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Oxford City Council

**Investigation into the complaint against the City Council Lord
Mayor**

Report to Oxford City Council Monitoring Officer

Richard Penn

Independent Investigator

February 2013

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Contents	Page
Preamble	3
1 Introduction and background	4
2 Methodology	6
3 Findings	8
4 Conclusions	15
5 Recommendations	17
6 Further evidence	18
Appendices 1 to 10	

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Preamble

My initial report dated November 2012 and the advice of the Independent Persons was circulated to members of the City Council's Standards Committee in order that the Committee could hold a hearing and determine the complaint. At its meeting on 16 January 2013 Councillor Armitage made a number of submissions about the process being followed and the way my report was being dealt with by the City Council. He also raised issues about the extent and quality of my investigation and made it clear that he was not in a position to defend his position and would want the opportunity to question a number of witnesses about the evidence I had gathered during my investigation.

As a consequence the hearing was adjourned to be rearranged as a matter of urgency once I had gathered further evidence in relation to some of the matters Councillor Armitage had raised. I have now gathered that further evidence and now present it as a new Section 6 in this revised report. I have not amended the initial report at Sections 1 to 5 except to provide where relevant references to a number of documents that can be found as new Appendices 2 to 10 at the end of this revised report

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1. Introduction and background

- 1.1 The Lord Mayor of Oxford City Council, Councillor Armitage, attended an Oxford Sports Council Awards evening at the University Rugby Pavilion in Oxford on the night of 21 June 2012 in his official capacity to present awards to a number of individuals and sports organisations. One of the organisations receiving an award for becoming national champions was the under 13 Girls XXXXXXXX Team from XXXXXXXX School in Oxford.
- 1.2 XXXXXXXX, the Head of PE at XXXXXXXX School in Oxford sent an email dated 25 June 2012 (Appendix 2) to XXXXXXXX, the Deputy Head of the School advising her that on the morning following the Sports Award evening (22 June 2012) one of the girls in the XXXXXXXX Team had said to XXXXXXXX *'that man was weird last night'*. When he asked her to explain she had told XXXXXXXX that the Mayor had said that *'it's sexy when you bend down like that'*.
- 1.3 The Deputy Head had then raised this matter with Barry Armstrong, Oxfordshire CC Local Authority Designated Officer (LADO), on the following Monday (25 June 2012) following a Governors meeting that he had attended at the school. On receiving a copy of the email that the Head of PE had sent to the Deputy Head Barry Armstrong had raised the matter (Appendix 3) with his line manager (Hannah Farncombe, Oxfordshire CC Children's Safeguarding Manager) for her to consider what action might be necessary.
- 1.4 The Oxfordshire CC Safeguarding Officer (Alison Beasley) had then visited the school on 28 June 2012 to take statements (Appendix 4) from the pupil concerned and four witnesses. She passed a copy of her case notes following the visit to the school to her line manager.
- 1.5 Hannah Farncombe and Noreen Collins (Oxfordshire CC Deputy Director of Children's Services) then interviewed Councillor Armitage initially on 3 July 2012 and then on a second occasion, at Councillor Armitage's request, on 17 July 2012 (Appendices 5 and 6).
- 1.6 Subsequently, Jim Leivers, the Oxfordshire CC Director for Children's Services, wrote (Appendix 7) to Peter Sloman, the City Council Chief Executive, on 18 July 2012, setting out the sequence of events and concluding that it appeared to him that Councillor Armitage may have breached the Code of Conduct of the City Council in his role as Lord Mayor on an official engagement.
- 1.7 The City Council Chief Executive then wrote to the City Council Monitoring Officer on 18 July 2012 to ask that what he regarded as a potential breach of the Code of Conduct in a number of respects be considered in line with the Council's arrangements for dealing with alleged breaches of the Code of Conduct.
- 1.8 In email exchanges between Councillor Armitage between 31 July and 2 August 2012 the Monitoring Officer confirmed that as the alleged incident occurred on 21 June 2012 it would be considered in the context of the original Model Code of Conduct that had been replaced by a local Code as from 1 July 2012. However, the Monitoring Officer also informed Councillor Armitage that although the complaint was to be assessed against the provisions of the original Code the arrangements for the handling and determination of the complaint would be in line with those applicable from 1 July 2012.

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- 1.9 In an email of 1 August 2012 to Councillor Armitage the Monitoring Officer confirmed that the City Council Chief Executive had stated that there had been two potential breaches of the Council's Code of Conduct by Councillor Armitage:
- i. In respect of **Section 3 (General obligations) paragraph 1** - *'That you must treat others with respect'*
- and
- ii. in respect of **Section 3 (General obligations) paragraph 5** - *'You must not conduct yourself in a manner which could reasonably be regarded bringing your office or your authority into disrepute'*
- 1.10 The matter was considered by the City Council Assessment Panel on 3 August 2012. The purpose of the initial assessment by the Panel was to determine whether the complaint merited formal investigation. The Panel concluded that the complaint by the Chief Executive that there had been a potential breach of the City Council's Code of Conduct by Councillor Armitage should be the subject of an investigation, and the Monitoring Officer commissioned me to carry out that investigation and report my findings to him.

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2. Methodology

2.1 I was appointed (through SOLACE Enterprises) in August 2012 to conduct an investigation into a complaint against the Lord Mayor of Oxford City Council and to then produce a report summarising the outcome of my investigation in order to provide the City Council's Monitoring Officer with the basis to decide whether there is evidence in support of the allegation sufficient to require a local hearing by the City Council's Standards Committee.

2.2 My work commenced shortly afterwards when I was provided with a comprehensive set of documents to aid my investigation. These included:

- a copy of the papers that were considered by the Oxford City Council Assessment Panel at its meeting on 3 August 2102. These papers included:
 - i. the complaint by the Chief Executive of Oxford City Council
 - ii. the outcome of the investigation carried out by Oxfordshire County Council child protection officers
 - iii. an email dated 26 July 2012 from Councillor Armitage to all City Councillors denying the allegation that he had made an improper suggestion to a 13 year old girl while carrying out a lord Mayoral engagement
 - iv. The Code of Conduct for Members
 - v. The arrangements for dealing with allegations of breaches of the Code.
- the email of 1 August 2012 to Councillor Armitage from the Monitoring Officer that confirmed that there had been two potential breaches of the Council's Code of Conduct
- a copy of the email exchanges between Councillor Armitage and the City Council Monitoring Officer between 31 July and 2 August 2012
- a copy of an email from Councillor Armitage to the City Council Monitoring Officer dated 2 August 2012, the contents of which Councillor Armitage had asked the Assessment Panel to consider

2.3 For obvious reasons I was not able to interview the young people who were the recipients of the alleged inappropriate comment and I have had largely to rely on the case note setting out the outcome of the interviews with the girls involved conducted by Alison Beasley and Hannah Farncombe.

2.4 I also conducted face to face interviews on 19 September 2012 with:

- Peter Sloman, Chief Executive, Oxford City Council (the complainant)

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- Alison Beasley, School Safeguarding Coordinator, Oxfordshire County Council
- Hannah Farncombe, Children's Safeguarding Manager, Oxfordshire County Council
- Noreen Collins, Deputy Director for Children's Services, Oxfordshire County Council
- XXXXXXXX, Deputy Head, XXXXXXXX School
- XXXXXXXX, step-father of one of the XXXXXXXX School pupils at the event

- 2.4 The purpose of my interviews was to allow each of those I interviewed an opportunity to explain and elaborate on their involvement in the matter under investigation. The discussions were comprehensive. All interviewees indicated that they would be willing to provide similar evidence if a local hearing by the City Council Standards Committee took place. I took notes of these discussions and in a number of cases interviewees also provided written statements with accompanying documents that related to particular aspects of the alleged incident, including particularly the case notes prepared by Alison Beasley following the interviews with the pupils of XXXXXXXX School who had attended the Awards event on 21 June 2012.
- 2.5 I subsequently conducted two face to face interviews with Councillor Armitage on 10 and 23 October 2012 (Appendices 9 and 10) to provide Councillor Armitage with the opportunity to respond to the complaint and to provide me with any information that he considered appropriate to my investigation.
- 2.7 I would like to place on record my appreciation of the preparedness of interviewees, and in particular Councillor Armitage, to talk openly and frankly about what is a very sensitive matter, and also to thank the City Council Monitoring Officer for his support and assistance with my investigation.

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3. Findings

3.1 In this part of my report I summarise my key findings in respect of my investigation into the complaint against Councillor Armitage. I have drawn on the various papers that were considered by the Assessment Panel on 3 August 2012, additional documentation provided by the City Council Monitoring Officer, the notes of my interviews on 19 September 2012 including documents provided to me by interviewees (including the case notes prepared by Alison Beasley) and the notes of the two interviews I conducted with Councillor Armitage (Appendices 9 and 10).

3.2 The event on 21 June 2012:

- there is no dispute that there was an Oxford Sports Council Awards evening at the University Rugby Pavilion in Oxford on the night of 21 June 2012 that the Lord Mayor of Oxford City Council, Councillor Armitage, attended in his official capacity to present awards to individuals and sporting organisations.
- Councillor Armitage presented awards to a number of local individuals and sporting organisations including the XXXXXXXX School Under 13 Girls XXXXXXXX Team who had become national champions. There were six or seven girls present from the Team along with three teachers from the School and a number of parents and other family members.
- it appears that one of the accompanying teachers rather than one of the girls was actually presented with the award. After the formal award ceremony the Lord Mayor was asked to pose for individual and group photographs with award winners including the XXXXXXXX School Under 13 Girls XXXXXXXX Team, by parents, friends etc (there was no official photographer).
- of those I interviewed in my investigation only Councillor Armitage and XXXXXXXX (the step-father of one of the girls in the XXXXXXXX School XXXXXXXX Team) were actually present at the event. In his email of 2 August 2012 to the City Council Monitoring Officer Councillor Armitage described the atmosphere as *'rowdy, and plenty of food and wine was being consumed. The noise level was high'*. XXXXXXXX in his email to Alison Beasley of 31 July 2012 (Appendix 8) commented that *'I stood with some of the other parents whilst the picture was being taken and was taking pictures with my wife's mobile phone'*. XXXXXXXX made no comment in his email or in his interview with me about the atmosphere at the event.

