

Safeguarding Allegations, Winckworth Sherwood and Luther Pendragon

Winckworth Sherwood twrites on 27-02-20 to the NST (unclear who has instructed them to do this, and that they had not even talked to the Dean):

NB: This is how they begin their e-mail: “As promised, I am sending you some preliminary information and additional background to the incident alleged...” **So Winckworth Sherwood had already been in touch.** We also know that Winckworth Sherwood and Luther Pendragon had 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:

Winckworth Sherwood then make eight allegations, all of which are offensive and designed to mislead the NST. Comments from Winckworth Sherwood include:

1. 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.
2. 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.

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.”

At no point did Winckworth Sherwood raise these points with the Dean. As they have confirmed, they are instructed “to act against the Dean” – using charitable monies, including Chapter funds. Not content with this gas-lighting, Winckworth Sherwood write again to the NST in July 2020:

Note – this shows Winckworth Sherwood 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, 1,000 of which were the most serious.

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.

Winckworth Sherwood then concludes their 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 that it is unclear who is instructing Winckworth Sherwood to do this, and why. The letter above is highly misleading, and a deliberate attempt to pervert an investigation, as is their earlier letter.

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

“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 concludes:** “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:

Winckworth Sherwood established itself as the “link person” for the College in dealing with the NST, and the Lead Independent Investigator. They did not disclose any conflict of interest. Winckworth Sherwood used their position to direct the investigation to people they wanted interviewed, and people she wished to prevent and suppress from giving evidence that might have supported the Dean. The NST correspondence reveals deliberately misleading and false allegations, which could have easily been countered had any proper preliminary investigation been done. Winckworth Sherwood however, was focussed on causing reputational damage to the Dean, and did not act ethically, or in the best interests of their client (Christ Church), but rather in the interests of a very small group instructing, who in turn had not disclosed their purposes to fellow trustees. The use of charitable funds by Winckworth Sherwood 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 Winckworth Sherwood briefings, and those of the Censors, in the coming weeks. Broadly, Winckworth Sherwood’s role in the NST investigation amounts to an attempt to unduly influence the NST process, thereby perverting the course of justice. They repeated this misconduct in the CDM

Further Notes on Winckworth Sherwood and Luther Pendragon

The allegation that I have fallen short in my duty of care in safeguarding is part of the sustained campaign, led by a few, to oust me from office. Winckworth Sherwood have been involved in the origination and curation of every safeguarding allegation made against me from March 2020 to October 2020. I have always taken the wellbeing of survivors of sexual abuse extremely seriously, and have been proactive in my support for them. It was for this reason that I raised concerns with College officers in 2017 about our (then non-existent) safeguarding policy and practice, and took urgent steps to ensure that our approach as a College was strengthened and made compliant.

The College acknowledged to the National Safeguarding Team that they have “not undertaken any formal risk assessment at this stage, nor have we yet initiated any formal investigation on behalf of Christ Church”. Nonetheless, they chose to make their “unspecified concerns” public. Not only that, but Winckworth Sherwood proactively planted stories in the media that were intended to cause me damage, using College charitable funds supporting PR agency Luther Pendragon, and in contacting the press. When challenged about this behaviour at Governing Body Winckworth Sherwood denied this. Luther Pendragon are the PR agency employed by Winckworth Sherwood.

This short document only contains a handful of the emails and documents so far disclosed. Other emails disclosed include:

- Winckworth Sherwood directly contacting Thames Valley Police, attempting to somehow incriminate the Dean in the case of Prof. Jan Joosten, the former Regius Professor of Hebrew and don at Christ Church, and a French citizen, apprehended, tried and convicted in France for possession of 28,000 child pornography images.
- Winckworth Sherwood also reported the Dean to the NST re Jan Joosten.
- Winckworth Sherwood attempting to intervene directly in the CDM against the Dean, and (presumably) alter the course of the investigation. Judge Asplin specifically references Winckworth Sherwood’s attempt to lobby those conducting the CDM.
- Winckworth Sherwood emailing NST staff to ask “how we can *make* this safeguarding” in respect of another allegation.
- In all, Winckworth Sherwood were directly responsible for the origination and curation of seven separate “safeguarding concerns” against the Dean in a seven-month period.
- Winckworth Sherwood also lobbied the NST to press the urgency and seriousness of their concerns; acted as the liaison between the College and NST; briefed journalists; tried to influence investigations, Core Group process; and also set the Terms of Reference for Kate Wood’s “independent investigation” into the allegation made against the Dean in October 2020, and oversaw that work.

