

Date: 2 November 2022
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Nicola Salmon
Senior Consultant
VERITA
Correspondence via email
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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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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
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- 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

A handwritten signature in black ink, consisting of a stylized 'S' followed by a long horizontal stroke that loops back to the left.

Simon Davey
Strategic Lead Finance (CFO/S151)
