

Christ Church’s Statement	Responses
<p>Christ Church and Dr Martyn Percy: Our Response</p> <p>A message from Christ Church Governing Body</p> <p>Why this document?</p>	<p>Some comments from colleagues and supporters of the former Dean. In every case, supporting evidence – written – is readily available for what is set out below.</p>
<p>In the past three years, Christ Church has held back from offering commentary on a series of damaging reports regarding its relationship with the former Dean, Dr Martyn Percy. Those reports related to a number of disputes between the institution and its Head of House, the earliest of which dates back to 2017 while the most recent concerned an allegation of sexual harassment made against Dr Percy by Alannah Jeune. During this time, despite attacks on it and its members by supporters of the former Dean, Christ Church has consistently tried to avoid making pronouncements in the hope of avoiding a destructive cycle of claim and counter-claim. The trustees (Christ Church’s Governing Body) have been mindful that they all have both a duty of confidentiality and a general duty to place the charity’s interests above their own and have sought to calm rather than inflame damaging media attention.</p>	<p>During the last three years, Christ Church’s Governing Body has used charitable funds to employ at least three different PR agencies to amplify allegations against the Dean. The College also orchestrated several “safeguarding concerns” against the Dean from February to September 2020. These six were all dismissed on September 8th 2020. The Censors refused to accept that the Dean had been exonerated.</p> <p>The College’s lawyers, Winckworth Sherwood, are also on record as having written to and phoned the media to plant stories of “safeguarding concerns” against the Dean, and having used Luther Pendragon (PR agents), to try and smear him. None of this is a proper use of its charitable funds.</p>
<p>Settlements were reached with Dr Percy and Ms Jeune in February this year and Governing Body hoped that media interest – and Dr Percy – might move on. Our ambition was that following the settlements and Dr Percy’s departure in April, the institution would be allowed to focus entirely on carrying out its teaching, research, and running of the Cathedral; and that although no finding was made in the sexual harassment claim, the complainant, Ms Jeune, would feel somewhat compensated for the losses she suffered after raising her complaint.</p>	<p>Governing Body compensated Ms Jeune. She withdrew her Employment Tribunal claim against the College. There was never any discussion of a financial settlement between Ms Jeune and the Dean, as he consistently denied the allegation from the outset. For the avoidance of doubt, Christ Church settled with Ms Jeune. She withdrew her claim.</p> <p>Whatever losses Ms Jeune suffered after raising her complaint are known only to Ms Jeune and the College.</p>
<p>However, recent press, including a feature in <i>The Times</i>, has renewed the attacks on the institution and made it clear that there will be no peace until we outline exactly how our dispute with Dr Percy unfolded over the last four years. At the same time, numerous</p>	<p>The former Dean has not given a definitive account of events. <i>The Times</i> article was not that.</p>

<p>stakeholders, notably our alumni, have requested the account that follows, which explains how and why we believe the disputes arose, what we have tried to do to remedy them; and, ultimately, how a successful resolution was reached.</p>	<p>Alumni have requested a fully independent Judicial Inquiry or a Charity Commission Statutory Inquiry that examines the College’s conduct, charitable expenditure and any possible malfeasance. The alumni, represented by the majority of members of the Christ Church Association, did not request this account.</p>
<p>The campaign by Dr Percy and his supporters has been fuelled by information, some selective, some false and some appropriated from leaked documents, letters and emails, and knitted into a narrative that has been at best, distorted and one-sided and, at worst, untrue.</p>	<p>Christ Church are welcome to identify any untrue statements made by Dr. Percy or his supporters.</p>
<p>The repetition of Dr Percy’s accusations across the years has given them a familiarity that makes it easier for those with no direct knowledge of events to believe them. Here, in reply to the accusations which have been made about Christ Church, we set out Christ Church’s reply on what actually happened.</p>	<p>Christ Church would be better advised to welcome a fully Independent Judicial Inquiry, or a Charity Commission Statutory inquiry. If members of Governing Body have committed no offences, they would be exonerated.</p>
<p>The role of the Censors</p> <p>There was no ‘coup’ against Dr Percy, attempted or otherwise, by the Censors, ex-Censors, nor indeed by the Governing Body. The Censors of Christ Church are academics who agree to serve first as Junior and then as Senior Censor, roles that correspond roughly to those of Welfare Dean and Senior Tutor in other colleges, but who also - with the Dean - oversee the general operation of the Joint Foundation. Governing Body is sovereign.</p>	<p>The ‘coup’ against Dr Percy is clearly set out in emails between the ex-Censors, and exchanged from 2017 onwards. These emails evidence secret discussions on how to make members of Governing Body believe there has been a breakdown of trust and confidence between the Dean and colleagues.</p>
<p>The ex-Censors - all those who have previously been Censor (typically around seven to ten members of Governing Body at any one time) - are not a clandestine group, but are well known across the College community. They have a specific role defined in Christ Church’s by-laws in nominating, but not appointing, the next Censor who, as noted above, is appointed by the entire Governing Body.</p>	<p>Again, emails written by the ex-Censors state that they meet in secret, operate in a clandestine manner, and act in a manner that is ultra vires. The Censors ‘nominate’ their successors. Governing Body then ‘approve’ the nomination. There is no open process of internal application.</p>