3.3 The alleged incident that is the subject of the complaint:

- in his letter of 18 July 2012 to the City Council Chief Executive the County Council Director for Children's Services said this (based on the case note of Alison Beasley, School Safeguarding Coordinator, Oxfordshire County Council who had interviewed five of the girls present):

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‘After receiving the award the girls from the team gathered with the Lord Mayor to have a group photograph taken.

As not all of them could fit into the photo shot, two pupils were asked to go to the front with the Lord Mayor and they had to bend down to get into the picture so as not to obscure others. The comment made girl A feel very uncomfortable and she didn’t like it. One of the other girls in the photo-shot also stated in interview that she heard the same comment and was ‘startled’ to hear it.

Girl A did not mention this to the Lord Mayor or any other adult at the time but she told one of the other pupils present who then passed the information to the girl’s grandmother, who later told Girl A’s mother. The mother thought she must have misheard.’

- in his email of 26 July 2012 sent to all Oxford City Councillors, Councillor Armitage said:

‘There is no truth in the allegation (that he had made an improper suggestion to a 13 year old girl while carrying out a Lord Mayor engagement) and I am determined to fight this one until I get a retraction and am cleared by the Standards Committee.’

However, in his email of 2 August 2012 to the City Council Monitoring Officer, Councillor Armitage commented that:

‘the report from the County Council officers (the letter of 18 July 2012 from the County Council’s Director of Children’s Services to the City Council Chief Executive included with the agenda papers for the Assessment Panel meeting on 3 August 2012) does not adequately describe the occasion at which the alleged incident took place.

....Along with other recipients of awards the XXXXXXXX School Girls Under 13 XXXXXXXX team wanted to have a picture taken with the lord mayor. There was no adult from the school or parent trying to organize this, and so it was down to me to get the girls to pose in a way which would allow them all to fit into the photo (space was tight) and be easily identifiable in a decent picture. I have a clear recollection that I felt it would work best if a few of the girls were to kneel down in front of the rest of us. What is at issue here is exactly what I said to them (while competing with a great deal of chattering and other distractions) in order to get them assembled as quickly as possible with some kneeling at the front and others standing around me. I must emphasise that time and space were limited, there was a great hubbub of noise in the pavilion; getting the attention of the girls while not patronizing them or bossing them around was a considerable challenge. There is no handbook that I know of which tells you precisely how to cope in such situations without running the risk of offending somebody. Maybe teachers are taught to handle such situations expeditiously, but I do not have the advantage of such training. It is the kind of situation in which the Lord Mayor just has to get on with things to the best of

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his/her ability.

3.4 What was said by Councillor Armitage at the event:

- in his letter of 18 July 2012 to the City Council Chief Executive the County Council Director for Children's Services said:

'The Lord Mayor is alleged to have said to girl A and the other girl who came to the front that 'bending is very sexy isn't it'.

....The pupil was interviewed on 29 June....as well as restating what she claimed was said to her...she stated that other pupils had heard the comment. Interviews and written statements were taken from three additional pupils. A fourth written account was sent through by the school on 3 July. A fifth girl was subsequently interviewed. Six girls in total gave statements:

Two girls stated they heard the man/Mayor say 'bending is very sexy'

Two girls heard him say the word 'bending'

Two girls heard him say the word 'sexy'

- The Director for Children's Services continued in his letter:

'.....arrangements were made for Councillor Armitage to be interviewed by the Deputy Director of Children's Services and the Children's Safeguarding Manager. The interview took place on 3 July.

Councillor Armitage denied making any such statement.....He said that he had no recollection of the incident and that there was some repartee but he did not use the word 'sexy' and did not use the word 'bending'.....He stated that he recognised they were children but, in order not to patronize them, he treated them the same as everyone else. When asked if he understood what the impact such a comment would make on young people, he said he considered it inappropriate and wouldn't do it.. He the stated that he was shocked at the fact that the children had collaborated to make these statements....The denial by Councillor Armitage of having made the statement, together with him saying that he was 'shocked that the girls had collaborated', implies that he viewed the girls as making false allegations against him.

Councillor Armitage subsequently requested a further interview.....on 17 July....He stated that.....on that night there were about 100 people present and he probably spoke to half of them. He honestly can't remember what he said to the girls. What was reported was out of character but he can't guarantee that he didn't say something.....It was possible that he might have said something but cannot remember.

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What Councillor Armitage does remember is being keen to speed things up. He remembered thinking that it would help if some girls would come forward and kneel down. He does not remember how he got them to do that but would probably have used the word 'kneel'. He did not remember using the word 'leaning'. Noreen Collins pointed out that 'leaning' was not the word in question, it was 'bending'. Councillor Armitage said he had no recollection.

Noreen then asked to clarify if what Councillor Armitage was saying that he did not recall making the statement reported to us by two of the girls. He confirmed that was what he meant, but that he couldn't guarantee that he did not say it.

.....Both interviewers are experienced Senior Child Protection officers of this Council who have undertaken numerous interviews as part of child protection procedures. Their assessment of the statements taken from the young persons is that they are not all identical but all entirely consistent which lends real veracity to the likelihood that this event occurred in the way that has been stated. Therefore Councillor Armitage's original denial is regarded a highly improbable and that there are very strong grounds to conclude that the phrase used was actually said in the way that has been stated by the girls.

The reported statement 'bending is very sexy, isn't it' is not an appropriate one for an adult in a position of trust to make to a 13 year old girl and Girl A has reported to being both alarmed and disturbed to hear it from the Lord Mayor whilst in close proximity to himOn the information that we have available, our view is that there are compelling grounds for concluding that this has occurred in the way that the pupil has stated and that Councillor Armitage in his role as Lord Mayor of the City Council has used a wholly inappropriate and unacceptable comment to a 13 year old girl.'

XXXXXXX said in his email to Alison Beasley (Appendix 8) produced some weeks after the alleged incident:

- *'As the girls were getting into position around the Mayor, one of them had to bend down awkwardly in front of the Mayor to get in the photo and it was at this point that I heard the Mayor say 'Ooh that's a bit sexy'. Whilst I am not 100% of the actual words used, I am 100% that I heard the word sexy and something very similar to 'Ooh that's a bit sexy' and it was directed towards one of the girls. I remember it quite clearly a I was shocked at the time to hear this from the Mayor but after a brief reflection I thought it best not to say anything as I didn't see anyone else react and I did not want to cause a scene in front of the children at a time when they were celebrating'.*

XXXXXXX commented further at his interview with me that he had said to his wife that *'I don't think that's right'* but that no-one else had reacted and he didn't want to cause a scene. XXXXXXX said that he had not felt that there was any crude sexual intention in the Lord Mayor's comment but that it was clearly inappropriate in the

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context of the Lord Mayor being in company with young teenage girls.

Councillor Armitage has registered his concern that the delay in XXXXXXXX producing his email results in some doubt about its credibility.

- in his email of 2 August 2012 to the City Council Monitoring Officer, Councillor Armitage said:

‘I have not been accused of using language that was in any way suggestive, and I did not swear, despite the fraught circumstances and difficulty in getting the girls’ attention. When the county officers relayed to me what I was alleged to have said, I was appalled and agreed with them that it was not an appropriate way to speak to 13 year old girls. It would have been very much out of character for me to speak in that way.

Given the general rowdiness, I was certainly having difficulty hearing what was being said by the girls, and I wonder if they didn’t have similar difficulties. I find it particularly difficult to understand why I should have used the word ‘bending’ which was not what was needed in the context of posing for the picture. I wonder whether the word may have been used by one of the girls or one of the other adults milling around. Whatever the truth of this, it would be extremely hard for any investigator to establish exactly how the banter went’.

- in my interview with Councillor Armitage on 10 October 2012 he said that:

‘he cannot guarantee that he did not saying something to the child involved because he did engage with the some of the children, there was a lot of repartee, and he was anxious to move things on as no-one seemed to be in charge of organising photographs etc. Councillor Armitage accepted that he may have used the word ‘sexy’ but said that this word no longer had the same connotation as it has had previously and is now a word in common parlance used to describe lots of things. However, he is adamant that he did not use the word ‘bending’ or ‘bend’ at any time when the children were having photographs taken, although he may well have said something like - ‘if you kneel down at the front that would be better’. Councillor Armitage is certain that he did not touch anyone at any time nor did he refer to bend/bending.

3.5 Issues raised by Councillor Armitage

In my second interview with Councillor Armitage on 23 October 2012 he said that comparing the contents of the letter of the Director of Children’s Services of 18 July 2012 with the case notes submitted by Alison Beasley, it is incorrect to state that all girls refer to him using (or being told by other girls that he had used) the word ‘bending’ when in fact Child 5 says that she had to ‘crouch’ and does not refer to the word ‘bending’.

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Councillor Armitage has also pointed out that whilst several of the children reported that they had to ‘go to the front’, ‘bend down’ or ‘crouch down’, none of them says that it was Councillor Armitage who gave such instructions, and that they must have been responding to instructions from one of the adults nearby. Councillor Armitage has said that it was a noisy and confused occasion and that his view is that it is not safe to assume that any comments made by an adult came from him. However, Child 1 identified from a photograph the ‘man’ whose behavior she had told XXXXXXXX the morning after the Sports Award event had been ‘weird’ and who had said something to her as being ‘the Mayor’, Child 2 said that she heard the Mayor (identified by her in a photograph) say ‘bending’, Child 4 said that the Mayor was ‘the only one there’ and was ‘in his suit thingy and chain’ and that she had heard him say ‘that’s sexy’, Child 5 said that she heard the Mayor (who was wearing a chain) say that ‘bending was very sexy’ and Child 6 said that she heard the Mayor (she said that she knew who he was because of the chain) say the word ‘bending’. There seems little doubt from the account of these interviews that it was Councillor Armitage that the girls heard make a comment.

Councillor Armitage considers that the County Council’s initial investigation was deeply flawed. He said that it appears from Alison Beasley’s case notes that the girls involved had clearly been talking to each other shortly after whatever incident occurred – and that this is demonstrated by the accounts of Child 2 and Child 6.

