

**NAPAC**

**EXTERNAL BOARD EFFECTIVENESS REVIEW**

**PETER BUCKLEY**

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### ***\*The small print...***

*The conclusions and recommendations have arisen from both available physical documentation and the comments made by the 2008 Board members themselves, applying appropriate judgement so that isolated remarks were not given undue weight.*

*This report has been produced at the request of the current NAPAC Board of Trustees, and while it may be released to a third party, there is no liability to such third party for any judgements, recommendations or the like contained herein.*

*Please note that the report does not constitute legal advice.*

## 1) **INTRODUCTION**

### **1.1 Preface**

During the past three decades, those who have experienced working in the charitable sector whether in voluntary or employed roles will attest to the many changes, some of which have been seismic. Indeed, one area stands out both in terms of importance and sadly in some instances notoriety.

This area of change is the improvements in governance. Both the management of, adherence to and communications regarding governance.

Governance and its preeminence have been evident throughout society over this time and it has been in the charitable field that the impact has been keenly felt. As a result, the charity sector itself has taken great pains to compile clear guidelines outlining and then detailing the roles and responsibilities of trustees and management teams.

While this review is not aimed at a broader statement on the sector's approach, it is fair to say one factor often cited as a root cause resulting in errors, sometimes with serious consequences, is trust and sadly in a number of high profile examples, the loss of this trust.

Organisations work effectively and achieve much when trust is not only self-evident, but underpins 'the way we work around here'. Paired with robust governance policies and procedures they go a long way towards aligning the values and actions of all those who serve.

Finally, the application and regular auditing specifically relating to the assimilation of governance policies, paired with daily reinforcement embodied in the leadership of any organisation, ensures a resilience that mitigates risks of aberrant human behaviours.

This external board effectiveness review is of the NAPAC governance systems and processes in and around 2008 and now 2019. It has been undertaken at the request of the Board in order to accord with recommended best practice under the UK Small Charities Governance Code.<sup>1</sup>

I have no connection to NAPAC and was referred by an external provider, Stephen McAndrew who is known to Gabrielle Shaw, NAPAC's Chief Executive. Gabrielle Shaw subsequently undertook to review my credentials, as with those of others, prior to and during my selection interview.

The purpose of this report is to evaluate the NAPAC governance policies and procedures both in 2008 and currently in 2019 to determine their effectiveness when applied by the relevant Boards as well as to make recommendations as to where that effectiveness could be enhanced. A snapshot of both of these objectives is contained in Section 3.1 'Terms of Governance Review'.

The methodology outlining how the work for this report has been undertaken is contained in Appendix 1.

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<sup>1</sup><https://www.charitygovernancecode.org/en/pdf>

## **1.2 NAPAC and the Board**

NAPAC was founded in 1998. The current Chair, John Bakker, was appointed in February 2015, following which the current Chief Executive, Gabrielle Shaw, assumed her role in April 2015. The current Board is listed in section 3.2 and appendix 4.

NAPAC is a highly successful charity and the past four years under the leadership of the current Chief Executive have seen:

- Ambitious and clear strategic plans, setting out NAPAC's aims over the next five years
- Employee Handbook outlining comprehensive policies and procedures where none existed previously – applies equally to staff and trustees
- Safeguarding policy
- Feedback policy for external complaints/compliments
- Financial controls and procedures document
- Successful year-on-year Home Office funding since 2014 - excellent feedback from the Home Office on NAPAC's performance
- Visits by two separate Home Secretaries to NAPAC as an example of a 'best practice' third-sector service they fund
- Wholesale rejuvenation of the Board, with external recruitment leading a much enhanced and diverse set of skills and backgrounds
- Settled and professional staff team with low turnover
- Continuing professionalisation of NAPAC and confirmation of its status as a UK-wide voice and expert in this area
- Clarity regarding the roles of all trustees and how they operate together as a Board and interact with senior management
- Registration of NAPAC as a charity in Scotland with the Scottish Charity Regulator (OSCR) in 2019
- NAPAC's training function is now on a much more business-like and planned footing
- Appointment of a professional fundraiser
- Rationalisation of business functions leading to NAPAC's support services being wholly centralised in Stockport (leading to a much more efficient model of service delivery for NAPAC's beneficiaries).

*\*Further details on the current Board composition can be found in section 3.2 and appendix 4 where trustees and their individual expertise are detailed.*

### **1.3 External Governance Policies and Procedures Review**

As a charity working in the field of adult survivors of childhood abuse, NAPAC has recently experienced a number of challenges arising from an article in the Mail on Sunday<sup>2</sup> in late August 2019 regarding an incident in 2008 with NAPAC's Founder and Spokesperson, Peter Saunders.

This article and subsequent press disclosure and social media criticism not only damaged the reputation of the charity but also the morale of the workforce who are loyally committed to the charity's goals and objectives for the good of the survivors they serve.

Following the publication of the article, the Board issued a statement stating: *"It is with regret the NAPAC Board of Trustees has suspended Pete Saunders from his role as Founder and Spokesperson with immediate effect. This period of suspension will allow a process of investigation into the issues raised by a story published on 25 August 2019 regarding an incident in 2008"*.

The Board acted promptly stating *"We will share updates on the outcomes of this process. NAPAC is committed to continuously improving our governance and practices, and the valuable work we do in supporting victims and survivors of childhood abuse remains unchanged."*

The matters outlined above will all influence the way the Board leads NAPAC forward and it is against this backdrop that this review has been produced.

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<sup>2</sup> <https://www.dailymail.co.uk/news/article-7391713/Charity-chief-quits-child-sex-abuse-inquiry-drunken-lunch-tryst-molested-victim.html>

## **2) EXECUTIVE SUMMARY**

### **2.1 NAPAC then and now – from vulnerability to resilience**

#### **NAPAC – then (2008)**

The maintenance of historical records is critical not only for the reasons that have prompted this governance review but also for organisational learning, development and improvement.

This review has been undertaken against the current Charity Commission codes of practice. Practice in 2008 was undoubtedly less exacting for charities of a similar size to NAPAC. It also has to be understood that however assiduous charity trustees were and are in overseeing the work of charities employing staff, inevitably there has to be a significant degree of trust between the trustees and the employees.

In 2008 there was very little in the way of comprehensive and systematic record-keeping, and the NAPAC Board meeting minutes (as well as annual reports) from that time that were available very much focussed on operational matters with little or no evident discussion regarding 'governance' in any of its forms. There is no historical documentation relating to governance training, education, reviews and approval of documentation.