<p>The pay dispute</p> <p>The main reason for the initial falling-out between Dr Percy and Christ Church was the way he set about trying to obtain a substantial pay rise in 2017. Having chaired two meetings approving a large increase in the remuneration package for the new Development Director, Dr Percy decided that he wanted to link his own remuneration to that of the new appointee. He based his argument on the erroneous claim that the Development Director was paid more than he was.</p>	<p>It is a finding of fact in the Smith Tribunal that the Dean never asked for a pay rise at any point. The Dean requested an open and transparent method of setting pay for senior staff.</p>
<p>In fact, the Development Director’s basic salary was lower than Dr Percy’s. The Development Director did receive an additional housing allowance, while Dr Percy’s package included living free of charge in the Deanery. Dr Percy, however, considered the value of living in the Deanery as no more ‘than bowler hats are to our custodians’. <i>The Times</i> asserts that at this point, his salary was around £80,000. It was actually £90,000 when he asked for his pay rise.</p>	<p>The Secretary of the Salaries Board altered (‘doctored’) the approved pay policy adopted by Governing Body, and presented his own version as the one Governing Body had agreed. The new ‘doctored’ version led to the Dean’s salary becoming less competitive than his predecessors’ or those of many other Colleges.</p>
<p>Dr Percy’s request was initially turned down by Christ Church’s Salaries Board, but the Board then agreed to review the remuneration policy for all Senior College Officers, leading to policy proposals which were agreed by the Governing Body in June 2018. While this review was underway, Dr Percy, without the prior approval of other College Officers, took legal advice from Christ Church’s solicitors at the College’s expense about how he might alter the composition of the Salaries Board. He did not disclose to the solicitors the clear conflict of interest caused by the fact that he was seeking a pay review for himself whilst taking that advice. He did add that he was seeking to remove both the Secretary and another member of that Committee, both of whom he had unsuccessfully lobbied (despite his conflict of interest) for a pay rise.</p>	<p>The legal advice was taken, quite properly, on the unbroken tenure of the Secretary of the Salaries Board (Dr Lindsay Judson), who had been in post long past the allowed period of time (five years) as set out clearly in the Statutes and By-Laws, and also by the Charity Commission. It was approved by the Senior Censor. The advice taken was on Not a pay review but a review of the composition and management of the Salaries Board. The Secretary of this Board was exerting undue influence over several committees as a result, and this had prompted complaints by his colleagues. The Secretary refused to move. He is still in post, and his enduring tenure is now many years outside any recognised Charity Commission norms.</p>

<p>Matters were made worse by the sense that in pressing his salary claim, Dr Percy was perceived by some as being somewhere between rude and bullying to the College Officers who, in arguing against his pay rise, were simply doing what they considered to be proper and in Christ Church's best interests. In addition, without convincing explanation, Dr Percy unilaterally amended an email containing advice from a third party about why the Salaries Board should be restructured.</p>	<p>The Dean apologised for this in 2018. The opacity of the Secretary of the Salaries Board is chronicled extensively in the Smith Tribunal, and his refusal to accept or answer questions, or to demonstrate basic Nolan principles of accountability, transparency, etc.</p>
<p>All this led to a significant breakdown in the working relationship between Dr Percy and a number of other members of Governing Body. Many considered him to be putting his personal interests above the charity's interests, a breach of his duty as a trustee.</p>	<p>The breakdown was engineered by the Senior ex-Censor at the time, Dr David Hine, and his committee of ex-Censors, with support provided by Karl Sternberg. Their emails are very clear. There is ample written evidence from 2017 to demonstrate this.</p>

Mediation begins

In July 2018 a group was tasked by Governing Body to mediate with three possible outcomes: restoring relationships such that there could be a new way of working together; reaching a settlement whereby the Dean and Christ Church would part company and the Dean would leave Christ Church; or returning to Governing Body to report that no agreement could be reached. Mediation broke down by the Autumn as no agreement could be reached.

The Senior ex-Censor at the time led the mediation for the Governing Body. He had already privately written to his ex-Censor colleagues in 2017 that “the Dean had to go”. The mediation was therefore never at any point entered into in good faith by Christ Church. Dr Hine was always going to report that either [a] the Dean was leaving; or [b] the Dean had to go. At a meeting in London in the autumn of 2018, Dr Hine told a group of key benefactors that the Dean would be leaving. In theory, mediation was ongoing at the time.

Dr Hine had taken the trouble and time to visit the Bishop of Oxford several weeks before mediation began in late July 2018, when he was accompanied by Canon Sarah Foot. They lobbied the Bishop to have “a quiet word with the Dean” to make him see his position was hopeless and persuade him to resign. The Bishop did not disclose this meeting to the Dean. The dates and times of these discussion and their contents are all evidenced in emails.

Canon Foot, meanwhile, became part of the mediation team, acting on behalf of Chapter, all the while assuring her clergy colleagues she had an open mind in relation to the mediation. The Smith Tribunal, as a finding of fact, shows that she was not being truthful. She too wanted the Dean to leave and was working on plans to remove him, before the mediation even began.

The Smith Tribunal

The only disciplinary procedure which applies to the Dean under Christ Church’s statutes is a formal complaint.

It has been suggested that the language of the charges for the Smith tribunal were designed to damage Dr Percy’s reputation. They were not. The language of the charges before the Smith tribunal used the language of the Statutes. The later employment tribunal decision makes it clear that the definition of “good cause” was perhaps not expressed in the terms that an experienced employment lawyer would choose if drafting it today. We accept that. However, “conduct of an immoral, scandalous or disgraceful nature incompatible with the duties of the office or employment” and “conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of office or employment” both come from a model statute which was adopted by many universities and Colleges. These were phrases Christ Church included in 2011 when the Statutes were last comprehensively reviewed. These provisions were in place before Dr Percy was appointed to the role of Dean.

There are procedures available under the College Statutes for resolving HR issues. The allegation of harassment and theft of college wine brought against a member of Governing Body was handled without the individuals being put through any statutory procedure.

