

# **Independent oversight of investigations into matters relating to Jimmy Savile at schools and children's homes**

Independent report for the Secretary of State for Education

February 2015

Author:

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## 1. Introduction

1.1 On 3 October 2012 ITV broadcast a programme in its Exposure series entitled ‘*The Other Side of Jimmy Savile*’ featuring five women who reported that they had been abused by the disc jockey, who died on 29 October 2011. In response to these allegations the Metropolitan Police Services (MPS) set up Operation Yewtree. Hundreds of people subsequently contacted Operation Yewtree about sexual abuse committed by Savile and others.

1.2 Most of the alleged incidents took place in healthcare settings and at the BBC.

1.3 In November 2013 the Department of Health shared 22 pieces of information with the Department for Education relating to Jimmy Savile and 17 children’s homes and schools. This information had originally been collated by the MPS as part of Operation Yewtree and included allegations that Jimmy Savile had abused children at these children’s homes and schools. Some of the pieces of information were anonymous and some were not allegations of abuse but related to Savile visiting or having some sort of association with particular children’s homes or schools.

1.4 Michael Gove, Secretary of State for Education, wrote to me on 14 March 2014 (Appendix A) asking me to:

*“...satisfy [myself] that the investigating organisations take all practical steps to establish what happened and why in the cases being referred to them, so that at the end of the exercise you can provide assurance that the process has been full and thorough”.*

1.5 On 24 March 2014 the Department for Education asked the children’s homes and schools to investigate these allegations. For a full list of these organisations see Appendix C.

1.6 In the months that followed, the investigating organisations discovered that the information relating to four children’s homes were about individuals other than Savile.

1.7 On 16 April 2014 I wrote to the Department for Education, who responded on 13 May to confirm that the scope of my role was to assure only those investigations related to Savile (Appendix B). The four organisations mentioned in 1.6 above were asked to

investigate the allegations relating to them separately; they were not to be included in my assurance process. One of them uncovered a further allegation linked to Savile; this investigation has been included in this report.

**1.8** In May 2014 Thames Valley police asked Surrey County Council to put its investigation into an allegation at Broomfield Children's Home on hold due to a current live police investigation.

**1.9** Leeds City Council has investigated four separate pieces of information and Manchester City Council has investigated three. All other organisations have investigated one piece of information each.

**1.10** I have therefore provided oversight and assurance to a total of 14 investigations about 19 pieces of information received from the MPS.

**1.11** In the Secretary of State's letter to me he also asked me to examine the lessons learned from the Jimmy Savile investigations and current safeguarding practice in children's homes and schools (see Appendix A).

**1.12** These matters are covered in a separate report which is currently being completed. I will be discussing the findings with ministers shortly.

**1.13** I have been supported in my work by Verita, a consultancy with extensive experience of conducting complex investigations and reviews.

**1.14** In this report I set out the methodology for assuring the 14 investigation reports and provide my conclusions about their robustness and quality.

## **2. Oversight and assurance approach and methodology**

**2.1** This section sets out how my team and I have assured the quality of the investigation reports.

**2.2** The first step was to produce guidance for the investigators (Appendix D). This guidance was sent to investigators along with the information from the MPS. The guidance set out how to conduct a thorough and robust investigation and covered some of the common issues that investigators might encounter.

**2.3** We then reviewed each investigation's draft terms of reference. We provided feedback with the aim of ensuring that an appropriate range of topics was covered and that there was consistency across the investigations.

**2.4** On 25 April 2014 we attended a meeting at the Department for Education with all investigators during which we discussed investigation progress and any emerging issues and I set out my expectations for the investigation reports.

**2.5** During the investigation process we provided advice and support to investigators when it was sought about a range of topics, including the set-up of investigations and investigation teams, proportionality and the investigative process and methodology.

**2.6** The guidance to the investigation teams included a recommendation that draft reports be reviewed by the investigation teams' legal advisers before submission to Verita.

**2.7** In May and June 2014 we received the first draft reports from all investigators. Verita reviewed the reports and provided written and oral feedback to investigators. Verita's advice focused on the investigation approach and methodology and also aimed to ensure that reports were clear and easy to understand. Neither Verita nor I sought to influence the report findings and conclusions.

**2.8** Verita read subsequent drafts to check that comments had been dealt with appropriately. I reviewed the final draft reports and made my own comments.

### **3. Summary of 14 investigations into reports of, and allegations about Savile in schools and children's homes**

**3.1** Fourteen organisations are publishing, at the same time as this report, the results of their investigations into sightings of Savile and allegations against him. Ten of these publications have been produced by local authorities, three by charities and one by an independent school. All of these organisations, bar the independent school, are publishing full reports. The independent school is publishing an executive summary.

**3.2** There are nineteen separate pieces of information that have been investigated resulting in thirteen reports and one executive summary. Six of them are allegations of sexual assault and three are of sexual abuse. The remaining ten pieces of information are about sightings of Savile or reports of visits by him to schools and children's homes, but they contain no specific allegation of abuse. These pieces of information came from former residents of children's homes, former pupils and former local authority employees and others are from members of the public.

**3.3** The information investigated ranges from an informant who had witnessed Savile with a girl sitting on his leg (but not witnessed any impropriety) to an informant simply reporting that Savile visited a school.

**3.4** The specific allegations about abuse or assault are said to have occurred at a fundraising visit at a school, at a party at a children's home, on an outing to a park from a children's home, and on an outing to a television studio.

**3.5** None of the investigations have been able to reach firm conclusions about whether the alleged abuse took place or not, although many of them say the informant was credible but the lack of corroborating evidence has prevented them from reaching a definitive conclusion.

**3.6** As the rest of this report makes clear, safeguarding has changed almost beyond recognition since the time of Savile's offences. It is therefore not surprising that all these investigations concluded the policies and procedures they now have in place mean that the risk of abuse by a celebrity or other visitor to their school or children's home was substantially reduced, but of course, nobody can say it will never happen again.

