

Investigation into the potential involvement of Jimmy Savile with Whitby Hospital

A report prepared by York Teaching Hospital NHS Foundation Trust.

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Contents		Page Number
1.	Introduction	3
2.	Terms of Reference	4
3.	Executive Summary and Recommendations	6
4.	Approach to the investigation	7
5.	Allegation	9
6.	Whitby Hospital Background Information	11
7.	Chronology of Jimmy Savile's association with Whitby Hospital	12
8.	The Cultural Context at the time	13
9.	Findings of the Investigation Team	14
10.	How Complaints were dealt with at the time of the Incidents	16
11.	Current Policies, Practise and Procedures	17
12.	Overall Analysis and Conclusions	18
13.	Recommendations	19

Appendices

Appendix A Investigation Team Biographies

Appendix B List of Documents reviewed

Appendix C List of those interviewed.

1. Introduction

This investigation was instigated following an allegation made to Operation Yewtree by a former member of staff at Whitby Hospital, that Jimmy Savile (referred to as "Savile" throughout this report) had touched her inappropriately whilst he was visiting a hospital ward at Whitby hospital. The incident was said to have taken place sometime between 1964 and 1968.

Operation Yewtree was set up by the Metropolitan Police in 2012, following a number of allegations made by individuals about Savile.

The Whitby hospital building where the alleged incident took place was demolished in the late 1970s. It was rebuilt, also in the late 1970s, and still stands to this day as Whitby Hospital. Whitby Hospital was acquired by and became the responsibility of York Teaching Hospital NHS Foundation Trust (YTHFT) in 2011; therefore YTHFT is required to investigate the allegation.

An investigation team was put together to determine the Terms of Reference for this investigation. The investigation comprised of interviews with the former member of staff who had made the allegation, a review of any relevant and available evidence, a review of Policies and Procedures and a review of any privileges afforded to Savile at the time of the allegation.

The team comprised Mike Proctor, Deputy Chief Executive and Chief Nurse, Elaine Miller, Head of Risk and Legal Services and Gail Addinall, Serious Incident Investigator.

Mike Proctor (MP) was appointed as the chair of the investigation and attended a meeting with the Department of Health in London on 9th December 2013. The purpose of the meeting was to brief all those organisations that had, in November 2013, received information via Operation Yewtree about Jimmy Savile in connection with their NHS premises, or those for which they were now responsible as successor organisations.

MP was provided with information from Operation Yewtree on 8th November 2013 and subsequently briefed Elaine Miller (EM) as Lead Investigator.

Gail Addinall (GA) provided support in interviewing the former member of staff.

Kate Lampard was appointed by the Secretary of State for Health to oversee the three larger investigations at Broadmoor, Leeds and Stoke Mandeville. She has been asked to assure the Secretary of State about the quality of other investigations (including this one) and Verita are supporting her in her role.

YTHFT appointed Capsticks solicitors to provide legal assurance for this report. The Trust Board considered and signed off this final investigation report on 28th May 2014.

2. Terms of Reference

The Terms of Reference were prepared in draft by the lead investigator and were approved by the Board of Directors at a meeting on 29th January 2014.

TERMS OF REFERENCE

Internal Investigation into allegations concerning Jimmy Savile.

The Board of York Teaching Hospital NHS Foundation Trust (YTHFT) has commissioned an investigation into Jimmy Savile's association with Whitby Hospital now under the management of YTHFT and its predecessor bodies following allegations that he had inappropriate contact with a member of staff during one of his occasional visits to the hospital.

