

NOTES ON ALISON TALBOT, CENSORS AND TREASURER re NST

From the Treasurer to the NST, 21-02-20:

The NST states: “The first contact we had was from the Treasurer, on Feb 21st, and he did email our safeguarding generic inbox where it was picked up by Tony. This email was copied to GJ and DA”. The substance is below:

“The purpose of this email is bring to your attention a matter which should probably have been brought to your attention sooner. Our constitution is complex, but you may be aware that the Head of XXX is also the Dean of XXX Cathedral (the ‘Dean’).

It has come to light that an allegation of rape of a minor was brought to the attention of the Dean in September 2017. The details are set out in the attached report that we made to the police, the LADO and the Charity Commission.

It appears that the Dean did nothing to report this allegation to appropriate authorities at the time, which appears to us to be in neglect of his obligations as a member of the clergy. We have been advised by our lawyers that we should report this matter to you. We are concerned that an individual who is a potential victim may not have been given appropriate support, that a potential perpetrator may have been allowed to escape investigation, and that the matter has not been properly considered by the appropriate authorities.

The matter has only come to the attention of the current leadership team of XXX following allegations put to the institution by the Mail on Sunday on February 7th. After some internal investigations, we took legal advice and made a report of the incident to both the police last week and the LADO earlier this week.

The Dean has confirmed that the victim passed the information to him in confidence and therefore he has claimed that he had no permission to share any details. He has refused on these grounds to share any details of the report to him with XXX. A copy of his response to notification by the SC and CT of XXX that the matter had been reported to the police last week is copied below.

We are naturally concerned:

1) that the Dean does not appear to us to have sought the advice of, or made a report to, a Church of England safeguarding officer either in September 2017 or at any time since, despite subsequently disclosing this information in other fora; and

2) with the language he uses to describe the victim providing information about the ordeal 'partly in confession'. We are uncomfortable with the proposition that the individual would in any way have had to 'confess' to this disclosure.

In the circumstances, I would be grateful if you could consider the matter and advise me whether any further steps should be taken by me or by the Governing Body of XXXX in relation to this matter.

Alison Talbot then writes on 27-02-20 to the NST (unclear who has instructed her to do this, and that Talbot has not even talked to the Dean):

NB: This is how Talbot begins her e-mail: "As promised, I am sending you some preliminary information and additional background to the incident alleged..." So Talbot had already been in touch. We also know that WSLaw and Luther Pendragon have been tipping off journalists at the same time.

"As promised, I am sending you some preliminary information and additional background to the incident alleged to have involved a female minor who was described as being a recent graduate of XXXX in or around September 2017, but was under 18 at the time of the alleged incident, which thus presumably took place in c. 2010-14. We are still preparing a timeline, which may be helpful, but are forwarding to you now the following materials:

- 1) Correspondence with the police, including a memo prepared by the Dean.
- 2) The Dean's notes of conversations with colleagues which may be about the female minor in 2017. (n.b. these notes were not seen by any of the colleagues in question until two or more years later, in the context of the Dean's internal disciplinary tribunal and recent press inquiries. The notes appear to be an attempt at a record of three separate meetings so our client does not know if these are accurate notes.)
- 3) The Dean's copy of the text of a letter (with an attachment) that he claims he sent to another colleague on November 30, 2017, which appears to include references in the attachment to the female minor. (n.b. the colleague's copy of the letter, which was sent on letterhead and signed, is no longer available; there is no action requested by the Dean in relation to the female minor and the letter was marked 'strictly confidential', with the colleague asked not to discuss it with other colleagues.)

- 4) Email threads related to a film project involving another report made to the Dean (see item 1 below).
- 5) Email thread requesting clarification from the Dean about reports that had been made to him (see item 4 below).
- 6) Email thread related to a photograph taken at a student party in October 2017 (see item 7 below).

We are naturally concerned that a possible perpetrator may not have been properly investigated between the time the alleged incident involving a female minor was reported to the Dean in or around September 2017 and the present day, even though the Dean appears to have seen relevant information about the possible perpetrator (who is also apparently a former student).