**3.7** The other themes that arise from these investigations are:

- the extent to which most of the investigations were hampered by lack of individual and corporate records; and
- the difficulty of identifying and finding interviewees - again a lack of records meant finding individuals was difficult and the fact that events being investigated were so long ago meant that many potential witnesses had retired or in some cases died.

**3.8** Some of the investigations make recommendations on these subjects including:

- review and update archiving, record keeping and document retention policies and practice;
- update and/or review guidance on all visitors with emphasis on celebrity visitors being treated no differently to others;
- for a local authority - update Members Code of Conduct in relation to visits to children's residential establishments;
- for a local authority - review framework tender processes so that providers have suitable policies to deal with sanctioned visitors;
- for a local authority - review with partner agencies protocols on children who go missing from care; and
- review recruitment and selection procedures and risk assessment policies for volunteers.

## 4. Conclusion

4.1 All the investigations found that policy and practice have developed significantly in the schools and children's homes since the time of alleged incidents. This is not as a result of Savile's activities but because of the greater awareness of safeguarding risks that has developed over the last few decades. A broader picture of the current situation in the UK will be outlined in my lessons learned report. I conclude that the risk of a paedophile having unrestricted access to children, as Savile apparently had, is now substantially reduced.

4.2 This report describes the processes by which I, with the help of others, have overseen the investigations into matters relating to Jimmy Savile. These processes allow me to offer general assurance on the quality of the investigation work. I conclude that all the investigations I have reviewed into matters relating to Jimmy Savile have been conducted in an appropriate and robust fashion and that the resulting reports should be published.

# Letter from Michael Gove, Secretary of State for Education to Lucy Scott-Moncrieff



Rt Hon Michael Gove MP  
Secretary of State

Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT  
tel: 0370 000 2288 [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus)

Lucy Scott-Moncrieff  
Office 7  
19 Greenwood Place  
London  
NW5 1LB

16/3 March 2014

*Dear Lucy,*

## OVERSIGHT OF INVESTIGATIONS RELATING TO JIMMY SAVILE

I am writing to you following your discussion with Edward Timpson on 4 March about a series of allegations linked to Jimmy Savile. I am very grateful to you for agreeing to oversee the investigations into these cases.

As you know, the Department of Health is currently leading investigations in several NHS hospital trusts into information gathered by the Metropolitan Police in the course of Operation Yewtree. Kate Lampard has been appointed to oversee that process and she will be reporting to the Secretary of State for Health in the summer on the quality of those investigations.

Some of the information given to the Department of Health concerns allegations of abuse in and around a number of children's homes and schools. The Department of Health has passed that information to my officials, who will shortly be contacting the appropriate organisations and asking them to investigate the allegations. The public will expect, quite rightly, that these investigations will be conducted to a similarly robust standard as those in health. Your role will be critical in helping us to achieve that.

I would like you to satisfy yourself that the investigating organisations take all practicable steps to establish what happened and why in the cases being referred to them, so that at the end of the exercise you can provide assurance that the process has been full and thorough. I would suggest that you contact Kate Lampard at an early stage, to ensure that the approaches you are taking are consistent.

I would also like you consider what lessons we might be able to learn from the investigations. Although arrangements for safeguarding children in children's homes and schools have been the subject of extensive reforms in recent years, there may still be issues or themes emerging from the investigations which are relevant today. I would like you to advise me of any concerns you may have, arising from the investigations, about practices which still

persist and which expose children to a risk of harm. I would also welcome your ideas for action to address those concerns.

You will be supported in your role by Verita, who will have a contract with the Department to provide quality assurance of the individual investigations. My officials will be available to provide you with whatever advice and support you need to perform your role.

I will want you to feel free to contact me or another member of the Ministerial team if there are matters you wish to raise at any time during the investigations. Edward Timpson would be the best point of contact initially as he leads on children's safeguarding issues.

Thank you again for accepting this appointment.

*With every good wish,*

*V  
Gove,*

*Michael*

MICHAEL GOVE

## Letters between Lucy Scott-Moncrieff and Martin Howarth, Department for Education

Martin Howarth  
Head of Children's Rights and Well Being  
Department for Education

16 April 2014

*Private and confidential*

Dear Martin

On 24 March the Department for Education gave information to Children's Homes and Schools that had originally been collated by the Metropolitan Police Service (MPS) as part of Operation Yewtree. This information included allegations that Jimmy Savile had abused children at these Children's Homes and Schools and the Department for Education asked them to investigate the allegations.

On 15 April Verita received two calls from local authorities advising that the allegations they had started to investigate were not about Jimmy Savile. This raises a number of questions, not least about whether these investigations should be included in my assurance process.

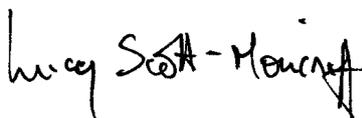
Michael Gove's letter to me on 14 March asks me to oversee investigations into allegations about Jimmy Savile. In support of this stance, Kate Lampard is solely providing assurance to investigations into Jimmy Savile at health institutions and not others.

Contrary to this the draft contract, schedule 1, clause 1.1, states that I, with Verita, will support investigations into allegations of abuse which emerged during the course of Operation Yewtree. This would cover Jimmy Savile and others.

If I am to accept reports into allegations that are not about Jimmy Savile this may affect the guidance that organisations need and also the timelines they (and we) are working to. For example, delays may occur because investigations into other people will need to be cleared with local police forces prior to the teams investigating and certainly before the reports are published.

Please confirm the scope of my role at our meeting next Tuesday 22 April in order that we can confirm the process with the investigators.

Yours sincerely



Lucy Scott-Moncrieff



Department  
for Education

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Sanctuary Buildings  
Great Smith Street  
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Tel: 0207 783 8166

Email: [Martin.Howarth@education.gsi.gov.uk](mailto:Martin.Howarth@education.gsi.gov.uk)

Date: 13 May 2014

Lucy Scott-Moncrieff

Verita

53 Frith Street

London W1D 4SN

*Dear Lucy*

Thank you for your letter of 16 April about the scope of your role in overseeing the investigations in children's homes and schools. We discussed this at our meeting of 22 April and I am writing to confirm what we agreed.

