
Clywch

Report of the Examination of the
Children's Commissioner for Wales into
allegations of child sexual abuse in a school setting

"We are only schoolchildren"

Pupil 3 (1991)

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Preamble

No-one who heard the evidence I have heard in my Inquiry could, in good faith, harbour any doubts that Mr John Owen was guilty of serious acts of sexual impropriety against some pupils at Ysgol Gyfun Rhydfelen. The evidence I have heard has established, on the balance of probabilities, that Mr Owen sexually abused pupils in his care over a number of years.

The Terms of Reference of my Inquiry do not require me to go further, but my general finding is, I believe, necessary to emphasise the gravity of the circumstances I have examined, the severity of the consequences for his victims and the heavy responsibility those who did less than their duty must bear.

The basis on which I make the above finding is set out in Chapter 2: Findings of Fact.

I believe that the above finding will also help to give appropriate force to the recommendations that I make.

A handwritten signature in black ink, appearing to read 'Peter Clarke', with a long horizontal line extending to the right.

Peter Clarke
Childrens Commissioner for Wales
June 2004

Chapter 1

Introduction

- 1.1 This is the first Inquiry held in accordance with my powers as set out in the Care Standards Act 2000, the Children's Commissioner for Wales Act 2001 and the Regulations made under those Acts.
- 1.2 The Terms of Reference of my Inquiry were to:
- (i) examine statements by former pupils of John Arwyn Owen and others to establish whether any matters which should have given rise to concern were investigated in accordance with good practice and guidance that was available at the time, to identify any lessons to be learned from the way any such matters were investigated and to consider whether current guidance, procedures and policies are adequate in the light of what may have occurred
 - (ii) examine the extent to which children and others felt encouraged and able to share their concerns with appropriate adults and to evaluate present arrangements in that regard
 - (iii) consider the report of the Serious Case Review Committee of Rhondda Cynon Taff Area Child Protection Committee
 - (iv) examine safe practice and procedures for working with children in the performing arts in the light of what may have occurred in this instance.
- 1.3 The purpose of my Inquiry was to undertake a fair and thorough investigation into this affair in a way which will safeguard and promote the rights and welfare of children.
- 1.4 My Inquiry was conducted in an informal manner so far as was consistent with fairness and efficiency. It was conducted sensitively and where a person was deceased, due regard was paid to the fact that they could not challenge any information or statement.
- 1.5 The Inquiry was held in public and witnesses who were protected by the Sexual Offences (Amendment) Act 1992 retained their anonymity.
- 1.6 In 2001, the late Mr Owen was charged with serious criminal offences against children: two charges of indecent assault, two of attempted buggery and one of buggery.

- 1.7 Shortly before the case was due to be heard in the Crown Court in Cardiff, he took his own life. My Inquiry was not primarily concerned with deciding on the truth of any of the allegations of sexual abuse by Mr Owen. It was rather to examine whether allegations and warning signs were acted upon in an adequate manner by those with relevant responsibility and to set out recommendations which might better protect children in the future.
- 1.8 During the course of the Inquiry I received written evidence from twenty seven witnesses and written and oral evidence from a further sixty seven witnesses. I thank all witnesses for their evidence.
- 1.9 Contemporaneous documents were provided by Rhondda Cynon Taf County Borough Council, UCAC, Mr Hywel Jeffreys, the former acting Headteacher of Ysgol Gyfun Rhydfelen, Mrs Phillips, parent of a former pupil and the estate of the late Mr Owen. There are, of course, a number of successor authorities to the former Mid Glamorgan County Council. For the purpose of this matter, the relevant successor authority is Rhondda Cynon Taf County Borough Council. South Wales Police also made available seventy four statements taken during their investigation in 2001. In total, I considered 6,721 pages of evidence. I thank those named for their active cooperation. Without this evidence, it would have been extremely difficult to establish what had happened.
- 1.10 Any findings that I make are based upon the publicly heard and challengeable evidence. Rhondda Cynon Taff Area Child Protection Committee conducted a Serious Case Review during the course of my Inquiry. That Review has helped inform my recommendations.
- 1.11 My Inquiry sat in public for a total of thirty seven days. It was necessary, on two occasions, to adjourn my Inquiry while South Wales Police conducted criminal investigations arising from evidence given to me. These adjournments delayed the Inquiry for longer than the duration of the police investigations as legal representatives were not all available for an immediate reopening. This caused my Inquiry to take considerably longer than I would have liked, but this was unavoidable.
- 1.12 The proper conduct of my Inquiry was greatly assisted by the cooperation of the legal representatives present, and proceedings were in large part reported accurately by the media. I thank them for that.
- 1.13 My Inquiry commenced based on an inquisitorial model. Early on, however, accusations were made by a witness against Mr Owen and in the interests of fairness, I allowed cross-examination. By this stage, four former pupils, two governors and three mothers of former pupils had given evidence. The Inquiry then proceeded in a more adversarial fashion, but taking into account best

practice and guidance in relation to vulnerable witnesses. A further fifty eight witnesses then gave evidence. This change in procedure was accepted by all legal representatives. No witness or legal representative criticised the way in which the Inquiry was conducted in this respect. I am completely satisfied that all the persons and bodies exposed to criticism had every opportunity to deal with the points made against them, both in evidence and in submissions.

- 1.14 Throughout my Inquiry, I have endeavoured to ensure that its proper progress has been transparent and understood by all parties. I was aware that many have alleged that matters have been covered up in the past. I have carried out my Inquiry without being influenced by anything other than the law, including the principles of natural justice and the evidence available to me. I have reviewed the evidence and have used it to reach the conclusions that I do.
- 1.15 In my Statement of Procedure provided to interested parties at the outset of this Inquiry I indicated:

“The Inquiry will be investigative rather than judgemental and it will not be concerned with civil or criminal liability

This has always been and remains the case. It is not my function to pass judgement upon anyone living or dead in the sense of imposing any penalty upon them, civil or criminal. Investigation, however, in the context of what I find has happened here, necessarily involves the identification of where responsibility lays as a matter of fact.

- 1.16 It is very important to remember that my Statement of Procedure also included:

“I will be considering the roles and responsibilities of a wide range of bodies including local education authorities, school governing bodies....and the WJEC and all others who have had children in their care whilst they had dealings with the late John Arwyn Owen.”

The emphasis does not appear in the original but appears to me to be worth adding now.

My Inquiry always has been and had to be, concerned with identifying where responsibility lays as a matter of fact. It is not and has not been concerned with passing moral judgement or the imposition of civil or criminal penalties. Inevitably the investigation of where responsibility lays involved the criticism of some parties by others. I would be failing in my duty were I not to seek to resolve the disputes which arose as to where responsibility lay between the then District Education Officer Mr Matthews, the Chair of Governors Mr Richards and the Director of Education Mr Roberts for example, all of whom were represented

and all of whom, in effect, asked me to do so. I would be even more seriously failing in my duty were I now to fail to identify where responsibility lays for what went wrong in so far as the evidence, to my mind, clearly established it.

1.17 My Statement of Procedure made it clear:

“At the end of this Inquiry I will make a report setting out my findings, conclusions and any recommendations.”

Again, the emphasis does not appear in the original but appears to be worth adding now. I did not anticipate, at the start of this Inquiry, that the evidence which I would hear would disclose such behaviour by Mr Matthews and Mr Roberts in particular and as it did disclose. I could not have done. I did, however, anticipate that they would be potentially subject to criticism and it was for that reason that I ensured that they were aware that they might be criticised and they were represented by counsel. I am wholly satisfied that in no way are they being treated unfairly. I cannot refrain from making findings and reaching conclusions on the basis of the evidence which I heard, because so to act is likely to cause others to form an adverse judgement in relation to Mr Matthews and Mr Roberts. My duty is and has always been to identify what went wrong clearly and without fear or favour.

1.18 In this context the late and ill considered intervention of Councillor Jeff Jones, Leader of Bridgend County Borough Council and Chair of the WJEC was unfortunate. I have felt compelled to act publicly in relation to that matter as it is critical to the integrity of my Office and my Inquiry that I am seen not to be susceptible to improper influence from any source. My Certificate of Contempt and accompanying documentation is at Annexe 1.

1.19 I would like to record my thanks to my Inquiry team, the Clerk to the Inquiry Miss Maria Battle and to Mr Nicholas Cooke QC, Counsel to the Inquiry, for their work.

1.20 Some may regard the language used in certain parts of my report as emotive. There are two reasons in particular for this. Firstly, the very nature of the material with which I have had to deal – allegations of long term abuse of children and an inadequate response thereto - makes that inevitable. Secondly, this is by no means the first occasion upon which inadequate responses to indications that children may be being abused have had to be publicly reported upon. To my mind that dictates that the time for emphatic language has arrived.

1.21 Some may also wonder how I have been able to reconcile my role as an advocate for children and that of presiding over this Inquiry. The answer is reasonably simple. Only a fair Inquiry would have served the interests of

children. That is what I sought to undertake. Whenever there might be a perceived conflict between the rights of children and fairness to those directly affected by my Inquiry the reality is that it is fairness which has to and which I ensured did prevail.

- 1.22 I trust that my recommendations will be acted upon. I hope that it will provide some small comfort to those who, as children, were most affected by the events with which my Inquiry was concerned, that such recommendations will assist in reducing the risk of children being abused in the future.

Chapter 2

Findings of Fact

- 2.1 The extent to which it is possible, necessary or advisable for me to make findings of fact upon the evidence I have examined in my Inquiry is an important issue. During the course of final submissions Mr Goldwater, representing the estate of the late Mr Owen, made a cogent and powerful case why I should not do so. No other parties made similar submissions and indeed it is obvious that in relation to many aspects into which I inquired, the making of findings of fact is essential.
- 2.2 Mr Goldwater identified a number of grounds for his contention in his final submissions to my Inquiry. I accept his submission that to make specific findings of fact about allegations of specific events at particular times regarding Mr Owen would be inappropriate unless there is powerful corroboration. It is obvious that Mr Goldwater has been unable to receive instructions from his client who was not in a position to challenge the evidence being put forward by his accusers. I find this submission and others made by Mr Goldwater regarding specific findings of fact forceful and only do so when obliged by my Terms of Reference and supported by the weight of evidence, which I set out in detail in the relevant chapters.
- 2.3 Mr Goldwater went further however and in his last submission suggests that my Terms of Reference did not either allow or require me to make more general findings of fact:

“We argue that in the event or alleged incident can be a matter giving rise to concern and meriting proper investigation without that event or incident having been proven to have happened. The issue upon which we say you are focussed, Commissioner, is how these matters were investigated, to whom information was passed, what was done with it, who was told, whether proper enquiries were made and whether children were properly interviewed in a way that encouraged them to express and share their concerns”.

“The issue of whether the complaints were true is, we submit, of secondary importance and indeed it would be, we submit, just as important to carry out a proper investigation dealing with all the matters I referred to a moment ago even if it was subsequently found that complaints made were either false or unfounded or unjustified. You don’t need to make specific findings about how the late John Owen is said to have operated to establish what lessons need to be learned...”.

“We can see, of course, it will be ludicrous to proceed on the basis that nothing untoward might have occurred. I don’t suggest that, I have already conceded in my written submissions that the complaints made in 1991 and subsequently in 2001, are matters giving rise to concern and you can proceed from there to make recommendations as to how such complaints might be investigated and prevented in the future and that we say does not need a fact finding exercise”¹.

- 2.4 I believe that Mr Goldwater’s argument is misconceived and illustrate my reasons for that belief by an examination of the first of my Terms of Reference which reads:

“To examine statements by former pupils of John Arwyn Owen and others to establish whether any matters which should have given rise to concern were investigated in accordance with good practice and guidance that was available at the time, to identify any lessons to be learnt from the way any such matters were investigated and to consider whether current guidance and procedures are adequate in the light of what may have occurred”.

- 2.5 “To examine statements by...”:

Firstly, the word ‘examine’ is, in this context, to be interpreted as a verb derived from ‘Examination’ the word used in the Care Standards Act 2000 to describe the Inquiry I have powers to and have conducted. It should not be construed as meaning merely a reading or inspection of statements in documentary form. Neither does it limit me to ‘complaints made in 1991 and subsequently in 2001’ as Mr Goldwater suggested. Indeed it in no way places any restriction on when these statements may have been made. Some allegations in the form of statements were only made during the course of my Inquiry (the purposes of conducting it is otherwise unclear) and these are entirely proper for me to consider.

- 2.6 “to establish whether any matters, which should have given rise to concern, were investigated in accordance with good practice and guidance...”.

To establish “whether any matters which should have given cause for concern, were investigated in accordance with etc” cannot reasonably be construed as limiting me to focus on “how these matters were investigated” as submitted by Mr Goldwater. It also allows me to establish if (‘whether’) such matters were investigated at all. (The existence of an investigation being a pre-condition for its proper conduct). Indeed, it places a responsibility on me to do so.

- 2.7 In this way, I am enabled (and arguably required) to establish whether and which matters brought before me in evidence are part of “any matters, which should

have given cause for concern.” The sexual abuse of children is such a matter. It is therefore quite proper for me to endeavour to establish whether sexual abuse took place in order to “identify matters which should have given cause for concern”, and thereby go on to ascertain the manner in which those matters were investigated, if they were investigated at all. It would be difficult for me to proceed in accordance with my Terms of Reference if I were to do otherwise.

- 2.8 I believe additional weight is given to my interpretation by the fact that the Terms of Reference go on to say I shall “consider whether current guidance, procedures and policies are adequate in the light of what may have occurred”.
- 2.9 I conclude that contrary to Mr Goldwater’s submissions the Terms of Reference for my Inquiry allow me to make ‘findings of fact’ regarding allegations of sexual abuse and that to an extent they require it.
- 2.10 The occasions on and extent to which I do make findings are very limited in my Report. I am persuaded by Mr Goldwater’s other points to exercise considerable caution when making findings of fact and have only done so when absolutely necessary to proceed in accordance with my Terms of Reference.
- 2.11 In making my findings of fact I have been informed by the Re H [1996] (Minors)(Sexual Abuse-Standard of Proof) A.C.563 decision that the appropriate standard of proof is the balance of probabilities and the more serious and/or inherently unlikely the allegation, the more cogent the evidence must be to support a finding. I have approached the exercise by placing the burden of proof upon whoever is seeking a specific finding.

Chapter 3

Mr John Arwyn Owen

- 3.1 In this Chapter I shall not make detailed findings of fact about specific allegations of abuse. My purpose here is to give a description of Mr Owen as established by the evidence before me.
- 3.2 This will involve findings of fact about Mr Owen's behaviour as a teacher. In so far as I am critical of him, I believe that to be justified by the weight of evidence. I will be describing the pattern of behaviour of a man who used his position as a teacher as a means to abuse children sexually, emotionally and physically. I trust that I may thereby add to our understanding of how such men may behave and consequently enable us better to protect our young.
- 3.3 In order to demonstrate the seriousness of the allegations that were made by former pupils against Mr Owen, I list them below:
- rape; anal rape; buggery; attempted buggery; indecent assault including oral sex and masturbation; assault.
- 3.4 Mr Owen completed his teacher training at Trinity College, Carmarthen in June 1973. He had himself been a pupil and a prefect at Ysgol Gyfun Rhydfelen. I heard one hearsay allegation that at that time he had taken an unusual interest in monitoring girls' compliance with school rules concerning underwear and "he had more than an ordinary interest in obscene literature"¹, but no other matters of note.
- 3.5 In June 1974 he completed his Bachelor of Education degree at Trinity College, and in the September of the same year he took up his first teaching appointment at Ysgol Gyfun Rhydfelen as a religious education teacher.
- 3.6 It is not clear from the records when he became a drama teacher, but in 1978 Mr Owen received a promotion and in May 1981 he was elevated to senior teacher status². In 1987 he was appointed as acting deputy Headteacher, covering for the deputy Headteacher, Mr Hywel Jeffreys, who was on a two year secondment. We know that Mr Owen was a teacher within the drama department when Mr Peter Davies arrived as Head of that department in 1983.
- 3.7 In 1989 Mr Owen reverted to senior teacher status and was paid the highest possible allowance paid to such teachers at that time.
- 3.8 In 1990 Mr Owen was made Head of Years 2 and 3 at the school as part of a reorganisation of senior staff responsibilities.

First Impressions

- 3.9 Mr Owen was the lead teacher in organising Cwrs Haf, a residential bridging course at Ysgol Gyfun Rhydfelen for pupils coming into the school from feeder primaries. He was also involved in some outreach work in those feeder schools to prepare pupils for the transition.
- 3.10 Almost every pupil witness gave a similar description of the first impression Mr Owen made on them. He was consistently described as powerful and authoritative, with considerable charisma and presence: “If he walked into a room, you know, he had presence, he had an aura”³. To pupils Mr Owen was a big man and to them his stature and authority were emphasised by the metal tips on his shoes and his occasionally wearing a black gown. Most pupils and many parents thought that he was Head of Drama when he was not. Some pupils thought he was Headteacher.
- 3.11 Pupils at Ysgol Gyfun Rhydfelen were organised into school houses, in order to take part in school sports or competitions, such as school eisteddfodau. Mr Owen was attached to Gruffydd House. He selected each pupil’s school house and many pupils said that he would select those pupils for Gruffydd House that he thought had some talent in drama. A number of those so selected were to allege that he abused them later in their school careers. This was not the only way pupils became favourites of Mr Owen, others became involved in his drama group later.
- 3.12 Mr Owen’s power was experienced by pupils as both positive and negative. For some, the first feeling was fear. For most who gave evidence “he was a man to be feared and revered”⁴, both “charming and strict”⁵.
- 3.13 This larger than life quality was enhanced in pupils’ eyes by Mr Owen’s reputation throughout the school and beyond as an expert in the field of drama. His de facto control of the drama department was part of his extensive influence; “at that time I was well aware of John’s standing in the eyes of others outside of the Rhydfelen Welsh school”⁶.
- 3.14 Many former pupils described how they wanted to be noticed by him. “From my start at school I wanted to please him and he was not a person I wanted to cross”⁷.

The Chosen

- 3.15 Almost all former pupils, and many teachers who gave evidence described how Mr Owen’s drama group formed a clique. This exclusive group were, allegedly,

called “Johnny lickers”⁸ by other pupils and “drama poofs”⁹ by some other teachers.

3.16 Pupils within this clique experienced a more complex range of feelings than those outlined in 3.12 and 3.14 above.

3.17 On the one hand, Mr Owen made them feel like “the chosen few”¹⁰. Those in the clique were made to “feel special...very, very grateful”¹¹. Mr Owen would sometimes support ‘his’ pupils if they were in trouble with other teachers. He used the language that they used in contrast to other staff and would become “one of them”¹².

He allowed this clique to use his first name and “he would say disrespectful things about other members of staff...he was the only teacher who ever behaved like that”¹³. This expressed disrespect for fellow teachers found many targets – including the other most prominent teachers in the school. He referred to the Headteacher, Mr Dafydd Jones, as “Shad” (The Shadow), because he said he was never there and according to one pupil “he painted Hywel Jeffreys as an idiot, Phil Ellis as bible-bashing crazy and Eirlys Pritchard Jones as a bitch from hell”¹⁴. The effect was marked “because of our disrespect for authority and then John sharing that disrespect so you get even closer to him, you get even more matey with him”¹⁵.

3.18 Pupils were left feeling that Mr Owen was “on their side” wanting to be the friend of anyone who was “like a gang”¹⁶.

Members of the clique got the best parts in school productions, real help in developing their talent and contacts and opportunities in the broader drama community. There is no doubt that Mr Owen could be fun to be with and inspiring. However, this over-familiar and often “touchy and feely, happy and jolly”¹⁷ approach had another side.

3.19 “Any transgression and you were completely ostracised, it was devastating”¹⁸. With these words one ex-pupil indicates another way Mr Owen was experienced by the young people. Witness after witness, including teachers close to Mr Owen like Miss Theda Williams, attested to the way in which he could “be domineering”¹⁹. “I had seen how John Owen would ‘throw out’ people from his favourites. He would ‘excommunicate’ pupils from the clique”²⁰. The transgressions that could lead to this were varied.

3.20 Mr Owen was very strict in enforcing the exclusive use of the Welsh language in the school. Pupils in the clique “were made to feel like we were the vanguard of the Welsh culture, at the vanguard of the Welsh language, we were the chosen few”²¹. Those caught speaking English were left in no doubt what

Mr Owen thought, “he told me that...as a result of what I had done, my prospects in the school had diminished. He then told me he was going to ban me from out of school drama groups and productions...he told me I’d betrayed him and Wales”²². Another pupil who broke this rule was reportedly never spoken to again by Mr Owen.

- 3.21 One sixth-form pupil was told by Mr Owen that since he wasn’t taking subjects through the medium of Welsh then there was no point in him returning to the school. This pupil was subsequently in effect expelled by Mr Owen²³.
- 3.22 Another of Mr Owen’s rules was that boys and girls in his group should not have relationships with each other. “He had a general rule that there would be no relationships (between boys and girls) as these were a distraction”²⁴. Many examples were cited in evidence about the enforcement of this rule and the lengths pupils would go to hide their relationships from him. One pupil recalls being questioned about whether she was “having sex”²⁵ with another pupil by Mr Owen. Another “visibly dropped down the pecking order”²⁶ when he refused to give up the relationship and both partners became the subjects of constant ridicule.
- 3.23 Mr Owen would demonstrate his power over some pupils to other pupils: “I saw him get angry with other pupils. He’d say ‘watch this’ and act very angry. Within two minutes, the pupil was crying, he’d say ‘get out’ and then he’d come back and ask me what I’d thought about his performance”²⁷.
- 3.24 Pupils knew that “he (Mr Owen) made it clear what he could offer you and what you had to lose”²⁸. A number of pupils describe how they came to both love and fear him, describing a state of desperately wanting to please Mr Owen, whilst also living in great fear of losing his favour: “I never knew from one minute to the next what he was going to do. One minute he would be praising me and the next minute he would be ridiculing me”²⁹.
- 3.25 Many pupils describe idolising Mr Owen, seeing him as a mentor and even as a “surrogate father”³⁰. But “he would play these mind games with you, letting you know that the threat of being thrown out of the clique was always there. He used emotional blackmail all the time, threatening to give lead parts to other boys”³¹. Members of the clique experienced rejection by Mr Owen as a catastrophe, “I felt devastated in letting him down. I felt worthless and couldn’t eat. I didn’t want to talk to anybody”³².
- 3.26 The effect of Mr Owen’s behaviour was to leave pupils (in their retrospective view) “brainwashed”³³ and one feeling “by the time I was in the fifth form he had me in the palm of his hand”³⁴. This heightened wish to please and fear of

rejection was linked to another prominent part of Mr Owen's relationship with children in his actual teaching of drama.

The drama of Mr Owen

- 3.27 Mr Owen established a considerable reputation in the field of Welsh medium drama and many, though by no means all, of his pupils went on to successful careers in the dramatic arts.
- 3.28 His teaching at Ysgol Gyfun Rhydfelen, in an emotional context described above, had two highly significant features – the concentrated and powerful use of method acting and a pre-occupation with sex. This was not only abundantly clear to pupils “he mentioned sex very often, so much so that it became almost an in-class joke”³⁵ but also brought Mr Owen into conflict with some WJEC examiners (see Chapter 15: Welsh Joint Education Committee). Another pupil described how “everything we did always came down to sex, if it wasn't there he'd find it, he'd find it”³⁶.
- 3.29 For many pupils involved in drama, “his lessons could be inspiring for a teenage person. There was a massive sense of freedom, there was swearing and sex. We were hormonal teenagers, it was liberating and fantastic and very inspiring”³⁷.
- 3.30 Mr Owen would choose texts to be studied and produce his own interpretation for the children to act out. They would invariably have an overtly sexual theme, even if the original text did not.
- 3.31 Mr Owen encouraged, demanded, that pupils be prepared to ‘take risks’ in their drama, to explore personal and social boundaries. He made particularly extensive use of ‘impros’ i.e. improvisations in a context of method acting³⁸. “John would always talk about stretching yourself as an actor...trying new things out. And of course the new things were all to do with my sexuality”³⁹.
- 3.32 Pupils describe how they were often asked to simulate sexual activity and they allege that they were sometimes required to engage in that as part of drama rehearsals where Mr Owen was the only teacher present. The urging of a female pupil to masturbate a male pupil in rehearsal was an allegation which was to lead to his resignation⁴⁰.
- 3.33 One pupil described in 1991 how she was afraid to show her embarrassment when Mr Owen said to her “I don't know how far you can go, but we shall see” in case he called her unprofessional⁴¹.

- 3.34 On his own admission, Mr Owen got two thirteen-year old boys to dance naked during another rehearsal, in a dance that some witnesses described as “simulating buggery”^{41a}.
- 3.35 Mr Owen is said to have discouraged pupils from telling others, especially parents, what they were doing in drama practicals “John said not to tell my Mum and Dad because they wouldn’t understand”⁴².
- 3.36 If practicals and rehearsals with other pupils present were breaking boundaries, it is in individual sessions with Mr Owen that the most serious abuse is alleged to have occurred.
- 3.37 Former pupils describe their one-to-one sessions taking place on the school premises, in Mr Owen’s home, in his car and at various other locations.

Under the guise of extending the range and skills of the pupil, Mr Owen would give them a role and encourage them to act out its sexual elements with him. One pupil described how he “had a real fear of refusing to do the things he asked of me because I wanted to continue to do drama in the school and I trusted him implicitly”⁴³. Another stated “it was about breaking taboos and this would make me a better actor. That’s the way he got me to do it without questioning it”⁴⁴.

- 3.38 Pupils who did not want to comply with Mr Owen’s dramatic direction described how he initially cajoled and then intimidated them by telling them to grow up, or that these sexual activities were “absolutely necessary”⁴⁵ to the furtherance of their dramatic talent. Some pupils did find the commendable courage to refuse. They were then given more minor roles in the drama.

Conclusions

- 3.39 Mr Owen was able to wield absolute authority over pupils involved in drama at Ysgol Gyfun Rhydfelen. He picked certain pupils out, either when they joined the school or later and made them feel special as individuals and members of his group.
- 3.40 Favoured pupils would get good parts in plays in school and outside, some would be given actual presents “he used to buy me things, little cards”⁴⁶ or the ‘gift’ of his special attention. Others would accompany him on trips to the theatre. He often paid for these.
- 3.41 Pupils wanted his patronage, yearned for his approval. His disapproval was a feared and constant threat. His wide reputation and success in drama lent

credibility to his claims to the pupils about what was necessary for them to do if they wanted to progress. He was able to become identified as their path to progress. As one pupil said “John Owen would spot pupils from a very young age and groom them to a point where they would be dependent on him”⁴⁷.

- 3.42 He went outside the normal teacher/pupil relationship in a whole number of ways, thereby both generating loyalty and making it less clear to children when boundaries of a sexual nature were being broken. Many of those who alleged abuse said that it is only now that they have realised that what was going on was abusive. “It was like a car hit the wall, I could see what had happened”⁴⁸.
- 3.43 Opinion was divided on whether Mr Owen’s talent in drama was more than moderate. The subsequent career success of some of his former pupils does suggest a real skill in developing talent. However, as one such pupil agreed “being abusive is not inconsistent with being very talented”⁴⁹.

Chapter 4

Mr Edwin Roberts

- 4.1 Mr Edwin Roberts was Director of Education for Mid Glamorgan County Council local education authority from 1987 until 1994. Within that local education authority there were about 400 schools. The local education authority had several hundred staff and about 5000 teachers with a budget of about £240 million. There were some 90,000 pupils and 150,000 parents as well as further education colleges and other services.
- 4.2 In his capacity as Director of Education, Mr Roberts was responsible for the direct management of schools from 1987 until 1988 when the Education Reform Act 1988 introduced Local Management of Schools (LMS). LMS transferred a number of responsibilities to school governors that had been held by local education authorities. According to Mr Roberts' own statement to the Inquiry, full level LMS was introduced in the local education authority from April 1990 (although it is accepted Ysgol Gyfun Rhydfelen may have been a pilot school from the previous year). It is therefore the case that in the most important time of Mr Roberts' Directorship (1991) for the purposes of this Inquiry, the governors of Ysgol Gyfun Rhydfelen had legal responsibility for the hiring, firing and disciplining of staff. (These matters are more fully examined in Chapter 14: The Governors of Ysgol Gyfun Rhydfelen). The local education authority had no directive powers over governors under LMS, although the Director of Education could still offer advice to them and would have remained a powerful figure.
- 4.3 Mr Roberts played a key role in the events of 1991 when the statements provided to one of his staff from the children at Ysgol Gyfun Rhydfelen, presented a clear opportunity for the activities of Mr Owen to be thoroughly investigated. Mr Roberts gave evidence about a range of events and issues that led to the opportunity being missed. For the purposes of my Inquiry, I shall focus on those which I believe are the most important:
- (i) the withholding of vital information from the governors of Ysgol Gyfun Rhydfelen
 - (ii) his knowledge of the allegations contained in the children's statements
 - (iii) Mr Roberts' role in the resignation of Mr Owen
 - (iv) the police investigation of 1991

- (v) the absence of any disciplinary proceedings being taken against Mr Owen after his resignation but prior to the end of his employment.
- 4.4 In considering Mr Roberts' actions in the significant events of 1991, it is also important to understand his and others' roles and responsibilities with regard to child protection. The Serious Case Review by Rhondda Cynon Taff Area Child Protection Committee (ACPC) has been helpful in establishing the policies and procedures which were in place at the relevant time.
- 4.5 Child protection and child abuse procedures in the local education authority were in place but did contain an ambiguity where an allegation was made about someone employed by the local education authority. The relevant 1990 procedures recommended referral to social services in such instances and then also stated that any inquiry should "be halted and information passed to the appropriate authority... i.e. the District Education Officer...for the matter to be dealt with under the internal procedure of that Department/Authority".
- 4.6 Mrs Crowley QC, representing Rhondda Cynon Taf County Borough Council, in closing written submissions said "We do not believe the intention of this alternative course of action was to remove the necessity of an appropriate referral to social services but rather to broaden the inquiry so as to include the possibility of a disciplinary process within the employment context so that the two could run in tandem"¹. I accept that submission but also find that such an intention could have been more clearly stated. I reject any suggestion that this ambiguity might provide an adequate excuse for non-referral to social services and/or the police when the matter under investigation involved allegations of criminal offences being committed against children.
- 4.7 The 1990 procedures did not displace the responsibility of local education authority staff to report child protection concerns through the local education authority's child protection mechanisms once they were brought to their attention. Mr Peter Williams, an Assistant Director of Education, had been given the local education authority responsibility for this at the relevant time.
- 4.8 The governors of Ysgol Gyfun Rhydfelen were not part of the child protection mechanisms in place at the time in that they had not been issued with guidance in child protection, did not attend District or Area Child Protection Committee meetings and had no training.
- 4.9 It may be argued that the governors had overall or managerial responsibility for teaching staff who were under a clear child protection duty, but the evidence I have heard demonstrated that this was not made clear to them at the material time. According to Mr Roberts' own evidence, they did not even have a Code of Practice in 1991 for disciplinary matters, which were clearly their responsibility.

- 4.10 The teaching staff's responsibility for child protection matters is more clearly set out in Chapter 11: The Staff of Ysgol Gyfun Rhydfelen. I refer to it here to help set out the background for an evaluation of Mr Roberts' actions during 1991. As Director of Education Mr Roberts had responsibilities for child protection, as did all his staff. As Director of Education he also had responsibility for ensuring that every officer in his department was aware of their responsibilities in this regard. In his evidence Mr Roberts affirmed that by 1991 every local education authority officer should have been aware of his or her duty to report any child protection concern through the child protection procedures². The ambiguity that existed in those procedures mentioned in 4.5 above did not affect his understanding of this need to refer child protection concerns and, as stated, mechanisms were in place by which referrals should have been made to Mr Williams.

Mr Edwin Roberts' actions in 1991

Withholding information from Governors

- 4.11 Mr Roberts gave evidence that he first heard of a complaint against Mr Owen from his Deputy, Mr George Askey. He was told that Mr Askey had been called to the school by the Headteacher (actually the acting Headteacher, Mr Jeffreys) and that Mr Askey had been accompanied by Mr David Matthews District Education Officer. Mr John Albert Evans, local education authority Welsh Advisor with pastoral responsibility for Welsh medium comprehensive schools including Ysgol Gyfun Rhydfelen, was already present in the school. He was also aware that Mr Graham Dunne, the local education authority's personnel officer, had been contacted.
- 4.12 Mr Roberts accepted that this was the first major case since LMS had been introduced. He agreed to contact the chair of governors, Mr (now Judge) Richards for two purposes:
- (i) to clarify that it was the governors' responsibility to handle the matter
 - (ii) to offer "every assistance" and make the clerk to the governors (Mr Matthews) available to the governors to that end.
- 4.13 I cannot find an exact date for Mr Roberts' conversation with Mr Askey, but it must have taken place following 11 January 1991 when we know that Mr Askey attended a meeting at Ysgol Gyfun Rhydfelen with Mr Matthews. Judge Richards gave an estimate of the date of Mr Roberts' phone call to him as around 15 January 1991.

- 4.14 Mr Roberts' 'offer' of Mr Matthews' services was therefore after Mr Matthews had informed the teaching staff that he was leading the investigation and after he started to re-interview children at the school on 11 January 1991³.
- 4.15 There is a direct conflict of evidence as to the telephone conversation that took place between Mr Roberts and Judge Richards on, or about, 15 January 1991. The differences of account are of major importance to my Inquiry, as decisions taken at this time had a crucial bearing on subsequent events and the welfare of the children concerned.
- 4.16 Judge Richards asserted that Mr Roberts said that there had been a complaint by a parent and that "it would be the council which would investigate" and that "the governors should not attempt any sort of investigation of their own"⁴.
- 4.17 Mr Roberts said, on several occasions, that he advised the chair of governors that the entire matter was their responsibility⁵.
- 4.18 On the balance of probabilities and for the following reasons, I find Judge Richards' account is accurate:
- (i) Mr Matthews admits (see Chapter 5: Mr David Matthews) that he was in charge of the investigation; he interviewed the pupils and believes he would have 'prosecuted' at the disciplinary hearing⁶. He also consistently withheld information from the governors
 - (ii) Mr Jeffreys says that at the meeting (preceeding Mr Roberts' telephone conversation with Judge Richards) at Ysgol Gyfun Rhydfelen on 11 January 1991 Mr Askey instructed him that "David Matthews would be taking over the investigation and would be reporting back to the Director"⁷. There is near contemporaneous documentary support for this claim in the file prepared by Mr Jeffreys for Mr Matthews, where it states that Mr Matthews "took over the matter"⁸ at 11.15 am on Thursday 10 January 1991 and that this was reinforced on Friday 11 January 1991
 - (iii) There is an absence of evidence of advice from Mr Roberts or anyone else to Judge Richards or anyone else as to how the governors should deal with this matter. If the truth was that Mr Roberts was making it clear to Judge Richards that such a heavy responsibility fell to be discharged by the governors I would have expected evidence of the relevant advice given to have been clear, prominent and reflected in the documents. It was not.
- 4.19 On Friday 11 January 1991, Mr Matthews interviewed three pupils and was to interview three others on 14 January 1991 and two pupils on 15 January 1991⁹.

All this indicates that the local education authority District Education Officer, Mr Matthews, had de facto taken over the matter and suggests to me that Mr Askey would have informed Mr Roberts of this prior to the conversation with Judge Richards.

- 4.20 Mr Roberts insisted in evidence that the matter was the governors' responsibility and that it was Mr Jeffreys' responsibility to investigate. He stated that his intentions were to ensure that LMS was complied with and to be helpful.
- 4.21 These assertions sit uneasily with the fact that he involved himself directly in the matter, with the decision of Mr Askey to assume overall control of the investigation (and to give exclusive responsibility to Mr Matthews) and with Mr Matthews' subsequent behaviour. Neither are they consistent with Mr Roberts' own involvement later.
- 4.22 As stated at 4.18 I therefore find that Judge Richards' evidence is consistent with the other evidence available in several ways in which Mr Roberts' is not. I find on the balance of probabilities that Mr Roberts did advise Judge Richards that governors should not get involved during the telephone conversation on, or about, 15 January 1991. Judge Richards could have demanded a copy of the letter of complaint but, given the advice from Mr Roberts, it does not surprise me that he did not.
- 4.23 This behaviour was completely contrary to procedures in place under LMS with which Mr Roberts claimed he was at such pains to comply. When combined with the order given to school staff by Mr Matthews not to communicate with the governors on the matter¹⁰ and the local education authority's refusal even to let the governors know the nature of the allegations against Mr Owen, it effectively removed the possibility of the governors acting in accordance with their legal responsibilities.
- 4.24 In his oral evidence Mr Roberts admitted that the governors were placed in a quandary because they were denied access to the nature of the allegations against Mr Owen. However, his evidence was very inconsistent about this matter¹¹ and he accepted that there was no justification in denying the governors information as to the nature of the allegations, although the governors should not have had access to the evidence¹².
- 4.25 Judge Richards asserted that in his phone call of, or about, 15 January 1991 Mr Roberts told him that "he wasn't at liberty to disclose the nature or the details of the allegations" and that "there'd have to be a disciplinary sub-committee" (of the governors)¹³.

- 4.26 I believe Judge Richards' account is accurate. Under the disciplinary procedures, it might be important for the governors to know the nature of the allegations before they could decide on whether they were sufficiently serious to require a disciplinary sub-committee (this had however already been preempted by Mr Owen's suspension). There could even so be no good reason why they should not know the nature of the allegations and every good reason why they should. The decision that the governors, for no good reason, should not even know the nature of the allegations against Mr Owen raises the suspicion at least that from the very outset Mr Roberts' instinct and attitude was that information was best suppressed.
- 4.27 This wrong advice was strongly reinforced by Mr Matthews and it not only precluded the governors from acting properly at the time, but also left them without basic information with which to consider Mr Roberts' later signed written report to them (see Annexe 2), or the arrangements by which Mr Owen's resignation was accepted and no further action taken.
- 4.28 Mr Roberts was wrong to give such advice or persist in giving it. At one point in his evidence he even said that he would have stopped Mr Matthews from telling him the evidence in case he, Mr Roberts, was to have a role in advising the governors¹⁴. It is impossible to reconcile such reasoning with the fact that Mr Matthews was apparently both to take statements from children and advise the governors as their clerk.
- 4.29 Under cross-examination by Mr Michael Jones, representing the governors, Mr Roberts accepted that there was nothing to stop him, or Mr Matthews, telling the governors the nature of the allegations¹⁵. He then admitted that he could have told Mr Matthews this when Mr Matthews wrote to him on 28 February 1991 on behalf of the governors pointing out the difficulty in which they found themselves in not knowing the nature of the allegations.
- 4.30 Mr Roberts gave completely contrary advice when talking to Judge Richards about Mrs Phillips' second letter of complaint of 4 February 1991.
- 4.31 At this time, he asserted, "I told the Chairman that the second letter appears to have much more substance to it than the first letter and that I think it should be put to the governing body"¹⁶. If the first letter of complaint from Mrs Phillips, or at least an outline of the allegations it contained, could not go to the governors because of Mr Roberts' wrong belief that it would compromise the governors' capacity to deal with the matter properly, why was he advising that her second letter could be put before them in its entirety almost as soon as it had been received? Surely, in his mind the same potential difficulty would have been present.

- 4.32 Mr Roberts gives no explanation for this and I feel compelled to conclude that his evidence about this matter was at least partly informed by a desire to escape whatever criticism he anticipated at the time of my Inquiry.
- 4.33 The consequences for governors, teachers, parents and, most importantly, the children, of this consistent and successful effort by Mr Roberts and Mr Matthews to deny the governors access to vital information were very severe. Mr Matthews did eventually raise the governors concerns with Mr Roberts, however (see Chapter 5: Mr David Matthews).
- 4.34 As Director of Education Mr Roberts should have offered better advice to the governors. This was particularly important because he had taken it upon himself to intervene in ways which were contrary to the law relating to LMS at the time and to disciplinary procedures.

Knowledge of allegations made by children at Ysgol Gyfun Rhydfelen

- 4.35 Mr Roberts stated that he was unaware of the serious nature of the allegations made by pupils at Ysgol Gyfun Rhydfelen. He did accept that he could have required Mr Matthews to provide him with that information at any time after 10 January 1991 when Mr Jeffreys provided it to Mr Matthews. Mr Roberts accepted that such information was available to him¹⁷.
- 4.36 Mr Roberts said in evidence that his actual knowledge of the allegations against Mr Owen arising from Mrs Phillips' first letter was derived from the briefing Mr Dunne gave him¹⁸. He was told, he said, on a general level, of these allegations shortly after that letter arrived.
- 4.37 In the early part of his evidence to my Inquiry, Mr Roberts implied that this meant he was only aware of allegations Mrs Phillips' first letter contained regarding teaching methods and dramatic interpretation. These allegations were, he suggested, not sufficiently severe to warrant a referral to the Area Child Protection Committee.
- 4.38 He initially described the allegations of which he was aware as "essentially a rather vague allegation that there was (sic) unsuitable teaching methods being used"¹⁹ and that "our view was on the letter of complaint, that the likely outcome was a warning, an oral warning, to keep to mainstream drama teaching". This was inconsistent with the immediate decision to suspend Mr Owen.

- 4.39 However, under cross examination by Mr Hywel James, representing the former pupils and their families, Mr Roberts agreed that he knew at the time that Mrs Phillips was alleging “explicit sexual overtones are introduced into almost every aspect of a play” and that “boys have been asked to undress in so-called practices”, as well as the fact that “rape scenes are apparently a favourite feature of his plays”²⁰.
- 4.40 In evidence Mr Roberts also initially said that in 1991, when Mr Askey first told him of events at Ysgol Gyfun Rhydfelen, he was not aware that Mr Matthews was taking statements from children at the school²¹. When asked later in cross-examination by Mr James, he said that Mr Askey told him at the time that Mr Matthews had been taking statements at the school²².
- 4.41 Documentary evidence confirms knowledge of statement taking by Mr Matthews in that he was certainly so aware by 13 February 1991 as he wrote to one of the teachers at the school (a supporter of Mr Owen) that he was “perfectly satisfied with the manner in which the District Education Officer took the statements”²³. This was misleading as Mr Roberts said he had no knowledge of how the statements were taken²⁴. This is an example of Mr Roberts’ propensity to allow re-assuring correspondence to go out in his name without the slightest effort on his part enabling him to evaluate its accuracy.
- 4.42 I believe it is reasonable to conclude that Mr Roberts was aware that statements had been taken from children at Ysgol Gyfun Rhydfelen from a very early stage. I am uncertain as to his knowledge, if any, of the contents of those statements at the time, although evidence from Mr Dunne suggests some. Mr Roberts also stated that Mr Matthews told him in February 1991 that the evidence “didn’t hold together”²⁵ and that “the evidence is so diametrically opposed”²⁵. This could not refer to Mrs Phillips’ letter alone. I consider Mr Matthews’ treatment of the children’s statements in Chapter 5: Mr David Matthews.
- 4.43 Mr Roberts did have knowledge that statements had been taken. If his evidence is to be believed he did not bother to find out, even in general terms, what the children had said. Mr Roberts should have asked Mr Matthews or Mr Dunne, or Mr Askey for more details of at least the type of allegations the children were making. He should have done this before making definitive statements in the press, in letters to Mr Owen’s supporters and before his personal meeting with Mr Owen and his report to the governors. That he did not do so was a lamentable failure. Had he taken this most basic of steps he would have acquired knowledge, on his own account, that would or should have made him refer the allegations through the child protection procedures.
- 4.44 He compounded this omission by writing some and signing many letters which consistently and wrongly assert that there had been only one complaint (about

teaching methods). On his own account he showed no interest in the most important evidence, that of the children, the crucial direct evidence of what may have been happening.

