

Investigation into an allegation about Jimmy Savile at Colleton Lodge, Colleton Crescent, Exeter, EX2 4DG

Report for Devon County Council

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1. Introduction

On 27 March 2014 the Secretary of State for Education informed Parliament that he had received information about Jimmy Savile relating to 21 children's homes and schools in England, dating back to the 1960s, 1970s and 1980s. The information had been uncovered as part of a document review undertaken by the Metropolitan Police Service on behalf of the Department of Health.

One of the pieces of information concerned alleged visits and abuse in the early 1980s by Savile and another man to Colleton Lodge, a former Devon County Council (**the Council**) children's home in Exeter for boys aged between five and 15. The Secretary of State for Education asked the Council to explore the allegation, to find out what happened and why, and to report on anything that can be learnt about how children can be protected from harm. The investigation did not have the power to impose disciplinary sanctions or make findings as to criminal or civil liability.

The investigation was led by Jan Shadbolt, the County Solicitor for the Council and the investigation team comprised Council officers from the legal, child safeguarding/services, human resources, communications and services for communities teams.

The Council investigation team has followed the guidance supplied by Verita, the organisation which is providing quality assurance services to the Departments of Education and Health, in compiling this report.

2. Terms of reference

The terms of reference for the investigation were:

1. Investigate any past and current complaints and incidents concerning Jimmy Savile's behaviour at Colleton Lodge, 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;
2. Thoroughly examine and account for Jimmy Savile's association with Colleton Lodge & Devon County Council, including approval for any roles and the decision- making process relating to these;
3. Identify a chronology of his involvement with Colleton Lodge & Devon County Council;
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;
6. Review relevant policies, procedures and practices throughout the time of Jimmy Savile's association with Colleton Lodge & Devon County Council and compliance with these;
7. Review Devon County Council'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) 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.
8. Pursue any relevant matters that arise in the course of the investigation.
9. Identify recommendations for further action and refer the completed investigation report to the Devon Safeguarding Children Board for their consideration.

3. Approach to the investigation

The Council investigation team's approach to exploring the allegation and finding out what happened was to:

- Gather documentary evidence.
- Contact and interview current and former employees of the Council.
- Contact and interview former residents of Colleton Lodge children's home.
- Contact other organisations and agencies that might have relevant information.

Gathering documentary evidence

The Council's corporate policy for records retention is:

- Records should not be kept for longer than necessary.
- Records will be kept for the period defined by statute where available.
- Records will be kept for seven years if financial.
- Records will be kept for a maximum of five years if not governed by statute or financial in nature.
- Records of common activities will be kept according to corporate standards.
- Records of service specific core activities will be kept for the period defined by statute or for a maximum of five years.
- Retention periods will be based on age not review dates and will usually start from creation or closure.
- Records should never be kept indefinitely or shown as being kept indefinitely.

The Council's draft record retention standards for child protection are listed in the table below.

Information type	Kept for	From when	Reason
Child protection (section 47)	Seventy five years	Date of birth	Children's Act 1989
Child protection summaries <ul style="list-style-type: none"> • Children's home registers • Children subject to child protection orders 	Permanent	Creation	Professional decision
Child sexual exploitation	Seventy five years	Date of birth	Children's Act 1989
Independent reviewing 0-16	18 + 3 years of inactivity + youngest sibling must be 18	Date of birth	Professional decision
Independent reviewing 16-18	18 + 3 years of inactivity + youngest sibling must be 18	Date of birth	Children Act 1989 Arrangements for Placement of Children Regulations 1991 Reg 3
Independent reviewing	18 + 3 years of inactivity	Date of birth	Professional decision

conferences	+ youngest sibling must be 18		
Missing children	Seventy five years	Date of birth	Children's Act 1989
Safeguarding conferences draft minutes	Until approved at next review	Creation	Professional decision

The Council's archives are held at the Modern Records Unit at County Hall and at the Devon Heritage Centre (Record Office) at Great Moor House also in Exeter. It was established by the Council investigation team that the Modern Records Unit does **not** hold any documents relating to Colleton Lodge children's home or the strategies, policies and procedures which were in place at the time of the alleged incident.

The reports to and minutes of the then East Area Social Services Sub-Committee, Social Services Committee and Personnel Sub-Committee meetings held between 1980 and 1986 were inspected at the Devon Heritage Centre.

All editions of the Exeter "Express and Echo" and "Western Morning News" newspapers published during the time-periods covered by the allegation, which are held on micro-film at the Devon Heritage Centre, were examined.

A list of the documents reviewed can be found at Appendix A to this report.

Contacting and interviewing current and former employees

The information provided to the Council by the Metropolitan Police Service enabled the Council investigation team to compile a list of current and former Council employees who may have worked at Colleton Lodge at the time of the alleged incident and/or would have historical organisational memory of children's services at that time. As the investigation progressed the social care files of young people identified as being residents of Colleton Lodge at the time of the alleged incident, committee records from the time, payroll records and historical organisational memory of current and former employees enabled this list to be expanded. This information was verified through payroll archives and pension records. Former and current employees were contacted by phone or letter if they met one or both of the following criteria:

- The individual is likely to be able to give general background and context of social services in Devon in the early 1980s.
- The individual may have had direct contact with Colleton Lodge during its ownership by the Council and/or residents of Colleton Lodge in the early 1980s.

Two members of the Council investigation team spoke to or interviewed a number of former and current employees.

