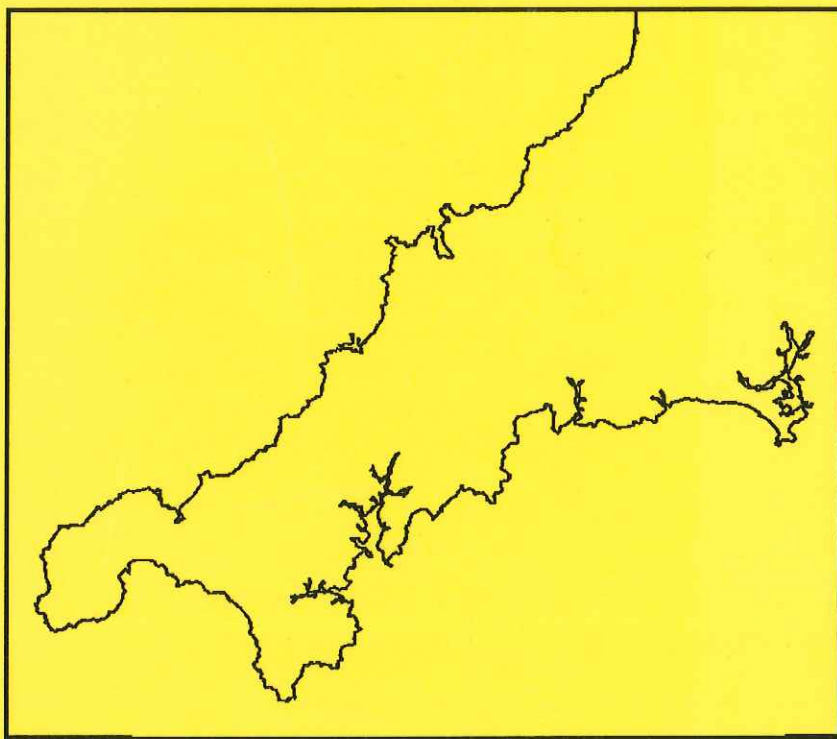


"THE PRINCIPAL FAILING"

*A CASE HISTORY RELATING TO CHILD ABUSE BY A
PROFESSIONAL AND A REVIEW OF POLICY AND
PROCEDURES*



Cornwall County Council

May 1994

**But the principal failing occurred in the sailing,
And the Bellman, perplexed and distressed,
Said he *had* hoped, at least, when the wind blew due East
That the ship would *not* travel due West**

Lewis Carroll

The Hunting of the Snark

"THE PRINCIPAL FAILING"

Title is taken from

Lewis Carroll

The Hunting of the Snark

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PART A

CORNWALL COUNTY COUNCIL INTERNAL REVIEW

INTRODUCTION

It was an onerous but necessary task to chair the Internal Review of Child Protection Procedures, the results of which are contained in the following report. My thanks must go to my fellow panel Members whose combined experience and advice was of great value. Their continued support made a difficult task more bearable.

It was important that anyone who had previously been involved in either enquiry should be afforded the opportunity to address the panel in person or with a written statement. Parents, trustees, children, past staff and officers gave freely of their time giving us their own views and the part they played; for some this was bound to reawaken memories, and we thank them for their time and full co-operation.

The burden of the work fell on the officers of Cornwall County Council and their administrative staff who advised us and ensured that we had access to all papers pertaining to this report - it was their responsibility to organise and accommodate all our meetings with people and to minute those meetings. We thank them for their dedication and clear advice at all times.

During the Review we also received written comments from the subject of the enquiry which gave us an insight into his own perception of the past events.

It was interesting to receive constructive comments from someone in the media who had been involved in 'investigative journalism' into child abuse.

I believe that it is very important to appreciate that 'child abuse' was only just being recognised as a more common occurrence in 1987 when new procedures were being put into place in the County. Since then we have come a long way in understanding and addressing the needs of the abused child. We must not become complacent but be aware that the threat is always there. The recommendations we have put forward build on those that are already in place, and will cover any further cases that may occur. We are very fortunate to have such a well-respected child protection team and the inter-agency co-operation that now cares for the children in our County.

Mrs P.M. Englefield, C.C. (Chairperson)

May 1994

INTERNAL REVIEW PROCEDURES

BACKGROUND

On 14th October, 1993, Mr TA, the subject of this report, appeared at a Crown Court charged with 6 specimen counts of indecent assault against two boys. The allegations covered a period from 1st June 1989 to 30th November 1991. It was alleged that during this time there were, in fact, over 50 separate instances of indecent assault. Mr TA pleaded guilty to all of these charges.

At the time the offences were alleged to have taken place, Mr TA was employed as a teacher by Cornwall County Council. In addition, some of the offences took place in an Outdoor Education Centre run by the Local Education Authority.

In November 1993 the County Council agreed to set up a Panel of Members representing the political groups, to investigate the circumstances surrounding the employment of Mr TA.

On 21st February 1994 Mr TA was sentenced to 4 years imprisonment.

TERMS OF REFERENCE OF THE INTERNAL REVIEW

On 17th November 1993 a meeting of group leaders agreed the following Terms of Reference:-

'To look into and review the circumstances surrounding the investigation into and the Disciplinary Hearing of Mr TA in 1987, together with the subsequent events, and carefully consider all available and relevant matters.

Make recommendations to the Education, other Committees and Panels of the County Council and other to ensure the maximum level of safety and security of children.

Finally, to publish the full findings of the investigation which are to be made available to the general public.'

MEMBERSHIP

Each of the party group leaders nominated one representative to the Panel whose composition consisted of:-

Mrs P. Englefield, C.C. *Chair*
Mr J. J. Daniel, C.C. , C.B.E.
Mr W.J. Lobb, C.C.
Mr T.G. Smale, C.C.

N.B. In order to distinguish the Panel of Members who conducted the Internal Review from other panels and, in particular, the Disciplinary Panel, it is referred to throughout the report as 'The Members'.

Legal, professional and secretarial advice and help were provided by:-

Mr R. Lester	Director of Finance and Administration, Cornwall County Council.
Mrs J. Sloan	Deputy Assistant Director - Child Protection, Social Services, Cornwall County Council.
Mrs W. Wilson	Administrative Co-ordinator, Joint Consultancy Team, Cornwall County Council.
Mrs M. Beattie	Clerk Typist, Joint Consultancy Team, Cornwall County Council.

PATTERN OF MEETINGS

The Members met on 12th January 1994 and agreed that:-

- (1) All relevant files held by the County Council should be examined.
- (2) Representations from officers of the County Council, past and present would be requested, either oral or written.
- (3) Parents and children, if appropriate, would be invited to provide written and/or oral evidence to the Members.
- (4) Trustees of the Charity associated with Mr TA's activities should similarly be invited to provide written and/or oral evidence.

Other evidence would be heard as available and relevant.

It was agreed that the meetings should be informal and in private, with each witness being provided with a written précis of their contribution.

In the event, oral evidence was heard from:-

Eight officers of the Local Education Authority
Six officers of Social Services
Two County Council Solicitors
Two Trustees
Five parents
One young person
Two other officers of the County Council

Written evidence was received from:-

Three additional officers of the Local Education Authority
Four additional parents
Mr TA
One other independent person

Subsequently, the Members have met on 9 half days and 5 full days to hear witnesses and consider the contents of County Council files. The four members were present for all meetings except Mr Daniel who was unable to attend the second meeting, one of two considering in detail the existing documentation.

GENERAL COMMENTS

The Members are very grateful for the co-operation they received from officers of the County Council, past and present, as well as parents and trustees. It is appreciated that some of the events discussed took place several years ago and, as such, memories of those concerned had faded somewhat in the intervening period. The very full documentation available was invaluable, but inevitably there were occasional conflicts of evidence regarding events in 1987 as presented in oral evidence.

The Members are, however, generally satisfied that the evidence available to the Review was sufficient to enable them to reach informed conclusions about all the issues contained in the Terms of Reference.

The Members were aware that interest in this case extended beyond Cornwall and they have, therefore, included information from a wider national context to inform their conclusions. This information was provided for the Members and interpreted by its professional advisers.

After careful consideration, and bearing in mind the fact that the abuser has children who are still young; that the victims were children; and that the identity of the officials involved has little relevance to the conclusions, it was agreed to replace the names by code for all involved. It is to be hoped that efforts to achieve the anonymity of persons mentioned will be respected by all readers of the report.

In order to facilitate understanding of the narrative, the following identifying code was employed:-

Officers of the LEA =	E-
Officer of the Social Services =	S-
County Council Legal Representatives =	L-
Trustees =	T-
Parents =	P-
Children and Young People =	C-
Others =	O-

RESPONSIBILITY OF COUNTY COUNCILLORS

"A really effective inter-agency child protection service can only be achieved where the Council, through its various Policy Committees and senior management provide the resources, create the atmosphere and establish the policies and procedures through which each department's statutory duties can be carried out".

Shirley Woodcock (Summary Report) 1984
Doreen Aston Inquiry 1989
(Study of Enquiry Reports, Dept of Health 1991)

"Councillors are responsible to the electorate in respect of all the statutory duties imposed on their authority, although the manner in which they are performed depends to some degree upon the nature of the statutory duty. Members of Social Services Committees should not be concerned solely with managing the Authority's services and the prudent husbandry of its resources: they are responsible also for discharging the Council's role as good parent towards the children in its care. It is significant to note the detail in which local authority responsibilities are spelled out in statute, regulation and guidance, which exceed any statements in law of the responsibilities of natural parents. This reflects "a higher duty than that of a reasonable parent" (to quote Louis Blom-Cooper QC in 'A Child in Trust') upon the local authority where the care of the child depends upon a public, corporate parent".

Children in the Public Care. Review of Residential Child Care. Utting 1991

It may be arguable that management of their education service imposes a similar moral if not legal duty on local authorities.

In making their recommendations, the Members have carefully considered these underlying precepts.

SUMMARY OF RECOMMENDATIONS

This report deals with allegations of abuse by the same professional but which came to light separately, with an intervening period of 6 years. The evidence provided amply illustrated the danger of applying hindsight to events which occurred so long ago. This 6 year period saw much change in professional knowledge, radical change in the organisation of individual agencies, together with an almost constant flow of policy and procedural advice from Government sources.

The Members were shown evidence of the ways in which these factors influenced the protection of children over this period.

In 1987 there was little experience of, or information about, the ways in which paedophiles can manipulate professional organisations to continue their activities undetected. By 1992 Social Services had specialist services for children and the Area Child Protection Committee had produced guidance to help agencies deal with multiple abuse situations as well as alleged abuse by professionals.

On the basis of a single case, it is difficult to draw conclusions about the overall performance of individuals or organisations. It could therefore be dangerous to make radical recommendations for change based on this one single case, particularly in light of the changes already in existence. However, by placing this individual case into the context of other not dissimilar cases, it becomes more possible to identify a pattern and to recommend changes to practice and procedures particularly with regard to disciplinary processes.

The Members believe that, while the procedures in place in 1987 were followed, the interpretation of the procedures by the officers at the time was less stringent than would now have been expected. However, with regard to the investigation, the procedures were inadequate (see page 24) and the way the evidence was presented to the Disciplinary Panel may not have given the members of that panel a balanced picture of the concerns (see page 26). Subsequent monitoring was felt to be inadequate (see page 29). The Members have based their recommendations on these concerns in order that such a situation may not reoccur.

The recommendations of this report cannot stop the sexual or other abuse of children by those entrusted with their care. It may, however, increase understanding of the processes which enable those with a disposition to abuse to make use of their position. Thus it is hoped it will enable managers to instigate changes which will reduce the likelihood of abuse by increasing the likelihood of detection.

Nor is it possible to create a world without risk to children. It must, however, always be open to those responsible for children to try to balance the value of any experience against the risk involved in gaining that experience. It would, therefore, be unhelpful to make recommendations which made learning through such adventurous activity impossible. The Members were aware of these pitfalls in framing their recommendations.

