

1 Wednesday, 17 March 2021

2 (10.00 am)

3 LADY SMITH: Good morning and welcome to the second day of
4 this phase of the boarding schools case study.

5 Mr Brown, I think we have a witness ready, is that
6 right?

7 MR BROWN: We do, my Lady. Today we are going to hear from
8 Janie McManus who is representing Education Scotland and
9 speaking about the Inspectorate of Education. She is
10 the only witness, and I would anticipate it's unlikely
11 we will spill into the afternoon. That is, I am afraid,
12 the nature of trying to organise people during
13 a pandemic.

14 LADY SMITH: I do appreciate that. There is no need to
15 apologise. I realise there will be some gaps but we are
16 doing our best. Thank you.

17 Good morning. Could we begin, please, by you taking
18 the oath.

19 MS JANIE MCMANUS (sworn)

20 LADY SMITH: Please do sit down and make yourself
21 comfortable. Can I just begin by checking how you would
22 like me to address you? Most people prefer to use their
23 first names, but I am happy to use Ms McManus if you
24 would be more comfortable with that, or Janie.

25 THE WITNESS: Janie.

1 LADY SMITH: Janie, I see you have a lot of folders with
2 you. If you need access to your own folders, that is
3 absolutely fine. You may, though, discover that
4 the documents that we need you to look at come up on the
5 screen and you won't need to open them. We can go
6 either way, whichever works for you.

7 Mr Brown, when you are ready.

8 Questions from MR BROWN

9 MR BROWN: Thank you, my Lady.

10 Janie, good morning.

11 A. Good morning.

12 Q. I see obviously, and I know, you have brought a large
13 tote bag full of mini files. Education Scotland
14 generates a lot of paper, it is fair to say. The
15 Inquiry with the red folders has given you essentially
16 I think the real meat of your report and the various
17 appendices.

18 Just to reassure you, this is not a memory test, and
19 it's going to be high level, just talking about
20 the generalities, so I will be largely referring to your
21 report and various other documents which will appear on
22 screen, so please don't be alarmed. But if you do need
23 to refer to your documents, please do so.

24 A. Thank you.

25 Q. You, I understand, are the Strategic Director for

1 Scrutiny at Education Scotland?

2 A. Yes.

3 Q. And that is a post you have held since August of 2018

4 having held it as an interim post from October 2017.

5 What do you do?

6 A. What do I do? So Education Scotland is a national
7 improvement agency for education, and as part of that --
8 Education Scotland came into being in 2011, and as part
9 of that, there are different teams within the
10 organisation. When the organisation came into being,
11 the inspectorate function, which was HMIE, came together
12 with Learning and Teaching Scotland.

13 Q. First thing. I think we will both establish that
14 Education Scotland and the education world has its own
15 language, and acronyms are a very common part of that
16 world, is that fair?

17 A. That is very fair.

18 Q. HMIE, Her Majesty's Inspectorate of Education. It might
19 be useful just to go through a number of the acronyms so
20 we don't have to repeat them. I think in terms of your
21 world there is CI, which is Care Inspectorate. SSSC
22 which is ...?

23 A. Scottish Social Services Council.

24 Q. We have SCIS, this is a body you deal with?

25 A. Yes.

1 Q. That is the Scottish Council --

2 A. For Independent Schools.

3 Q. In terms of dealing with schools, I think there are

4 other acronyms in terms of some of your functions.

5 QUIPE, for example?

6 A. Quality Improvement and Professional Engagement.

7 Q. And PRAISE?

8 A. PRAISE is a framework that stands for purpose,

9 relationships, information gathering -- I am on sharing

10 information ...

11 Q. We will come back to that. And the other thing that we

12 discussed in passing yesterday with the Registrar was

13 the world of PVG membership?

14 A. Yes.

15 Q. Protection of vulnerable groups. That is another thing

16 you would be engaged with, is that fair?

17 A. Yes, we are engaged with it as part of the

18 pre-registration for schools. We have a role in linking

19 with independent schools to look at their application

20 and we carry out a pre-registration visit, and as part

21 of that visit we would ask them in terms of were the

22 staff there at that time part of the PVG scheme?

23 Q. I think that is something, and we heard this yesterday,

24 that has become more of moment currently because in

25 terms of independent boarding schools, GTCS, General

1 Teaching Council for Scotland, registration is now
2 becoming mandatory as of June, and part of that is a
3 requirement to be part of the PVG scheme?

4 A. Yes, that's correct.

5 LADY SMITH: Janie, just as we complete this overview, you
6 have two types of inspection, HMIE, which you said was
7 Her Majesty's Inspectorate of Education.

8 A. Yes.

9 LADY SMITH: And CI, which is the Care Inspectorate, I think
10 you said.

11 A. Yes.

12 LADY SMITH: Am I to take it from that that the current
13 position is that the provision of education is inspected
14 separately from the provision of care for children?

15 A. Yes.

16 LADY SMITH: That has been so for a wee while, hasn't it?

17 A. Yes, it has been for a while. So my role with
18 Education Scotland, the inspection of education is the
19 area that Education Scotland looks at, and that is
20 the area that I have responsibility for, and the
21 Care Inspectorate look at the care and support.

22 LADY SMITH: Thank you.

23 MR BROWN: We will return to that.

24 LADY SMITH: I am sure we will.

25 MR BROWN: Thank you, my Lady.

1 Sorry, I have interrupted you. You were telling me
2 about your function.

3 A. Sorry, yes. And as part of that we have a separate team
4 or directorate in the organisation that carries out
5 those inspection functions, and I am responsible for
6 that directorate, and that is one of the safeguards that
7 we have as an organisation for ensuring that our
8 inspection functions are independent and impartial from
9 our other work that is carried out as the -- in the
10 organisation. Because we have teams that will work in
11 other ways, with mainly public schools, and it's just to
12 make sure that we do that.

13 So I have responsibility for that directorate and
14 for our scrutiny work, and that -- so we have scrutiny
15 activities that go across a whole range of different
16 sectors: early learning in childcare, colleges, schools,
17 so there is a whole range of work. And some of it is
18 inspection and some of it is other types of scrutiny
19 work.

20 Q. But your principal function is looking at inspections
21 and making sure that they are functioning well?

22 A. Yes.

23 Q. And obviously we will come back, and I am very grateful
24 to you, as is the Inquiry, for the report you have
25 produced which has a large amount of annex material

1 because there is a great deal of guidance available, and
2 you can take it that that has been considered and
3 obviously will be taken on board by the Inquiry. We
4 will touch on it later on this morning.

5 Going on to your personal history, though, prior to
6 working as the Strategic Director for Scrutiny, you have
7 had previous posts within Education Scotland, is that
8 correct?

9 A. That is correct, yes.

10 Q. You were Assistant Director of Education Scotland from
11 2014 to 2018, and prior to that you were in fact an
12 Inspector of Education under Education Scotland and
13 presumably HMIE in its previous guise --

14 A. Yes, in its previous --

15 Q. -- and that I think was between 2006 and 2014. And that
16 presumably, again, as we will hear later this morning,
17 was a period where there was simply massive change in
18 the way things were done?

19 A. Yes.

20 Q. And you lived through that, I take it?

21 A. (Witness nods).

22 Q. We will come back to it.

23 Prior to that, though, you have had a history of
24 education that goes back even further because you were
25 a teacher and a headteacher?

1 A. Yes.

2 Q. I think that was between January 1999 and October 2006?

3 A. Yes.

4 Q. Where did you teach?

5 A. I taught -- so I was a teacher in Gallowhill Primary in
6 Glasgow, and then I was a teacher in Condorrat Primary
7 in North Lanarkshire, and then moved on to headteacher
8 posts.

9 Q. Why did you move to the Inspectorate?

10 A. It is actually one of those areas that ever since I was
11 a teacher I was really interested in the Inspectorate,
12 and ultimately -- do you know, I have stayed in
13 education all of my career, because my passion is in
14 education and making things better for children and
15 young people. And I went through my career, teacher and
16 headteacher posts, and then was looking for something --
17 a greater challenge, and I was looking -- really
18 interested in working at a national level, and there
19 were vacancies in the Inspectorate that just came at
20 that right point and I have stayed with that since.

21 Q. Thank you. So you can speak first-hand about education
22 and inspections on both sides from essentially the late
23 1990s until now?

24 A. Yes.

25 Q. Do you have any sense of how inspection worked prior to

1 that?

2 A. I don't, I don't. Anything that we have is based on
3 records that we would have in the organisation.

4 Q. I think, in fairness again, your report to this Inquiry
5 talks about a previous regime which was introduced
6 I think in the 1990s, but really prior to that --
7 obviously the Inquiry is concerned with living memory,
8 so it goes back further.

9 So if we could start, and it may be that this is
10 from your perspective of some interest from
11 a comparative purpose. If we could look, my Lady, at --
12 sorry, this is the report that we're referring to. You
13 will recognise it.

14 A. Yes.

15 Q. Could we have, as we did yesterday for the history,
16 Professor Norrie's report which is LIT.001.001.5968 and
17 could we start at page 313.

18 This is a report, by way of background, Janie, that
19 is by Professor Kenneth Norrie of Strathclyde University
20 which looks at a great range of educational development,
21 including boarding schools, and you will see that this
22 is a section on independent boarding schools. If we
23 move down the page, we get to the coming of compulsory
24 school education which sets out, four lines down:

25 "The history of modern school education in Scotland

1 is usually traced to the Education (Scotland) Act 1872
2 which abolished the authority of the Church of
3 Scotland ... presbyteries over Scottish local schools
4 and transferred their jurisdiction to parochial school
5 boards which were secular and non-denominational. The
6 1872 Act imposed on the newly-established school boards
7 a duty to provide for every parish and borough
8 a sufficient amount of accommodation in public schools
9 available for all persons resident in such parish and
10 borough and for whose education efficient and suitable
11 provision is not otherwise made."

12 And at that stage in 1872 all teachers in public
13 schools had to be qualified and all public schools were
14 open to inspection by Her Majesty's inspectors. So 1872
15 in terms of public schools, not private schools
16 obviously, is the starting point and there was
17 inspection from the outset, I think operated, as the
18 Inquiry may have heard by, then, Scotch Education
19 Department, which in due course became the Scottish
20 Education Department, based in London and Edinburgh,
21 which in due course, with devolution, transferred to the
22 Scottish Government.

23 If we move to page 330 of Professor Norrie's report,
24 he writes:

25 "Independent schools were first subject to

1 regulation under the Education (Scotland) Acts 1945 and
2 1946 ..."

3 And quotes other work, saying:

4 "The organisation of inspection in relation to
5 independent schools is exactly the same as for public
6 schools."

7 In fact, document release to the Inquiry from the
8 Scottish Government has revealed that some of the
9 schools that we are dealing with have been the subject
10 of inspections for a great deal longer. And if we could
11 look, please, at SGV-000067151, page 1. This is
12 obviously an Scottish Education Department, SED, file in
13 relation to an independent school in Dumbarton,
14 Keil School, and registration and inspection made under
15 section 61 of the Education (Scotland) Act 1946, we can
16 see at the top right, before the file was obviously
17 closed.

18 If we go to page 2, I think we can see that in fact
19 Kintyre Technical School, as it then was, in the county
20 of Argyll, was visited on 10th day of May and the 20th
21 day of June 1923. If we run down, reference to --
22 sorry, if we go back slightly, go back up, it is quite
23 clear:

24 "HM Inspector is requested to be very careful to
25 give the full official name and status of the

1 school ..."

2 So this is clearly an inspection carried out by HMI
3 or an inspector of schools?

4 A. Of schools.

5 Q. Yes. In terms of what was said in 1923 as a comparative
6 exercise, you will see that it then reads:

7 "The number of boys on the roll on the day of the
8 visit was 55. The regular course extends over three
9 years but a few of the boys are retained for a fourth
10 year, mainly to enable them to qualify for admission to
11 the science faculty of the university."

12 That is dealing with the technical nature of the
13 organisation.

14 "At present these number five, three of whom have
15 passed preliminary examination. The school is under
16 kindly and competent management and the three assistant
17 teachers are all well qualified. The general tone of
18 the school is admirable, the boys being bright, frank
19 and evidently happy. In respect of the material
20 equipment, the premises leave nothing to be desired."

21 We then go on -- the report then continues down the
22 page to look at specific subjects. If we go on to
23 page 3, that continues. And if we run down to the very
24 bottom of page, after assessment of all the various
25 subjects, the report ends:

1 "The physical wellbeing of the boys is admirably
2 cared for and their health throughout the session has
3 been very good. Physical exercises and outdoor games
4 for which ample facilities are provided are regularly
5 practised."

6 That is dated 9 July 1923. So in two pages you have
7 a picture summary of Kintyre Technical School.

8 Would you agree that that presents a fairly clear
9 summary of what the school was about and involved?

10 A. Yes.

11 Q. Okay. If we move, please, to page 10, you will see that
12 this is dated 13 August 1927, and it is to Messrs Murray
13 Beith Murray, who we understand were the solicitors who
14 acted on behalf of what is now Keil School, and it is:

15 "Gentlemen. I am directed to transmit for the
16 information of the managers the annexed copy of the
17 report made by His Majesty's Senior Chief Inspector
18 Dr Wattie as a result of recent visits to the
19 above-named school."

20 The technical school at Dumbarton, because at this
21 stage we discover the school had moved from its original
22 premises to Dumbarton where it remained.

23 If we could move then to page 15, please, again just
24 for historic interest. Again, a letter to Messrs Murray
25 Beith Murray enclosing -- dated 13 July 1933:

1 "Gentlemen. I am directed to transmit for the
2 information of managers a copy of the report which the
3 Department has received from His Majesty's
4 Chief Inspector of Schools on Keil Technical School,
5 Dumbarton."

6 That is Mr Cornish I think we see from the stamp
7 although his signature has been redacted.

8 It would appear, therefore, that educational
9 inspection was happening on a regular basis?

10 A. In terms of our records and how regular inspection was
11 taking place, I don't have information.

12 Q. No. The point I am making is we see from this document,
13 which has been handed over by the Scottish Government,
14 clearly there are records which demonstrate that private
15 independent schools were being inspected on any view
16 yearly, because I am making a selection.