YTHFT will work with independent oversight from Kate Lampard, appointed by the Secretary of State for Health to oversee the NHS and Department of Health investigations, to produce a report that will;

- Thoroughly examine and account for Jimmy Savile's association with Whitby Hospital, now under the control of YTHFT or its predecessor bodies, including any approval given for any roles and the decision making process relating to this.
- Consider the access arrangements and any privileges afforded to Jimmy Savile, the reasons for these and whether they were subject to usual or appropriate supervision and oversight. Consider the extent to which any such special access and/or privileges and /or lack of supervision and oversight resulted from Jimmy Savile's celebrity, or fundraising role within the organisation.
- Review relevant policies, practices and procedures which were in place during his association with Whitby Hospital now under the control of YTHFT and its predecessor bodies and compliance with these.
- Investigate any past and current complaints and incidents concerning Jimmy Savile's behaviour at Whitby Hospital now under the control of YTHFT or its predecessor bodies including: where incident(s) occurred, who was involved, what occurred, whether these complaints or incidents were appropriately reported, investigated and addressed, and, if not, the reasons for this.

The investigation does not have the power to impose disciplinary sanctions or make findings as to criminal or civil liability: where evidence is obtained of conduct that indicates the commission of criminal and /or disciplinary offences, the police and/or relevant employers will be informed.

- Where complaints or incidents were not reported, or not investigated, or where no appropriate action was taken, consider the reasons for this. Including the organisational culture and practices and the part played, if any, by Jimmy Savile's celebrity or fundraising role within the organisation.
- Consider if Jimmy Savile was associated with any fundraising activities associated with Whitby Hospital now under the control of YTHFT and its predecessors and any issues that arose in relation to the governance, accountability for and the use of funds.
- In the light of findings of fact in respect of the above, consider whether YTHFT's current safeguarding, complaints, whistle blowing and other policies and processes relating to the matters mentioned above are fit for purpose.
- Produce a report that answers all of the above remit and identifies recommendations for future action.
- The investigation team will work closely with Verita who will ultimately be reviewing the reports and providing support to Kate Lampard in her assurance role.
- The investigation will be undertaken during January 2014 and the report will be concluded and verified by the appointed solicitor in time for disclosure to Verita no later than 21st February 2014.

January 2014

3. Executive Summary and Recommendations

In November 2013, the Department of Health made YTHFT aware of allegations made by a former member of staff, "W", that Savile had touched her inappropriately sometime between 1964 and 1968. She alleged that Savile had been present occasionally within Whitby Hospital in the years between 1964 and 1968. On one of those occasions, W said that Savile had put his arms around her and touched her inappropriately.

YTHFT undertook an investigation at the request of and in accordance with the guidance provided by the Department of Health.

W was interviewed in person by two members of the investigation team and two other current/former members of staff, "R" and "S" were spoken to by telephone. R & S were known to have worked at Whitby Hospital at the relevant time.

W worked as a nurse at Whitby Hospital at night between 1964 and 1968. She worked differing nights. During the interview with W, EM asked W if she recalled two other members of staff (S and R) who had worked at Whitby Hospital during the day at the relevant time, giving W the names of those former employees. Understandably, given the passage of time and the fact that W only worked nights, W did not recall either of the two individuals named by EM.

W gave the surname of a member of staff "X" she thought had worked there at the time in question. W did not know the first name. The investigation team has been unable to trace this individual via appropriate searches of payroll records and the telephone directory.

When R & S were interviewed, neither had any relevant information regarding Savile and said they had never seen him at Whitby Hospital.

W gave information to the investigation about Savile's occasional visits to Whitby Hospital between 1964 and 1968. She talked about Savile's inappropriate behaviour towards her. W said that during one of Savile's visits to Whitby Hospital, he put his arm around her and made a comment that she found to be inappropriate. She did not make a complaint to anyone at the time, because, she said, in that day people did not make complaints, but she dealt with the matter herself, telling Savile not to behave inappropriately.

Taking into account the evidence of W and having had the opportunity of interviewing W in person, the investigation team had no reason to disbelieve her and therefore conclude that the incident she described took place.

As a result of reviewing current policies, it is recommended that the Trust develops a Policy that will clearly identify the steps to be taken when celebrities or “VIPs” attend the hospital, and to ensure they are accompanied at all times.

4. Approach to the Investigation and methodology

The information from Operation Yewtree was delivered to YTHFT at York Hospital on 8th November 2013.

