

Terms of Reference for the Independent Review into Harmful Sexual Behaviours

Introduction

In March 2021, testimonies were posted to the website “Everyone’s Invited”, about Westminster School (comprising the Great School and the Under School) (“Westminster School” or the “School”) and in other public fora about sexual harassment, harmful sexual behaviour between peers and acts of sexual violence and harm from members of the School’s Community, including school staff, both past and present. This review will be concerned with the Great School, but recognises that many of the Great School’s pupils have been educated at the Under School.

This Independent Review seeks to examine the ethos, culture and practices at the Great School (and to examine the attitudes that pupils may have upon arrival at the Great School) that may have led to or have had an influence on these behaviours and attitudes and to make recommendations to improve or alter practices where necessary.

The Independent Review primarily wishes to hear what current and past pupils have to say about the culture and ethos of the School and the changes that they consider are necessary, as well as parents and other members of the school community. The review will also hear from male and female members of staff as to the culture and prevalence of abusive behaviours. The aim of the review is to examine past practices, procedures and past incidents of sexually harmful behaviours or sexual violence and harm, to improve the ways in which the school staff, governors, pupils, parents and wider community associated with Westminster School can prevent and better deal with issues of peer-on-peer abuse, inappropriate staff behaviour, sexual harassment, misogyny, and bullying on the grounds of sex, gender or sexual orientation at the School and to learn the lessons of any past failings.

The Review will be conducted by Fiona Scolding QC (“The Reviewer”) who can appoint advisors and / or those with expertise in certain aspects of, for example, school curriculum, governance, organisation and culture, behaviour or other matters relevant to the review in order to provide advice to the reviewer. The advisors will not, however, be responsible for making decisions that remain the remit of The Reviewer. An oversight group from the School, made up primarily of Governors and former pupils and governed by a memorandum of understanding, will provide a sounding board to the Reviewer, where such is needed, and will examine progress.

Independence

The review will be conducted independently of all third parties including the Governing Body of Westminster School, the Dean and Chapter of Westminster Abbey, and any charity or person associated with the School. The Reviewer will decide how to conduct the review and upon the content of any reports.

Terms of review

The review will investigate the culture and ethos of the Great School in the recent past and currently, to examine whether the school environment and education have provided adequate protection for young people from abuse, harassment and bullying around their sex, sexual orientation and gender identity. This includes whether there is a culture of entitlement and privilege, which has then engendered bullying, sexist or harassing behaviours concerning someone’s sex, gender identity or sexual orientation. This includes, but is not limited to:

- (a) The structures and organisation of the School.
- (b) Leadership, governance, oversight and monitoring.

- (c) Policies, practices, procedures and training and if they complied with relevant statutory guidance¹, or reasonable practice in place at the time in question².
- (d) The management of and responses to safeguarding concerns, responses to them and governance of such safeguarding and child protection concerns.
- (e) Record keeping.
- (f) Parental engagement with the School on these issues
- (g) Complaint policies and action taken when complaints were made about abuse, sexism and misogyny, and other forms of bullying.
- (h) Curriculum, training, advice, guidance that adequately reflected the growing complexity of young people's lived experiences between 2000 to 2020 and in particular:
 - i. The creation, use and influence of social media by young people and the ways that this could be used for abuse of power, bullying or harassment.
 - ii. The ability of people to access indecent images and pornography over the internet and the impact that such imagery may have upon their views of sexual activity, women and consent.
 - iii. Consent, choice and power in relationships between young people, including the influence of staff members on pupils' relationships.
 - iv. An understanding of the changing expectations of young people as to the role of schools in this respect.
- (i) To identify why young people have not made reports to the School and have not felt able to report such incidents when they have taken place, including if they were concerned about the impact this would have upon their career at School or in the future.
- (j) To examine if a whistleblowing policy has existed, and if so, whether it has been used by staff, and if not, why not.
- (k) To identify if appropriate information sharing has taken place with relevant statutory bodies.

If concerns, gaps, failings or inadequacies are identified, then the Reviewer will make recommendations as to:

- (a) How the School can encourage a positive safeguarding culture where harassment, sexism, and abusive behaviours are seen as unacceptable, with appropriate action being taken when any issues arise.
- (b) How the school can take steps to ensure, as far as is reasonably practicable, that complaints, concerns or allegations concerning the issues within this term of reference are (i) reported to the School (ii) that they are dealt with appropriately by the School or an appropriate authority and (iii) that young people and staff are given the necessary support to raise these concerns and complaints and provided with adequate support following any such complaint.
- (c) How the School can alter its policies, practices, procedures, structures, organisation or leadership to eradicate, as far as possible, harassment, sexism and bullying and abuse of power on the grounds of sex, gender and sexual orientation.
- (d) How the School can amend and improve its curriculum to ensure that it is fit for purpose for the issues that young people face in respect of sex and relationships in the third decade of the 21st century.

¹ This means both Working Together to Safeguarding Children, Keeping Children Safe in Education and its forerunners

² This means reasonable practice at the time in question as set out in Statutory guidance but also guidance issued by Local Safeguarding Boards and Partnerships: in guidance issued by the ISI and OFSTED: in policy and practice guidance issued by the Department of Education and other statutory bodies: in policy and practice guidance issued by the Boarding Schools Association or HMC or the Independent Schools Council.