- 4.45 Furthermore he gave guidance in the form of a memorandum as to how all enquiries were to be dealt with. Those inquiring were all to be misled - "One letter of complaint was received concerning Mr Owen's teaching methods. Several letters of support have been received"²⁶ - on Mr Roberts' express instructions.
- 4.46 Mr Roberts' report to the governors at Ysgol Gyfun Rhydfelen dated 5 February 1991 was similarly misleading. He informed governors in writing that "a complaint was received from a parent concerning Mr Owen's teaching practices. Letters of support were also received...I met Mr Owen personally...When he confirmed his intention to resign I undertook to speak to the Chairman of Governors to ensure that there would be no attempt to proceed with a disciplinary enquiry following Mr Owen's resignation...I recommend no further action and the complainant will be informed accordingly"²⁷. The full report is at Annexe 2. It does not include any summary of what the children or the senior staff had said.
- 4.47 I feel almost at a loss as to what recommendations to make in this regard as Mr Roberts' actions and omissions were so inconsistent with what I had assumed were the most basic standards of behaviour for all public officials, let alone a Director of Education. This was as true in 1991 as it is today. The following may be helpful guidance although it is only Mr Roberts' behaviour that leads me to believe that public officials need it:
- (i) if you are intervening in a matter, make enquiries to establish the facts
 - (ii) do not write letters asserting knowledge of the facts when you do not know them
 - (iii) read letters and documents before signing them and letting them go out in your name
 - (iv) do not rely on the person being complained about as an important source of information about the nature of complaints especially when you know people within your own department have information about them.

I could go on but I think the fundamental message is clear. Personal responsibility for correspondence is a concept of some general value. Mr Roberts' approach summarised as 'I accept responsibility for this letter but I had no actual knowledge as to what was in it' might be attractive to officials and even politicians but it is unacceptable.

- 4.48 If Mr Roberts had shown even minimal inclination to comply with paragraph 4.47 (i) above he would have made a referral in the appropriate way to the child protection agencies.
- 4.49 The consequences of Mr Roberts' action and inaction were, I believe, serious. I set them out as part of my general conclusions in this chapter.
- 4.50 I have fixed responsibility and focused my criticisms on Mr Roberts because he was the Director of Education and because he had chosen to involve himself, publicly and privately, very forcefully in the events of early 1991. He was the most senior official directly involved with full authority, which he acknowledged, over others who may also fairly be criticised.
- 4.51 While others also might have acted differently, Mr Roberts had both the power and the access to information that could have caused events at Ysgol Gyfun Rhydfelen in 1991 to have turned out very differently. So when he (reluctantly, eventually and perhaps rightly) criticised Mr Matthews for not pro-actively passing more information to him about the children's statements²⁸, he still attracts the criticisms I have set out. He could have insisted on being told at this time or at least made some effort to find out.
- 4.52 I also find his line of reasoning when he asserted that he might have compromised a potential future role as adviser to the governors if he knew more, to be completely unconvincing. Mr Roberts himself continually emphasised the fact that disciplinary decisions would have been taken by the appropriate sub-committees of the governors. He could have known all the complaints and still have given advice based only on the evidence presented to the governors. His evidence on this point was tantamount to saying, by analogy, that the clerk to the magistrates would be disqualified from advising the bench if he or she knew the charges or the evidence. That is absurd.

Mr Edwin Roberts' approach to the Police

- 4.53 Mr Roberts gives three main reasons why he did not go to the police immediately in January 1991 when first appraised of the contents of Mrs Phillips' letter by Mr Dunne shortly after it was received by his department:
- (i) because he had no knowledge of the children's statements
 - (ii) because Mrs Phillips' letter (which he did not read) only contained general allegations about Mr Owen's teaching methods
 - (iii) because it was being looked at in the context of disciplinary rather than child protection considerations.

- 4.54 Mr Roberts agreed in evidence that he was very aware at the time that any child protection concerns should be reported immediately to the police or other relevant authorities²⁹. He stated this with some force and it follows that reason (iii) above therefore is unconvincing.
- 4.55 I cannot find, on the balance of probabilities, that Mr Roberts had knowledge at the time of the full details of the children's statements. I repeat, in passing, that he did have the power to acquire that knowledge and should have exercised that power before acting. He could and should have asked Mr Matthews or other members of his staff for a detailed outline of the allegations being made.
- 4.56 When giving evidence to the Inquiry, Mr Roberts said that the briefing on the contents of Mrs Phillips' first letter came from Mr Dunne and was only on a "generalised opinion of the complaints"³⁰ and that he did not read the letter itself.
- 4.57 As stated previously when cross-examined by Mr James, he admitted that he was aware at the time that Mrs Phillips' first letter contained allegations that "rape scenes were apparently a favourite feature of his (Mr Owen's) plays", "explicit sexual overtones are introduced into almost every aspect of a play" and "boys have been asked to undress in so-called practices"³¹.
- 4.58 Despite being aware of this and other allegations and despite being aware that Mr Matthews was taking statements from children at the school, Mr Roberts said he neither sought further information, or made any referral to either the police or social services.
- 4.59 It is my opinion that he should have done both and that if he had done so events would have been likely to have taken a very different and more proper course.
- 4.60 Another opportunity for Mr Roberts to have made a referral came with the receipt by the chair of the governors, Judge Richards, of the second letter from Mrs Phillips, which she wrote on 4 February 1991.
- 4.61 It is worth stating that this letter was written after resignation terms had been negotiated between Mr Roberts and Mr Owen. Indeed, it was media reports based on Mr Roberts' statement to the media³² announcing the resignation of Mr Owen that prompted Mrs Phillips to write it.
- 4.62 Mr Roberts' first knowledge of Mrs Phillips' second letter came as a result of a telephone call from Judge Richards on 6 February 1991, during the course of which Judge Richards read a substantial portion of the second letter to him. Mr Roberts acknowledged that he had a good knowledge of what the letter contained.

- 4.63 Indeed, he stated in evidence that this second letter was more specific in its allegations and that in particular the allegations of a “pornographic script” and children being asked to “act them out” was sufficient for him to³³
- (i) recommend orally to Judge Richards that it should go to the governors
 - (ii) feel that he (Mr Roberts) should go to the police to make them aware of its contents.
- 4.64 Mr Roberts’ evidence in this matter was, as in so many cases, confused and contradictory.
- 4.65 It is important to remember that Mr Roberts was fully aware, during the course of his conversation with Judge Richards on the 6 February 1991 that his written report to the governors strongly recommending “no further action” was to go to the governors’ meeting the following day.
- 4.66 It is self-evident that if Mr Roberts was so concerned about the letter’s contents then he could very easily have advised Judge Richards that the governors should disregard his report, as this new and, in his view, more serious complaint had come in.
- 4.67 Mr Roberts did not do this. He also did not even take the trouble to read the actual letter when it came in. When asked in cross-examination by Mr James if he had read the letter Mr Roberts replied “No because I passed it straight through for legal advice to the Deputy Director because I’d certainly got the sense and the content from a very long conversation”³⁴.
- 4.68 Not only did Mr Roberts not read it, but in response to Judge Richards’ written comments on the letter that it was for “perusal and actioning”, Mr Roberts referred it to the County Clerk, writing on it “No great urgency in this...to reach 30 April and resignation date”³⁵.
- 4.69 Mr Roberts claimed in evidence that this was a sarcastic remark, as the request for legal advice by Judge Richards was so general. In fact, there is no evidence that legal advice had been requested at all and Judge Richards refutes that such a request was made.
- 4.70 I conclude that this was indeed an attempt to ‘bury’ Mrs Phillips’ second letter or, as one legal representative described, to “kick it into the long grass”³⁶. It certainly was not the action of someone, as claimed by Mr Roberts, who was worried enough by the second letter to go to the police in March 1991.

- 4.71 In any case, Mrs Phillips' second letter actually contains rather less, not more, specific allegations than were made in her first letter.
- 4.72 Also, if Mr Roberts was so concerned, on the grounds of a possible criminal offence (of obscenity) and child protection (children being made to act the scripts out), why did he not immediately inform either social services or the police? He was obliged so to do and was aware of his duty as he repeated in his evidence to the Inquiry. There is no evidence that social services were ever involved and the police only became involved some five weeks later (see Chapter 9: The Police Investigation). At the very least he should have asked Mr Matthews for the evidence he held, especially as Mrs Phillips' second letter told of a mass of evidence.
- 4.73 Mr Roberts in claiming he advised the chair of governors to take the letter to the governors is also faced with another problem. For if the first letter from Mrs Phillips could not go to them because it might compromise the 'due process' of disciplinary procedures, how could the second? Mr Roberts' evidence is in effect suggesting that his report of 5 February 1991, in which he says that the governors cannot see the evidence gathered against Mr Owen, should have been accompanied by another letter disclosing what some of the evidence might be. I do not believe this is credible.
- 4.74 Further, there are other subsequent actions by Mr Roberts that are not consistent with a person who was seriously concerned about the contents of Mrs Phillips' second letter. On 12 February 1991 there was a spate of letters which were sent by Mr Roberts to persons who had written in support of Mr Owen. I deal with these letters later (see below), but it is relevant to point out here that Mr Roberts' letters are, without exception, consistent with the account of events put forward in his written report to the governors. They are clearly intended to minimise the allegations against Mr Owen. In one he even goes so far as to say "Once a teacher has resigned, it is not customary for a Governing Body to persist with a committee of inquiry, and I hope this will be so in this case"³⁷ (my emphasis). These words are simply incomprehensible if Mr Roberts was seriously of the view that Mrs Phillips' second letter made him think that the governors should have taken disciplinary action and that he should go to the police. I cannot accept that Mr Roberts was ignorant of the contents of the letters which went out in his name.
- 4.75 It is hard to see how the governors could have pressed on with a disciplinary hearing, given that Mr Roberts had given an undertaking to Mr Owen that they would not do so. As a matter of law, the governors were not precluded from attempting to hold a disciplinary hearing but in fact felt prevented from doing so by the advice of Mr Roberts. Had the governors pressed on - which would have been extremely difficult given what I find to have been the behaviour of

Mr Roberts - Mr Owen would have been armed with some powerful arguments in the context of estoppel as a result of Mr Roberts' conduct.

- 4.76 I can find no compelling evidence to suggest that Mrs Phillips' second letter had the effect on Mr Roberts that he now claims and considerable evidence to suggest that it did not.
- 4.77 I am therefore left with the issue of whether Mr Roberts did indeed go to the police of his own accord and if so, his reasons for doing so. There is no clear evidence, apart from his own testimony, that he did approach the police of his own volition and his evidence is unsatisfactory as I have shown. He did write to the County Clerk asking for advice prior to his police interview on 26 March 1991³⁸. Mr Roberts asserts that he went to the police after he read the minutes of the governors' meeting of 8 March 1991³⁹ when he realised that they weren't going to take any action in response to Mrs Phillips' second letter. He says that he therefore approached the police and was interviewed by them on 26 March 1991⁴⁰.
- 4.78 He says he did not ask any of his own staff for a briefing in advance or notably consult Mr Matthews, or take Mrs Phillips' letters with him⁴¹. These were curious omissions given his claims as to the importance of Mrs Phillips' second letter.
- 4.79 The consequences of the police investigation are set out in Mr Roberts' letter to Judge Richards and his memorandum to Mr Matthews both on 22 March 1991. He informed them: "governors' possible initiatives have been overtaken by police intervention⁴²".
- 4.80 To Mr Matthews he said: "There is now the new feature of police involvement. In all previous cases a governing body has delayed any disciplinary action until police enquiries are complete"⁴³. (See recommendation (20) of Sir Ronald Waterhouse in his report 'Lost in Care').
- 4.81 On 24 May 1991 Mr Roberts wrote to Judge Richards informing him that "the police do not intend to take any action on the complaint received against Mr John Owen...my advice to the governors was that they should defer any action until the police had decided whether there was a criminal case. As this notification will be received after Mr Owen's departure from the local education authority there is no further action to be taken by the governors and the matter is now closed"⁴⁴. He did not write "you may not wish to take any further action and may now wish to close your files on the matter". Mr Roberts' terms were significantly those of instruction and not advice.

- 4.82 I find Mr Roberts' evidence deeply unsatisfactory in relation to these matters. I also find, on the balance of probabilities, that Mrs Phillips' second letter did not have the effect on Mr Roberts he now claims. I am uncertain whether he eventually approached the police himself in March 1991. If he did it was likely to be a consequence of having heard that Mrs Phillips had complained to them already and that they were to interview Mr Matthews. Mr Roberts' motive in approaching the police may have been to further his strategy in keeping the lid on things, worried as he may have been by Mrs Phillips' action.
- 4.83 I find the police investigation was hampered, in particular, by the failure of Mr Roberts and Mr Matthews to share information as they should have done. (See Chapter 9: The Police Investigation).

Mr Edwin Roberts' correspondence and relative priorities

- 4.84 By his own admission Mr Roberts made no effort to ascertain what the children were saying, although he was clearly aware that a member of his own staff, Mr Matthews, had taken statements from them. How he felt able to deal with the police in such circumstances, if that is right, is puzzling.
- 4.85 In his letters to supporters of Mr Owen, he alludes to "the media being very active and (they) appear to have very detailed knowledge of the allegations which have been made against Mr Owen"⁴⁵ and in another "It now appears that the media have been provided with details of the allegations"⁴⁶.
- 4.86 In evidence, when questioned by Counsel to the Inquiry, Mr Roberts denied knowledge of various elements of press coverage at the time that were put to him. This coverage included detailed and specific allegations.
- 4.87 Mr Roberts was himself quoted in one of these articles and I find it difficult to accept his account that he knew nothing of their contents. In particular, a pupil was named as saying she was required to simulate a sex act with a fellow pupil.
- 4.88 This should surely have resulted in Mr Roberts asking for details of the children's statements, but he says it did not.
- 4.89 I express surprise that no one within education or indeed social services raised any issues with the Director of Education at the time (18 February 1991) having read the extensive press coverage that gave an indication that there were obvious child protection issues here.

- 4.90 However, my primary purpose is to give prominence to the fact that Mr Roberts' actions did not demonstrate in any way that he thought the children's statements were of any importance.
- 4.91 As I have said, Mr Roberts signed detailed and often personalised letters in response to those who supported Mr Owen, but complainants, such as the mother of Pupil T (who said in her letter that Mr Owen should never be allowed to teach children again) did not even receive an acknowledgement. Handwritten on the top of her letter by Mr Askey is "not included as evidence"⁴⁷. Mrs Phillips also received no response from Mr Roberts although he knew that she knew he was meant to be dealing with the matter. Most importantly, those children who bravely gave statements were not given any information or shown any consideration by Mr Roberts whatsoever.
- 4.92 I believe it is reasonable to infer, from Mr Roberts' actions in 1991 and his evidence to my Inquiry, that he considered the children's statements to be unimportant, complainants not worthy of a response but supporters of Mr Owen were considered to be entitled to varying degrees of personalised reply.

Mr Edwin Roberts' Report to the Governors at Ysgol Gyfun Rhydfelen 5 February 1991

- 4.93 Mr Roberts' report played an important role in how the governors acted in 1991. It was an authoritative statement, written and signed by the Director of Education and strongly favouring a particular course of action.
- 4.94 Despite efforts by Mr Roberts in evidence to cast doubt as to the degree of his involvement in its preparation, the production of a copy by a governor, Mr Bryant, signed by Mr Roberts, to my Inquiry, proved Mr Roberts' direct and personal responsibility for its content⁴⁸.
- 4.95 The report contained a number of inaccuracies, a number of misleading statements and other material that does not sit well with some of Mr Roberts' evidence to my Inquiry.
- 4.96 His report minimised the allegations and available evidence against Mr Owen. Referring to only one letter of complaint it asserted that the "standard procedure was followed of obtaining statements from pupils". Mr Roberts accepted he knew nothing of how the statements were taken, or of their content. It stated Mr Owen was interviewed by his (Mr Roberts') officers when he had not been⁴⁹.

- 4.97 The report also gave misleading advice on the matter of disciplinary procedures in force at the time. It stated that the setting-up of a disciplinary sub-committee and suspension of Mr Owen were just “usual practice”⁵⁰, whereas these were only required when the charges were of sufficient seriousness to warrant them. By misleading the governors in this way, Mr Roberts was conveying the impression that the allegations were trivial. This, in turn, made it far more likely that the governors would accept the deal he had done with Mr Owen.
- 4.98 The report set out the terms of the deal, informing the governors that he had personally met Mr Owen and that he had written to the chair of governors, recommending “confirmation that no attempt would be made to proceed with a sub-committee hearing”⁵¹.
- 4.99 Mr Roberts also stated that “it would in any event be extremely difficult to insist on any member of staff appearing before a governors’ sub-committee after he had resigned his post”⁵². While true, the fact that the member of staff might not choose to appear before the sub-committee did not preclude the possibility of charges being made and the governors proceeding with a disciplinary hearing up to the point when Mr Owen’s employment had ended. There was no reference to List 99⁵³, the list of people who are prevented from working with children and explained fully at Annexe 3, the need to formulate charges as a prerequisite to the possibility of inclusion therein or an assessment of whether the allegations made against Mr Owen might justify proceeding in such a way.
- 4.100 In putting this to the governors, Mr Roberts gave the impression that any alternative to his suggestions would be extremely difficult when it would not have been. He also failed to identify any reason why proceeding after a resignation might ever be justified.
- 4.101 Mr Roberts then asserted that “Governors will appreciate that the disciplinary code dictates that only the disciplinary sub-committee has access to the documentation of a case and that this is made available only at a hearing”.
- 4.102 During cross-examination by Mrs Crowley QC, Mr Roberts was asked to identify where this appeared in the disciplinary procedures at the time. Mr Roberts was unable to do so⁵⁴. It does not appear.
- 4.103 Mr Roberts failed to give any advice on child protection policies or procedures. His advice reinforced the governors’ wrong impression that they could not be told of the accusations against Mr Owen. The chair of governors, Judge Richards, gave evidence as to the weight that this document carried and the influence it had upon the governors’ actions at the time, as did other former governors.

- 4.104 Mr Roberts admitted in evidence that the disciplinary proceedings came to a halt at his recommendation⁵⁵. Mr Roberts also accepted that he was already anticipating that the governors would follow his advice before his report was even produced as he released a statement to the media before 4 February 1991, saying that Mr Owen had resigned. He also, at some stage, instructed Mr Dunne to “please accept Mr Owen’s resignation with immediate effect but arrange salary to be paid to 30 April 1991”⁵⁶.
- 4.105 Given the inaccurate and misleading nature of his report, its effect on events and Mr Roberts’ assumption of the governors compliance outlined above, it is pertinent to try to ascertain Mr Roberts’ purpose in writing it and ensuring it went to the governors.
- 4.106 In evidence, Mr Roberts stated that he was offering advice and assistance, “to help them (the governors) expedite their proceedings”⁵⁷. I find it difficult to see the report of 5 February 1991 as being of much help to the governors, indeed it was singularly unhelpful in allowing them to carry out their responsibilities. Moreover, it seriously misled them in certain crucial respects.
- 4.107 It is, however, entirely consistent with the actions of someone who is trying to ensure that the terms of an agreement or deal are put into effect.
- 4.108 If the agreement Mr Roberts made with Mr Owen was to be carried through, it was necessary for the governors to be persuaded to act in the way strongly recommended by Mr Roberts in his report.
- 4.109 I believe, on the balance of probabilities, that this was Mr Roberts’ primary purpose in writing the report to governors. The available material as reviewed above strongly supports the conclusion that, in this context, Mr Roberts believed that he could control what the governors would do and that he successfully set about doing so.

The Resignation of Mr John Owen

- 4.110 The resignation of Mr Owen in 1991 was a significant event. It was particularly significant as it was accompanied by an undertaking by the local education authority that he would not face disciplinary charges if he resigned. This undertaking was honoured.
- 4.111 In the event this meant that the allegations made by the children were not considered by the relevant disciplinary sub-committee(s) of the governors.

- 4.112 This would have enabled the evidence of child abuse collected by way of children's statements taken by senior teachers at Ysgol Gyfun Rhydfelen and by Mr Matthews to be evaluated on the balance of probabilities rather than the more exacting criminal standard of beyond reasonable doubt.
- 4.113 In the absence of social services involvement, when the Crown Prosecution Service decided not to prosecute Mr Owen on criminal charges, the terms of the resignation 'deal' meant that there was no other way by which Mr Owen's behaviour could be subject to scrutiny and appropriate action taken.
- 4.114 Mr Roberts' told my Inquiry that he heard from Mr Dunne that Mr Owen was going to resign after Mr Dunne had met with two officials of UCAC, the teachers' trade union, in County Hall in Cardiff. Evidence given suggests the meeting took place on 15 January 1991.
- 4.115 Mr Roberts was not himself present at the meeting, but an understanding of what took place there is crucial given the part it plays in his account of his approach to Mr Owen.
- 4.116 Only two accounts were given to the Inquiry about this County Hall meeting; the first by Mr Graham Dunne, the personnel officer in the local education authority and the second by Ms Siân Morgan Ellis who was, at that time, a local UCAC official (County Secretary).
- 4.117 Both witnesses agreed that a third person, Mr Wyn James, General Secretary of UCAC and now deceased, was present at the meeting. In most other respects, their evidence is contradictory.
- 4.118 Mr Dunne did not believe that Ms Ellis was at the meeting at all, although he did remember a man from UCAC being there with a "hyphenated name"⁵⁸. Ms Ellis was certain she was present at the meeting and said that people do, on occasion, hyphenate her name in error.
- 4.119 I believe, on the balance of probabilities, that Mr Dunne was mistaken on this occasion, and that Ms Ellis was present at the meeting. She impressed me as a reliable witness, with a good recall. A mistake on her part seems unlikely and I completely rule out an attempt by her to mislead me. She said that the case of Mr Owen was rare in her work as an UCAC official and that this made it more memorable⁵⁹.
- 4.120 The divergence of accounts by these two witnesses is great as to what took place at the meeting.

- 4.121 Mr Dunne, in his first statement to me, said that he left the file of evidence on the table and went to make coffee for his two guests so that they could read the evidence collected against Mr Owen. On his return, they indicated to him that Mr Owen would be resigning. On a number of occasions he said no copies of the evidence were given out⁶⁰.
- 4.122 Ms Ellis directly refuted this account. She says that Mr Dunne gave them typed copies of the evidence, including children's statements, at the beginning of the meeting⁶¹. Further, she said that "we didn't discuss John resigning"⁶².
- 4.123 She pointed out that they had only just seen the evidence for the first time and they would have needed to discuss it with Mr Owen (both witnesses agreed that no telephone calls were made during the meeting). Ms Ellis says that she and Mr James discussed how they would need to consider the evidence carefully before advising Mr Owen. She also said resignation was not discussed at all with Mr Dunne. It appears to me that this would be the proper and likely way for such officials to conduct themselves.
- 4.124 I have some difficulty accepting Mr Dunne's version of events. Under cross-examination he agreed that he "could have" provided copies of statements as described by Ms Ellis⁶³.
- 4.125 Mr Dunne also gave strong and repeated evidence that there wasn't "a tremendously strong case against him"⁶⁴ and he thought that Mr Owen might argue that it was only to do with teaching methods and "get off"⁶⁵. If this was the case it is hard to understand how two experienced UCAC officials would assert that Mr Owen would resign when the case against him was so weak and they had not had the opportunity to discuss it with him.
- 4.126 Mr Dunne suggested that he got the impression at the time that they knew Mr Owen had already decided to resign when they came to the meeting. This is contradicted by Ms Ellis who said she only heard of that decision on 24 January 1991 (the actual date of Mr Owen's resignation letter) in a phone call from Mr James.
- 4.127 In reaching a finding of fact on the matter of whether UCAC officials, at the meeting on 15 January 1991, informed Mr Dunne that Mr Owen was resigning, I prefer Ms Ellis' evidence for the following reasons:
- (i) Ms Ellis demonstrated a clear and consistent recall of the meeting
 - (ii) I can see no reason why Ms Ellis would want to give a false account of the meeting, nor any reason why she would pretend to give a clear account to me if her memory was less than clear

- (iii) Ms Ellis remained convincing under cross-examination
- (iv) Ms Ellis' account was consistent with the reasonably anticipatable behaviour of responsible trade union officials.

On this basis and on the balance of probabilities, I find that Mr Dunne was not informed of any intention on the part of Mr Owen to resign at the meeting at County Hall on 15 January 1991.

- 4.128 It follows that unless Mr Dunne deliberately misled Mr Roberts, or he learned of Mr Owen's intention to resign via a route other than that he says he did, Mr Roberts could not have been so informed consequent to this meeting. This casts some doubt on Mr Roberts' account of the reasons for and discussions at the meeting that took place between him and Mr Owen on 23 January 1991. I examine those matters below.
- 4.129 Before doing so, I wish to register my alarm at the manner in which the file of evidence was made available to the UCAC officials at the meeting. At this time no charges had been formulated and statements were still being taken from the children. The correct procedure would have been for Mr Owen and his representative to have been given the evidence relating to the charges in good time for him to prepare his defence to put to the appropriate disciplinary sub-committee.
- 4.130 By supplying the evidence at the point he did, Mr Dunne could have compromised the disciplinary process. In the culture of Mid Glamorgan County Council about which he and Mr Roberts gave particulars, such behaviour was understandable. I will comment on that culture later (see Chapter 8: Mid Glamorgan County Council Local Education Authority), but Mr Owen's decision to resign early could have been precipitated by knowledge of the evidence against him. This, in turn, meant that Mr Owen's name could not be put on List 99.
- 4.131 It is also worth mentioning that Mr Owen's trade union, UCAC appears to have acted entirely properly on behalf of its member, although the file UCAC provided to my Inquiry does show it had copies of documents that should not have been supplied to it at least when they were.
- 4.132 If Mr Roberts was not aware of Mr Owen's intention to resign before their meeting of 23 January 1991, then the reasons for the meeting are unlikely to be as he described them to my Inquiry.
- 4.133 It could have been that Mr Roberts was made aware of such an intention to resign by some other means between 15 and 23 January 1991. However, there is no evidence to suggest this and Mr Roberts himself identified his

conversation with Mr Dunne after the meeting with UCAC officials at Mid Glamorgan County Council County Hall on 15 January 1991 as the source of this information. He also said he phoned Mr James, General Secretary of UCAC, to explain this prior to his meeting with Mr Owen⁶⁶.

4.134 Mr Roberts gave a number of different reasons for the meeting with Mr Owen on 23 January 1991 – the reasons were not consistent during the course of his evidence. They were as follows:

- (i) to ensure that Mr Owen was aware of the ‘Code of Practice’ for disciplinary procedures, and his rights under them (particularly the right to have a fair hearing) and that there was no pressure for Mr Owen to resign⁶⁷
- (ii) to ensure that Mr Owen knew that his resignation offered no certainty that disciplinary action would be averted⁶⁸
- (iii) to find out what Mr Owen was being accused of⁶⁹
- (iv) to find out the reasons for Mr Owen’s resignation⁷⁰.

4.135 It merits re-stating that in meeting Mr Owen at this time and in this way Mr Roberts was acting outside his powers under LMS. He arranged to meet and met the subject of a disciplinary procedure without having troubled to find out the nature of any charge or the potential evidence available to support any charge, without trade union representatives or other witnesses being present, without a proper legal basis for his actions and without informing the governors or asking their permission.

4.136 Notwithstanding this, the meeting took place on 23 January 1991 and Mr Owen’s resignation was dated the following day, 24 January 1991.

4.137 If we consider the reasons set out in 4.134 it must be noted that (ii) and (iv) would only make sense if Mr Roberts had knowledge that Mr Owen intended to resign and as to that I have some doubts. Even if he was so aware, it would have been far safer and simpler for him to communicate (i) or (ii) in writing or via Mr Owen’s trade union, or at least in the trade union’s presence. It would also have been desirable to have a member of his staff present. Reason (iii), which Mr Roberts attempted to disavow later in evidence⁷¹, is frankly incredible.

4.138 I do not have clear evidence to show the exact reasons for Mr Roberts meeting Mr Owen at this time, nor of the exact content of their discussions. However, in a carefully crafted letter to a Mrs Nia Wyn Williams he actually said that he went to see Mr Owen “before he (Mr Owen) took any decision about his future”⁷². (My emphasis).

- 4.139 What is certain is that on the day following that meeting Mr Owen wrote his letter of resignation.
- 4.140 Ms Ellis, UCAC County Secretary, gave clear evidence of a meeting at Pentre at which Mr Owen handed his resignation letter to Mr Roberts and recalled Mr Roberts saying that he “did not see any reason for us to arrange a disciplinary meeting” after being handed the letter⁷³. Ms Ellis recalled this meeting took place on a Friday. It is therefore likely to have taken place on 25 January 1991.
- 4.141 Although both Mr Dunne and Mr Roberts dispute that they attended such a meeting, I believe that they did and that Ms Ellis’ account is, on the balance of probabilities, accurate. In reaching this conclusion I have taken into account the evidence of Mr Emyr Hywel, an UCAC representative, who said he did not attend a meeting with Mr Owen present although Ms Ellis says he was at the meeting in Pentre. Mr Hywels recollection was less clear than that of Ms Ellis’ and I prefer her evidence.
- 4.142 There is secondary evidence of what Mr Roberts agreed in a meeting with Mr Owen in his letter to the chairman of governors, Judge Richards, of 29 January 1991 and Mr Roberts’ report to the governors of 5 February 1991. There were four elements to this agreement:
- (i) Mr Owen would resign
 - (ii) He would not attend school
 - (iii) He would be paid until 30 March 1991
 - (iv) There would be no disciplinary action
- 4.143 I believe this ‘deal’ was agreed by Mr Roberts on the 23 January 1991. In his report to the governors of 5 February 1991 he clearly stated “I undertook to speak to the Chairman of Governors to ensure that there would be no attempt to proceed with the disciplinary inquiry following Mr Owen’s resignation”⁷⁴. (My emphasis).
- 4.144 I feel compelled to conclude that, without lawful authority, Mr Roberts approached Mr Owen and negotiated a deal with him on the terms set out above and that this was the primary purpose and outcome of the meeting of 23 January 1991.
- 4.145 This was a grossly irresponsible act by a Director of Education and was one of the main reasons why appropriate action was not taken at the time to safeguard the interests of children.

Conclusions

- 4.146 I believe that, on the balance of probabilities, Mr Roberts' main concern in 1991 was to 'do a deal' with Mr Owen that would result in what he judged would be the least amount of difficulty for the local education authority and cause the least embarrassment. I consider whether this can fairly be described as a 'cover up' later (see Chapter 8: Mid Glamorgan County Council Education Authority). Having done this 'deal' he made every effort to deliver it. In so doing, he did a grave disservice to the children who had been brave enough to complain and failed to comply with the proper procedures in place at the time. He also let down the teachers at Ysgol Gyfun Rhydfelen, wherever their uninformed sympathies might lie, let down the parents of children at the school who were falsely reassured, compromised the governors and ensured that the Mid Glamorgan County Councillors were kept in ignorance of what might have occurred. If they appreciated it, Mr Roberts also set an inappropriate example to his subordinates.
- 4.147 As Director of Education Mr Roberts was uniquely placed to influence events in 1991, notwithstanding the transfer of responsibilities to governors under LMS. His actions showed only token regard for the new separation of responsibilities under LMS. It is nothing short of staggering that he set out to influence events so decisively and succeeded without discovering precisely what was alleged against Mr Owen.
- 4.148 I heard evidence, from Mr Dunne amongst others, of the culture that prevailed in Mid Glamorgan County Council at the time. In particular the closeness of relationships with the trade unions, the self protective instincts of the authority and the widespread practice of responding to resignations from education staff by ceasing disciplinary procedures. It is abundantly clear that this culture is not consistent with the protection of children and young people to whom such authorities have a duty of care. It may however be a culture which has its attractions to officers and even to members of local authorities, avoiding as it does professional and political embarrassment. It is a culture which needs to be guarded against.
- 4.149 Mr Roberts appears to have embodied all of the main elements of this culture. He was aware of the weight and authority his position carried but failed to use that in the interests of children when given a unique opportunity to do so. He also failed to act in a manner consistent with what children and the public are entitled to expect of a public official.
- 4.150 Although others did not act in accordance with either procedures in place at the time, or what might reasonably be expected of them, Mr Roberts must bear a considerable part of the responsibility for the fact that a full and proper

investigation of the allegations against Mr Owen did not take place in 1991 and that appropriate action was not taken. One consequence of his behaviour was that there was nothing to prevent Mr Owen continuing to work with children or indeed to seek employment in another school. Another was that a range of other people, most importantly the children who had given statements, were left feeling that their concerns had not been taken seriously.

- 4.151 I feel compelled to comment that Mr Roberts' behaviour as a witness left much to be desired. His evidence was partial and at times evasive. He often only told the whole truth after persistent questioning and gave inconsistent and contradictory accounts (for example see paragraph 4.134).
- 4.152 In making all these comments I have made generous allowance for the fact that the events in question occurred over a decade ago and that memory might reasonably be vague after such a time. I have also taken into account the circumstances prevailing at the time and not allowed the benefit of hindsight to influence my judgement. If Mr Roberts is condemned he is largely condemned by the contemporaneous documentation.
- 4.153 Mr Roberts has now retired and I do not make a specific recommendation regarding him. His conduct as Director of Education will inform recommendations I make elsewhere.

Chapter 5

Mr David Matthews

- 5.1 Mr David Matthews was a District Education Officer in the local education authority in 1991 having previously been a further education officer in the same authority for four years. He had responsibility for all of the Taff Ely district.
- 5.2 In this capacity he acted as clerk to the governors of Ysgol Gyfun Rhydfelen. He was called to the school on Thursday 10 January 1991 by Mr Hywel Jeffreys, acting Headteacher. As stated previously Mr Evans was already present in the school.
- 5.3 On the 11 January 1991 Mr Matthews returned to the school with Mr Askey, Deputy Director of Education. In the meeting that followed, which included Mr Jeffreys, Mr Askey instructed Mr Matthews to take over the investigation of the pupils' allegations¹.
- 5.4 By this time Mr Jeffreys, Miss Ruth Evans and Mr Roy Davies had taken statements from six pupils: Pupil U, Pupil 4, Pupil V, Pupil D, Pupil 3 and Pupil G on 10 January 1991. I have anonymised the pupils' names, girls are referred to by numbers, and boys by letters.
- 5.5 The pupils either wrote their own statements, which were translated for Mr Matthews by the senior teachers or a senior teacher wrote a contemporaneous summary of what the pupil said. In addition Miss Evans², Mr Jeffreys³ and Mr Davies⁴ all kept diaries.
- 5.6 The children's handwritten statements and the teachers' diaries survive and were produced at my Inquiry by Mr Jeffreys. They provide a contemporaneous record of what the children were actually alleging at the time. They also inform my findings as to Mr Matthews' knowledge.
- 5.7 I summarise what the pupils said:
- (i) Pupil 4 gave up drama two days before her first 'A' level practical because of the excessive emphasis on sex in every lesson and the unfair treatment of pupils by Mr Owen. She said "in order to direct one scene where Pupil 3 and Pupil D had to pretend to do a sexual act Mr Owen sent me behind the room's curtains. I heard Pupil 3 refusing to do what Mr Owen requested, which was to feel Pupil D's body...in order not to be called unprofessional Pupil D agreed to do what Mr Owen requested which was to remove his trousers"⁵

- (ii) Pupil U was four terms into his sixth form drama 'A' level, had sat one practical and asked to give up drama stating "the main problem is the perpetual mention of sex in every lesson...pupils are expected to act sexual situations...it was expected that the two characters (played by Pupil D and Pupil G) should touch each other sexually. In the first rehearsal they had to touch each other on their faces, look into each other's eyes kiss and embrace⁶ (original underlining)
- (iii) Pupil G said he knew why Pupil U was giving up drama "the constant referral to sex in the lessons and the practical examination"⁷. He described how "they were expected to touch each other on their sexual organs"⁸... "During the first practice in Mr Owen's rooms they had to touch each other on their faces, to look into each others eyes, to kiss and to hug"⁹. Pupil G says "Pupil J stays in Mr Owen's house every Friday night"¹⁰. Pupil G also said without hesitation that the relationship between Mr Owen and Pupil J was a "full blown job chi'n gwybod (you know) husband and wife job"¹¹ and "this was common knowledge amongst the sixth formers"¹²
- (iv) Pupil V said "myself and Pupil D had to do a dance, and we had to do the dance in our pants and in one of the rehearsals we had to do the dance naked"¹³. Pupil D had to be in a part where he had to show himself playing with himself in a sexual way in front of somebody¹⁴. Pupil V was afraid his parents would find out that he played a nude scene when he was in the fourth form¹⁵
- (v) Pupil 3 said she and Pupil D had to perform a dance in Blodeuwedd in their pants "and in one of the practices he had to perform naked"¹⁶. "Over Christmas... Pupil D was in a part where he had to show/expose himself and to play with himself in a sexual fashion in front of somebody"¹⁷. (original underlining) During one scene in A Prayer for Wings (the extract which is reproduced in Chapter 15: Welsh Joint Education Committee) "Pupil D was expected to take down his trousers. I was to touch Pupil D and Pupil D and I had to simulate having sex. I refused"¹⁸.

5.8 Another written statement was received at the school from Pupil W on 14 January 1991:

- (i) Pupil W said that in the fifth form he witnessed Mr Owen directing Pupil J to take off his clothes in an extract from 'Equus'. Mr Owen said Pupil J needed to do this for a good grade. He said Pupil J had many practices alone with Mr Owen, that in two practices Mr Owen acted the part of the horse on whose back Pupil J's character reaches orgasm. He recalled when he and Pupil J were in the fourth form, Pupil J phoned him one evening telling him about an improvisation session with Mr Owen. They

were alone and playing a husband and wife, Pupil J was the woman. “John Owen, within the character went wild and Pupil J said he really thought Mr John Owen was going to kill him. I remember Pupil J thinking after a little fighting, that he was going to rape him. I believe I remember Pupil J saying that he (Mr Owen) had expressed this desire”¹⁹.

- 5.9 I find that all this information was given to Mr Matthews.
- 5.10 Undoubtedly the children’s allegations were sufficient to warrant an immediate referral by Mr Matthews to the police and social services. I am unable to identify any good reason why he did not make a referral to either.
- 5.11 It was the first such disciplinary investigation that Mr Matthews had carried out and he was neither directly supervised, or supported during his conduct of it. He was, however, aware of the disciplinary procedures and had furnished the governors with them. I shall deal with his knowledge and understanding of child protection procedures later (see paragraphs 5.28 - 5.40 below).
- 5.12 If Mr Matthews might reasonably have been expected to act tentatively in such circumstances that is not the evidence given by the teachers. He is described by the acting Headteacher, Mr Jeffreys, as not sharing “his confidentiality with us at all” and “someone who kept his cards close to his chest”²⁰. The deputy Headteacher, Miss Evans, said “I wasn’t clear what my role was during the local education authority investigation. David Matthews was asking the questions. I recall I was told I was there just to listen”²¹.
- 5.13 Mr Matthews went on to re-interview Pupil 3, Pupil 4 and Pupil V on 11 January 1991. Mr Jeffreys recorded in his diary; “the three pupils repeated exactly what they had included in their written statements the previous day”²². Mr Matthews also re-interviewed Pupil U, Pupil G and Pupil D on 14 January 1991²³.
- 5.14 Mr Matthews should not have re-interviewed the children. He risked contaminating the evidence, he was unknown to the children and he interviewed them in English. These circumstances would have been known to Mr Askey who does not appear, on the evidence I heard, to have taken any particularly active role.
- 5.15 In all Mr Matthews interviewed or re-interviewed eighteen pupils with a teacher present and was in the school for five working days²⁴. It appears, according to Miss Evans, that he may have interviewed the pupil who was allegedly in a “full blown husband and wife job” with Mr Owen without a teacher present²⁵. Amongst the evidence received by Mr Matthews was the song performed during the ‘A’ level practical on 20 December 1990 accepted by all witnesses as

unacceptable for children and young people and reproduced in full in Chapter 15: Welsh Joint Education Committee ²⁶.

5.16 Near the end of his investigation, Mr Matthews was given a four page memorandum, or report, prepared by the acting Headteacher, Mr Jeffreys, signed by him and all the senior teachers, namely Miss Evans, Mr Roy Davies, Dr Phil Ellis and Mr Gwyn Pritchard Jones. This powerful report still survives and is reproduced in full in Annexe 4.

5.17 In the opinion of all the senior staff there was a case to answer on three counts. I summarise:

1. “Over a period of years Mr Owen has manipulated the unbridled freedom allowed him to establish a power-base that has enabled him to adopt domineering attitudes that cause such mental cruelty to a great number of pupils who believe that to oppose his views and values is to face purdah and court academic failure”²⁷. Examples given included:

- Seven pupils confirmed “how pupils such as Pupil 4 who fell out of favour, are made to suffer. Unless the injustice she feels is removed, she is likely both to lose her chance of gaining a university placement and be seriously affected psychologically”²⁸
- “Evidence was given of third and fourth year pupils being used to help out with ‘A’ level practical and asked to dance nude and act out homosexual feelings”²⁹
- Continuing references to theatre visits to London, pupils overnight stays in his home, allocation of main parts in dramatic productions, subjective marking of essays and practicals underlining Mr Owen’s crushing and impeachable power³⁰
- Six children out of nine had given up ‘A’ level³¹.

2. “That Mr Owen’s artistic taste in drama is far too adult for school lessons and role play exercises”. Examples were³²

- “It was shocking to hear Pupil 16 testify how girls were asked to blindfold themselves, lie down on the floor with their legs open and how Mr Owen prodded their private parts with a stick”
- “It was disturbing to hear how Pupil 4 was asked to remain out of sight and listen to Pupil 3 refusing Mr Owen’s suggestion that she should touch Pupil D’s private parts”

- “The embarrassment expressed by boys who had to act the notorious scene from ‘Equus’ where they had to play a part with one simulating an orgasm while sitting on the other’s back”
- “What was being achieved in organising practical sessions so private that no audience viewing was permitted?”

