



Independent Inquiry into Child Sexual Abuse
'The Goddard Inquiry'

Introduction and guidance document for all ISC schools
January 2016

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Introduction to Goddard

BACKGROUND

The Goddard Inquiry was established in March 2015 as a full and wide-ranging public inquiry into non-recent child sexual abuse.

The Inquiry has been set up *"because of the growing evidence of organised child sexual abuse, conducted over many years, and serious allegations about the failure of some of our most important institutions to protect children from this disgusting crime."*

The Inquiry estimates one child in every 20 has been sexually abused. (*Institutional and non-institutional*).

Hon Lowell Goddard DNZM was a judge of the High Court of New Zealand and has considerable experience in leading public inquiries.

SCOPE OF INQUIRY

The Inquiry (which is a statutory inquiry with wide-ranging powers) covers England and Wales only. The Scottish government are conducting a separate inquiry which commenced in October 2015. The Historical Institutional Abuse Inquiry in Northern Ireland began in June 2015.

The Inquiry covers sexual abuse only.

The Inquiry looks within institutional bodies, both state and non-state, i.e. schools, hospitals, churches, local authorities, police, media, armed forces.

It will *"put difficult questions to politicians, bishops and other faith leaders, head teachers, police officers, regulators, inspectors, and public officials of all kinds."*

The Inquiry will also work with [Operation Hydrant](#), a national police initiative established in 2014 to oversee the investigation of non-recent child sexual abuse within institutions.

PURPOSE

The Inquiry will be *"comprehensive, inclusive and thorough"*, and will:

1. Consider the extent to which institutions have failed in their duty of care to protect children from sexual abuse and exploitation.
2. Look at how those failings have since been addressed.
3. Identify further action needed to address any failings identified.
4. Consider the steps needed in order to protect children from future abuse.
5. Publish a report with recommendations.

STRUCTURE AND WORKSTREAMS

The Inquiry will be divided into three areas of work:

1. [Research Project \(began May 2015\)](#)
 - Reviewing literature (including tabloid newspaper reports) to analyse all published work addressing institutional failures in child protection.
2. Truth Project (began October 2015)
 - Allowing victims and survivors to share their experiences without test, challenge or contradiction, and to help build a broad picture of abuse across place and time. The Inquiry has stated that 'many' accounts from victims and survivors of abuse in schools have been received.
3. Public Hearings Project (begins early 2016)
 - A conventional public inquiry with witnesses (both named individuals and representatives of a range of institutions) giving evidence under oath and being questioned. No convictions can result although allegations will be referred to the police.

The Inquiry will divide into five workstreams, each led by a member of the Inquiry panel:

1. People of prominence in public life ([Justice Lowell Goddard](#)).
2. Education and religion ([Professor Malcolm Evans](#)).
3. Criminal justice and law enforcement ([Drusilla Sharpling](#)).
4. Local authorities and voluntary organisations ([Professor Alexis Jay](#)).
5. National and private service organisations ([Ivor Frank](#)).

In November 2015 [Justice Goddard](#) announced the initial 12 investigations:

1. Children in the care of Lambeth Council.
2. Children in the care of Nottinghamshire councils.
3. Cambridge House, Knowl View and Rochdale Council.
4. Child sexual abuse in the Anglican Church.
5. Child sexual abuse in the Roman Catholic Church (the first case study being the English Benedictine congregation).
6. The sexual abuse of children in custodial institutions.
7. **Child sexual abuse in residential schools.**
8. The internet and child sexual abuse.
9. Child exploitation by organised networks.
10. The protection of children outside the United Kingdom.
11. Accountability and reparations for victims and survivors.
12. Allegations of child sexual abuse linked to Westminster.

As yet no specific schools have been named. The Inquiry will also commission research on broader educational settings including disabilities and SEN.

The Inquiry has produced a [scope of investigation into child sexual abuse in residential schools](#), which should be read.