A witness protocol was read to each interviewee, a pre-determined list of questions was asked. The protocol made witnesses aware that:

- Any information disclosed by the Council to the interviewee during the interview was to be kept confidential.
- The investigation did not have the power to impose disciplinary sanctions or make findings of criminal or civil liability.
- Information provided by the interviewee **may** be included in the final report and may be made public in due course.
- Interviewees **may** be named in the final report unless there is a particular request or reason for names to be kept anonymous.

Each interview was recorded and a summary note produced. The relevant extracts from this report were sent to interviewees whose evidence is included in it for factual accuracy checks.

Contacting and interviewing former residents of Colleton Lodge children's home

Since the name of the alleged victim was not known to Devon County Council, the process of checking historical records commenced with that of the informant (**Person A**), who was a child living at Colleton Lodge at the time of the alleged incident. In the absence of records relating to the residential home itself (despite thorough searches), the task of compiling a list of possible residents was a manual process of reading Person A's case records (held on microfiche) and noting any references to other children also resident at Colleton Lodge at the time of the alleged incident. These children's files were subsequently reviewed and a similar process undertaken in order to gather information about as many residents as possible.

In order to secure the names of the professionals involved with those children, who may be able to provide testimony, a further list of workers was also compiled from the children's historical records. This information was then cross referenced with personnel records to confirm which professionals were still in touch with the local authority or indeed could be found. Each file was examined for any reference to Savile, and to any other issues or circumstances affecting the children which may have been relevant. Two members of the Council investigation team interviewed Person A and he also answered some follow-up questions by email and phone. This report was shared with Person A before its publication.

One other former resident, Person B, from the list of former residents was interviewed. We traced two other former residents and invited them to provide information. One of them agreed to do so but did not attend for interview. We were unable to trace the other former residents identified during our analysis of files. Historical records were used to trace last known addresses for the former residents of the children's homes. These were cross referenced to current electronic records held by the social work service. In some instances there was an up to date address, in others not. For the latter, other avenues were followed up such as the electoral register and local telephone records. Some former residents were also found to be deceased.

Contact with other organisations and agencies that might have relevant information

The information about the alleged incident which was passed to the Council by the Metropolitan Police stated that Savile often stayed at the Royal Marine Training camp at Lymestone. In addition, during the interview with Person A, it became apparent that he had spoken to a police officer about the alleged incident around the time Person A had been residing at Colleton Lodge.

In light of these pieces of evidence the members of the investigation team contacted the Commando Training Centre (**CTC**) at Lymestone to try to establish whether Savile was staying there at the time of the alleged incident and contacted the local Police, who, in turn, contacted two retired Police Officers.

A list of those contacted during the investigation can be found at Appendix B to this report.

4. Colleton Lodge background information

In the early 1980s, the Council's Social Services East Area covered the districts of Exeter, East and Mid Devon with a population of about 250,000 people. There were four divisional offices: Exeter, Exmouth, Honiton and Tiverton. The Divisional Director for Exeter was responsible for: ten residential homes and four day centres for the elderly; a hostel, special care unit and adult training for people with learning disabilities; a social centre for people with physical disabilities; a day nursery and a meals service run in conjunction with the then Women's Royal Voluntary Service.

Devon County Council Child Care Services – Residential Resources (1981/1982)

Number of places in (brackets)

[Table extracted from June 1982 report to Social Services Committee]

Type of resource	North area	South area	East area	West area	Total places
Community homes	Luscombe House (16)	South Parks (14) Broadhaven (12)	St Leonards, Tiverton (10) 87 Magdalen Rd, Exeter (9) 15-19 Rifford Rd, Exeter (9) Colleton Lodge, Exeter (10) 34/36 Elizabeth Ave, Exeter (9)	Lancaster Gardens (10) Chaucer House (20) North Green (9)	127
Observation and assessment	Luscombe House (8)	Fullaford House (18) (boys)	Barnburgh, Beech Avenue, Exeter (15) Brookhayes, Pilton Lane, Exeter (23)	Parklands (45)	109
Other local authority homes		2	1	1	4
Private home	11	27	31	9	78
Voluntary homes	2	34	3	33	72

Colleton Lodge had ten places for boys aged 5 to 15 years and was one of six children's homes in Exeter run by the Council. The property, which dates back to circa 1830 is a detached two storey house and a grade II listed building. The home was sold by the Council on 4th March 1986. It has not been possible to establish when it first opened as a children's

home. The investigation team was unable to trace the supervisor/officer-in-charge at the time of the alleged incident from historic payroll records or pension records. The team established that the Council's former adviser to Colleton Lodge, who worked at Colleton Lodge at the time of the alleged incident (ie April 1983), and who worked at other residential establishments during their employment with the Council, is now deceased.

5. Investigation of current allegation(s)/information

Investigation of the allegation

Person A, the former resident of Colleton Lodge children's home who made the allegation which initiated this investigation, was interviewed on 10 April 2014 by two members of the investigation team. Person A resided at Colleton Lodge for approximately two months between September and November 1981 and again for approximately two weeks in March/April 1983. Person A was aged 15 when he first resided at Colleton Lodge. He outlined the allegation that he had originally made to the Metropolitan Police Service in January 2013 and also to Devon and Cornwall Police.

Person A said that he had **not** been abused by Savile. Person A alleged that late one evening in 1981 Jimmy Savile and another man visited Colleton Lodge. After several hours, he became aware that they were both in an adjacent bedroom which was occupied by a younger boy. He heard "haunting screams" and formed the impression that Savile and/or the other man had sexually abused/assaulted that boy. He did not witness any assault, was not aware if anyone else was a witness and did not question or speak to the boy in the room about what had occurred. Person A did not report what he had heard to any staff members at the time. He could not recall that boy's name.