I have underlined passages above which appear to have expressly disclosed, as opposed to suggested, the commission of criminal offences against children. It appears to me that, if Mr Matthews was provided with such clear material - which he admits - and if he was under a duty to do something about it - which he must have been - his failure to act amounted to misfeasance. So far no action has been taken against him in relation to that. I cannot make a recommendation that such a failure to act needs to be the potential subject of prosecution. It already is.

3. “Mr Owen’s professional conduct is well below the required standard to retain his continued credibility not only in teaching sixth form drama classes but also in the caring qualities needed to fulfil his pastoral duties as Head of Third Year pupils”³³. Examples included:
 - Mr Owen’s note offering to lie to the examiner in respect of Pupil 4³⁴
 - Mr Owen’s claim that he was given permission to be absent from school. It is known he accompanied Pupil J to his interview in London ³⁵. Why did he do this?
 - The content of Mr Owen’s lessons and the “abnormal emphasis on sexual innuendo” with the result of “the corrupting effect on pupil’s perception of right and wrong...it appears the weaker pupils were gradually being conditioned into believing that the insalubrious role play situations in which characters swore, sold their bodies, engaged in unholy sex etc were normal happenings of everyday life”³⁶.

5.18 Mr Matthews knew, after receiving the children’s statements and the report of the acting Headteacher and senior teachers, that the allegations were of an extremely serious nature. Mr Matthews still did not refer the evidence to the police or social services. Before focusing further on this – the most important matter for my Terms of Reference – I will deal with Mr Matthews’ part in the withholding of vital information from the governors.

Mr Matthews' Relationship with Governors

- 5.19 Some governors gave evidence about Mr Matthews' relationship with them, corroborating the teachers' recollection of his role in the investigation. Mrs Jones, a governor on the disciplinary sub-committee described Mr Matthews telling the governors meeting "that reasons for the allegations or reasons for the resignation were none of our business" and that he was "very bombastic, domineering, boss type...this is what was going to happen and you don't go down any other avenues"³⁷. Mr Clive Henley, another governor, said that despite repeated efforts to reach Mr Matthews on the telephone he "could never get hold of the chap, you know" and that he never rang back³⁸. The messages left by Mr Henley were clear that he wished to discuss Mr Owen's case.
- 5.20 Mr Matthews accepted that in 1991 he felt he was unable to share any information about his investigation with the governors. This was a complete embargo – he failed to comprehend the distinction between the charges and the evidence. His claimed confusion seems to be extremely similar to that expressed by Mr Roberts. Mr Matthews was unable to account for the origins of his misapprehension. He excluded Mr Roberts giving him such an instruction and although he did attempt to justify it as being a consequence of the latter's report to governors of 5 February 1991, he was forced to accept it was not there. Neither did he say that Mr Askey or Mr Dunne instructed him in this regard. His references to the 'disciplinary procedures' are of little help as they do not contain any prohibition against sharing the nature of the allegations with governors.
- 5.21 If it is something of a mystery as to why Mr Matthews acted in this way, there is little doubt that he did so. The only time he gave the governors any clue as to the charges Mr Owen might face, was to say that they were "serious allegations"³⁹. His letter to Mr Roberts of 28 February 1991⁴⁰ faithfully set out the governors' concerns about being deprived of information and it is reasonable to infer that Mr Matthews himself had not felt able to assist them in this regard. I note that he only wrote to Mr Roberts some two weeks after he was asked to do so.
- 5.22 Mr Matthews' action in keeping even the nature of the charges from the governors was a major factor in severely limiting their capacity to act in an appropriate manner under LMS. Although the governors (who I deal with more fully in Chapter 14: The Governors of Ysgol Gyfun Rhydfelen) did not have a formal role in child protection policies in place at the time, Judge Richards gave clear evidence that he would have acted appropriately if the gravity of the charges arising from the information held by Mr Matthews had been made available to him⁴¹.

- 5.23 Mr Matthews made no attempt, informally or formally, to communicate what he knew of the seriousness of the allegations, even when it became clear that Mr Owen was not going to face any disciplinary proceedings. I consider this to be a serious omission.
- 5.24 If Mr Matthews had asserted that he was under a direct instruction from his superiors that he was not to share any information with governors I would have some sympathy with the dilemma he faced. He did not make such a claim.
- 5.25 I am aware that this was his first disciplinary case and, on his own evidence and that of Mr Dunne and Mr Roberts, he was given neither support or supervision in his conduct of it. Even making due allowance for this, I am still of the view that Mr Matthews should have sought clarification of the position more vigorously than he did (e.g. by following up the letter to the Director of 28 February 1991), particularly when it became apparent to him that allegations against Mr Owen were not going to be subject to further investigation subsequent to his resignation.

Mr Matthews' Responsibilities under Child Protection Procedures in 1991

- 5.26 When Mr Matthews was at Ysgol Gyfun Rhydfelen in January 1991 he was given copies, specifically translated for him, of all the statements taken by the teachers from the pupils together with the report signed by the five senior teachers and prepared by Mr Jeffreys, the acting Headteacher who had undertaken or translated the interviews.
- 5.27 Mr Matthews did not seriously dispute that he had sight of the statements and like all who have read them it is his view that they should have led to immediate referral to the appropriate child protection agencies⁴².
- 5.28 Mr Matthews did not claim that he was ever under direct instruction not to make a referral to child protection agencies. There were a number of routes by which he could have done this:
- (i) through the local education authority senior advisor or head of pastoral care at the school
 - (ii) through the designated child protection officer at County Hall
 - (iii) by writing directly to Mr Askey or Mr Roberts requesting such a referral
 - (iv) by directly approaching the police or social services.

He did none of these things.

5.29 Mr Matthews gave a variety of explanations during his evidence as to why he did not make a referral:

- (i) because he was operating purely as clerk to the governors and collecting evidence for disciplinary purposes only⁴³
- (ii) because there were few guidelines in place about child protection in 1991 (and by implication that his responsibilities were not therefore clear to him)⁴⁴
- (iii) that other people, specifically teachers at the school and senior local education authority officials had access to the same information as he did (and therefore would have made a referral)⁴⁵
- (iv) that he assumed that when the disciplinary case was heard it would be referred to the appropriate agency⁴⁶.

5.30 Mr Matthews repeatedly asserted reason (i) above during the course of his evidence. I do not believe this position is tenable. Under questioning by Mrs Crowley QC, representing Rhondda Cynon Taf County Borough Council, Mr Matthews accepted that everyone in the local education authority had a responsibility for child protection⁴⁷. The fact that relevant and alarming information came to him as a result of a disciplinary investigation was not and is not relevant. He accepted himself that if he had heard an allegation of rape of a pupil by a teacher at any time he would have made a referral⁴⁸. The context in which Mr Matthews gained knowledge of these allegations did not discharge him from his responsibility to make a referral to the appropriate child protection agencies. The information came to him. He must have known that no one else had made a referral. He was the investigating officer who interviewed the children and received the detailed concerns of the staff clearly outlined in their report.

5.31 Mr Matthews links reason (i) above to reason (ii) and made repeated statements early in his evidence to the effect that there were very few procedures in place in the local education authority at the time, and that he had little knowledge of them⁴⁹. Early on, he went so far as to claim that he was not aware that there was a designated senior officer with responsibility for child protection within the local education authority⁵⁰. He also described the ACPC (Area Child Protection Committee) as being the only relevant joint forum and that he was not involved in it⁵¹. At one point in his evidence he asserted that he had not been told that if he came across material that pointed to the sexual abuse of children, he should refer it to social services⁵².

- 5.32 When cross examined by Mrs Crowley QC, Mr Matthews did agree that there were extensive and detailed policies, guidelines and circulars in place in 1991 subsequent to the production of Working Together under the Children Act 1989 and that he had copies of them as District Education Officer⁵³. He also accepted that he knew then, as now, that all officers have a responsibility to report and that he was aware that Mr Williams was the designated senior officer within the local education authority at the time in 1991 for child protection⁵⁴. He was also compelled to accept that he in fact sat on a District Child Protection Committee in Mid Glamorgan⁵⁵.
- 5.33 Mr Matthews was unable to give any satisfactory reason for the inconsistencies in his evidence and the misleading impression he initially attempted to convey about the state of child protection policies at the time. I believe it is clearly established that Mr Matthews had the information (the children's statements), the authority (under policies of which he was fully aware) and the means (see 5.28 above) to make a child protection referral and that he had a clear responsibility to do so. He failed to act.
- 5.34 With regard to Mr Matthews' reason (iii) above it is obvious that the fact that others might be in a position to report in no way lessened Mr Matthews' clear responsibility and obligation to do so. Had Mr Matthews written clear communications to others within the local education authority urging them to refer then I might be less disturbed by his behaviour than I am. He did not.
- 5.35 As to his reason (iv), if that was so why did he not immediately refer the serious allegations of abuse when he realised there was to be no disciplinary hearing?
- 5.36 I heard evidence of misleading information given by Mr Matthews at the time. Mr Roberts has a clear recollection of Mr Matthews telling him it would be very difficult for the governors because "there is such a conflict in the evidence...it is diametrically opposed" and "the evidence didn't hold together"⁵⁶.
- 5.37 Mr Jeffreys, in his early report, written between 11 and 13 January 1991, concluded that "claims were being corroborated by several pupils"⁵⁷. Having considered the children's statements and the contemporaneous documentation I agree with Mr Jeffreys.
- 5.38 Miss Theda Williams, Head of English at Ysgol Gyfun Rhydfelen, said that sometime after Mr Owen resigned "during a conversation with David Matthews, District Education Officer, he told me that a case like this was usually like opening up a can of worms. When you took the lid off, everything came out. But in this case, he had found nothing"⁵⁸. This was also echoed by Mr Peter Davies, Head of Drama at Ysgol Gyfun Rhydfelen⁵⁹.

- 5.39 Given what Mr Matthews knew, I find it surprising that he said these things to Mr Roberts, Miss Williams and Mr Davies, but I conclude that he did.
- 5.40 Mr Matthews received a letter from Mrs Phillips on 4 February 1991 saying she strongly believed that the WJEC should be made aware of the facts surrounding the case and be given a copy of the script her daughter was expected to perform in her 'A' level practical examination. She said she was "horrified and disgusted at the pornographic nature of the language and what the pupils were actually expected to act out"⁶⁰. She raised concerns about the WJEC Chief 'A' Level Drama Examiner, Mr Emyr Edwards, and asked "what kind of acting and foul language is he condoning when he is examining the performance in the comparative privacy of the 'A' level practical rooms"⁶¹. There is no evidence that Mr Matthews passed on the script or Mrs Phillips' concerns to the WJEC.
- 5.41 I therefore find that Mr Matthews' actions and omissions in 1991 demonstrate a failure to act consistently with policies current at the time and raise serious questions about his judgement. His abject failure to act on behalf of the children stands in stark contrast to their courage in coming forward and telling their stories.
- 5.42 If Mr Matthews had done his duty at that time much suffering could have been avoided and a proper investigation could have been undertaken by the appropriate agencies.
- 5.43 Mr Matthews' behaviour as a witness to my Inquiry also caused me serious concern. In taking this view I have made allowance for deficiencies in memory which we may all suffer and his less senior position as District Education Officer. His memory loss about the first major disciplinary investigation he undertook contrasted starkly with the experiences of some other professionals who were involved. Miss Evans the deputy Headteacher described the impact upon her: "I was present when many of the children were interviewed both by us and after the local education authority were called in. Ever since then I have tried to forget what I heard. I was horrified. I suffered from hypertension afterwards and it certainly affected my health but this is nothing compared to what the children went through"⁶².

When looking at Mr Matthews' evidence as a whole it is difficult to escape the conclusion that he did not wish to assist my Inquiry, but wished to avoid criticism of failures of which he was now conscious.

- 5.44 I have given anxious consideration to whether I should make any specific recommendation with respect to Mr Matthews' behaviour and I have decided that I should not. I confine myself to observing that a failure by someone under a duty to do so, to refer criminal conduct against children to the police and/ or

social services, appears to me to amount to the criminal offence of misfeasance. Deciding whether or not to prosecute in such a case has been and is a matter for the police and the Crown Prosecution Service and not for me.

Bridgend County Borough Council will, I hope, consider my report and the evidence given by and relating to Mr Matthews very carefully. I very much hope that the behaviour of Councillor Jeff Jones (which Mr Matthews has said he does not wish to be associated with), the Leader of Bridgend County Borough Council, referred to elsewhere does not reflect the attitude of that authority to child protection issues. If it does that will disturb many who have participated in my Inquiry as it would be worryingly reminiscent of what caused matters to go wrong in 1991. In saying that, what I have in mind is taking a fixed position without troubling to acquaint oneself with the available evidence and perhaps also a pre-disposition to not taking allegations which originally came from children seriously enough.

Chapter 6

Mr Graham Dunne

- 6.1 Mr Graham Dunne was a personnel officer for 35 years. At the material time, in 1991, he held the post of Assistant Education Officer in the personnel department of the local education authority. In that capacity, he occupied an office adjacent to those of the Director of Education, Mr Roberts and the Deputy Director of Education, Mr Askey.
- 6.2 Mr Dunne gave very instructive evidence about the prevailing culture within Mid Glamorgan County Council and in particular, the reluctance to dismiss anyone or to continue with disciplinary proceedings once a resignation had been accepted.
- 6.3 Mr Dunne was not legally represented at my Inquiry and as personnel officer his role was relatively limited compared with that of Mr Roberts, Mr Matthews and probably Mr Askey.
- 6.4 I find that Mr Dunne's first involvement in the events of 1991 came with a telephone call from Mr Askey at Ysgol Gyfun Rhydfelen on 11 January 1991 (although the record at the time states a 'Mr Legg'¹ it is generally agreed this was Mr Dunne). This telephone call was probably to seek advice in the matter of Mr Owen's suspension as it occurred immediately prior to Mr Owen's suspension.
- 6.5 Mr Askey did not give oral evidence to my Inquiry but in his written statement he said that he "was not shown any documents"² at the meeting in Ysgol Gyfun Rhydfelen. This conflicts with the contemporaneous account of the day's events compiled by the senior teachers in which Mr Askey is described as having "questioned closely various aspects of the complaint that was to be made to the governors"³. It also conflicts with Mr Jeffreys' evidence; he asserted that he discussed the statements with Mr Matthews in the meeting on 11 January with Mr Askey present⁴.
- 6.6 On the basis of this evidence and the balance of probabilities, I find that Mr Askey must have had a reasonable understanding of the main allegations when he telephoned Mr Dunne on the morning of 11 January 1991 and that he telephoned to seek advice from a personnel specialist.
- 6.7 I also find that obtaining such advice would necessarily have involved some reference to the seriousness of the allegations and most likely at least some talk of detail.

- 6.8 Mr Dunne's next involvement came with his being provided with material that would have been used to formulate charges against Mr Owen if the investigation had been completed. Mr Dunne did suggest this information might have come from Mr Roberts or Mr Askey and at one stage in his evidence he stated that his best recollection was the latter. He was definite that it did not come directly from Mr Matthews⁵.
- 6.9 Mr Dunne understood that his role would be to clerk the disciplinary hearing i.e. a sub-committee of the governors. Mr Dunne said that he collated a file of all the evidence that came to him to this end and that the information on it did not come to him all at once⁶.
- 6.10 A detailed examination of the chronology of events in the time leading up to Mr Dunne's meeting with UCAC officials on Tuesday 15 January 1991, shows that all the original children's statements taken by the senior staff could have been made available to him by that time⁷.
- 6.11 He could also have had the additional notes and records of interviews and re-interviews undertaken by Mr Matthews, excepting those of Pupil 16 and Pupil 17. (These took place at the same time as the meeting with UCAC officials)⁸.
- 6.12 On the first occasion that he gave evidence, Mr Dunne said that there was "nothing worse than"⁹ Pupil 16's description of girls' private parts being poked with a plank of wood in the documents he saw. He also says that this particular allegation "could have" formed part of the evidence he possessed in 1991 but that he "wouldn't like to say that specifically it did"¹⁰.
- 6.13 If Pupil 16's allegation had formed part of the file of evidence presented to UCAC officials on 15 January 1991, it would indicate that at least one allegation originally made to the teachers, from a pupil not yet re-interviewed by Mr Matthews, had reached Mr Dunne before 15 January 1991 and/or Mr Dunne had been provided with the signed statement of the senior teachers (Annexe 4) which included this allegation.
- 6.14 However, on the second occasion he gave evidence to my Inquiry, Mr Dunne more forcibly asserted that he didn't think "it was in the papers I had in County Hall at that time"¹¹.
- 6.15 Whilst convinced, on the balance of probabilities, that Mr Dunne had some awareness of the allegations made by the children, exactly what documents were in his file by 15 January 1991 is less easy to establish.

- 6.16 I have already considered Mr Dunne's evidence regarding the meeting with UCAC in Chapter 4: Mr Edwin Roberts and I conclude that I prefer Ms Ellis' evidence for the reasons stated in paragraphs 4.119 and 4.127.
- 6.17 Ms Ellis described how Mr Dunne gave Mr James, General Secretary of UCAC, photocopies of evidence on his file including copies of the children's statements and the letter of complaint from a parent¹² at the meeting on the 15 January 1991. The letter referred to must have been Mrs Phillips' first letter of 9 January 1991. Ms Ellis recalled that the children's statements were typed. The statements taken and contemporaneous recordings made by the teachers at Ysgol Gyfun Rhydfelen were handwritten. It is probable that only the statements taken by Mr Mathews were typed.
- 6.18 Mr Dunne gave evidence that he had "no documents written by or statements taken from school children"¹³ in his file of evidence. He further said that "There was no specific complaint that he (Mr Owen) had done this, that or the other"¹⁴. Under cross examination he agreed that he "could have" provided copies of statements as described by Ms Ellis¹⁵.

Conclusions

- 6.19 I find that Mr Dunne was in possession of some of the information regarding the allegations made against Mr Owen including some of the children's statements. I have no evidence that he had all the children's statements, and it is probable that what he had was less than that given to Mr Matthews by the senior staff of the school.
- 6.20 Mr Dunne did not demonstrate a great awareness of child protection procedures at the time, but this is understandable in view of his position. His actions must be considered bearing in mind that there were more powerful figures involved who had fuller knowledge of child protection procedures and a clear responsibility to act.

Chapter 7

Mr George Askey

- 7.1 Mr Askey was the Deputy Director of Education in the local education authority and was clearly a key person in the events of 1991 which form the primary focus of my Inquiry. However, serious illness prevented him from giving oral evidence to me, and his role in these events was not subject to public examination. As Mr Askey's evidence could not be tested, I only reach limited conclusions based mainly upon contemporaneous documentation.
- 7.2 Mr Askey provided a written statement to my Inquiry of 28 April 2003¹ in which he asserted that "I recall very little about this entire matter"². In particular, Mr Askey denied having seen Mrs Phillips' letter of 9 January 1991 and stated that he "was not aware of the detail of the allegations that were being made against Mr Owen"³ and specifically that he did not see any of the children's statements⁴.
- 7.3 This conflicts with the evidence of the acting Headteacher, Mr Jeffreys, who recalls discussing all the evidence with Mr Askey at the meeting at the school on 11 January 1991.⁵ It is also at odds with the report compiled by the teachers contemporaneously in which it was stated that "George Askey (Deputy Director) questioned closely various aspects of the complaint that was to be presented to the governors and the criteria on which it would be accompanied by professional advice from the local education authority"⁶. This is repeated elsewhere in the report in which it also says that at the meeting with Mr Askey present, "The facts were examined carefully in the context of the operational guidelines the local education authority possesses on such matters"⁷.
- 7.4 I find the contemporaneous documentation very persuasive. I find Mr Askey is mistaken and that he did have knowledge of some or all of the allegations. As Deputy Director of Education Mr Askey attended Ysgol Gyfun Rhydfelen on 11 January 1991 at relatively short notice at the request of Mr Matthews, the District Education Officer, and he must have asked for or have been given information about what was going on.
- 7.5 Further Mr Askey would only have telephoned the personnel officer (Mr Dunne) and personally suspended a teacher, Mr Owen, if he had knowledge of some or all of the allegations.
- 7.6 It follows that Mr Askey should have referred the matter immediately to social services or the police, or have instructed Mr Matthews to do so.

- 7.7 Mr Dunne⁸ said he believed Mr Askey may have brought the papers back with him from Ysgol Gyfun Rhydfelen.
- 7.8 Mr Askey was requested by Mr Roberts, in a handwritten note on a letter from Judge Richards (Chair of Governors at Ysgol Gyfun Rhydfelen) of 6 February 1991, to refer Mrs Phillips' second letter, of 4 February 1991, to the County Clerk for advice⁹. It is reasonable to infer that Mrs Phillips' letter was attached, since if it was not, there would have been nothing substantial to be referred. In his written statement Mr Askey said he does not recall seeing the letter.
- 7.10 On 18 March 1991, the mother of Pupil T wrote to the Director of Education Mr Roberts, stating that "I am very concerned that the man (Mr Owen) should never be allowed to teach children again"¹⁰. The letter continued in a similar vein and attached was mother of Pupil T's original letter of complaint about her son's expulsion from Ysgol Gyfun Rhydfelen in 1988.
- 7.11 A note, initialled by Mr Askey, instructs "no response nor inclusion in evidence"¹¹ (his emphasis). This is clearly an inadequate response to a complaint by a parent. By March 1991, the police were investigating Mr Owen, the local education authority were not (Mr Owen's resignation having been accepted). For a reason I have been unable to establish Mr Askey, was instructing the reader of his note not to pass the letters of the mother of pupil T to the police.

Chapter 8

Mid Glamorgan County Council Local Education Authority Culture

- 8.1 I heard considerable evidence that the culture of Mid Glamorgan County Council at the relevant time was one in which disciplinary action was only reluctantly undertaken and rarely, if ever, continued if the subject resigned.
- 8.2 Mr Dunne told the Inquiry that “it was a terrible thing for our councillors with their trade union background to talk about dismissing a person”¹. The relationship with trade unions was evidently highly valued, to the extent that Mr Dunne asserted “we prided ourselves that we didn’t keep anything from the union”².
- 8.3 It appears that there was no reluctance to showing the relevant union the actual evidence before the investigation was completed and before charges were laid. This stands in stark contrast to the attitude taken to the governors who, despite their legal obligations, were not even given a broad outline of the allegations when being urged to accept Mr Owen’s resignation. It is notable that UCAC’s surviving file on Mr Owen was more complete than any held by the successor local authority, Rhondda Cynon Taf County Borough Council.
- 8.4 It is self-evident that good relationships with the trade unions are important and that individuals should be given information about the charges they face and the evidence in good time for them to present their case. But the importance of good relationships with trade unions must not be given disproportionate prominence over the proper conduct of disciplinary procedures and the protection of children.
- 8.5 The bigger error was the fact that child protection procedures were not invoked at a very early stage as this would have resulted in a very different type of investigation.
- 8.6 The other part of this culture was the predisposition to and established practice of discontinuing disciplinary procedures once the person concerned had offered their resignation. By general agreement this was the norm in the local education authority at the time. As a matter of law, of course, it was really only the governors who could accept resignations and compromise disciplinary procedures, but their role was obstructed and usurped by the actions of Mr Mathews and Mr Roberts.

- 8.7 In the case of Mr Owen the investigation was discontinued, no charges were laid and the governors were not even given the opportunity to review what had happened after he had left.

It appears obvious to me that in circumstances where any child protection issues have been raised as part of a disciplinary investigation, the investigation must be completed.

- 8.8 If this had occurred in 1991, Mr Owen's name could have been placed on List 99 and his future access to children in schools at least limited. There are other issues about working with children other than in education which I deal with in Chapter 16: After Ysgol Gyfun Rhydfelen and Chapter 17: Pam Fi Duw?

General Conclusions

- 8.9 In and since 1991 there have been allegations circulating in private and public of a cover-up relating to Mr Owen. Mrs Phillips responded to Mr Roberts' press release as early as 4 February 1991 with such a concern.

- 8.10 I find that the actions of the local education authority in 1991 did indeed amount to a collection of acts and omissions that may accurately be so described.

- 8.11 The actions of Mr Roberts and Mr Mathews proceeding against a background of the culture identified above had very significant consequences:

(i) For the children, who were brave enough to tell what they were able to tell. They were left with the impression that they had not been believed. Other children, who had not made allegations, were led to believe there was nothing in the allegations. Children were set against children. Some suffered greatly as a consequence

(ii) For the parents. Some knew of the nature of what Mr Owen was accused of, the others did not. Supporters of Mr Owen were reinforced in their belief that he was being victimised by the bland, inaccurate and misleading letters they received from Mr Roberts and from press reports. Parents were set against parents and children felt deprived of parental support. Criminal charges and my Inquiry left some parents seriously embarrassed and exposed

(iii) For the teachers. The group of teachers who signed the report of January 1991 displayed significant and laudable courage and resolve. They knew what Mr Owen was accused of and were seriously let down. The lack of responsible action by the local education authority inhibited

their efforts to support pupils. Other teachers supportive of Mr Owen were given the impression there was not much in the charges and that Mr Owen was the victim. Teacher was set against teacher and some teachers against some pupils

- (iv) For the governors, who were left with no information that would enable them to discharge their legal responsibility and no information to form judgements about Mr Owen. Governor was set against governor. The governors as a whole were thereby exposed to allegations of being party to a 'cover-up' when they clearly had very little idea of what was even alleged
- (v) For Mr Owen, who was allowed to continue to have unrestricted access to children for a further decade, who never faced disciplinary charges and enjoyed the support of many in the community
- (vi) For public confidence, in procedures designed to protect children.

8.12 Although I attach some responsibility for the failure to investigate Mr Owen thoroughly in 1991 to others, the greatest responsibility lies with the local education authority.

8.13 The recommendations I make will be informed by a need to ensure that our child protection systems are sufficiently robust and comprehensive to preclude their being compromised by the actions of officers with such a distorted sense of priorities as that displayed by Mr Roberts and Mr Matthews.

8.14 We should all be able to expect much better, but for the sake of our children, we cannot rely on that expectation alone in the light of the evidence I have heard.

Chapter 9

The Police Investigation

- 9.1 The police were not contacted by the local education authority in January 1991 when the children first made allegations.
- 9.2 Detective Inspector Mears first heard of the case when a uniformed policeman, Roy Meredith, who lived in Porth, came to see him and told him that a lady in Porth had problems, that it was very delicate and she wasn't getting anywhere with the school¹. I find this was around 15 March 1991. Detective Inspector Mears went to see Mrs Phillips. He recalled another contact was made with the police around the same time and said it may have been by Mr Matthews².
- 9.3 Detective Inspector Mears, who was in charge of the local CID, led the investigation assisted by his deputy, Detective Sergeant Hywel Thomas and Police Constable Leanne Bartlett³.
- 9.4 Detective Inspector Mears considered the case to be serious. He said during the investigation he liaised mainly with Mr Matthews in the local education authority⁴. Detective Sergeant Thomas, who perhaps had a policeman's intuition, said his main concern throughout the investigation was "perhaps we weren't being told everything"⁵.
- 9.5 I find that the police investigation was hampered by the failure of the local education authority to share all their information with the police. I find that Mr Matthews could not have shared all the information which came into his possession with the police. I cannot make any general finding in relation to Mr Askey as he did not appear before my Inquiry and his evidence was not tested. I deal with Mr Askey and the mother of Pupil T's letters in Chapter 7: Mr George Askey. In relation to Mr Dunne it is unclear what evidence actually reached him, although I find that some did.
- 9.6 Overall managerial responsibility for the local education authority's failure in this area lies with Mr Roberts, the Director of Education at the time. His actual hand may very well not have been present in ensuring that relevant evidence did not go to the police. However, his promise to the police that his department would make all evidence available to them was not followed up. On his own admission, he made no effort to check personally what the evidence was, nor did he ensure that it had been passed to the police^{5a}. It is surprising that there is no copy of any letter from the local education authority to the police setting out what the local education authority had discovered and detailing the material it was handing over. In the absence of such a copy of a letter, it is difficult to

conclude that there was anything like a comprehensive and effective exchange of information.

- 9.7 At the end of their investigation, even with the limited material with which they were supplied, Detective Inspector Mears was satisfied that there was sufficient evidence to prove that Mr Owen had committed an offence under section 1 of the Indecency with Children Act 1961⁶. The evidence gathered by the police was passed to the Crown Prosecution Service. There is no evidence that the police informed social services. At that time, according to Detective Inspector Mears, the Crown Prosecution Service only proceeded to prosecute if there was a seventy percent chance or more of securing a conviction. In response to a question by Counsel to the Inquiry, Mr Nicholas Cooke QC, Detective Inspector Mears agreed that the Crown Prosecution Service decided not to prosecute as, in their opinion, there was an insufficient prospect of securing a conviction having regards to the possibility of dramatic justification.⁷ It is difficult to see how the Crown Prosecution Service could have reached such a conclusion with sight of all the material which was available to the local education authority.
- 9.8 There was much that the police and the Crown Prosecution Service were not aware of in 1991 and which shocked both police officers at my Inquiry. Their investigation in 1991 was hampered in a number of critical ways:
- (i) Mr Matthews did not inform the police immediately when the pupils first made allegations on 10 January 1991
 - (ii) Pupils 3, 4, V, U, D and G were re-interviewed by Mr Matthews on 11 and 14 January 1991 after being interviewed by the teachers
 - (iii) The police were not provided with the pupils' first detailed statements taken by the teachers⁸
 - (iv) The police were not given the notes made by the teachers of the children's allegations made in January 1991
 - (v) The signed report of the acting Headteacher, Mr Jeffreys, and senior teachers summarising the case against Mr Owen was not given to the police (Annexe 4)
 - (vi) The police were not aware that Mr Owen had seen the children's statements before his police interviews. They were not informed that Mr Dunne had disclosed his file of evidence to Mr Owen's trade union⁹
 - (vii) The police were not supplied with the refutation statement prepared by Mr Owen which survives on the file of Rhondda Cynon Taf County Borough Council¹⁰. The police were made aware by the local education authority

that an important statement from Mr Owen existed. The local education authority would not release the statement without the approval of Mr Owen's solicitor. No evidence was produced to my Inquiry that such approval was given. The document included important admissions in relation to matters raising child welfare concerns for example with respect to a nude dance between two thirteen year old boys. The approval of Mr Owen's solicitor was not needed to act in response thereto or to provide it to the police

(viii) The police were not provided with the handwritten letter in Welsh and English of Pupil J nor the typed version¹¹

(ix) The statement of Mr Davies enclosing the note in which Mr Owen said he would lie to the examiner was not provided to the police¹².

9.9 The police officers said "the only thing I can remember coming from the school...they were described as statements...they were five, six, seven line précis really"¹³ and "were short"¹⁴.

9.10 The police investigation was seriously undermined by this lack of information sharing by the local education authority, and in the words of Detective Sergeant Thomas it was rendered "sadly flawed"¹⁵. The withholding of information from the police may have amounted to misfeasance.

9.11 The two experienced police officers considered the impact of the withheld information on their investigation when they gave evidence to my Inquiry:

(i) Detective Inspector Mears believed that the material in the children's first statements, the teachers' contemporaneous summaries and the acting Headteachers' report, amounted to allegations of gross indecency, assault and indecent assault¹⁶

(ii) Detective Sergeant Thomas agreed with Counsel to the Inquiry that Mr Owen, having early knowledge of the children's allegations, would have given him the capacity to interfere with the investigation "...if suspects then get information like that, they prepare their defence before they are interviewed"¹⁷ and it was "extremely damaging because the answers are already prepared, because they know what the allegations are going to be, so whichever way you put the allegation the answer is already prepared for you"¹⁸. Mr Owen, in the police interview, did use dramatic justification in his defence and Detective Inspector Mears agreed with Counsel to the Inquiry that this did influence the Crown Prosecution Service¹⁹

- (iii) For the children who knew Mr Owen had their statements; Detective Sergeant Thomas said they would be “in an untenable position...I would imagine the pressure they would have been under would have been extraordinary”²⁰ (Pupil G gave evidence of how he was confronted by Mr Owen with his statement)
- (iv) The refutation statement would have shown the police that Mr Owen was aware of the details of the children’s statements as early as 31 January 1991²¹ and contained for example an admission as to two pupils dancing naked for him when they were aged thirteen²²
- (v) Detective Inspector Mears was concerned at the time of his investigation about the relationship between Pupil J and Mr Owen. He thought that the disclosure of Pupil J’s written letters in support of Mr Owen and the typed version would have shown the police “a lot of closeness and that Pupil J was covering for him and would lie for him as well”²³. The typed letter was very similar to the typing of a script of Mr Owen’s which Detective Inspector Mears said would have led the police to question by whom and why the letter was typed²⁴ (Pupil J later gave evidence that the typed letter was prepared for him by Mr Owen, he had copied it and he would not have been able to write such advanced Welsh)²⁵.

9.12 Time and again, in Inquiry after Inquiry, we hear how children have been sadly and sometimes tragically failed by professionals not sharing information. The children at Ysgol Gyfun Rhydfelen who bravely spoke out were failed by the local education authority in not calling in the police immediately and in not giving them all the relevant material in their possession.

9.13 The police have conducted an internal review of their 1991 investigation. This has not been disclosed to me in full and as such I cannot comment. However, the police review of their investigation in 1991 and my Inquiry was hampered by the South Wales Police practice of destroying records after seven years. This is wholly inappropriate in cases of alleged sexual abuse. We know that abusers can operate over decades and any historic information gathered can be important. By contrast, Rhondda Cynon Taf County Borough Council is required to retain any file relating to children for a minimum of sixty years and a maximum of seventy-five. As well as destroying files, police notebooks and diaries were destroyed. This caused Detective Inspector Mears concern as he said they would have assisted him greatly in recalling events.

9.14 I wrote to all Chief Constables in Wales during the course of my Inquiry about retention of records. Their responses highlighted a divergent practice in each of the forces. I have liaised with the Secretary to the Bichard Inquiry and raised my concerns. The Bichard Inquiry is assessing the effectiveness of intelligence

based record keeping and police information sharing with other agencies and is reporting to the Home Secretary. Its report, which is likely to be published in June 2004, will be making recommendations in respect of practice in Wales and England.

- 9.15 Many of the pupils, who are now young adults, gave evidence of how they felt inhibited in speaking frankly about sexual matters to the police in front of their parents. Their common concern was to protect their parents: “It was not easy in front of my mother because she was dealing with the shock of the whole thing and also dealing with the guilt because I felt I couldn’t tell her what was going on there”^{25a}. “It was more a reason to deny than to open up because I didn’t want them knowing”²⁶. Naturally parents wish to be present to support and protect their children, but perhaps this automatic assumption that they are the best support is not always correct.
- 9.16 The Home Office Guidance ‘Achieving Best Evidence in Criminal Proceedings: Guidance for Vulnerable or Intimidated Witnesses, including Children’, provides advice about how interviews with children and young people should be conducted, and who should be involved. There is acknowledgement at paragraph 2.1.1 of the document that too often the views and opinions of children and young people are ignored or marginalised in the planning process for the interview:

‘Wherever possible, older children and young people in particular should be consulted about matters appropriate to their age and understanding, and contribute to the planning and preparation for interview (e.g. when and where the interview takes place, who is present, who conducts the interview)’.

- 9.17 The Guidance also comments on the presence of a carer or parent at the time of the interview saying that research suggests that this can actually be an additional source of stress if the child is concerned about them hearing unpleasant details. The guidance strongly advises interviewers, whenever possible to seek the views of the child on interview support as part of the interview planning process (paragraph 2.3.4).

Recommendation

- 9.18 **I recommend that in any child protection investigation the wishes and views of the child about the conduct of the interview, including their wishes about the nature of the support they prefer, are always sensitively ascertained and recorded and form part of the interview planning process and that the All Wales Child Protection Procedures are amended accordingly within 12 months of the publication of this report.**

- 9.19 The police were very concerned that children were interviewed by untrained teachers and Mr Matthews. It is obvious that this is not good practice and may lead to contamination and leaking of evidence. I echo their concern and urge teachers, youth workers and others who work with children that in the words of Counsel to the Inquiry, agreed by Detective Inspector Mears, “Your wish would be once the alarm bells sound, please call in the professionals. Effectively – call in the police”.
- 9.20 If, following a police investigation, the Crown Prosecution Service decides not to prosecute or if a prosecution is unsuccessful it appears that current police practice in South Wales is to inform the children’s parents and not the children directly. I am satisfied that this may not be in the interests of some children.

Recommendation

- 9.21 **I recommend that consideration should always be given by the police to informing a child of the outcome of a police investigation, taking great care to explain what has happened and that the All Wales Child Protection Procedures are amended accordingly within 12 months of the publication of this report.**

Chapter 10

Early Warnings

- 10.1 In this section of my report I examine matters which arose at Ysgol Gyfun Rhydfelen concerning Mr Owen in the period leading up to December 1990.
- 10.2 During the course of my Inquiry evidence was put before me suggesting that:
- (i) an incident occurred in 1983 that should have been more thoroughly investigated and could have led to disciplinary action against Mr Owen
 - (ii) children complained over a number of years about Mr Owen's bullying of them
 - (iii) a separate incident occurred in 1988 which also merited more thorough investigation and which might have caused suspicion in the minds of those who knew of it
 - (iv) a series of incidents occurred, between 1986 and 1991, involving WJEC examiners that should have prompted investigation and action.
- 10.3 It was also alleged, in the course of my Inquiry, that the Headteacher of Ysgol Gyfun Rhydfelen, Mr Dafydd Jones, was aware of the incidents and should have acted differently. It was also suggested that he could have drawn important inferences as more and more information came to him.

1983

- 10.4 On November 12 1983, Mrs Mary Evans, an experienced teacher in another school and a special constable, went to a school fair at Ysgol Gyfun Rhydfelen. In her account to me, Mrs Evans described how she was attending to matters in the kitchen when she noticed that a member of the kitchen staff (Peggy Newbury) known as 'Aunty Peggy' was looking distressed.
- 10.5 Mrs Evans took 'Aunty Peggy' aside and was told by her that "she had barged into Mr Owen's room at Rhydfelen as she didn't realise he was there. When she went in she said she saw Pupil B in a state of undress sitting on Mr Owen's lap. She told me (Mrs Evans) he screamed at her and told her to get out. I (Mrs Evans) asked her if she had told anybody and she told me she had told the Deputy Head, Mrs Eirlys Pritchard Jones"¹.

10.6 Mrs Evans provided a contemporaneous diary note, consistent with this conversation, to my Inquiry. In evidence she said ‘Aunty Peggy’ “broke down in tears” at the time².

10.7 Mrs Evans said that ‘Aunty Peggy’ had described “the lower half of the (Pupil B’s) body with no clothing on”³.

Mrs Pritchard Jones confirmed that ‘Aunty Peggy’ did approach her about the matter in 1983, although it is her firm recollection that the report was of Pupil B being without “the top half of his clothing”⁴.

10.8 Mrs Pritchard Jones confronted Mr Owen who said that “Pupil B had fallen and hurt his back and he (Mr Owen) was looking at it to see for himself if he had an injury”⁶. This account was accepted by Mrs Pritchard Jones. This account makes it likely that Mrs Pritchard Jones had confronted Mr Owen on the assumption that Pupil B was without his upper-clothing because that was what she had been told, although this may or may not have been what actually occurred. Mrs Pritchard Jones told Mr Owen to make sure Pupil B went to see the nurse and that he should not do that sort of thing in the future.

10.9 Mrs Pritchard Jones gave evidence that she made sure she spoke to the Headteacher, Mr Jones, on the same day “He told me to leave it to him. I asked him a few days later if he had followed it up and he assured me that the matter had been dealt with”⁵. I find Mrs Pritchard Jones did follow up her concerns about Mr Owen with the Headteacher.

10.10 Mrs Pritchard Jones says that she told ‘Aunty Peggy’ that she had spoken to the Headteacher and the Headteacher was dealing with the matter. Both Mrs Evans and Mrs Pritchard Jones confirmed that the former followed up her concern with the latter. Both parties also agreed that Mrs Pritchard Jones said that “the matter was in hand”⁷.

10.11 Mrs Evans also confronted Mr Owen directly about the matter in March 1984: “I told him I had heard rumours that he was a bit too familiar with children and he had to be very careful because he was skating on thin ice”⁸.

10.12 There is no evidence as to what transpired as a result of this matter being reported to the Headteacher in 1983. He may, or may not, have talked to Mr Owen, and may have given him some form of informal warning. There is no evidence that any action was recorded on Mr Owen’s file. Mrs Pritchard Jones agreed when asked by Counsel to the Inquiry, Mr Nicholas Cooke QC, that it appeared that the matter was dealt with relatively informally by the Headteacher Mr Jones and there was never a resolution of the dispute as to whether this was a bad back or something more sinister. She was assured by the Headteacher that he had dealt with the matter in a manner he felt was appropriate.

- 10.13 Mrs Pritchard Jones confirmed that Pupil B stayed at Mr Owen's house after the incident reported by 'Aunty Peggy'. When she asked the Headteacher if he knew she was informed it was with his consent and the consent of Pupil B's family⁹. Regrettably Pupil B's parents were not informed about the incident and Pupil B was not asked about his version of the events¹⁰. Mrs Pritchard Jones said "a number of teachers felt it wasn't appropriate behaviour (for a child to live with a teacher) particularly because he lived alone"¹¹.
- 10.14 We do know that in 2001 Pupil B was to give a statement to the police, confirmed by him in my Inquiry, alleging serious sexual assault by Mr Owen over a period of two or three years.
- 10.15 I can only conclude that this early report of potentially inappropriate sexual behaviour towards a pupil was a missed opportunity for thorough investigation. Such an investigation might well have yielded sufficient information to have forestalled the considerable suffering that was to ensue.
- 10.16 I am aware that, at the time, in 1983, there was relatively low awareness of sexual abuse by professionals and systems were not as robust as in 1991. Nonetheless, here was a clear opportunity to intervene. No record was kept of this concern which could have been considered in the light of later allegations.

Bullying

- 10.17 I find there was a general acceptance by at least some teachers that Mr Owen was a bully to pupils. Mrs Pritchard Jones described complaints about Mr Owen "being a bully"¹² and that he was "quite aggressive and could be nasty"¹³. Mrs Pritchard Jones described the way in which Mr Owen bullied children, "the most common form was that he shouted at them, but he could sometimes be verbally nasty to some children and sometimes he ignored children...what a bully does is find a weak spot and play on it and that's exactly what he would do"¹⁴.
- 10.18 Mrs Pritchard Jones described how children would go to her and tell her about Mr Owen's bullying. She would speak to Mr Owen and record their complaints in her own notebook and she sometimes informed the Headteacher Mr Jones. She said Mr Jones would also speak to Mr Owen¹⁵.
- 10.19 Mrs Pritchard Jones and other teachers tried to challenge Mr Owen about his bullying of pupils.
- 10.20 No formal investigation ever took place into the children's complaints. Such behaviour should have been formally challenged.

