

*Following input from our pupils, this document now shows the Independent Review Report: Executive Summary. This includes its findings, conclusions and recommendations. The full report was first made publicly available on the School website on 21<sup>st</sup> January 2022 and remained available throughout the Lent Term. Key stakeholders - including older pupils, parents and carers, our alumni and staff - were sent the report in full.*

*If you have not viewed the full version of the document, but wish to see it, and you are an OC (former pupil) or past parent or former member of staff, please contact the Development Office ([developmentoffice@highgateschool.org.uk](mailto:developmentoffice@highgateschool.org.uk)) who will send you a copy; if you are external to the School, then please contact our Communications Department ([communications@highgateschool.org.uk](mailto:communications@highgateschool.org.uk)) who will send you a copy of the full report. Please let them know who you are and why you need a copy.*

## **HIGHGATE SCHOOL REPORT**

In April 2021 I was asked to report on sexual misconduct at Highgate School and in particular on the school's safeguarding policies and the school's response to particular cases raised with it. This followed the rapid emergence of the website "Everyone's Invited" which contained accounts of sexual abuse of schoolgirls and young women. Highgate seemed at that point to have a particular prominence on the website. There was a protest at the school by some of the current pupils and an Open Letter was sent to the Governors raising further specific incidents. Highgate decided to tackle the issues head on and to set up an independent inquiry, which it thought best headed by a retired judge. The Chairman of Governors promptly assured the school community that whatever its conclusions this report would be available in full. Counsel to the enquiry, David Lawson, was immediately instructed and has been central to all I have done. Helping us were two safeguarding experts, Ms Alex Colclough and Lando Du Plooy, both serving headteachers.

## **Executive Summary**

We set out below, in abbreviated form, we hope conveniently for the reader, what we unpick in the supporting narrative.

### **A.1 Terms of Reference.**

My Terms of Reference are to consider whether the school's policies and its handling of specific incidents were apt. They are set out in more detail in the Annex. The report deals with issues relating to peer-on-peer abuse, which were the spur to this report.

### **A.2 The author.**

After sixteen years at the criminal Bar I was appointed Queen's Counsel in 1990. On appointment to the Queen's Bench Division of the High Court in 2000 as well as criminal cases I dealt with administrative law and some civil matters. In 2011 I joined the Court of Appeal and retired from the Bench in July 2020.

### **A.3 Main findings.**

- 1.1 Highgate's policies comply with the requirements of regulation and guidance. They are however long and unwieldy and have lost clarity of expression.
- 1.2 The policies at Highgate are effective at setting structure but the culture of a school is more important for setting direction and response to challenge: "Culture eats strategy for breakfast".
- 1.3 As with other people I spoke to in the education sector Highgate had a growing awareness of peer-on-peer abuse in the years leading up to Everyone's Invited. This is a rapidly developing area, both in law and in society's attitudes. Highgate is committed to providing a safe school. As we set out below parents and pupils consider pupils are safe in school.
- 1.4 Since Everyone's Invited Highgate has increased its focus on peer-on-peer abuse, reviewing policies, working with its local authority, listening to pupils and

establishing a Director of Safeguarding post. Highgate's work in safeguarding should be pulled together into one person and one document to give that work status and focus.

- 1.5 Highgate has an educative and restorative approach to incidents and sanctions. Its approach takes account of the views of the victim, as it should. The school is astute to its investigatory duties to an alleged perpetrator and its educative duties to perpetrators. Where, however, it juggles potentially conflicting duties to two pupils it must be careful lest its duties to the perpetrator reduce effective protection for the victim. Highgate needs to move more quickly and more often to a disciplinary approach. This is of course a matter of balance and the school does not need to go so far as to give up its restorative and educative approach, where it is appropriate.
- 1.6 The school can sometimes demonstrate a lack of confidence or speed in dealing with minor incidents. This has the effect of a lack of robustness in the decision-making process and, at times, a lack of consistency in dealing with similar incidents.
- 1.7 Occasionally, a pupil who is subject to a serious report or a recent report has been recognised or rewarded. This sets the wrong tone.
- 1.8 Highgate, along with many schools, has found it difficult to manage out of school incidents. Its position lacks clarity, for example in relation to when or on what basis action can be taken against a pupil for such incidents. A girl who makes a report is offered support and counselling (often good support) but she should also understand the possible steps against the perpetrator. Highgate should also work more closely with its local authority on this layered and difficult topic.
- 1.9 Rehabilitative support for perpetrators is not always backed up by a specific plan of action. It should be.
- 1.10 Current approaches to PSHE are not always welcomed by the pupils. For example, the assembly following the murder of Sarah Everard was perceived by some girls as

badly focussed. I accept the comment of a pupil during one of my meetings with them that work in PSHE does not always extend into, and then settle into, the rest of the curriculum. Highgate is working further on the content and delivery of PSHE (personal, social and health education) and the topic is intended to sit within the remit of the new Director of Safeguarding role.