This review demonstrates what could appear as poor practice in 2008 especially in the fact that the majority of the trustees were known to the Founder. However in 2008 this would have been common practice. Also it would be an impossibility for the trustees to be aware of matters which were kept covert and which were not raised as complaints or grievances at the time. However where complaints or grievances were made to the trustees they should have been assiduous in their examination of the complaints and undertaken thorough investigations not taking as read the declarations of the founder of the organisation.

In summary, appointments to the NAPAC Board of Trustees around 2008 were based largely on personal acquaintance, with relevant documentation lacking, and this review can only conclude that the degree of governance and indeed governance culture in place at the time, was insufficient and placing the charity at risk.

#### **NAPAC – now (2019)**

The current NAPAC Board of Trustees is operating very effectively in a time of challenge and change for both the charities sector and themselves. An effective board is important within any charity, now more than ever.

The current NAPAC Board's effectiveness stems in part from the following characteristics:

- Visionary leadership
- Long term strategic planning backed with operational plans that are regularly assessed, reviewed and adjusted to maintain the vision, goals and objectives
- Appointed officers applying regular operational reviews of all systems and process

In summary, rigorous standards of appointments and governance introduced since 2017 under strong and accountable leadership, with a complete change of trustee membership since the incident giving rise to this review, ensures the charity is in a strong position to address any similar challenge to that arising today as a result of events in 2008.

## **2.2 Recommendations for enhancement.**

The following five recommendations fall into two broad categories: the first three being more operational and the final two strategic.

### **2.2.1 BOARD DEVELOPMENT/GOVERNANCE REVIEW**

- Undertake regular (recommended every three years) external board review of governance policies and procedures.

\*Note: In discussion with the CEO the following information was provided concerning the plans that were already underway prior the 2008 incident becoming known to the Board in late August 2019.

An extract of recorded Board meeting minutes in June 2019 read:

*'JBk (Chair) presented his proposal that the Board undertake a formal governance review to ensure Board-level practices and processes meet best practice guidelines.*

*The Board formally agreed to use the Charity Governance Code as the basis for the governance review. On a related point, JBk suggested that a Board away day would be a useful way to structure this governance review. The Board agreed with this approach'.*

### **2.2.2 ENHANCE THE APPROPRIATE LEVELS OF ARCHIVING**

- On-going review and auditing of the current system would be a useful enhancement of what is already good practice.

It is clear from this review that robust and easily accessible archiving is beneficial in so many ways. Whether for risk management, knowledge and development, learning from previous actions or when challenged by untoward events. In discussion with the CEO it is clear this aspect of the charity's administration has been handled in a very professional and timely manner.

### **2.2.3 RESILIENCE TRAINING AND DEVELOPMENT THROUGH CASE STUDIES**

- Consider joint work with other charities where experiences and learning gained from dealing with difficult governance issues are shared and used to enhance collective resilience and support.

### **2.2.4 PERSONAL DEVELOPMENT FOR EXECUTIVE OFFICERS**

- Provide executive officers with the opportunity for wider leadership development.
- Through attending programmes with senior-level colleagues outside of the charity sector they will not only enhance their skills but provide perspective and strategic insight into the wider challenges in society at large that can or may have ramifications for the charities sector.
- In addition this enables the subsequent transference of experience/learning to NAPAC.

### **2.2.5 MENTORSHIP**

- Establish wider mentoring opportunities for trustees where individuals consider the benefit an enhancement of their role and what they bring to the NAPAC Board.

### 3) **THE REPORT IN DETAIL**

3.1. *Terms of governance review*

3.2. *Board composition, expertise and role*

3.3. *Board management in relation to governance systems and processes*

3.4. *Governance resilience.*

#### 3.1. **Terms of Governance Review**

1. To examine all the available documentation and paperwork from the time of the ‘incident’ in 2008 and to understand what governance systems existed at the time and how they were applied.
2. Talk to the people who were present at the time (three have been named during a telephone conversation with Gabrielle Shaw, CEO on 1 October 2019) and to ascertain their understanding of how governance was applied and exercised.
3. Examine how NAPAC’s new governance systems and policies would hold up in the case of a similar incident occurring.
4. Deliver a workshop for the Board of Trustees and CEO to share findings and learning.
5. Additionally, on completion and agreement:
  - Publish the outcomes of this external governance review on NAPAC website, as well as sharing them with the Charity Commission and Home Office (principal funder).

#### 3.2. **Board composition, expertise and role – 2008 and 2019**

For the purpose of this governance review, a critical component is a clear understanding of the contribution each trustee provides to NAPAC, its vision, mission, goals and objectives. For a trustee board to be effective a combination of breadth and depth of expertise is vital and helps ensure not just focus and support, but critically appropriate challenge and critique.

With this in mind, what follows is a description of each trustees role and a brief biography outlining relevant skills.

#### **NAPAC Board of Trustees (2008)**

<b>TRUSTEE</b>	<b>BRIEF BIOGRAPHY</b>
Jon Bird (Chair between 2006-2011)	Geography teacher and declared survivor with lived experience. <ul style="list-style-type: none"><li>• <b><i>NAPAC trustee from 8 December 2001 – 16 January 2012</i></b></li></ul>
James Badenoch QC	James Badenoch QC was pupil to John (later Mr Justice) Alliot, and Harry (Lord) Woolf at 1 Crown Office Row where he practised up until his retirement. He specialised for over 25 years in clinical negligence, medical law, and professional discipline. He took silk in 1989. He appeared in a succession of major cases in the House of Lords, the Privy Council, the Court of Appeal, the High Court, the GMC and the GDC. He acted for both claimants and defendants. James was listed for many years in the principal directories as one of the foremost practitioners in the fields of clinical negligence, professional discipline, and personal injury. <ul style="list-style-type: none"><li>• <b><i>NAPAC trustee from 17 May 2004 – 5 April 2017</i></b></li></ul>



