

Independent Inquiry Child Sexual Abuse
Child Protection in Religious Organisations and Settings
Oral Evidence Session 13 August 2020

<https://www.iicsa.org.uk/key-documents/21002/view/public-hearing-transcript-13-august-2020.pdf>

Three witnesses on the day, this transcript concerns the final one:

Page 3, Line 24 - Ms Nazmin Akthar, Co-chair Muslim Women's Network UK

Page 62, Line 5 - Daniel Paul Richard Greaves, Crime Director in the Home Office

Page 98, Line 10 - Ms Kate Dixon, Department for Education, Director of Schools

Key to highlighting in follow transcript:

Dark Blue text - procedural comments	Magenta text - questions from the chair, Fiona Scolding QC	Black text - answers from Ms Kate Dixon, Department for Education
Dark Red text - questions from Professor Sir Malcolm Evans	Light yellow background - sections where elective home education [EHE] is being discussed	Bright yellow highlighting - passages with key information regarding EHE

Bold used for emphasis.

Transcript

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10 MS SCOLDING: Chair, I would now like to call Ms Kate Dixon

11 on behalf of the Department for Education.

12 MS KATE DIXON (affirmed)

13 Examination by Ms Scolding

14 MS SCOLDING: Good afternoon, Ms Dixon. Before we begin,

15 just a few introductory issues. Firstly, if the

16 technology breaks down -- I hope it won't -- please be

17 patient. RTS will try and get you logged in as soon as

18 possible.

19 Secondly, I think during the course of this week, we

20 have at least had a dog and a builder, so please do not

21 worry if there are any interruptions.

22 You know, as you have obviously come to give

23 evidence to us before, but we would particularly like to

24 thank you on this occasion, as we know, as the Director

25 of Schools, over the past six months you would have been

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1 having an incredibly busy time. So we thank you for

2 giving up your time to come and try and assist us this

3 afternoon.

4 As you already know, you should have a bundle in

5 front of you. Chair and panel, there are two files for

6 this particular witness. Just to identify that Mr Hyde,

7 Danny, will get documents up on the screen if and whe

8 we require them, but I will also refer to them from the
9 bundle.

10 A. Thank you.

11 Q. The next issue to identify is, obviously, you can have
12 made notes and please feel free to refer to your witness
13 statement and any exhibits or any other documents or
14 notes you may have made.

15 We will also have a break at around 2.50 pm, for
16 approximately 15 minutes.

17 If you cannot see any of the documents or they are
18 not clear, please do let me know.

19 Please could you turn to tab A2 of the bundle in
20 front of you. We have two witness statements from you
21 there, the first of which is 31 pages long, dated
22 9 January 2020. I note it's the 12th witness statement
23 you have given to this inquiry. Can you confirm that
24 you signed this witness statement?

25 A. I can.

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1 Q. Is it true, to the best of your knowledge and belief?

2 A. Yes, it is.

3 Q. Also, chair and panel, behind what I have as tab 2/1 is
4 the most recent witness statement, Ms Dixon, which is
5 really just updating on the various issues which you
6 dealt with and where you are at legislatively or
7 otherwise at this particular point in time. That's
8 a four-page document, dated 27 July 2020. Again, did
9 you sign that witness statement?

10 A. I did.

11 Q. Is it true, to the best of your knowledge and belief?

12 A. Yes.

13 Q. That's your 13th witness statement.

14 A. Thank you.

15 Q. There are a number of issues we wish to cover with you.
16 The first one of those is, in fact, working with other
17 government departments, because we have heard from
18 a number of government departments during the course of
19 this investigation.

20 You, as the Department for Education, as
21 I understand it, are the central government department
22 who has overall policy responsibility for the
23 overarching framework in respect of child safeguarding;
24 am I right?

25 A. Yes, you are.

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1 Q. You don't have any particular policy remit about
2 religious organisations generally?

3 A. No, other than faith-designated schools.

4 Q. So, in fact, in this investigation, we have had to get
5 witness statements from yourself, from the Department of
6 Housing, Communities and Local Government, from the
7 Department of Culture, Media and Sport, from the
8 Home Office and from the Ministry of Justice -- that's
9 five different departments of state -- in order to
10 understand the picture in respect of the regulation or
11 absence thereof of religious organisations. That's
12 right, isn't it?

13 A. Yes.

14 Q. In fact, all of you who have provided evidence on behalf
15 of the government have all pointed us to the areas in
16 which other government departments have lead policy
17 responsibility. We can see some examples of potentially
18 direct overlap, because we have, for example, the DCMS
19 toolkit that came out in February, which was informed by
20 the Scouts, which was a sort of online safeguarding
21 toolkit for voluntary organisations; we have your
22 potential voluntary out-of-school settings code?

23 A. Yes.

24 Q. We have the template documents that Strengthening Faith
25 Institutions have produced for settings, which is

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1 funded, largely, by the Department of Housing, Community
2 and Local Government -- I can never remember the right
3 formulation for that particular government.

4 Has there not been any cross-departmental discussion
5 about trying to draw these various strands of work
6 together and trying to have sort of a voluntary
7 organisation -- not necessarily saying religions alone,
8 but a hub for voluntary organisations, to stop this
9 potential replication and overlap of advice?

10 A. We obviously consult different government departments
11 and link in with the different teams in those different
12 departments. But the overall joining-up of policy is
13 Cabinet level.

14 So if things needed to be joined up at that level,
15 that's where they would go. I think you're correct in
16 that you needed to get witness statements from a number
17 of different departments, and, indeed, from people like
18 the Charity Commission, who are not part of government
19 but quite close.

20 I think, in terms of the way we view the world, as
21 you rightly put, we don't view religious organisations
22 as a way that we cut things. In the Department for
23 Education, we look at education and childcare settings.
24 I think, though, the Department for Education would
25 feel the most in the lead, because we own the policy and

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1 legislative framework on safeguarding, which clearly is
2 the subject of this inquiry, so I think it's right that
3 you call me.

4 I think, to your challenge of, you know, should we
5 be more joined up, I'm sure there are things that have
6 fallen down the cracks between us, but we attempt to be
7 joined up and we cut things by our sector
8 responsibilities and content rather than necessarily the
9 same scope that this inquiry is looking at.

10 Q. I understand that, but I suppose what we are worried
11 about is that there might be too many cooks but not
12 necessarily making a whole meal. So we have got
13 somebody doing a starter, somebody doing a main course,
14 somebody doing a dessert, and what you need is maybe
15 just one chef with overall control of those three
16 different aspects. Would there be any appetite,
17 extending the meal metaphor maybe a stretch too far, for
18 one department taking the lead for voluntary settings,
19 if one were to put it that way, so that there is, for
20 example, a voluntary hub, shall we say, or all materials
21 are placed on one website, to stop the slightly silo
22 nature of the way that policy is constructed and
23 implemented at the moment?

24 A. We would certainly look at the merits of that. I think,
25 if I were looking through the eyes of the church,

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1 I probably would think about the services I was offering
2 and go to those places, which would lead me to, in the
3 instances of children, going to the Department for
4 Education.

5 So I think there are many different ways of cutting
6 the world. I'm not sure that we have heard significant
7 problems in that respect with the way that we cut the
8 world, but our ears are open.

