

APPENDIX 1

Independent Internal inquiry into complaints from former pupils concerning past discipline policy and its application at St Vedast School and St James Independent Schools

Inquiry Chairman: Mr James Townend Q.C.

Clerk to Inquiry: Mrs Christine Betts

TERMS OF REFERENCE

1. To conduct a wholly independent fact-finding inquiry, to be known as the St Vedast/St James Inquiry, into complaints about past discipline policy and practice at St Vedast School and St James Independent Schools. The Inquiry will deal only with complaints relating to former pupils of both the Girls' and the Boys' Schools and for the avoidance of doubt, contributions from parents will be welcome.
2. To make findings, to reach conclusions and, if so advised, to make recommendations.
3. To produce a report or reports to the Governors of the schools.

The general background and the aims, status and structure of the Inquiry are explained in the attached Annexe.

These terms of reference were approved by the Governing Body of St James Independent School for Boys on 10 June 2005.

ANNEXE ONE

St Vedast/St James Inquiry

St Vedast and St James

1. St James Independent Schools ("St James") were founded in 1975 in London with the aim of educating boys and girls from the age of four and a half to eighteen. The School of Economic Science (SES) inspired the initiative through its work of teaching philosophy and economics, which had been taking place with adults since the mid 1930s. The key philosophical principle guiding the development of the four day schools (senior boys, senior girls, junior boys, junior girls) is that each child should be reminded of God as the Creator; should learn to live by the Laws and Regulations of that Creator, as expounded in both Western and Eastern scriptures; and that each child should be helped to reach his or her full potential, spiritually, emotionally, mentally and physically. The core idea is that through discovery of an absolute intelligence in the heart of every human being, a spirit of unity can be understood which is beyond the divisions of race, colour, religion or gender. Education at the time was suffering from severe political interference and was generally regarded as being in decline. Standards of behaviour, and levels of discipline, were also generally thought to be declining. A group of parents, who were themselves students at the School of Economic Science, approached the Senior Tutor at the SES and asked for help and inspiration in setting up a new form of schooling which would re-establish some of the traditional English educational values, but which would also provide a new dimension of philosophical education. This form of philosophical education had not been tried before.

2. The original St James Independent School took boys and girls from the age of four and a half years to provide primary education.

However, in response to parental demand for secondary education, the governors decided to create St Vedast School. St Vedast ran from 1975 to 1985 when it closed.

The first Headmaster of both St James and St Vedast was Mr Nicholas Debenham, remaining as Headmaster of St James as it grew from a junior into a secondary school on its own account. In 1993 Mr Paul Moss was appointed Head of the Junior Schools (ages 4.5 years to 10 years). Mr Debenham remained in post as Headmaster of the Senior Boys (ages 10 years to 18 years) until his retirement in July 2004.

St James Senior Boys School is currently an independent secondary school for pupils aged 10-18. The current pupil roll is 294. The Headmaster since September 2004 is Mr David Boddy.

St James Senior Girls School is currently an independent secondary school for pupils aged 10 - 18. The current pupil roll is 240. The current Headmistress is Mrs Laura Hyde. There are two junior schools, one for boys and one for girls, each taking 135 pupils. The current Headmaster for both schools is Mr Paul Moss.

3. St James is an independent charitable school. It is an activity of the Independent Educational Association Ltd, a company limited by guarantee, with charitable status, company number 1222329, incorporated on 8 August 1975. The objects for which the company was established are -

"To promote advancement of education of children and young persons and in connection therewith to establish and conduct in any part of the world a school or schools to give instruction in all branches of education including the preparation of pupils to sit for public examinations whether academic, professional or otherwise"

4. St James is governed by a Board of Governors. Mr Roger Pincham having served as a Governor from 1975, is the only Governor from the period 1975-1985 still on the present governing body, although there are three Honorary Governors, Mr Bernard White, Mr Bernard Saunders and Dr James Armstrong, who served as Governors during that period.

5. During the 1980s, many of the Governors, staff and parents of these Schools had a shared background by reference to the School of Economic Science.

Background

6. During the 1980s, certain complaints and adverse publicity arose in connection with the School of Economic Science. There were a number of newspaper articles and in 1985, a book was published entitled "The Secret Cult". A later book "The New Believers" put forward alternative views. Both books will be made available to the Chairman of the Inquiry.

