

Recommendations

Introduction

Our recommendations are made under clause 13 of the Inquiry's terms of reference:

The Inquiry may make any recommendations it considers appropriate, including as to what happened in the past or to ensure that the factors that allowed the historical abuse to occur do not persist and are not repeated in the future.

There are 19 recommendations which we have grouped under nine broad topics:

- transforming Dilworth governance
- ensuring professional oversight of school performance
- assisting recovery from historical abuse
- maintaining and enhancing student safety
- considering the future direction of the school
- improving school systems
- vetting, supervising, developing and training staff
- supporting students and staff after publication of the Inquiry report
- developing positive external relationships

Transforming Dilworth governance

Recommendation 1:

Reform and revitalise the Dilworth Trust Board

We recommend that Dilworth Trust Board reforms and revitalises its structure and implements change, so its members have the wide variety of governance skills and experience necessary to govern a boarding school of students ranging from primary to secondary level.

A critical reason for the failures to detect, properly respond to, and prevent serious physical and sexual abuse in the decades under review by the Inquiry has been the structure and focus of the Board. The Board is a model devised in 1897 with the objective of growing and managing the financial resources of a trust so a boarding school for boys could be developed and supported. This is a responsibility that most other schools in Aotearoa New Zealand do not have. Managing financial assets and income remains an important duty for the Board, but it needs other skills and resources to manage a school. While we acknowledge the substantial efforts the Board and its chair have made in the last five years, the model remains inadequate for proper governance of Dilworth School.

The Board has lacked a sufficiently experienced educational and welfare focus for most of the period with which the Inquiry has been concerned. A broad variety of characteristics, skills and experience is needed to govern a successful school. These characteristics include cultural diversity and competence reflecting the school's composition, gender diversity, relevant educational knowledge, and, as occurs almost universally in schools in Aotearoa New Zealand, the involvement of parents, whānau or guardians of the students attending the school.

While the Board now has its first Pacific member, with few exceptions it has comprised Pākehā business and professional men. No parent has ever sat on the Board and only two women, one of whom, Isabella Dilworth, was the widow of James Dilworth, the founder of the school. Historically and currently, Board qualifications remain dominated by commercial, financial and asset management skills and experience.

By convention, the Board's membership has been up to 50 percent former students (old boys), and, for many decades, the chair has been an old boy. This focus on past traditions may have prevented or obscured innovation, and instilled, as a guiding force a strong sense of loyalty to the school and the need for protection of the school's reputation. These values have sometimes been unhelpful to Board decision making in the context of a long history of sexual abuse and serious physical violence at the school.

When this history first came to the Board's notice decades ago, a radical culture change was required but not undertaken because the Board members lacked the necessary knowledge and expertise.

Reviewing the structure

A successful review of the Board's structure requires wide consultation, including with the school community, past and present, as well as with legal and educational consultants and advisors. The Trust Deed may need to be amended to achieve what is necessary and court-sanctioned approval obtained, but the goal is to achieve a board that is more diverse, school-focused, attuned to modern educational theory and practice, and representative of the community it serves.

Representation of parents and whānau is vital due to the child protective role they play. We have found that their absence from decision making at all levels is another causative factor in the continuation of the abuse for so long. Because of the school's current composition, whānau Māori and Pacific parent representation is essential. These representatives should have knowledge and connection to their cultures and communities.

Selecting an alternative model

We do not recommend a specific governance model, noting that wide consultation with appropriate experts and the school community is required. However, the new model needs to incorporate the qualities and experience required to manage a substantial asset and financial operation as well as a school with a unique model and history, and entails managing a wide age range of potentially vulnerable students as well as boarding houses. We set out two possible models for consideration.

Model 1 – an integrated model: One possibility for Board consideration is an integrated model with one sub-committee focused on asset and financial management and the other on school governance. The two would be equal in status. In practice, the subcommittees would meet as a whole board to agree or approve a variety of important issues such as changing admission and exclusion criteria, appointing a principal or headmaster, setting the school's strategic direction, determining a hierarchy of financial expenditure, overseeing regular, effective and independent external school oversight, and ensuring compliance with all regulatory policies such as for health and welfare.

Model 2 – a two-board model: Another possibility for Board consideration is a two-board model that allows assets to be managed separately from the school operation and reflects modern school practice. As with model 1, the board would be in two parts. One part would retain the title of Dilworth Trust Board and be responsible for overseeing and managing the trust's assets and finances. The other part, the Dilworth School Board, would oversee and manage school operations. In recognition of their respective expertise, each board would be autonomous and members appropriately remunerated. Responsibilities could be divided in a variety of ways, and we set out our ideas below.

