



Agenda for the Extraordinary meeting of the Council
Tuesday, 11th July, 2023, 6.00 pm

To: All elected Members of the Council; Honorary Aldermen

Venue: Council Chamber, Blackdown House, Honiton

Contact: Debbie Meakin;

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(or group number 01395 517546)

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www.youtube.com/channel/UCmNHQruge3LVl4hcgRnbwBw

Dear Sir/Madam

Extraordinary Meeting of the Council of the District of East Devon on
Tuesday, 11th July, 2023 at 6.00 pm

You are called upon to attend the above meeting to be held in the Council Chamber, Blackdown House, Honiton. It is proposed that the matters set out on the agenda below will be considered at the meeting and resolution or resolutions passed as the Council considers expedient.

Yours faithfully

A handwritten signature in black ink, appearing to be "M. Meakin", written over a white background.

Chief Executive

1 Public speaking

Information on [public speaking](#) is available online

2 Apologies

3 Declarations of interest

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

4 Confidential/exempt item(s)

To agree any items to be dealt with after the public (including the Press) have been excluded. There are no items which officers recommend should be dealt with in this way, but if confidential minutes from Cabinet and/or the Council's Committees are being discussed, Officers may recommend consideration in the private part of the meeting.

5 Report of a Council commissioned Independent Investigation into the actions of East Devon District Council following allegations and then criminal charges against former Councillor John Humphreys (Pages 3 - 134)

Updated recommendations to this report are now included on page 134.

Under the Openness of Local Government Bodies Regulations 2014, any members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chairman has the power to control public recording and/or reporting so it does not disrupt the meeting.

Members of the public exercising their right to speak during Public Question Time will be recorded.

[Decision making and equalities](#)

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Report to: Council

Date of Meeting 11th July 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Council commissioned an independent investigation by Verita into the actions of EDDC following allegations and then criminal charges against former Councillor John Humphreys

Report summary:

Council at its meeting on the 28th September 2022 recommended (subject to Senior Officer Decision as the recommendation was made at a consultative meeting) that:

“-This Council hereby commissions Verita to carry out an independent investigation in accordance with Verita’s proposal attached (“the Investigation”) and instructs Simon Davey the Strategic Lead for Finance immediately to complete (or authorise completion of) the contract and any necessary paperwork with Verita; Approves a budget of up to £45,000 (exc VAT) for the Investigation. Approves an exemption to the Council's standing orders that would normally require quotations to be obtained from three suppliers to enable the Council to appoint Verita given their experience and expertise in this highly specialist area. Requests that Verita treats Simon Davey together with Cllr Ian Thomas Chair of East Devon District Council and Cllr Sarah Jackson the Portfolio Holder for Democracy and Transparency and Cllr Jess Bailey as the relevant contacts for the purposes of any queries or day to day matters relating to the Investigation and who shall in the first instance receive Verita's report following completion of the Investigation’-“

Verita’s investigation was initially completed on 15th March 2023 and their report scheduled to a Council meeting on 23rd March to be considered. On 21st March new information was provided and as a consequence the Council meeting was postponed until the information could be assessed and a determination made by Verita if this had any implications on their report.

Verita have now completed that assessment and details are contained in a supplementary report attached. This additional report needs to be read in conjunction with the earlier report, also attached, the original report contains the main investigation details, conclusions and recommendations. Verita have concluded that the supplementary investigation has not altered their conclusions and recommendations in that original report.

It should be noted that during the time of the second stage of investigation Cllr Ian Thomas did not seek re-election as a district councillor and stepped down from the Commissioning Group on 4th May 2003, he was replaced by Cllr Eleanor Rylance as the newly appointed Chair of Council on 24th May.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That Council:

1. Note the contents and findings of the Verita reports appended.

2. Approve the recommendations identified in the Verita report, namely:
- R1** In the event that a similar event arises in the future, we consider that anyone from EDDC invited to a LADO meeting should not go unaccompanied and should consult the Safeguarding Lead.
- R2** EDDC should revisit its discussions and plans to reform the Honorary Alderman/ Alderwoman process.
- R3** EDDC should consider implementing a development programme for members to incorporate regular 1:1s, ongoing training needs assessments, surveys and exit interviews for councillors.
- R4** The Safeguarding Lead should consider adding specific procedural guidance to the safeguarding policy to help users understand how, in practice how risk should be assessed and managed.
- R5** EDDC should consider designating safeguarding champions from within the councillor body.
- R6** Officers, the Chair of Council and group leaders should encourage all councillors to attend the safeguarding training that is available. This should include induction and ongoing refresher training.
- R7** The Safeguarding Lead should set up a small working group with councillors to consider what training would be appropriate to improve their understanding of preventative safeguarding practice.

Reason for recommendation:

These are the recommendations put forward by the independent investigation undertaken by Verita.

Officer: Simon Davey, Director of Finance, sdavey@eastdevon.gov.uk

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination

- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information Council Meeting Agenda 28th September 2022: ([Public Pack](#))[Agenda Document for Council, 28/09/2022 18:00 \(eastdevon.gov.uk\)](#)

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

Financial implications:

No direct financial implications have been identified in the recommendations of the report other than recommendation R3 which could have financial implications as it is likely additional resources will be required within either our Democratic Service and/or our Human Resources team/s. This will need further assessment and if approved suggest a further report is presented to an appropriate Committee of the Council. The budget approved by Council was £45k there is an estimated overspend of £8k which is attributable to the requirement to carry out additional work required to produce the supplementary investigation report.

Legal implications:

The Verita report sets out the detailed legal position relating to the events covered in the report. It is not proposed to revisit these in this covering report. Any recommendations made will be progressed in line with the legal structure in which the Council operates in terms of both internal and external governance. Where further legal points are raised these can be answered either in the meeting or subsequently.

VERITA

**Independent investigation into the actions of EDDC following
the allegations and criminal charges against John Humphreys**

A report for
East Devon District Council

June 2023

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1. Executive summary and recommendations

Executive summary

1.1 John Humphreys was an East Devon District Council (EDDC) councillor between 2007 and 2019. He went on to become Mayor of Exmouth between 2012 and 2014, after being Deputy Mayor since 2010. He did not stand for re-election to EDDC in May 2019, but he was elected as a Town Councillor in Exmouth. Humphreys was nominated for the award of Honorary Alderman which he received from EDDC on 18 December 2019.

1.2 In August 2021 Humphreys was found guilty at trial of seven counts of indecent assault and three counts of buggery against two boys who were, at the time of the offences, aged between 12 and 15.

1.3 Humphreys was sentenced to 21 years in prison on 20 August 2021. He was placed, indefinitely, on the sex offenders register. He was permanently debarred from working with children and vulnerable adults.

1.4 News of Humphreys' trial and conviction came to EDDC via local media coverage. On 7 September 2021, after receiving the news of Humphreys' conviction, EDDC councillors removed the Honorary Alderman title from him.

1.5 Humphreys did not disclose to EDDC at any time that he was under police investigation or that he had been arrested and charged. The responsibility for maintaining the standards of behaviour expected of an elected representative was his alone. That he failed to do so was not the fault of officers and councillors at EDDC.

Information known about John Humphreys

1.6 The central issue in this investigation is to explain who knew about the allegations against Humphreys, when they knew and what they did with that knowledge. With one exception, no-one at EDDC definitively knew that he had been under investigation for alleged sexual crimes.

1.7 On 9 March 2016 EDDC's Monitoring Officer (MO), attended a Local Authority Designated Officer (LADO) meeting at Devon County Council (DCC). He became aware that Humphreys was under investigation by the police for alleged sex crimes against young people. The MO attended follow-up meetings at DCC in April 2016 and November 2016. The MO told us that he was not asked to do anything as a result of these meetings.

1.8 The MO confirmed that he told no-one at EDDC what he learned at the DCC meetings, because *"it was strictly confidential and due to data protection issues."*

1.9 A small number of councillors told us that they had heard rumours about Humphreys' arrest or that he had been under a police investigation. The majority of councillors that we spoke with told us that they had not heard about the allegations or investigation into Humphreys, and many did not know him beyond being aware he was a councillor from Exmouth.

1.10 Whatever some councillors say they knew about Humphreys' arrest in 2016 and the subsequent police investigation appears to be in the realms of rumour and gossip. Any suspicions or misgivings they may have had about him were not specific, lacked detail and did not derive from direct knowledge of the allegations.

1.11 If any other councillors knew about Humphreys' offending, the allegations and charges against him, and the fact that he was under police investigation they did not bring their knowledge forward to the Verita investigation team.

1.12 No-one who heard rumours about Humphreys or harboured any concerns about his behaviour raised them with officers at EDDC. In the absence of any such concerns being raised about Humphreys, there was no action that officers or councillors could have taken.

EDDC decision-making after Humphreys' arrest

1.13 Attendees at the March and April 2016 LADO (Managing Allegations Strategy) meetings learned that Humphreys had not yet been arrested at the time the meetings took place. At this stage, Humphreys was unaware that any allegations had been made against him, or that the investigation was ongoing.

1.14 The MO reported that the police instructed attendees to maintain strict confidentiality at this stage, primarily to avoid prejudicing their investigation into the allegations.

1.15 The police direction about confidentiality in this case appears to have been more stringent than advice usually given by DCC and the police at LADO MAS meetings. This typically allows for information to be shared with those who “*need to know in order to protect children, facilitate enquiries, manage related disciplinary or suitability processes*”. As such, it is usual for organisations such as EDDC to be able to follow their own processes to mitigate safeguarding risks as they see fit.

1.16 We consider that typical DCC and police advice may, in different circumstances, have allowed the MO to share information he received at the LADO meetings with other senior officers or group leaders at EDDC. However, it is clear that the police’s need to maintain strict confidentiality overrode the DCC’s normal advice and prevented him from doing so.

1.17 In our view, the MO was in a clear and unambiguous position in light of the police advice. If he had shared information with anyone else, he would have breached the stringent confidentiality requirements required by the police. Had he done so it is highly likely that this would have prejudiced the police investigation. It is clear that, from March 2016, the MO complied fully with the instructions given by police not to disclose the information about the allegations to anyone.

1.18 We consider that there was, therefore, no action that could have been taken by officers and councillors at EDDC that would not have alerted Humphreys to the fact that he was under investigation.

1.19 Humphreys was arrested and questioned under caution on 11 May 2016. From this point he was aware of the ongoing investigation. It is not clear why the police would seek to maintain this strict requirement of confidentiality following the LADO meeting in November 2016.

1.20 We believe that being the only person at EDDC who knew about the allegations against Humphreys put the MO in an unenviable position. He was effectively prevented from sharing information with his manager or the EDDC Safeguarding Lead, as the subject expert

in the organisation. Moreover, he was also prevented from sharing the allegations with political group leaders or the Chair of Council.

1.21 Had this not been the case, we explored what options could have been available to EDDC if such strict confidentiality requirements had not been imposed.

1.22 Similar to all local government authorities in England, EDDC operates in a relatively restrictive legal framework with regards to actions it can take against elected representatives. In accordance with the section 80 of the Local Government Act 1972 there are limited circumstances in which a councillor can be removed from office.

1.23 We consider that no formal action could have been taken against Humphreys before he was convicted. EDDC would have been obliged to rely on the presumption of his innocence while any investigations were underway.

1.24 There have been recent changes to the law affecting elected authority members. On 28 June 2022 the Local Government (Disqualification) Act 2022 came into force. The Act disqualifies people subject to a number of provisions under sexual offences legislation from serving as a councillor. If a similar scenario happened now, EDDC would be able to take action to remove a councillor from their position.

1.25 EDDC has a code of conduct for members incorporated into its constitution. Common to all local authorities, the code of conduct does not apply to issues in a member's personal life. For a breach of the code to be considered, it has to be in connection with actions carried out in the capacity/role of a councillor. Any serious personal matters, such as an arrest or other moral failing which might be cause for concern, are excluded from the Council's remit to act.

1.26 The allegations and subsequent police investigation into Humphreys were out of scope of the EDDC code of conduct. Humphreys, like all councillors, had to declare financial and personal interests annually. There is no such obligation on them to declare any issues about their conduct or suitability to remain as a councillor in the same way.

1.27 The offences for which Humphreys was convicted occurred before he was an elected member of EDDC. There is no evidence that his offending was ongoing during his term as an EDDC councillor or at the time of his arrest.

1.28 In any case, for the purposes of the code of conduct, these actions would probably have been considered as pertaining to Humphreys' private life. Although Mr X (one of Humphreys' victims) and the sentencing judge believed that Humphreys' position as a councillor afforded him elevated status in the community, there is no suggestion that Humphreys used his council position to enable him to carry out offences.

1.29 Even when matters may be pursued under the code of conduct, the options available to the Council are severely limited to a formal finding of a breach of the code. This may result in formal censure on the Council's website or informal resolution.

1.30 The convention is that members will individually chose to resign for serious failings in their conduct. This requirement cannot be imposed on them and it was, in Humphreys case, clearly his choice to remain a councillor despite the fact he was under police investigation.

1.31 In our view the code of conduct and allied standards process are not effective tools to promote desired behaviours, nor to effectively address poor behaviours amongst elected members. Criminals and those flouting the rules are routinely unlikely to do the honourable thing and self-report their actions to appropriate authorities. In the existing legal and procedural framework, this is a likely outcome and an ever-present risk. Unfortunately, EDDC is not in a position to make wide-ranging changes to this regime without legislative change at a national level.

1.32 Given the restrictions on EDDC for removing, suspending or restricting the role of a councillor, we explored with participants whether any action short of such measures could have been considered in this case. We acknowledge that these were hypothetical questions.

1.33 The MO could have spoken informally to Humphreys after his arrest. This could have put the onus on Humphreys to consider his position as a councillor and may have led him to resign. The MO could have asked Humphreys not to attend EDDC events at which children and vulnerable adults would be present. This would have been a voluntary agreement, and an offer that he was highly likely to have declined - especially in light of his persistent claims of innocence. Even if Humphreys had acceded to such a request, it may have been difficult to monitor his compliance with it. However, there was a significant risk that giving such notice to Humphreys would have prejudiced the police investigation.

1.34 It was possible that the MO could have informally spoken to the Chair of Council or to group leaders, with the aim of alerting them to the fact that Humphreys was under police investigation. The MO has explained to us his overriding concern, on advice from the police, not to prejudice their investigation into Humphreys. We believe that he acted correctly and consistently in this respect.

1.35 There are limited avenues open to councillors for raising concerns about a colleague. In cases where safeguarding risks may be a concern, we would expect a councillor to know how to raise this with the Council's safeguarding lead. In cases where inappropriate behaviour occurs, it would seem appropriate to raise this under the EDDC's code of conduct. The Council's MO would be the natural source of advice in such a case.

1.36 Comments from the East Devon Conservative Association suggest that they may have had more remit to impose sanctions on Humphreys than were available to EDDC.

1.37 Although this investigation aims to reveal how EDDC councillors and officers responded to the events that occurred, it is important to reflect that the responsibility for what Humphreys did rests with him. His offences took place before he became an EDDC councillor, and he concealed that offending for many years from both the Council and from the Conservative Party.

1.38 Humphreys would have been aware that he was under investigation for serious sexual offences for much of his final term as an EDDC councillor. There is no evidence that Humphreys directly told anyone about his arrest, pending investigation or trial. The behavioural standards set for councillors primarily rely on individuals doing the right thing in an honest and open manner. Humphreys did not do this.

John Humphreys' safeguarding risk

1.39 The role of a councillor is loosely defined and may involve a great variety of public appearances at events as well as serving as a figurehead and an influential person within the community. Whatever the exact role and responsibilities of a councillor, the role is likely to be perceived as a position of trust. It is well known that sexual offenders can be manipulative and use such positional status and authority to commit offences.

1.40 Furthermore, the largely unstructured and uncontrolled ways in which councillors carry out their duties could allow opportunities for those with ill-intent to enable higher levels of contact with children or vulnerable people, without scrutiny or oversight.

1.41 While it is clear that the role of an EDDC councillor does not explicitly involve day-to-day interactions and “working” with children, it is clearly evidenced that there are numerous occasions where they may have such contact in largely unstructured ways.

1.42 Evidence shows that, while under investigation, Humphreys did indeed come into contact with children and young people at Council premises. There is no evidence that any harm occurred to any child or young person present, or in the period that Humphreys served as an EDDC councillor.

1.43 Because of the conclusion reached at the LADO MAS meetings that Humphreys did not, in his formal EDDC roles, work with children no immediate safeguarding mitigation plans were developed. We believe that this is a flawed conclusion for the LADO meetings to have reached. There is no evidence that anyone commissioned or conducted any form of risk assessment in respect of Humphreys’ roles as an EDDC councillor.

1.44 The MO advised us that attendees at the LADO MAS meetings concluded that “*bail conditions*” would be sufficient to address any present risk posed by Humphreys.

1.45 Under police instruction the MO did not disclose to anyone the information he received at the LADO meetings. In maintaining confidentiality of the information and the integrity of the ongoing police investigation the MO took no action to further surface or address the allegations in the context of EDDC.

1.46 This meant no one at EDDC took any steps to address the allegations against Humphreys, or to assess any safeguarding risk that he might present in his roles as a councillor.

1.47 Irrespective of where the responsibility lies, one of the effects of the way this case was handled was that someone who had allegedly committed serious sexual offences held positions of responsibility at EDDC until he was tried and convicted.

1.48 DBS checks can provide further reassurance to the public that office holders can be trusted. However, there is currently no remit for such checks to be a mandatory requirement.

1.49 In this case, we do not believe that Humphreys being subject to DBS checks - particularly at the standard level - would have revealed anything about his history of committing offences. Any check would probably have confirmed that, until he was arrested, charged or convicted his record was clear.

The Honorary Aldermanship

1.50 Section 249 of the Local Government Act 1972 gives principal councils the power to confer the title of ‘Honorary Alderman’ or ‘Honorary Alderwoman’ on persons who have, in the opinion of the Council, rendered “eminent services” as past members of that council.

1.51 The process by which such honours are awarded by EDDC appeared to be relatively informal. Councillors understand how the process for conferring Honorary Alderman or Alderwoman status works in practice. We believe the process has worked effectively in the past and that it has served its purpose of recognising the contributions made by former members.

1.52 It was clear that the nominations process is wholly led by members, and that the supporting work done by officers is limited to providing basic information that sets out only the information that is readily available to describe their membership of committees and other bodies.

1.53 However, we saw no evidence of any qualitative assessment of the merits of those nominated, nor any explanation of how they had, in practice, delivered the “eminent services” that qualified them for the award.

1.54 The evidence suggests that the leader of the Conservative group at EDDC put forward the party’s list of nominees, including Humphreys. It is not clear how the group decided amongst themselves who should be nominated for the honour. Crucially, no councillor was made aware of any of the allegations against Humphreys. Without that knowledge, there was simply no reason for any councillor to object to the honour being conferred upon him.

1.55 To the best of our knowledge, no consideration had been given before then to whether, and in what circumstances, an honour given by Council could be withdrawn.

1.56 The EDDC learned, from 16 August 2021, that Humphreys had been convicted and sentenced. After learning about Humphreys' crimes, many councillors were shocked and appalled at his actions.

1.57 The Chair of Council acted promptly and properly to establish the process by which the Honorary Alderman title could be removed from Humphreys. He and the CEO agreed that the process to be adopted was legally and constitutionally appropriate - being the inverse of the process used for bestowing the honour. This was a good example of sound governance, underpinned by effective cooperation and joint working between the executive and non-executive arms of the Council.

1.58 The process chosen to remove the honour from Humphreys was democratically sound and was handled effectively throughout. It resulted in a swift decision on the part of the Council that recognised, and helped to mitigate, the reputational damage to the Council and to the integrity of its officers and councillors.

Revisions to Honorary Alderman/ Alderwoman process

1.59 Any process for conferring a discretionary honour on former councillors should be transparent and equitable and should require those nominating a councillor to specify the reasons why the person should be honoured. The process should operate consistently across the political spectrum.

1.60 The conferring of the Honorary Alderman title on Mr Humphrey caused reputational damage to the Council, and it was right that it moved quickly to remove the honour.

1.61 While the honour does not confer any special rights or privileges, the bestowing of the title gives each individual a level of additional respectability and status within the community. The title is designed to be applied in perpetuity. To many this will represent EDDC's seal or stamp of approval for that individual. This was a belief that Humphreys sought to use as part of his defence at trial.

1.62 In our view, the awarding of such titles presents an avoidable risk to the reputation of EDDC. Once the honour had been conferred the Council would have no mechanism to ensure that any former councillor is still deemed deserving of this honoured position in the community.

1.63 We consider that there are other ways in which long and distinguished service may be recognised, without demonstrating an ongoing endorsement of individuals.

1.64 Nevertheless, the future of the honour is a matter for EDDC to decide. Should EDDC wish to retain the right to confer these honours, the process should be reformed. There is no codified protocol for the bestowing of the Honorary Alderman/ Alderwoman title at EDDC. This should be rectified.