Councillor Armitage considers that the initial investigation by Alison Beasley was based on the responses to ‘leading’ questions asked of the girls rather than on gathering relevant evidence. Councillor Armitage also referred to the statement by the stepfather (XXXXXXX) of one of the girls that indicated that the comment had been directed at one of the girls (presumably his stepdaughter) and that whilst he had been shocked no-one else reacted. Councillor Armitage maintains that he behaved no differently to the group of girls from XXXXXXXX School that evening than he had to any other group of award winners.

Councillor Armitage believes that those conducting the initial investigation had made their minds up from the start that there had been a breach of the Code of Conduct and that the way questions were put to him by Hannah Farncombe when he was interviewed demonstrates this clearly. Further, the ‘Observations’ section of the account on the interview on 3 July 2012 clearly point to a conclusion that he was ‘guilty’

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XXXXXXXXXXXX.

Councillor Armitage confirmed that the second interview with Noreen Collins and Hannah Farncombe on 17 July 2012 had been requested by him to correct any impression that he had suggested that any of the girls involved were lying or colluding with each other. Councillor Armitage pointed out that the first interview on 3 July 2012 had been conducted in a very confused situation. He does not believe that the girls were lying or had colluded but he does believe that they were encouraged to turn the situation into what became a formal complaint. Councillor Armitage considers that it is clear from the accounts of the interviews with some of the girls that all of the girls talked among themselves immediately after

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the incident.

He further considers that the fact that they talked freely to each other about the incident then, and possibly in the week before they were interviewed by Alison Beasley, would have strongly influenced their accounts of what they heard at the Sports Award event. He believes that this possibility of contamination was not considered as it should have been by Alison Beasley.

Councillor Armitage's overall conclusion is that those who have pursued this complaint to date had already made their minds up that he was guilty of a breach of the Code of Conduct even though not one of those who have pursued it were actually present at the event where the alleged incident occurred. Councillor Armitage said that the County Council Director of Children's Services in particular seemed to believe that the alleged incident had taken place but Councillor Armitage contends that the first stage of any process should have been to establish the facts rather than to reach predetermined conclusions. Councillor Armitage said he hopes that the Monitoring Officer and, if then appropriate, the Council's Standards Committee, will review the evidence to initially determine whether the alleged incident took place, and only then to decide whether, if it was concluded that the incident did take place, this amounted to any breach of the Code of Conduct.

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4. Conclusions

4.1 In his email of 1 August 2012 to Councillor Armitage the Monitoring Officer confirmed that the City Council Chief Executive (the complainant) had stated that there had been two potential breaches of the Council's Code of Conduct by Councillor Armitage:

- i. in respect of **Section 3 (General obligations) paragraph 1** - *'That you must treat others with respect'*

and

- ii. in respect of **Section 3 (General obligations) paragraph 5** - *'You must not conduct yourself in a manner which could reasonably be regarded bringing your office or authority into disrepute'*

4.3 **Section 3 (General obligations) paragraph 1** - *'That you must treat others with respect'*

The evidence that I have collected as a result of my investigation clearly indicates that it is highly probable that Councillor Armitage did make an inappropriate comment to one of the girls from the XXXXXXXX School Under 13 XXXXXXXX team when group photographs were being taken following the award ceremony:

- Girl A is clear that she heard Councillor Armitage say that *'it's sexy when you bend down like that'* or words to that effect, and the five other girls present have each confirmed that they heard words such as *'sexy'* or *'bending'* used individually or in combination.
- XXXXXXXX, the step-father of one of the girls involved says that he heard the Mayor say *'Ooh that's a bit sexy'* (or something very similar) to one of the girls. XXXXXXXX said that he had not felt that there was any crude sexual intention in the Lord Mayor's comment but that it was clearly inappropriate in the context of the Lord Mayor being in the company of young teenage girls.
- Councillor Armitage has acknowledged in his interview with me on 10 October 2012 that he cannot guarantee that he did not say something to the child involved because he did engage with some of the children and there was a lot of repartee.
- Despite his earlier denial at his interview with Hannah Farncombe and Noreen Collins on 3 July 2012 Councillor Armitage had now acknowledged (in his interview with me on 10 October 2012) that he may have used the word *'sexy'*, but he said that this word no longer had the same connotation as it has had previously and is now a word in common parlance used to describe lots of things.

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4.4 Councillor Armitage denies not treating others with respect. He accepts that his comment to the girls at the Sports Award event might have shocked or surprised one or more of them but he does not believe that he has humiliated anyone or taken advantage of anyone in any way. He points out that not all the girls had mentioned the incident to their parents or others, and that XXXXXXXX has indicated that no-one else had reacted to the comment at the time. It is Councillor Armitage's view that the way that the initial investigation was handled by the County Council led to the complaint being made by the City Council Chief Executive about potential breaches of the Code.

4.4 **Section 3 (General obligations) paragraph 5** - *'You must not conduct yourself in a manner which could reasonably be regarded bringing your office or authority into disrepute'*

During my investigation I asked those that I interviewed whether or not they considered that this incident had brought the position of the City Council's Lord Mayor into disrepute. The County Council officers, XXXXXXXX and the Deputy Head Teacher of XXXXXXXX School all hold the view that Councillor Armitage's conduct at the Awards event on 21 June 2012 has damaged the reputation of the Lord Mayoral role so far as the School, the girls and the parents and relatives of those girls are concerned.

So far as the wider community is concerned, the alleged incident was reported in the Oxford Mail on 27 July 2012 and the Oxford Mail also reported the way the allegation was being investigated on 4 August 2012. Perhaps surprisingly, media interest seems to have been restricted to these two reports and, so far as I am aware, there has been no national media coverage of the matter.

Councillor Armitage disputes the suggestion that he has brought either his office as Lord Mayor or the City Council into disrepute. He contends that if he had brought either into disrepute there would have been a much stronger reaction than there has been. He says that he does not know who told the local press about the matter but it certainly was not him, although once the story was in the local press he wanted the press coverage to establish in the public domain that he is not a danger to children. He acknowledges that of course he is concerned about the potential damage to his own reputation as well as to that of the office of Lord Mayor and the City Council, but he does not believe that any serious damage has been caused.

4.5 My assessment of the conduct of Councillor Armitage at the Oxford Sports Council Awards evening at the University Rugby Pavilion in Oxford on the night of 21 June 2012, based on the evidence that I have collected as a result of my investigation, leads me to the conclusion that in making the kind of comment that it is highly probable he did make to one of the girls from the XXXXXXXX School Under 13 XXXXXXXX Team Councillor Armitage has potentially breached both of these requirements of the Code of Conduct. The conclusion by the County Council officers who conducted the initial investigation was that there are compelling grounds for concluding that the incident occurred in the way that the pupil claimed and that Councillor Armitage in his role as Lord Mayor of the City Council used a wholly inappropriate and unacceptable comment to a 13 year old girl who said that it had made her *'feel uncomfortable'* and that she *'didn't like it'*. One of the other children present said she had been *'very startled'* by the comment he had made and another said she had been *'shocked'* and that she had *'wondered why he would say that'*. Given this reported response by the children involved I have to conclude that his conduct was not respectful to the girl concerned or to the other girls and family

Strictly Private and Confidential

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members in close proximity at the event, and that it appears that his conduct has brought his office as Lord Mayor of the City Council into disrepute.

5 Summary and recommendations

- 5.1 I was appointed to conduct an investigation into the complaint by the Chief Executive of Oxford City Council that there had been that there had been two potential breaches of the Council's Code of Conduct by the City Council Lord Mayor, Councillor Armitage, at an Oxford Sports Council Awards evening at the University Rugby Pavilion in Oxford on the night of 21 June 2012. Councillor Armitage had attended this event in his official capacity to present awards to a number of individuals and sports organisations. Councillor Armitage was alleged to have made an inappropriate comment to one of the XXXXXXXX School Under13 Girls XXXXXXXX Team at the event on 21 June. The matter was considered by the City Council Assessment Panel on 3 August 2012, and it was concluded that the complaint should be the subject of an investigation. The City Council Monitoring Officer commissioned me to carry out that investigation and report my findings to him.
- 5.2 During my investigation I have reviewed all the evidence that was presented to the Assessment Panel on 3 August 2012. I interviewed a number of individuals who had been involved in the investigation into the allegation by Oxfordshire County Council, and also interviewed the stepfather of one of the girls who had been present at the event and who claimed that he had heard the comment.
- 5.3 I interviewed Councillor Armitage on two occasions to ensure that he had the opportunity to respond fully to the complaint and to provide me with any information that he considered appropriate to my investigation.
- 5.4 My assessment of the conduct of Councillor Armitage at the Oxford Sports Council Awards evening at the University Rugby Pavilion in Oxford on the night of 21 June 2012 leads me to the conclusion that Councillor Armitage has potentially breached the Code of Conduct and that there is evidence in support of the complaint sufficient to require a local hearing by the City Council's Standards Committee.
- 5.5 My recommendation is that having reviewed my report, the Monitoring Officer should send the complaint for a local hearing by the City Council's Standards Committee.

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6. Further evidence

- 6.1 Following the adjournment, on 25 January 2013 Councillor Armitage sent the City Council Monitoring Officer an email entitled '*The issues I take with the independent investigator's report*'. This email was forwarded to me and I have considered each of the issues and the evidence that I originally collected. Where appropriate and practical I have spoken direct to the people involved and have included there responses and comments for the information of the Standards Committee. I have also arranged where appropriate for the individuals concerned to attend at the rearranged hearing so that Committee members and Councillor Armitage have the opportunity to hear their evidence and seek elaboration or further comment. Finally, I met with Councillor Armitage on 18 February 2013 to feed back to him the additional evidence I have acquired and to give him the opportunity to make any further comment.
- 6.3 I will deal with each of the issues raised by Councillor Armitage (in italics) in turn, where appropriate including Councillor Armitage's response:

1. '*The evidence presented by the county council officers was reproduced in Mr Penn's report without challenge or comment*'.

I am clear that my role as the Independent Investigator in this matter was to collect the available evidence from relevant witnesses and documentation, to analyse the evidence and then to present it in a report to the Monitoring Officer with my conclusions about whether the evidence that I had collected indicated that there may have been a breach of the Council's Code of Conduct by Councillor Armitage as suggested by the City Council Chief Executive. It was not part of my role to challenge or comment on the evidence presented by the County Council officers – it would be open to Councillor Armitage and members of the Standards Committee to do so in a hearing.