The information was passed to MP who subsequently attended a meeting at the Department of Health on 9th December 2013 to be briefed along with other Trusts and given guidance as to how the investigations into any allegations were to be undertaken.

On 12th December 2013 MP met with EM to brief her as to the role of the Lead Investigator and passed to her the documentation provided by Operation Yewtree.

The aims of the investigation and the tasks to be undertaken by YTHFT were as follows:

- To investigate the allegation made by W and to establish whether any incident had taken place.
- To establish the extent of Savile’s association with Whitby Hospital, if any, including any fundraising activities Savile may have been involved in.
- Review relevant policies relating to the period of time relevant to the allegations.
- Review relevant current YTHFT policies and procedures to ensure they are fit for purpose.

As part of the investigation process, YTHFT was to:

- Investigate and provide a draft of their report (assured by their solicitors), to Verita no later than 21st February 2014
- Publish its report on a date to be agreed with the Department of Health (“DH”)

During the investigation:

- DH sent details of the local police force Special Point of Contact (SPOC) to the Lead Investigator, together with details of the SPOC at the Metropolitan Police Service.
- DH provided YTHFT with contact details of other NHS hospitals named within the information obtained from the Metropolitan Police.

- YTHFT ensured proper support mechanisms were in place for any victims/witnesses.

In order to ensure a thorough investigation, a report was produced, supported by relevant evidence and information available.

The investigation team was not able to source an employee record for W, because the file has been destroyed. The NHS Records Management Code of Practice was only introduced in 2006, and superseded Health Service Circulars 1999/053, 'For the Record' which provided guidance to NHS organisation on the retention and destruction of records. The NHS Records Management Code of Practice now requires NHS organisations to retain employee records for 6 years after they leave employment, after which a summary file must be retained until the employee's 70th birthday. This was not the case at the time of the incident. In addition the investigation team:

- Undertook a search of local media archives, including our own archives and local press and radio coverage in an attempt to identify any news stories linking Savile to Whitby Hospital.
- Attempted to locate any Board minutes relating to the appropriate timeframe. However Whitby Hospital has been governed by various bodies over the past 50 years (since the alleged incident took place) and consequently we have been unable to locate any Board minutes. In conclusion we have searched for
 - Board Minutes
 - Media Stories about Savile visiting Whitby
 - Staffing Records
 - Policies

We have searched trust, local and national archives and have been unable to locate any relevant media information or other records.

EM contacted W, the former member of staff who had made the allegation, to arrange an interview with her. EM explained that she would be accompanied by GA at the meeting.

In January 2014, YTHFT contacted David Firth of Capsticks solicitors, who were instructed to provide legal assurance in relation to the investigation report.

At various stages during the investigation process, YTHFT had contact with the Department of Health, Kate Lampard and Verita, to update them on progress, to listen to progress being made in relation to other investigations and to consider guidance given in relation to expectations for the report. We felt able to raise issues with them where necessary.

Interviews with witnesses were conducted either in person or by telephone, with notes of the telephone interviews being taken. In all, we spoke with three witnesses. The two witnesses interviewed over the phone have had their statements read to them and they have confirmed the accuracy.

When W was interviewed, a note of the content of the conversation was taken and transcribed onto a Personal Laptop at the time of the interview and a copy of the notes were sent to W for validation.

All interviews were conducted in accordance with guidance received from the Department of Health and the Terms of Reference. Following her interview, W was offered support but this was declined. We have shared the findings of the investigation with W.

5. Investigating the Allegation

YTHFT received one piece of information from MPS/Operation Yewtree.

The allegation was that a former member of staff said that Savile had touched her inappropriately but not in a sexual or intimate way.

The former member of staff (“W”) reported to Prudhoe Police and subsequently Operation Yewtree that Savile had attended Whitby Hospital when she worked there as a night sister, between 1964 and 1968.