Ken Newall	Network Rail manager
	<ul style="list-style-type: none"> <li>• <i>NAPAC trustee from 17 May 2004 – 3 December 2014</i></li> </ul>
Jayne Larnie	Declared survivor with lived experience and campaigner
	<ul style="list-style-type: none"> <li>• <i>NAPAC trustee from 20 January 2005 – 16 April 2012</i></li> </ul>
Julie Ann Brock	Worked in education
	<ul style="list-style-type: none"> <li>• <i>NAPAC trustee from 11 May 2009 – 7 March 2011</i></li> </ul>
Karen Nock	Social worker
	<ul style="list-style-type: none"> <li>• <i>NAPAC trustee from 23 March 2006 – 11 May 2009</i></li> </ul>
Patricia Wennell	Peter Saunders' wife
	<ul style="list-style-type: none"> <li>• <i>NAPAC trustee from 20 October 2008 – 19 May 2013</i></li> </ul>

### Current NAPAC Board of Trustees (November 2019)

TRUSTEE	BRIEF BIOGRAPHY
<b>John Bakker (Chair)</b>	<p>John Bakker has been Chair of NAPAC since February 2015 and came to the organisation having had considerable experience of both executive and non-executive positions in the third sector.</p> <p>John is a qualified and registered social worker also with a background in psychology, counselling and therapy. He has specific expertise in the safeguarding of both children and adults. In addition to his grass-roots experience in social work practice he has worked up to director level in the NHS and local authorities in both the delivery and commissioning of health and social care services.</p> <p>During the last 30 years John has also had a parallel career in HR, OD and training and development and has been a Chartered Member of CIPD and was made a Chartered Fellow around five years ago.</p> <p>John has been self-employed as an interim manager/director and consultant in these areas for almost 20 years and in the last couple of years has increasingly focused his on safeguarding and, amongst other work, is an independent safeguarding consultant to the Church of England.</p> <p>John's contribution to his safeguarding work, and to his role with NAPAC, is enhanced by his lived experience of abuse as a youngster.</p> <p>In addition to a number of academic qualifications (which include an MBA where his thesis was on the reasons for the failure of 3<sup>rd</sup> sector organisation) he holds a Diploma in Company Direction from the Institute of Directors and achieved IoD Chartered Director status in early 2018, undertaking this because of his commitment to improving governance in the charity and not-for-profit sector. John is currently working on his PhD thesis in Psychology and Neuroscience, researching the impact of adverse childhood experiences on DNA replication and ageing; he aims to complete this in 2021.</p> <ul style="list-style-type: none"> <li>• <i>John Bakker was appointed to the NAPAC Board of Trustees on 25 February 2015</i></li> <li>• <i>He was invited to join as Chair by the Board after being introduced by Peter Saunders and following interview by the trustees at a board meeting</i></li> </ul>
<b>Trevor Croft (Deputy Chair)</b>	Trevor served as an officer in the Australian Army in command and leadership positions for 18 years including selection and attendance at the Australian Army Command and Staff College for senior officers. He has

	<p>accumulated an additional 22 years of international experience in leadership, technology and organisational transformation at portfolio and programme levels.</p> <p>In his international and commercial roles he has worked in Australia, Saudi Arabia, Malaysia, Singapore, Thailand, China, USA and UK. He is currently deployed on his second tour to Saudi Arabia as a Portfolio Manager in the defence industry. Trevor has executed global business transformations as a senior executive for multiple industry sectors including financial services, retail and life sciences. His career includes financial services, government, defence, retail, pharmaceutical, treasury, retail and wholesale banking. His professional passion is leading, transforming, optimising and delivering complex technology and business portfolios. His focus is to promote good organisational governance and to deliver investments through repeatable and predictable success.</p> <p>Trevor's experience in commanding and leading troops in the field has led him to understand the impacts of people being abused in their younger lives and hence his interest in serving in NAPAC as a trustee.</p> <ul style="list-style-type: none"> <li>• <i>Trevor Croft was appointed to the NAPAC Board of Trustees on 6 December 2017</i></li> <li>• <i>Trevor was introduced to NAPAC by John Bakker: subsequently submitted CV and met other trustees by attending a meeting as an observer, prior to formally joining</i></li> </ul>
<p><b>John Griffiths (Treasurer)</b></p>	<p>John is a regulatory compliance specialist with over 25 years' experience of the UK governance, prudential and conduct of business requirements, gained through his experience at the regulator and subsequently as a consultant.</p> <p>For the last two years John has been employed as Compliance Officer for three UK regulated entities. Prior to assuming these roles, John was a Managing Director at Duff &amp; Phelps where he had joint responsibility for a team of 24 people, providing compliance advice and assistance to regulated firms in the alternative investment management sector, primarily private equity firms and hedge funds.</p> <p>John initially qualified as a Chartered Accountant with KPMG (London) and therefore brings financial skills and experience to the Board of NAPAC as well as an understanding of the need and importance of sound systems and controls. This is supplemented by the fact that John has served as treasurer and latterly Chair of Trustees of his local church for the last 20 years, from which roles he has an understanding of requirements placed on charitable companies.</p> <p>As well as providing input to the Board where appropriate on financial matters, John also acts as a sounding board in this area for the CEO and the COO and engages with NAPAC's external accountants.</p> <ul style="list-style-type: none"> <li>• <i>John Griffiths was appointed to the NAPAC Board of Trustees on 15 February 2017</i></li> </ul>