Person A recalled that Colleton Lodge was run by two elderly female staff but not their names. He said that he was aware from his time at Colleton Lodge that Savile and another male had visited during the daytime, by invitation, on at least two occasions. He recalled that Savile and the other man were in the Exeter area because they were staying at the **CTC** at Lymptstone.

In his interview, Person A referred to Savile being in Exeter on Maundy Thursday. The Maundy Thursday service took place on 31 March 1983 at Exeter Cathedral when the Queen and Prince Philip visited the City. A subsequent telephone conversation with Person A established that the alleged incident took place during his short stay at Colleton Lodge in April 1983 and **not** in Autumn/Winter of 1981.

He stated that during his stay at Colleton Lodge he reported the incident to the local police constable who was a regular visitor to Colleton Lodge. He said that his claim was "rubbished" by that police officer. The investigation team asked Devon and Cornwall Police whether they had any record of this report. Devon and Cornwall Police traced two police

officers who worked in Exeter at the time of the alleged incident, both now retired, with the surname given by Person A. They were both spoken to by Devon and Cornwall Police; neither had any knowledge of Colleton Lodge and neither recalled speaking to anyone regarding any safeguarding concerns relating to Savile.

Subsequent to the interview, a member of the investigation team sent Person A press photographs of Savile's known associates. He recognised the other man at Colleton Lodge on the evening when the alleged incident took place as being Savile's driver David Smith (now deceased). Devon and Cornwall Police were informed of this and responded that they would look at any intelligence opportunities arising from it. We have subsequently been informed that Devon and Cornwall Police have no specific matches or details relating to Mr Smith for the period between 1 January 1980 and 31 December 1984.

Interviews with other former residents at Colleton Lodge

Person B lived at Colleton Lodge from October 1979 to 1987. He said at interview that he could not recall any occasion when Savile had visited Colleton Lodge nor seeing him in a public place in Exeter.

Information from the Express and Echo newspaper

The Devon Heritage Centre's archive of all the editions of the Exeter "Express and Echo" published between 1 May 1981 to 30 November 1981 and between 20 March 1983 and 20 April 1983 were examined by a member of the investigation team. It was established that Savile was in Exeter on, or about, Monday 17 August 1981 when he was presented with a cheque for £3000 at Wilkinson Transport, Marsh Barton Trading Estate, Exeter. However there was no evidence to show that he had visited or had an association with Colleton Lodge.

Information from former Devon County Council staff

The former manager of the Elizabeth Avenue children's home in Exeter, which was similar to Colleton Lodge, described staffing arrangements that would have been typical for a Council children's home at the time. "In the evening one member of staff would always be in the home in a designated room with the young people. We took it in turns. Before my time there were house-parents who would be there all the time, but this had changed. It is possible that Colleton Lodge might still have had house-parents [in the early 1980s]. The main responsibility was to ensure that the children were in bed, and stayed there. Each age group had its own bed time and once they were all in bed then the day staff could go home."

The same manager told us at interview that:

“I do remember that the children from Colleton Lodge would say that they had met Savile – when we watched “Jim’ll Fix It” they would say that they knew him. I don’t remember any visits and would not have thought about inviting him to Elizabeth Avenue unless it was to launch something for a special event. I remember that JS took part in Exeter’s half marathons and was part of the launch for that. I remember going to see all the runners, including Jimmy Savile, run past when I was at XXXXX School. Otherwise I don’t remember him in Exeter or any other DCC establishment.”

A former County Council children’s social worker recalled that:

“Savile used to visit Commando Training Centre (CTC) Lypstone and we used to see him running around in his training kit. At one point he was in a restaurant in Exmouth. He took it upon himself uninvited to visit each table talking to people. I don’t know when he left the restaurant”

Further information from Devon and Cornwall Police

The Devon and Cornwall police were asked if they could give information about dates of any accusations of abuse at CTC Lypstone to see if there was any correlation between the relevant dates for Colleton Lodge, and CTC Lypstone. The police reported that they had investigated one allegation about Savile at CTC Lypstone. The police were satisfied that their historic investigation had no link to Colleton Lodge. There was no direct correlation of dates.

Information from Commando Training Centre Lypstone

Savile had a long-standing affiliation with the Royal Marines and was a regular visitor to their base near Exmouth at CTC Lypstone. A member of the investigation team spoke to the Adjutant at CTC Lypstone. He confirmed that the records kept for the periods of interest to this investigation did not show any evidence of visits by Savile.

7. The cultural context at the time

Former Council employees who visited Colleton Lodge in the early 1980s in the course of their work described it as:

“A well run and comfortable home but not particularly challenging or stimulating”.

“A smallish long term residential facility for children....the staffing was consistent, there were always the same people there. It had the feel of a sleepy backwater with staff doing routine tasks. The ethos was a bit laissez faire. Caring staff...who played the house-parent role but nothing more. It was usually quiet there but I wouldn't want to imply that the staff were not committed to their work. I think that they took their roles seriously and I wouldn't want to suggest that they were just doing the minimum necessary in looking after the children in their care. They were, without doubt, 'different days' and now, all those children would almost certainly be in foster care, but I found the atmosphere to be caring.

A former Council employee who was a children's social worker in Exeter between 1978 and 1983 said that “the culture at that time in safeguarding was 'undisciplined'. There were not the same safeguards as there are now, and the rumour mill was very strong.” He said that it was possible that a one off event could have taken place at one of the Council's children's homes, but found it very hard to imagine that nothing would have been mentioned or spoken of, if it had been known.

