conduct by a teacher on what was reported, and a completely unanswerable one given the wider picture. Even this practised offender betrayed his activity to a sufficient degree to have been stopped.
- 6.6 The nature and handling of individual reports
- 6.7 The School's child protection policies in place during the course of Vahey's employment at the School (which Terry Hedger states were provided to staff in hard copy) drew a distinction between (a) general child protection concerns; and (b) allegations involving another member of staff. This distinction was in line with the statutory guidance in force at the time, and it required concerns in category (a) to be reported to and handled by the CPO, and concerns in category (b) to be reported to and handled by the Principal (or Executive Principal from 2012). All concerns relating to Vahey should therefore have been reported to Terry Hedger and, from 2012, Graham Lacey. This did not always happen in practice and it seems that, on the whole, members of staff were unaware of this distinction.
- 6.8 The sequence of reports arising from the trips is as follows. Once again, and in order to minimise the risk of individual students being identified, I am not able to provide more extensive detail than I have.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

Equally, a measure of detail is required so that people can - importantly - judge for themselves what happened, and may also put my analysis and recommendations in context.

6.9 It is to be assumed that accounts from each of the trips obtained after his death are consistent as to Vahey's undermining the authority of other teachers as I have set out, and his actively promoting his own popularity with the same students through over-familiarity, use of language and an indulgent approach to discipline.

6.10 I set out the reports in the order in which they were made, which is not the same as the chronological order of the trips. I set out the facts initially with minimal comment and as neutrally as I can. Thereafter, I seek to analyse the history and decision-making.

6.11 Trip D

6.12 One student became unwell and Vahey altered the accommodation arrangements. Vahey did not consult the other teachers before doing this. Other teachers were reportedly "shocked" to discover this. The trip leader was concerned and challenged Vahey, who was "very defensive" and "in overdrive" justifying this action. He said the student had become unwell and he knew how to handle it. The teacher was "stunned" to discover the student had reportedly been so unwell, although had appeared well in the morning. When the teacher challenged Vahey directly the teacher found Vahey's attitude "...horrible, creepy".

6.13 The teacher reported the incident to the former Deputy Principal on his return.

6.14 The Deputy Principal was at this date neither a designated child protection officer at the School nor trained to perform the role of child protection officer. As I reflect in more detail below, there was confusion within the School as to whom such reports should be made as between the Deputy Principal, the CPO and the Principal, somewhat reflecting the then lack of status of the CPO role. The lines of reporting and communication between the Deputy Principal, and CPO and the Principal whilst relatively clear on paper were in practice informal, largely based on assumption, and accordingly confused and ineffective. This was further confused by the Deputy Principal's formal role in approving most trips, since this meant reports from trips were likely to be reported to him rather than the CPO or the Principal.

6.15 In any event, the teacher did report it in person to the Deputy Principal. There being no contemporaneous record whatsoever of these events, the following accounts are necessarily based on memory by each witness. Some differences in recollection are inevitable after this period of time.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

6.16 I have emphasised certain passages by underlining, although the context is included to be fair to the witness.

6.17 The reporting teacher told the Review:

I explained to [the Deputy Principal] what had happened and that I thought it was strange. I remember saying to him that I would never do what Vahey had done in those circumstances. [The Deputy Principal] thought Vahey might have been being over-protective in how he dealt with the sick [student]. Vahey was in his mid to late 50s, with grown up sons; [the Deputy Principal] thought “maybe he’s just missing being a father figure”.

[The Deputy Principal] told me he would speak to Vahey. He asked me who it was that had been sick, what night it had been, and ultimately said “Don’t worry, leave it with me.” There was never really any follow up in terms of writing or anything for me. I wasn’t asked to fill in a form. My hunch is that [The Deputy Principal] did nothing, but ultimately I did not know whether he did or not.

In an unofficial capacity though, I did discuss it again with [the Deputy Principal] in passing. This was two weeks after the end of the school [term], when things are chaotic. From that conversation and his laid back attitude it seemed to me that [the Deputy Principal] had never spoken to Vahey about what I had reported, but he said “We will keep an eye on” Vahey.

6.18 The Deputy Principal’s account to the Review is as follows:

[The teacher] had been the trip leader on this particular trip and s/he came to speak to me about his/her concerns. S/he told me that a [student] had fallen ill on the trip and that Vahey had [altered the accommodation arrangements]. [The teacher] had found it strange that Vahey had not immediately informed the other staff members and s/he was also concerned about Vahey’s attitude. I recall that [the teacher] thought that Vahey had acted in an arrogant and defensive way when [the teacher] had asked how the [student] was, saying “s/he’s fine, look”. Vahey had told [the teacher] that the [student] was simply [unwell].

I told [the teacher] that I agreed that on the face of it Vahey’s behaviour did seem a bit odd but I attributed it to Vahey’s attitude. Vahey knew that he was popular with the pupils and parents and he could be bossy and arrogant with the other staff members on trips.

I told [the teacher] that Vahey had a duty of care towards the children and if a [student] had fallen sick he was right to have looked after [the student]. I always told the teachers to “bring back the kids well and safe”.

[The teacher] told me that the [student] had recovered and was fine. I thought that Vahey and [the teacher] had both acted appropriately and that they were looking after the pupil’s welfare. As far as I was concerned that was the end of the matter. I did not mention the incident to [the CPO], Terry Hedger or anyone else. The conversation I had with [the teacher] was informal and I did not take any notes.

6.19 Approximately three months later the same teacher discussed this incident with the teacher from another trip (see para 5.32.1 above). This was the first time either had heard of similar conduct by

International School
Independent Review arising from the criminal conduct of William Vahey

Vahey. Neither reported the coincidence of conduct to anyone else. The CPO was left unaware of either incident.

6.20 The same teacher from Trip D also discussed these events with the teacher from Trip I before Trip I. The Trip I teacher says “the [Trip D] teacher seemed to feel the need to warn me about what had happened”.

6.21 Trip I

6.22 The reporting teacher on Trip I gave the other teachers on the trip, including Vahey, a verbal briefing in which it was said that “...no matter what happened we were not to [alter the accommodation arrangements] ... for our own protection apart from anything else”. This could hardly have been more specific and no doubt reflected the conversation with the teacher from Trip D.

6.23 A student became unwell at night and Vahey – without medical qualification I observe – attributed it to [details omitted] and proposed to alter the accommodation arrangements. The teacher rejected Vahey's proposal and was sufficiently concerned about Vahey to monitor the situation throughout the night to ensure Vahey did not alter the accommodation arrangements. The teacher also attempted to telephone the Deputy Principal who said later he was unavailable because he had no mobile reception.

6.24 The teacher's account is that Vahey had said:

... “...that [the other teachers] “should all go to bed and that he would keep an eye on [the student].” In fact he seemed adamant that this should happen... he was aggressive. I was quite concerned and decided that I needed to speak to the [Deputy Principal] so tried to call him but could not get through. [Details omitted.]

I went back to my [room] but I could not sleep that night. Instead, I [monitored the situation through the night to ensure Vahey did not alter the accommodation arrangements]. The look on Vahey's face when he said he wanted to [alter the accommodation arrangements] stayed with me and I found it so weird that I wanted to get in touch with [the Deputy Principal] to talk about it. I kept calling him but could not get through.

[Another teacher] asked [the student] the next day how s/he was and s/he said s/he felt fine. When I got back to school I felt quite shaky about the whole incident and I felt that the way Vahey had spoken to me had been very strange. I therefore went to see [the Deputy Principal] and told him the whole story...

I told the [Deputy Principal] that I had doubts about Vahey on the trip. I told him that in general Vahey undermined everything I said, for example, when I said no sweets because we wanted to promote healthy eating he let students have them...I also said that Vahey wanted to [alter the accommodation arrangements] and had become aggressive when we did not. I said

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

to [the Deputy Principal] that this went against what I said to staff about not [altering the accommodation arrangements].

I do not know what [the Deputy Principal] did about what I said. He said that he would speak to Vahey about it but I never heard any more about it after that. My reason for going to [the Deputy Principal] in the first place was that the matter concerned another member of staff... I assumed it had been dealt with at senior management level and that if there was the need for [the CPO] or me to be involved it would have been raised with us.

6.25 The Deputy Principal's account to the Review is as follows:

I recall a discussion with [the teacher] about Vahey's attitude toward [the teacher] when he was looking after an [unwell] student. To the best of my knowledge, I believe the student was not alone [with Vahey]. [Details omitted].

[The teacher] expressed that s/he was very upset and concerned about Vahey's uncooperative attitude and him undermining his/her authority, when s/he took charge of the situation as Trip Leader. As the student was fine the subsequent day, the conversation mainly focused on Vahey.

My own judgement in this particular case would have been that a duty of care was administered to the ill student. This is also based on my experience as Trip Leader and being a designated night duty person on several occasions during my own [trips].

For example, there were occasions when either a student was referred to me or came to me feeling unwell. Sometimes this would entail either moving the student to the reception room where I was able to monitor the situation or make regular checks on students if remained in his/her respective room throughout the night. Consequently at the time, I saw the Vahey incident in a similar light and it did not occur to me that there might have been an ulterior motive behind Vahey's approach in looking after the student.

At all times, my primary concern was [the teacher's] well-being as s/he was upset. I felt that once [the teacher] off-loaded, s/he felt better. The conversation and consultation came to an end with no further action taken.

6.26 This teacher remained sufficiently concerned about Vahey to inform Terry Hedger that s/he did not wish to accompany Vahey on future trips. S/he specifically told him this in relation to Trip L, and says "It struck me as odd that Mr Hedger did not ask me why, he just said "fine"". As will be seen, by this date Terry Hedger was addressing separate reports about Vahey, but was wholly unaware of the reports to the Deputy Principal as to Trips D and I.

6.27 The Trip I teacher also comments "When Vahey was trying to organise [Trip Q] he had problems finding a chaperone". The wider evidence supports this developing reluctance amongst other teachers and staff.

6.28 Trip G

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

- 6.29 The next trip to be reported – there was much else that could and should have been – was Trip G.
- 6.30 The account of events arose spontaneously and was given to the same teacher who had reported concerns from Trip D to the Deputy Principal. This teacher had not been on Trip G. According to a different student on the trip, Vahey was “...creepy” and Vahey would tickle them in their sleep to wake them and would tell them to sleep just in their pants as it was too hot overnight. This student told me how [another student] had [fallen ill] and Vahey had altered the accommodation arrangements [detail omitted].
- 6.31 The teacher from Trip D telephoned the student’s parents, who had already received an account (probably incomplete) of events from Vahey, and regarded Vahey as a good teacher who had taken care of their child when ill.
- 6.32 The teacher from Trip D was not a CPO, and he informed the CPO promptly. The teacher’s account is:

I told [the CPO] how apparently [the student] had been [unwell] and [Vahey had altered the accommodation arrangements] [detail omitted]. This was probably the day following my conversation with [the student’s] [parent], but certainly that week. I told [the CPO] what [the reporting student] had told me and everything. I went into details but I don’t think [the CPO] knew about [Trip D].

[The CPO] was really good in that [his/her] reaction was one of concern. [The CPO] said that [s/he] would be speaking to Terry Hedger about it and would deal with it under the right procedure. School then continued without any major incidents but I wasn’t called or emailed back about my report. In terms of procedure I heard nothing, but [the CPO] did give me a 'heads up' to say [s/he] had met with Vahey. [S/he] said [s/he] didn’t trust him. [S/he] was negative about Vahey and said that he had been warned about his conduct on trips, but the trips were still going ahead.

- 6.33 Following this report the CPO informed Terry Hedger (as Principal, and in line with applicable guidance/policy) and the CPO met Vahey with Terry Hedger. Their accounts of this meeting to the Review are as follows.
- 6.34 The CPO stated that this was the first report s/he had received in relation to Vahey, and that the teacher from Trip D did not mention other trips (which I accept: the emails below only refer to two incidents).
- 6.35 The CPO’s account (“TH” is Terry Hedger) is:

TH and I met with Vahey the following day; I was there more as an observer. I am not sure exactly which details I knew at that stage, any information TH and I had was from [the teacher from Trip D]. I knew that [Vahey had altered the accommodation arrangements] and I knew

that the parent had told [the teacher from Trip D] that the student was fine and that Vahey was a wonderful teacher.

We had just had an inspection at the School and two teachers had been rated as outstanding. Vahey was one of these teachers and we started the meeting on a positive note by talking about this. Vahey was completely calm throughout the meeting. He explained that he had rung the parent and told him/her that the student was not well. [Detail omitted.] Everything Vahey said correlated perfectly with what the parent had said to [the teacher from Trip D]. Because of this we may well not have questioned Vahey enough on this.

