



IMPROVEMENT THROUGH INVESTIGATION

A proposal for an independent investigation for East Devon District Council

Introduction

1. We have prepared this document following a request from East Devon District councillor, Jessica Bailey. We provide some information about Verita and our way of working as well as a proposal for a potential independent investigation into the actions of East Devon District Council (EDDC) following the allegations and criminal charges against John Humphreys.

About Verita

2. Verita is a leading independent consultancy for regulated organisations. We specialise in carrying out independent investigations of complex and often sensitive issues in a thorough and sensitive manner. We are renowned for our commitment to producing robust, evidence-based reports that can withstand rigorous scrutiny and challenge but also provide insight and a clear path to resolution or improvement. Our approach is always measured, appropriate and focused on improvement. You can read more about Verita and our work on our website: <http://www.verita.net/>

3. Our clients range from government departments and national organisations through to individual sites and organisations. With more than 300 investigations completed, we have an unparalleled depth of experience in the field. Our investigations often involve issues of governance, safeguarding, complaints and organisational responses to adverse events.

4. Notable amongst these investigations was that into the Green Party's actions following the allegations and charges of sexual assault brought against David Challenor. The issues and context surrounding this case bear significant similarities to the matters under consideration by EDDC. The published executive summary can be found on our website: <https://www.verita.net/wp-content/uploads/2022/06/green-party-report-web-publication-1.pdf>

Background

5. 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.

6. The Council 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 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.

7. It is understood that Devon County Council has commissioned/is commissioning an independent investigation into its failure to hold the appropriate multi agency safeguarding meeting in 2014 following a referral to Devon County Council's Local Authority Designated Officer by the NSPCC in connection with Mr Humphrey's role as a school governor.

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

Proposed scope/ terms of reference

9. We will set out below potential areas which could be within the scope of an independent investigation. Any investigation should primarily focus on the actions of EDDC management and its officers and Councillors. We understand that there is insufficient power for the EDDC to compel any external organisation to be involved, without voluntary cooperation.

10. The aims of the investigation would be to:

- establish what information was known by EDDC Councillors and officers about Mr Humphreys' arrest in 2016 and the subsequent investigations into the allegations against him
- understand EDDC decision-making processes in considering Mr Humphreys' continued position as a Councillor after his arrest
- 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
- examine what, if any, safeguarding measures were put into place following the 2016 arrest and assess the effectiveness of their implementation and monitoring
- describe the process by which the EDDC bestowed the honour of Honorary Alderman on Mr Humphreys
- determine whether the EDDC complied with its own policies and procedures in making this decision
- 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
- determine whether any improvements could be made to EDCC's safeguarding and governance arrangements in light of the findings of the investigation
- report on any other significant issues that arise in the course of the investigation that bear on its terms of reference

11. Any independent investigation will need to be commissioned by an office holder/ Councillor or other body with the necessary authority within the EDDC and in compliance with its statutory and mandated responsibilities.

Our methodology

12. Verita has established a systematic approach to conducting investigations - the Verita Operating Framework. The operating framework is used by all staff and associates when planning, conducting and managing assignments and can be flexed to each piece of work, as appropriate.

13. We will use a different approach to each part of the investigation that reflects the aims set out in the terms of reference.

14. We will conduct this investigation in private. We do not envisage that the investigation will have a statutory or disciplinary remit. Our approach will be focused on uncovering the facts and identifying opportunities for learning and improvement in a supportive and constructive manner.

15. We will produce a comprehensive chronology of the key events relevant to the terms of reference. We will evaluate any written or documentary evidence relevant to the terms of reference. We will also interview a range of executives, managers, staff and Councillors from EDDC who were involved in the handling of these matters. The initial group of interviewees will be identified by the commissioner, and we will seek the commissioner's agreement to interview other people as necessary as the investigation proceeds.

16. Our recent practice has been to conduct all interviews remotely, via Zoom or Microsoft Teams. The commissioner is free to instruct us to conduct any or all of the interviews face-to-face, although this may add to travel expenses incurred by the investigation team.

17. We will transcribe the interviews. All the interviews will remain confidential, and the content of the transcripts will not be available to the commissioner. We will follow established good practice in the conduct of the work, for example by offering interviewees the opportunity to be accompanied and to comment on and amend the transcript of their interview. We will make any necessary adjustments to the process to help participants contribute fully.

The outputs

18. We will produce a written report that sets out our approach to the investigation and our findings, conclusions and recommendations (if appropriate). A draft report will be provided to the commissioner for fact-checking prior to completion of the final report.

19. 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.

20. It is expected that the report will be published in some form. The client will decide (in consultation with Verita) the precise form of publication.

Investigation team

21. Verita has a business model that is founded on having a core of skilled, highly experienced full-time staff and outsourcing specialist requirements to individuals or organisation who are recognised experts in their fields. In this way, we can offer clients the guarantee of rigour and process, particularly in maintenance of quality standards, and the guarantee of meeting all aspects of the terms of reference while adding further insight from extensive professional experience. We have received overwhelmingly positive feedback from our clients both on the quality of our outputs and their experience of working with us.

22. We will confirm the specific make-up of the investigation team once the scope and timescales are agreed. If desired, we would be able to deploy the same or similar team that worked on the aforementioned project for the Green Party.

Timescales

23. Depending on the volume of documentary evidence, the number of people we interview, and their availability, we would expect to complete this investigation within 8-12 weeks of being commissioned to start, following receipt of any documentary evidence.

Fees and procurement

24. We record our fees on an hourly basis and we never charge for work not done. We will maintain strict control of the costs we incur on behalf of the commissioner. The only other costs that might arise are travel expenses for any work done face-to-face and interview transcription costs, if required by the commissioner (£140 per hour).

25. We would expect an investigation of this scope and complexity to cost in the range of £35,000 - £45,000 (excluding VAT and expenses).

26. Verita is part of a framework agreement run by HealthTrust Europe which is open to local government bodies. This means that our rates have been through a tendering process allowing you to commission us without the need for a further competitive process. We have provided details of this framework under separate cover.

Confidentiality

27. We are used to handling and dealing with confidential information, and our terms of business include a specific confidentiality undertaking. Any information already disclosed to us, and any further information disclosed before any contract is signed will also be treated as confidential. We will forward our full terms of business before any contract is signed.

Nicola Salmon, Senior Consultant

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