- 10.21 I was concerned to hear that complaints by pupils or by teachers about sensitive matters concerning other teachers such as bullying were sometimes not discussed by the senior staff at their central committee meetings or were discussed and not minuted¹⁶.
- 10.22 When the local education authority were investigating allegations against Mr Owen in 1991, during the police investigation of 2001 and my Inquiry in 2002, Mrs Pritchard Jones did not think of speaking up about these incidents. I repeat again, for all professionals, information sharing is vital in the field of protecting children.

1988

- 10.23 According to evidence given by his mother, in 1988 on the last day of the Easter Term, Pupil T, a sixth form pupil at Ysgol Gyfun Rhydfelen, had been up for a considerable part of the night working on his contribution to the school magazine. Pupil T became involved, at the end of the day, in an end of term prank involving another student and an egg. Mr Owen remonstrated with him and the pupil responded with a 'spate of obscene language' in which he called Mr Owen a 'bastard' and a 'bugger'. Mr Owen, then the acting deputy Headteacher, it is alleged, told Pupil T that he was not to come back to Ysgol Gyfun Rhydfelen.
- 10.24 Shortly afterwards the mother of Pupil T received a letter from the Headteacher asking her to attend a meeting at the school which she did on 9 June 1988 with her husband. It was a very short meeting and the parents of Pupil T were simply told that he was not to return to the school.
- 10.25 The mother of Pupil T wrote a letter to the Headteacher, Mr Jones, on 15 July 1988 in which she asked for some understanding to be shown of the background to her son's behaviour. She also gave a reason, of which she was aware, for his particular dislike of Mr Owen and described the latter's 'rigid, authoritarian attitude'. She complained of the 'charade' of the meeting and questioned why the Headteacher had not even asked for Pupil T's side of the story, even though he had sent a letter of apology. She also said "There could well be some serious, sinister explanation of why the boy exploded with this particular teacher"¹⁷.
- 10.26 In evidence, the mother of Pupil T said that she was not here alluding to any knowledge she had about allegations of sexual misconduct by Mr Owen.
- 10.27 It is absolutely clear to me that the most basic principles of natural justice required the Headteacher, Mr Jones, to at least hear the pupil's side of the story.

Had he done so it is possible that further information might have come out about Mr Owen's behaviour. Pupil T's mother did not even receive the courtesy of a reply to her letter.

- 10.28 Pupil T did not feel able to give evidence to my Inquiry therefore it is not possible for me to reach any conclusions about whether his use of the word 'bugger' was anything more than the first expletive that came to mind. We do know that rumours were commonplace from 1974, according to Pupil X¹⁸.
- 10.29 I believe that this incident was a further example of a missed opportunity for the relevant authority (in this case the Headteacher, Mr Jones) to have investigated. Had there been a formal and well understood complaints procedure in force at the time, Pupil T's mother would have stood some chance of redress. I make recommendations about this matter in Chapter 19: The Children's Parents.
- 10.30 Furthermore, it is only recently that pupils themselves have been given a right to appeal against the decision to exclude. Such a hearing, if sensitively conducted, might again have brought important evidence to light.
- 10.31 The issues of bad behaviour and exclusion are normally discussed exclusively within the context of the need to maintain good order in the school environment. Good order is of course required in an educational setting. Nonetheless, bad behaviour may also be indicative of something going on within the school (or home) which should prompt immediate and full investigation.
- 10.32 It is noteworthy that Pupil T's mother sent a copy of her July 1988 letter to the Director of Education, Mr Roberts, in March 1991 when further allegations about Mr Owen came into the public arena. In a covering letter she expressed a concern that Mr Owen should "never be allowed to teach again"¹⁹. A handwritten note (as stated in Chapter 7: Mr George Askey) on the letter directs "No response nor inclusion in evidence"¹⁹ initialled by Mr Askey. Pupil T's mother received no response to her second letter either. I consider that Pupil T and his mother have been badly treated.

Concerns Reported by WJEC Examiners

- 10.33 In the period between 1986 and 1991 other matters of concern about Mr Owen were received by Mr Jones, Headteacher of Ysgol Gyfun Rhydfelen, from some WJEC examiners and officers.
- 10.34 In 1986 Ms Daloni Rees, a WJEC external drama examiner attended an 'O' level drama practical examination. Ms Rees was so disturbed by the content of what she saw that she halted the examination. She was shocked to see a 15 or 16

year old pupil naked and simulating sexual intercourse²⁰. Mr Owen tried to get Ms Rees to continue but she showed considerable resolve in refusing to do so.

- 10.35 Ms Rees demanded to see the Headteacher, Mr Jones, and went with Mr Owen to the Headteacher's office where she appraised him of the situation and telephoned the WJEC for guidance. She received instruction from a WJEC official to the effect that she should continue with the practical as the pupils might suffer if she did not. The Headteacher and Mr Owen also spoke to the WJEC official. She was told to put her concerns in a report and that it would be dealt with. This she did. She received no feedback from the WJEC²¹.
- 10.36 I deal in Chapter 15: Welsh Joint Education Committee, with the way in which the WJEC played a part in these events. My purpose here is to show that the Headteacher of Ysgol Gyfun Rhydfelen was fully aware that a pupil was allegedly simulating intercourse in the nude during an externally examined 'O' level drama practical. I conclude from it and the matters set out above that there were a number of issues brought to the attention of the Headteacher, Mr Jones, that should have prompted more thorough investigation and more resolute action.
- 10.37 If this had occurred, much consequent suffering might have been avoided. Also had detailed records of the allegations been kept and made available to the police in 1991 the outcome then may well have been very different.

Chapter 11

The Staff of Ysgol Gyfun Rhydfelen

1990-1991: Prior to Mr Matthews' Involvement

- 11.1 The events which prompted the investigation at Ysgol Gyfun Rhydfelen and the suspension of Mr Owen came as a consequence of complaints by sixth form pupils to members of Ysgol Gyfun Rhydfelen teaching staff. I deal with the matters directly concerning pupils in Chapter 20: The Children of Ysgol Gyfun Rhydfelen.

In this section of my report I am particularly concerned to examine the behaviour of teaching staff at the school, to establish whether they did all that could reasonably be expected of them to protect the children.

- 11.2 Their behaviour in this regard helps to inform the recommendations that I make. Any criticisms made of individuals or groups of staff are to help me ensure that our procedures and systems are robust and comprehensive enough to take account of shortcomings we human beings tend to have.
- 11.3 On 19 December 1990, Pupil 4 informed Mr Roy Davies, Head of Sixth Form, that she wanted to drop drama. This was acknowledged to be her best subject and she was within months of sitting her 'A' level¹ and days before her 'A' level practical. The explanation included complaints of Mr Owen's bullying attitude and the sexually explicit nature of drama texts and practicals. Mr Davies informed the Deputy Headteacher, Miss Evans and they tried to get her to change her mind "but in no way could she be moved"². Pupil 4 was similarly disposed on 20 December 1990. Mr Davies informed the acting Headteacher, Mr Jeffreys of this fact and the content of his conversation with Pupil 4³. Mr Davies informed Mr Owen of Pupil 4's decision.

Mr Owen responded by saying that Pupil 4 had "overreacted and was neurotic", she had not learnt her lines, was jealous of another pupil and that her Saturday job was interfering with her studies⁴. At the end of the school day Mr Davies had a lengthy telephone conversation with Mrs Phillips during the course of which Mr Owen gave him a note saying he was prepared to lie to the examiner on Pupil 4's behalf⁵. Mrs Phillips informed Mr Davies that she intended taking the matter further.

- 11.4 On 21 December 1990 Miss Evans called a meeting of the three deputy Headteachers and Mr Davies so that the latter could give an account of the hour and a half telephone conversation he had had with Pupil 4's mother, Mrs Phillips. It was unanimously agreed that the matter should be referred to the acting Headteacher immediately. Mr Jeffreys reasonably decided to deal with it following the Christmas holiday.
- 11.5 On 8 January 1991 Mr Davies again approached Pupil 4 who told him she was still not going to complete her drama 'A' level. On the following day another 'A' level pupil, Pupil U, asked to see Mr Davies and said he wanted to give up drama, giving the fact that there was too much emphasis on sex as his main reason, about which he gave a detailed account⁶. Mr Davies saw Miss Evans and they went to see Mr Jeffreys.
- 11.6 Mr Jeffreys decided that he, Miss Evans and Mr Davies, would take statements from a number of the children and he met with Mrs Phillips on 9 January 1991. In all, detailed statements were taken from, or conversations recorded with, seven pupils which are summarised in Chapter 5: Mr David Matthews.
- 11.7 Mr Jeffreys asked Mrs Phillips to put her complaint in writing. On 10 January 1991 the school received Mrs Phillips' first letter of complaint and Mr Jeffreys, Miss Evans, Mr Davies and Mr Evans conferred and decided to call in Mr Matthews, the District Education Officer. Mr Matthews arrived, read the papers collated by Mr Jeffreys and "took over the matter"⁷.
- 11.8 These teachers clearly acted with integrity and with sensitivity to the pupils. It is in some ways surprising that the pupils were willing to share as much as they did with senior staff members and a credit to them and their approach. Although, as I comment elsewhere, such investigations are better carried out by specialists from the police. However, in the event, the senior teachers did well.
- 11.9 Indeed, the senior teachers' actions at this time stand as something of a beacon in the otherwise rather bleak landscape of evidence brought to my Inquiry. I commend their professionalism and moral courage at this most important time. With the benefit of hindsight, the police or social services should have been called in, but the procedures required them to contact the District Education Officer.
- 11.10 It has been suggested, in particular on behalf of Mr Matthews, that the acting Headteacher, Mr Jeffreys and the senior teachers who signed the report at Annexe 4 ought to have referred matters to the police and/or social services themselves.

Whereas I would not wish to discourage teachers in similar circumstances from making such referrals in the future, I do not consider that there is much if any real substance in this point in the context of my Inquiry. Having regard to the procedures in place at the material time, the clear obligation upon Mr Jeffreys in particular was to involve the local education authority. This duty was discharged and led to Mr Matthews, as I consider that he did, taking the matter over. It would be unrealistic to have expected Mr Jeffreys to refer the matter to the police and/or social services before involving the local education authority and just as unrealistic to expect Mr Jeffreys, or any other teacher, to make any such referral after Mr Matthews had made it clear, as I consider that he did, that he was in charge.

11.11 I reject any suggestions that the responsibility for what went wrong, which I attribute to the inaction of Mr Matthews and the actions of Mr Roberts, is in some way diluted by the fact that Mr Jeffreys, or any other teacher, failed to take the initiative and refer the matter to the police and/or social services before involving the local education authority or, equally, after Mr Matthews had become involved. I do not consider that Mr Jeffreys or any other teacher could have anticipated how Mr Matthews and Mr Roberts were to deal with this matter. Furthermore, Mr Matthews' and Mr Roberts' private and public statements, referred to elsewhere, would have had the effect of suppressing any thoughts on the part of Mr Jeffreys and the other teachers, with some knowledge of what the children had said, to the effect that the local education authority might not be dealing with the matter as seriously as it should.

11.12 As a general proposition, it is important for the protection of children that those to whom complaints are referred feel under a real responsibility to deal with such complaints appropriately if they raise child protection issues. Such a responsibility ought not to be diluted in theory or in practice by those under the responsibility to act being able to say "It wasn't really my fault, those who referred the matter to me should have done more."

If such an argument is accepted to any significant extent it might have the effect of deterring persons from raising important concerns lest they be criticised for not doing enough. Those who raise concerns often have limited information. What is needed is a system where those to whom a complaint is made act responsibly, share information and are fully conscious of the specific obligations upon them.

11.13 Mr Jeffreys took a lead role in the preparation of the senior staff report⁸ signed by the three staff I have mentioned, together with Mr Pritchard Jones and Dr Phil Ellis. This very important document, which was given to Mr Matthews, was drawn up after all the children's statements had been taken. It was clear, well written and unambiguous (Annexe 4).

11.14 This report took considerable courage to prepare and sign. Mr Jeffreys described his feelings “I realised we were crossing the Rubicon by presenting that report”⁹.

I commend the teaching staff who were party to it. All were colleagues of Mr Owen, in varying degrees of closeness of professional and personal contact. Dr Ellis, for example, had not taken or read all of the children’s statements, but had sufficient confidence in his colleagues to add his signature. Mr Davies remembers that he “was happy (he) had done his duty”¹⁰ having translated a number of the children’s statements for Mr Matthews.

11.15 When considering my recommendations I cannot assume that there will always be senior staff in a school who are able or willing to display the clear sense of responsibility and moral courage exhibited by the signatories to this report.

11.16 It is asking a great deal of professional staff to take decisive action against the interests of a colleague whose work they may otherwise value. LMS has placed a heavy burden on staff and governors in this regard.

11.17 All the five senior teacher signatories to the report were under clear instruction from Mr Matthews not to discuss the evidence outside the group. Mr Matthews did not communicate with any of them about his investigation, except as to the arrangements for and mechanics of taking statements from the children.

11.18 It is pertinent to ask if anyone involved in the investigation should have paid greater attention to the needs of the pupils. Mr Jeffreys was the acting Headteacher at this time and he could have involved an education welfare officer. Mr Jeffreys did show a keen awareness of what the children were going through during his oral evidence, but he was also very honest about his wish at the time to return to normality as soon as possible, especially after Mr Owen’s resignation.

I find that greater efforts could and should have been made to support the pupils, particularly those who made statements at the time.

11.19 It would also have been advisable to give some indication to the student body generally about what was going on. The real responsibility for this lies with those who did not persist with the disciplinary investigation and hearing. Without any findings of fact it is very difficult to see what the senior teachers could have said to the children about the allegations against Mr Owen.

11.20 Although the children had clearly been believed by the signatories to the report, the children themselves never received that reassurance. I hope my recommendations will ensure that does not happen again.

11.21 Similarly, other staff within the school were left exposed because they were not briefed by the acting Headteacher about what was being alleged. Mr Jeffreys probably could have found a way to do this but he interpreted Mr Matthews' order of silence very rigidly. Other members of the senior staff found the circumstances difficult, especially when one of the pupils involved was effectively driven from the school with devastating consequences for her academic progress.

11.22 It is one of the ironies of the situation that Mr Matthews actually had no authority in law to instruct the acting Headteacher or senior staff to do anything.

It is clear that Mr Matthews' and Mr Roberts' assumed authority was so respected that the senior staff concerned did not even disclose any matters after Mr Owen had resigned and left Ysgol Gyfun Rhydfelen.

11.23 Mr Jeffreys did not approach the governors after Mr Owen had resigned, even though he accepts that it would have been a good idea if they had been given some report. As Acting Headteacher, he had a responsibility to do so. However, normal line management arrangements had effectively been ruptured by the local education authority during the relevant period. It was Mr Roberts, the Director of Education, who was to provide a report to the Governors which I deal with in detail elsewhere.

11.24 Mr Jeffreys was clearly under the impression that the instruction from Mr Matthews was binding upon him and he honoured that obligation to the letter. He was mistaken.

11.25 If Mr Matthews had dealt properly with the matter as a child protection issue, procedures would have ensured a more appropriate investigation with findings of fact on a criminal and/or a civil standard of proof. The impasse faced by the senior teachers would thereby have been avoided and their natural and professional instincts to protect and care for the children would not have been so severely restricted.

11.26 After considering all the criticisms of this group of teachers made within and outside my Inquiry, I find that their initial actions were commendable and broadly consistent with the child protection policies and best practice of the time. These staff cared greatly about the children and made efforts to support them in difficult and confused circumstances.

Conclusions - The Staff of Ysgol Gyfun Rhydfelen

11.27 There is no doubt that the management of Ysgol Gyfun Rhydfelen was not of the best at certain periods leading up to the events of 1991. In particular, the

drama department was headed by Mr Peter Davies, a person who was quite unable to monitor or control the activities of Mr Owen. That Head of Department also felt that Mr Owen's influence was so great that had he reported concerns they would have not been dealt with effectively.

- 11.28 The Headteacher, Mr Jones, was aware of events that should have given rise to serious concerns and effective action had not been taken earlier when clear evidence suggested it should have been.
- 11.29 Other teachers within the school had some awareness of events that should have given rise to concern, but it appears that information was not shared, or viewed as a whole by anyone, until my Inquiry. Appropriate action was not taken in 1991. Others bear greater responsibility for this, but it would have been possible for information about the allegations to be shared, at an appropriate level, within the staff in 1991. That would have prevented many of the staff continuing to believe that there 'wasn't much' in the complaints and might have led to them giving proper support to the children to whom they owed a duty of care. Instead, the absence of information, together with misplaced professional loyalty to a colleague, led some to write letters in support of Mr Owen and two teachers identified elsewhere to behave badly towards pupils who had made complaints.
- 11.30 I understand that Ysgol Gyfun Rhydfelen has now introduced procedures, systems and guidance that would make it far more difficult for someone like Mr Owen to operate in the way that he did.
- 11.31 Fellow teachers are likely to be in a good position to identify questionable behaviour by colleagues towards children. If children are to be properly protected in and around educational establishments, it is vital that teachers have an understanding of patterns of behaviour that may be indicative of child abuse. Mr Owen's character and actions as described in Chapter 3: Mr John Arwyn Owen may be instructive in this regard.

Recommendations

- 11.32 **I recommend that the Welsh Assembly Government, the General Teaching Council for Wales and the DfES take steps to ensure that teachers receive specialist input in their professional qualifying training programme about the way in which abusers operate and that the findings of this report form part of that training, this recommendation to be implemented within 2 years of the publication of this report.**

- 11.33 **I recommend that local education authorities and Area Child Protection Committees consider how induction, inhouse and refresher training in child protection can be provided on a regular basis.**
- 11.34 It may also be the case that teachers and non teaching staff feel inhibited from reporting concerns about colleagues in the confined and intimate setting of a school or further education establishment. They may be concerned that they have made a report and the matter has not been dealt with properly.

Recommendations

- 11.35 **I recommend that the Welsh Assembly Government issues guidance, within 6 months of the publication of this report, which requires the governors of all schools, whether they be community, voluntary aided, voluntary controlled, foundation or independent schools and further education colleges to have a whistleblowing policy in place and that all teachers and non teaching staff are informed as to its operation.**
- 11.36 **I recommend that, on appointment in any school or further education college in Wales, every teacher and member of non teaching staff should receive written and oral instruction on whistleblowing procedures and how to operate them. This should then be reinforced on a regular basis.**
- 11.37 I make further recommendations regarding teacher training in Chapter 19: The Children's Parents and Chapter 20: The Children of Ysgol Gyfun Rhydfelen and recommendations regarding the conduct of disciplinary investigations and hearings in Chapter 14: The Governors of Ysgol Gyfun Rhydfelen.
- 11.38 Particular recommendations regarding the role of the WJEC in approving drama texts and the conduct of practical examinations are made in Chapter 15: Welsh Joint Education Committee.

Chapter 12

Miss Theda Williams

12.1 Miss Theda Williams taught English at Ysgol Gyfun Rhydfelen for 31 years beginning her career in September 1971. She was appointed Head of English in 1974, a post she held until she retired on the grounds of ill health during my Inquiry.

12.2 It is clear that Miss Williams underwent a complete change of view about Mr Owen as a result of hearing the evidence presented to me. In her first written statement, provided on 31 March 2002, she said the following about the former pupils making allegations:

“Not once, in all the years that I have known them, either by their demeanour or during the many conversations we have had over this time, did I ever get the slightest impression that any one of them felt in the least bit uncomfortable, intimidated, threatened or in any way ill at ease either in John’s company or when talking about him”¹.

And of Mr Owen himself:

“We had a relationship for several years and we remained the closest of friends up until his death”².

12.3 On the day she gave oral evidence to the Inquiry (19 May 2003), Miss Williams read out a prepared statement in which she said:

“It was only during this Inquiry that I learned the true nature of the events surrounding John’s resignation in 1991. They are shocking, unforgivable and indefensible. Over the past year I have been hurt and disillusioned, time and again, where John is concerned and I now accept that the weight of evidence against him is overwhelming. I have had to admit to myself that the person I regarded as my closest friend for 27 years and who gave me so much was, in many ways, a stranger to me and that I, too, was deceived by him”³.

12.4 Apart from the generalised allegation that she supported Mr Owen, Miss Williams attracted criticism from some parties and was the subject of the following specific allegations which are relevant to the Terms of Reference of my Inquiry it was suggested that she had:

- (i) witnessed a number of and been party to some aspects of Mr Owen's behaviour that should have raised serious concerns about the welfare of pupils and it was said that she should have acted in response to them
 - (ii) supplied copies of the children's statements to Mr Owen and had played a direct part in preparing his refutation document
 - (iii) acted inappropriately to some pupils, including assaulting some and refusing to speak to them and others.
- 12.5 Miss Williams gave evidence that she first heard of complaints against Mr Owen just before 11 January 1991 when he said to her that there had been a complaint from a parent after he had given a girl a row for not learning her lines for her 'A' level practical⁴. On 11 January 1991 he told her that he had been suspended.
- 12.6 With regard to 12.4 (i) above, allegations were made that Miss Williams witnessed or had direct knowledge of:
- (i) general bullying and intimidation of pupils by Mr Owen
 - (ii) inappropriate behaviour (including nudity, simulated sex and singing of an indecent song) in drama practicals and exams
 - (iii) a pupil staying overnight in a room with Mr Owen on a trip to London
 - (iv) pupils staying alone with Mr Owen in his home.
- 12.7 Miss Williams did agree in her oral evidence (though not in her original statement) that Mr Owen "was extremely forceful...he could be domineering"⁵ and that she could "understand how some people might feel intimidated by him"⁶, that "certainly he could be a bully"⁷. However, she also said that she challenged him about this on occasion and that the behaviour she witnessed was not so severe as to warrant further action. "There weren't any clear signals at all"⁸.
- Miss Williams denied remembering the specific allegation that Mr Owen entered her classroom on one occasion and humiliated Pupil 1 in front of her.
- 12.8 I do find that Miss Williams witnessed a general pattern of behaviour towards pupils by Mr Owen that should have caused her to share concerns with more senior staff. She herself asserts that Mr Owen had "far too much influence"⁹ over pupils, that he used to be very childish, that he "would fall out with pupils"¹⁰ and "was perfectly capable of bearing a grudge"¹¹. Overall she acknowledged that he "should have been reined in"¹².

- 12.9 Her opportunities for raising concerns were less than others in this regard. This was because Miss Williams was Head of a separate department within the school and others must have witnessed more incidents of what was generally acknowledged as a bullying element in Mr Owen's behaviour towards children. Nonetheless, it needs to be stated that all staff in a school should keep their duty of care to the children at the forefront of their minds, even when the subject of concern is a personal friend as well as a professional colleague. Mr Owen was more likely to have been 'reined in' if more teachers had shared concerns about him. I address in Chapter 11: The Staff of Ysgol Gyfun Rhydfelen, how teachers may be helped to make use of 'whistleblowing' procedures and how to operate them.
- 12.10 With regard to inappropriate behaviour in drama practicals and exams, Miss Williams acknowledged that she did attend a number of them (5 or 6) for 'A' levels. It is worth noting that Miss Williams was not doing this work as a direct part of her duty as Head of English, but because, she said, of a wish to support pupils.
- 12.11 Miss Williams consistently denied having seen anything inappropriate take place on any occasion and specifically denied having witnessed nudity, semi-nudity or over sexualised dramatic content. Several witnesses gave evidence that she was present at a particular drama practical of 'Blodeuwedd' where a dance was performed during an interval that involved semi-nudity or nudity. I conclude in Chapter 15: Welsh Joint Education Committee that this dance was performed by children who were semi clothed.
- 12.12 Miss Williams denied that she was present, citing as evidence the fact that this occurred during a period from 13 November 1989 until the September of 1990 when she was on sick leave as a result of a severe back complaint. However, she accepted that she did attend a curriculum meeting at the school in July 1990¹³.
- I find, on the balance of probabilities, that the former pupils' account is the more accurate and that Miss Williams was in attendance at the practical of Pupil 5. I believe that Miss Williams' recall is incorrect in this matter.
- 12.13 However her attendance at the practical does not mean that she necessarily witnessed the semi-naked dance. Evidence was given that suggested there was a fair degree of confusion at these examinations, with individuals moving in and out of the room and I did not hear compelling evidence that Miss Williams actually witnessed the dance.
- 12.14 Miss Williams also stated that she had no knowledge of problems that the drama department had experienced with scripts and practicals from the WJEC.

I find this to be likely as she was in quite a separate department. The closeness of her friendship with Mr Owen may suggest he might have shared this with her, but there is no evidence that he did. It is clear he was unlikely to do so if he was endeavouring to keep information from Miss Williams and it is equally clear that this was something that he certainly did.

- 12.15 With regard to 12.6 (iv) Miss Williams accepted that she had a good deal of knowledge about pupils being on their own, overnight, with Mr Owen. We know that some of the pupils concerned alleged that serious sexual assaults took place on some of these occasions.
- 12.16 Miss Williams stated in evidence that she remembered one trip to London with Mr Owen, two pupils (Pupil 7 and Pupil A) and herself. She remembered that only two rooms were booked and that she shared a room with Pupil 7 while Mr Owen shared a room with Pupil A¹⁴. The latter alleged that this was an occasion when sexual abuse took place and that Mr Owen took him to a pornographic cinema in Soho after seeing the play that was the purpose of the trip. It is further alleged that Miss Williams accompanied Mr Owen and a pupil to a sex shop. I am not satisfied that Miss Williams did accompany Mr Owen and a pupil to a sex shop. Such conduct appears to me inconsistent with Miss Williams' general views and behaviour and the available evidence is not sufficient to support a finding against that background.
- 12.17 Miss Williams denied any knowledge of the trip to Soho, or of anything untoward occurring that might have suggested abuse. (It would have been possible for the Soho trip to have taken place without her knowledge). She did say that she would, with the benefit of hindsight, advise new teachers not to leave themselves open to this kind of situation.
- 12.18 Miss Williams also acknowledged that she was aware of trips when Mr Owen would go to London with other pupils on his own. She stated that other trips in which she was involved entailed more appropriate sleeping arrangements where youth hostels were used¹⁵. She said she was not aware of the sleeping arrangements on the trips she did not attend and that she saw nothing strange in Mr Owen organising such trips¹⁶. She acknowledged that, with hindsight, this placed those young people in a situation of risk. At the material time, Miss Williams had not received any child protection training.

12.19 Miss Williams stated that she was aware that Pupil B was staying with Mr Owen in the latter's house without others present for a period of time. She said that she did not find this either remarkable or a cause for concern at the time adding that she was aware of Pupil B's difficult family circumstances as she was Form Teacher to Pupil B's brother¹⁷. (Pupil B alleged very serious abuse by Mr Owen for a period of two or three years). In this context, Miss Williams thought that Mr Owen was giving him special attention as "part of his education"¹⁸. She did acknowledge that "with hindsight, I can see that there was another reason"¹⁹. Perhaps it needs to be more widely known amongst teachers that abusers will often select those with 'difficult' family circumstances and target them for abuse, exploiting their emotional turmoil.

She was also aware that Mr Owen had a poster size photograph of Pupil C on the wall in his living room. Once again, Miss Williams stated that this did not cause her concern at the time.

12.20 She also acknowledged that she was aware that Pupil D stayed with Mr Owen at the home of one of that teacher's relatives while attending the Eisteddfod in Llanrwst²⁰. She stated that she was not, however, aware that they shared the same bedroom.

12.21 In order to consider whether the circumstances in which pupils stayed with Mr Owen should have raised serious concerns in Miss Williams' mind I believe it is necessary for me to make a finding of fact about Mr Owen's actions.

12.22 I have avoided doing so in most of my report as I am largely persuaded by Counsel for the estate of Mr Owen, Mr Goldwater's cogent reasoning put forward in his final submission. He is right in stating that there is no general necessity for me to make specific findings of fact about allegations of abuse by his client.

12.23 However, on this occasion I believe it is necessary and reasonable, to do so in the way and to the extent that I shall. In accordance with my Terms of Reference, I am seeking to establish whether all was done that could have been done to protect children at the time and bring forward recommendations to improve children's safety in the future.

12.24 When considering whether Miss Williams could have reasonably been expected to have been more concerned about the sleeping arrangements I have outlined, it is necessary for me to reach some conclusions about what happened.

12.25 If, in this instance, I reach no conclusions, I cannot fully evaluate the reasonableness of Miss Williams' actions. In short, unless I decide if Mr Owen did something and if so what wrong on these occasions, it is difficult to assess the extent to which Miss Williams should have had her suspicions aroused. At all times, nothing must be assumed against Mr Owen unless proved. Furthermore, unless there is a background of criticisable behaviour by Mr Owen, the making of a recommendation would appear to be gratuitous.

- 12.26 For these reasons and on the general basis set out in Chapter 2: Findings of Fact, I indicate that I find on the balance of probabilities that Mr Owen did sexually abuse at least some of the pupils, on some occasions when they were staying with him overnight. I base this finding on the evidence of the former pupils themselves and their conduct under cross-examination.
- 12.27 I further find that it is surprising that Miss Williams was not more aware at the time of the dangers these overnight stays presented. Having said that other adults knew of some of them too and were apparently equally unconcerned. As a close friend and colleague of Mr Owen, Miss Williams had more opportunity than most to form suspicions about Mr Owen's behaviour.
- 12.28 However, it is generally accepted that those who abuse children are often capable of deceiving even their closest associates and I believe, as she now does, that Mr Owen deceived Miss Williams. Although hindsight allows us to say that this pattern of overnight stays was an obvious and compelling reason to suspect Mr Owen (especially when viewed in the context of the other aspects of his behaviour), I believe Miss Williams was telling the truth that she did not suspect him.
- 12.29 I believe that pupils participating in after school activities and school trips should be more closely monitored and regulated than was the case with activities and trips associated with Mr Owen, but I do not want to prohibit extra-mural contact any more than is necessary for the safety of pupils. To do so might seriously and unnecessarily impede the tremendous assistance some teachers give outside school hours and this would be contrary to my legitimate purposes.
- 12.30 I have to exercise judgement in relation to those things so that I achieve a balance between the requirement to protect on the one hand and preservation of extra-mural contact between teachers and pupils on the other.
- 12.31 With regard to 12.4 (ii), Miss Williams strongly and consistently asserted that she played no part in Mr Owen getting hold of statements made by the children. The only evidence I have heard that in any way suggests such an involvement came from Pupil G. He alleged that when he went to see Mr Owen, probably two days after giving his statement to Mr Matthews, the teacher had copies of all the children's statements and Mr Owen said that Miss Williams had copied all the statements for him to read²¹.

Pupil G also said in evidence that he thought Miss Williams might have been present at this meeting which took place in Mr Owen's house. He did make it clear he was not sure.

- 12.32 I believe this matter can be swiftly dealt with. Miss Williams gave clear evidence that Mr Owen drove her to Anglesey on the evening of Tuesday 15 January 1991 as she had received the unfortunate news that her father had died. She said that she stayed there until the following Tuesday, 22 January 1991. Pupil G had given his statement to Mr Matthews on the morning of 14 January 1991 as had two other pupils.
- 12.33 Whilst it would have been possible for Miss Williams, perhaps, to have acquired copies of the initial statements of six pupils which included a contemporaneous record of a conversation with Pupil G, I heard no evidence that she did. It is less likely that she could have done the same thing in the case of the three pupils interviewed by Mr Matthews on Monday 14 January 1991, including Pupil G. Several pupils must have been interviewed after she had gone to North Wales. A complete set of statements could not therefore have been provided by Miss Williams to Mr Owen in time for his meeting with Pupil G.
- 12.34 In any case, there was only the hearsay attributed to Mr Owen that Miss Williams had been his source of the material. I have no doubt that he told Pupil G, this but Mr Owen may have been lying.
- 12.35 In evidence, Miss Williams, said that she was first aware of elements of the children's statements on Monday 21 January 1991, during the course of a telephone conversation with Mr Owen. She understood that he was given them "to prepare his defence"²². She further said that he showed her some of the statements on her return from North Wales on 22 January 1991²³.
- 12.36 Miss Williams also said that Pupil G did come to her some time after Mr Owen had confronted him with his statement and expressed his unhappiness about what he had said. Miss Williams advised him to go to the Headteacher.
- 12.37 I find that it is unlikely that Miss Williams was the source of Mr Owen's copies of the young people's statements. There were other possible sources with easier access to them, including Mr Matthews, Mr Askey, Mr Dunne and UCAC. It is possible there were other potential sources which I cannot identify.
- 12.38 I further conclude that it was not the case that she was at the 'confrontation' meeting between Mr Owen and Pupil G. The pupil says that this meeting probably happened on 16 or 17 January 1991 and certainly at some time during the week ending 19 January 1991. Miss Williams was in North Wales throughout this period. I accept her account as it unlikely she would not tell the truth about such a sensitive a matter and she was convincing about detail.
- 12.39 The other aspect of the allegation set out in 12.4(ii) above concerns the part Miss Williams may have played in the preparation of the lengthy document

produced by Mr Owen in which he gives detailed responses to complaints made against him in 1991²⁴. The complaints themselves are not reproduced in full but summarised by the author, Mr Owen, to his own advantage. For example, the complaint of Pupil 16 that “girls were asked to blindfold themselves, lie down on the floor with their legs open and Mr Owen prodded their private parts with a stick”²⁵ appears as “Pupil 16 says I touched her with a stick”²⁶, which is an altogether different and milder complaint.

The refutation document was received by me from two sources; the family and friends of Mr Owen and Rhondda Cynon Taf County Borough Council. The former version did not include a copy of the song performed during an ‘A’ level practical which was accepted by all witnesses to my Inquiry as entirely unsuitable for children and young people. The latter did.

- 12.40 The evidence suggesting Miss Williams might have typed Mr Owen’s refutation document is its similarity in typeface, typing layout, and wording to a document Miss Williams acknowledged she produced, the letter of 3 February 1991 to Mr Roberts signed by Miss Williams and some other teachers supporting Mr Owen.

The typeface of the two documents appears similar to the untrained eye and Miss Williams acknowledged that Mr Owen could have used her word processor in 1991, as he was staying in her flat on several occasions.

- 12.41 In my Inquiry, the striking contrast between Mr Owen’s typing demonstrated in a copy of an extract from the play ‘A Prayer for Wings’ and the very competent layout and typing in his refutation document was highlighted by Mr James. The point was well made and I find it is unlikely that Mr Owen typed the refutation himself, notwithstanding Miss Williams’ observations about the advantages of a word-processor over a typewriter.
- 12.42 There are significant similarities, between the letter to Mr Roberts of 3 February 1991, which Miss Williams acknowledged she typed and Mr Owen’s refutation. Strong coincidence of indenting and common use of underlining for emphasis, is evident. In oral evidence, Miss Williams pointed out that similarity of indenting of paragraphs “would be a striking similarity between an awful lot of texts”²⁷.
- 12.43 Some common and perhaps unusual use of language in the two documents also suggests common authorship. In particular, the use of the word ‘lauded’ in both documents and ‘sixth form unit’.

Miss Williams also offered evidence as to why she was unlikely to have been the typist or author of Mr Owen’s refutation when, unprompted she said “I’d like to

point one thing out, I was looking at it again in the interval and I noticed that he put a comma before the 'and' - no English teacher would do that"²⁸.

- 12.44 It was unfortunate for Miss Williams that Counsel for the Inquiry, Mr Nicholas Cooke QC, was quickly able to point out to her two occasions when she did precisely that in her letter in support of Mr Owen of 3 February 1991.

I am satisfied that Mr Owen could not have typed the refutation himself. He would only have used assistance from someone very close to him. There really is no plausible alternative for such a role other than Miss Williams.

- 12.45 I find that Miss Williams did type the refutation document but I do not find that she had knowledge of the song which was contained in the version supplied by Rhondda Cynon Taf County Borough Council. It would be wholly consistent with Mr Owen's behaviour in other contexts for him to distort and minimise the allegations against him when securing Miss Williams' assistance in preparing documents to help his cause.
- 12.46 Turning to 12.4 (iii), there are two aspects to the allegation that Miss Williams assaulted and/or behaved inappropriately towards young people at the school.
- 12.47 Pupil 3 alleged that, in the period following Mr Owen's resignation, Miss Williams deliberately bumped into her in the school corridor on two separate occasions and that on a further occasion she slammed a door in her face²⁹. In evidence Pupil 3 described the part of the school in which the 'shoulder barging' allegedly took place. She complained of this at the time, to Mr Davies³⁰. Pupil 3 had earlier made a statement containing allegations against Mr Owen.
- 12.48 The entry in Mrs Phillips' ongoing diary of events on 22 February 1991 says, "Theda Williams - Head of English and very friendly with John Owen - is victimising Pupil 3. Pupil 4 came home from school and said the same - she is also victimising Pupil 4. As a result Roy Davies has arranged for Pupil 4 to attend only the lessons she needs to for her 'A' Levels"³¹.
- 12.49 Miss Williams acknowledged the fact that a complaint had been made, that it was relayed to her by Mr Matthews (although he didn't tell her what it was about) and that she was 'spoken to' about it by Mr Matthews and the Headteacher, Mr Jones, after Pupil 3 had left the school.
- 12.50 Documentary support for the fact a complaint was made comes in the form of minutes of a governors' meeting. Miss Williams categorically denied the allegations at the time and did so in evidence to my Inquiry. Pupil 3 was equally certain that the events took place as she described. Miss Williams did accept

in evidence that she was angry at the time, but not with the pupils³². Both parties attested to their good relationship before Mr Owen resigned, Pupil 3 said “I liked her very much, everybody liked Theda Williams”³³. Miss Williams said of Pupil 3 “I got on well with her”³⁴.

12.51 In reaching a conclusion on this matter, I am influenced by the following features of Pupil 3’s evidence :

- (i) she enjoyed a good relationship with Miss Williams before 1991 and acknowledged it
- (ii) she complained of the events at the time, even though disclosure was not easy for her
- (iii) she had no other plausible motive for raising her complaint in 1991 and repeating it since, except that the events occurred
- (iv) she gave accounts which were consistent, detailed and persuasive with regard to the time, place and manner of the events
- (v) she maintained her persuasive account under cross-examination.

12.52 I find on the basis of the above and the balance of probabilities that Miss Williams did engage in inappropriate and intimidating behaviour towards Pupil 3 in 1991.

12.53 Pupil 4 made allegations of a similar kind against Miss Williams saying that she was ‘shoulder shoved’, kicked (lightly) when disembarking from the school bus one morning and that Miss Williams slammed the door to the staff room in her face. She further alleged that Miss Williams’ general demeanour was hostile and threatening towards her³⁵.

In her second statement to the police on 22 May 2002, Pupil 4 said that another pupil had, in conversation, referred to an incident when Miss Williams had allegedly slapped Pupil 4 across the face. In her police statement, Pupil 4 says that she did not remember this incident and she repeated this in the Inquiry. I conclude the slapping incident did not take place and Pupil 4 was consistent and honest in her references to it.

12.54 Pupil 4 was challenged in evidence about why she had not complained at the time, or during the 1991 investigation. She responded that she wanted to put it out of her mind and that she had not been asked about it. She said she did feel that Mr (Roy) Davies was aware of this at the time. Her mother’s contemporaneous diary notes confirm that Pupil 4 told her Miss Williams was ‘victimising her’³⁶.

- 12.55 Miss Williams denied these allegations, saying in evidence that she “didn’t know Pupil 4”³⁷, that she was never involved in any of the alleged incidents and pointing out it was not a complaint that was brought to her attention at the time. She did accept under questioning that she would have known Mrs Phillips’ name, the mother of Pupil 4, from reports in the Daily Mirror that highlighted her part in Mr Owen’s resignation³⁸.
- 12.56 In reaching a conclusion on the matter of Miss Williams’ behaviour to Pupil 4, I have particular regard to the following:
- (i) like Pupil 3, Pupil 4 gave detailed and persuasive accounts of the times, places and manner of events
 - (ii) there is a similarity in the accounts of the way in which Miss Williams is alleged to have acted towards Pupil 4 and Pupil 3
 - (iii) I identify some mutual corroboration but no evidence of, or clear reason for Pupil 4 to lie, or collude with Pupil 3
 - (iv) there is some contemporaneous support in Mrs Phillips’ diary record for the proposition that Pupil 4 told her of intimidation at the time. That material excludes recent invention
 - (v) Pupil 4’s account was convincing under cross-examination.
- 12.57 I find, on the basis of the above and the balance of probabilities, that Miss Williams did engage in inappropriate and intimidating behaviour towards Pupil 4.
- 12.58 Whilst it might be understandable, on a human level, for Miss Williams to have felt angry with pupils who she saw as responsible for Mr Owen’s suspension in 1991, it is entirely unacceptable for her to have behaved as she did. Her behaviour was, at least in part, the cause of Pupil 3 leaving Ysgol Gyfun Rhydfelen altogether. This had serious academic and social consequences in addition to causing emotional suffering to Pupil 3.
- 12.59 Pupil 4, as well as her mother who watched her unhappiness, suffered severely.
- 12.60 I make recommendations, in Chapter 20: The Children of Ysgol Gyfun Rhydfelen, regarding the sort of services that I believe need to be in place in order to support pupils so as to ensure their concerns and distress are responded to with warmth and sensitivity. I trust that such arrangements will help prevent children suffering the type of harassment experienced by these two pupils.

12.61 Although Miss Williams offered an apology to pupils in general at my Inquiry I do not believe she has done so directly to Pupil 3 and Pupil 4. I believe she should do so.

Conclusions

12.62 Miss Williams acknowledged that she was a strong supporter of Mr Owen throughout the events that are the major focus of my Inquiry and until she heard evidence to it, “believing, as many others did, that he had been treated unfairly”³⁹.

12.63 Miss Williams accepts that she did not know the facts when she gave support to Mr Owen and the fact of her close association with Mr Owen would have made it highly unlikely that pupils would have brought complaints to her⁴⁰.

12.64 On 3 February 1991, Miss Williams was very closely involved in the preparation of a letter to Mr Roberts (Director of Education) signed by her, Ms Llinos Jones (Head of Lower School), Mr Peter Davies (Head of Drama) and Ms Menna Lewis (Year Tutor). She acknowledged in evidence that she typed this letter⁴¹.

In it the signatories complain about the way in which the questioning of the pupils was carried out, the conduct of the senior management of the school carrying out that investigation and the absence of any complaint⁴².

12.65 Miss Williams acknowledged in evidence “how completely incorrect it is”⁴³.

12.66 As I have shown, I believe that Miss Williams should have had some doubts about Mr Owen’s behaviour on the basis of her personal knowledge. I also believe that she should not have taken such a public stance in his defence, given her responsibility to provide care to some of the pupils who made complaints. She should certainly not have behaved in the way that she did towards some pupils.