TIMESCALES

There is no fixed timeline for the Inquiry although Justice Goddard has set the "ambitious but achievable" target of completion within five years. Some commentators believe it may be considerably longer.

HOW THE PUBLIC HEARINGS PROJECT WILL WORK

Within each workstream, the Inquiry panel will select a number of cases which appear illustrative of a pattern of institutional failings in that area.

This could relate to an institution, a group of institutions, a national organisation or a particular individual who may have been in a position to carry out sexual abuse owing to institutional failings.

It is thought there will be five such 'modular inquiries' in each workstream. That said, schools not selected under the education stream could still be called following evidence given by victims and survivors. They may also be contacted by the research arm of the Inquiry for input.

Each 'modular inquiry' will be identified and an investigation carried out. All institutions called will have to provide all relevant documentary evidence, answer questions and may be required to nominate individual representatives to give evidence in person.

If necessary, the Inquiry will compel production of evidence and attendance as a witness.

The Inquiry will then put out a general call for evidence from victims and survivors, other bodies from the same sector, regulators, non-governmental organisations, campaign groups and anyone else who wishes to feed into the Inquiry.

Testimony will be given. Victims and survivors may give evidence in public or in confidence.

The majority of proceedings will be open to the public and it is likely the public hearings will be televised.

At the conclusion of each 'modular inquiry' (4-6 weeks) participants will be able to make closing statements and file written submissions. The Inquiry panel will then consider the evidence to reach findings of fact and will publish a report as soon as possible afterwards.

Where appropriate, the Inquiry aims to issue warning letters to those who are likely to be criticised.

ISC SCHOOLS IN THE INQUIRY

Even with the November 2015 announcement that residential schools will be an initial focus, it is difficult to say at this stage when other schools will be considered by the Inquiry and who will be called to give evidence. In anticipation, every school (day as well as boarding) should read the Inquiry documentation and take steps to establish general

protocols to deal with new claims arising, being called in front of the Inquiry and handling parental and media concerns.

The Inquiry states it will be looking into investigations and court cases which have concluded and not those that are ongoing.

Any schools which have had any link to child sexual abuse or other related safeguarding matters could be called upon to give evidence.

There is also a high possibility that as the Inquiry progresses, more victims and survivors of sexual abuse might come forward with their accounts, meaning schools with no accounted history of sexual abuse could be named in proceedings and the media.

The Inquiry itself recommends that all institutions take a proactive stance and should review all files, records and procedures.

It is crucially important to note that not producing documents when requested, destroying documents, tampering with evidence or failing to attend the Inquiry when called are criminal offences. The Inquiry has confirmed that it 'trumps' data protection legislation and schools should consider the advice on [document retention issued by the Inquiry](#).

WHISTLEBLOWER PROTECTION

The Inquiry has secured strong legal [protection for whistleblowers](#) and the Attorney General and Director of Public Prosecutions have confirmed that no document or evidence provided to the Inquiry will result in, or be used in any prosecution for unlawful possession of the evidence in question.

Media Advice

At some point during the Goddard Inquiry, media and public attention will focus on schools, and given previous experience, independent schools.

All ISC schools, whether they have any history of child sexual abuse or not, should be fully aware of proceedings at the Inquiry and be prepared for press attention without warning.

This guidance, agreed by ISC's constituent Associations, is intended to provide schools with some assistance when considering how to deal with the attention that could ensue; it is not designed to be exhaustive. The sector should continue to rightly condemn all acts of child sexual abuse and make clear that many steps have been taken to ensure abuse can never take place again.

REPUTATION

Reputation is directly linked to what is actually done, not based on PR activity.

With an inquiry on a subject as serious and emotive as child sexual abuse, full transparency in public is absolutely vital. Rightly or wrongly, independent schools can be treated with mistrust by many members of the public so only a deeply authentic narrative from all schools, Associations and the ISC will be good enough.

