

Terms of Reference

Learning Lessons Case Review the late Revd Trevor Devamanikkam

These instructions set out the basis on which the National Safeguarding Team of the Church of England commissions Jane Humphreys (“the Reviewer”) to undertake a review into the handling of allegations that have come to the attention of the Church of England concerning the late Reverend Trevor Devamanikkam.

These instructions are given by the National Safeguarding Team (NST) of the Church of England, acting on behalf of the Archbishops’ Council. This document forms part of the agreement between the Reviewer and the Archbishops’ Council in relation to this investigation (“the Agreement”), in particular the provisions relating to confidentiality and data protection.

1. Introduction

Brief summary of the case

- 1.1 In February 2015, the Leeds Diocesan Registrar received a civil claim for damages from solicitors acting on behalf of a survivor (formerly incumbent, Holy Trinity Dalton, Diocese of Sheffield, 2003 - 2013). The claim stated that:
 - In 1984, when the survivor was aged between 15-16, he was sexually abused by the Revd Trevor Devamanikkam, with whom he was staying at the vicarage.
 - The abuse had been reported at the time to the then Bishop of Bradford, who, it was claimed, had visited the vicarage and told the survivor that he had to leave immediately.
- 1.2 The survivor has stated that he disclosed his abuse to the Bishop of Doncaster, (Diocese of Sheffield) at a meeting in July 2012.
- 1.3 The survivor has stated that he also disclosed his abuse to both the then Archdeacon of Sheffield and Rotherham and the then Diocesan Safeguarding Advisor at a meeting in February 2013.
- 1.4 Each respondent to the allegations stated that they had no recollection of the survivor’s disclosure.
- 1.5 On 1 June 2013, the survivor wrote a letter to the then Bishop of Sheffield copied to the Archbishop of York, the Bishop of Beverley, and the President of Tribunals, reiterating that he had disclosed the abuse previously.

- 1.6 In 2015 West Yorkshire Police instigated a criminal investigation, following a complaint from the survivor, and referred the case to the Local Authority Designated Officer.
- 1.7 In 2016 the survivor sought to bring complaints under the Clergy Disciplinary Measure 2003 (“CDM”) against the Archbishop of York, the Bishop of Sheffield, the Bishop of Doncaster, the Bishop of Beverley, the retired Bishop of Bradford and the late Revd Trevor Devamanikkam.
- 1.8 Trevor Devamanikkam was due to appear in Bradford Magistrates Court on 6 June 2017, charged with six counts of sexual abuse said to have taken place between March 1984 – April 1985. However, he did not arrive for the hearing and a police welfare visit was made. Trevor Devamanikkam was found dead at this home later that day. An inquest hearing at Oxford Coroner’s Court found that he had committed suicide.
- 1.9 In adherence with the Church of England *Practice Guidance: Responding to, assessing and managing safeguarding concerns or allegations against church officers, 2017* a recommendation was made by members of the Core Group involved with this case that an independent, lessons learnt review should be commissioned. On 25 October 2017 the National Safeguarding Adviser and the Lead Safeguarding Bishop agreed that it was appropriate for such a review to be conducted.
- 1.10 The Reviewer is asked to note that there has been a criminal investigation concerning misconduct in public office relating to a bishop failing to act upon a disclosure of sexual abuse and safeguard the public and CDM processes which are now concluded.

2. Objective of the review

This review (“the Review”) will identify both good practice and failings in the Church of England’s handling of the allegations relating to the late Revd Trevor Devamanikkam, including its safeguarding practice, in order that the Church of England can take steps to enhance and improve its response to allegations of abuse and thereby ensure a safer environment for all.

The Review should establish what lessons can be learned regarding the way in which members of clergy and church officers responded, assessed, and managed the relevant safeguarding allegations and make recommendations to help the Church embed best practice in safeguarding children and adults in the future which may, in particular, identify appropriate measures of support both for individuals who allege abuse and alleged perpetrators.

3. Scope of the review

- 3.1 The Review will focus on two related but distinct questions: (1) What did the Church of England know about alleged abuse perpetrated by the late Revd Trevor Devamanikkam, and (2) what was the Church of England’s response to those allegations.

3.2 In connection with the first question, the Review will consider:

- (1) What information was available to the Church of England relating to alleged abuse perpetrated by the late Revd Trevor Devamanikkam
- (2) Who had this information and when and what did they do with it.

3.3 In connection with the second question, the Review will consider:

- (1) Whether, when the abuse was reported, Church officers and Church bodies responded in a timely and appropriate manner in line with policies, practice and procedures in place in the Church of England at the time, and made appropriate statutory referrals to the police and children's services where appropriate.
- (2) Whether such abuse, and any further abuse, could have been prevented.
- (3) How were the survivor/s and alleged perpetrator supported by the Church of England.
- (4) Whether, taking account of the [Gibb review](#), and other relevant past case reviews, what additional lessons can be learnt which are relevant and which might improve safeguarding practice in the Church of England.

4. Principles underpinning the review

4.1 The Reviewer should:

- 1) Place the actions of individuals and organisations in context, showing understanding of the underlying reasons that led to individuals and organisations acting as they did, or which might explain why they did so.
- 2) Consider the actions of individuals and organisations against the standards of practice which applied at the relevant time, i.e. understand practice from the view point of the individuals and organisations at the time rather than using hindsight.
- 3) Be transparent and open about the collection and use of information.
- 4) Make use of relevant research and evidence to inform all judgements.
- 5) Ensure that if, in the course of their work they identify additional relevant matters (whether additional allegations or failures to respond properly by a Church officer or Church body), that these are brought to the immediate attention of the National Safeguarding Team.