9 Q. What I would say is, we have had a number of
10 organisations say to us, "We don't know where to go.
11 We don't know where to look". The NSPCC, for example,

12 said, "We don't really know -- we run the Child
13 Protection in Sport Unit. It is quite clear -- we have
14 got quite clear lines, but when it comes to other
15 voluntary organisations, it's slightly fragmented". So
16 I don't think it's fair to say that people haven't told
17 us that. Pretty much everyone has said, "It's quite
18 difficult to find out where I go", particularly smaller
19 and less experienced organisations.
20 The Church of England is practically next door,
21 opposite -- Church House is practically opposite the
22 Department for Education, so they can just walk across
23 the road and have a chat. Whereas smaller, and, shall
24 we say, newer religious movements might not have that
25 long historic relationship with the state and might be

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1 looking for somewhere easy to go to?
2 A. I think we have definitely heard communications
3 questions. When we come on to talk about the voluntary
4 code, for example, one of the things we are thinking
5 about is, it's good to have that published when it's
6 published, but, actually, how do you get it to the right
7 people? Even, I think, in the work we have been doing
8 on COVID, the work that we did around holiday clubs and
9 out-of-school settings for coronavirus, you know, we
10 produced some guidance for parents, but it's only -- you
11 know, it's obviously strengthened by the number of
12 parents that read it, given that it is advice rather
13 than a "must do". So that, I think, is a fair
14 challenge, the communications and getting it to people.
15 Q. The second issue I wanted to ask you about is
16 Working Together, which is your current statutory
17 guidance. I am going to get a passage of it up. You
18 can look at it, if you wish. It is behind tab B21,
19 chair and panel, that's the first tab of file 2. But
20 I would ask Danny to get up DFE002815_070 and _071,
21 please. This is paragraphs 57 to 62, pages 70 and 71 of
22 Working Together. We just have to wait for Danny.
23 It takes a few seconds for Danny to work his magic.
24 A. I remember the magic from Ralph before.
25 Q. Well done, Danny. This is it as far as voluntary

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1 charities, social enterprise, faith-based organisations
2 and private sectors are concerned. This is the advice
3 that they're given in Working Together. Most of them

4 have said to us, "This isn't enough". Are you going to
5 do anything about that?

6 A. I think there's always a balance to be struck with long
7 documents that the department produces about whether
8 they have enough detail versus whether people actually
9 even ever find the detail because the documents are so
10 long.

11 So I think, you know, we look to review and consult
12 on changes for our guidance periodically, and that
13 applies to Working Together, it applies to Keeping
14 Children Safe in Education. It's always a balance
15 because, every time we look at it, people want more
16 things in it.

17 So at the moment, we haven't got a plan to review
18 and add more things in, but next time we look at it,
19 then I'm sure we will take into account both the inquiry
20 and what the voluntary sector are saying.

21 Sometimes, in the case of Keeping Children Safe in
22 Education, we obviously did a big stand-alone
23 peer-on-peer abuse extra, which was useful to people for
24 a short term and now we are trying to incorporate, you
25 know, a section of it into the main guidance. So

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1 sometimes things can, for a short while, need more
2 explanation, so we would certainly consider that sort of
3 thing if it was felt to be an issue that needed to be
4 fixed in the short term.

5 Q. I suppose the reality is, this document is designed for
6 and aimed at statutory provision, largely. I know it
7 has bits and pieces in it about other things, but,
8 largely, it is what -- Social Services or a school would
9 have a copy of it around, or a CCG would, and they would
10 refer to it and look at it when they are thinking about
11 what they are doing, around a number of children,
12 largely around whether children should remain with their
13 parents and the services to children in need.

14 So is there a space, do you think, for sort of
15 separate guidance which isn't part of Working Together
16 but which sets out clearly what the responsibilities of
17 voluntary organisations are in respect of safeguarding,
18 and do you think, as a department, that you're well
19 placed to provide that?

20 A. I'm sure we are going to come on to questions about the
21 voluntary Code of Practice, but that is largely what
22 that document is aiming to do, to provide -- it is not
23 statutory, but to provide guidance to out-of-school

24 settings on a number of different things, but with
25 a focus on safeguarding.

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1 Q. Can we go back -- Danny, would you mind getting up
2 DFE002815_071 again. Can we go to paragraphs 61 and 62,
3 please. I would like to use this as a jumping-off point
4 to discuss some aspects of regulation, or absence of
5 regulation, in a little more detail with you, if you
6 wouldn't mind, Ms Dixon.

7 Firstly, every organisation should have policies in
8 place to safeguard and protect children from harm, but
9 that's not a statutory obligation, is it?

10 A. So I'm sure we are going to come on to the question of
11 regulation and registering out-of-school settings, but,
12 at the moment, we don't.

13 Q. So the entirety of this paragraph, whilst it is written
14 in "should", there is no legislative basis for that. It
15 is just "it is a good idea to" rather than "one is
16 obliged to"?

17 A. There is no legislation or regulation of out-of-school
18 settings; out-of-school settings as we sort of define
19 them, but don't quite define them, as it were. I'm sure
20 we will get on to that.

21 Q. There have been some steps taken under the Children and
22 Social Work Act. We have heard from a number of local
23 authorities which have created this concept of
24 the relevant agency. Now, as I understand it, you have
25 the local children's safeguarding board -- no, the local

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1 children's safeguarding partnership, that's what they
2 are now, LCSPs, sorry, so they are the local authority,
3 the health authority and the police?

4 A. Correct.

5 Q. They have overarching responsibility to make sure that
6 all their agencies do what they say they are going to do
7 and monitor and review and have a look at that. That
8 organisation has power to make certain organisations
9 relevant agencies, and that includes, as I understand
10 it, charities and religious organisations who run
11 schools, in effect, schools with a religious character,
12 but nobody else has to be a relevant agency. Am I right
13 in that or have I got that completely wrong?

14 A. The partnership, the CCG, the police and the local
15 authority, can name additional partners. It is that

16 trio of people who name the partners. There is, again,
17 a balance to be struck for them about how many they name
18 and the change to the partnership from the local
19 children's safeguarding board was on the basis that
20 actually it was the strength of the relationships that
21 was the important thing and in putting together a plan
22 between those three agencies, and indeed any other
23 relevant agencies that they name, that was the strength
24 of how well they worked rather than the precise naming
25 of who was on the partnership

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1 It might be a good point for me to mention that one
2 of the pilots that we are funding through the £3 million
3 and, in fact, one of the ones we have extended in
4 Hackney --

5 Q. We have sort of talked about the pilots but perhaps now
6 would be a useful time for you to say roughly, for the
7 benefit of the audience following along -- we obviously
8 know it from your witness statement -- what the pilot
9 scheme is and then you can tell us about what's going on
10 in Hackney?