12.67 Miss Williams’ part in events clearly demonstrates the dangers of leaping publicly to the defence of a friend and professional colleague when one knows that one may not have all the relevant facts. It is reasonable to point out that many others did the same. As Miss Williams said herself:

“Pupil 5 in her testimony has said she was very close to Pupil C, she didn’t know anything about this abuse. Pupil 7, I know, was very close to Pupil A, she didn’t know anything about this abuse. Pupil J’s parents, I know, are very close to Pupil J, they didn’t know anything about this abuse. I am one of many people who didn’t know anything about this abuse”⁴⁴.

- 12.68 Miss Williams, alongside others who wrote in support of Mr Owen in 1991, was also left exposed to embarrassment as more evidence has come to light, because the investigation was not completed at the time and no findings of fact were ever made about Mr Owen. Teachers, parents, governors and most importantly, children, were left without knowledge of all the allegations and without information about the truth or otherwise of allegations.
- 12.69 Miss Williams recalled two events in particular that had a great influence on her view of Mr Owen and her continued defence of him. Firstly, she recalled a conversation with Mr Matthews where he said that: “a case like this was usually like opening up a can of worms. When you took the lid off, everything came out. But in this case he had found nothing”⁴⁵. Given what he must have known, it is surprising that Mr Matthews said this, but I find that he did.
- 12.70 Secondly, she recalled being shown Mr Roberts’ letter to Mrs Nia Wyn Williams, wife of the former Headteacher of Ysgol Gyfun Rhydfelen, which “assured her that a further investigation had been carried out and that there was nothing in the allegations against John Owen”⁴⁶. This provides two clear examples of the extent of the damage which was done by Mr Matthews and Mr Roberts and the combination of an uncompleted investigation, the communication of misleading information and the sending out of misleading correspondence.
- 12.71 Miss Williams was accused of “naivety that beggars belief” in the course of my Inquiry⁴⁷. That is to go too far. I find that she might reasonably have been expected to have been less trusting and less prominent in Mr Owen’s defence on the basis of what she knew. There is, however, some mitigation available to her on the basis of her being misled by Mr Matthews’ conversation and Mr Roberts’ correspondence and possibly his public pronouncements. I also find that her behaviour towards certain pupils was reprehensible.

Chapter 13

Mr Peter Davies

- 13.1 Mr Peter Davies was appointed as Head of Drama at Ysgol Gyfun Rhydfelen in 1983. He had held only one other teaching appointment previously and was aged 23 when he took up the post.
- 13.2 As Head of Drama, Mr Davies was technically Mr Owen's line manager. However Mr Owen became the acting Deputy Headteacher in 1987 and it is clear an effect of that was to deprive Mr Davies of even theoretical authority over him.
- 13.3 During the course of my Inquiry the following allegations were made regarding Mr Davies:
- (i) he failed to manage Mr Owen and thereby failed to protect pupils taking drama
 - (ii) he was (or should have been) aware that unsuitable texts were being used by Mr Owen
 - (iii) he was aware, or should have been aware, that pupils were being subject to inappropriate sexual behaviour during drama practicals and examinations
 - (iv) he was, or should have been, aware that children were being exposed to potential abuse as a result of staying overnight with Mr Owen or travelling with him
 - (v) his behaviour towards pupils who complained about Mr Owen in 1991 was wrong and likely to interfere with the investigation that was underway.
- 13.4 With regard to (i) above, Mr Davies acknowledges, without reservation: "in every way John Owen was head of the drama department."¹ From the start, he says, of Mr Owen "when I started at Rhydfelen, he made it crystal clear to me more or less who was in the driving seat in the department."² He also says that "I was a mild mannered person and he used that as a weakness in me."²
- 13.5 Mr Owen also used to "belittle me (Mr Davies) in front of the children"³ and used to bully him, "I'd have a weekly row for something I'd done"⁴. This behaviour by Mr Owen was part of a pattern that meant Mr Davies was unable to undertake many, if not most, of the activities one might reasonably expect of a Head of

Department. For instance, he would initially “try to bring in more classic, more traditional things to drama at Rhydfelen”⁵, but Mr Owen refused to speak to Mr Davies (his Head of Department and line manager) for three months because Mr Davies had kept information about a pupil from him.

- 13.6 Mr Davies said “I was far too young to be Head of Department against someone like John.”⁶. I express no view about that, but it is clear that if such a young and inexperienced teacher is appointed as Head of Department they should receive close support and mentoring. Mr Jeffreys suggested that the school felt that Mr Owen would support Mr Davies when they appointed him Head of Department. It is obvious that a subordinate cannot be charged with responsibility for ensuring their line manager carries out his duties effectively.
- 13.7 Mr Davies was actively aware of the lack of support he received, saying “it would have been nice to have someone to talk to.”⁷. He did not have faith in the Deputy Headteacher Mr Jeffreys who he found “distant” or in the Headteacher Mr Jones who, he felt, was “unable to take John Owen on”.
- 13.8 Mr Davies accepted that Mr Owen “would manage to undermine my credibility with children, because the children wouldn’t want to come to me, because they thought I couldn’t do anything”⁸. This was a reasonable inference by the children. It also shows that the fact that Mr Davies says he would have acted if he had clear evidence of “something terrible going on”⁹ is of no real significance as the circumstances in which he operated precluded the likelihood of children giving him that evidence. The reasonableness of the children’s perceptions in this regard was fully reinforced by Mr Davies’ reaction when some children had the courage to tell other adults of their complaints about Mr Owen.
- 13.9 Mr Davies gave a very clear impression of a young man who was placed, unsupported, in a situation where he had only a nominal capacity to discharge the duties of a Head of Department in the face of the charismatic, bullying and domineering Mr Owen. I will look at responsibility for that circumstance later. This state of affairs had very significant consequences for the children. The lack of any effective line-management of Mr Owen was also evident and crucial in the way in which texts for drama were selected.
- 13.10 With regard to 13.3 (ii) above, it is clear that Mr Owen was in no way constrained by Mr Davies in the texts being chosen for drama (although he was inconvenienced by the commendable actions of some WJEC examiners as outlined in Chapter 15: Welsh Joint Education Committee)

Mr Owen would “more or less say what we’d teach”¹⁰ in drama according to Mr Davies and he was unable to have any influence. He accepted in evidence that he would be given scripts by Mr Owen and he (Mr Davies) would pass them on to the WJEC for approval without reading them.

- 13.11 Mr Davies was aware of very strong language being used in some scripts, and he modified some shortly before one examination took place. He also relied on the children themselves to tell their parents what they were studying. Mr Davies denies that, at the time, he had knowledge of ‘Pupil 6’s Song’¹¹ which was performed during a WJEC ‘A’ level drama examination and accepted by all witnesses as entirely unsuitable for children and young people.
- 13.12 Mr Davies also said that he was aware that there had been problems with WJEC examiners over texts submitted and that he had attended the WJEC offices on one occasion regarding them. However, he felt the concerns were all to do with the strength of the language and this did not cause him any great concern¹².
- 13.13 It is clear that texts for drama were effectively chosen by Mr Owen at Ysgol Gyfun Rhydfelen and that Mr Davies did not exercise his responsibilities regarding their content in a manner which was consistent with what we might have expected of a Head of the Drama Department. It is also clear to me that the children themselves did not exercise any choice in this matter either and that Mr Davies’ (in)action left Mr Owen with the opportunity to set texts consistent with his own preferences and thereby lay the foundation for grossly inappropriate behaviour in the practicals that formed part of the teaching and examination.
- 13.14 With regard to 13.3 (iii) above, Mr Davies gave evidence that he did not attend drama rehearsals conducted by Mr Owen during teaching of the course, and that he was consequently unaware of anything improper going on in them. He therefore had “never seen the plays until the night they were performed”¹³ as “Mr Owen wasn’t the kind of person who’d welcome you into his lessons anyway”¹⁴. Mr Davies was also not a witness to “any improvisational work, in lessons or in rehearsals.”
- 13.15 Several witnesses to my Inquiry alleged that serious sexual and physical abuse took place in drama practicals and rehearsals. Mr Davies, in failing to make any checks about what was being done by a teacher in his department at any time, clearly failed to discharge his responsibilities. Children were left vulnerable to serious sexual abuse as a consequence.
- 13.16 With regard to practical examinations, Mr Davies said that he “wasn’t allowed to go to some of them”¹⁵ and that he saw nothing at those he did attend that gave him cause for concern. It may surprise some people that the Head of a Drama Department ‘wasn’t allowed’ to attend some examinations being taken by pupils in his subject area and I share their opinion. That Mr Owen was able to make such a ‘ruling’ is indicative of the degree to which proper authority relationships had been effectively inverted in the drama department at the time.

- 13.17 Mr Davies did remember attending the practical examination where it is alleged that a semi-naked or naked dance took place, but denied that he witnessed it or knew of it. He said in evidence that he was in the school at the time¹⁶.
- 13.18 With regard to 13.3 (iv) above, Mr Davies denied knowledge of trips for small numbers of pupils organised by Mr Owen where abuse is alleged to have taken place. He also denied knowledge of two pupils effectively being alone with Mr Owen for periods of time. I heard no evidence which conflicted with his account.
- 13.19 Mr Davies did recall that small group day trips occurred and that Mr Owen would drop the other teachers off before the pupils, thereby leaving them exposed to possible abuse afterwards¹⁷.
- 13.20 With regard to 13.3 (v) above, Mr Davies accepted that it was improper and unprofessional for him to behave in the way that he did on 11 January 1991 when he picked on, shouted at and ejected from his class some of the pupils who had made allegations against Mr Owen¹⁸.
- 13.21 Mr Davies was subject to formal disciplinary procedures after this, with a decision being taken that there was “no case to discipline”¹⁹. I am unable to ascertain whether that disciplinary investigation was conducted thoroughly and properly.
- 13.22 Mr Davies acknowledged his behaviour was wrong at the time and no doubt now understands more fully the effects it actually had on the pupils, both at the time and since. It was, in his words “a stupid thing to do”²⁰.
- 13.23 It is likely to have been of great significance to the children and to the conduct of the investigation into Mr Owen that was still far from complete at the time. Mr Davies’ behaviour may have formed an impression in other children’s minds that this is the sort of treatment they might get if they shared their concerns or complaints with those conducting the investigation. This behaviour may therefore significantly, if unintentionally, have obstructed investigation including the police investigation. It is even possible, sadly, that the early disclosure of serious sexual abuse was deterred by his action.
- 13.24 It certainly had a devastating impact on the children who were subject to it, one of whom cited it as a major reason for her leaving the school altogether. To my knowledge Mr Davies has never apologised directly to that pupil, a situation he may now choose to remedy.

- 13.25 It is clear to me that Mr Davies did not function as Head of the Drama Department at the time Mr Owen also taught in it. He did not discharge his responsibilities and yet another potential inhibition on Mr Owen's activities was thereby removed. This failure on the part of Mr Davies was an important contributory factor in providing Mr Owen an environment to behave in the way in which he did. Children were subject to sexual abuse at least partly as a consequence.
- 13.26 There is a limit to the extent to which Mr Davies can be held responsible for this. Senior management at the school, some of whom had more reason than him to suspect Mr Owen, should have supervised and supported Mr Davies far more closely. The Report of the Mid Glamorgan Advisory Service on Rhydfelen Comprehensive School in 1990 failed to pick up any of this.
- 13.27 When Mr Owen was suspended Mr Davies was left exposed again, he was given a wrong impression as to what the allegations were and he reported reassurance from Mr Matthews and Mr Jeffreys suggesting nothing serious had been alleged. The failure to adopt a child protection approach and to complete the investigation also had consequences here. Mr Davies should not have been privy to which children were making complaints.
- 13.28 Mr Davies should not have behaved as he did towards the pupils, a fact he acknowledged. He also admits that it was very unwise of him to sign the letter of support for Mr Owen to Mr Roberts, especially as he knew so few of the facts.
- 13.29 I am pleased with the indicators I have been given that staff and particularly staff with management responsibilities are supported and mentored more effectively in Ysgol Gyfun Rhydfelen, now than during the period when Mr Owen worked there.
- 13.30 Mr Davies is an older, wiser and more experienced teacher than he was in the years leading up to and including 1991. I am sure he will never again turn on pupils out of misplaced loyalty to colleagues. It is however important that teachers generally realise the extremely serious consequences that acting in such a way may have had in this case and might have in other cases if such behaviour were to be repeated by another. His future teaching and management will be informed by what he now knows might lie behind children's complaints.

It is not properly a matter for formal recommendation but I also suggest to Mr Davies that he might apologise personally to those pupils who were subject to his tirade of 1991, and to whom he has not so apologised. I am sure it will assist them and him to move on.

Chapter 14

The Governors of Ysgol Gyfun Rhydfelen

Governors' Responsibilities in 1991

14.1 I have examined the responsibilities of the governors as set out in the Education Act 1988 and accompanying regulations and guidelines. The new arrangement of responsibilities contained in the Act was referred to as the Local Management of Schools (LMS).

14.2 The most relevant aspects of LMS are those setting out the respective responsibilities of the local education authority, the governors and the senior staff of the school with regard to child protection and disciplinary matters. Mid Glamorgan County Council issued guidelines for governors in January 1989.

Under LMS the governors were given no formal or particular responsibility for child protection. They were given responsibility for disciplinary matters and were expected to adopt disciplinary procedures. The local education authority issued a 'model' set of such procedures.

14.3 Under these, disciplinary investigations were to be carried out by the Headteacher and a disciplinary hearing by an appointed panel (sub-committee) of the governing body was to hear and decide on the charges presented to it in cases where serious misconduct was alleged. A second and distinct sub-committee was to hear appeals made against the findings of fact, or disciplinary action arrived at by the first.

14.4 The Headteacher had authority to suspend a teacher if the charges were of sufficient seriousness to suggest gross misconduct and the continued presence of the teacher at the school was likely to cause problems. The Headteacher was to present the prosecution case to the disciplinary sub-committee of the governors.

14.5 Under LMS, in 1990 and 1991, the District Education Officer of the local education authority acted as clerk to the governors. There was also provision made for the Director of Education to provide advice to the governing body.

14.6 As stated previously there was no impediment to the governors, on the relevant sub-committee, knowing the nature of the charges against a teacher prior to any disciplinary hearing.

The Joint NEOST /Teacher Union guidance on Education Staff and Child Protection: Staff Facing an Allegation of Abuse, published in September 2002 provides guidelines on practice and procedure, but does not have the status of government guidance. This guidance should be reviewed in the light of this report.

- 14.7 There was also no impediment to the governors proceeding towards a disciplinary hearing in tandem with criminal proceedings and certainly no impediment to their holding a hearing subsequent to no action being taken by either the police or Crown Prosecution Service, or subsequent to a criminal prosecution taking place, whatever the outcome.

I respectfully endorse the recommendation of Sir Ronald Waterhouse in his report 'Lost in Care' concerning best practice in the interrelationship of criminal proceedings with disciplinary proceedings where allegations are made of child abuse (see Chapter 15: Welsh Joint Education Committee paragraph 15.25). A resignation by a teacher should not prevent the holding of a hearing during the period of notice.

Actual Events in 1991

- 14.8 In 1991 Mr Jeffrey, the acting Headteacher, acted in compliance with procedures in that he called in the District Education Officer, Mr Matthews, when very serious allegations came to light disclosing child protection issues. Once Mr Matthews became involved there were clear departures from both child protection and disciplinary policies and procedures (Chapter 5: Mr David Matthews).

The Chairman of the Governors

- 14.9 Judge Richards was Chairman of the Governors at Ysgol Gyfun Rhydfelen School in 1991 and was, at that time a Barrister at Law, although he did not practise in the field of education law.

- 14.10 During the course of my Inquiry allegations were made that:

- (i) Judge Richards knew, or should have known, of allegations made about Mr Owen in 1991
- (ii) Judge Richards failed to discharge his responsibilities with regard to child protection or disciplinary procedures in 1991 and that in particular he failed to ensure that the governors held a disciplinary hearing to consider charges against Mr Owen

- (iii) Judge Richards had said at the meeting of the governors of 7 February 1991 that if Mr Owen resigned, the police would not be called in, and that if Mr Owen did not, the police would be called in.

- 14.11 With regard to 14.10 (i) above, Judge Richards gave clear evidence that no matters of concern were brought to him from the time he became a governor until Mr Roberts, Director of Education, contacted him in early January 1991. Mr Roberts informed him that a complaint had been made by a parent and that as a result Mr Owen had been suspended. He said that the council would investigate and “the governors should not attempt any sort of investigation on their own”¹. Judge Richards said Mr Roberts told him “he wasn’t at liberty to disclose the nature or details of the allegations”¹.
- 14.12 Judge Richards did think this prohibition was unusual and did pursue it with Mr Roberts later. I have already indicated that I accept Judge Richards’ account of his telephone call, on the evidence I have heard and on the balance of probabilities, to that of Mr Roberts (Chapter 4: Mr Edwin Roberts).
- 14.13 Judge Richards was therefore, as Chairman of the Governors, effectively stopped from knowing the nature of the charges against Mr Owen. Importantly, at this time, he was not privy to either the contents of Mrs Phillips’ letter of 9 January 1991, or any of the children’s statements taken by either the senior teachers or Mr Matthews.
- 14.14 Judge Richards also made it clear in evidence that if he had seen the children’s statements taken at the time, he would have called in the police. He expressed his astonishment that anyone who did see them did not call the police².
- 14.15 At the governors’ meeting of 22 January 1991, after the conversation with Mr Roberts, Mr Matthews presented the local education authority model rules for disciplinary procedures to the governors and they were adopted. Two sub-committees, one with responsibility for disciplinary hearings and the other for consequent appeals, were set up. Membership of the sub-committees was decided without controversy and without concern about any direct interest of members.
- 14.16 It was not known to the chair, or governing body as a whole, that the chair of the appeals sub-committee was the father of one of the children who had made a most serious allegation against Mr Owen. The difficulty of having two sub-committees for disciplinary purposes within a governing body of a school and avoiding there being one or more members who have a direct interest in the matter, is something to which I shall return in my conclusions.

- 14.17 The next event for Judge Richards was a call from Mr Roberts informing him that Mr Owen had resigned or tendered his resignation. Mr Roberts also told Judge Richards that he was minded to accept the resignation. Mr Roberts told Judge Richards that in order for the resignation to go through, it was necessary for the governors' disciplinary sub-committee to accept that Mr Owen should be paid until the end of term and that there should be no disciplinary hearing. Neither Judge Richards or other members of the sub-committee were happy with this especially as they still had no knowledge of the allegations against Mr Owen. There was a concern that Mr Owen was being forced to resign.
- 14.18 Judge Richards gave clear evidence that this direct intervention carried very considerable weight with him, coming as it did from the Director of Education in a period when most governors were not fully aware of their new responsibilities. The local education authority 'guidance' to governors at the time gave no detailed advice about knowing the nature of the charges and would have been of little assistance to Judge Richards.
- 14.19 One governor, Mr Bryant, was initially not prepared to give his agreement. He was telephoned by Mr Roberts and subsequently gave his agreement.
- 14.20 Mr Roberts wrote to Judge Richards on the 29 January 1991³ confirming the arrangements and undertakings surrounding Mr Owen's resignation. Judge Richards responded confirming the governors' agreement to the proposed terms of the resignation. I find an agreement by the disciplinary sub-committee should only have been reached, if at all, in a properly convened and minuted meeting where all relevant matters could have been considered by all its members together.
- 14.21 The most significant event for Judge Richards was his receipt of Mrs Phillips' second letter which she sent to him on 4 February 1991⁴. Judge Richards rang Mr Roberts and read the letter to him. I have dealt with Mr Roberts' part in this elsewhere (see Chapter 4: Mr Edwin Roberts).
- 14.22 Judge Richards is clear in his recollection of sending this second letter of complaint to Mr Roberts with a covering letter marked 'personal' in which he said "I enclose Mrs Phillips' 'drama script' for your perusal and actioning."⁵ This was sent on 6 February 1991.
- 14.23 This reference to a 'drama script' has been subject to criticism, because it seemed to imply that the matters raised in the second letter were not to be taken seriously. In evidence, Judge Richards ascribed its original use to Mr Roberts, saying the Director of Education had used the phrase to describe Mrs Phillips' letter when Judge Richards read it out to him during their telephone conversation. He goes further, saying that he, Judge Richards, felt it was a dismissive comment and that he only included it to remind Mr Roberts of what the latter had said⁶.

14.24 Since Judge Richards' letter also requested "perusal and actioning" by Mr Roberts it is clear that he was not, in fact, being dismissive of Mrs Phillips' letter. His actions were prompt and consistent with those of someone who felt that the most senior officer in the local education authority was dealing with the matter. It is also worth recalling that Judge Richards, unlike Mr Roberts, had not had the opportunity to read Mrs Phillips' first letter. The description of Mrs Phillips' letter as a "drama script" was nonetheless unfortunate.

14.25 Judge Richards also took the letter to the disciplinary sub-committee on 7 February 1991⁷, again demonstrating his concern about its contents. At this time he also now believes, he saw at least extracts from the play 'A Prayer for Wings'.

Judge Richards was aware, on receipt of Mrs Phillips' second letter of 4 February 1991, that she believed there was a "mass of damning evidence" against Mr Owen and her view that "the Disciplinary Committee of the School Governing Body must insist on seeing all the evidence as to why Mr Owen resigned"⁸. However, this must be weighed against the fact that the Director of Education had told him that the governors were not to undertake any investigation of their own and Judge Richards' prompt referral of the letter to Mr Roberts for "perusal and actioning".

14.26 With regard to 14.10 (iii), an allegation made by Mr Clive Henley, this is a serious matter, as it would suggest that Judge Richards had knowledge of the allegations against Mr Owen sufficient for him to conclude that the police would be interested in investigating them.

14.27 However, although I have no doubt that Mr Henley believes this occurred, I can find no evidence that it did. No other governors who were present at the meeting suggest that it did, neither do the minutes give any confirmation. It is also inconsistent with Judge Richards' actions, in particular the subsequent request to Mr Matthews to let Mr Roberts know of the difficulties governors were experiencing as a result of not being aware of the nature of the allegations against Mr Owen.

14.28 As stated previously Judge Richards himself expressed amazement that "the reaction of those who saw that evidence (the children's statements) wasn't to go straight to the police"⁹. I can only conclude that Mr Henley's memory is not accurate in this matter.

Conclusions - The Chair of the Governors

14.29 In relation to the allegations set out in 14.10 above on the basis of the evidence

I have heard I conclude that Judge Richards did not know of the great majority of the allegations made against Mr Owen in 1991. That he should have known is indisputable given the role of governors in disciplinary matters at the time. In particular, he should have been made aware of the nature of the allegations against Mr Owen so that he could act appropriately and ensure that other proper actions were taken.

- 14.30 Technically, he could have insisted on being told what was alleged and could have assumed full control of the disciplinary process as set out in the procedures applicable at the time in the local education authority.
- 14.31 However, the power to act was effectively denied to Judge Richards by the actions of Mr Roberts and Mr Matthews who intervened so forcibly. Judge Richards acted on the basis of the strong recommendations of the Director of Education who, he reasonably supposed, was in possession of all the relevant facts. He could not have guessed that Mr Roberts may not have been, given the content and apparent authority of his interventions.
- 14.32 These actions, most significantly the terms of the agreement reached by Mr Roberts with Mr Owen, meant that it would have been difficult, if not impossible, for the governors to take appropriate action in the form of a disciplinary hearing after the police investigation failed to lead to criminal proceedings in 1991.
- 14.33 Judge Richards now believes that he would probably have acted differently had he known of the complaints in Mrs Phillips' first letter of 9 January 1991¹⁰ and certainly if he had knowledge of the children's allegations. The Director of Education's Report to the Governors of 5 February 1991 was especially significant here, with Judge Richards now concluding that "there was this wholly misleading report, which gave us, I think, a false impression as to what the situation was"¹¹.
- 14.34 I therefore conclude that I have no grounds for substantial criticism of Judge Richards for his action in these matters. The actions of others left him with no reasonable opportunity to discharge the responsibility which was technically his and the governors.

Other Governors

- 14.35 I have heard considerable evidence of the division in the governing body over Mr Owen's suspension and resignation. I do not intend to spend a great deal of time on this in my report.

- 14.36 Evidence from governors at Ysgol Gyfun Rhydfelen in 1991 supports the key elements of my judgement regarding the chair, in particular the lack of information they had and the forceful intervention of the Director of Education.
- 14.37 Mr Clive Henley, Mr Hammett and Mrs Carol Jones all expressed strong regret and varying degrees of anger at the way in which the children were let down by the governors not being properly able to protect them because of the withholding of information by Mr Roberts and Mr Matthews.

Conclusions – The Governing Body

- 14.38 The evidence I have heard has shown a significant obstruction of the governors of Ysgol Gyfun Rhydfelen in their attempts to carry out their proper function.
- 14.39 However, some of the evidence has also suggested that there may be structural or intrinsic difficulties in governors having responsibility for disciplinary matters and those that relate to child protection.
- 14.40 While some recommendations might easily be made for improvement in present arrangements, I am not convinced that these would be sufficient to deal with some intrinsic problems.
- 14.41 I question whether the governors of a school are well placed to deal with the disciplinary process, even if they have full knowledge of the allegations being made.
- 14.42 I have already pointed out that the chair of the appeals sub-committee was the father of one of the children concerned. The chair of governors was a parent governor. Some governors were close to and strong supporters of Mr Owen.
- 14.43 Under LMS, governors are likely to form close relationships with teaching staff. It is arguable that they need so to do in order to fulfil their primary functions.
- 14.44 The advent of parent and teacher governors may tend to produce circumstances in which it is difficult to establish sub-committees for disciplinary purposes that do not have members who are either related in some way to a witness, or who have a relationship with the member of staff concerned.
- 14.45 It should be noted that this may equally result in a disciplinary sub-committee that is biased against the teacher concerned, as well as one biased in favour. In either case the governors' capacity to act in an independent and quasi-judicial capacity may be compromised.

- 14.46 In the case before me, it happens that the chair of governors was legally qualified. This is unlikely to be the situation in most governing bodies. I have serious doubts that the majority of governing bodies are able to fulfil the role that is currently ascribed to them, particularly if the teacher concerned is a prominent member of the school or local community.
- 14.47 Governing bodies are comprised of volunteers. Their membership, duties and responsibilities are regulated by the law and guidance. Disciplinary complaints and whistleblowing procedures can place an unacceptable burden on this body of volunteers requiring it exercise judgement that it may not have either the training or the experience to deliver. This is a particularly difficult task where the issues involve a Headteacher or prominent and powerful members of staff. The consequences can be onerous for children, teachers, parents and the individual governor.
- 14.48 The relative duties and responsibilities of the local education authority and a governing body may be clearly defined in law but are much more complex in practice. At Ysgol Gyfun Rhydfelen and throughout schools in Wales, the advice of the local education authority, in the eyes of a governing body, carries enormous if not absolute weight. In complex and sensitive matters it is generally followed, yet it is the governing body that is legally responsible for taking decisions.
- 14.49 This is of particular significance in matters where governors are acting as a part of child-protection systems, whether that fact is fully recognised in child-protection procedures or not. Under current child-protection procedures a decision may be made not to proceed with a referral, a decision may be made by the Crown Prosecution Service not to prosecute or a prosecution may be unsuccessful. Either at the same time or after these processes have been exhausted, the matter is back in the arena of the Headteacher and governors.
- 14.50 The way in which the Headteacher and/or governing body of a school acts in such cases will have very important child-protection consequences. If the Headteacher decides to lay disciplinary charges and to hold a hearing then the charges against the teacher can be recorded under List 99. A similar outcome will ensue if the teacher is found 'guilty' at a disciplinary hearing with its 'on the balance of probabilities' standard of proof.
- 14.51 If the Headteacher or governors decide not to proceed with an investigation, or not to put charges and/or hold a hearing, then this opportunity is lost.
- 14.52 In this way the Headteacher and/or governors of a school are put in a situation with potentially very severe child protection consequences, though their actions are not currently considered as being part of the circumstances in which the full range of child protection procedures apply.

- 14.53 If the governors' capacity to act with sufficient impartiality is questionable, this is even more likely in the case of a Headteacher. In the case before me an acting Headteacher was responsible and this will happen in schools from time to time. Such an acting Headteacher may well be a close colleague, a former peer of, or even a friend or enemy of the teacher about whom allegations are made. It may be difficult to act in the independent manner required in these circumstances where important child protection as well as quasi-judicial concerns both arise.
- 14.54 For the reasons outlined above, I believe that where allegations have been made raising child protection concerns, disciplinary proceedings should be more fully integrated into child protection policies and procedures.
- 14.55 As I have stated I further believe that school governors/Headteachers are not well placed to undertake this important child protection function. In cases of this sort the decisions should be taken by another body.
- 14.56 Current procedures (All Wales Child Protection Procedures 4.5.3) do specify that the strategy meeting should "consider the need for disciplinary proceedings e.g. it may be necessary to ask the employer to suspend the person suspected of abuse". There is no guidance on what to do if a school, for example, does not do so, nor are there any mechanisms whereby the Area Child Protection Committee can ensure that if disciplinary charges are laid a hearing takes place. Instead, current procedures (4.5.4) suggest that child protection agencies should assist with any disciplinary process. Under LMS responsibility remains with the governors/Headteachers as I have outlined.

I do not believe trade unions or their members have any inclination whatsoever to protect child sex abusers. The problem is that understandable concern over false allegations may weaken procedures and hamper attempts to protect children. What is needed is an inclusive, well informed and fair debate so as to identify the appropriate balance between protecting teachers in their employment and children in their schools.

Recommendation

- 14.57 **I recommend that the Welsh Assembly Government issue guidance within 12 months of the publication of this report on how allegations of child abuse made against teaching and non teaching staff should be investigated. The guidance should consider the:**
- (i) Joint NEOST /Teacher Union guidance on Education Staff and Child Protection: Staff Facing an Allegation of Abuse**

- (ii) Practice Guide to Investigating Allegations of Abuse against a Professional or Carer in Relation to Looked After Children**
- (iii) All Wales ACPC Child Protection Procedures**
- (iv) National Assembly for Wales Guidance ‘Working Together to Safeguard Children’.**

14.58 Governors of Ysgol Gyfun Rhydfelen in 1991 were faced with the case of Mr Owen very soon after being given disciplinary powers under LMS (Education Act 1988).

14.59 The membership of governing bodies is fluid, with individuals serving for a limited time. It follows therefore that individual schools’ governing bodies are unlikely to be able to accumulate the knowledge and expertise they require to discharge the heavy responsibilities laid upon them by LMS if faced by a case such as that of Mr Owen with its significant child protection elements.

14.60 The all Wales body, Governors Wales, has been established to help remedy such deficiencies and its helpline is a useful source of support. However, whilst advice is helpful, it is not sufficient to ensure that matters are dealt with properly in every case, in every school.

14.61 I am of the opinion, based on the evidence before my Inquiry, the many other cases which my office has dealt with throughout Wales and other widely publicised cases, together with the concerns raised by trade unions, that the present system needs to be thoroughly reviewed. It appears to me that a system is needed to ensure that:

- (i) the decision whether to proceed with an investigation and charges is taken within the context of child protection policies and procedures and in consultation with social services
- (ii) the disciplinary investigation is undertaken by someone who has sufficient independence and expertise to enjoy the confidence of all parties
- (iii) timescales for such investigations are clear and fair
- (iv) deciding such matters is the responsibility of a body that is both independent and likely to enjoy the confidence of all parties, crucially teachers.

Recommendation

14.62 **I recommend**

- (i) that the responsibility for deciding whether to lay charges and to**

proceed with an investigation and hearing becomes the responsibility of the local education authority, because of its relationship with teachers, non teaching staff and its membership of the Area Child Protection Committees in Wales.

- (ii) where an investigation is commenced, it should be undertaken by a specialist personnel officer of the local authority who should also present the case unless a solicitor or counsel is instructed.**
- (iii) that four new independent tribunals be established, covering four parts of Wales, chaired by a legally qualified person and having two other members one of whom will be a teachers' trade union nominee and the other a governor nominee to hear the evidence and to make findings of fact on the balance of probabilities. Those chairing such tribunals to be appointed by a process involving both teachers' trade unions and the local education authorities.**

14.63 I believe that such arrangements will have benefits for all parties:

- (i) for children, who will be better protected
- (ii) for schools as a community – they will be far less likely to be riven by divisions of loyalty
- (iii) for Headteachers, who will no longer be required to handle complex child-protection issues and serious disciplinary matters
- (iv) for teachers against whom allegations are made, who will be subject to a fair and speedy process dealt with by individuals and tribunals with independence and expertise
- (v) for parents, who will have confidence in the system.

14.64 My recommendation would place the responsibility of deciding whether to lay charges, to proceed with an investigation and hearing on local education authorities. Notwithstanding that I conclude in my report that in 1991 the local education authority was the main cause of matters being mishandled, I believe that local education authorities are still the best placed agencies to fulfil the role. Unlike individual schools, they have personnel expertise and cover sufficient schools to acquire additional experience relatively quickly.

14.65 I am aware that my recommendations here are for a major reform of present arrangements, and that they require the establishment of four new and independent tribunals.

I am also aware that such reform will raise natural and proper concerns among interested parties, and that these should be addressed more directly and comprehensively than is possible in this report.

14.66 I recommend that the Welsh Assembly Government establish a task group within six months of the publication of this report, with representatives from all interested parties, charged with bringing forward a set of proposals to implement the recommendation I have made in respect of schools disciplinary tribunals. The interested parties should include:

- (i) all teachers' trade unions**
- (ii) governor representatives**
- (iii) local education authority officials**
- (iv) child protection and legal experts**
- (v) children and young people**
- (vi) General Teaching Council representatives**
- (vii) Welsh Local Government Association**
- (viii) police.**

Matters to be considered by the task group to include, the threshold for referrals, appeals, tribunal rules, the interrelationship with police investigations on teachers' and the recording of investigations on the files of teaching and non teaching staff.

Chapter 15

Welsh Joint Education Committee (WJEC)

- 15.1 The WJEC was set up in 1949 as a joint committee of Welsh Local Education Authorities. It is a company limited by guarantee and a charity. It has a number of departments, the largest of which is the examinations department responsible for the provision of public examinations in almost two thousand centres (its collective name for schools and colleges etc) in Wales and England. It is headed by a Chief Executive who is responsible to the Board of Directors. The Board now consists of councillors nominated by each of the 22 local authorities in Wales.
- 15.2 The WJEC deals with the majority of schools and colleges in Wales. It is regulated by ACCAC, the Qualifications Curriculum and Assessment Authority for Wales. Another body known as the Joint Council for Qualifications considers matters of common interest to all examination boards in Wales and England. The WJEC sets the syllabus in drama, including prescribed texts.
- 15.3 The WJEC employs professional officers who are subject specialists. It uses examiners to undertake practical examinations in centres, who are not members of its staff, but are generally drawn from a pool of experienced teachers. These are appointed by officers in the examinations department.
- 15.4 Mr Owen was on the WJEC steering committee which devised the 'A' level drama examination in Wales. In the early eighties he also represented teachers from Mid Glamorgan on the WJEC drama subject committee which was responsible for reviewing exams annually. At the time of his resignation from Ysgol Gyfun Rhydfelen in 1991 he was a WJEC Welsh oral examiner.
- 15.5 On 4 February 1991 Mrs Phillips wrote to Mr Matthews saying she strongly believed that the WJEC should be made aware of the facts surrounding the case and be given a copy of the script her daughter was expected to perform in her 'A' level practical examination. She said she "was horrified and disgusted at the pornographic nature of the language and what the pupils were actually expected to act out!"¹ She raised concerns about the WJEC Chief 'A' Level Drama Examiner, Mr Emyr Edwards and asked "what kind of acting and foul language is he condoning when he is examining the performance in the comparative privacy of the 'A' level practical rooms"². There is no evidence that Mr Matthews passed on the script or Mrs Phillips' concerns to the WJEC.
- 15.6 Two days later Mrs Phillips took the matter into her own hands and on 6 February 1991 wrote to the Chair of the WJEC. She enclosed a copy of the

script 'A Prayer for Wings' and told how her daughter was sickened by the language and certain actions expected of the characters, particularly the parts which she underlined and that her daughter had dropped the subject altogether at a very late stage. She raised the same concerns about the 'A' Level Drama Examiner and said that this sort of distasteful material has been used in the drama department at Ysgol Gyfun Rhydfelen for years. She asked the Chair of the WJEC to investigate the texts set, studied and examined at GCSE and 'A' level drama, at least within the context of Ysgol Gyfun Rhydfelen³.

- 15.7 In order to illustrate Mrs Phillips' concerns and the nature of the material young people were required to rehearse by Mr Owen at Ysgol Gyfun Rhydfelen I reproduce the extract provided by Mrs Phillips to the WJEC:

Extract from 'A Prayer for Wings'⁴

Mam: I thought I heard someone there, Reet.
 Rita: Only me, Mam, I bought you a 'Ripple'
 Mam: Oh good.
 Rita: Eat it now.
 (Rita gives Mam the 'Ripple')
 Mam: Before dinner?
 Rita: Go ahead
 (Mam eats the 'Ripple')
 Rita: She will never understand. Never. How easy it is for her and me with these boys. Easy! Four of them this morning. Four boys on the dole. Like me, see. They say "GIVE US A FEEL, REET", I say "Fuck off you dirty bastards". They say "COME ON, REET, WANK US OFF". I SAY "You are not old enough to have a decent fucking erection" Then one of them says, "Tom is. Tom is nineteen and has come up on the horses".
 "Had a winner, did you Tom?" I say.
 "He had a winner", they say. "Let him shaft you and you shall have a fiver".
 At this saying, Tom whispers in my ear "PLEASE REET, I want to make love to you". MAKE LOVE!!! "You can have the five pounds. PLEASE Reet". Nobody had spoken to me like that before, so I said "I'm coming back in an hour, and if you are not here I'll try and help Tomi out". Well, I nearly wet my pants on the spot. It's true though, so they know, but I'm a fucking virgin. Remember I have never brought boys back here before. (Tom tries to escape) Where are you going? I'm coming now. (Tom goes back to Rita's room). Go on! Go on!
 Mam: Who's that? Tom who? One of those dirty devils, you're not necking him?
 Rita: Shut your mouth Mam!

Mam: Is it? Is it? (Shouting) Take him out, you dirty sow.
 Rita: SHUT up, oh Mam. It's my business.
 Mam: Oh Rita, Rita
 Rita: I knew she would have an epileptic fit. She can't stand men.
 (aside) Hates the idea of cock!
 Mam: You dirty little whore! I'll throw you out of this house.
 Rita: Be quiet Mam. I won't be long.
 (Rita leaves Mam and goes upstairs)
 Mam: I never thought I would even see such a day. Dirty little sow.
 God will punish you. Let's go from this house.
 Rita: Come on Tom; don't take any notice of her.
 (Rita climbs on the bed. Tom climbs on top of her)
 Come on Tomi. This is not the time to be shy. Drop your pants.
 Give John Thomas a little bit of fresh air.
 Mam: Oh Lord! I'm ill, I'm ill.
 (Mam at the radio, turning up the sound)
 Rita: (Shouting). Come on Tom. All hands on deck.
 (aside) – I should have known he wouldn't have been able to get it up. He's more afraid than I am. Still, never mind. It's worth going through this to have a fiver – and I can't see her refusing the food I'll buy with the fiver.
 Come on Tom boy.
 (aside) – Poor dab. He needs help by hand.
 (Rita strokes [stimulates] Tom).
 Come on, good boy
 (aside) I'll be a virgin for ever. Anyway, I don't really fancy him. I still like the idea of romance.
 Oh not my frock, Tomi!
 (aside) Thank God that's finished.

Although an example of the type of work set by Mr Owen, in the event, this was not performed at 'A' level examination as Pupil 4 gave up drama two days before her practical and Pupil 3 refused to act in this play.

- 15.8 Mr Clayton Heycock, Secretary of the WJEC, responded to Mrs Phillips on 21 February 1991 saying he had asked his colleagues in the examinations department to look into the issue more fully⁵.
- 15.9 On 13 March 1991 Mrs Phillips gave further information to Mr Heycock. She enclosed a song she said was performed before the WJEC Chief 'A' Level Drama Examiner, Mr Edwards, in December 1990. She said the girl who performed the song was too frightened to refuse to sing it but had since suffered feelings of guilt and shame. She questioned the role of the Chief 'A' Level Drama Examiner who watched. She alleged 'A' level practicals were held late

at night and hoped her further information would aid the WJEC investigation⁶. Mr Heycock said he does not recall seeing the script or the song. Again to understand the gravity of the material sent to the WJEC I reproduce the song in full:

Translation of ‘Pupil 6’s Song’⁷

Sitting here quietly
 With the knives in my blood
 Sitting here quietly
 Unable to scream “Stop”
 Lying here quietly
 With you inside me
 Lying here dirty
 Why did you touch me?

Chorus

Knives are my life
 Knives are my blood
 Knives are my life
 Knives are my necessity

You are a cunt, you are a rotten bastard,
 A bloody fucking devil
 You shut my world in a corner
 And listen, you have no right
 I am my own person
 It is in my nature to live
 Without being shackled by men,
 Without cock, without bruise, without wound.

I am a mother, I am one with nature
 A giver of life to the world
 And you are nothing but a penis
 And that is all soft.
 Don’t look upon your lust
 For a hole to drown your craving.
 Sisters, in all seriousness
 We’d be better off using our finger.

- 15.10 This song would not have needed to be sent to the WJEC before the examination because it was a link piece rather than something intended to be examined. The evidence I heard clearly established that this song was

performed as a link piece before the WJEC Chief 'A' Level Drama Examiner, Mr Edwards, during an 'A' Level practical examination at Ysgol Gyfun Rhydfelen in December 1990. I base my finding upon the evidence of the young person who sang the song, the young musician who recalls accompanying her, the school programme from that time and the dated copy kept by Mr Jeffreys. Mr Edwards himself said he does not recall hearing the song. I find it shocking that this song was performed during a public examination and that the examiner took no action.

- 15.11 I find it was an abuse of this young person to have been required to perform this song.
- 15.12 On 15 March 1991 Mr Heycock responded to Mrs Phillips' first letter⁸. He said it was a matter for the local education authority and the school's governors how drama was taught but that the Examinations and Assessment Committee of the WJEC had agreed to set up a sub-committee to prepare guidelines for schools on the selection of work for WJEC examinations.
- 15.13 Mr Heycock did not write the letter although it has his signature. He felt he most likely passed it on to the examinations department^{9&10}. It contained misleading and incorrect information, namely that the WJEC did not require copies of extracts to be performed or their titles to be sent to the WJEC in advance. For whatever reason someone drafted a letter in the WJEC for his signature which was intended to give the impression to Mrs Phillips that the WJEC would not know anything about the extracts being performed at Ysgol Gyfun Rhydfelen when actually there was a date by which such information had to be supplied to the WJEC. I find both Mrs Phillips and Mr Heycock were misled. It is also necessary to remember that the WJEC was able to write this letter notwithstanding the events reviewed in paragraphs 15.15 to 15.17.
- 15.14 Lamentably Mr Haycock's curt response to Mrs Phillips' second letter enclosing the song was "Thank you for your letter of the 13 March, the contents of which have been noted"¹¹.