17 I think, moving on then to page 25 -- that was 1933,
18 we now move on to 1938, and it's called Keil School, and
19 this is a report as we will see, and you will be glad to
20 know I am not going to go through every aspect of it,
21 which runs for I think eight pages, obviously starting
22 with a description of the buildings and site, and it's:

23 "... a large, commodious mansion house with imposing
24 architectural appearance ..."

25 And it goes into considerable detail.

1 Next paragraph:

2 "The grounds afford ideal facilities for
3 recreational and athletic pursuits. They provide three
4 rugby pitches, crickets squares, tennis lawns in the
5 interest of organised games."

6 And then we go down to -- the staff are detailed.
7 And then boarders:

8 "87 boys aged 12 to 18 are in residence. 30 of
9 these are fee-paying, the rest foundationers.
10 Recognised accommodation of the school is in the region
11 of 90."

12 And then we have details of the daily routine.

13 On to the next page, and then we go on to welfare
14 measures which are:

15 "The services of a local doctor were engaged. He
16 makes a detailed examination of all new boys and attends
17 to cases of illness as required. Dental treatment is by
18 private arrangement made by the boys themselves.

19 "To lessen the risk of an infectious trouble being
20 carried into the schools, a certificate of health signed
21 by a parent or doctor must be presented by each boy on
22 the opening day of each term. Parents are requested not
23 to allow their boys to enter cinemas or other places of
24 entertainment immediately prior to the commencement of
25 the term and they are required to sign a statement that

1 there has not been a case of an infectious illness in
2 the house during the previous four weeks and that, to
3 their knowledge, their boy has not been exposed to any
4 infection. If the boy has been ill or in contact with
5 infectious diseases, a doctor's certificate that he is
6 free from infection must be obtained before he returns
7 to school."

8 Until perhaps 2020 that might be seen as of only
9 historical interest.

10 LADY SMITH: We now know that it is wise advice.

11 MR BROWN: Indeed.

12 Then we go on to look at the domestic arrangements,
13 which are obviously of their time. They are:

14 "... under the supervision of the headmaster's wife,
15 assisted by the cook, housekeeper and staff. The boys
16 are encouraged not to be dependent on the work of others
17 but to do as much as possible for themselves. They make
18 their beds, clean their shoes, help with the service of
19 the meals and take their part in the school orderly
20 duties, cleaning of premises, et cetera. There is
21 a system of boy government, by means of which chiefs and
22 deputy chiefs appointed by the headmaster share in the
23 responsibility of running the school. A chief and his
24 deputy are included among every ten boys."

25 Again, that is something that we may hear that Keil

1 continued to use, but is obviously faithfully recorded
2 and of note, it would appear, in 1938.

3 Over the page, we then go on to the physical
4 opportunities, and then go on to dietary requirements
5 where a sample meal schedule is given.

6 And then moving on to the top of the next page, that
7 is summarised as:

8 "The above may be regarded as an adequate diet.
9 Food is varied and of good quality. A plentiful supply
10 of fresh vegetables and fruit obtained from the school
11 garden and hot houses is provided, a daily supply of
12 11 gallons of milk ensures that each boy receives a pint
13 of milk per day."

14 Then residential accommodation which details
15 obviously every room and every service in terms of
16 lavatories in the main building, including, if we go
17 down, the number of dormitories, which we will come to
18 in more detail shortly, the number of bathrooms. Then
19 over the page, further analysis of sleeping
20 accommodation which considers, it would appear, every
21 room in terms of dimensions, the number of beds,
22 floorspace, and how much individual bed space has, with
23 analysis at the foot. Reading the last three lines:

24 "All dormitories are bright, airy and centrally
25 heated. The bedsteads and mattresses are in a good

1 condition and the coverage ample and clean. Each boy
2 has a wardrobe for his clothes and personal belongings."

3 Next page:

4 "In passing, it may be added that both buildings are
5 plentifully supplied with box rooms and drying rooms.
6 Places are thus provided for the stowing away of spare
7 luggage and for the drying of wet clothes."

8 There is then some observation about sanitary
9 equipment:

10 "In the main building, housing up to 60 boys, the
11 total fitments comprise 5 baths and 3 sprays, showers,
12 wash hand basins, 6 water closets and a urinal. The
13 number of closets is somewhat meagre and might be
14 increased as the opportunity arises. The junior house
15 provides 3 baths, 9 wash basins and 5 water closets for
16 some 30 boys. Here the number of water closets is on
17 a more adequate scale."

18 We then have precautions against fire, and halfway
19 down, after the word "Dormitory", "10", which we see at
20 the top of the screen:

21 "Another point at which the fire escape facilities
22 should be provided is the tower floor. The only
23 alternative is the wooden staircase serving the tower
24 which would be some means of escape passing down the
25 front of the main building from the sick room or one of

1 the dormitories, the former of which has an iron balcony
2 and the latter a stone balcony. The construction of
3 a stairway escape would be difficult and would greatly
4 spoil the appearance of the building. The alternative
5 seems to be a Davy's automatic fire escape but the
6 balconies are rather in the way. The provision of fire
7 escapes should, however, be taken in hand."

8 Then there is discussion of possible future
9 extension.

10 LADY SMITH: I was just thinking, Mr Brown, about the
11 detailed notes of the measurements and the dormitories
12 and trying to remember what year the regulations were
13 that actually provided for the amount of space that had
14 to be allocated to each child in the sleeping
15 facilities. That might have been about this time.

16 MR BROWN: Yes, we can follow up on that.

17 LADY SMITH: We looked at that in a much earlier case study,
18 it may have been Daughters of Charity or Sisters of
19 Nazareth. I think that would explain why they have gone
20 to that trouble.

21 MR BROWN: It may reflect though that on a practical level
22 boarding schools, though not public schools, and perhaps
23 as officially catered for, were being catered for in
24 terms of the Inspectorate, but we can --

25 LADY SMITH: Indeed.

1 MR BROWN: I am obliged, my Lady.

2 If we go then to the next page, please, and then one
3 further, please. One then comes to what is essentially
4 the summary report. If we go to the bottom of that
5 page, the final paragraph:

6 "The general tone of the school is maintained at
7 high level. For this happy state of affairs, the
8 headmaster and staff deserve special commendation ..."

9 LADY SMITH: "And also"?

10 MR BROWN: I am obliged:

11 "... and also for the successful manner in which
12 they promote social, moral and physical welfare of the
13 boys."

14 Going onto the final page:

15 "The underlying method of obtaining the co-operation
16 of the boys in the discipline of the school is both
17 novel and effective."

18 I think that is going back to the idea of chiefs
19 being responsible.

20 "A chief and deputy are appointed among every ten
21 boys and they act as supervisors of their groups in
22 ordinary daily activities, including orderly duties. An
23 important factor in the cultivation of the social and
24 physical wellbeing of the boys lies in the attention
25 given to organised games and athletics in competition

1 with other schools. The physical condition of the boys
2 is outstandingly good and bears testimony to close care
3 which is exercised over their health, interests and
4 nutritional needs. The medical attendant makes
5 a detailed examination of all new boys and is readily
6 available to treat cases of illness. To lessen the risk
7 of carriage of infectious diseases into the school, the
8 boys at the beginning of each term are required ..."

9 And it goes on in detail to summarise what we
10 touched on earlier.

11 It concludes:

12 "Expert service is engaged in the preparation of
13 meals and the food is wholesome, well-balanced and
14 generous in quantity."

15 Again, the first report in 1922 was two pages. This
16 is a report in 1938 which obviously runs to rather more
17 detail.

18 Again, just as an inspector, is that a read that you
19 understand and approve of albeit in its historical
20 context?

21 A. Sorry, could you repeat the question?

22 Q. Yes. You haven't seen this sort of report before,
23 obviously, and acknowledging its historical content, as
24 an inspector of schools and now a director, does that
25 report impress you, remembering its context?

1 A. In terms of the word "impress", I am not sure, because
2 I haven't seen -- it's the first time I am seeing it.
3 But I think what we are seeing is that the -- you can
4 see the inspector reporting elements about the school's
5 work, which may be within a -- today if we were doing it
6 we would have a framework that we'd look at and we would
7 report against a framework.

8 Q. Absolutely.

9 A. I don't know whether that was the same then.

10 Q. No, no, that is obviously -- this is an historical
11 report. But would you agree, just in terms of
12 presentation, it is clear and it is written in English
13 that is understandable?

14 A. Yes.

15 Q. It paints a clear picture of the school in a number of
16 regards?

17 A. Yes, yes.

18 Q. For completeness, if we can go very briefly to page 37.
19 You remember this was a report in November 1938. By
20 14 December, a matter of weeks later, Murray Beith are
21 writing to the Secretary of the Scottish Education
22 Department, Queen Street, Edinburgh. If we look at
23 paragraph 3:

24 "As regards a fire escape, it was decided to install
25 two ropes of the Davy type, which we understand from the

1 headmaster is what your inspector thought would be more
2 suitable."

3 So the school responded swiftly to the health and
4 safety issue, it would appear?

5 A. Yes.

6 Q. Thank you.

7 Mention was made or it referred to
8 Professor Norrie's report of the Education (Scotland)
9 Act 1946 as being the beginning. We can see obviously
10 that there was other reporting or inspection reporting
11 going on prior to the 1946 Act. But I think if we look,
12 please, at page 48, again this is the same document and
13 it's talking about Keil again. We are now moving into
14 the post-war period, 17 August 1955, and this is
15 a letter as we'll see from JS Brunton who I think was
16 the Chief Inspector in the 1950s, writing to
17 Keil School:

18 "As you may be aware, the provisions of the
19 Education (Scotland) Act 1946 supersede the provisions
20 of the education endowment scheme under which
21 Keil School has formerly been inspected."

22 So that would appear to be the route.

23 "As the school has not been inspected since 1942, it
24 is felt that another inspection should be arranged as
25 soon as convenient, either under section 61 of the Act,

1 which lays upon the Secretary of State the duty of
2 causing inspection to be made of every school at
3 appropriate intervals, or under section 62, a copy of
4 which is enclosed. There is very little difference
5 between the procedures for inspection under the two
6 sections. Inspection under section 61 is made without
7 charge to the school but no report is issued. Charge is
8 made for inspection under section 62 and a report on the
9 school is furnished to the school managers. If you
10 would prefer the inspection to be made under section 62,
11 we shall be very glad to arrange it. In that case, you
12 might please complete and return the enclosed form of
13 application."

14 I suppose what is interesting about that is, having
15 seen from the file that education inspections were, it
16 would appear, regular every few years -- wartime
17 no doubt is a factor but we will return to that -- but
18 by August 1955, 13 years had passed when inspection had
19 not been taking place, and the new Act having come into
20 force allowed an option, it would seem. The inspection
21 is the same but you have to pay for the report, it might
22 be read short.

23 I think, rather than going through the
24 correspondence, you can take it from me, because the
25 Inquiry has seen this, that the cost was a matter of

1 some import for the school in selecting whether or not
2 which sort of report was provided. It would appear,
3 having selected the section 61 option, the non-payment
4 route, if we go to page 54, nonetheless there is
5 a report, but it is a three-page report which talks in
6 very general terms.

7 Again if we go to the foot of that first page, by
8 that stage there are 96 boys in the school, some
9 fee-paying, some foundationers. It is interesting to
10 note that owing to rising costs in education, the number
11 of foundationers has fallen from 57 out of a total roll
12 of 87 in 1938-39, to 26 out of 96 in 1955-56, which
13 clearly was a factor in how the school was operating,
14 that education was becoming a more expensive thing to
15 do.

16 Again, though, having assessed -- read short -- the
17 various academic subjects, if we go to page 56, at the
18 foot there is a general summary to give a sense of the
19 school:

20 "There is a very good tone in the school, initiative
21 and responsibility are encouraged, and there is
22 an unusual form of prefect system which appears to
23 function very successfully. The bearing and conduct of
24 the boys impressed very favourably."

25 Again, I would understand from other sources that

1 that is the chief system which subsisted throughout
2 Keil's history, it still being positively approved in
3 the 1950s.

4 If we could move now to a different school briefly,
5 and SGV-000067153. This is Queen Victoria, QVS, and you
6 will see this is a report by -- an inspection report, or
7 correspondence, rather, from December 1937. Obviously
8 QVS is a distinct school in the sense that it exists to
9 educate the sons and now daughters of Scottish soldiers,
10 sailors and airmen. Is that a school you have had any
11 dealings with?

12 A. Yes.

13 Q. Yes. You will be aware obviously that it is distinct
14 from other independent boarding schools because there is
15 an MOD aspect?

16 A. Yes.

17 Q. And that clearly is what I am just highlighting for
18 completeness.

19 If we go to the letter, this is written to Mr Peck,
20 who is I think the Chief Inspector, because he is
21 operating as we will see from 14 Queen Street in
22 Edinburgh. He is making the point that after details of
23 papers that were set since December 1935, which again
24 for historical interest involve the subjects army and
25 empire and map reading.

1 If we go to the final paragraph:

2 "Colonel Maude suggests that the question of
3 a Scottish Education Department inspector occasionally
4 visiting the school with the inspecting officer from the
5 War Office should be put up to the War Office after
6 consultation with His Majesty's Commissioners."

7 That is effectively the board, the Commissioners, of
8 QVS:

9 "The headmaster has of course no objection to the
10 Scottish Inspector's visit and I suggest the matter be
11 dealt with at the Commissioners' next meeting after you
12 have had the opportunity of studying the examination
13 papers and regulations referred to in subparagraph (a)
14 above."

15 The point I think that is clear is that because of
16 the War Office, as it then was, now MOD, being
17 responsible there were separate inspections by the
18 War Office in 1933, but clearly the school was content,
19 as were the Scottish Education Department inspectors, to
20 do joint inspections, and we can see that that is what
21 happened in due course.

22 From your experience, by the time you were involved
23 with QVS, was it simply Her Majesty's Inspectors who
24 were doing the inspecting?