We told Vahey that he should never [alter accommodation arrangements on trips]. TH was adamant about this. Vahey said he could see that it might look bad but that it was entirely innocent: he had simply been caring for a sick student. At the end of the meeting Vahey stood up, shook our hands and thanked us for bringing the matter to his attention.

After Vahey left TH asked me whether I thought it was true. I said I wasn't sure. I told TH that Vahey's account coincided with the parent's and that I had thought that Vahey had sounded convincing. Our follow up discussion probably lasted five to ten minutes and we talked about whether we should make a referral to the LADO. I vaguely remember saying to TH "I'm not sure what I would be taking further. No child is hurt or complaining and I am not sure what I would say to the LADO." I didn't think of just contacting the LADO for advice, I wish I had but I didn't. I saw the LADO more as a body to whom reports should be made.

I think we decided that we should fill in a child protection form and put it on the child protection file. On the form I have written "Parent spoken to by [the Deputy Principal]". I knew that [the teacher from Trip D] had spoken to the parent but somehow I got the impression that [the Deputy Principal] had also spoken to the parents. I would have expected [the Deputy Principal] to deal with the matter rather than [the teacher from Trip D]. Had I known that [the Deputy Principal] was unaware of the matter I would have raised it with him.

My comment on the form 'spoke to CP' relates to the child protection training I undertook in April of that year when I raised the concern as an example. The "continue monitoring" note means continue to monitor the student, which [the teacher from Trip D] did.

On the face of it the form is unhelpful because (a) it does not mention Vahey's name (I was asked to leave this out for reasons of confidentiality) but a member of staff could have asked; and (b) it is brief. TH asked me not to make too much of it and to keep it as simple as possible. I produced the form the day after our meeting and TH saw the form before it went in the file. However attached to it was a further email mentioning Vahey's name so it was clear who it was.

[Further details omitted]

I had a follow-up conversation with [the teacher from Trip D] whom I asked to keep an eye on the student. Aside from speaking to [the teacher on Trip K] (see below), no further action was taken.

In hindsight perhaps we didn't investigate the matter far enough or ask Vahey enough hard-edged questions. The only justification I have for this is that the child and parents did not want us to take the matter further. My training and my instincts told me that if the child and the parents were happy that was enough. I had no complainant and no complaint. If I had

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

rung up the LADO I suspect that they too would have been manipulated by Vahey who would have convinced them that his behaviour had been perfectly logical.

I accept now that I should have taken further steps but I didn't. I just didn't suspect anything. To an extent the mistake was that we were looking for the easy way out. As far as I can recall [the teacher from Trip D] didn't tell me about any other incidents and I didn't ask because I didn't know there were any others. I did not remotely think that Vahey posed a threat; my mind doesn't work like that. Although there were cases of teachers abusing children in the press, you always thought that it wouldn't happen to you or to your school. We just did not suspect other teachers and Vahey had a pedigree of international education, there was no reason to mistrust him. Vahey also had good contacts and a very powerful wife. I never met her but she spoke at graduation. I always felt that she was his ticket to the next job.

If [the teacher from Trip D] had told me that there had been two other incidents this probably would have caused me to make a referral to the LADO. If I had heard any mention of any other incident I would have told TH immediately and if I had been on the trip and a pupil had [been so unwell] I would have taken him to hospital.

6.36 I can confirm that the child protection form is minimal in extent, and does not even name Vahey. The single-page document has only three material entries, these reading “[details omitted]”; “student and parent spoken to by [initials of Deputy Principal]” (I observe, in fact it was the teacher from Trip D); and “Terry Hedger met with teacher mentioned and issued a warning about being alone in difficult situations (dated). Teacher thanked for this warning”.

6.37 No written decision was taken about Vahey, and nothing was recorded on any file relating to him. In other words, no-one reading the child protection record would have had any way of associating this incident with him.

6.38 For completeness I rehearse the CPO's account of the measure that was taken as to Trip K:

Following this incident TH and I decided that if Vahey went on another trip we should speak to the trip leader. TH and I spoke to [the other teacher on Trip K] prior to the trip ... and we asked [the teacher] to keep an eye on the children and to make sure [there were no alterations to accommodation arrangements]. TH was reluctant to name names so we didn't mention Vahey or the incident.

I accept now that if it was worth putting in this contingency measure it should have been worth having a round-table discussion with [the Deputy Principal]. [The Deputy Principal] and TH had next-door offices and I probably wrongly assumed that they would talk to each other about it.

I don't know if TH spoke to [the Trip K teacher] after the trip. I did not know that Vahey had told [the Trip K teacher] not to tell the parents about the children's illnesses. If I had known I would have been shocked and I am surprised that [the Trip K teacher] did not tell anybody about this. Vahey could be a bully and [the Trip K teacher] might have felt intimidated by him.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

6.39 Terry Hedger's account of this meeting and associated decisions is as follows:

I am aware of a concern relating to [Trip G]. As far as I can recall I was made aware of the concern in [omitted] many months after the trip.

[The CPO] told me that a student had been taken ill and that Vahey had [altered the accommodation arrangements]. [The CPO] and I interviewed Vahey. As far as I can recall Vahey came up with a perfectly logical explanation: he said that he was looking after a sick child [details omitted]; I think that Vahey might have even contacted the student's parent. I imagine that the parent then contacted [the CPO]. I do not recall any mention of [detail omitted] and this is the first time I have heard of this. If I had been made aware of this I would have been shocked. I was not told that there were any other incidents relating to Vahey, as far as I was concerned this was the first concern that had been raised. I do not remember asking [the CPO] whether s/he had heard of any other incidents involving Vahey but I assume that if [the CPO] had been aware of any s/he would have informed me of these.

I had a discussion with [the CPO] immediately after the meeting and we talked about whether we should refer the incident to the LADO. Aside from this incident, I was never called upon to exercise discretion as to whether or not to report a concern to the LADO. At the time we decided not to refer the concern because we didn't consider that it was a child protection issue. However, in hindsight I think that we should have referred the concern, to protect ourselves if nothing else.

I believe that I wrote a note of the interview and gave it to [the CPO] following the meeting.

Beyond speaking to Vahey, no further investigations were made. I did not speak to [the teacher from Trip D] and I am unaware of that teacher's involvement in this incident. As far as I am aware no-one spoke to the student.

6.40 There is no note of the interview, unless one counts the single page document I have already described. As to advice given to the teacher on Trip K, Terry Hedger's account is:

I have a feeling that I spoke to [accompanying teacher's name] before this trip and asked [him/her] to "make sure that everything is done by the book". I did not mention Vahey's name, nor did I mention the incident concerning [Trip G]. The [teacher] was very good; was very reliable and I trusted him/her to keep an eye on things.

6.41 Trip K

6.42 This was a trip with Vahey and a single other teacher ("the other teacher") to accompany them. The other teacher was given very generalised oral advice by the CPO and the Principal in advance of the trip, to the effect that the other teacher should ensure that procedures were followed, but without specific reference to Vahey. This advice originated from the handling of trip G by the CPO and the Principal. In my opinion this was too generalised to be of any value and no additional procedural requirements were applied to the trip.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

- 6.43 The party also had an adult male in the local jurisdiction to assist. This person was associated with the travel company and there is no evidence that he was subject to vetting (although no paperwork has been retained from this trip).
- 6.44 A number of students became ill on the trip. When one student became ill, Vahey actively discouraged the other teacher from reporting it to the student's parents. When the teacher indicated an intention to do this, Vahey insisted that he (Vahey) should do so.
- 6.45 What in fact was reported after this trip was an inappropriate comment [detail omitted] to students by Vahey. I do not have the detail of what is alleged to have been said, but suffice it to say that I believe the comments were of sufficient concern to be reported to the School, and in turn to have been investigated by the Principal following consultation with the LADO. As it was, Vahey's conduct was notified - entirely appropriately – by a student's parents to Terry Hedger.
- 6.46 This report resulted in a meeting between Vahey and Terry Hedger on a documented date (“Date 1” in the sequence of linked dates I describe). I set out below (so far as I can given the restrictions) the chronological narrative of what decisions and actions Mr Hedger took, and it will be observed that by this date it had been agreed that he would leave the School at the end of the academic year. According to him, “In [a named month] I met with Chris Woodhead and we agreed that we could no longer work together. Our philosophies were fundamentally opposed and I was simply not prepared to implement the changes Chris Woodhead wanted”. Sir Chris Woodhead says that he (i.e. Sir Chris Woodhead) initiated this meeting. In any event, the outcome was mutually agreed.
- 6.47 Whilst it is not for me to determine the respective merits of these different philosophies, I observe that the “philosophy” that Sir Chris Woodhead was seeking to apply appears to have been driven, at least in part, by how best to promote the accountability, and documenting the performance, of teachers. Regardless of any wider philosophical debate, the poverty of reporting and record-keeping I have documented as to Vahey is a powerful demonstration of why accountability (and documentation) of the performance of teachers is necessary in defined circumstances. I revert to this under Part 7.
- 6.48 In any event, and in the context of his pending departure, there was a meeting between Terry Hedger and Vahey on Date 1. Terry Hedger’s account of that meeting at the initial interview with me was as follows:

I do recall a comment about [Vahey's commentary]. I think that the parent of a student contacted me [about it].

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

As far as I can recall the parent(s) didn't want a fuss made about the incident and s/he didn't want his/her [child] to be dragged into it. I did not consider going back to investigate the previous incident again, but I accept now that this should perhaps have been done.

I investigated the issue, I spoke to the parent(s) directly and I raised the issue with Vahey. I also decided to take Vahey off [Trip L]. I took this decision in order to let Vahey know that I was not happy with the situation. I did not record this decision. I suppose that I could have made a log of this and other concerns but I was not trained to do this.

Although Vahey initially said that he did not recall the incident he came back to me a couple of days later to say that he did remember [it]. It did not surprise me that it took Vahey a couple of days to remember the incident; after all I am a teacher, not a criminal lawyer.

I was only ever made aware of these two incidents and on neither occasion did I refer the matter to anyone at Cognita or to anyone on the Education Board or the School Board.

- 6.49 Out of fairness to the witnesses – people do not necessarily recall everything when first questioned - the Review invited all witnesses to add to their accounts if necessary after further reflection. In response to this invitation, Mr Hedger gave a further detail as follows:

To the best of my recollection the decision to take Vahey off [Trip L] was made by a group of senior staff in a meeting held some time during [month]. The group included [the Deputy Principal], [the CPO], [and three others]. I think it is likely that [the teacher from Trip I's] request not to have [Vahey] in his/her team was at this time and was raised by one of the group, considered and agreed. It was agreed that we would keep Vahey in school as an invigilator for the students who needed special conditions during their examinations. He invigilated individuals and small groups of students in Conway Street during [the trip].

I had reservations about this decision, as no students had complained and no allegations had been made, but a "time out" seemed to be the sensible course of action. Vahey accepted the decision but later reacted rather aggressively to it by email, claiming possible damage to his reputation. With no more trips scheduled it is possible that I tried to pour oil on troubled waters, just to get us all through to the end of what was a very stressful, highly pressured, unhappy term. However I did include a comment re Vahey in my hand-over notes to [Graham Lacey], and [all the others named as present at the meeting] continued at SB the following school year.

- 6.50 I observe that no other witness – we have evidence from the Deputy Principal, the CPO at the time, and one of the other named teachers – has recalled participating in such a meeting. More specifically, (i) the other named teacher is the same as the witness referred to at 6.72 below, and would have had reason to remember being party to such a decision; (ii) it will be recalled that the teacher from Trip I simply says that s/he spoke to Terry Hedger as to not wanting Vahey on the trip, who did not seem surprised, and immediately agreed; (iii) the Deputy Principal states that other than events on Trips D and I, he "was not made aware of any other reports about Vahey at the time and I never discussed any concerns about Vahey with either [the CPO or Terry Hedger]"; and (iv) the then CPO's account is

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

summarised below at 7.11, and is inconsistent with such a meeting having occurred. Further, there appears to be no record of the meeting.

6.51 The meeting with Vahey was followed by an email from Vahey to Terry Hedger on the same date. He emailed Terry Hedger at 23:38 – a Friday - with a subject line “Today’s discussion”.

6.52 His email stated as follows:

Hi Terry,

I have had time to reflect on our discussion today. I have moved from my agreeable condition during our discussion while I was still in a state of shock to reach my current level of real anger. What you are saying to me, in effect, is that I am now a suspect because of the following issues: First, I did what I have done for three decades with [name of student] when s/he was a very sick child last year by [altering the accommodation arrangements] to ensure his/her health and safety. The parents had no issue with my approach, but that positive health and safety decision has left me open to school jokes/comments/rumors [original spelling]. Now, [details omitted] the parents [of a different student] suggest that a single comment that I might have made in passing may have [detail omitted]? Based on this comment by a single [X] grade student, [detail omitted], I am suddenly going to totally alter my interaction with students? In retrospect, the proposed current approach would seem to suggest that there is indeed an issue if I am involved with students on a trip and would appear to totally justify the one parent comment you have received. The current plan would certainly undermine my reputation and standing in the community – which is not your intent.