During the time she worked at the hospital, W said that Savile visited occasionally. At times, he was on his own, on other occasions, he was accompanied by a person W reported as being “a driver”.

During her interview with the investigation team W told us about the geography of the hospital. She recalled the hospital as consisting of 2 large wards, one male and one female, with a further 4 bedded ward and some single rooms, with the accident and emergency department located to the rear of the building. Her recollection was that Savile used to wander around; W said “he knew the place”.

W said that Savile was very “touchy feely” and used to “paw you”. She said that he had on occasion put his arms around her but that she had told him she did not like it and told him to stop.

W said that on one occasion, Savile approached her, put his arm around her and said “Nurseynursey, I’ve made you a cup of tea”. She told Savile she did not like tea.

She recalled that the younger members of staff used to say they did not like Savile’s behaviour towards them, but because it was Savile, W said those

members of staff would not tell him to stop, although W advised them to do so. She thought that they may have felt unable to tell him to stop because of who he was.

W said she could not recall Savile approaching any patients, or having contact with them.

We also asked W about her recollection of relevant matters, such as her knowledge of policies and practices of the day and any fundraising events or charity days which Savile may have been involved in, and she responded that she was not aware of any.

In addition to W, the investigation team also made contact with a former member of staff, "S", who had recently retired, having previously worked at Whitby Hospital. She had been a manager at Whitby Hospital from 1970-1973 and then again from 1980 until she retired in 2013.

On being asked whether or not she had any knowledge of Savile having visited Whitby Hospital, she said that she had no knowledge of him ever having visited. S also provided the name of "R", another former member of staff, who S knew to have worked at Whitby Hospital during the time of the allegations (between 1964 and 1968).

When R was interviewed, she advised that she had worked at Whitby Hospital from 1962 until 2002, having taken a period of maternity leave in the 1960s. She was employed as a nurse. R said that she had never seen Savile in Whitby Hospital. She said to her recollection, the only celebrity to ever visit Whitby Hospital was Princess Margaret who opened the new Hospital in 1979.

6. Whitby Hospital Background Information

Whitby Hospital was part of the North Yorkshire and York Primary Care Trust provider arm and was acquired by York Teaching Hospital NHS Foundation Trust as part of the Transfer of Community Services project in 2011.

Following the First World War a new hospital was built on the present hospital site at Springhill and named The War Memorial Hospital in remembrance of those who had fallen during the war.

In 1925 The War Memorial Hospital at Whitby was officially opened by HRH Princess Mary, Viscountess Lascelles.

In the late 1970s, the War Memorial Hospital was demolished and a new hospital was built on the same site to incorporate the services provided by Eskdale Hospital, St Hilda's Hospital, the War Memorial Hospital, Community Health Office and Clinic and a GP Surgery Health Centre. The Hospital was renamed Whitby Hospital and officially opened in 1979 by HRH Princess Margaret, Countess Snowden and is the hospital currently in use.

The GP Surgery Health Centre moved out of the hospital into their own purpose built premises in 1990.

The allegations in relation to this investigation relate to The War Memorial Hospital at Whitby, not the existing hospital, but we have also referred to that previous hospital in this report as Whitby Hospital.

7. Savile's association with Whitby Hospital

As part of our Terms of Reference, the investigation has sought to identify whether or not Savile had any association, formal or otherwise, with Whitby Hospital.

There is no documented chronology of Jimmy Savile's association with Whitby Hospital. There are no Board minutes or other documentation relating to the period of time in question. The investigation team searched media archives and the internet and found no mention of Savile visiting. The only information we have been able to secure is the evidence of W who said that Savile visited occasionally at night between 1964 and 1968.

We have found no record of Savile acting in any capacity as a volunteer at Whitby Hospital.

8. The Cultural Context at the time

W has described the cultural context as being a free society where sexism was accepted and part of everyday life. She said that people did not report, or make complaints about, inappropriate behaviour as at that time it was accepted as the norm. W stated that nurses had asked if they could wear trousers when on duty, but had been told that they could not as it was not considered appropriate for women to wear trousers. She considered that this reflected the culture of the day. W did comment that it was not an infrequent occurrence at that time for a female nurse to be 'touched' by male patients.