FULL RECOMMENDATIONS

See page 22:

1. **Whenever serious allegations of child abuse concerning an employee of the County Council are made, the Chief Officer of the department must be immediately informed and take personal responsibility for the conduct of the enquiry and ensure that the Area Child Protection Committee procedures have been implemented.**
2. **The Chief Officer will inform the Chairman of the Committee or Board concerned as soon as the Area Child Protection Committee procedures have been implemented.**
3. **The Secretary for Education must ensure that the model disciplinary procedures provided for school governing bodies reflect Recommendations 1 and 2.**

See Page 26:

4. **The County Council, together with the Secretary for Education, should consider providing central funding for schools when a member of staff is suspended during an investigation into an allegation of abuse.**
5. **Where a disciplinary panel is convened to consider serious allegations involving child abuse, it should always comprise three senior officers who have not previously been significantly concerned with the case. One should be a senior officer nominated by the Director of Social Services, and two nominated by the Chief Officer of the department concerned.**
6. **The Panel will normally include at least one male and one female member.**
7. **The officer responsible for the investigation from the Police should always be invited, and the officer responsible for the investigation from Social Services should always be called to present their findings and recommendations.**
8. **The Chief Officer or his/her nominee, in consultation with a senior officer from Social Services and the corporate solicitor, should decide how best to present the evidence available, including the evidence of children.**
9. **Officers on disciplinary panels considering allegations of serious child abuse should have received training in legal, employment and procedural issues and particularly in the protection of vulnerable witnesses from inappropriate questioning.**
10. **The Secretary for Education must ensure that the model disciplinary procedures provided for school governing bodies reflect Recommendations 4 - 9.**

See Page 29:

11. **The County Council, through the relevant Chief Officer and Director of Resources, will clarify how best to ensure that the records of allegations, investigations and subsequent disciplinary proceedings in respect of serious child abuse are preserved in a manner compatible with the Area Child Protection Committee's procedures, and will advise the appropriate committees.**

12. **If members of staff return to work following disciplinary proceedings involving allegations of child abuse which have been wholly or partly found to be proven, there should be a written agreement with regard to monitoring and supervision over a time scale to be recommended by the Disciplinary Panel.**
13. **In such circumstances, when a member of staff returns to work, direct supervisory staff will be given such information about the outcome of disciplinary proceedings as is commensurate with their supervisory responsibilities, prior to the member of staff's return to work.**
14. **In addition to Recommendation 13, victims of the alleged assaults and/or their parents will be advised promptly of the outcome of disciplinary proceedings in a manner which reflects the need for confidentiality and natural justice.**

See page 42:

15. **It is recommended that the Area Child Protection Committee examines and produces a mechanism for resolving any unwillingness on the part of an agency to undertake or co-operate in an investigation of child abuse where such action has been agreed in a strategy meeting of the Area Child Protection Committee.**
16. **It is recommended that the Area Child Protection Committee should consider whether the apparent unwillingness of the Police to investigate the allegations of child abuse in 1987 and initially in 1992 could be further examined.**

See page 46:

17. **The County Council and its employees should be aware that activities undertaken by employees in their own time which relate to their employment regarding children, will be seen by the public as endorsed by the County Council. Employees should inform their employer of such outside/extra-curricular activities.**

See page 47:

18. **In any such investigation, Social Services should endeavour to make counselling available to children, young people, parents and others concerned.**

See page 49:

19. **The Department of Health should consider the extent to which Charity Commissioners should give consideration to the fitness of trustees to serve charities concerned with children's benefits.**
20. **School Governors and Head Teachers should consider the use of training on a regular basis for updating all staff and Governors on changes to procedures and developments in child protection.**
21. **Application to Cornwall County Council for Grant Aid to organisations engaged primarily in activities benefiting children, should be subject to consultation with the Director of Social Services and the Secretary for Education.**

PART B

INTRODUCTION

Although the terms of reference cover the period 1987 onwards, the issues which give concern about 1987 are very different from those surrounding 1992. From evidence presented to the Members, the questions which now need to be answered about the events in 1987 are:-

1. Was the fact of possible abuse, when identified, properly investigated?
2. Were the disciplinary proceedings from suspension, through presentation to conclusion, properly conducted?
3. Was subsequent action with regard to supervision and monitoring adequate in light of the findings of the Hearing?

However, with the very different circumstances in 1992 the questions which need to be answered here are:-

1. Could the initial investigation have been handled differently?
2. When information was given to parents, was it of sufficient quality to enable those parents to make the correct decisions with regard to the protection of their children?
3. Were the investigation and subsequent proceedings planned and carried out in the most effective and efficient way?
4. Are there any particular difficulties inherent in this case and, if so, what lessons have been learned?

For this reason the incidents have been discussed separately, but whilst there is this clear distinction, it must be borne in mind that both should be seen within the conditions prevailing at each particular time with due consideration being given to the considerable changes between 1987 and 1992.

CHAPTER 1

CHILD PROTECTION IN CORNWALL

SUMMARY OF SIGNIFICANT DEVELOPMENTS

1970

Child Health Department began to collect statistics of non-accidental injury.

1971

Establishment of County Panel for 'Battered Babies'.

1972

Instigation of regular meetings of County Panel to examine inter-agency co-operation to try to prevent abuse and protect abused children.

1974

Establishment of Area Review Committee.

1975

Introduction of internal procedures for protecting children by Health Service, Social Services, Police and Probation.

1980

DHSS issued guidance on Child Abuse Registers.

1983

Publication of Cornwall's first multi-agency procedure booklet.

1984

Area Review Committee's Training Sub-Committee Procedures plan for professional training throughout the county.

Report of Inquiry - Jasmine Beckford (Brent).

1986

DHSS Draft Guidance 'Working Together'.

County Council Social Services Committee agreed to draft proposals to improve child protection based on BASW recommendations for the protection of children.

Appointment of Social Work Consultant.

Establishment of Joint Health Service/Social Services Team which became the Joint Consultancy Team.

Conviction of a head teacher for the sexual abuse of pupils in a Cornish Junior School.

Education Act prohibits corporal punishment in LEA schools.

1987

Schools Sub Committee commissioned Area Review to recommend changes in procedure for detecting and investigating Child Abuse in Schools.

Publication of 'Child Abuse in Schools'. (September, 1987)

September *First allegation made re Mr TA.*

1987/1988

Appointment of 12 Senior Practitioners, Child Protection, within Social Services.

1988

Publication of 'Cleveland Report'.

DHSS Publication of 'Working Together'.

Code of Conduct for Cornish Teachers - agreed and published.

East Sussex 'Review of Disciplinary Procedures Relating to a Teacher' published.

1989

Re-organisation of Social Services to provide Specialist Service to children.

'Working Together in Cornwall' (Revised Child Protection Procedures), circulated for use by all agencies in Cornwall, included a procedure to investigate allegations that a professional has abused a child.

1990

The establishment of Police Child Protection Teams.

1991

Penzance Paedophile Ring.

Realignment of Children's Services to provide Specialist Intake/Child Protection Services for Children and Families.

Implementation of Children Act 1989.

Publication of 'Working Together under the Children Act' by the Department of Health.

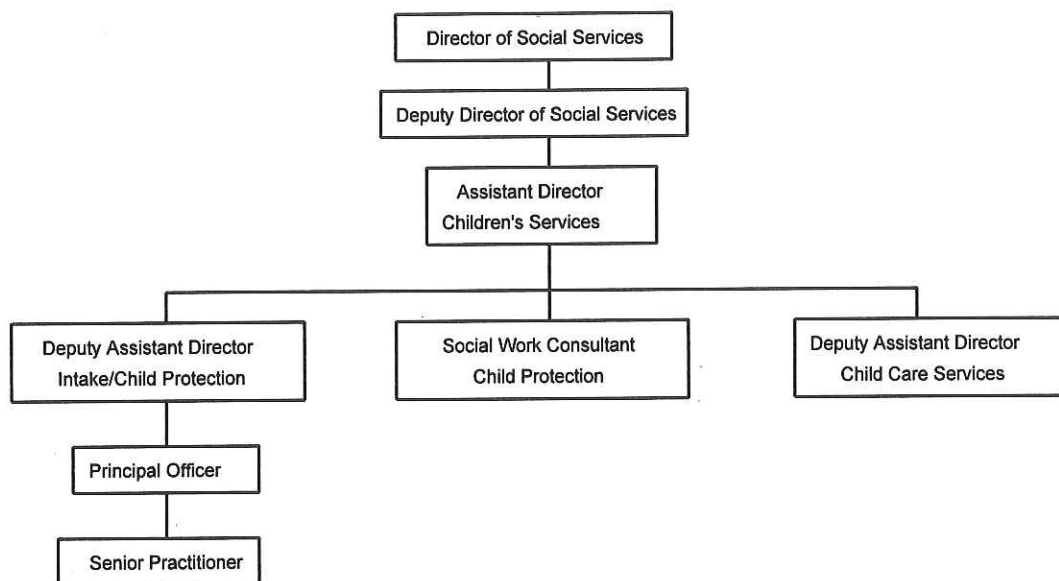
First revision of 'Working Together in Cornwall' - which included improved procedures for investigation of Allegations of Abuse by a Professional and Multiple Abuse Situations.

1992

August *First indication of further concerns about Mr TA's behaviour with children.*

1992

By 1992 the service had become specific with clear union between service delivery and policy procedure decisions.



This now provides a clearly defined county-wide service within a structure of policy and procedures informed by national guidelines but adapted to local needs.

LOCAL EDUCATION AUTHORITY

Here the structure in 1987 did provide a clear managerial responsibility which was shared between the First and Second Deputy and the Assistant Education Officer who was designated responsible for child protection issues.

By 1992 clear lines of communication had been developed between Social Services and Education with the Assistant Secretary having clearly designated responsibility for the child protection issues.

However, it should be noted that by 1994, with the devolution of managerial responsibility to individual schools, the response to an allegation of abuse by a teacher will be decreed by the policy of each individual school and will depend on whether or not the governing body has agreed to follow the LEA recommended model disciplinary procedures.

DEVON AND CORNWALL CONSTABULARY

In 1987, while the Youth and Community Section would have provided liaison and advice in child protection, investigation was undertaken by non-specialist CID officers. Had the parents made their complaints directly to the Police, it may be that neither Education nor Social Services would have been informed, particularly if an investigation had not been pursued.

By 1992, Cornwall had two specialist Police Child Protection teams and procedures clearly agreed through the Area Child Protection Committee that all allegations of abuse to children should be dealt with through the child protection structure, whether that abuse was by a family member, a professional or an unassociated adult. The majority of such investigations are undertaken by the specialist child protection teams.

INTER-AGENCY CO-OPERATION

Monthly inter-agency meetings to monitor conduct of cases, together with an inter-agency training programme which has involved over 1000 professionals during its 5 years life, have helped to ensure that there is significant co-operation and understanding between the agencies, most of the time.

CHILD ABUSE IN SCHOOLS

Throughout much of 1986 and into 1987, the Education Department suffered the upheaval associated with a respected head teacher from a popular primary school being investigated and subsequently convicted of the sexual abuse of pupils at his school.

There had been criticism from both the parents and the staff at the school for the way this had been handled by the Education Department. As a result, the LEA requested that the Area Review Committee appoint a working party to review the circumstances which had, apparently, allowed abuse to flourish undetected for 10 years, as well as the manner of the investigation, in order to make recommendations to improve practice in the future. The report of this review 'Child Abuse in Schools', containing some 12 major recommendations to the Education Committee, was published only weeks before a head teacher came to the Second Deputy Secretary for Education with a report of concern regarding the conduct of Mr TA towards children in his care. While there had been discussion between Social Services and the Education Department with regard to the development of joint procedures, such procedures were still at an embryo stage.

ALLEGATIONS THAT A PROFESSIONAL HAS ABUSED A CHILD

Following the recommendations in 'Child Abuse in Schools', the Area Review Committee introduced a formal procedure for detecting and investigating allegations that a professional may have abused a child. Over the years several amendments have been made to this procedure as its use has highlighted gaps in planning and implementation. Appendix I contains the original draft procedure; that which was operational in 1992; and the proposals for further amendment. At the time the allegation came to light in 1987, only preliminary discussion had taken place with regard to an appropriate procedure to use.

Since 1987, the Joint Consultancy Team has received over 150 enquiries with regard to suspicions that a professional may have acted inappropriately or abusively towards a child in their care.

Approximately 100 of these 150 enquiries of possible abuse by professionals were dealt with via discussion or internal agency investigation. The remainder were discussed in a strategy meeting and resulted in a joint Police/Social Services investigation.

The outcome of these investigations was that three persons were eventually prosecuted and one cautioned by the Police. Two further incidents resulted in the professional leaving their profession, while most of the remainder were dealt with under internal agency disciplinary procedures. One allegation was clearly false but was only proved to be so by careful investigation. Three others were considered to be unfounded on the basis of a balance of probabilities. Although the majority of adults concerned were employed within education, by no means all were so employed. Thirteen of the fifty individual incidents leading to a strategy meeting involved more than one alleged victim.

This figure of 150 enquiries in six years should be put into the context of over 1400 referrals *annually* of possible abuse to a child in a family context. Allegations that a foster parent may have abused a child are dealt with through separate procedures. Cornwall has no Local Authority children's homes and only a small minority of accommodated children are placed in group care - in one of three small family centres. Overall, in the last three years, approximately 1% of referrals of possible abuse have been concerned with professional abuse, the remaining 99% relate to family or other abuse.

CHAPTER 2

1987 ALLEGATIONS

BRIEF CHRONOLOGY TO 1987

- 02.12.70** Mr TA began employment with Cornwall LEA.
- 1975** Took up post as Warden of Residential Teachers' Centre having been Deputy for one year.
- 1986** Moved to post including three elements - Outdoor Education; Support Teacher to Roseland Project; Warden of Roseland Centre.
- 18.09.87** Report of concerns by a head teacher to Second Deputy Secretary for Education.
- Up to
30.10.87** Internal investigation including a discussion of concerns with Mr TA.
- 03.11.87** Matter referred to Director of Social Services by First Deputy Secretary on advice of County Council Solicitor.
- 10.11.87** A designated Senior Practitioner (Child Protection) was asked to investigate.
- 17.11.87** A report from the Senior Practitioner was discussed by representatives of Education, Social Services, and the Police.
- 18.11.87** Mr TA was suspended pending disciplinary proceedings.
- 22.12.87** Disciplinary Hearing which decided that a formal written warning was the appropriate action.

BACKGROUND HISTORY OF MR TA

Records show that Mr TA was more suited to a teaching career involving outdoor pursuits than the "chalk and talk" of a classroom. Indeed, his appointment to Fowey Hall allowed him to move fairly rapidly to a position which enabled him to make use of his undoubted talents in this direction.

Between 1976 and 1980 Mr and Mrs TA were approved foster parents successfully parenting a disturbed teenager.

If there were any concerns about his behaviour towards young people before 1987, they were discussed neither with the Education Department nor Social Services.

Both Mr and Mrs TA had somewhat unconventional views on education. One of their children had been educated at home from the age of 7 years, while the other was always home educated.

There were minor problems regarding the management of Mr TA in 1986 when he was transferred to a new post. However, given that Mr TA had sustained a post outside mainline education, had been relatively independent for over 10 years, and that the new post involved three separate elements which were the responsibility of three different sections of the Local Education Authority, the fact that such problems arose was entirely explicable.