I am very sorry to change my response here, but I should have originally asked for more time to process the discussion today before agreeing to any future steps. Could we please arrange to meet on Monday to discuss the situation further before we finalise any plans?

Thanks,

Bill

6.53 Further, the next day (“Date 2”), Vahey emailed Terry Hedger under the subject line “Recommendation Notes”. The email – reproduced in full at Appendix 4, pages 29 to 30 – reads:

Hi Terry, Here are the promised notes. The main position I am looking for involves teaching some high school classes in a new elite “Academy” (a school within a school) and serving as a part time activities director for the academy – thus the emphasis on organization, field trips, travel and extracurricular activities. Thanks very much for taking the time to write this recommendation as it is very much appreciated!!

6.54 The email then rehearses a detailed template for Terry Hedger to adopt as a basis for the “recommendation”. It may be thought that there is an obvious tension between this request for a reference (“recommendation”), directed at “travel and extra-curricular activities”, and being removed from such trips, but that tension appears to have been lost on both parties. Terry Hedger addressed

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

this by providing a written document three days later (“Date 4” in the sequence): Appendix 4, pages 31 and 32, and see 6.60 below.

6.55 Mr Hedger replied to Vahey's Friday (Date 1) email string at 08:24 on the following Monday (“Date 3”). His reply read:

Hi Bill,

I fully understand your concerns. I will be more than happy to have a follow-up meeting with you but it will have to be Wednesday morning or Thursday as I am out today at the Buck U observer nearly all tomorrow. Please pick a day and time. My intention is to ensure that your fine reputation and standing in the community are maintained, but we are living in difficult times and have to be ultra-cautious.

Regards,

Terry

6.56 Vahey replied at 09:52:

Hi Terry,

Thanks for your note. How about meeting on Thursday, 3rd period, as I teach the first 4 periods on Wednesday? I do appreciate your obvious dedication to my best interests here, I just need to have a better idea of where I stand in the big picture as this has really impacted my self-concept.

Many thanks,

Bill

6.57 There was a reply (in fairness, it is from Terry Hedger’s mobile telephone, so perhaps not reflecting much thought) at 11:04. It reads:

Period 3 on Thursday will be fine Bill. Don’t worry, your self-concept should not be affected. The problem is that some vindictive parents have found a way to put unfair pressure on the teachers and this is having an adverse effect on how we need to deal with all situations. [X time] to go for me!

6.58 The “[X time] to go” comment is an apparent reference to Terry Hedger’s forthcoming departure from ██████████

6.59 Inevitably I asked Mr Hedger about these exchanges when I interviewed him. He said as follows:

Vahey's response to me seems aggressive. It is clear that I raised both the incident involving [trip G] and the incident involving [trip K] with Vahey - these are the only issues of which I

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

was aware. Vahey was obviously not happy that I had banned him from the trip. He says that he thinks it is unjustified and that it would undermine his reputation. My response to Vahey does not read well, although I imagine that I was merely trying to placate Vahey. I do not know what I meant by my reference to "vindictive parents." [The parent(s)] was/were certainly not vindictive. I am not able to give a justification or explanation to these comments.

It is important to note that Vahey's complaint did not make me change my mind; Vahey did not attend [Trip L] as a result of this incident. If Vahey had been a British teacher and part of a union there is no way that I would have been able to ban him from [Trip L]. I did not have any evidence.

If I had stayed at the School for another year I might have investigated the matter further. Looking back on it now, it is possible that my [forthcoming] departure affected the way I dealt with this. I tried to be as professional as I could be right up until the end, although I think that, in reality this incident was not high enough up on my list of priorities at the time.

When I left the school, Graham Lacey ("GL") took over from me. We didn't have any time together but I left a list of 14 or 15 key things GL needed to deal with. I typed up this list and left it on GL's desk. I am fairly certain that one of the 14 things was to "make sure Vahey was accompanied by an experienced ██████████ staff member on all trips". I cannot recall which computer I used to type up this document. If it was my home computer I would not be able to retrieve a copy as I no longer have the same computer.

I think that I gave [the CPO] a similar verbal warning. I would have told [the CPO] to keep an eye on Vahey and to make sure that GL knew to keep an experienced eye on him.

6.60 On Date 4, three days after Vahey's email reference (*per* Terry Hedger an "open testimonial") request, Terry Hedger provided a dated "To whom it may concern" document in relation to Vahey [Appendix 4, pages 31 and 32]. This was to a large extent a straight lift from the self-aggrandising document Vahey had sent him. A wholly uncritical reference, it includes comments such as "Bill gets along extremely well with all members of the school's community: students, parents, colleagues and the school's administration alike" and "In summary, Bill is an excellent international teacher in every respect". As the founder of the Travel Club, Vahey is credited for organising "unique cultural, historical and adventure oriented trips" and Mr Hedger concludes by saying "I thoroughly recommend him for any teaching post in an international context".

6.61 One may observe that the terms of this reference would not have been mirrored by many of his colleagues, most of the teachers he accompanied on trips, or others that were attempting to make his teaching more accountable.

6.62 I questioned Mr Hedger as to this reference in interview. His response was:

I had forgotten that I had written this testimonial for Vahey. The FBI asked me whether I wrote Vahey a reference and I said that I hadn't because I could not remember writing one. In hindsight I am definitely not comfortable with this; I realise now that it was a big mistake.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

The FBI told me that Vahey had included me as a referee in his application to the international school in Nicaragua. I have no recollection of ever speaking to the Head of the school in Nicaragua or to anyone else in relation to Vahey's subsequent employment. I obviously fell for Vahey's tricks.

6.63 In my opinion – although it does not begin to justify the reference - it was clear from his reaction when this document was introduced at interview that he had indeed forgotten it. After further reflection following interview he stated as follows:

When I announced to the staff [date omitted] that I would be leaving at the end of the school year I offered to act as a referee for all of them when they needed a reference. Several of the teachers asked for an “open testimonial” (including [3 names including Vahey]) and I asked them to let me have relevant dates and facts as a set of bullet points in order to expedite the process. These were completed before I left. Open testimonials are common in the international education field, as it is easy to lose contact with people who move around a lot, but they are no longer accepted as references. I have not been contacted by any school to provide a reference for Vahey for any job.

6.64 Reverting to the removal from Trip L, so far as the then CPO is concerned, the first and only involvement with any of this was to receive emails from Terry Hedger one week (“Date 5”) and a fortnight (“Date 6”) respectively after the email exchange between Hedger and Vahey above.

6.65 The first email had the subject line “For your records”.

6.66 The CPO’s account was as follows:

[Parent from trip K] raised the concern with Terry Hedger initially, the first I was made aware of the incident was when Terry Hedger emailed me on [date]. I cannot recall whether this was mentioned or discussed with [the Deputy Principal] at the time; it may be that Terry Hedger spoke to [the Deputy Principal] who was on site at Portland Place more often than I was.

I do not know why the matter did not merit further investigation, given that it merited removing Vahey from the trip. I was simply informed by Terry Hedger that there was no child protection case to answer. Given that the concern related to another member of staff this was in line with the *Managing Allegations of Abuse* policy and I recognised that that decision was his to take.

With the benefit of hindsight I would of course report such an incident to the LADO now and, knowing what I know now I do not agree that there was no child protection case to answer but, at the time, I was simply adhering to the school's policy.

6.67 The Deputy Principal has said he was not consulted.

6.68 As to Terry Hedger’s Date 5 email itself, having rehearsed the reported context (regarding Vahey's alleged conduct on Trip K), and having now described the parent(s) as “sensible”, it continued:

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

[Parent(s)] did comment that a member of staff on the trip might have known about it and might even have made an “inappropriate” comment about it to [the student]. [S/he] mentioned Bill Vahey as the member of staff. I asked [parent] if [s/he] wanted to make a formal complaint, but [s/he] replied “absolutely not, I just think that you ought to know”. I promised to investigate and to talk to the teacher.

I had a meeting with Bill Vahey soon afterwards but he could not remember any such incident. However, he did come back to me several days later and said that he did remember [detail omitted] when he was patrolling the [accommodation] ... and briefly commenting about it to them at that time. However, he does not consider that he said anything “inappropriate” to [the student] or to any other student.

There does not seem to be any child protection case to answer here, but to be on the safe side I suggested to Bill that he does not go on [Trip L], but stays in school and helps run the [named] examinations. I also informed him that in future the [detail omitted] trips should be accompanied by two other members of staff, in addition to himself, and that there should be one male and one female teacher. Bill accepted both these requests.

I am submitting this report to you as our Child Protection officer so that it is in your records in the unlikely event of anything similar happening in the future, and also to protect the member of staff in the event of any exaggerated rumours being circulated.

6.69 A further, short, email was sent by Terry Hedger to the CPO on Date 6, just over a week later. In material part this reads:

Hi [the then CPO’s name],

I met with [the parent] last week ... [s/he] said that Bill had mentioned the “incident” in general terms to everybody and that [s/he] was happy that the school had followed up with it as promised. [S/he] expressed surprise that I had asked him not to go on [Trip L] this time and said that [s/he] would be happy to let [the student] go on another [...] trip in the future.

Sorted.

Terry

PS please add this note to the incident report email

6.70 The terms of the first of Terry Hedger's emails (Date 5, “I suggested to Bill...”) reinforce my conclusion that Mr Hedger took the decision as to Trip L on his own: in other words, there was no meeting as he remembers with the Deputy Principal, the CPO and others. My interpretation is that he is communicating a decision for the first time to the CPO, which would not have been the case if he were right that she was party to a meeting that decided to remove him from it. Further, the CPO does not recall receiving a “similar verbal warning” that he says was left as part of his 14-15 point bulleted list for Graham Lacey, to the effect that he/they should “make sure Vahey was accompanied by an experienced ██████████ staff member on all trips”.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

- 6.71 As to this, whilst Graham Lacey recalls receiving a bulleted list, he does not recall any warning – even one as uninformative as this – being part of it. Terry Hedger was initially only “fairly” certain he had done it. There is no record of a document on the School’s computer system, and if it was drafted on a home computer Terry Hedger has since replaced the relevant device without saving documents. Graham Lacey disposed of what he regarded as an essentially administrative list well before Vahey’s death. He says that had Terry Hedger's list made any such mention in relation to Vahey, he would have been concerned and have taken action immediately. I observe that there would have been no reason or incentive for him to do otherwise.
- 6.72 One teacher remembers Graham Lacey reviewing the School’s child protection file in about September 2012, and saying to him that Bill Vahey was not a suitable choice to attend Trip M. This witness was aware, based on an account from the teacher on Trip D, that Vahey had been prevented by Terry Hedger from going on Trip L. This witness had negative experiences of Vahey: for example, he reacted “very aggressively” when told he could not accompany a foreign trip that the witness was organising; sent “aggressive” emails when other classes were permitted to use his classroom; and (as with other witnesses) reports that he used his wife’s powerful position as an instrument of reward (i.e. to facilitate future employment in other international schools) or threat (to prevent such employment).
- 6.73 This teacher probably, and reasonably, but wrongly, assumed that the child protection file would reflect Trip D, and for that matter any other reports to similar effect made about Vahey. Whilst Graham Lacey does not specifically remember reviewing the child protection file as described, my conclusion is that it is at least possible that he did so, and he has simply not remembered it. As has been demonstrated, the content would have been unremarkable, and this was over two years ago when he had just started at the School.
- 6.74 Even assuming he received a written note from Terry Hedger to “make sure Vahey was accompanied by an experienced ██████████ staff member on all trips”, any review of the child protection file would simply have disclosed the two Terry Hedger emails to the CPO as to the Trip K episode. The outcome was characterised in terms as “Sorted”. There would have been absolutely no record of the three reports made as to altering the accommodation arrangements on trips (i.e. Trips D, G, or I), or any other reference whatsoever to Vahey.
- 6.75 In my judgment the tenor of these emails in isolation could not have alerted any reader to Vahey’s history of altering the accommodation arrangements on trips - in breach of all the most basic expectations - with regard to students who had fallen ill. It would not have put any reader on notice as to residual concerns as to his suitability to participate in trips: if anything, the opposite interpretation

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

arises. Without a context, reference to staff numbers appears technical (i.e. directed at ratios), rather than as the product of a Vahey-specific risk-assessment. If the note was left by Terry Hedger, and was intended to reflect a genuine concern as to Vahey's suitability to attend trips, it was wholly insufficient to achieve this purpose, and intrinsically the wrong procedure to adopt.