None of the members of staff who were interviewed could recall the existence of a formal “whistleblowing” or complaints procedure. A former social worker team leader said that he had no recollection of anyone, staff or child coming forward with complaints but “sometimes we received complaints from other family members about an individual in respect of social worker engagement, but nothing from Colleton Lodge”. This lack of recollection by staff of anyone coming forward with complaints could indicate that there was not an open culture which encouraged staff or children to raise concerns or complaints.

A personnel officer who dealt with staff disciplinary issues in Social Services said he wasn't aware of a procedure for reporting allegations of a safeguarding nature, but the reporting of such matters would have been to professional child care staff in the first place. He was also very clear that any potential matters of discipline reported to him or any other staff were always the subject of further investigation. He recalled that there were Personnel Policy Circulars which were sent to all Children's Homes which would have given clear guidance on

a variety of disciplinary and other conditions of service issues e.g. police checks prior to the appointment of staff working with children and other vulnerable clients. However no such circulars were found during the course of the investigation.

The East Area Director reported to members of the East Area Social Services Sub-Committee in July 1981 that:

“It has been the practice for groups of [elected] members of the Area Committee to be invited to make regular visits to residential and day care establishments and Area and Divisional Offices between meetings. In this Area we have 48 establishments, and it has been found by members that 4 visits is about the maximum number to make in any one session. With this number of establishments it will take at least two years to visit them all.

“The main purpose of the visit is to allow members to gain knowledge of each establishment, the service as a whole, and to meet residents and staff.”

A former County Councillor and member of the then East Area Social Services Sub-Committee was contacted by a member of the investigation team. He had no relevant knowledge about Colleton Lodge or recollection of Savile visiting. He commented “we did regular 'inspections' of old people's homes but not of children's homes”.

8. Policy, practice and procedures at the time of alleged incident

3 December 1981 Social Services Committee

Report (SS/27/81) on “Child Care Services – A Strategy for the Future” to the 3 December 1981 meeting of the Social Services Committee noted that:

“Whilst the overall numbers of children in care increased to the highest number ever in 1980, the proportionate increase in numbers is accompanied by even more significant changes in the nature of the problems and needs of individual children. It is essential to bear these trends in mind when planning for the future, as I can see no evidence to suggest any amelioration of the factors which give rise to children being in care, eg a reduction in the divorce rate or reduction in the housing, employment or financial pressures on families.”

The report went on to say that:

“The central issue is how to meet our parental responsibilities towards children in care of the Social Services Committee.

“At its simplest the choice is between residential or substitute family care, and the Committee have already committed themselves firmly to developing even further the opportunities for all children to experience the security of a stable home environment. Means must therefore be found to recruit, train, support and adequately reward more foster parents. There will always remain a need for residential treatment before they are able or willing to risk the emotional investment necessary in family life. It is essential, however that we do not provide more residential places than the needs of children dictate, and it is crucial that such Homes as we do provide are suitably sited, staffed and equipped to fulfil the function designated to them.

*“I am **not** [emphasis added] satisfied that this is currently the case, and I therefore commenced a formal review of all Residential Child Care Establishments, and I propose to submit to the Area Sub-Committees in the first instance any recommendations for change.”*

“Child Care Services – A Strategy for the Future” (report SS.27/81) was approved and a formal review of all residential child care establishments was initiated to ensure that homes are suitably sited, staffed and equipped to fulfil the function designated to them.

12 February 1982 Personnel Sub-Committee

The Personnel Sub-Committee approved the recommendations of a joint report (CMSO/6/82) by the Director of Social Services, County Treasurer, County Manpower Services Officer and County Solicitor on “Social Services Department – Discipline”. The report recommended that the Social Services Committee ensure that members visiting

residential establishments were provided with guidelines regarding the purpose and nature of such visits. The Social Services Committee subsequently approved that report and the Director of Social Services advised that he was preparing a “set of guidelines for members”.

It is worth noting that the joint report to the 12 February Personnel Sub-Committee asked the Social Services Committee to introduce the following: “Visits by members to residential establishments should include a check that administrative support has been provided and logged in the Home’s diary”.

20 September 1982 Social Services Committee

The Social Services Committee was informed (Appendix A to report SS/25/82) that the East Area Sub-Committee had resolved that a 20 bed home for children aged 5-15 years be set up in Exeter to replace the two separate small units at Colleton Lodge (10 places) and Elizabeth Avenue (9 places). The Social Services Committee approved a reduction in the total number of places a Community Homes from 127 to 96 with one unit to replace Colleton Lodge and Elizabeth Avenue (for children up to 15 years old).

9 December 1982 Social Services Committee

The capital programme for 1983/84 included “20 place community home, East Devon to replace Colleton Lodge and Elizabeth Avenue, Exeter”.