As you rightly point out, your appointment letter of 14 March from the Secretary of State, Michael Gove, refers to a series of allegations linked to Jimmy Savile and asks you to oversee the investigations into those allegations. Some of the investigating authorities have now established that the information passed to them does not relate to Jimmy Savile, but refers to other individuals who may or may not have been subject to a police investigation.

These cases raise two main questions for the exercise we are engaged in:

1. Should the investigation continue if it has nothing to do with Savile? and
2. If it does continue, will it need to be included in the set of investigations which you are overseeing?

On question 1, we noted that allegations of historical abuse by other perpetrators are no less serious than allegations about Savile and other celebrities, and that there might still be useful lessons to learn from those cases about how better to protect children in future. It would therefore not be appropriate for the Department to tell the authorities concerned that they must stop their investigations. However, if those authorities tell us that they are unable to proceed further with the investigations, or believe it is not appropriate for them to do so, then that is a matter for them and the Department would not challenge their decision. We will, however, need to explain what has happened with those investigations when announcing the outcomes of the process as a whole. It will be for the investigating

authorities concerned to justify their approach to the investigations in response to media enquiries. I would be grateful if you and Verita could ensure that the investigating authorities bear this in mind when deciding how to proceed.

On question 2, we agreed that your quality assurance role should be limited to overseeing investigations about Jimmy Savile, as indicated by the Secretary of State's letter. Otherwise there is a risk that the process could expand to the point where it becomes unmanageable, or that the lessons we want to learn about celebrities gaining access to children could become diluted. We therefore do not expect you to quality assure any of the investigations which are found not to relate to Jimmy Savile. If, however, the investigating authorities in these cases approach Verita for further guidance on how to handle their investigations, then we would have no objection to you providing them with advice. Also, if those investigations produce findings which the investigating authorities believe may be useful for your final report on lessons learnt, they will be welcome to share their findings with you.

I hope this helps to clarify the position.

*Best wishes*

A handwritten signature in black ink, appearing to read 'Martin Howarth', with a large, sweeping flourish at the end.

**Martin Howarth**

**Assistant Director, Children's Social Care**

## List of schools and children's homes and the responsible organisations

- Aspley Wood School - Nottingham City Council
- A Barnardo's children's home in Ilford - Barnardo's
- Bassetlaw School - Nottinghamshire County Council
- Beechwood children's home - Leeds City Council
- An unnamed children's home in Bournemouth - Bournemouth County Council
- Broome House children's home - Manchester City Council
- Colleton Lodge, Exeter (home for boys) - Devon County Council
- Henshaws School for the Blind - Henshaws Society for Blind People
- Leeds Children's Services - Leeds City Council
- The Manchester Taxi Drivers Organisation for Handicapped Children - Manchester City Council
- The National children's home, Penhurst - Action for Children
- Northways School - Leeds City Council
- Notre Dame Grammar School - Leeds City Council
- Parklands children's home - Gloucestershire County Council
- The Little Ride children's home - London Borough of Hounslow Council
- Sarah Laski children's home - Manchester City Council
- Sevenoaks School - Sevenoaks School
- St Leonard's children's home - London Borough of Tower Hamlets Council
- The Hollies children's home - London Borough of Southwark Council

### Allegations unrelated to Jimmy Savile

- Beach Holme Children's Home - Wandsworth Council
- Sheringham Road care home - London Borough of Islington Council

### On hold due to live police investigation

- Broomfield Children's Home - Surrey County Council

Verita guidance for investigators

**VERITA**

IMPROVEMENT THROUGH INVESTIGATION

**Investigating allegations and information about Jimmy Savile at children's homes and schools**

**GUIDANCE PACK**

March 2014

## 1. Introduction

On 3 October 2012, ITV broadcast an Exposure programme '*The other side of Jimmy Savile*' featuring five women who reported that they had been abused by Jimmy Savile (JS). As a result of this programme individuals came forward to say that they too had been abused by JS and others. In response to these allegations the Metropolitan Police Services (MPS) set up Operation 'Yewtree'. On 11 January 2013, the MPS jointly published a report with the NSPCC titled 'Giving Victims a Voice'.<sup>1</sup>

Recently the Department of Health shared with the Department for Education information gathered by the MPS concerning 22 allegations linked to children's home and schools.

You have now received information relating to Jimmy Savile and a children's home or school(s) for which you have responsibility. It will therefore be for you to investigate thoroughly any matters arising out of this information as appropriate. You will be responsible for conducting the investigation.

Your investigation should, as far as possible, establish the truth about the allegation or the information you have received and whether there is any implication for current policy and practice. Your investigation will need to publish a report which indicates what the investigation covered, any findings and any conclusions reached. The Department for Education is aware that any conclusions you make are likely to be qualified as, for example, Jimmy Savile cannot be questioned about the information you have.

Lucy Scott-Moncrieff has been appointed by the Secretary of State for Education to provide oversight and assurance to the investigations in children's homes and schools. Lucy Scott-Moncrieff is a mental health and human rights lawyer, mental health tribunal judge, immediate past president of The Law Society of England and Wales and sits on the Judicial Appointments Panel.

Verita, a consultancy specialising in investigations and reviews, will support Lucy in her role. Verita is providing similar support to Kate Lampard in her oversight and assurance role for the Department of Health in relation to investigations in the NHS.

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<sup>1</sup>[http://www.nspcc.org.uk/news-and-views/our-news/child-protection-news/13-01-11-yewtree-report/yewtree-report-pdf\\_wdf93652.pdf](http://www.nspcc.org.uk/news-and-views/our-news/child-protection-news/13-01-11-yewtree-report/yewtree-report-pdf_wdf93652.pdf) - please note, the list of Hospitals at Appendix G is not accurate or up-to-date

Lucy Scott-Moncrieff and Verita will help investigators ensure their reports are robust and of the right quality. In practical terms this means:

- reviewing draft terms of reference;
- being available for advice/support both in setting up the investigations (terms of reference, time scales, proportionality, composition of team etc) and during the investigation process;
- providing practical advice to resolve any issues;
- attending meetings at the Department for Education with all investigators to discuss investigation progress and any emerging issues;
- reviewing and providing feedback on first draft reports (and other drafts as necessary) to ensure thoroughness and consistency of approach; and
- Lucy Scott-Moncrieff will complete the review of final drafts and sign off all reports before they are agreed with the responsible board.