Oversight of members

1.65 It is essential that councillors' independence as elected representatives is maintained, but Humphreys' case raises important questions about how the movements and activities of councillors are monitored, and about how they fulfil their duties. With regards to Humphreys, (and, we assume, with regards to most councillors) EDDC maintained no record of his engagements, save for records to support expenses claims.

1.66 The aim of any oversight or development activity should be to make the EDDC as a whole more effective and impactful. Well trained and engaged councillors are at the centre of this.

1.67 Having more formalised and regular contact with officers and group leaders may give councillors opportunities to raise any issues they are having, both personal and functional. Such activity may give officers and group leaders greater visibility of the work of councillors in wards in a constructive and supportive environment.

Safeguarding policy and practice

1.68 The Safeguarding Lead has provided a helpful summary of a number of actions that are in hand to improve safeguarding arrangements at EDDC. These include areas for improvement identified by the EDDC Safeguarding Forum - a cross-service opportunity to address safeguarding issues.

1.69 In our view the policy should include more explicit practical guidance on risk assessment actions and risk management practices to be deployed in response to safeguarding risks.

1.70 We asked other councillors we interviewed if they understood what might constitute a safeguarding issue in the course of their roles. Councillors had varying levels of awareness and confidence in how to address any such issues. Many councillors with a more developed sense of the risks and their responsibilities had gained this knowledge from their professional working lives or other roles outside of EDDC.

1.71 We understand that all councillors have been offered safeguarding training, starting during the winter of 2022/ 2023. Feedback we have heard indicates that those who have attended found the sessions useful and informative. However, as participation is not compulsory, we have also heard that attendance has been “patchy”.

1.72 A healthy safeguarding culture requires openness, honesty and trust, backed up by a commitment to take concerns seriously and not to victimise anyone raising a concern. Many of the councillors we spoke to told us that they found raising issues or asking questions of any nature to be difficult. Some of these councillors cited a difficult working environment marred by conflict and accusations of politically motivated behaviours.

1.73 We are concerned that in the course of our investigation, we observed a concerning culture of fear and hostility amongst both councillors and officers. Some councillors reported feeling fearful of asking any questions or raising concerns of any nature at Council meetings for fear of being attacked, harassed, or targeted for doing so.

1.74 Such a culture is not conducive to the effective governance of any organisation. It is also a hindrance to creating an environment in which matters relating to safeguarding can

be discussed openly and constructively. There is a real, present and significant risk that any future safeguarding concerns will not be raised and handled effectively.

List of recommendations

R1 In the event that a similar event arises in the future, we consider that anyone from EDDC invited to a LADO meeting should not go unaccompanied and should consult the Safeguarding Lead before attending.

R2 EDDC should revisit its discussions and plans to reform the Honorary Alderman/ Alderwoman process.

R3 EDDC should consider implementing a development programme for members to incorporate regular 1:1s, ongoing training needs assessments, surveys and exit interviews for councillors.

R4 The Safeguarding Lead should consider adding specific procedural guidance to the safeguarding policy to help users understand how, in practice how risk should be assessed and managed.

R5 EDDC should consider designating safeguarding champions from within the councillor body.

R6 Officers, the Chair of Council and group leaders should encourage all councillors to attend the safeguarding training that is available. This should include induction and ongoing refresher training.

R7 The Safeguarding Lead should set up a small working group with councillors to consider what training would be appropriate to improve their understanding of preventative safeguarding practice.

2. Introduction

2.1 John Humphreys was an East Devon District Council (EDDC) councillor between 2007 and 2019. He went on to become Mayor of Exmouth between 2012 and 2014, after being Deputy Mayor since 2010. He did not stand for re-election to EDDC in May 2019, but he was elected as a Town Councillor in Exmouth.

2.2 Humphreys was nominated by the Conservative Party for the award of Honorary Alderman which he received from EDDC on 18 December 2019.

2.3 On 9 March 2016 EDDC's Monitoring Officer (MO), attended a Local Authority Designated Officer (LADO) meeting at Devon County Council (DCC). He became aware that Humphreys was under investigation by the police for alleged sex crimes against young people. The DCC LADO had also received a referral about Humphreys from the NSPCC in 2014.

2.4 On 23 November 2020 Humphreys appeared at Exeter Crown Court and pleaded not guilty to ten charges of historical sex offences against two male victims.

2.5 On 9 August 2021 Humphreys was found guilty at trial of seven counts of indecent assault and three counts of buggery against two boys who were, at the time of the offences, aged between 12 and 15. News of his trial came to EDDC via local media coverage.

2.6 Humphreys was sentenced to 21 years in prison on 20 August 2021. He was placed, indefinitely, on the sex offenders register. He was permanently debarred from working with children and vulnerable adults.

2.7 On 7 September 2021, after receiving the news of Humphreys' conviction, EDDC councillors removed the Honorary Alderman title from him.

2.8 On 28 September 2022, after a vote at an extraordinary meeting, the Council decided that Verita would be commissioned to conduct this independent investigation.

2.9 The Council established a commissioning group to oversee the progress of the investigation. The commissioning group was led by Simon Davey, Chief Finance Officer, and

comprised Cllr Ian Thomas, Chair of EDDC, Cllr Sarah Jackson the Portfolio Holder for Democracy and Transparency and Cllr Jess Bailey.

2.10 The investigation was carried out by David Scott, Nicola Salmon and Brian Stanton. This report was peer reviewed by Ed Marsden. Team biographies appear at Appendix A.

3. Terms of reference

3.1 The following are the main elements of the terms of reference for the investigation.

- a. establish what information was known by EDDC councillors and officers about John Humphreys and any investigations into the allegations against him.
- b. understand the EDDC decision-making processes in considering John Humphreys' continued position as a councillor after his arrest.
- c. determine the extent to which the EDDC considered whether John Humphreys presented any safeguarding risks to children in the context of his party political and councillor roles.
- d. examine what, if any, safeguarding measures were put into place following the 2016 arrest and assess the effectiveness of their implementation and monitoring.
- e. describe the process by which the EDDC bestowed the honour of Honorary Alderman on John Humphreys.
- f. determine whether the EDDC complied with its own policies and procedures in making this decision.
- g. review the decision-making processes deployed by EDDC following Mr Humphrey's conviction to remove his honorary title and to review its actions in the handling of this matter.
- h. determine whether any improvements could be made to EDCC's safeguarding and governance arrangements in light of the findings of the investigation.
- i. report on any other significant issues that arise in the course of the investigation that bear on its terms of reference.

3.2 The full terms of reference are in Appendix B.

4. Approach and methodology

4.1 The investigation was undertaken in private. It comprised an examination of documents that EDDC supplied, documents and information that were publicly available and other written submissions from participants. We also reviewed a wide range of media coverage. A list of the documents we considered is at Appendix C.

4.2 We were also contacted by participants via SpeakToUs, a confidential email channel that Verita set up to allow people to contribute to the investigation. We interviewed people who had contacted us to follow up their initial contributions. None of the people who contacted us via SpeakToUs were Council employees.

4.3 On advice from the commissioning group, we invited five Council officers to be interviewed as part of the investigation. We refer to those officers in the report by their job titles. These included:

- The Head of Paid Services and Chief Executive Officer
- The Strategic Lead (Governance and Licensing) and Monitoring Officer
- The Director for Housing, Health & Environment and Safeguarding Lead
- The Democratic Services Manager
- The Electoral Services Manager

4.4 At the request of the Chief Executive Officer we met these officers as a group at Blackdown House on 1 December 2022 to explain our approach to the investigation. None of the officers accepted our subsequent invitations to be interviewed, preferring instead to receive written questions from the investigation team.

4.5 On 9 January 2023 we sent written questions to the officers, and they replied by 16 January 2023. The MO left EDDC on 19 January 2023. He agreed to continue to engage with the investigation team. He and his former colleagues subsequently replied to a set of follow-up questions that we sent on 23 February 2023.

4.6 The responses received from the officers contained a reasonable level of detail. However, due to the nature of written questions and answers there was limited opportunity to elicit more nuanced responses and to explore them in discussion.

4.7 On advice from the commissioning group, we also invited eight councillors to interview. Three of them did not respond. As the investigation progressed, we invited additional councillors to give evidence. Two of them did not respond. We cannot pre-suppose what evidence these councillors may have provided, but the absence of their evidence should be borne in mind in reading this report.

4.8 We conducted a total of 14 personal interviews. Interviews were carried out remotely with one exception: Mr X. He was one of Humphreys' victims and wishes to remain anonymous. We interviewed him in person in Exeter on 30 January 2023.

4.9 We did not meet or correspond with "Mr Y", the second victim that Humphreys was convicted of sexually abusing. His identity is protected by law as a victim of sexual violence.

4.10 The investigation team would like to extend their appreciation and thanks to Mr X for sharing his story with us. His bravery, and that of Humphreys' other victims is to be commended. We wish all victims of Humphreys' abuse well as they recover and rebuild their lives following these traumatic events.

4.11 We sent each interviewee a letter of invitation, a guide for interviewees and the terms of reference for the investigation. We followed established good practice in conducting the investigation by offering interviewees the opportunity to be accompanied at interviews.

4.12 We offered reasonable adjustments to meet interviewees' needs, where requested. Interviews were recorded, and we offered to share the recordings with interviewees, so they could comment on them and clarify issues. A list of those interviewed is in Appendix D. The guidance information provided to participants is at Appendix E.

4.13 Over the course of the investigation, we heard a variety of evidence that was not directly relevant to the terms of reference which required us to focus on the actions of EDDC. The actions of other organisations were therefore out of scope of this investigation, and we do not make any comments on, or assessments of them.

4.14 We make findings, comments, conclusions and recommendations based on the information available to us to the best of our knowledge and belief.

Structure of this report

4.15 This report is structured in line with the areas for investigation posed by the terms of reference.

4.16 Section 5 includes a chronology of key events.

4.17 Section 6 contains views from Humphreys' victims on the impact his crimes have had on their lives.

4.18 Section 7 explores what information was known by EDDC councillors and officers about the allegations against Humphreys prior to his conviction. Section 8 explores what was done about this information and explores the options available.

4.19 Section 9 assesses the safeguarding risks presented by Humphreys in the context of his role as an EDDC councillor.

4.20 Sections 10 and 11 deal with the issue of Humphreys being awarded an Honorary Aldermanship and its subsequent removal.

4.21 Section 12 comments on any learning or improvements that could be made to safeguarding and governance arrangements at EDDC in light of the findings of this investigation.

4.22 Our findings from interviews and documents are set out in ordinary text. Our comments and opinions are in ***bold italics***. Much of the available evidence in this investigation was testimonial. To that end, have included quotes from participants and documents to evidence the points made. Quotes are presented in *italics*.

5. Chronology of key events

Date	Event
2004	Mr X first reported to police about allegations against John Humphreys for sexual abuse offences when he was a teenager in the late 1990s and early 2000s. Humphreys arrested under caution.
2005	Devon and Cornwall police dropped case against Humphreys
May 2007	Humphreys' first election to EDDC
2010 - 2012	Humphreys served term as Deputy Mayor of Exmouth
2012 - 2014	Humphreys served term as Mayor of Exmouth
2013	Mr X reported allegations to police again and was told that the case will not be looked at again. Mr X raised complaint with Independent Office for Police Conduct (IOPC) re: threats made to him by a police officer when making a complaint.
Early 2014	NSPCC raised concerns about Humphreys to DCC
14 April 2014	DCC LADO conversation with police following NSPCC report.
2015	Second victim Mr Y reported Humphreys to police for alleged offences in 1990s.
2015	Police contacted Mr X again to pursue allegations against Humphreys
2016	Mr X video interviewed by police
9 March 2016	DCC LADO meeting 1 - 'Initial Strategy Meeting: Managing Allegations Against Adults Working with Children'
26 April 2016	DCC LADO meeting 2 - Reconvened Strategy Meeting
11 May 2016	Humphreys reportedly arrested and released under investigation
November 2016	Final LADO meeting EDDC Monitoring Officer email correspondence to Police
24 January 2017	Case for prosecution sent to Crown Prosecution Service (CPS)
23 June 2017	CPS began case review
Feb 2019	Photograph showing Humphreys attending opening of council offices with children from local primary school
24 April 2019	Announcement that Humphreys not standing for re-election at EDDC
May 2019	Humphreys stood down from his EDDC Councillor position. Humphreys elected as Exmouth Town Councillor.
September 2019	Mr X asked to attend CPS to sign urgent paperwork.

Date	Event
Oct/ Nov 2019	Humphreys photographed at Conservative party event at Exmouth Community College. Event took place on day that the college was closed.
18 December 2019	Humphreys awarded Honorary Alderman by EDDC
9 June 2020	Humphreys left Conservative Party membership
23 November 2020	Humphreys appeared at Exeter Crown Court and pleaded 'not guilty' to ten charges of historical sex offences
January 2021	Mr X was told that the case would be taken forward but was not informed of the specific charges against Humphreys. Mr X wrote his victim impact statement.
? Feb 2021	File passed by Devon and Cornwall police to the CPS
9 August 2021	Humphreys was found guilty at Exeter Crown Court on seven counts of indecent assault and three counts of buggery
20 August 2021	Humphreys was sentenced to 21 years in prison for historical sexual offences against two boys who were aged between 12 and 15
7 September 2021	At an extraordinary meeting of Council, EDDC councillors removed Honorary Alderman title from Humphreys with immediate effect.
10 September 2021	Leadership and officers catch-up meeting. The Monitoring Officer (MO) confirmed to two councillors that he was previously made aware of allegations against Humphreys and of police investigation.
18 November 2021	Audit and Governance Committee meeting. Discussion about DBS checks for councillors.
8 December 2021	Mr X's statement read at council meeting by Cllr Eileen Wragg. Cllrs Arnott and Thomas announce plans for next steps
3 March 2022	Scrutiny committee meeting. Minute 51 discusses convention of appointing Honorary Aldermen and Honorary Alderwomen
20 April 2022	EDDC full council meeting. Scrutiny Committee recommendation approved.
20 April 2022	EDDC councillors vote to commission investigation into Humphreys' alderman selection
4 May 2022	Cabinet meeting. (Cllr Arnott makes a statement/ discussion about who knew what/ when)

Date	Event
8 June 2022	Cabinet meeting. (requests for updates on investigation commissioning & CEO response)
29 June 2022	Cabinet meeting. (Cllr Bailey updates about DCC LADO referral)
20 July 2022	Council meeting (Questions asked re: Humphreys & costs of legal advice)
27 July 2022	Planned cabinet meeting (cancelled). Agenda pack included CEO report about investigation into Humphreys including Counsel's advice.
7 September 2022	Cabinet meeting. CEO reported on the investigation into Humphreys. Counsel advice discussed
7 September 2022	Response letter from East Devon Conservative Association to EDDC re Humphreys.
28 September 2022	Extraordinary meeting of EDDC to vote on options for investigation.
31 October 2022	Independent investigation launched

6. A victim's perspective

6.1 In sentencing Humphreys Judge Timothy Rose told him he had done lasting damage to the victims and said many of his assaults would now be classified as male rape. He said:

"Six of these offences have to be assessed against the modern guideline for rape.

"These were shocking acts of sexual violence. You targeted a particularly vulnerable victim.

"It is clear you caused severe psychological harm which has damaged and blighted the life of your victims."

"You provided positive service to the community in your political career and as Mayor of Exmouth, but your pursuit of a respectable life was undertaken while the dark and awful secret of your sexual offending remained unknown."

6.2 When we spoke to Mr X he told us that he first reported Humphreys to Devon and Cornwall police in 2004. He said that he attended a police station to make a formal complaint about his behaviour. Mr X said that after the complaint was made, he did not hear from the police about what they had done to investigate it. He understood that Humphreys had been interviewed under caution, but no further action was taken.

6.3 Mr X said that Humphreys abused him on the first day that he met him while on work experience at the landscaping business that Humphreys owned. The abuse took place in Humphreys' home. Mr X said he was abused on three separate occasions in the course of a year.

6.4 He told us that the media coverage of Jimmy Savile's crimes triggered his anxiety about what had happened to him and he tried, on three or four occasions in 2012 and 2013, to get the police to re-open their investigation. He said:

"I found out I was having a child and I thought 'do you know what, I can't let this happen to my child, let's phone the police and try and get it reopened'.

6.5 Mr X said:

“I was told ‘no, no chance’ and that’s when I was called up and threatened by the [police] officer from Tiverton and told to leave it. Basically, he’s mayor now, he’s this that and the other, he’s getting married and that’s the threat that was given out”

6.6 On learning in local news that Humphreys, while Mayor, was due to open a children’s nursery in Exmouth, Mr X telephoned the NSPCC in 2014 to make a complaint about him.

6.7 Mr X heard no more from the police until 2015 when they approached him at his mother’s home address. He said:

“The police came looking for me and asked me if I wanted to talk.”

6.8 He reported that the officer said:

“Sorry we didn’t believe you, we do believe you now, would you like to talk about it?”.

6.9 The police told him that:

“They’d had someone else come forward and make a complaint of a similar and would I be interested in talking, and I shut my business down after that. It just knocked me for six. I didn’t work after that.”

6.10 Mr X has suffered significant psychological trauma from these events, and there has been a significant impact on his physical and mental wellbeing. These effects have hampered his ability to provide financially for himself and his family. He has separated from his partner, and they are sharing custody of their children while living apart. Mr X feels strongly that the police, DCC and EDDC allowed Humphreys’ criminality to go unchecked over many years.

6.11 Mr X was introduced to Cllrs Paul Arnott and Eileen Wragg. Cllr Wragg read out a statement on his behalf to an EDDC Council meeting on 8 December 2021.

6.12 The incidents involving Mr Y were reported in the press:

“During the trial, the first victim said he was aged about 13 when he was picked up by Humphreys in public toilets in Manor Gardens in Exmouth, which was a well-known gay meeting spot, or cottage, at the time.

“He said Humphreys took him to a friend’s flat after their first meeting and had sex with him.

“He said they met again in the same way a second time and Humphreys took him back to his former home in Salterton Road where they had sex again.

“The victim said he was taken to Woodbury Common on the third meeting where he was subjected to a brutal sexual assault he described as rape.

“He said he was wearing a school shirt and was pushed up against the wall of an abandoned military blockhouse and raped.”

6.13 Some media reports suggest that there were possibly two further victims of Humphreys known to police. It is not known when these offences were supposed to have taken place. Humphreys has not been charged or convicted of any offences against any other victims and police confirmed that there is no active investigation into allegations against him.

6.14 Although this investigation aims to reveal how EDDC councillors and officers responded to the events that occurred, it is important to reflect that the responsibility for what Humphreys did rests with him. His offences took place before he became an EDDC councillor, and he concealed that offending for many years from both the Council and from the Conservative Party.

6.15 Humphreys did not disclose to EDDC at any time that he was under police investigation or that he had been arrested and charged. Neither did he disclose to EDDC that he was prosecuted and that he would face trial. Throughout the police investigation he denied the allegations against him, and we understand that he continued to plead his innocence until he was convicted.

6.16 The responsibility for maintaining the standards of behaviour expected of an elected representative was his alone. That he failed to do so was not the fault of officers and councillors at EDDC.

7. Information known by EDDC councillors and officers about John Humphreys

7.1 The central issue in this investigation is to explain who knew about the allegations against Humphreys, when they knew and what they did with that knowledge. With one exception, no-one at the EDDC definitively knew that he had been under investigation for alleged sexual crimes.

7.2 Until the news broke in the media that Humphreys had been charged, only the Monitoring Officer (MO), knew that he had been under investigation by the police.

Devon County Council LADO 'Managing Allegations Strategy' Meetings

7.3 The MO told us how he first learned that Devon and Cornwall police were investigating Humphreys. He told us:

"Following a request by the LADO of Devon County Council to attend a Managing Allegations Strategy (MAS) meeting in March 2016, I was aware he was under investigation by the Police for historic sex offences."

7.4 He added:

"I attended another MAS meeting in April 2016 when it was confirmed that Mr Humphreys was to be arrested. In November 2016 I attended another MAS meeting at which it was confirmed that Mr Humphreys had been arrested in May 2016 and which noted that the CPS were to receive a file for a charging decision which it was expected would be provided in January 2017. There were no further MAS meetings. I did not hear anything further and the first I heard of him being charged, tried and convicted was when it was reported in the press in late Summer / early Autumn 2021. Until more recently, I was not aware of the press article in October 2020 confirming he had been charged."

7.5 We asked the MO to share what was discussed at these meetings, and he told us:

“The meetings are confidential, so I am not at liberty to answer such a wide-ranging question in terms of what was discussed. However, I can say that I was asked about Mr Humphrey’s role(s) at East Devon and whether he had access to Council IT equipment.

7.6 He said:

“The issue of Mr Humphreys’ positions at East Devon were confirmed to the MAS meeting but outside of those he did not have any formal role within East Devon District Council.”