	<ul style="list-style-type: none"> <li>• <i>He was introduced to NAPAC by the Founder and subsequently submitted his CV and met other trustees by attending a meeting as an observer, prior to formally joining</i></li> </ul>
<b>Mary Newman</b>	<p>Mary has been a senior civil servant and an NHS Director. She has an MA (Oxon) in Oriental Studies, is a member of the Chartered Institute of Management Accountants and is a Q Fellow in the NHS. She joined the NAPAC Board in 2017. She has had considerable experience as a governance, risk management and quality management expert. She is also an experienced mentor and public speaker.</p> <p>Mary has considerable experience of devising and introducing measures to improve the experience of vulnerable witnesses involved in criminal justice issues, the direct improvement of safeguarding measures to protect people from abuse while under NHS care, and promoting the importance of candour when things go wrong in public services. She spent much of her childhood in boarding school and knows several survivors. She currently lives in London.</p> <ul style="list-style-type: none"> <li>• <i>Mary Newman was appointed to the NAPAC Board of Trustees on 15 February 2017</i></li> <li>• <i>She was recruited via a formal external campaign, led by Trustees Unlimited on behalf of NAPAC. She went through a paper application, interview with the Chair and observation at a meeting prior to formally joining</i></li> </ul>
<b>Philippa Gale</b>	<p>Philippa is a chartered psychologist with over fifteen years in the field. Her experience covers all aspects of change and talent management, through leading transformation projects and delivering organisational change, to building strategic learning and development programmes, developing senior leaders and designing selection and assessment processes.</p> <p>Philippa has a BSc (Hons) in Psychology (2:1), and an MSc in Occupational Psychology (Distinction). She is a Change Management Master Practitioner (British Quality Foundation) and an Associate Fellow of the British Psychological Society (chartered status is within the Division of Occupational Psychology).</p> <ul style="list-style-type: none"> <li>• <i>Philippa Gale was appointed to the NAPAC Board of Trustees on 15 February 2017</i></li> <li>• <i>She was recruited via a formal external campaign, led by Trustees Unlimited on behalf of NAPAC. She went through a paper application, interview with the Chair and observation at a meeting prior to formally joining</i></li> </ul>
<b>Gillian Marks</b>	<p>Gillian practised as a family barrister for over 30 years, specialising in cases concerning children, many of whom had suffered sexual and other types of abuse. She was also a Recorder, (a part-time judge) for 10 years, adjudicating on criminal and family law cases. Gillian represented parents, many of whom were survivors of abuse themselves, children and Local Authorities. She therefore has expertise in dealing with people from all walks of life, and has expertise in all aspects of abuse, including advising agencies such as the police and social services, who are, of necessity, involved in cases where children have been harmed.</p> <p>Gillian was deputy head of her chambers for a number of years. She is able to advise and assist NAPAC on legal issues that arise from time to time, as</p>

	<p>well as assisting in finding solutions for difficult and/or sensitive issues that may arise. Her experience has given her insight into and an ability to empathise with survivors of abuse.</p> <p><i>Gillian Marks was appointed to the NAPAC Board of Trustees on 11th April 2008.</i></p> <p><i>She was recruited via an existing trustee, Tim Lambert. She went through a telephone interview with the Chair and observed at a meeting in February prior to formally joining.</i></p>
<b>Alex Milner</b>	<p>Alex has experience of setting, leading and delivering communications and media strategy – including crisis comms and campaigns – across media and charity/NGO sectors and on all media platforms.</p> <p>She also has experience in HR - hiring, training and mentoring staff; budgeting; setting up new operational and staff systems and ways of working; risk management and union negotiations. Alex has specialist interest and expertise in organisational culture change and diversity</p> <ul style="list-style-type: none"> <li>• <i>Alex Milner was appointed to the NAPAC Board of Trustees on 5 April 2017</i></li> <li>• <i>She was recruited via a formal external campaign, led by Trustees Unlimited on behalf of NAPAC. She went through a paper application, interview with the Chair and observation at a meeting prior to formally joining</i></li> </ul>
<b>Shaun Spencer</b>	<p>Shaun is a barrister specialising in family law whose practice primarily involves complex cases of serious child abuse. In addition to the skill sets one might ordinarily associate with a practising member of the bar: integrity, academic acumen, forensic ability and advocacy; Shaun's specific practice requires him to be closely familiar with the child protection processes, the therapeutic inputs required for victims of abuse (both children and adults) and an almost daily involvement with victims of abuse whose experiences, lamentably, have contributed to or are responsible for limitations in their parenting abilities (amongst other impacts).</p> <p>Beyond providing a regional presence to the NAPAC Board (living in Stockport and practising from Manchester), which mirrors the geographical provision of its primary service to survivors and the staff which provide it, Shaun's skills and experience benefits the Board and, more widely, the charity through his contributions to the charity. Whilst generally people might expect that the presence of a lawyer indicates the existence of a conflict of some sort however in this particular instance that expectation would, pleasingly, be wrong. Beyond legal expertise Shaun consistently attempts to bring harmony and a spirit of co-operation to the board. A task which is easily achieved given the strengths and qualities of the other board members and the CEO.</p> <ul style="list-style-type: none"> <li>• <i>Shaun Spencer was appointed to the NAPAC Board of Trustees on 3 December 2014</i></li> <li>• <i>He was invited to join the Board by Karen Nock, a previous board member.</i></li> </ul>
<b>Tim Lambert</b>	<p>Dr Tim Lambert has been a NAPAC Trustee since 2014. He worked for 20 years as a NHS Consultant Psychiatrist specialising in Forensic Psychiatry,</p>

	<p>and was for several years a Clinical Director, and then a Medical Director, both for London NHS Trusts.</p> <p>Tim has Board-level experience encompassing strategic planning, governance, untoward incidents, financial management, workforce management, development of service bids and service redesign.</p> <p>In his clinical role, Tim worked closely with patients whose backgrounds frequently included historical childhood abuse. In his medical management roles, he was active in the development of patient centred mental health services.</p> <p>Tim is currently a Medical Member of the First-tier Tribunal, Mental Health (previously known as the Mental Health Review Tribunal).</p>
	<ul style="list-style-type: none"> <li>• <i>Tim Lambert was appointed to the NAPAC Board of Trustees on 25 June 2014</i></li> <li>• <i>He was invited to join by Jon Bird (NAPAC's Operations Manager at the time), having known NAPAC through his wife's work as a support line volunteer</i></li> <li>• <i>He met the Chair at the time and attended a meeting as an observer prior to formally joining</i></li> </ul>

### **3.3. Board management in relation to governance systems and processes**

#### **NAPAC Board of Trustees (2008)**

Written responses from two trustees at the time to determine the management of the board and committee meetings and specifically governance systems and processes include the following extracts, which stated:

Respondent A: *"Prior to about 2008 our approach to formal requirements for the governance of NAPAC was to rely upon and to follow the published guidelines of the Charity Commission."*

However, the only recorded evidence of the 2008 NAPAC Board of Trustees acknowledging the necessity for formal governance guidelines within NAPAC appears in the first draft of a 'Trustees Handbook' dated 15 June 2009.

Additionally, from Respondent A:

*"...discharge of our governance duties as Trustees our practice was to keep a close and critical eye on what was done and how things were done by Peter Saunders and all who worked in and for the charity..., and to guide him and the others in the way their duties were discharged. Peter was required to present a detailed report to every trustees' meeting and did so, and that report together with financial information and staffing issues both general and specific, as well as governance decisions, strategy and planning, were the focus of the board meetings."*

From Respondent B:

*"... These observations... accurately describe the developing refinement of the trustees' responsibilities in the period from January 2008 and the approach taken to Governance issues at Trustee meetings. These were closely based on the guidance provided by the Charity Commission for this role. During that period, the regular Trustee meeting agenda covered any arising governance issues raised by the Chair following any representations from the staff team".*

However, evidence from the available records at the time does not provide the same insight into detailed reports submitted to every Board of Trustees meeting.