'Since there is no agreement as to what happened, some of that evidence should have been challenged to establish the likely truth',

I do not agree that '*there is no agreement as to what happened*'. My conclusion was that the evidence that I collected as a result of my investigation clearly indicates that it is highly probable that Councillor Armitage did make an inappropriate comment to one of the girls from the XXXXXXXX School Under 13 XXXXXXXX team when group photographs were being taken following the award ceremony. There is no agreement to the actual words spoken by Councillor Armitage but there is sufficient agreement about the content of his comment to conclude that it was an inappropriate comment to a 13 year old girl. In his first interview with me on 10 October 2012 (confirmed as a correct record at my second interview on 23 October 2012) Councillor Armitage himself conceded that he may have used the word '*sexy*'.

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‘in particular:

1.1. Was the evidence of the girl witnesses seriously contaminated as a result of their talking among themselves during the week after the incident? Could some other form of words have been misheard? Has Alison Beasley, who interviewed them, been properly trained to take evidence from juveniles for use in court hearings?’

There is no evidence that the evidence of the girl witnesses was *‘seriously contaminated as a result of their talking among themselves’*. Each of the girls was interviewed separately by Alison Beasley with the Deputy Head (XXXXXXX) sitting in on the interviews. XXXXXXX told me that the girls had been told not to talk to each other prior to the interviews, and that the girls involved are ordinary, nice young people who she did not consider would cause problems or make things up, nor had there been any prior experience of any such problems with them.

I asked Alison Beasley to respond to Councillor Armitage’s query about her training in taking evidence from juveniles. Alison Beasley told me that she has been trained and fully accredited in ABE (Achieving Better Evidence), the prerequisite for anyone involved in taking evidence from young people in such situations. Ms Beasley confirmed that as well as her training she had considerable experience as the Safeguarding Coordinator for the County Council in dealing with young and vulnerable people involved in safeguarding investigations. She emphasised that it is not appropriate to *‘challenge’* what is being said by young people in these situations, although that she is trained to ask them to be clear and certain of what they are saying and that she then checks that she has recorded it accurately. This is the procedure that Ms Beasley followed in this case.

1.2. ‘Why did the step-father take almost six weeks to produce his statement? As a close relative of one the girl witnesses, he must have known that his step-daughter had been interviewed about the episode.’

I have not been able to meet with or speak with XXXXXXX since the adjourned hearing but efforts are being made to contact him to invite him to attend the resumed hearing.

1.3. ‘What were the circumstances like in the rugby pavilion on 21 June? There were several adults close by, including teachers from the school and parents of the XXXXXXX team members. In the photograph which I have seen, there is an adult standing two places away from me. Did she hear anything? XXXXXXX made no comment about the conditions in the pavilion, presumably because he was not asked about them (para 3.2 bullet 4). I

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recall it being very noisy and cramped, and it was quite difficult to hear what was being said and by whom'

It is clear from the evidence that I collected that the environment at the rugby pavilion that evening was noisy with a lot of activity and movement. I have asked one of the two teachers who accompanied the girls to the event whether she had heard anything said by Councillor Armitage. The teacher confirmed that it was a noisy environment although it was possible to have a conversation. It was this teacher who took the photograph of the girls with the Lord Mayor and she told me that it was she, not the Lord Mayor, who had suggested to Girl 1 that she should 'bob' down in order to be included in the photograph. However, although she did not hear Councillor Armitage say anything the teacher told me that she had thought it odd that, when the photograph was about to be taken, Girl 1 turned round to look at the Lord Mayor with what she described as 'a stern expression' on her face which was very unlike her. The other teacher (who I understand was the adult in the photograph) said that she had nothing to add to her colleague's comments and confirmed that she had not heard the Lord Mayor say anything to Girl 1, and that nothing had been said about the matter on the evening. The teacher who took the photograph told me that this is a lovely group of girls, and that Girl 1 is particularly so and it would not be in character for her to make things up or to cause mischief.

2. *'The sequence of events in the early stages seems to have been:*

2.1. *21 June - prize giving at rugby pavilion'*

Correct

2.2. *'22 June – one of the girls reports the incident verbally to XXXXXXXX, Head of PE at XXXXXXXX School. It seems that this girl did not, however, tell her own family. Why not?'*

The evidence suggests that she was reluctant to do so and that it was one of the other girls present (Girl 3) who told Girl 1's Nana of the incident who then told Girl 1's mother. The Deputy Head (XXXXXXX) told me that at the incident itself some of the other girls were urging Girl 1 to tell an adult what had been said to her, and that is clearly what she chose to do the next morning when she told her tutor, XXXXXXXX.

2.3. *'25 June - the deputy head raises the matter verbally with Barry Armstrong. If there is any written statement/complaint, I have not seen it. Does it exist?'*

There is no written statement or complaint other than the statement of Barry Armstrong at Appendix 3. I am not clear what Councillor Armitage is alluding to in this comment.

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2.4. *'25 June – XXXXXXXX sends an e-mail about what the girl said to XXXXXXXX about the incident (which is not the same as the girl subsequently said to Ms Beasley). Why was this not sent immediately after the girl's report of what happened, if it was considered serious?'*

I asked XXXXXXXX to respond to this comment. XXXXXXXX response was that this is a fair question to pose and that in retrospect maybe XXXXXXXX should have sent the email that same day (Friday, 22 June 2012) rather than on the following Monday (25 June 2012). XXXXXXXX said that XXXXXXXX had been busy all day Friday and the following Monday and that XXXXXXXX had sent it at the first opportunity XXXXXXXX had.

XXXXXXX also clarified that XXXXXXXX has known Girl1 for some time as she and some of the other girls are members of XXXXXXXX tutorial group. Girl 1 had made the initial comment during the tutorial group and she gave her further explanation of what she heard the Lord Mayor say at the end of the tutorial group session when the other girls had left. XXXXXXXX emphasised that the quotes in XXXXXXXX email are verbatim.

XXXXXXX told me that Girl 1 is a very 'grounded' girl who XXXXXXXX has tutored for several years and it is just not in her nature to cause trouble or to make things up.

2.5. *'28 June – five girls are interviewed by Ms Beasley and a written statement received from a sixth (but she admitted to not hearing what I had said, though she was close to me). In the photograph, three girls are standing right next to me, and a fourth could possibly have heard what I said. One of these is presumably the girl who admitted to not hearing what I said. It seems very unlikely that a fifth could have heard me. Therefore, at most three girls were in a position to hear what I said but the claim is made that six heard me. This has not been checked either by Ms Beasley or by Mr Penn.'*

As I commented earlier, it is not part of my role to check what is presented to me by other professionals as their evidence but to deal with it at its face value. So far as Alison Beasley is concerned I have commented earlier on her involvement.

3. *'The reports of interviews of myself by Ms Collins and Ms Farncombe are labelled "investigations" but they read more like documents preparing the case for the prosecution. I was told explicitly by them that they would be producing a report for the Director of Children's Services, and I was led to expect that he would discuss it with me before deciding what action to take. To make sure this happened, I e-mailed him asking for a meeting. Instead of this, a complaint was forwarded direct to the city council's chief executive. I complained to the Director at the time (see attached copy). The Director has subsequently sent a letter to the families of the girls accusing me of contacting the Oxford Mail to allege that the girls had lied. This is untrue and malicious, and I had said as much*

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to the Director. It clearly demonstrates that he was not even pretending to be impartial in this matter. His comments, and those of his officers, cannot be taken at face value, but Mr Penn seems to have been prepared to do so.'

I spoke to Hannah Farncombe who told me that the interview with Councillor Armitage on 3 July 2013 was part of the usual safeguarding process following Barry Armstong's attendance at the Governor's meeting on 25 June 2012 and his discussion with the Deputy Head of the school. The process involves an interview at which any concerns are put to the alleged perpetrator to give the person an opportunity to respond. The questions and responses are recorded and the interviewers then make observations on the responses. It is an integral part of the procedure for the interviewers to assess and record where the investigation has led their conclusions about the allegations. The record of the meeting (Appendix 5) was then provided to the Director of Childrens Services to decide what further action, if any, is required. Ms. Farncombe told me that Councillor Armitage had not been led to believe by her or her colleague that the Director would discuss the record of the interview with him before deciding on action, nor had Councillor Armitage been provided with a copy of the record at that stage.

Ms Farncombe told me that the second meeting was requested by Councillor Armitage to allow him to add to the information given at his first interview and took place on 17 July 2012. The last paragraph of the record of that meeting (Appendix 6) is a 'safeguarding analysis' that is made by professional staff with knowledge and experience of safeguarding matters. This second meeting was entirely the result of Councillor Armitage's request to provide further information to those undertaking the safeguarding investigation.

I am not in a position to comment on the Director of Childrens Services' letter or his impartiality. As I have commented already, my role is to gather the evidence and present it in a report to the Monitoring Officer along with any conclusion that I reach about what the evidence points to.

4. *'Mr Penn states that "it is highly probable that Councillor Armitage did make an inappropriate comment to one of the girls". However, he does not say what he thinks this comment was. Surely it is not unreasonable to expect an investigator to say what he thinks? I am unable to defend myself effectively if I don't know what I am supposed to have done.'*

In my original report at paragraph 4.3 I do indeed say that:

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‘The evidence that I have collected as a result of my investigation clearly indicates that it is highly probable that Councillor Armitage did make an inappropriate comment to one of the girls from the XXXXXXXX School Under 13 XXXXXXXX team’.

Councillor Armitage has now challenged me to say what I think his comment was. As I said earlier there is no agreement from the witnesses to the precise words spoken by Councillor Armitage but there is sufficient agreement in the evidence from those witnesses about the content of his comment to conclude that it was an inappropriate comment to a 13 year old girl.

Girl 1 told XXXXXXXX the following morning that Councillor Armitage had said:

“It’s sexy when you bend down like that”

and told Alison Beasley at her interview that the Mayor had said:

“bending is very sexy isn't it”

XXXXXXX, the stepfather of one of the girls, said that he heard the ‘mayor’ say:

"Ooh, that's a bit sexy".