The charge of “immoral, scandalous or disgraceful conduct” against the Dean was intended to harm him personally, financially and reputationally. The fact charge was not made explicit; this made people think it was sexual or similar; the fact that the College eventually said it was not shows that they knew it would be understood to be of this kind He chose to contest it, despite the considerable cost.

The Senior ex-Censor knew that it would cost the Dean huge sums to defend himself. Hine described this as “not moral ... but it is legal”. He also exchanged emails with Karl Sternberg, expressing the hope that either the Dean would be “bled dry” or have a breakdown. Both Fellows continued to present themselves as neutrals in Governing Body meetings.

The Governing Body did consider whether to use the phrase “immoral, scandalous or disgraceful” to reflect the language of the Statutes when the charges for the Smith Tribunal were discussed, but it was decided to reflect the language of the disciplinary procedure which was included in the Statutes.

The wording of the Statute was intended to impugn the Dean, and destroy him and his reputation. The charges were extensively aired and weaponized.

<p>The complaint against Dr Percy triggered a nearly unanimous vote by the Governing Body and Cathedral Chapter (there was only a single dissenter) to hold a tribunal, chaired by retired High Court judge, Sir Andrew Smith, to decide whether Dr Percy should be dismissed. Christ Church's statutes set a very high bar for a Dean's removal; the fact that he might have lost the confidence of the majority of Governing Body would not have been enough.</p>	<p>Governing Body were only ever given the Senior ex-Censor's account of matters, and as he refused to disclose his conflict of interest in the matters, he and his allies were able to influence the vote on the basis of the briefing he offered to Fellows. A consistent pattern of misinformation began here: the Dean's evidence would be unfairly redacted, withheld or misrepresented; the Dean was never allowed to defend himself. The basis for this was he was alleged to have a conflict of interest. Those presenting the case against him were never thought to have a conflict of interest Governing Body have only ever seen their own prosecution case.</p>
<p>This was a bar that Sir Andrew did not feel had been met when he rejected all of the claims in the complaint. He did, however, find that Dr Percy had breached his fiduciary duty and expressed his surprise at the intemperate tone of some correspondence with fellow trustees.</p>	<p>The phrase Sir Andrew Smith used is "accidental, minor breach". He remarked on the fact that the Dean quickly apologised for his intemperate tone and noted the deeply offensive and unpleasant emails exchanged among the ex-Censors. There were 27 charges; all were dismissed.</p>
<p>Given Sir Andrew's findings, the then Censors sought to find a way to restore relations with Dr Percy, so that the institution could move forward constructively. This foundered very quickly.</p>	<p>Rather than try to 'find a way to restore relations with Dr Percy', on the day the judgment was published, the College changed a statement agreed with the Dean on its website without consulting him. This was, in effect, a declaration of the resumption of conflict by the Censors. By seeking to limit access to the Tribunal judgment, the Censors sought to suppress their colleagues' knowledge of their misconduct and malfeasance. They refused to refund the Dean's legal fees. They continued to attack and brief against him.</p>
<p>Rather than seeking reconciliation, Dr Percy began a campaign now focused on some of those he claimed had been involved in moving against him, by asserting that they had a 'conflict of interest' in all matters involving him.</p>	<p>Using their lawyers, the Censors, maintained to Governing Body that the Dean had a conflict of interest in all matters, and by this restricted his role unlawfully.</p>

<p>Of this group, some had been involved in bringing the original complaint about Dr Percy's conduct, but others had not. In targeting a few, Dr Percy ignored the fact that all but one member of the Governing Body and all members of the Chapter had voted in favour of setting up the Smith tribunal.</p>	<p>See above. The Censors had barred members of Governing Body from reading the Smith Tribunal judgment and misrepresented its findings to colleagues and in media statements. If the Censors had nothing to hide, they would not have sought to prevent colleagues from reading it, nor would they have threatened legal action against those who did.</p>
<p>Dr Percy's demands did the very opposite of restoring good relations with Governing Body. Inevitably, relations between Dr Percy and the Governing Body took a critical turn for the worse. The dissemination of the report from the Smith tribunal caused a further deterioration in Dr Percy's relationship with trustees. As an internal disciplinary decision, within Christ Church that report was initially circulated only to Dr Percy and three College Officers. It was intended to be a confidential document, although it was leaked.</p>	<p>The Censors had no real intention of resolving the conflict that had, by now, cost the charity several millions of pounds. In the face of the College's handling of the Smith Tribunal, it was natural for Dr Percy to try to vindicate himself in the public eye.</p>
<p>On receipt of the report, Christ Church made the overall findings available to trustees, but not all the detail of the report, given that usual practice would be to restrict the full details in such a document to a small group - and the Governing Body consists of around 65 members.</p>	<p>The points made here are obscure and unconvincing.</p>
<p>Dr Percy and his supporters immediately claimed that the details in the report had been withheld to protect from scrutiny those trustees who had acted against him. This was untrue. Matters escalated in December 2019 with a crude attempt to make Christ Church pay the legal fees Dr Percy had incurred during the Smith tribunal, by threatening to publicise the document if they were not paid.</p>	<p>There is no evidence for the first part of this assertion. Since Christ Church had brought the case against Dr Percy and been defeated in the Tribunal, it was reasonable to suggest that publishing the report would encourage the College to pay the legal fees.</p>
<p>In fact, even before the tribunal had concluded, as well as afterwards (and despite his repeated claims to the contrary), Christ Church was always willing to discuss with Dr Percy the question of paying his legal fees. They were all paid as part of his settlement agreement.</p>	<p>There is no evidence for this assertion. The only discussion ever offered to Dr Percy was a refund, conditional upon leaving. Given his judicial exoneration, that seemed unfair. The legal fees were only paid at the end of the whole process.</p>