7.7 We understand that the MO advised participants that Humphreys had no contact with children or vulnerable young people in the course of his duties as an EDDC councillor. He said:

“I was asked about Mr Humphrey’s role(s) at East Devon and whether he had access to Council IT equipment.”

7.8 He told us that the request about Council IT equipment had come from the police, and not from the LADO. He confirmed that he had responded to a question about Humphreys’ formal roles at EDDC saying:

“My comment was in relation to his formal positions at EDDC...and whether those would bring him into contact with children or young people. It did not cover (and could not have covered) anything occurring outside of those formal positions, whether in his ward member capacity or as a private citizen.”

Comment

We were surprised that the MO had, apparently, reassured attendees at the meetings that Humphreys’ roles at EDDC did not involve his being in contact with children or with young people.

He clarified that this response was given solely in reference to Humphreys’ formal positions at EDDC, and we acknowledge that this is correct. Nevertheless, several

participants in the investigation pointed us to a number of readily available pictures in the media of Humphreys in settings where he could have had contact with children and young people.

We explore this issue in more depth in Section 9.

Follow-up actions

7.9 The MO told us that he was not asked to do anything as a result of these meetings.

“There was no request of East Devon District Council to do anything and nor was there any suggestion that the meeting was formally informing East Devon of the allegations.”

7.10 The MO’s follow-up action was limited to checking what EDDC IT equipment Humphreys might have access to. He did not exchange any other information with police outside the MAS meetings.

7.11 The MO told us that there was:

“No further engagement from the police post November 2016 - essentially they disengaged from the MAS process because, presumably, it was no longer necessary for their process.”

7.12 He understood that,

“The MAS process concluded without a final/close down meeting and there were no further meetings in relation to Humphreys that I am aware of.”

7.13 The MO confirmed that he told no-one at EDDC what he learned at the DCC meetings, because *“it was strictly confidential and due to data protection issues.”*

7.14 All the other officers and councillors that we spoke to confirmed that they had no knowledge of the investigation or of the charges against Humphreys until the news broke in local media from 16 August 2021.

When did the Monitoring Officer reveal that he had prior knowledge of the police investigation?

7.15 We learned that, following the news of Humphreys' conviction and imprisonment, the MO shared with two councillors the fact that he had prior knowledge of the police investigations.

7.16 Cllr Arnott told us that he attended a meeting (on Zoom) on 10 September 2021. This was a regular informal catch-up with the CEO and the MO. Cllrs Eileen Wragg, Nick Hookway, Sarah Jackson, and Paul Hayward were also present.

7.17 Cllr Hayward told us that there were two agenda items at that meeting:

- “1. Exmouth Queen’s Drive - progress with next phase & consultant resource*
- 2. John Humphreys - past reports to EDDC and further actions if any within and by EDDC”*

7.18 The meeting invitation including the agenda was sent by the CEO's PA.

7.19 Cllr Arnott told us:

“As the meeting was closing, I asked what EDDC had known about John Humphreys prior to his conviction. [The CEO] said, ‘We knew nothing’. [The MO] interrupted and said that was not the case and could all leave the Zoom except for my and the deputy leader Paul Hayward.”

7.20 Cllr Arnott went on:

“[The MO] then said that he had been called into what he described as a short meeting at Devon County which he identified as being in 2018 where the police were also present. He said the only question for him was whether John Humphreys had access to children as a District Councillor. [The MO] confirmed that he did not. [The MO] then said he thought no more of it and had not told [the CEO]”

7.21 Cllr Hayward recalled:

“[The MO] told us that he knew that John Humphreys was under investigation for sexual crimes against children.”

“We would have followed up with further questions - ‘Why not tell [the CEO] or raise a red flag to say he’s certainly not a person to be an alderman’. I recall [The MO’s] response was guarded. He said something like, ‘I did what I thought was best at the time, I have an obligation to do this and that, but I felt it wasn’t my place to raise it. At that point he hadn’t been arrested so at that point it was just a rumour’.”

7.22 Cllr Hayward continued:

“Paul Arnott asked directly whether anyone else knew at the time of awarding the Honorary Aldermanship. [The MO] said he was the only one who knew - he was under no obligation to say anything and so he didn’t. We inferred from that that [the CEO] had not been told.”

Rumours about John Humphreys

7.23 A small number of councillors told us that they had heard rumours about Humphreys’ arrest or that he had been under a police investigation.

7.24 We were told by Cllr Eileen Wragg that she had heard that Humphreys was under investigation. She told us:

“I became aware of the allegation that he was being investigated by the police for sexual assault against young boys some years ago. I spoke with [a former colleague]. ... I was surprised that he told me about this allegation.”

“I emailed [my former colleague] yesterday because I didn’t know who had told him. I still don’t know who told him. I assumed it was a Conservative. In my mind it was

inconceivable that the Conservatives didn't know about the investigation. If I know while I was in the opposition, then they must have known."

"To my mind I found out about five years ago."

7.25 We contacted Cllr Wragg's former colleague. At the time he was a member of the local Liberal Democrat party but was not elected to office. He told us the name of his informant and asked them to contact the investigation team. The informant did not get in touch with the investigation team, but we understand that they were not a past or present EDDC councillor. The former colleague made the following comment:

"I don't think I have anything much to add. [My informant] told me what [they] had heard about the police investigation and arrest of John Humphreys in 2016 and I spoke to Eileen Wragg and possibly one or two other District Councillors at that point. Otherwise, I was merely a conduit!"

7.26 Cllr Brenda Taylor also told us that she had heard something about the allegations against Humphreys before his conviction.

"I can't remember when I heard - I knew there were some investigations going on"

"I think I might have heard but, but it was gossip I suppose. I didn't hear from any source within council or anything like that. I think there was a bit in the paper about it, but there wasn't any evidence to continue with it. I think that was in 2016."

7.27 Cllr Megan Armstrong also told us that she:

"Might have heard the odd rumour about John Humphreys but there wasn't anything I thought that 'We need to look into this'."

7.28 Two councillors who lived nearby to Humphreys told us that they recalled frequent "comings-and-goings" at his residence. Cllr Wragg told us:

"My husband told me someday you're going to hear something nasty about John Humphreys. I knew he was a nasty piece of work. There were all these young blokes going in and out of his house. He has a secret room in his house in Hartley Road,

that is well known. A workman told my husband that the footprint of his house was different to the inside.”

7.29 A second councillor, Brenda Taylor told us that Humphreys had lived next door to her before he became an EDDC councillor. She too recalled that Humphreys had “*quite a lot of men friends coming and going to the house*”. Cllr Taylor recalled this information in hindsight having learned of his conviction. She did not have any active suspicions about Humphreys’ behaviour at the time they worked together as Exmouth EDDC councillors.

7.30 A handful of other councillors told us that they were not aware of the allegations about Humphreys but were concerned about his “*bullying*”, “*forceful*” and “*unpleasant*” behaviour while on Council business. Others told us that he could be “*charming*” and worked hard for Exmouth.

7.31 Cllr Wragg told that us she reported to the MO one instance of Humphreys being aggressive towards her at a council meeting. She told us the complaint was not taken any further to be formally investigated.

7.32 The majority of councillors that we spoke with told us that they had not heard about the allegations or investigation into Humphreys, and many did not know him beyond being aware he was a councillor from Exmouth.

7.33 Many councillors believed fervently that councillors belonging to Humphreys’ political party must also have known that he was under police investigation. We have found no evidence to support this belief. No one that we spoke to other than Cllr Wragg told us that they were aware of the allegations against Humphreys until his conviction was reported in the press in August 2021.

7.34 We asked Cllr Wragg why she did not report what she had heard about the allegations against Humphreys to anyone at EDDC. She told us:

“It all went quiet. I couldn’t say anything. I didn’t know for certain so I kind of put it at the back of my mind.”

7.35 A member of the public who contacted the investigation team told us they had heard rumours since 6 June 2016, when they received a message on social media. They were

unwilling to reveal the identity of the person who gave them this information. The message read:

“Have you heard the rumours about JH...? I have been told by more than one source.”

“... I stress this is only rumour, but I have heard it from more than one source that he got arrested and bailed recently. I have no way of knowing if it is true and do not want my name attached to any spreading of it but if there’s any truth in it he is in a lot of trouble”

7.36 If any other councillors knew about Humphreys’ offending, the allegations and charges against him, and the fact that he was under police investigation they did not bring their knowledge forward to the Verita investigation team.

7.37 No-one who heard rumours about Humphreys or harboured any concerns about his behaviour raised them with officers.

Comment

Whatever some councillors say they knew about Humphreys’ arrest in 2016 and the subsequent police investigation appears to be in the realms of rumour and gossip. Any suspicions or misgivings they may have had about him were not specific, lacked detail and did not derive from direct knowledge of the allegations.

There is no evidence that anyone reported the rumours to EDDC (either to officers, or to other councillors) at any time before Humphreys was convicted.

In the absence of any such concerns being raised about Humphreys, there was no action that officers or councillors could have taken.

8. EDDC decision-making after John Humphreys' arrest

8.1 Before Humphreys was convicted, the MO was the only person at EDDC who knew about the allegations against him, and the fact that Devon and Cornwall police were investigating his alleged offences. The sources of this information were Devon County Council and the police. After the news emerged of Humphreys' conviction, questions began to arise from the media, and from councillors at EDDC.

8.2 The councillors that we spoke to were seriously concerned about the implications of not being aware about the investigation into Humphreys' alleged crimes. Upon learning from September 2021 that an officer of the Council had known earlier about the allegations, they became further concerned. Several councillors pointed out that if the Council had known about the allegations and charges against Humphreys they could have considered whether any actions could have been taken to protect children or vulnerable people he may come into contact with.

8.3 Cllr Paul Hayward said he was surprised that the MO had not shared this information with the CEO:

"With hindsight it seems odd because you'd at least want to have someone else to discuss it with. Both the [MO] and [the CEO] have said [the CEO] didn't know. It does stretch credulity that [the MO] would want to keep that to himself. It's a huge thing."

8.4 Cllr Wragg summarised the feelings of several councillors when she said:

"[The MO] was told about this when this first came out at DCC in 2016. It is inconceivable to me that he did not go back and report to his line manager, the chief exec, that John Humphreys was under investigation. It's his duty to do so. That is his boss."

8.5 In this section we explore why information that the MO had about Humphreys was not shared with officers and councillors at EDDC.

Instructions given about confidentiality at DCC LADO ‘Managing Allegations Strategy’ Meetings

8.6 Devon County Council sets out on its website how confidentiality during LADO managing allegations strategy (MAS) meetings should be handled.¹ It explains:

“Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered.

“Apart from keeping the child, parents and accused person (where this would not place the child at further risk) up to date with progress of the case, information should be restricted to those who have a need to know in order to protect children, facilitate enquiries, manage related disciplinary or suitability processes. [Verita emphasis]

“The police should not provide identifying information to the press or media, unless and until a person is charged, except in exceptional circumstances (for example, in an appeal to trace a suspect). In such cases, the reasons should be documented, and partner agencies consulted beforehand.”

8.7 DCC also describes how organisations should address the allegations with those against whom they have been made:

- 1) *“Unless the LADO gives advice to the contrary, the accused person’s employer should, as soon as possible, inform the individual about the nature of the allegation, how enquiries will be conducted and the possible outcomes. The individual should read the LADO guidance titled ‘What happens if an allegation is made against you’.*
- 2) *Where concerns have arisen due to events in the member of staff or volunteer’s private life, the individual should be given a copy of the LADO guidance titled ‘When there are concerns about your personal life’.*
- 3) *All referrals made to the LADO are recorded on the local authority’s electronic record. When the employer informs the subject that an allegation has been made, the subject must be made aware of this fact.”*

¹ <https://www.devon.gov.uk/educationandfamilies/child-protection/managing-allegations-against-adults-working-with-children/advice-for-organisations/>

8.8 Finally, it explains how information should be shared to support disciplinary processes:

“Wherever possible, police and children’s social care should, during the course of their investigations and enquiries, obtain consent to provide the employer and/or regulatory body with statements and evidence for disciplinary purposes.

“If the police or CPS decide not to charge, or decide to administer a caution, or the person is acquitted, the police should pass all relevant information to the employer without delay.

“If the person is convicted, the police should inform the employer and the LADO straight away so that appropriate action can be taken.”

Comment

This guidance is written in terms that describe what an employer should normally consider if accusations are made against an employee or a volunteer. Councillors are, of course, not employees or volunteers, but it appears that DCC used the principles of this advice to ensure appropriate confidentiality was maintained around the allegations against Humphreys

8.9 The MO, who attended these meetings on behalf of EDDC, told us that the instructions given at the meetings with regards to Humphreys were different. The MO told us that the police in attendance at the LADO meeting advised him, along with other attendees, that information shared should be kept confidentially. This was to avoid any interference with an active police investigation. He told us:

“The Chair of the MAS meetings made it clear at each meeting that the meetings were being held in the strictest confidence. The documentation was all marked as being ‘strictly confidential’ and sent via secure email services. I did seek clarification from the Police at the April 2016 MAS meeting about what I could say, and their subsequent advice was that I should not say anything about the matter.

This was because it was an ongoing investigation and because of data protection issues. This position was reiterated by the Police in correspondence following the November 2016 MAS meeting.”

8.10 The report commissioned by DCC into the conduct of these LADO meetings states that at both the ‘Initial Strategy Meeting’ in March 2016 and the ‘Reconvened Strategy Meeting’ in April 2016, there was no record of discussion amongst the attendees about whether Humphreys was aware of the allegations and whether he should be told. However, it appears that it was clear to attendees that he was not aware at this stage. The DCC report concludes:

“It was not appropriate for strategy meetings to be held without JH knowing about the allegations or there being a clear rationale for not informing [him].”

8.11 Attendees at these two LADO (MAS) meetings learned that Humphreys had not yet been arrested at the time the meetings took place. Humphreys was arrested by police in connection with these allegations on 11 May 2016.

8.12 The DCC report does not discuss the third LADO meeting that is reported to have taken place in November 2016.

8.13 Devon and Cornwall Police said in a press statement in January 2023:

“The appropriate and agreed route for sharing sensitive information with relevant partners is through the LADO process. Once a partner has been informed of the risk, it is down to them to manage this issue internally as they see fit.”²

8.14 We asked the MO to share with us the correspondence he exchanged with the police by email in November 2016. He declined, saying:

“I do not consider this is appropriate.”

² <https://www.bbc.co.uk/news/uk-england-devon-64373602>

Comment

Two out of the three LADO meetings took place before Humphreys was arrested by police. At this stage it is highly likely that Humphreys was unaware that any allegations had been made against him, or that the investigation was ongoing. Indeed, LADO meeting records suggest that he explicitly was not told.

The MO reported that the police instructed attendees to maintain strict confidentiality at this stage, primarily to avoid prejudicing their investigation into the allegations, but also to avoid causing unspecified data protection related issues.

The police direction about confidentiality in this case appears to have been more stringent than advice usually given by DCC and the police at LADO MAS meetings. This typically allows for information to be shared with those who “need to know in order to protect children, facilitate enquiries, manage related disciplinary or suitability processes”. As such, it is usual for organisations, such as EDDC to be able to follow their own processes to mitigate safeguarding risks as they see fit.

We consider that the typical DCC and police advice may, in different circumstances, have allowed the MO to share information he received at the LADO meetings with other senior officers or group leaders at EDDC. However, it is clear that the police’s need to maintain strict confidentiality overrode the DCC’s normal advice and prevented him from doing so. To date, we have not seen direct evidence of the nature of the instructions given to LADO MAS attendees with regards to confidentiality of the information received.

The media statement from police in January 2023 appears to support their normal way of dealing with such scenarios. It is not clear who at Devon and Cornwall Police provided this quote and whether they were aware of or checked the nature of the advice that was given to the LADO MAS meeting attendees in this case.

We consider that, even if officers and councillors at EDDC had known about the allegations against Humphreys, there is no action that could have been taken by them that would not have alerted Humphreys to the fact that he was under investigation. Any action that might have been taken would have alerted him to the existence, and possibly the nature of the allegations about him.

Humphreys was arrested and questioned under caution on 11 May 2016. From this point he was aware of the ongoing investigation. It is not clear why the police would seek to maintain this strict requirement of confidentiality following the LADO meeting in November 2016.

We believe that being the only person at EDDC who knew about the allegations against Humphreys put the MO in an unenviable position. He was effectively prevented from sharing information with his manager or the EDDC Safeguarding Lead as the subject expert in the organisation. Moreover, he was also prevented from sharing the allegations with political group leaders or the Chair of Council.

It is clear that, from March 2016, the MO complied fully with the instructions given by police not to disclose the information about the allegations to anyone. He maintained this confidentiality until news broke of Humphreys' conviction in August 2021.

Recommendation

R1 In the event that a similar event arises in the future, we consider that anyone from EDDC invited to a LADO meeting should not go unaccompanied and should consult the Safeguarding Lead before attending.

8.15 The report commissioned by DCC about the LADO process with regards to Humphreys stated:

“There is no record of any discussion about who had been invited to the meeting and why.”

8.16 The MO told us that his attendance at the DCC LADO meetings did not constitute EDDC being formally told about the allegations:

“The Council did not formally learn about the allegations made against Mr Humphreys. My attendance at the MAS meeting was to assist the LADO in discharging

their duties, I was not there for East Devon District Council to be informed about the allegations.”

8.17 We asked the CEO to explain why the MO had been requested to attend to aid a statutory safeguarding body (as opposed to receiving information on behalf of the District Council). He said:

“Essentially, the Police chose not to request the attendance of our safeguarding lead but instead chose the MO as this was a part of them identifying the relevant officer to help them with particular aspects of their criminal investigation.”

8.18 EDDC had stated, to the press in response to the DCC report, that:

“East Devon District Council never officially knew that John Humphreys had been charged by Devon and Cornwall Police until this news was made public”³

8.19 The CEO explained this statement:

“Hopefully it is clear that Humphreys was no longer a Cllr when he was charged? The charging process is not the same as the arrest process and normally takes place following a decision by the CPS and is much nearer in time to the first appearance in court. My understanding is that when he was charged, Humphreys was no longer a District Cllr. Had he been a District Cllr at the time he was charged I would expect an ‘official notification’ in the form of a letter from the Chief Constable informing me as CEO of the Council that one of my Cllrs had been charged with a criminal offence.”

8.20 The MO also explained what he meant by EDDC not being formally notified.

“I would have expected official correspondence to have been provided to the Council confirming the detail, or alternatively the confidentiality conditions to have stipulated that the information provided was capable of being shared more widely within East Devon, in either case with the intention of enabling safeguarding action being taken.”

³ <https://www.bbc.co.uk/news/uk-england-devon-64373602>

8.21 We asked the MO if Humphreys had been charged by police in November 2016, and he said that he hadn't to the best of his knowledge been charged at that point. He told us that he was aware that the Crown Prosecution Service:

“Were to receive a file for a charging decision that would be provided in January 2017”

8.22 He went on to confirm that he did not know when the CPS actually received that file, nor when Humphreys was charged.

Comment

The main expectation on the MO was to maintain confidentiality about the allegations against Humphreys, and the fact that he was under police investigation. In our view, the MO was in a clear and unambiguous position in light of the police advice. If he had shared information with anyone else, he would have breached the stringent confidentiality requirements required by the police. Had he done so it is highly likely that this would have prejudiced the police investigation.

Any such action would probably have made the MO liable to being accused of perverting the course of justice. All the evidence confirms that the MO complied fully with the police's instructions not to share the information about the investigation or allegations with anyone else at EDDC.

Both the MO and the CEO have sought to explain why EDDC was not formally notified about Humphreys. It appears clear to us that Mr The MO was invited by DCC to these meetings due to his position as the Monitoring Officer (i.e. the person nominally responsible for councillor conduct and behaviour) for the council at which Humphreys was an elected councillor.

However, as the DCC report states, the exact rationale for invitations to the LADO MAS meetings was not recorded. It may have been that the Safeguarding Lead for EDDC would have been a more appropriate or additional attendee.

At the meetings the MO answered questions about Humphreys in reference to his likely contact with children in the course of his roles as an EDDC councillor. The MO was given information by attendees at the meetings that he was required to keep confidential.

Notwithstanding the form of any notification that was, or was not given to EDDC, it is clear that the MO gathered a wide range of information about the allegations against Humphreys and the actions that the police were taking to investigate them. We infer that the MO also knew what actions, if any, officials at Devon County Council were considering in dealing with the issues raised.

What actions could the Council have considered had officers and councillors been aware earlier of the investigation into the allegations?

8.23 The MO's compliance with the confidentiality requirement placed on him meant that no one else within EDDC had any knowledge of the allegations made against Humphreys over the course of the last three years of his term as a District Councillor. Had this not been the case, we now explore what options could have been available to EDDC if such strict confidentiality requirements had not been imposed.