6.76 Accordingly, my findings are (i) that Terry Hedger's memory of these events is unreliable (for the avoidance of doubt I emphasise unreliable, rather than deliberately false); and (ii) that Graham Lacey was given no information, either directly or from a review of the child protection file, that necessitated further investigation or intervention in relation to Vahey.

6.77 Summary of reports/notifications and non-reports

6.78 It will be seen that a number of significant reports were made about Vahey. Conduct on Trips D and I was reported to the Deputy Principal. There was no investigation; neither the CPO nor Terry Hedger was informed; Vahey was not questioned; nothing was written down. No referral was made to the LADO. Conduct on Trips G and K was reported to Terry Hedger, and was at least also notified to the CPO. No referral however was made to the LADO. As to Trip G, Vahey was interviewed but his account was uncritically accepted. The only record is brief; does not name him; and does not even reflect the detail that was obtained when the matter was reported, still less that which could have been ascertained on investigation.

6.79 A subsequent report, to the then head of department, that Vahey had graphically and inappropriately described homosexual sexual intercourse during a lesson (this level of detail may not have been given to the head of department) was not either further investigated or referred on by the head of department. No action was taken and nothing was recorded in the child protection file or elsewhere.

6.80 Subsequent to his death multiple other reports have been made – by teachers; parents; students; and staff - as to his conduct or reported conduct. These reports include details as to his repeated distribution of Oreos/biscuits and drinks after supper on trips; his consistent undermining of other supervisors on trips, and corresponding promotion of his own popularity; his systematic control and manipulation of his Travel Club trips; inappropriate games and jokes of a sexual nature with, and to, students; his insistence on having keys to rooms on trips; the repeated illnesses of students on his trips; his smacking the bottoms of students; and other similar inappropriate comments and conduct.

6.81 Conclusions as to the history of reporting, and handling of reports

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

6.82 In reaching conclusions as to this unhappy history, I of course must direct myself that I do so through a view informed by the luxurious prism of hindsight. I also fully accept that each of the relevant decision-makers – by which I mean the Deputy Principal and Terry Hedger - as to the reports that were received has a long and distinguished career in education, most particularly in international schools, and was unquestionably committed to the interests of children.

6.83 In my opinion however, by any objective standard their approach to the investigation, resolution and recording of reports concerning Vahey was inadequate.

6.84 Summary of conclusions as to why the handling of these reports was objectively inadequate

6.85 It would be possible to set out extensive reasons for this. I have elected simply to set out a summary, since the main points are in my opinion self-evident.

6.86 In that each teacher at ██████████ was personally committed to the interests of children, some obvious questions arise as to how these events came to proceed as they did. These include:

- Why were more reports not made at the time about Vahey?
- Why were some reports made to the Deputy Principal, others to the CPO, and others to the Principal?
- Why was there no single central record of all these reports?
- Why was there no meaningful investigation into his conduct when reports were made?
- Why was no further action taken in relation to the reports?
- Why were the child protection records inadequate?
- What has been done to address the risk of repetition?

6.87 I attempt to address each of these questions in Parts 7 – 8, and to integrate in that analysis the explanations of the principal parties as necessary. It will be seen that the wider context does to some degree mitigate – and/or at least partly explain – decisions that otherwise may appear somewhat incomprehensible.

6.88 As to the individual decisions, however, I address them in turn.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

6.89 Trip D

6.90 The decision-making by the Deputy Principal was objectively inadequate for the following reasons:

- 6.90.1 What was being reported was at least potentially a child protection matter, and as a minimum suggested Vahey did not understand the most basic professional rules as to unsupervised access to children in sleeping accommodation. The Deputy Principal was not a trained child protection officer and accordingly not the appropriate party to evaluate the conduct;
- 6.90.2 The report was made in person by an experienced teacher, in a professional environment where reporting the questionable conduct of other teachers was counter-cultural. The report plainly reflected very genuine and serious concern as to Vahey's conduct;
- 6.90.3 Either the detailed account should have led to a formal referral to the CPO or Principal (and thereafter consultation with the LADO), or the most basic questioning of the teacher by the Deputy Principal at the time would immediately have established facts that did merit such a formal referral (see summary of report, above). Either way the Deputy Principal's approach was deficient;
- 6.90.4 This is because the reporting teacher's concern was – obviously - wholly justified. In [altering the accommodation arrangements] as he did Vahey was in breach of very basic and widely-understood rules applicable to all teachers (Terry Hedger stated that it was so “blindingly obvious” that this should never happen that it did not need to be said. I agree.) Further, the student's reported medical condition was unusual for children of that age;
- 6.90.5 Regardless of the type of illness, Vahey's response was manifestly inappropriate. He was not even First Aid trained. A child that unwell surely needed immediate medical assessment by a qualified professional. This did not occur. This fact/inconsistency alone merited referral to the Principal, and questioning of Vahey (almost certainly in consultation with the LADO);
- 6.90.6 Without any investigation whatsoever, even to the extent of questioning Vahey, the Deputy Principal concluded that Vahey's (somewhat remarkable) conduct although “a bit odd” had a plausible explanation (“maybe he's just being a father figure”) under his discharge of a duty of care. The student had got home “well and safe”, that “that was the end of the matter”;
- 6.90.7 Further, there was no follow-up with the reporting teacher; no written record was made; no reference was made to either the CPO or the Principal (after all, in an adjacent office); and no notification was made to the CPO for the purposes of recording the incident in the child protection file, thus leaving the CPO unsighted when future concerns were expressed on a similar theme. Each of these – most particularly perhaps the lack of any written record – in my opinion represents a basic and fundamental error.

6.91 Trip I

6.92 The decision-making by the Deputy Principal was objectively inadequate for the following reasons:

[REDACTED] International School
Independent Review arising from the criminal conduct of William Vahey

- 6.92.1 First and fundamentally, this was the second report made to the Deputy Principal by a highly concerned – but different - teacher. Although the facts are remarkably similar to those of the first incident, the Deputy Principal says he “did not recall Trip D” when Trip I was reported, and accordingly “did not and could not make the link between the two”. Even without more, this coincidence of circumstances plainly justified immediate reference to the CPO or Principal, and thereafter to the LADO;
- 6.92.2 The account from the experienced and responsible reporting teacher demonstrates wholly inappropriate conduct by Vahey, and a disturbing and aggressive attitude by him as to altering the accommodation arrangements. He had acted directly contrary to express prior instruction. Even in isolation this should have been interpreted as remarkable and concerning: when coupled with the circumstances of Trip D, the necessity of formal referral; inquiry; recording and evaluation is completely obvious;
- 6.92.3 The reporting teacher was “quite shaky” about the incident and found Vahey’s attitude when challenged “very strange”. S/he told the Deputy Principal “the whole story”. S/he had stayed up through the night to ensure Vahey did not alter the accommodation arrangements. These should have been regarded as exceptional circumstances;
- 6.92.4 The Deputy Principal found Vahey’s approach something he regarded in a “similar light” to supervising a sick student in an open reception area, or making checks on such a student. In my opinion, it is readily distinguishable from these scenarios. Given the wider details that he either received from the reporting teacher, or should have established and recorded, the distinction is even more acute;
- 6.92.5 The Deputy Principal says his “primary concern was the teacher’s well-being as s/he was upset”, and that “once off-loaded, s/he felt better” and “the conversation and consultation came to an end with no further action being taken”. Whilst he was entitled to be concerned as to the teacher's welfare, this should not have been the primary concern. He should have asked himself what it was that so upset the teacher about Vahey’s conduct. The reporting teacher, having taken the professionally difficult step of reporting Vahey, was entitled to expect that action would be taken from that report, and it was not;
- 6.92.6 I can see no objective justification for failing to: report this matter to the CPO or Principal (and in turn to the LADO); record in detail what was said by the reporting teacher; question Vahey as to this and, belatedly, Trip D; or, as necessary, ensure further investigation occurred and the LADO was consulted, either directly or at the initiative and control of the Principal or the CPO;
- 6.92.7 As is demonstrated, no notification or cross-reference was made to the CPO for the purpose even of recording the incident in the child protection file. This left the CPO unsighted when future concerns were expressed on a similar theme;
- 6.92.8 Further, when teachers perceive that nothing will be done with reports once made the probability of future notification is reduced.
- 6.93 Given the facts, and the real level of concern of the reporting teachers, I find the conclusions of the Deputy Principal, and outcome, extraordinary.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

- 6.94 Taken overall, the approach of the Deputy Principal to these two reports lacked any degree of forensic scrutiny, and demonstrated an extraordinary reluctance even to give meaningful consideration to the possibility that Vahey’s repeated actions were other than a misguided exercise of a paternalistic duty of care. Without any inquiry this was simply not a reasonable conclusion. It meant that Vahey’s reported, and repeated, intrinsically inappropriate conduct went both unchallenged and unrecorded (either at a school or LADO level), and was accordingly lost from the corporate memory when further similar conduct was subsequently reported to the CPO and Terry Hedger.
- 6.95 I am driven to conclude that the outcome was a clear missed opportunity to intervene.
- 6.96 I also have no doubt that the Deputy Principal’s personal professional background and roles at the School, and his limited training as to, and understanding of, institutionally-based offending, may materially have contributed to his flawed decision-making. Given his basic temperament, and his usual role mediating conflict between students in a conciliatory way, he determined an outcome applying an approach that was non-confrontational. Whilst appropriate for mediating many inter-student disputes, it was completely the wrong approach to reports of conduct by a teacher that breached basic, and commonly understood, rules of professional conduct.
- 6.97 Trip G
- 6.98 The decision-making by Terry Hedger was objectively inadequate for the following reasons:
- 6.98.1 Far from what Vahey said he had done enjoying “a perfectly logical explanation”, his alteration of accommodation arrangements was a breach of the most basic and widely understood rules of professional conduct. As Terry Hedger accepts, it is “completely obvious” that it should not happen;
- 6.98.2 There was no referral by Terry Hedger to the LADO. As a minimum there should have been consultation. Under the School’s policy at the time, consistent with national guidance, the responsibility to refer to the LADO was the Principal’s. This was a clear case for referral for advice, which had it been so referred would doubtless have resulted in appropriate questioning or investigation as directed by the LADO;
- 6.98.3 As it was, there was no sufficient attempt to investigate beyond the second-hand, unwritten, account from the reporting teacher from Trip D, who was not on Trip G. Direct evidence from other teachers on the trip would have established the full extent of the incident;
- 6.98.4 In the absence of any contemporaneous record of the meeting with Vahey, or the reporting teacher from Trip D, what was actually said is now lost. It is an obvious rather than revolutionary finding that a written record should have been kept of what each said;

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

- 6.98.5 There were no hard-edged questions asked of Vahey. What he said was accepted at face value, and a decision to take no further action made within ten minutes of the meeting;
- 6.98.6 Far too much reliance was placed on the reported opinions of the student and the student's parents. These decisions are the responsibility of the School, not the student or the student's parents. Each of the parents and the student would have been disinclined as a matter of human nature to cause a fuss at the School in relation to what was, for the student, a moment of illness. Vahey was a popular teacher. The parents were entitled to assume that any previous reports would have been recorded and evaluated: they were not;
- 6.98.7 The entry in the child protection record is wholly inadequate, and does not even name Vahey. The instruction to the CPO "not to make too much of it and to keep it as simple as possible" was wrong in principle: the point of such a record is to reflect what was reported, and what decisions were taken. Any third party reading this record would find it completely uninformative, and it accordingly would not have been part of any record of Vahey's pattern of conduct over time;
- 6.98.8 No attempt was made to consult with the Deputy Principal to confirm whether this was, as it was treated, an isolated case. As has been shown, it was not.
- 6.99 Trip K and the associated professional references
- 6.100 The decision-making by Terry Hedger was objectively inadequate for the following reasons:
- 6.100.1 The decision gave disproportionate importance to the opinion of the parents. Parents are slow to make a formal complaint, most particularly about a popular teacher, and of course will be wholly ignorant of any wider reported history about Vahey. That is why it is any school's responsibility both to record such reports and evaluate any further report in a wider context;
- 6.100.2 The report did not lead to any re-evaluation of the credibility of Vahey's explanation under Trip G, or even require a fuller written record to be made as to Trip G at least linking Vahey by name to what was described on the short child protection form;
- 6.100.3 There was no attempt to consult with the Deputy Principal, to whom similar such reports were habitually made, to establish what of anything he knew of Vahey's conduct;
- 6.100.4 There was no referral of the concerns expressed to the LADO, even for advice;
- 6.100.5 The discussion with Vahey that did occur was forensically inert, and the resolution by emails to the then CPO probably counter-productive;
- 6.100.6 Insofar as contingency measures were put in place, these were so poorly communicated and recorded to be almost meaningless;
- 6.100.7 The resolution of this incident in isolation was the email saying that the situation was "Sorted";
- 6.100.8 In reality, given the dominating but false assumption that teachers at ██████████ would not harm students, the possibility that Vahey's conduct even may demonstrate sexual motivation was never genuinely considered. Had there been such genuine consideration

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

given to this possibility it would be difficult to justify either (i) the emails on Dates 5 and 6 from Terry Hedger to the CPO (at paragraphs 6.68 and 6.69 above); or (ii) providing Vahey with a glowing and unqualified recommendation for future employment (Date 4, at paragraph 6.60 above);

- 6.100.9 If the reports justified taking Vahey off Trip L so as to prevent unsupervised access to children, contingencies should have been considered as to his access to students in other contexts. This is the sort of question which would not have been missed had there been a referral to the LADO. No such steps were considered;
 - 6.100.10 On Terry Hedger's own account, these decisions were simply not a priority during a period of time when he was heavily distracted – and somewhat exhausted - both by the demands of the school year and, more particularly, his own forthcoming departure
- 6.101 Overall it is obvious that had effective inquiry occurred at this time there would have been the clearest possible basis for immediate intervention. Basic inquiry would have established at least three of the residential trips (D, G, and I) already reported to the School in which Vahey had secured (or attempted to secure) improper unsupervised access to students who became unwell by altering accommodation arrangements. Intervention at that point, and reference as a minimum to the LADO, would (at least should) have been inevitable. It is reasonable to expect that any wider investigation (undertaken or recommended by the LADO) would have generated much of the wider factual background as now reported to the police and others.

