



Operational Case Report

The Schools of King Edward VI, Birmingham (529051)

About the charity

The charity, registered in 1963, provides education for boys and girls from Birmingham and surrounding areas. The charity does this by operating two independent schools (King Edward's School and King Edward VI High School for Girls), five grammar schools (converter academies) (King Edward VI Aston School, King Edward VI Camp Hill School For Boys, King Edward VI Camp Hill School For Girls, King Edward VI Five Ways School and King Edward VI Handsworth School) and one academy (the King Edward VI Sheldon Heath Academy).

Why the commission got involved

By following our procedure on reporting serious incidents, the charity informed us in August 2013 that a staff member at King Edward's School was under police investigation for offences related to child pornography. Mr Evans pleaded guilty and in December 2013 was sentenced to three years and eight months for sexual assault, voyeurism and making indecent images of children.¹

Separately, and unrelated to the offences committed by Mr Evans, the Department for Education informed us that they were investigating the school and that they had instructed the school to formulate an Action Plan to address its failure to meet statutory education and safeguarding and welfare standards. Such Action Plans are submitted to us to assess what role the trustees played in the poor performance being addressed by the Plan.

The action we took

We opened an operational compliance case and the DfE's Independent Education and Boarding Team kept us updated with their own investigation. The DfE and the commission have statutory powers and obligations to exchange information. We waited for the DfE and the Independent Schools Inspectorate (ISI) to complete their investigation before we arranged a meeting with the school, which was held on 30 April 2014. The DfE's Action Plan was submitted by the deadline of November 2013, and accepted by ISI. In February 2014 they carried out an inspection of the school and found it met all the regulatory standards, and no further action would be taken.

¹ This sentence was cut to 32 months in August 2014 after a hearing at the Court of Appeal.

The DfE is responsible for ensuring standards of education are met in schools and ensuring compliance with Education Act requirements for independent schools. The commission regulates charities within the charity law framework, and our jurisdiction centres around the governance of a school and whether the trustees have carried out their legal duties and responsibilities. Where these overlap, we work together.

What we found

We explored with the trustees if, in hindsight, there had been any clues about what was happening. It appeared not, and no complaints had been made. The school had a statutory framework in place for assessing staff, including CRB checks.

The school had tackled the discovery swiftly, discussing the issues with the pupils. As a result the school amended its Personal, Social and Health Education (PSHE) curriculum to re-emphasise to pupils what the school views as inappropriate, to ensure that pupils understood, and to encourage the reporting of inappropriate behaviour.

The charity's chairman had also responded to the concerns by establishing a sub-committee specifically to look at risk and compliance. This committee is tasked with monitoring child protection, with a view to mainstreaming and harmonising child protection issues throughout the charity and its various schools.

We discussed the positive outcomes, including an increased awareness of risks and a complete review of policies and how they work in practice. The trustees reported that they were having, and hearing, more conversations about the risks and issues.

We also discussed risks related to school trips, and to subjects where one-to-one teaching was the norm. The trustees were able to confirm that policies were being put in place that all doors have glass panels and no teacher is left alone with children, especially on trips.

Because this charity operates several schools, there is the opportunity for teachers and support staff to move between schools. As part of our discussion it was agreed that, whilst all statutory checks required had been undertaken in relation to this and other employees, the safeguarding policies surrounding employee CRB checks were to be tightened further and consolidated so that the risk of an employee 'slipping through the net' was reduced or eliminated.

We requested the minutes of the first meeting of the school's Risk & Compliance sub-committee meeting, which they provided. We were pleased to see the thorough and detailed approach being taken.

Impact of our involvement

Despite the serious concerns raised in DfE's Action Plan, our engagement with the trustees reassured both us as the regulator, and the trustees as those responsible for the safety and well-being of their beneficiaries, that the approach being taken by the trustees was appropriate. Our discussions helped to refine that approach, especially in connection with the schools not directly affected by the employee concerned.

Lessons for other trustees

It is vital that charity trustees report serious incidents to us as soon as they suspect them. The trustees' prompt submission in this case enabled us to focus our engagement with them on how they were managing the risks and how and where they could make changes. This constructive dialogue enabled us to bring the matter to a close without the need to use any of our formal powers.

One of the conclusions reached by the trustees was: no matter what policies are in place, it is important that they work in practice. Trustees of charities working with vulnerable groups, including children, must always act in their best interests and ensure effective robust safeguarding policies are in place. Trustees should also read our [safeguarding guidance](#).

Trustees should also ensure that there are trusted open channels of communication for staff and pupils to report concerns about inappropriate or worrying interactions.