Legal framework

8.24 Similar to all local government authorities in England, EDDC operates in a relatively restrictive legal framework with regards to actions it can take against elected representatives.

8.25 In accordance with section 80 of the Local Government Act 1972 there are limited circumstances in which a councillor can be removed from office. The position in England since 2012 is that a councillor cannot be disqualified unless:

- a. They are convicted of a criminal offence and imprisoned for a period of at least three months within five years before or since election; or
- b. They are convicted of an offence of withholding or misrepresenting a pecuniary interest; or

- c. They are a paid employee of the authority; or
- d. They are declared bankrupt.

8.26 Previous legal precedent, *Heesom v. Public Services Ombudsman for Wales* [2014] EWHC 1504 (Admin) describes that outside of the categories outlined above, a councillor in England cannot be disqualified or suspended and sanctions are limited.⁴

Comment

Since 2012, by law a councillor cannot be disqualified except in very limited circumstances. At the time that the allegations about Humphreys came to light in 2016, he had not as yet been convicted of a criminal offence. This threshold was not met until August 2021, when Humphreys was convicted and sentenced to 21 years imprisonment. However, by this time, Humphreys was no longer a serving EDDC councillor.

We consider that no formal action could have been taken against Humphreys before he was convicted. EDDC would have been obliged to rely on the presumption of his innocence while any investigations were underway. We do not believe that EDDC could have subjected him to a code of conduct investigation while the police were investigating him. As soon as he was sentenced to 21 years in prison, these questions became moot.

8.27 There have been recent changes to the law affecting elected authority members. On 28 June 2022 the Local Government (Disqualification) Act 2022 came into force. The Act disqualifies people subject to a number of provisions under sexual offenses legislation from serving as a councillor. The relevant offenses in England are:

- The notification requirements of Part 2 of the Sexual Offences Act 2003
- A sexual harm prevention order
- A sexual harm prevention order
- A sexual offences prevention order

⁴ <https://www.freeths.co.uk/2017/11/30/local-government-update-councillor-disqualification/>

- A sexual risk order
- A risk of sexual harm order

8.28 The act is not retrospective.

8.29 The most recent ‘Candidate’s consent to nomination’ information sheet used by EDDC had been updated to reflect these legislative changes.

Comment

It is not clear from the evidence we have seen what, if any, conditions or restrictions the police imposed on Humphreys during the period he was under investigation. It is possible that pre-charge bail conditions could have been set, or that conditions were imposed after he was arrested.

It is likely, in the circumstances, that he may have been subject to a sexual risk order which can be applied prior to charge, caution or conviction of a relevant sexual offence. If a similar scenario happened now, EDDC would be able to take action to remove a councillor from their position.

The guidance is reflected in the latest qualification criteria documentation, which will be used in upcoming local government elections in East Devon. It may also need to be incorporated into the code of conduct.

It is worth noting that the 2022 Act only extended disqualification in cases of sexual offences. If, in future, a councillor was accused of crimes of a non-sexual nature there would still be no avenue to remove them from their role, except in the circumstances specified in the existing legislation.

EDDC code of conduct for members

8.30 EDDC has a code of conduct for members incorporated into its constitution. It is based on the model code of conduct disseminated by the Local Government Association, which also provides guidance to Councils on its application.

8.31 We learned that the EDDC constitution is updated and ratified annually. We have reviewed the code of conduct for members in each version of the constitution since 2015. Minimal changes were made to the code of conduct each year, except for the latest version. In this section we will primarily refer to the versions that were in place around the time that Humphreys was arrested and officially became aware of the allegations against him (dated June 2015 and July 2016) as well as the version currently in use (May 2022).

8.32 Prior to 2022 the code of conduct gave limited guidance on the behaviours expected of elected members. The 2022 version sets out a series of expected ‘model behaviours’. Common to both versions of the code of conduct is an emphasis on councillors’ obligations with regards to their financial and personal interests.

8.33 The purpose of the 2022 code of conduct is described thus:

“The purpose of this code of conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, Council officers and the reputation of local government.”

“It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The Local Government Association encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.”

8.34 The code of conduct sets out guidelines on acceptable behaviour and responsibilities of councillors. It incorporates the Seven Principles of Public Life (commonly known as the Nolan Principles).

8.35 The code of conduct only applies to actions and behaviours of an individual when they are acting in their capacity of a councillor. It states:

“This code of conduct applies to you when you are acting in your capacity as a councillor which may include when:

- *you misuse your position as a councillor, or*
- *your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.”*

8.36 Common to all local authorities, the code of conduct does not apply to issues in a member’s personal life. For a breach of the code to be considered, it has to be in connection with actions carried out in the capacity/role of a councillor. The LGA gives the following illustrative example:

“For example, an argument with a neighbour which does not relate to local authority business would not engage the code, even if your neighbour happens to know you are a councillor and therefore complains to the local authority about being treated disrespectfully.”

8.37 Further, a councillor cannot be suspended for a breach of the code of conduct, only removed from executive and committee roles.

8.38 The code of conduct does not give any explicit guidance on available sanctions/ responses/ consequences for any breaches of the code of conduct.

8.39 The code of conduct generally relies on councillors self-censuring and being honourable and honest.

8.40 EDDC gives guidance on its website about how to make complaints about councillors. It also lists records of standards investigations that have been carried forward. The subject matter of previous investigation reports we have seen are largely around interpersonal behaviours of councillors and allegations of rude, disrespectful or bullying behaviour. Cllr Jess Bailey said:

“I am not condoning any of those types of behaviour, but it is not criminal or serious. It just feels really weird that we can do all of that, but when something serious happens we don’t do anything and just carry on as normal.”

8.41 If a member becomes subject to a standards investigation for breaches of the code of conduct, options for ‘sanctions’ are still limited. They include:

- A formal letter to the member indicating the failure to comply with the code of conduct.
- Removal of a member from a particular committee which can only be achieved in consultation with the Group Leader of the members' party.
- Formal censure via a Council motion
- A formal press release sanctioned summarising the breach.
- A local resolution acceptable to the complainant and member (e.g., apologies, training and mediation)

8.42 The CEO is concerned that there are shortcomings in the code of conduct that allow serious misconduct to persist:

“Councillors’ obligations are set out in the code of conduct which relies on councillors behaving honourably and in compliance with the Nolan principles. I think we have seen from the conduct of our own councillors and those elsewhere that there are serious flaws in the code of conduct regime but essentially the rules are made by politicians for politicians.”

8.43 He added:

“The whole premise of councillor behaviour and conduct assumes that councillors are honourable individuals who have signed up to the code of conduct and can be trusted.”

8.44 We asked the CEO what mechanisms are in place to ensure councillors conduct themselves properly, he said:

“Peer pressure and the code of conduct... In my opinion, the code of conduct regime is not fit for purpose as it has very little bite and can be the subject of politically motivated decision making.”

Comment

The allegations and subsequent police investigation into Humphreys were out of scope of the EDDC code of conduct. The offences for which Humphreys was convicted occurred

before he was an elected member of EDDC. The actual offences appear to have been committed between 1990 and 1991 in one case, and in the late 1990s and early 2000s in the other. Both of these periods are prior to Humphreys' role as an EDDC councillor. There is no evidence that his offending was ongoing during his term as an EDDC councillor or at the time of his arrest.

In any case, for the purposes of the code of conduct, these actions would probably have been considered as pertaining to Humphreys' private life. Although Mr X and the sentencing judge believed that Humphreys' position as a councillor afforded him elevated status in the community, there is no suggestion that Humphreys used his council position to enable him to carry out offences.

In law, EDDC and other local authorities are limited in terms of the ways they can address poor behaviours by elected members. Only matters which occur in the course of the performance of public duties may be subject to enquiry. Any serious personal matters, such as an arrest or other moral failing which might be cause for concern, are excluded from the Council's remit to act.

Even when matters may be pursued under the code of conduct, the options available to the Council are severely limited to a formal finding of a breach of the code. This may result in formal censure on the Council's website or informal resolution.

The convention is that members will individually chose to resign for serious failings in their conduct. This requirement cannot be imposed on them and it was, in Humphreys case, clearly his choice to remain a councillor despite the fact he was under police investigation.

We agree with the CEO's comments about the usefulness of the code of conduct. The scenarios in which it can be deployed are limited, as are the sanctions when it is. In our view the code of conduct and allied standards process are not effective tools to promote desired behaviours, nor to effectively address poor behaviours amongst elected members. Unfortunately, EDDC is not in a position to make wide-ranging changes to this regime without legislative change at a national level.

Actions short of restriction, removal or suspension

8.45 Given the restrictions on EDDC for removing, suspending or restricting the role of a councillor, we explored with participants whether any action short of such measures could have been considered in this case. We acknowledge that these were hypothetical questions.

8.46 We asked the MO what options might have been open to EDDC in considering Humphreys' position once it learned about the allegations made against him. He told us:

“Hypothetically, had the Council been formally informed, other than a discussion with the Conservative Group Leader and / or Mr Humphreys, I can't see what options were open to East Devon District Council. It would have no powers to interfere in Mr Humphreys' role as a democratically elected councillor and nor could it dictate that he should not sit on any committee - that is an absolute right of a political group to appoint as it sees fit. If there were any options which could be considered they would have to have been subject to analysis from a legality point of view, including the foregoing rights I have mentioned and his rights under data protection and human rights legislation and of course the central tenet of the criminal justice system that you are innocent until proven guilty.”

Informal discussions with John Humphreys

8.47 The MO could have spoken informally to Humphreys after his arrest. This could have put the onus on Humphreys to consider his position as a councillor and may have led him to resign.

8.48 The MO could have asked Humphreys not to attend EDDC events at which children and vulnerable adults would be present. This might have signalled to Humphreys the need for him to restrict his own contacts with children and vulnerable people while on council business. We learned that EDDC does not require councillors to keep records of their activities.

8.49 Even if Humphreys had acceded to such a request, it may have been difficult to monitor his compliance with it. However, there was a significant risk that giving such notice to Humphreys would have prejudiced the police investigation and the MO did not do so.

Informal discussions with senior officers, councillors or group leaders

8.50 It was possible that the MO could have informally spoken to the Chair of Council or to group leaders, with the aim of alerting them to the fact that Humphreys was under police investigation. This may have afforded councillors the opportunity to consider any safeguarding risks that Humphreys presented, and they may have been acted upon in accordance with the appropriate safeguarding policies.

8.51 Had the MO spoken to the Chair of Council or to group leaders, it may have prevented Humphreys being nominated for the Honorary Alderman award. This could have forestalled the eventual need to withdraw the honour from Humphreys after it had been conferred.

8.52 The MO could have told the CEO and councillors about the potential risk to the reputation of the Council if the allegations against Humphreys were proven. This might have allowed the Council to develop a media and internal communications strategy to anticipate and deal with any publicity that would inevitably have followed. There is no evidence that he did so. This placed the Council in a reactive position when the news of Humphreys' conviction broke in the media.

Comment

Only the MO was in possession of the information about the allegations against Humphreys and the police investigation of them. He has explained to us his overriding concern, on advice from the police, not to prejudice their investigation into Humphreys. We believe that he acted correctly and consistently in this respect.

8.53 We asked the Director - Housing, Health & Environment and nominated Safeguarding Lead Officer for EDDC if he considers he should have been told about the investigation. He said:

“The fact is that I was not told. My understanding is (discovered as a result of this investigation) that my colleague was informed of safeguarding concerns by partner

agencies in the strictest confidence, and as a consequence I respect the need for this information to be contained on a 'need to know' basis, particularly as this was in the context of a criminal Police investigation."

8.54 We asked the Safeguarding Lead what he might have done if he had been told. He said:

"This is speculation as I was not informed. However, this has been something I have contemplated during the course of your investigation and I have concluded that depending upon the nature of any information shared with me, I would have satisfied myself that a safeguarding referral and appropriate LADO procedures had been initiated. This would ensure that any risk of further abuse would be mitigated whilst Police investigations were ongoing."

8.55 The CEO said:

"This concern or gossip was never reported to me or any other officer to my knowledge. Had this scenario occurred I would have engaged our safeguarding process and also probably have advised that we need to take legal advice to establish the extent of what was appropriate/legal."

8.56 We asked the MO if any officer commissioned or conducted a risk assessment of Humphreys' role after he had been arrested in 2016. He told us that EDDC was not aware of the arrest in 2016 and that:

"The issue of Mr Humphrey's continuing in his councillor role but also having access to schools or unsupervised contact with children was raised at the MAS meetings. These latter concerns were not just because of Humphreys' councillor role but in the context of the whole investigation which had a slightly wider scope than just Humphreys' councillor role which you can pick up from the DCC investigation report."

8.57 He went on:

"Mr Humphrey's positions at East Devon were confirmed to the MAS meeting but outside of those he did not have any formal role within East Devon District Council."

In light of this, and it is presumed the wider considerations of the case including the historic nature of the allegations, the Police said it would be dealt with through a safety and safeguarding discussion with Humphreys and bail conditions.”

8.58 He added that:

“As acknowledged in the DCC report, there was no suggestion of contemporaneous risk.” and that “The MAS process (including with input from the Police) considered that a safety and safeguarding discussion and bail conditions was the appropriate way to deal with any risk.”

Comment

Had the MO notified the CEO or councillors about what he knew about the allegations against Humphreys, it may have led the Council to consider whether he presented any safeguarding risks to children or to vulnerable people. He did not share what he knew and there was no opportunity for other officers or councillors to take any preventative action. Consequently, no action was taken.

EDDC joint safeguarding policy

8.59 EDDC has a safeguarding policy that was jointly produced with other Devon District Councils. DCC has the primary responsibility for safeguarding in the region.

8.60 The policy set out that it applies to all elected members, officers, staff and volunteers at Devon District Councils.

8.61 It sets out the roles and responsibilities of people in various positions to act with regards to safeguarding concerns.

8.62 The policy does not clearly set out the actions that can be taken by an organisation to mitigate the safeguarding risks posed by any individual, and particularly elected members.

How could a fellow councillor have raised a concern about John Humphreys?

8.63 We have described in the previous section that there were rumours circulating amongst some councillors about Humphreys' arrest and the allegations against him. None of those who told us about these rumours reported them to EDDC.

8.64 We explore what options they would have had to do so, and how such issues could have been addressed according to EDDC policy.

8.65 Any councillor with concerns about the conduct of a colleague could have reported their concerns via the Council's safeguarding policy if there was a suspicion that anyone was or could be at risk from a councillor's behaviour. This would have required the person raising the concern to report it to the Council's Safeguarding lead, who would have responsibility for assessing the concern and, if appropriate, for taking any action to investigate it further

8.66 An alternative option would be for a councillor to raise the concern as a potential standards issue if any breach of the code of conduct was suspected. This would have required the person raising the complaint to report it to the Council's Monitoring Officer, who would have had the responsibility for considering the complaint and for investigating it.

8.67 The Democratic Services Manager (DSM) told us:

“There is a formal complaints process within the Council which has several stages to it. I would assume that if there were formal reports to officers about a councillor's behaviour, it would be based upon evidence provided that could be addressed with those involved and be taken into the complaints process if appropriate. If it was perceived that there was a potential Safeguarding issue, officers might have considered contacting the County Council or Devon Safeguarding Board which have a primary role in picking this up as appropriate with key partners, such as the police.”

Comment

There are limited avenues open to councillors for raising concerns about a colleague. In cases where safeguarding risks may be a concern, we would expect a councillor to know how to raise this with the Council's safeguarding lead.

In cases where inappropriate behaviour occurs, it would seem appropriate to raise this under the EDDC's code of conduct. However, where more serious misconduct is suspected, that may fall far outside the scope of the Code. The Council's Monitoring Officer would be the natural source of advice in such a case.

We believe that anyone with a serious concern about a fellow councillor would have assumed that their first point of contact to raise the matter would be the Council's Monitoring Officer, but we could find no clear guidance that confirms how this should be done.

Who else might have had the power to intervene?

East Devon Conservative Association

8.68 This investigation focussed on the actions of EDDC officers and councillors. Therefore, the role and actions of the East Devon Conservative Association (EDCA), of which Humphreys was a member, are out of scope of this investigation. However, EDDC has received a letter from the EDCA in response to a request about its role and knowledge of the allegations against Humphreys. We summarise its contents below for completeness.

8.69 EDCA's Chair, Bruce de Saram, wrote to the CEO of EDDC on 7 September 2022. Bruce de Saram is also a current EDDC councillor.

8.70 Humphreys was an EDCA member at the time of his arrest until 9 June 2020. It is not clear why he chose to relinquish his membership at that time.

8.71 As part of their application to become a candidate for Council, candidates are required to complete a form which includes questions requiring declarations about:

- Their suitability and qualification to stand for election.
- Policy interests.
- Previous convictions or cautions.
- Any matters which may cause embarrassment.

8.72 Cllr de Saram states in his letter that EDCA has power to take action:

“Had we been informed of John Humphreys’ arrest at the time by Devon County Council LADO, Devon and Cornwall Police, or John Humphreys himself we would have been able to implement our safeguarding processes. This would have included a risk assessment and safeguards being put into place including suspension and ultimately removal of his membership of the Conservative Party.”

8.73 EDCA was not invited to attend the DCC LADO meetings. The MO could have suggested to the LADO that the EDCA be included but, ultimately, attendance at the MAS meetings was a decision for the LADO to take.

Comment

Comments from the EDCA suggest that they may have had more remit to impose sanctions on Humphreys than were available to EDDC.

If Humphreys’ membership of the party had been suspended or removed as suggested, this would have been immediately visible to other councillors both in and outside of his party at EDDC meetings. It is likely that these other councillors would not have been given reasons as to his removal.

It is important to note however, that suspension of party membership does not in and of itself force resignation or suspension from the role of councillor, but such a public stance may have encouraged Humphreys to consider his continued position.

John Humphreys' responsibility

8.74 Although the investigation by police and the prosecution of Humphreys took place over an extended period of time, the evidence suggests that at no point after 2016 was it apparent that the investigation was not progressing, or that the allegations had been withdrawn. Mr X said in a statement:

“The police say that Humphreys knew that the case was ‘live’ during this time, 2016 to 2021. His [Humphreys’] legal team communicated with the officer in charge and at no time was he told that the case was not being proceeded with.”

8.75 Humphreys therefore would have been aware that he was under investigation for serious sexual offences for much of his final term as an EDDC councillor.

8.76 The code of conduct in place at the time did not place him under any specific requirements to disclose his arrest or the ongoing police investigation to anyone at the Council. However, Humphreys had a personal obligation under the Nolan Principles to conduct himself with honesty, integrity, openness, and accountability. He also had a duty not to conduct himself:

“In a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute.”

8.77 Humphreys, like all councillors, had to declare his financial and personal interests annually. There is no such obligation on councillors to declare any issues about their conduct or suitability to remain as a councillor in the same way.

8.78 The Democratic Services Manager, concluded:

“Whilst expected to uphold high standards of conduct, there appears to be nothing which can compel a councillor to make a declaration if they choose not to.”

8.79 Humphreys had a personal duty to disclose matters to his party that might have affected his suitability for membership or his fitness to stand for elected office. Although he was questioned by police in 2004/2005 when Mr X first reported the sexual abuse, we believe it is likely that he had no arrest to declare when he stood in 2007, 2011 and 2015.

8.80 In any event, the key question from his party that he would have had to answer was:

“Have you been convicted of a criminal offence and sentenced to not less than three months imprisonment (including a suspended sentence) in the last five years?”

8.81 His answer would, truthfully at the time, have been “No”.

8.82 The other relevant questions would have been:

“Have you been convicted, cautioned or received a fixed penalty or are there proceedings pending for any criminal matter (other than minor motoring offences)?”

“Are there any matters which may cause embarrassment to the Party if they became public knowledge?”

8.83 We infer from the events that followed that Humphreys did not disclose that he was under police investigation.

8.84 He chose not to stand in 2019 so was under no obligation to complete any other declaration with regards to EDDC. He may have had to complete a declaration for his election to Exmouth Town Council.

8.85 There is no evidence that Humphreys directly told anyone about his arrest, pending investigation or trial. As explained above, the behavioural standards set for councillors primarily rely on individuals doing the right thing in an honest and open manner. Humphreys did not do this.

8.86 In the existing legal and procedural framework, this is a likely outcome and an ever-present risk. Criminals and those flouting the rules are routinely unlikely to do the honourable thing and self-report their actions to appropriate authorities.

Overall comments

Although this investigation aims to reveal how EDDC councillors and officers responded to the events that occurred, it is important to reflect that the responsibility for what Humphreys did rests with him. His offences took place before he became an EDDC councillor, and he concealed that offending for many years from both the Council and from the Conservative Party.

Humphreys did not disclose to the EDDC at any time that he was under police investigation or that he had been arrested and charged. Neither did he subsequently disclose to the EDDC that he was being prosecuted and that he would face trial.