25 A. It was Her Majesty's Inspectors and the Care Commission

1 and then the Care Inspectorate.

2 Q. Absolutely. But MOD, War Office, inspectors had become
3 a thing of the past by your --

4 A. Yes.

5 Q. If we could go, please, to SGV-000067150. This is
6 a copy of a letter which we will see from the next page
7 is dated 9 November 1965. The detail on page 1 is not
8 of great concern, but there is reference to Mr Brunton
9 who was the inspector.

10 By that stage, if we go to the second page and the
11 penultimate paragraph, there is still -- "the point was
12 also made that The Army Educational Corp should be given
13 the opportunity to associate themselves with the
14 inspection. A copy of the letter to us is to be sent by
15 the officer commanding the RAEC."

16 So by the 1960s, there was still some involvement
17 with the military and inspections. But again, perhaps
18 in line with what we are reading about Keil, if we go
19 back to the page before, the letter starts:

20 "At the end of the quarterly meeting of the
21 Commissioners yesterday, the Commissioners were asked to
22 authorise a formal request to the Department for a full
23 inspection of the school next year."

24 Going on:

25 "It might be feasible for the Department to carry

1 out a full inspection in the autumn of 1966.

2 "The headmaster made it clear that he was primarily
3 concerned to secure an up-to-date assessment of the
4 educational efficiency of the school. He said there had
5 been no inspection for ten years and one was overdue."

6 So again it would appear, just as with Keil in the
7 50s, now with QVS in the 60s, inspection was not
8 regular, do you agree --

9 A. Yes.

10 Q. Next document, please, SGV-000067187. If we can go to
11 page 3, please. Again just for historical interest, it
12 would appear -- at the top, please, this is a report on
13 Fettes College, 3 July 1933, and it's simply to make the
14 point -- this is the Scottish Education Department --
15 that:

16 "Schools conducted under the Secondary Schools
17 (Scotland) Regulations 1923, including their primary,
18 junior and preparatory departments, and schools examined
19 in accordance with the provisions of section 19 of the
20 Education (Scotland) Act 1878."

21 So albeit that may have been for public schools, it
22 would appear that as a matter of fact there was
23 inspection of private boarding schools such as Fettes,
24 as we saw also with Keil.

25 The final historic reference in terms of

1 Scottish Government material, if we can go to -- stay on
2 SGV-000067187 but go to page 7, this is again
3 Fettes College and it is 7 October 1943. There was
4 clearly some inspection going on during wartime, but as
5 we see on page 8, the next page on, the manner of
6 reporting, if we go down to the paragraph that starts
7 "Professor Rennie ..."

8 Go back up, please:

9 "I have the honour to submit a report on teaching of
10 classics at Fettes College to which I paid a visit of
11 inspection on May 27th."

12 Professor Rennie obviously is not a name that may
13 suggest that, during wartime, inspections were being
14 carried out by persons other than inspectors for subject
15 matters such as classics. Is that possible, do you
16 think?

17 A. I -- I wouldn't know.

18 Q. Okay. But he goes on to say:

19 "Since my last visit in the first year of the war,
20 there has been little that is new to record. The school
21 suffered a severe loss in the death on active service of
22 Mr WR Evers, a young master for whom a distinguished
23 career might safely have been prophesied. Other masters
24 of proved competence are still in the forces, but the
25 school is admirably staffed and the high level of its

1 work has been well maintained."

2 Clearly there had been inspections both at the start
3 of the war and now in 1943, but the issue of staffing,
4 and we may come back to this in other areas, was
5 a problem in terms of teachers, because many would be
6 away at war, and some, as we see, tragically would be
7 killed, like Mr Evers?

8 A. Yes.

9 Q. Thank you.

10 The Act you will have been having dealing with
11 presumably is the Education (Scotland) Act 1980 which
12 introduced considerable change, although I think the
13 version you operate on has been considerably amended
14 from the original, we understand. Is that correct?

15 A. Yes.

16 Q. All right. When you began teaching in the 1990s, can
17 you remember how frequent inspection was on the
18 schoolteacher side in the 1990s?

19 A. In the 1990s we -- in the 1990s, it would be periodic in
20 terms of that. I was in two different schools and was
21 actually inspected in both those schools. But it was
22 periodic in the 1990s in terms of that, and then --
23 rather than you knew exactly when you were getting
24 inspected, so you didn't know --

25 Q. Was it quite random?

1 A. It was random.

2 Q. If we can look briefly, because obviously you were
3 working in the public sector, you can't speak about what
4 the private independent boarding schools were doing at
5 that stage. But we do have a document at Gordonstoun,
6 GOR-000003630, and I appreciate you wouldn't have seen
7 this. This is a letter from a headmaster, Mark Pyper,
8 from Gordonstoun School, and it's dated July 1996, and
9 he's writing to his parents obviously giving them
10 information about a number of things.

11 If we go to page 4, please. A number of things he
12 is talking about to his parents, and you will see after
13 the bullet point:

14 "One of the requirements of recent legislation is
15 that the school should have a child protection
16 co-ordinator. I have asked Mrs Souter, who is very
17 experienced in these matters and is now to be senior
18 headmaster, to fulfil this role. I do not at this time
19 wish to burden you with too many pieces of paper but
20 feel that you should see the basic policy statement on
21 child protection. A copy of this is enclosed."

22 From an interest point of view, 1996, child
23 protection may be seen to be becoming an interest which,
24 presumably, we can take it it wasn't before?

25 A. I wouldn't be able to comment and say if it wasn't

1 before. It may be that the policy came into being.

2 Q. I think we have seen from Keil that child welfare was
3 a matter of interest, but certainly the label of child
4 protection in the previous reports we have seen didn't
5 feature?

6 A. The terminology has changed.

7 Q. But he goes on, and this is perhaps for this part the
8 point:

9 "All of this ties in rather well with the
10 forthcoming inspection by HMI during the first month of
11 the autumn term. It is now almost 20 years since
12 Gordonstoun was last properly inspected, so we will
13 welcome the inspectors, confident they will be helpful
14 and supportive and knowing that their recent visit to
15 Aberlour House was very positive and successful."

16 Does Aberlour House mean anything to you?

17 A. That would have the accommodation, residential
18 accommodation.

19 Q. I think we will hear that was possibly a junior school
20 that fed into --

21 A. Yes, into it.

22 Q. -- Gordonstoun. All right. But it would appear that
23 there had been a very considerable gap from the 1970s
24 where there had been no full inspection. Does that
25 surprise you?

1 A. From -- I suppose from what we have in terms of our
2 records of inspection before that in terms of the
3 frequency and sampling, that we don't have really
4 detailed information around what that frequency or what
5 it -- of what happened. And in terms of what we have
6 from Gordonstoun in the first inspection report that we
7 have certainly got on file, it would be from that 1997
8 sort of period, yes. But it has varied, the frequency
9 of inspection has varied over time.

10 Q. Yes. Okay. But I think, as we have agreed, big change
11 was effected by the 1980 Education Act, albeit in terms
12 of, it would appear, practical inspection, that didn't
13 have particular impact potentially for some years.

14 If we can go back to Professor Norrie's report at
15 LIT.001.001.6313 and page 332, this is simply -- I will
16 just read it out to you because it summarises what took
17 place:

18 "The 1962 Act was replaced by the Education
19 (Scotland) Act 1980 and section 66 of the 1980 Act was
20 similarly worded to section 67 of the 1962 Act except
21 that Secretary of State was now to have the 'power' to
22 cause inspection rather than, as before, the duty to do
23 so. The definitions of 'school' and 'independent
24 school' remained as they were before. Section 66 of the
25 Education (Scotland) Act 1980 gave the

1 Secretary of State the power to cause inspection to be
2 made of every educational establishment, being a school
3 or junior school or college, at such intervals as
4 appeared to him to be appropriate. Such inspections
5 shall be made by Her Majesty's Inspectors or other
6 persons appointed by the Secretary of State for the
7 purpose."

8 What is perhaps interesting about that: prior to
9 that introduction it was a duty to inspect, now it's
10 a power to inspect. So there is less demand perhaps to
11 inspect. Do you agree with that?

12 A. I -- to be honest, I wouldn't really be able to comment
13 on it because I think from the records that we have,
14 I don't know what the frequency was sort of then, so
15 I can't really do a comparator to say it has changed or
16 it was increased or decreased.

17 LADY SMITH: I don't think that is quite the point Mr Brown
18 is interested in, Janie. It's the difference between
19 the Secretary of State who has education in his
20 portfolio being obliged to arrange inspections and him
21 having the power to do it, but not having to do it at
22 all. Quite a difference.

23 A. Yes.

24 LADY SMITH: This historical shift to move from duty to
25 power, at a time when more state interest in the quality

1 of provision in schools, whether education or indeed
2 care, was arriving on the scene, just looks a bit odd.

3 I think that is the point you are making, Mr Brown,
4 isn't it?

5 MR BROWN: I am obliged.

6 LADY SMITH: Do you see what I mean?

7 A. Yes, sorry, I picked you up wrong.

8 MR BROWN: I think that is a world away from where we are
9 currently, as we will come on to. There are very
10 positive requirements on you and Education Scotland and
11 the Inspectorate to do things, but it would appear from
12 the 1980 Act as originally enacted the pressure went
13 off.

14 A. Yes.

15 Q. Does that surprise you as an educationalist?

16 A. Sorry?

17 Q. Does that surprise you as an educationalist?

18 A. As an educationalist being in schools, and being
19 a teacher and being a headteacher, I think -- when I was
20 a teacher, because inspection was periodic, it happened
21 once in a while, your sort of priority is on getting on
22 and looking at your priorities and improving them.

23 Q. But without the input of the inspectors. You are trying
24 to run your school as best you can, putting it simply?

25 A. Yes, but you have not got that external --

1 Q. Because they don't come very often, it is sporadic. All
2 right.

3 LADY SMITH: Can you remind me when you began your teaching
4 career, Janie?

5 A. I began in 1989.

6 LADY SMITH: Thank you. Time flies.

7 A. Time flies. I am trying to think when I was at school.
8 Yes, 1989.

9 MR BROWN: What you can confirm from your experience is
10 inspection has tightened up and become much more ordered
11 in the course of your career, is that fair?

12 A. Yes.

13 Q. All right. Again returning to Professor Norrie, you
14 will see just I think four lines up from the bottom of
15 the screen:

16 "An important amendment was made to the inspection
17 regime by the Children (Scotland) Act 1995 which
18 inserted into the 1980 Act a new section 125A obliging
19 school inspectors to inspect boarding accommodation
20 (whether provided by independent schools or by other
21 schools) in order to determine whether the pupils'
22 welfare is adequately safeguarded and promoted there."

23 That would appear to tie in with the headmaster of
24 Gordonstoun's announcement to parents that child
25 protection is becoming more of an issue.

1 A. Yes.

2 Q. Again, you were working in the education sector. That
3 presumably wouldn't affect you, the need to -- because
4 there was no boarding accommodation in the schools you
5 were working with. But from your time in
6 Education Scotland and the Inspectorate, do you
7 understand why that shift took place in the mid-1990s?

8 A. Yes, I think the shift took place actually because of
9 the Children (Scotland) Act and the shift in terms of
10 child protection. And from being in school, the
11 emphasis on child protection, and looking at that as
12 well, and I suppose the shift over time on child
13 protection and welfare and now much more into wellbeing.

14 Q. Do you know why? What triggered that change of approach
15 in the mid-1990s? If you know?

16 A. No, I don't know.

17 Q. All right.

18 LADY SMITH: Wasn't it the United Nations Convention on the
19 Rights of the Child that shifted thinking?

20 A. Yes, yes.

21 LADY SMITH: And that was at least part of the explanation
22 for the overarching principle for everything that is
23 legislated for in the 1995 Act being the welfare of the
24 child, and one stops talking for example in terms of
25 rights of parents. Parents only had responsibilities in

1 relation to children after that, always bearing in mind
2 the child's welfare as the overriding consideration?

3 A. Yes.

4 MR BROWN: Taking up that point, that is one reason for
5 change. Change can also be effected because of
6 particular incidents in a given school, which sets alarm
7 bells going on a national level. Again going back to
8 the 1990s and in terms of boarding accommodation,
9 because of course boarding accommodation is in the
10 private sector but also in some of the island schools in
11 terms of the hostels. Are you aware, and if you are not
12 we can pursue this elsewhere as necessary, are you aware
13 of there being any particular incidents that caused
14 concern within the educational world?

15 A. I can't recall.

16 Q. Thank you.

17 Could we look, please, at another document,
18 SGV-000000745. You will see this is a document dated
19 November 1999 but briefly updated October 2001. It is
20 guidelines, as we will see, "Inspections for care and
21 welfare of residential pupils in primary, preparatory,
22 secondary and hostels", which confirms the point I was
23 making about boarding accommodation in the Isles, where
24 children are travelling to, say, Stornaway or Kirkwall
25 for schools from the Outer Isles, and it is an

1 HM Inspectorate of Education document.

2 This is a lengthy document but I think if we go to
3 page 3, it's a national briefing document,
4 "Specification for inspections of the care and welfare
5 of residential pupils". It sets out then the purposes
6 of inspection, which are:

7 "To provide an independent evaluation of the quality
8 and provision of the care and welfare of pupils who are
9 in residence in schools and education authority hostels.
10 Each inspection is designed to answer key questions
11 about the ethos for residential pupils of the
12 school/hostel and the links with parents and guardians
13 and the wider community, accommodation staffing and
14 resources in relation to the care and welfare of
15 residential pupils, quality of support for individual
16 pupils in residence, and the management of the care and
17 welfare of residential pupils."

18 From what you have been saying, this is a sea change
19 in terms of the focus which the Inspectorate would have
20 had. They are now, in terms of the 1995 Act and this
21 national guidance, being very specifically focused on
22 what they have to look for?

23 A. Yes.

24 Q. And would I be right in saying that this is the sort of
25 thing that you would now recognise as beginning to be on

1 par with what you are doing now?