7. In about February 2004 the Governing Body of St James became aware for the first time of an internet message board called "Forum.whyaretheydead.net" on which a number of former pupils of St Vedast and St James were exchanging their recollections of experience as pupils primarily between 1975 and 1985.

8. Between February and May 2004 the correspondence began to increase but there was still no formal complaint to the Governing Body. There were, however, a number of private conversations between the message board correspondents, the Heads of the two Senior Schools and others when the possibility of a "truth and reconciliation process" was discussed.

9. The general nature of those discussions was reported back to the Governors. The Governors were also informed that three of the members of staff complained against are still employed by the company as teachers, two of them at the Boys' Senior School and one at the Girls' Senior School. Those members of staff were told of the message board and the informal discussions.

10. At a Governors' Meeting in October 2004 the Governors decided to establish an independent internal inquiry into complaints about discipline policy at St Vedast between 1975 and 1985 even though they had still received no formal notice of complaint. For this purpose they sought the assistance of Robert Boyd, a partner of Veale Wasbrough, a legal firm in Bristol specialising in advice to independent schools. Among other matters the

Governors took note that -

- 10.1. The complaints are between 20-30 years old. Memories fade and it may be very difficult, or even impossible, for the complaints to be formulated and answered with factual accuracy.
 - 10.2. The Governors have no power to require a current or former member of staff to take part in the inquiry.
 - 10.3. If any of the complaints amount to an allegation of criminal assault then those complained against are entitled to the privilege against self-incrimination.
 - 10.4. Those of the present Governors who were serving Governors between 1975 and 1985 may have a conflict of interests. Governors with any familial connection with the complainants may also have a conflict of interests.
 - 10.5. The Governors owe contractual duties to the School's insurers to act in accordance with the terms and conditions of the School's insurance policies.
 - 10.6. To have any credibility, the Inquiry must be conducted by a Chairman who is wholly independent of the governance and management of the Schools and the School of Economic Science. The Chairman should be at liberty to call on whomever he wishes for any assistance he may need as to the School regimes from 1975 onwards.
 - 10.7. An Inquiry will incur the School in substantial costs and costs need to be contained within reasonable limits.
11. There followed a period of discussion and consultation following which it was agreed to widen the scope of the inquiry to include St James' Schools for boys and girls as well as St Vedast and to remove the time period of 1975 - 1985.

Aim and status of the Inquiry

12. The legal status of the Inquiry is that it is "without prejudice" which means that the statements made to the Chairman, and the Chairman's report, will not be able to be used as evidence in any legal proceedings.
13. The Inquiry has been established by and for the Governors. It is to be a private proceeding whose objective is to understand what happened at St Vedast and St James during the relevant years, why it happened and what lessons can be learned.
14. The Inquiry is not a trial, nor a court, nor a disciplinary hearing. It is not a law suit in which one party wins and another loses. No one is on trial. There will be no parties. It is not the same as the legal process in a criminal or civil court.
15. Even so, the Inquiry may result in criticisms of an organisation or individuals who will have an opportunity to answer any criticism. This is not the same thing as sitting in judgement.
16. It follows that the Inquiry will be a fact-finding exercise without any adversarial approach or procedure and it is emphasised that although the Inquiry has been set up by the Governors it is wholly independent of the Governors. The final report will be the report of the Inquiry Chairman alone.

Structure of this Inquiry

17. The Inquiry will be held at a convenient location in Central London hired at the expense of St James. The fees of the Chairman of the Inquiry and the associated costs of a secretariat and the administrative arrangements will also be paid by St James.
18. St James will not be able to pay costs of legal representation of any complainants who wish to contribute to the Inquiry.
19. The Chairman will be asked to take account of what might be termed five distinct interest groups -