27 February 1984 East Area Social Services Sub-Committee

The sub-committee considered a report from the Area Director on the development of child care services in the East Devon area. The report included the following proposed strategies: “(i) Half of all East Devon [area] children received into care are for short stays (eg 32% of children admitted in 1983 were due to illness of parent). **In future, in all but exceptional circumstances, short-stay admissions should be to foster homes and not to residential care.**”

“(ii) Our assumption is that within our society successful adults live within families and/or close personal relationships. We, therefore, have a duty to enable children to live within families to enhance their chances of stable adult relationships. **Those children assessed as requiring a period of residential care should remain in residential care for length of time possible (sic) (no more than one year). This period to be an intensive rehabilitation programme with specific long-term goals. Residential staff should have sufficient time to work with children and their natural families or foster families jointly with Social Workers, both in the home and after they move on.**”

With regard to Rifford Road and Colleton Lodge, the report recognised the need for a residential unit for young people to prepare them adequately for adulthood and to support them when they move on. It was anticipated that the periods of residential care will be shorter and more intensive so that the number of places required will be 12: an increase of three places. The overall reduction meant that an expansion of the existing accommodation at Rifford Road could be considered with the accommodation at Colleton Lodge no longer being required.

21 June 1984 Social Services Committee

Committee considered report (SS/84/23) from the Director of Social Services on "Child Services – A Strategy for the Future" which recommended the closure of Colleton Lodge from 1 January 1987.

January 1985 Social Services Committee

No planned investment at Colleton Lodge was included in the Council's capital programme for 1984/85 to 1987/88.

April 1985

Personnel sub-committee approved virement of £56,500 for staffing costs at Colleton Lodge for new staffing structures.

September 1985

District Audit report on "Care of Children" included information that number of beds at Colleton Lodge as at 31/3/84 was nine and the projected number as at 31/3/87 was zero.

5 December 1985

Revenue estimates for 1986/87 (report CT/85/92) envisage closure of Colleton Lodge during 1985/86 (targeted for 1 September 1986).

9. Current policies, practice and procedures

Safeguarding Children

The Council has adopted and implemented the South West Child Protection procedures¹. These procedures are reviewed and updated in line with national initiatives and legislative changes. To complement the South West Child Protection Procedures, the Council has commissioned a range of policies including those pertaining to safeguarding children, from an independent agency "Tri X". This agency works in collaboration with Devon staff to produce policies and procedures which are fit for purpose and which take into account local variation. There has recently been a review of the Tri X policy pages and they were re-launched in June 2014.

With respect to specific safeguarding activity following an allegation, the 'Working Together 2013'² guidance outlines the responsibilities of each agency in carrying out Section 47 ("local authority's duty to investigate") enquiries. Further expectations are set out in the Children's Homes Regulations 2001 (and amendments 2011), particularly Part III, Chapter 1, Regulation 16³ in respect of arrangements for the protection of children, and this would apply to children placed in Devon residential homes (the Council only has one residential home, a secure unit for children and young persons, it has shut the rest of its own residential homes for children and young persons) as well as children placed in homes operated by the independent sector. Additionally each residential home has policies and procedures in place to set out their safeguarding processes, and these are overseen as part of each unit's OFSTED inspection.

The Regulation 33 visits for the remaining local authority home are conducted by a member of the council's quality assurance team and by a county councillor. The reports are read by the responsible individual for the home and any issues followed up by the home manager and quality assurance officer. Each regulation 33 report covers a broad range of areas, including the fabric of the building, the quality of care and monitoring the required processes in the home as set out in the National Minimum Standards for children's homes.

¹www.online-procedures.co.uk/swcpp

²www.workingtogetheronline.co.uk/index.html

³ www.legislation.gov.uk/uksi/2001/3967/regulation/16/made

The Council considers that its Safeguarding Children policies are fit for purpose. Safeguarding practice in Devon's secure children's home is regularly reviewed both internally and via external scrutiny. A recent OFSTED full inspection graded this area of the unit's practice as 'Good'. Each month the local authority designated officer (LADO) undertakes a review of managing violence and aggression within the unit, and checks overall safeguarding processes. The unit management team regularly examine safeguarding practice and implement learning points. The Regulation 33 visitors also check to make sure that monitoring logs pertaining to sanctions, rewards, complaints and representations and notifiable incidents are also up to date and considerate of children's views.

Violence and aggression

There are several different policy elements in place: covering violence and aggression to and from children, towards staff and carers and others. In the context of residential homes for children, each home is expected to have in place processes setting out how it will manage challenging behaviour, which may tip into violence and aggression if not successfully de-escalated. Where violence or aggression is perpetrated towards children or young people the relevant child protection or Local Authority Designated Officer processes apply.

More generally, the council operates an acceptable behaviour policy intended to set clear boundaries regarding what is understood by behaviour by members of the public which members of staff are entitled to treat as 'unacceptable' as well as what is understood by 'acceptable' and 'unacceptable' behaviour for those at work. There is potential overlap with Whistleblowing procedures if a member of staff is concerned about inappropriate practice in the workplace.

The Council considers that its policies relating to violence and aggression are fit for purpose.

Sanctioned visitor

In the context of a residential children's home, there are procedures regarding visitors to the premises including routinely requesting identification and requiring visitors to sign in and out of the building, with a full record kept of each visitor plus the reason for their visit. Each residential home has its own system which is compliant with the Children's Homes

Regulations (2001, 2011) [Schedule 4 Regulation 29\(1\) part 13](http://www.legislation.gov.uk/ukxi/2001/3967/schedule/4/made)⁴, to ensure that this takes place. If there are people whose contact with a child in a residential home is restricted this would be set out in the child's care plan, compliant with [Regulation 28\(1\) part 17](http://www.legislation.gov.uk/ukxi/2001/3967/regulation/28/made)⁵ of the Children's Homes Regulations (2001, 2011). Anyone having unsupervised time with a child who is not a parent of that child has to be subject to a Disclosure and Barring Service check (for example a [Regulation 33](http://www.legislation.gov.uk/ukxi/2001/3967/regulation/33/made)⁶ visitor), and any visitors who have not been checked are not left alone with a child. The same principles apply to any celebrity or local dignitary who visits the home – they can be admitted, signed in to the building and then accompanied if they are spending time with the children who live there. If a parent is having unsupervised time with their child a risk assessment will have been carried out and this, risk assessed, unsupervised time shall form part of the child's overall care plan. Parents do not have unsupervised time with any child other than their own.