2 A. Yes.

3 Q. All right. And then I think we see "General principles
4 of inspection" which go on -- the one that caught my eye
5 is the second bottom:

6 "The published report will be written in plain
7 English. The report will have as its principal audience
8 the parental reader and will be issued to all staff,
9 parents and guardians and other interested parties. It
10 will make clear evaluative statements about the
11 provision for the care and welfare of residential
12 pupils, it will include the key strengths and identify
13 main points for action by the school/residence and the
14 education authority/board of governors."

15 Is that something, jumping to the present, that is
16 maintained, would you agree?

17 A. Yes, because from that point until the late 80s was when
18 we started publishing the reports. Prior to that we
19 didn't publish them. But then the reports were
20 published and made publicly available for people.

21 Q. Indeed. And as I think we will see a little later this
22 morning, there was much engagement with parents and
23 teachers and specific reports for parents?

24 A. Yes.

25 Q. What about the plain English aspect?

1 A. The plain English -- plain English is in terms of the
2 training for inspectors that we do, ongoing training in
3 plain English. It can be challenging for us in terms of
4 using then educational terminology, but that is what we
5 strive to do, is write our reports particularly for
6 parents in plain English.

7 Q. Indeed. We may come back to that. Because you remember
8 when we were discussing your career, the fact that you
9 have been working as an inspector from 2006 onwards, and
10 you agreed that this was a period of great transition.
11 Putting it very simply, with devolution and the
12 day-to-day running, if you like, of education coming
13 north, to Scotland itself, is it fair to say that there
14 has been a great drive to regulate and provide
15 policies -- we will look at this obviously in more
16 detail -- for the provision of education and how it is
17 inspected, what is expected of educators?

18 A. Yes, that would be fair.

19 Q. We have national policies which gave rise to GIRFEC, and
20 assessment by SHANARRI talked about before.

21 Keeping to the plain English, would you accept that
22 this sort of policy-driven and national standards takes
23 us into language that is very different from perhaps
24 what we have -- what was dealt with before? There is
25 an educational language which you speak but perhaps

1 others don't?

2 A. Yes. I think what we have seen over times is in terms
3 of policies and guidance, and then -- I have certainly
4 seen a shift to then produce parent-friendly and
5 child-friendly documents as well. You know, what does
6 this mean for a parent, to take us into that territory,
7 but --

8 Q. Does that mean that essentially within your world, the
9 world of the Inspectorate, and presumably, by extension,
10 the world of the educator, there is a language which
11 then has to be translated into plain English for the
12 parent?

13 A. At times, yes.

14 Q. Is that helpful?

15 A. It can be challenging, but I suppose it is like any
16 profession of educators, you develop the language over
17 time. In terms of plain English, we are certainly
18 engaging much more with -- not just ourselves but in
19 different areas, engaging much more with parent bodies
20 and children groups as well, to test out the language.

21 Q. I am also interested, because you will have experienced
22 this, as policies came online, and presumably they would
23 come to you and the educators first. From your
24 experience of being a school inspector, did this
25 transition to policy-driven educational language, that

1 you understand but that has to be translated for
2 parents, cause difficulties with the schools?

3 Presumably it was a great change for them too?

4 A. I think in terms of any change in policy, any new
5 initiative, it is then working with schools to help
6 them: okay, what does this mean in practical terms in my
7 situation? And I think there is always that need, when
8 new policies are coming into place, to -- whether it's
9 training or what we call professional learning, really
10 so that -- the key point is that everyone that is
11 I suppose implementing that policy has a sort of shared
12 understanding of what does it mean, what does it mean in
13 my situation? What is the shift from what I am doing
14 now to what is being looked for?

15 Q. But presumably the practical effect within any school
16 was schools would have a way of operation that would
17 have to change to accommodate new policy?

18 A. Yes.

19 Q. Put simply, they would have to write their own policies
20 to reflect the policies in their school?

21 A. Yes, they would need to show how that policy -- they
22 were going to take that policy and implement it in their
23 own situation, taking account of particular aspects.

24 Q. Yes. Again from your experience, just speaking
25 generally, did that cause, again to be colloquial,

1 teething issues? Because it is not necessarily the most
2 straightforward thing to change your modus of operation?

3 A. I think with any national policy there will be the
4 interpretation of the policy, and actually it would
5 be -- we have seen -- I have seen examples where schools
6 have taken the policy of another school and simply put
7 it into their situation that it didn't meet, and
8 sometimes they hadn't changed the name on it either, so
9 you knew they were just lifting it from another school.

10 But I suppose the element is that to understand the
11 policy and to ensure that a policy is going to be
12 embedded in your way of working, then you really need to
13 engage with it, and I would expect in the teaching
14 profession that professionals are doing that on
15 an ongoing basis.

16 Q. From what you have just said, though, it would appear
17 that the introduction of new policies, because if one
18 school simply lifts someone else's, there is a burden
19 involved in implementing the policies in a school.
20 Presumably it creates quite a lot of work for the school
21 staff. Thinking back to when you were a headmistress,
22 you weren't being inspected regularly, you were just
23 getting on with running the school?

24 A. I wouldn't have seen it as a burden. To be honest, it
25 would be my expectation that as a headteacher in

1 a school I would be continually reviewing the policies
2 and procedures that I had in the school. I would be
3 updating them, I would be looking to see was it working
4 well enough in my school and updating it. So I wouldn't
5 see it as a burden, I would see it as that is part of my
6 duty and responsibility as a headteacher and actually of
7 the teaching staff as well.

8 Q. But all of that, given your description of it, would
9 require a considerable amount of time and effort, I take
10 it?

11 A. Yes, it would.

12 LADY SMITH: But Janie, isn't that a bit different? It is
13 one thing for you to decide yourself exercising your
14 discretion that, for example, the time has arrived for
15 the school's own policies to be reviewed and possibly
16 changed, and it's different, quite different, to have
17 imposed on the school, unplanned, a requirement to take
18 on Government policy, and then compare the Government
19 policy you are being told you have got to accommodate
20 with your existing policies to see if they have to
21 change or not, that must involve more work?

22 A. Yes, it involves -- yes, it does involve more work. But
23 as a headteacher, that would be part of what I would be
24 doing, what I would be --

25 LADY SMITH: I do understand that. But what you have been

1 doing and what you have been deciding is right for your
2 school may not accommodate what the Government now tell
3 you that you have to be doing.

4 A. Yes.

5 LADY SMITH: I think that is all Mr Brown is getting at. It
6 does seem, with respect, Janie, quite obvious that there
7 is certainly a real risk that for any individual school
8 this will be burdensome work if they are going to
9 properly accommodate the new Government policy.

10 A. Yes. Yes, it would be.

11 MR BROWN: To take that on, thinking to the period of the
12 mid-2000s, of course one of the big changes -- we just
13 looked at the requirement for the Inspectorate,
14 educational inspectors, to look at your services and
15 boarding establishments, that of course was taken away
16 I think in 2001, the Care Commission, Care Inspectorate
17 as it now is, and the creation of another body for
18 schools to deal with. You remember that, I take it --

19 A. Yes.

20 Q. -- at the time? Can you say why that happened? Do you
21 know why that happened?

22 A. I don't know why that happened.

23 Q. But it just did. And suddenly instead of one body for
24 a school to deal with, there were two, perhaps with two
25 more logical separate functions, education and then care

1 and welfare of boarding establishments and the
2 accommodation side, but that is further change that
3 schools will have to respond to. And again, to use the
4 word I selected, "burdensome" potentially, but
5 undoubtedly more work for the schools --

6 A. Yes.

7 Q. -- to respond to it and to the policies that go with the
8 two new bodies?

9 A. Yes.

10 Q. Okay. From your perspective, as an inspector of schools
11 were you ever involved in the care side, the boarding
12 side as an inspector?

13 A. As an inspector, no.

14 Q. So the 1999 revised 2001 guidelines, they were never
15 things you had to put into practice, the ones we looked
16 at giving guidance?

17 A. No. And I think those documents were guidance for --
18 from our records, were guidance for the inspection
19 teams.

20 Q. Indeed. Presumably, though, working as an inspector,
21 you were aware of people who were having to do the
22 accommodation side as well as Her Majesty's Inspectors?

23 A. Yes.

24 Q. Was there relief on their part that this had gone off to
25 what is now the Care Inspectorate and was no longer

1 their remit?

2 A. I wasn't aware of anything, I wasn't involved in any --
3 any discussions with that. I was coming in at 2006 as
4 a new inspector, but, no, I wasn't aware of any
5 discussions.

6 Q. Again just talking about policy, have you ever heard the
7 phrase "policy fatigue"?

8 A. Yes.

9 Q. Tell us about policy fatigue?

10 A. It's more so that, rather than policy, initiative
11 fatigue and policy fatigue, and I would hear that in
12 schools where there had been a lot of changes to policy,
13 or a lot of new initiatives coming on board, that
14 schools would talk about policy fatigue or initiative
15 fatigue.

16 Q. What were they meaning by that?

17 A. They were meaning that there were a number of new
18 developments that they were finding it challenging to
19 keep up with, really understanding the new developments,
20 and then look at what it would mean in their own
21 circumstances.

22 Q. How to implement them?

23 A. Yes.

24 Q. A burden perhaps?

25 A. Yes.

1 Q. When, if you can remember, has policy fatigue been an
2 issue? If it has been an issue, of course. In what
3 periods are we talking about?

4 A. I think in schools that with the implementation of
5 Curriculum for Excellence that we -- the developments in
6 the Curriculum for Excellence and the guidance, and then
7 where we had different policies coming on board as part
8 of that, that schools talked about ongoing change, that
9 they found that challenging, and thinking about that
10 particularly around the time of implementing Curriculum
11 for Excellence and becoming familiar with the
12 requirements with the curriculum and changing assessment
13 as well.

14 Q. All right.

15 A. That would be the sort of most recent.

16 Q. What about GIRFEC, Getting It Right For Every Child?

17 Did that cause concerns about policy fatigue with
18 schools, as far as you are aware?

19 A. I would say in terms of Getting It Right For Every
20 Child, it was welcomed by schools. I think they found,
21 because schools are focusing on children and young
22 people, I think they found that the emphasis of putting
23 a child at the heart of something, and even the language
24 of Getting It Right For Every Child, it resonated.

25 Q. It is not so much the policy I am talking about, it's

1 the implementation.

2 A. Yes.

3 Q. Again, with Getting It Right For Every Child, one
4 couldn't disagree with that as an aim. But the
5 implementation, from what you have been saying about new
6 policies, can be presumably administratively
7 time-consuming and burdensome, you have now agreed, for
8 a school.

9 Are you aware, for example, of concerns by schools
10 that these implementations caused tensions and impacts
11 on the relationship between teachers and the pupils that
12 creates a distance between them, for example?

13 A. I think it was more so actually taking the time to
14 understand implementation and what it would mean and
15 what the changes were. I am not aware of anything
16 between -- tension between the pupil and --

17 Q. All right. In fairness to you, perhaps the best people
18 to ask are the schools themselves, what they perceived,
19 but we can do that elsewhere.

20 Could we please now turn, finally, to your report.
21 SGV-000000738. And if we could go, please, to page 5.
22 This sets out the current legislative framework which is
23 still, as we have discussed earlier, section 66 of the
24 Education (Scotland) Act which allows inspection to be
25 made of every school, including for our purposes private

1 boarding schools.

2 If we go to 2.2, how Education Scotland operates,
3 you say:

4 "Education Scotland is an executive agency of
5 the Scottish Ministers tasked with supporting quality
6 and improvement in Scottish education and is responsible
7 for the inspection system in Scottish schools. Its
8 status as an executive agency means that it is expected
9 to operate independently and impartially whilst
10 remaining directly accountable to Scottish Ministers for
11 the standards of its work."

12 Can you explain what "independently and impartially"
13 means on a practical level?

14 A. So it predominantly sits to say that actually we are not
15 a department within Scottish Government and that -- so
16 we have a separate corporate plan that sets out our
17 priorities, they are approved by Ministers, but we will
18 develop those ourselves.

19 The area around openly and impartially is
20 particularly for our inspection functions, which means
21 that our findings aren't -- are independent from our
22 inspection work and there is not any undue influence.

23 Q. Right. Okay. The reason I asked that is -- obviously
24 we have been talking about the implementation of
25 policies, that is obviously from Government, and

1 whatever your function is, I think, as you say over the
2 page:

3 "As well as providing assurance and public
4 accountability and promoting improvements, informing the
5 development of educational policy and practice ..."

6 And that is really putting into effect what
7 Government decides is appropriate.

8 A. Yes. And what we would do is we would -- as
9 an organisation, we would provide advice for the
10 development of policy. So there might be a working
11 group with ourselves, there could be representation from
12 professional associations, there could be
13 representations from teachers in a working group, and we
14 would contribute as part of that working group.

15 Q. Okay. Policy decided by Government obviously you have
16 to implement and ensure that schools are implementing,
17 but in terms of your inspection of the schools, that is
18 independent and impartial?

19 A. Yes.

20 Q. It is not influenced. Okay.

21 Paragraph 2.3.1 over the page, "Principles of
22 inspection". You provided the appendix but I think we
23 don't need to go into the detail of it, because you set
24 out here:

25 "Education Scotland adheres to a set of overarching

1 principles for inspection and review, and these ten
2 overarching principles provide a key point of reference
3 to inform the development of any new approaches to
4 inspection or the review of any of Education Scotland's
5 existing approaches. These ten principles are
6 summarised as follows: independence, impartiality and
7 accountability; having all learners and users at the
8 heart of inspection and review; equality and diversity;
9 transparency and mutual respect; observing practice and
10 experiences directly focusing on outcomes and impact;
11 building on self-evaluation; working in partnership with
12 users of Education Scotland services and other
13 providers/scrutiny bodies; improvement and capacity
14 building; proportionality, responsiveness and assessment
15 of risk; and best value."

16 Is that the "education speak" you talk of?

17 A. Yes.

18 Q. Of those ten principles, thinking back to when you were
19 an inspector on the ground, what has changed? What from
20 then until now?