11 A. Perfect. Why don't I do that. Following the
12 consultation, the call for evidence, we did in 2015
13 about whether we should regulate out-of-school settings,
14 we haven't ruled it out but we decided not to at that
15 point. One of the things we decided to test off the
16 back of it was to put £3 million into a number of local
17 authorities -- 16 local authorities -- to pilot how they
18 identify and take action where they have got concerns.
19 That was against a range of concerns, anything from
20 where the call for evidence started, which was in the
21 Prevent space -- so radicalisation and countering
22 extremism, through to safeguarding through to corporal
23 punishment. So a range of concerns.
24 That pilot scheme we initially thought might run for
25 a year, but, actually, in totality, with the extension

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1 of the pilots, is probably going to run for about three
2 years.
3 The main body of the piloting, in terms of
4 the 16 local authorities, finished in March, but we had
5 some extra money which we have -- sorry, within the
6 3 million, some unspent money that we have used to
7 extend six of the 16, so the existing pilots, for

8 a little bit longer, probably for another year they will
9 run, and one of those is Hackney.
10 We chose the extended pilots because they were
11 continuing to pilot, or proposing to pilot, something
12 that we were particularly interested in coming out of
13 the main body of the pilots, and Hackney are looking at
14 the issue you raised in terms of the trio of partners
15 and who they then name as their extended partners, and
16 they are looking to see sort of how far they can push
17 that partnership arrangement to not quite compel, but go
18 as close as possible to compelling, the relevant
19 agencies, whom they name, to follow both
20 Working Together in terms of the paragraph you showed
21 me, but also the voluntary code that will be published
22 this autumn.
23 So they are piloting the extent of that power, of
24 that partnership.
25 That's relevant within the context of the pilots

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1 because one of the things we wanted the pilots to do and
2 to learn from the pilots was to see how far the current
3 powers amongst relevant partners in a local area could
4 both identify and address concerns that came up.
5 Stop me if I'm rambling, but the original
6 consultation in 2015 looked at whether we should
7 legislate to regulate out-of-school settings. At that
8 point, we decided not to. What we are doing -- partly
9 doing through the pilots is looking at the extent of
10 the current powers. If you add all those powers up that
11 different agencies have got, what's the gap? What can't
12 they do that they might want to do? So that we have
13 a better evidence base for knowing what gaps there would
14 be, might be, in the legislation and how we might act to
15 fix them.

16 Q. We will look at some of this in a bit more detail in
17 a moment, but just to come to -- you obviously said that
18 one of the things you're doing with Hackney is looking
19 at how far. Now, we have had the benefit of having
20 Jim Gamble come to give us evidence earlier in the week,
21 and he said to us, they have taken legal advice on this
22 issue, they don't think that the relevant agencies --
23 the way that the legislation works at the moment works,
24 because it can't compel anyone. In effect, it is
25 a toothless -- it is regulation, in that you can --

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1 somebody can be asked to co-operate, but the reality is,
2 you can't then really make them do anything, or the way
3 that the legislation is currently drafted. So he said
4 very firmly to us in his robust manner, "Not good
5 enough", and, in fact, all -- we have had, I think --
6 I think we have had evidence from -- we have had
7 evidence in written form, I think, from eight out of
8 your 16 -- it is either eight or seven out of your 16,
9 and we have had evidence in oral form from four out of
10 your 16, so 25 per cent of your cohort, and all of them
11 have said to us, "We don't think our powers are
12 sufficient", and Hackney in particular, which, I think,
13 for reasons we will come on to in a moment, has had
14 quite a longstanding concern about a very small group of
15 institutions but which -- where it has tried to use the
16 various powers it has. It has reached the stage where
17 it says, "Well, we can't do anything else without
18 legislation". Is that something which you are going to
19 think about? I mean, I can't ask you to do anything
20 other than think quite seriously about what the local
21 authorities are telling you about the limits they have
22 on their powers?
23 A. Yes, absolutely. I mean, I think obviously -- I know
24 Jim Gamble has got some very powerful views and
25 expresses them, indeed, and has, for a long time, had

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1 a problem with the group of education or otherwise
2 defined institutions that he spoke about.
3 Hackney proposed testing the system for us, so
4 seeing how far their power would take them. I think
5 Jim Gamble's advice to you is probably what our
6 advice -- the advice coming to us from lawyers is that
7 we don't think that that use of naming relevant agencies
8 is robust enough.
9 We would like to see how far Hackney get with it,
10 obviously, that's the point of the pilots, but I think,
11 yes, the three years' worth of piloting is to do exactly
12 what you have heard from local authorities, which is to
13 find out the extent of those powers and where the gaps
14 are, and then to take to our ministers some advice about
15 how and whether/when we might want to do something about
16 them.
17 I don't know if this is a good time just to recap
18 maybe some of the other commitments in terms of
19 legislation?

20 Q. I'm going to ask you to go through the other commitments
21 in terms of legislation, so that's what -- we have gone
22 on a slight diversionary route, but that's fine because
23 we have got the evidence out on what is quite an
24 important issue.
25 We have dealt a little bit about relevant agencies.

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1 The issue that Mr Gamble is particularly concerned about
2 is not necessarily about what we would call part-time
3 settings, but is about some faith settings, and it is
4 not exclusively related to faith settings, but we have
5 had both Ms Spielman and Mr Gamble come to give us
6 evidence about particular concerns they have and the
7 local authorities have also -- other local authorities,
8 such as Tower Hamlets that we have heard evidence from,
9 Bradford, various others have said the same thing, about
10 organisations which look like schools, act like schools,
11 but aren't, at the moment, compelled to be registered as
12 schools.
13 So, as I understand it, at the moment, there is no
14 compulsion for something that walks like a school, talks
15 like a school, provides full-time education, to be
16 registered as a school if it only has a very narrow
17 curriculum. So if it only teaches religious education,
18 it doesn't have to be registered as a school. If it
19 only teaches sport, it doesn't have to be registered as
20 a school. If it only teaches dancing, it doesn't have
21 to be registered as a school. So there are exemptions
22 currently within the system for kind of, I suppose,
23 mono-focused institutions.
24 You, I understand it, have introduced -- or there is
25 some discussion, shall we say, about introducing some

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1 legislation to remedy this. Can you tell us about where
2 you have got to as far as that's concerned and what's
3 being proposed?
4 A. Yes. So we have made a public commitment to legislate
5 as soon as possible -- I can't remember the exact
6 language, but it is no doubt something like that -- to
7 tighten the definition of an independent school. So the
8 reason I say "independent" is, that is how these
9 institutions would fall under the legislation and the
10 requirement to register.
11 The issues of single-focus -- religious, sport,

12 dance -- examples are not what we intended in drafting
13 the legislation requiring schools to register, and we
14 have subsequently, you know, discovered that people are
15 using that as an exemption to the legislation to not
16 register, and we have made a commitment that, when we
17 can, we would like to tighten that definition to bring
18 them within the scope of requirement to register, which
19 would then bring them --

20 Q. What's the requirement going to be, then? What's the
21 proposed legislation? What's that going to look like?

22 A. So we have consulted on the definitions of "independent
23 schools". A few different changes that we wanted to
24 make. Thinking about the question of what is full and
25 part time and proposing to tighten that to make it

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1 a requirement in the legislation rather than solely in
2 our guidance.