<p>Some unpleasant emails</p> <p>Much is made of some highly selective quotations from e-mails dating back to 2017 and 2018, which show that a small handful of trustees used strong language to express their growing frustration with Dr Percy and some of his actions, in private exchanges.</p>	<p>These emails sent on the University and College email systems joked and bantered about the methods for murdering the Dean, and used highly offensive language to describe him and his wife. These emails were wholly unwarranted, and resulted in no disciplinary action for their writers.</p>
<p>Christ Church has never condoned these rude comments, and in his Tribunal decision Sir Andrew Smith recognised that ‘emails between close colleagues are sometimes couched in colourful language and are not always to be taken literally’. In any case, an expression of opinion in a private email is not, as Dr Percy and his supporters have suggested, evidence of a conspiracy. After all, seven people signed the complaint which preceded the Smith Tribunal, after which 43 additional members of Governing Body and all of Chapter voted to proceed.</p>	<p>Nor did Christ Church condemn them. The expression of private opinions antipathetic to an individual among a small and secretive group of people with similar interests, one of which was to get rid of that individual, would appear to most observers to be evidence of a conspiracy.</p>
<p>The idea that <i>any</i> small group could unduly influence the entire Governing Body is unrealistic. Governing Body consists largely of Professors and Associate Professors of the University of Oxford. Their day job relies on intellectual independence and the critical examination of any proposition put before them.</p>	<p>The documentation presented to the Smith Tribunal, including other emails, clearly shows a concerted attempt by the ex-Censors and a few allies to keep manipulating colleagues, attacking those who resist, and presenting a carefully controlled narrative and argument to them.</p>

<p>A vote of no confidence and a second mediation attempt</p> <p>By December 2019, just over four months after the initial release of the Smith report, relations between the Dean and Governing Body had reached a point where a motion of no confidence was passed against him. The motion could have no formal effect because of Christ Church’s Statutes, but gave a strong indication of the depth of feeling within the institution that Dr Percy had made his position untenable.</p>	<p>Once again, the Dean was prevented from speaking to the motion of no confidence or defending himself. He was not allowed to submit any statement. Despite being very unwell at this juncture, and his lawyers advising that this vote might be a breach of equality and employment law, the vote went ahead with a secret ballot.</p>
<p>Even as relations between Dr Percy and the vast majority of the Governing Body became glacial, two initiatives were in progress that could have helped to bring about a thaw.</p>	<p>The relations between Dr Percy and GB were not glacial; they had broken down because a number of Fellows were determined to remove him and consistently put pressure on GB to achieve this.</p>
<p>The first was the development of concrete proposals to review Christ Church’s governance. A review had first been proposed by the Governing Body in the first half of 2019, before the conclusion of the Smith tribunal, and was a move which Dr Percy supported.</p>	<p>The issue of conflicts of interest in setting up a review of the College’s governance were still not addressed. Failure to do this left fundamental problems and issues relating to it in place.</p>
<p>The second was the beginning of a fresh mediation process, which aimed to settle the differences between Dr Percy and Christ Church.</p>	<p>Unfortunately, those charged to mediate with the Dean and his colleagues refused to meet him. This was never reported to Governing Body. It became the pattern for future mediations: agree to mediate, but then secretly refuse to meet, and then report back that mediation had broken down and that the Dean was being unreasonable.</p>
<p>Central to the mediation efforts were attempts to find a way for the institution and Dr Percy to work together and at the same time to settle the Employment Tribunal claims he had brought against Christ Church from February 2019. The existence and nature of those claims are key to much of what happened in the period from the release of the Smith report in August 2019 to the final settlement of February 2022.</p>	<p>The Dean needed his legal fees back to pursue the case. Governing Body continued to refuse to refund any, unless the Dean resigned. As he had no house or other income, this seemed an unreasonable demand. this was especially so as the Smith Tribunal had entirely exonerated him of “immoral, scandalous or disgraceful conduct”.</p>

<p>In them, Dr Percy sought damages for the campaign he claims was orchestrated against him by the ex-Censors and others who he says sought to brief and persuade Governing Body to remove him from office, including for financial losses and injury to feelings caused to him by having to defend himself in the Smith tribunal. It also gave an alleged explanation for the campaign against him, namely that those he claimed opposed him were determined to prevent him from introducing reforms to the institution's governance and procedures.</p>	<p>The ex-Censors continued in their briefings against the Dean by their usual means. The opposition to his wish to introduce 'reforms to the institution's governance and procedures' was clearly shown by their attempt to set up their own governance review on their terms.</p>
<p>Christ Church entered into its second mediation with Dr Percy in November 2019. This round went on intermittently until March 2020. A third round, with a new mediator, began that summer of 2020 and continued, again intermittently, until summer 2021.</p>	<p>Again, those charged by Governing Body to mediate were not in fact willing to meet or engage with him.</p>
<p>At this stage many organisations might have accepted that mediation was never going to work, but Christ Church continued to engage in a fourth round, convinced that mediation provided the best and most appropriate route to a resolution. After a great deal of hard work and negotiation this fourth round of mediation took place in February 2022 and finally led to the agreed settlement.</p>	<p>Governing Body were advised by new lawyers that: their chances of removing the Dean were slim; it would be hugely expensive to try to do this; and the Charity Commission wanted an account of the costs and the risks of these further actions. The Dean's Trade Union advised that a settlement which compensated the Dean and refunded his fees would be acceptable. Also, Governing Body had a meeting with the VC and Chancellor? We don't know for sure what was said at it, but it was decisive. One might ask why things changed so rapidly after it?</p>