Where children are taken off site, either in a school party or from a residential setting, such activities are subject to a risk assessment. If the activity involves the potential to meet a celebrity or VIP this would be considered as part of the overall risk assessment.

The Council considers that the implementation of policies and procedures, and the application of good practice, in relation to sanctioned visitors should be revised to ensure that there are effective arrangements for celebrity visitors.

The Council commissions placements in independent children's homes from homes on a preferred providers list. To be admitted to the preferred providers list, providers are subjected to a framework tender process which reviews their policies and procedures to ensure that they meet statutory safeguarding requirements. The Council believes that the policies and procedures of the independent children's home providers it commissions are fit for purpose however it shall raise the issue of how independent providers deal with sanctioned visitors through the regular Provider Network meetings it holds with its preferred providers. The Council will also recommend that future framework tender processes include a requirement that provider's policies specifically deal with the matter of sanctioned visitors.

⁴ www.legislation.gov.uk/ukxi/2001/3967/schedule/4/made

⁵ www.legislation.gov.uk/ukxi/2001/3967/regulation/28/made

⁶ www.legislation.gov.uk/ukxi/2001/3967/regulation/33/made

Complaints

Devon County Council has a comprehensive complaints, compliments and representations system⁷ which children in our care are encouraged to use if necessary. Where a complaint is made, this will be dealt with at the most local level possible, but if the complaint is such that it falls under child protection procedures, it will be escalated from the customer services team to the relevant social work team and appropriate safeguarding activity initiated. In respect of children living in a children's home, any complaints are recorded (as set out in the home's statement of purpose under [Schedule 1 Regulation 4 \(1\) part 23](#))⁸, the outcome agreed and the child's view of this also recorded to indicate satisfaction. If satisfaction is not achieved, the complaint can be taken forward to the next level until an outcome is reached.

The Council monitors the numbers of complaints received and the trends shown through the nature of those complaints. It receives approximately 220 complaints per year. These are all dealt with before reaching the final stage of the statutory complaints procedures. 45% of complaints are fully or partially upheld and the appropriate actions are taken to address the complaints. The Council does not separately record complaints relating to children in care. Complaints about care homes or fostering are known but this is not a high percentage. We will in future separately record the number of complaints of children in care.

To assist children in care with making a complaint, information is offered to them in a variety of forms, including contact cards, guidance in the child in care welcome packs and on-line information. Social workers, residential workers and foster carers are all made aware of the routes via which a child in care might make a complaint.

Information governance

There are a number of policies and procedures in place across Devon County Council to manage the governance of information, ranging from specific guidance relating to information which can and cannot be shared in respect of child protection investigations to more general guidance relating to safe care of documentation, electronic documents and email traffic. More particularly in relation to children's homes, the requirements in regard to respectful handling of information is set out in [Chapter 3](#) of the Children's Homes Regulations (2001, 2011)⁹ and covers individual children's records and other records relevant to the unit.

⁷ www.devon.gov.uk/index/councildemocracy/improving_our_services/feedback.htm

⁸ <http://www.legislation.gov.uk/uksi/2001/3967/schedule/1/made>

⁹ www.legislation.gov.uk/uksi/2001/3967/part/III/chapter/3/made

Security

Security in residential settings has increased over recent years and includes the processes already described for sanctioned visitors, key fob operated doors, locked medicine cupboards and locked records. In addition, security of buildings is checked as part of the Regulation 33 visiting process, with the fabric of the building also being inspected by OFSTED. Regulation 33 visitors would assess security in its broadest sense - for example observation of accuracy and up to date nature of children's records, of systems in the home set up to protect children and staff, and of the condition of the building and surrounds. Furthermore, the security in the home is supported by robust recruitment practices for staff, and regular staff supervision to ensure colleagues are aware of security processes. Regular fire drills are also an expectation under the regulations, to ensure that all residents and staff are aware of what to do in an emergency. Surveillance equipment used in residential homes is also governed by the regulations ([Chapter 1 Part 22](#)¹⁰) and is restricted in use to purposes solely related to keeping the children safe.

Retention of documents

Since the time of the alleged incident in the 1980s, much clearer Government guidance has been issued in respect of retention of documents pertaining to children in care and to children's homes. In respect of the latter, [Chapter 3 Part 29\(2\)](#)¹¹ requires the retention of the children's home records for at least fifteen years from the date of the last entry.

The Council's records retention policies reflect the principles of the Data Protection Act and require that personal data is not kept for longer than is necessary. The Council considers it may be acting in breach of that legislation if it chose to retain children's home records for more than fifteen years from the date of the last entry however it is recommended that the Council undertake work to consider whether it is necessary and proportionate, within the meaning of the Data Protection Act, to retain children's home records beyond the current minimum 15 years from the date of the last entry.

Conduct and Disciplinary Policy

Devon County Council has a Disciplinary Policy and Procedure, which complies with the Advisory, Conciliation and Arbitration Service [code of practice](#)¹². The policy contains specific guidance in relation to situations where allegations are made against employees that involve children, students and vulnerable adults.