Dilworth School Board: The school board would support the principal and senior management team in all aspects of school management. The headmaster or principal would be a member of the school board. This board would set school priorities and manage progress after consideration of current state or integrated school policy guidelines. With appropriate employment and other expert advice, it would be responsible for student admission,²² exclusion and discipline policies, oversight of staff employment and discipline, and, as needed, liaison with agencies such as the Ministry of Education, the Education Review Office, the Teaching Council, Oranga Tamariki and New Zealand Police.

With the headmaster, the school board would build on and continue to improve the school's staff development policy to ensure it remains coherent and progressive and that the school has the best qualified and experienced teaching and other staff available. It would also be responsible for boarding house operations, all student and staff welfare, health, and safety issues, and, in particular, recognising the potential vulnerability of its student body, would provide the best available pastoral care.

The school board's role and responsibilities would reflect those of state and integrated school boards as appropriate. It would also reflect the best and most effective private school board models. It would apply to the trust board for major financial expenditure and prepare a periodic budget, setting out its income requirements.

To achieve its objectives, the school board needs a diversity of skills and experiences. This would involve a rotating membership to keep a freshness of thinking as well as strong parental representation, with the inclusion of members from a variety of relevant cultural backgrounds with expertise and competencies to ensure a broad skill base.

Consideration should be given to staff and senior student representation. There would be regular elections of members, term limits and a provision for co-option of others to provide the full range of skills. We do not envisage a large school board and acknowledge that achieving the broad representation and diversity considered vital will need work.

To improve the relationship between the school and the Anglican church and to ensure shared objectives for religious teaching and the chaplain's appointment and responsibilities, a representative of the Anglican Church could serve as an advisory member of the school board. It may be that after consultation, a decision is made to create an old boy position on this board to uphold tradition. However, that person should not be given deference over any other board member.

Dilworth Trust Board: The trust board would retain its title to reflect the history of the trust and Mr Dilworth's vision. Its responsibility would remain to protect and provide the asset base and income so the school can function. We recognise that this is a skilled task and that it has been creditably discharged over the 129 years of the school's history.

22 This is currently a Board responsibility under the Trust Deed. However, a school board is better equipped to discharge these responsibilities.

The trust board would continue to acquire and dispose of trust assets, and oversee the maintenance, development and insurance of school buildings and other trust assets in accordance with the trust provisions. It would receive and approve or engage with the school board to determine the need for all school projects requiring substantial financial input. It would periodically set and oversee the income and expenditure for the whole school operation and be responsible for appointing and retaining sufficient staff, including a chief executive or school manager, to service the requirements of both boards. The chief executive or school manager would report to the trust board.

While greater diversity such as that proposed for the school board would be an asset, the focus of the trust board would remain on asset and financial management, and recruitment to the trust board would be from those who have the requisite skills and experience as well as a real interest in ensuring the education of potentially vulnerable children is promoted.

There should be no continuing tradition of old boys having a place on the trust board as of right. The chair should be appointed following a merit-based selection process and hold the position for a fixed term. Refreshment of trust board membership should occur at regular intervals, akin to the practice in other commercial boards and state entities, and the practice of engaging new members using a recruitment agency to avoid the appearance of shoulder-tapping should continue. There would be an upper limit on trust board tenure.

Coordination, trust and respect between the two boards: It is self-evident that a strong relationship of trust and respect between the two boards would be required. While each board would be autonomous and have discrete functions and responsibilities, joint planning for the school's future and coordination of respective obligations would be essential for this model to succeed.

The headmaster, from time to time as required, would report to the trust board. The headmaster's role as a member of the school board would mean that board would have the most regular and detailed reports and advice from the headmaster.

The school board, inevitably, would be more visible to the school community than the trust board and would have the primary role of liaising between the community and governing entities. The trust board would also need to retain close ties to the school community, so it remains relevant and understands the development and other needs of the students as it provides them with the resources required to fulfil the promise of a comprehensive education that equips the students to become good and useful citizens.

The two boards should meet as one entity at regular but not oppressive intervals to discharge their broader and overarching governance duties.

Ensuring professional oversight of school performance

Recommendation 2:

Establish continuous external review and oversight of school performance

We recommend that the Dilworth Trust Board establish a system of continuous external review and oversight of the school's performance with professional and reputable external educational consultants.