The responses received and the interview undertaken as part of this review indicate that only the Chair at the time knew of the incident involving Peter Saunders, with the other trustees stating they were completely unaware.

Without prejudicing the separate investigation underway by the current Board into the behaviours and actions since the time the story was published in August 2019 of the Founder of NAPAC, this review can only conclude that the degree of governance and indeed governance culture in place at the time in 2008, was insufficient and placing the charity at risk.

Finally, an information request to NAPAC for relevant historical/archived documentation revealed *"no significant accurate or formal records relating to the governance at NAPAC prior to 2008/09"*.

Limited available record-keeping, documentation and written responses from this time make it difficult to assess the effectiveness of management in the use and implementation of governance systems and processes.

A final area explored was that of recruitment and selection processes for trustees. In this case, the assistance of the then Chair elicited the following information:

*“The recruitment in 2008 and in earlier years was purely on the basis of the personal connections of the Founder. I met the Founder on the Survivors March which was an annual event and Jayne Larnie was involved in organising that march.*

*James Badenoch knew the Founder from being involved with another charity relevant to James’s area of legal expertise (medical negligence). I cannot remember the name of the charity but the Founder was working there for a while.*

*Julie Brock knew Trisha Wennel and the Founder at the very early stages of setting up the charity in 1998.*

*Karen Nock saw the Founder give a talk at a meeting or conference of social workers and offered to help the work of the charity in any way she could.*

*There was no systematic recruitment process for trustees until 2012 when we used Trusteeworks.”*

## **NAPAC Board of Trustees 2019**

A comprehensive portfolio of governance documentation is readily available and it is clear that this portfolio undergoes regular review, audit and approval. Examples include:

- Articles of Association (updated 2018)
- Financial Procedures
- Operating Principles
- Conflict of Interest Policy
- Feedback Policy
- Safeguarding Policy
- Employee Handbook
- Risk Register
- NAPAC Strategic Plan

Recruitment details for the current NAPAC trustees are listed in section 3.2 and appendix 4.

### 3.4. Governance resilience

While governance guidelines in 2008 were perhaps not as detailed, clear and specific as exist today, there are some clear procedures that should have been in place at the time.

In support of an effective comparison between the ‘then and now’, accurate record-keeping and archiving should have been in place at the time. This was not the case in 2008.

For the purpose of accuracy, it should be noted that the charity moved office location (2017) during the timeframe of this review, (2008-2019), and as the current CEO explained “*There was nothing of that sort (archiving) in place, so we invested in an external contractor to come in and basically scan all the old paper records NAPAC had, organising this information in a coherent and accessible manner that also meets best practice in data management*”.

Detailed progress reports of this work are available and it is clear that what existed from the period before, during and after 2008 was not archived nor filed in any effective manner. An extract from the January 2018 ‘Scanning Project progress report’ refers to “*Paperwork was mixed up in such a way that totally unrelated documentation was bundled together.*”

The following table provides an insight into the legal requirements for record-keeping which if adhered to would have enabled a clearer comparison.

Document	Retention period	Reason for retention period
Trustee/director/governor minutes of meetings and decisions made as resolutions in writing	Minimum 10 years from the date of the meeting or from the date of passing a resolution in writing	Data Protection Act*, Companies Act, Charities Act
Minutes of general meetings and members' resolutions passed other than at a general meeting	Minimum 10 years after the date of the meeting/resolution/decision	Companies Act, Charities Act
Contracts relating to a purchase by the company of its own shares	Minimum 10 years either from the date of completion or the date on which the contract otherwise determines	Companies Act
Directors' service contracts	Minimum one year from the date of termination of the contract	Companies Act
Annual accounts and annual review	Permanently	Data Protection Act*
Major agreements of historical significance	Permanently	Data Protection Act*
Investment certificates	Permanently	Companies Act, Charities Act, commercial
Health and safety records	Three years for general records. Permanently for records relating to hazardous substances.	Personal injury actions must generally be commenced within three years of injury. However industrial injuries not capable of detection within that period (e.g. Asbestos) the time period may be substantially extended.
Investment ledger	Permanently	Companies Act, Charities Act, commercial
Fixed assets register	Permanently	Companies Act, Charities Act, commercial
Contract with customers, suppliers or agents, licensing agreements, rental/hire purchase agreements, indemnities and guarantees and other agreements or contracts	Six years after expiry or termination of the contract. If the contract is executed as a deed, the limitation period is twelve years	Limitations Act 1980 <sup>5</sup>

\* Where Data Protection Act is cited in this document it should be noted that neither the Data Protection Act 2018 nor the General Data Protection Regulation specify any retention timeframes. We have included suggestions that we feel are reasonable “best practice” but Organisations should adopt their own retention periods in these cases, documenting also the reason for the retention.



#### 4) **BOARD RESPONSIBILITIES AND THEIR MANAGEMENT**

In the context of governance, the responsibilities of a board are clear. However, all too often it is taken for granted that all trustees not only comprehend their responsibilities but enact them in all their deeds and actions.

To contextualise this, below is a shortlist (reference) that may be used as a touchstone:

1. Organisational purpose
2. Leadership
3. Integrity
4. Decision making, risk and control
5. Board effectiveness
6. Diversity
7. Openness and accountability

In determining the resilience of any organisation it will always be that when a challenge or problem arises, then, and only then, can one be assured you are ready. This can be summarised by the quotation “A plan is only a good one up to the point of contact...”

Within the scope of the above list, there are key areas which when explored in more detail can assist in determining the resilience of a trustee board to external and internal challenges of which the trigger for this review acted as a catalyst.

Therefore to aid the examination of how NAPAC’s new governance systems and policies would hold up in the case of a similar incident occurring, the following specific outcomes are worthy of consideration:

**Leadership:** The board agrees the charity’s vision, values and reputation and leads by example, requiring anyone representing the charity reflects its values positively.

**Integrity:** Members of the board and those working in or representing the organisation are seen to be acting with integrity, and in line with the values of the charity. e.g. trustees adopt and adhere to a suitable code of conduct that sets out expected standards.