9. Findings of the Investigation Team

The investigation team tried to find staff records relating to person 'X' named by W during her interview, but were unable to locate any from the relevant time. Unfortunately, the surname is not uncommon, therefore attempts to trace 'X' through, for example, telephone records, have been unsuccessful. The hospital has been managed by various organisations since 1964 to date and it is concluded that records pertaining to the period have been destroyed or lost.

As the alleged incidents took place during the period 1964-1968, there has been very little evidence to follow up on with the exception of the information provided by W.

There is no reason to believe that the information provided by W is not true. She presented as a truthful witness. We have been unable to find any corroborative evidence to support the allegations, but we accept W's evidence to be true.

W did not make any allegations of behaviour of a sexual or intimate nature, only that Savile put his arm around her. Although she found it inappropriate at the time, she did not make a complaint to management at the time, but dealt with the matter herself. W felt that that was the way things were dealt with in those days and we accept that this is her view given there is nothing to demonstrate otherwise.

R was questioned by telephone as noted in Chapter 5 but had no relevant information to relay. She did not remember W, but we found that to be understandable, given that they worked opposite shift patterns and also the passage of time, which might make recollection difficult.

There is no known or documented association of Jimmy Savile with Whitby Hospital with the exception of the information provided by W.

We found no documented access arrangements or privileges accorded to Jimmy Savile. We were unable to find any Board minutes of Whitby Hospital covering the period in question, 1964 -1968. The only information available to the investigation team to suggest that Savile attended Whitby Hospital on an occasional basis is the evidence of W, who said Savile was allowed to walk around as he pleased.

This however was on an occasion when W says there were only 2 staff to look after the patients and there would have been no security or other management staff to challenge him.

No relevant Policies or Procedures have been found from the period surrounding the allegations. The evidence of W strongly suggests that there were unlikely to be any in place at the time in question (between 1964 and 1968). Even if policies and procedures had been in place, they will not have been retained under the NHS

Record Management Code of Practice Scheme. The NHS Records Management Code of Practice published in 2006 now explicitly sets out an extensive schedule for the retention of corporate and non-corporate records. For example, Board papers are now required to be retained for 30 years and Policies 10 years.

No evidence has been found of any Fundraising Activities at Whitby Hospital, either during the period of the allegations or at all. Searches have been undertaken of local media archives which have revealed nothing. We can find no evidence of Whitby Hospital having a registered charity associated with it at the time in question. The investigation team checked with the York Teaching Hospital Charity and established it was not registered until 11/4/1996 and so there are no records pertaining to Whitby Hospital for the period 1964-1968.

10. How Complaints were dealt with at the time of the incidents

The investigation team has searched for and can find no documentation that determines the specific arrangements with regard to complaints at the time of the allegations. The investigation team has searched for and can find no complaints logs or documentation.

Given W's evidence, it is likely that local arrangements for complaints handling were in place at the time of the allegation. She could not recall any specific process in place at the time. Prior to the passing of The Hospital Complaints Procedure Act 1985, each hospital dealt with complaints in its own way and in any event, the content of the 1985 Act was directed at patient complaints, not complaints from staff. Prior to the 1985 Act, there was no structured guidance for dealing with complaints.

11. Current Policies, Practices and Procedures

All of the Trusts policies relating to Safeguarding, Complaints, Whistle Blowing and the guidance for External Communications and Media Handling and Volunteers, and other relevant policies have been reviewed and have been found to be fit for purpose, with the exception of the External Communications and Media Handling Policy. This is a guidance document that outlines the Trust's processes for managing external communications including media.

As a result of this investigation we have recommended that the External Communications and Media Handling Guidelines are reviewed and revised in accordance with best practice.

The Trust has a system and process in place for the review of all policies to ensure they are in date and comply with all legislation or other guidance as appropriate.