As a public forum, news coming out of this Inquiry will be met with instant reaction. Facts might be lost in emotion and the chance to reflect will be difficult amongst the online hubbub. Most crucially, in this digital age, bad news is never lost.

It is absolutely valid that schools, as a collective across the independent and maintained sectors, form a part of this Inquiry and the inclusion of the independent schools sector in the Inquiry should never be dismissed. But as well as facing the very harsh reality of crimes committed against innocent children in schools across many decades, it is an important part of this Inquiry to look at the work which continues to be done by all schools to protect all children and treat them with unconditional positive regard.

LANGUAGE OF THE INQUIRY

Use of language when talking about abuse is incredibly important for some, and many people who have suffered at the hands of abusers dislike language which makes crimes committed some years ago sound irrelevant today. The term 'historic', especially, makes some people feel it is less important.

The Inquiry will not use the term '*historic / historical abuse*' at any point, instead preferring '**non-recent abuse**'.

It will also refer to those abused in childhood as '**victims and survivors**', reflecting that many people are more comfortable with one or the other.

The ISC and Associations will make sure that as far as possible, communications during the Inquiry reflect this and all schools are advised similarly.

STATEMENTS

In January 2014, a statement was issued by the ISC on behalf of all its member Associations. Almost two years on, the statement remains absolutely valid:

"The safety and welfare of the young people in their charge is the first and most important responsibility of our schools. The abuse of trust by a small number of predatory individuals is a matter of the very deepest regret. While these cases are largely historic, this does not in any way lessen the anguish felt by the innocent victims. Over the last 20 years independent schools have taken a key and active part in developing the present stringent regulatory regime, including detailed safeguarding procedures and regular inspection. Safeguarding now has the absolute primacy in our schools which it so obviously deserves."

David Hanson, Chief Executive of the Independent Association of Prep Schools prepared a draft statement for use in cases of non-recent sexual abuse. Again, this goes far beyond mere lip-service and is a full and true reflection of the sector as a whole:

Statements should be in the order of CARE - compassion, actions, reassurance and examples.

C - *There is no place for any form of abuse in our society and these appalling events are truly shocking. They are a stain on our society and the schools and other places where they occurred. We admire the courage of those who have come forward to talk about their experiences. It is a tragedy that for some, it is only now that they feel that they can come forward and be heard and believed. Their evidence has been critical in helping us deal with abuse.*

A - *It is our ambition that abuse in all its forms should be eradicated from our schools. To achieve that ambition, we have clear policies, much tougher regulation, inspection, training and vetting of staff. We will work tirelessly with police and other agencies to see that justice is done and would support any further measures introduced by government or the inspectorate to safeguard our children.*

R - *In addition to strict safeguards, our schools today are safe, happy environments where the focus is as much on the care and welfare of our pupils as it is on academic success. This positive culture and ethos gives our pupils the opportunity and confidence to talk openly about their concerns.*

E - *For example, the NSPCC and ChildLine are working together in our schools on staff training, but also very importantly, leading assemblies, using age-appropriate materials. Parents have been invited into these assemblies and also had discussions with staff on keeping children safe and the feedback has been hugely positive. It is this combination of tough regulation, robust systems, staff training and the education of our children that will be the key to our ambition of eradicating abuse.*

CONTACTING THE INQUIRY

The Inquiry has a dedicated hotline and website for victims and survivors to share their experience, in confidence. More details on the Inquiry (and contact details) can be found by schools, victims and survivors by visiting: www.iicsa.org.uk

SCHOOLS CALLED TO THE INQUIRY

It is likely that representatives of individual schools will be called to the Inquiry to give evidence. Whilst we do not know which schools will be called, it is assumed it will be those which have had well-documented allegations of non-recent of child sexual abuse.

Any school which believes it may be called should contact its Association(s) so that a central list is held by each Association of schools potentially requiring support.

If a school is called to give evidence, the Associations have made provision to enable the school's spokesperson to receive help and guidance about what to expect inside the Inquiry and also in the media.