In his first interview with me on 10 October 2012 Councillor Armitage himself conceded that he cannot guarantee that he did not saying something to the child involved, and that he may have used the word ‘sexy’.

As Hannah Farncombe concludes in her safeguarding analysis (Appendix 6):

“The reported statement 'bending is very sexy, isn't it?' is not an appropriate one for an adult in a position of trust to make to 13yr old girls”

Taken as a whole the evidence does indicate that Councillor Armitage made a comment to Girl 1 that her physical stance whilst a photograph was being taken was ‘sexy’. It is in respect of that comment that Councillor Armitage should be defending himself

5. *‘I will wish to call a witness who was present on 21 June in the rugby pavilion, and also at least two parents of girls that I had a lot to do with when they were teens and pre-teens (and not my own daughters)’.*

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This is a matter for Councillor Armitage to organise.

Richard Penn

Independent Investigator

February 2012

Appendix 1

Independent Investigator's qualifications

Richard Penn is a former local authority Chief Executive of two major metropolitan authorities, Knowsley Metropolitan Borough Council (from 1980 to 1989) and the City of Bradford Council (from 1989 to 1998). He is an economist by training and has 35 years wide experience of working at the most senior levels across the public sector both as a local authority officer until 1989 and as a consultant for the Local Government Association, SOLACE Enterprises, Tribal Resourcing, the Office of the Deputy Prime Minister, the Audit Commission and on his own account. He also has wide experience of operating as a non-executive for the Boards of public sector organisations and was Commissioner for Standards in the National Assembly for Wales from 2000 to 2010. More recently he has been involved in a number of high profile disciplinary investigations in local government, the health service, the police service and as Commissioner for Standards at the National Assembly for Wales. He was a Commissioner with the Legal Services Commission from 2000 to 2003, a Commissioner with the Equal Opportunities Commission from 1998 to 2003 and Chair of the South Wales Probation Board from 2001 to 2007.

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Appendix 2

Sent: 25 June 2012 17:58

To: XXXXXXXX

Subject: xxxxxxxxxxxx

Hi XXXXXXXX

My statement is below.

I presume you will contact XXXXX's mum as I'm not sure she knows about this yet.

On Thursday the 28th of July, we were attending the Oxford Sports council awards night.

XXXXXXXX's u13 girls XXXXXXXX team were present and won an award.

At the end of the evening the girls had a photo with the mayor of Oxford.

The next day, in morning tutor time XXXX said, "that man was weird last night".

When I asked her to explain, she told me that the Mayor had said, "It's sexy when you bend down like that".

XXXXXXXX – Head of P.E – 25.6.12

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Appendix 3

Statement in relation to allegations regarding XXXXXXXX sports awards evening

On the evening of Monday the 25th June, I attended a full governors meeting at XXXXXXXX School. Following the meeting I was escorted back to the reception area at XXXXXXXX School by the deputy head (and designated member of staff for child protection) XXXXXXXX. During the course of conversation with XXXXXXXX, she mentioned to me that an issue had been brought to her attention by another member of staff in school which related to alleged comments made by the Lord Mayor of Oxford, towards a pupil attending a sports awards ceremony on behalf of XXXXXXXX school.

XXXXXXX briefly explained that XXXXXXXX schools girl's XXXXXXXX team had won a national event for which the team had received an award. At the award ceremony the girls from the team had gathered with the Lord Mayor (who was presenting the awards) to have a photograph taken. During the course of having these photographs taken the girls could not all fit in standing side to side, so two of the pupils crouched in front of the others. While taking up this position it is alleged by the pupils that the Mayor made a comment to one of the pupils. The alleged comment was 'it's sexy when you bend down like that'

As a result of this conversation I asked XXXXXXXX if she would send me details of the allegation. On the 26th June I received an email from XXXXXXXX giving brief details of the allegation. (Please see attached email).

On receipt and reading of this email I raised the concern with my line manager, Hannah Farncombe and responded to XXXXXXXX questioning the date of the alleged incident stated in the email, which suggested that the alleged incident had happened on 28th July. XXXXXXXX later responded correcting the date and stating that it was in fact the 21 st of June, rather than 28th July. (Copy of the date confirmation email is attached).

The information provided by XXXXXXXX School was then given to my line manager Hannah Farncombe for consideration for further action.

Barry Armstrong
Local Authority Designated Officer
Oxfordshire County Council,
County Hall,
New Road,
Oxford

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Appendix 4

3rd floor County Hall
New Road
Oxford
OX1 1ND
Jim Leivers
Director for Children, Education &
Families

This matter is being dealt with by Alison Beasley

Date: 31st July 2012

Direct Line: 01865 323457

Statement by Alison Beasley in relation to XXXXXXXX Sports awards.

31/07/2012

I was asked to go to XXXXXXXX School and speak to a pupil regarding a concern about an inappropriate comment.

I spoke to this pupil and 4 other witnesses. All details in chronological case notes.

Based on the balance of probabilities, it would appear that a comment may well have been made to pupil XXXXXXXX by the Lord Mayor and this comment has made her feel uncomfortable. Further investigation is recommended to establish the facts from the Lord Mayors point of view.

I passed on the accounts I had taken to Hannah Farncombe as I felt the case needed to be escalated to senior management for further investigation.

The case notes recorded are a true account of my actions and the information that was gathered.

Alison Beasley

Safeguarding coordinator

Oxfordshire County Council

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ALLEGATIONS AGAINST TEACHING AND NON-TEACHING STAFF

LOG NUMBER: AA0612

INVESTIGATED BY: AB

28/07/2012

Asked by Barry Armstrong to arrange a time tomorrow to go to XXXXXXXX School and speak to child 1 regarding an allegation she had made involving an inappropriate comment being made by the Lord Mayor.

XXXXXXXX to XXXXXXXX School, spoke to XXXXXXXX (designated lead for the school) arranged to go to the school tomorrow, 28/07/2012 at 10am to speak to child1.

29/07/2012

Visit to XXXXXXXX school. I spoke to child 1 first and then 3 other girls who were present at the awards and were in the picture. Child 2, 3, and 4.

1. Account taken from child 1 (*statement on file*)

I Introduced myself to child 1 and explained what my job role was. I asked child 1 if she was happy to talk to me, she confirmed she was.

"I know why you are here to talk to me it's about the sports awards and what was said"

AB "when did this happen and where?"

"the gates opened at 7pm, it started at 7.30pm, I went with my Mum, Nan and friend child 3.

AB "What was award for?"

"under 13 girls XXXXXXXX, we are the national champions"

AB "tell me what happened"

"we had to take a picture of our team, I couldn't fit in it at the back so me and child 2 had to go in front of the man. We had to bend down. When we bent down he said something to me and child 2. He made me feel uncomfortable, I didn't like it.

AB 'Tell me what he said"

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"he said to me and child 2 bending is very sexy isn't it. Other people heard this. I Child 4 heard this, child 2, child 5 and child 3.

AB "Who was this man?"

"I think he's the mayor but I don't know"

AB "did you say anything to him"

"no"

AB "Describe what you were wearing"

" black jeans, top, jacket, blue t-shirt with a peace sign on the front, short sleeved

I asked child 1 to draw a diagram where they were all stood.

"child 2 was wearing shorts with tights and au-neck t-shirt

AB "how did you know it was 'him' that made the comment?"

"only man there in the photo, woman hosting it, other people there from the council but we just had the picture with him.

Child 1 told me she had the photo on her phone and could show it to me. She pointed out herself and the Mayor.

XXXXXXX printed out a copy of the photo. On file

AB "Did he say anything after?"

"No"

AB "Did you speak to him after at all?"

"No"

AB "Who did you tell?"

"Child 1 told child 3, child 3 told my nan, nan told my mum. Mum asked me if I was sure I said yes it was him and I was sure."

AB "How did school find out?"

"XXXXXXX asked me how was last night, I said fine apart until the picture"

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AB "What time did you leave event?"

"I don't know"

AB "Do you know roughly how long you were there?"

"About an hour"

AB "Who else heard the comment?"

" child 4, child 2 and child 5 heard it. Child 3 only heard a bit but I told child 3"

AB "Was anything said before comment was made?"

"No"

AB "Did anything else happen?"

"No"

I read back everything I had written down to check I had recorded everything correctly.

*Child 1 signed and dated my written notes to confirm it was a true account
Child 1 and I then chatted about her XXXXXXXX and how well they had done as a team.*

I thanked child 1 for talking to me;

As I was at the school I decided to try to speak to the other girls child 1 had named as witnessed

2. Account taken from child 5 (statement on file)

I introduced myself to child 5 and explained what my job role was. I asked child 5 if she was happy to talk to me, she confirmed she was.

AB "Tell me what happened at your sports awards?"

"We were standing up to have picture taken; I was to the left of him. My friend child 1, bent down in front of us, not sure why it was to fit us all in, she bent down to crouch in front. I heard the mayor say that bending was very sexy. I was very startled by comment he made. Child 3 then went and told child 1's Mum or Nan,

AS "how did you know who made the comment?"

"he was to the right of me; I knew he was the mayor as someone had told us and

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he was wearing his chain.

AS "was anyone else nearby"

"Only girls from XXXXXXXX team and he was only adult.

AS "did he say anything after?"

"If he did I didn't hear, but I don't think he did, we all went off after pictures.

AS "what award was it?"

"Oxford Council Sports Awards"

I read back everything I had written down to check I had recorded everything correctly.

*Child 5 signed and dated my written notes to confirm it was a true account
Child 5 and I then chatted about her XXXXXXXX and how well they had done as a
Team*

I thanked child 5 for talking to me.

3. Account taken from child 6 (statement on file)

I introduced myself to child 6 and explained what my job role was. I asked child 6 if she was happy to talk to me, she confirmed she was.

AB "Tell me what happened at your sports awards?"

"when we were taking photo we lined up at the back, child 2 and child 1 bent down so we could all fit in. As child 1 bent down to take photo I heard Mayors voice, a deep voice. I heard something about bending but I didn't hear anything else. I just heard him say the word bending.

I'm not sure if all the girls heard it but the ones that were close to him would of. After the photo I spoke to child 1 and the other girls that heard whole sentence. I was shocked and wondered why he would say that.

AB "how did you know who the man was?"