All Trust policies are managed by a Policy Manager and have been developed in line with the former NHSLA Standards for the development of Policies. It is the role of the Policy Manager to ensure that all policies are in date, and that they are amended as appropriate at their review date. Policies have an identified approval route determined by the Governance structure within the organisation. For example, some policies will be approved by the Board of Directors (high level policies such as the Risk Management Policy) whilst others may be approved by other governance groups (for example a Fire Policy would be approved by the Non Clinical Health and Safety Committee).

The Investigation Team are aware that Hospitals are a public place and therefore members of the public can enter the hospital without challenge. However the Trust Security Policy does incorporate lock down procedures during out of hours which prevents any unauthorised individuals from walking around any of the York Teaching Hospital NHS Foundation Trust properties unaccompanied. In addition, during all hours there are areas of restricted access where entry can only be given by demonstrating the right to be there (for example, Maternity, Special Care Baby Unit etc). The Trust also provides guidance through its 'Ten Simple Visitor Steps'.

Any visiting celebrity or dignitary would always be accompanied and this would be managed by the Communications Team on behalf of the Chief Executive's Office. As a result of this investigation, we recommend that the organisation takes steps to develop the External Communications and Media Handling Guidelines into a policy which would cover specific information with regard to VIP visitors which will be based on best practice guidelines with immediate effect.

12. Overall Analysis and Conclusions

The allegation made by W in relation to Savile's inappropriate and unwanted behaviour towards her has been investigated as thoroughly as possible. However, the investigation has essentially focused on a primary witness statement. The Investigating Team have been unable to locate any supporting documentation that might corroborate the witness statement, and this is due to the significant time period between the alleged incident having taken place and the incident being reported. It is highly likely that any documentation from the period in question has been destroyed. However the Trust is confident that it has been able to fulfil the investigation's terms of reference.

We found W to be a reliable and truthful witness and nothing has been found during the course of this investigation which might place her account in doubt. The Investigation Team therefore conclude that the incident as she described did take place.

However due to the passage of time there is also no way of validating the information.

R said quite clearly that she never saw Savile in Whitby hospital when she worked there. She worked during the day and has no recollection of W who only worked nights.

13. Recommendations

As a result of the investigation the Trusts guidelines on External Communications and Media Handling are to be reviewed and a Policy will be developed which will clearly identify the steps to be taken when dealing with celebrities or any other visiting individual. This will be undertaken by the Head of Communications and completed by October 2014.

Investigation Team Biographies

Mike Proctor

Mike Proctor RN BSc(Hons). Deputy Chief Executive/Chief Operating Officer and Chief Nurse of York Teaching Hospital NHS Foundation Trust. Board member since April 1998.

Elaine Miller

Head of Risk and Legal Services at York Teaching Hospital NHS Foundation Trust since 2000 with responsibility for all Risk Management and Legal Services. Responsible for the Serious Incident Investigation process and ensuring compliance with external commissioner's contractual requirements. Has been employed in the Trust since 1985.

Gail Addinall

SI Investigator for York Teaching Hospital NHS Foundation Trust since 2011 with responsibility for co-ordination and completion of serious incident and critical incident investigations. Previously worked at NHS Yorkshire and the Humber in the role of Business Manager for the Directorate of Patient Care & Quality coordinating the business of the directorate for serious incidents, independent investigations, nursing, mental health and patient experience.

Appendix B

List of documents examined

The following policies were reviewed as part of the investigation and were found to be in date and fit for purpose.

Safeguarding Policy (currently under review)

Concerns and Complaints Policy (for review 30/6/2015)

Whistleblowing Policy (for review 19/4/2015)

External Communications and Media Handling Guidelines (currently under review)

Security Policy (for review 31/8/2016)

Volunteer Guidance (for review 31/10/2016)

Appendix C

List of those interviewed

By telephone by MP, S

By telephone by EM, R

By personal interview by EM and GA. W