7. What, and why, things went wrong

7.1 The explanation is multi-faceted and I have approached it in the following sequence for the purpose of analysis. These defined factors of course form part of an indistinguishable whole, where any one or more factors inter-related with one or more others to produce the outcome I have rehearsed.

7.2 The sequence under this Part is:

- 7.2.1 The child-protection structure within the School;
- 7.2.2 The prevailing attitude to child protection matters and procedures at the time;
- 7.2.3 A false perception that ██████████ was immune to the threat of sexual offending by staff;
- 7.2.4 Drafting and implementation of policy;
- 7.2.5 Child Protection Policy 2009;
- 7.2.6 Training;
- 7.2.7 The limitations of training;

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

- 7.2.8 Paradigm patterns of institutional offending;
- 7.2.9 Duty, and language, of mandatory "notification" rather than "allegation" or "whistleblowing".
- 7.3 The child-protection structure within the School
- 7.4 Before considering the individual training, qualifications and experience of the decision-makers it is perhaps useful to summarise the hierarchy within the School at the time as to child protection matters.
- 7.5 Part 3 of this report set out the system of Ownership and Governance, and I do not repeat the detail. In absolute summary, operational child-protection and teacher/staff disciplinary matters were devolved in the first instance to the CPO and Deputy Principal with ultimate responsibility lying with the Principal of the Westminster campus (and latterly the Executive Principal). No material child protection reports were made to either the Education or School Boards or to Cognita over time. There were inherent structural flaws, in that those making operational decisions were effectively supervising themselves and/or each other as close working colleagues, which meant there was no meaningful independent or objective scrutiny of operational decisions.
- 7.6 The structure within the School was not widely understood by the school community, including teachers. There was confusion on the ground between the functions of the CPO and Deputy Principal.
- 7.7 Students at the School would ordinarily raise confidential concerns with their class "Advisor", which is the same function as a form tutor at other schools. Each class has a ten-minute (now 20) "advisory" at the start of each school day, and of course there would be opportunity for private discussion as necessary. This is a familiar and proven system at most schools. In addition there was a School counsellor, who in due course was concurrently appointed the School's child protection officer ("CPO"). This Counsellor/CPO was a very long-serving, popular and sympathetic teacher well qualified to perform the counselling role. This CPO was not a member of the School Board; the Education Board; the SMT or the SLT that replaced the Education Board in 2012.
- 7.8 Up until the appointment of this CPO in 2008 the CPO was Terry Hedger. The Deputy Principal fulfilled the role from November 2012 to June 2013.
- 7.9 The Deputy Principal was a very long-serving and hugely popular teacher at the School. His roles included resolving conflicts between students and he received reports from parents and other members of the school community as to pastoral matters. Additionally, he was the person with primary responsibility for authorising individual school trips, and for receiving and managing reports as to such trips. He was perceived as a person to whom concerns should be reported, and they were.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

He was not however either appointed or trained as a CPO until November 2012, and left the School in June 2013.

7.10 As I set out, his multiple functions led to confusion as to the line of reporting in relation to Vahey as between him (as Deputy Principal (Pastoral) and/or the person with delegated responsibility for the approval and conduct of trips) and the CPO. Whilst he and the CPO discussed individual children on a regular basis, and did so with other staff, they never had a discussion about Vahey. The reports went through different channels and these channels never came together. The CPO told us that it would have been considered “terribly disloyal” to discuss individual teachers at these meetings, and in any event all teachers were intrinsically trusted.

7.11 These points are neatly encapsulated in the evidence of the CPO:

As head of pastoral care [the Deputy Principal] dealt with a wide range of disciplinary issues. Although both [the Deputy Principal] and I dealt with pastoral care and there was some cross-over between our roles, [the Deputy Principal’s] role was distinct from both my role as counsellor and CPO. [The Deputy Principal] was highly experienced and was doing a very good job, the children were happy and I had no reason to be concerned. I didn't want to tread on [the Deputy Principal’s] toes and I didn't want to cramp his style and I did not discuss child protection issues as a matter of course with [the Deputy Principal]. However, we would sit down and discuss individual students as and when matters arose; we worked well together.

[The Deputy Principal], Terry Hedger, [the other Deputy Principal] and [the CAS co-ordinator] and I met once or twice a term to discuss the children. We did not discuss the teachers and I think that we would have found it terribly disloyal to do so. We never suspected that a teacher posed a threat to the children.

I suppose with hindsight I can see that by virtue of his position as head of pastoral care and trip organizer [original spelling] [the Deputy Principal] might have had information which I did not have. However this did not occur to me at the time and I never discussed Vahey with [the Deputy Principal]. I don't think that either of us thought that the concerns relating to Vahey that we were each made aware of were "child protection concerns".

7.12 The unfortunate - but predictable - result was that the CPO and Terry Hedger knew nothing of the Vahey’s conduct on Trips D and I, and the Deputy Principal conversely knew either nothing, or nothing of any substance, of the conduct reported under Trips G and K.

7.13 The prevailing attitude to child protection matters and procedures at the time

7.14 I start by acknowledging that a review of the available child protection record demonstrates that when individual children were suspected to be suffering neglect (a very limited number of cases, and

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

typically emotional neglect at home), these cases were sympathetically handled, and the decision-makers gave primacy to the interests of the child. The overall quality of what is recorded in these files is however inadequate, and Jane Cooper HMI (an independent advisor to my Review) describes them simply as “not fit for purpose”. Given that two independent inspections (in 2010 and 2013) were apparently satisfied with the form of these records, however, I make no particular criticism of the individuals responsible for maintaining them as they did. In future however they must be comprehensive and comply with the requirements of the statutory guidance.

7.15 The evidence I have considered does however demonstrate that senior decision-makers at ██████████ consistently, but falsely, assumed that the characteristics of the School meant it was at no risk of sexual offending against children by vetted members of staff, including teachers. This false assumption in turn fed an approach to the purpose of procedures and policies, and the making and handling of individual reports about Vahey, that contributed to the inadequate decision-making I have described.

7.16 I address these topics in sequence.

7.17 A false perception that ██████████ was immune to the threat of sexual offending by staff

7.18 This has been one of the more striking features of the evidence in this Review. History demonstrates conclusively that no school should consider that it is immune to the risk of sexual offending by staff. It is to be observed that these events are between 2009 and 2013. Whilst it may be argued – and I do not necessarily agree with the argument, since it can be used as a smokescreen for inactivity – that there was a lack of insight into such institutional offending in the 1960s and 1970s, by 2009 there had been multiple well-publicised examples of sexual abuse by those in positions of trust in all forms of institution, including in maintained and independent schools. The patterns of such offending are widely-reported; the abused students are often manipulated by the offender into not complaining; on occasion the conduct has been covered-up in the most cynical manner by the institution in question; in others discovery has led to a dismayed collective reaction “We didn’t think it could happen here”.

7.19 Events at ██████████ do not represent a case where there has been a cover-up of known sexual offending for reputational advantage. Perhaps unusually given the ages of students involved, those that were abused appear to have been unaware of it (although the covert abuse of sleeping, rather than drugged, children is not novel, and it is basic that students do not of course necessarily disclose the fact of abuse even if they are aware of it). It is however a case where throughout the School, and most particularly amongst the key decision-makers, it appears to have been widely believed – presumed -

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

that once a member of staff had been vetted by the police there was no possibility of them offending against children. Given the commonality of this belief at ██████████ I have no doubt this may be a common – although intrinsically false and dangerous – presumption at many other schools.

- 7.20 Offenders of course target institutions where such a philosophy exists. ██████████ was objectively somewhat more vulnerable even than a mainstream English school, in that it recruited teachers internationally, and the turnover of teachers was relatively high. Unless conduct is notified and recorded it is accordingly obvious that it will quickly be lost from the corporate memory. Unless the duty to notify is clear and non-discretionary, teachers drawn from an international pool (and therefore without a background in UK safeguarding principles) may apply different approaches to what to notify, as will different teachers with similar backgrounds. Lines of reporting and recording must be absolutely clear.
- 7.21 As to the belief of the core decision-makers, I rehearse some of the evidence we received on this theme. It is inevitably a selection.
- 7.22 The CPO stated “I did not remotely think that Vahey posed a threat; my mind doesn’t work like that. Although there were cases of teachers abusing children in the press, you always thought that it wouldn't happen to you or to your school. We just did not suspect other teachers and Vahey had a pedigree of international education, there was no reason to mistrust him”; that his criminal record check “created a very high level of trust from the outset”; and “At the School we worked on a very high level of trust both between teachers and between teachers and pupils and it simply did not cross our minds that a teacher might be harming a pupil”.
- 7.23 As for the Deputy Principal, he stated:

I trusted Vahey implicitly, as I did all other staff members. He organised a large number of trips. Vahey’s trips were very well organised and they always received very good feedback from the pupils and parents.

It never crossed my mind to question the trustworthiness of another member of staff. All staff members were vetted by the School when they joined and in my mind the trust is therefore established from the beginning. I never questioned it. Members of staff were like surrogate parents to pupils and at times it felt as though we were all members of a very large family. We did not warn the children to be careful of members of staff, nor did I suspect that any members of staff would intentionally harm a child. Whereas we taught children to beware of strangers and to make sure that they kept themselves safe from the outside dangers, we never considered dangers that might come from within.

Our training focused primarily on risk assessments and issues concerning health and safety and safeguarding at all times; we were not trained to mistrust staff nor do I think we have any

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

reason to when we have the benefit and reassurance of CRB checks. Issues did arise between members of staff on trips but these related primarily to issues where staff members would undermine another staff member's authority.

7.24 As to Terry Hedger, his evidence included:

I have been involved in teaching the International Baccalaureate since 1993 and I am constantly impressed by the level of maturity of IB students. I believe that IB schools have a unique culture and a wonderful dynamic; the students' outlook on life is refreshing and impressive: they are tolerant and open-minded individuals with a wide range of abilities which you tend not to find at mainstream English schools.

It is true that people are reluctant to question staff behaviour and no one suspected Vahey at all. It is notable that no pupil ever made a complaint about Vahey. We all trusted him; he had passed all the police checks and we trusted him to do the job. [The Deputy Principal] and [CPO] and I feel particularly let down by Vahey and by the trust we had placed in him. Vahey worked in approximately 12 schools over the course of approximately 40 years in eight different countries and nothing ever came to light. By any standards this is incredible. We were all manipulated by Vahey and we were not smart enough to understand this at the time.

I never had any contact with the LADO. [The CPO] had the name and number of the LADO and if necessary [s/he] would have called her. However, these sorts of things are rare in international schools; they happen once in a blue moon.

7.25 Terry Hedger added to his interview as follows:

Over the years I have found it very difficult to get people who are not familiar with international schools to fully understand just how different their ethos and operations are when compared to national schools, and that is definitely a problem with the Review. I am talking about 'trusting each other, working as a team and supporting each other. It is the IB way'.