Throughout the police investigation he denied the allegations against him, and we understand that he continued to plead his innocence until he was convicted. Responsibility for maintaining the standards of behaviour expected of an elected representative was his alone. That he failed to do so was not the fault of officers and councillors at EDDC.

Under police instruction the MO did not disclose further the information he received at the LADO meetings. In maintaining confidentiality of the information and the integrity of the ongoing police investigation the MO took no action to further surface or address the allegations in the context of EDDC.

We have learned that very few councillors had heard rumours about the investigation into Humphreys. The overwhelming majority were never aware of the allegations prior to 2021. Although Humphreys was charged in November 2020, there was very limited media coverage - we only found one article in the local press. None of those who heard the rumours raised it with anyone at EDDC in any formal or informal way.

This meant no one at EDDC took any steps to address the allegations against Humphreys, or to assess any safeguarding risk that he might present in his role as a councillor.

Even if other officers or councillors had known what the MO knew, the options available to them would have been limited. It is likely that they could not remove or suspend Humphreys. They could not sanction him under the code of conduct.

We consider the most they could have done would have been to ask Humphreys that he should not attend events with children present. This would have been a voluntary agreement, and an offer that he was highly likely to have declined - especially in light of his persistent claims of innocence.

Ultimately the responsibility for disclosure was on Humphreys, and he chose not to exercise it. He continued in his position unchallenged until he chose not to stand for re-election to EDDC in 2019. This exposes a significant shortcoming in the code of conduct that is outside EDDC's immediate remit to change.

9. John Humphreys' safeguarding risk to children in the context of his councillor role

9.1 With the exception of the MO, no-one at the Council was in a position to consider any safeguarding risks, because they were unaware of the fact that Humphreys was under investigation.

9.2 The nature of the eventual charges against Humphreys raises the issue of whether other children or vulnerable adults were at risk from the time police initially questioned him through to his arrest, conviction and imprisonment.

Councillors' contact with children

9.3 We explore the circumstances in which councillors come into contact with children or vulnerable adults during the course of their role.

9.4 As described above, a discussion took place at the LADO MAS meetings about whether Humphreys' role involved working with children. The DCC report explains:

"The minutes give a summary of the circumstances around the allegations against JH, and police efforts to identify which college(s) JH may have offered work experience placements to. JH's various roles in the community are discussed, none of which is described as providing him with access to children."

"Overall, appropriate consideration was given to identifying any contact which JH might be having with children. No evidence was presented to the meeting that JH worked with children."

9.5 The report adds:

"The Devon County Council legal representative expressed concern about the potential for JH to have contact with children if he continued in his role as a local councillor after being arrested, though it is not clear from the minutes (or those of the previous meeting) that any of his duties would involve this and thus what the source of this concern was."

9.6 It concludes:

“Overall, this meeting confirmed that JH did not work with children”

9.7 The MO attended these meetings on behalf of EDDC. We asked for his view on whether councillors would come into contact with children in the course of their role. We await a response from the MO.

9.8 We also asked the MO if any safeguarding risk assessment of Humphreys’ role was carried out after his arrest. He told us:

“The issue of Mr Humphreys continuing in his councillor role but also having access to schools or unsupervised contact with children was raised at the MAS meetings. These latter concerns were not just because of Humphreys’ councillor role but in the context of the whole investigation which had a slightly wider scope than just Humphreys’ councillor role which you can pick up from the DCC investigation report. Mr Humphrey’s positions at East Devon were confirmed to the MAS meeting but outside of those he did not have any formal role within East Devon District Council. In light of this, and it is presumed the wider considerations of the case including the historic nature of the allegations, the Police said it would be dealt with through a safety and safeguarding discussion with Mr Humphreys and bail conditions.”

9.9 EDDC’s joint safeguarding policy describes its scope as covering elected members:

“The employees and elected members of the council who, while not required to act in a position of trust, will come into contact with members of these groups on a regular basis during the course of their work.”

9.10 The CEO told us that EDDC officers have limited oversight of how councillors carry out their duties in their wards and with constituents. He told us:

“I have identified that there is a significant blind spot in terms of officer knowledge about what councillors do in their own wards outside of formal meetings at which officers are in attendance.”

9.11 He concluded:

“Fundamentally councillors are responsible for their own behaviour and we [officers] are not there to police their behaviour. As officers, we are reasonably well sighted on risks that may occur in terms of Cttee meetings or other formal Council business, but we have no sense of what councillors do or don’t do as ward councillors.”

9.12 Current EDDC councillors told us of their experiences of interacting with children and young people in the course of their duties. Although EDDC does not have responsibility for the running of schools or social care in the locality, many councillors told us that they are often invited to schools and public events. Cllr Andrew Moulding told us that in the past he had received direct requests from school children to interview him in his role as a councillor. Councillors who handle planning applications told us that they are often invited into their constituents’ homes, where children might be present.

9.13 These councillors told us that these interactions were largely supervised, but in an informal and unstructured way. For example, Cllr Hayward told us that whenever he attends a local school, his hosts would tend to chaperone him during visits. He also expressed the view that, in his capacity as Mayor of Exmouth, Humphreys was likely to have had much more contact with children in education or youth work settings, and that it was possible that not all of those interactions would have been structured and controlled.

9.14 Activity on Council business and in political parties, particularly at the time of a local election, provides opportunities for individuals to interact with a large number of people in an unstructured environment. This is likely to include young and/or vulnerable people.

9.15 Councillors told us that they frequently went door to door on campaigning activities and had experienced scenarios where they were invited into homes by young people. Cllr Moulding told us that although he had an active DBS check from other roles, he felt he was in a vulnerable position.

9.16 The DSM said:

“A councillor could theoretically come into contact with children or vulnerable adults on any number of occasions. For example, they knock on people’s doors when

canvassing for elections, they might go on site visits or to buildings or institutions. They manage their own diaries and activities and are totally responsible for them. Even councillors in key roles have to make their own appointments unless they specifically ask for assistance.”

9.17 Councillors are not required to log their engagements. Generally, the only way that EDDC may learn of their activities is if they were to claim expenses. The DSM told us:

“I think they would only be required to keep a record if they intend to claim expenses or declare gifts and hospitality, when they would have to produce receipts.”

9.18 In relation to Humphreys, the MO told us:

“We have no record of any public engagements or related expenses to indicate he attended anything in official capacity... That is not to say he didn’t attend anything but simply that it either wasn’t official or he didn’t tell us about it / claim in relation to it.”

9.19 After Humphreys’ conviction, a handful of images have surfaced in the press of Humphreys in the company of children and young people while serving as a councillor between 2016 and 2019.⁵ One image shows Humphreys amongst primary school children at the opening of EDDC’s offices at Blackdown House. There is no evidence that any harm occurred to any child or young person present, or in the period that Humphreys served as an EDDC councillor.

Comment

The LADO MAS meetings concluded that Humphreys did not work with children. This position appears to be based, to some extent, on advice provided by the MO and confirmed by him in his input describing Humphreys’ formal roles and responsibilities within EDDC.

⁵ <https://www.exmouthjournal.co.uk/news/20300222.photo-shows-john-humphreys-children-investigated-sex-offences/>

We believe that this is a flawed conclusion for the LADO meetings to have reached.

EDDC's own safeguarding policy acknowledges that elected members may at times come into contact with children and vulnerable adults.

From our discussions with current EDDC councillors, we have heard a range of views on this topic. We conclude that there is significant scope for councillors to come into contact with children and young people during the course of their role. This may involve a range of ad-hoc situations. While much of this can be supervised, any protocols on supervision appear largely to be at the discretion of hosts to initiate and apply.

The role of a councillor is loosely defined and may involve a great variety of public appearances at events as well as serving as a figurehead and influential person within the community. Whatever the exact role and responsibilities of a councillor, the role is likely to be perceived as a position of trust. It is well known that sexual offenders can be manipulative and use such positional status and authority to commit offences. Verita's work on abuse including on the Jimmy Savile case demonstrates this repeatedly.

Furthermore, the largely unstructured and uncontrolled ways in which councillors carry out their duties could allow opportunities for those with ill-intent to enable higher levels of contact with children or vulnerable people, without scrutiny or oversight.

While it is clear that the role of an EDDC councillor does not explicitly involve day-to-day interactions and "working" with children, it is clearly evidenced that there are numerous occasions where they may have such contact in largely unstructured ways.

Evidence shows that while under investigation, Humphreys did indeed come into contact with children and young people at Council premises.

Risk assessment

9.20 Because of the conclusion reached at the LADO MAS meetings that Humphreys did not, in his formal EDDC roles, work with children no immediate safeguarding mitigation plans were developed.

9.21 The MO advised us that attendees at the LADO MAS meeting concluded that “*bail conditions*” would be sufficient to address any present risk posed by Humphreys. He explained:

“The MAS process (including with input from the Police) considered that a safety and safeguarding discussion and bail conditions was the appropriate way to deal with any risk. As the DCC report on the LADO service recognises there was no missed opportunity and indeed there was no immediate (I contemporaneous) risk presented in March / April 2016.”

9.22 The MO told us:

“It is recorded in the November meeting that there were bail conditions and a general observation that they sought to restrict any unsupervised contact with under 18s. However, I don’t know what the conditions specifically said.”

9.23 We asked the MO to share with us his correspondence with police following the November 2016 MAS meeting, but he declined, saying:

“I do not consider that this is appropriate.”

9.24 We believe that Humphreys was not charged with the offences until around 2020, and so it is unlikely that formal bail conditions were imposed before this time. However, it is likely that the police could have imposed intermediate restrictions such as a Sexual Risk Order after he was arrested. The MO believes that the bail conditions he described above were applied to Humphreys following his arrest.

9.25 EDDC’s joint safeguarding process describes the role of senior managers in risk assessing roles from a safeguarding perspective.

“... Members of the senior management team are responsible for: Identifying those services and posts that are likely to have an involvement with children and adults with care and support needs and undertaking an appropriate risk assessment of posts in respect of DBS disclosure requirements.”

9.26 There is no evidence that anyone commissioned or conducted any form of risk assessment in respect of Humphreys’ role as a councillor.

Comment

Prioritising the safety of children and vulnerable people is an individual responsibility of every member of society. There could hardly be a bigger ‘red flag’ in this respect than someone being investigated and arrested for sexual offences against children. Irrespective of where the responsibility lies, one of the effects of the way this case was handled was that someone who had allegedly committed serious sexual offences held positions of responsibility until he was tried and convicted.

None of his formal positions at EDDC, or his work in the community at large was ever subject to a risk assessment that may have identified whether any children or young people were at risk from him.

DBS checks for councillors

9.27 We considered whether DBS checks for councillors could have altered the course of events in this case.

9.28 First, the DSM told us that the Council has debated in the past whether to encourage members and newly elected councillors to undertake voluntary Disclosure and Barring Service (DBS) checks. It is currently unlawful to impose mandatory checks and councillors do not meet the criteria for Standard or Enhanced checks.

9.29 EDDC councillors can currently choose whether or to have a DBS check and to have it posted on the EDDC website.

9.30 Second, as EDDC is not eligible to carry out enhanced DBS checks, we consider that many of the restrictions that may have been imposed on Humphreys following his arrest in May 2016 would not have appeared on a standard check. Arrests and cautions typically do not appear in standard checks. Even any measures imposed by the police prior to Humphreys being charged in 2020 would not have appeared on a standard check:

“Although a Sexual Risk Order will not appear on a standard DBS check, it may be disclosed on an enhanced DBS check. Such checks are required whenever participating in paid or voluntary activity with children or vulnerable adults.”⁶

9.31 Finally, consideration would need to be given to the frequency of such checks being undertaken. The DBS regime is only accurate at the point in time at which it is completed.

Comment

DBS checks can provide further reassurance to the public that office holders can be trusted and may allow councillors to feel more comfortable as they go about their duties in the community. However, there is currently no remit for such checks to be a mandatory requirement.

In this case, we do not believe that Humphreys being subject to DBS checks - particularly at the standard level - would have revealed anything about his history of committing offences, as a check would probably have confirmed that, until he was arrested, his record was clear.

⁶ <https://www.bindmans.com/knowledge-hub/blogs/sexual-risk-orders/>

10. John Humphreys becoming an Honorary Alderman of EDDC

Describe the process by which the EDDC bestowed the honour of Honorary Alderman on John Humphreys

10.1 Section 249 of the Local Government Act 1972 gives principal councils the power to confer the title of ‘Honorary Alderman’ or ‘Honorary Alderwoman’ on persons who have, in the opinion of the Council, rendered “eminent services” as past members of that council, but are no longer members of the council. The Act does not specify how “eminent services” are defined, and this is left as a matter of local interpretation. The honours at EDDC are awarded as a function of Full Council. Two-thirds of those present to vote must approve the awarding of the title.

10.2 The process by which such honours are awarded appeared to be relatively informal. The CEO described the steps that were normally involved. He wrote:

“The Council’s convention has been that Group leaders and/or other interested Members have put forward suggestions to the Democratic Services Manager (on behalf of the CEO) as to who could be nominated for conferment of the title of Honorary Alderman.”

10.3 He added:

“Once a Group Leader or councillor nominating an individual for the title has provided information to support their nomination, a report of all the nominations received with the evidence as to why the title should be conferred is collated and sent to all Group leaders for consideration. They will discuss all of the nominations and then convey their respective views about whether the title should be conferred or not at this point in order to reach collective agreement and the nominees are then contacted.”

10.4 The evidence suggests that the leader of the Conservative group at EDDC put forward the party’s list of nominees, including Humphreys. It is not clear how the group decided amongst themselves who should be nominated for the honour.

10.5 The DSM told us how she supported the process on this occasion. Prior to the extraordinary Council meeting she emailed councillors about the process to be followed to allow them to consider the suggestions that had been made by group leaders about who might be proposed on this occasion for the honour.

10.6 The DSM provided councillors with a list of former councillors whose names had been suggested for the honour, and summarised the information held by the Council about their service and their roles and responsibilities whilst they were EDDC councillors.

10.7 The DSM confirmed that the Honorary Alderman/Alderwoman process is led by members and that it is their responsibility to satisfy themselves that information about nominees is accurate and comprehensive.

10.8 On 9 December 2019 the CEO called an extraordinary meeting of Council for 18 December 2019. In this case, councillors had more than a month to check and comment on the information.

10.9 She received no comments about the list of nominees, nor about the information that she had provided.

10.10 The extraordinary Council meeting took place on 18 December 2019. The purpose of the meeting was to consider conferring the title of Honorary Alderman/Alderwoman on eleven former Members in recognition of their eminent services to EDDC as past Members of the Council. Humphreys was one of the former Members nominated for this recognition. In the 12 years between 2007 and 2019 that he had been an EDDC Member, Humphreys had represented Exmouth and had been involved as follows:

“Positions of responsibility

Member Champion Asset Management (2010/11)

Member Champion/Lead councillor - Exmouth Town (2013/18),

Lead councillor-Parks & Open Spaces (2018/19)

Member of Housing Review Board (2007/10), Licensing & Enforcement (2007/11),

Overview/Scrutiny delivery/performance (2010/11) (Chairman), Overview and

Scrutiny Committee (Vice Chairman) (2011/15), Overview (2015/19), Audit & Governance (2015/19).

Appointment to Outside Bodies

East Devon Citizens Advice Bureaux Management Committee (2007/08) (now Citizens Advice Service East Devon (2008/13) stood down due to commitments as Mayor of Exmouth,

Lower Exe Mooring Authority Management Committee (2009/11),

Appointment to Panels and Forums

Exmouth Pavilion Advisory Forum (2008/11)

Appointment to Joint Bodies

Exmouth Regeneration Programme Board (2013/17), East and Mid Devon Crime and Disorder Scrutiny Panel (2011/12, 2015/17).

10.11 Cllr Ben Ingham, then Leader of Council, proposed conferring the title on all eleven nominees and this was seconded by Cllr Andrew Moulding. The Council's resolution was carried by the required two thirds majority with one abstention.

10.12 Reflecting on his own experience as a town council clerk, Cllr Hayward told us:

"If [the MO] is saying he didn't see that agenda until the moment councillors voted on it then fine. But in my experience [the MO] isn't like that. He's very thorough and he sees everything. [The CEO] would have put the agenda together, but he didn't know."

"As the RFO or clerk all it would have taken for would have been for me to say, 'I don't think that's a good idea'. He wouldn't have to give a reason or disclose attendance at meeting etc. It's a professional opinion not to include his name on the list. He could have said that to the chair, leader or democratic services manager. They wouldn't pry and ask why you're saying that, but you are in such a senior role, we have to take your word for it. His professional job is to give advice and legal opinion. If they chose not to take it that's down to them, but I would want it to be minuted."

Comment

Councillors understand how the process for conferring Honorary Alderman or Alderwoman status works in practice. It was clear that the nominations process is wholly led by members, and that the supporting work done by officers is limited to providing basic information that sets out only the information that is readily available to describe their membership of committees and other bodies.

We believe the process has worked effectively in the past and that it has served its purpose of recognising the contributions made by former members.

However, we saw no evidence of any qualitative assessment of the merits of those nominated, nor any explanation of how they had, in practice, delivered the “eminent services” that qualified them for the award.

Crucially, in this instance, no councillor was made aware of any of the allegations against Humphreys, nor of the fact that he had been investigated by the police. We have explained why the MO did not pass on this information to councillors and so, without that knowledge, there was simply no reason for any councillor to object to the honour being conferred upon him.

It is important to note that some three years had elapsed since the MO had last been updated about the investigation into Humphreys by police or by the DCC LADO. At the time of the last update in November 2016, Humphreys had been arrested and questioned. It may not have been clear to the MO what the outcome of the investigation was - whether it was still continuing or had been closed by police. Humphreys would not be charged with the offences until eleven months after he was honoured.

Without definitive confirmation about the progress of the police investigation we consider it would have been inappropriate for the MO to have intervened in the nominations process.

To the best of our knowledge, no consideration had been given before then to whether, and in what circumstances, an honour given by Council could be withdrawn.

Experience of other EDDC Aldermen

10.13 Some participants gave us their views about their own experience of the Honorary Alderman/Alderwoman process. A former EDDC councillor and Honorary Alderman told us:

“When you get nominated for Alderman the officers go through every moment of your life. Everything you’ve done on the Council.”

10.14 He said that, for some former councillors:

“It can just be a consolation prize for losing your seat.”

10.15 Another former councillor who was awarded the Honorary Alderman title at the same time as Humphreys told us:

“In December 2019 I was made an Honorary Alderman of EDDC. At the same meeting John Humphreys was made an Honorary Alderman - an action which besmirched the process and principle of recognising long and eminent service by councillors.”

10.16 He told us about the process that was followed with respect to his honorary title. He considered that:

“The arrangements for making former independent councillors Honorary Aldermen is much looser than it is for members of political parties. As I understand things, the Conservative group leader, for instance, puts forward the names of former conservative councillors at EDDC to become Honorary Alderman. I do not think that is the case regarding independents.”

10.17 The former councillor recalled that:

“At some time after May 2019 I was asked by a member of EDDC Democratic Services if I wanted to be an Honorary Alderman. I declined. Sometime later (closer to December 2019) she asked me again. I thought it would have been churlish to refuse, so said to her ‘oh, OK’. The next thing I heard, as I recall, was when I got an invitation to the special meeting in December. It was as though there was a very informal process (or even no process at all).”

Comment

Any process for conferring a discretionary honour on former councillors should be transparent and equitable and should require those nominating a councillor to specify the reasons why the person should be honoured. The process should operate consistently across the political spectrum and should operate in such a way that also allows independent councillors to be nominated and considered for the award of an honour.

11. Removal of the Honorary Alderman award from John Humphreys

11.1 The EDDC learned from 16 August 2021 that Humphreys had been convicted and sentenced. After learning about Humphreys' crimes, many councillors were shocked and appalled at his actions. Some councillors told us that they felt that Humphreys' holding an honour was an insult to the victims of his crimes. Cllr Hayward told us:

“By giving him the aldermanship, we really kicked the victims in the teeth. We’ve said we don’t care what he did. We’re going to applaud him and give him some kudos.”

11.2 Cllr Ian Thomas, Chair of Council, took advice from the CEO about the legal and constitutional position of his intention to remove the Honorary Alderman award from Humphreys. Cllr Thomas told us that the EDDC's constitution at that time (December 2020 version) was silent on the role of Full Council in respect of the removal of the Honorary Alderman award.

11.3 Having clarified the legal and constitutional position, the Chair called an Extraordinary General Meeting of the Full Council that took place on 7 September 2021.

11.4 The minutes record that there was one item on the agenda: the proposal to remove the Honorary Alderman award forthwith from Humphreys.

11.5 Cllr Thomas reminded those present of the offences committed by Humphreys, and his conviction and sentencing to 21 years in prison, and his placement for life on the sex offenders register. Cllr Thomas recorded his sympathy for the victims and their families and expressed the hopes that Humphreys' conviction and imprisonment would offer them some level of closure.