3 Q. At the moment, there is no definition of what full-time
4 education is, in any statute?

5 A. There isn't.

6 Q. No.

7 A. There is not. So the key changes in legislation for the
8 definition and registration of independent schools,
9 which would cover the institutions that you are talking
10 about, is, there would be a criteria for full time and
11 there would be a criteria for content of what they
12 teach. At the moment, our assumption was that a school
13 taught things that the school would teach in terms of
14 broad education. What we have found is, actually, there
15 can be a very narrow interpretation of that, which means
16 that schools -- or institutions fall out of
17 the definition of independent schools. We would
18 consider those to be schools. As you have heard
19 evidence from other people, they would also consider
20 them to be schools. We want to bring them into the
21 scope of the registration system.

22 Q. What's likely to be the definition of full-time
23 schooling? I know you consulted on that and you haven't
24 published the legislation yet, but is it going to be
25 32.5 hours a week, are you going to say full time is the

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1 equivalent of X, is it going to be a quantitative test
2 or a mixture of the two?

3 A. A mixture of the two, but our working definition is

4 18 hours. That's what we use -- it's not in statute,
5 but that's what we use as our definition within the
6 independent schools registration system at the moment.
7 Our primary, practical sort of concern or criteria
8 is that it would stop you going to another school. I'm
9 sure you have heard that from Ofsted as well. So,
10 actually, if it is operating in school hours and it's
11 providing the bulk of time that would be dedicated to
12 education, those are the schools that we would like to
13 capture and register under this system and, when we
14 legislate, that's what we will seek to do. There were
15 other bits in our consultation around the appeals system
16 for independent school registration, but those two, the
17 full time and the content, are the ones I think --

18 Q. What are you going to do about the content? What are
19 you going to say? Are you going to put in legislation
20 that, "These are the minimum requirements. Any school
21 has to teach the following ...", or "must take into
22 account the following"? How is that going to work?

23 A. At the moment, we have, through the Independent Schools
24 Standards, the content of education that we consider
25 should be taught in schools that are registered.

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1 Actually, the argument made by some of these
2 institutions is that they don't cover things outside of
3 the scope of religious education, so that means they
4 have argued that they don't fall under this system.
5 So we will be extending that to bring them into
6 scope by not -- we thought we were being broad, but,
7 actually, what we have done is knock out some
8 institutions. So we will talk about the hours and the
9 time that they're in, as well as the sorts of things
10 they're taught.

11 I don't know the exact wording of what we have
12 drafted in our proposals for legislation, but if you
13 would like me to find out, we can do that.

14 Q. No. I think we have got some -- there was
15 a consultation that was launched last year about this,
16 but obviously it doesn't contain a draft bill.
17 Sometimes consultations contain draft bills. It didn't
18 contain a draft bill, so it was just important for us to
19 get an idea of -- so, therefore, the idea is meant to be
20 that these institutions will have to become registered.
21 That therefore means they have to meet the Independent
22 Schools Regulations, as I understand it.

23 A. Yes, correct.

24 Q. And the various minimum standards that come with that,
25 and would also have to comply with other statutory

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1 obligations, such as the Equality Act 2010?

2 A. Yes.

3 Q. That would also be the case. Now, you have said that
4 you have got a commitment to legislate. Obviously, we
5 have got both COVID and Brexit, both of which are fairly
6 significant matters. How realistic is it that there
7 will be any legislation within this parliamentary term?

8 A. I can't give a definitive answer, but I can tell you
9 that we continue to bid for these bits of legislation,
10 and they continue to be on the list. They haven't been
11 knocked out. So it's maybe relevant to mention the
12 other two bits of legislation I think are relevant in
13 this space that we have publicly committed to. So one
14 is giving Ofsted great powers around unregistered
15 schools.

16 Q. Tell us a little bit about that. What are you proposing
17 to do?

18 A. We haven't published, and I wouldn't want to say
19 publicly exactly what the powers would be. We have
20 chosen not to do that because we don't want to give
21 people a head start to start finding ways around them.
22 But, in essence, Ofsted are saying to us that they have
23 been -- and they have, indeed, been very successful at
24 finding, and jointly we have prosecuted, a number of
25 unregistered schools. Ofsted don't have the powers of

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1 entry and the powers to shut down the school or the
2 institution when they arrive at it, nor to seize the
3 materials that they might need to create the most robust
4 case.

5 I think we respect Ofsted's work in this area, and
6 they don't have the powers that they would have in the
7 equivalent of a school, so we would like to in some way
8 replicate those powers so they can be as strong and as
9 effective in those unregistered schools

10 The second one I wanted to mention was the public
11 commitment to create a "children not in school"
12 register. So this stemmed from our consultations around
13 home education. We have one outstanding response to the
14 most recent consultation on the "children not in school"
15 register, and we moved away from a register for

16 home-educated children to a register for children not in
17 school because of some of the issues around people not
18 necessarily all falling into home education, but not
19 falling into school, for some of the reasons around
20 safeguarding and education across these different
21 settings.
22 We have committed, again, to legislating, you need
23 to legislate for the register to be created. We have
24 committed to that, and I think the reason I mention
25 these three things together and they're relevant to this

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1 inquiry around, you know, the discussion about
2 out-of-school settings, is, if you pull one of these
3 levers hard, then you may end up inadvertently sending
4 the children into one of the areas where you haven't
5 tightened up the process.
6 So we bid for these three bits of legislation at the
7 same time. We see them together in our head as
8 strengthening the safeguarding system. Whether they
9 make the priority list for legislation, I couldn't tell
10 you. As you say, there's pressure on the legislative
11 programme. But we do continue to bid for those and bid
12 for them under a safeguarding set of reasons rather than
13 a purely educational one.

14 Q. Can we have a little bit of a look at the proposal? We
15 have got a consultation from you that finished
16 on June 2019. I don't think there's been any response
17 to that consultation. I think COVID has probably
18 stopped any publication that was due to take place. If
19 we could have a quick look at that, it is behind tab 27,
20 chair and panel, which is file 2, and can I just
21 double-check, I think the first proposal we have -- the
22 first proposal you identify is that local authorities
23 will need to maintain a register of children not
24 registered at specified types of school; that's right,
25 isn't it?

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1 A. Yes.
2 Q. That's at _010. DFE002824_010. It is paragraphs 2.2
3 and 2.3:
4 "The basic proposition is ... every local
5 authority ... [has to] maintain a register ..."
6 So every individual who isn't at one of those
7 institutions would have to be on a register so the local

8 authority would know who they were. But the duty to put
9 them on the register is going to be that of the parent.
10 Am I right in thinking that?

11 A. Yes.

12 Q. Which is set out at DFE002824_015. This is the
13 proposal. Obviously, the difficulty with that is it
14 relies upon parents letting local authorities know that
15 that's what they're doing. Do you think that most
16 parents will comply with that, or how do you think --
17 the unintended consequence of that may well be parents
18 deliberately not telling you that their children are
19 being home educated, so you're still going to have the
20 same problem, just at once remove?

21 A. Yes, of course that's a risk. I think we have said in
22 **our guidance that is under the current statutory regime,**
23 **so before, if, indeed, we do progress to legislate on**
24 **the register, that we are asking local authorities to do**
25 **more and to feel more confident to do more within the**

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1 **current powers, which can look at their data mapping to**
2 **try and help identify where children exist that they**
3 **don't know about. So that is one way that potentially**
4 **children who are purposefully being hidden from the**
5 **system could be identified.**

6 At the moment, though, without the register and
7 without asking parents to report where their children
8 are being educated, or if they're not at school, then we
9 haven't taken a step even towards that.