We have found the lack of ongoing, robust external oversight was a contributing factor to the continuation of the abuse. Many current and former trustees had not appreciated that Dilworth, in comparison with state and integrated schools, was lightly regulated and that they could not rely on Department of Education or, from 1989, Education Review Office (ERO) reviews to assure themselves all was well in the school.

Decades of hidden abuse, which Dilworth has had to confront and the silence that enabled it, is unlikely to have happened had there been full ERO or equivalent professionally regulated ongoing oversight. The gap in professional accountability was immediately identified by the current headmaster and, on his initiative, steps put in place to ensure he has the professional support and accountability a headmaster needs. However, a permanent mechanism that establishes a regular, robust external review process of the whole of school performance should be put in place. Other private schools routinely do this to ensure professional accountability and standards.

Any review undertaken needs to be binding on the Board in the sense that the advice, criticism and recommendations received must be implemented by the Board. The Board will retain the discretion as to the steps and action needed to give effect to any improvements or changes recommended to it, but it cannot create an accountability structure that allows it to ignore the recommendations. Another option, if that were permissible under the current legislative framework, would be for the school to contract ERO to undertake reviews.

Assisting recovery from historical abuse

Recommendation 3: Collaborate with survivors

We recommend that the Dilworth Trust Board consults widely and collaborates with abused former students and families and whānau of deceased former students who were or are suspected of having been abused, and works with them to identify what steps are needed to supplement the current redress programme and to help them and the wider Dilworth community to heal and move forward.

The Board has an obligation to the students and their parents and whānau who have lost so much as a result of historical failures in the school's governance. Wide consultation and collaboration will enable the Board to gain a full understanding of their views on how best to acknowledge the suffering of former students who were abused physically and sexually at the school or were otherwise traumatised by their experiences while attending the school.

The stages needed for survivors to heal from trauma include the ability to end their silence and tell their stories, and to have accountability and the abuse acknowledged. They need to be confident there is effective collaboration on the best means of making reparation and working together to achieve reconciliation. Dilworth has taken many of these steps, but it will continue to be blighted by the scandal that has engulfed it unless and until it works collaboratively with those abused while in its care to find ways for the Dilworth community to move forward as a unified group.

The process of working together is an opportunity in itself to heal from the trauma and build trust between the Board and survivors.²³ The survivors are the experts, and their views and concerns should be accorded primacy.²⁴ We have been told repeatedly by survivors with whom we have spoken of the mistrust that remains following creation of the redress scheme using an inadequate process of consultation when a collaborative process had been sought. The Board is likely to need expert external assistance to develop a fully trusted collaborative process with survivors.

We note that this year the government has recognised the need for a collaborative approach with survivors when determining redress options for survivors of abuse in care and, while its model is necessarily more elaborate than what is needed here, the concept is similar.²⁵

During our interviews with former students and whānau of deceased students, they told us the redress actions needed in addition to the current Redress Programme.²⁶ These were examples of redress outside what is permitted under the redress programme's terms of reference, and many were of symbolic reparation.

It also ensures the history of a disastrous period is told honestly. It is usually supplementary to financial redress; it does not replace it. Whatever models are decided, the voices of former students and their families and whānau who have been injured by abuse are essential for a successful outcome.

23 The consultant psychologist the Inquiry engaged expressed it this way: "a powerful way of increasing our capacity to cope with trauma, is being part of the solution – rebuilding your city after earthquake or your community after human-caused devastation".

24 Collaboration and consultation are different. The former requires the Board and survivors to work together from the beginning of the process as equally engaged in restoring trust and providing for the needs of survivors. On the survivor side, a group appointed largely by survivors would represent their interests and liaise with all survivors when decisions were needed. Consultation involves the Board alone deciding the process and expected outcomes with its own experts after asking for views from survivors.

25 It has created a survivor-driven design group to determine how to provide redress to survivors. Two co-chairs have been appointed, one of whom is a survivor. A design panel made up of a diverse variety of survivors has been established to produce high-level design proposals for the new system, and an advisory panel that includes survivors has been established to advise on the proposals: Cabinet Appointments and Honours Committee, *Minute of Decision: Redress system design and advisory groups – Appointments*, 3 May 2023.