7.26 I reflect Jane Cooper HMI's observations on this evidence below at 7.37 – 7.38.

7.27 Given these prevailing attitudes from those with direct responsibility for evaluating reports about Vahey, the approach rehearsed above as to the handling and outcome of individual reports about his conduct is more easily explained. This explanation does not of course make the outcome any more acceptable: objectively wholly unacceptable, and repeated, conduct by Vahey, coupled with the unusual nature and pattern of illness of students, was simply never considered as something which could indicate he was obtaining access to students for an improper purpose.

7.28 This is the more surprising since, as Terry Hedger said to the Review, "The staff of course knew that they should not be alone with a student. This was absolutely obvious"; "I don't think that I ever explicitly said to a teacher that he or she should never be alone with a student whilst on a residential trip. This is because it is simply too obvious"; and that he "... gave a verbal briefing to each and every new member of staff. This briefing covered key points which I thought staff should know, and

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

these included (a) that the member of staff should never be alone with a pupil; and (b) that he or she should never touch a pupil.”

- 7.29 Further, in ██████████ August 2009 Child Protection Policy (reflecting a collegiate approach to drafting superintended by Terry Hedger), and under “allegations against a member of staff (including volunteers)” one finds “Situations to avoid include: being alone with a student in a classroom with the door closed (including during any form or one-to-one tuition); allowing students to sit directly next to a driver in the passenger seat of a school vehicle; contact with students on social networking sites/exchanging emails or other forms of electronic communications unless strictly related to school matters; initiating any kind of physical contact with a student”.
- 7.30 This Policy reads on “The School will be guided through this procedure by the Camden/Westminster document “Guidance for the management of an allegation against a member of staff” and the first of a list of “initial actions” is “the staff member who is witness to an allegation or observed an event must inform the Principal and make a record immediately”.
- 7.31 Under “whistleblowing” the policy was that “We recognise that children cannot be expected to raise concerns in an environment where staff fail to do so. All staff should be aware of their duty to raise concerns, where they exist, about the attitude or actions of colleagues”. I agree with these principles.
- 7.32 I address the status and practical application of this policy next. For immediate purposes it is to be observed that whilst unsupervised access was defined as a situation to avoid, this was in the context of “allegations” as defined under the statutory guidance. As I said in the interim report (Section 7.15 *et seq*) and repeat in the final report, the language of “allegation” operated as a disincentive to teachers notifying Vahey’s conduct. This language needs to be changed or extended. Even the language of “whistleblowing”, as distinct from neutral “notification”, in my opinion has the same problem.
- 7.33 Drafting and implementation of policy
- 7.34 In January 2008 Cognita distributed to all its schools, including ██████████ a number of detailed documents covering recruitment and selection guidelines, including safer recruitment compliance applying the statutory guidance *Safeguarding Children and Safer Recruitment in Education*. Cognita required confirmation that the revised and statutorily-compliant recruitment procedures would be implemented by March 2008. The documents had to be adapted from domestic language (i.e. that for a conventional English school) to the rather more international basis of candidates at ██████████

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

Although the mechanics of this were somewhat attritional as between the School and ██████████ ultimately a variation was adopted by agreement.

- 7.35 More generally differences of approach existed as between reforms proposed by Cognita, driven by Sir Chris Woodhead, and the existing arrangements at the School under the direction of Terry Hedger. Whatever the differences, it may be observed that ultimately all the suggested reforms were introduced with the approval of the School Board. To the extent that this can be characterised as a philosophical divide it plainly reflects a debate that my Review is not equipped or designed to resolve. With that said, it may have affected the wider approach to procedures and recording of information that I have documented. The regime that existed to ensure adequate reporting and handling of reports about teachers plainly did not work under Terry Hedger.
- 7.36 In this context – and recognising that this is a selective part of a wider debate – I set out the independent response by Jane Cooper HMI to propositions put to me by Terry Hedger.
- 7.37 As to Terry Hedger’s analysis of the unique characteristics of “the IB way” (7.24 and 7.25, above: “...I am talking about ‘trusting each other, working as a team and supporting each other’”), she comments:

There are a number of international schools and independent schools in the UK which now deliver the IB who would fundamentally disagree with this statement. These schools have chosen to provide ‘support’ for staff by implementing tight and rigorous policies and procedures so that everyone is clear what is expected of them and how they may be held accountable for their work. Such schools judge staff performance objectively rather than leaving them to their own devices and hoping for the best, and they are thus in a position to genuinely ‘trust the staff’ with good reason, so that they can truly ‘work as a team’. International schools, just like all other kinds of schools, have distinctive features. But what all school have in common is the legal requirement to operate safe recruitment and vetting procedures, and have secure systems to protect children in their care.

- 7.38 As to the wider points, her evaluation is as follows:

In his witness statement Terry Hedger makes clear his opposition to Cognita; his lack of respect for their knowledge of education; and the fact that their philosophy of education was opposed to his own. He considers that ██████████ had a uniquely special ethos, which gave teachers freedom to teach in the way they wanted, and encouraged a climate in which creativity and learning would flourish among students. He felt these were unique features of an international school, and that Cognita’s insistence on effective structures, and clearly documented policies and procedures would stifle this. This was a fundamental misunderstanding. Excellent management structures support the work of a school; clear policies and records enable staff to understand their roles and responsibilities; and an effective system of monitoring and evaluation drives forward constant improvement. This is no way incompatible with a friendly and professional working atmosphere and a productive climate for learning.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

7.39 I do not need to express a conclusion on this independent expert evaluation, and do not. Jane Cooper HMI is better qualified than me to provide it. What I can say is that had the improved systems for achieving and recording accountability which the School Board under Sir Chris Woodhead was advocating been implemented earlier, I cannot see that it would other than have improved the quality of reporting and recording as to all teacher-related matters, including questionable conduct on school trips. Equally, policy is ultimately policy. In practical terms, an individual teacher's understanding of what should be notified would probably only have improved through more specific training as to institutional offending, which is a deficit in provision not restricted to ██████████ Policy should in future provide that such training is mandatory.

7.40 Child Protection Policy 2009

7.41 There was a substantial revision of the School's child protection policy in 2008. I set out below the context as described by Terry Hedger:

I had been living abroad for 21 years when I started work at the School and I therefore needed to get up to speed with the regulatory requirements. I undertook a two-day child protection course which was delivered by Westminster in or around December 2007. At the time I thought the training was useful and I subsequently arranged for [the CPO] to undergo similar training when s/he became CPO, which I believe was in early 2008.


I cannot recall feeling particularly strongly about Cognita's policies.

In preparation for the ISI inspection in 2010 I undertook ISI training in 2009. I realised as a result of this training that the School's policies from 2008 were just not good enough. I therefore prepared a policy manual for all staff in 2009 and I asked a number of staff members to come together and we conducted an intensive review of these policies, updating and upgrading them. I was very involved in the process. We looked at policies from central government and guidelines about best practice. We invited people from different areas to review and revisit the policies.

It was not a coincidence that the Chair of the Education Board in June 2009 was an Admissions Officer and not one of the Principals of the three campuses: all the Principals were working very hard to bring the policies up-to-date and up to speed and they did not have much time. The policies did not undergo much change after the ISI inspection.

In September 2009 every member of staff was given the policy manual and each member of staff was asked to insert the new policies as and when they were finalised. We even instituted forced reading time for staff during staff meetings to ensure that all staff had read these new policies. Some policies were campus-specific; others applied to all three campuses.

I think that the School's policies (and in particular the policies on trips) were adequately understood by me and by members of staff.

 International School
Independent Review arising from the criminal conduct of William Vahey

7.42 Out of fairness I include the assessments of the ISI in 2010, and the SIS inspection of April 2013, of these arrangements, since although the Review would not endorse many of the conclusions they no doubt affected the evaluation by the School, and Cognita, at the time as to the effectiveness of its procedures and staff.

7.43 Under Terry Hedger, the ISI March 2010 report concluded as follows as to compliance (and also made reference to an “outstanding curriculum” and “the quality of teaching is excellent...at best the teaching is inspirational”):

[4.9] “Academic and pastoral staff work together effectively to safeguard students. The safeguarding policy is compliant with requirements and implemented successfully in most respects; the school has not in the past followed all the requirements of safer recruitment, though procedures have been corrected since the initial visit. Staff have received appropriate safeguarding training. Students feel safe and valued by staff who, they perceive, go out of their way to ensure that they achieve well and are happy. In one interview, one student stated that he ‘loved’ school; it was ‘his home and the happiest part of his life’. Students said that staff are approachable if they have a problem and that they regarded care by staff as excellent.”

7.44 Under Graham Lacey, the SIS final independent review in May 2013 included:

“the school meets all the regulations”;

Students “understand clearly what constitutes correct behaviour and the PSHE programme provides them with important information about their safety”;

As to the welfare, health and safety of pupils, there was an “excellent” SMT, and Cognita have ensured policies including safeguarding “are effective and understood by staff and students alike. Key personnel understand their roles and exercise them enthusiastically and with care, and this is the case on both sites. The designated Child Protection Officers are wholly committed to their roles, and ensure that students are aware of ready sources of support. They ensure that all staff are trained in their responsibilities. In their questionnaires, a minority of students in the middle year grades expressed concern about bullying and lack of support, but those concerns were not corroborated at interview or through evidence of the inspection”;

And as to the school’s complaints procedure “There have been no formal complaints in the last three years. Record-keeping of informal complaints is being strengthened, and management has raised awareness for staff as to the appropriate procedures for recording and referring complaints. An additional document has been produced to ensure that this procedure is followed by staff.”

7.45 Reverting to the status and purpose of such policy reviews however, the CPO’s position was as follows:

The INSET training is a half-day session which teaches staff to write down concerns and report them to the CPO. This training is delivered by private companies and I got the feeling

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

that it was simply a tick box exercise so that the School could show that it had fulfilled an Ofsted requirement. As with my enhanced training, each scenario in the INSET training was child-led and did not address suspicious behaviour by teachers. The training did not tell staff how to record incidents, it merely told staff to inform the CPO and the responsibility then passed to the CPO as if the CPO was a sort of special branch.

As far as I can recall we were not given forced reading time for policies. Policies are good but only insofar as they are understood.

7.46 Whilst I accept that policies were systematically updated to comply with statutory inspections, my overall impression is that this process was primarily driven by the objective of achieving such compliance. No policy will work if the underlying attitude is complacent as to the risk of sexual offending by teachers or staff at the affected institution. Neither did these inspections have capacity to investigate significantly beyond the face of the documents or limited questioning of particular office holders: they did not for example identify the confusion as to lines of reporting between the Deputy Principal on the one hand and the CPO on the other; the inadequacy of child protection records given the available underlying facts; or the almost complete absence of post-trip records as to significant illnesses suffered by children.

7.47 Evidence from the CPO, and others, tends to confirm that in a trusting environment s/he or the Deputy Principal tended to be approached as individuals rather than by reference to their formal roles: in other words, regardless of title, they were seen as sympathetic people to whom concerns could be reported. This personality-driven approach meant that the clear lines of reporting that were required were absent.

7.48 Training

7.49 CPOs are required to undergo so-called “level 3” training to perform the role. It is safeguarding training over and beyond the single-day event applicable to staff and teachers. At ██████████ this training was organised through the “Tri-Borough” local authorities, which included Westminster. This level 3 training needs to be refreshed/repeated every 2 years: given the repeated changes in the statutory guidance, etc, this is obviously necessary. It also ensures that the essential points arising from such training are repeated and reinforced.

7.50 The CPO from 2008, whose role I have related above, underwent this level 3 training in 2008 and 2012, but did not refresh that training in 2010. It is perhaps emblematic of the relatively low priority given to the necessity of child protection training in practice at the time that the account of the missed 2010 refresher is “I did not receive top up training in 2010 (it is difficult to arrange these things with no office support or help) and I did not find the time to do it”. Terry Hedger received level 3 training

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

in 2007 and relinquished the role of CPO in 2008. His perception - contrary to that of some others - was that the CPO did have time to perform the role.

7.51 As to the Deputy Principal, despite the practical delegation to him of decisions relating to child protection throughout, he was not either appointed or trained as CPO until November 2012, and he left the School in June 2013. He received a one-day training programme in November 2012, but as to his appointment stated as follows:

Graham Lacey asked me to become CPO; he thought that I was the obvious choice given my background in pastoral care. I accepted Graham's offer and took the position of CPO despite my lack of technical expertise. I have always been eager to help where I can and I often volunteered for positions without thinking too much about my experience or suitability for the role. I think that on balance this is a good thing and I took my various roles very seriously. Nevertheless, this added task overburdened my workload.