10 Now, that has been fraught with contention for more
11 than ten years about whether we are invading people's
12 privacy, but I think, at this point, there is
13 a direction of travel both in the government, in
14 stakeholders and amongst the public that this is more
15 acceptable, that finding out -- at least knowing where
16 children are is a step that we could take.

17 It is still contentious --

18 **Q. There is a strong home education lobby who would be very**
19 **unhappy with this proposal because they would feel it**
20 **was invading their right to teach their children in the**
21 **way that they wished, and it's parents -- they would see**
22 **that as part of their rights as parents?**

23 **A. Yes, that's right. But our original consultation**
24 **proposed looking at the content of teaching and whether**
25 **that met certain standards. We have chosen to do just**

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1 the first part of it, the creation of the register,
2 partly in response to that feedback. This is
3 a difficult issue in which to step into, and taking the
4 first step, from a safeguarding point of view, felt
5 important to us, so that's what we have progressed
6 our -- you know, our consultation that we will respond
7 to hopefully sometime in the autumn, to find out how we
8 would do this, how we could make it work, what sort of
9 funding would be required, the practicalities of doing
10 that, and I think, along with that, comes your very
11 relevant question about, what if they don't and how do
12 you find those children?

13 But we are in that position at the moment, albeit
14 for very small numbers of children, probably, but if
15 those children are being hidden purposefully, then there
16 is the concern for their well-being, putting education
17 aside, and obviously we care about both of those things.
18 But, yes, I wouldn't want to be portrayed as somebody
19 who was criticising the majority of home-educating
20 parents, who are doing a very good job, as many
21 home-educating parents who have tried to work through
22 coronavirus and failed have probably found out.

23 Q. I think a number of parents have found the reality of
24 home education may well be less attractive than the idea
25 of it in the abstract, as a result of the past six

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1 months.
2 On that note, I note the time. There are a couple
3 more things I want to ask you about this proposal and
4 then we are going to move on to the voluntary code of
5 practice, if I may.
6 Chair, may we have a mid afternoon break now,
7 please?
8 THE CHAIR: Yes, we will return at 3.05 pm.
9 (2.50 pm)
10 (A short break).
11 (3.05 pm)
12 THE CHAIR: Thank you. Ms Scolding?
13 MS SCOLDING: Thank you very much.
14 Ms Dixon, just before the break, we were talking
15 about the new proposal for registration of children who
16 are currently educated in out-of school settings.
17 A particular problem that Hackney found, and they
18 have given evidence about, is the fact that they can't
19 get any information about who these children are in the

20 institutions that they suspect may well be being run as
21 unregistered schools.
22 I note you have a proposal to try to remedy that
23 particular issue -- at DFE002824_018, Danny. Perhaps
24 you would like to tell us a little about this duty upon
25 proprietors to provide you with some information.

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1 (Pause)
2 Ms Dixon? Do we in fact have Ms Dixon? (Pause)
3 I appear to have asked a question literally into the
4 void, because Ms Dixon doesn't apparently look as if
5 she is on the call. I was wondering if it might be
6 sensible -- I am looking at Ms Nicholls and Mr Tahzib,
7 whether or not they can send me a message as to what may
8 or may not be happening, as I can't see Ms Dixon.
9 Is it the case that we may need to take a short
10 break while we look to see if we can find Ms Dixon?
11 Chair, would you mind if we take a very short break
12 while we resolve this problem? Thank you.
13 (3.07 pm)
14 (A short break)
15 (3.14 pm)
16 MS SCOLDING: I am going to ask Ms Dixon to identify herself
17 so I don't ask a question into the ether again.
18 Ms Dixon, can you let me know you are there?
19 A. I am here.
20 Q. Thank you very much. I just asked a two-minute question
21 without realising that you weren't there, so that's
22 absolutely fine.
23 Can I ask you to look at -- we were just looking at
24 the consultation document before the break. I'd like
25 you to look at this, "Creation of a duty on proprietors

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1 for certain education settings to respond to enquiries
2 from local authorities". Can you tell us about this
3 proposal and what it is meant to achieve?
4 A. So we are back in the "children not in school" register?
5 Q. We are. We are back on children not in school.
6 A. Honestly, no, I can't. If you would like me to read it,
7 give me a moment, I might be able to once I have read
8 it.
9 Q. I think the idea is meant to be that local authorities
10 can then ask questions of proprietors about whether

11 children are there or aren't there, and it looked to me
12 that this duty may well extend and deal with one of
13 the issues that Mr Gamble was telling us about, which is
14 institutions saying, "We are not going to give you lists
15 of who is there", or, "We are not going to tell you who
16 is there". I think that's the response to this, but
17 I just wanted to check that with you?

18 A. Okay. I mean, that sounds sensible. I guess my
19 question would be, given that the settings that
20 Mr Gamble is referring to aren't yet covered as
21 educational settings, do we need to do the bit of
22 legislation change that we talked about earlier to make
23 them education settings before this proposal would bite
24 on them? Ideally, we would do, as I said, all the bits
25 of legislation that pull on different bits of the system

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1 at the same time in order to not cause ourselves
2 problems, but that would be my question. But you're the
3 one supposed to be asking the questions and me giving
4 the answers, so sorry about that.

**5 Q. That's not a problem. It also says the proposals do not
6 seek to amend existing monitoring or assessment powers
7 of local authorities. I think some local authorities
8 would say they would like to have assessment and
9 monitoring powers for education, if it's being provided
10 at home, just to make sure that it is suitable, because
11 any home education has to be suitable. At the moment,
12 whilst -- the element of suitability lies almost
13 entirely in the hands of the parent rather than the
14 local authority to act as a sort of overseer or safety
15 net, really, in those small number of cases where there
16 are problems. Why is it you decided not to extend the
17 powers?**

**18 A. So I alluded to that a little bit before the break. We
19 first consulted on the three things, but, given the
20 responses that we got back and the contentious history
21 that stepping into this space has, we decided to take it
22 in parts and go with the creation of the register, which
23 was the most palatable and we thought would take us at
24 least on the journey, and not look at the monitoring and
25 the content of the education through proposals to**

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1 **legislate.**
2 **There is already existing responsibility and cover,**
3 **I suppose, for local authorities to investigate where**
4 **they think that there might be a problem in the quality**
5 **of the education or in safeguarding, and the guidance**
6 **that we have produced for the current system is seeking**
7 **to give local authorities more confidence and more cover**
8 **to step into that space under the existing statutory**
9 **regime, and we produced quite a detailed piece of**
10 **guidance about the steps that they can take, so those**
11 **two things combined, we will see how far that takes us**
12 **and how well it goes down or how difficult it is, and**
13 **consider the other two parts of the consultation further**
14 **into the future.**

15 Q. Just to sort of clarify, there is power for a local
16 authority potentially to bring something called an
17 education supervision order or a school attendance
18 order, both of which, in effect, compel a parent to have
19 a child educated at a particular setting?