**Decision making, risk and control:** The board has sound decision-making and monitoring framework which helps the organisation deliver its charitable purposes. It is aware of the range of financial and non-financial risks it needs to monitor and manage. e.g. trustees consider risk that relates to their situation and where they work, for example charities working with children or vulnerable adults will probably look at risks relating to safeguarding.

**Openness and accountability:** The charity takes seriously its responsibility for building public trust and confidence in its work. e.g. The board makes sure that there is a transparent, well-publicised effective, and timely process for making and handling a complaint, and that any internal or external complaints are handled constructively, impartially and effectively.

## **5) HOW THE GOVERNANCE SYSTEMS AND PROCESSES COMPARE**

The challenge when making a comparison between the systems and processes that were present in NAPAC in 2008 and today is difficult. A starting point for any comparison would be documentation detailing policies and procedures or recorded minutes of board meetings referring to review of relevant publications, training and development or incidents which, in their recorded management demonstrate effective governance. Sadly, little that is meaningful is available in current archives covering the 2008 period under review.

The paucity of evidence of regular documentation and detailed listing of issues covered, decisions reached and actions agreed in any of the few documents available from 2008 do not provide any confidence in the effectiveness of the then governance systems and processes.

What little documentation exists, arises from anecdotal feedback from the interview and written responses as discussed in section 3.3.

The statements received detailing how governance was executed at the time and the difference in perspectives about the handling of the 2008 incident point to a culture that was open to the risk of serious incidents occurring. Both written sources from the time and individuals' feedback do not effectively dispel this concern.

In summary, this review found no evidence of any systematic governance procedures in place at the time of the incident. Appointments by charities of this kind were based largely on personal acquaintances. Documentation is lacking, and does not properly substantiate reports by previous trustees who were in place in 2008 of Board engagement in comprehensive governance oversight of the organisation or adoption at the time of even basic Charity Commission codes or standards.

Documentation and reporting was largely in the hands of the Founder/CEO, so it is possible that a number of trustees were effectively 'kept in the dark'.

By contrast, this review finds that the systems and processes that have been introduced since the appointment of new leadership in 2015 to be exemplary, being both transparent, comprehensive in their coverage, and demonstrably implemented.

An entirely new Board of Trustees and executive is in place, appointed largely through an objective recruitment process, and members are actively engaged in, and have familiarised themselves with, their governance responsibilities.

Based on the evidence the organisation in its current form has done everything it can to ensure robust governance now and into the future, and although this is never a complete guarantee against rogue individuals unpredictably acting illegally and/or wholly outside their remit, the regular review and external audit of these systems as suggested by the current Chair is the most reasonable risk mitigation the organisation can undertake.

**12 November 2019**  
**Peter Buckley**  
**Managing Director**  
**Entrusted Consulting Limited**

## **APPENDICES**

1. Methodology
2. Available Governance documentation
3. Copy of Questions
4. NAPAC Trustee Boards (2008 & current)

### **Appendix 1: Methodology**

#### **STAGE 1**

Examination of the relevant documentation and paperwork from the time of the 'incident' i.e. electronic copies of governance policies and procedures as well as relevant written records as examples of governance issues prior to and post the time of the incident in 2008.

#### **STAGE 2:**

Interview those who were present at the time of the incident (three officers/trustees nominated during a telephone conversation with CEO 01:10:2019) to ascertain their understanding of how they as individuals saw governance, as a system and process, was applied and exercised at the time. Discussions will either be face-to-face meetings to be held at NAPAC Offices, London or written replies.

*NOTE: STAGE 2 will not address the separate investigatory work being undertaken by NAPAC to look into the conduct of the founder in relation to the disclosure by the media in August 2019 of the 2008 incident.*

#### **STAGE 3:**

Examine how NAPAC's new governance systems and policies would hold up in the case of a similar incident occurring. Key to the effectiveness of this stage is to have all this material available from both time periods. This would enable cross-referencing and comparison while assisting an effective comparison of their robustness in holding up in the case of a similar incident occurring.

Finally, two fixed points in the schedule will be:

**STAGE 4:** 7 November 2019.

Delivery of workshop to the Board of Trustees and CEO.

**STAGE 5:** Outcomes of external governance review published to relevant stakeholders. Requested for no later than mid-November 2019.

At all stages, regular communication and timely update meetings held with CEO.

### **Appendix 2: Available Governance Documentation\***

#### **NAPAC (2008)**

First Draft 15/06/2009 Trustees Handbook

#### **NAPAC (October 2019)**

\*Copies of current governance documentation are available on request from NAPAC.

Articles of Association (updated 2018)

Financial Procedures

Operating Principles

Conflict of Interest Policy

Feedback Policy

### Appendix 3: Copy of Questions

Request made via CEO to past trustees in post during 2008 asking for information relating to their understanding of governance systems and processes in place at the time.

Below is a direct extract from an email sent by the current CEO to all trustees in post during 2008:

This governance review will focus on the governance and practical application of policies and procedures that were in place in 2008. It will also look at the governance that is in place today in order to draw out lessons and a comparison between 'then and now'.

We will make the key outcomes of this external governance review available on our website once it has concluded, and there may be some press and social media interest in the published findings.

I'm therefore writing to you now to firstly make you aware that this governance review is ongoing and that the findings will be published. Secondly, I would like to offer you the opportunity to feed in to this governance review. If you do wish to contribute, then it would be very helpful to receive your thoughts and responses on the following questions:

1. *During your tenure as a trustee of NAPAC, were you aware of NAPAC governance policies and procedures in force at the time (particularly around 2008)?*
2. *During your tenure did any trustees meeting agenda include specific reference to governance issues? If yes, please could you list them?*
3. *Did you receive any training or presentations on governance policies and procedures documentation? Was any such documentation distributed to you during your tenure?*

You may wish to give your answers (and any other wider information or queries you may have) directly to the external governance expert undertaking this review, rather than to me. That is absolutely fine if so. Please just let me know and I will give you his contact details.

Of course, this is entirely your choice and you may not wish to participate at all. It was and is important to give you the option either way.