7.52 Even after the disclosures as to Vahey, he went on to add that in his opinion "there has always been sufficient oversight of child protection procedures and systems by senior management at the School" and that although Graham Lacey initiated a process of re-writing old policies "in advance of the Ofsted inspection in April 2013", he (the Deputy Principal) "...did not contribute to the child protection policies and I do not recall seeing the *Managing Allegations of Abuse* policy which was implemented in February 2013". He says "Prior to February 2013 we had a child protection policy in place and I am confident that this policy covered allegations of abuse. I am not sure if this policy was ever amended or updated", and believes "that the policies were well communicated to the staff: each staff member had a file with the school's policies and new members of staff were required to read and sign the policies upon joining".

7.53 Further, he "...was not aware that the current *Managing Allegations of Abuse* policy draws a distinction between a concern relating to another member of staff and a general concern. I did not make any distinction in practice: if the concern was serious I would report it to the CPO or the Principal, depending on who was available at the time."

7.54 These comments tend to demonstrate a continuing, if genuine, lack of insight into his role, and the practical purpose of such policy material, that must have contributed adversely to his role as Deputy Principal in handling individual reports relating to Vahey. For example – many observations could arise from the passages recited – why was the Deputy Principal taking decisions relating to child protection in his capacity as Deputy Principal when on his own account he "lacked the technical expertise" to do so? Insofar as "technical expertise" refers to mandatory training, he plainly did lack

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

the qualifications necessary. Why as CPO, or even just as Deputy Principal, was he not aware of the *Managing Allegations of Abuse* policy implemented in 2013?

- 7.55 The Deputy Principal appears to have adopted his own approach to reported concerns, essentially trusting to his own experience, without serious reference to any policy or procedural requirements. On this point he told the Review “I agree, there were times when I was inconsistent with following policies, like unfortunately at the times when Vahey’s incidents were reported to me, but policies and procedures were followed at other times. The key word is (sic) “specifically to Vahey’s incidents”.”
- 7.56 The limitations of training
- 7.57 I have considered the training in detail provided to each of these CPOs, and indeed that provided subsequently to those qualified as safeguarding leads. This has included obtaining and reviewing the actual course materials and associated hand-outs.
- 7.58 Each of those that participated spoke highly of the overall quality and effect of the training. Subject to the additional component I believe is necessary as rehearsed below, my assessment is to the same effect. The training is clear as to understanding the different contexts where safeguarding concerns may be raised, and the associated procedures for addressing them.
- 7.59 The Tri-Borough training is not however specific to teachers – other professions attend – but for my part this is probably a positive feature. Child protection involves effective understanding and communication between different agencies and institutions (hence Multi-Agency Safeguarding Hubs, or "MASHs") and joint training can only promote this. In that teachers attended from some challenging State secondary schools with high levels of safeguarding involvement, the CPOs reflected the belief that the type of acute cases of physical or sexual abuse discussed “did not apply to ██████████
- 7.60 More significantly, however, the focus of the training was predominantly – in reality exclusively – led by recognising and addressing signs of physical, sexual or emotional neglect suffered by a particular child (or children in a common household). No part of the training addressed the risks, and signs, of offending within an institution by a person with access to children, such as a teacher within a school.
- 7.61 In my opinion this is a serious deficit in the training received by CPOs, and should also form part of the training received by all teachers and staff members at any school.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

7.62 The CPO described the position in clear terms as follows:

I seem to remember that both training sessions focused on physical neglect, which on the whole is easier to detect than emotional abuse or the type of abuse perpetrated by Vahey. Both sessions gave us a number of case studies and scenarios which focused on the child and taught us to detect signs from the abused and not the abuser. Within its parameters I think that the training was very good but I do think that there should be more training on how to spot abuse by teachers. I have had no training about how to detect suspicious signs or patterns of behaviour from other teachers. The training did not address behaviour which does not constitute an "allegation" in the formal sense but which should nonetheless be reported, which I think is a significant weakness because it is precisely this type of subtle behaviour which is difficult to detect.

7.63 Paradigm patterns of institutional offending

7.64 Any training directed at understanding how offenders operate in institutions need not be extensive in terms of duration. The basic principles are well-documented and understood by anyone in law enforcement or protective services.

7.65 To take but one example, the COIS (Council of International Schools) has an international task force on child protection, and provides the following checklist as to institutional grooming:

1. Target victim – sizes up vulnerability; identifies love/attention child seeks; assesses emotional neediness
2. Gains victim's trust – watches and gathers information; easily mixes with child and adults (caretakers; coaches; teachers); uses positional authority/proximity; may allow child to do something not permitted by parent to foster secrecy (sweets, staying up late, alcohol or drugs, viewing pornography); "you can tell me anything"; "I'll tell you a secret if you tell me one"; "If anyone was to find out that would be the end of us..."
3. Gaining trust of others – normal/nice guy; be a great teacher; go the extra mile; quick conversation with adults about lies/misdeeds of child to sow trust/mistrust
4. Filling a need: becoming more important to child; gifts; special attention; favouritism; special trips/activities
5. Isolating the child: wedge between child and caregivers; loved or appreciated in a way not even the parents could provide (could be a positive male role model); parents may reinforce this by their own appreciation of the relationship
6. Sexualising the relationship: desensitising – tickling; playful touches; hugs; talking as if adults (about marital problems, conflicts, etc); adult jokes and innuendo; swimming (skinny-dipping)
7. Maintaining control – secrecy and blame – child may feel costs of losing material needs or emotional consequences of exposing; keeps pushing – child may signify he/she is uncomfortable; offender says he is profoundly sorry and gains more access

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

- 7.66 Whilst I do not suggest this list taken in isolation is sufficient to provide an informed understanding as to institutional child abuse, it does represent the full list provided by this international task force. Even on what I have set out it is plain that Vahey’s conduct repeatedly fell within these classical sexual grooming techniques. I have no doubt that if teachers, staff, CPOs, the Deputy Principal and others had training to this effect the level of reporting as to his conduct would have increased, and the interpretation and recording of such reports would have been materially better informed.
- 7.67 I am sure that there are many within the School who will read this list and say “I wish I had known that at the time”. It is for that reason that I recommend that the pattern characterising institutional offending becomes a mandatory component of safeguarding training for all in education who are already subject to the same.
- 7.68 Duty, and language, of mandatory “notification” rather than “allegation” or whistleblowing
- 7.69 On what is now known of Vahey’s offending, there was significant under-reporting of his conduct before his death. The reasons for this are multi-factorial, and include of course a collective lack of insight into the characteristics of grooming behaviour that I have just addressed.
- 7.70 I addressed the language and approach to the reporting of concerns in detail in Section 7 of the interim report, in particular [7.15] – [7.17]. I repeat and adopt the entirety of that analysis for the purpose of my final conclusions. Evidence received by the Review since that date has strongly reinforced my conclusion that a duty of notification of certain activity is required in relation to defined conduct by teachers or staff within schools that goes beyond the Criteria set out in Part 4 of the 2014 Statutory Guidance *Allegations of abuse made against teachers and other staff*.
- 7.71 What is required arises because of a marked cultural reluctance within the education profession, and probably extending to parents, to be seen to inform the school authorities of actions by teachers in any way that may be interpreted as an “allegation”, “complaint” or “whistleblowing”. This reluctance is at its most acute where what is reported may be inferred to be an implication of actual or suspected sexually-motivated behaviour related to a student. The “2014 Criteria” (as described in the interim report) require reports where it is “alleged” that a teacher (or member of staff, etc) “has” “behaved in a way that has harmed a child, or may have harmed a child”, or “has” “possibly committed a criminal offence against or related to a child”, or “has” “behaved towards a child in a way that indicates that he or she would pose a risk of harm if they work regularly or closely with children”.
- 7.72 This test – “has”, not “may have” – informs the approach under the statutory guidance, training, policies, etc. It is simply too high to break through the reluctance of ordinary people within a school

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

to notify the school of anything except a direct allegation. Teachers are well aware that “allegations” of this type can destroy otherwise good careers: parents and pupils as a matter of human nature are similarly reluctant to do anything that appears to “allege” such motivation. Any system of reporting has to reflect, and accommodate, these hard behavioural truths.

- 7.73 For that reason my recommendation is that (i) the language associated with such a notification to a school's safeguarding lead must become more neutral than that of “report”, “allegation”, “complaint” or “whistleblowing; and (ii) as applied to teachers and staff, the requirement to notify defined activity to the school safeguarding lead must be mandatory under the Code of Conduct such that it is non-discretionary and accordingly wholly neutral in purpose and possible effect.
- 7.74 I understand the argument that once a list is produced of defined matters for notification, that list will be perceived as exhaustive and other conduct will not be notified. In my opinion however (i) training, coupled with (ii) a general duty to notify based on a low threshold of concern, and (iii) a list of matters that must always be reported, is a better model.
- 7.75 The history above, and lack of reporting generally as to Vahey, demonstrates that unless notification to the safeguarding lead is mandatory, and accordingly to be interpreted as a neutral act (rather than as an allegation, or as whistleblowing) it will simply not cut through the entrenched cultural reluctance of teachers, parents and students to report the questionable conduct of teachers. The process cannot trust to the common sense and discretion of the teachers and staff: some of the conduct that was known about Vahey which was not reported before his death was thought to be “shocking” by the CPO, and similar sentiments were expressed by others. A mandatory duty of reporting defined activity to the safeguarding lead serves to ease the existing conflicts in the mind of the reporting party.
- 7.76 I would couple it with a concurrent – not alternative – duty on the person who has had unsupervised access to a child to self-notify the same event to the CPO/safeguarding lead.
- 7.77 Additionally, although the School's revised trips and whistleblowing procedures are to be welcomed, this duty of notification should operate in addition to these policies. The obvious danger is that the trip leader may or may not comply with duties under the trips policy in his or her interests (see Vahey's lack of reporting, above) and the notification I have in mind is direct to the safeguarding lead rather than to the member of staff responsible for trips. There is then no risk of the relevant notification not coming to the attention of the safeguarding lead, and it is not strictly a “whistleblowing” act.

[REDACTED] International School
Independent Review arising from the criminal conduct of William Vahey

8. Steps taken by the School

8.1 Pre-April by new SLT

Changes to the management structure

- 8.2 Since joining the School in August 2012 the Executive Principal Graham Lacey has made significant changes to the management of the School. The intended purpose is to maintain the positive characteristics of the "liberal ethos, the internationalism, and the 'enquiry method' of teaching", whilst ensuring improved regulatory compliance and appraisal-based performance of teachers in practice.
- 8.3 This is coupled with changes to the system of oversight. In September 2012 Graham Lacey formed the senior management team (now styled the senior leadership team ("SLT")) to replace the Education Board. As rehearsed under Part 3, the make-up of the SLT is similar to that of the Education Board, and comprised of the Executive Principal, the Principals of each of the School's three campuses, and the directors of finance, administration and IT.
- 8.4 Whereas the Chair of the Education Board changed every two years, the SLT is led directly by the Executive Principal. This system creates clearer oversight than was previously the case.
- 8.5 The management structure within each campus (this is now known as the senior management team ("SMT")) has been both clarified and simplified over the past two years. At Westminster the role of Deputy Principal (Pastoral) was abolished, and a new role of Deputy Principal (Administration) created. As documented in this report, the role of Deputy Principal (Pastoral) previously created confusion as to which types of concerns should be reported to the person in that role, and which should be reported to the safeguarding lead and/or the Principal.
- 8.6 There is now a much clearer management structure at the level below the SMT. At Westminster this is now made up of three grade leaders for the Middle School; one Senior School leader; three Heads of Department; six Heads of Faculty; Deputy Principal (Middle School); and Deputy Principal (Senior School). The Advisors sit below these managers.
- 8.7 This management structure is represented in an organogram which is available on the School's website.
- 8.8 These changes are important, and have clarified lines of responsibility and remedied the confusion between roles and responsibilities (see Part 7, above):

[REDACTED] International School
Independent Review arising from the criminal conduct of William Vahey

8.9 Post April 2014, and pre interim report

8.10 Following the revelations about Vahey's criminality the School commissioned Control Risks to audit the recruitment of teachers at [REDACTED]. This extensive exercise has not identified any other member of staff with a criminal record or false qualifications.

8.11 The School also took a number of interim steps directed at promoting the conduct of, and confidence in, school trips. These are explained both at paragraph 9.62 of the interim report, and Part 5 of this final report. In summary, there is now greater detail as to the supervision arrangements, etc, on each trip (including enhanced teacher-to-student ratios; more detailed accommodation plans; advice as to individual access to students), and advice on trips (and safeguarding) was included in the School's weekly staff development programme. Additionally, senior staff (and regular trip leaders) were given, under the auspices of Cognita, a training session by a local government employee.