As discussed in this guidance pack, it is recommended that you involve your legal advisers at the outset and that they should continue to be closely involved throughout the investigation process, including ‘clearance’ of the final report. Legal advisers will be able to identify issues that may not be readily apparent to the investigation team.

Your legal advisers should sign off the report before sending it to Verita. Lucy Scott-Moncrieff’s role (supported by Verita) is to ensure a consistent and thorough investigative approach has been adopted, no matter what the allegation or conclusion - but not to influence the report nor challenge its conclusions.

To help ensure a consistent approach is taken a template report is at Appendix A. This is intended only as a guide. Some parts of the template report may not be relevant to your own investigation and therefore you do not need to include those sections. It is anticipated that your own report will be modelled on this document, albeit amended in terms of house style etc.

Draft reports should be assured by your legal advisers, password protected and sent to Verita no later than 30 May 2014. The Department for Education will be holding a meeting for all investigators on 25 April to discuss issues which arise in the course of the investigations; it will be helpful if your lead investigator and solicitor attend this meeting.

Lucy Scott-Moncrieff will produce an assurance report providing the Secretary of State for Education with assurance that all investigations are robust and thorough and a lessons learned report taking into account learning from all investigations.

This guidance pack has been formulated to assist your investigation but it is not intended to be exhaustive or prescriptive. It provides assistance on the type of issues your investigation may encounter and seeks to encourage consistency and thoroughness of approach across all investigations in children's homes and schools. But it is for you, and your own legal advisers, to consider what is appropriate for the facts of your particular circumstances.

## 2. Initial guidance on the conduct of internal investigations

Reports of investigations in children's homes and schools will be made available to the public unless exceptional circumstances apply.

We offer the following guidance to organisations conducting investigations:

- Each investigation should have written customised terms of reference - agreed at a senior level in your organisation. In addition, you may also wish to consider whether these should be discussed with the local safeguarding children board (LSCB) (see section 3 and Appendix B for an example terms of reference).
- Each investigation should be fully resourced; the lead investigator and members of the investigation team should have the necessary skills, knowledge and experience and should not have any conflict of interest.
- Each investigation should have a dedicated team able to pursue the investigation proactively, keep a grip on the issues, liaise with relevant parties, undertake the search for documents and witnesses, examine documents, undertake interviews of witnesses, and produce a report and recommendations for follow up actions.
- Document gathering should be comprehensive. This should include examination of documents relating to policy and procedure, relevant staffing and HR documentation, children's records, disciplinary proceedings, whistle-blowing, complaints and complaints handling, finance papers, relevant correspondence with the Charity Commission, any board and committee papers).
- Your investigation team may wish to draft a protocol to outline the support and care to be offered to victims and witnesses throughout the investigative process and thereafter.
- Each investigation should consider interviewing staff, former staff, board members and former board members, volunteers, known complainants and all other relevant witnesses. Lucy Scott-Moncrieff should be informed if significant witnesses refuse to participate.
- Investigators should seek to establish whether any staff who were in post at the

time of the allegations are still in positions of responsibility - and if so, whether there are any conflicts of interest, and whether those positions should be reviewed.

- You may wish to consider giving interviewees written notification - this may include a guide to giving evidence with information about your investigation (see Appendix C).
- Interviews should be recorded and typed transcripts made. Audio recordings should be kept for the duration of the investigation.
- Investigation reports should be broadly based on the template report (see Appendix A) and should separate facts from opinion.
- Difficult investigative issues - either about process or content - should be discussed promptly with Verita and a view reached about how to proceed.
- Draft reports should be subject to legal review by lawyers. Verita should receive reports only after they have been signed off by legal advisers.
- Those who are to be criticised in a report (or who might consider there to be implied criticism) must be given the opportunity to see the draft section of the report relating to them and respond to it (the “Scott process”). You should involve your legal advisers in this process. This should be done well in advance of the report being finalised so that individuals have time to take legal and other advice and respond and so that investigation teams have sufficient time to give proper consideration to any comments. *However, letters should only be sent out after Verita has confirmed that it is content with the quality of the report.*

### 3. Terms of reference (ToR)

Your terms of reference should be the foundation for your investigation. The investigation team needs to understand their remit and what the commissioners consider to be included or excluded. We would recommend that the lead investigator is involved in drafting the terms of reference. Once drafted, you should clear the terms of reference with your legal advisers before they are finalised.

Your terms of reference should:

- set out who is commissioning the investigation and by what authority e.g. the board under its general responsibilities for oversight of the organisation;
- explain the purpose of the investigation but also the limitations, for example, if the investigation has no disciplinary remit;
- set out the main tasks of the investigation i.e. the ground to be covered;
- make it clear that the investigators are expected to produce a written report with recommendations;
- include a timetable and state whether the outcome of the investigation is to be published and whose decision and responsibility this is; and
- make clear the obligation of the investigation team to work closely with Verita who will be reviewing reports.

An example terms of reference can be found at Appendix B.

Please send your draft terms of reference to Verita by 7 April.

Where appropriate, you may also wish to consider discussing your terms of reference with the police and/or Local Safeguarding Children Board (LSCB).

## Issues to consider when drafting your terms of reference

Incidents and allegations:

- Details of allegations made (sexual or otherwise) and of any other allegations that might have links to Jimmy Savile
- How these allegations came to light
- The extent to which others in the organisation knew of allegations against Jimmy Savile and/or his team and/or associates and did/did not report or act upon them
- The organisation's response to these including:
  - Where appropriate, appeals for witnesses/further reports of Jimmy Savile's abuse
  - Where appropriate, liaison with the police, local safeguarding board, and other bodies and Lucy Scott-Moncrieff. Reviews of relevant policies and procedures.