21 A. In terms of the principles?

22 Q. Yes.

23 A. So the principles were developed in 2010 and these
24 principles still stand, and we use -- these are the
25 principles that we agree when we are developing new

1 approaches to inspection, we will test them out against
2 these principles. And the principles sit above all of
3 our different scrutiny work, so each sector has
4 a framework which sits underneath those principles, and
5 that framework we test out against those principles to
6 make sure that we look at what we see.

7 Q. Okay. I think what I was asking you, though, was in
8 terms of when you were an inspector in the mid-Noughties
9 and onwards, would you recognise these ten principles or
10 was the world somewhat simpler?

11 A. The shift in terms of our principles was on building on
12 self-evaluation.

13 Q. Yes.

14 A. It was a definite shift. I would also -- being in the
15 public sector, the working in partnership element again
16 has strengthened as well. And the capacity element was
17 an area that we -- was strengthened over the time. So
18 there were some of those areas that we were certainly
19 strengthening. And best value as well on the back of
20 the Public Services Reform Act.

21 Q. What do you mean by best value?

22 A. So best value is one where, particularly when we were
23 working with other scrutiny bodies, to make sure that we
24 are not, I suppose, over-inspecting, but also that there
25 was a shift in terms of some of our footprints. Some of

1 the time we took for inspecting became shorter as well
2 in terms of the time -- not necessarily the time in
3 school, the time the inspector had to particularly write
4 the report, so we were looking at being more effective
5 and more efficient.

6 Q. Right. That is what I was going to ask, this is really
7 a drive to be more efficient?

8 A. Yes, efficient.

9 Q. Self-evaluation, I am not being dismissive, does that
10 mean that the schools are doing a lot of work in advance
11 of the inspectors coming in?

12 A. The schools have always had to evaluate their work.
13 They are not doing their work for the inspector.
14 Building on that self-evaluation, what we were asking
15 the schools to do much more was: tell us about how you
16 are evaluating your own performance, we will listen to
17 what you are saying, but we will take what you are
18 saying and we will look at other sources of evidence to
19 see if that actually stacks up.

20 Q. I see. But again, going back to when you started life,
21 was there any self-evaluation done by schools or was it
22 simply inspectors coming in and making their own
23 evaluations?

24 A. No, there was self-evaluation carried out by schools.

25 Q. That has always been present?

1 A. Yes, since I was a teacher, yes.

2 Q. Has self-evaluation by schools grown? Has it become
3 a bigger part of it, though?

4 A. Yes.

5 MR BROWN: One more document and then maybe we can then
6 break, my Lady?

7 LADY SMITH: Yes, thank you.

8 MR BROWN: Could you look, please, at SGV-000000742. This
9 is a document I imagine you are very familiar with, "How
10 good is our school?" Is it fair to say this is a set of
11 quality indicators and that the document "How good is
12 our school?" is a quality framework for assessment to
13 take place, presumably both in terms of self-evaluation
14 and by the Inspectorate themselves.

15 A. Yes.

16 Q. It gives a number of areas of the framework that are
17 important. Again, I don't wish to go through the
18 document which covers a number of areas. But one that
19 is of interest to the Inquiry is if we can go to
20 page 11, which is "Leadership and management", that part
21 of the document I think runs for six pages. Management
22 of schools is clearly a matter of some import, would you
23 agree?

24 A. Yes.

25 Q. If we go over the page, because one can see the summary

1 of the different parts. For example, 1.1
2 "Self-evaluation for self-improvement". This is the
3 first part of it, and it's aimed at presumably the
4 schools being able to test for themselves whether their
5 management is adequate, is that fair?

6 A. It is testing for the schools, how they approach
7 evaluating their own work as part of their
8 self-evaluation.

9 Q. And we see that on the right-hand side there are
10 features of highly effective practice, what presumably
11 is considered to be good practice, and then challenge
12 questions which the school should presumably ask itself
13 to assess whether that is indeed so.

14 A. Yes. So on the right-hand page what is called the
15 level 5 illustration, that is what we determine as being
16 very good practice and what every school should be able
17 to achieve, and then the features of highly effective
18 practice are just some examples of what it might look
19 like, and some challenge questions, these are just
20 examples of questions as a starter for schools to look
21 at.

22 Q. All right.

23 LADY SMITH: Janie, I know there was, and there may still
24 be, a Scottish qualification that can be undertaken for
25 headship. If I were to look at the current curriculum

1 for doing that qualification, would its content match
2 any of what is in this document about leadership?

3 A. In terms of -- I would need to look at that more closely
4 and -- I know that when we were looking at the areas in
5 terms of the qualification, we were expecting a very
6 strong emphasis on how you are improving the work of the
7 school and drawing on areas, but I would need to --
8 I could look at that and get back to you, if that would
9 be helpful?

10 LADY SMITH: That might be helpful.

11 A. I will, yes.

12 LADY SMITH: It would seem obvious that the two need to mesh
13 and I would just like to check whether they do or not.

14 Thank you.

15 A. Yes, I will do that.

16 LADY SMITH: Is that a good point to break, Mr Brown?

17 MR BROWN: If I may ask one more question.

18 Again, this is going back to your experience over
19 the last 20 years. Has the issue of leadership changed
20 in your time? Has it become something that has become
21 more focused as a matter of import?

22 A. Yes.

23 Q. So what we are seeing here, obviously this is current
24 guidance?

25 A. Yes, this is current guidance.

1 Q. Can you remember when this came in?

2 A. This version came in in 2016.

3 Q. All right. Previous versions, did they focus on
4 leadership with as much emphasis?

5 A. Previous -- the one in 2007 had a focus on leadership as
6 well. All of the -- the quality improvement frameworks
7 have always had a focus on leadership since the first
8 ones in the 1990s.

9 Q. So leadership has been understood, but has it
10 strengthened over that period from the 1990s to now?

11 A. It has adapted and changed. As the education system has
12 changed there has still been a very important focus on
13 leadership in all of the work, but it adapts and changes
14 according to the different needs of the system, how the
15 education system changes, but also in terms of the
16 changes in legislation and also the changes in policy as
17 well. So it shifts and changes, and that is --
18 I suppose that is one of the reasons why the quality and
19 improvement frameworks are reviewed and updated on
20 an ongoing basis.

21 Q. It has to be fluid?

22 A. It has to be fluid.

23 Q. Absolutely. But perhaps the change would reflect
24 changes in policy and direction?

25 A. Yes.

1 Q. And how leadership fits in with those? Compliance with
2 them, for example?

3 A. It is not necessarily compliance with them, it is also
4 in terms of the education system itself. So in terms of
5 the version of the quality framework that we are using
6 just now, that was developed in consultation with
7 representation across education as well. So we are
8 using research, we are using the views of those who are
9 delivering education, headteachers and organisations,
10 and we are also looking at policy as well. So we are
11 looking at a number of different factors.

12 MR BROWN: Thank you very much indeed.

13 LADY SMITH: Very well.

14 Janie, we usually have a break in the middle of the
15 morning about this time, so I will take the break now,
16 if that works for you as well.

17 A. Lovely.

18 LADY SMITH: And sit again in about 15 minutes or so.

19 Thank you.

20 (11.35 am)

21 (A short break)

22 (11.52 am)

23 LADY SMITH: Janie, I hope the break has been helpful to
24 you, to give you a breather. Are you ready for us to
25 carry on? Thank you.

1 Mr Brown, when you are ready.

2 MR BROWN: Could we go, please, to page 8. As I said to you
3 before, we are not going to solemnly go through every
4 page but just a number of points that I would like to
5 pick up on.

6 You will see this is talking about I think
7 inspections in public schools, it says at the bottom of
8 the page:

9 "HM Inspectors also carry out shorter, more focused
10 inspections across a sample of public schools."

11 And it goes on:

12 "HM Inspectors also evaluate the theme arrangements
13 for safeguarding including child protection, which is
14 contained within QI 2.1 'Safeguarding and Child
15 Protection'."

16 Just for clarity, when you are talking about
17 safeguarding and child protection in terms of
18 Her Majesty's Inspectorate, what are you principally
19 looking at?

20 A. So what we are principally looking at within the
21 framework that -- how good is our school framework, we
22 have a particular quality indicator that looks at
23 safeguarding and child protection. And as part of that,
24 what we look at, we look at the arrangements that the
25 school has and the approaches that a school takes in

1 terms of safeguarding and child protection. So we will
2 look at the policies that they have, and particularly
3 because this framework -- one of the areas that this
4 quality indicator was put into the framework was on the
5 basis of the national guidance of 2014.

6 So we will look at the policy that the school has,
7 we will look at the paperwork that the school has, we
8 will look -- we will check the policy against that
9 national guidance to make sure that it is in line with
10 the -- and then what we take -- we will also ask staff,
11 the child protection co-ordinator, to talk to us about
12 the policy, just to chat us through what it means
13 and how it is implemented. Then we will take a sample
14 of children's files, and we will then look at does --
15 what it says in the policy, is that reflected in what is
16 in the child's records and files?

17 Then other areas that we will look at when we are
18 looking at it is we will speak to staff, to hear from
19 them what their understanding is of the policy. We will
20 also look at whether staff have been trained. So if the
21 school tells us in the policy that staff will receive
22 regular training, we will ask the staff when they had
23 last received training in that area in child protection
24 or in safeguarding.

25 We also -- if I go back to before the inspection, we

1 also issue questionnaires to children, to staff and to
2 parents, and some of the questions in the questionnaire
3 picks up, for children, do they feel safe, do they feel
4 well? We ask them questions about behaviour as well,
5 and do they have an adult that they can share concerns
6 with. So it's a range --

7 Q. A range of things. By the sound of it, it starts off
8 as -- again, I am not being rude, it's a paper exercise,
9 you are checking documentation, but then there is
10 follow-up with pupils and staff?

11 A. Yes.

12 Q. A sort of cross-check, if you like?

13 A. Yes. I think there are three elements in it as well.
14 So before the inspection, we have a safeguarding
15 pro forma that we send to the school, so when the
16 inspection is announced we send the pro forma, and staff
17 will then -- the school will complete that, and we will
18 also discuss that with the child protection
19 co-ordinator. And then we will carry out the range of
20 evidence from the document, from the views and actually
21 what we observe.

22 So when we are in schools, so our teams are in
23 schools from Monday lunchtime to Friday lunchtime, and
24 actually we will be observing what we see happening
25 around the school as well.

1 LADY SMITH: Janie, at this stage that you have just
2 referred to of sending out a pro forma for the school to
3 complete, do you also receive back from the school the
4 completed pro forma before the physical inspection takes
5 place?

6 A. Yes, we ask for that pro forma before the inspection.

7 LADY SMITH: So a desktop assessment of the content of the
8 school's current policy can be carried out, is that
9 right?

10 A. Yes. So we will look at the pro forma when it comes in.
11 But the key element for us is then to sit down with the
12 child protection co-ordinator and discuss what is in the
13 pro forma.

14 LADY SMITH: Just going back to before you actually go to
15 the school, when you have looked at what the school have
16 told you regarding their current policies, do you also
17 assess whether those policies appear to be meeting the
18 standards that you set out in this document,
19 for example, or other regulatory standards, with a view
20 to discussing any failings on the part of the school
21 with them during the visit?

22 A. Yes. Yes. So we get -- the pro forma comes in where
23 the school has told us what it has done, and I think
24 there is an appendix in there, the type of questions we
25 ask --

1 LADY SMITH: Perhaps it is not fair for me to use the word
2 "failings", it could be gaps in what the school have
3 written in their policy.

4 A. Yes. And then, when we look at the policy, we will ask
5 them to talk us through. Getting the pro forma in first
6 also gives us a sense of particular audit trails that we
7 might want to explore just a little bit further with the
8 school.

9 LADY SMITH: Thank you.

10 MR BROWN: We will come, in terms of your report, to the
11 mechanics of inspection, but I am grateful to you for
12 that general overview.

13 233, which is still on the screen, "How schools are
14 selected for inspection":

15 "Schools are selected for inspection using
16 a sampling approach rather than a cyclical model.
17 Currently HM Inspectors carry out at least 250 school
18 inspections each academic year."

19 That is across the nation. Of those 250, how many
20 would relate to boarding schools?

21 A. So in terms of the 250, so 120 of those schools are
22 for -- to provide evidence for the Scottish Government's
23 National Improvement Framework, and that is against
24 public schools. In terms of for independent schools, it
25 varies in our sample, but what we try to do is when we

1 look at percentage-wise of schools, we try to -- do you
2 know, it's just short of 10% of public schools, and we
3 would try to look at that in terms of the independent
4 sector as well. But across the independent sector we
5 are looking at special schools, special schools with --
6 so it's the range of --

7 Q. Yes. But thinking of an independent boarding school
8 for example, one of the seven or one of the five that we
9 are now dealing with who are still actively boarding,
10 using the sampling approach and putting other factors
11 aside, how often would they expect to be inspected in
12 a decade, for example?

13 A. It may be once.

14 Q. Might it be not at all?

15 A. It might be not at all.

16 Q. All right. Obviously in terms of section 66, there is
17 no -- going back to a subject we talked about this
18 morning, there is no positive duty to inspect the
19 school, it's only when it is felt appropriate to do so,
20 is that a fair summary?

21 A. Yes.

22 Q. Is that, from your perspective, thinking of a school
23 that is inspected once in a decade or perhaps not at all
24 because of the sampling approach, is that an adequate
25 level of inspection?

1 A. It is difficult to comment on it. I think what we have
2 done is we -- I would say in the past -- over the past
3 two years that we have now stated we are going to do at
4 least 250 inspections, so that has been a shift from us,
5 but we had been criticised for frequency of inspection
6 in terms of that --

7 LADY SMITH: Criticised for frequency or for the lack of
8 frequency?

9 A. For the lack of frequency.

10 LADY SMITH: Not inspecting often enough.

11 A. Not inspecting often enough. Because that has varied
12 over a period of time, and that is -- that is one of the
13 reasons where we then came out to say, look, we will be
14 doing at least 250 inspections each year as part of the
15 sampling.