From: B <@luther.co.uk>
Sent: 21 February 2020
To: MD <@churchtimes.co.uk>
Subject: RE: Christ Church, Oxford - disregard previous!
Importance: High

Hi M

Hope you're well. Feel free to put me in touch with the right person, but this is re Christ Church, Oxford – in the last week we've got involved through our work for their lawyers. What it means though as that, in the future, do feel free to come to us if you would like information / statements on the ongoing issues there – I've spoken to the Bishop of Oxford's office too accordingly.

First of all, I wonder if whoever wrote the news piece hadn't seen Christ Church's statement from before the Mail on Sunday last weekend? You can still refer to that here: <https://www.chch.ox.ac.uk/news/house/christ-church-statement-response-media-interest-14-feb-2020>

There are then some inaccuracies that the lawyers have spotted in your article, which I'd be grateful if you could address in the online piece. If needs be you can quote a spokesperson for Christ Church:

- On the Dean's legal fees, Christ Church is now incurring additional costs as a result of two Employment Tribunal claims made by the Dean. Christ Church would need explicit permission from the Charity Commission to reimburse the Dean's costs. However, the Governing Body is funding the ongoing mediation process in full, in order to limit further expense.
- Re the emails given to the Mail on Sunday, these aren't all from the Andrew Smith Judgment from last year.
- In terms of who has seen the Judgment, based on legal advice last year, the judgment was provided to the members of Christ Church's Governing Body with delegated responsibility for managing the Tribunal process and for the ongoing mediation efforts.

Then, in Andrew B's piece (I realise this is a comment) the point about the timescales for the Employment Tribunal isn't true, they have been dictated by court scheduling.

Hope that all makes sense, and feel free to give me a call if helpful. If some clarifications could be made online that would be hugely appreciated.

Kind regards

B

Director

lutherpendragon

From: B <@luther.co.uk>
Sent: 04 March 2020
To: MD <@churchtimes.co.uk>
Subject: RE: Christ Church, Oxford

Hi M

I realise it's Thursday night which isn't wildly helpful, but Christ Church have sent me the below which may be of use.

Ben

1. "For the avoidance of doubt, the Dean dealt correctly with three historic cases of reported sexual assault in the academic year 2016-17, and the information on these were shared with the appropriate college officers at the time."

The Dean has told Christ Church that four historic cases were reported to him in the calendar year of 2017. Christ Church's Safeguarding Officers were not informed by the Dean at the time about three of these reports of sexual assault – nor was any other college officer.

2. "One of these individuals had already made a report to the police, which was already known to the college officers concerned."

No college officer was informed by the Dean about any police report at the time, with regard to any of these four disclosures.

3. "A fourth historic disclosure was made by an individual who had never reported the matter to the police, and only agreed to talk about the alleged assault on the condition that there was no further disclosure. Their position of this individual has not changed."

A fourth case was mentioned, regarding a former student, to a Safeguarding Officer, but with no indication that it involved an individual who was a minor at the time of the alleged assault.

4. "No person making a disclosure was a minor — all were over 21."

According to what the Dean has told us, two of the survivors were minors at the time of the alleged abuse/assault.

5. "Three of the cases took place before 2014, prior to the Dean taking up office."

Four cases were disclosed to the Dean, according to his own account, in the calendar year of 2017.

6. "None of alleged perpetrators posed a safeguarding risk."

Apart from the Dean, we are not aware of anyone at Christ Church who has any information about any of the alleged perpetrators, and therefore we are unable to assess whether there is any safeguarding risk.

7. “The Christ Church statement omits to note that the police have reported that no investigation is being pursued.”