Policy, practice and procedure throughout the time of Jimmy Savile's association with the organisation re:

- Volunteer staff, their role/s, their access, vetting and other safeguards in place in relation to volunteers
- Staff vetting
- Child and adult protection and safeguarding
- Whistleblowing
- Complaints handling and investigation (complaints from staff as well as children and parents/carers)

Present practice and procedures - steps taken to minimise the risk of this recurring?

- Lessons learned
- Response to lessons learned

Jimmy Savile's fund raising activities:

- Governance arrangements
- Any issues that arose in relation to the governance, accountability for and use of Jimmy Savile's charitable funds

- Liaison with the Charity Commission

Jimmy Savile's association with the organisation:

- How did it come about?
- Nature of JS involvement and his team/associates
- Dates and a full narrative chronology
- JS's access and (if applicable) accommodation
- What checks were made on JS? What safeguards were put in place?

Any other issues/topics relevant to your particular investigation.

## 4. The stages of an investigation

### *Stage 1: Preparation*

- Be clear who is commissioning the investigation
- Ensure that the board has set clear terms of reference (TOR) that explain the scope of the investigation. Consider whether TOR need to be agreed with any stakeholders (such as victims, families, relatives or LSCBs). TOR should broadly deal with investigation of the allegation first, then historic policies (i.e. what were the 'rules' at the time of the incident) and thirdly, current policies.
- Consider whether a project plan is needed
- Ensure that the investigation team has the necessary experience and skill set and they are independent of the incident/allegations. Ensure there are no conflicts of interest and investigators have time to complete the work.
- Be clear about the nature of the incident or the allegations or the event being investigated and any consequences
- Be clear about what information came from the police (MPS have already granted permission to speak to victims and witnesses and to use any statements that they may have made).

### *Stage 2: Gathering evidence*

- Gather all relevant documentary evidence from the time of the incident, for example board minutes, policies and procedures, complaints documentation and children's records and any media references etc. You may need to look through electronic data bases or archives.
  - a) It is recommended that a log is kept of what has been recovered and from where.
  - b) Likewise, a log should be kept of documentation, information and individuals that have been sought and the steps undertaken to do so, even if

the end result is negative.

- Gather all relevant current policies (see list of policies in the template report at Appendix A)
- Develop as comprehensive a chronology as possible of events leading up to the incident or the time of the allegation
- Keep a record of the investigation methodology, any decisions you make in relation to the methodology and the reasons behind them (for example if you search a database keep a note of search terms used)
- Develop a list of people who need to be interviewed
- Ensure that relevant victims, staff and other witnesses have the opportunity to be engaged and are supported during the investigative process
- Ensure that you interview the victim if possible. If this is not possible then explain what you have done to try and meet with them.
- Interview relevant people ensuring that there is an enduring record of the interview.

A crucial part of an effective investigative process is ensuring the proper treatment of all who give information, particularly vulnerable witnesses. Your investigation team may be seeking information of a sensitive nature; it may not be easy for victims and witnesses to come forward or to detail abuse. We recommend that special consideration be given to ensuring that vulnerable witnesses are appropriately cared for and those who have alleged abuse are treated sensitively and appropriately.

There should be effective collaboration with local health services and independent counselling agencies to ensure that referrals to counselling and other mental health services can be made.

GPs were alerted to the possibility of victims and witnesses presenting for help and support so that the victims and witnesses could have their support needs, of whatever degree, met in a timely and appropriate fashion.

It is recommended that where relevant:

- A clear victim and witness support strategy/protocol is established at the outset before your investigation begins
- That support is made available before, during and after your investigation
- Victims and witnesses (as far as this is possible) remain in contact with the same individual throughout the investigative processes
- Victims and witnesses are kept informed of developments

In addition to local services, victims and witnesses may wish to contact one of the following:

NAPAC Association for people abused in	NSPCC	SAMARITANS
0800 085 3330	0800 800 5000	08457 909 090
<a href="http://www.napac.org.uk">www.napac.org.uk</a>	<a href="http://www.nspcc.org.uk">www.nspcc.org.uk</a>	<a href="http://www.samaritans.org">www.samaritans.org</a> (Helpline to provide a safe place to talk where all conversations are private)

### Stage 3: Analysis

- Analyse and consider where the truth lies where there is any conflict of evidence.
- Establish as far as you are able what happened (did the incident take place) and if possible why. You should set out the evidence you have relied on to enable you to reach this decision.
- Analyse all evidence received against benchmarks of good practice where possible (benchmarks should be from the time the incident/allegation took place)
- In reaching your findings, take into account the cultural context at the time of the incident. Bear in mind the different attitudes towards abuse, towards celebrities and the implications of these for the investigation.
- Review relevant current policies and conclude whether they are adequate to

safeguard against a similar incident happening now.

#### *Stage 4: Report writing*

- Write the report in simple English.
- Consider the template report (Appendix A)
- Where relevant, the report should include the following information.
  - The terms of reference
  - An introduction, background information and context to the incident/allegations.
  - Approach and methodology
  - A comprehensive chronology of events leading up to the allegation/incident (where possible)
  - A list of the interviews conducted
  - An explanation of actions taken to locate and communicate with relevant staff, patients and witnesses
  - Details of the documents and other evidence consulted
  - An explanation of actions taken to identify and locate documents and any limitations on that process
  - How the incident/allegations were treated in comparison with national, local policies from the time of the incident/allegation if possible
  - An explanation of whether known risks were identified and managed or not (against national good practice and trust policy at the time of the incident/allegation). Say if benchmarks, criteria or documentary evidence is no longer available
  - An explanation if there is not enough evidence to investigate the incident/allegations
  - Identification of any service deficiencies at the time of the incident/allegations
  - An explanation of the policies, procedures and measures in place that would help prevent the type of incident/allegation happening today
  - An appropriate amount of testimonial and documentary evidence to support the points it makes.