16 MR BROWN: Indeed. So that is an increase, is it?

17 A. Yes.

18 Q. From what?

19 A. That was -- so that increase had happened -- prior to
20 that, it varied year-on-year.

21 Q. What is the lowest number of inspections, if you know?

22 A. The lowest number of inspections ... (Pause). I could
23 provide that to you. I thought I had that.

24 Q. Please do. The other question of course is in terms of
25 scale, how many schools are there in Scotland to be

1 inspected?

2 A. There are around 2,000.

3 Q. Okay. Thank you. Obviously inspection can take
4 a number of forms. Normally you would announce
5 an inspection, as we see on page 9, about two and a half
6 weeks prior to the inspection taking place. Is that
7 right?

8 A. Yes.

9 Q. It is at that stage that pro formas are sent out asking
10 for paper responses in advance of the physical
11 inspection?

12 A. Yes.

13 Q. All right. Again, just taking up what her Ladyship was
14 asking, the inspection would last, if it is that sort of
15 inspection, how long?

16 A. It would last a week. We would go in Monday lunchtime
17 and finish sort of Friday lunchtime.

18 Q. From your perspective, is that considered adequate time,
19 or would you ideally want more time?

20 A. It is adequate time in terms of what we are looking at
21 and the range of quality indicators that we look at in
22 terms of our work, in terms of the time that we put in,
23 then, yes, in terms of looking at the audit trails,
24 looking at the range of documentation.

25 Q. Okay. But I think as you say in 2.3.5, which is on

1 page 9, you can also have:

2 "... unannounced inspections which take place if
3 there is a significant level of risk and where concerns
4 or complaints about an independent school have been
5 raised with the Registrar ..."

6 And we heard from the Registrar yesterday.

7 "... or short notice inspections ..."

8 And for such inspections you say the school is
9 usually given a few days' notice that that will take
10 place.

11 Again, just to give a sense of scale, how many
12 unannounced inspections were there last year?

13 A. Last year? I am getting muddled up with my years. In
14 the past couple of years we have had one unannounced.

15 Q. Can you remember whether that was a boarding school or a
16 public school?

17 A. It was for an independent -- independent special school.

18 Q. An independent special school, not a boarding school?

19 A. Yes, and it had a residential element to it.

20 Q. What about short notice inspections?

21 A. Short notice? One.

22 Q. In the last ...?

23 A. In the last year.

24 Q. Okay. Again, was that a boarding school?

25 A. No. It was an independent school but it wasn't

1 boarding.

2 Q. Thank you. If we go on to page 10 and the
3 self-evaluation as part of the inspection approaches.
4 As you have told us, the inspection team will consider
5 the self-evaluation. Thinking of the boarding school
6 sector, as we are, obviously you are dealing with
7 private entities that are businesses. For them,
8 an inspection report may matter in terms of
9 marketability. Does that make sense to you?

10 A. Yes, yes.

11 Q. A bad inspection may not be good for a private business.

12 LADY SMITH: I think in fairness to them, Mr Brown, most are
13 charities, albeit they are the type of charity that
14 sells its services and will not survive if it doesn't
15 keep selling its services.

16 MR BROWN: Yes. As we will hear next week, the charitable
17 status I think is common to all. I am obliged to
18 your Ladyship.

19 In terms of self-evaluation, and I'm not just
20 talking about boarding schools but all schools, does
21 anyone accept, in self-evaluation, that they are
22 failing?

23 A. Yes.

24 Q. In what way?

25 A. I can give you a practical example where I was leading

1 an inspection from my own experience, I was leading
2 an inspection, and in the self-evaluation the school
3 said there are weaknesses in leadership across the
4 school. So they have talked about the areas that -- so
5 in the self-evaluation, they will talk about the areas
6 that they feel are working well. They will also -- we
7 will also ask them for the areas they feel are not
8 working so well and need improvement, and we will also
9 ask them for areas that they are currently improving as
10 well.

11 Q. All right. Speaking from your own experience, was that
12 in a public school or a boarding school --

13 A. From my own experience that was a public school, but we
14 ask the same elements across all schools, we ask them --

15 Q. Indeed.

16 A. Yes. But that experience, it was, yes.

17 Q. Have you experience or know of experience of boarding
18 schools acknowledging such failings?

19 A. I -- I don't know in that element. But again we could
20 provide that information.

21 Q. If you can, that would be most helpful.

22 A. Yes.

23 Q. You have talked about the involvement of stakeholders in
24 school inspections, and I think that is described as the
25 views of learners, parents, staff and partners using

1 online pre-inspection questionnaires.

2 It's the next paragraph that is interesting,
3 perhaps:

4 "At the request of HM Inspectors, schools identify
5 children and young people to speak to the inspectors
6 during the inspection. Schools routinely elect children
7 who may have specific roles, such as being members of
8 a pupil council, eco committee or prefects. Pupils are
9 selected by the school to provide information about
10 leadership opportunities ..."

11 Et cetera.

12 From that, I appreciate it then goes on to say:

13 "In addition, HM Inspectors will ask to speak to
14 children and young people through questionnaire
15 responses, observation and sampling of files."

16 It would sound that certainly part of the process
17 involves speaking to pupils selected by the school?

18 A. Yes, but that would only be part of the process.

19 Q. Again, just for a matter of a sense of it, what sort of
20 numbers are we talking about, both in terms of selected
21 children and others?

22 A. I think there are different layers to this. Because one
23 of the key areas when inspectors are in the school is
24 that they are speaking with pupils on an ongoing basis.
25 So in the classrooms they are talking to children, they

1 are talking to children in the corridors, we will be --
2 inspectors will be walking around the school, perhaps
3 sitting having lunch in the dining area with children
4 and young people. So throughout the inspection week the
5 team are constantly engaging with children and young
6 people.

7 But then we will also ask for groups of children to
8 speak to, and at times we will ask the school for
9 groups, so there may be a piece of work the school has
10 been working on and they have had some pupils working on
11 that, like, for example, a council of pupils or -- and
12 therefore we would ask to speak that group of pupils.
13 Or we would say to a school "Could you give us
14 a selection of children or young people who have been
15 involved in developing, you know, an outdoor area", and
16 that is why we would ask schools to do that as well.
17 Then we will also select pupils and we will -- when we
18 are on inspection, we will ask the school to say, "Look,
19 we would like to speak to the following pupils",
20 sometimes that is random, sometimes it could be to do
21 with other work as well, but we are constantly engaging
22 with children and young people.

23 Q. Again from your experience both as a teacher and an
24 inspector, is it fair to say that children can sometimes
25 not be very enthusiastic about speaking?

1 A. Sometimes. Sometimes they can but -- and what we have
2 in terms of our training for inspectors is just ways of
3 engaging with children and young people, and because our
4 inspectors have been in education and our school
5 inspectors have been involved in schools, they have been
6 teachers, so they have that background and experience.
7 But some children and young people can be more reluctant
8 to speak to a stranger coming into your school.

9 Q. Is that something you have seen change as a dynamic with
10 children? Children are becoming more willing to engage
11 and to talk? You have talked about student councils
12 and so forth. Presumably when you began teaching there
13 weren't such -- student councils didn't exist as they do
14 now?

15 A. No, we had pupil councils and student councils and
16 working groups of children. Yes, much more confident --
17 I would say children and young people are much more
18 confident, they are much more aware of their rights, and
19 the sort of increase in confidence of children and young
20 people speaking has been a change that we have certainly
21 seen. Some of them are extremely confident in speaking.
22 But, yes, we are seeing that. And some will take the
23 opportunity, when inspectors are in, to be -- to talk to
24 them.

25 Q. I suppose the danger is if there are people who are

1 confident and talk a lot, some voices may not be heard?

2 A. And that is why we will pick particular children and
3 young people speak to, and if there are -- in the pupil
4 questionnaires, if there are comments perhaps even to do
5 with a particular class, we might have a selection of
6 groups from a particular class that we will speak to, to
7 explore some elements.

8 Q. Thank you. I think we also see on page 11 that in terms
9 of teachers, staff are a voluntary opportunity to meet
10 with the inspectors as well, so again there is a breadth
11 to the approach there.

12 Moving on to 2.3.9, which is "Inspection findings,
13 reports and outcomes". Obviously there is what you have
14 described as the fieldwork stage when they are actually
15 on site.

16 A. Yes.

17 Q. There are then discussions between the inspection team
18 and the school management team, and then the inspectors
19 will presumably go away and collectively produce a draft
20 report about the school. Is that correct?

21 A. So there is a little bit of a step before that.
22 Throughout the inspection the team will be linking
23 particularly with the headteacher. We -- the team will
24 be sharing some emerging messages that are coming out.
25 And will also, if during the week of the inspection

1 there are further areas that the team want to explore,
2 then -- it is quite dynamic in terms of its approach, so
3 the team will then follow that up during the week, and
4 then the team will get together and will be pooling all
5 their findings together to arrive at what their initial
6 view is, what are the strengths, what are the areas of
7 development. Then at the end of the week they will
8 share their findings with the school management team and
9 have a bit of a discussion around that, particularly
10 reactions to the findings, and then the team will go
11 away and then craft and finalise the report.

12 Q. I am interested in the engagement between the school and
13 the inspectors at the draft stage. Obviously if there
14 are factual errors, presumably the school will point out
15 and, if they are correct, that will be amended.
16 Emphasis might be considered important of language. Is
17 that something that schools take issue with? Again just
18 speaking generally.

19 A. Yes, sometimes they do take emphasis on language.
20 Sometimes schools will -- so there are a couple of
21 things that happen afterwards. Sometimes it can be the
22 case that schools don't agree with our findings. And
23 sometimes they will submit some additional evidence for
24 the team to look at if they felt that the team hadn't
25 looked at it, so we will consider the additional

1 evidence. If it is additional, because sometimes the
2 school did give us it and we had considered it, but we
3 will look at that as well. And sometimes we will ask,
4 when the reports goes out to draft, we will ask for
5 comments on it and we will look at the comment. And we
6 would make -- the team would only make changes to the
7 comments if we were satisfied that it was still
8 an accurate representation based on what the team found.

9 Q. That is the point in a nutshell: the ultimate final
10 report is the inspectors' assessment --

11 A. Yes.

12 Q. -- subject to the input of the school. But the
13 determinative factor is the inspectors' conclusions, not
14 the school's?

15 A. Yes.

16 Q. That has always been the way, I suppose?

17 A. As far as I can recall, yes.

18 Q. Thank you.

19 LADY SMITH: Janie, I am thinking about the individual
20 inspectors, and I know that certainly it used to be the
21 case that the team would include often people who were
22 still working themselves either as teachers or, more
23 likely, at the management level, senior management level
24 in schools. Does that still apply?

25 A. Yes, that still applies. That is -- so we use the term

1 "associate assessors", and those are existing managers
2 in schools, and they will join the inspection team for
3 the period of that inspection.

4 LADY SMITH: Does that happen with every inspection?

5 A. It would happen with almost all of our inspections, to
6 do that. Sometimes if it is a particularly small
7 school, then we won't, because we judge the size of the
8 team based on the size of the school. And sometimes we
9 can have an associate assessor who is due to go on
10 an inspection but something happens in their school and
11 they have to withdraw. But we aim to have as many
12 associate assessors on our teams as possible.

13 LADY SMITH: So that means your inspecting team should
14 generally, in most cases, have input from somebody who
15 is still, to use a colloquialism, at the coalface
16 themselves?

17 A. Yes.

18 LADY SMITH: Thank you.

19 MR BROWN: I am obliged, my Lady.

20 A. Would it be helpful if I expanded on why we do that?

21 LADY SMITH: Please do.

22 A. It is exactly that point, Lady Smith, we have someone on
23 our team who is working in the school as well, not in
24 this school but in that sector. But the other area, and
25 it's one of the elements around the principles about

1 building capacity, is around capacity building in the
2 sector both in the person's own school but also in other
3 sectors really to support and promote the improvement.
4 And the feedback that we get from associate assessors is
5 it is one of the best professional learning that they
6 experience in their career. So we do it twofold, with
7 the fundamental of promoting improvement in the
8 education system.

9 LADY SMITH: Is there competition amongst those who would
10 like to be associate assessors? To put it another way,
11 do you get more people wanting to do it than you are
12 prepared to appoint?

13 A. Yes, and they are recruited through -- we interview
14 them. So people can nominate themselves to be
15 an associate assessor. They have to fill in
16 an application and put it -- explain their experience,
17 and then we would carry out an interview before they
18 became an associate assessor. They would then undergo
19 training with us. They would then shadow on
20 an inspection team. And at that point, with the
21 shadowing, we would then determine whether they would
22 become an associate assessor. And then our inspection
23 teams for our associate assessors, once they join
24 a team, they will receive feedback on how they have
25 carried out their responsibilities.

1 LADY SMITH: So to use another colloquialism, is it
2 a feather in their cap if they are accepted as
3 an associate assessor and work as an associate assessor?

4 A. I would say they were proud to be an associate assessor.

5 LADY SMITH: Thank you, Mr Brown.

6 MR BROWN: Thank you, my Lady.

7 Talking about an another type of inspector, link
8 inspectors. Paragraph 3.1, which is page 12. This is
9 I think special to independent schools?

10 A. No, not just independent schools. We have -- so we have
11 inspectors who act as links. We have link inspectors
12 for colleges and we have link inspectors for independent
13 schools. For public schools we have inspectors who will
14 link with a grouping of local authorities, but we don't
15 call them link inspectors for local authorities.

16 Q. But we should understand that in terms of the boarding
17 schools that we are interested in, each one will have
18 a link inspector?

19 A. Yes.

20 Q. And as you have said in that paragraph, the aim of that
21 is to form a positive working relationship with the
22 assigned school, and it is done through telephone or
23 email contact, written correspondence and an annual
24 engagement visit. What does the annual engagement visit
25 involve?