11.6 Cllr Thomas told the meeting that Humphreys was not a fit person to hold this honour. He explained that, if his recommendation was supported, it would be the first time that the honour had been withdrawn thus recognising the gravity of Humphreys' crimes.

11.7 A recorded vote took place and the recommendation to remove the honour immediately was universally accepted.

Comment

The Chair of Council acted promptly and properly to establish the process by which the Honorary Alderman title could be removed from Humphreys. He and the CEO agreed that the process to be adopted was legally and constitutionally appropriate - being the inverse of the process used for bestowing the honour. This was a good example of sound governance, underpinned by effective cooperation and joint working between the executive and non-executive arms of the Council.

The process chosen to remove the honour from Humphreys was democratically sound and was handled effectively throughout. It resulted in a swift decision on the part of the Council that recognised, and helped to mitigate, the reputational damage to the Council and to the integrity of its officers and councillors.

12. Safeguarding and governance - lessons learned

Revisions to the protocol of appointing Honorary Aldermen/ Alderwomen

12.1 We note that the Council has already considered the future of the Honorary Alderman/Alderwoman process. A meeting of the Council’s Scrutiny Committee took place on 2 December 2021.

12.2 The committee considered a proposal from Cllr Paul Millar that expressed his concern that there is currently no written protocol for making such appointments. He was concerned, in the wake of Humphreys’ conviction, that the process had led to his being honoured via an unwritten protocol.

12.3 Cllr Millar had abstained from the vote on Humphreys’ nomination and explained that he was uncomfortable about how the information supporting his, and others’ nominations, had been produced. In particular, he considered that a simple list of committees on which a councillor had served was insufficient to describe the “eminent services” that the honour was meant to recognise.

12.4 Cllr Millar argued that public concern about the honour conferred on Humphreys in December 2019 had damaged confidence in the Council, since it had apparently endorsed a man who was subsequently convicted of serious sexual crimes. He argued that the current, informal process needed to be codified and strengthened to ensure that the Council could prevent a further situation where an award made to (or stripped from) from, a former councillor who at the time of nomination was being investigated for serious crimes.

12.5 Other councillors also questioned how recent appointments had come about with no written protocol in place and questioned whether the position should continue to exist in future. The question of including guidance in a revised protocol on removing the honour was also discussed.

12.6 The CEO was charged with providing a report to set out options for Council to consider on its future approach to the nomination of former councillors as Honorary Aldermen and Alderwomen.

12.7 The CEO's report was considered by a meeting of the scrutiny committee on 3 March 2022. The report recognised that, in the past, the Council's approach to conferring these honours had been relatively informal. It set out a summary of appointments that had been made by the Council since 2003, broken down by party and by qualification of those who had been honoured since then.

12.8 After considering the report the scrutiny committee put forward seven recommendations for consideration by the Full Council:

- "a. That the appointment of Honorary Aldermen and Honorary Alderwomen should continue,*
- b. That a small cross-party working group be constituted to include the Chair of the Council, the Leader, Group leaders and Members to bring the number to approximately 9, as determined by the Monitoring Officer, to give political balance and to report back to Council with recommendations on the process for nominations and appointments going forward,*
- c. That the working group adopts the criteria that nominees should have served for a minimum of 8 years, with the ability to recognise exceptional circumstances and that there is a form completed by fellow councillors which sets out the eminent service which has been undertaken,*
- d. That the working group proposes the exact criteria for 'eminent service' but that the Scrutiny Committee recommends reference to the form used by Wokingham Borough Council [Appendix 8 of the report] which it considers to be a good example,*
- e. That Honorary Aldermen and Honorary Alderwomen should continue to be invited to civic events, but not invited as a matter of course to Council meetings. Should they attend Council meetings, they will continue to be welcomed, but apologies will not be recorded if they do not attend,*
- f. That the issuing of car parking permits to newly appointed Honorary Aldermen and Honorary Alderwomen should be discontinued, but that the privilege should be allowed to continue for those who have been appointed to the position in the past, and*
- g. Should the Council wish to adopt a new protocol, it should include the formalised process for removing Honorary Aldermen and Honorary Alderwomen."*

12.9 At the next Full Council meeting on 20 April 2022 it was decided to put these recommendations “on hold” pending an independent investigation into EDDC’s handling of the issues surrounding Humphreys.

12.10 We understand that, in the wake of the Humphreys case, the EDDC has amended its constitution (version 05/22) to allow the Council to remove the title of Honorary Alderman/ Alderwoman.

Comment

The conferring of the Honorary Alderman title on Mr Humphreys caused reputational damage to the Council, and it was right that it moved quickly to remove the honour. The swift change to the EDDC Constitution reflects the seriousness of these issues and was a welcome decision by the Council.

While the honour does not confer any special rights or privileges except for free car parking at EDDC premises, the bestowing of the title gives each individual a level of additional respectability and status within the community. The title is designed to be applied in perpetuity. To many this will represent EDDC’s seal or stamp of approval for that individual. This was a belief that Humphreys sought to use as part of his defence at trial.

In our view, the awarding of such titles presents an avoidable risk to the reputation of EDDC. The bestowing of such an award marks the end of any official engagement or ties between individuals and EDDC. This means that, from then on, EDDC no longer has any oversight of the individual’s conduct while they hold the honour. EDDC would have no mechanism to ensure that any former councillor is still deemed deserving of an honoured position in the community.

We understand that the Honorary Alderman/ Alderwoman title is valued as a great honour for those who have received it. We have also heard that in the past Honorary Aldermen and Alderwomen were useful ‘elder statesmen’ for new and current councillors. We consider that there are other ways in which long and distinguished service may be recognised, without demonstrating an ongoing endorsement of individuals.

Nevertheless, the future of the honour is a matter for EDDC to decide.

Should EDDC wish to retain the right to confer these honours, we agree with the Scrutiny Committee's recommendations that the process should be reformed. There is no codified protocol for the bestowing of the Honorary Alderman/ Alderwoman title at EDDC. This should be rectified.

Moreover, the process by which individuals are nominated and the honour awarded should be more open and transparent, with a greater emphasis on the quality of eminent services that a councillor has given. We agree that a simple record of service should not, in isolation, be sufficient to endorse a nomination and award an honour.

The voting process for endorsing nominations should allow councillors an opportunity to raise, on an individual basis, any objection to a nominee. We recognise that this may prove difficult in the course of a Full Council meeting where nominations are considered en bloc.

The council may also wish to consider how to maintain contact with Honorary Aldermen/ Alderwomen to ensure that they are still deserving holders of the titles. The Council could consider deferring the award for a period of time after the individual has left office.

Recommendation

R2 EDDC should revisit its discussions and plans to reform the Honorary Alderman/ Alderwoman process.

Oversight of members

12.11 It is essential that councillors' independence as elected representatives is maintained, but Humphreys' case raises important questions about how the movements and activities of councillors are monitored, and about how they fulfil their duties.

12.12 We spoke to the Head of Scrutiny at DCC about how they interact with councillors. As part of the scrutiny function DCC seeks to support the personal development of councillors on an ongoing basis.

12.13 HR staff run a 1:1 development programme for councillors focussed on functional skills (e.g. chairing meetings, role, law etc.) and development workshops based around how the council works in practice.

12.14 We were told that this workstream enables DCC to recognise and address any issues with councillors' performance and effectiveness in a proactive way. Further, this approach has helped particularly to build relationships in the remote workforce.

12.15 DCC also involves councillors in its wellbeing strategy and encouraged councillors to discuss any concerns they have about their health and wellbeing in their role.

12.16 DCC routinely offers exit interviews to all councillors standing down at elections or who have not been re-elected. The purpose of these meetings is to learn from the experience of councillors, to understand how they succeeded in their role and to identify any learning opportunities they can see for future councillors.

12.17 Some councillors we spoke with were concerned that Humphreys' exit from EDDC in 2019 was unusual, as he remained an Exmouth Town councillor. While his participation would have been voluntary, an exit interview with Humphreys may have yielded answers to this question that may have ended speculation about his reason for choosing not to stand for re-election.

12.18 This work is part of an approach that seeks to induct councillors effectively and to support them throughout their term of office. At DCC, these activities are underpinned by a member development steering group which meets three times a year. They receive survey results and exit interview feedback. The steering group develop a programme for councillor enrichment and upskilling.

12.19 DCC's Head of Scrutiny described this as standard practice at DCC and other authorities she has worked with. Engagement with the process is on a on voluntary basis. There is no legal mandate to compel this activity at local authorities, but it is not prohibited either. As described, other councils embed this workstream into their scrutiny activities.

12.20 Some long-serving councillors told us that they had not had a recent refresher on their role and responsibilities. New councillors told us that their induction gave them ‘the basics’ but they spent a lot of time finding their own way in the role.

Comment

The aim of any oversight or development activity should be to make the EDDC as a whole more effective and impactful. Well trained and engaged councillors are at the centre of this.

Having more formalised and regular contact with officers and group leaders may give councillors opportunities to raise any issues they are having, both personal and functional. Such activity may give officers and group leaders greater visibility of the work of councillors in wards in a constructive and supportive environment.

With regards to Humphreys, (and, we assume, with regards to most councillors) EDDC maintained no record of his engagements, save for records to support expenses claims. More regularised contact outside of meetings may have been beneficial to group leaders and officers from a risk management perspective. Additionally, this may help to demonstrate ‘eminent services’ for recognition or an award at the end of a councillor’s service at EDDC.

Recommendation

R3 EDDC should consider implementing a development programme for members to incorporate regular 1:1s, ongoing training needs assessments, surveys and exit interviews for councillors.

Safeguarding policy and practice

12.21 The Safeguarding Lead has provided a helpful summary of a number of actions that are in hand to improve safeguarding arrangements at EDDC. These include areas for

improvement identified by the EDDC Safeguarding Forum - a cross-service opportunity to address safeguarding issues.

12.22 Reinforcing a theme that “Safeguarding is everyone’s business” EDDC maintains a safeguarding policy that is supported by the Safeguarding Lead. A network of Service Safeguarding Champions is in place and the EDDC strategic management team receives regular reports on safeguarding that are cascaded to staff via team meetings.

12.23 All Council staff are required to undertake mandatory safeguarding awareness refresher training every 3 years, and new staff receive training as part of their induction. Enhanced safeguarding training has been provided to 112 staff across EDDC in the past year. Some staff. Depending on their role, also receive more detailed training which is identified in their Performance Excellence Review.

12.24 Arrangements are in place to ensure contractors and Mobile Support Officers receive appropriate training for the demands of their roles. There is an improvement plan underway to address matters arising from a 2022 Section 11 audit and the Safeguarding Lead produces ad hoc content for communication to staff via EDDC’s safeguarding intranet page and via the EDDC website.

12.25 In addition to Section 11 safeguarding audits, EDDC has also performed a number of self-assessment audits to raise awareness and strengthen practice.

12.26 Looking outwards, EDDC’s Community Safety and ASB Officer links with partner agencies on safeguarding. EDDC is also developing a “*Firm step safeguarding referral form to improve oversight of referrals to Care Direct and MASH (the Devon Multi-Agency Safeguarding Hub)*” and is linking safeguarding with advice on preventing radicalisation, modern slavery and community safety.

12.27 We asked the Safeguarding Lead to describe the approach that EDDC takes to safeguarding risk assessments for staff and volunteers. EDDC undertakes DBS (standard or enhanced) checks on staff positions depending on the needs of the job. Guidance for managers on conducting risk assessments is available on the EDDC intranet.

12.28 The Safeguarding Lead confirmed that safeguarding adults and children is identified and monitored via the Council's risk register. EDDC also operates a Whistleblowing Policy that can be used to raise safeguarding concerns.

12.29 The current 'Joint Safeguarding Policy' for Devon-wide District Councils adopted at EDDC sets out roles and responsibilities for carrying out actions in response to a safeguarding concern. It sets out an explicit requirement that:

"Elected Members should report any concerns to the Corporate Safeguarding Lead."

12.30 We have evaluated the policy in comparison to those in place in other organisations.

Comment

In our view the policy should include more explicit practical guidance on risk assessment actions and risk management practices to be deployed in response to safeguarding risks.

Safeguarding provisions and initiatives in place for the staff body at EDDC should, where possible, be adapted for application to councillors.

Recommendations

R4 The Safeguarding Lead should consider adding specific procedural guidance to the safeguarding policy to help users understand how, in practice how risk should be assessed and managed.

R5 EDDC should consider designating safeguarding champions from within the councillor body.

Safeguarding culture

Training

12.31 We asked other councillors we interviewed if they understood what might constitute a safeguarding issue in the course of their roles. We also asked if they knew what their responsibilities were to report concerns, and how they should do this. Councillors had varying levels of awareness and confidence in how to address any such issues. Many councillors with a more developed sense of the risks and their responsibilities, had gained this knowledge from their professional working lives or other roles outside of EDDC.

12.32 Some councillors recalled undergoing safeguarding training when they were first elected. For some this was many years ago.

12.33 We understand that all councillors have been offered safeguarding training, starting during the winter of 2022/ 2023. Feedback we have heard indicates that those who have attended found the sessions useful and informative. Councillors felt more confident and empowered as a result. However, as participation is not compulsory, we have also heard that attendance has been “patchy”.

12.34 Some councillors told us that they would appreciate training or guidance about practical, proactive and preventative steps they could take in the course of their duties to promote safeguarding, disrupt potential wrong-doers or protect themselves from potential allegations.

Comment

In our early interviews, we found a relatively limited awareness amongst some councillors about their responsibilities with regards to safeguarding.

We were pleased to hear that training had been offered to all members.

In order to support the guiding principle that “Safeguarding is every one’s responsibility”, attendance at these sessions should be widely encouraged.

Recommendation

R6 Officers, the Chair of Council and group leaders should encourage all councillors to attend the safeguarding training that is available. This should include induction and ongoing refresher training.

R7 The Safeguarding Lead should set up a small working group with councillors to consider what training would be appropriate to improve their understanding of preventative safeguarding practice.

Safeguarding behaviours and culture at EDDC

12.35 A healthy safeguarding culture requires openness, honesty and trust, backed up by a commitment to take concerns seriously and not to victimise anyone raising a concern. It is in this context that we report briefly some of the concerns expressed to us about the culture of the organisation.

12.36 While it was not the focus of our investigation, we were struck by some of the feelings expressed by participants in the investigation about their general experiences at EDDC. We understand that officers and councillors have undergone a difficult few years since the previous election, and some relationships appear strained. There is evidence of some mistrust between councillors, across and within political groupings and between some councillors and officers.

12.37 Many of the councillors we spoke to told us that they found raising issues or asking questions of any nature to be difficult. Some of these councillors cited a difficult working environment marred by conflict and accusations of politically motivated behaviours. We quote some councillors' comments about the culture below but, for understandable reasons, we do not identify them:

- *“It sounds terrible to say but there are only a few councillors that I could trust. I don't do social media, but I'm always really anxious in talking to people where it could end up.”*

- *“It a horrible, horrible environment and a horrible council. It’s not worth it really. It just not a nice place.”*
- *“I have a residual feeling of unease. I feel intimidated.”*
- *“There’s an undercurrent that you can’t put your finger on. You don’t know who to trust anymore. You don’t feel like people are being open. For me that has been a change.”*
- *“The politics just gets in the way of what we’re trying to do - serve the people.”*
- *“I’ve bitten my tongue so many times in council meetings so as not to rock the boat. Sometimes you just got to say things.”*
- *“I’d be quite frightened about asking direct questions.”*
- *“There’s a very toxic environment in the district council. There are some very deep-rooted cultural issues that make it very difficult to operate.”*
- *“A lot of people will be standing down because of how toxic it is.”*
- *“I don’t trust other councillors. I don’t trust the officers.”*
- *“Perhaps new councillors wanted to change things too quickly. But there was a lot of hostility.”*

12.38 Much of this was expressed to us with regards to how knowledge of Humphreys’ history was kept from councillors at EDDC. We were also struck by the reaction of officers and councillors to how this investigation was commissioned. Many councillors told us that it had been suggested that their motives in seeking an independent investigation were influenced by political leanings, rather than their real desire to ensure that EDDC had acted appropriately and had made every effort to protect children. The apparent conflict that arose over this issue had led to further suspicion and hostility in some quarters.

- *“Had everyone been more upfront at the beginning, none of this would have been necessary. At every turn there’s been an attempt, for whatever reason for the officers to not want to examine our actions”*
- *“I think there’s a been a cover-up”*
- *“It could just be my wild imagination running overtime, but it just doesn’t feel right. Surely all members and officers should want to get to the bottom of this. If it was just sorted out in April and it came out that we made a mistake, or we shouldn’t have made him an Alderman or something like that it would have been fine. But because there is so much pressure against an investigation that’s what starts to make you think, ‘Is there something more serious behind this?’ The more this goes on the more suspicious I’m getting.”*
- *“There’s a lot of hostility now. There’s been a breakdown in the governance. It’s been very difficult to get answers about this.”*
- *“If John Humphreys had been a member of any other party, we should do exactly the same. It’s about organisations and whether they acted appropriately.”*
- *“If mistakes were made it’s better to talk about it.”*
- *“The way this has been handled has been so different to every other decision we make. Officers advise, and members decide. But this is the first time I’ve ever seen officers go against members’ decisions.”*
- *“There’s been conflict between members and officers. People will say this investigation is part of member’s attacking the officers.”*
- *“It’s got increasingly nasty.”*

Comment

In the course of our investigation, we observed a concerning culture of fear and hostility amongst both councillors and officers. Some councillors reported feeling

fearful of asking any questions or raising concerns of any nature at Council meetings for fear of being attacked, harassed, or targeted for doing so.

Some told us that they would feel nervous to raise issues to Council for fear of being accused of having a political motivation for bringing issues to light.

Such a culture is not conducive to the effective governance of any organisation. It is also a hindrance to creating an environment in which matters relating to safeguarding can be discussed openly and constructively. There is a real, present and significant risk that any future safeguarding concerns will not be raised and handled effectively.

Team biographies

Nicola Salmon

Nicola is a senior consultant having worked at Verita for five years. Nicola has conducted patient care reviews for acute and mental health NHS trusts. More recently, Nicola has specialised in the investigation of human resources and governance issues for clients such as UKHA (formerly Public Health England), NHS England, Barts Health NHS Trust and The Open University. Nicola has also been part of investigation teams reviewing governance concerns including conflicts of interest between officer-holders and whistleblowing complaints. She has also carried out complaint audits for the GMC and the CAA. She has worked with Ed Marsden & Kate Lampard on a review of an immigration removal centre for G4S. Before joining Verita, Nicola worked at the Royal College of Music as an office coordinator and at Healix Health Services, a corporate private healthcare trust provider, as a claims administrator. She has a first-class degree in history from the University of Essex. Nicola is a qualified 'Professional Safety Investigator' having received a Level 3 award in 2022.

David Scott

David Scott is an experienced human resources director, having worked at Board/Executive level for more than 30 years, including senior positions at British Telecommunications plc, HM Prison Service and United Utilities plc. David has been interim HR director of First Group, the Strategic Rail Authority and was interim Director of Workforce and Strategic HR at Kent and Medway Strategic Health Authority from 2004-2005. David has been a Non-Executive Director of the Whitehall and Industry Group and, until 2016, a Trustee of the Duke of Edinburgh's Award, where he also served as interim Chief Executive in 2005.

David Scott has wide-ranging experience in workplace investigations, organisation development, industrial relations and training and development. David is a fellow of the CIPD, a certificated practitioner on psychometric testing and an experienced leader. He has designed and delivers our CPD-accredited training course "Investigative skills for HR caseworkers". David has undertaken numerous investigations for Verita in organisations with toxic cultures, poor engagement with staff and with persistent issues of racism,

bullying and harassment. David has managed our most recent investigations involving whistleblowing, grievances and serious misconduct.

Brian Stanton

Brian has over 25 years' experience of criminal prosecutions, investigations, public inquiries, inquests, public and human rights law/judicial review, and private law litigation. This includes over 15 years' experience of leading multi-disciplinary teams in the provision of legal services at the Government Legal Department, the Serious Fraud Office, as Deputy Solicitor to the Al Sweady Inquiry and as Solicitor to the Infected Blood Inquiry.

Brian is currently engaged as a legal advisor to The Independent Investigation into East Kent Maternity Services, and separately an independent thematic review of maternity care at the Nottingham University Hospitals NHS Trust. This work includes consideration of appropriate governance structures and processes, and data protection law and processes. He is also a legal representative of core participants to the Brook House Public Inquiry (which concerns allegations of mistreatment at an immigration removal centre and includes consideration of the governance structures and processes in place), and the Covid-19 Public Inquiry.

Full terms of reference

Date: 24 October 2022
Direct phone: [REDACTED]
Direct email: [REDACTED]
Our ref: SD



Nicola Salmon
Senior Consultant
VERITA
Correspondence via email
[REDACTED]

Dear Nicola,

Terms of Reference

As discussed find below the Terms of Reference we agreed with you.