- Evidence of how victims and witnesses have been engaged and supported during the investigation.
- Necessary personal information but no more than is required, e.g. no comments about sexuality when it is not required to tell the story.
- Information which makes it clear that the report or extracts of it were sent out to those criticised (or of whom criticism could be implied) for accuracy/fact-checking and an opportunity to comment/respond (Scott process).
- Findings and conclusions clearly linked to the evidence
- An analysis or consideration of where the truth lies where there is a conflict of evidence
- An assessment of whether the victim is credible or not and therefore whether the incident took place. You will want to be clear if the investigation is limited by lack of evidence.
- Recommendations where appropriate.
- Consideration of any other issues particular to the facts and circumstances of your investigation

#### *Stage 5: Report finalisation*

- Allow time for the Scott process if it is applicable - which is where there is any express or implied criticism of any individual or organisation.
- Ensure that the report is proof read and peer reviewed by an appropriate person in your organisation (see Appendix D for example check list).
- Ensure that the report is legally reviewed before sending to Verita.
- Send the draft report to Verita for review

## **5. Good practice guidance for interviewing**

The following approach is recommended:

1. Decide who needs to be interviewed.

2. A letter should be sent to each interviewee explaining the purpose of the investigation and the interview process.
3. The interviewee should be offered the opportunity to bring a friend or representative to their interview, though it should be made clear that the investigators' questions will be directed at them.
4. The interview should be recorded and then transcribed to provide an enduring record.
5. The PEACE method for interviewing should be adopted:
  - Preparation and planning
  - Engage and explain
  - Account, clarification and challenge
  - Closure
  - Evaluation.
6. The interviewer should ask open questions and not lead the interviewee.
7. A copy of the transcript should be sent to the interviewee for checking. The interviewee should sign and send it back to the investigation team with any amendments.
8. Any urgent concerns arising during the interviews, for example to do with safeguarding of children or support for the victim, should be reported to the appropriate designated person.
9. An extract of the draft report should be sent to those expressly or impliedly criticised for any matters of accuracy/fact-checking.

## **6. Legal assurance**

As the commissioning organisation, you hold responsibility for ensuring your investigation and its report are legally assured.

Procedural and legal issues arise in all investigations. It is important to get these right so that the investigative process runs smoothly, individuals are treated fairly and lawfully, the integrity of the investigation is preserved and the timetable is maintained.

We recommend that all organisations conducting an investigation seek legal advice throughout the investigative process, from inception to the report's publication.

This list below is illustrative of the kind of issues your investigation team may encounter; it is not intended to be exhaustive; you and your legal advisers will need to consider carefully the particular circumstances relating to your trust.

Examples:

### **1. Defamation**

Those conducting investigations, and any individual giving evidence in such investigations, are as open to an action for slander or libel as anyone else in respect of oral and written statements.

### **2. Scott letters / Maxwellisation / warning letters**

Investigations should obtain advice on issuing warning letters to any individuals or organisations likely to receive criticism (or about whom criticism may be inferred) in their report, setting out, for example, the substance of that criticism and providing them with an opportunity to respond. It is important to involve lawyers in this process.

### **3. The Data Protection Act 1998**

You need to check at all stages with your legal advisers that you are acting in compliance with data protection legislation. The Data Protection Act 1998 requires, for example, that personal information should be processed fairly and lawfully; should only be disclosed in appropriate circumstances; should not be held any longer than necessary; and should be kept securely etc. You will need to give careful consideration as to the publication of personal information in your report.

### **4. Anonymity and naming names**

The approach to the publication of the reports should be for *openness* and *transparency* as far as possible. The following general guidance may be helpful as a broad framework

(subject however to the particular circumstances of your investigation and to any independent legal advice you may obtain):

- Anyone in a public facing role should be named (examples include: board director, senior professional, head teacher etc);
- Victims should be anonymised in the report, unless they wish to be identified. Some may do and we recommend that you ask them and obtain appropriate written consent if they do wish to be named;
- Witnesses, informants and others should generally be anonymised unless they wish to be identified or there is a good reason why they should be named. The job title is sufficient but you may need to consider whether they can be identified from such use.
- You should obtain consent from all those you interview or speak to about the terms in which they will be referred to in the report

We emphasise however that you should seek independent advice from your legal advisers on anonymity and naming of names in your report and any other legal issues.

## **7. Frequent asked questions and issues**

Verita has had the advantage of reviewing the NHS reports into matters relating to Jimmy Savile and have therefore outlined the most frequently asked questions (FAQs) and some of the frequent report pitfalls below. However if you require further clarification or your question falls outside these FAQs please contact Verita (see appendix E for contact details).

### **FAQs**

#### **1. Where should I search for documents?**

*You might try speaking to someone with organisational memory who could identify the likely location of documents relevant to the investigation. There may be places within the organisation or organisation archive that holds documents such as board minutes, historic policies, newsletters, visitors books etc. Such documents may have been archived off site at a local archive. Local media archives might be useful to try and determine if JS ever visited your organisation.*

2. We have been unable to locate many (or any) documents relevant to the investigation

*Have you identified any likely locations of documents (see question 1 above), searched all these locations and reviewed any documents that might be relevant? If so, and you have still not found many documents, then simply write up the methodology (in full) in the report. Including where you looked and any explanation for documents not existing including destruction and retention policies, organisation moving sites etc.*

3. How should we identify potential interviewees?

*Is anyone else identified in the victim's statement? You could also send out a call for evidence to all staff and advertise the investigation internally and externally. You may want to speak to any current staff if they worked in the organisation at the time of the allegation or in order to discuss practice and policy then. You could also speak to current staff about current practice and policy. You could try and contact ex-staff members by accessing HR and pension records. You may be able to track down other children who were at the organisation at the time of the allegation. You could ask interviewees whether they are able to identify other potential interviewees.*

4. We have been unable to identify any ex-staff from the period of the investigation

*If you have followed the steps outlined in the answer to question 3 then simply write up the efforts you made to try and locate staff and confirm the reasons you have not been able to do so.*

5. The victim does not want to talk to the investigation team

*The victim should be given every opportunity to speak with the investigation team if they would like to do so and you should try and make contact with them by phone and email (where possible). If you either receive no response to your enquiries or they confirm they do not want to be involved in the investigation then write to them to confirm that if they change their mind you would be happy to meet them. When you write to them make sure to offer them support should they need it. At the end of the investigation write again and offer to share the investigation findings with them regardless of whether they met you. This methodology should all be outlined in the report.*