The concerns raised by Mrs Phillips were not thoroughly investigated. I conclude, based on the evidence of staff at Ysgol Gyfun Rhydfelen that 'A' level practicals were not held late at night.

History of WJEC Examiners Concerns about Ysgol Gyfun Rhydfelen

- 15.15 What Mrs Phillips could not have known and which only came to light as a result of my Inquiry was the history of individual examiners and officers raising serious concerns with the WJEC about the material children were having to perform at Ysgol Gyfun Rhydfelen for examination purposes, how since 1988 WJEC officers were keeping 'tabs on'¹² Ysgol Gyfun Rhydfelen, and that in 1990 the

Senior Assistant Secretary (GCSE) Mr Brian Evans found the examination material at GCSE in Ysgol Gyfun Rhydfelen to be abusive and unacceptable for children¹³.

15.16 Critically not one officer at the WJEC had an overview of these concerns and they were never shared with social services or the local education authority. Again I repeat, one of the fundamental principles of effective child protection is the sharing of information. I find the WJEC repeatedly failed in this respect, both internally and externally.

15.17 I find the following sequence of events occurred prior to 1991 at the WJEC. I refer to 'O' level and GCSE as GCSE.

1986

- (i) WJEC examiner Ms Daloni Rees went to Ysgol Gyfun Rhydfelen to examine GCSE. She had not seen the scripts beforehand as was required by the WJEC. Ms Rees was greeted by Mr Owen as follows "Thank God it's you...because you are broad minded, because you work in the media, not like the fucking small minded wanker who came here before"¹⁴
- (ii) Ms Rees found the material was unsuitable for children of that age, it contained words like "fuck" and "cunt"¹⁵
- (iii) During one performance a boy stripped naked and acted being on the back of a motorbike simulating sexual intercourse. Ms Rees stopped the examination and went, with Mr Owen, to report the matter to the Headteacher, Mr Jones¹⁶
- (iv) Ms Rees telephoned the WJEC and spoke to either Mr Arthur Parker, who was the subject officer at the time, or Mr Carter. She was told to continue examining. She said she was not happy about it and was told to put in a report and the matter would be taken forward by the WJEC¹⁷
- (v) Ms Rees continued to examine, made a report and received no feedback from the WJEC¹⁸
- (vi) A number of pupils in their viva told Ms Rees they were not allowed to show the scripts to their mums and dads. Ms Rees included this information in her report¹⁹
- (vii) Ms Rees opinion was the "children worked on material that should not have been anywhere near them"²⁰.

1987

- (i) Mr Malcolm Burnell, Chief Drama Examiner GCSE, and a co-founder in Wales of drama examinations sat through the GCSE examination in Ysgol Gyfun Rhydfelen. After consulting a respected colleague he reported material to the WJEC drama subject officer, Mr Parker. He said the content and language were completely unsuitable for children at that level
- (ii) Mr Burnell said the WJEC responded by questioning whether it would be seen as censors. He felt the WJEC was weak in protecting children and was reluctant to interfere in Ysgol Gyfun Rhydfelen²¹.

1988

- (i) Ms Carys Tudor Williams, a GCSE examiner since 1981 complained to Mr Parker about material from Ysgol Gyfun Rhydfelen which was submitted late. She looked at the text from the point of view of an examiner and a parent. She was so concerned at the content she lost a night's sleep. She felt it was a child welfare issue but was overruled. Mr Parker informed her nothing could be done as it was too late in the day and the candidates were well into rehearsals. She told the "most senior officer in the WJEC" about the material. She heard no more. She said the scripts were of a similar type to the song reproduced above ²²
- (ii) Mr Burnell spoke to his deputy Mrs Carol Clarke, an expert in child protection, about his concerns with the GCSE material received from Ysgol Gyfun Rhydfelen. Mrs Clarke confirmed his opinion "I recall that there were graphic details about matters I wouldn't want any child involved in"²³
- (iii) Mr Burnell and Mrs Clarke spoke to Mr Parker and said that the WJEC should not accept the material. Mr Parker told them he had spoken to someone else in the WJEC, possibly Mr Mel Jones and the material was to be accepted. Mr Burnell refused to examine it on the grounds he would be party to something that was wrong. Mrs Clarke agreed with him²³
- (iv) Mr Gwynn Roberts was asked to examine GCSE at Ysgol Gyfun Rhydfelen by the WJEC. He felt the scripts, which he received late, were inappropriate for children with obscene language and sexual themes throughout. He said he had never seen obscene material like this before at any other school. He was appalled at their content. He felt Ysgol Gyfun Rhydfelen was being treated more leniently than other schools in handing their scripts in late because of their reputation for producing good work²⁴
- (v) Mr Roberts asked to see the Chief Executive or Chief Examiner of the

WJEC. He said it took considerable courage for him to complain about a flagship Welsh medium school. He felt his concerns were brushed aside on the basis that Ysgol Gyfun Rhydfelen was a good school and did good work. He said he was treated with disdain. When he raised the point that publicity about the scripts and parental reaction could embarrass the WJEC it was agreed that he could stop the examination when the material became inappropriate²⁵

- (vi) Mr Roberts stopped the examination. He was called to see Mr Owen, who was the acting Deputy Headteacher of Ysgol Gyfun Rhydfelen at the time. He says Mr Owen was furious, berated him and told Mr Roberts he would make sure he never examined drama again²⁶
- (vii) Mr Roberts outlined his grave concerns about Ysgol Gyfun Rhydfelen in his examiners report to the WJEC²⁶
- (viii) Mr Roberts never examined again for the WJEC. He was never given an explanation by the WJEC why his services were no longer required. I consider that the WJEC treated Mr Roberts, to whom they have so far been unwilling even to apologise, shabbily. This is in itself unfortunate. What is more significant is that if they had dealt with him as courtesy and fairness dictated, the WJEC might conceivably have realised that matters of grave concern were taking place in Ysgol Gyfun Rhydfelen and acted in response as it should have done
- (ix) On 26 May 1988 Mr Mel Jones, WJEC Examination Secretary, wrote to Mr Jones, Headteacher of Ysgol Gyfun Rhydfelen, acknowledging candidates had been disturbed. He said that every effort would be made to see justice done and asked for estimated grades to be submitted. He further suggested a meeting with the school, the local education authority and WJEC²⁷
- (x) The information about the concerns raised by examiners was not shared with the Chief Drama Examiners at GCSE or 'A' Level. It should have been
- (xi) Mr Parker accepted at my Inquiry that in hindsight the WJEC's decision that the examination should proceed was wrong and acknowledged there were child welfare issues in that the children had been forced to carry out plays which the examiner thought were wholly inappropriate²⁸.

1989

- (i) Mr Brian Evans, Senior Assistant Secretary (GCSE), said that 'tabs'²⁹ were being kept on Ysgol Gyfun Rhydfelen by the WJEC but limited to GCSE.

Mr Carter felt this action would generally be known by WJEC officers within the examination department

- (ii) That year the scene from 'Equus' was performed at GCSE involving a pupil simulating orgasm on the back of another pupil who was acting the part of the horse^{29a}.

1990

- (i) The WJEC drama subject officer, Mr Carter brought GCSE scripts to Mr Evans, who decided they were "unacceptable for examination purposes". They contained "references to sex and/or swearing and the WJEC felt they could not be tolerated."³⁰ Mr Evans says he recognised the material was a child protection concern and that was one of his reasons for rejecting it. He telephoned the Headteacher of Ysgol Gyfun Rhydfelen, Mr Jones. The teacher at the school in charge of examinations, Mr Gwyn Pritchard Jones, said the school could not accept the position of the WJEC who had no right to interfere with the curriculum³¹
- (ii) Mr Evans wrote to the school on 23 April 1990, informing it that the nature of many of the texts was inappropriate for study and performance, that the WJEC's intention was to review current procedures and issue guidelines and asked for an estimated mark for the practical, based on the practical work done over the two years³²
- (iii) Following the letter a meeting was held between Mr Gwyn Pritchard Jones, Mr Peter Davies, Head of Drama at Ysgol Gyfun Rhydfelen and Mr Carter. A note was made of that meeting by Mr Pritchard Jones some months later in January 1991 (no explanation was given at my Inquiry as to why the note was made at such a late stage), which says the WJEC was "adamant on no account should the examiner allow the children to perform these excerpts which were unacceptable. These excerpts contained references to sex and/or swearing and the WJEC felt they could not be tolerated"³³. Mr Pritchard Jones was unaware of the WJEC concerns in 1988. He said that if he had been aware he may have taken different steps
- (iv) Following that meeting a separate meeting was held between Mr Edwards, Chief 'A' Level Drama Examiner, Mr Mel Jones and Mr Carter. Mr Edwards said that the talk was general about policy in respect of sexual content and swearing and not specifically about any complaints to do with material at Ysgol Gyfun Rhydfelen³⁴. Again there was a failure in basic information sharing
- (v) A WJEC sub-committee was set up and agreed a circular should be sent

to schools and a sentence be inserted in future syllabuses saying “in selecting pieces for performance in both the practical test and the practical performance, due regard must be given to the appropriateness of the material and the age and maturity of the candidate”³⁵

- (vi) As with all the other complaints no referral was made to social services and previous complainants were not contacted.

1991

- (i) The two letters of complaint were received from Mrs Phillips including the song accepted by all witnesses as obscene.

15.18 It is incredible that despite the history of concerns raised by its own examiners and officers, the WJEC did nothing when faced with the complaints of Mrs Phillips and the two scripts. Each and every WJEC officer and examiner who gave evidence at my Inquiry said they had no knowledge of the letters from Mrs Phillips and were appalled at the song and the script. The Examinations Secretary at the time, Mr Mel Jones, was shocked at the WJEC response.

15.19 I heard evidence as to how welfare concerns with respects to thousands of children had been addressed by the WJEC. This only begs the questions why weren't these very serious allegations dealt with effectively by the WJEC in 1991? Why wasn't Mr Edwards ever spoken to? Why wasn't there an internal investigation? Why wasn't everything of relevance which the WJEC had in 1991 shared with the local education authority, social services and the police? The WJEC accepted its shortcomings, but did not offer any explanation. I suggest it apologises to Mrs Phillips for the dismissive way it dealt with her serious complaints in 1991.

The Current Situation in the WJEC

15.20 From 1986 to 1991 officers of the WJEC were under an obligation to report to the subject panel or examination committee. I did not see any evidence that the serious concerns raised repeatedly by the examiners and by Mrs Phillips about Ysgol Gyfun Rhydfelen were reported. Furthermore I consider that the receipt of Mrs Phillips' letters, particularly against the background of media coverage and police involvement in 1991 were such as to require a report to have been made to the highest level within the WJEC. There is no evidence that it was and, of course, the WJEC did not share the information which it had with the police.

15.21 An Area Child Protection Strategy meeting was held in May 2002, following allegations made by former pupils of Ysgol Gyfun Rhydfelen that they

performed a naked dance in front of the Chief 'A' Level Drama Examiner, Mr Emyr Edwards, during an 'A' level practical.

15.22 I considered the evidence in respect of the dance which was performed during an 'A' Level practical and I conclude that the dance took place but that the boys involved were partly clothed. I reach my conclusion bearing in mind the statement that Pupil V gave to the teachers at Ysgol Gyfun Rhydfelen in 1991 in which he said "myself and pupil D had to do a dance and we had to do the dance in our pants and in one of the rehearsals we had to do the dance naked." I regard that near contemporaneous statement as being highly likely to be accurate.

15.23 The WJEC gave an undertaking that Mr Edwards would not conduct practical examinations prior to the completion of the police investigation. I was told that as there were no practical 'A' level drama examinations in May, June and July 2002 the WJEC decided there was no need to inform Mr Edwards. When there was no criminal prosecution the WJEC decided not to inform Mr Edwards of the issue at all.

This is entirely inappropriate. The absence of a criminal prosecution must never determine the outcome of a child protection investigation or disciplinary proceedings or indeed, as with the WJEC, replace them. Once again an internal WJEC investigation did not take place into serious allegations and Mr Edwards was not spoken to by the WJEC.

15.24 Police investigations focus on establishing whether a criminal offence may have been committed. The Crown Prosecution Service needs to be satisfied that there is enough evidence to provide a realistic prospect of obtaining a conviction bearing in mind the criminal standard of proof. An employer's or any other internal investigation is not governed by the criminal law and evidence should be considered on the balance of probabilities. This not only helps to protect children but is the universal approach in all employment and other contractual matters.

15.25 I endorse the recommendation (20) of Sir Ronald Waterhouse in his report 'Lost in Care' that:

"any disciplinary proceedings that are necessary following a complaint of abuse to a child should be conducted with the greatest possible expedition and should not automatically await the outcome of parallel investigations by the police or the report on any other investigation. In this context it should be emphasised to personnel departments and other persons responsible for the conduct of disciplinary proceedings within local authorities that;

- a) police or any other independent investigation does not determine disciplinary issues;
- b) disciplinary proceedings may well involve wider issues than whether a crime has been committed;
- c) the standard of proof in disciplinary proceedings is different from that in criminal proceedings; and
- d) statements made to the police by potential witnesses in disciplinary proceedings, including statements by a complainant, can and should be made available to local authorities for use in such proceedings, if consent to this is given by the maker of the statement”.

Currently the WJEC’s internal disciplinary procedures do not apply to examiners who are not regarded as their employees albeit that they appear to be their agents as a matter of law for whose acts and omissions the WJEC might be liable.

Recommendation

15.26 I recommend that the WJEC urgently review its internal disciplinary procedures and its contracts with external examiners and ensure that recommendation 20 of Sir Ronald Waterhouse’s report ‘Lost in Care’ is incorporated within 6 months of the publication of this report.

15.27 It was suggested by the Crown Prosecution Service that children performing live on stage naked or performing obscene or indecent acts in front of an adult audience on private premises does not fit neatly into any criminal offence currently on the statute books in Wales and England.

For example the Theatres Act 1968 is intended primarily to protect members of the public from obscene performances rather than the participants. The Sexual Offences Act 2003 covers the causing or inciting of a child to engage in sexual activity. It is unclear how witnessing a live performance whether public, domestic, private or for commercial purposes would be prosecuted. This is in contrast to the laws regulating the downloading of child pornography on the internet, the possession of indecent photographs of children or the viewing and distribution of cinematic material.

An extension to the offences of voyeurism created by section 67 Sexual Offences Act 2003 might be a simple and appropriate way of dealing with what seems to be a lacuna in this area.

I will be asking the Law Commission to explore this area of the law with a view to safeguarding the welfare of children.

- 15.28 Mr Edwards resigned from the WJEC at my Inquiry on 21 February 2003. His reasons included the inaction of the WJEC upon Mrs Phillips' complaints in 1991; that he was not given an opportunity to clear his name at the time; and because of the lapse of time, he had no recollection of the practical examination in question.

I would have recommended that in spite of Mr Edwards' resignation the WJEC consider all the evidence in the context of his suitability to continue examining in accordance with its internal procedures, but I do not do so on the basis of his age, his resignation, the public ordeal he has already undergone and the lapse of time.

- 15.29 Incredibly at the commencement of my Inquiry the WJEC still had no child protection policies or safe working with children policies and had no policy of informing social services about any inappropriate incidents in drama examinations. The WJEC informed me that all Awarding Bodies are in exactly the same situation.
- 15.30 On 19 February 2003 the WJEC produced at my Inquiry a paper called 'Safe working with children, guidance for visiting examiners/moderators GCE'. It was the WJEC's first guidance to examiners on child protection. It was prepared by Mr Parker, a personnel officer and a drama officer. There was no consultation with examiners, social services or experts in child protection. The WJEC legal representative said he thought it had been prepared as a result of the publicity of my Inquiry!³⁶ It appeared to be and may well have been purely window dressing. I find this paper inadequate.

Recommendations

- 15.31 **I recommend that the WJEC draw up detailed child protection guidance, policies and procedures for examiners and its employees and ensures that appropriate training is provided within 6 months of the publication of this report. The policy and procedures should include reference to the following:**
- (i) the National Assembly for Wales Guidance 'Working Together to Safeguard Children' and to the All Wales Child Protection Procedures**
 - (ii) referral to social services and the police**

- (iii) sharing information**
- (iv) recording and storage of information of child protection concerns**
- (v) the need for and remit of a designated child protection coordinator role**
- (vi) child protection training**
- (vii) interrelationship between child protection investigations and disciplinary procedures**
- (viii) monitoring and review of arrangements**
- (ix) rotation of examiners**

15.32 I recommend that the Welsh Assembly Government, in partnership with the DfES, ACCAC and the equivalent qualifying curriculum and assessment authorities in Scotland, Northern Ireland and England, consider the role of examining bodies across the UK with regard to child protection arrangements within 12 months of the publication of this report.

15.33 The WJEC in its closing submissions outlined changes implemented or proposed to be implemented since the commencement of my Inquiry. These included raising syllabus guidance and safe working with children policies with the Joint Council for Qualifications and dedicating one member of staff as the child protection officer who, following training, will take an overarching view of any child protection issue that might arise. I welcome these developments.

15.34 The WJEC at the end of its closing submissions said that any steps taken by them would only be of limited assistance and primary responsibility for child protection must rest with the schools themselves. I say to the WJEC that we all bear an equal responsibility for the protection of our children and young people. The WJEC must appreciate that even a body which only deals with children directly periodically may nonetheless become seized of information of crucial value in a child protection context, as it did as explained elsewhere, between about 1985 and 1991.

15.35 During and after my Inquiry I have seen no evidence that the WJEC's Board of Directors was informed of the long and disturbing history of involvement in this matter. I am worried about that state of affairs if it was indeed the case.

Conclusions

- 15.36 The WJEC is the largest examining body operating in Wales with elected representatives from every local authority on the Board. The evidence before me shows that from about 1985 to 2003 there was corporately a complete lack of understanding of its child protection duties.
- 15.37 I found the WJEC's attitude towards child protection procedures and policies complacent and dangerous. Most worrying is that even now few lessons seemed to have been really learnt.
- 15.38 Repeatedly there were windows of opportunity for the WJEC to raise serious concerns with outside child protection agencies and perhaps prevent abuse. Its focus on censorship and the need for the examinations to go ahead and its basic lack of awareness of child protection and the need to share information resulted in these opportunities being missed.
- 15.39 Time and again complaints were raised by examiners, Ms Rees, Mr Burnell, Mrs Clarke, Ms Carys Tudor Williams and Mr Roberts. These experienced professionals agonised over making their complaints and they were treated shabbily. It is obvious that each complaint should have been thoroughly investigated and a conclusion reached and the results made available for future reference in the context of child protection. All complaints needed to end up before the same set of eyes. They did not.
- 15.40 As with the police and to some extent the local education authority my Inquiry was hampered by the WJEC not retaining its records. Those documents which survived were supplied to me by Mrs Phillips, Mr Jeffreys, acting Headteacher at Ysgol Gyfun Rhydfelen in 1991, UCAC and Rhondda Cynon Taf County Borough Council. Other information became available through the investigations of my Inquiry Team.
- 15.41 It is vital that information about complaints or incidents which may involve any child protection issues, however minor, are retained for long periods and stored together. It is very well known that child abusers may operate over decades. We also know that often children who are abused reach adulthood before they are empowered to make people listen. When seeking to protect children records of potential abusers' behaviour amassed by different people may be invaluable. Contemporaneous documentary evidence is vital in establishing the truth.
- 15.42 Within the WJEC 'A' level and GCSE departments operated and still operate separately, even though the departments are headed by the same subject officer. It is elementary that where there are concerns about the same school

which involve the same teachers and ultimately impact upon many of the same children, clear information should be shared between departments.

15.43 Evidence before me showed that GCSE drama examiners rotated around schools and the material submitted to the WJEC was seen by a number of examiners. In contrast 'A' Level drama was examined by the same examiner throughout the relevant period and centres dealt with this examiner directly about the content of the examination. This poses inherent risks and I recommend this practice is revised.

15.44 Ysgol Gyfun Rhydfelen regularly submitted scripts late to the WJEC. This had the effect of inhibiting the WJEC in challenging the suitability of the material. This is covered by my recommendation 15.52. It ought of course to have had no effect on action being taken when unsuitable material was actually performed and indeed examiners did act appropriately in such circumstances.

15.45 There was a difference of opinion between the examiners and officers as to what was suitable for children to perform in examination. There was however a wealth of evidence that by any acceptable standard unsuitable material was performed in WJEC GCSE and 'A' level examinations at Ysgol Gyfun Rhydfelen between about 1985 and 1991.

15.46 I heard evidence of the WJEC's reluctance to be seen as censors. WJEC Chief Examiner, Mrs Clarke, who has extensive experience in the field of drama and child protection said to my Inquiry

"I couldn't give a monkeys about censorship. Children have a right to be protected and this overrides everything in my view. There must have been children there desperately uncomfortable for part of it. Children aren't in a position to say I don't want to do it. It's a clear abuse of a teacher's position"³⁷. I concur with that view.

15.47 Young adults described how it felt being required to act this material when they were schoolchildren:

"you had to deny yourself the feelings of being ashamed, of being uncomfortable"³⁸

15.48 Some went on to become professional actors and say they were never required to act such scenes as adults.

15.49 We should bear in mind what one young person who was strong enough to say no, at great personal cost, said in 1991

"we are only schoolchildren"³⁹.

- 15.50 It is clear to me that Mr Owen used drama as a vehicle for improper activity with children. One way he achieved this was by the consistent introduction of sexual themes into texts, practicals and practical examinations. I deal more fully with the direct effect of this on the children in Chapter 20: The Children of Ysgol Gyfun Rhydfelen.
- 15.51 Drama, like sport, is a field which can greatly enrich children's lives and their experiences, enhance their confidence and give them opportunities. By its very nature, the topics which are explored, the acting out of sensitive emotions and feelings, the trust and closeness between teachers and pupils, drama has the potential to leave children vulnerable to abuse. Organisations involved in sport have recognised this and have produced comprehensive policies and procedures to protect children and workers alike. Similar work must now be carried out in Wales to protect children and young people in drama and the performing arts.

Recommendation

- 15.52 **I recommend that the Welsh Assembly Government, in partnership with the DfES, ACCAC and the equivalent qualifying curriculum and assessment authorities in Scotland, Northern Ireland and England, consider the way in which drama is taught and examined in schools and further education colleges, with the aim of producing practice guidance within 2 years of the publication of this report that will include consideration of the following issues:**
- (i) selection of appropriate drama texts in education and examinations**
 - (ii) adult participation in school drama and drama practical examinations**
 - (iii) safe teaching of drama, in particular the teacher's role in pupil improvisation and method acting**
 - (iv) venues and timings for drama examinations and rehearsals**
 - (v) video recording of children and young people in drama rehearsals and practical examinations and the need to obtain parental consent**
 - (vi) the practice of involving younger pupils in drama practical examinations of older pupils**
 - (vii) monitoring and sanctions in relation to the late submission of scripts for practical examination to examining boards**

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- (viii) express guidance relating to sexual content and language, intimate physical contact and nudity in drama practical examinations and lessons**
 - (ix) the duties of schools and college management in monitoring the implementation and observance of guidance.**

Chapter 16

After Ysgol Gyfun Rhydfelen

- 16.1 Following Mr Owen's resignation and during his suspension from Ysgol Gyfun Rhydfelen he continued to have contact with pupils from the school. He gave home tuition to Pupil J', the pupil who Pupil G had told Mr Matthews, Mr Jeffreys and Mr Davies that Mr Owen was allegedly having a "full blown man and wife job" relationship with.
- 16.2 He also continued to teach Pupil G and other children from the school². It appears that no measures were taken by the local education authority to prevent Mr Owen's continuing contact with pupils.
- 16.3 In April 1991 Mr Owen was one of the production team who rehearsed and staged a Welsh version of the musical 'Godspell' which toured Wales between the 6-13 April 1991 with the Urdd Gobaith Cymru, the Welsh Language Youth Movement. Some twenty young people and a production team of seven were involved in the tour³.
- 16.4 In May 1991, the month after Mr Owen's employment ceased in Ysgol Gyfun Rhydfelen, he produced and directed a rock musical which was staged at the Urdd National Eisteddfod in Taff Ely. Rehearsals took place over several months and involved eighty pupils from Welsh medium secondary schools in the area⁴. Mr Matthews was the District Education Officer in Taff Ely and had seen all the evidence against Mr Owen.
- 16.5 At the Urdd National Eisteddfod in Taff Ely, Pupil J performed in 'Cwlwm' which was directed by Mr Owen. Pupil J said Mr Owen had unlimited contact with him and he alleged that abuse occurred during that time⁵.
- 16.6 The Urdd National Eisteddfod Director met with Mr Owen after he became aware of his resignation from Ysgol Gyfun Rhydfelen and was assured by Mr Owen there was nothing to be concerned about⁶.
- 16.7 The Urdd National Eisteddfod Executive Committee also considered Mr Owen's position at a meeting in 1991 and it was decided that in the absence of any detailed accusations, it would be unfair to take any action⁷.
- 16.8 The Urdd National Eisteddfod Director at the time does not recall receiving any communication about Mr Owen from the local education authority. Mid Glamorgan County Council provided substantial grant aid and support for the Urdd National Eisteddfod and had been involved in planning it for two years⁸.

- 16.9 There is contemporaneous written evidence that Mr Roberts was aware that Mr Owen was with the Urdd⁹ in a telephone note for the Director of Education which says “spoke to Mr Owen’s Solicitor...unable to contact Mr Owen before Thursday away with the Urdd” (note dated 8 April 1991).
- 16.10 If charges had been formulated against Mr Owen then it would still have been possible to proceed towards an outcome which would have placed his name on List 99 (Annexe 3) even if he had attempted to resign. This should have had consequences in relation to Mr Owen thereafter attempting to work with children in the voluntary sector.
- 16.11 Where an investigation is forestalled or inconclusive or not such as to require a disciplinary outcome, but raised a child protection concern, there is no existing guidance, policy or procedure that requires recording it on the staff members’ file. Consequently, there may be several complaint investigations that do not result in any recordings being made on the staff members’ file. The consequences of this state of affairs are rendered potentially more serious if the member of staff concerned takes up employment in another local education authority or with an alternative employer, or is involved in the voluntary sector, working with children. I have recommended at 14.66 that the task group consider the recording of investigations on the files of teaching and non teaching staff.
- 16.12 Mr Owen was able to continue working with children with ease despite serious allegations of abuse having been made against him by children at Ysgol Gyfun Rhydfelen and a detailed report by the senior staff at the school, given to Mr Matthews, which stated, in their opinion, there was a case to answer. Mr Owen continued to work with children
- (i) in his home while suspended,
 - (ii) at the Urdd Gobaith Cymru while suspended and following his resignation and
 - (iii) in schools in Wales recruiting children for the television series ‘Pam Fi Duw?’, which he wrote and in the television series itself, which was filmed in a school in the Rhondda.

Guidance is urgently needed as to how much information can be shared in circumstances where an individual has been the subject of allegations of child abuse but no findings have been made in respect of their conduct. This guidance should consider information sharing with the voluntary sector and indeed any body for whom the individual is working, either in a voluntary or paid capacity, or proposes to work with children. Where allegations have been proved the need for comprehensive information sharing is obvious.

Recommendation

- 16.13 I recommend that the Welsh Assembly Government issue guidance, within 12 months of the publication of this report, as to what information can be shared where there are allegations of child abuse whether or not findings have been made. Such guidance should include what information can be shared with the voluntary sector and any other body through which the individual has or may have access to children.**

Chapter 17

'Pam Fi Duw ?'

- 17.1 Mr Owen went on to write 'Pam Fi Duw?' one of the most successful television series produced in Wales in the Welsh language. It was based on his novel of the same name and was centred in a fictional school and acted by children recruited from across Wales. There were six series in all. The first was filmed in 1996, the last, which was not broadcast, in 2001.
- 17.2 The series was filmed in Ysgol y Cymer in the Rhondda with children aged from 10 upwards. The Headteacher of Ysgol y Cymer, Mrs Eirlys Pritchard Jones, knew Mr Owen. She had previously been a Deputy Headteacher in Ysgol Gyfun Rhydfelen and had challenged him on occasions about his bullying behaviour towards pupils in the school. She was also the teacher who 'Aunty Peggy' and Mrs Evans went to in 1983 with the allegation about Pupil B being on Mr Owen's knee in a state of undress (see Chapter 10: Early Warnings).
- 17.3 Mrs Pritchard Jones says she knew when Mr Owen left Ysgol Gyfun Rhydfelen in 1991 that it was serious, "I gathered from a variety of sources that there was a sexual nature to the allegations against John. I knew that it related to the way he treated children, and I had always had misgivings about the bullying"¹.
- 17.4 Mrs Pritchard Jones believed she had no authority to prevent any filming at Ysgol Y Cymer. She says she advised the producers, Mr Geraint Morris and Mr Brian Roberts, to clear it with Mid Glamorgan County Council². Mr Morris is now deceased and Mr Roberts has no recollection of this conversation. I find she may have hinted about her misgivings but she did not give any detailed information to Mr Morris or Mr Roberts due to there not having been a conviction or findings of fact within the disciplinary process.³ Mrs Pritchard Jones agreed, when asked by her legal representative, that she had only heard rumours but Mid Glamorgan County Council had the benefit of information⁴.
- 17.5 For whatever reason the information about the serious allegations of child abuse against Mr Owen were not shared with HTV or S4C or the producers of 'Pam Fi Duw?' by the local education authority even though they had knowledge and were in possession of the children's and teachers' allegations and the series was to be filmed in one of their schools. I doubt if filming would have gone ahead or continued if details of the allegations had been shared.
- 17.6 There was no evidence produced at my Inquiry that any of the children who performed in 'Pam Fi Duw?' had been abused.

- 17.7 Mr Owen started as the writer of 'Pam Fi Duw?', although his role went beyond that normally expected of a writer. He was on the set every day and was very active in directing⁵. From the beginning "he was much more than a script writer, he was there coaching the child or young person with their acting...and surrounding himself with a circle of young people"⁶.
- 17.8 As time progressed he became the director as well as the writer and in the words of one crew member "It was a completely unique situation, there is no other series that I know of where one person retains as much control over the output of that series"⁷.
- 17.9 Casting involved Mr Owen going around schools with the producer giving half day workshops on a Saturday for hundreds of children⁸.
- 17.10 I heard evidence about Mr Owen's relationship with child actors and his colleagues from a number of witnesses directly concerned in the production of 'Pam Fi Duw?' All witnesses impressed me with their desire to improve practice in the media to safeguard children.

They described Mr Owen:

- (i) Mr. Owen had a fantastic rapport with the children⁹
 - (ii) He liked to have total control ¹⁰
 - (iii) He had a clique of children, there was an element of adoration and being scared of him¹¹
 - (iv) Children were a mixture of being scared of him and idolising him¹²
 - (v) He could change a scene in 10 minutes, the skills were marvellous¹³
 - (vi) Children were drawn to him, he was totally charismatic¹⁴.
- 17.11 I heard of good practice were at the beginning of a series parents were invited by the producer to see a rehearsal and were given an information sheet about what would be happening, for how long and where to go if there was a problem. This practice could be improved by informing children in writing of who they can go to in confidence if they have any worries.
- 17.12 I also heard allegations of incidents which caused me concern:
- (i) Mr Owen stayed at a hotel in the Rhondda for 60 days at his own expense at the same time as children and young people from the cast were staying there¹⁵

- (ii) Children having late nights in Mr Owen's hotel room¹⁶
- (iii) A photograph of one of the boy actors "lying down, naked from the waist down on a table with a candle sticking out of his bum, John Owen and all the kids around him" being passed around the production crew¹⁷
- (iv) Mr Owen "drove one child member of the cast up to Cwrt y Cadno in his car alone"¹⁸
- (v) Allegations of sexual harassment by a male colleague¹⁹
- (vi) Extremely vulgar in front of children, constantly talking about sexual things and jokes²⁰
- (vii) Big bully but the kids wanted to please him all the time²¹
- (viii) A scene where a 16 year old was filmed fully naked, when the script did not require him to be naked, only Mr Owen, the camera man and focus puller were present, the first assistant director was told to leave²²
- (ix) Bad language, he used the "F" and all that in front of the children²³
- (x) Could be very harsh, not just with young people, with all of us. I was bullied, we were all bullied²⁴.

17.13 I heard evidence from former pupils of Ysgol Gyfun Rhydfelen who had alleged abuse in 1991 and witnessed Mr Owen with the child actors in 'Pam Fi Duw?'

- (i) "Children were...saying how much of a wonderful man he was and how he was one of us...it was just everything I was so familiar with in the school, because that was one of the most attractive things about him...he made you feel equal and I could see this was happening again, which worried me, that they had the same opinion that we did of him"²⁵
- (ii) "It worried me he (Mr Owen) was on his own (in his house rehearsing) with a youngster (14 or 15) in a professional set up...it reminded me of how uncomfortable I used to feel working with him when I was a kid"²⁶.

17.14 I heard evidence from former pupils of Ysgol Gyfun Rhydfelen who later alleged abuse and witnessed Mr Owen with children in 'Pam Fi Duw?'

- (i) I was horrified. Loads of kids used to go around to his house"²⁷
- (ii) A boy actor didn't want to hang around in Mr Owen's house. He was told "his part would be made smaller"²⁸

- (iii) “The cliques. There was the whole cult around John Owen. There was...an inner circle of children, who were kept close and some were excluded and may be weren’t so special...you didn’t want to cross him and you didn’t want to move from the inner circle to the outer circle. You know I saw it again. This kind of atmosphere. It was as though he’d built his own fantasy Rhydfelen”²⁹.

The Police Investigation and Child Protection Procedures in the Media

- 17.15 Ms Susan Jeffries (the producer of series 4, 5, 6 of ‘Pam Fi Duw?’) became aware that the police were investigating Mr Owen in May 2001, three weeks before shooting the final series of ‘Pam Fi Duw?’. Ms Jeffries was told by management at HTV and S4C “to carry on exactly as before...to carry on exactly as if nothing had happened”³⁰. She was aware that the nature of the allegations related to sexual abuse³¹.
- 17.16 In a school setting or a workplace where a person has contact with children and is being investigated by the police for allegations of child abuse a risk assessment is undertaken by professionals, information is shared and a decision is made whether to:
 - (i) neutrally suspend the person during the police investigation or
 - (ii) continue working with additional safeguards to protect the children or
 - (iii) continue working as before.
- 17.17 Ms Jeffries said the approach was that Mr Owen was innocent until proven guilty and it was fairer to carry on as before until they knew exactly what was happening. A formal risk assessment does not appear to have been undertaken. No additional safeguards were put in place to protect the children.
- 17.18 I believe this reflects the lack of child protection training, policies and procedures in the media in general. I found there were no formal guidelines about child protection, safe working with children or a designated person with training in child protection to receive any child protection or child welfare concerns. Obviously these measures are essential particularly in series such as ‘Pam Fi Duw?’ where the majority of the cast are children or young people.
- 17.19 There was an openness and willingness by those witnesses from the media who gave evidence to my Inquiry to introduce best practice in child protection into

their working environment. Many referred to the requirement to do a health and safety course before signing any contract to do a programme and thought it was a good idea to take a course in child protection at the same time³².

17.20 Mr Owen was arrested on 13 September 2001³³. He was suspended on full pay and Ms Jeffries took over his role as director.

17.21 The police suggested Ms Jeffries write a letter to the children telling them if they wanted to come forward to go directly to the police or to Ms Jeffries³⁴.

Guide to the Children (Performances) Regulations 1968 issued under the Children and Young Persons Act 1963

17.22 The law which regulates children's performances is summarised in the Guide to the Children (Performances) Regulations 1968 issued under the Children and Young Persons Act 1963. The basic aim of the regulations is to safeguard the health, welfare and education of children who take part in performances. The law requires, amongst other measures, that licences are acquired for children to perform and chaperones are provided.

Chaperones

17.23 In Wales chaperones are not registered either nationally or locally, they are not licensed, inspected or police checked and are not required to have training in child protection. There is nothing to prevent anybody unsuitable being used today somewhere in Wales as a chaperone³⁵.

17.24 In practice their role focuses on taking care of the practical arrangements for children such as bringing them from their homes, making sure they eat, get breaks and do not work too many hours. Chaperones will accompany children if they need to stay overnight. There is no express reference in the Regulations to a duty to protect children from emotional, physical or sexual abuse.

17.25 Mr Brian Roberts, who was the producer of the first three series of 'Pam Fi Duw?', previously worked in London including as an associate producer on the 'Lion, the Witch and the Wardrobe'. He was surprised how arrangements for working with children were free and easy in Wales compared with London³⁶.

17.26 Ms Jeffries, the producer of the last three series of 'Pam Fi Duw?' told me that chaperones are chosen by reliance on word of mouth or reputation or "because they were teachers...chaperones are difficult to find and you have to go on personal recommendation"³⁷.

- 17.27 I heard no evidence that the lack of formal registration and inspection of chaperones has led to abuse, but I am of the opinion that regulating chaperones would be a safeguard from abuse. The Regulations define a matron (chaperone) “as a person approved by the licensing authority to exercise care and control of the child or children who are to be in her charge.”³⁸ The evidence before me leads me to conclude that such considered approval is not common in Wales, whereas it should be universal.
- 17.28 Mrs Moyra Owen was the chaperone in the first three series of ‘Pam Fi Duw?’. She had many years experience in the role and was of the opinion children would benefit if the Regulations were reviewed. In her 23 years as a chaperone she had never received any training and her knowledge of the law regulating children working in the media and her duties was gained from a summary provided by her husband who was a director³⁹.
- 17.29 The Regulations require a chaperone to be responsible for not more than 12 children. This is supposed to be the upper limit but in practice I heard it was the norm. Mrs Owen described the difficulties in chaperoning so many children “some could be on set and some outside-where do you go?”⁴⁰.
- 17.30 Though the Regulations refer to a child who is 16 and still in full time education requiring a chaperone, I heard evidence that once a child reaches 16 they are treated as professional adults, as members of Equity. It appears the amount of care they receive depends on the individual producer. Ms Jeffries felt that young people between the ages of 16-18 can still need looking after and she made similar practical arrangements for them as for the younger children in ‘Pam Fi Duw?’⁴¹. At the very least, I am of the opinion that young people in the 16-18 age group should have a nominated person who is responsible for their welfare.
- 17.31 Evidence was given that chaperones would be unlikely to intervene if they disapproved of a scene or part of a scene. Currently chaperones do not see the script but I consider that sight of a copy may assist them in their role.
- 17.32 Another difficulty referred to by Mrs Owen is that chaperones are expected in some ways to police their employer⁴².

Licensing Arrangements

- 17.33 Children aged 16 and in full time education need a licence from their local education authority to perform. The Regulations set out in detail how the production company should apply to the child’s local education authority and the role of that authority.

- 17.34 The experience of the crew of ‘Pam Fi Duw?’ was “I never felt the authorities showed an interest in the licences - it was something they had to do and I must admit...it was nuisance for us and the purpose of the licence was purely to release them from education...it is all to do with hours worked and whether there was any night work to be done and how long travelling to and from work”⁴³.
- 17.35 Mr Brian Roberts felt the licensing arrangements needed to be reconsidered because “they protect children working long hours but do not address the threat of sexual, emotional or physical abuse”⁴⁴.
- 17.36 The Regulations were drafted when there were considerably less production companies and at a time when there was less awareness of the need to protect children from abuse. I find the Regulations and the practice of local education authorities inadequate in the child protection context in the following ways:
- (i) The only name which appears on the application for the licence is the producer on behalf of whatever company is producing the TV programme, yet the producer may have the least contact with the children
 - (ii) There is no requirement on the part of a production company to provide a list of those who will be on site or have direct contact with the children in the production
 - (iii) There is no requirement for criminal records bureau checks on people involved in productions where child actors participate, even when, as in ‘Pam Fi Duw?’, the majority of the cast are children who may be working with the crew over a number of years. Local education authorities have no power to require criminal record bureau checks to be carried out
 - (iv) There is also no requirement to give the local education authorities information about the nature of the material children and young people will be asked to perform. No local education authority ever asked for details of precisely what a child would be doing on ‘Pam Fi Duw?’⁴⁵
 - (v) I heard no evidence that local education authorities in Wales inspected sets following the issuing of a licence. Mrs Owen, a chaperone, had never seen an inspector in 21 years. Mr Roberts, the producer, when working on ‘The Lion, the Witch and the Wardrobe’ in London, said HMI and the two county councils who issued the licenses inspected. He felt this was “a good thing for all of us. We didn’t know when checks were going to happen”. His experience in Wales was “we didn’t have anybody at all. Nobody ever visited in the whole 3 years of ‘Pam Fi Duw?’”⁴⁶. Detailed requirements to keep records of the hours children worked were complied with on ‘Pam Fi Duw?’, yet they were never inspected by a local authority⁴⁷

- (vi) The Headteacher of a child actor's school is informed by the local education authority a licence has been granted but is not consulted in advance about views as to the possible impact on the child⁴⁸. The Regulations anticipated a much more proactive role by the local education authority to liaise with the Headteacher and only to grant a licence if the child's education would not suffer. I heard this does not happen in practice
- (vii) The Regulations say 'if a child has to live away from home or the place where he usually lives, he may only live in a place approved by the local authority in the area in which he is to perform'. Ms Jeffries confirmed this did not happen in practice and Rhondda Cynon Taf County Borough Council never gave approval for the children to stay in a hotel in the Rhondda and would not have known unless expressly informed by the producer⁴⁹
- (viii) Regulations do not require a list of those members of the crew who will be staying with the children when they are away from home
- (ix) Once a young person reaches 16 there is an inconsistency between local authorities in Wales. Some insist they have a licence if still in full time education and some do not⁵⁰
- (x) I am not aware that local education authorities are inspected to ensure they are fulfilling their current duties and responsibilities under the Regulations
- (xi) There is no requirement for production companies to have child protection policies or procedures or a designated person with child protection training before a licence is issued
- (xii) Practice varies as to whether a child's working hours are regarded as including travel to and from their accommodation.

17.37 In order to safeguard the welfare of children in Wales when performing in television or the media, the law and the practice needs to be reviewed and considered afresh in the light of the knowledge we have gained of child abuse and child protection in the thirty years since the Regulations came in to force.

Recommendations

17.38 **All sections of the media in Wales incorporate into their current systems effective child protection policies, procedures and training and nominate a designated person to receive and consider any concerns. Child protection**

procedures to include good practice in relation to risk assessment and disciplinary procedures where allegations are made of child abuse, in particular to incorporate Recommendation (20) of Sir Ronald Waterhouse's report 'Lost In Care', within 12 months of the publication of this report.