26 Some told us of the broken relationships between sons and mothers and would like support in healing these relationships. Some would like an opportunity to meet other abused former students in person. Others want to meet and talk directly with the Board. Continuation of the Listening Service would be valuable for many. Some, however, want ongoing alternative therapies, and others want help managing finances and legal advice. Some suggested removing buildings such as the chapel where sexual abuse occurred. Others liked the idea of scholarships named for abused men who had taken their lives or a day each year when victims would be remembered and promises made to protect and nurture each other. Some would like an installation in the grounds that speaks to optimism for the future of the school or a tree with suitable plaques. Others want the names of the boarding houses reviewed to ensure the named person was an appropriate role model, and if not, then the house renamed. Others suggested renaming all the boarding houses to mark a new start for the school, with wide consultation with students, parents, families and whānau, and staff to select names that would restore pride in the school. This was seen as a potentially powerful symbolic statement of a new future without abuse.

Recommendation 4: Heal rifts within the former students' community

We recommend that the Dilworth Trust Board works to improve its relationship with all former students of the school.

Major rifts exist among former students who, as another consequence of the long-standing, suppressed abuse, have responded to the publicity around Operation Beverly in differing ways. Some, particularly those who were not abused and for whom Dilworth provided a platform for a good future, have been fiercely protective of the school's reputation. That group is associated mostly with the Dilworth Old Boys' Association (Association).²⁷ Another group, comprising mostly of students abused at the school, told the Inquiry they needed to form their own support groups as the Association blocked many of them from its webpages and closed down discussion about abuse or criticisms of school.

The perception of those who have been abused, as they reported to the Inquiry, is that the Board is closely aligned with, and has major influence over the Association, so is opposed to some of their statements.²⁸ This is strongly denied by the Board and the Association.

At a time of heightened mistrust in the Board and significant sensitivity, tension and distress in the old boy community, particularly those who have been abused, the Board should take extra care to be, and to be seen to be, even-handed in its relationships with all former students and focus on creating trusting relationships with them.

27 As an example of its dissociation from former students who are survivors of abuse, the Association sent out a newsletter in December 2022 citing old boy events and successes in that year, but failed to acknowledge the scores of abused former students who had been involved in giving evidence throughout the year in relation to the abuse they had suffered. This omission caused considerable distress and hurt in that community.

28 For example, strongly contested allegations have been made about the Board's influence in the ousting of the former association president, reportedly because of his survivor advocacy work.

Maintaining and enhancing student safety

Recommendation 5:

Undertake continuing reviews of child protection and complaints policies and practices

We recommend that the Dilworth Trust Board, on an ongoing basis, maintains and continues to review and implement the suite of child protection and complaints policies in place to ensure their maximum effectiveness.

The Board has chosen to do much of this essential work by seeking and obtaining accreditation by an Australian-based organisation that uses consultancy, coaching and accreditation to help organisations strengthen their internal child safeguarding capacity and ensure compliance with child safety principles and legislation.²⁹ We refer to the work the Board is doing through this organisation as its 'student safety programme'.

The Board is to be commended for taking significant and necessary steps. However, the policies, processes and systems are still relatively new. The Board must be vigilant to ensure that these changes are fully and permanently embedded into the culture of the school. Given the decades during which abuse continued and was suppressed, this will take time and an on-going commitment to fully embed a change of culture.

Regardless of whether the Board maintains its commitment to this particular student safety programme, it must always have and implement a suite of child protective policies and practices that is based on up-to-date information, advice and research on best measures to protect students in its residential school setting.

The complaints policy is important as is ongoing student, family and whānau, staff and trustee education and training, all of which are a strong feature of the student safety programme. As the past has demonstrated, policies without training and implementation are ineffective.

We remain especially concerned for the safety of particular boys who were consistently targeted for psychological and physical bullying and were more vulnerable to sexual predation throughout the period under review. These were typically boys perceived to be different, such as effeminate or gay, or who were known to have been victims of abuse. This group needs special protection and support in a residential boys setting. The school should seek expert guidance on how best to do this.

²⁹ Child Wise Australia.

The Inquiry was told of situations where a sexual relationship between students started consensually, then became an abusive relationship when one boy wanted to stop but was unable to. Expert external assistance is essential to ensure a consistent and student-centred school response to this type of behaviour continues to develop with evidence based best practice. Students who abuse have themselves sometimes been abused and account should be taken of this with special attention to manage the complex situation.

Recommendation 6: Update the Protected Disclosure/Whistleblower Policy

We recommend that the Dilworth Trust Board updates the Protected Disclosure/Whistleblower Policy.

The Protected Disclosure/Whistleblower Policy should be reviewed to ensure its compatibility with the Protected Disclosures (Protection of Whistleblowers) Act 2022. This review should make clear to staff they are entitled to make a protected disclosure directly to an appropriate external agency.