INDIVIDUAL SCHOOLS IN THE MEDIA

Throughout the course of the Inquiry, even schools not called to give evidence may find themselves suddenly at the centre of media attention and there are a number of things that can be done to help manage the situation in a calm manner. No hard and fast rules will cover every circumstance, but this checklist will help the school in the circumstances and help avoid ill-informed reporting.

1. **Find out all the facts, fast.** Take control of the situation by ascertaining the basic facts behind the allegations. The last thing you want is to be told things you didn't know by a reporter. For example, if the individuals are named in the allegation, check whether they were actually pupils/staff at the school at the time. Is there any record of abuse or incident from the time? If so, what happened?
2. **Clear communication.** Only one person should speak to the press and this should be the Head, or the Chair of Governors or a senior member of staff, as agreed by the Head. Let staff know what is happening, remind them of their duty of confidentiality and advise them not to speak to reporters. If appropriate, give pupils similar instructions. Keep the Chair of Governors informed throughout.
3. **Prepare a statement.** Keep it brief, factual and correct, based upon the CARE system of statements. Include positive information relevant to the incident (precautions, rules, sanctions). Beware of sounding complacent - emphasise any appropriate action being taken. Keep it short as but take care to write with humanity. Schools may wish to check with their broker or insurer as to whether any PR costs are covered.
4. **Handling calls from reporters.** Find out what the reporter knows, wants to know and when he/she needs to know by. If necessary, ask for more time. Do not get drawn into a conversation or start answering questions off the cuff. Anything you say on the phone will be written down and could well be quoted.
5. **Use the time to check your facts.** If your statement is not yet prepared, say you need to look into the situation and that you will email or call back. If you have said

you will respond, whether by email or phone, do keep your promise and within the time agreed. It is acceptable at this point to send / read your statement. Once again, do not get drawn into a conversation.

6. **Never 'no comment'.** This phrase is not a good idea. Not only does it look like you are hiding something, it also shows you to be uncommunicative with the wider community and damages your relationship with your local media, with whom you would normally like to place positive stories about your school. However, care must be taken as comments on active criminal cases should be avoided.
7. **Answering phones.** Staff answering phones should not enter into conversations with reporters, but put them directly through to the nominated spokesperson or take name and contact details for you to call back. You might like to consider your internal policies and procedures in this regard and remind staff of their obligations.
8. **Handling reporters.** Occasionally, a journalist may pretend to be a parent. If you have someone claiming to be a parent wanting to discuss the issue, ask for their name, number and the child's name and ask to call them back. This way you can check the identity of the parent you are speaking to. A journalist may visit the school premises. Treat the journalist with courtesy and say you will get back to them by phone or email.
9. **Stick to the statement.** Correct any facts that may be wrong, but otherwise make it clear that all you want to say is the statement. Do not get trapped into conversations over which you have no control.
10. **Law breaking.** If illegal activity has taken place, the police should be informed. If they are already involved, seek their cooperation in handling press enquiries.
11. **Parents.** Let parents know by letter what has happened, if possible before any damaging publicity has appeared.

Note that you must not carry out any investigation into the substantive facts behind the allegations until such time as this action has been approved by the designated office at the local authority and/or police.

If help is needed on media handling generally, schools can contact the press departments of their Association(s) for further support and guidance.

The Girls' School Association (GSA)
Rachel Kerr - rachelkerr@gsa.uk.com

The Society of Heads
Clive Rickart - gensec@thesocietyofheads.org.uk

Headmasters' & Headmistresses' Conference (HMC)
Heidi Salmons - heidi@hmc.org.uk
Sue Bishop - sue@hmc.org.uk

Association of Governing Bodies of Independent Schools (AGBIS)
Carol Carty - comms@agbis.org.uk

Independent Association of Prep Schools (IAPS)
James Hand - jh@iaps.uk

Independent Schools' Bursars Association (ISBA)
Gillian Goode - gilliangoode@theisba.org.uk