20 A. Correct. A staged set of things that the local
21 authority can do, and that's sort of the middle ground.
22 Ultimately, they could put a care order in place if,
23 actually, they were concerned about the safeguarding, or
24 indeed the quality of education, so there is way that
25 they can go along that path. But, again, we suspect

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1 that would be fairly unusual and extreme circumstances,
2 but the intention there is to show the local authority
3 and give them the confidence that they can progress down
4 this route if they have concerns.

5 Q. Can I ask as well, the other proposal that you are
6 making is to create a duty on local authorities to
7 provide support to parents who choose to home educate
8 their children. Is that proposal likely to go ahead?

9 A. I think probably. That got more support. I think
10 exactly what that is is the question. So, you know, it
11 could be a range of things from paying for exam fees to
12 providing support materials. I suspect, again, the
13 coronavirus period may well have taught us something
14 about the support that home educating families welcome
15 and don't welcome. We might be able to learn from that.
16 But I think it was also an attempt to recognise that
17 many home-educating families are doing a good job, and
18 it is a very difficult job, and we should be grateful,
19 and if there is some support that we can give them, then

20 the local authority -- asking the local authority to
21 recognise that and give some support.
22 Q. But the obvious corollary of that is, that will cost
23 local authorities some money, so you are going to have
24 to fund that adequately and probably create some new
25 posts and spaces for individuals within local

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1 authorities to be able to perform that work effectively,
2 aren't you?
3 A. Yes, depending on exactly what it is, but, yes, the
4 creation of the register and the support is not free.
5 Both of those things would cost money and will be part
6 of our spending review bidding process. So that
7 combined with the legislative bidding process, we will
8 see how fast or slow we are able to make progress with
9 this particular set of proposals.
10 Q. The next topic I wanted to ask you about is about the
11 voluntary Code of Practice and how it's come into being.
12 You currently have consulted upon a voluntary Code of
13 Practice, but I want to take us back a few steps to what
14 happened in 2015, so we can see where you are and where
15 you have got to.
16 Now, in 2015, the local authority proposed
17 a register of out-of-school settings of all natures,
18 providing they provided more than a minimal number of
19 hours per week, and there were a significant number of
20 responses to this, and we can see, shall we say, the
21 collation of those responses in your report on the call
22 for evidence which you published in April 2018, which,
23 chair and panel, and Ms Dixon, is behind B28, which is
24 DFE002825_001. Danny, no need to get it up at the
25 moment. We might need to get it up a bit later

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1 In effect, you had a significant number of
2 responses, I think it was something like 12,500, and
3 around -- no, in fact, it wasn't 12,500, there were
4 3,000 responses. You had 3,000 responses, of whom just
5 over 50 per cent came from a faith group, and, largely,
6 they were very concerned about the element that was in
7 your original proposal, which is that there should be
8 regulation of what was known as "undesirable teaching",
9 and the prohibition of extremist views, neither of which
10 term was, in fact, defined.
11 It seems to me, and it may well be my misreading of

12 the response to the consultation, that largely that was
13 the concern of the majority of respondents. Am I right
14 in thinking that?

15 A. I think it was 18,000 responses we got, but, you're
16 right, about half of them were from faith groups and
17 about three-quarters of the totality, not the
18 50 per cent, were against our proposals. There were
19 a number of things that people were worried about,
20 including how you define what we call out-of-school
21 settings, and we created that term, so how you find
22 them, what the threshold would be, the burden on small
23 and voluntary organisations, some resistance or
24 questioning of the -- who would regulate. We had
25 proposed Ofsted. The practicalities of enforcement,

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1 funding, what legal powers were needed. **But, yes, one**
2 of the things was the potential -- well, like we talked
3 about in home education -- overstepping of government's
4 role into religious freedom of expression. You're
5 right, where this call for evidence stemmed from was
6 a commitment in the Prevent strategy in 2011 coming out
7 of concerns about what we would -- the undesirable
8 teaching in the context of countering extremism and
9 counter-terrorism. I think what we have learnt and, you
10 know, no doubt you have also learnt from hearing from
11 people is, actually, the questions and the way in which
12 we asked the question at that point very much got
13 people's backs up, particularly from religious
14 organisations, and we did get a lot of concern and
15 opposition against the accusation that we were somehow
16 saying that religious organisations were teaching
17 undesirable things.

18 I think, you know, five years on, the lens in which
19 we would look through this question and how we would
20 frame it would be far more to do with safeguarding, of
21 which undesirable teaching or countering extremism might
22 be a small part but not the overwhelming tone of
23 the document. But, yes, I think your assessment is
24 correct, that was -- that clouded it and was some but
25 not all of the -- certainly far from all of

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1 the practical questions that people asked, but it was
2 a part of it.
3 Q. I understand entirely some of the practical problems,

4 but it would seem to me that most of those practical
5 issues could probably be overcome. So, for example, one
6 of the concerns that you raised was about a concern
7 about volunteer-led organisations and smaller
8 organisations but, I mean, let's be honest, they have to
9 comply with a panoply of regulatory activity about other
10 things, like food safety, for example. Let's just think
11 about it. Food safety, fire, health and safety, all of
12 those things have to be complied with, no matter whether
13 it is you in a front room or you running, you know,
14 20,000 children a year in a large mosque, for example.
15 So do you think that possibly your response -- that
16 the government's response was slightly pusillanimous in
17 simply giving in at this stage, rather than necessarily
18 recasting the proposals to focus firmly on what are the
19 real issues, which is around child protection, and
20 ensuring there's a minimum standard for all
21 organisations? So you shouldn't have necessarily said,
22 "Right, we are not going to do anything", you should
23 have said, "Okay, the undesirable teaching bit doesn't
24 really work, we understand that. But we are still going
25 to do this, this and this"?

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1 A. I think two points. One is that we didn't not do
2 anything. Actually, we sought ways of trying to
3 progress our understanding of the issues that were
4 raised in the consultation through both the pilots that
5 we have talked about and through the voluntary code,
6 which we may talk a little bit more about, I don't know.
7 And the intent through those two things were to learn
8 more and generate a greater evidence base for if there
9 was a problem and whether those practical questions and
10 considerations could be overcome and whether the way
11 that we had proposed doing it was right, wrong or could
12 be better.
13 The second point is, it's hard. So, actually, those
14 practical things, you know, I'm sure from where you're
15 sitting you would say, "Well, nothing is too hard in
16 terms of child safeguarding, so just get on with it",
17 but the more that we have learnt through the pilots,
18 actually, the more those difficulties of practically how
19 do you do it and what's the best way and, if you do it
20 this way, what things do you miss, have come out,
21 I think. And we continue to learn. That's not to say
22 that they can't be overcome or you can't say, well,
23 we'll take an 80/20 model and get on with something, but

24 we don't know the answer about how to do this. We are
25 still learning.

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1 I think, you know, the pilots -- we have got some
2 evidence. We are waiting for the evaluation report of
3 the main 16. We have got the extended pilots for
4 a little longer on some of the six. We haven't been
5 told there's a simple one answer that we could get on
6 with straight away. That's not to say that we couldn't
7 try, and we might find that it might soon be time to ask
8 the question again with a slightly different
9 proposition, but I think if we were to ask the question
10 again, you're absolutely right, we would ask it with
11 a different tone and a different slant, I think.