6. We don't feel able to make a conclusion about whether the incident took place

*Although it is preferable to make a firm conclusion this may not always be possible. As long as you explain your reasoning you can state that you have not been able to conclude whether the incident took place. For example if you have been unable to speak to the victim and you have found no supporting evidence then it is perfectly reasonable to say in your report that you have not been able to reach a conclusion about whether the incident took place.*

### **Frequent report pitfalls**

- The report does not do justice to investigation, for example the report simply states that no relevant documents have been found but not the efforts made to try and locate them.
- The report comes across as defensive because the authors have not been able to find any evidence to support a victim's allegation.
- There is not enough evidence to support points made or conclusions reached.
- There is no overall conclusion about whether the incident took place.
- The report follows the template report (Appendix A) slavishly and includes some sections unnecessarily.

## Appendix A

### Template report

The report template is available on [GOV.UK](https://www.gov.uk)

## Appendix B

### Sample Terms of Reference

*Please note that these ToR are provided for illustrative purposes only. Consideration must be given to the individual facts and circumstances of your own investigation and your ToR drafted accordingly.*

### An investigation into matters relating to Jimmy Savile at XX

#### TERMS OF REFERENCE

The Director of Children's Services for the Board of XX has commissioned this investigation into an allegation about Jimmy Savile at XX, and other institutions under the management of XX and its predecessor bodies (all such institutions herein referred to as XX), following allegations that *[outline of allegation]* during his voluntary or fund-raising activities there.

XX will work with independent assurance from Lucy Scott-Moncrieff, appointed by the Secretary of State for Education to oversee the investigations relating to children's homes and schools with which Jimmy Savile was associated, to produce a written report that will:

1. Investigate any past and current complaints and incidents concerning Jimmy Savile's behaviour at any of the organisations owned or managed by XX and its predecessor bodies including:
  - where the incident(s) occurred;
  - who was involved;
  - what occurred;
  - whether these incidents were reported at the time and whether they were investigated and appropriate action taken;
  - where complaints or incidents were not previously reported, nor investigated, or where no appropriate action was taken, consider the reasons for this, including the part played, if any, by Jimmy Savile's celebrity or fundraising role within the organisation;
2. Thoroughly examine and account for Jimmy Savile's association with XX and its predecessor bodies, including approval for any roles and the decision-making process relating to these;

3. Identify a chronology of his involvement with XX and its predecessor bodies;
4. Consider whether Jimmy Savile was at any time accorded special access or other privileges, and/or was not subject to usual or appropriate supervision and oversight;
5. Consider the extent to which any such special access and/or privileges and/or lack of supervision and oversight resulted from Jimmy Savile's celebrity, or fundraising role within the organisation;
6. Review relevant policies, procedures and practices throughout the time of Jimmy Savile's association with XX and its predecessor bodies and compliance with these;
7. Review Jimmy Savile's fundraising activities and any issues that arose in relation to the governance, accountability for and the use of funds raised by him or on his initiative/with his involvement;
8. Review XX's current policies and practice relating to the matters mentioned above, including employment checks, safeguarding, access to children (including that afforded to volunteers and celebrities) and fundraising in order to assess their fitness for purpose. Ensure safeguards are in place to prevent a recurrence of matters of concern identified by this investigation and identify matters that require immediate attention.
9. Identify recommendations for further action.

The investigation does not have the power to impose disciplinary sanctions or make findings as to criminal or civil liability. Where evidence is obtained of conduct that indicates the potential commission of criminal offences, the police will be informed. Where such evidence indicates the potential commission of disciplinary offences, the relevant employers will be informed.

## Appendix C

### Sample interview information

*Please note that this document is illustrative only. Consideration must be given to the individual facts and circumstances of your own investigation and the information intended for interviewees should be drafted accordingly.*

## INVESTIGATION INTO MATTERS RELATING TO JIMMY SAVILE AT XX

### Introduction

1. This investigation was set up by the XX following allegations of misconduct by Jimmy Savile during his activities at XX.
2. The objective is to investigate the allegations made against Jimmy Savile concerning the time that he was involved with XX, to understand how this could have happened and to establish what must be done to stop this happening again. This includes examining fully what happened, establishing what procedures and safeguards were in place then and whether current policies and procedures are adequate to ensure that these events cannot happen again. Further details are set out in the Terms of Reference.
3. XX will lead the investigation, assisted by XX. The investigation is subject to national oversight from Lucy Scott-Moncrieff, who was appointed by the Secretary of State for Education to ensure that the investigations into Jimmy Savile's conduct at children's organisations are comprehensive and follow good practice.
4. The investigation will be conducted in private. This means that only members of the investigation team and interviewees will be present at the interviews. The media and public will not be allowed to attend.
5. Information will be sought from anyone with relevant information about Jimmy Savile's association with or activities at XX. In particular, the investigation team is keen to hear from anyone who:
  - a) was the subject of misconduct including inappropriate sexual behaviour by Jimmy

Savile at XX or in connection with his involvement there;

- b) knew of or suspected misconduct including inappropriate sexual behaviour by Jimmy Savile at XX or in connection with his involvement there;
  - c) raised concerns about Jimmy Savile's conduct with a member of staff at XX, whether formally or informally;
  - d) worked at XX during the time that Jimmy Savile was involved there and had contact with him; this is whether or not you were aware of any inappropriate behaviour;
  - e) worked with or for Jimmy Savile in relation to his involvement at XX;
  - f) was familiar with the culture or practices of XX during that time;
  - g) held a senior position at XX and may have relevant information which will assist the investigation.
6. The investigation team will seek out documentary and other material that could assist in fulfilling the terms of reference. This may include the collection and analysis of records relating to the time and reports and assistance from experts or professional advisers.
7. The investigation team may make such amendments to this procedure as appear to be necessary.

#### **How can you help?**

8. You are encouraged to contribute by:
- a) sending relevant documentation
    - for example, a letter of complaint or policies and procedures in place at that time;
  - b) providing a written account of what you know.