- 19.1. Former pupils who have specific complaints.
- 19.2. Former pupils who wish to contribute to the Inquiry but have no specific complaints.
- 19.3. Current and former members of staff who were employed at the Schools during the period of the complaints received from former pupils, including the former Headmaster.
- 19.4. Current and former Governors during this period.
- 19.5. The present communities of the three St James Schools.
20. The Chairman will set the procedures and the timetable and give directions to the Clerk to issue notices. At this stage it is anticipated there will be four phases.
21. **PHASE 1** - the collection of evidence. A number of statements have already been provided to the Clerk to the Inquiry in response to invitations on the "Whyaretheydead.net" website, the Seventh Form website and letters to former pupils from the current Headmaster of St James' Boys School. A number of other messages have been received indicating that the sender would wish to participate in the Inquiry once the terms of reference have been finalised and the Chairman appointed. The Chairman will, at his discretion, be able to accept any late interventions for consideration if they are deemed to be relevant to the Inquiry. The Chairman's ruling will be final. Those who wish to provide written information about their experience at St Vedast or St James will be asked to send their information to -
- Mrs Christine Betts**
Clerk to the St Vedast Inquiry
 Veale Wasbrough
 Orchard Court
 Orchard Lane
 Bristol BS1 5WS
- Confidential e-mail:** vedast@vwl.co.uk
22. The Clerk will collate all information received, together with copies of relevant information on the message boards and send it to the Inquiry Chairman, and to those complained against, who will be required to hold that information in confidence and not discuss it outside the Inquiry.
23. **PHASE 2** will be the Inquiry itself. Each person who has provided written information or wishes to give oral information will be invited to attend one or more private interviews with the Chairman. The Clerk will be in attendance.
24. The Chairman will consider anonymous information attaching such weight to it (if any) as may be appropriate.
25. The proceedings will be tape recorded and tapes will be transcribed the same or next day. Transcripts and tape recordings will be the property of the Chairman who will make a transcript of each interview available only to the interviewee and to each person complained against. That will be done on an understanding of strict confidentiality.
26. The Chairman will also interview each person complained against who wishes to respond.
27. Even though the issues have already been canvassed on the Message Boards, confidentiality remains important to individuals and to the School for these reasons -
- 27.1. Most of the issues relate to events between 20-30 years ago. Those are the matters and disputes the Inquiry is seeking to resolve. The Inquiry must not be allowed to prejudice the current school community of staff, parents and pupils.
- 27.2. Much of the information is sensitive and relates to possible child protection issues
- 27.3. The Inquiry should not be seen as a way of gathering evidence for the purposes of a criminal or civil

action; that emphatically is not its purpose.

27.4. The three members of staff who are still employed at the School have rights under employment law that the Governors are legally bound to respect.

27.5. It is in the interests of all concerned and the public interest that an Inquiry of this nature resolves rather than proliferates disputes.

28. Those complainants contributing information to the Inquiry and/or attending in person who wish to be assisted by a friend or legal representative may do so but at their own expense. The function of the friend or legal representative is to help the witness to give evidence and answer questions put by the Chairman. There will be no opportunity to question other witnesses.

29. The Chairman may ask questions of any witness or contributor. The Chairman will not appoint Counsel to the Inquiry. There will be no cross-examination by or on behalf of those persons appearing before or submitting written evidence to the Inquiry. The Chairman's principal role at this stage of the Inquiry will be to find the facts.

30. **PHASE 3** will be the report stage. The Chairman will write his report in this form -

30.1. There will be a general report on the former discipline policy and its application at St Vedast and St James during the period covered by the complaints received by former pupils. That report will not name individual complainants or teachers. However, the Chairman, at his discretion, might consider producing a confidential report for the Governors on individual matters.

31. If the Chairman's report, or one of them, contains criticisms of an organisation or individuals, he will send a draft of such Report to each organisation or person who is criticised. That organisation or person will have an opportunity to comment on the criticisms before the Report is finalised.

32. When the Report has been signed the Chairman will send it to the Clerk for distribution -

32.1. The full general report will be sent to each Governor, each person complained against, and each identified person who has made written or oral contribution to the Inquiry. It will also be posted on relevant web sites.

32.2. Any confidential reports on individual matters will be sent to the individual[s] concerned and to the Governors. At the Chairman's discretion such reports may be anonymised.

33. **PHASE 4** will relate to any action to be taken in consequence of the Inquiry's report. Where the report has made a recommendation that an organisation or person should take certain action the Chairman will write to that organisation or person requesting confirmation that the action has been taken. The Chairman has no power to compel compliance with any recommendations of the Inquiry but it will be part of his function to send a written notice to the Chairman of Governors and every other person directly affected, of a decision of any person not to comply with a recommendation, or an apparent failure to comply.

34. Upon sending such written notice or upon the Chairman deciding that no such notice is necessary, the function of the Inquiry shall cease.

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APPENDIX 2

Chronology

Date	Event
1937	Foundation of Henry George School of Economic Science (see John Stewart's book " <i>Standing for Justice</i> ".)
1938	Renamed "The School of Economic Science"