12 Q. So can I ask, what has come out of the pilot projects?
13 You have set out in your witness statement sort of some
14 basic facts about them, but you have said -- we would be
15 most interested, as an inquiry, as to, what have the
16 pilots thrown up that might work and what you think
17 might not work and why?

18 A. I can say a little bit, but we haven't --

19 Q. (Overspeaking) research, qualitative element. There
20 must be something, emerging findings. What can you tell
21 us about your emerging findings?

22 A. No problem. I guess the first thing to say is that --
23 the point I made, which is it is complex and
24 out-of-school settings don't come and sort of bite you
25 on the nose. So I think the first thing that absolutely

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1 surprised us about the pilots is how long it has taken
2 the local authorities who are piloting this to map, or
3 even try to map, the number of settings that are in
4 their patch. I don't think any of them would say they
5 have done that comprehensively.

6 So I think that's a significant point of learning
7 for us.

8 I think the second point of learning, again, perhaps
9 going back to what we talked about right at the
10 beginning, which was the multi-agency partnership
11 working, is the cementing of the partnerships between
12 local agencies being absolutely paramount and the more
13 that those relationships have developed, the more that
14 they can combine their powers to tackle the concerns or
15 find the concerns that they --

16 Q. I was just going to say, can you give me an example of
17 that in practice?

18 A. Yes, sure. For example, some of the, you know, work
19 that we talked about with unregistered schools and
20 Ofsted, actually, you know, Ofsted finding out that that
21 is the extent of their current power and actually they'd
22 like to go a little bit further, but that -- and I think
23 you are talking to the Charity Commission tomorrow.
24 Actually, the Charity Commission in some instances have
25 greater powers than some of the other agencies. They

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1 are a small organisation and can't necessarily act on
2 all of them, but, actually, you know, to know that
3 sometimes they have a power that nobody else has got
4 that could get at a problem has been really useful, and,
5 again, you cited the health and safety legislation.
6 Again, that may be the simplest and easiest route in for
7 a local authority to go in under the health and safety
8 legislation where they have got concerns. I think
9 that's been a significant learning from the pilots.
10 In terms of the concerns that are coming out, and
11 I caveat this heavily because this isn't all the
12 out-of-school settings in the patch. Local authorities
13 have taken different decisions as to which ones to go
14 and find. Again, a bit of learning from local
15 authorities is we funded a post in every local
16 authority, so, you know, somebody who works a normal
17 9 to 5 kind of job will spend more time finding and
18 visiting the settings that are open between those hours
19 than the ones that are out of hours. Perhaps that's
20 something we have learnt. But I think, you know, we --
21 the pilots found lots of different kinds of concerns
22 which, in your eyes, may well come under the banner of
23 safeguarding in their totality. But, you know, some
24 radicalisation concerns, as, you know, we talked about,
25 but not huge -- you know, that wasn't the overwhelming.

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1 Some safeguarding concerns, some health and safety
2 concerns, corporal punishment concerns, so -- and, you
3 know, in terms of the child sexual abuse inquiry
4 element, some sexual abuse concerns, although more
5 historic than current, not to say that they weren't
6 investigated.
7 So a range of different concerns. Again, I think

8 that talks to your point at the beginning about, if we
9 were to do this again, we would frame the reason that we
10 are doing it in a different way, based on what we found
11 out from those pilots.

12 Q. Again, one of the things that a lot of religious
13 organisations have told us is, they would welcome some
14 form of compulsory minimum standards, and the most
15 obvious place that they would come from, from you. So
16 we know that the NSPCC produces some sort of basic style
17 voluntary organisations. We are not talking about
18 anything terribly sophisticated. Similar to what you
19 set out in your voluntary Code of Practice, but you have
20 to have a policy, people have to have been trained, that
21 training has to be from people who know what they are
22 doing, et cetera, et cetera. Something which most of us
23 would expect that good organisations would do in any
24 event.

25 Can you see any scope, given the package of

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1 legislation you have already taken us to, to extending
2 that legislation to include those kinds of matters as
3 being required for out-of-school settings, as opposed to
4 done on a voluntary basis?

5 A. I think it's a good question for you to ask. I'd say
6 the stage we are at the moment is that we feel that we
7 have still got some evidence gathering to do because the
8 pilots aren't finished and we want that evaluation
9 report, and because, although the voluntary code now
10 called "Keeping children safe during community
11 activities and afterschool clubs and tuition", because
12 of the feedback that we didn't want to call it the
13 voluntary code, I think that has not yet been published,
14 although it has been socialised and, you know, tested
15 with stakeholders, and I think --

16 Q. What does "socialised" mean? I've never heard of
17 a document being socialised before now.

18 A. People have read it and know about it. But I think,
19 coming back to a point I think we both made at the
20 start, this is two-pronged. There is a piece of
21 guidance for providers and there is a piece of guidance
22 for parents, and both providers and parents need to know
23 this guidance exists in order to act within it or ask
24 the questions within it.
25 So it feels like we have got a couple more things

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1 that we ought to have done and tried and tested, but
2 whether it is the right time or it might soon be the
3 right time to re-ask the question about whether we need
4 to go further is, I think, a very relevant question.

5 Q. Ofsted have said to us in their evidence that they have
6 some concerns about the contents of the code because
7 I think they perceive it to be slightly tick-box in its
8 approach and not sort of holistic enough. Have you
9 taken on board that particular criticism?

10 A. We have worked -- a criticism of us might be how long
11 it's taken to publish it.

12 Q. I was kind of glossing over the fact that all of these
13 things seem to be taking -- do you accept that there has
14 been an inordinate level of delay in both publishing the
15 voluntary Code of Practice and also in the various other
16 pieces of legislation, which have been, shall we say,
17 mulling for at least the past three or four years?

18 A. Yes. I think that is a criticism that it would be
19 difficult to say was wrong. I think with the code you
20 always think you can make something better, don't you?
21 You always think you can -- you talk to that stakeholder
22 and make it a little bit better before you publish it,
23 and then COVID comes and you get it knocked out of
24 the water.
25 We hoped to publish in the autumn. We did lift some

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1 bits from the code and put it in our COVID guidance, so
2 some of those bits about safeguarding are in both the
3 guidance to parents and guidance to settings for, you
4 know, how to open safely during coronavirus. So we have
5 made use of those.

6 To the question about, have we taken on board
7 people's comments and Ofsted's, then, yes, we have
8 listened and refined. You know, we have changed the
9 name. We have made it shorter. I think the criticism
10 about tick-boxy, I mean, to a degree, we want it to be
11 a bit tick-boxy because we want people to go down and
12 think, have they done these things, and particularly the
13 guidance to parents, we want them to say, "Oh, right,
14 should I have asked about DBS in my piano teacher's --
15 when I send my son to the piano teacher". So we do want
16 to make it easy to use. We have tried to get the
17 balance between those two things but I'm sure it won't
18 be quite right for some people, but that's the nature of
19 consultation.

20 Q. As it is a voluntary code, how are you going to be
21 monitoring it or is there any way of you effectively
22 monitoring it? Because that is the problem. If it is
23 voluntary, you have got no way of seeing whether it is
24 working or not. What are you going to do about that?
25 You are talking about "the time may have come". Have

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1 you got any proposals to undertake any research,
2 anything like that?