Thames Valley Police has asked the Dean for more information with regard to the perpetrator of the recently-reported alleged assault against a minor. Christ Church is not aware that the Dean has responded to this request.

From: CHCH Dean
Sent: 04 March 2020
To: C and CT
Subject: Website

Dear C & CT

I received your earlier letter, and have now also seen the statement on the website. I was with the bishop this morning, so did not receive your letter until lunchtime, by which time I had already been contacted by several journalists wanting my reaction to the statement. The journalists informed me they had been proactively contacted by Luther Pendragon on behalf of Christ Church and Winckworth Sherwood, offering this “story”.

I request that you take the web statement down – it does damage to the House and all parties, and it is very misleading. I had the report back from the police ten days ago on the allegation of sexual assault and safeguarding concerns, and they were satisfied with my responses to them. The other three cases we discussed were all disclosed to a relevant college officer at the time. Two of the (historic) cases had already been dealt with by the police, and no further action was taken. I am confident that I have followed the relevant procedures throughout.

Sincerely, Martyn

The Very Revd Professor Martyn Percy

Sent: 04 March 2020 19:09
To: CT and C <
Subject: Response

Dear Colleagues

I am being asked to respond to the allegations, and as this is a statutory matter, and focusses on my own practice and compliance, I am essentially responding to enquiries along the lines below.

I am copying this in to the Bishop and Diocese, and the solicitor for Unite, so they are aware of the situation and my response. As I said to you in my earlier, note this has been necessary because:

"...I received your earlier letter, and have now also seen the statement on the[college] website. I was with the bishop this morning, so did not receive your letter until lunchtime, by which time I had already been contacted by several journalists wanting my reaction to [your] statement. The journalists informed me they had been proactively contacted by Luther Pendragon on behalf of Christ Church and Winkworth Sherwood, offering this [as a] 'story' to them."

Kind regards, Martyn

The Very Revd Professor Martyn Percy

From: N
Sent: 06 March 2020
To: C
Subject: RE: Press

Thanks, C

Oddly, you omitted to offer an explanation as to why it was that Luther Pendragon were approaching a range of journalists straight after the notice about the dean's alleged mishandling of historic sex abuse cases was posted on the House's website. Someone who knew about the notice, and who had the authority to instruct them, was in communication with them. Apart from you and CT, who else could that be? Was it J or D or E? If they didn't do it on your instructions, have they gone rogue? As a conscientious, impartial Senior Censor, I'm sure that this matter will be greatly distressing to you, and that even now you are working hard to find out the truth. When you do, please let me know.

With every good wish, N

From: C
Sent: 05 March 2020
To: N **Cc:** CT
Subject: Press

Dear N Apologies for the late reply, but I have been out and about all day. Neither ICT nor I have instructed anyone to approach any journalists. I

On 5 Mar 2020, N wrote:

Dear CT and C,

can you please tell me which of you instructed Luther Pendragon to approach the Guardian newspaper in order to draw their attention to the public notice about the dean's handling of safeguarding issues?

Since this should be an easy question to answer, I expect it by 6pm this evening.

Yours sincerely, N

On Wed, 11 Mar 2020, N wrote:

I have heard that on the morning of Wednesday 4 March, the PR company Luther Pendragon approached journalists at the Guardian, ostensibly on behalf of Christ Church, in order to draw their attention to a notice posted on Christ Church's website. This notice announced that our dean, Martyn Percy, was under investigation for alleged failures to report cases of sexual abuse. I have just heard the [Winckworth Sherwood] lawyer tell the Governing Body of Christ Church that Luther Pendragon have denied doing any such thing.

Are you able to confirm or deny what he college lawyer has told us?