- 17.39 Each local education authority retain a register of chaperones whose registration is conditional upon them being criminal records bureau checked, having satisfactory references, basic child protection training and knowledge of their legal duties and responsibilities, within 12 months of the publication of this report.**
- 17.40 The Welsh Assembly Government review the Children (Performances) Regulations 1968 and the guidance thereto so as to address the weaknesses outlined in my report in the current arrangements for safeguarding the welfare of children in Wales when performing in television or other media, within 12 months of the publication of this report.**
- 17.41 Local education authorities to be issued with guidance by the Welsh Assembly Government on best practice to fulfil their current duties and responsibilities under the Children (Performances) Regulations 1968 within 6 months of the publication of this report.**

Chapter 18

Rhondda Cynon Taff Area Child Protection Committee – Serious Case Review

- 18.1 Rhondda Cynon Taff Area Child Protection Committee (ACPC) made a decision on 14 December 2001 to conduct a serious case review into the allegations of sexual abuse made by young people against Mr Owen. This decision was made after I had announced my intention to conduct a Public Inquiry in November 2001.
- 18.2 The purpose of conducting a case review is to establish whether there are lessons to be learned about the way in which professionals work together to safeguard children¹.
- 18.3 ACPC functions and responsibilities in case reviews are to “consider whether a review should be conducted where a child has been subjected to particularly serious sexual abuse and the case gives rise to concerns about inter-agency working to protect children”².
- 18.4 The Terms of Reference for the Rhondda Cynon Taff ACPC case review were :
- (i) whether the child protection or other relevant procedures in operation during 1974 to 1991 were followed
 - (ii) whether the case suggests an urgent need to review and where necessary amend or change current procedures
 - (iii) to determine any action by Rhondda Cynon Taff ACPC to ensure any lessons are acted upon³.

I find that they have all been addressed and relevant and necessary recommendations made.

- 18.5 Rhondda Cynon Taff ACPC established a serious cases review panel with membership from the local education authority, social services (children and young people division) and the South Wales Police.
- 18.6 Each statutory authority conducted an internal review into their responses to the allegations made by young people against Mr Owen. The review reports were received by a serious cases review panel and an independent professional, with expertise in child protection, was commissioned to write the overview report. This report analysed the individual reports and made recommendations.

- 18.7 The author of the overview report was not involved in the review group from the outset. She comments that she had to work with:

“written communication without the benefit of regular information from the interagency deliberations of the review group. This could have led to a reduction in the information received and meant the review group did not use the independent observations of an external party in the early stages of the review”⁴.

- 18.8 The report gives examples of concerns raised by the WJEC with the school in 1988 and 1990 about the scripts being performed in examinations and how there appeared to be no follow up to these concerns⁵. I am surprised the reports did not recommend that the ACPC make contact with the WJEC to establish whether the child protection procedures and policies within that agency were adequate. These are matters that I deal with in Chapter 15: Welsh Joint Education Committee.

- 18.9 The report identifies difficulties in trying to establish the detail of what had occurred due to the destruction of records. This forms the basis for several key recommendations⁶.

- 18.10 The report states that the 1990 Mid Glamorgan ACPC child protection procedures and the child abuse procedures for education:

“were inappropriate...incongruent with the need for clear interagency working and clear procedures when dealing with allegations against professionals. It is a grave error and probably set the tone for the way in which matters proceeded”⁷.

It goes on to say that the introduction of new procedures in Mid Glamorgan County Council may not have been effectively conveyed to schools⁸. There is now a clear expectation that ACPCs take responsibility to monitor the effective implementation of child protection procedures.

- 18.11 The overview report states that the individual review reports were unable to determine how, why and when the police became involved⁹. It does not explore why the police, having received allegations about Mr Owen, did not seek to involve social services.

- 18.12 It identifies that some members of staff within the school already had concerns about Mr Owen, but felt unable to take these forward until pupils made a complaint. The report goes on to say that the child protection procedures of 1990 did not advise how they could do this¹⁰. Although this is identified as a sensitive area, the overview report does not discuss it further. Reference should

have been made to the Rhondda Cynon Taf County Borough Council whistleblowing policies and procedures. I make recommendations about whistleblowing in Chapter 11: The Staff of Ysgol Gyfun Rhydfelen.

- 18.13 In total the overview report makes recommendations to Rhondda Cynon Taff ACPC, Rhondda Cynon Taf County Borough Council and the All Wales Child Protection Review Group. These have helped inform my recommendations in this chapter. I make my recommendations to the chairs of each individual ACPC as I understand it is their responsibility to ensure implementation.
- 18.14 Recommendation one states: “Within six months of publication of this report members of Rhondda Cynon Taff ACPC should review all existing procedures relating to ‘Allegations against Professionals’ to establish clear responses when dealing with allegations. Policies, procedures and practice should be unambiguous, realistic and should not conflict with local or national agency procedures.”¹¹
- 18.15 I am aware that the Welsh Assembly Government are currently reviewing and revising previous guidance and their department of education and lifelong learning is developing similar guidance relating to allegations of abuse against school staff. In the interim period, before these two documents are issued, I endorse the above recommendation.

Recommendation

- 18.16 **I recommend that the chairs of all ACPCs in Wales review existing procedures relating to Allegations Against Professionals to establish clear responses when dealing with such allegations within 6 months of publication of this report. Policies, procedures and practice should be unambiguous, realistic and should not conflict with local or national agency procedures.**
- 18.17 Recommendation two states: “All agencies represented on Rhondda Cynon Taff ACPC should review the methods and timescales that their agency has for retention and storage of documentation which may be relevant to allegations made against an adult whose employment gives them access to children. These timescales for the retention of documents should be included in Rhondda Cynon Taff Area Child Protection Procedures”¹². I endorse this recommendation.
- 18.18 Recommendation three states: “All agencies represented on the Rhondda Cynon Taff ACPC should ensure that any policy, procedure or guidance documentation relating to child protection should clearly state:

- (i) date of publication
- (ii) author of documentation
- (iii) previous documentation that the new documentation supersedes.

As new documentation is introduced agencies should have a clear procedure which means staff get rid of old policies and use what is current”¹³ and “Rhondda Cynon Taff Area Child Protection Committee should agree a policy and procedure to store and archive old documentation related to child protection policies, procedures and practice”¹⁴. I endorse this recommendation.

Recommendation

- 18.19 **I recommend that the chairs of all ACPCs ensure that all agencies represented on their ACPCs establish within 6 months of the publication of this report that any policy, procedure or guidance documentation relating to child protection should clearly states:**

- (i) date of publication**
- (ii) author of documentation**
- (iii) previous documentation that the new documentation supersedes**

As new documentation is introduced agencies should have a clear procedure for the storage and archiving of old policies ensuring that staff use those which are current.

- 18.20 Recommendation four states: “If the Rhondda Cynon Taff ACPC has to undertake another serious case review the independent writer for the overview report should be commissioned to participate in the review group meetings”¹⁵. I endorse this recommendation.

Recommendation

- 18.21 **I recommend to chairs of ACPCs that if a serious case review is undertaken the independent writer for the overview report should participate in the review group meetings.**

- 18.22 Recommendation five states: ”the ACPC should produce an action plan to address, implement and evaluate the recommendations made in the overview report”¹⁶. I shall

be requesting sight of the Rhondda Cynon Taff ACPC Action Plan and will monitor the implementation of the recommendations made in the overview report.

18.23 Recommendation six states: “To prevent possible offenders from evading any possible disciplinary action the Education Service should:

- (i) ensure that when the Welsh Assembly publishes the revised Welsh Assembly Government Staff Disciplinary Procedures there is an agreed process and timescale for the dissemination and training to all schools and Governing Bodies in relation to these procedures¹⁷
- (ii) agree and distribute clear guidance which governing bodies could adopt if a member of staff is believed to have resigned to avoid disciplinary action”¹⁸.

I make recommendations about Disciplinary Procedures in Chapter 14: The Governors of Ysgol Gyfun Rhydfelen, that would substantially change the current system.

18.24 Recommendation seven states: “In order to be sure that education personnel have child protection training that is relevant to their role and responsibilities the council should:

- (i) establish and maintain a centrally held database relating to all schools stating the name of the designated liaison teacher for child protection, the level of training undertaken and the dates on which these occurred¹⁹
- (ii) develop and implement an action plan to ensure that all staff employed within education and children’s services who are in direct contact with children and young people and those personnel with a policy/management role, in relation to schools and the education service are trained in child protection commensurate with their duties²⁰
- (iii) carry out an audit of all schools in Rhondda Cynon Taf to identify the nominated governor for child protection. Once this information is established a programme should be put in place to ensure that nominated governors have the opportunity to attend relevant child protection training, which includes allegations against teaching and non teaching staff. In addition, an opportunity to attend relevant child protection training should be made available to all school governors”²¹.

I endorse this recommendation, and make reference to the nature of training that should be provided to teachers, in Chapter 11: The Staff of Ysgol Gyfun Rhydfelen.

Recommendation

18.25 I recommend that all Chief Executives and Directors of Education in Wales or their equivalents within 3 months of the publication of this report:

- (i) establish and maintain an authority wide database relating to all schools, stating the name of the designated liaison teacher for child protection, the level of training undertaken and the dates on which training was given**
- (ii) develop and implement an action plan to ensure that all staff employed within education and children's services who are in direct contact with children and young people and those personnel with a policy/management role in relation to schools and the education service, are trained in child protection as appropriate to their duties**
- (iii) carry out an audit of all schools to identify the nominated governor for child protection. Once this information is established, a programme should be put in place to ensure that nominated governors have the opportunity to attend child protection training to include training in dealing with allegations against teaching and non-teaching staff. In addition, an opportunity to attend child protection training should be made available to all governors.**

18.26 Recommendation eight is to review pastoral support systems within schools and to consider introducing an advocacy scheme. I have made relevant recommendations in Chapter 20: The Children of Ysgol Gyfun Rhydfelen²².

18.27 Recommendation nine states: "A Child Protection Co-ordinator be appointed with specific responsibilities relating to schools, in order to increase the capacity of the local education authority to support and develop school related child protection issues"²³. I endorse this recommendation.

Recommendation

18.28 I recommend that all Chief Executives and Directors of Education in Wales or their equivalents appoint a child protection coordinator within 6 months of the publication of this report with a specific responsibility for schools, to increase the capacity of local authorities to support and develop school related child protection issues.

- 18.29 Recommendation ten was made to the All Wales Child Protection Review Group to give “Consideration...to expand the section on record keeping (2.1.5) in the All Wales Child Protection Procedures. The addition should give guidance on the retention and storage of documents with a mutually agreed timescale. This should allow for cases to be reviewed historically”²⁴.

This recommendation enlarges upon the second recommendation which I have already endorsed at 18.17 and I recommend its implementation to the current chairs of all ACPCs in Wales.

Recommendation

- 18.30 **I recommend that ACPC chairs ensure that the All Wales Child Protection Procedures are amended within 6 months of the publication of this report to give guidance on the retention and storage of documents which would allow for cases to be reviewed as appropriate over a long period.**

Chapter 19

The Children's Parents

- 19.1 Parents and carers are self-evidently major potential protectors of children and young people, in all settings, including school.
- 19.2 Parents and carers are also entitled to expect that schools and education staff will duly and conscientiously discharge their obligations under a 'duty of care' when involved in school-related activities of any sort.
- 19.3 The school setting is of particular significance in this regard. Every day, tens of thousands of parents and carers send their children to schools across Wales, trusting that they will be properly cared for and protected, as well as educated.
- 19.4 This general trust in the relevant authorities' capacity and willingness to protect is not, however, unconditional. If children are at particular risk in school-based activities, parents and carers have a right and natural wish to know of it and to have access to mechanisms enabling them to intervene. There is also a powerful argument that if there is material tending to show that their children may have been abused that material must be disclosed to parents.
- 19.5 It is clear that parents of pupils at Ysgol Gyfun Rhydfelen, in the years up to and including 1991, had neither full knowledge of what Mr Owen was doing to their children, or of events suggesting what he was doing. It is further alleged that there were no effective mechanisms in place for parents to intervene.

I examine these matters below.

What Parents Knew

- 19.6 It is clear that the former children who now allege serious abuse by Mr Owen did not share their concerns with their parents at the time. (Although they said enough to some teachers for mechanisms to be triggered that merited more thorough and sustained examination by the local education authority. It is a common concern of parents and carers that children only rarely confide in them in cases of even the most serious sexual abuse. Whilst parents often criticise themselves in cases where the abuse is eventually uncovered, this is only rarely justified and I found no examples of criticisable behaviour by parents in my investigation. Children do not disclose to parents for a whole variety of reasons and that is the case in all types of families however constituted, however good the relationship between them and their parents (see Chapter 3: Mr John Arwyn Owen, Chapter 10: Early Warnings and Chapter 20: The Children of Ysgol Gyfun Rhydfelen).

- 19.7 Children are also often unclear that what is taking place is abuse and are therefore unlikely to report it as such to parents. Nonetheless, many parents expressed the sentiment put so succinctly by one "I would have liked my son to be able to come to me and say this did happen, because we have had a very good relationship"¹.
- 19.8 In the case of Mr Owen in the period in question, most parents were given little reason to doubt his motives in dealings with their children.
- 19.9 Mr Owen presented to them as "a man who had such charisma about him"² someone who "really was doing a wonderful job in all ways"³.
- 19.10 Like many of the children, parents thought Mr Owen was more senior in the school than he was "I've learned here that Owen was not the Head of Drama. That absolutely amazed me. I thought he was 'God Almighty' in that drama department. He certainly acted like it"⁴.
- 19.11 His prominence in the school and community was described by another "the only teacher I have ever known the name of from Rhydfelen was John Owen"⁵.
- 19.12 Mr Owen befriended the parents of certain children who were later to allege very serious abuse. He crossed the boundaries normally in place between parents and teachers. In these cases "it didn't take long for it to become John and X as opposed to Mr Owen and Mr X"⁶.
- 19.13 Mr Owen established a close relationship with these parents so that "Rhydfelen School and the drama department, they played a large part in our social lives."⁷ One described how her husband "did a lot of work for John. He did his garden, he used to help out doing set work"⁸.
- 19.14 Two such parents described how Mr Owen would visit their homes regularly⁹ and one described how they would go on trips to theatres and eisteddfodau with Mr Owen and their son "quite a lot"¹⁰. Against this background, it was a small step to accepting Mr Owen taking children on trips alone with him "as I felt comfortable with him going with John, I let him go"¹¹.
- 19.15 Mr Owen was seen by parents as successful, pupils involved in his dramas were winning prizes. In his dealings with parents of pupils now alleging serious abuse, Mr Owen emphasised the abilities and potential prospects of the pupil concerned "John impressed me that my son had a talent that shone a little more than the others"¹².
- 19.16 This 'special talent' helped justify special treatment, by way of one-to-one tuitions and trips "I just put it down to Pupil C being a talented boy and let it go at that"¹³.
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- 19.17 In this way Mr Owen was using a consistent and very plausible explanation for what might otherwise have been seen as unusual and suspicious levels and types of contact with pupils.
- 19.18 Every well-meaning parent wants to think of their child as 'specially talented', just as most pupils want to be so described.
- 19.19 I emphasise that Mr Owen's use of such explanations in no way detracts from the fact that some of the pupils clearly were talented, as their subsequent careers have demonstrated. My purpose here is to show how Mr Owen allayed any suspicions that might otherwise have arisen in the minds of parents.
- 19.20 Mr Owen's efforts to win the trust of parents was largely successful. Despite generally good relationships with their children and varying degrees of opportunity to observe him regularly and closely most parents were unaware of any inappropriate behaviour towards their children. Most were also unaware of the content of drama practicals and even examinations "we were as parents totally unaware of the material that was being used."¹⁴ (I make recommendations in Chapter 15: Welsh Joint Education Committee, to help lessen the likelihood of this reoccurring).
- 19.21 Indeed, the considerable esteem in which Mr Owen was held by parents, including some of children who were subsequently to allege serious abuse by him, is evidenced by the more than twenty who wrote in his support after his resignation was announced.
- I heard evidence that Mr Owen himself was the cause (and on one occasion the real author), of some of these letters of support but the majority appear to have been unsolicited¹⁵.
- 19.22 These letters stand, perhaps, as a caution to us all not to leap to the defence of someone too vigorously when we do not know the evidence.
- 19.23 The authors of the letters of support were very badly let down by the misleading public statements of Mr Roberts and the actions of Mr Matthews set out in Chapter 4: Mr Edwin Roberts and Chapter 5: Mr David Matthews.
- 19.24 Despite all this, some suspicions were aroused in the minds of some of the children's relatives. One parent described how her mother was very suspicious of Mr Owen and in particular told her that "in no circumstances (was Mr Owen to) bring her grandson home in his car"¹⁶ after youth club.
- 19.25 Another parent gave evidence at her discomfort when she was at Mr Owen's home and noticed a poster size photograph of her son prominently displayed

on Mr Owen's living room wall: "I thought, what's that photo of Pupil C doing on the wall? Well, I didn't like it and he said "oh, don't be silly...You know it's just a photograph, who's to know it's Pupil C"¹⁷.

- 19.26 With the exception of matters dealt with in 'Parents Complaints' below, I heard little other evidence of parents being suspicious of Mr Owen's activities. One teacher, however, observed Mr Owen's relationship with parents and found it remarkable "I noticed many parents, well I can only call it simpering, to Mr Owen and I thought, as a teacher "that's odd"...there were a lot of giggles with Mr Owen". The teacher felt it was "quite inappropriate for parents and a teacher...I just didn't understand it"¹⁸.
- 19.27 It is noteworthy that Mr Owen would have found it much more difficult to enjoy such a relationship with parents if the latter had been aware of the drama material he was using and of the concerns raised by examiners with the WJEC. Their ignorance in these matters is a consequence of a failure by others that left them without the information that might have aroused their suspicions and given them the opportunity to protect their children.

There has rightly been a good deal of attention focused in the past upon the importance of agencies sharing information with each other. The importance of sharing information with parents should never again be overlooked.

Parents Complaints

- 19.28 I deal with a complaint made by mother of Pupil T, by letter, to the Headteacher, Mr Jones on 15 July 1988 in Chapter 10: Early Warnings. She was complaining at the treatment of her son who was summarily expelled after calling Mr Owen, among other things, 'a bugger'.
- 19.29 As I have already outlined mother of Pupil T complained in her letter of the subsequent meeting she had with the Headteacher, Mr Jones (9 June 1988) and went on to raise serious concerns about Mr Owen. She did not even receive the courtesy of a reply to her letter.
- 19.30 It is clear to me that a complaint of this gravity should have prompted some form of investigation, and that the parent should have been informed of the progress and outcome.
- 19.31 Mother of Pupil T wrote a further letter to the Director of Education, Mr Roberts, on 18 March 1991, enclosing a copy of her 1988 letter. This was not acknowledged either. Mr Askey wrote on the top of her letter it was not for "inclusion in evidence"¹⁹.

- 19.32 Mother of Pupil T's complaints were therefore neither acknowledged nor acted upon in either 1988 or, perhaps more surprisingly, in 1991.
- 19.33 Another parent, Mrs Phillips, whose tenacity and thoroughness played a key role in events in 1991, wrote a lengthy letter of complaint to the acting Headteacher of Ysgol Gyfun Rhydfelen on 9 January 1991. This letter is dealt with more fully elsewhere in my report. It was written as the result of a conversation between the acting Headteacher Mr Jeffreys and Mrs Phillips during which Mr Jeffreys advised her that "they (complaints) could not be acted upon without a formal complaint from someone outside of the school"²⁰.
- 19.34 This was not an accurate description of circumstances prevailing at the time. As acting Headteacher, Mr Jeffreys, was empowered under LMS to conduct a disciplinary investigation into any relevant matter. Nonetheless Mrs Phillips wrote following a telephone conversation with Mr Jeffreys, starting with these words "Further to our discussion which took place today, Wednesday January 9th, 1991, I wish to lodge a formal complaint"²¹.
- 19.35 Mrs Phillips' letter cited Mr Owen's treatment of her daughter as the primary cause for her complaint but went on to allege:-
- (i) blatant favouritism he exercised to a small select group at the expense of others
 - (ii) explicit sexual overtones he introduced into plays
 - (iii) that revelations coming to light were only the tip of the iceberg.
- 19.36 Mrs Phillips did not receive formal acknowledgement of this her first letter. Her subsequent letter did draw a response from the Chair of Governors telling her that it had been referred to the Director of Education.
- 19.37 Although Mrs Phillips' first letter resulted in the suspension of Mr Owen, she was not given appropriate further information as a consequence of having made a formal complaint. Her second letter produced an initial acknowledgement but again there was no procedure being followed that gave her information about progress of the investigation it had prompted. Her second letter of 4 February 1991 was in response to media reports of Mr Owen's resignation.
- 19.38 Mrs Phillips also sent a letter of complaint to the Secretary of the WJEC on 6 February 1991. Mr Clayton Heycock responded on 21 February 1991 saying he had asked his colleagues in the examinations department to look into it more fully. On 13 March 1991 Mrs Phillips' wrote again. On 15 March 1991, Mr Heycock responded again to Mrs Phillips' first letter. Mr Heycock's response to her second letter was "Thank you for your letter of 13 March, the contents of which have been noted"²².
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- 19.39 Neither the complaints by parent of Pupil T, or those of Mrs Phillips, were considered within a formal complaints procedure by the school, or in Mrs Phillips' case by a similar procedure by the local education authority and WJEC. Neither parent had knowledge of such procedures. A complaints procedure has the advantage of setting out such matters as the routes by which complaints may be made, responsibility for investigation and action, timescales for process and mechanisms by which the complainant is informed of the progress and outcome.
- 19.40 Mrs Phillips' tenacity and fortitude ensured that she did not let matters rest as she struggled to protect her daughter's interest. It is not always going to be the case that a Mrs Phillips is around to do this. Systems for complaint must be available for parents of pupils in schools, they must be fit for purpose and widely known and understood.
- 19.41 Draft regulations were prepared and issued for consultation in 1999 under the 'School Standards and Framework Act 1998'. These regulations were never enacted, but did cover complaint procedures for school governors.
- 19.42 Under the Education Act 2002, all schools are required to have a complaints procedure. In March 2003 the Welsh Assembly Government issued 'Draft Guidance on Procedures for Dealing with Complaints to Governing Bodies'²³. The Education Act 2002 requirement came into force on 1 September 2003, although the Guidance Circular based on the draft referred to above has not yet been issued.
- 19.43 The Draft Guidance on Procedures for Dealing with Complaints to Governing Bodies is comprehensive and detailed and includes advice on handling complaints from parents. It is a welcome initiative and it is proposed by the Welsh Assembly Government that it will be issued as statutory guidance (I recommend elsewhere that the same statutory status be afforded to Welsh Assembly Guidance on 'Complaints Involving Pupils').
- 19.44 I offer the following observations on the Draft Guidance, in the expectation that they will be addressed by the Welsh Assembly Government:
- (i) it makes no explicit mention whatsoever of child protection i.e. how matters should be handled if the complaint from a parent raises concerns about neglect or abuse. This is a serious omission. Although other policies and guidance are in force regarding child protection, my Inquiry has clearly demonstrated the need to make things absolutely explicit. A complaint is a very likely medium for a parent to raise child protection concerns (as Mrs Phillips did in 1991 and thereafter) and the proper procedures to follow should be an integral part of any complaints procedure.

19.45 Senior officials of the relevant local education authority gave evidence to my Inquiry about their confusion about the interrelationship between disciplinary and child protection procedures. I make recommendations elsewhere about that, but wish to ensure that schools complaints' policies and procedures in Wales include clear and unambiguous statutory guidance on what parties involved must do if a complaint raises child protection issues.

Recommendation

19.46 **I recommend that the Welsh Assembly Government's 'Guidance on Procedures for Dealing With Complaints to Governing Bodies' be amended to include clear and unambiguous guidance on the responsibilities of relevant parties if complaints raise child protection concerns.**

19.47 At page 11 paragraph 45 of the Draft Guidance, it is correctly noted that the Local Government Ombudsman does not have a locus for involvement in school complaints. This is so, but it would be helpful to complainants, governing bodies, teachers and pupils to know that the office of the Children's Commissioner for Wales does.

Recommendation

19.48 **I recommend that the Welsh Assembly Government's 'Guidance on Procedures for Dealing With Complaints to Governing Bodies' is amended to make it clear that the Children's Commissioner for Wales has powers, under the Care Standards Act 2000 and the Children's Commissioner for Wales Act 2001, to review complaints procedures in schools and to review individual cases.**

19.49 I remain concerned that Headteachers and school governors are required to act as investigators and to judge matters of fact and consequent actions under the proposed Guidance. My concerns arise from consideration that closely parallel those I have set out in Chapter 14: The Governors of Ysgol Gyfun Rhydfelen where I address disciplinary investigations.

19.50 **The Welsh Assembly Government's 'Guidance on Procedures for Dealing with Complaints to Governing Bodies' shows an awareness of the difficulties in achieving sufficient independence in all stages of the investigative process of a complaint, and in adjudication in schools, especially small schools. I share this concern but remain unconvinced that the remedies proposed will prove practicable and effective. Nonetheless, I feel the arrangements proposed should, amended as I have suggested, be given the**

chance to be tested and therefore that they, together with 'Complaints Involving Pupils' should be issued as statutory guidance without delay, and not later than 1 September 2004.

My office will conduct a Review of these arrangements after they have been in force for 1 year.

Chapter 20

The Children of Ysgol Gyfun Rhydfelen

- 20.1 In this part of my report I examine a number of issues that relate to the children of Ysgol Gyfun Rhydfelen in the years leading up to and including 1991.
- 20.2 For reasons set out in Chapter 2: Findings of Fact, I will not make any individual findings of fact about specific allegations of sexual abuse by Mr Owen.
- 20.3 The general findings of fact at the beginning of my report, together with my consideration of relevant evidence, give a sufficient basis for the conclusions I shall draw.
- 20.4 During the course of my Inquiry, evidence was put before me about the following matters regarding the children of the school that are of primary relevance to my Terms of Reference:
- (i) Mr Owen abused the power inherent in the pupil/teacher relationship
 - (ii) pupils were unclear about how they could complain of abuse by Mr Owen and had little confidence they would be believed if they were to complain
 - (iii) when complaints were made, they were mishandled in that child protection concerns were not acknowledged or perceived, or they were ignored
 - (iv) there was insufficient and inadequate pastoral care at the school
 - (v) the consequences of (iii) and (iv) above were devastating for some of the children concerned
 - (vi) children who did speak of abuse by Mr Owen were given no information about the outcome of the investigation and the general pupil body was kept in similar ignorance
 - (vii) children at the school were given no guidelines on what constituted improper sexual and physical conduct by any adult.

Abuse of Power and Children's Complaints

- 20.5 The evidence of Mr Owen abusing his power as a teacher is overwhelming. This report sets out the ways in which he did this, as did the evidence supporting my general findings of fact.

- 20.6 No former pupil of Ysgol Gyfun Rhydfelen gave evidence of having had an awareness of how they could complain about even the most grossly improper conduct by a teacher.
- 20.7 On each occasion when Mr Owen's behaviour was brought into question, this arose from an adult interpreting reports made by pupils, or by directly witnessing events that caused them concern. The relatively thorough investigation conducted by the senior teachers at the school in late 1990 and early 1991 arose initially from sixth-form pupils asking to give up their 'A' Level drama course. They only 'complained' about Mr Owen's behaviour when questioned further by the staff, (although the police should have been called in immediately).
- 20.8 Other (and often inadequate) investigations of concerns about Mr Owen arose from directly witnessed events, such as the school cook witnessing a child on Mr Owen's knee in a state of undress in November 1983 and WJEC examiners being shocked by the content of drama practicals.
- 20.9 Adult (and particularly professional) vigilance will always be a vital and primary element of child protection and I make several recommendations throughout my report that are designed to improve this.
- 20.10 However, the absence of any clear and understood system whereby children make complaints was one element of a set of circumstances that allowed Mr Owen to behave in the way that he did. As one former pupil said "I think that there should have been something in place whereby we naïve young people should have had the opportunity to...voice our opinion in one way...or concerns"¹.
- 20.11 I believe this to be a reasonable and understated request. Allegations that the children might have made at the time included rape, anal rape, buggery, attempted buggery, indecent assault including oral sex and masturbation and assault. It is a minimal requirement that children understand a clear and effective system by which they may complain of such things in an education setting. The evidence to my Inquiry suggests that this is not the case.
- 20.12 I acknowledge that parents now have rights of complaint through recently established school systems and I make recommendations about these in Chapter 19: The Children's Parents, but I have evidence that at least some children will not want to tell their parents for a number of reasons, some of which I set out below.
- 20.13 I also acknowledge that there may be a range of reasons why children will still not make use of such a system, even if they are being subject to significant abuse (see below). This is not a reason for not having a system for those who may. Indeed, I conclude that the creation of an environment where children are more likely to tell requires that there

be such a system. In the words of one former pupil the number one reason they did not speak out was “I don’t think there was anybody who would have taken us seriously for a start and stand up to him (Mr Owen)”².

- 20.14 The system by which children themselves may make complaints also needs to allow for the fact that it is rare, as evidence before me shows, for children to come out with full allegations immediately. For this reason the right to make a complaint needs to be general and not only confined to direct allegations of abuse or professional misconduct.
- 20.15 This will not only allow children to complain at a level they consider safe, but also help to create an environment in which children understand that the adult world does give them some rights (e.g. not to be abused) and that their complaints will be taken seriously. An environment in which children do not believe any perceived injustice will be dealt with appropriately is not one where they are likely to have confidence that serious matters can be safely shared.
- 20.16 The Welsh Assembly Government has recognised this also and has published a consultation document ‘Procedures for Complaints Involving Pupils’³.
- 20.17 This admirable initiative, with its welcome and explicit basis in the United Nations Convention on the Rights of the Child, sets out proposals for dealing with children’s complaints in all schools in Wales.
- 20.18 If all its elements were adopted by all schools in Wales, then most of the concerns I have raised would be met. However, the Education Act 2002 only allows two elements to be statutory.
- 20.19 This is of concern. Other sections deal with very important matters such as confidentiality, advocacy and good practice and these are not currently intended to be statutory.
- 20.20 The evidence before me shows that on at least one occasion a pupil left Ysgol Gyfun Rhydfelen for another school because of her experience after making a complaint. It is not clear to me, under what is being proposed, whether she would have a clear route to complain in her new school about events in her old.
- 20.21 Also, giving a statutory basis to limited elements of the guidance is likely to result in different schools evolving significantly different procedures. This may be confusing for pupils changing schools, and for children from the same family attending different schools. Teachers moving from school to school may be understandably confused and the effectiveness of the system thereby reduced.

Recommendation

- 20.22 **I recommend that the Welsh Assembly Government takes the necessary steps to ensure that all the proposals within its consultation document ‘Procedures for Complaints involving Pupils’ are placed on a statutory footing.**

From the children and young people’s viewpoint (and also from the viewpoint of teachers, parents and others), a common system for making complaints in schools in Wales is far more likely to gain widespread understanding and acceptance.

- 20.23 I remain concerned that the proposed system still leaves Headteachers and governors with the responsibility for investigation and adjudication in the matter of children’s complaints. As I have said, some of my concerns are similar to those raised in relation to staff discipline and the likely view of the children regarding the independence of the Headteacher and/or governors.

- 20.24 Nonetheless, this Welsh Assembly Government initiative is welcome and I propose that my office will use powers to review these systems one year after their implementation. (This review will form part of the review of the linked guidance to be issued on ‘Procedures for Dealing with Complaints to Governing Bodies’).

Complaints, Information and Outcomes from the Children’s Perspective

- 20.25 I set out in Chapter 11: The Staff of Ysgol Gyfun Rhydfelen, my findings regarding the investigation carried out by senior teachers in Ysgol Gyfun Rhydfelen in January 1991. Most witnesses who were involved as pupils at the time describe this process in favourable terms.

- 20.26 From the children’s perspective, very little further information was forthcoming except for Mr Owen’s suspension. The senior teachers of Ysgol Gyfun Rhydfelen were told by Mr Matthews that they were at no time to discuss matters about the investigation with the pupils – or indeed anyone else (see Chapter 11: The Staff of Ysgol Gyfun Rhydfelen). The Governors were under a similar injunction from Mr Roberts (see Chapter 14: The Governors of Rhydfelen). The children – many of whom displayed considerable courage in telling what they could – were not provided with further information through any formal channels. As one senior teacher said “we shut up like clams”⁴.

- 20.27 Indeed, some children were even placed in the invidious position of having to go on a school trip with Mr Owen after he had been suspended as a result of evidence they had given against him, others attended rehearsals at his home.

- 20.28 Some children also found themselves subject to a tirade from a senior teacher at the school, who accused them in front of other pupils of betraying Mr Owen (see Chapter 13: Mr Peter Davies). Some were also subjected to inappropriate behaviour by another teacher (see Chapter 12: Miss Theda Williams).
- 20.29 The next event, after the children had made statements and after Mr Owen was suspended, was the announcement of his resignation. Pupils appear to have found out about this through a variety of sources, but no reasons were given directly to them. Mr Roberts told the media of the resignation on 25 January 1991. Whilst many pupils were relieved “the great dictator and commander of the school had gone,”⁵ they had no access to what the reasons were.
- 20.30 The actions of Mr Roberts and Mr Matthews in particular helped ensure that there were no ‘findings of fact’ about what the children had alleged and that circumstances therefore arose that amounted to the emergence of two distinct and sometimes very ill informed camps in the governor, teacher and pupil body.
- 20.31 This continued throughout the period of the police investigation and even after Mr Owen had left. One pupil describes his feelings: “I felt let down by the police, the school and the education authorities. There didn’t seem there was anywhere for me to go and I didn’t know what the future had to hold”⁶. Another described the situation left by this unresolved state of affairs in the following terms: “You tend to respect your elders and respect members of staff and the longer this went on the more ashamed I felt and the guiltier I felt and I started thinking that what I had done was very wrong and I started regretting opening my mouth and saying anything”⁷.

Conclusions

- 20.32 It is clear to me that responsibility for the distress and confusion suffered by the children most affected during and after the 1990 and early 1991 investigation lies with the actions and omissions of Mr Roberts and Mr Matthews and the conduct of Mr Davies and Miss Williams who were ignorant of the true position.

It is equally apparent that the absence of any information being given to the children added considerably to the suffering of some children who had been severely sexually abused by Mr Owen.

- 20.33 It is evident that children’s willingness to complain of abuse will be informed, in some degree, by the way in which they see children who have complained being treated.
- 20.34 There are limitations on what can be shared during the course of an investigation and a fair process must of course be followed. However, the

provision of factual information about the process and outcome is both possible and advisable.

Pastoral Care/Emotional Support

- 20.35 Mr Jeffreys was a member of staff at Ysgol Gyfun Rhydfelen for many years and was acting Headteacher at the time of most significance for my Inquiry in late 1990 and early 1991.
- 20.36 Mr Jeffreys said “I was the one responsible for establishing the pastoral system at the school back in 1975 and there was a system of care there where each class teacher was given the time and opportunity to meet one of his class pupils each week”⁸.
- 20.37 Miss Williams, another long-standing member of the school staff, said “The ethos of Ysgol Gyfun Rhydfelen was such that this friendly relationship between staff and pupils was an accepted and valuable part of school life”⁹.
- 20.38 Dr Ellis, another senior teacher said “the school was very proud of the system that we had...there was a great emphasis on all kinds of pastoral care...I felt the system was strong and was quite innovative”¹⁰.
- 20.39 Despite these sincere statements by the staff directly involved, the majority of former pupils who gave evidence gave a very different perspective on the pastoral care at the school. Many directly involved with Mr Owen were simply unaware that there was any system of pastoral care, or that any other children at the school were aware of one.
- 20.40 The term ‘pastoral care’ can cover a variety of types of support for young people in educational settings. This can range from extra-teaching support for studies through to individual counselling on emotional difficulties. There are two elements of ‘pastoral care’ that are of particular relevance to my Inquiry and I shall examine them separately. The first is particularly relevant to child protection and the second more generally to the welfare of children. (There are connections between the two and I shall draw these out where necessary).

The Role of Pastoral Care in Child Protection

- 20.41 In this section of my report I shall consider how pupils felt about making allegations, in part or fully, about Mr Owen in 1990 and 1991.

- 20.42 Some of those now alleging abuse describe how they would not have told any adult what was happening to them¹¹. Another said “I lied to both the police and teachers because I didn’t want anyone to know what he had done to me”¹².
- 20.43 Some pupils were also afraid that if they told of their experiences it would hurt their parents: “I didn’t want to hurt my parents in any way”¹³ and “I didn’t want to hurt my Mum”¹⁴. This wish by children to protect their parents is sometimes a feature of child abuse. It obviously makes it harder for parents to advocate for and support their young. In the context of drama pupils at Ysgol Gyfun Rhydfelen in 1991, it was consistent with Mr Owen’s instructions that what went on in drama practicals was not to be shared with parents. Secrecy is a common element in most abusers’ activities with children.
- 20.44 Some former pupils were more positive about the possibility of revealing abuse if there had been clearly identified staff to whom it could be done. One pupil felt that, although an external psychologist would not have encouraged her to tell, “an independent counsellor”¹⁵ who she already knew might have done. Another expressed the view that they would have been more likely to speak if “there was anybody who would have taken us seriously for a start and stand up to him (Mr Owen)”¹⁶.
- 20.45 Many saw Miss Williams as “the sort of person you could talk to if you had any problems”¹⁷ and some did mention difficulties with Mr Owen to her, or Mr Davies, Head of Drama and Deputy Headteacher Mrs Eirlys Pritchard Jones.
- 20.46 However, pupils felt that Miss Williams and Mr Davies were too close to Mr Owen to be considered as confidantes in the matters of most concern.
- 20.47 When considering what arrangements are most likely to lead to children being willing to report abuse, it is clear that the young people need to know and trust the adult, but that they are less likely to trust adults in position of authority within the school hierarchy.
- 20.48 I conclude that while teachers and schools need to make every effort to provide strong pastoral support, including emotional support, their position of authority over the pupils means that other independent adults need to be available. In this way we will maximise the likelihood of children coming forward.
- 20.49 Doing this is by no means a substitute for adult vigilance, or proper procedures once concerns have been raised. We must build networks of pastoral care that make pupils more likely to reveal abuse, but should not assume that they therefore will.

20.50 I move towards the conclusions of this section with a quote from a former pupil: "It would have been nice for somebody to have said 'I believe you'"¹⁸.

With these aims in mind I therefore recommend:

Recommendation

20.51 **That the Welsh Assembly Government devise a national strategy for the provision of an independent children's counselling service for children and young people in education including provision of appropriate support to children during disciplinary, child protection, complaints and exclusion processes, within 12 months of the publication of this report.**

This national strategy should also consider teachers' pastoral care skills, training and support and the respective roles within pastoral care of teaching staff, counsellors and educational welfare staff.

20.52 I also consider that the input of child psychologists experienced in dealing with abused children would be invaluable in this area.

This recommendation will be of assistance to children and child protection agencies in matters beyond the school environment, as children may reveal concerns of any sort.

20.53 The arrangements I propose will need to be fully integrated with child protection procedures and teachers and independent counsellors will need clear and formal links with the relevant child and adolescent mental health services e.g. child psychotherapy, psychology etc.

These arrangements may also allow for differing levels of confidentiality.

The Role of Pastoral Care in Children's Welfare

20.54 Once the children had made statements to Mr Matthews in 1991, they were offered no significant personal support. One or two acknowledge that individual teachers showed them kindness: "Mr (Roy) Davies pulled me to one side one day and he told me I was brave"¹⁹ but otherwise very little emotional support was made available.

20.55 In 1991 children who had alleged abuse were thereby left in circumstances where other pupils and some teachers shunned them, they were unable to share what had happened to them with their parents and the man they had accused had never been brought to justice, let alone judged. One such pupil describes

how this felt: “I was frightened to go to school, I was terrified, I was very depressed...I became quite reclusive I suppose and introverted and that made me worse”²⁰. Another says of this period “At that time...I felt completely isolated from anybody and everything really, there was like nobody I could trust, nobody I could talk to really”²¹. A third says “At this time I was so low I felt like killing myself. Nobody protected me as I had been promised”²².

- 20.56 The absence of dedicated support for these children is all the more surprising as there was recognition of support needs very early in these events. The report by the senior teachers in January 1991 said of one pupil “unless the injustice she feels is removed, she is likely both to lose her chance of gaining a University placement and be seriously affected psychologically”²³.
- 20.57 I am aware that there are issues in criminal proceedings about the provision of counselling and similar support to child witnesses. Although it may be available in places I am concerned provision is patchy across Wales. There are less issues involved in providing such support during disciplinary proceedings and no impediment to such provision once these are completed.
- 20.58 I recommend elsewhere that disciplinary investigations and hearings become the responsibility of the local authority and independent tribunals respectively.

Children’s Understanding of Abuse

- 20.59 I have heard evidence from a number of former pupils that Mr Owen had so successfully blurred the boundaries of acceptable behaviour that they were unclear which elements were abusive. “I didn’t really think of it as abuse,”²⁴ “I didn’t know whether it was right or wrong...but I did it, I went along with it anyway because he was my mentor”²⁵ and “he used to refer to me as special and I believed I was special to him. I am still finding it hard to accept that it was abuse”²⁶.
- 20.60 Former pupils also gave evidence about some of the things they now feel might have protected them better, “it’s about educating children about if somebody does this to you it’s wrong, it’s not about receiving caring embraces or cwtches, it’s about if somebody tries to touch any part of your genitalia, any part of your private anatomy that you don’t want to be touched then you should say, you should tell somebody”²⁷. Another says “Children need to be aware of their rights. I didn’t know it was abuse”²⁸.
- 20.61 There is considerable agreement that some advice of this sort should be made available to all children as it will help protect them, “if you realised that it is not you that is doing the wrong then you will feel more sort of empowered to say something”²⁹.

- 20.62 I agree with this view, having heard ample evidence of how Mr Owen used drama to exploit children's lack of a clear understanding of what was abuse. I also agree with the difficulty in providing such information and advice in the right way. As two witnesses pointed out: "This is so scary, it is the death of innocence to teach children of these things"³⁰ and "I think it is really difficult to warn children about abuse in school. There is a fine line between protecting children and their losing their innocence. You wouldn't want children to distrust all adults in positions of authority"³¹.
- 20.63 Indeed so. Nonetheless we have to identify that 'fine line' if we are to protect children properly and children are empowered to protect themselves. I am aware of some projects that endeavour to do this in our schools (e.g. NSPCC and ChildLine). The experience of ChildLine is also evidence that at least some children will prefer to share their concerns using the anonymity provided by the telephone and that some will do this who would not avail themselves of any face to face contact.