### Appendix 4: NAPAC Trustee Boards (2008 and 2019)

#### NAPAC Board of Trustees (2008)

TRUSTEE	BRIEF BIOGRAPHY
Jon Bird (Chair between 2006-2011)	Geography teacher and declared survivor with lived experience. <ul style="list-style-type: none"> <li>• <b><i>NAPAC trustee from 8 December 2001 – 16 January 2012</i></b></li> </ul>
James Badenoch QC	James Badenoch QC was pupil to John (later Mr Justice) Alliot, and Harry (Lord) Woolf at 1 Crown Office Row where he practised up until his retirement. He specialised for over 25 years in clinical negligence,

	<p>medical law, and professional discipline. He took silk in 1989. He appeared in a succession of major cases in the House of Lords, the Privy Council, the Court of Appeal, the High Court, the GMC and the GDC. He acted for both claimants and defendants. James was listed for many years in the principal directories as one of the foremost practitioners in the fields of clinical negligence, professional discipline, and personal injury.</p> <ul style="list-style-type: none"> <li>• <i>NAPAC trustee from 17 May 2004 – 5 April 2017</i></li> </ul>
Ken Newall	<p>Network Rail manager</p> <ul style="list-style-type: none"> <li>• <i>NAPAC trustee from 17 May 2004 – 3 December 2014</i></li> </ul>
Jayne Larnie	<p>Declared survivor with lived experience and campaigner</p> <ul style="list-style-type: none"> <li>• <i>NAPAC trustee from 20 January 2005 – 16 April 2012</i></li> </ul>
Julie Ann Brock	<p>Worked in education</p> <ul style="list-style-type: none"> <li>• <i>NAPAC trustee from 11 May 2009 – 7 March 2011</i></li> </ul>
Karen Nock	<p>Social worker</p> <ul style="list-style-type: none"> <li>• <i>NAPAC trustee from 23 March 2006 – 11 May 2009</i></li> </ul>
Patricia Wennell	<p>Peter Saunders' wife</p> <ul style="list-style-type: none"> <li>• <i>NAPAC trustee from 20 October 2008 – 19 May 2013</i></li> </ul>

### **NAPAC Board of Trustees (October 2019)**

<b>TRUSTEE</b>	<b>BRIEF BIO</b>
<b>John Bakker (Chair)</b>	<p>John Bakker has been Chair of NAPAC since February 2015 and came to the organisation having had considerable experience of both executive and non-executive positions in the third sector.</p> <p>John is a qualified and registered social worker also with a background in psychology, counselling and therapy. He has specific expertise in the safeguarding of both children and adults. In addition to his grass-roots experience in social work practice he has worked up to director level in the NHS and local authorities in both the delivery and commissioning of health and social care services.</p> <p>During the last 30 years John has also had a parallel career in HR, OD and training and development and has been a Chartered Member of CIPD and was made a Chartered Fellow around five years ago.</p> <p>John has been self-employed as an interim manager/director and consultant in these areas for almost 20 years and in the last couple of years has increasingly focused his on safeguarding and, amongst other work, is an independent safeguarding consultant to the Church of England.</p> <p>John's contribution to his safeguarding work, and to his role with NAPAC, is enhanced by his lived experience of abuse as a youngster.</p> <p>In addition to a number of academic qualifications (which include an MBA where his thesis was on the reasons for the failure of 3<sup>rd</sup> sector organisation) he holds a Diploma in Company Direction from the Institute of Directors and achieved IoD Chartered Director status in early 2018, undertaking this because of his commitment to improving governance in the charity and not-for-profit sector. John is currently working on his PhD thesis in Psychology and Neuroscience, researching the impact of adverse childhood experiences on DNA replication and ageing; he aims to complete this in 2021.</p>

	<ul style="list-style-type: none"> <li>• <i>John Bakker was appointed to the NAPAC Board of Trustees on 25 February 2015</i></li> <li>• <i>He was invited to join as Chair by the Board after being introduced by Peter Saunders and following interview by the trustees at a board meeting</i></li> </ul>
<p><b>Trevor Croft (Deputy Chair)</b></p>	<p>Trevor served as an officer in the Australian Army in command and leadership positions for 18 years including selection and attendance at the Australian Army Command and Staff College for senior officers. He has accumulated an additional 22 years of international experience in leadership, technology and organisational transformation at portfolio and programme levels.</p> <p>In his international and commercial roles he has worked in Australia, Saudi Arabia, Malaysia, Singapore, Thailand, China, USA and UK. He is currently deployed on his second tour to Saudi Arabia as a Portfolio Manager in the defence industry. Trevor has executed global business transformations as a senior executive for multiple industry sectors including financial services, retail and life sciences. His career includes financial services, government, defence, retail, pharmaceutical, treasury, retail and wholesale banking. His professional passion is leading, transforming, optimizing and delivering complex technology and business portfolios. His focus is to promote good organizational governance and to deliver investments through repeatable and predictable success.</p> <p>Trevor's experience in commanding and leading troops in the field has led him to understand the impacts of people being abused in their younger lives and hence his interest in serving in NAPAC as a trustee.</p> <hr/> <ul style="list-style-type: none"> <li>• <i>Trevor Croft was appointed to the NAPAC Board of Trustees on 6 December 2017</i></li> <li>• <i>Trevor was introduced to NAPAC by John Bakker: subsequently submitted CV and met other trustees by attending a meeting as an observer, prior to formally joining</i></li> </ul>
<p><b>John Griffiths (Treasurer)</b></p>	<p>John is a regulatory compliance specialist with over 25 years' experience of the UK governance, prudential and conduct of business requirements, gained through his experience at the regulator and subsequently as a consultant.</p> <p>For the last two years John has been employed as Compliance Officer for three UK regulated entities. Prior to assuming these roles, John was a Managing Director at Duff &amp; Phelps where he had joint responsibility for a team of 24 people, providing compliance advice and assistance to regulated firms in the alternative investment management sector, primarily private equity firms and hedge funds.</p> <p>John initially qualified as a Chartered Accountant with KPMG (London) and therefore brings financial skills and experience to the Board of NAPAC as well as an understanding of the need and importance of sound systems and controls. This is supplemented by the fact that John has served as treasurer and latterly Chair of Trustees of his local church for the last 20 years, from</p>