¹⁰ www.legislation.gov.uk/uksi/2001/3967/regulation/22/made

¹¹ www.legislation.gov.uk/uksi/2001/3967/regulation/29/made

¹² www.acas.org.uk/index.aspx?articleid=2174

Where an allegation is made of a safeguarding nature in relation to children, the policy clearly sets out a process where the Local Authority Designated Officer will be contacted for advice to determine whether a strategy meeting should be convened prior to taking any further action (including disclosing the details of the allegation to the employee) to allow for any criminal, [section 47](#)¹³ investigation or other action to be taken, in advance of any internal disciplinary investigation. This process is also set out in a flowchart for ease of reference and understanding. The policy allows for the employee who is subject to the allegation(s) to be temporarily removed from the workplace by way of sending them home for a short period of time or where necessary, formal suspension from work pending further investigation. The policy also contains guidance on the criteria for making a referral to the DBS in the event that an employee is dismissed or removed from working with children or vulnerable adults (or would or may have been if the person had not left or resigned). Devon County Council also has further guidance for managers on making such a referral (DBS Referral Process and Guidance). Referrals are made where the criteria for making a referral are met. All referrals made to the DBS regarding former employees are held centrally by the safer recruitment service within Human Resources.

The Council does not currently audit disciplinary processes which involve allegations of breaches of safeguarding duties to ensure that DBS referrals are being made in all appropriate circumstances. It is recommended that an audit process is put in place to address this.

Whistleblowing

The Public Interest Disclosure Act 1998 was enacted to ensure a climate of greater frankness between employers and workers so that irregularities can be identified and addressed quickly and to strengthen employment rights by protecting responsible workers who blow the whistle about wrongdoing or failures in the workplace. Devon County Council has a ['Whistleblowing' Policy](#)¹⁴ which sets out those statutory provisions and clearly sets out the types of concerns that should be raised under this policy, in the public interest. This includes the mistreatment or abuse of a client or a member of the public for whom the Council has a responsibility for. The policy sets out how to raise a concern, how the Council will respond and how the matter can be taken further. This process is also set out in a

¹³ www.legislation.gov.uk/ukpga/1989/41/section/47

¹⁴ <http://new.devon.gov.uk/democracy/guide/constitutionparta/part-5-section-8-a-whistleblowing-policy/>

flowchart for ease of reference and understanding. The maintenance and operation of this policy is overseen by the Monitoring Officer (The County Solicitor).

Recruitment and Selection

Devon County Council operates a Recruitment Standards Policy and Procedures, which sets out the process to be followed when recruiting and the pre-employment checks that are required for all posts. The pre-employment checks include ensuring legal eligibility to work, employment references, medical screening, and for posts that meet the criteria, an enhanced DBS check. For posts involving contact with children or vulnerable adults, references are taken up that cover the previous five years employment history. Candidates applying for posts within children and young people's services where they will have unsupervised access to children, e.g. in a Children's Home, must also comply with the [Disqualification from Caring for Children Regulations 2002](#)¹⁵. As a result of these regulations, DCC have additional employment checks for posts that fall under this criterion. All pre-employment checks are required to be satisfactorily completed before the candidate commences employment. The appointing officer or at least one member of the interview panel must have been accredited to recruit. Appointing Officers interviewing for posts which involve contact with children, young people or vulnerable adults, must be suitably experienced in Safeguarding, and should seek advice if needed from the safer recruitment service.

Devon County Council has a separate [Disclosure and Barring Service](#) Policy (which covers the position on volunteers, students and Governors in Schools as well as employees), which sets out the process to be followed when recruiting to posts that require a DBS check. This policy also covers identity checks, how to validate a DBS certificate and how to risk assess positive disclosures. The appointment of a candidate with a positive disclosure must be authorised by a Head of Service.

The Council considers that its policies relating to recruitment and selection are fit for purpose.

Volunteering

This falls into two categories:

¹⁵ www.legislation.gov.uk/uksi/2002/635/contents/made

1. Employee Volunteering – This is covered by the Corporate Volunteering Policy and Procedure and gives current employees an opportunity to become ‘employee volunteers’ through the Devon County Council Employee Volunteering Scheme as part of their identified development needs. This could include becoming a mentor for looked after children and where this is the case, appropriate checks such as personal references and a DBS check are undertaken and the employee is subject to an approval and selection process including an interview to assess their suitability and assist with the matching process. If approved to be a mentor, appropriate training is provided.

2. Volunteering – where members of the public undertake unpaid work, this could include a temporary work experience placement with Devon County Council of up to 10 days. Whilst there is not a corporate policy on engaging volunteers, Devon County Council provides specific guidance on volunteers in Schools and other services, which covers recruitment, child protection and safeguarding issues. Devon County Council’s Disclosure and Barring Service Policy covers the engagement of Volunteers and states that Volunteers who work in positions of trust with children and other vulnerable groups may be subject to a DBS check, although there is no legal requirement to vet all volunteers. Whilst the Council no longer has any children’s homes, volunteers may, on rare occasions, undertake work at its secure unit. On such occasions the volunteer would be accompanied by a member of staff at all times.

Decisions to obtain a DBS check are based on either:

- A thorough risk assessment of the role to be performed by the volunteer and the extent to which this will bring them into contact with children or vulnerable adults or
- If the voluntary work is to be carried out on someone else's premises, for example a school or care home, whether it is a requirement of that organisation for a check to be done, in order to comply with the legislation that governs their business.

Devon County Council ensures that their practice is aligned to guidance from the Home Office on ‘Supervision’. Please refer to:

www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/a00209802/disclosure-barring.