3 A. So we have got -- at the moment, we are funding some
4 comms work to try and work out how we can --

5 Q. I understand, I'm sorry.

6 A. Communications activity to help us answer the question
7 about, how do you get these pieces of guidance to the
8 right people and get them used in the right way. So
9 that is one thing.

10 We continue to have, for the pilots and for the
11 development of the code, stakeholder groups whom we
12 convene to hear their views and help us with whatever we
13 are going to do next, or, at the moment, refine the two
14 proposals we have in the code and in the pilots, we
15 would continue to talk to those two groups.

16 But, you're right, it is a good question: how would
17 we know the time had come to ask the question again?
18 I suspect it would be through our normal stakeholder
19 channels, and maybe whatever this inquiry decides to
20 write or recommend.

21 Q. Because I suppose the last thing I should probably put
22 to you is, some organisations have said to us that there
23 is considerably more registration and regulation of
24 looking after your pet than there is of looking after
25 your child, in the context of these sorts of voluntary

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1 settings. Do you agree that that balance may need to
2 change?

3 A. I guess -- I can't fully answer the question until
4 I have the evidence from the pilots and from the use of
5 the code, and I think, really, what the pilots are
6 trying to gather the evidence for is, are the existing
7 systems and legal powers good enough or not, and if they
8 are not, what do we need to change?

9 Q. I think there are three quite discrete topics I want to
10 ask you about before we finish your evidence, the first
11 one of which is about regulated activity. Now, we had

12 Mr Greaves just before we had yourself to talk all about
13 that, but I am going to ask you the same question that
14 I asked Mr Greaves, which is, given the concerns which
15 have been expressed by religious organisations about the
16 limits of the way that regulated activity is currently
17 defined, would you consider rethinking or assisting the
18 Home Office in rethinking some of those definitions to
19 make sure that those within -- particularly within
20 religious organisations, but also sporting activities
21 and other voluntary organisations which play such an
22 important part in our children's lives, that they are --
23 you relook at that definition to make sure that we are
24 capturing the right people when we are checking them?
25 A. I think two points. One, what we learn through the use

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1 of the code and the pilots is relevant to DBS checking
2 and we would want to look at the evidence we get through
3 that. Secondly, you are right to have asked Dan the
4 question. It is the Home Office's policy. If the
5 Home Office do choose to look at that policy, we would
6 be very interested in working alongside them. It is
7 always, as he said, a balance of, you know, who is in,
8 who is out, the burden on different organisations, and
9 if they were to look at that again, I'm sure we would
10 have some views. Whether we would come up with a better
11 answer, I don't know, but we would certainly be
12 interested in being involved.

13 Q. I suppose the question is, like everything in government
14 departments, there is a sort of push-me-pull-you,
15 really, isn't there? So you could go to the Home Office
16 and say, "Look, we have heard all the evidence from the
17 religious organisations alongside the issues that have
18 come out about voluntary code, the various bits, we
19 think it is time to have another look at this and expand
20 the definition to make it more inclusive than it is at
21 the moment". Would that be something that you may be
22 willing to consider? I'd like to say, "Please can you
23 do it"?

24 A. Yes, if we have the evidence to support that. As
25 Mr Greaves said, we collect the evidence, listen to our

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1 stakeholders, give our ministers a choice, and if they
2 want to push for some change, then that's what we would
3 do.

4 Q. I suppose I will say as clearly as I can that the
5 organisations that would like to see those changes
6 include the Muslim Council of Great Britain, the
7 Church of England, Thirtyone:eight and very many other
8 religious organisations which make up the majority, if
9 not the totality, of religious organisations in this
10 country. So I think that is more of a statement than it
11 is a question.

12 The next issue I would like to raise with you is
13 about faith and belief. We had some evidence from
14 Lisa Oakley, who chairs the National Working Group on
15 Child Abuse Linked to Faith and Belief, and we know that
16 was set up by the Department for Education, I think well
17 over a decade ago now. The impression that's been given
18 during the course of this inquiry, and it might be
19 wrong, is that that work has taken rather a back seat
20 recently. Can you reassure us that that isn't the case?

21 A. I'm afraid I can't reassure you either way. I don't
22 know enough about it. If it is about a funding
23 decision, then I suspect we took a prioritisation
24 decision, but if it is about something else, I would
25 probably need a bit more information

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1 Q. That's fine. Thank you very much.
2 The other issue is about concealment of abuse. What
3 a number of the victims and survivors in this
4 investigation have said is that there should be
5 a criminal offence of concealing abuse, because they
6 say, particularly within religious organisations, for
7 all the reasons -- we have had a lot of evidence about
8 the barriers to reporting -- that people might not just
9 not report it, but it might be actively hidden. I know
10 you did undertake some consultation about this a few
11 years ago, but I don't think anything came of it to
12 date. Is that something that you are still actively
13 considering, whether there should be the introduction of
14 some form of offence of concealing abuse?

15 A. Again, I know, and I have seen through various bits of
16 briefing and other people's statements, that people are
17 interested in wilful concealment offence, but, no,
18 I don't know anything about that from the DfE. If
19 I should, then I'm happy to find out.

20 MS SCOLDING: Thank you very much. I have no further
21 questions, Ms Dixon. I pass over to the chair and
22 panel, in case they have any questions for you.

23 A. Thank you.

24 THE CHAIR: Thank you, Ms Scolding. I have no questions,
25 Ms Dixon, but I will ask my colleagues if they have any

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1 questions for you. Ms Sharpling?

2 MS SHARPLING: No, thank you, chair.

3 THE CHAIR: Mr Frank?

4 MR FRANK: No, thank you.

5 THE CHAIR: Sir Malcolm?

6 Questions from THE PANEL

7 PROF SIR MALCOLM EVANS: Yes, chair, if I may, just one
8 question.

9 Could I just ask, you have made it, I think, clear,
10 Ms Dixon, that you are thinking that there is a move
11 towards registration and, perhaps, for the purposes of
12 this question, more relevantly, regulation of
13 the full-time schools which are operating outside the
14 regulated framework at the moment. I don't doubt that
15 it can be, but I'm just wondering, within that area,
16 what thought has been given to how to make that
17 compatible with the obligations under the protocol to
18 the European Convention on Human Rights on the state
19 when it assumes responsibility in relation to education
20 to ensure that such education is in accordance with
21 parental, religious or philosophical convictions?
22 A. I'm afraid I don't know the answer to that question. If
23 you would like me to try to find out, then I can do.
24 But I presume that you are making that point because of
25 the religious freedoms of expression question.

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1 PROF SIR MALCOLM EVANS: Indeed. There is no doubt that
2 these things can be balanced. It is just a question of
3 how that balancing act is being taken into account in
4 the thought processes around the development of policy
5 in this area. Thank you.

6 A. Would you like us to come back to you?

7 PROF SIR MALCOLM EVANS: I would. Yes, please.

8 THE CHAIR: Thank you. There are no further questions.

9 Thank you, Ms Dixon.

10 A. Thank you.

11 MS SCOLDING: Thank you very much, Ms Dixon. Good
12 afternoon.

13 (The witness withdrew)