- 1.11 In terms of the management of safeguarding and policies:
  - 1.11.1 Reporting channels, currently configured differently for teaching staff and non-teaching staff, should be clarified to exclude any suggestion of separation.
  - 1.11.2 The safeguarding policy should set out in detail the processes in play once there is concern about a child.
  - 1.11.3 The Code of Conduct for staff complies with guidance, but it does not sit in a stand-alone document and therefore it can get 'lost'.
  - 1.11.4 The Head's fluent explanation of the layers of support for pupils, taken together with Highgate's relationship with the local authority, should continue aiming to embed a culture of "It could happen here".

#### **A.4 Conclusions.**

The starting point is Highgate's stance since Everyone's Invited and the Open Letter. The Head made no attempt at exculpation but promised unreservedly that it would examine what happened and try to do better. The Chairman of Governors promptly promised publication in full of this Review. In compiling it we had access to everything - document or information - we sought. The twin spirits of the school's self-criticism and commitment to improvement were striking and never wavered.

One advantage of those consistent attitudes was to win Highgate speed. The school began immediately, without waiting for this inquiry, to examine how it could protect young women in its care against any repeat of the distress recounted. As we set out below, often a deficiency we wanted Highgate to address it had already found and begun to think through. The school also more than once raised a deficiency we had not yet expressed.

Highgate started its work so quickly that it now has facts. It can look dispassionately at events not unfolding but unfolded. It also has a major resource: articulate, energetic pupils ready to help. It could turn to alumnae and alumni who have been brave enough to speak out and might contribute thoughtful rigorous analysis. Highgate may be able to contribute some of its experience to others.

As the Review progressed it became clear that Everyone's Invited and the content of the Open Letter do not describe a problem exclusive to Highgate, or to independent schools, or to schools, or to universities. These are societal problems, reflected and played out in our educational institutions by young people, and what is needed is a calm dispassionate national debate informed by fact rather than conjecture.

#### **A.5 Recommendations.**

##### **Recommendation one – Director of Safeguarding**

Highgate should appoint a Director of Safeguarding. It is important to make clear straightaway that Highgate has already made the same decision over the last year and that it did so without our input. The Director of Safeguarding in practice will doubtless work closely with the Head, but, as a member of the senior management team with authority in all safeguarding matters should, as KCSIE 2021 requires, have direct access to the Chairman of Governors or Safeguarding Governor. Each half term the Director of Safeguarding should give the safeguarding governor a brief report outlining cases of peer-on-peer abuse, analysing any patterns of such behaviour, and seeking to demonstrate the consistency of decision making. The remit should extend to the PSHE curriculum, to support services such as counselling and to the development of policy and should aim to develop and deepen Highgate's relationship with the local authority and other local safeguarding partners. Highgate has worked on integrating its provision on safeguarding but it is difficult to bring the information together. The Director of Safeguarding should ensure composition of a document setting out the whole school approach to safeguarding. Teaching commitments should be solely when necessary for the safeguarding role indeed the person might have a

professional background other than teaching, as a useful way to bring other skills to the area. The new post will help to focus the work Highgate is putting into this area.

### **Recommendation two – Whole school review days or half days**

Highgate should be prepared, when it matters, to pause the curriculum and devote an entire day or half day to staff and pupils discussing issues of particular importance – for example, a topical issue in public debate or a crisis within the school. Thematic days should help change the perception that work in PSHE does not always extend into, and then settle into, the rest of the curriculum.

### **Recommendation three – Dry run**

Highgate should undertake a series of dry runs managing particularly complex safeguarding situations. There will be a range of imaginative models, and I sketch but one possibility. A working party, controlled in number, populated, for example, by class teaching staff, current and former pupils (perhaps someone who reported on EI or in the Open Letter), parent(s), a safeguarding expert independent of Highgate, and perhaps a governor, could script a troubling situation. Without warning, that imagined problem would be referred to the safeguarding team to treat as genuine and get on with sorting it out. The outcome could be reviewed and evaluated either professionally or by the team which drew up the scenario.

### **Recommendation four – Be ready to take a disciplinary approach**

Highgate should be ready to take a prompt disciplinary approach to instances of peer-on-peer abuse. Once again, Highgate has already moved to a more interventionist approach during the course of this review. We have seen several examples in 2021 when the school took quick disciplinary steps in response to inappropriate comments and behaviour. When we put particular past reports to the school it identified cases where it could have used disciplinary approaches earlier. I agree with the judgments made by the school during this period of reflection. I accept the importance of not “criminalising” young people or making minor misconduct seem more than it is. However, the minor incident is still misconduct requiring, in some cases, a clear red line. This can still be combined with the educational approach Highgate naturally favours.

### **Recommendation five – Summary procedures**

Simple incidents can be dealt with by simple procedures, indeed perhaps only by simple procedures – a detailed procedure is impossible in every case. Where a pupil says another is guilty of misconduct towards the lower end of the range of conduct the response has to be quick and simple. That might sound a surprising recommendation from a retired judge but in fact the criminal justice system works this way, with various forms of police caution and summary trials, as well as the procedural archetype of a jury trial.