The policy should include examples of types of disclosures and the names and contact details of relevant agencies.

Recommendation 7: Supplement the student safety programme reviews

We recommend that the Dilworth Trust Board supplements the student safety programme's three-yearly review with a parallel review of the school's processes and procedures to ensure cultural safety and to reflect the needs of the school community, and that it engage an external provider with the appropriate cultural background and expertise to undertake the review.

Dilworth's current child safety policy and procedure contains commitments to cultural safety and to Te Tiriti o Waitangi.³⁰ In line with the school's response to the student safety programme for which there is a three-yearly accreditation review, standards for diversity and inclusion should also be included in the school's improvement plan and be reviewed regularly for effectiveness and to ensure implementation.

While the student safety programme is credible and respected, and we acknowledge the work done to implement it, the school must always recognise cultural nuances in the current student and whānau community.³¹ This is important for Māori whānau and Pacific families who combined currently make up 73 percent of the school roll.³² Whānau from the Pacific Advisory and Whānau Māori Groups emphasised that these aspects of cultural safety and commitment to Te Tiriti o Waitangi are the areas in which the school requires the greatest improvement.

To ensure this commitment goes beyond mere words, as well as regular review, a critical part of this work will be increasing the school's understanding of tikanga Māori and te reo Māori and their special importance to Māori students and whānau. This work will include identifying and understanding how the incorporation of tikanga Māori and te reo Māori into school policies, procedures and curriculum benefits not only Māori students and whānau but all students and whānau, assisting them to achieve their aspirations for student hauora (wellbeing).

The school needs to undertake similar work with the school's Pacific parent community to identify the cultural differences between the ethnicities that make up the school's Pacific community. Any plan or strategy to advance Pacific student health and wellbeing must be cognisant of and cater to the differences identified.

Other ethnicities will always be represented at the school. It is equally important that they feel valued and supported in the school community.

Recommendation 8: Ensure a safeguarding leadership succession plan

We recommend that the Dilworth Trust Board, in consultation with the headmaster and senior staff continue to ensure that a safeguarding leadership succession plan is in place to maintain the continuity of the school's commitment to its child protective measures.

30 Where policies incorporate principles of Te Tiriti o Waitangi and tikanga Māori, those principles and values should inform how the organisation conducts itself and be upheld in actions taken. See, for example, *GF v Comptroller of the New Zealand Customs Service* [2023] NZEmpC 101, an Employment Court case that discusses the incorporation and impact of Te Tiriti o Waitangi and tikanga Māori in employment policies.

31 The Inquiry notes Child Wise is an Australian-based organisation

32 Data provided by Dilworth to the Inquiry, 7 August 2023.

Most of the school's safeguarding transformation has been led by key personnel. The current headmaster, head of student services and newly appointed safeguarding officer have been critical to this process. They have been supported by the safeguarding trustee, the chair of the Board and external safeguarding consultants.

Improvements in child safety have been completed in two years, a relatively short period compared with the number of years the school operated unsafely. In addition to that work, the school launched its new curriculum, Ako Puāwaitanga – Flourishing. This substantial amount of new work and system change needs to be maintained and sustained over the long term. A risk exists that, given the speed and amount of change, should the school's leadership alter significantly, the momentum for improvement will slow or even cease.

Recommendation 9: Continue to improve the relationship with parents

We recommend that:

(a) The Dilworth Trust Board and school further develops its relationship with parents, guardians, and family and whānau of students by continuing to support the parent groups.

The disconnection between parents and school during the period under review, resulted in less protection for students and is another reason abuse went unaddressed for so long.

The demographic composition of the student body has changed dramatically from the time when Mr MacLean became headmaster, and Māori and Pacific students are increasingly enrolling at Dilworth. This has been a positive development for both the school and these students. Their families and whānau are a resource that is being increasingly relied on to support and guide the school. The school has gradually developed its curriculum and the use of te reo Māori and other languages familiar to the students, has acknowledged the value of integrating Māori and Pacific cultural values into the life of the school and is considering the place of Te Tiriti o Waitangi.

Much is still to be achieved. We know from our discussions with parent groups that they are enthusiastic about continuing the school's improvement in supporting and acknowledging Te Tiriti o Waitangi values and would be willing to guide the school in advancing this vital part of its culture. This is another area where Dilworth could become a leader.

(b) The Dilworth Trust Board and school continues to ensure there is an effective parent contact system where parents and whānau are confident they are closely in touch with the school on all important matters affecting their children, such as medical and mental health matters as they arise, treatment options, homesickness, discipline, and student achievement and performance.