It is clear that the balance between the three elements of the post did cause difficulties, that the split responsibility for management supervision did not ease the situation and that Mr TA himself was more interested in building up the outdoor pursuits than the other elements of the post. These issues were the subject of unresolved managerial discussion at the time the allegations came to light.

Mr TA himself was a charismatic figure who provoked strong reactions from colleagues, other adults and children. These ranged from "*a difficult person to manage because of his disorganisation but he was devoted to his boat and the sea and his great ability in outdoor education was recognised*" (a manager), "*a boring person who seemed to get on better with children than adults*" (a parent), and "*a difficult person to get on with ... a large aggressive man of unconventional appearance*" (a colleague), to "*he was a good sailor and very safety conscious*" (a parent who sailed).

Interestingly those young people who had known him and sailed with him over time described him as "lazy", "selfish", "had tantrums", and "sulked" but added that they were willing to put up with what they saw as immature behaviour because of the sailing activities.

EMERGENCE OF ALLEGATIONS

In September 1987 a head teacher, Mr EH, came to the Second Deputy Secretary for Education to discuss concerns with regard to the conduct of Mr TA in relation to pupils at his school during a sailing trip in the preceding school summer holidays.

It is clear from the evidence that had Mr EH not been an aware and caring teacher, who listened carefully to his pupils and reported his concerns, there would have been no knowledge of Mr TA's activities in 1987. Subsequent enquiries uncovered complaints from another school but these do not appear to have been spontaneously reported to the Education Authority. The publicity in 1993 also uncovered other heads and teachers who had been concerned about their pupils' reactions to sailing trips prior to 1987 but, again, these concerns had not been shared. This should not be regarded as surprising in that abuse by a teacher was regarded then as an extremely rare occurrence.

To put reactions into context, 'Child Abuse in Schools' commented at the time:-

'The full implications of child sexual abuse in the family had been recognised but recently, and the similarity of possible abuse by staff in schools is even more recently recognised. It takes courage and conviction for any parent to voice anxiety about the behaviour of any member of staff, particularly if that staff member has some seniority'. (Cornwall County Council)

The initial complaint shared with the Deputy Secretary referred to physical violence by Mr TA who was restrained by his wife on occasions, and to an incident where Mr TA allegedly put his hand on the leg of a boy inside that boy's sleeping bag.

Initially, there appeared to be some uncertainty as to whether the boys and their parents wished to take the matter further. It was also felt that a boat was too small an arena for inappropriate sexual activity not to have been observed, especially as Mrs TA was also aboard. Despite this, the concerns were felt to be sufficiently serious to ask Mr EH to make further enquiries.

These enquiries revealed further concerns, primarily of violence but with an underlying thread of non-specific and third party sexual innuendo. While some of the incidents had occurred outside school term and on trips organised by Mr TA privately with the families of the boys concerned, others were on official LEA trips. Since evidence indicated that the boys crewing during the unofficial or 'family' cruises had made contact with Mr TA through LEA sailing trips, and that the situation was further clouded by the fact that Mr TA used official LEA accident disclaimer forms for the 'family' cruises, the investigation did not try to distinguish between LEA and private cruises.

Given the widespread belief that the County Council could and should have acted differently with regard to apparent allegations of sexual misconduct in 1987, it is helpful to see what information was recorded with regard to these allegations at each stage of the investigation, up to and including the evidence presented to the Disciplinary Hearing.

The Members were not told that there had been any additional information available at the time. What is recorded in this report, therefore, constitutes the entirety of the information available to officers at each stage of the Inquiry in 1987. A careful examination of the content clearly indicates that the behaviour of Mr TA was sufficiently inappropriate to make at least two boys feel very uncomfortable but that he did nothing which constituted a verifiable sexual assault.

The details have been laid out in the stages at which they became available as information to senior officials of the Education Authority. Stages 1, 2 and 3 emerged as the head teacher's investigation progressed. The very lack of detail at Stage 1 could easily have led to either an over-reaction to what might have happened or to a complete dismissal of the boys' statements as *"exaggerated schoolboy gossip"*.

The Police were consulted both before and after Stage 4 but on both occasions believed there was no evidence which should necessitate further investigation by officers from the force.

DETAILS OF ALLEGATIONS OF SEXUAL ABUSE IN 1987

STAGES 1, 2, 3, Head teacher investigation and as reported to Officers in County Hall.

STAGE (1)

"An allegation of putting his hand inside their sleeping bags when they were in their bunks".

"If he had touched me, I'd have hit him" - alleged statement of one boy to his mother.

STAGE (2)

"The sexual molestation occurred on a previous trip and to another boy".

STAGE (3)

"CPL was the boy who had a hand put into his sleeping bag to rub his leg not his genitals. However, I am told there is a reputation locally".

"Mr TA wandered about in the nude and a younger boy was embarrassed by this".

"Mr TA repeatedly referred to having 'kinky whipping sessions' apparently when things on board were going well."

"During the stay in France, the party visited a French family. Mr TA was seen romping in a van with the 11 year old son of the family". The 14 year old observer felt "it didn't seem right".

STAGE (4) Social Services Investigation

"At the conclusion of the cruise (3 week summer holiday cruise 1986) they made an exciting and tiring channel crossing. The boat was approaching harbour. The crew were lying about the main deck in the sunshine. CPL was in a sleeping bag. Mr TA settled himself momentarily beside him, and slipped his hand inside his sleeping bag, and briefly smoothed and patted his bare leg." At interview CPL stated that he found this "a discomfoting experience and unnecessary".

It might be, however, that CPL's discomfort was due in part to certain other factors. CPL stated that he had been "warned off" Mr TA by another much older boy, who had said, "you want to watch him". The meaning of this to CPL was clear. He claims another older boy overheard the conversation and agreed.

It was also claimed that gossip among schoolboys was that Mr TA took overt care in supervising showers.

This incident did not prevent the boy from sailing with Mr TA again which would almost certainly have gone a long way to convince even the most suspicious adults in 1987 that nothing untoward had happened.

CPL also reported that while in France he saw Mr TA tickling and romping in the back of a van with a French boy of about 11 years. He believes he saw Mr TA tickling the boy at the top of his thigh in the approximate area of his groin. CPL stated during the interview, *"I could see from his eyes, he was getting a thrill out of it"*. He returned to the other boys who briefly discussed the situation before walking past the van. Subsequently, one of these other boys said he saw nothing of great concern while the third said he saw Mr TA's hand in the *"below the belt region"* and indicated with his own hand immediately below the belt.

The boys also related incidents of nude sunbathing and other displays of nakedness which they ascribed to *"exhibitionism"* rather than to any more sinister motive.

STAGE (5) Presentation at Disciplinary Hearing

"It is further alleged that Mr TA behaved inappropriately and unwisely in relation to the physical contact he had with certain children. In particular it is alleged as follows:-"

Here followed a description of the incident regarding the sleeping bag exactly as outlined in the Social Worker's report, as above.

The incident in France with the 11 year old was put to Mr TA exactly as stated to the Social Worker at interview and as quoted above but with the additional and specific information that the third boy had been sufficiently upset by the incident to mention it to his mother when he returned home.

Finally it was put to Mr TA that:

"It is further alleged that Mr TA behaved inappropriately and unwisely in displaying his nakedness to the three boys in particular; by sunbathing nude which caused the three boys to feel uncomfortable; by jumping naked from bed in the morning when brought his morning tea thereby causing a boy to be embarrassed and uncomfortable."

At the Disciplinary Hearing, Mr TA denied any sexually inappropriate behaviour. His wife supported his statements. She commented that the sexual allegations were preposterous, citing the size of the boat as evidence that such claims were unlikely and indicating that the boys were either exaggerating or making-up the allegations. A similar stance was taken by Mr TA's Union representative who stated his belief that the Authority was over-reacting to a number of exaggerated claims.

It should also be noted that in the information Mr TA made available for parents and children with regard to his 'Adventure and Education Afloat' (see Appendix III), he made it quite clear that nudity was part of the family ethos.

"We have a relaxed family attitude to wearing of clothes. There are many occasions on a small vessel that nudity is appropriate and healthy".

The evidence from the 1992 investigation indicated that both parents and children who participated in the expedition accepted this philosophy.

DETAILS OF ALLEGATIONS OF PHYSICAL ABUSE IN 1987

With regard to the allegations of physical abuse, these were initially that Mr TA lost his temper and had to be restrained by his wife. The most complete account of the various allegations of inappropriately violent physical assaults comes in the report of the Social Worker and contains the following information.

In 1986, Mr TA gripped a boy by his cheek and pulled his face towards the correct rope, leaving finger marks and scratches on the cheek. This occurred during a 'family' cruise and the boy concerned was not from Cornwall. No complaint was received by the Education Authority at the time.

In 1987, on a school activity trip as reported by the boy himself:-

"Between 3 and 4 am, I had to go out on the bowsprit, and take down the jib. TA said, 'Hurry up'. I said, 'I am', and he hit me a push-punch." He described a push-punch as a punch used to push him over and that he was struck mid-way between the right armpit and the waist. He went on to say that he fell off the bowsprit to the left, onto some 3 or 4 wire stays which ran from the bow proper to the end of the bowsprit. He also said that he believed that he was in danger.

Subsequent enquiries indicate that the boat did not have a safety net as is customary on many boats but this question was not asked at the time or indeed until 1992.

The following week, on a cruise with another school, a high level of swearing and verbal abuse by Mr TA is described which culminated in Mr TA hitting a boy on his back with his fist, allegedly leaving a bruise. This occurred in circumstances when the log line fouled the propeller and the boat had inadvertently "*gone about*". However, three of the boys "*jumped ship*" half-way through the trip rather than continue and be subjected to this abuse.

Finally, during the 1987 'family' cruise, it was alleged that Mr TA was ill and repeatedly lost his temper, on one occasion throwing a book at a boy and cutting his face and on another occasion punching a boy on the back and on the face.

These allegations were all put to Mr TA in detail at the Disciplinary Hearing.

Mr TA admitted striking a boy on one occasion but also indicated that the boys had been unco-operative and unhelpful, that he himself had been unwell and that the incidents occurred on occasions when the boat, and therefore the crew, could have been in danger. In this, he was supported by his wife, and these explanations were accepted as significantly mitigating the allegations.

In the event, Mr TA was given a formal written warning with regard to one incident of striking a student and the use of coarse and abusive language. He was also advised that he needed to be aware that quite innocent behaviour can be misconstrued. This written warning would have been removed from Mr TA's file after a year and would have had no further relevance to his future career unless further complaints had been received during that period.

In informal discussion subsequently with his managers, Mr TA was told not to use his own boat for official LEA trips. However, the substance of this discussion is not recorded and there is no indication as to whether this agreement was time limited. There is also no indication that Mr TA could not continue his duties and outdoor pursuits, nor that he should be accompanied by another adult when with children, either on board the boat or in other places (see also page 29 *Conclusions*).

CHAPTER 3

DISCUSSION OF THE EVENTS IN 1987

1. Was the fact of possible abuse, when identified, properly investigated?

Cornwall County Council Disciplinary Procedure for Teachers states that:-

'The formal disciplinary procedure must be followed in all cases where there is alleged misconduct. However, the Authority reserves the right, especially in cases of alleged gross misconduct, to invoke a more serious stage of the procedure immediately which would probably be preceded by suspension procedure ...'

The information available indicates that initially the complaints were treated as if originating at Stage 1 in the disciplinary guidance and were treated as needing further investigation prior to discussion with Mr TA. The Local Authority requested further investigation to be undertaken by the head teacher, Mr EH, in order to ascertain whether no further action need be taken, or whether the authority should invoke formal disciplinary proceedings and, if so, at which stage.

This information, gained from Mr EH, led to an interview some 5 weeks later between the First Deputy Secretary, Mr TA's line manager and Mr TA, to put the complaints to Mr TA before taking further action. This would be in line with Stage 1, formal investigation of disciplinary proceedings. It would appear from a letter which was written, but never sent, that there was confirmation that Mr TA had lost his temper but his denial of sexual impropriety was strenuous. It was, therefore, felt that a warning letter should be sent formally instructing Mr TA that he should not use his own boat for LEA activities. This was to be done because it was considered that Mr TA was more likely to lose control in a situation where his own, and valuable, boat was put at risk by the actions, or inactions, of inexperienced school children. The implication was, at that time (i.e. October 1987), that the LEA believed that Mr TA could maintain acceptable standards of behaviour except when on his own boat.

At this point the letter and background papers were sent to the County Council's Legal Department for verification and confirmation of action. Possibly with the implications of 'Child Abuse in Schools' in mind, the Education Department was firmly advised to consult with Social Services before sending the letter and closing the investigation. This advice indicated that further investigation by Social Services may be necessary. This was done at the beginning of November.

In evidence to the Members, the then First Deputy agreed that this delay in contacting Social Services was regrettably long.

The advice of the Director of Social Services, having consulted with the Assistant Director - Children's Services and the Social Work Consultant (Child Protection), was that there should be a child abuse investigation undertaken by Social Services.

Consideration was given by Social Services management to the fact that Mr TA may have been well known to many Social Workers who were also keen sailors. The investigation was, therefore, passed to a Principal Social Worker and designated Senior Practitioner in another part of the county who had no such connections. The Police were consulted but did not believe that the allegations were such that they should be involved. At this time joint interviews by a team from Police and Social Services had only just become part of the procedures. The Police would still conduct their own investigation should it be apparent a crime had been committed after any such joint interview. Then, such joint investigations were usual only for direct allegations when there were concerns about sexual abuse.

The Senior Practitioner was asked to investigate 'expeditiously' and indeed reported back seven days later. In evidence to the Members, he now feels that this was too short a time, although it is difficult to know whether further interviews would have elicited much more information. At the time Social Services had little or no experience of investigating such situations. The Police did have such experience but did not consider that there was sufficient evidence to justify an investigation.