Independent Schools Association (ISA)
Danielle Pilcher -
danielle.pilcher@isaschools.org.uk

Boarding Schools' Association (BSA)
Aileen Kane - aileen@boarding.org.uk

Welsh Independent Schools Council (WISC)
Emma Verrier - emma.verrier@welshisc.co.uk

Safeguarding

OVERVIEW OF SAFEGUARDING REGULATORY REQUIREMENTS

Arrangements must be made to safeguard and promote the welfare of pupils at a school, having regard to any statutory guidance issued by the Secretary of State. Such guidance includes Keeping Children Safe in Education and Working Together to Safeguard Children.

Examples of the requirements set out in Keeping Children Safe in Education include:

- Every school should have a designated safeguarding lead who will provide support to staff members to carry out their safeguarding duties and who will liaise closely with other services such as children's social care.
- All staff in schools and colleges must read at least part one of the guidance.
- All staff have a responsibility to identify children who may be in need of extra help or who are suffering, or are likely to suffer, significant harm.
- If there is a risk of immediate serious harm to a child a referral should be made to children's social care immediately and anybody can make a referral.
- Guidance is provided on reporting concerns about other members of staff.
- Schools should ensure there is an effective child protection policy in place together with a staff behaviour policy.
- The head teacher and all staff members should undergo child protection training which is updated regularly.

There is a legal duty on schools, in summary, to refer any person who has harmed or poses a risk of harm to a child, satisfied the harm test or received a caution or conviction for a relevant offence to the Disclosure and Barring Service (DBS). A failure to refer when the criteria are met is a criminal offence.

There is a duty to consider making a referral to the National College of Teaching and Leadership (NCTL) in cases of teacher misconduct, where for example the threshold for a DBS referral is not met.

Schools must conduct full pre-appointment and safer recruitment checks on members of staff, supply staff and the proprietor/governing body. This includes appropriate DBS checks, NCTL Prohibition Order checks and Barred List Checks.

Abuse of a position of trust is a criminal offence under the Sexual Offences Act 2003.

Schools are required to cooperate with Local Safeguarding Children Boards, including sharing information under the Children Act 2004.

Under the Early Years Foundation Stage, there are additional safeguarding requirements for the care of children from birth to five years old.

The National Minimum Standards for Boarding Schools set out additional safeguarding requirements for children for whom accommodation is provided by boarding schools.

USEFUL SAFEGUARDING DOCUMENTS

[Keeping children safe in education](#)

Statutory guidance for schools and colleges on safeguarding children and safer recruitment. This statutory guidance is for: head teachers, teachers and education staff, governing bodies, proprietors and management committees.

[Working together to safeguard children](#)

Statutory guidance on inter-agency working to safeguard and promote the welfare of children. This statutory guidance is for: local authority chief executives, directors of children's services, chairs of local safeguarding children boards (LSCBs), teachers and education staff, social workers, health service professionals, adult services, police officers, voluntary and community sector workers in contact with children and families.

[Supervision of activity with children](#)

Statutory guidance on supervising the activities of workers and volunteers with children. This statutory guidance is for: head teachers, managers, local authorities.

[Disqualification under the Childcare Act 2006](#)

Statutory guidance for schools about the employment of staff disqualified from childcare. This statutory guidance is for: local authorities, school leaders, school staff, governing bodies.