8.12 Post interim report

8.13 Reporting of concerns

Current policies and governance

8.14 The School's *Managing Allegations of Abuse* and *Safeguarding* policies have been updated and implemented. Subject to any regulatory omissions identified by Ofsted arising from its last unannounced inspection in October 2014, these new policies appear substantively compliant with the relevant statutory guidance. Plainly whilst more specific matters of regulatory compliance are and remain a matter for Ofsted, I have recommended a limited number of further practical amendments in Appendix 5.

8.15 The School Board was created in 2011 and provides strategic direction and oversight (see paragraphs 4.8 to 4.10 of the interim report, and Part 3 of this final report). The role of the School Board has been expressly extended to include safeguarding. Under the School's new Safeguarding policy responsibilities that were previously delegated to the Education Board have been delegated to the School Board.

The role of the designated Safeguarding Leads

8.16 The Executive Principal is now lead safeguarding lead for all three campuses. At least one safeguarding lead on each campus is also a member of the SMT. There is a safeguarding lead on each of the two Westminster sites.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

- 8.17 All safeguarding leads at the Westminster campus, and the two safeguarding leads at the other campuses, have received level 3 child protection training from the Tri-Borough local authorities.
- 8.18 The roles of safeguarding lead and counsellor have been separated. This in part reflects the experience of a previous CPO who had combined the role with that of School counsellor.
- 8.19 The safeguarding lead job description has been finalised and includes all of the responsibilities set out in Annex B to the 2014 Statutory Guidance.

Reports and accountability of designated Safeguarding Lead

- 8.20 As lead safeguarding lead, the Executive Principal will report safeguarding matters to the School Board as necessary and at least once a term (preserving the necessary confidentiality of the information), and will meet with the other safeguarding leads formally at least twice a term (in addition to any specific case meetings). At these meetings the safeguarding leads will draw together their experiences of safeguarding issues and discuss the School's safeguarding policies and paperwork.
- 8.21 The two safeguarding leads at the Westminster campus have been allocated time to meet each week to discuss concerns that have been reported to them and to compare notes.

The threshold for reporting and duty of recording

- 8.22 The new safeguarding lead job description includes a number of record keeping duties which go beyond Annex B of the 2014 Guidance, including:
- Maintains accurate, detailed, confidential and up to date documentation on all cases of safeguarding, and securely stores them
 - At least once a term submits written reports to, and meets with, the SMT (and, separately, the Executive Principal) to discuss recent safeguarding cases, and safeguarding issues in general (this should include training of all staff).
- 8.23 Each safeguarding lead has a safeguarding file that contains all relevant information about safeguarding, including the mechanism for reporting; the names and contact details of the safeguarding leads across all three campuses; the contact details of social services; and training material on how to identify abuse.

████████ International School
Independent Review arising from the criminal conduct of William Vahey

- 8.24 New forms have been introduced for recording incidents. These are the Accident Report form; the Near Miss report form; the ██████████ Child Concern form; and the ██████████ Trip Evaluation form Overseas/Residential. I am recommending a notification form in relation to defined activity (see my conclusion at 9.7.4 below).
- 8.25 All staff underwent safeguarding training on 26 and 27 June 2014. This included “Whistleblowing”, and training as to (i) the duty of reporting; (ii) the threshold for reporting; and (iii) understanding the process following such a report. Further, a copy of the 2014 Statutory Guidance and a copy of the School's new Safeguarding policy was sent to all staff before the end of term.
- 8.26 On 27 August 2014 all members of staff received training on the School's new procedure for reporting concerns. If a member of staff has a concern about a child this procedure requires all staff to complete a “Safeguarding Record of Concern” form, and hand it to their safeguarding lead before the end of the working day. The School has implemented a safeguarding procedures flow chart that clearly sets out this procedure. Each safeguarding lead will place these forms in their own safeguarding lead file, and refer to it at the twice-termly safeguarding leads meetings. Each safeguarding lead folder is kept in a locked cabinet.
- 8.27 The Westminster Principal and the Executive Principal have developed a good working relationship with both Jane Foster (Tri Borough Safe Organisation Manager and LADO) and Hilary Shaw (Tri Borough Safeguarding in Schools and Education Officer) both of whose advice and assistance have reportedly been invaluable. The LADO should now be perceived as a person to consult rather than simply to whom formal reports should be made.

Counselling and education of students

- 8.28 Representatives from CEOP (the Child Exploitation and Online Protection centre, a policing agency integrated with the National Crime Agency) have been into the School to talk to students and staff about child protection issues and, in particular, about the difference between appropriate and inappropriate behaviour and about how to identify grooming. There was also an opportunity for the parents to meet with these representatives.
- 8.29 A professional psychologist, trained in trauma counselling, has also been into the School to talk to staff for two hours. The plan is for CEOP to return to the School shortly to speak to the students for a second time.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

- 8.30 The School has employed a professional counsellor to replace the School counsellor who left at the end of last term. The new counsellor is based at Portland Place and is employed on a part-time basis.
- 8.31 The PSE programme has been amended and reviewed in light of comments from the Westminster Education safeguarding lead Hilary Shaw and Jane Cooper HMI. The grade leaders were consulted about the programme's review.
- 8.32 The MYP PSE co-ordinator left the School last year and the delivery of the programme for these years has since been delegated to the grade leaders. The Deputy Principal of the Middle School is co-ordinating this process.
- 8.33 The programme will be monitored and reviewed in light of experience and response from staff and students.
- 8.34 The daily morning 'advisories' now last for 20 rather than the previous 10 minutes. The status of advisors has been recognised by an annual payment to those performing this important role.

Recruitment and Vetting

- 8.35 The School has implemented a new rule on vetting. Appointment of new members of staff is conditional on the production of an official criminal record check (or formal equivalent) from each country in which the member of staff has lived or worked since the age of 18 (subject to a *de minimis* threshold of six months' residence). I am recommending a "home country" check in all cases.
- 8.36 Following my recommendation (paragraph 8.11.10 of the interim report) the School asked Control Risks to obtain criminal records checks for every current member of staff in every country in which that member of staff has lived for three months or more. I make other recommendations as to mandatory background checks in Part 9.
- 8.37 The School has reviewed their supervision arrangements for members of staff whose DBS check hadn't come through by the time he or she started employment. With one exception, the School has received a DBS check in respect of every new member of staff.
- 8.38 The questions for referees have been expanded, and safeguarding considerations made more specific.

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

Trips

- 8.39 The School has drafted a new trips policy that will accompany a new trips procedure. The new policy is compliant with Statutory Guidance and requires closer supervision of students than before: see Appendix 5.
- 8.40 The new procedure will involve a new online procedure for trip planning and approval. This appears both more efficient and accountable than the previous arrangements. The Executive Principal (rather than Cognita, as was the case for certain trips) will be responsible for planning and approving all school trips. The online procedure will be piloted before it is fully implemented. I would expect to see a recorded cross-check to the single central register of vetting checks in each case for any staff member accompanying the trip and confirmation that all other adults have been vetted also.
- 8.41 There is a new trip evaluation form which trip leaders will be required to complete. It requires the following incidents to be recorded: behaviour or disciplinary issues; injuries; illnesses; damage; accidents; near-misses; changes to accommodation; unsupervised access to pupils, or other such incidents. I recommend that the safeguarding leads must review these evaluation forms as part of their safeguarding function.
- 8.42 In addition to the trip evaluation form the notification form that I am recommending be introduced for all staff would apply equally to trips.

9. Conclusions and recommendations

- 9.1 Many of my conclusions in relation to the history of Vahey's employment at ██████████ will make hard reading for the School. The School is however to be applauded for commissioning a report that was directed at transparency and the improvement of its safeguarding and child protection procedures, but yet was likely to generate significant public commentary. Many institutions have resisted this scrutiny for reputational reasons, at the expense of improving child protection procedures for themselves or others. In my opinion, Vahey would have been confident of his ability to offend at any UK or other international school that employed him, as he appears to have done over a period of forty years at a sequence of other international schools in multiple jurisdictions.
- 9.2 As set out in this report (generally, but specifically Part 8) the School's current management had, even before the revelations as to Vahey's conduct, taken significant steps to improve regulatory and safeguarding compliance. From April 2014, and additionally based on my interim report, it has

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

already implemented substantial and significant reform. Through the trauma of these events, it will emerge with child protection procedures that exceed those of comparable schools.

9.3 There were unquestionably flaws in the procedures – and compliance with the procedures - at ██████████ and a number of individuals objectively made decisions that do not now withstand scrutiny. To their credit, each (to a greater or lesser degree) has recognised this in their evidence to the Review.

9.4 As will be seen, I have concluded that a number of factors contributed to the history. What is striking is that each of the central decision-makers was wholly committed to the interests of children. The analysis demonstrates that such commitment to child protection is not sufficient in itself to protect children: clear mandatory procedures and training to ensure that the risks of sexual harm to children in an institutional context are understood; that internal reporting thresholds and duties are mandatory and observed; that there is a single comprehensive central record of such reports; that adequate open-minded investigation occurs; and that consultation and referral to the LADO should take place, if in any doubt, at the earliest indication of concern, are basic and essential to ensuring child protection in practice.

9.5 Whilst what occurred at ██████████ was to a degree attributable to individual poor decisions, the wider context is weakness under each of these basic criteria. As is so often the case following a failure in child protection systems, it is the combination of contributory factors that meant Vahey’s pattern of conduct was not identified and interrupted earlier. The key contributory factors – management; statutory guidance; the intrinsic limitations of vetting; child protection training; supervision; understanding of patterns of offending; individual decisions; governance – inter-related and should not be viewed in isolation from each other.

9.6 These weaknesses are relatively easy to define, and in my opinion may be remedied by straightforward changes to the content of otherwise high-quality child protection training by the statutory agencies and within the School, coupled with mandatory duties of reporting and recording conduct by teachers and staff of defined conduct to the safeguarding lead, without such reports representing any more than a neutral act of notification whose purpose is both understood and accordingly accepted. These reporting – notification - and recording duties would address activity that is neither led by signs of a specific child being at risk of, or suffering, some form of abuse (the present “child-centred” approach), or an interpretation that the report amounts to an “allegation” or “complaint” (a definitional threshold that students, teachers, staff and parents are understandably reluctant to cross).

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

Central recommendations

- 9.7 In addition to continued implementation of recommendations from the interim report, I highlight the following as central recommendations for reform:
- 9.7.1 A mandatory criminal record check for future employees for each country in which the applicant has lived or worked since the age of 18 years, subject to a minimum period of three months' residence. Further, and regardless of recorded periods of residence, it should be mandatory to obtain a criminal record check from the applicant's country of nationality;
 - 9.7.2 Specifically-requested references asking the questions at 4.62.5 from at least the most recent substantive employer(s);
 - 9.7.3 Mandatory training of all staff and teachers, and equivalent written advice to parents and (as age appropriate) students, as to the mechanism and purpose of notification of defined activity within the School, and their right to consult with and/or report to the LADO directly as part of this scheme;
 - 9.7.4 Mandatory training to all teachers and staff as to the patterns of conduct typical of those sexually abusing children in an institutional context;
 - 9.7.5 Teachers and staff should be mandated, under the School's Code of Conduct to notify the safeguarding lead of any conduct that they suspect may be inappropriate (whether in isolation, or as part of a pattern) including certain defined conduct, such as (a) unsupervised access to a child in altering sleeping or non-public accommodation at the School or on school trips; (b) the use of sexually inappropriate language, references or jokes; and (c) other private communication outside the School's defined social and social media policies; and
 - 9.7.6 A discrete notification form for these purposes should be introduced.
- 9.8 No school is immune to the risk of sexual offending by a committed employee against its students. The fact of such offending by Vahey is accordingly not to be described as exceptional. His methodology however was both sinister and extraordinary. Behind the criticisms I have made as to the objective quality of individual decisions are the human failings of placing too much trust in the integrity of others, here Vahey, and making too many assumptions as to the actions of experienced

██████████ International School
Independent Review arising from the criminal conduct of William Vahey

colleagues. The point of procedures and mandatory duties of notification is to address the risks of these otherwise attractive human qualities, and the reluctance within any school community to accuse others, most especially where the allegation is as toxic as one implying an improper sexual attitude to students.

- 9.9 Assuming the Executive Principal continues to implement reform as he has to date - and I am confident in that assumption - I am equally confident that ██████████ will emerge a stronger place for the benefit of all students and staff. Whilst further regulatory scrutiny is inevitable, not least through the pending SCR, the outcome of it should not compromise the unique characteristics of the School, such characteristics demonstrably delivering a fulfilling environment for any student to pursue their education.

25 November 2014