- guidance on what to include or assistance with preparing the account, if required, will be provided by the investigation team;
- c) attending an interview with the investigation team.

## Interviews

9. The investigation team may not need to interview those who provide a written account; however, it is likely that in many cases further clarification would be helpful and if so, you will be invited to attend for an interview. In some cases, the investigation team may ask you to attend for interview without having obtained a written account first.
10. The investigation team will always treat interviewees fairly and sensitively.
- a) If you are unable to travel then we can discuss how best to obtain your account.
  - b) If you were the subject of inappropriate sexual conduct by Jimmy Savile or others you may bring someone to support you; staff may bring a work colleague or staff side representative; people not at XX may bring a friend, family member, professional representative or any of the above, by prior agreement with the investigation team. However, they may not answer questions on your behalf and the investigation team may, at their discretion, exclude any person from interviews.
  - c) If you are asked to attend for interview, the investigation will refund your reasonable standard class travel costs (and those of one friend or family member accompanying you) if travelling on public transport, or your reasonable fuel costs. However, we cannot pay any other costs, including fees of solicitors or other representatives.
11. If asked to attend an interview and you decide against it, it may not be possible to give the same weight to your account and this may hamper the investigation. Current and former staff will be expected to attend if asked.
12. Interviews will last as long as necessary to clarify information, but are unlikely to last

more than two hours.

13. All interviewees and persons accompanying them will be expected to keep confidential any information disclosed to them.
14. The information given at interview will be recorded (either digitally or by a stenographer) and, at the request of the interviewee or the investigators, may be transcribed; in which case the interviewee will be sent the record of the interview to check for accuracy and to sign.

### **Anonymity and publication**

15. The investigation will not publish the name of anyone who was the subject of inappropriate sexual conduct without their consent. If we need to give details of your identity to anyone else (such as the police) this will be done in confidence. Other interviewees can ask to remain anonymous and we will consider these requests, especially for junior staff.
16. The information given will be used for the purpose of preparing the report of the investigation. The report will be made public and information from written accounts and interviews may be included. At this stage, it is not the intention to publish the evidence in its entirety but it is possible that some or all of the information you provide may be made public in due course.
17. The main objective of the investigation is as set out in paragraph 2 above and the investigation team has formed no view, provisional or otherwise, as to whether it is necessary to make any criticism of any individual or organisation. Should any points of potential criticism arise, the person or organisation concerned will be informed of them, either orally, when they are interviewed, or in writing. Before receiving written notice of the detail of any potential criticism, the recipient may be required to give an undertaking to keep the written notice and the information contained in it confidential, except for the purpose of taking advice or preparing a response.

### **Information sharing**

18. What you say will be treated sensitively. However, it may be necessary to share relevant information (eg allegations of a crime by a living person) with the police, or with professional regulatory bodies or others; any information sharing will be done lawfully and in accordance with the Data Protection Act and other statutory obligations.

## **Support**

19. The investigation team is extremely grateful to all those who feel able to help, but recognises that many witnesses will be re-living painful, difficult or stressful experiences and may need further support before speaking to us about these events. The following services are available:

- XX - Via the Occupational Health Department and Staff Support Service Independent - Arrangements will be made via Staff Support for additional support outside of the Trust where appropriate.

## **Contacts**

If witnesses would like further information about the investigation then please contact [ ]

## Appendix D

### Report check list

- Your legal advisers should have cleared the report and Verita should have checked it for quality.
- The report is sensibly structured and written in a coherent fashion
- The report states the purpose of the investigation and contains explicit terms of reference which have been previously agreed with the trust board
- The report provides an introduction, background information and context to the incident
- The report explains the scope of the investigation;
  - how far back the investigation goes
  - which organisations are included
  - any known limitations
  - agreements with trust board about scope.
- The report provides a comprehensive chronology (as far as possible) of events leading up to the incident(s)
- The report clearly describes the incident(s) and its consequences
- The report provides a list of witnesses and interviews conducted
- The report provides details of the documents and other evidence consulted
- The report gives an appropriate amount of evidence, both testimonial and documentary evidence to support the points it makes
- The report provides evidence of how patients/victims and their relatives have been involved and supported and communicated with during the investigation and describes the processes followed in doing so. If no contact has been made, it describes the rationale for this.
- The report describes the investigation process and any investigative/analytical tools used

- The report highlights any good practice noted which might have reduced the impact of the incident
- The report explains the rationale for including information about staff or patients so that only relevant information is disclosed. If any interviewees are identifiable it needs to be made clear that the appropriate permission has been obtained including where necessary permission to quote from any witness statements or medical records.
- The report provides findings, conclusions and recommendations clearly linked to the evidence
- The report names explicit and objective criteria against which judgments are made. For example:
  - Policies and procedures
  - National guidance.
- The report reviews relevant current policies and procedures and makes recommendations about any changes needed.
- Where recommendations are made in the report they:
  - are clear and measurable
  - are based on findings
  - include the name of a lead person to take them forward
  - do not exceed the terms of reference
  - are appropriate and address underlying problems
- The report names the authors
- Where appropriate, the report provides a stand-alone executive summary which can be read independently of the main report which summarises the incident and its consequences and describes the investigation process and conclusions.
- The report states if individuals criticised by the investigation team have been given the opportunity to see the section of the report containing the criticism (or implied criticism), the right to comment on factual accuracy and offered the chance to add to evidence if necessary. The report provides evidence that any comments or evidence provided by individuals who have been criticised have been taken into account. If, exceptionally, individuals have not been given the opportunity to see the relevant section, the reasons for this should be outlined in the report.

## Appendix E

### Verita contact details

Verita are happy for investigators to contact them directly either on their office number, which is 020 7494 5670 or by email:

Jess Martin - [jessicamartin@verita.net](mailto:jessicamartin@verita.net)

Barry Morris - [barrymorris@verita.net](mailto:barrymorris@verita.net)

Lucy Scott Moncrieff - [lucyscott-moncrieff@verita.net](mailto:lucyscott-moncrieff@verita.net)