"I knew he was the mayor because of the chain. I was going to ask Mayor of what but I didn't really know.

AB "did you hear him say anything else?"

"I didn't hear him say anything else

AB "what was the photo taken for?"

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"Photo for presentation for achievement in XXXXXXXX"

I read back everything I had written down to check I had recorded everything correctly.

*Child 6 signed and dated my written notes to confirm it was a true account
Child 6 and I then chatted about her XXXXXXXX and how well they had done as a Team*

I thanked child 6 for talking to me.

4. Account taken from child 4 (statement on file)

I Introduced myself to child 4 and explained what my job role was. I asked child 4 if she was happy to talk to me, she confirmed she was.

AB "Tell me what happened at the sports awards?"

"We were having picture done with the Mayor. There wasn't enough room for us all to stand up at the top. She, child 1, had to crouch down a bit. The mayor said that's sexy I didn't hear him say anything else.

AB "how did you know it was the Mayor?"

"Because he was the only one there and I was stood right beside him.

AB "how did you know he was the mayor?"

"He was in his suit thingy with the chain.

AB "where were you stood?"

"I was to the right of him"

AB "did he say anything else after photo?"

"I don't think so I didn't hear anything else"

I read back everything I had written down to check I had recorded everything Correctly

*Child 4 signed and dated my written notes to confirm it was a true account
Child 4 and I then chatted about her XXXXXXXX and how well they had done as a Team*

I thanked child 4 for talking to me.

XXXXXXX was present for all these above conversations and signed to say it was an open discussion and I have recorded a true account of what the girls have said.

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Unable to speak to child 2 at this time will arrange a time for next week to speak to her

For information Staff at XXXXXXXX have informed me that there is no history with child 1 having made any allegations in the past. This is true also of the other girls who gave accounts to me. The students are all quite able and present school with no challenges.

Written accounts brought back into the office and passed on to Barry Armstrong.
Accounts typed up/scanned and passed on to Hannah Farncombe.

06/07/2012

5. Account taken from child 2 (statement on file)

I Introduced myself to child 2 and explained what my job role was. I asked child 2 if she was happy to talk to me, she confirmed she was.

AB "Tell me what happened at the sports awards?"

" at the sports.....rugby pavilion on Thursday 21 st June. I was stood near the Mayor (child 2 showed me a photo and pointed out where she was standing) I just heard the Mayor say bending I didn't hear him say anything else. We took a picture with him and that was it.

AB "who else was present?"

"the parents were around, but not really close, afterwards some of the girls said something straight away about him saying something about sexy bending.

I read back everything I had written down to check I had recorded everything correctly.

Child 2 signed and dated my written notes to confirm it was a true account

Child 2 and I then chatted about her XXXXXXXX and how well they had done as a Team

I thanked child 2 for talking to me.

Child 3: *Hand written statement also received from child 3. Child 3 had written down her account at school. Decided not to speak to her directly as she had been told by child 1 what had happened rather than been in the photo and heard comments directly. She was the person who then passed on the concern to child 1's nan.*

Account scanned and passed on to Hannah Farncombe.

18/07/2012

All parents of the girls spoken to by telephone. Were updated with current situation. All parents happy with update and the way situation had been dealt with. Only child 1's mum had been spoken to directly by the school. Updated all parents, 2 parents completely unaware of the situation and the complaint that had been

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made. Explained in brief that a complaint had been made regarding inappropriate language from an adult that was present at the time the award was made.

Gave all parents the same update as advised by Jim Leivers (note on file)

All our information passed on by Hannah Farncombe to director's office and on to city council for internal investigation.

24/07/2012 Article in Oxford mail (see file)

27/07/2012 Article in Oxford mail (see file)

Home visits carried out by myself and Noreen Collins to let parents know about the press article. Left letters for parents, hand delivered and discussed with them if they were in, posted through letter boxes with a contact number if parents not available

Spoke to child 5 and her mother

Spoke to child 4 and her mother

30/07/2012

XXXXXXX to child 1 XXXXXXXX mother she had returned from holiday and saw the article. Was extremely distressed and angry that AA has spoken to the press and accused her daughter of lying. I am going out to do a home visit on Monday 6th August to talk to her.

-

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Appendix 5

Interview with Cllr Alan Armitage

1	Introductions:
2	<p>Reason for Meeting</p> <p>Contact from XXXXXXXX School relating to the recent Oxford Sports Council when XXXXXXXX School U13 girls XXXXXXXX team were given an award for becoming the national champions. They reported an allegation made by one of the girls to a teacher</p> <p>Cllr Alan Armitage (AA) recalled the event immediately</p>
3	<p>The allegation was put to AA namely that one of the girls told a PE teacher that AA had said to her “bending is very sexy isn’t it?” This was alleged to have been said during the taking of a group photo when, to fit everyone into the shot a couple of girls had to go to the front and bend down so as not to obscure the others.</p> <p>AA’s immediate reponse was “certainly not”. He asked if the teacher to whom the girl had said this had been present at the event. When told we didn’t know, AA stated that there were a number of teachers there – he thought between 8 and 10.</p>
4	<p>The process we were following in respect to this investigation was explained to AA. It was made clear we were following procedures set out in the publication <i>Working Together to Safeguard Children</i>. AA was informed that contact with the police had been made (usual practice)</p>
5	<p>Questions put to Cllr Armitage</p> <p><i>Did you say this?</i></p> <p>AA responded, “certainly not, of course not”</p> <p><i>It was put to him that this had been confirmed by 4 other girl</i></p> <p>AA responded: “Really?” He stated that he had no recollection of the incident. “There was repartee. I was trying to get them to move. I needed to get them moving so I may well have said get into position and easier if you kneel down”</p> <p><i>Were you the only person who was trying to manage them? Did you advise them where to stand/kneel or was there, for example a photographer trying to do this?</i></p>

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AA stated a number of people were taking photographs. He didn't think anyone official (newspaper) was there though there were parents and possibly teachers but nothing official.

Was it you that told the girls to come from the back to the front?

AA responded that he didn't tell them to come forward and bend down – others did. He was just concerned to speed it up 'a lot of people were waiting to have their photo taken with the Lord Mayor.'

Why do you think they would say this?

AA responded "no idea"

Did you use the word "bending"

AA's response "No"

Did you ask the girls to kneel down?

AA couldn't remember if he asked them to kneel down

Did you use the word sexy

AA responded "certainly not"

Can you remember what you did say to the girls (acknowledged that getting the conversation going with children/young people can sometimes be difficult)

AA responded that visiting the sports council (he is a member) and was asked to present the prizes. He was aware that the team was under 13 but that some people who were there and receiving awards were much older. He gave the example that one cricketer was in his 40's. He stated that he didn't patronise the team but couldn't remember the banter – he treated them the same as everyone else.

Do you understand what the impact of this type of comment can be on young people?

AA responded "I would consider it inappropriate and wouldn't do it."

6 Explanation of impact

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3:07:12

Appendix 6

CONFIDENTIAL

Meeting with Cllr Armitage 17.07.12

Present

Noreen Collins, Deputy Director, Children's Social Care and YOS

Hannah Farncombe, Safeguarding Manager, Children, Education & Families

Record of content

Cllr Armitage had requested the interview and wished to add to the information given at his first interview on 03.07.12, as follows:

On the evening of the Sports Awards there was a lot of free-flowing wine and food. Cllr Armitage did not know whether the children had partaken, but he had had a glass of wine.

He had had a busy time as Lord Mayor that week and cited: Oxford Pride; KEEN Olympics (disabled children); Bangladeshi boat races; Asylum Welcome; Inter-faith friendship walk; Ang San Suu Kyi garden party. He must have spoken to approximately 500 people that week and can't remember what he said to whom.

On that night there were about 100 people and he probably spoke to half of them. He honestly can't remember what he said to the girls.

What was reported was out of character, but he can't guarantee that he didn't say something. Cllr Armitage said he had girls of his own of that age and was used to mixing with their friends. It was possible that he might have said something, but cannot remember.

What Cllr Armitage does remember is being keen to speed things up. He remembered thinking that it would help if some girls would come forward and kneel down. He does not remember how he got them to do that but would probably have used the word 'kneel'. He did not remember using the word 'leaning'. Noreen Collins pointed out that 'leaning' was not the word in question, it was 'bending'. Cllr Armitage said he had no recollection.

Noreen then asked to clarify if what Cllr Armitage was saying was that he did not recall making the statement reported to us by two of the girls. He confirmed that was what he meant, but that he couldn't guarantee that he did not say it.

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Cllr Armitage had nothing more to add.

Summary

Cllr Armitage has changed his position from denial of the allegation and suggesting that the girls had collaborated to make up the statement attributed to him. He was now saying that he was unable to recall what he had said to the girls and could not guarantee that the statement, as reported, had not been made by him. This was in the context of having drunk a glass of wine, having had a busy workload and having met a very large number of people that week.

Observations

By alluding to his own children and their friends, Cllr Armitage appeared to be saying that he knew how to behave properly around children of that age. However his reference to a glass of wine and busy workload suggest he is not confident that he was in full control of what he was saying on that evening. Cllr Armitage did not offer an apology or take responsibility for the reported statement. He made no reference to the impact that it had or could have had on the girls or their parents.

Safeguarding analysis

There is insufficient evidence from the information submitted to the county council by XXXXXXXX School, the interviews of the girls and interviews of Cllr Armitage, to conclude that Cllr Armitage poses a risk to these or any other children. The reported statement 'bending is very sexy, isn't it?' is not an appropriate one for an adult in a position of trust to make to 13yr old girls, and the girls have reported being both alarmed and disturbed to hear it from the Lord Mayor, whilst in close proximity. However, in itself, and without any other context of concerns, it does not represent dangerous behaviour or indicate that these children, or any other children, will be harmed by Cllr Armitage.

Hannah Farncombe
Noreen Collins
17.07.12

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Appendix 7

From: Leivers, Jim- CEF- Director's Office
Sent: 18 July 2012 11:19
To: Sloman, P - Oxford City Council
Subject: Private and Confidential
Importance: High
Sensitivity: Confidential

Dear Peter

I refer to our previous meetings and I can now update you on the full details of this matter.