- (e) How the School can amend and improve its pastoral care, counselling, guidance or other forms of support and assistance to all its pupils in respect of sexism, misogyny and harassment and bullying associated with such.
- (f) Any other steps that the School should take to recognise any failings in its culture or practices in the past and to remedy them for the future.

Individual complaints / referral to statutory authorities

The review will only consider matters that concern Westminster Great School and will not determine the merits or outcome of any individual complaints made. Any individual complaints will be examined and investigated in line with the School's Safeguarding Policy. The Reviewer cannot determine if events did or did not occur or make any findings of fact as to individual reports of sexual violence or any other criminal allegations.

The Reviewer will, in line with relevant safeguarding policies, report to the relevant statutory authorities of any information they consider to:

- (a) Be of a criminal nature
- (b) Raise immediate safeguarding concerns

And will request that the school make such referrals where such is appropriate. If the school does not make such a referral, the Reviewer will have the right to make such referral.

Evidence gathering

The Reviewer will invite information (whether in oral or written form) from any organisation or individuals they consider appropriate, which will include but is not limited to:

- (a) Current and former pupils of the Great School.
- (b) Parents, carers, guardians of current and former pupils of the Great School.
- (c) Current and previous staff of the Great School.
- (d) Current and previous governors of Westminster School.
- (e) The Dean and Chapter of Westminster Abbey and past clergy and staff at the Abbey who had responsibility for aspects of life in the Great School.
- (f) Current and previous bodies that provided advice, training or input to the Great School in respect of the issues under review.
- (g) The Local Authority Designated Officer (LADO), the MASH (Multi Agency Safeguarding Hub), the Safeguarding in Schools lead manager along with the Education, Safeguarding, Review and Quality Assurance Manager for the London Borough of Westminster.
- (h) The Independent Schools Council.
- (i) The Independent Schools Inspectorate and Ofsted.
- (j) The Department of Education.
- (k) The Boarding Schools Association.
- (l) HMC.
- (m) The Charity Commission.
- (n) Governmental and non-governmental bodies, charities or civil society organisations seeking to eradicate sexism and harassment against women and the LGBTQIA+ community and to provide sex and relationship education to children and young people.

The Reviewer cannot compel the production of information or the interviewing of any individual or organisation.

The Reviewer may ask questions about the information provided to the review to corroborate, test or investigate it and may make reference to such in the final report.

Support

Support will be available for pupils via counsellors and pastoral oversight, details of which is available from Westminster Great School.

Final Report

At the conclusion of the review, the Reviewer will produce a final written report that will be provided to the Governing Body of Westminster School. To demonstrate openness and transparency, the Governing Body will publish the report, subject to any relevant legal considerations. The Reviewer will complete the report in a timely manner.

Identification

Any individual or organisation that it is proposed will be named in this report will be notified in writing of this in advance of publication and given the opportunity to comment upon applicable references before the report is finalised.

Implementation of Recommendations

The Governing Body will consider carefully the recommendations by the Reviewer and determine the manner in which any recommendations are to be taken forward and implemented, within three months of receipt of the final report by way of publishing a response identifying how any recommendations are being implemented and the timescales for such implementation.

Confidentiality

The Reviewer will keep confidential all confidential information disclosed as a result of the review and will not use or disclose the same save as set out below or as required by law.

The Reviewer will ensure that all information provided via safeguarding complaints and / or information that was subject to safeguarding investigations is kept confidential and is processed in accordance with best practice for such information.

All information submitted to the Reviewer will be held confidentially on a server that is secure and independent of the School or its governors.

Information can only be accessed by the Reviewer and any adviser and / or support staff required to view the information.

Information will always be processed in line with the Information Commissioner guidance, the Data Protection Act 2018 and GDPR.

The Reviewer will not share any evidence received by herself with the School or any other third party save where a decision has been taken to disclose information for the specific purposes set out in the terms of reference.

Any individual under the age of 18 at the time of submission of any information provided to the review will not be mentioned by name or otherwise identified in any report produced for the purposes of this review.

Any former pupil of the Great School who is over 18 at the time they submit any information to the review will not be mentioned by name or otherwise identified unless they have given their express written consent to such identification to the Reviewer.

Any other person who wishes to submit information anonymously will explain in writing at the time of submitting information why they wish to submit information anonymously and the Reviewer will consider whether they are able to agree to this or will seek further information to understand why the request has been made.

At the completion of the review, any information held by the Reviewer will be retained only as long as it is required for the purposes of the Review.

The Reviewer will not name any individuals in the published report. She may pass on the names of individuals to the School if required or necessary for safeguarding, employment or disciplinary reasons. Any allegation of those who may have committed criminal activity against another individual will be anonymised even if they have been named in other media to protect the anonymity of any victim, survivor and / or complainant and to focus upon issues rather than personalities.

The Reviewer will name all organisations in the final report save where such do not need to be named in order to fulfil the terms of reference.

Referral to statutory agencies

The Reviewer will consider the need for referral to the relevant statutory authorities of information they consider to be of a criminal nature or raise immediate safeguarding concerns. In those cases, referrals will be made to the relevant statutory bodies and this may happen without notification to the person who shared the information if such is necessary. Individuals will be notified that such referrals will be made where it is possible to do so.