In addition there is a range of advice documents on safeguarding, including:

- [Safeguarding children who may have been trafficked](#)
- [Safeguarding children and young people who may have been affected by gang activity](#)
- [Safeguarding children and young people from sexual exploitation](#)
- [Safeguarding Disabled Children: Practice guidance](#)
- [What to do if you're worried a child is being abused: advice for practitioners](#)

Useful Resources

GODDARD INQUIRY FULL DETAILS

Web: www.iicsa.org.uk

Tel: 0800 917 1000

E: contact@iicsa.org.uk

Write: IICSA, PO Box 72289, London, SW1P 9LF

Press Tel: 020 3789 2114 / 07584 277119

Press E: pressoffice@iicsa.org.uk

Legal E: solicitors@iicsa.org.uk

GODDARD INQUIRY USEFUL DOCUMENTS

- [Full opening statement of the Goddard Inquiry](#)
- [Scope of investigation into child sexual abuse in residential schools](#)
- [Glossary of terms relating to the Inquiry](#)
- [Criteria for selection of investigations](#)
- [November 2015 update statement](#)

ACTION GROUPS

MandateNow - www.mandatenow.org.uk

A pressure group that seeks the introduction of law requiring staff to report concerns about the welfare of children (and vulnerable adults) to the local authority.

The Survivors Trust - www.thesurvivorstrust.org

National umbrella agency for 135+ voluntary sector specialist support agencies.

NWG Network - www.nwgnetwork.org

Links professionals involved in creating the best response for children and young people and their families who have become subjected to child sexual exploitation.

The National Association for People Abused in Childhood - www.napac.org.uk

UK-wide charity supporting adults who were abused in childhood.

SurvivorsUK - www.survivorsuk.org

Support and counselling for male rape and sexual abuse victims and survivors.

Respond - www.respond.org.uk

Working with children and adults with learning disabilities who have experienced abuse or trauma, as well as those who have abused others, through psychotherapy, advocacy, campaigning and other support.

School FAQs

WHAT SHOULD WE DO NOW?

All schools should prepare for Goddard. At a very minimum, documents should be retained and safeguarding procedures should be reviewed. Schools should ensure files relating to allegations or relevant complaints are easily accessible. Schools could also consider preparing a short report going back as far as is practicable showing the number of allegations / complaints, how many were upheld or dismissed, how they concluded and what lessons were learned.

If you believe you have a high chance of being named in the Inquiry, you may wish to contact one of your Associations for advice. Above all, all schools should prepare to be open, cooperative and forthcoming.

WHAT SHOULD WE DO IF AN ALLEGATION IS MADE?

In the event an allegation or claim is made, whether in reference to recent or non-recent events, schools should take account of both compliance and communication, including but not limited to:

- Refer immediately to your child protection and safeguarding policy (and any relevant statutory guidance such as KCSiE and WTSC).
- Inform the Local Authority Designated Officer (LADO), the Safeguarding Governor and, if necessary, the police. Cooperation and regular contact with agencies is key.
- Consider contacting your lawyer, or consider instructing specialist legal representation (if necessary).
- Notify the school's current insurers and, if the allegation is non-recent, also contact the insurer from that time, if different.
- Check all documentation relating to the relevant people and timescales. Do not attempt to hide or destroy any documents as this would be a serious criminal offence. When collating documentation consider alumni and past employees who may have been affected.
- Consider who else needs to be notified (for example the Charity Commission if your school is a registered charity).
- Have an internal policy on the lines of communication with staff, pupils and parents. You want to keep them informed but be careful not to prejudice any ongoing investigations (and should seek guidance from the relevant external agencies). Consider, for example, a letter to parents addressing their likely concerns, the best and most sensitive way to inform pupils etc.
- Nominate a single person to be the school's spokesperson and prepare an external statement (see media advice above).
- If you belong to a schools' Association, consider contacting them for advice (contact details above). If there are any significant developments, as far as is possible, keep all of the above updated.
- If the allegation is against an existing member of staff, follow internal procedures and actions - for example referrals - working with and seeking guidance from the LADO (and other relevant external agencies).

HOW SHOULD WE HANDLE A VICTIM OR SURVIVOR IF THEY CONTACT THE SCHOOL DIRECTLY?

There is a possibility that former pupils may make direct contact with the school instead of (or as well as) the Inquiry. Of course, everything said should be listened to in full, and if appropriate, notes taken. Do not attempt to cross-examine the caller.