A meeting was held on 17th November 1987 chaired by the Divisional Director, Social Services, and attended by the Principal Social Worker, Senior Practitioner, an Inspector from Police Youth Community Services, the Assistant Secretary for Education (Child Protection liaison), the line manager for Mr TA, and a County Council solicitor. The Senior Practitioner's report was read and discussed in detail. The representatives from Social Services took a serious view regarding the underlying thread of sexual innuendo. An interesting light is shed on such meetings by a comment made by the Senior Practitioner, when asked his feelings about his own impact on decision-making. He was, he said "*a fairly small fish in a room full of fairly big piranhas.*"

At this meeting the Police Inspector confirmed that he felt there was insufficient evidence for a Police investigation. All agreed that while Mr TA's behaviour was at best 'unwise' nothing reported constituted a sexual assault. However, it was felt that there had been a physical assault and that the language used by Mr TA together with his general demeanour was not of a standard expected from a professional teacher.

It was agreed that the Education Department should take appropriate action since the investigation had '*raised serious doubts about the advisability of Mr TA working unsupervised with children.*'

CONCLUSIONS

Despite the time delay, the concerns raised by Mr EH were properly investigated in accordance with the procedures laid down at the time. That these procedures were inadequate has since been rectified with regard to inter-agency co-operation, under the auspices of the Area Child Protection Committee.

It may be that clear guidance needs to be incorporated in the Education Department/Personnel Unit Head Teachers and Governors' Staff Handbook to ensure that head teachers refer allegations of abuse made by pupils to the inter-agency system at the earliest possible stage.

RECOMMENDATIONS

- 1. Whenever serious allegations of child abuse concerning an employee of the County Council are made, the Chief Officer of the department must be immediately informed and take personal responsibility for the conduct of the enquiry and ensure that the Area Child Protection Committee procedures have been implemented.**
- 2. The Chief Officer will inform the Chairman of the Committee or Board concerned as soon as the Area Child Protection Committee procedures have been implemented.**
- 3. The Secretary for Education must ensure that the model disciplinary procedures provided for school governing bodies reflect Recommendations 1 and 2.**

2. Were Disciplinary Proceedings from suspension through presentation to conclusion properly conducted?

STAGE AT WHICH DISCIPLINARY PROCEEDINGS WERE INVOKED.

The First Deputy Secretary for Education, the Assistant Secretary and Mr TA's line manager met the following morning (i.e. 18th November 1987) and agreed that the Social Services investigation had outlined a physical assault sufficiently serious to move to Stage 3 of the disciplinary procedure. The incident warranted more than just an informal warning. Stages 1 and 2 would not have resulted in a Hearing. Stage 3 had the potential for dismissal should the facts warrant this. [Stage 3 is included as Appendix II (1)].

This appears to have been the proper decision. Evidence available to the Members indicates that the correct procedures for notification and representation were followed.

SUSPENSION

It was agreed at this meeting that Mr TA should be suspended. This decision was the result of considerable discussion particularly with regard to the impossibility of successfully arranging that Mr TA would not be in sole charge of children between November 18th and the Disciplinary Hearing which was held on 22nd December 1987.

When an allegation of abuse is made, a responsible management action must balance the need to protect children against the need to ensure that staff are treated fairly. This will be so whether the allegation is made about a teacher, Social Worker, doctor, police officer or residential care worker.

However, some professionals working with children are particularly vulnerable to allegations of abuse which may be untrue and a reflection of the child's emotional problems. Teachers and residential care workers are groups which immediately spring to mind.

Suspension is said by employers to be a neutral act not implying guilt. It is not seen that way by the individual member of staff concerned, nor indeed by colleagues, parents or children. Inevitably the act of suspension adds not only to the stress experienced by the staff member concerned but also to that of professional colleagues.

However, failure to suspend in cases where, should the case be proven, the likely outcome would be dismissal, could lead to difficulties should the case then be taken to Industrial Tribunal. It may also lead to accusations of negligence should the accused be left in contact with children.

The important effect of removing the person under investigation from a position of influence over other staff, or more importantly, children in order to free them to talk, must also be considered.

A further aspect of suspension may also be preservation of evidence. Whether or not the initial allegation includes information about pornography, this is known to be a feature of child sexual abuse. Consideration should be given not only to instructing the adult alleged to have abused a child to remain at home, but also to removing any keys to the workplace. In at least one incident such action led to the recovery of pornographic material from the office of the professional concerned.

On the other hand, if the accused is a teacher and suspended, the school will have to meet the cost of a supply teacher throughout the suspension period from their own budget. This could be a significant monetary consideration especially for smaller schools. The Personnel Manager, in evidence to the Members, suggested there should be central funding provision for such situations. He considered that such provision would be one way of improving co-operation between head teachers, governors and the LEA in situations where abuse was alleged.

The view advocated by 'Choosing with Care' is that the line manager should look at the allegations and available facts, taking into account the interests of children and the rest of the staff group before making a decision to suspend. This may not lead to adequate protection for children. For example, the Leeways Report found that:

'at almost every point at which collectively or individually the people involved had to choose between making the welfare of the child the first consideration, and some conflicting loyalty or priority, they chose the latter.' (Dept. of Health 1992 'Choosing with Care'.)

In Cornwall the decision to suspend is normally a shared responsibility both in education and other employment situations. In order to ensure that all aspects are considered by impartial personnel when the alleged misconduct involves issues of child abuse, consideration of suspension could be a matter decided by the strategy meeting called to plan an investigation.

Consideration regarding suspension must also take regard of a third alternative, that of temporary transfer to another post.

In Mr TA's case, the decision to suspend, given the need to protect children and the fact that the allegations may have led to dismissal, seems correct and proper.

Further, he was instructed to hand over the keys of the centre, although he retained a key to an adjoining workshop which contained some of his personal tools.

CHOICE OF PANEL FOR DISCIPLINARY HEARING

The disciplinary procedures indicate that the Disciplinary Hearing panel should consist of *'not more than three nominees of the Secretary of Education'* (note Recommendation 5, page 26).

In this instance, the Second Deputy Secretary and a senior officer from a section not connected to Mr TA formed the Disciplinary Hearing panel. It is more usual to have three officers to ensure there is not a 'hung' decision. Both officers of the Disciplinary Hearing panel gave oral evidence to the Members. There is no indication that the Disciplinary Hearing was conducted other than in accordance with the procedures.

It was commented that the Second Deputy Secretary had initially received the complaints regarding Mr TA. He had passed these complaints to be investigated by the First Deputy and the Assistant Secretary. It could well be that he may have been open to complaints of bias against Mr TA rather than in his favour because of this earlier knowledge. No such complaint was made and, in fact, the union representative specifically commented favourably on the way the proceedings were conducted.

The Disciplinary Hearing panel was, however, composed of two males. While child abuse is not exclusively a male preserve, in the case of child sexual abuse, there is a predominance of male offenders. In allegations against professionals there may also be elements of gender discrimination. It may well be appropriate, therefore, not only to consider the senior status of officers of a Disciplinary Hearing panel, their knowledge of child abuse and their knowledge of the employment base, but also their gender. Ideally such a panel should comprise representatives combining a cross section of these attributes.

PRESENTATION OF EVIDENCE

At the hearing, the LEA evidence was presented by a solicitor. No witnesses were called to support the evidence. Mr TA's case was presented by his union representative, and his wife was called to give evidence.

The solicitor who presented the LEA case gave both oral and written evidence to the Members. It was pointed out that it is difficult for people to evaluate evidence if they do not hear it first-hand and are unable to question and test the validity of statements. Disciplinary proceedings relating to abuse inevitably involves the evidence of children. However, the disciplinary system would expose children to cross-examination in circumstances where they have less safeguard than in a criminal prosecution. There is no power to compel witnesses in disciplinary proceedings. It was understood that parents did not wish their children to give evidence in these particular proceedings.

In this case the Police had come to the conclusion that if the information was accurate there were no offences and, therefore, no justification in interviewing Mr TA. There were, then, no police statements either.

In evaluating the evidence and deciding appropriate action, it is necessary to distinguish between no evidence that a criminal offence has been committed, and a situation where there is evidence that a criminal offence may have been committed but there is no evidence to corroborate this fact. The third alternative is that there is evidence of a breach of professional code of conduct. The facts indicate that this hearing was held under the third thesis. In presenting evidence which is already second-hand, i.e. the report of a head teacher or a Social Worker, on what a child has said, there may be little to be gained by calling that witness as opposed to presenting the evidence third-hand as a solicitor.

In trying to come to realistic decisions about presenting evidence at disciplinary proceedings, a balance must be found between calling all available witnesses, other than the children, as against the time implications of such a course. Where there is clear evidence that child witnesses have told reliable and similar stories to different adults without prompting, this may add value to the evidence. However, many school governors are reluctant to accept as accurate the disputed evidence of children when they are not able to see and question those children.

In disciplinary proceedings, as in criminal proceedings, a careful balance has to be made between the further abuse of children through cross-examination as against the wider issue of not otherwise being able to present convincing evidence.

In 1987 it was not normal to video-tape interviews of children and it was not until 1988 that there was discussion regarding presenting evidence to disciplinary proceedings in this way.

By 1992, it was normal for interviews with children to be video-taped and for such interviews to be conducted by police officers and Social Workers trained in accordance with the 'Memorandum of Good Practice'. Local arrangements with Devon and Cornwall Constabulary allow such video-tapes to be shown at Disciplinary Hearings when required. In addition, the interviewing officers are often requested to give evidence and there may be expert interpretation of the children's evidence for the benefit of the Disciplinary Hearing. Children are not asked to give evidence at such hearings.

With regard to the hearing for Mr TA the solicitor who presented the case, in written evidence to the Members, warned:-

"The evaluation of evidence and its significance is inevitably somewhat subjective. Judgements will properly be influenced by surrounding circumstances. The decisions made in 1987 were against a different background to that which now exists. In my opinion it would be unfair to criticise the 1987 decisions taking into account what is now known. Those decisions should be considered in the context of the circumstances and evidence available at the time they were made."

CONCLUSIONS

Contrary to popular belief, there was no transcript of the proceedings. It was not then, nor is it now, the practice to keep transcripts of such hearings. The Disciplinary Hearing relied on the evidence of those present, together with the documentary evidence regarding the allegations discussed, to form an opinion about what happened.

There is no evidence that the correct procedures were not followed at this stage. Evidence was given that it would have been unusual to dismiss on grounds of physical assault and in this case Mr TA was presented as of exemplary character with considerable mitigating circumstances. Had the events of 1992 not happened, there is no reason to believe that the findings of this Disciplinary Hearing would have been questioned. However, re-examination in the light of current knowledge would suggest that changes in procedures may lead to a system more protective of children.

RECOMMENDATIONS

- 4. The County Council, together with the Secretary for Education, should consider providing central funding for schools when a member of staff is suspended during an investigation into an allegation of abuse.**
- 5. Where a disciplinary panel is convened to consider serious allegations involving child abuse, it should always comprise three senior officers who have not previously been significantly concerned with the case. One should be a senior officer nominated by the Director of Social Services, and two nominated by the Chief Officer of the department concerned.**
- 6. The Panel will normally include at least one male and one female member.**
- 7. The officer responsible for the investigation from the Police should always be invited, and the officer responsible for the investigation from Social Services should always be called to present their findings and recommendations.**
- 8. The Chief Officer or his/her nominee, in consultation with a senior officer from Social Services and the corporate solicitor, should decide how best to present the evidence available, including the evidence of children.**
- 9. Officers on disciplinary panels considering allegations of serious child abuse should have received training in legal, employment and procedural issues and particularly in the protection of vulnerable witnesses from inappropriate questioning.**
- 10. The Secretary for Education must ensure that the model disciplinary procedures provided for school governing bodies reflect Recommendations 4 - 9.**

3. Was subsequent action with regard to supervision and monitoring adequate in light of the findings of the Hearing?

As a result of the Disciplinary Hearing, Mr TA was given a written warning. The then First Deputy Secretary considers that it must have been a fine decision between a final written warning and a written warning but he did not consider the evidence serious enough to warrant instant dismissal.

The preamble to the disciplinary procedures used at this time states:-

'1.1 It is important in any organisation to operate suitable disciplinary rules and procedures which will promote order, fairness and standard practices in the treatment of individual employees. The procedure set out below, which has been agreed between the local recognised Teachers' Associations and the Cornwall County Council, has been drawn up to ensure that the very small minority of teachers who may become subject to disciplinary action are dealt with in a fair and equitable manner. This procedure should not be viewed primarily as a means of imposing sanctions, but more as a way of encouraging improvement in ensuring that acceptable standards of conduct are maintained.

1.2 This disciplinary procedure takes into account the Conditions of Service for school teachers in England and Wales (CLEA/ST), the 'Burgundy Book', the Articles of Government, regulations of the Department of Education and Science and the Code of Practice issued by the Advisory Conciliation and Arbitration Service (ACAS) in 1977.'

RECORDS

Under these procedures, the written warning together with information relating to the proceedings should have been removed from Mr TA's file after one year, that is at the end of 1988. It is not known why it was not removed although the wisdom of removing such information was discussed during 1988 in the light of other enquiry reports.

In 1988 East Sussex published the report of an enquiry into their internal disciplinary proceedings (East Sussex County Council 1988) where it was found that removal of such information could destroy evidence of a pattern of behaviour more clearly highlighting patterns of sexual abuse. With this in mind, the Area Child Protection Committee resolved that records of investigations into allegations of abuse by professionals should be retained by the Joint Consultancy Team, to be accessed only if there should be further allegations of abuse by the same person. This was an extension of the idea that concerns should be recorded and monitored as outlined in Recommendation G in 'Child Abuse in Schools' (Cornwall County Council) The wisdom of such record-keeping was further reinforced by the findings of the Calderdale Enquiry in 1989 (Roycroft, B.) when a disciplinary warning regarding the inappropriate behaviour of a Senior Social Work Manager was expunged from the file and was not known to the appointment panel who promoted him to be Director.

