

## CHAPTER 7

### The Evidence of Abuse

#### Introduction

- 7.1 Term of Reference 7 requires us to consider the experience of those witnesses who suffered abuse or believe that they suffered abuse.
- 7.2 The Inquiry has considered allegations of abuse of children in residential children's homes, Les Chênes, Family Group Homes (FGHs) and foster homes. The evidence falls into the following broad categories:
- abuse alleged to have been perpetrated by members of staff, or by foster parents;
  - abuse alleged to have been perpetrated by other residents at the homes;
  - abuse alleged to have been perpetrated by others, including visitors to homes.
- 7.3 While abuse perpetrated by family members is outside the scope of the Inquiry's Terms of Reference, our review of the case histories for many children shows that many children in care had previously suffered abuse within the family prior to their admission into care. For some, the care system did little or nothing to better their lives.
- 7.4 It is not the function of the Inquiry to make findings of fact about individual allegations of abuse, but rather to consider the settings in which abuse allegedly occurred, and to identify whether there were cultures in which abuse was permitted to flourish, and whether appropriate steps were taken to deal with abuse when it occurred. Findings on these issues are made in other chapters of this Report.
- 7.5 The States of Jersey did not provide in the Terms of Reference any definition of the word "abuse". We have applied an objective test, measured by society's standards at the time of the alleged abuse. We have based our definition on

that adopted by the Historical Institutional Abuse Inquiry in Northern Ireland and by the World Health Organization. "Abuse" was behaviour that either:

- involved improper sexual or physical behaviour by an adult or another child towards a child; or
- in the case of emotional abuse, was improper behaviour by an adult or another child that undermined a child's self-esteem and emotional well-being, such as bullying, belittling or humiliating a child; or
- amounted, through acts or omissions, to neglect of the child; or
- took the form of adopting or accepting policies and practices, such as numbering children or ignoring or undermining sibling relationships, which ignored the interests of the children or failed to put a stop to such policies and practices.

7.6 Any definition of abuse must be considered with reference to the acceptable standards of the time. This is of particular relevance to allegations of physical abuse. Some witnesses maintained that physical abuse complained of constituted reasonable chastisement in accordance with standards accepted at the time. No question of differing social standards applies in the case of allegations of sexual abuse. No sexual contact of any sort with a child has been acceptable during the period under review.

7.7 In deciding whether there was "systemic failing" in relation to any institution we have adopted the definition submitted by Counsel to the Inquiry in opening:

*"A 'systemic failing' by an institution consists of either:*

- (a) a failure to ensure that the institution provided proper care, or*
- (b) a failure to ensure that the children will be free from abuse so far as is reasonably possible, or*
- (c) a failure to take all proper steps to prevent, detect and disclose abuse, or*

- (d) *a failure to take appropriate steps to ensure the investigation and prosecution of criminal offences involving abuse.”*

### **Witness recollection**

7.8 The evidence of many residents was that they had a happy childhood in residential or foster care and did not themselves experience or witness any abuse. Others tell a very different story, alleging regimes of brutality and incidences of physical and sexual abuse. The fact that accounts may be inconsistent, one with another, does not necessarily mean that one or the other is not telling the truth. The differences in the accounts given may have a number of explanations. Each child had a different experience and may not have seen or experienced things that others did. Recollections may fade or alter with the passage of time.

### **Approach to the evidence**

7.9 Some evidence was given to the Inquiry in the form of oral testimony, where the account given by the witness could be tested by reference to documentary evidence, and his or her credibility assessed. A significant amount of the evidence of abuse considered by the Inquiry arose from witness statements given to the SOJP, or to the Historic Redress Scheme. These accounts were read into the record by Counsel to the Inquiry in order to fulfil our function of making this evidence public. It is noteworthy that, in many cases where evidence was read into the record during Phase 1a, there were available contemporaneous documents from the same witness, whether from Children’s Services records, Police records, Redress Scheme applications or Committee minutes etc. These documents were valuable in demonstrating consistencies or inconsistencies in the accounts. All material presented in oral evidence or read into the record, redacted where necessary, has been uploaded to the Inquiry’s database.

7.10 Nonetheless, the Panel has given careful consideration to the weight to be attached to evidence that was not tested or explored in oral testimony.

- 7.11 The sheer number of potential witnesses and the 70-year time span of the period under review meant that it was not practicable to call oral testimony from every single witness with something relevant to contribute. However, the Inquiry has considered all relevant evidence, irrespective of its form or its source, in order to do justice to the extensive Terms of Reference.
- 7.12 The table at Appendix 2, entitled “Histories of People who Experienced Care in Jersey”, summarises the experiences of all former residents whose evidence we have considered in the course of the Inquiry. We found an overall consistency in the accounts that we heard. We pay tribute to the courage of all those who shared their childhood experiences with us.

**Findings: The evidence of abuse**

- 7.13 We are quite satisfied, on the evidence before us, that many instances of physical and sexual abuse, and emotional neglect, were suffered by children in the care of the States of Jersey throughout the period under review.
- 7.14 The nature and extent of the abuse and neglect have had far-reaching consequences for many of them throughout their adult lives.