As a result of further investigations, a number of other safeguarding concerns have come to light:

1. It appears that another recent student at XXXX came forward to report an alleged sexual assault (which occurred when they were over 18) in September 2017 to the Dean. As part of the follow up, the Dean appears to have suggested to the victim that they should participate in a film that could be shown to other students to stop them putting themselves at risk of sexual assault. The head of the University's counselling service and the head of the University's student welfare team both felt that the project was not appropriate. It appears that the individual also became unhappy at the prospect of a professional film being made about them. As noted above, I am forwarding several email trails about this. The individual was not under 18 at the time of the alleged incident, although our investigations suggest that it is possible that the individual could be considered a vulnerable adult. However, the language (and potential victim-blaming) suggested by the film project may be of concern, as is the fact that the Dean did not discuss the project or possible concerns about the individual with XXXX's safeguarding lead at the time.
2. It appears that there was a meeting in December 2017 by the Dean with the male victim of an historic allegation of sexual abuse in the C School. The perpetrator (apparently a former teacher at the school) appears to have been convicted of abuse in another (non-XXX) context, but neither the conviction nor the meeting with the male victim was reported by the Dean to XXXX's safeguarding lead. We do not know whether the allegation has been reported to any external agencies.

3. It appears yet another historic allegation of sexual assault, this one involving a former female graduate student, was reported to the Dean in 2017, but this was again not reported to XXXX's safeguarding lead.
4. After repeated requests for clarification, it is still unclear how many individuals in total reported allegations of sexual abuse to the Dean in 2017, although it now appears most likely to have been four in total (two under 18 at the time of the alleged incidents, i.e., the report made by XXXX to the police last week, plus item 2 above, and two over 18, i.e., items 1 and 3 above, although the first of these may have involved a vulnerable adult). A copy of the email exchange with the Dean in which clarification is requested is attached. We remain unclear whether other reports have been made to the Dean since his arrival at XXXX in 2014 since no such reports appear to have been made to XXXX's safeguarding lead or, as far as we know, to external agencies.
5. The Dean has carefully alluded to his training in 'safeguarding' a number of times, but does not include any mention of CD4 training or other accredited safeguarding training, only an OSARCC (Oxfordshire Sexual Abuse and Rape Crisis Centre) awareness session in 2017. We believe he may have received CD4 training in March 2018, but are not clear whether he had completed such training at the time of the reported allegations in 2017. We believe this is an obligatory course for all senior clergymen. It may be that he has simply forgotten to include records of having completed a CD4 course before 2018 in the documentation we have seen.
6. We are concerned that the Dean repeatedly refers to reports of sexual assault and abuse having been made to him in a 'confessional' or 'pastoral' context and then using this to explain why the reports have not been brought to the attention of either XXXX's safeguarding lead or, when necessary, to appropriate external agencies. It is unclear to us whether the reporting contexts described by the Dean meet the requirements for being treated as 'confessional' in nature and we are unclear whether, in the case of reports of incidents involving minors, this is relevant.
7. 7. A single photo taken at a student party (a 'bop') appeared in the press in October 2017. (We can provide a link to the image if required.) The Dean mistakenly thought the photo included a minor and described it as potentially 'child pornography,' even though the image's central female figure is not nude (she is seen from behind with a black bra and is otherwise fully clothed) and was 21 at the time the photo was taken. In one of his emails about this image, the Dean implies that soliciting such a photograph would be problematic if done by an older man, but not by a younger man who was a recent graduate.

8. We should note that the current senior management team at XXXX first became aware of the allegation of the rape of a female minor and the mistaken allegation that a student party photograph depicted a minor inappropriately (and, subsequently, the other matters noted above) from questions asked by the Mail on Sunday on February 7, 2020. In order to investigate the very serious allegation of the rape of a minor and then make a report to the police, the senior management team accessed documents produced or disclosed as part of the Dean's internal disciplinary tribunal, which took place from the Autumn of 2018 until August 2019, and two ongoing Employment Tribunal claims lodged by the Dean against Christ Church in relation to his own remuneration.

If you have any further questions which I or my clients could assist you with in relation to this investigation then please do let me know. There may well be some further information (in addition to the timeline we are preparing) which would be helpful to you, but I do not wish to bombard you at the moment.”