At present the Joint Consultancy Team file will contain the initial allegation, the report of the strategy meeting, a report of the investigation and a letter indicating the outcome of the proceedings. It may be that in balancing the protection of children against natural justice, all references on the adult's file should be transferred to be kept with the Joint Consultancy Team information. On the other hand, it may be that such information should remain on the file of the professional concerned. It is always preferable to have the information as recorded at the time, whether the allegations were or were not with substance, rather than rely on folk memory and rumour.

For the Cornwall Area Child Protection Committee's policy regarding records see Appendix I (5).

SUPERVISION

The records and oral evidence indicate that there was a meeting between Mr TA, his line manager and the Second Deputy Secretary after the Disciplinary Hearing to discuss his future employment. There is no record of what was said nor of the arrangements to monitor Mr TA during the following year with regard to his conduct towards pupils attending outdoor pursuit activities.

Subsequently, there has been confusion and misinterpretation about what may have been said, the more so because of the existence of several copies of a letter dated 30th November referred to at page 21 regarding the use of Mr TA's own boat. This letter was not sent and no written instructions were given to Mr TA.

There was discussion with regard to problems encountered in the management of Mr TA (refer page 16). This resulted in a revised job description which gave responsibility to only two managers, one for outdoor pursuits and one for his work as advisory teacher with the Roseland Project. The arrangements for managing the advisory teaching aspect were clearly recorded. Mr TA's supervisor and colleagues on this project were aware of the Disciplinary Hearing but were not given any details. This aspect of his work was primarily communication between the advisory team, head teachers and teachers. It came to an end in December 1989, a year after the written warning expired. No complaints were received about his work.

When this aspect of his post came to an end, Mr TA's work at the outdoor pursuits centre was extended from part to full time. This is the so called 'promotion' alluded to in media publicity about his career. In fact, it involved a change in job description but not promotion in any acceptable sense of the word.

There was no evidence presented about the way in which Mr TA's work in outdoor pursuits was monitored either during the year covered by the written warning or subsequently. Given the nature of the post and the information available about Mr TA, it is questionable whether greater consideration should have been given to monitoring and supervision. It could be that had the allegations been false, exaggerated or malicious, such monitoring would have afforded greater protection to Mr TA himself.

Study of enquiry reports seems to indicate that professionals who abuse children in their care either choose roles which are relatively unstructured and unsupervised, or situations where they are able to control and subjugate their working environment. (See, for example, 1988 East Sussex, 1987 Child Abuse in Schools, 1992 The Leicestershire Enquiry [Kirkwood, A.]) On the other hand, no complaints about either his conduct or his work are recorded nor were received.

In oral evidence, the Secretary for Education indicated that whilst there is a County Council policy on disciplinary proceedings, it does not offer any advice to departments about monitoring staff especially following a written warning. He felt that such advice would be helpful and could also be given to schools and governors particularly when the warning was in regard to matters which had been investigated under the Area Child Protection Committee's Child Protection procedures.

CONCLUSIONS

While the failure to remove the record of the proceedings from Mr TA's file may have transgressed the agreed Cornwall County Council disciplinary procedures, it may have been as a result of the recommendations regarding record-keeping agreed by the Area Child Protection Committee. These discrepancies in instructions need to be remedied.

The records indicate that a formal written supervision system was instigated for Mr TA's role within the Roseland Project. The methods chosen for monitoring and supervising his work within outdoor pursuits are not recorded. No special monitoring should have occurred once the written warning expired in December 1988.

The Members do not consider the arrangements for monitoring and supervision of his work within outdoor pursuits to have been adequate.

RECOMMENDATIONS

- 11. The County Council, through the relevant Chief Officer and Director of Resources, will clarify how best to ensure that the records of allegations, investigations and subsequent disciplinary proceedings in respect of serious child abuse are preserved in a manner compatible with the Area Child Protection Committee's procedures, and will advise the appropriate committees.**
- 12. If members of staff return to work following disciplinary proceedings involving allegations of child abuse which have been wholly or partly found to be proven, there should be a written agreement with regard to monitoring and supervision over a time scale to be recommended by the Disciplinary Panel.**
- 13. In such circumstances, when a member of staff returns to work, direct supervisory staff will be given such information about the outcome of disciplinary proceedings as is commensurate with their supervisory responsibilities, prior to the member of staff's return to work.**
- 14. In addition to Recommendation 13, victims of the alleged assaults and/or their parents will be advised promptly of the outcome of disciplinary proceedings in a manner which reflects the need for confidentiality and natural justice.**

CHAPTER 4

1988 - 1992

BRIEF CHRONOLOGY

December 1988	Written warning officially expired.
March 1989	'Adventure and Education Afloat' officially formed by Mr TA, Mr TB and a parent, Mr TE.
April 1989	First 'stage' took place.
July-Sept 1989	First summer cruise including CPW & CTE.
December 1989	Roseland Project ended.
April 1990	Mr TA became full time warden of outdoor pursuit centre. Second 'stage' took place.
Early Summer (?) 1990	Mr PW confronted Mr and Mrs TA. CPW withdrew from summer cruise.
Summer 1990	Second summer cruise including CPJ.
December 1990	Mr & Mrs TA invited, with group, to join French Group 'Archipel' for 1992 - 1994 expedition.
Spring 1991	Third 'stage' took place.
1991	Mr TG joined as a trustee.
Summer 1991	Third summer cruise including CPJ.
Winter 1991	CPJ withdrew from contact with Mr TA.
Spring 1992	Mr TB resigned as a trustee. Mrs TF joined as a trustee.
Summer 1992	Mr TG joined as a trustee.
July 1992	Boat departed Cornwall to Brest and then started fourth cruise.

N.B. Included as Appendix III is the information about 'Adventure and Education Afloat' as supplied to parents in January 1992.

1988-1992

DETAILED COMMENTARY

The concept of the Trust was, as an alternative to formal education, learning through adventure and self-reliance. There is and was no connection between the Trust and Cornwall County Council (see Appendix III). The ideas appear to have been based on the work of Colin Mortlock (Charlotte Mason College) and two similar French organisations, 'Ecole en Bateau' and 'Archipel'. The 'stages' were outdoor activity weeks held on Bodmin Moor and organised primarily by the young people themselves with a view to developing team work. Theoretically, these were also selection weeks designed to produce a team of young people able to work together compatibly. In fact, feedback from the young people themselves indicated that Mr TA took primary responsibility for selecting the young people who joined the cruises.

In 1989 the young people concerned were primarily from Cornwall and had been involved either through their contact with Mr TA at the Roseland Centre, or through personal contact among the sailing fraternity, or through advertisements in local papers.

As the project gained momentum, the children were no longer primarily from Cornwall. The publicity for the project appears to have been through 'Education Otherwise', the organisation for home-educated children, together with an article in the Times Educational Supplement. In addition, the young people with Mr TA gave a number of audio-visual presentations at a variety of venues including the Greenwich Maritime Museum.

The original trustee with Mr TA, one Mr TB, had been associated with 'Ecole en Bateau', and is a child psychiatrist. He has subsequently been found to have convictions for possessing child pornography and indecently assaulting boys. The remaining trustees, who were recruited between 1989 and summer 1992, were all parents of children who had joined the cruises, or who had a great interest in the concept. All of these trustees were horrified at the revelations and co-operated fully with both Social Services and the Police as soon as they realised all was not well.

It should also be noted that one parent, Mr PW, who was not from Cornwall, became aware in 1990 that his son was being sexually abused by Mr TA. He travelled to Cornwall to confront Mr and Mrs TA. It is believed, from other sources, that he agreed with Mr TA not to inform either the Police or Social Services on condition that Mr TA agreed to have counselling.

Mr PW, who apparently had a position of some authority within his own local area, believed that the approach of officialdom to adults who had sexual relationships with children was wrong and that his knowledge of Mr TA's offences would prevent Mr TA re-offending. He was, sadly, wrong. Had he chosen to report his concerns to the authorities instead of 'going it alone', further children may not have been abused.

It is, however, unlikely that he was aware of the events brought to light in 1987. Mrs TA, however, was aware of the allegations then.

CHAPTER 5

1992 - 1993

BRIEF CHRONOLOGY

1992

- July** Boat leaves England for France.
- August (approx 3rd)** CG tries to contact CPJ.
- Monday 10th August
10.30 pm** Mr PW tries to contact CPJ.
Mr PW contacts trustee Mr TE.
- Tuesday 11th August** Mr TE contacts Social Services.
Mr TE contacts Mr TA.
Mr PW withdraws statement.
- Wednesday 12th August** Mr TA speaks to Social Services and Mr TE.
- Thursday 13th August** Social Services hold a 'Professional Abuse' Meeting.
Mr PW refuses to discuss allegations with either the Police or Social Services.
The Police decide not to be involved.
Social Services and Solicitor meet with trustees.
- Friday 14th August** CTE interviewed.
Mr TA asked to go to nearest Port.
- Saturday 15th August** Senior officers of the Local Education Authority, Social Services and Cornwall County Council's Legal Department agree letter to send to parents.
Copy letter faxed to Mr & Mrs TA.
- Sunday 16th August** Mr TA discusses letter with crew.
Boat sets sail to Lisbon.
- Monday 17th August** Foreign Office informed.
Social Services Inspectorate informed.
Parents given further information.
- Tuesday 18th August** Department of Transport (Marine Directorate) involved.
Planning Meeting at Social Services.
Mr PW contacted again.
Parents given more information.
Mr TC contacts Social Services.
? Mr TA comes back to England.
- Wednesday 19th August** 2 children and a trustee interviewed by Social Services.

Thursday 20th August	Emergence of possible evidence of paedophile ring from Trust's papers. A parent informed by the Police that they were not investigating Mr TA.
Friday 21st - Saturday 29th August	Discussion between Social Services and parents. Discussion between Social Services and Police re status of inquiry. Children still on boat.
Saturday 29th August	CPJ returns from holiday.
Wednesday 2nd September	Police meet with Mr TE. Mr TC invites Mr PW & Mrs PJ to meet with him. Mr TC interviews CPW and CPJ.
(?) Friday 4th September	Mr TA returns to England, and stays with sister.
Monday 7th September	Mrs PJ and CPJ go to the Police.
Tuesday 8th September	Parents becoming uneasy.
Wednesday 9th September	Meeting Social Services and Police to plan investigation. Mr TA contacts Social Services. Whereabouts of boat revealed.
Thursday 10th September	Mr TA's sister contacts Social Services.
Date unknown	Mr PW reveals abuse of son to other parents. A parent goes out to the boat.
Week of Monday 14th September	Social Services contacted by parents to arrange flight home of children.
Friday 18th September	Children return to Heathrow.
Subsequently	Boat returns via N. Africa. Foreign children leave boat.
30th October	Bank seizes boat in Gibraltar.
1993	
29th April 1993	Mr TA arrested in Gibraltar.
6th June 1993	Mr TA brought back to England.

DETAILED COMMENTARY

INTRODUCTION

This part of the report concentrates on the period 3rd August to 18th September 1992, the time from the emergence of allegations to when the British children returned to their homes. Subsequently, the extradition of Mr TA apart, the process became one of more standard investigation of a multiple abuse situation [see Appendix I (4)]. The organisation of such investigations has been described in detail in the 'Castle Hill Report' (Brannon, C., Jones, J.R. and Murch, J.D.) This report was published while the Cornwall inquiry was progressing. It proved helpful for planning the later stages of the investigation and contains many valuable lessons about Police/Social Services co-operation.

EMERGENCE OF ALLEGATIONS

A complete picture of the events leading to CPJ and his mother going to the Police to make a statement about the abuse he suffered, has only emerged during the Internal Review. It contains lessons about not only why children may not reveal abuse, but also the motivation of adults who may wish to keep the children silent.

This picture has been pieced together from information available at the time, together with information which has emerged; knowledge of which made it possible to interpret apparently unconnected information and conversations.

Around 3rd August, 1992

Just after CPJ had left for a holiday in France for a month, his mother received a telephone call from another boy who has sailed with Mr TA and CPJ in both 1990 and 1991. This boy, CG, indicated that there was *"a possibility of a case being brought against Mr TA"*. Finding that CPJ was away, he refused to say more.

Monday 10th August, 1992

Mrs PJ received a telephone call from Mr PW, the father who had confronted Mr TA in 1990. He asked to speak to CPJ but, finding CPJ was unavailable, refused to say why he had rung.

Probably before he had rung CPJ, but in the evening, Mr PW had contacted the trustee Mr TE asking if it were true that Mr TA was currently cruising with a party of children. He then went on to say that, prior to 1990, his son had been sexually abused by Mr TA. He explained that, with his wife, he had travelled to Cornwall to confront Mr TA whose wife was also present. He further said that Mr TA had admitted the sexual relationship, promised to seek personal counselling and agreed to stop taking children out on his boat. Mr TE was also able to speak to Mr PW's son (CPW) who confirmed the sexual relationship.

Mr PW said that he had recently learnt that Mr TA may have broken his agreement and subsequently abused another boy.

Tuesday 11th August, 1992

By 9.30 a.m. Mr TE had consulted his solicitor and, following his advice, contacted Social Services Department to pass on the information he had been given.

At 11.30 a.m. Mr PW again contacted Mr TE saying that he had been unable to contact CPJ and that he did not wish to take any further action until he could personally discuss with CPJ what had happened. It is believed that he had strong religious beliefs and felt that he would be breaking his vow of silence to Mr TA. This was an action he felt unable to take without first satisfying himself that Mr TA had himself broken the agreement.