Recommendations

- 20.64 **I recommend that the Welsh Assembly Government within 3 months of the publication of this report require all school governing bodies to ensure that children are informed in their school of the availability and purpose of relevant services, including ChildLine, the NSPCC Child Protection Helpline, social services, the Children's Commissioner for Wales and advocacy services.**
- 20.65 **I recommend that ACCAC within 12 months of the publication of this report review its Personal and Social Education Framework in light of my report and decide whether changes or additions need to be made.**
- 20.66 The recommendations I have made in this section of my report are intended to enhance the chances of children recognising abuse, complaining of it and being appropriately supported. That they do not exclusively focus on it is a consequence of my understanding that children need a general confidence about their worth, their rights and the support they can expect if we are to hope they will tell us when things really are going badly wrong. It would have been harder for Mr Owen to act in the way that he did if the pupils had the benefit of the resources and systems I am recommending. We may not stop everyone who abuses a position of authority, but we may stop more.
- 20.67 The children of Ysgol Gyfun Rhydfelen were badly let down in the years up to and including 1991. A number of them stood up to Mr Owen at the time (when

even some teachers did not) and many have waited until my Inquiry to tell their full story. We must ensure their courage and fortitude is rewarded. Their actions have helped me to frame recommendations that will improve current child protection systems and thereby further protect children from potential abusers.

Chapter 21

Recommendations

Chapter 9: The Police Investigation

- 21.1 I recommend that in any child protection investigation the wishes and views of the child about the conduct of the interview, including their wishes about the nature of the support they prefer, are always sensitively ascertained and recorded and form part of the interview planning process and that the All Wales Child Protection Procedures are amended accordingly within 12 months of the publication of this report.
- 21.2 I recommend that consideration always be given by the police to informing a child of the outcome of a police investigation, taking great care to explain what has happened and that the All Wales Child Protection Procedures are amended accordingly within 12 months of the publication of this report.

Chapter 11: The Staff of Ysgol Gyfun Rhydfelen

- 21.3 I recommend that the Welsh Assembly Government and the General Teaching Council for Wales and the DfES take steps to ensure that teachers receive specialist input in their professional qualifying training programme about the way in which abusers operate and that the findings of this report form part of that training, this recommendation to be implemented within 2 years of the publication of this report.
- 21.4 I recommend that local education authorities and Area Child Protection Committees consider how induction, in-house and refresher training in child protection can be provided on a regular basis.
- 21.5 I recommend that the Welsh Assembly Government issues guidance within 6 months of the publication of this report which requires the governors of all schools, whether they be community, voluntary aided, voluntary controlled, foundation or independent schools and further education colleges to have a whistleblowing policy in place and that all teachers and non teaching staff are informed as to its operation.
- 21.6 I recommend that, on appointment in any school or further education college in Wales, every teacher and member or non teaching staff should receive written and oral instruction on whistleblowing procedures and how to operate them. This should then be reinforced on a regular basis.

Chapter 14: The Governors of Ysgol Gyfun Rhydfelen

21.7 I recommend that the Welsh Assembly Government issue guidance within 12 months of the publication of this report on how allegations of child abuse made against teaching and non teaching staff should be investigated. The guidance should consider the:

- (i) Joint NEOST /Teacher Union guidance on Education Staff and Child Protection: Staff Facing an Allegation of Abuse
- (ii) Practice Guide to Investigating Allegations of Abuse against a Professional or Carer in Relation to Looked After Children
- (iii) All Wales ACPC Child Protection Procedures.
- (iv) National Assembly for Wales Guidance ‘Working Together to Safeguard Children’.

21.8 I recommend:

- (i) that the responsibility for deciding whether to lay charges and to proceed with an investigation and hearing becomes the responsibility of the local education authority, because of its relationship with teachers, non teaching staff and its membership of the Area Child Protection Committees in Wales
- (ii) where an investigation is commenced, it should be undertaken by a specialist personnel officer of the local authority who should also present the case unless a solicitor or counsel is instructed
- (iii) that four new independent tribunals be established, covering four parts of Wales, chaired by a legally qualified person and having two other members one of whom will be a teachers’ trades union nominee and the other a governor nominee to hear the evidence and to make findings of fact on the balance of probabilities. Those chairing such tribunals to be appointed by a process involving both teachers’ trade unions and the local education authorities.

21.9 I recommend that the Welsh Assembly Government establish a task group within 6 months of the publication of this report, with representatives from all interested parties, charged with bringing forward a set of proposals to implement the recommendation I have made in respect of schools’ disciplinary tribunals. The interested parties should include:

- (i) all teachers’ trade unions

- (ii) governor representatives
- (iii) local education authority officials
- (iv) child protection and legal experts
- (v) children and young people
- (vi) General Teaching Council representatives
- (vii) Welsh Local Government Association
- (viii) police.

Matters to be considered by the task group to include the threshold for referrals, appeals, tribunal rules, the interrelationship with police investigations and the recording of investigations on the files of teaching and non teaching staff.

Chapter 15: Welsh Joint Education Committee

21.10 I recommend that the WJEC urgently review its internal disciplinary procedures and its contracts with external examiners and ensure that recommendation (20) of Sir Ronald Waterhouse's report 'Lost in Care' is incorporated within 6 months of the publication of this report.

21.11 I recommend that the WJEC draw up detailed child protection guidance, policies and procedures for examiners and its employees and ensures that appropriate training is provided within 6 months of the publication of this report. The policy and procedures should include reference to the following:

- (i) the National Assembly for Wales Guidance 'Working Together to Safeguard Children' and to the All Wales Child Protection Procedures
- (ii) referral to social services and the police
- (iii) sharing information
- (iv) recording and storage of information of child protection concerns
- (v) the need for and remit of a designated child protection coordinator role
- (vi) child protection training

- (vii) interrelationship between child protection investigations and disciplinary procedures
- (viii) monitoring and review of arrangements
- (ix) rotation of examiners.

21.12 I recommend that the Welsh Assembly Government, in partnership with the DfES, ACCAC and the equivalent qualifying curriculum and assessment authorities in Scotland, Northern Ireland and England, consider the role of examining bodies across the UK with regard to child protection arrangements within 12 months of the publication of this report.

21.13 I recommend that the Welsh Assembly Government, in partnership with the DfES, ACCAC and the equivalent qualifying curriculum and assessment authorities in Scotland, Northern Ireland and England, consider the way in which drama is taught and examined in schools and further education colleges, with the aim of producing practice guidance within 2 years of the publication of this report that will include consideration of the following issues:

- (i) selection of appropriate drama texts in education and examinations
- (ii) adult participation in school drama and drama practical examinations
- (iii) safe teaching of drama, in particular the teacher's role in pupil improvisation and method acting
- (iv) venues and timings for drama examinations and rehearsals
- (v) video recording of children and young people in drama rehearsals and practical examinations and the need to obtain parental consent
- (vi) the practice of involving younger pupils in drama practical examinations of older pupils
- (vii) monitoring and sanctions in relation to the late submission of scripts for practical examination to examining boards
- (viii) express guidance relating to sexual content and language, intimate physical contact and nudity in drama practical examinations and lessons
- (ix) the duties of schools and college management in monitoring the implementation and observance of guidance.

Chapter 16: After Ysgol Gyfun Rhydfelen

21.14 I recommend that the Welsh Assembly Government issue guidance, within 12 months of the publication of this report, as to what information can be shared where there are allegations of child abuse whether or not findings have been made. Such guidance should include what information can be shared with the voluntary sector and any other body through which the individual has or may have access to children.

Chapter 17: ‘Pam Fi Duw?’

21.15 I recommend that all sections of the media in Wales incorporate into their current systems effective child protection policies, procedures and training and nominate a designated person to receive and consider any concerns. Child protection procedures to include good practice in relation to risk assessment and disciplinary procedures where allegations are made of child abuse, in particular to incorporate recommendation (20) of Sir Ronald Waterhouse’s report ‘Lost In Care’, within 12 months of the publication of this report.

21.16 I recommend each local education authority retain a register of chaperones whose registration is conditional upon them being criminal records bureau checked, having satisfactory references, basic child protection training and knowledge of their legal duties and responsibilities, within 12 months of the publication of this report.

21.17 I recommend the Welsh Assembly Government review the Children (Performances) Regulations 1968 and the guidance thereto so as to address the weaknesses outlined in my report in the current arrangements for safeguarding the welfare of children in Wales when performing in television or other media, within 12 months of the publication of this report.

21.18 I recommend local education authorities to be issued with guidance by the Welsh Assembly Government on best practice to fulfil their current duties and responsibilities under the Children (Performances) Regulations 1968 within 6 months of the publication of this report.

Chapter 18: Rhondda Cynon Taff Area Child Protection Committee Serious Case Review

21.19 I recommend that the chairs of all ACPCs in Wales review existing procedures relating to Allegations Against Professionals to establish clear responses when

dealing with such allegations within 6 months of publication of this report. Policies, procedures and practice should be unambiguous, realistic and should not conflict with local or national agency procedures.

21.20 I recommend that the chairs of all ACPCs ensure that all agencies represented on their ACPCs establish within 6 months of the publication of this report that any policy, procedure or guidance documentation relating to child protection clearly states:

- (i) date of publication
- (ii) author of documentation
- (iii) previous documentation that the new documentation supersedes.

As new documentation is introduced agencies should have a clear procedure for the storage and archiving of old policies ensuring that staff use those which are current.

21.21 I recommend to chairs of ACPCs that if a serious case review is undertaken the independent writer for the overview report should participate in the review group meetings.

21.22 I recommend that all Chief Executives and Directors of Education in Wales or their equivalents within 3 months of the publication of this report:

- (i) establish and maintain an authority wide database relating to all schools, stating the name of the designated liaison teacher for child protection, the level of training undertaken and the dates on which training was given
- (ii) develop and implement an action plan to ensure that all staff employed within education and children's services who are in direct contact with children and young people and those personnel with a policy/management role in relation to schools and the education service, are trained in child protection as appropriate to their duties
- (iii) carry out an audit of all schools to identify the nominated governor for child protection. Once this information is established, a programme should be put in place to ensure that nominated governors have the opportunity to attend child protection training to include training in dealing with allegations against teaching and non teaching staff. In addition, an opportunity to attend child protection training should be made available to all governors.

21.23 I recommend that all Chief Executives and Directors of Education in Wales or their equivalents appoint a child protection coordinator within 6 months of the

publication of this report with a specific responsibility for schools, to increase the capacity of local authorities to support and develop school related child protection issues.

- 21.24 I recommend that ACPC chairs ensure that the All Wales Child Protection Procedures are amended within 6 months of the publication of this report to give guidance on the retention and storage of documents which would allow for cases to be reviewed as appropriate over a long period.

Chapter 19: The Children's Parents

- 21.25 I recommend that the Welsh Assembly Government's 'Guidance on Procedures for Dealing With Complaints to Governing Bodies' be amended to include clear and unambiguous guidance on the responsibilities of relevant parties if complaints raise child protection concerns.
- 21.26 I recommend that the Welsh Assembly Government's 'Guidance on Procedures for Dealing With Complaints to Governing Bodies' is amended to make it clear that the Children's Commissioner for Wales has powers, under the Care Standards Act 2000 and the Children's Commissioner for Wales Act 2001, to review complaints procedures in schools and to review individual cases.
- 21.27 The Welsh Assembly Government's 'Guidance on Procedures for Dealing with Complaints to Governing Bodies' shows an awareness of the difficulties in achieving sufficient independence in all stages of the investigative process of a complaint and in adjudication in schools, especially small schools. I share this concern but remain unconvinced that the remedies proposed will prove practicable and effective. Nonetheless, I feel the arrangements proposed should, amended as I have suggested, be given the chance to be tested and therefore that they, together with 'Complaints Involving Pupils' should be issued as statutory guidance without delay and not later than 1 September 2004.

My office will conduct a Review of these arrangements after they have been in force for 1 year.

Chapter 20: The Children of Ysgol Gyfun Rhydfelen

- 21.28 I recommend that the Welsh Assembly Government takes the necessary steps to ensure that all the proposals within its consultation document 'Procedures for Complaints involving Pupils' are placed on a statutory footing.
- 21.29 I recommend that the Welsh Assembly Government devise a national strategy for the provision of an independent children's counselling service for children

and young people in education including provision of appropriate support to children during disciplinary, child protection, complaints and exclusion processes within 12 months of the publication of this report.

This national strategy should also consider teachers' pastoral care skills, training and support and the respective roles within pastoral care of teaching staff, counsellors and educational welfare staff.

21.30 I recommend that the Welsh Assembly Government within 3 months of the publication of this report require all school governing bodies to ensure that children are informed in their school of the availability and purpose of relevant services, including ChildLine, the NSPCC Child Protection Helpline, social services, the Children's Commissioner for Wales and advocacy services.

21.31 I recommend that ACCAC within 12 months of the publication of this report review its Personal and Social Education Framework in light of my report and decide whether changes or additions need to be made.

Chapter 22

Chronology

CHRONOLOGY

Year	Date	Event	Relevant Chapter of Report
1974	Sept	Mr John Owen was appointed to post of teacher at Ysgol Gyfun Rhydfelen.	Chapter 3
1980 - 1987		During this period some pupils complained to deputy Headteacher, Mrs Pritchard Jones about Mr Owen's bullying. She spoke to him on a number of occasions. He did not accept the criticism and he did not change his behaviour. Mr Owen's bullying of pupils confirmed by Miss Theda Williams, Head of English.	Chapter 10
1981	May	Mr Owen was given senior teacher status.	Chapter 3
1983		Mr Peter Davies appointed Head of Drama at Ysgol Gyfun Rhydfelen aged 23.	Chapter 13
1983		Mrs Mary Evans (parent of pupil at Ysgol Gyfun Rhydfelen) was told by Peggy Newbury – 'Aunty Peggy' (kitchen staff at Ysgol Gyfun Rhydfelen) that she had gone into Mr Owen's room and saw Pupil B in a state of undress sitting on Mr Owen's lap. Aunty Peggy informed Mrs Evans that she had reported the matter to Mrs Eirlys Pritchard Jones.	
		Mrs Pritchard Jones confronted Mr Owen on the matter the same day. He said Pupil B had hurt his back and that he was examining it.	
		Mrs Pritchard Jones informed the Headteacher, Mr Jones. She asked him about the matter again some days later. He assured her that the matter had been dealt with.	
		Mrs Evans followed up the matter with Mrs Pritchard Jones.	Chapter 10

CHRONOLOGY

Year	Date	Event	Relevant Chapter of Report
1983 - 1984		Pupil B stayed frequently overnight at Mr Owen's house with the consent of the Headteacher, Mr Jones. Mrs Pritchard Jones and Miss Theda Williams and other teachers knew. Pupil B's parents were not informed of the earlier incident.	
		Pupil B alleged in 1991 serious sexual assault by Mr Owen at this time.	Chapter 10
1986		Ms Daloni Rees (a WJEC external drama examiner) attended an 'O' level drama practical examination. Shocked to see a pupil naked and simulating sexual intercourse, she halted the exam and demanded to see the Headteacher, Mr Jones. She telephoned the WJEC for guidance and was advised to continue the practical but to put her concerns in a report and they would be dealt with.	
		She did so but received no feedback from the WJEC.	Chapter 10
1987		Mr Edwin Roberts became Director of Education for Mid Glamorgan County Council Local Education Authority.	Chapter 4
1987		Mr Roy Davies became Head of Sixth Form at Ysgol Gyfun Rhydfelen.	Chapter 11
1987	16 Sept	Mr Owen became acting Deputy Headteacher of Ysgol Gyfun Rhydfelen.	Chapter 3

CHRONOLOGY

Year	Date	Event	Relevant Chapter of Report
1987		<p>Mr Malcolm Burnell (WJEC Chief Drama Examiner at GCSE) sat through a GCSE drama examination in Ysgol Gyfun Rhydfelen.</p> <p>He reported unsuitable material to Mr Arthur Parker (WJEC drama subject officer).</p> <p>No action was taken by the WJEC.</p>	Chapter 15
1988		Education Reform Act (Local Management of Schools).	
1988		<p>Ms Carys Tudor Williams (WJEC GCSE drama examiner) complained to Mr Parker about the unsuitable content of a late drama script submitted by Ysgol Gyfun Rhydfelen.</p> <p>Mr Parker informed her that it was too late to take action.</p>	Chapter 15
1988		<p>Mr Burnell and Ms Carol Clarke (WJEC Deputy Chief Drama Examiner at GCSE) brought their concerns over “graphic” GCSE drama material at Ysgol Gyfun Rhydfelen to Mr Parker.</p> <p>Mr Parker said (after consulting a colleague) that the material would be accepted. Mr Burnell and Ms Clarke refused to be involved in the examination process.</p>	Chapter 15

CHRONOLOGY

Year	Date	Event	Relevant Chapter of Report
1988		Mr Gwynn Roberts (WJEC drama examiner) halted a GCSE drama examination at Ysgol Gyfun Rhydfelen because he felt the scripts, which he had received late, were obscene and inappropriate. He had already raised his concerns with the WJEC before examining. Mr Owen berated him, saying Mr Roberts would never examine drama again. Mr Roberts outlined his grave concerns in a report to the WJEC. He received no written reply from the WJEC and was never invited to examine again.	Chapter 15
1988	28 May	Mr Mel Jones (WJEC Examination Secretary) wrote to the Headteacher, Mr Jones, acknowledging candidates had been disturbed by the actions of Mr Roberts and asking for estimated grades for the pupils concerned.	Chapter 15
1988	July (pre-9th)	Pupil T responded to a remonstrance from Mr Owen with "a spate of obscene language". Mr Owen allegedly told Pupil T he was not to return to Ysgol Gyfun Rhydfelen.	Chapter 10
1988	9 July	Mother of Pupil T and her husband summoned to a short meeting in school with Headteacher, Mr Jones, who told them that as a result of the above incident their son, Pupil T, was not to return to the school.	Chapter 10
1988	15 July	Mother of Pupil T wrote to the Headteacher, Mr Jones and school governors expressing her dismay that the Headteacher had not asked for Pupil T's version of events and had already decided to expel Pupil T prior to the meeting on 9 July. No reply was received.	Chapter 10

CHRONOLOGY

Year	Date	Event	Relevant Chapter of Report
1989	31 Aug	Mr Owen reverted back to senior teacher status.	Chapter 3
1990		Mr Owen made Head of Years 2 and 3 at Ysgol Gyfun Rhydfelen.	Chapter 3
1990		Mid Glamorgan ACPC revised child protection procedures introduced.	
1990	April	Local Management of Schools (Education Reform Act 1988) fully introduced by the Mid Glamorgan Local Education Authority.	Chapter 4
1990		Mr Richard Carter (WJEC drama subject officer) brought his concerns about unacceptable GCSE examination scripts at Ysgol Gyfun Rhydfelen to Mr Brian Evans (Senior Assistant Secretary (GCSE)).	Chapter 15
1990	23 April	Mr Evans wrote to Headteacher, Mr Jones, concerned that the nature of many of the drama texts were inappropriate for study and performance by candidates at GCSE level. Mr Evans asked for estimated practical marks for the current students.	Chapter 15

CHRONOLOGY

Year	Date	Event	Relevant Chapter of Report
1990	Summer	Mr Gwyn Pritchard Jones (teacher in charge of examinations at Ysgol Gyfun Rhydfelen) accompanied Mr Peter Davies (Head of Drama at Ysgol Gyfun Rhydfelen) to a meeting at the WJEC offices. Mr Evans and Mr Carter of the WJEC thought that the chosen excerpts for some pupils were unacceptable because of the sexual references and swearing and said on no account were the excerpts to be performed as part of a drama practical examination and the pupils would receive estimated marks. Mr Pritchard Jones was unaware of the earlier concerns raised with the WJEC.	Chapter 15
1990		WJEC sub-committee agreed on a circular to schools and a new sentence was added to the syllabus guidance advising that due regard should be given to the appropriateness of the material and the age and maturity of the candidate.	Chapter 15
1990	Summer	Report of the Mid Glamorgan Advisory Service on Ysgol Gyfun Rhydfelen which failed to raise any concerns over the teaching or management of drama at Ysgol Gyfun Rhydfelen.	Chapter 13
1990	19 Dec	Pupil 4 approached Mr Roy Davies (Head of Sixth Form) and said that she wished to drop 'A' level drama days before her 'A' level practical. Her original explanation included complaints of Mr Owen's bullying attitude and the sexually explicit nature of the drama texts and practicals. Mr Davies informed Miss Ruth Evans (Deputy Headteacher) and they tried (and failed) to get her to change her mind.	Chapter 11

CHRONOLOGY

Year	Date	Event	Relevant Chapter of Report
1990	20 Dec	The following day Pupil 4 returned to Mr Davies and said that she was still determined to give up 'A' level drama. Mr Davies informed Mr Hywel Jeffreys (acting Headteacher).	Chapter 11
1990	20 Dec	Mr Davies spoke to Mr Owen who said that Pupil 4 had not learned her lines for her 'A' level drama practical examination and that it was her decision.	Chapter 11
1990	20 Dec	Mr Davies telephoned Mrs Phillips (Mother of Pupil 4) who said she was prepared to take the matter further.	Chapter 11
1990	21 Dec	The three deputy Headteachers and Mr Roy Davies met to discuss the matter. All felt that the matter should be referred to the Headteacher as soon as Easter term commenced.	Chapter 11
1991	8 Jan	Mr Davies saw Pupil 4 and asked if she had had a change of heart about dropping 'A' level drama. She had not.	Chapter 11

CHRONOLOGY

Year	Date	Event	Relevant Chapter of Report
1991	9 Jan	<p>Pupil U approached Mr Davies and said that he wanted to give up 'A' level drama citing too much emphasis on sex as his main reason and pressure to act out sexual roles about which he gave a detailed account.</p> <p>Mr Davies discussed the matter with Miss Evans and Mr Jeffreys.</p> <p>Mr Jeffreys decided that he, Mr Davies and Miss Evans would take statements from a number of the pupils.</p>	Chapter 11
1991	9 Jan	<p>Miss Evans, Mr Davies and Mr Jeffreys took statements from six pupils: Pupil U, Pupil 4, Pupil V, Pupil D, Pupil 3 and Pupil G.</p> <p>These statements alleged regular nudity in lessons, simulation of and actual performance of sexual acts between pupils and sexual assault by Mr Owen and a 'full blown husband and wife job' between one pupil and Mr Owen as being "common knowledge".</p>	Chapter 5
1991	9 Jan	<p>Mr Jeffries met with Mrs Phillips. He asked her to put her complaint in writing.</p>	Chapter 11

CHRONOLOGY

Year	Date	Event	Relevant Chapter of Report
1991	10 Jan	<p>Formal complaint by Mrs Phillips to Ysgol Gyfun Rhydfelen (received on 10 January written on 9 January)</p> <p>To summarise;</p> <ul style="list-style-type: none"> • Mr Owen's attitude and behaviour and grave concern regarding the wellbeing of certain pupils • because of Mr Owen her daughter had been forced to drop 'A' level Drama • in one year doing 'A' level Drama with Mr Owen her daughter had changed from a happy ambitious career-minded girl to unhappy, moody, depressed and suicidal • pupils had left the sixth form as a direct result of Mr Owen's treatment of them • children suffered psychological damage because of him, he embarrassed, humiliated and destroyed their self confidence • did not treat children equally concentrating his efforts on a chosen few, blatant favouritism • daughter terrified Mr Owen would punish her if she made a fuss • Mr Owen was deliberately and perversely humiliating and embarrassing her daughter • explicit sexual overtones in every aspect of the play • boys were asked to undress in class • these were only the tip of the iceberg. 	Chapter 11
1991	10 Jan	<p>Mr Jeffreys, Miss Evans and Mr Davies conferred and decided to call in Mr David Matthews (the District Education Officer of Mid Glamorgan County Council Local Education Authority).</p> <p>Mr Jeffries telephoned Mr Matthews to request that he come to the school.</p>	Chapter 11
1991	10 Jan	<p>Mr Matthews arrived at Ysgol Gyfun Rhydfelen.</p>	Chapter 5

CHRONOLOGY

Year	Date	Event	Relevant Chapter of Report
1991	11 Jan	<p>Mr Matthews and Mr George Askey (Deputy Director of Education at Mid Glamorgan County Council) met in Ysgol Gyfun Rhydfelen with Mr Jeffreys.</p> <p>Mr Askey instructed Mr Matthews to take over the investigation.</p> <p>The six statements already taken from pupils had been translated for Mr Matthews and passed on to him.</p> <p>Mr Askey telephoned Mr Graham Dunne (assistant education officer in the personnel department of the Mid Glamorgan County Council Local Education Authority) for advice.</p> <p>No referral was made to the Police or social services.</p>	Chapter 5
1991	11-15 Jan	Acting Headteacher and senior teachers told by Mr Matthews not to talk to anyone about the allegations.	
1991	11 Jan	Mr Matthews re-interviewed (in English) Pupil 3, Pupil 4 and Pupil V. The pupils reiterated their original statements.	Chapter 5

CHRONOLOGY

Year	Date	Event	Relevant Chapter of Report
1991	11 Jan	Mr Owen was suspended and advised not to go on school trip with pupils to London. He said he could not accept the advice.	Chapter 11
1991	11 Jan	Mr Peter Davies (Head of Drama) was told of Mr Owen's suspension by him. Mr Peter Davies shouted at and then ejected from the classroom some of the pupils who had made allegations against Mr Owen. Pupil 3 subsequently left Ysgol Gyfun Rhydfelen partly as a result of this incident.	Chapter 13
1991	12-13 Jan	Mr Owen accompanied pupils on a school trip to London. One of the pupils who made serious allegations of sexual abuse against Mr Owen was on the school trip.	Chapter 11
1991	14 Jan	Pupil W gave a written statement to Mr Matthews. This included an allegation of physical assault by Mr Owen and the intent to rape.	Chapter 5
1991	14 Jan	Mr Matthews re-interviewed (in English) Pupil U, Pupil G and Pupil D. The pupils reiterated their original statements.	Chapter 5
1991	15 Jan	Mr Matthews interviewed Pupil 16 and Pupil 17. These statements included allegations of sexual assault by Mr Owen.	Chapter 5

CHRONOLOGY

Year	Date	Event	Relevant Chapter of Report
1991	Jan	<p>Report of Senior Staff of Ysgol Gyfun Rhydfelen</p> <p>Typed statement prepared by acting Headteacher, Mr Jeffreys and signed by him and all the senior teachers, Mr Davies, Miss Evans, Dr Ellis and Mr Pritchard Jones, stating why there was a serious case to answer including</p> <ul style="list-style-type: none"> • Girls being asked to blindfold themselves, lie down on the floor with their legs open and Mr Owen prodded their private parts with a stick • Third and fourth year pupils being asked to dance in the nude and act out homosexual feelings • Pupil 4 asked to remain out of sight and listen to Pupil 3 refusing Mr Owen's suggestion she should touch Pupil D's private parts <p>This report was given to Mr Matthews. It disclosed the commission of criminal offences against children. Mr Matthews did not call in the police.</p>	Chapter 5
1991	15 Jan	Mr Dunne met with two officials of UCAC, Ms Siân Morgan Ellis and Mr Wyn James, in County Hall, Cardiff.	Chapter 6
1991	15 Jan (estimate)	Mr Roberts, Director of Education, telephoned Judge Phillip Richards, Chair of Governors at Ysgol Gyfun Rhydfelen. Mr Roberts said that the local education authority would investigate and that he could not disclose the nature or details of the allegations.	Chapter 14

CHRONOLOGY

Year	Date	Event	Relevant Chapter of Report
1991	16 or 17 Jan	<p>Pupil G went to Mr Owen's house in the evening to rehearse for a play which was to be performed outside of school.</p> <p>Mr Owen had copies of the statements the other pupils had made. Pupil G was confronted with a copy of his statement. He felt intimidated. His statement included allegations of sexual abuse by Mr Owen.</p>	Chapter 12
1991	22 Jan	<p>Minutes of meeting of Governors of Ysgol Gyfun Rhydfelen.</p> <p>Item 26: Mr Matthews explained to the governors that a minimum of 3 members should constitute any sub-committee delegated to resolve disciplinary matters and they needed to select a new sub-committee. There was a case pending and the committee may be required to meet in the near future.</p>	Chapter 14
1991	23 Jan	Mr Roberts, the Director of Education, met with Mr Owen.	Chapter 4

CHRONOLOGY

Year	Date	Event	Relevant Chapter of Report
1991	24 Jan	<p>Letter of resignation written by Mr Owen to Mr Roberts (Director of Education).</p> <p>The letter stated that his resignation would take effect from 30 April 1991.</p> <p>Mr. Roberts annotated the letter with instructions to Mr Dunne</p> <ul style="list-style-type: none"> • accept Mr Owen's resignation with immediate effect but arrange for salary to be paid until 30 April 1991 • complete set of papers to be retained on Mr Owen's file and passed to him • refer to UCAC as he has indicated • suggested Mr Askey reply in Welsh. 	Chapter 4
1991	25 Jan	A meeting with Mr Owen, Ms Siân Morgan Ellis, Mr Dunne and Mr Roberts took place during which Mr Roberts received Mr Owen's resignation.	Chapter 4
1991	25 Jan - 7 Feb	Mr Roberts gave statements to the media saying that Mr Owen had resigned and several letters of support for Mr Owen had been received.	Chapter 4
1991	24 Jan - 1 Feb	Mr Roberts telephoned Judge Richards to tell him that Mr Owen had resigned and that in order for the resignation to go through it was necessary for the school governor's disciplinary sub-committee to accept that Mr Owen should be paid until 30 April 1991 and there should be no disciplinary hearing.	Chapter 14

CHRONOLOGY

Year	Date	Event	Relevant Chapter of Report
1991	29 Jan	<p>Letter from Mr Roberts to Judge Richards, Chair of School Governors, to inform him that Mr Owen's resignation was to take effect from 30 April 1991.</p> <p>Mr Roberts' letter stated that he would accept the resignation immediately so that Mr Owen did not have to return to the school but the salary was to be paid up to 30 April 1991.</p> <p>Mr Roberts asked for confirmation of the agreement of the school governors that Mr Owen would be excused from school for the rest of term and that governors did not insist on subjecting Mr Owen to a disciplinary inquiry.</p>	Chapter 14
1991	24 Jan - 1 Feb	Mr Roberts telephoned Mr Bryant, school governor, to gain his agreement to the proposal outlined above. No meeting of the disciplinary sub-committee was held.	Chapter 14
1991	31 Jan	Mr Owen responded to the allegations against him in a detailed document typed by Miss Williams.	Chapter 12

CHRONOLOGY

Year	Date	Event	Relevant Chapter of Report
1991	1 Feb	Letter from Judge Richards to Mr Roberts confirming agreement to Mr Owen being excused from school for remainder of the term and that the Governors' disciplinary sub-committee did not insist upon an inquiry.	
1991	1 Feb - 31 Mar	Letters of support for Mr Owen received by Mr Roberts. Staff were directed to answer by (undated) memo from Mr Roberts which stated <ul style="list-style-type: none"> • one letter of complaint had been received concerning Mr Owen's teaching methods. • several letters of support had been received • the governors had set up a sub-committee to consider the complaint • Mr Owen had indicated his wish to resign. 	
1991	3 Feb	Letter to Mr Roberts from teachers at Ysgol Gyfun Rhydfelen: Miss Theda Williams (Head of English) Ms Llinos Jones (Head of Lower School) Mr Peter Davies (Head of Drama) Ms Menna Lewis (Year Tutor) which placed on record their complete support for Mr Owen.	Chapter 12

CHRONOLOGY

Year	Date	Event	Relevant Chapter of Report
1991	4 Feb	<p>Letter from Mrs Phillips to Mr Matthews enclosing a script pupils were expected to act at 'A' Level. It raised the following points:</p> <ul style="list-style-type: none"> • Mr Owen was still employed and all evidence should go to the disciplinary sub-committee of the school governors • she was horrified and disgusted at the pornographic language of the 'A' level script and what pupils were actually expected to act out • complained about Mr Peter Davies shouting at those children who spoke up • concerned about Mr Emyr Edwards (WJEC A level examiner) examining pornographic scripts • asked that the WJEC be given a copy of the drama script concerned. <p>Mr Matthews took no action.</p>	
1991	4 Feb	<p>Letter from Mrs Phillips to Judge Richards questioning the actions of the school governors in relation to Mr Owen's resignation and complaining of his teaching methods and materials.</p>	
1991	5 Feb	<p>Report of Mr Edwin Roberts (Director of Education) to the Governors of Ysgol Gyfun Rhydfelefen.</p> <p>The report laid out for the school governing body Mr Roberts' perception of the sequence of events that led to Mr Owen's resignation. It stated:</p> <ul style="list-style-type: none"> • a complaint was received from a parent concerning Mr Owen's teaching methods • letters of support were also received <p>The report was inaccurate, misleading and strongly favoured the acceptance of Mr Owen's resignation.</p>	Chapter 4
1991	6 Feb	<p>Judge Richards telephoned Mr Roberts to discuss Mrs Phillips' letter of complaint of 4 February 1991. Mr Roberts referred to her letter as "a drama script".</p>	Chapter 4

CHRONOLOGY

Year	Date	Event	Relevant Chapter of Report
1991	6 Feb	<p>Letter from Judge Richards to Mr Roberts enclosing a copy of Mrs Phillips' letter of 4 February 1991.</p> <p>This letter was sent to Mr Askey by Mr Roberts with instructions to refer to the County Clerk 'for legal advice'. It was annotated as follows: "there is no great urgency in this – to reach 30 April and resignation date"</p> <p>Mr Roberts never replied to Mrs Phillips.</p>	Chapter 4
1991	6 Feb	<p>Letter from Judge Richards to Mrs Phillips in response to her letter of 4 February 1991. He informed her of his referral of the letter to the Director of Education.</p>	
1991	6 Feb	<p>Mrs Phillips wrote letter of complaint to the WJEC:</p> <ul style="list-style-type: none"> • asking for a thorough investigation • querying the role of Chief Examiner Mr Edwards • enclosing copy of the 'A' level script (which was not performed at 'A' Level) • complaining that her daughter was so sickened by the language and the actions expected that she dropped the subject altogether. 	Chapter 15

CHRONOLOGY

Year	Date	Event	Relevant Chapter of Report
1991	7 Feb	<p>Judge Richards brought Mrs Phillips' letter of 4 February 1991 to the attention of the disciplinary sub-committee.</p> <p>Minutes of meeting of Governors of Ysgol Gyfun Rhydfelen</p> <p>Item 28: Members of the governing body were provided with a statement prepared by the Director of Education concerning the suspension of Mr Owen.</p> <p>Item 29.11: Members discussed the difficulty in even "accepting" the resignation without knowing the content of the case which had been compiled by the authority. Mr Matthews agreed to investigate this matter through the Director of Education.</p>	Chapter 14
1991	21 Feb	<p>Letter from Mr Clayton Haycock, Secretary of WJEC, to Mrs Phillips.</p> <p>He acknowledged receipt of her letter (of 6 February 1991) to the Chair and stated he had asked colleagues in the Examination department to look at the issue more fully.</p>	Chapter 15
1991	22 Feb	<p>Mother of Pupil 3 told Mrs Phillips her daughter was being victimised by Miss Williams. Pupil 4 also told Mrs Phillips she was being victimised by Miss Williams.</p> <p>As a result, Mr Roy Davies arranged for Pupil 4 to only attend school for her 'A' level lessons. Pupil 3 subsequently left Ysgol Gyfun Rhydfelen.</p>	Chapter 12
1991	28 Feb	<p>Letter from Mr Matthews to Mr Roberts expressing the concern felt by the school governors of Ysgol Gyfun Rhydfelen about the lack of information available to them on Mr Owen's resignation.</p> <p>Letter is annotated by Mr Roberts as follows: "Mr Askey – would you please handle this?"</p>	

CHRONOLOGY

Year	Date	Event	Relevant Chapter of Report
1991	8 Mar	<p>Minutes of meeting of Governors of Ysgol Gyfun Rhydfelen</p> <p>Item 13: Meeting of Governing Body 22/01/91 and 07/02/91 – oral report of the Headteacher that he was absent from school at that time and was unaware of the circumstances surrounding Mr Owen's suspension.</p> <p>Item 13.2: To formally request sight of the letters of allegation in this matter in order to fully investigate the procedures in teaching practices in the school, with a view to avoiding any recurrence in future.</p> <p>Governors did not receive the information.</p>	
1991	13 Mar	<p>Letter to the WJEC from Mrs Phillips.</p> <p>Mrs Phillips complained again, enclosing a copy of an obscene song performed as a link piece in an 'A' level examination. She questioned the role of 'A' level examiner, Mr Edwards.</p>	Chapter 15
1991	15 Mar	<p>Letter from WJEC to Mrs Phillips in response to her letter of 6 February 1991. The letter stated that WJEC would set up a sub-committee to prepare guidelines for schools on the selection of work for presentation. The letter contained inaccurate and misleading information.</p>	Chapter 15
1991	15 Mar	<p>Mrs Phillips made contact with the police. The police investigation began around this time.</p>	Chapter 9

CHRONOLOGY

Year	Date	Event	Relevant Chapter of Report
1991	18 Mar	Letter from mother of Pupil T to Mr Roberts. The letter stated that she was very concerned that Mr Owen never be allowed to teach again. She attached a copy of letter she had sent on 15 July 1988 to the Headteacher, Mr Jones, and school governors. Mr Askey annotated her letter instructing “no response or inclusion in evidence”	Chapter 4
1991	21 Mar	Letter from WJEC to Mrs Phillips acknowledging receipt of her letter of 13 March. The WJEC does not investigate her serious complaints.	Chapter 15
1991	22 Mar	Minutes of meeting of Governors of Ysgol Gyfun Rhydfelen Item 48: Mr Owen (i) the oral report of the Chairman to the effect that this matter could not be further discussed as it was currently under investigation by the police (ii) that if the police take no action following their investigations, then governors may give further consideration to the matter and to procedures in such matters.	
1991	22 Mar	Letter from Mr Roberts to Mr Matthews in response to his letter of 28 February 1991 informing him that Mr Roberts was awaiting advice from the County Clerk on proceeding with a disciplinary inquiry following a resignation and parallel with a police investigation. The letter was copied to Judge Richards.	Chapter 4
1991	22 Mar	Mr Roberts wrote to Judge Richards advising him that he was pursuing matters and that “governors’ possible initiatives have been overtaken by police intervention”.	Chapter 4

CHRONOLOGY

Year	Date	Event	Relevant Chapter of Report
1991	26 Mar	Mr Roberts interviewed by Police. He did not request a briefing from his staff, consult with Mr Matthews or take Mrs Phillips' letters with him.	Chapter 4
1991	27 Mar	Mr Matthews sent letters to parents at Ysgol Gyfun Rhydfelen requesting parental consent to share pupils' statements with the police.	
1991	28 Mar	Letter from Mr Askey to Detective Sergeant Thomas enclosing Mr Matthews' statements from pupils.	Chapter 9
1991	6-13 Apr	Mr Owen travelled Wales with Urdd production Godspell, involving some twenty young people.	
1991	Post 30 Apr	Mr Owen continued to have contact with pupils from Ysgol Gyfun Rhydfelen, giving some home tuition.	Chapter 16
1991	May	Mr Owen directed and produced a rock musical at Urdd National Eisteddfod in Taff Ely. Rehearsals took place over several months and involved eighty young people. At the Urdd National Eisteddfod, Mr Owen directed 'Cwllwm'. Pupil J alleged in 2003 that Mr Owen abused him during that time. The Director of the Urdd asked Mr Owen to discuss his resignation and was assured by Mr Owen that there was nothing to be concerned about. Mr Owen's position was raised at the 1991 Eisteddfod Executive Committee. It was decided in the absence of any detailed accusations that it would be unfair to take action. No communication was received from Mid Glamorgan County Council which was providing substantial grant aid to support the Urdd National Eisteddfod and had been involved with planning it for two years.	Chapter 16

CHRONOLOGY

Year	Date	Event	Relevant Chapter of Report
1991	10 May	<p>Detective Inspector Mears informed Mrs Phillips that the Crown Prosecution Service had decided not to proceed with the prosecution of Mr Owen.</p> <p>The police investigation was hampered by the failure of the local education authority to share all the information. The police were not provided with</p> <ul style="list-style-type: none"> • the pupils' statements to the teachers • the notes made by teachers of the children's allegations • the signed report of the acting Headteacher and the senior teachers • the refutation statement prepared by Mr Owen • the handwritten letter in Welsh and English of Pupil J or the typed version • the statement of Mr Roy Davies, teacher, enclosing a note in which Mr Owen said he would lie to the examiner <p>The police were not informed that Mr Owen had seen the children's statements before the police interviews.</p>	Chapter 9
1991	24 May	<p>Letter from Mr Roberts to Judge Richards. The letter stated that the police did not intend to take any action on the complaint received against Mr Owen and since Mr Owen resigned on 30 April there was no further action to be taken by the governors and the matter was closed.</p>	Chapter 4

CHRONOLOGY

Year	Date	Event	Relevant Chapter of Report
1991	14 June	<p>Minutes of meeting of Governors of Ysgol Gyfun Rhydfelen</p> <p>Item 68.1: Following the resignation of Mr Owen an incident had occurred at the school which led to a pupil transfer to Ysgol Gyfun Llanhari and a letter of complaint was received from the parent of the pupil concerned.</p> <p>Item 68.2: That this issue be considered by the disciplinary sub-committee.</p>	
1994		Mr Roberts retired from Mid Glamorgan County Council.	Chapter 4
1996		Filming of first series of ' Pam fi Duw? '. The series was filmed in Ysgol y Cymer in the Rhondda with children aged 10 upwards. Mr Owen was first the writer of the series and then the writer and director.	Chapter 17

CHRONOLOGY

Year	Date	Event	Relevant Chapter of Report
2001	May	Police began another investigation into allegations against Mr Owen. The producer of ' Pam fi Duw? ' was aware of the investigation. She was told by management at HTV and S4C "to continue as before."	Chapter 17
2001	13 Sept	Mr Owen was arrested and charged with serious criminal offences against children, two counts of indecent assault, two of attempted buggery and one of buggery.	Chapter 2
2001	Oct 4	Detective Constable Orrell attended at a caravan in Porthcawl where Mr Owen had been discovered dead.	
2001	Nov	Mr Peter Clarke, the Children's Commissioner for Wales, announced his intention to hold a public examination into the events that led to Mr Owen's resignation from Ysgol Gyfun Rhydfelen.	
2001	14 Dec	Rhondda Cynon Taff Area Child Protection Committee decided to conduct a Serious Care Review into the handling of allegations of sexual abuse made by young people against Mr Owen.	
2002	March	Mr Peter Clarke, the Children's Commissioner for Wales, commenced the Clywch Inquiry.	
2003	June	Rhondda Cynon Taff ACPC Serious Care Review Committee Report and the Overview Report were published.	
2003	Nov	The public hearings of Clywch Inquiry completed.	