1 A. So the annual engagement visit, that came into being --
2 so previously, link inspectors, the main contact was
3 through email or telephone conversation. And we made
4 a change in that around 2014 in that the link inspector
5 would make an actual visit to the school each year. It
6 is a sort of relationship, a sort of pastoral visit for
7 that link inspector, and it is really to help ensure
8 a good two-way flow of information and that the school
9 has a point of contact with someone in the Inspectorate
10 that they can call.

11 But our link inspectors, if we have to carry out
12 visits in order -- compliance visits on behalf of the
13 Registrar, the link inspector may do that as well. But
14 the link inspector will be interested in the
15 developments going on in school, what is working, what
16 are some of the improvement priorities as well.

17 Q. We have obviously established that inspections, as in
18 full inspections, may not be that regular. But
19 would I be right in taking it that if the link inspector
20 senses there are issues, that might be a factor in
21 determining whether or not a school should be inspected?

22 A. Yes, it can determine two things: it can determine
23 whether, yes, we may need to look at inspecting the
24 school, but there could also be information or
25 intelligence that the link inspector is picking up that

1 may be of concern, and then we would share that
2 information with the Registrar of Independent Schools.

3 Q. All right. I think in terms of your report obviously
4 you then go on to talk about the Registrar of
5 Independent Schools, and yesterday we heard from the
6 Registrar himself, and obviously we are aware within the
7 context of the schools that we are involved in there was
8 engagement by the Registrar and conditions imposed on
9 one school, which followed presumably -- well, as we
10 know, the involvement of both the Care Inspectorate and
11 the inspectors, you will be aware of that one?

12 A. Yes.

13 Q. Is that an example of where the link inspector would be
14 passing information and getting the sense there might be
15 issues --

16 A. Yes.

17 Q. -- of concern?

18 A. Yes, and following that up. So in another particular
19 school where if there were -- if the school had been
20 inspected and there were some areas for improvement, the
21 link inspector may engage more with the school to
22 ascertain how they are getting on with their areas for
23 improvement, or if there are particular areas where
24 we -- as a result of inspection there may be some
25 support required, then the link inspector may do --

1 provide that support, or draw on some expertise from
2 other inspectors, depending what the area was, to carry
3 out that support as well.

4 Q. Yes. We will come on to engagement with other bodies in
5 a little while. But continuing with -- just looking at
6 HM Inspectors, if we can go, please, to page 16 of the
7 report, which I think is in the -- paragraph 5, which is
8 the routine inspections of independent schools. We have
9 talked about the grading and evaluation that goes on in
10 terms of wellbeing and self-evaluation. You will see on
11 the page, we have ... thank you. If we go down to
12 halfway:

13 "During the inspection visit, HM Inspectors discuss
14 the self-evaluation summary and pre-inspection
15 questionnaires, tour the school's accommodation,
16 including boarding provision where this exists ..."

17 Et cetera.

18 Why are the inspectors touring the school's
19 accommodation?

20 A. It is actually just to see the layout of the boarding
21 provision.

22 Q. It is for completeness?

23 A. Yes, just for completeness.

24 Q. You will understand why I ask, because obviously it is
25 perhaps more the Care Inspectorate's domain?

1 A. Yes. But it is really just to get a sense of the school
2 so that, when we are talking to people, inspectors have
3 a sense of what it was like.

4 Q. Yes. Perhaps not to do that would be remiss?

5 A. Yes.

6 Q. Okay. Going down to the foot of that page, and again
7 this is talking about child protection and safeguarding.

8 Mid-paragraph:

9 "If there are immediate issues whereby an aspect of
10 the school's policy and/or practices could place a child
11 or young person at risk, these are reported to and
12 discussed with the headteacher and the proprietor/chair
13 of the board of governors. Immediate issues are also
14 shared with the Registrar to enable the Registrar to
15 advise Scottish Ministers."

16 And that is -- an example of that would be the case
17 we were discussing a moment ago. Okay.

18 In terms of your experience, again the reference
19 there to the headmaster, obviously you have always
20 engaged with headmasters. From your experience,
21 engagement with board level management, has that
22 increased in the last 20 years?

23 A. Yes, I would say it has increased.

24 Q. Boards, broadly speaking, and we can speak to the
25 individual schools, are now much more interested than

1 they once were, is that fair?

2 A. Yes.

3 Q. Can you identify when that change began to take place?

4 A. I wouldn't have that particular --

5 Q. No --

6 A. I think it just have been sort of over time.

7 Q. I think if we go to the foot of page 17, where it is
8 discussed about the mechanism for producing findings.

9 If we go to the very bottom, the final paragraph,
10 you get the draft inspection report, and this is in the
11 context of the independent schools:

12 "Following this, the headteacher and
13 the proprietor/chair of the board of governors receive
14 a confidential draft of the report and the draft summary
15 of inspection findings. The headteacher and the
16 proprietor/chair of the board of governors are asked to
17 provide any comments to the draft report and carry out
18 a factual accuracy check and summarise the section
19 findings."

20 And then there is review and change if HM Inspectors
21 are satisfied that the changes proposed are fair. Is
22 that --

23 A. Yes.

24 Q. But the point is perhaps, is this distinct from public
25 sector?

1 A. No.

2 Q. There is no difference?

3 A. There is -- in the public sector it would go to the
4 Local Authority.

5 Q. Yes.

6 A. So it would be the school and the Local Authority.
7 Independent is the school and the board.

8 Q. Again from your experience, or if you can't answer
9 perhaps you could add to this, was it always routine to
10 give to the board of governors as a matter of courtesy
11 a report?

12 A. From my recollection, yes.

13 Q. Right. Okay. I think over the page at the top:

14 "Once finalised, the report and summarised
15 inspection findings are published on the
16 Education Scotland website. The analysis of the
17 pre-inspection questionnaire responses is also
18 published. Where HM Inspectors are confident that
19 the school has the capacity to continue to improve, no
20 more visits are made in connection with the inspection."

21 Is that something the school is formally advised of,
22 they're sent a letter saying effectively the process is
23 now closed?

24 A. Yes, it's on the report, yes.

25 Q. But obviously if there are adverse findings, the process

1 will continue. And presumably -- we have obviously
2 talked about a case with a school being put on
3 conditions by Scottish Ministers. At the more mundane
4 level, forgetting the Registrar and just the
5 Inspectorate, if there are issues there will be
6 follow-up inspections presumably until, as you
7 described, with a final report that you are happy
8 with --

9 A. Yes.

10 Q. -- things stop, but until that point there will be
11 return visits?

12 A. Yes.

13 Q. How often? Does that just depend on circumstances?

14 A. It just depends on the circumstances and it depends on
15 the particular areas for improvement as well. Some
16 areas for improvement, it takes longer to see the impact
17 of them but -- impact in terms of outcome. So if it is
18 to do with children and young people's attainment, then
19 that takes a bit of a period of time to do that, but we
20 would continue to engage with the school until we were
21 satisfied.

22 Q. We have been talking about inspections in perhaps the
23 most understood way. But you will see, going down that
24 page, we then come to one of the acronyms we discussed
25 at the very beginning, which is QUIPE. What is the

1 purpose of QUIPE?

2 A. So the purpose of QUIPE, and we introduced QUIPE to
3 complement our school inspection, and what we really
4 wanted to do was to focus on improvement and how we
5 could support the sector to help them to build to
6 capacity and improve from there.

7 So the difference with QUIPE is we look at the
8 school's own priorities for improvement, and we look at
9 the progress they are making in terms of how they are
10 improving the work. So the main difference is that it
11 focuses on the school's priorities rather than quality
12 indicators. And also that we would -- we don't grade,
13 so we don't assign a grade to say if it is very good or
14 good in terms of that, but we still provide
15 questionnaires and we still provide a published report.

16 Q. When did this start?

17 A. QUIPE came into being in 2011.

18 Q. How often are schools subject to QUIPE? Is it only if
19 there are concerns?

20 A. No, it's not only if there are concerns. In terms of
21 QUIPE, we look at time since last inspection, we look at
22 when -- if we are inspecting again and if we felt that
23 we -- if we weren't going to be inspecting then we may
24 put in a QUIPE instead, so it's to complement, to make
25 sure -- to increase our engagement with the sector.

1 Q. Again in terms of full-blown inspection, you were saying
2 a school might have one or potentially no inspections in
3 a decade. How often could a school expect to have
4 a QUIPE?

5 A. It may be similar.

6 Q. All right. Is it viewed practically as a lighter
7 inspection, obviously different --

8 A. Different mechanisms.

9 Q. Different mechanisms. But it is something that
10 the Inspectorate are alive to, particularly for schools
11 that haven't been inspected for some time, is it
12 effectively just having a check up?

13 A. Yes, it's fundamentally checking up: does the school
14 have the capacity to continue to improve? And how well
15 is it improving its work? If -- and there are two
16 mechanisms following the quality improvement through
17 professional engagement visits, is if, through that, we
18 are concerned then we may carry out a full inspection,
19 so there may be something that we carry out a full
20 inspection with, or actually there could be an area of
21 improvement that we go back to follow up again as part
22 of this approach as well.

23 Q. So from what you have been saying, and putting full
24 inspections to one side, there are link inspectors who
25 may alert to issues that should be of concern to the

1 Inspectorate. QUIPE may be a mechanism of just
2 assessing where the school is at and, as necessary, that
3 may trigger further work by the Inspectorate. But you
4 have talked obviously also about liaison with other
5 bodies and mentioned the Care Inspectorate who are
6 taking on the role -- have taken on the role for many
7 years now that the Inspectorate once had in terms of
8 accommodation services. Should we understand, and again
9 we don't need to go to this, there is a memorandum of
10 understanding between you and the Care Inspectorate that
11 you have given us a copy of, that there is a regular
12 two-way conversation between both bodies?

13 A. Yes.

14 Q. And would I be right in saying -- what we are going to
15 come on to obviously is joint inspections, but there can
16 be separate inspections by the Care Inspectorate which
17 may lead to you being informed by them that perhaps the
18 Inspectorate should be looking at a particular school?

19 A. Yes, there is regular conversation between ourselves and
20 Care Inspectorate. In independent schools where there
21 is accommodation then we would carry out those with the
22 Care Inspectorate, because the Care Inspectorate carry
23 out the inspection of the care element more frequently,
24 and therefore we would do that together at the same
25 time, we will co-ordinate that as well.

1 Q. As necessary, because they are inspecting more regularly
2 than I think the Inspectorate are?

3 A. Yes.

4 Q. Is that fair?

5 A. Yes.

6 Q. They will tell us about it tomorrow. But presumably if
7 there was to be a joint inspection, is that because in
8 real terms they will be wanting you to come along as
9 well, or is that your choice just to join in?

10 A. No, it can be actually that we have decided that we are
11 going to inspect the school, so we will co-ordinate with
12 Care Inspectorate the timing of that, so ...

13 Q. It may be my fault. What I mean by this is they are
14 inspecting more regularly than you are. They may say to
15 you "We think you should come in", and you would then do
16 a joint inspection?

17 A. Yes.

18 Q. Or, and please correct me if I am wrong, you may decide
19 you want to inspect separately and, because they are
20 inspecting more regularly, you will try and join in with
21 them for convenience?

22 A. Yes. Or the -- and there is another area on there, is
23 that through our -- if there are areas we have concern
24 or the Registrar has concern, then actually we would
25 agree together that we would carry out some work and

1 inspect.

2 Q. We will hear from the schools about the experience of
3 a joint inspection. Am I right in saying though that
4 you cannot, in terms of issues being raised with you,
5 respond to individual complaints from an individual
6 person?

7 A. That is correct, yes.

8 Q. All right. But has it ever been that an individual
9 complaint has caused concern at a broader level which
10 has led to follow-up inspections?

11 A. There could be complaints coming in that that would be
12 with the Registrar. And when we are looking at which
13 schools to inspect in the independent sector, that may
14 be a factor if the Registrar has a number of complaints.
15 So with our discussions with the Registrar on an ongoing
16 basis, that may influence whether we inspect a school.

17 Q. So it is at one stage removed. If issues are being
18 raised with the Registrar which may, within his
19 statutory framework, be a cause of concern, potential
20 objectionability, as we heard about yesterday, that
21 would then be shared with you?

22 A. Yes. And if we had complaints we would share them with
23 the Registrar.

24 Q. Because we heard yesterday from the Registrar, obviously
25 you are both under the broad umbrella of

1 Education Scotland?

2 A. Yes.

3 Q. You are distinct functions. But there is good two-way
4 conversation between you and him?

5 A. Yes.

6 Q. All right. What about the SSSC?

7 A. The SSSC we don't have a lot of engagement with at all.

8 Q. Is that because they are not really involved in
9 education?

10 A. Yes.

11 Q. What about GTCS who are involved in --

12 A. In terms of inspection we don't have a lot of engagement
13 with GTCS either. We have engagement with GTCS as
14 a body, as an organisation, but particularly related to
15 inspection and -- we don't have a lot of engagement with
16 GTCS.

17 Q. One of the issues that was raised yesterday is the fact
18 that obviously in independent schools, as of June of
19 this year, all teaching staff at independent schools
20 will have to be GTCS-registered. Is that something that
21 is of moment from your perspective?

22 A. Sorry?

23 Q. The fact that all independent school staff now must be
24 GTCS-registered, is that something that is of interest
25 to you?

1 A. Yes, we welcome that approach.

2 Q. Why so?

3 A. Because it -- it really helps in terms of GTCS
4 regulation of teachers. And also, I think we touched
5 upon it earlier, with the PVG, that that -- you know,
6 that is part of being registered with GTCS. I think it
7 is also the expectations in terms of GTCS standards of
8 professional competence for teachers as well, I think
9 that would support improvements in the system.

10 Q. All right. But is that something, in terms of PVG,
11 for example, is that something that plays any part in
12 your functioning? Are you concerned in checking,
13 for example, that teachers are PVG-registered?

14 A. Yes, so as part of -- when schools are registering, we
15 will go in and carry out a pre-registration visit, and
16 that is when we will ask if staff who are there are part
17 of the PVG scheme. And also now, for new teachers
18 coming on board, for being recruited, are they
19 GTCS-registered and ...