Yours sincerely, N

From: H [@theguardian.com](mailto:H@theguardian.com)>

Sent: 11 March 2020

To: N

Subject: Re:

Dear N

I can confirm that I was contacted on 4 March by someone I've had previous dealings with at Luther Pendragon, telling me they were now working on Christ Church matters. This person then sent me a link to the college's statement on its website regarding the investigation of the dean for alleged failure to report disclosures of sexual abuse. This person rang me again later in the day, offering further background discussion for the story I was writing. However, as I was right on my deadline, I declined this offer. Best wishes, H

The Guardian and The Observer

From: A [@wslaw.co.uk](mailto:A@wslaw.co.uk)

Sent: 06 March 2020 15:04

To: Paul Handley <@churchtimes.co.uk>

Subject: Urgent clarification

Dear Paul

I understand that you have asked for more information regarding Christ Church and a police matter, which has been reported in Church Times. Please find below an updated statement from Christ Church. I would ask that you ensure that a clarification is made as soon as possible to your online edition, and if there has been no further update from the Police, in next week's print edition:

On 21 February 2020, Thames Valley Police informed Christ Church that they have asked the Dean for more information with regard to the perpetrator of the recently-reported alleged assault against a minor. Thames Valley Police has further notified Christ Church on 6 March 2020 that they are still awaiting the name of the alleged suspect from the Dean, so that they can conduct a risk assessment prior to filing the investigation. We have asked the Dean again to provide the Police with this information immediately.

Kind regards A, **Partner; Winckworth Sherwood**

CHURCH TIMES

Reply to Winckworth Sherwood

Dear A

I've just done what nobody at Christ Church seems to want to do, which is ask Martyn Percy directly about this. He says that he told the police that it would take a little time to get in touch with the survivor to check the name and that this is what he is doing. The police, he says, have not been pressing him. In the light of this, I'm disinclined to run a statement that implies that the Dean is dragging his feet.

More generally, it surprises me that the topic of safeguarding, which appears to have been a systemic failure at Christ Church in the recent past, is not being tackled jointly by all sides, especially if this is supposed to be a period of mediation. I'm sure you've had this observation from others.

We'll take stock of the story next week.

With best wishes etc

Paul Handley
Editor

Summary of Concerns

The media statements authored by Winckworth Sherwood and/or Luther Pendragon deliberately gave rise to unfortunate speculation. This has been a consistent pattern. These matters have been consistently brought to the attention of the Bishop of Oxford. He has declined to act, and asserted in public that he does not consider there to be any conflicts of interest. In the first Core Group convened to “investigate” the Dean, most members were from Oxford, and of the fourteen around the table, thirteen had a material/contractual relationship with Winckworth Sherwood.

In October 2020, the lawyer acting for Winckworth Sherwood admitted that the instruction to their firm, by Christ Church (i.e., the client) and including Chapter clergy was:

- “To act against the Dean”; and
- That Winckworth Sherwood were endorsing the bogus/fake Risk Assessments; and
- Were fully party to the draconian restrictions imposed on the Dean.

It is a finding of fact that the Dean dealt correctly with all historic cases of reported sexual assault in the Academic year 2016-17, and the information on these were shared with the appropriate college officers at the time. No person making a disclosure was still a minor – all were over 21. Three of the cases took place before 2014, prior to the Dean taking up office. None of alleged perpetrators posed a safeguarding risk.

The Dean raised concerns that college officers in 2017, and who should have had responsibility for safeguarding, did not in fact know this, and had not been properly trained. The Dean raised this as a matter of concern with the three individuals with the most responsibility for the legal compliance of the college. (i.e. statutory, welfare, etc.). The job descriptions for the relevant college officers were changed in January 2018 to take account of the concerns raised by the Dean. The college and cathedral regularly review their safeguarding practice, and should now be compliant with their statutory obligations.

The Police made a statement in February 2020 to the effect that they were satisfied that the Dean had not mishandled anything. Despite this, weeks later, Winckworth Sherwood, with Luther Pendragon, launched a proactive “smearing campaign” that alleged there were several “safeguarding concerns” relating to the Dean.

The Bishop of Oxford has been repeatedly made aware of the above. The Bishop of Reading has also been given access to all of this the evidence, as has the Bishop’s Council.

Despite this, the above is not deemed to be “systemic”. This is said despite evidence from other Cathedral Clergy supporting the Dean, who have also been legally threatened, bullied and victimised by Winckworth Sherwood.