	<p>which roles he has an understanding of requirements placed on charitable companies.</p> <p>As well as providing input to the Board where appropriate on financial matters, John also acts as a sounding board in this area for the CEO and the COO and engages with NAPAC's external accountants.</p> <ul style="list-style-type: none"> <li>• <i>John Griffiths was appointed to the NAPAC Board of Trustees on 15 February 2017</i></li> <li>• <i>He was introduced to NAPAC by the Founder and subsequently submitted his CV and met other trustees by attending a meeting as an observer, prior to formally joining</i></li> </ul>
<b>Mary Newman</b>	<p>Mary has been a senior civil servant and an NHS Director. She has an MA (Oxon) in Oriental Studies, is a member of the Chartered Institute of Management Accountants and is a Q Fellow in the NHS. She joined the NAPAC Board in 2017. She has had considerable experience as a governance, risk management and quality management expert. She is also an experienced mentor and public speaker.</p> <p>Mary has considerable experience of devising and introducing measures to improve the experience of vulnerable witnesses involved in criminal justice issues, the direct improvement of safeguarding measures to protect people from abuse while under NHS care, and promoting the importance of candour when things go wrong in public services. She spent much of her childhood in boarding school and knows several survivors. She currently lives in London.</p> <ul style="list-style-type: none"> <li>• <i>Mary Newman was appointed to the NAPAC Board of Trustees on 15 February 2017</i></li> <li>• <i>She was recruited via a formal external campaign, led by Trustees Unlimited on behalf of NAPAC. She went through a paper application, interview with the Chair and observation at a meeting prior to formally joining</i></li> </ul>
<b>Philippa Gale</b>	<p>Philippa is a chartered psychologist with over fifteen years in the field. Her experience covers all aspects of change and talent management, through leading transformation projects and delivering organisational change, to building strategic learning and development programmes, developing senior leaders and designing selection and assessment processes.</p> <p>Philippa has a BSc (Hons) in Psychology (2:1), and an MSc in Occupational Psychology (Distinction). She is a Change Management Master Practitioner (British Quality Foundation) and an Associate Fellow of the British Psychological Society (chartered status is within the Division of Occupational Psychology).</p> <ul style="list-style-type: none"> <li>• <i>Philippa Gale was appointed to the NAPAC Board of Trustees on 15 February 2017</i></li> <li>• <i>She was recruited via a formal external campaign, led by Trustees Unlimited on behalf of NAPAC. She went through a paper application, interview with the Chair and observation at a meeting prior to formally joining</i></li> </ul>

<p><b>Gillian Marks</b></p>	<p>Gillian practised as a family barrister for over 30 years, specialising in cases concerning children, many of whom had suffered sexual and other types of abuse. She was also a Recorder, (a part-time judge) for 10 years, adjudicating on criminal and family law cases. Gillian represented parents, many of whom were survivors of abuse themselves, children and Local Authorities. She therefore has expertise in dealing with people from all walks of life, and has expertise in all aspects of abuse, including advising agencies such as the police and social services, who are, of necessity, involved in cases where children have been harmed. She was deputy head of her chambers for a number of years. She is able to advise and assist NAPAC on legal issues that arise from time to time, as well as assisting in finding solutions for difficult and/or sensitive issues that may arise. Her experience has given her insight into and an ability to empathise with survivors of abuse.</p>
	<p><i>Gillian Marks was appointed to the NAPAC Board of Trustees on 11th April 2008.</i></p> <p><i>She was recruited via an existing trustee, Tim Lambert. She went through a telephone interview with the Chair and observed at a meeting in February prior to formally joining.</i></p>
<p><b>Alex Milner</b></p>	<p>Alex has experience of setting, leading and delivering communications and media strategy – including crisis comms and campaigns – across media and charity/NGO sectors and on all media platforms.</p> <p>She also has experience in HR - hiring, training and mentoring staff; budgeting; setting up new operational and staff systems and ways of working; risk management and union negotiations. Alex has specialist interest and expertise in organisational culture change and diversity</p> <ul style="list-style-type: none"> <li>• <i>Alex Milner was appointed to the NAPAC Board of Trustees on 5 April 2017</i></li> <li>• <i>She was recruited via a formal external campaign, led by Trustees Unlimited on behalf of NAPAC. She went through a paper application, interview with the Chair and observation at a meeting prior to formally joining</i></li> </ul>
<p><b>Shaun Spencer</b></p>	<p>Shaun is a barrister specialising in family law whose practice primarily involves complex cases of serious child abuse. In addition to the skill sets one might ordinarily associate with a practising member of the bar: integrity, academic acumen, forensic ability and advocacy; Shaun's specific practice requires him to be closely familiar with the child protection processes, the therapeutic inputs required for victims of abuse (both children and adults) and an almost daily involvement with victims of abuse whose experiences, lamentably, have contributed to or are responsible for limitations in their parenting abilities (amongst other impacts).</p> <p>Beyond providing a regional presence to the NAPAC Board (living in Stockport and practising from Manchester), which mirrors the geographical provision of its primary service to survivors and the staff which provide it, Shaun's skills and experience benefits the Board and, more widely, the charity through his contributions to the charity. Whilst generally people might expect that the presence of a lawyer indicates the existence of a conflict of some sort however in this particular instance that expectation would, pleasingly, be wrong. Beyond legal expertise Shaun consistently attempts to bring harmony and a spirit of co-operation to the board. A task which is</p>



	<p>easily achieved given the strengths and qualities of the other board members and the CEO.</p> <ul style="list-style-type: none"> <li>• <i>Shaun Spencer was appointed to the NAPAC Board of Trustees on 3 December 2014</i></li> <li>• <i>He was invited to join the Board by Karen Nock, a previous board member.</i></li> </ul>
<p><b>Tim Lambert</b></p>	<p>Dr Tim Lambert has been a NAPAC Trustee since 2014. He worked for 20 years as a NHS Consultant Psychiatrist specialising in Forensic Psychiatry, and was for several years a Clinical Director, and then a Medical Director, both for London NHS Trusts.</p> <p>Tim has Board-level experience encompassing strategic planning, governance, untoward incidents, financial management, workforce management, development of service bids and service redesign.</p> <p>In his clinical role, Tim worked closely with patients whose backgrounds frequently included historical childhood abuse. In his medical management roles, he was active in the development of patient centred mental health services.</p> <p>Tim is currently a Medical Member of the First-tier Tribunal, Mental Health (previously known as the Mental Health Review Tribunal).</p> <ul style="list-style-type: none"> <li>• <i>Tim Lambert was appointed to the NAPAC Board of Trustees on 25 June 2014</i></li> <li>• <i>He was invited to join by Jon Bird (NAPAC's Operations Manager at the time), having known NAPAC through his wife's work as a support line volunteer</i></li> <li>• <i>He met the Chair at the time and attended a meeting as an observer prior to formally joining</i></li> </ul>