Full contact details of the Goddard Inquiry's Truth Project should be provided so that the person can submit representations and the caller should be informed that this is the best place for their statement to be made.

SHOULD WE PUBLICLY SUPPORT AN ACCUSED TEACHER?

If an allegation against a teacher comes as a surprise it may feel natural to want to support this person publicly. You are likely to be put in a very difficult position, and whilst your actions are ultimately your decision, there are good reasons for saying nothing.

Recent examples have shown that as stories progress in the media, those who leapt to the defence of a person later found guilty can become a new target portrayed with poor judgement. Any comment made by a head or other senior person will be taken to be on behalf of the school, whether or not it was intended as such, and could therefore bring the school into disrepute.

CAN A CLAIM BE BROUGHT AGAINST A SCHOOL?

Victims and survivors of abuse by a teacher or another school employee may decide to bring a claim either exclusively or jointly (together with the staff member) against the school.

If a civil claim is brought against the school, the school could be liable to compensate victims and survivors for non-recent abuse if it can be shown that the school was negligent, perhaps by failing to carry out appropriate background checks on a teacher or by failing to spot and prevent the abuse. However, this could be quite difficult for a claimant to prove, particularly after several decades. Most claimants therefore rely on the fact that a school is "vicariously liable" for the actions of its employees carried out in the course of their employment.

The courts have recently broadened circumstances in which an employer can be held liable for the actions of its employees. If a teacher or other school employee abuses a pupil it is likely the school will be held vicariously liable.

IS THERE A LIMITATION PERIOD FOR CLAIMS?

The limitation period is the time within which one person may bring a civil action against another. The current rules on limitation periods in civil proceedings are complex. Different periods apply to different causes of action. Until recently, as a consequence of a House of Lords decision in a 1993 case, the law distinguished between intentionally caused injury, for which the limitation period was considered to be six years, and negligently caused injury, for which the limitation period is an extendable period of three years. People who were victims of abuse when they were children, but who did not bring

proceedings against their alleged abusers until they were much older, could find that the rules resulted in their claims being time-barred. This situation was criticised by many.

However, in a landmark ruling in January 2008, the House of Lords held that its own earlier decision was wrong and that the limitation period for intentionally caused injury (including sexual abuse cases) should also be an extendable period of three years. Judges are generally sympathetic to arguments by an alleged victim of abuse that such victims were not able to deal with what had happened or to do anything about it for many years. In practise the onus is on the school to show that it would suffer serious prejudice if the limitation period was extended. Perhaps the clearest example would be where the alleged abuser had died, so it was no longer possible for the school to obtain his/her evidence to defend the claim.

HOW DOES INSURANCE COVER A SCHOOL?

Claims for abuse of a pupil by an employee at a school will either fall under the school's public liability or professional indemnity policy. It is important to establish which applies as they are written on a different basis:

- Public liability insurance is written on a 'claims occurring' basis. This means that the insurer who was in place when the abuse occurred takes responsibility for the insurance liability. It is often difficult to establish who the insurer 20 or 30 years ago and in the event that the school is unable to establish who was the insurer the cost of defending the claim will fall on the school.
- Professional indemnity insurance, often written as part of a governor's liability policy, is written on a 'claims made' basis. This means that the insurer who is in place when the claim is made (not when the abuse happened) takes insurance responsibility.

WHAT IF A SCHOOL WAS NOT COVERED BY INSURANCE FOR A PERIOD?

If a school is concerned that it may have uninsured periods in the past, it should speak to current insurers. It is possible that current insurance will provide some period of historic cover, particularly if the school has changed insurers or moved the insured risk from professional indemnity to public liability cover - although this period of cover is unlikely to extend beyond ten years. Purchasing cover for older periods may be possible although, in the current climate, the cost may be prohibitive. It is unlikely to be available in respect of claims already notified to the school.

HOW DOES A SCHOOL DEAL WITH ALLEGATIONS OF NON-RECENT ABUSE?