20 Q. Carry on. Sorry, you were talking about
21 pre-registration visits. That is for new schools?

22 A. Yes.

23 Q. So you would check whether the staff are PVG-registered?

24 A. Yes.

25 Q. Or part of the scheme. What about ongoing schools? If

1 you are going in for an inspection, for example, is that
2 something that is checked, that all staff are part of --
3 are members of the PVG scheme or are GTCS-registered?

4 A. Not -- we wouldn't be checking all staff, no.

5 Q. You wouldn't?

6 A. No.

7 Q. Is that something you would consider to be your remit?

8 A. In terms of the remit, no, because we would expect that
9 to come up in the census coming out that would be
10 gathered through the Registrar.

11 Q. So we have heard about the annual census where answers
12 are confirmed by the proprietor, and that is a factor
13 that you would be asked to confirm?

14 A. Yes.

15 Q. All right. But that is not something you are then
16 checking?

17 A. Not at the moment, no.

18 Q. Do you think you should?

19 A. I think the area is, if we were doing it, it would be
20 proportionate and we would -- it could be a sample that
21 we look at. But in terms of checking them all, it is
22 not something that we do in other -- in public schools.

23 Q. That is not something you are required to do in terms of
24 the legislation?

25 A. No.

1 Q. No.

2 LADY SMITH: Janie, tell me if I have picked you up
3 correctly. I think you are saying that if your
4 inspectors picked up -- let's just call it
5 under-performance by a teacher, they would not tell the
6 GTCS, is that right?

7 A. That is correct.

8 LADY SMITH: And if they picked up that there were worries
9 about inappropriate conduct towards children by
10 a teacher, they won't tell the GTCS about that either?

11 A. If there was inappropriate conduct towards a pupil, then
12 we would follow our child protection guidance in terms
13 of that. So we would report it to the child protection
14 co-ordinator in the school, and for the child protection
15 co-ordinator to then follow the policy in place in terms
16 of that or in terms of the disciplinary, in terms of the
17 child but the disciplinary, but we would report that to
18 the Registrar.

19 LADY SMITH: So that would go to the Registrar but not to
20 the GTCS?

21 A. Yes.

22 LADY SMITH: Even if the teacher was registered with the
23 GTCS, is that right?

24 A. Yes, that is right.

25 LADY SMITH: Is there a reason for that?

1 A. No, not that I am aware of. I think our main mechanism
2 has just always been, you know, the Registrar.

3 LADY SMITH: Mr Brown.

4 MR BROWN: Your Ladyship was obviously ahead of me.

5 LADY SMITH: Sorry.

6 MR BROWN: Not at all. It was done more efficiently.

7 That was going to be my question: have you ever
8 referred to the GTCS?

9 A. Not --

10 Q. Post-inspection?

11 A. Not that I can recall.

12 Q. The route that you would engage is you would -- your
13 order of march is to contact the Registrar and make sure
14 that the child protection co-ordinator is performing
15 according to the school policy?

16 A. Yes.

17 Q. How is that checked? How is that followed up on if you
18 have concerns?

19 A. It is followed up in the concerns from that. So we
20 would be looking at the child protection co-ordinator
21 who is following through the policy and we would be
22 asking for assurance. So if it happened during the week
23 of inspection, then the inspectors would be checking
24 that that has taken place during that week of their --
25 and also we have a central team in Education Scotland

1 where, if there are any concerns, then we have our own
2 paperwork to fill in. So we would be completing the
3 paperwork in the schools, but we would also be sending
4 that back to our own team in Education Scotland to check
5 as well, and that would involve the Registrar as well.

6 Q. But as things stand, that is the order. It wouldn't
7 occur to refer to GTCS directly?

8 A. Not currently.

9 Q. Do you think that is something that should happen or is
10 the existing route adequate?

11 A. I think in terms of -- I think that could be an area
12 that we look at, particularly come June 2021 in terms of
13 that registration for GTCS, and actually around how --
14 this was a key area around how all of that information
15 is shared and how we link with each other on that. So,
16 yes, I think it will be --

17 Q. Because presumably the worst thing in the world is if
18 information is known by someone and it is not known by
19 everyone?

20 A. And it is not known by others, so that is
21 a consideration, yes.

22 Q. Obviously you have talked about the school or the child
23 protection co-ordinator following policy. Again, just
24 from your perspective as an inspector checking schools,
25 that their policies are adequate, in that scenario what

1 would you expect a school policy to do, or to require
2 a school to do, if they had someone who was -- there was
3 potential for abuse of a child?

4 A. We would be expecting them to follow the national
5 guidance in terms of looking at the level of risk and
6 the immediate risk. We would be expecting them to
7 contact relevant agencies, whether that is social work
8 or the child protection committee within the local area,
9 and also the police in terms of doing that, and we would
10 expect them to have that.

11 Also the chronologies of events for children as
12 well, so we expect chronologies to be in place, but also
13 looking at what follow-up action had been carried out in
14 terms of that, but we would be expecting them to
15 really -- their policy to be making reference very
16 clearly to the national guidance.

17 Q. Presumably you may, from what you have told us already,
18 be getting information about such concerns by your link
19 inspector who may be picking up on things. Would you
20 also expect schools to positively alert Her Majesty's
21 Inspectors of child protection issues?

22 A. So there is no requirement for schools to do that. In
23 best practice they would, and a number of them do, and
24 that is where that -- part of the role of the link
25 inspector is to have that relationship that would

1 support schools to share information, but there is no
2 requirement for them to do that.

3 Q. Is that something you think should change?

4 A. I think it would be helpful.

5 Q. All right. There seems to be an expectation, from what
6 we heard from the Registrar, that the Care Inspectorate
7 should be told of issues within 24 hours. And from what
8 we heard yesterday, there is an expectation by the
9 Registrar that he would be advised swiftly, if I can use
10 a neutral word, without a time limit. Is that
11 the position -- is the Registrar's position the same as
12 you? You would expect to be told swiftly?

13 A. We would expect to be told, yes, swiftly, as soon as it
14 happened, but there is no -- things can happen in
15 schools and they don't tell us because there is no
16 requirement. But that is where Care Inspectorate would
17 alert us if there was anything that was --

18 Q. You would expect the Care Inspectorate to share that
19 information?

20 A. Yes.

21 Q. Is that something you have experience of --

22 A. Yes.

23 Q. -- that you are being told?

24 A. Yes.

25 Q. Are you being told by the police as well? Do they share

1 with you? If a child protection issue has been raised
2 with them, do the police then speak to you?

3 A. No.

4 Q. Who else would share a child protection issue with you,
5 other than the Care Inspectorate?

6 A. It would mainly be either the school, the
7 Care Inspectorate, the Registrar.

8 Q. Okay. Again from your experience of having worked in
9 this sector, you were saying a moment ago some schools
10 do report. Has there been a change across education, is
11 there a greater willingness by schools to report, is
12 that fair?

13 A. I think, yes, I think it is -- I would say over the
14 decades rather than in recent years because -- and it
15 really does depend on the school and the leadership in
16 the school on whether they share or not. Some schools
17 are much more proactive at sharing information with us
18 than others.

19 Q. Is there a correlation between good leadership and
20 information-sharing?

21 A. I wouldn't go as far as that.

22 Q. All right. Should there be a correlation between --

23 A. Yes.

24 Q. -- leadership and information-sharing?

25 A. Yes.

1 Q. Would you consider that good leadership can be
2 demonstrated by that sort of information-sharing?

3 A. I don't think it can be demonstrated by that sort of
4 information-sharing, but I think if you have very strong
5 leadership then they are more willing to share because
6 they are more looking at different ways they can
7 improve. But there have been instances where perhaps
8 leadership hasn't been strong and sometimes you will see
9 those leaders sharing information. So I don't think it
10 can be a given.

11 Q. All right. Looking then specifically at the independent
12 boarding sector, if you can, is that an area where
13 reporting is more a matter of routine than in other
14 sectors? Are they better at it, in other words,
15 contacting HMI to reveal problems?

16 A. It would only be in the independent sector that they
17 contact HMI because in the public sector they would go
18 to the Local Authority. Sometimes if there was
19 a significant issue, the Local Authority may contact
20 either HMI or Education Scotland to alert them what is
21 going on, but in public schools the Local Authority
22 would be that filter. So I would say that in the
23 independent sector it is the individual schools that
24 would contact us.

25 Q. All right. So to be clear, you wouldn't expect public

1 schools to contact you with child protection issues?

2 A. No. No.

3 Q. It's outwith the remit, but is that something that is
4 unfortunate in comparison with the private sector?

5 A. I think the difference is because of the duties in terms
6 of local authorities, and schools would be contacting
7 local authorities more, and because of the child
8 protection officers in local authorities, then that
9 would be the main mechanism rather than coming to the
10 Inspectorate. But in public schools, if we were
11 inspecting public schools, we would be asking them about
12 children on the -- where there are safeguarding and
13 child protection concerns.

14 Q. One of the difficulties, and I suppose you have
15 experience of this no doubt having been a headteacher,
16 is that, as a headteacher, you have to respond to things
17 and there may be practical difficulties. Your priority
18 is to respond to the incident rather than worrying about
19 what is going on in the wider sense of reporting. Is
20 that something you would understand?

21 A. I think one of the key things as a headteacher is that
22 you are letting the relevant bodies know at the
23 appropriate time. So, yes, in terms of a child
24 protection element, informing social work and police but
25 also the expectation then actually that you can respond

1 swiftly in terms of getting information to other bodies,
2 whether it's the Care Inspectorate or the Registrar or
3 ourselves.

4 Q. Does the anonymity of a teacher have any part to play in
5 that in terms of whether reporting should take place?

6 A. Yes. In terms of anonymity -- so in terms of if
7 a school -- if an independent school was reporting, we
8 would usually say -- they would usually say, "We are
9 dealing with a child protection incident", and they
10 wouldn't go -- in terms of details around it, they
11 wouldn't necessarily go into a lot of details on that.

12 Q. But it is just to let you know that something is
13 happening --

14 A. Something is happening, yes.

15 Q. You are not so interested in the individual detail?

16 A. It is not in the individual detail, but we would be
17 expecting them to tell us that, you know, we have had --
18 police are involved. We have done that. Or, "There is
19 a disciplinary matter that we are investigating,
20 a member of staff has been suspended." So that would
21 be -- but there is no requirement for them to do it.

22 Q. But presumably in both scenarios, disciplinary or
23 police, you would then be aware and, as necessary, you
24 would be updated by the school in best practice?

25 A. Yes, in best practice.

1 Q. Whether or not something comes to nothing or whether it
2 then follows on to the ultimate extreme in terms of
3 a prosecution?

4 A. Yes.

5 Q. And that is when I suppose you would take appropriate
6 steps?

7 A. Yes.

8 Q. Just as for example the GTCS might then, as appropriate,
9 have a fitness to teach hearing?

10 A. Yes.

11 Q. But that is somewhat down the line from the initial
12 application --

13 A. Yes.

14 Q. -- or information-sharing. Thank you. You have talked
15 a lot about best practice and we have talked to you
16 about child protection, and obviously there have been
17 some issues that you have thought about, whether they
18 could be done better. You are the person who works in
19 this environment all the time. You have greater
20 knowledge than perhaps certainly me. Are there things
21 that you think should change, remembering what this
22 Inquiry is about?

23 A. Yes. I think there is a key element around sharing
24 information and making that as straightforward as
25 possible. Because as highlighted, you know, people who

1 are -- and bodies who are engaging with schools to be
2 aware of what is going on. An area for me is around
3 particularly board of governors and what are the
4 requirements around training, particularly in
5 safeguarding and child protection, and whether there is
6 more that we should be doing in that area. Because in
7 best practice we would be expecting at least someone,
8 a member of the board, to be fully trained in child
9 protection so that they are putting in what we would say
10 that support but also that challenge to the school, and
11 there is maybe something in that area I think that could
12 be strengthened.

13 Q. Something that can be taken up with the schools and the
14 formation of the board of governors. In that regard,
15 again with your experience, has the nature of the board
16 of governors in schools you have been dealing with over
17 the last 20 years, for the sake of argument, have they
18 changed?

19 A. Yes. I think we are certainly seeing board of governors
20 much more interested in what is going on in the schools
21 and I think also in terms of where concerns, in my
22 experience in -- I would say a couple of schools in
23 recent years that, where we have had concerns, the
24 engagement with the board of governors around, yes, we
25 will be fully supporting schools to improve and we want

1 to get it better. I can see that in a particular --
2 some particular schools that we have had.

3 Q. So there has been improvement --

4 A. Yes.

5 Q. -- in the last few years?

6 A. Yes.

7 MR BROWN: Janie, thank you very much indeed. I don't have
8 any further questions.

9 LADY SMITH: Thank you, Mr Brown. I take it in the usual
10 way, if any questions were submitted to you, they have
11 been incorporated, have they?

12 MR BROWN: As best I can.

13 LADY SMITH: Janie, you probably appreciate there are people
14 connected to this hearing who are not physically here.
15 I just want to check whether any of them who represent
16 a whole list of people who have leave to appear for this
17 case study, any of them have any outstanding questions
18 for you. (Pause). Given the silence I take it that
19 there aren't.

20 It just remains for me to thank you so much for
21 coming along today but, before that, for the report that
22 you have prepared and submitted to us, that has been so
23 helpful. And thank you for coming with all your papers
24 today just in case you needed them. The diligence that
25 you have afforded to the task we have given you is not

1 unnoticed and much appreciated. So thank you for that.

2 I can now let you go.

3 A. Thank you.

4 (The witness withdrew)

5 LADY SMITH: Mr Brown.

6 MR BROWN: My Lady, as indicated at the outset, that is
7 the only witness today. Tomorrow we will have a witness
8 from the Care Inspectorate and two witnesses in the
9 afternoon from SSSC.

10 LADY SMITH: Thank you very much. I will rise now for today
11 and we will start again at 10 o'clock tomorrow.
12 Thank you.

13 (1.01 pm)

14 (The Inquiry adjourned until 10.00 am on Thursday,
15 18 March 2021)

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