The Deputy Head of XXXXXXXX School contacted the County Council's Local Authority's Designated Officer (LADO) on Tuesday 26 June regarding a concern about a comment to a XXXXXXXX pupil reported to have been made by the Lord Mayor of Oxford, Councillor Alan Armitage.

The issue relates to the Oxford Sports Council Awards on 21 51 June at the University Rugby Pavilion at which XXXXXXXX School's under 13 girls XXXXXXXX team were given an award for becoming national champions. After receiving the award, the girls from the team gathered with the Lord Mayor to have a group photograph taken.

As not all of the team could fit into the photo shot, two pupils were asked to go to the front with the Lord Mayor and they had to bend down to get into the picture so as not to obscure others. The Mayor is alleged to have said to girl A and the other girl who came to the front that "bending is very sexy, isn't it". The comment made girl A feel very uncomfortable and she didn't like it. One of the other girls in the photo-shot also stated in interview that she heard the same comment and was 'startled' to hear it.

Girl A did not mention this to the Lord Mayor or any other adult at the time but she told one of the other pupils present who then passed the information to the girl's grandmother, who later told Girl A's mother. The mother thought she must have misheard.

On 25th June, the Head of PE asked Girl A how the award ceremony had gone. It was in response to this

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question that she reported the comment, as outlined above. The pupil was interviewed on 29th June by Oxfordshire County Council's School Safeguarding Co-Ordinator and the Deputy Head. As well as restating what she claimed was said to her, and providing a written account, she stated that other pupilshad heard the comment. Interviews and written statements were taken from three additional pupils. A fourth written account was sent through by the school on the morning of 3.7.12. A fifth girl was subsequently interviewed. Six girls in total gave statements:

Two girls stated they heard the man/Mayor say "bending is very sexy".

Two girls heard him say the word "bending".

Two girls heard him say the word "sexy".

Following the referral from the School, the LADO made an appropriate referral to the Director and arrangements were made for Councillor Armitage to be interviewed by the Deputy Director for Children's Services and the Children's Safeguarding Manager. The interview took place on 3 July.

Councillor Armitage denied making any such statement and asked if any of the teachers had been present. He was informed that no information was held about this. A copy of one of the photos taken was shown in the interview. No other adults were present in the photo. He said he had no recollection of the incident and that there was some repartee but he did not use the word 'sexy' and did not use the word 'bending'. He couldn't remember the banter itself but was clear that there were a wide range of people at the event, including adults, one cricketer being in his 40s. He stated that he recognised they were children but, in order not to patronise them, treated them the same as everyone else. When asked if he understood what the impact of such a comment would make on young people, he said he considered it inappropriate and wouldn't do it. He then stated that he was shocked at the fact that the children had collaborated to make these statements.

XX
XX
XX
XXXXXXXXXXXXXXXXXXXX.

The denial by Councillor Armitage of having made the statement, together with him saying that he was 'shocked' that the girls had 'collaborated', implies that he viewed the girls as making false allegations against him.

Councillor Armitage subsequently requested a further interview which could only take place on Tuesday 17th July due to his other commitments. He stated that on the evening of the Award Ceremony there was a lot of free flowing wine and food . He did not know whether the children had partaken, but he had had a glass of wine himself.

He had attended a large number of functions and had spoken to a large number of people approximately 500 people that week and can't remember what he said to whom.

On that night there were about 100 people present and he probably spoke to half of them. He honestly can't remember what he said to the girls. What was reported was out of character, but he can't guarantee that he didn't say something. Cllr Armitage said he had girls of his own of that age and was used to mixing with their friends.

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It was possible that he might have said something, but cannot remember.

What Cllr Armitage does remember is being keen to speed things up. He remembered thinking that it would help if some girls would come forward and kneel down. He does not remember how he got them to do that but would probably have used the word 'kneel'. He did not remember using the word 'leaning'.

Noreen Collins pointed out that 'leaning ' was not the word in question, it was 'bending'. Cllr Armitage said he had no recollection .

Noreen then asked to clarify if what Cllr Armitage was saying was that he did not recall making the statement reported to us by two of the girls. He confirmed that was what he meant, but that he couldn't guarantee that he did not say it.

Cllr Armitage had nothing more to add.

Further analysis

Cllr Armitage has changed his original position of denial of the allegation and suggesting that the girls had collaborated to make up the statement attributed to him. He is now saying that he was unable to recall what he had said to the girls and could not guarantee that the statement, as reported, had not been made by him. This was in the context of having drunk wine, having had a busy workload and having met a very large number of people that week.

The information we have is that the girls themselves are well regarded within the school and that the content, nature and tone of the statements lends credence to the view that there was no collaboration between them. The school has confirmed that whilst they obviously know each other as they play in the same XXXXXXXX team, not all of them are close friends, again lending further weight to the corroborative evidence.

Both interviewers are experienced Senior Child Protection Officers of this Council who have undertaken numerous interviews as part of child protection procedures. Their assessment of the statements taken from the young persons is that they are not all identical but all entirely consistent which lends real voracity to the likelihood that this event occurred in the way that has been stated. Therefore Councillor Armitage's original denial is regarded as highly improbable and that there are very strong grounds to conclude that the phrase used was actually said in exactly the way that has been stated by the girls.

Safeguarding analysis

1. There is insufficient evidence from the information submitted to the county council by XXXXXXXX School, the interviews of the girls and interviews of Cllr Armitage, to conclude that Cllr Armitage poses a risk to these or any other children.
2. The reported statement 'bending is very sexy, isn't it?' is not an appropriate one for an adult in a position of trust to make to a 13yr old girl, and Girl A has reported to being both alarmed and disturbed to hear it from the Lord Mayor,whilst in close proximity to him.

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3. However, in itself, and without any other context of concerns, it does not represent dangerous behaviour or indicate that these children, or any other children, will be harmed by Cllr Armitage.

Conclusion

On the information that we have available, our view is that there are compelling grounds for concluding that this has occurred in the way that the pupil has stated and that Councillor Armitage in his role as Lord Mayor of the City Council has used a wholly inappropriate and unacceptable comment to a 13 year old girl.

Cllr Armitage did not offer an apology or take responsibility for the reported statement. He made no reference to the impact that it had or could have had on the girls or their parents.

Next Steps

In light of the conclusions on safeguarding it would not be appropriate for us to refer this matter to the Independent Safeguarding Authority (ISA).

We will need to report back both to the school and to the parents that the matter has been investigated and that the inappropriate comment has been taken seriously in relation to the Mayor's position and they have been believed. Clearly, we will have to have regard to the views of the parents and School with regards to subsequent action but it appears to me that in light of the conclusion of the investigation that Cllr Armitage may have breached the Members' Code of Conduct of the City Council when acting as the Lord Mayor on an official engagement. That of course will be a matter for you to consider.

We are also aware that this matter also has implications for the County Council as Councillor Armitage is a County Councillor and Deputy Leader of the Opposition (Liberal Democrat Group). In that latter role, we have notified the Group Leader and recommend that a similar discussion take place with your Lib Dem Group Leader. They will need to consider what action they need to take in light of these findings.

As this matter is known to a number of parents, pupils and staff in the School and others, there was always the possibility that this may become the subject of media interest. Indeed yesterday we received a report from the School that the Oxford Mail have been in contact with them with some understanding of the background details of this matter. I would recommend that our respective Press Offices liaise on how this is best handled. I trust the above assists in order for your Council to deal with this particularly difficult and sensitive matter and, of course, I am available to discuss further or meet at any time.

Yours sincerely

Jim Leivers
Director for Children's Services

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Appendix 8

From: XXXXXXXX [mailto:xxxxxxxxxx.com]

Sent: 31 July 2012 11:00

To: Beasley, Alison - Safeguarding

Subject: FW: Statement as discussed

Dear Alison,

On the 21st June 2012 I attended the Oxfordshire Sports Council awards at the University Rugby Club on Iffley Road, I was there with my wife, my son and step-daughter xxxxxxxxxxx who was representing her school XXXXXXXX team. Once the awards were over, the girls XXXXXXXX team from XXXXXXXX School were having their picture taken with the mayor. I stood with some of the other parents whilst the picture was being taken and was taking pictures with my wife's mobile phone. As the girls were getting into position around the mayor, one of them had to bend down awkwardly in front of the mayor to get in the photo and it was at this point that I heard the mayor say "Ooh, that's a bit sexy". Whilst I am not 100% of the actual words used, I am 100% that I heard the word sexy and something very similar to "Ooh that's a bit sexy" and that it was directed towards one of the girls. I remember it quite clearly as I was shocked at the time to hear this from the Mayor but after a brief reflection I thought it best not to say anything as I didn't see anyone else react and I did not want to cause a scene in front of the children at a time when they were celebrating.

I am sending this from my work e-mail for convenience but I just wanted to confirm that this is my own personal statement and is in no way related to my company and the views within the e-mail are purely my own.

Please let me know if I can be of any further help.

Kind regards,

XXXXXXX

XXXXXXX

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Appendix 9

Note of meeting with Councillor Armitage, Oxford City Council

10 October 2012

1. Councillor Armitage was accompanied by Mr. Clark Brundin (a former City councillor and member of the Standards Committee). Richard Penn introduced himself as the independent investigator appointed by the Council's Monitoring Officer to conduct an investigation into the conduct of Councillor Armitage following the Assessment Panel's consideration of a complaint against Councillor Armitage at its meeting on 3 August 2012.
2. Mr Penn explained that he had been provided with the papers that had been considered by the Assessment Panel and has subsequently met with County Council officers who had been involved in taking accounts of the alleged incident from the children concerned and interviewing Councillor Armitage. He had also met with the step-father of one of the children who had also provided a signed statement of what he had heard said.
3. Councillor Armitage told Mr. Penn that he did not want to add a lot to the contents of his email of 2 August 2012 to the Monitoring Officer which had, as requested by Councillor Armitage, been provided to members of the Assessment Panel for their consideration.
4. Councillor Armitage referred to the letter (referred to incorrectly in his view as an 'Investigation Report') of 18 July 2012 from the County Council Director for Children's Services to the City Council Chief Executive. Councillor Armitage claimed that this letter was both partial and inaccurate, and that this was deliberate and detrimental to him.
5. Councillor Armitage told Mr Penn that he cannot guarantee that he did not say something to the child involved because he did engage with the some of the children, there was a lot of repartee, and he was anxious to move things on as no-one seemed to be in charge of organising photographs etc. Councillor Armitage accepted that he may have used the word 'sexy' but said that this word no longer had the same connotation as it has had previously and is now a word in common parlance used to

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describe lots of things. However, he is adamant that he did not use the word 'bending' or 'bend' at any time when the children were having photographs taken, although he may well have said something like - *'if you kneel down at the front that would be better'*. Councillor Armitage is certain that he did not touch anyone at any time nor did he refer to bend/bending.