Commissioner

1. East Devon District Council (EDDC) has commissioned Verita to carry out an independent investigation into the actions of EDDC following the allegations and criminal charges against John Humphreys.

2. This investigation has been commissioned following a decision by Council on 28 September 2022, through which a commissioning group was appointed to oversee the progress of the investigation. The commissioning group for the investigation will be led by Simon Davey, Chief Finance Officer, and will comprise Cllr Ian Thomas, Chair of EDDC, Cllr Sarah Jackson the Portfolio Holder for Democracy and Transparency and Cllr Jess Bailey.

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Honiton, EX14 1EJ [@eastdevon](http://eastdevon.gov.uk)
DX 48808 Honiton

Download the free East Devon App
to access council services at
eastdevon.gov.uk/app

East Devon – an outstanding place Chief Executive: Mark R Williams

3. The commissioning group will jointly receive the report in the first instance and will be responsible for sharing the outputs of the investigation with Council.

About Verita

4. Verita is an independent consultancy for regulated organisations. They specialise in carrying out independent investigations of complex and often sensitive issues in a thorough and sensitive manner. You can read more about Verita on their website: <http://www.verita.net/>

5. In order to ensure the independence of the process it is important that there is a division between EDDC and its representatives and Verita. Verita will be responsible for the day-to-day running of the investigation without direction from the commissioning group. Verita will take responsibility for and make final decisions in relation to the selection of documents to review, the interviews to be conducted, communication with third parties, and the findings, conclusions and recommendations as set out in the report. Verita's approach will be to follow any evidence relevant to the scope of these terms of reference. The commissioning group will be kept informed of progress and will, after the investigation is concluded, have an opportunity to make comments on a draft report about matters of factual accuracy. Verita will consider any such comments and make adjustments as they see fit.

Background

6. Mr John Humphreys, a former mayor of Exmouth and an East Devon District Councillor, was imprisoned for 21 years after being convicted in August 2021 of sexually assaulting two teenage boys in the early 1990s and early 2000s. It is believed that he was charged with the offences in November 2020.

7. EDDC was reportedly aware that Mr Humphreys had been arrested by police in 2016 on suspicion of sexually assaulting the boys but was released under investigation. Mr Humphreys continued to be an EDDC Councillor until May 2019

and an Exmouth Town Councillor until August 2020. Mr Humphreys was made an Honorary Alderman by EDDC in December 2019. The Council voted to remove his honorary title following his conviction.

8. It is understood that Devon County Council (DCC) has separately commissioned an independent investigation into its own handling of Mr Humphreys' case. The NSPCC made a referral to DCC's Local Authority Designated Officer in 2014. DCC is thought to have failed to convene the appropriate multi-agency safeguarding meeting following this referral. EDDC have shared these terms of reference with DCC to ensure clarity of scope and to facilitate cooperation as appropriate.

9. Mr Humphreys was also an active member of the local Conservative Party in the period from 2016 onwards.

Scope and terms of reference

10. This investigation will primarily focus on the actions of EDDC management and its officers and Councillors.

11. Relevant external stakeholders may contribute to the investigation on a voluntary basis strictly in relation to the issues set out below.

12. The aims of the investigation are to:

- a. establish what information was known by EDDC Councillors and officers about Mr Humphreys and any investigations into the allegations against him
- b. understand the EDDC decision-making processes in considering Mr Humphreys' continued position as a Councillor after his arrest

-
- c. determine the extent to which the EDDC considered whether Mr Humphreys presented any safeguarding risks to children in the context of his party political and Councillor roles
 - d. examine what, if any, safeguarding measures were put into place following the 2016 arrest and assess the effectiveness of their implementation and monitoring
 - e. describe the process by which the EDDC bestowed the honour of Honorary Alderman on Mr Humphreys
 - f. determine whether the EDDC complied with its own policies and procedures in making this decision
 - g. review the decision-making processes deployed by EDDC following Mr Humphrey's conviction to remove his honorary title and to review its actions in the handling of this matter
 - h. determine whether any improvements could be made to EDCC's safeguarding and governance arrangements in light of the findings of the investigation
 - i. report on any other significant issues that arise in the course of the investigation that bear on its terms of reference

Methodology

13. The investigation will be conducted in private. The investigation will have no statutory or disciplinary remit. The approach will be focused on uncovering the facts and identifying opportunities for learning and improvement in a supportive and constructive manner.

14. Verita will produce a comprehensive chronology of the key events in the handling of Mr Humphreys' case by EDDC. The investigation team will evaluate any written or documentary evidence relevant to the terms of reference. Verita will also interview a range of executives, managers, staff and Councillors from EDDC who were involved in the handling of these matters.

15. The commissioning group will identify the initial group of interviewees. Members of the Council will be invited to contribute to the investigation in writing or to request an interview with the investigation team. Verita will set up a confidential email channel, SpeakToUs, via which people may contribute to the investigation. Verita will decide if anyone who contributes via SpeakToUs will need to be interviewed.

16. All interviewees will be sent guidance information prior to meeting with the investigation team. By default, interviews will be carried out remotely, via Zoom. Individuals may ask to meet in person, and this will be arranged at the discretion of the investigation team.

17. Verita will record the interviews. Interviewees will be sent the audio copy of their interview for checking and, if appropriate, for any amendments. In some cases, Verita may elect to have the interviews transcribed and the transcript will also be made available to the interviewee for checking and any amendments.

18. All the interviews will remain confidential, and the content of the recordings or transcripts will not be available to the commissioner, except to the extent that extracts of interviews will be included in the report for evidentiary purposes.

19. Verita will follow established good practice in the conduct of the interviews, for example by offering interviewees the opportunity to be accompanied. Verita will make any necessary adjustments to the process to help participants contribute fully.

The outputs and publication of the final report

20. Verita will produce a written report that sets out their approach to the investigation and their findings, conclusions, and recommendations (if appropriate). It is anticipated that elected members and senior office holders will be named in the report. A draft report will be provided to the commissioning group for factual accuracy checking prior to completion of the final report.

21. Anyone who may potentially be criticised in the draft report will have a prior opportunity to see, and comment on, any potential criticism before the report is finalised.

22. The EDDC will decide (in consultation with Verita) the precise form of publication of the final report.

Investigation team

23. The investigation will be carried out by David Scott, Director and Nicola Salmon, Senior Consultant. Brian Stanton and Deirdre Domingo will provide expert legal advice to the investigation team. Verita may also call on advice from a safeguarding expert if required.

Timescales

24. Verita expects to complete this investigation by the end of January 2023.

Yours sincerely



Simon Davey
Strategic Lead Finance (CFO/S151)

Documents reviewed

Policies and procedures

- EDDC Constitutions 2015 - 2022
- Safeguarding policies 2012 - 2022
- Whistleblowing policies c.2011 - 2022
- Councillor complaint Procedure 2014 - 2022
- Anti-bribery policy
- Code of corporate governance
- Risk management policy
- Partnership policy
- DCC guidance on LADO Managing Allegations Strategy meetings and process

Incident-specific documents

- Agendas, supporting documents and minutes of EDDC full council and committee meetings bearing on the issues in this report particularly:
 - 24 April 2019 Full Council
 - 18 December 2019 Full Council
 - 7 September 2021 Full Council
 - 18 November 2021 Audit and Governance Committee
 - 2 December 2021 Scrutiny Committee
 - 8 December 2021 Full Council
 - 3 March 2022 Scrutiny Committee
 - 20 April 2022 Full Council
 - 4 May 2022 Cabinet
 - 8 June 2022 Cabinet
 - 29 June 2022 Cabinet
 - 7 September 2022 Cabinet
 - 28 September 2022 Full Council
 - 5 October 2022 Cabinet
- Humphreys' registers of interest from 2011

- Standards investigations reports
- Instructions to Counsel
- Email correspondence between EDDC councillors and officers
- Various articles in local and national press relating to John Humphreys
- Chronology of the case from Mr X
- Report: Independent Review of the Response of Devon County Council's LADO Service to Allegations of Abuse Against JH - September 2022

List of participants

Interviewees

Councillor Andrew Moulding

Councillor Ben Ingham

Councillor Brenda Taylor

Councillor Eileen Wragg

Councillor Ian Thomas

Councillor Jess Bailey

Councillor Joe Whibley

Councillor Megan Armstrong

Councillor Paul Arnott

Councillor Paul Hayward

Councillor Paul Millar

Camilla de Bernhardt Lane, Head of Scrutiny, Devon County Council

A member of the public

Mr X

Written responses

The Strategic Lead Governance & Licensing and Monitoring Officer

The Electoral Services Manager

The Director Housing, Health & Environment and Safeguarding Lead

The Head of Paid Services and Chief Executive Officer

The Democratic Services Manager

Interviewee guidance materials

Invitation letter



IMPROVEMENT THROUGH INVESTIGATION

«Name»
«Job_Title»
«Org»

[Sent by email to: «Email_address»]

[Date]

Private and confidential

Dear «Name»

Meeting with the Verita team

East Devon District Council has asked Verita, an independent organisation that specialises in investigations, reviews and inquiries, to carry out independent investigation into the actions of EDDC following the allegations and criminal charges against John Humphreys.

The purpose of the investigation is to uncover the facts of case in accordance with the agreed scope and to identify any areas for future learning and improvement. The terms of reference for the investigation are attached.

I will carry out the investigation with my colleagues David Scott and Brian Stanton. I have enclosed some information about us.

As part of the investigation we would like to meet with you to discuss these issues. The interview will be held in private and, subject to your agreement, will be recorded to make sure nothing you say is lost. We will send you a copy of record of the interview (either audio recording or transcript) so that you can check that it is accurate. You are welcome to have a friend or colleague come with you to the interview. A guidance note for interviewees is attached.

Your interview has been arranged for the «Interview_date» at «Time». If this time is no longer convenient please email or call me on 07935 715 050. The interview will be held «Int_type».

We will do all we can to deal with any technology issues that may arise. However, if it is not possible to continue the interview because of a problem with the technology we will re-arrange the interview to another time that is convenient to you. If you have any questions about the technology aspects of the interview, let us know and we will do our best to answer

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IMPROVEMENT THROUGH INVESTIGATION

them. If you would like a trial run of the technology, we would be happy to set one up. If you would prefer to meet us in person, please let me know and we will arrange the meeting.

If you would like any further information about our work or the interview, please call me on the number above.

Yours sincerely

Nicola Salmon
Senior consultant

Attachments: Guide for interviewees
Terms of reference
Team biographies

Joining instructions

Meeting link:
«Meeting_link»

Manual join ID:
«ID_passcode»

UK dial-in:
«Dial_in»

Guide for interviewees



IMPROVEMENT THROUGH INVESTIGATION

Guide for participants and interviewees

1. The purpose of the investigation is to uncover the facts of case in accordance with the agreed scope and to identify any areas for future learning and improvement.
2. The investigation will be held in private. Verita will treat the record of your interview and any material that you provide to us as confidential except to the extent that extracts may be included in the report(s) submitted to the commissioning body, or that we are required to disclose information by court order. The commissioning body for this investigation is, East Devon District Council. The Council voted to form Commissioning Sub-group to oversee the progress of the investigation. Please note that the commissioning body, at their discretion, plans to publish the report.
3. The investigation team comprises Nicola Salmon, David Scott and Brian Stanton. All questions about the investigation and any communication to the investigation team should in the first instance be addressed to Nicola Salmon at the address and contact number at the bottom of this guide.
4. Participation in the investigation is voluntary. If you wish to submit evidence, written statements or to request a meeting with the investigation team, please write to us through our confidential email channel at: SpeakToUs@verita.net. Any other person who feels they may have something useful to contribute to the investigation use this channel to contact the investigation team.
5. This is a private and confidential email address for this investigation. It will only be used by the Verita team and your contributions will not be accessible by anyone in EDDC. We will acknowledge all submissions and may contact contributors to request further detail/clarification or to arrange a meeting. It is envisaged that most meetings will take place virtually, but if you require an in-person meeting, please let the us know and we will try to accommodate you.
6. In addition to this 'self-selected' channel, we will also contact relevant people to arrange interviews as the investigation progresses.
7. You may bring a friend or relative, a member of a trade union, lawyer or any other person to accompany you to the interview (although we want to hear from each interviewee in their own words and do not expect the person you bring with you to speak on your behalf). Those accompanying interviewees may not be interviewees themselves unless this has been agreed with the investigation team in advance. The investigation team may, at their discretion, exclude any person from an interview if it appears to us to be desirable for the conduct of the investigation.
8. Interviewees, and anybody accompanying them, are asked to keep confidential all information about the investigation that is disclosed to them. That includes all questions, topics and themes discussed in the interview.

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IMPROVEMENT THROUGH INVESTIGATION

9. Interviewees may refer to records or other documentation should they think this necessary in order to answer questions. Interviewees may also submit to the investigation team any documents that they consider to be relevant to the investigation.

10. Subject to your agreement, the interview will be recorded. Interviewees will be sent the audio copy of their interview for checking and, if appropriate, for any amendments. In some cases, Verita may elect to have the interviews transcribed and the transcript will also be made available to the interviewee for checking and any amendments. The content of the recordings or transcripts will not be available to the commissioner, except to the extent that extracts of interviews will be included in the report.

11. The investigation team has formed no view as to whether it is necessary to make a criticism of any individual or organisation. Should any points of potential criticism arise, those concerned will be informed of them and they will be given an opportunity to comment on them before the investigation team reaches a final conclusion on the criticism. Before receiving details of any potential criticism, the recipient may be required to give an undertaking to keep the details confidential, except for the purpose of taking professional advice or preparing a response.

12. In addition to conducting interviews, the investigation team will seek out other material that it considers will assist in fulfilling the terms of reference. This may include the collection and analysis of contemporaneous records and reports and assistance from experts or professional advisors. Representations on various aspects of the investigation, including on any draft recommendations, may also be invited from or made by relevant statutory and voluntary organisations, professionals and other interested parties.

13. Verita will keep the evidence collected for the investigation, including the record of your interview and any other information that you provide to us, as long as necessary after our investigation.

14. If your interview is held remotely we will do all we can to deal with any technology issues that arise. However, if it is not possible to continue the interview because of a problem with the technology we will re-arrange the interview to another time that is convenient to you. If you have any questions about the technology aspects of the interview, let us know and we will do our best to answer them. If you would like a trial run of the technology, we would be happy to set one up.

15. The investigation team may make such amendments to this procedure as appear to be necessary. Should any such amendment be made, the investigation team will endeavour to notify those affected as soon as is reasonably practicable.

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VERITA

**Independent investigation into the actions of EDDC following
the allegations and criminal charges against John Humphreys**

A supplementary report for

East Devon District Council

June 2023

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1. Background and scope

Introduction

1. This report sets out Verita's additional findings and conclusions from the second phase of work we carried out in the independent investigation commissioned by East Devon District Council (EDDC).
2. It should be read in conjunction with our earlier report. That report was completed on the basis of all the information that was available to Verita in the course of the first phase of the investigation.
3. We have reviewed our recommendations from the first report, but we propose no changes to them.
4. At the request of the commissioning group, we have removed the names of EDDC officers from the first report and used their job titles instead.

Background

5. On 15 March 2023 EDDC published Verita's report of the investigation into the actions of EDDC following the allegations and criminal charges against John Humphreys. The report was due to be presented to a Full Council meeting scheduled for 23 March.
6. On 21 March, Devon & Cornwall Police contacted the Director of Finance (DF) of EDDC. The DF is a member of the investigation commissioning group. He was told by the Police about new information that appeared to cast doubt on the accuracy of evidence that had been gathered in our investigation.
7. The new information appears in the minutes of a Devon County Council LADO MAS meeting on 9 March 2016. Although Verita had seen a published independent report commissioned by DCC about these meetings, Verita had not seen the minutes themselves before completing our first report.

8. Verita advised the commissioning group that the new information, if validated, was likely to have significant implications for the findings and conclusions set out in our report. We considered that the new information needed further evaluation. As a result, the commissioning group asked Verita to re-start the investigation.

9. EDDC's then Chair of Council (who was a member of the commissioning group) wrote to Council Members (copied to officers) on 22 March. He advised them of these developments and postponed the Full Council meeting. A copy of the text of this message appears at Appendix A.

The new information

10. In 2016 Devon County Council (DCC) held three meetings described as LADO MAS meetings. The meetings involved the DCC Local Authority Designated Officer (LADO), Devon & Cornwall Police (the Police) and senior officers from DCC. The former Monitoring Officer of EDDC (referred to hereafter as the fMO) attended all those meetings.

11. The meeting on 9 March 2016 was the first in this series and was described as the "Initial Strategy Meeting: Managing Allegations Against Adults Working with Children".

12. Under a section titled "General discussion", the minutes of the meeting recorded that:

"The Chief of East Devon District Council had been alerted to the situation."

13. This record appeared to contradict the evidence given by the fMO and the CEO of EDDC in our investigation.

Our approach to the second phase of the investigation

14. On 23 March 2023 DCC forwarded a copy of the minutes of the March 2016 LADO MAS meetings to the DF of EDDC, who passed them on to Verita that day. As per further requests, on 12 April 2023 and 24 April 2023, DCC shared the minutes of other LADO MAS meetings in

April and November 2016 relating to Humphreys. DCC also forwarded details of a referral from the NSPCC in 2014.

15. We accepted receipt of these documents on the explicit understanding that they remained strictly confidential and would only be used by Verita for the specific purposes of our investigation.

16. Our key priority was to validate any new information before asking further questions of the fMO, the CEO and DCC. We also learned from the Police that the fMO had exchanged correspondence with them about Humphreys outside the DCC meetings. We sought to validate this information in our enquiries.

17. All our questions were dealt with in correspondence at the request of the participants. We repeated our offers to the fMO and CEO to be interviewed in person, but they chose to reply in writing.

18. The Leader of the Council, Councillor Paul Arnott, requested an interview with the investigation team as he believed he had relevant information to give to Verita. We met with Cllr Arnott on 29 March 2023.

Our aims

19. It was essential for us to determine if the statement contained in one line of the 9 March 2016 DCC minutes was accurate, consistent, and reliable evidence. We sought to discover whose words the line in the minute were, and to confirm to whom the words referred.

20. We also aimed to discover and evaluate the content of the separate correspondence between the fMO and the Police that followed these meetings.

21. Finally, we sought to assess what this evidence meant for the earlier testimony of the CEO and the fMO, and to decide if our evaluation of all the evidence would point us to any different findings or conclusions in the investigation.

Chronology and delays to the investigation process

22. The second phase of this investigation was more protracted than Verita had expected it to be.

23. We worked closely with the commissioning group to deliver a resolution to this phase of the investigation. The group met 13 times in the 13 weeks between receiving the new information and the production of this report. We thank them for their efforts to facilitate progress and to resolve the barriers we faced.

24. We set out below a chronology of the key dates and events since 15 March 2023.

15 March	EDDC publishes the agenda for a Full Council meeting on 23 March to discuss the Verita report.
21 March	Devon & Cornwall Police (the Police) contact EDDC's Director of Finance (DF) to advise him of new information relevant to the investigation.
22 March	Cllr Ian Thomas (then Chair of EDDC) writes to Council Members to advise them of the receipt of this new information and postpones the Council meeting.
22 March	Commissioning group meets and asks Verita to re-open the investigation.
22 March	The Police confirm they will respond to any written request for information from Verita.
23 March	DF advises Verita that he has asked EDDC staff to search Council records and databases for DCC's minutes of three LADO MAS meetings in 2016 and any correspondence relating to Humphreys.
23 March	DF receives minutes of the 9 March 2016 LADO MAS meeting from Devon County Council (DCC) and forwards them to the commissioning group and to Verita.
27 March	Verita writes to the Police to ask questions about the new information in the DCC minutes, and about other matters relevant to the investigation.
27 March	Cllr Arnott, Leader of the Council, writes to the commissioning group advising them he has learned from two parties about information disclosed to them by the Police.

28 March	The DF writes to Cllr Arnott on behalf of the commissioning group and advises him to contact Verita to allow us to consider any information he has learned.
29 March	Verita interviews Cllr Arnott via Zoom.
6 April	Verita writes to the DF to confirm that due to the unexpected additional work in reopening the investigation, the original budget had now been exceeded. The DF confirms to Verita that the investigation should continue and asks to be kept informed of expected additional costs.
12 April	The DF receives from DCC copies of a NSPCC referral made to DCC in April 2014 and the minutes of a LADO MAS meeting held on 28 April 2016 and forwards them to Verita and the commissioning group.
12 April	Verita writes to the Police urging a response to the questions posed on 27 March.
12 April	The Police write to Verita with answers to the questions.
17 April	Verita sends a supplementary question to the Police.
18 April	Cllr Thomas notifies the commissioning group and Verita that he will step down from the group on 4 May 2023 as he is not seeking re-election as a district councillor. He confirmed that his legal role until the new Chair was elected on 24 May would primarily relate to civic functions and the Annual Council.
21 April	DCC sends to the DF the minutes of a LADO MAS meeting held on 28 November 2016.
22 April	EDDC's interim MO confirms to the DF that a search of the fMO's emails found no correspondence or minutes of DCC meetings, nor any correspondence between the fMO and the Police. Only one potentially relevant email from the fMO is found. It refers to three DCC meetings having taken place in 2016.
24 April	The DF forwards the DCC minutes to the commissioning group and to Verita.
25 April	The Police reply to Verita and advise us that they would need confirmation of consent from the fMO to provide emails he had exchanged with the Police in 2016.
26 April	Verita writes to the fMO and to the CEO posing questions relevant to the investigation.