<p>Safeguarding</p> <p>Safeguarding has been a major theme of the attacks made on Christ Church by Dr Percy and his supporters. Safeguarding is an area where much progress has been made in recent years and there is no doubt that all educational institutions have more detailed and wide-ranging safeguarding practices in place now than was the case five or ten years ago.</p>	<p>There can be no dispute that in the autumn of 2017, neither the Senior nor Junior Censor had received safeguarding training, or knew that this was a statutory responsibility the College was failing on. Again, e-mails explicitly record the Senior Censor's dismay at learning she had this responsibility, one that the ex-Censors had neglected to flag to her.</p>
<p>In the case of Christ Church, its staff have always worked hard to make the College, Cathedral and School a safe place for all who learn, teach, live, work and visit. We currently have an institution-wide, independent safeguarding review in progress, to ensure we are following best practice at all times.</p>	<p>Why have a review now if the College's safeguarding has always led to its being 'a safe place for all'? The Censors, to their credit, did accept in the autumn of 2017 that they had responsibility for College safeguarding, and training was arranged. As a result welfare and safeguarding provision is now improved, and also compliant with the law.</p>
<p>An incident at Christ Church, December 2016 As reported in the recent <i>Times</i> article, Dr Percy acknowledges that Christ Church is 'now as safe as anywhere else for a student'. However, he and his supporters have repeatedly suggested that an incident during the 2016-17 Christmas vacation was mishandled by Christ Church. In <i>The Times</i>, Dr Percy claims 'we were left entirely alone' to deal with a troubled female student who suffered a serious injury while in the shower.</p>	<p>This consisted of two medical emergencies took place over two consecutive evenings. Much was reported in the press at the subsequent trials.</p> <p>The Dean was the only member of Governing Body on site left to deal with this, and the ex-Censors were informed of dangerous gaps in welfare provision as soon as the new term began They declined to act.</p>
<p>Dr Percy's account omits the fact that he himself had supported the student's request to remain in residence over the vacation. He also rejected offers made by members of the Welfare team to remain in residence or return from holiday to help support the student in question.</p>	<p>Untrue. The Dean does not have any authority to grant this. Such requests are processed through the Academic Office; they are not decanal matters. If he rejected 'offers made by members of the Welfare team to remain in residence or return from holiday to help support the student in question', this shows that adequate support arrangements for dealing with student welfare were not in place.</p>

<p>It remains unclear why, upon Dr Percy's own account, Dr Percy took it upon himself to take a female student out of the shower and 'to dry and dress' her, rather than asking someone to assist him, or calling for paramedics.</p>	<p>The student had broken into a flat, badly lacerated their foot, and was bleeding profusely. The flat was flooding. The student was also incapacitated by drugs and drink. It was New Year, and the wait for an ambulance was far too risky. Removing the student from the shower and binding the wound seemed a reasonable step under the circumstances. The porter who reported the break-in and injury watched the Dean at all times. A male graduate student lent clothes for the injured party.</p>
<p>Even though during the Christmas vacation very few students are in residence and most staff are, quite rightly, on holiday, Christ Church always ensures that one senior member will be available in Oxford in case there is an emergency. The Dean often takes on this role, as a Senior College Officer provided with on-site accommodation, and that was the case on this occasion.</p>	<p>The Dean entirely accepts that this was an emergency, and despite a serious family bereavement, he dealt with it. The crisis (serious critical incident) is not the issue. The issue was, rather, why no proper College oversight was in place at the time, including taking several hours to contact the Censors (who were away). Later, it emerged (as a result of this very serious critical incident) that the Censors had no job descriptions. Again, the evidence for this gross negligence is in writing and substantial. There is no evidence for these assertions. They are retrospectively invented. The Dean was also on annual leave, but fortunately able to act as he was in the Deanery because of their close family bereavement.</p>
<p>That Dr Percy was the officer who had to deal with this situation was thus neither unusual, nor a mistake, nor something about which he should have been surprised. Indeed, any other Head of House would have expected to oversee such an emergency if they had been in residence in their college.</p>	<p>The Dean requested that the ex-Censors produce proper job descriptions for their successors. The Senior ex-Censor at the time resisted this, although job descriptions were eventually produced one year later. These job descriptions were still inadequate. The request to produce these job descriptions prompted the Senior ex-Censor to plot to remove the Dean – from 2017, and again, captured in his correspondence to ex-Censors.</p>