### **Recommendation six – Policy drafting**

Highgate should rewrite its suite of safeguarding policies, taking a ‘blank piece of paper’ approach with the aim of making them less repetitive, more consistent within and between policies, and more user-friendly.

The current policies are long and unwieldy. I accept Highgate’s reply that parents are entitled to see the policy actually used and there cannot be one policy for pupils and parents and one for Highgate. This is a matter not just of fairness but of contract law – people have a contractual right to know what the policy is. For these reasons I am cautious about what is possible but I note that both safeguarding experts and the local authority felt that current policies had lost focus.

### **Recommendation seven - Scheduled evaluation by dispassionate experts.**

Highgate should commission independent periodic reviews of its policies and procedures, particularly procedures. It is all too easy to draft an annexe, an amendment, an addition, without fully realising that the whole has become at its lowest unwieldy. Highgate could do this itself but might benefit from an outside view, perhaps deliberately a view from another educational environment in a different sector or area.

Both the dry run (recommendation three) and this evaluation amount to road testing. Not only is that a method commonly employed to good effect in other areas but in this context it might bring another advantage. The exercises might show just how difficult it is to navigate to a conclusion which withstands scrutiny. The greater the number of engaged individuals who understand that, the better for the protection of young lives.

### **Recommendation eight – Relationship and Sex Education (RSE) review**

Highgate should use pupils and staff together to review how RSE is designed and taught at the school. It is already doing some excellent work on relationship and sex education and it taps into a really impressive range of outside resources. However, at present neither pupils nor staff feel what is in place is succeeding. Ms Colclough and Mr Du Plooy recommend that pupils and staff together review how RSE is handled.

### **Recommendation nine– Review sixth form and out of school discipline**

Highgate should keep up to date with educational and societal developments in how to handle allegations of serious misconduct out-of-school between older pupils. Highgate should engage older pupils and their parents in discussion about school policy in this area, how it is communicated and how it will be enforced.

There is a perception that the nature of the criminal justice system and the particular delays being experienced post pandemic make people – primarily young women – increasingly reluctant to make reports to the police. Sometimes they look to other institutions to offer a disciplinary response instead. The challenges for those institutions in making determinations on such issues are considerable. These are not challenges I can resolve in this report, although I briefly discuss them below. My recommendation is that Highgate works closely with its community of pupils and parents to identify how it should keep up with developments in this area and how policy will be enforced.

### **Recommendation ten - A programme to help protect older pupils navigating relationships and socialising**

Highgate should turn to recent leavers and external bodies for help in teaching practicalities about relationships and socialising – two areas mentioned to us were how to recognise a negative relationship and how to text. “Active Bystander” training to help pupils help each other should be developed. Pupils want teaching on how to behave in relationships, and current PSHE approaches often do not seem relevant to them.



### **Recommendation eleven– Dress code**

The uniform and dress code should be reviewed through consultation with pupils, as has happened in the past. There is general support from parents that appearance should align with what is appropriate in a workplace. Staff should enforce this with training on language to use and how precise compliance needs to be. This needs to be enforced neutrally between boys and girls. There were many complaints from girls about several aspects of the uniform policy and the school should consult girls regularly on their perception of this to try to remove this tension.

### **Recommendation twelve – CPOMs**

All staff should be able to record information on CPOMs (Child Protection Online Management System). The Director of Safeguarding should consider the level of reports, aiming for a balance between entering information and overloading the system so as optimally to support analysis. The school should adopt the approach that a high level of reporting is a good thing, leading to, for example, the identification of patterns of behaviour.

### **Recommendation thirteen– Training**

The DSL<sup>1</sup> (or the new Director of Safeguarding) from now on when undergoing level 3 training should do so alongside colleagues from other agencies such as children’s social care and the police and be at regular (usually termly) local DSL network meetings.

### **Recommendation fourteen – Additional needs**

Policies and procedures should be reviewed to ensure that pupils with additional needs are well served. It was pointed out to me that pupils with a slower pace of development of social skills might find themselves ostracised for breaches of social codes they have not well understood.

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<sup>1</sup> Designated Safeguarding Lead – the person who takes lead responsibility for child protection in a school

**Recommendation fifteen – Head of House**

The Head of House system works well. No one criticised it and parents and pupils spoke positively about their Head of House taking the time to offer support. Any changes to pastoral support should keep or build on the current excellent provision in this area.

**Recommendation sixteen – Community support**

Governors and parents should support Highgate if it is to move to a faster and more robust system of discipline. Parents will need to accept a higher number of minor sanctions for misdemeanours. The governors will need to support senior staff in resisting any pressure to remove or downgrade the sanction for a particular child (although some review procedure should of course remain). Parents will need to help the school in relation to adult supervision of out-of-school parties and the availability of alcohol and / or drugs.

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