One reason for the continuation and extent of abuse was the school's assumption of guardianship responsibilities to the exclusion of parents for most of the period under review. With some exceptions, parents were not involved in decision making or did not receive information concerning their sons, even when they had been sexually abused or seriously physically abused. The integration of parents as partners with the school in the care of the students is essential, and strong systems are being developed under the current Board and headmaster. These must continue and be embedded.

Recommendation 10: Whānau and senior student representation on the safeguarding committee

We recommend that the Dilworth Board ensures parents, whānau and senior student representation on the school's safeguarding committee.

The school's safeguarding committee has a strong school senior management and Board membership, as we outlined in chapter 10. However, it lacks parent, family, whānau and student representation. While we acknowledge that a small committee is the most efficient, we recommend that there be at least one student and parent/whānau representative appointed to increase its skills, knowledge and effectiveness.

Considering the direction of the school

Recommendation 11:

Regularly review and consult widely on whether the current model is best to implement the trust's aspirations

We recommend that the Dilworth Trust Board, after consideration of high quality, relevant contemporary research and the views of the pastoral care team, current staff, parents and whānau, and the wider Dilworth community, review regularly the best options for implementing James Dilworth's aspirations for current and future students as expressed in his trust and will.

The original will envisaged children starting at the boarding school from age 3, an age that would be considered inappropriate today. In the past 100 or so years since the will was signed and the Trust Deed established, the Board has made many amendments to accommodate changing social and educational patterns and knowledge. It is timely for the Board to review the way James and Isabella Dilworth's aspirations for the provision of a comprehensive education to disadvantaged children can be met in light of this report, the student safety programme, and current knowledge and thinking. A review of this nature should be implemented at appropriate intervals in the future.

It is now known internationally that boys boarding schools are high-risk environments for their students. Student safety programme accreditation and implementation will result in a significant reduction in this risk for Dilworth students from 2023. A number of steps have recently been taken by the school including lifting the minimum age for boarding, accepting day students, providing school and home private transport and returning year 9 students to the senior campus. Nevertheless, continuing review is necessary including consideration of the suitability of the boarding structure for school-aged children and, if it is retained, whether the entry age should be further changed. This review would be informed by the thorough protections that have been put in place under the student safety programme accreditation system.

Consideration could also be given to amended models such as increasing day schooling with transport and other extracurricular support for younger students while they continue to live with their families and whānau, introducing co-educational schooling, or establishing a new and additional form of scholarship so children can remain in their homes and attend local schools while being fully supported financially and academically and provided with opportunities to connect with Dilworth and its community.

Improving school systems

Recommendation 12:

Develop a policy document registry

We recommend that the Dilworth Trust Board develops a central registry of all policy documents by category.

One of the issues the Inquiry had when wanting to review policy documents developed by the school over the years, is the poor management of those policies. In past years, there was no central library of current and archived policy documents. Reviews were done in an ad hoc way, with documents simply written on by hand to update them, or updated and the earlier version not saved.

To ensure a continued focus on review and maintenance of school policies, a central registry with regular review and clear version control should be implemented.

Recommendation 13:

Maintain complete student file records and retain them indefinitely

We recommend that the Dilworth Trust Board ensures school records of students, in addition to academic, cultural and sporting achievements, include all relevant aspects of a student's life at the school, such as those relating to student health and welfare, activities, complaints, discipline and behavioural concerns, in both boarding houses and day school.

In undertaking its investigation, the Inquiry was concerned that so much of what students told us occurred and that they had reported was not recorded on the student's file. But for the fact a major inquiry was undertaken with extensive participation by former students and relevant others, detailed documentary examination, and the ability to verify parts of what the student recounted independently, the student history and individual student's information would have been lost and we would have been unable to determine facts essential to our terms of reference. Full student records, residential care records, including references from incident books, all significant Board correspondence, including that relating to complaints and major interventions relating to the student should be recorded on the student file. Students will then be able to access a full record of key years of their childhood, including important personal information such as medical history.

The retention of student files is an area that is regulated externally in state and integrated schools but there is no external regulatory policy for private schools. As well as complying with information privacy principle 9 in the Privacy Act 2020,³³ all state and integrated schools must consider the Public Records Act 2005 and the School Records Retention and Disposal Schedule,³⁴ which sets minimum retention periods for certain school-related records.

However, because of the long history of abuse at Dilworth and the time it takes for complaints to emerge, we suggest, that student records are retained indefinitely and archived securely rather than destroyed after a set number of years as provided for in the state schedules.