From Alison Talbot to the NST, July 2020:

Note – this shows Alison Talbot had direct access to the Lead Independent Investigator in the NST, and was trying to influence the investigation into the Dean:

“Further to our previous correspondence in this matter, I am writing to let you know of a further recent incident that may be relevant to the current investigation into the Dean's handling of safeguarding issues. I have copied in Christ Smart and if you think it would be helpful I can provide you with the evidence/copy correspondence in relation to this matter.

Handling of safeguarding matter

On 21/22 June XXXX became aware that one of their Governing Body members, Professor Joosten had been found guilty by a French Court of possession of child pornography. He had been found in possession of over 28,000 photos on his computers in France.

The Dean sent the email below to the three Cs, confirming that he had alerted Thames Valley Police to the potential crimes and that the matter had been passed to Interpol. It would have been appropriate for XXXX to rely on this reassurance that the matter had been properly reported. However, the C T had also reported the matter to the TVP and therefore was concerned to ensure that the reports were matched up. He therefore asked the Dean for the crime report number that he had been given. The Dean was unable to provide one and after further correspondence his solicitors sent the response below, confirming that the Dean had not in fact made a formal report of the potential crime in the UK.

Given the very serious nature of the concerns relating to Professor J it is deeply concerning (and somewhat perplexing) that the Dean was volunteering assurances that he had reported a serious matter to the police when he had in fact not done so.

As it happens, there was no harm done, but had someone relied on the Dean's assurance on 22 June it is possible that the potential crimes in the UK would have gone unreported and un-investigated.

If you would like any additional information or the more detailed email trail then please do let me know.

Talbot then concludes her letter with these words:

This incident seems to go to the heart of the Dean's approach to handling safeguarding and should probably be considered as part of the current investigation".

The NST Comments to me that it is unclear who is instructing Talbot to do this, and why. The letter above is highly misleading, and a deliberate attempt to pervert an investigation, as is her earlier letter.

Chris Smart wrote to us as follows when he had done preliminary work:

Summary:

"There is no suggestion at this stage that there are any offences in the UK or that affect XXXX (College or Cathedral)

The Dean did not receive any referral or Disclosure in relation to this matter but picked up on what was reported in the press.

At this point therefore he was aware of a Safeguarding concern, however there is no obligation on the Dean as far as I can see to report anything under any of the C of E guidance. Although J may have visited the Cathedral, he held no position there and there is no suggestion that the Cathedral or anyone involved with the Cathedral were linked to the offending. That said the Cathedral is the College Chapel. There could be an argument he should have informed the Safeguarding lead at the Cathedral for information but the matter should have been dealt with by the college and someone from the Cathedral attended any strategy meetings. The proper course of action therefore would probably have been to inform the College Safeguarding lead (which the Dean did) who should have then in turn invited the Cathedral Safeguarding lead to attend any meetings.

There would be an obligation to report the matter to the Safeguarding Lead for the University due to the fact that this was serious allegation/concern against one of their members of staff who had access to children. The correct procedure would have been to ensure that the Safeguarding lead was aware of the matter so that the appropriate strategy discussions etc could take place. This the Dean clearly did as it was confirmed in his email to the Cs.”

Chris Smart’s Recommendations:

“I don't think that there is anything else to investigate in this matter other than to speak to the Dean.”

Other Points to Note:

Talbot established herself as the “link person” for the College in dealing with the NST, and the Lead Independent Investigator. Like the Censors and their role, she did not disclose any conflict of interest. Talbot used her position to direct the investigation to people she wanted interviewed, and people she wished to prevent and suppress from giving evidence that might have supported the Dean. Talbot’s notes to the NST both contain (deliberate?) misleading and false allegations, which could have easily been countered had any proper preliminary investigation been done. Talbot, however, was focussed on causing reputational damage to the Dean, and therefore did not act ethically, or in the best interests of her client (Christ Church), but rather in the interests of a very small group briefing her, who in turn had not disclosed their purposes to fellow trustees. The use of charitable funds by Talbot to tip off and also engage journalists – heavily, and with the sole intention of damaging the Dean’s reputation – is very clear. Data Subject Access requests to the CofE/NST will reveal the extent of Talbot’s briefings, and those of the Censors, in the coming weeks. Broadly, her role in the NST investigation amounts to an attempt to unduly influence the NST process, thereby perverting the course of justice.

MWP, 01-10-20