It will be important to follow the school's normal safeguarding policies and procedures and have regard to the provisions of Keeping Children Safe in Education and Working Together to Safeguard Children; contact with the designated officer at the Local Authority and the police should be the first port of call.

You may also wish to obtain old records in order to ascertain whether allegations have been raised previously, by the same victim or in relation to the same alleged perpetrator. In some cases, the abuser might already have been convicted of abusing the claimant. At the other end of the spectrum, a claimant may make entirely new allegations. Sensitive

handling of any allegation is of paramount importance, but this should not be at the expense of maintaining the best interests of the school's current pupils.

CAN VICTIMS AND SURVIVORS CLAIM DAMAGES?

Victims and survivors of abuse are entitled to claim two types of damages:

- 'General Damages' are compensation for the assaults themselves and for any psychological damage which the abuse caused.
- 'Special Damages' are compensation for losses suffered as a result of the psychological damage. In particular, claimants often assert that their career has suffered as a result of the abuse and that they have therefore lost significant earnings over their whole working life. Judges tend to take a proportionate approach to these claims.

The total level of damages will be highly dependent on the facts of each case. Many cases settle before trial so there are few reported cases on which to rely.

WHAT ARE THE LEGAL COSTS?

The general rule is that the losing party will have to pay the successful party's costs. If a settlement is agreed, even before proceedings are issued, the claimant will therefore usually insist that the school or its insurers must pay at least a contribution to the claimant's costs.

CAN A SCHOOL SEEK A CONTRIBUTION FROM THE ABUSER?

A teacher or other employee who has abused a pupil remains liable for that abuse even if the victim brings a claim against the school. A school (or insurer) could involve the teacher as soon as a claim is made.

However, if it is fairly clear that the abuse happened, it can often be more straightforward to settle the claim without involving the teacher. In those circumstances the school, or its insurer, can seek to recover from the abuser the full sum paid to the claimant. Such a claim must be made within two years from the date of a settlement or a judgement against the school.

IS MANDATORY REPORTING LIKELY TO BE INTRODUCED?

Mandatory reporting will be discussed within the Inquiry and there is a possibility it could form part of Justice Goddard's recommendations. ISC and the Associations are broadly supportive of the views of the NAHT, who back a system where heads and other relevant staff are compelled to report information relating to a criminal act against a child that is brought to their attention. This approach would reinforce the principle that the welfare of children must always have primacy over the reputation of institutions. Specialist training for mandated staff would be required.

The NAHT is less supportive of wider proposals that suggest everyone is compelled to report any suspicions or concerns about welfare. International evidence suggests that this wider form of mandatory reporting can actually be detrimental to children's welfare and lengthen the period between first disclosure and protective action.

About this Document

SCOPE

This document, produced by ISC with the assistance of the Associations outlines the basics of the Goddard Inquiry. It is not a comprehensive list of dos and don'ts and is intended to provide information and generic guidance in regard to the Inquiry.

WHO SHOULD READ IT

We suggest that this document is read by:

- Head and senior school leadership.
- Bursars / human resources.
- Safeguarding lead.
- All school governors.

Schools might like to provide a shorter outline of this document to all other teachers and adults working at the school in all capacities.

PRODUCTION AND CONTACT

This document has been produced by Sunena Stoneham, Principal Legal Counsel, and Ed Holmes, Head of Media and Communications.

Updates will be issued as and when necessary during the course of the Inquiry.

For feedback and suggestions, please email ed.holmes@isc.co.uk

Independent Schools Council

t 020 7766 7070
f 020 7766 7071
First Floor
27 Queen Anne's Gate
London
SW1H 9BU
www.isc.co.uk

Constituent Associations:

Association of Governing Bodies of Independent Schools
Girls' Schools Association
Headmasters' and Headmistresses' Conference
Independent Association of Prep Schools
Independent Schools Association
The Independent Schools' Bursars Association
The Society of Heads