Wednesday 12th August, 1992

Mr TE had spoken to Mr TA, although it was not known the extent to which the allegations had been shared. A Social Worker also spoke to Mr TA advising him to put into the nearest port so that matters could be sorted out.

Thursday 13th August, 1992

A meeting convened under the Professional Abuse Procedures was held to discuss the available information, both from 1987 as well as 1992. The meeting was attended by the Sergeant in Charge of the local Police Child Protection Team as well as representatives of Social Services. There was representation from neither the Legal Department nor Education. However, it was known that Mr TA was on unpaid leave. The report of the Social Services investigation in 1987 was available for the meeting from the Area Child Protection Committee sources at the Joint Consultancy Team, as were the minutes of the meeting held on 17th November 1987.

At this time, it was thought that the trustees would have responsibility for the safety of the children and the power to ask Mr TA to return the children home, if necessary.

The primary concerns which arose from this meeting were:-

1. Danger of physical assault. The report of 1987 stated that Mr TA lost his temper under stress and when on his own boat. Since he had some knowledge of the allegations, there was concern about his stress levels and thus the physical safety of children.
2. The fact that CPJ was on holiday near to the coast where the boat was thought to be. There were fears that Mr TA would know this and search out CPJ in order to persuade him to keep silent.
3. The possibility that at least one child currently aboard was being sexually molested.

As a result of this meeting, it was agreed that two senior representatives of Social Services and a Police Officer should meet with the trustees that evening in order to exchange as much information as possible.

In addition, it was agreed that Social Services should contact Mr PW to try to persuade him to allow his son to make a statement, if necessary. Further, should Mr TA contact Social Services as he had promised, he would be asked again to return to the nearest port.

Subsequently, the Police informed Social Services that, having taken legal advice, they could not meet with the trustees, and would be taking no further action unless a direct allegation was received by them.

Mr PW made it very clear to the Social Worker that he did not wish to discuss the matter, indicating that he was better able to deal with such matters than Social Services.

That evening, a meeting took place between the trustees, two officers from Social Services and a County Council legal representative. It was agreed that the County Council could share with the trustees information regarding Mr TA's conduct which had resulted in a Disciplinary Hearing and which had been proved at that Hearing.

The trustees, other than Mr TE, had initially been sceptical; not altogether surprising since their own children had sailed with Mr TA and reported nothing amiss. It was indicated that some of the children on board were "oddballs" and that shipboard gossip could easily get exaggerated and out of hand. Further that, *"the opportunity of any secret activities aboard a 40' yacht with 10 people aboard has got to be virtually nil, even if in harbour with some of the crew absent."*

However, Mr TE had more closely questioned his own son and elicited the more worrying information that his son may have been abused by Mr TB rather than Mr TA. In addition, his son had been able to give corroborative evidence which made the allegations more, rather than less, likely.

As a result of this meeting it was agreed that:-

1. The trustees would take legal advice as to what they would tell parents.
2. The trustees would try to obtain a relief skipper.
3. Mr TA would be asked to return to England.
4. Social Services would arrange with the Police for an interview of Mr TE's son.

Friday 14th August, 1992

There was a joint interview by Police and Social Services of Mr TE's son. While the events described by him, and involving probably pornographic photography, were very worrying, they did not directly involve Mr TA. Further, since the young man had difficulty in recalling events, he was unable to provide clear corroborative evidence.

In the meantime, the trustees were advised by their legal representative that they should not contact parents. It emerged that the expeditions were a separate business entity run for profit by Mr and Mrs TA and Mr TC. The Trust raised money to enable children to take part but had no control over the expeditions. Should the allegations prove not to be founded they could have been sued had they given parents information which led to parents removing their children. Similarly, they had no power to request the return of Mr TA, nor to supply a replacement skipper.

In these circumstances responsibility returned to Social Services.

At a meeting held on Saturday 15th August 1992 involving not only the Director of Social Services but also senior Legal personnel and Education officials, it was agreed that a letter should be sent that day to all the parents of the eight British children on board. The information the letter contained was as follows:-

"I believe your child is currently crewing on the above vessel, skippered by Mr TA and understood to be in harbour in north-west Spain. This week trustees of the Trust have contacted this Department with information concerning Mr TA, which has led this Department to commence an investigation into those concerns.

*Cornwall County Council Social Services Department has considered this matter carefully and, on legal advice, believes you may wish to be fully informed of the circumstances of this trip. This being the case, we would ask you to telephone this Department upon receipt of this letter. The person to contact is: after 2.00pm Monday 17th August.
Director of Social Services."*

The time stated was to allow both for the unpredictable nature of postal deliveries and to ensure that the officer concerned would be available. Unfortunately for some parents, with early post, this meant many hours of acute anxiety.

A copy of this letter was also faxed to Mr TA. From evidence to the Members, it is clear that he discussed the letter with the children on board and, supported by his wife, minimised the allegations of 1987, primarily blaming the bad behaviour of the boys concerned. Not unsurprisingly, all the crew agreed they were happy and did not wish to leave the boat, which then set sail for Lisbon.

Monday 17th August, 1992

In view of the fact that there were foreign children involved, it was agreed that the Foreign Office must be informed, and also, given the unusual nature of the investigation, Social Services Inspectorate. By this time the progress of the investigation was being managed by a Deputy Assistant Director Intake/Child Protection, (who was incidentally a keen sailor with knowledge of waters both sides of the Channel), assisted by a Principal Officer and with the advice of the Social Work Consultant.

When the parents rang that afternoon the information which Social Services were able to give was prescribed by the legal advisers. The Principal Officer was given a script from which she was told not to deviate.

This information was as follows:-

"CONFIDENTIAL

Statement concerning the cruise of the

Allegations were made in 1987 concerning Mr TA, currently skipper of the 'M.B.', towards young people in his care cruising with him.

The allegations were investigated by Social Services Department. The allegations of physical abuse were admitted and proven, while those of sexual abuse were denied and not proven.

As a result, the LEA took disciplinary proceedings. In the last few days the trustees of the Trust have raised further concerns about Mr TA with Social Services Department. These are currently being investigated by Social Services and the Police but for legal reasons at this point we cannot give you further details.

These matters have been drawn to your attention in confidence to enable you to make decisions, as responsible parent(s), as to whether you would wish your child to continue on the present cruise.

We are making contact with the Foreign Office in anticipation that the boat will be berthing at Lisbon today.

We are making plans to send a Social Worker to Lisbon in order to assist with the return of any child who is on the boat whose parents wish for him or her to return to the UK. One of the trustees will be accompanying our officer.

Should you wish to remove your child from the boat, what assistance will you need?

If you require our assistance, please confirm in writing giving your consent.

17th August, 1992"

Subsequently, and in evidence to the Members, it was pointed out that this information and the restrictions put on any meaningful dialogue between parents and Social Worker were most unhelpful. Even so, as a result, two sets of parents decided that their children should return home. The remainder wished their children to stay. One parent, helpfully, in written evidence to the Members commented that:-

"It gave the impression that it was Mr TA's seamanship and his temper that was being questioned. Social Workers had knowledge only of this past record - not of the way the voyage was 'constituted', nor of the extensive preparation of crew and schooner together beforehand, nor of our children, - a gulf which did not help initially when they felt immediate drastic action was indicated".

"Not knowing how to handle their concern or communications, possibly because of their reporting restrictions, they sounded agonised, exasperated and then aggressive even".

The difficulties of 'social work by telephone' in these circumstances will be discussed in Chapter Six.

Tuesday 18th August, 1992

By this time there were difficulties with regard to contact with the schooner which often did not respond to messages from either the County Council or the Foreign Office. On the other hand, children appeared to have little difficulty in communicating with their parents and informing those parents that they were happy and wished to remain on board.

A further Planning Meeting was held at Social Services, again involving the LEA and Legal Department, at which it was decided that parents ought to be given more detail of the physical abuse in 1987.

It was also agreed to try to persuade Mr PW to share his alleged concerns.

It is now believed that the boat was moored in Portuguese waters near Lisbon and that Mr TA had returned to England in order to be in a position to speak to individual parents to persuade them that all was well and any allegations were unfounded. It is probably not a coincidence that at this point Mr TC, the business associate, contacted Social Services to try to get details of the allegations. Members were also given information that Mr TC rang at least one parent to inform him of the name of the boy who was subject of the allegations. This parent rang the boy's father, Mr PW, who assured him that he had sorted it all out and would allow his son to go on further trips.

Social Services were informed that the Foreign Office, via the Consulate in Lisbon had contacted Mr TA twice, and asked him to put into port. At that point Mr TA had declined to comply with this request and the exact location of the boat was unknown. A sailor knowledgeable about the water around Lisbon will also know that the area is ideal for concealing the whereabouts of a boat of this size.

Further contact was made with Mr PW. Careful notes were made of the interchange. In order to understand the nature of the conversation the following extracts have been included:-

Mr PW *"What we're trying to say is that everyone who is involved with the expedition and the TAs are extremely fond of them and their principles. Social Services' systems can run away with things. I'm very involved with Social Services."*

SW *"Are you a Social Worker?"*

Mr PW "No".

SW "Can you reassure me that all the children are safe?"

Mr PW "I can't reassure you but it is not wise to assume that anything happened unless you have proof".

..... later "Whatever may or may not have happened to my son, he has not been involved for the last two and a half years".

SW "Would Social Services have been concerned if they had known what had happened at the time?"

Mr PW agreed that they would have been but went on to indicate that he felt professionals should be kept out at all costs; that he had more experience than most Social Workers, and that he did not believe that the systems put children's interest first.

This exchange has been replicated in some detail in that these opinions may not have been so untypical of public attitudes at the time. Media publicity does not compliment Social Services' ability to deal with child sexual abuse, as the reaction to Cleveland, Rochdale, Nottingham and the Orkneys has shown.

During the early evening of the 18th, parents were given further information about what occurred in 1987. It was felt that the incident involving the boy who fell from the bowsprit was the most serious and so parents were told about this:-

"A boy recalled an incident which occurred in the early hours of the morning. Mr TA had asked him to go out on the bowsprit and take down the jib. His friend was at the wheel. The boy was told to hurry up and when he replied, 'I am', Mr TA hit him. He stated he was struck midway between the armpit and the waist. He fell off the bowsprit and onto three or four iron stays. He said he believed he was in danger.

Our professional opinion is this was a serious physical assault. We are telling you this in absolute confidence".

Interestingly rather than convince parents of the danger, this additional information appeared to convince them that Social Services were over-reacting. Indeed, one parent commented, "it's a farce" and went on to insist that Mr TA always carried a safety net under the bowsprit. (This was not, in fact, the case but Social Workers had no way of knowing so either in 1987 or at that point in 1992).

Wednesday 19th August, 1992

By this time there was uncertainty as to whether the investigation was being conducted as a joint operation between Police and Social Services, or by Social Services alone. The official Police management line appeared to be that they should not be involved. On the other hand, the interview of the trustee's son had been conducted jointly by Police and Social Services and there was frequent informal communication between Social Services and the Police Child Protection Team. Unfortunately, this lack of clarity hampered relationships in a way which could have seriously interfered with the subsequent investigation. That it did not is almost certainly due to the professionalism of the Senior Practitioners chosen to undertake the bulk of the interviewing of children later in the investigation.

Two Social Workers interviewed a trustee and her two children. They had previously sailed with Mr TA. There was no indication that the children were likely to make allegations of abuse and the interviews were in the nature of background information gathering. Unfortunately, Social Services did not formally discuss with the Police that these interviews would take place and this led to a complaint from the Police to Social Services Department which did not improve relationships.

During the course of the day, one of the parents who had asked that his child be returned, rang to countermand this instruction. This was, he said, because he had spoken to Mr TC who had reassured him that all was well.

This left only one child whose parents had requested removal. For technical reasons, only Social Services had the address of these parents. It is interesting to note that Mr TC contacted Social Services and offered to give details of the boat's location in return for the address of this child's parents. This reinforced Social Services conviction that the parents were receiving information from other sources and that these sources were not necessarily acting in the best interests of the children. It was, of course, impossible for the boat to continue its voyage in disregard of messages from the Foreign Office if there were still parents who wished to have their child removed.

Thursday 20th August, 1992

The contents of the interview with the trustee's children were discussed with Police Child Protection first thing in the morning. Subsequently a parent rang Social Services to ascertain whether Social Services were working with the Police to investigate the allegations. This question was answered in the affirmative and the name of the liaison Police Officer given to the parent. Unfortunately, the officer indicated that the Police were not officially involved which was a correct police version of events but did little to increase the confidence of parents in Social Services.

However, it is also interesting to note that the Police in Cornwall had requested that their colleagues elsewhere visit and interview Mr PW. At this time he was still refusing to make any statement.

On the same day the trustee interviewed, who was Secretary of the Trust, had carefully gone through all the Trust papers left by Mr TA. This research uncovered a number of letters which indicated that Mr TA had involvement with at least one Schedule One Offender and possible involvement with other paedophiles. This information was passed to the Police Child Protection Team the same day.

Friday 21st August to Saturday 29th August, 1992

During this period little changed in a situation where Social Services were unable to provide more information to parents - in contrast to Mr TC and Mr TA who could freely reveal their version of events. Mr PW would reveal to neither Social Services nor the Police the nature of his concerns in 1990 and there was confusion between Cornwall Social Services and the Police as to the status of the investigation and whether or not the Police were involved. It is, perhaps, of note that this was August and that several vital and senior personnel from both Social Services and the Police were on holiday.

On the other hand, one officer from Social Services had irregular but frequent contact with a number of parents which enabled a position of more trust and more frankness to be established.