<p>That the incident occurred, as Dr Percy relates, when he and his wife had just returned from a family funeral is regrettable, but by dismissing an offer from a member of the Welfare team to stay on site, he had knowingly retained responsibility for any situation that occurred. The statutes are, in any case, clear that it is the Dean who is ultimately 'responsible for order and discipline and the general superintendence' of Christ Church</p>	<p>Given that the Dean had no information on who was in College, or why, and the Censors had simply left, the situation was by no means as clear as this statement suggests. This another fiction: there was no 'welfare team' around to agree any of this with.</p>
<p>Before, and after, this incident, the Dean at no stage made any proposals to Governing Body to modify Christ Church's safeguarding practices or policies.</p>	<p>Proposals had been made to the Academic Committee, and also raised elsewhere in other committees. The ex-Censors consistently opposed and obstructed the discussions This only changed as a result of a range of critical incidents.</p>
<p>So, what in any case, were the specific safeguarding problems Dr Percy claims weren't being addressed? We still don't know exactly. He had claimed in informal exchanges with a few trustees that there had been other safeguarding incidents in previous years unknown to anyone but himself. Since Dr Percy was the only person with detailed knowledge about these allegations, and would not share these details, there was nothing for Christ Church or other bodies to act upon.</p>	<p>The College already has all this information. When the Censors – Prof. Johnson and Prof. Young – discovered in the autumn of 2017 that they were responsible and liable for College safeguarding, the situation was immediately addressed with appropriate training and adjusted responsibilities. The ex-Censors did not wish this to be reported to Governing Body.</p>
<p>Dr Percy has made very explicit his claim that the fundamental motivation for the alleged plotting against him was the ex-Censors' resistance to his attempts to reform safeguarding at Christ Church. This claim formed a central plank of his Employment Tribunal ('ET') claims, even though most trustees were completely ignorant of these assertions until the ET claims emerged.</p>	<p>The claim regarding plotting against the Dean is true, evidenced and verifiable.</p> <p>Like the Smith Tribunal judgment, members of Governing Body were told they could not read the ET claim, so they have no clue as to what the issues were. Trustees have only ever been told what the ex-Censors wanted them to believe. If members of Governing Body were exercising their trustee responsibilities seriously, they would all have read the ET claim, and would also know how much money had been spent (and lost) on actions taken against the Dean. Trustees remain ignorant of the claim's contents to this day.</p>

The Employment Tribunal claims

The ET claims presented Christ Church with two significant practical problems. So much of the institution's governance was criticised in the claim that it was impractical for the planned Governance Review to proceed until the ET had been heard (which could take a matter of years, especially given the subsequent delays due to COVID-19). In addition, individual trustees became afraid to speak freely given that confidential discussions at Governing Body meetings subsequently appeared in the media in coverage clearly initiated by supporters of the Dean.

Although Dr Percy has repeatedly claimed that, apart from one occasion, he never spoke to the press until his departure from Christ Church last month, the evidence suggests otherwise. Internal phone records prove that he had called and texted one journalist dozens of times while working at Christ Church.

The Dean was working with one journalist on an article about film censorship.

An incident in the sacristy

A third round of mediation was under way when, in October 2020, a complaint of sexual harassment against the Dean was made by Ms Jeune, a young woman who was both a visiting graduate student at Christ Church and a Verger in the Cathedral.

Ms Jeune was an overseas visiting graduate student at Christ Church in 2017-18 (not a student of the University), and at no point after that, and to the present day this remains the case.

<p>The alleged incident occurred at a time of strict Covid-19 rules. Small-scale, socially-distanced services were taking place in the Cathedral. There were strict restrictions on entry to the smaller spaces such as the sacristy that were used for activities in connection with services.</p>	<p>The Dean frequently used the Sacristy to put eye drops in. His eye condition requires the application of eye drops every 90 minutes. The Sacristy was a more sterile room than the public WCs (and with a mirror attached to the door where the Dean kept his robes). Covid rules were being observed at all times, including the wearing of facemasks. The Dean had been using the Sacristy like this every week during Covid, and the vergers knew this, and were content with the arrangements. The Sacristy is a space big enough for several people to gather in a Covid-compliant socially distanced way. The Dean did not “follow Ms. Jeune” anywhere. He went to the Sacristy to apply eye drops, as he did normally and frequently, and Cathedral staff know this.</p>
<p>On 4th October 2020, after a service, Ms Jeune went to the sacristy, an area explicitly only accessible to vergers under Christ Church’s Covid protocol, where it is close to impossible for two people to be present while observing social distancing. Despite these regulations, Dr Percy followed Ms Jeune into the sacristy; he has acknowledged that he had a conversation there with Ms Jeune, although by being there he was already infringing the Covid regulations of the institution of which he was head.</p>	<p>The Sacristy is larger than a double-decker bus. The Dean did not follow Ms Jeune anywhere but went to the Sacristy where there was a mirror that he used in putting drops in his eyes. He has a chronic eye condition, and with an infection that week, could not see well enough to know who was in front of him. He could not have recognised anyone at a distance of more than about 15-20 feet without his contact lenses in, as on this day.</p>
<p>Ms Jeune’s version of events is set out in <i>The Telegraph</i>.</p> <p>Ms Jeune reported the incident almost immediately to the Chaplain. Over the following week, Ms Jeune considered what to do, not consulting any senior member of Christ Church until she decided to make a formal complaint to the Sub-Dean on 11th October. The Sub-Dean informed the relevant authorities at Christ Church (as the employer of both Dr Percy and Ms Jeune) and in the diocese (as the alleged harassment occurred in an ecclesiastical context). Any complaint of this nature would be treated seriously by Christ Church, and in this case the incident’s gravity was considerably increased by the disparity in status between those involved.</p>	<p>No proper procedures for recording, reporting or assessing the allegation were ever followed. The Chaplain and Sub-Dean did not follow any of the College or other harassment procedures in place at the time; nor did they record or report the allegation according to any of their safeguarding training, the College HR procedures and all other processes.</p>