Recommendation 14: Retain and archive staff disciplinary files relating to sexual abuse and serious physical abuse indefinitely

We recommend that the Dilworth Trust Board includes all investigation materials relating to staff disciplinary matters on staff files with a reference, where relevant, to the existence of this file on the student's file, and retained there securely indefinitely.

The Inquiry could not locate, on staff files, records of the investigations undertaken into five staff accused of sexual abuse. It independently verified that investigations were undertaken and obtained one investigation report only because the retired staff member who undertook the investigation had kept it in his personal files. The Board did not have any explanation as to why the reports were not held on the staff file or anywhere else. The Inquiry was also seriously hampered by the fact that Mr Taylor's staff file of was not available. The school advised us the file had been accidentally destroyed in the early 1990s. This destruction also prevented police from accessing a valuable source of information to assist in their prosecution of him in 1994 and 2000 and in the identification of other boys Mr Taylor had named as his victims.

In state and integrated schools, the School Records Retention and Disposal Schedule requires schools to retain information from the date of a person's employment, including safety checks and vetting information, for seven years. Because of the long history of abuse at Dilworth school we recommend all records relating to staff discipline for sexual misconduct of any sort or serious physical violence and including safety checks and vetting, be retained and archived indefinitely.

33 Privacy Act 2020, section 22. Information privacy principle 9 says, "An agency that holds personal information must not keep that information for longer than is required for the purposes for which the information may lawfully be used".

34 Ministry of Education and Archives New Zealand, *School Records: Retention and disposal schedule*, 2022, www.education.govt.nz/school/managing-and-supporting-students/archiving-and-disposing-of-school-records.

Vetting, supervising, and developing and training staff

Recommendation 15:

Maintain sufficient high-quality boarding house staff

We recommend the Dilworth Trust Board provides both adequate staffing, and the best quality staff for boarding houses.

Most sexual and serious physical abuse at the school was perpetrated by boarding house staff, sometimes with a dual teaching role, outside the classrooms, in the boarding houses or during extracurricular activities. Boarding house staff were inadequately supervised and there were poor staff–student ratios for much of the period under review. Housemasters with a dual teaching role were seriously over-worked, reducing their boarding house supervisory capacity. Housemasters and tutors who abused could do so with impunity, due to lack of control, oversight and opportunities to isolate students. Housemasters and tutors who abused could do so with impunity, due to lack of control and oversight.

Boarding house staff, including matrons, were often unskilled and inherently unsuitable in temperament to be responsible for children and young people, and received no training or professional development. Tutors were also often immature and received no direction to enable them to supervise large numbers of students.

The Board must ensure best practice staff–student ratios in the boarding houses and continue screening and vetting staff before and during employment to exclude anyone with a history of violence, aggression, sexual misconduct or criminal offending in relevant areas. All short-listed applicants must be reference checked. Staff must be mature, and child-oriented, with personal qualities that make them appropriate role models and able to foster a caring and supportive environment for students.

The Board must provide ongoing training and professional development for its boarding house staff so they are well equipped for their responsibilities.

Recommendation 16: Engage quality teaching staff

We recommend:

- (a) The Dilworth Trust Board engages the best quality teaching staff available and provide full continuing training and support for them.**

The Board should continue to attract and retain the best qualified teachers and actively seek to recruit candidates who reflect the cultural and ethnic diversity of the student population and to meet its goals for child safety. The Board should maintain or develop appropriate supervision and performance reviews of all staff and provide for ongoing training and professional development, at least equivalent to that available in the state sector. Staff should also continue to have ongoing training in all other essential areas of their work, including child safeguarding, Pacific cultural safety, te ao Māori and Te Tiriti o Waitangi.

For much of the period under review, teachers employed at Dilworth had few professional development opportunities, and were not kept up to date with the latest research and information concerning detection and prevention of child sexual abuse. Board failure to provide protocols and to make available information and training left staff unaware of the danger and either unwilling to act or unsure how to respond to rumours of sexual impropriety.

Within the category of best available teaching staff, we include those who are more broadly representative of the school's community. Parents and students emphasised that this would make being in the school environment more welcoming and would increase, "wellbeing through identity".

A more representative staff would also allow for a greater body of cultural knowledge and expertise and support the school's commitment to cultural safety as part of student wellbeing and protection.³⁵

Representation of different cultures in the school leadership is important and will need to change if the composition of the school changes in the years ahead. It is not a static initiative.