27 April	The CEO responds to Verita indicating that he would reply after the local elections on 4 May. The CEO tells Verita that he is waiting on a report from the Council's external auditors into concerns he had raised about the procurement process the Council adopted with regards to the Verita investigation. The CEO advised Verita that he reserves the right to view this report before formally responding.
1 May	The fMO writes to Verita enclosing responses to our questions.
5 May	Verita writes to the commissioning group to seek advice on how to proceed in light of the fMO's declining to give permission to access his correspondence with the Police.
10 May	Verita writes to the commissioning group explaining the background to the request to see this correspondence.
11 May	Verita writes to the MO of DCC to ask questions relevant to the investigation.
15 May	The DF advises the commissioning group and Verita that EDDC's MO had contacted the Police direct to seek copies of the fMO's correspondence with them.
17 May	Verita writes to the CEO to ask for his responses to the questions posed on 11 May.
19 May	The CEO responds to Verita saying that the commissioning group has exceeded the budget authorised by Council and that the DF needs to get authority to increase the budget to fund the additional Verita work.
22 May	The CEO writes to Verita advising us that he needs to discuss these matters with the DF on his return from holiday on 30 May. He also cites concerns about the proposed handling of recommendations from our original report.
22 May	Verita writes to the CEO to confirm that no-one had advised us that the work should be paused, and again seeking to encourage his response to the original questions.
22 May	Verita writes again to the MO of DCC to prompt a reply to the questions by 5pm on 26 May.
25 May	The CEO writes to us setting out his answers but asks us to <i>"Please note however that Verita do not have my permission to use, communicate or otherwise publish this information until such time as my Council has received and considered a report from its external auditors, Grant</i>

	<i>Thornton, into concerns that I raised with them about the Commissioning Group.”</i>
25 May	EDDC’s MO confirms that newly appointed Chair of Council, Cllr Eleanor Rylance was to join the commissioning group, replacing its former Chair, Cllr Ian Thomas.
1 June	Verita writes to the DF to update him on responses Verita had received from the CEO since 26 April. Verita advises the DF that it appears the CEO is seeking to restrict our use of his evidence in the investigation.
1 June	Verita writes to the DF to ask for help in encouraging a reply from DCC to questions that had been sent to its MO on 11 May.
9 June	The DF confirms to the commissioning group and Verita that the MO has written to the Police and is arranging a meeting with the fMO.
12 June	The DF writes to Verita to advise that, at a meeting on 9 June, the fMO had forwarded two items of correspondence to the MO of EDDC and giving consent for Verita to confirm this correspondence directly with the Police.
12 June	Cllr Arnott writes to the commissioning group to suggest that Verita be asked to deliver its updated report as a matter of urgency, and that a date should be identified for a debate on the report at Full Council.
12 June	The commissioning group asks Verita to complete the report by 23 June.
13 June	Cllr Rylance writes to the Chair of DCC to request responses to Verita’s questions.
16 June	The DF writes to Verita, enclosing the correspondence released by the Police.
21 June	Cllr Rylance shared the Chair of DCC’s response with Verita that indicates that the matter had been raised with the Chief Executive of DCC. Cllr Rylance requested that Verita continue to finalise its report by 23 June 2023 as agreed, irrespective of whether DCC responds.
23 June	Verita’s draft supplementary report on the investigation is sent to the commissioning group.
26 June	Verita meets the commissioning group to begin the factual accuracy checking process for the report
27/28 June	At the request of the commissioning group Cllr Rylance corresponds with the CEO giving him a final opportunity to allow Verita to use his evidence in the report

28 June	The CEO writes to Verita giving permission for his answers to our questions to be used in the report.
28 June	Following representations made by Cllr Rylance to the Chair of DCC, the MO of DCC writes to Verita providing answers to the questions we posed on 11 May
30 June	Verita's final supplementary report is sent to the commissioning group.

2. Evidence gathered

Validating the evidence

25. In this section we set out the questions we asked of the organisations and people we contacted about the new information from the minutes of the meetings and about other matters referred to in the minutes and in correspondence. Where our questions were answered, we set out the replies.

26. Alongside these enquiries we also asked the DF of EDDC to ascertain if any records of the DCC meetings, or any correspondence about them remained in the Council's information systems. None was discovered. No records were found of correspondence between the fMO and the Police.

27. Verita sought to corroborate and validate the information we received, using four key sources of evidence.

- Devon & Cornwall Police (the Police)
- Former MO of EDDC (the fMO)
- CEO of EDDC (the CEO)
- DCC officers

Questions and answers: Devon and Cornwall Police

28. We wrote to Devon and Cornwall Police to seek any further background to the statement recorded about "*The Chief of East Devon District Council*" in the minutes of the DCC LADO MAS meeting on 9 March 2016.

29. We asked the Police if they could confirm that the statement in those minutes referred to the CEO of EDDC. We asked, if it did, when he had been alerted, who had alerted him and whether there was any record that he was alerted.

30. The Police advised us that they were unable to provide any further information to that which is outlined in the minutes. They said that the minutes:

“Provide the official and most accurate written record of the conversations that took place within these meetings”.

31. We asked if the Police could confirm the advice or instructions that they had given to attendees at these meetings about maintaining confidentiality. The Police told us that, given the length of time since the LADO MAS meetings took place, they could not categorically confirm the terms of the advice or instructions given to attendees.

32. We asked the Police to share with us details of the correspondence that the fMO had shared with them following the November 2016 LADO MAS meeting.

33. The Police confirmed that they had retained this correspondence. They asked if it was available to Verita via EDDC’s own record-keeping, or whether we had permission from the fMO to access his messages during this correspondence. We pursued these matters with the fMO and with the DF of EDDC, and report on them below.

34. We asked the Police if they could confirm what bail conditions were imposed on Humphreys, and whether attendees at the DCC LAD/MAS meetings were advised of them. They pointed to the minutes of the meeting on 28 November 2016 that refer to the fact that Mr Humphreys was on bail and had conditions in place but observed the minutes do not clearly explain what the bail conditions were.

35. The Police confirmed that Humphreys had been bailed, following his arrest on 11 May 2016. The bail conditions were that he should not have contact with the victims of the offences under investigation and that he should not have unsupervised contact with any person under the age of 18 years.

36. The Police advised us that these bail conditions ceased when Humphreys was reported for summons, on 24 January 2017, for the offences under investigation.

37. We subsequently asked the Police about a record from the 18 April 2016 DCC minutes that the Police had taken an action to check with the Barring Service if the fMO could inform Mr Humphreys that he was aware of the latter’s arrest.

38. The Police advised us that they had written to the fMO on 5 May 2016 confirming that he “*should NOT disclose anything to Mr Humphreys at this time*”. That day the fMO emailed the Police and, in response, the investigating officer wrote:

“Just to clarify, you should not approach Mr Humphreys at all about this matter, unless the advice I receive says otherwise. I thought I had better clarify so that the position is clear.”

39. The Police reported a further exchange with the fMO on 30 November 2016 after they had sought advice from the Disclosure and Barring Unit in May 2016. The Police confirmed that they had not consulted the Barring Service about Mr Humphreys as he had not made a DBS application.

40. The action point for the Police recorded in the minutes of the 28 November 2016 was to be carried forward to a meeting scheduled for January 2017, but the Police told us they had no record that any further LADO MAS meetings were held.

Questions and answers: the former Monitoring Officer

41. We asked the fMO if he had received a copy of the DCC minutes of the meeting on 9 March 2016. He told us that he does not have a copy of the minutes and that he did not recall ever receiving them.

42. The fMO had previously told us that:

“The documentation was all marked as being ‘strictly confidential’ and sent via secure email services.”

43. He could not recall any discussion at the meeting of the statement in the minutes that “*The Chief of East Devon District Council had been alerted to the situation.*” He could not say who had made that statement, or who had alerted “The Chief”. The fMO told us that he did not share this information with the CEO, or anyone else at EDDC.

44. We asked the fMO about a statement recorded in the minutes of a DCC meeting on 28 April 2016 that read, “*Whilst on bail Mr Humphreys would be permitted to continue his*

role of East Devon District Councillor.” He told us that this was not a decision, but simply a statement reflecting the legal position. He added that the same minutes went on to record that the DCC Solicitor raised concerns about Humphreys remaining in his role but acknowledged that he could not be precluded as a matter of law.

45. We asked the fMO why, according to the minutes of that meeting, that *“he wanted Mr Humphreys to know that he was aware of his arrest”* and that *“the police would clarify with the Barring Service whether [the fMO] can inform Mr Humphreys that he was aware of his arrest and police investigation, and update [him].”*

46. The fMO replied:

“This does not accurately reflect the position. I was not seeking to proactively tell Humphreys. The reason I asked this question was to understand whether I was able to reference it IF Humphreys were to contact me in my capacity as Monitoring Officer. Councillors routinely ask Monitoring Officers questions around matters ‘relevant’ to the discharge of official duties. I was concerned that he might come and try and talk to me about the circumstances on a ‘no names’ or ‘hypothetical’ basis, effectively seeking legal advice and I wanted to be clear on what position I should uphold. As I had been informed strictly not to discuss this matter, I wanted to be clear on my position in respect of any direct contact from Humphreys.”

47. The fMO confirmed that the Police maintained with him their advice that he should not say anything at all to Humphreys.

48. We asked the fMO to share with us the correspondence he exchanged with the Police following the DCC LADO MAS meeting on 28 November 2016. We told him that the Police would only release his contributions to the correspondence with his consent. We explained to the fMO that we had consulted East Devon District Council about this matter and that their view was that this correspondence was “official”, in that it was conducted by the fMO as a Council employee holding a particular office, and not in a personal capacity.

49. The fMO told us:

“I do not give my consent to the Police releasing this information to you or anyone else, including East Devon District Council.”

50. He declined to forward the correspondence to Verita himself.

51. Following our correspondence with the fMO we sought further guidance from the commissioning group about how to proceed.

52. The current MO of EDDC also engaged with the fMO to seek his permission to share the correspondence he had undertaken with the Police. The MO met the fMO on 9 June when he agreed that EDDC could, with his permission, request copies of this correspondence from the Police. The MO approached the Police and, on 16 June we received the messages that the fMO had shared with them.

53. Alongside the efforts to secure the fMO's permission to access this correspondence, the DF also asked EDDC staff to conduct a comprehensive search of EDDC systems and records to see if any records were retained of the minutes of DCC meeting or fMO correspondence with the Police with regards to Humphreys. No records were found.

Questions and answers: the Chief Executive Officer of EDDC

54. On 26 April we wrote to the CEO to ask him a series of questions about the new information we had received that indicated that he had been alerted in 2016 to the situation concerning Humphreys.

55. We asked if he had, in fact, been alerted to the matters concerning Humphreys and, if so, who had alerted him. We asked if he had ever seen a copy of these minutes or if he was aware that this statement had been recorded.

56. Noting that the CEO was heavily involved in the local elections, we asked for a response by 2 May 2023.

57. The CEO wrote to Verita on 27 April confirming that he did not think it appropriate to respond formally before the elections. The CEO also advised us that he reserved the right, before formally responding, to view:

“A report from the Council’s external auditors (Grant Thornton) into my concerns about the procurement process the Council adopted with regard to this investigation.”

58. On 17 May we wrote to the CEO to prompt his reply to our questions. He wrote on 19 May saying:

“I am able to respond but I now understand from [the DF] that the Commissioning Group has exceeded the budget authorised by Council so he needs to get authority for a bigger budget so that more work can be undertaken.”

59. Following further correspondence between Verita and the CEO he wrote to us on 25 May. In this message the CEO answered the questions we had first put to him on 26 April. However, he also wrote:

“Verita do not have my permission to use, communicate or otherwise publish this information until such time as my Council has received and considered a report from its external auditors, Grant Thornton, into concerns that I raised with them about the Commissioning Group. This report is in the final stages of preparation, and I understand that it should be received in either the second or third week of June.”

60. We reported this development to the commissioning group and were asked to complete the supplementary report by 23 June. Following receipt of the report the group met Verita on 26 June to begin the process of fact-checking the draft. The commissioning group decided to offer the CEO a final opportunity to include his evidence in the report.

61. Cllr Rylance exchanged correspondence with the CEO on 27 and 28 June and, later on 28 June, the CEO wrote to Verita to confirm that we could use his answers to our questions in the report.

62. On 26 April we wrote to the CEO and advised him that a statement recorded in the minutes of a Devon County Council LADO MAS meeting on 9 March 2016 appeared to contradict statements he had previously made about this matter. The statement read, “The Chief of East Devon District Council had been alerted to the situation.”

63. Our questions and the CEO’s answers were as follows:

“Q. Were you aware that this had been recorded in these minutes?”

A. No

Q. Have you ever seen a copy of these minutes?”

A. No

Q. Were you alerted to the situation before 9 March 2016?”

A. No. I have looked back at my calendar and emails and can find nothing that triggers any recollection. I have also now seen the confidential originating LADO referral from the Police in December 2015, and I can certainly say that I knew nothing of the details that are referred to in it.

Q. If so, who alerted you? What action did you take?”

A. N/A

Q. If not, can you explain why this record was made?”

A. No. My observations are the ones I’ve made before, based on the QC’s advice the Council received; at all relevant times, this was a confidential criminal investigation and however distasteful it maybe from time to time an individual is presumed innocent until proven guilty.”

Questions and answers: DCC

64. On 11 May 2023 we wrote to the Monitoring Officer of DCC and asked about the LADO MAS meetings that took place under DCC’s management in March, April, and November 2016.

65. We reassured the DCC MO that our investigation was only concerned with the actions of EDDC.

66. Despite our prompting the DCC MO we received no acknowledgement or response to these questions by the time we sent our draft report to the commissioning group on 23 June. Cllr Rylance contacted the Chair of DCC to encourage a response and, on 28 June, the MO replied. Our questions and the DCC MO’s answers are set out below.

67. We asked if minutes of all the meetings were sent to the EDDC fMO and other attendees. The MO replied:

“Yes, as far as I can see from reasonable enquiries”.

68. The MO reported that the LADO who dealt with these matters at the time was no longer employed at DCC. The DCC MO could not definitively confirm how and to whom the minutes were provided, but told us that:

“They are usually provided by secure e-mail.”

69. We asked if any amendments to those minutes had been submitted or agreed afterwards. The DCC MO could not confirm that any such changes had been made.

70. We asked if there was any other record of who had, reportedly, alerted “the Chief of EDDC” to the situation with Humphreys. The DCC MO replied:

“I am unable to answer this query.”

71. Three DCC officers had attended the meetings and we asked if those still employed would be prepared to help the Verita investigation. The DCC MO told us that she did not believe that two of the individuals remain in DCC’s employment. She confirmed that a third officer was no longer in the Council’s employment, and she was unable to provide their contact details.

Other clarifications

72. We asked the DF if “The Chief of East Devon District Council” could refer to any other position in EDDC at the time and whether there was or is any other role that had the word “Chief” in its title. He responded:

“Not to my knowledge in terms of a job title.”

3. Findings and conclusions

Findings

73. We set out below the key findings of this phase of the investigation.

F1 The minutes of DCC's LADO MAS meeting of 9 March 2016 record that *"The Chief of East Devon District Council had been made aware of the situation"*.

F2 The fMO has denied that he received a copy of those minutes and maintains that he is unaware of the statement made in them about "The Chief". Although the minutes of the meetings indicate that they were to be sent to those attending, we have been unable to get definitive confirmation from DCC that the minutes of the 9 March 2016 meeting were sent to the fMO.

F3 Having seen the correspondence between the fMO and the Police we find that it reinforces our view that the fMO was under strict instructions from the Police not to let Humphreys know that he was aware of the circumstances.

F4 Whatever his reasons for asking how he should engage, if at all, with Humphreys, our view is that he did not and this was consistent with Police advice, and with the evidence he had already given us.

F5 The statement in the minutes of the DCC LADO MAS meeting on 9 March 2016 is not attributed to any person or organisation. We found no-one who was able to substantiate or corroborate the statement. We do not know which person or organisation made the statement.

F6 The CEO, after delaying the release to Verita of his answers to our questions, has denied any knowledge of this statement.

F7 We were unable to contact the three former DCC officers who attended the meeting as they had left the Council.

F8 Our attempts to validate the information were reliant on DCC, the Police and EDDC holding comprehensive contemporaneous records. In the case of DCC and EDDC we found shortcomings in the retention of important information.

F9 We found no reliable evidence, other than this statement, to confirm that the CEO of EDDC had been made aware of any developments in respect of Humphreys.

Conclusions

74. We consider that the record in the minutes of the meeting on 9 March 2016 cast doubt on the evidence given by the fMO and the CEO in the course of our original investigation.

75. The statement was, however, recorded in the formal minutes of a LADO MAS meeting, and we have no evidence that it was subsequently amended. In our view it is more likely than not, on the balance of probabilities, that the comment was made in the course of that meeting.

76. Although the precise wording of the statement may be open to misinterpretation, we conclude that the reference to “The Chief” could only mean the CEO of EDDC.

77. However, because we have been unable to corroborate this statement, we conclude that it does not constitute sufficiently reliable evidence that the CEO of EDDC was aware of the Humphreys situation.

Message to EDDC Members from Ian Thomas, Chair of Council, 22 March 2023

Dear Colleagues,

At its meeting of 28th September 2022, Full Council resolved to appoint Verita to undertake a review of the role of East Devon District Council into matters associated with case and conviction of John Humphreys.

Council further appointed a Commissioning Group, comprising Simon Davey, Cllrs Jess Bailey, Sarah Jackson and myself, as Chair of the Council, to manage the relationship with Verita during preparation of their report.

The Final Report from Verita, published on 15th March 2023, was due to be presented to Council tomorrow (23rd March) with the opportunity for Members to directly ask questions on the report, of the Verita team.

Within the last 24hrs, the Commissioning Group has received further information which, if accurate, it believes has the potential to materially affect some elements of the Verita Report. Accordingly, we have immediately met with Verita to seek their view.

Verita is of the view that the nature of this material does have the potential to stimulate such a review of their report.

Therefore, as Chair of the Council, with the support other members of the Commissioning Group, I do not believe it appropriate we go ahead with the meeting tomorrow.

Once new material has been validated, assessed and properly considered, I will look to re-convene a meeting to consider the Verita Report at the earliest opportunity.

In the interim, I apologise to colleagues for the short notice of this postponement.

Revised recommendations for Agenda Item 5 – Independent Investigation by Verita

That Council:

1. Note the contents and findings of the Verita reports appended.
2. Approve the recommendations (R1 – R7) identified within the original Verita report (set out below), and agrees that the Monitoring Officer, in conjunction with the Portfolio Holder for Democracy & Transparency, urgently brings to Cabinet a report that includes a detailed action plan that relates to the following report recommendations:-

R1 In the event that a similar event arises in the future, we consider that anyone from EDDC invited to a LADO meeting should not go unaccompanied and should consult the Safeguarding Lead.

R2 EDDC should revisit its discussions and plans to reform the Honorary Alderman/Alderwoman process.

R3 EDDC should consider implementing a development programme for members to incorporate regular 1:1s, ongoing training needs assessments, surveys and exit interviews for councillors.

R4 The Safeguarding Lead should consider adding specific procedural guidance to the safeguarding policy to help users understand how, in practice, risk should be assessed and managed.

R5 EDDC should consider designating safeguarding champions from within the councillor body.

R6 Officers, the Chair of Council and group leaders should encourage all councillors to attend the safeguarding training that is available. This should include induction and ongoing refresher training.

R7 The Safeguarding Lead should set up a small working group with councillors to consider what training would be appropriate to improve their understanding of preventative safeguarding practice.

3. Notes that in the “Financial implications” section of this report that an estimated additional expenditure of £8k was incurred in engaging Verita to undertake additional work required to produce the supplementary investigation report, and Council approves of the additional funding that was incurred.

4. Notes with concern some of the conclusions within Verita’s supplementary report, together with matters highlighted regarding both Devon County Council and the Devon & Cornwall Police, and in response Council agrees –

- (i) through the Monitoring Officer, in conjunction with the Portfolio Holder for Democracy & Transparency, to raise and discuss these issues with Devon County Council.

- (ii) through the Monitoring Officer, in conjunction with the Portfolio Holder for Democracy & Transparency, to raise and discuss these issues with the Devon & Cornwall Police.