Saturday 29th August, 1992

Unknown to Social Services, CPJ returned from holiday and made contact with peer group friends. Knowledge of his return was quickly absorbed by Mr TC who invited Mr PW and his son to his home to meet with Mrs PJ and CPJ to discuss what may or may not have happened to the two boys. Subsequently, Mrs PJ has stated in oral evidence to the Members that she agreed to this meeting because she believed that it was to consider a joint approach to the authorities. At the meeting she learnt that Mr PW did not want to approach the authorities, neither did Mr TC, who had money tied up in the expeditions. They tried to persuade her that Mr TA needed help and that any approach to the authorities would result in Mrs TA and the children suffering. To her great credit, Mrs PJ did not agree to this course of action, feeling that both boys had already suffered. Instead she returned home and informed the Police.

Subsequently, Mr TA informed Social Services that Mr TC had indicated that he would keep quiet about the allegations if Mr TA left the boat with his family and allowed Mr TC to continue to run the expedition.

Monday 7th September, 1992 onwards

From the time Mrs PJ went to the Police, the picture changed.

The parents of the other children were beginning to be dissatisfied with a failure to resolve the problems and were increasingly suspicious of Mr TC's motives. Cornwall Social Services and Devon and Cornwall Police resolved their differences once information of Mrs PJ's allegation had been passed to Cornwall, and initiated a planning process which resulted in a dedicated team of two Police Officers and two Senior Practitioners interviewing over twenty children across Great Britain.

Mr PW finally revealed to other parents the abuse of his son by Mr TA.

A representative of the parents flew out to join the boat to ascertain the real feelings of the children aboard.

Social Services, at the request of the parents, arranged the flight home of all the children from Great Britain. An offer was also made to bring home Mrs TA and/or her two children. This was consistently refused.

CHAPTER 6

DISCUSSION OF QUESTIONS POSED

1. Could the initial investigation have been handled differently?

The initial investigation was characterised by third party allegations which could not be substantiated with either the original referrer or the alleged victims. Had there not already been information about the alleged abuser which significantly raised suspicion, it is likely that Social Services would have taken the same attitude as the Police - that there was nothing to investigate. An alternative may have been to approach the mother of the second boy directly. Had she lived in Cornwall, this would have been considered. Certainly it would have been possible to check background records. The fact that they did not live in Cornwall made this approach impracticable. Similarly, had the father of the first boy lived in Cornwall, this too may have improved the ability to gain trust to allow him to reveal what he knew.

There is little doubt that the legal advice given to Social Services, the Police and the Trustees, significantly influenced the action taken by each agency.

It is also likely that the fact that the allegations emerged in August, at a time when several key senior staff both in Social Services and the Police were on leave, hampered the ability to resolve communication difficulties between departments.

CONCLUSIONS

Examination of the material available now must lead to the conclusion that the initial handling of the investigation could have been planned differently. The letters examined by the Members reveal differences in approach between Police Officers and Social Workers which undermined a planning process in the early stages. However, blame for this seems to lie with failure of the normal lines of communication between Police and Social Services and a lack of clear procedures for resolving such failure. On the other hand, this Review is internal and examined only material provided by officers of the County Council together with the subjective views of individual parents and trustees. The Members are of the opinion that this is a matter which should be addressed by a multi-agency forum such as the Area Child Protection Committee.

RECOMMENDATIONS

- 15. It is recommended that the Area Child Protection Committee examines and produces a mechanism for resolving any unwillingness on the part of an agency to undertake or co-operate in an investigation of child abuse where such action has been agreed in a strategy meeting of the Area Child Protection Committee.**
- 16. It is recommended that the Area Child Protection Committee should consider whether the apparent unwillingness of the Police to investigate the allegations of child abuse in 1987 and initially in 1992 could be further examined.**

2. When information was given to parents, was it of sufficient quality to enable those parents to make correct decisions with regard to the protection of their children?

The circumstances of this investigation were that most of the parents lived outside Cornwall, and at least one set of parents was on holiday and unavailable. However, most of the parents had met Mr. TA and his wife and, for some, the acquaintance was of long standing. Some had checked his credentials with more senior officers of the Education Department. They were in possession of the 'curriculum vitae' supplied by Mr. and Mrs. TA with an impressive list of qualifications (see Appendix III). Their children had already spent time with Mr. TA and his family and other children and obviously reported back favourably. Many of the children aboard had raised some, if not all, of the money needed for the trips themselves.

Comments by the parents indicate the high level of trust they had, such as:-

"... initially my assessment of his trustability was partly based on his working for the Education Department and his having been accepted as a foster parent ..."

"... because he was a teacher, I felt he must be trustworthy ... I did not realise that all teachers are not vetted"

"... the fact that when we first met him, and for a number of years afterwards, he was employed by the LEA and was working in that capacity with youngsters, served as a de facto reference for us."

The issues which had to be considered before information could be given to parents were:-

1. Is the nature of the allegation and the perceived risk such that the parents need to be told?
2. How can the parents be given enough information to enable them to take action, if necessary, but not panic?
3. Is it possible to give information about suspicions and/or as yet unproven allegations?
4. How can it be guaranteed that the parents will not transmit the information to the alleged perpetrator so that he can either silence any witnesses or otherwise suppress evidence?

and all this in the context of telephone communication to adults about whom little or nothing was known.

The way in which Social Services chose to solve these dilemmas is outlined in the previous chapter. That the most helpful balance for many parents was not achieved is best summed up by the subsequent comments of one of them:-

"By the time we were finally told of the 1987 admissions, after a tremendous amount of worry and hours and days worth of frustrating telephone calls to both Social Services and members of the Trust, the attitude of Cornwall Social Services had been so unhelpful, fogging, blocking, and apparently concerned with its own legal protection, that the information in the revelation was totally undermined. We still took the fact that Mr. TA had continued to be employed by the LEA in a post responsible for children as evidence that the incident had not been considered of a worrying nature ..."

"With hindsight, we think they were far too conservative in telling us what they knew ... we think the possible risk of damage to an innocent man's reputation, and Social Services' concern about their legal position in that respect should have weighed very little against the potential risk to the child".

It would seem this was a 'no win' situation for Social Workers. Their very clear concerns were of sexual abuse. As the investigation progressed and information about not only Mr TA's patterns of behaviour of adopting 'favourites', but also of possible wider paedophilic connections emerged, concern about the welfare of individual children on the boat became more acute. The only proven information which could be shared freely was that of alleged violence. Social Workers thought that Mr TA had been instructed not to take children unaccompanied by another adult on his boat. Parents knew he had done so regularly which further undermined the credibility of the information given by Social Workers. Over and above all this, at least three people, Mr TA himself, Mr TC and Mr PW were able to speak freely to parents giving reassurance and acceptable explanations. But above all, the children themselves were in contact with their parents saying they were happy and did not wish to return home.

For the Social Workers, there was a clear risk which they considered parents should know about. Unfortunately the nature of the risk could not be revealed because it was as yet unproven and Social Workers were advised that such information could not be shared.

Finally, and in these early stages, concerns that information shared with parents would be discussed directly or indirectly with Mr TA by some parents were justified.

In such circumstances it is easy to imagine the frustrations of the Social Workers being heard by parents as *"agonised, exasperated and aggressive even"*.

The immediate concern of Social Services was quite properly the safety of the children, made the more urgent by the knowledge that Mr TA was aware of the fact that allegations had been made. Given hindsight, gathering more evidence before informing parents may have improved communication but Social Services did not know then, the many and various reasons for the failure to persuade parents of the risks.

KEEPING SILENT

In the Members' opinion, the possible reasons for action/inaction of the various parties involved:-

The Children Themselves

The victims of Mr TA's abuse kept their secret to themselves. There were four primary reasons. It is not possible to say which was predominant for any individual victim. The reasons were:-

1. Group Loyalty

Part of the purpose of the Trust was to induce a team spirit and inter-group reliance. Mr TA was very successful at developing this sense of group awareness among the children and young people who sailed with him. Individual victims were unwilling to speak out for fear of putting a stop to the sailing activities and thus letting down the group.

2. Fear

At least one victim was told that telling would have 'disastrous consequences'. These consequences were not spelt out and were therefore open to each individual's own interpretation. For some, it was the fear of violence from Mr TA. For others, the effect on Mrs TA and the children.

3. Privilege

The current 'favourite' (i.e. victim) had privileges unavailable to other group members including being chosen for more enjoyable activities, steering the boat, going ashore first etc, as well as being allowed to avoid the more irksome tasks on the ship's rota. They also were given presents and extra trips abroad.

4. Enmeshment

There is circumstantial evidence that Mr TA carefully selected as his victims, boys who did not reject his early advances. For example, children who felt uncomfortable with nakedness would not have been included. Mr TA offered 'massage' after a hard day's work on the boat. This activity would become more intimate if the boy did not appear upset. By a gradual process of increasing intimacy reinforced by special status, the victim became increasingly unable to escape feeling part of the sexual activity. The pattern of victimisation clearly showed that some boys were more vulnerable than others and that the less vulnerable were able to reject further advances but were not necessarily dropped from the sailing activities because Mr TA also needed a crew.

There may have been other and more subtle reasons. Those outlined may provide clues to professionals judging organised activities and the care of young people. Certainly the activities of adults with a clear pattern of favouritism among young people in their charge should be viewed with caution.

Adults Involved

Mr TA

When interviewed by Social Workers, Mr TA did not appear to accept that his activities were wrong.

Mrs TA

Little is known of the attitude of Mrs TA. To an outsider it is impossible to believe that she did not know of her husband's activities. How far she was able to minimise the extent in harm of these activities is now impossible to verify in that she has never returned to this country.

Mr TC

It appears that Mr TC was motivated, amongst other things, by a need to preserve his financial investment. How far he believed Mr TA's version of events in the early stages is unknown but he appears to have played a significant role in reassuring parents. Mr TA says that Mr TC offered to take over the boat with an alternative skipper and continue the voyage if Mr and Mrs TA left. Speculation about Mr TC's motives is possible from notes of Social Services' contact and evidence from parents; although this must be treated as speculation in the absence of information from Mr TC himself.

Mr PW

Mr PW's motivation was made clear to Social Services. He believed that he could help Mr TA and his family and prevent further abuse of children more effectively than Social Services or the Police. He is motivated by strong spiritual beliefs. Unfortunately his personal views are contrary to most accepted theoretical and practical guidance provided to professionals in sexual abuse situations and appear to have significantly hindered the progress of the investigation.

Parents

All the evidence indicates that the parents were motivated by a wish to ensure the welfare and best interests of their children. They did not receive information from authorities which had sufficient credibility to outbalance their knowledge of Mr TA and his seamanship, the views of their children, and the information they received from other sources. Once they had information which did outweigh this, they acted promptly and unitedly, not only to bring home their children but also to co-operate with the subsequent investigation.

The Crew

The Members were able to talk to a member of the crew who described how the boys on board tried to put aside the doubts they had about Mr TA's behaviour by getting on with the routine activities of sailing the boat. They also appear to have protected each other by always trying to remain as a group. By the time a parent joined the boat in Lanzarote, there appears to have been a sense of relief that they no longer had to make difficult decisions about remaining on board, or not. As one parent sensitively expressed it, "It was the end of their dream voyage but they were allowed to end it with dignity and together".

CONCLUSIONS

While this expedition and the examination of the circumstances is a single situation, the feelings of the victims and motivations of adults are replicated in other sex ring situations. The detailed analysis is provided in the hope that both parents and professionals will be able to understand how complex and mixed the motives may be of the various participants in such situations. It is also offered as a further contribution to the current debate with regard to adults' rights, parents' rights and the protection of children, where all three may conflict and a choice must be made as to which is given priority.

RECOMMENDATIONS

- 17. The County Council and its employees should be aware that activities undertaken by employees in their own time which relate to their employment regarding children, will be seen by the public as endorsed by the County Council. Employees should inform their employer of such outside/extra-curricular activities.**

3. Were the investigation and subsequent proceedings planned and carried out in the most effective and efficient way?

Once a clear allegation had been received, the investigation was carried out following the ACPC guidance for multiple abuse situations [see Appendix I (4)]. A dedicated team of two Police Officers and two Senior Practitioners undertook the onerous task of travelling throughout Great Britain to interview most of the children who had sailed with Mr TA from 1989 onwards. Once these interviews had been completed, the main thrust of the investigation was carried forward by the Police. They too were responsible for investigating the wider implications of a possible paedophile ring and distribution of pornographic material. This stage of the investigation is, therefore, outside the scope of the Inquiry. However, a number of letters have been received from parents thanking the Police and Social Services for the manner in which the investigation was handled.

"My reason for writing now is to put on record my gratitude and appreciation for the way we were treated by both Police and Social Services. All their dealings with us were extremely sensitive and sympathetic".

After each interview, parents and children were put in touch with local support networks, if they requested this help. Follow-up information regarding major developments such as the arrest of Mr TA was also sent to parents.

The investigation led, eventually, to the extradition and successful prosecution of Mr TA.

CONCLUSIONS

There is no evidence of criticism of this stage of the investigation. The investigation was slow, to some agonisingly so, primarily because Mr TA was abroad. The investigation was also costly both in staff time and travel. From Social Services any response was in addition to the normal day to day child protection work.

RECOMMENDATIONS

- 18. In any such investigation, Social Services should endeavour to make counselling available to children, young people, parents and others concerned.**

4. Are there any particular difficulties inherent in this case and, if so, what lessons have been learned?

The greatest problem posed by this case was that the children were all at sea. They were in foreign waters, came from five different countries in total and were on a five month voyage "*an adventure of a life-time*".

This was further complicated by the fact that the voyage was a commercial venture in which at least two people's livelihoods were tied up. A complication, which did not occur until early 1993, was intense press interest.