(b) The Dilworth Trust Board provides adequate support for teaching staff and students engaged in individual tuition.

Some sexual abuse occurred when teachers worked with students in isolation from other adults and outside classroom hours. Music teachers, teachers taking choirs, chaplains and those leading school hobbies and club activities were all involved in the historical sexual abuse of students. Additional protective systems and practices should be maintained, and reviewed regularly for effectiveness, to ensure support and protection for the students and teacher in these situations.

³⁵ Diversity in education institutions benefits everyone regardless of culture and is a positive step for all involved with the school. Another positive is that more diversity would take the strain off the small group of existing staff who carry this extra level of responsibility, so are more vulnerable to burnout.

Supporting students and staff after publication of the Inquiry report

Recommendation 17:

Review and enhance pastoral support

We recommend that the Dilworth Trust Board reviews and enhances pastoral support and, in particular, provides additional support to current students and staff in wake of this report's publication.

Pastoral care was largely absent or of poor quality during the period with which the Inquiry is concerned. The Board has a duty of care to its students and the broader school community to engage the best available medical, psychological, counselling and spiritual support. This requires fresh and independent review and advice.

Current and former students, staff, and their families and whānau have experienced difficulty since the news of Operation Beverly became public. Prejudicial comments have been made to current students, based on the historical abuse, affecting their pride in themselves and their school. Bullying of Dilworth students remains a strong possibility. All groups should have access to high quality pastoral care and support after this report is published.

The intrinsic vulnerability of Dilworth boys who live in a residential setting, and are more isolated from family and whānau, may mean that any difficulties they are experiencing because of the reporting of historical abuse will increase when this report is disseminated.

Developing positive external relationships

Recommendation 18:

Develop a trusting and cooperative relationship with police

We recommend that the Dilworth Trust Board, as a priority, develops a trusting and cooperative relationship with New Zealand Police and continue to refer immediately any instances of sexual misconduct to police for investigation and co-operate promptly in providing information police seek.

Over the period under review, the school has often not reported staff accused of abuse of its students to police. In some cases, it offered not to report as part of a negotiation to secure a quick resignation from the staff member and so avoid the need for an investigation. In some situations, such as the allegations against Mr McIntosh, the Board decided the allegations did not constitute a criminal offence, so did not need reporting. When Mr Browne resigned, the school relied on its employment lawyer's advice that no criminal offending had occurred.

In all cases, to fulfil its protective duty to students, the Board should have referred the matter to police and let that body decide whether criminal offending had occurred. When an investigation was finally undertaken in these cases, it transpired there had been widespread criminal offending by the staff member. If reports had been made to the police, and a professional investigation conducted, abuse may have been detected earlier and further offending prevented.

The Board did not cooperate fully with police during their interactions with the school in 1993-1994 and 2000, as detailed in chapters 5 and 6. Without this cooperation other victims could not be identified.

On occasion, the school has reported immediately to police. However, there is a sustained and verified history of the Board holding police at bay when sexual offending of staff was at issue. In the interests of student safety, it is vital the school view police as partners in the task of student safety, and form cooperative, helpful relationships, to assist them to do their work efficiently.

Recommendation 19:

Develop an effective working relationship with the Anglican Church

We recommend that the Dilworth Trust Board develop an effective working relationship with the Anglican Church to ensure chaplains employed by Dilworth have their performance properly reviewed and any concerns are immediately passed onto the other party and actioned effectively and swiftly.

While Dilworth is not an Anglican Church school it has strong ties to the church. Under the terms of the will, the Bishop of Auckland Diocese is to visit the school and report on the outcome of the visit to the Board. Church services are Anglican, and the school chaplain is licensed by the Anglican Church.

Several parents told us one of the factors that reassured them about sending their son to Dilworth was its association with the Anglican Church. Tragically, over a 30-year period two Anglican chaplains and a temporary chaplain betrayed the trust and faith the school and the church encouraged students to have in them by sexually abusing scores of students between them. The church and the school are both responsible for this outcome.

Between the church's licensing of the chaplains and the school's employment of the chaplains there were major accountability gaps. Each party relied on the other to hold the chaplains to account but neither was forthcoming with adequate relevant information in its possession to enable the other to do the job properly.

In recommendation 1, we have suggested that a closer relationship might be achieved by including a representative of the church in an advisory capacity on the school board. The role of the church in the school requires re-evaluation if it is to be useful for the students and effective. While new terms of partnership have been completed, the roles and responsibilities of the church for the spiritual welfare of the students and staff should be considered again in the light of this report and reviewed regularly.