

③ Terms of Reference  
for Investigation  
(Wslaw, version 3 -  
not seen until  
mid-November)



**Christ Church, Oxford**  
**Terms of Reference**  
**Investigation**

Following a reporting of an alleged incident on 4 October 2020, an investigation into the conduct of the alleged perpetrator DD towards the complainant XX has been commissioned by Christ Church, Oxford, in order to establish the facts and circumstances relating to allegations which could, if upheld, constitute unacceptable behaviour by the DD towards XX and more specifically:

1. To conduct interviews with the complainant XX and the alleged perpetrator DD as well as any witnesses relating to allegations and concerns raised about the alleged incident;
2. Through interviews to form a professional view whether:
  - a. Any inappropriate conduct took place; and/or
  - b. There are any grounds to suspect that the alleged perpetrator has breached the policies and principles under the Christ Church Harassment policy:  
<https://www.chch.ox.ac.uk/sites/default/files/Harassment%20Policy%202019-08.pdf>
  - c. On the balance of probabilities DD engaged in:  
Unwanted and unwarranted conduct by DD towards person XX has and/or which could, if upheld, breach the professional conduct guidelines for clergy  
<https://www.churchofengland.org/more/policy-and-thinking/guidelines-professional-conduct-clergy/guidelines-professional-conduct>  
and/or the Church of England Covid guidelines.  
<https://www.churchofengland.org/more/media-centre/coronavirus-covid-19-guidance-churches>  
and/or Christ Church's Covid guidelines.
3. To advise whether the matter should be treated as a disciplinary matter and/or a safeguarding matter;
4. To advise immediately if at any time the investigator considers that the evidence or information provided to the investigator in the course of the investigation indicates that DD poses a safeguarding risk that warrants imposing additional restrictions on his current work with regard to the number of beneficiaries and staff members with whom he might come into contact on a regular basis. At present DD has been asked not to have any one to one contact with any individual in the course of his role as Dean of Christ Church pending the outcome of the investigation. He has agreed in principle to comply but has already admitted to breaching the requirement;
5. To provide an investigation report that includes the following:
  - a. A timeline of what happened
  - b. All the material gathered during the investigation process
  - c. Detail the allegations involving the alleged perpetrator DD
  - d. Outline the investigation process followed
  - e. In relation to the allegations, set out his/her professional view on the relevant facts including

- i. whether XX's complaint is credible,
  - ii. whether DD's response if any is credible,
  - iii. whether either party's account is corroborated by other material or evidence from a third party
- f. In relation to the allegation to make preliminary findings whether on the balance of probabilities the alleged perpetrator DD has engaged in the alleged conduct, referring to material upon which the view is based;
- g. express a preliminary view on whether the matter should be considered as a disciplinary matter;
- h. advise on whether the allegation should, in the view of the investigator, be reported to the police and/or LADO if it has not already been done so;
- i. advise on whether a further safeguarding risk assessment should be undertaken as a result of this allegation or any other information that comes to light in the course of the investigation;
- j. Include all relevant attachments, such as correspondence with the individuals interviewed, witness statements and any notes taken during the interviews;
- k. Any other information which the investigator considers relevant; and
- l. Be signed and dated.

### **The Investigator**

In this investigation, the investigator is Kate Wood.

It is expected that the named investigator above will take ownership of the investigation from start to finish, making findings of fact to be set out in the final investigation report as outlined above. This includes interviews as part of the investigation and dealing with any queries resulting from them. The Investigator is not expected to decide if the allegation constitutes misconduct, nor to advise on possible penalties or other sanctions. However, it would be helpful to know if the Investigator considers whether or not they would expect any further disciplinary or other formal process should be undertaken.

Accountability for all aspects of the investigation, including confidentiality, fairness, impartiality and general professionalism, rests with the Investigator.

The Investigator shall report to the Sub-Dean of Christ Church.

### **Investigation process**

It is Christ Church's view (acting through officers with delegated authority) that this investigation needs to be conducted in a strictly confidential and discreet fashion. Some of the allegations may involve personal issues and due to the high profile of the alleged perpetrator DD, there may be media interest. Therefore, it is important that the investigator takes confidentiality seriously. For this purpose, we will ask the investigator to sign a Non-disclosure Agreement (NDA) before commencing the assignment.

We also expect that all those interviewed as part of the investigation, namely: complainant XX alleged perpetrator DD and any witness/es, should have their obligations in respect of confidentiality explained to them from the outset.

The investigator shall be expected to arrange and conduct interviews XX and DD in person if possible, but always in accordance with current government guidance in respect of Coronavirus. If this is not possible for any reason the investigator shall be free to make such adjustments as may be agreed in writing with the Sub-Dean of Christ Church.

Furthermore, it is the expectation of Christ Church that the investigation process is to be conducted professionally, focussing on fact finding only, to establish 'both sides of the story' and explain how they draw conclusions from the facts. There must be no bias or appearance of bias towards any of the parties involved.

### **Relevant documentation**

The documentation relevant to the investigation includes any material in the form of witness statements, emails, correspondence between parties both manual and electronic and any CCTV footage available relating to the allegations being raised.

The following documentation relates to the investigation and these will be provided to the Investigator and are attached to this document.

To be confirmed.

### **Relevant witnesses**

The following witnesses are intended to be interviewed as part of the investigation process.

Witness	Witness name Reason for interviewing	Job title
1	DD – Martyn Percy	Dean of Christ Church
2	XX -	
3	Clare Hayns – with whom allegation was first discussed	Chaplain of Christ Church
4	Sarah Foot – with whom allegation was also discussed	Member of Chapter or Christ Church
5	Sub-Dean – to whom the allegation was first reported	Member of Chapter or Christ Church
Anyone else the investigator considers necessary		

The identity of other parties may be revealed during the investigation and they can be added to the investigation process. The Investigator will use their best endeavours not to reveal the identity of XX or DD to any third party and will Pseudonymise them in the written report provided.

If any witness does not wish to co operate with the interview process the investigator should base their assessment of the situation on the other evidence that has been made available to them.

### Timescales

There is a need for tight timescales and the Investigator will have to commit to progress with the investigation promptly. Delays to the investigation process may prejudice both the investigation itself and any further actions that may occur as a result of the findings of fact from the investigation. Any delays and the reasons for them should be set out in the investigation report.

To ensure the investigation is completed in a timely fashion, the investigation report should be provided to the Sub-Dean of Christ Church by 23 October 2020. Interviews and the process for gathering facts etc should be completed by 22 October 2020.

Signature

*Winchworth General WJ*

Dated 18 October 2020

On behalf of Christ Church, Oxford

Confidential Draft