<p>On 13th October 2020, the Sub-Dean informed Dr Percy that a complaint had been made without giving any details of who the complainant was. While asserting that he would never say anything inappropriate, Dr Percy immediately volunteered the name of Ms Jeune as someone to whom he had 'said some things.'</p>	<p>This version of the meeting with the Sub-Dean telescopes the conversation in a way that is detrimental to the Dean. In fact, the Dean and his wife had spent a good part of the intervening period between when he was told that an allegation had been made and the Sub-Dean's visit (000 days) trying to think what might have occasioned the allegation.</p>
<p>An independent investigation was commissioned. The highly experienced investigator was selected by two trustees, one new to the institution and another who had never been accused of hostility by Dr Percy.</p>	<p>The Investigator was hired by those antipathetic to the Dean. The work was overseen by these people. The Terms of Reference for the investigation were set by Winckworth Sherwood, already litigating against the Dean. No conflicts of interest were disclosed. The College and its lawyers went to some lengths to conceal their roles in the investigation. The investigation was not independent.</p>
<p>The investigator's report, submitted in late October, found that Ms Jeune's account was credible and concluded that it was more likely than not that Dr Percy had behaved in an inappropriate manner. Given this conclusion, Christ Church instituted a formal procedure to examine a credible accusation of sexual harassment against its Head of House. The only procedure available is laid down in our Statutes and leads to a tribunal, in this case to be chaired by Rachel Crasnow QC.</p>	<p>The incident was reported as safeguarding, implying that Ms Jeune was a 'vulnerable adult', and lacked agency – which she denies. No College harassment procedure was ever invoked. There was no independent investigation. As previously, the Dean's evidence submitted to the investigator was redacted, edited out or removed, and prosecution witnesses allowed to corroborate their evidence among themselves. The process was overseen by the Investigator and others. The Dean's own witnesses were not interviewed by the Investigator.</p>
<p>Supporters of Dr Percy have repeatedly suggested that he should have had recourse to an unspecified HR process. However, in the case of the Dean, our Statutes allow for no such process to assess such an allegation other than by constituting a tribunal.</p>	<p>The Statutes do not specify an HR procedure, but neither do they forbid it. In the case of other Fellows of the College, such procedures have recently been devised by the College.</p>

<p>The allegation of sexual harassment triggered two other processes.</p> <p>First, after Dr Percy refused to acknowledge the incident that she alleged, Ms Jeune decided to make a report to the police, who recorded the incident as sexual assault. The police investigated the report but found they did not have sufficient evidence to continue with the case, bearing in mind the high criminal burden of proof. It should be noted that they did not conclude, as supporters of Dr Percy have claimed, that there was no case to answer.</p>	<p>The Police did not “record the incident as a sexual assault”. The allegation was not that, and the police do not record reports from the public in this way.</p> <p>There is no causal connection between the allegation and the half-dozen legal processes launched. Notably, the harassment procedures were ignored. Thames Valley Police recorded an allegation, NOT an assault. The allegation was quickly dismissed. The Police, Judge Asplin, LADO, the NST and Charity Commission have all declined to take the matter further.</p>
<p>Following the findings of the preliminary investigation, after a discussion between members of Chapter, the diocese, and the Church of England's National Safeguarding Team (NST), the complaint against the Dean was referred to the Bishop of Oxford under a Clergy Discipline Measure (CDM).</p> <p>The CDM procedure, led by the President of the Tribunals, Dame Sarah Asplin, did not think it proportionate to proceed to a Clergy Disciplinary Tribunal.</p>	<p>Dame Sarah Asplin states that the allegation, even if true, was neither serious nor sexual. Therefore, a disciplinary tribunal would, in her view, be disproportionate. However, the College decided to prosecute, at vast cost to the charity. As before, the costs of this action were never disclosed to Trustees.</p>
<p>Christ Church’s procedure had begun in January 2021, and Dame Sarah noted that this was a more proportionate means of addressing the alleged incident. In reaching the decision to constitute an internal tribunal, the Governing Body did consider the question of whether, if the allegation by Ms Jeune was upheld, it could be considered ‘cause’ for dismissal under our Statutes. We agreed that it could.</p>	<p>The Statute XXXIX Tribunal is not “a more proportionate means” since it could result in dismissal and grave reputational damage. It would also be extremely expensive to both sides. Christ Church’s lawyers knew that the cost to the College would run to seven figures. The College is reported to have spent over £6m on these actions against the Dean – legal and PR – and lost a further £12m in donations and legacies. The ‘proportionality’ of this to the alleged (neither serious nor sexual) offence is hard to accept.</p>

<p>Sir Wyn Williams, the president of the Welsh tribunals, also agreed that the evidence ‘could, if proved, constitute good cause for the removal of the Dean from office.’ In fact, he expressed the view that he ‘would have been surprised if the opposite conclusion had been reached,’ and also that a decision <i>not</i> to refer the complaint to a tribunal ‘would, probably, have been unreasonable.’ Trustees of Christ Church could not therefore have safely ignored this complaint.</p>	<p>Sir Wyn Williams was commissioned to write an opinion. He was only furnished with prosecution testimony, and carefully says in his opinion: “on the basis of the documents I have been shown ...”. Obviously, if a lawyer only sees the prosecution case, it is hard to reach a conclusion other than that the case should be heard. Trustees managed a complaint about theft and staff harassment perpetrated by a member of Governing body a few months earlier quite differently.</p>
<p>Repeated claims by Dr Percy and his supporters that Dame Sarah Asplin cleared or exonerated Dr Percy are simply untrue.</p>	<p>Dame Sarah Asplin states that the allegation, even if true, was neither serious nor sexual.</p>
<p>The tribunal to assess the facts of the matter was to be held in March of this year. Its progress was slowed by Dr Percy’s ill health; he was signed off sick for seven months in the period from October 2020 to April 2021. This prolonged absence triggered our incapacity process to consider the whether the Dean was well enough to continue in his role. This would have been the case for any trustee who had been ill for more than six months. Both the disciplinary and the medical procedures were withdrawn once Dr Percy agreed to resign and leave Christ Church as part of the settlement that was reached in February 2022 in the fourth round of mediation.</p>	<p>Progress was also slowed by awkward evidence that came to light, including the complainant’s employment and visa status, that might have cast considerable doubt on some key testimonies. The attempt to remove the Dean for medical incapacity was brought by Dr Judson (by now Senior ex-Censor), who determined he had no conflict of interest in the matter, and could therefore seek the Dean’s removal. He attempted to engineer and coerce the Dean to undergo an assessment from an expert in personality disorders, with a view to obtaining a medical diagnosis that would allow him, as Senior ex-Censor, to remove the Dean as being ‘mentally unfit’ to work.</p>