10. Overall analysis and conclusions

The investigation team explored the information provided to it by the Metropolitan Police Service as thoroughly as possible but no evidence or information was found which corroborated the allegation. No information was found in the archive of Exeter's "Express and Echo" in relation to visits by Savile to Exeter at the time that the alleged incident took place. None of the current and former members of Devon County Council staff who were contacted by phone or interviewed by the investigation team had any recollection of Savile visiting Colleton Lodge. Other than Person A, no other former resident of Colleton Lodge contacted by the investigation team had any recollection of a Savile being at Colleton Lodge.

The investigation was constrained by the absence of records which had been destroyed or discarded in accordance with the Council's retention policy which reflects the requirements of the Data Protection Act. The Council considers that work needs to be undertaken to consider whether it is necessary or proportionate, within the meaning of the Data Protection Act, to retain children's home records beyond the current minimum 15 years from the date of the last entry.

Fuller investigations of similar circumstances would be possible if the Chapter 3 (Part 29(2)) of the Children's Homes Regulations (2001, 2011) required that children's home records were kept for a longer period than the current period.

In relation to whether the incident occurred; who was involved and what occurred; the investigation team conclude that it is possible that Savile and another man visited the former Council children's home for boys Colleton Lodge, Exeter in March/April 1983 and sexually abused/assaulted a resident. Savile is reported as having stayed at the CTC near Exeter in the early 1980s (although there is no confirmation that he stayed there at the time of the alleged incident) and the Police had received and investigated a report of abuse said to have taken place at the CTC. In addition, a staff member remembered children who had resided at Colleton Lodge saying that they had met Savile, implying that he had visited the home, and a staff member had seen him running in Exeter (although they could not confirm that this was at the time of the alleged incident). Person A had also said that the alleged incident took place around the time that Savile had been attending a Maundy Thursday service in Exeter, there is a press report that shows there was a Maundy Thursday service attended by the Queen in Exeter at the time of the alleged incident. Whilst none of these pieces of evidence is conclusive, they do indicate that it is possible that the alleged incident took place. It has

not been possible to determine whether any report of the alleged incident at the time was investigated or any action taken.

Although the safeguarding culture which existed at the time that the alleged incident took place was not as stringent as the safeguarding culture that exists today, the case files reviewed as part of this process show that safeguarding concerns were taken seriously and investigated in accordance with the procedures in place at the time. There has been a paradigm shift in the provision of children's services over the last three decades. The policies, procedures and practices described in chapter 9 ensure that celebrities are not afforded the freedom and latitude which extended to Savile and others during the 1970s and 1980s. There remains a risk that the power and influence of celebrity status commands a disproportionate degree of trust and deference.

The Council considers that the implementation of its policies and procedures for sanctioned visitors should be revised to ensure that there are effective arrangements for celebrity visitors. As explained in Section 9 above, the Council regularly updates its Children's Services policies and procedures in conjunction with our commissioned policy service provider, Tri X. The next update is currently under preparation for publishing in December 2014. The local safeguarding procedures are also provided by Tri X and will be subject to similar regular updates.

As explained in Section 9 above, the Council commissions placements in independent children's homes from homes on a preferred providers list. The Council believes that the policies and procedures of the independent children's home providers it commissions are fit for purpose however it shall raise the issue of how independent providers deal with sanctioned visitors through the regular Provider Network meetings it holds with its preferred providers. The Council will also recommend that future framework tender processes include a requirement that provider's policies specifically deal with the matter of sanctioned visitors.

11. Recommendations

Recommendation 1: Record retention

The Council should, within the next 6 months, undertake work to consider whether it is necessary and proportionate, within the meaning of the Data Protection Act, to retain children's home records beyond the current minimum 15 years from the date of the last entry.

Recommendation 2: Policy for celebrities and VIPs

The Council should, within the next six months, revise the policies and procedures for sanctioned visitors to ensure that there are effective arrangements for celebrity visitors. The aim would be to take a balanced and proportionate approach to assessing and reducing risks.

The Council recommends that its officers raise the issue of how independent providers deal with sanctioned visitors as part of their regular Provider Network meetings held with the Council's preferred providers. The Council also recommends that future framework tender processes include a requirement that provider's policies specifically deal with the matter of sanctioned visitors.

Recommendation 3: DBS referral audit

The Council should within the next six months, establish an audit process to ensure that DBS referrals are being made in all appropriate circumstances where staff are involved in disciplinary processes which include allegations of breaches of safeguarding duties.

Recommendation 4: Children in Care Complaints

The Council should within the next month ensure a system is in place for separately recording complaints concerning children in care.

Appendix A

List of documents reviewed

Reports and minutes of Devon County Council Social Services Committee, East Area Social Services Sub-Committee and Sub-Personnel Committee.

Devon County Council year books

Exeter Express and Echo and Western Morning News newspapers

Social care files of young people identified as being residents of Colleton Lodge at the time of the alleged incident

Payroll records 1980 to present

Personnel records 1980 to present

Appendix B

List of those contacted

Former residents of Colleton Lodge who were resident at the time of the alleged incident.

Current and former Council employees who, at the time of the alleged incident were:

Director of Social Services.

Members of Exeter social work teams: social workers, senior social workers and team leaders.

Manager of the former Elizabeth Lodge children's home.

Worker at Bodley House residential home.

Personnel Officer: social services.

Administrative assistant: social services personnel.

Devon and Cornwall Police

Commando Training Centre Lympstone