5. Relevant Material

Time Frame

5.1 The time frame for the Review will be the period from 1984, when the alleged abuse took place whilst the survivor was living in the vicarage, until the appointment of Jane Humphreys in November 2019.

Evidence

5.2 The Reviewer may wish to:

1) Consider the oral accounts of those with an interest in this Review, namely survivors, those who have brought forward allegations of abuse, relevant clergy, and appropriate others (“Interested Parties”), to the extent that they are willing to take part in the Review;

2) Consider relevant documentary evidence from the sources set out below

5.3 Where appropriate the Reviewer may, with the agreement of the Director of Safeguarding, follow up any alternate material lines of inquiry, not already detailed in these Terms of Reference, which in the Reviewer’s opinion might be relevant to the Review.

Oral accounts

5.4 The Reviewer may approach Interested Parties to ask them to give an oral account in connection with any matter relevant to the Review. Any oral account given will be recorded and transcribed. This will usually be done through the Reviewer recording notes of the meeting and providing these to the party following the meeting. Where required a full recording of the meeting can be provided. Alternatively, where a relevant individual has already given their account to the police or a statutory agency, and would rather not retell their account, the Reviewer may have regard to any relevant account which that individual might obtain by making a data subject access request to the appropriate data controller.

5.5 The Reviewer should consider making approaches to:

- i) Survivor/s and those who may have brought forward allegations of abuse
- ii) The relevant archbishop, bishops and clergy, and relevant former office holders, to include the Archbishop of York, the Bishop of Leeds (formerly Bradford), the Bishop of Sheffield, the Bishop of Leicester, the Bishop of Oxford, the Bishop of Beverley, and the Bishop of Doncaster
- iii) The Senior Casework Manager, National Safeguarding Team
- iv) The Core Group, via the National Safeguarding Team
- v) The Provincial Safeguarding Advisor (Lambeth)
- vi) Relevant Diocesan Safeguarding Advisors
- vii) Officers of the West Yorkshire Constabulary
- viii) Officers of the Crown Prosecution Service

- ix) Officers of HM Coroner's Court
- x) Appropriate mental Health Services
- xi) The close living relations of the late Revd Trevor Devamanikkam

Documentary evidence

5.6 So far as they are available, the Reviewer will review relevant documents from the following sources:

- The Diocese and Bishop of Leeds (which includes the former Diocese of Bradford)
- The Diocese and Bishop of Sheffield (including the suffragan See of Doncaster)
- The Diocese and Bishop of Leicester
- The Diocese and Bishop of Oxford
- The Diocese of York (which includes the suffragan See of Beverley)
- The Office of the Archbishop of York
- Any other diocese where Trevor Devamanikkam ministered / was connected
- Church of England National Safeguarding Team records
- West Yorkshire Police report of their investigation
- Oxfordshire Mental Health Services
- Oxford Coroner's Court
- With consent and only where lawfully permitted and appropriate, relevant material from the survivor and his legal advisors used in his civil claim and settlement with the estate of Trevor Devamanikkam / Church of England.

6. Involvement of Interested Parties and the Devamanikkam Family

6.1 In order to ensure that the Review is transparent and fair:

- 1) These Terms of Reference will be shared with Interested Parties if they wish to see them. The National Safeguarding Team welcomes any feedback on this Review which those individuals may have.
- 2) Interested Parties will be asked if they wish to engage with the Review.
- 3) The Director of Safeguarding will ensure that the Review is shared with Interested Parties and the close living relations of the late Revd Trevor Devamanikkam with reasonable advance notice of publication.

7. Content of Review

7.1 In light of the purpose of the Review (as set out above), based on the evidence available, the Reviewer will answer the questions which are set out in paragraph 3 above.

7.2 The Review should be accompanied by an executive summary.

- 7.3 The Reviewer should identify, in an appendix to the Review, all of the oral accounts and documentary records which she has considered.
- 7.4 The Reviewer is asked to give a view, informed by her professional judgement, as to what version of events seems most likely, on the balance of probabilities, and should present unchallenged facts where possible.
- 7.5 The Reviewer should identify examples of good safeguarding practice as well as examples of any inappropriate response.
- 7.6 The Review should be accompanied by a chronology of relevant events.

8. Timeline for the Review

- 8.1 Work on the Review will commence in December 2019.
- 8.2 It is anticipated that the Review shall be completed within no more than six months from commencement. In the event that the Review does take longer to complete than the anticipated six months, the Reviewer will inform all relevant parties with reasons for the delay.
- 8.3 Anthony Clarke will be the National Safeguarding Team's point of contact for the Review and it is anticipated that Mr Clarke and the Reviewer will meet regularly to review the progress of the Review. The Reviewer is asked to provide monthly progress updates to the National Safeguarding Team.

9. Presentation and publication of Review

- 9.1 The Review should be drafted ready for publication, i.e. with appropriate steps taken to anonymise the name of individuals who do not wish to be named and to redact such information as might allow for identification.
- 9.2 The Reviewer should send the Review in a non-editable electronic format (pdf is best) to the National Director of Safeguarding.
- 9.3 The National Director of Safeguarding will share the Review with the National Safeguarding Steering Group at the earliest opportunity.
- 9.4 The National Safeguarding Team will publish the Review, with appropriate redaction where required to anonymise the identity of individuals. The National Director of Safeguarding will, in consultation with the Lead Bishop for Safeguarding, and the Deputy Director for Communications, the family of Trevor Devamanikkam, and any and all survivors where possible, take all decisions regarding publication of the Review, including the timing of publication and any redaction which they consider may be appropriate.
- 9.5 In advance of publication, the National Director of Safeguarding will take reasonable steps to give advance warning to any Church officer or body they consider has been subject to criticism in the Review and will provide a reasonable opportunity for that officer or body to respond.

In draft December 2019
Finalised February 2020