INTERNATIONAL ELEMENT

There are no child protection procedures agreed county to county, let alone with foreign countries. It was necessary to consider ways in which assistance could be sought abroad for two reasons. The first, and most obvious, was to establish contact with the boat and, in particular, the crew if they landed abroad. The second was to alert the parents of the children from outside the UK. Legal advice was that this should not be done directly as Cornwall had no legal jurisdiction over these children. A fluent French speaker within the Department was made available, should any of the parents contact Cornwall.

It was agreed that contact should be made through the Foreign Office. The Foreign Office, on initial enquiry, took the concerns most seriously and nominated a contact person who appeared to be available around the clock and at short notice. It possibly helped that the nominated contact had recently returned from the International Sail Festival at Brest. This was the first port of call for the expedition and the contact had noticed the boat there - the physical appearance of a crew of such young people was unusual.

Communication with the contact was mainly by telephone or fax and there were times of intense periods of communication. There was a full and open exchange of information with the Foreign Office who proved most adept at obtaining information from other government departments, such as the Board of Trade in relation to the qualifications of Mr and Mrs TA and certification for the boat. A factor which emerged was, for example, that Mr TA's qualifications were not as good as he stated.

Foreign Office influence seemed to vary from country to country and depended, seemingly, on historic ties between the UK and any particular country. When the boat landed at Lisbon, the Embassy staff there were most helpful. The Foreign Office was also able to establish links directly with the boat through the world-wide maritime communication centre at Portishead near Bristol. Their communication with the boat carried a weight not accorded to Cornwall's communication at a time when there were great difficulties in direct contact.

The service provided by the Foreign Office was most helpful, although whether this is a general policy of maximum assistance in these circumstances, or due to a particularly fortuitous choice of contact person, it is impossible to know.

It is also of interest that the contact with the families of foreign children either did not take place, or left them totally unconcerned. These four children remained with the boat for many more weeks.

Contact was also made with the International Social Work Office in London. It is understood that it exists to provide a liaison service between the Social Work Services of various countries. Their aid was sought, in particular, with regard to the situation of Mr and Mrs TA's own children. In the event they were unable to help and played no significant part.

MEDIA RESPONSIBILITY

Knowledge of the voyage and its problems only reached the ears of the media in January 1993, long after the UK children had returned but before Mr TA had been arrested. It appears that Radio Cornwall, in its round-up of 1992, played an interview with Mr TA, recorded before the boat had left in July. This was heard by at least one person who knew about current events and who contacted Radio Cornwall with a story of the subsequent collapse of the voyage.

In order to deal with the resultant media interest in a way which did not interfere with the ongoing investigation, senior managers of agencies within the Area Child Protection Committee met to decide what information could be released to the media, and nominated the Chair of ACPC as spokesperson. While the burden on this one person was great with over thirty individual interviews being given, the method proved helpful to both press and officers at a time when injudicious comment could have undermined the investigation.

This policy was relaxed after the trial and conviction when it was necessary to answer criticism of the action, or inaction, of individual departments. It did however lay the foundation for a relationship with the media which, even when critical, was not unfriendly.

ADVENTURE ORGANISATIONS/TRUSTEES

This investigation highlighted a lack of control over the qualifications of adults who run such schemes. While a check of Mr TA with the Police would not have revealed a criminal background, a check of Mr. TB would have revealed convictions. It may well be that Charity Commissioners should give thought to a check of prospective Trusts set up to benefit children, from the point of view not only of financial soundness but also of ensuring that all personnel are checked for possible convictions against children.

CONCLUSIONS

Hopefully, this was a unique occurrence. Sadly, however, and to quote a parent, "*paedophiles could and will be found wherever there are children*".

Such activities will continue. Changes to policy and procedure may increase the ability of agencies to identify abuse at an early stage. Education, in a general sense, may help children and adults who keep silent, report their experiences. Ultimately, responsibility lies with parents who must "*balance the value of the experiences they are able to provide for their children, against the risks involved in gaining it*".

RECOMMENDATIONS

- 19. The Department of Health should consider the extent to which Charity Commissioners should give consideration to the fitness of trustees to serve charities concerned with children's benefits.**
- 20. School Governors and Head Teachers should consider the use of training on a regular basis for updating all staff and Governors on changes to procedures and developments in child protection.**
- 21. Application to Cornwall County Council for Grant Aid to organisations engaged primarily in activities benefiting children, should be subject to consultation with the Director of Social Services and the Secretary for Education.**



APPENDICES

APPENDIX I

Relevant Procedures - Area Child Protection Committee

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DRAFT PROCEDURE

CHILD ABUSE BY A PROFESSIONAL CARING FOR CHILDREN

1987

FOR COMMENT

In the course of their practice, professionals encounter rumours or allegations of child abuse where the perpetrator is a professional colleague from their own or another discipline.

1. All such allegations should be discussed with the Joint Consultancy Team which comprises:-

County Medical Co-ordinator (Child Abuse)
Social Work Consultant (Child Protection)

2. If the allegation is such that further investigation appears necessary the Joint Consultancy Team will notify:-
 1. The Assistant Director, Social Services (Children and Family Services);
 2. A senior official of the department concerned at not less than third tier level;
 3. The Inspector in Charge of Community Services in the appropriate Police Division;
3. They will be informed that the allegation of Child Abuse has been made and given details of the alleged perpetrator together with brief details of the nature of the alleged offence.
4. A planning meeting will be held at the earliest opportunity but within 48 hours comprising the above personnel or their nominated representative; meeting to be Chaired by the Assistant Director (Child and Family Services).
5. This meeting will discuss the allegation and plan intervention and further investigation. The primary concern will be the best interest of any children who may be at risk and to identify any steps necessary to protect other children, ie attending school or elsewhere and to clarify the role of the agency for the officers concerned.
6. During the initial stages of this new procedure (say, first two years) any disagreement between members of the planning group will be referred to the Director of Social Services or other relevant Chief Officers and a representative of the Clerk and Chief Executive's Department for clarification.
7. Any investigation by the Social Services Department will be conducted according to the procedures already agreed between the Police and Social Services Department.
8. The Joint Consultancy Team will keep a written record of all such allegations.
9. The Joint Consultancy Team will present a written report to each Area Review Committee, outlining the number of allegations and the outcome of any investigations.

ALLEGED ABUSE BY A PROFESSIONAL IN CONTACT WITH CHILDREN **1992**

In the course of their practice, professionals may encounter rumours or allegations of child abuse where the alleged abuser is a professional colleague from their own or another discipline.

Definition of Professional

1. For the purpose of this procedure the professional must be employed by a constituent member of ACPC (eg Local Education Authority, Health Authority, etc.), or an organisation which has agreed to adopt this procedure (eg an independent school), and in a position of authority and trust with children.
2. The child would normally be a child encountered in the course of the person's employment but the situation of the professional's own children should also be discussed.

Immediate Action

1. Any rumour or allegation of abuse of a child by a professional should be discussed with a member of the Joint Consultancy Team.
2. This discussion will be confidential and advice will be given as to appropriate action.

Subsequent Action

1. When the allegation dictates further investigation, the Joint Consultancy Team Administrative Co-ordinator will arrange a Professional Abuse Conference.
2. This meeting will be arranged as quickly as possible bearing in mind the nature and seriousness of the allegations being made.
3. In any event, the meetings must be held within five working days of the information coming to hand.
4. Only urgent action to protect the child(ren) or to secure evidence should be taken prior to this meeting.

Professional Abuse Conference

1. The Conference will be chaired by either the Assistant Director of Social Services (Children's Services) or the Deputy Director of Social Services (Operations). In the case of the Isles of Scilly - by the Director of Social Services.
2. Where possible the conference will include the following representatives:
 - (i) A senior officer of the employing agency at not less than third tier level;
 - (ii) The Police Inspector in charge of the Child Protection Team in the appropriate Police Division;
 - (iii) A member of the Joint Consultancy Team;
 - (iv) The professional with details of the allegation or rumour;

- (v) A Principal Officer, Social Services (Intake/Child Protection), who will take responsibility for co-ordinating any planned intervention and liaise with the Deputy Assistant Director, Social Services (Intake/Child Protection Team) regarding resource issues; and
 - (vi) A legal/personnel representative as appropriate.
- N. B.** When the allegation concerns a member of staff of the Social Services consideration must be given to involving an independent investigator.
3. The purpose of the meeting will be:
- (i) To receive details of the allegation;
 - (ii) To consider any other relevant information;
 - (iii) To plan any investigation either through internal departmental arrangements or in accordance with the agreed procedures between Police and Social Services;
 - (iv) To nominate the professional who will be responsible for managing any investigation;
 - (v) To clarify other agency roles; and
 - (vi) To consider what information should be given to parents.
4. The primary concern of the conference will be the best interest of any children who may be at risk and the identification of any steps necessary to protect other children.
5. The planning of the investigation should include discussion of videoing interviews with the child(ren) whenever possible.
6. Consideration must be made as to whether or not a medical examination of the child or children is necessary. Such examination will be provided by the Medical Co-ordinators at the Joint Consultancy Team. The consent of the parent and of the child, if of an appropriate age, will be required.

Minutes

1. The meeting will be minuted by the Joint Consultancy Team Administrative Co-ordinator or Deputy.
2. The agreed Minutes will be kept by the Joint Consultancy Team after signing by the Chair.
3. One additional copy will be kept by the employing agency.
4. Recommendations only will be circulated to participants. These will be destroyed at the conclusion of the investigation.

Further Action

1. After the investigation has been planned, subsequent decisions for the conduct of the investigation will be the responsibility of the Officer designated as Manager.
2. As appropriate, these decisions will be taken in consultation with the Police.

3. In some instances it will be necessary to have a follow-up meeting. This should be arranged after discussion between the designated Manager, and the Chair.
4. Once the investigation is complete a decision as to whether or not the case should be forwarded to the Crown Prosecution Service is the responsibility of the Police.
5. Decisions as to appropriate disciplinary action rest with the employing agency.
6. A report of the investigation should be sent to the Chair of the Conference for information, to be forwarded to the Joint Consultancy Team, (See page 115, Confidentiality and Records; Distribution; Retention; Destruction).
7. One copy may be kept by the employing agency.
8. The Police and/or the employing agency will notify the Joint Consultancy Team as to the outcome of any subsequent action.

(N.B. Amendments shown in italics)

ALLEGED ABUSE BY A PROFESSIONAL IN CONTACT WITH CHILDREN

1994

In the course of their practice, professionals may encounter rumours or allegations of child abuse where the alleged abuser is a professional colleague from their own or another discipline.

Definition of Professional

1. For the purpose of this procedure the professional must be employed by a constituent member of ACPC (eg Local Education Authority, Health Authority, etc.), or an organisation which has agreed to adopt this procedure (eg an independent school), and in a position of authority and trust with children.
2. The child would normally be a child encountered in the course of the person's employment but the situation of the professional's own children should also be discussed.

Immediate Action

1. Any rumour or allegation of abuse of a child by a professional should be discussed with a member of the Joint Consultancy Team.
2. This discussion will be confidential and advice will be given as to appropriate action.

Subsequent Action

1. When the allegation dictates further investigation, the Joint Consultancy Team Administrative Co-ordinator will arrange a strategy meeting to discuss the allegations and plan action.
2. This meeting will be arranged as quickly as possible bearing in mind the nature and seriousness of the allegations being made.
3. In any event, the meetings must be held within five working days of the information coming to hand.
4. Only urgent action to protect the child(ren) or to secure evidence should be taken prior to this meeting.

Strategy Meeting: Allegation of Abuse by Professional

1. The meeting will be chaired by either the Assistant Director of Social Services (Children's Services) or the Deputy Director of Social Services (Operations). In the case of the Isles of Scilly - by the Director of Social Services.
2. Where possible the conference will include the following representatives:
 - (i) A senior officer of the employing agency at not less than third tier level;
 - (ii) The Police Sergeant in charge of the Child Protection Team in the appropriate Police Division;
 - (iii) A member of the Joint Consultancy Team;
 - (iv) The professional with details of the allegation or rumour;

- (v) A Principal Officer, Social Services (Intake/Child Protection), who will take responsibility for co-ordinating any planned intervention and liaise with the Deputy Assistant Director, Social Services (Intake/Child Protection Team) regarding resource issues.
- (vi) A legal/personnel representative as appropriate.
- (vii) *The relevant Headteacher if the professional is a teacher.*

N. B. When the allegation concerns a member of staff of the Social Services consideration must be given to involving an independent investigator.

3. The purpose of the meeting will be:

- (i) To receive details of the allegation;
- (ii) To consider any other relevant information;
- (iii) To plan any investigation either through internal departmental arrangements or in accordance with the agreed procedures between Police and Social Services;
- (iv) To nominate the professional who will be responsible for managing any investigation;
- (v) To clarify other agency roles;
- (vi) To consider what information *and support* should be given to parents *and child(ren)*.
- (vii) *To consider when and how the alleged abuser shall be informed of the allegations and the outcome of any planned investigation.*
- (viii) *To set a timetable for the investigation, if agreed necessary.*
- (ix) *To discuss the advisability of suspension during the agreed investigation.*
- (x) *To nominate a senior manager to be a point of reference and support to the professional throughout the process.*

- 4. The primary concern of the conference will be the best interest of any children who may be at risk and the identification of any steps necessary to protect other children.
- 5. The planning of the investigation should include discussion of videoing interviews with the child(ren) whenever possible.
- 6. Consideration must be made as to whether or not a medical examination of the child or children is necessary. Such examination will be provided by the Medical Co-ordinators at the Joint Consultancy Team. The consent of the parent and of the child, if of an appropriate age, will be required.