6. Councillor Armitage requested a copy of all relevant documents in order that he can properly defend himself against the allegation that has been made against him. This includes the account by Alison Beasley of her interviews with the six children involved and a copy of the letter sent to parents of the girls following the media coverage at the end of July 2012. Councillor Armitage provided Richard Penn with a copy of an email exchange between himself and the reporter at the Oxford Mail about the alleged incident.
7. Richard Penn undertook to ensure that all relevant documentation would be provided to Councillor Armitage. In view of this and to allow Councillor Armitage to read the documents and prepare to answer any further questions it was agreed to adjourn the interview and to continue with it on the morning of 23 October 2012.

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Appendix 10

Note of second meeting with Councillor Armitage, Oxford City Council

23 October 2012

1. Councillor Armitage was again accompanied by Mr. Clark Brundin (a former City councilor and former member of the City Council Standards Committee). Richard Penn (RP), the independent investigator appointed by the Council's Monitoring Officer to conduct an investigation into the conduct of Councillor Armitage, provided Councillor Armitage with a copy of the note of the meeting on 10 October 2012 and this was accepted as an accurate note of that discussion.
2. At the previous meeting Councillor Armitage had requested a copy of all relevant documents in order that he can properly defend himself against the allegation that has been made against him. This includes the account by Alison Beasley of her interviews with the six children involved and a copy of the letter sent to parents of the girls following the media coverage at the end of July 2012. RP had undertaken to ensure that all relevant documentation would be provided to Councillor Armitage. Councillor Armitage confirmed that he had now received all the relevant documentation.
3. RP summarised the sequence of events that had led to his investigation into the alleged breach of the Code of Conduct:
 - XXXXXXXX, Head of PE at XXXXXXXX School sent an email dated 25 June 2012 to XXXXXXXX, Deputy Head, advising her that on the morning following the Sports Award event one of the girls in the XXXXXXXX team had said to XXXXXXXX '*that man was weird last night*'. When XXXXXXXX asked her to explain she had told XXXXXXXX that the Mayor had said that '*its sexy when you bend down like that*'.
 - XXXXXXXX had then raised this with Barry Armstrong, an Oxfordshire CC LADO, on the following Monday (25 June 2012) following a Governors meeting at the school. On receiving a copy of the email that XXXXXXXX had sent to XXXXXXXX, Barry Armstrong had raised the

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matter with his line manager, Hannah Farncombe for her to consider what action might be necessary.

- Alison Beasley, Oxfordshire CC Safeguarding Officer had then visited the school on 28 June 2012 to take statements from the pupil concerned and four witnesses. Alison Beasley passed a copy of her case notes following the visit to the school to Hannah Farncombe.
 - Hannah Farncombe and Noreen Collins then interviewed Councillor Armitage initially on 3 July 2012 and then on a second occasion, at Councillor Armitage's request, on 17 July 2012.
 - Subsequently the County Council Director for Childrens Services wrote to the City Council Chief Executive on 18 July 2012 setting out the sequence of events and concluding that it appeared to him that Councillor Armitage may have breached the Code of Conduct of the City Council in his role as Lord Mayor on an official engagement.
 - The City Council Chief Executive then wrote to the City Council Monitoring Officer on 18 July 2012 to ask that what he regarded as a potential breach of the Code of Conduct in a number of respects should be considered in line with the Council's arrangements for dealing with alleged breaches of the Code.
 - The matter was considered by the City Council Assessment Panel on 3 August 2012. The Panel had concluded that the allegation by the Chief Executive that there had been a potential breach of the City Council's Code of Conduct by Councillor Armitage should be the subject of an investigation, and the Monitoring Officer commissioned RP to carry out that investigation and report his findings.
4. RP confirmed that his investigation was restricted to the events that took place on 21 June 2012 at the Oxford Sports Council AGM in the University Rugby Club, and whether Councillor Armitage's conduct that evening was potentially in breach of the Council's Code of Conduct. RP also confirmed that the relevant Code of Conduct was the Model Code which applied before the end of June 2012 but that his investigation was being conducted in line with the recently adopted Oxford City Council procedure for dealing with allegations of breaches of the Code. RP advised Councillor Armitage that he would be providing a written report to the Council's Monitoring Officer once his investigation was complete and that the Monitoring Officer would then decide whether there was a requirement for the Council's Standards Committee to consider the matter.
5. Councillor Armitage raised a number of questions about the 'statement' by Jim Leivers that was considered by the Assessment Panel on 3 August 2012. It appears that this is in fact the letter of 18 July 2012 to the City Council Chief Executive from Jim Leivers that was referred to in the Chief Executive's email to the Monitoring Officer of the same date. Councillor Armitage expressed his concern that the

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Assessment Panel had presumably given great weight to the Director's letter when it had a number of factual errors:

- The letter refers to the Sports Award Ceremony taking place on 26 June 2012 whereas in fact it took place on 21 June 2012.

 - More importantly, comparing the contents of this statement with the case notes submitted by Alison Beasley, it is incorrect that all girls refer to the Mayor using (or being told by other girls that he had used) the word 'bending' when in fact Child 5 says that she had to 'crouch' and does not refer to the word 'bending', and there had been no extract in Alison Beasley's case notes from the hand-written statement by Child 3.

 - Councillor Armitage requested that RP arrange for a copy of the statement by Child 3 to be made available to him.

 - The comments in Jim Leivers letter about Councillor Armitage's responses at the first interview with Hannah Farncombe on 3 July 2012 are incorrect. Councillor Armitage denies that he said that he *'had no recollection of the incident'*.

 - Councillor Armitage said that he regards the paragraph beginning 'On that night' as pejorative and prejudicial. He does not currently have children of that age (although he does have older daughters).

 - The comment in the 'Conclusion' that he had not offered an apology is seen as prejudicial and inappropriate by Councillor Armitage who commented that he saw no basis to apologise to the County Council officers interviewing them. If there had been a way in which he could have apologised to the girls concerned and/or to their parents he would have been more than willing to do so.

 - Councillor Armitage said that he also objects strongly to the suggestion in the 'Observations section in the account of the second interview on 17 July 2012 that he may have not been in full control of what he said to the XXXXXXXX School girls as he had too much to drink.
6. Councillor Armitage contends that the County Council's initial investigation was deeply flawed. He said that it appears from Alison Beasley's case notes that the girls involved had clearly been talking to each other shortly after whatever incident occurred – and that this is demonstrated by the accounts of Child 2 and Child 6. Councillor Armitage considers that the initial investigation by Alison Beasley was based on

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the responses to ‘leading’ questions asked of the girls rather than on gathering relevant evidence. Councillor Armitage also referred to the statement by the stepfather of one of the girls that indicated that the comment had been directed at one of the girls (presumably his stepdaughter) and that whilst he had been shocked no-one else reacted. Councillor Armitage maintains that he behaved no differently to the group of girls from XXXXXXXX School that evening than he had to any other group of award winners.

7. Councillor Armitage believes that those conducting this initial investigation had made their minds up from the start that there had been a breach of the Code of Conduct and that the way questions were put to him by Hannah Farncombe when he was interviewed demonstrates this clearly. Further, the ‘Observations’ section of the account on the interview on 3 July 2012 clearly point to a conclusion that he was ‘guilty’. Councillor Armitage also wanted to correct the way his comment about chairing a Tribunal that day has been presented in the account. His reason for mentioning it at all was to demonstrate the irony of the situation, and the implication that he was not sympathetic to the feelings of 13 year old girls is resented by Councillor Armitage.
8. Councillor Armitage confirmed that the second interview on 17 July 2012 had been requested by him to correct any impression that he had suggested that any of the girls involved were lying or colluding with each other. Councillor Armitage pointed out to RP that the first interview had been conducted in a very confused situation. He does not believe that the girls were lying or had colluded but he does believe that they were encouraged to turn the situation into what became a formal complaint.
9. Councillor Armitage’s overall conclusion was that those who have pursued this complaint to date had already made their minds up that he was guilty of a breach of the Code of Conduct even though not one of those who have pursued it were actually present at the event where the alleged incident occurred. Councillor Armitage said that Jim Leivers in particular seemed to believe that the alleged incident took place but Councillor Armitage contends that the first stage should have been to establish the facts rather than reach predetermined conclusions. Councillor Armitage said he hopes that the Monitoring Officer and, if then appropriate, the Council’s Standards Committee, would review the evidence to initially determine whether the alleged incident took place, and only then to decide whether, if it was concluded that the incident did take place, this amounted to any breach of the Code of Conduct.
10. RP advised Councillor Armitage that there were two potential breaches of the Council’s Code of Conduct:
 - i. in respect of Section 3 (General Obligations) paragraph 1 – *‘That you must treat others with respect’*
 - and
 - ii. in respect of Section 3 (General Obligations) paragraph 5 – *‘You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or*

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authority into disrepute'

11. Councillor Armitage said that he denied not treating others with respect. His comment to the girls at the Sports Award event might have shocked or surprised one or more of them but he had not humiliated anyone or taken advantage of anyone in any way. Not all the girls had mentioned the incident to parents or others, and it was the way that the initial investigation had been handled that led to a potential complaint about a breach of the Code being made.

12. So far as the second potential breach of the Code is concerned Councillor Armitage denied that he had brought either his office as Lord Mayor or the City Council into disrepute. He contended that if he had brought either into disrepute there would have been a much stronger reaction than there had been. He said that he did not know who had told the local press about the matter but it certainly was not him, although once the story was in the local press he had wanted the press coverage to establish in the public domain that he was not a danger to children. He said that he was of course concerned about the potential damage to his own reputation as well as to that of the office of Lord Mayor and the City Council but he does not believe that any serious damage has been caused.