<p>The settlement agreement</p> <p>Ms Jeune was central to Governing Body’s acceptance of the proposed negotiated settlement in February 2022, as without her agreement it would have been utterly inappropriate for Christ Church to abandon an inquiry into her complaint of sexual harassment</p>	<p>These were matters for Christ Church, not the Dean. The Dean had indicated by now, that after 4.5 years of disputes, he would settle with the refund of his legal fees and compensation (but no apology). Once again, we note the slipperiness of the terms used: “assault”, “harassment” and “safeguarding” were all applied to the one alleged incident, depending on the audience and authority being lobbied. In the event, no authority assessed this as an assault, harassment or safeguarding. That is a fact.</p>
<p>The first mediation began in July 2018, but was unsuccessful. Two further mediation processes took place, and were also unsuccessful. It took three and a half years for any of the offers we made to Dr Percy to be accepted. We would have been delighted to settle earlier, but we could not settle with Dr Percy if he would not settle with us.</p>	<p>In the opinion of many, mediation was never entered into in good faith by Christ Church, and was also consistently used as a means for furthering conflict and breakdowns in relations.</p>
<p>Ongoing harassment of Ms. Jeune Some of the Dean’s supporters have followed his own line of claiming that the alleged harassment never took place. Others seem to accept that perhaps it did, but have then sought to minimise its seriousness. Many apparently believe that such an allegation is barely worth mentioning.</p>	<p>Legitimate questions about unfairness and lack of due process in the framing of the allegation against the Dean do not amount to harassment. Dame Sarah Asplin stated that the allegation, even if true, was neither serious nor sexual.</p>
<p>This young woman, who had shown enormous courage and composure throughout the eighteen months since the alleged incident occurred, had been subjected to repeated attacks on her probity in blogs and the press. In fact, The Times has been criticised by IPSO (the Independent Press Standards Organisation) for publishing information from documents which ought to have been private and could have been used to identify the complainant, which was not allowed without her permission. In addition, the ICO (Information Commissioner’s Office) has confirmed that some information used by Dr Percy should not have been shared.</p>	<p>The documents that are alleged to be private were not; nor are they in confidential. The adverse briefings by Fellows of Christ Church to the media placed the story in the public domain. All the Dean’s supporters tried to do was, quite reasonably, to defend him from further impugning.</p>
<p>Before speaking to the <i>Telegraph</i>, Ms Jeune had been named online and details about her made public, despite the fact that anyone making a report of sexual assault has an automatic right to lifetime anonymity.</p>	<p>The CDM, Thames Valley Police and others were pressed to prosecute the Dean, but found no evidence of sexual assault. No sexual harassment procedure was invoked either.</p>

<p>This information having been revealed, Ms Jeune, after a great deal of thought and deliberation, made the courageous decision that she would concede her anonymity and talk about her ordeal in an interview with the media.</p>	<p>The incident as described was not an assault, harassment or safeguarding, despite the attempts of the College to establish one of these charges with a gravity of some kind.</p>
<p>There has been an increasingly personal campaign against Ms Jeune. She has been accused of making the whole, or at least some of the alleged incident up or to have allowed a little misunderstanding – that Dr Percy had touched her hair and complimented her about it - to be weaponised by the ‘cabal’. This suggestion has been explicitly rejected by Ms Jeune as insulting.</p>	<p>The ‘weaponization’ of the allegation is indisputable, with half-a-dozen different and very serious legal avenues pursued in order to prosecute the Dean. Ms Jeune has every right to be insulted that Christ Church claimed she is a vulnerable adult, lacking agency, as they have done. Equally, the Dean has a right to defend himself.</p>
<p>The Governance review</p> <p>With the former Dean’s departure behind us, we are now pleased to be setting up the Governance Review. This will consider all of Christ Church’s processes and structures and a selection procedure is currently taking place for an independent Chair, who will be named next month.</p>	<p>It is unlikely that any such review, presided over by the same members of Governing Body who took Christ Church down this road, can be trusted with oversight of a review. That would constitute the Fellows setting, marking and grading their own homework. There can be no public trust and confidence in any charity or educational establishment proceeding in this way.</p>
<p>We had long wished that it would never be necessary to write the piece you have just read. Now it is done, we hope to put this traumatic past behind us and be allowed to concentrate on furthering the outstanding work of the College, Cathedral and School that together make up our unique foundation.</p>	<p>[1] Does this explain why the Charity Commission has been investigating Christ Church for over three years? [2] Why has the Charity Commission had to formally demand an account of how much money has been spent by Christ Church on their actions against the Dean over several years, including trying to understand who authorized the payments? [3] Can Governing Body produce (genuine, authentic) minutes and records of these meetings at which expenditure was approved, and the prospects of legal action against the Dean properly risk assessed? [4] Why have the Solicitors Regulation Authority been investigating the lawyers used by the College for over three years? [5] Will anything less than a Statutory Inquiry (Charity Commission) or Judicial Inquiry into the alleged malfeasance and misconduct be adequate in the settling of these serious unresolved issues?</p>

