

CHAPTER 8

Reporting of Abuse

8.1 The first issue to consider under Term of Reference 8 is how and by what means concerns about abuse were raised and how, and to whom, they were reported. We then have to establish whether there were systems in place for raising concerns. Finally, we have to consider whether any systems that were in place were adequate, and establish any failings they had. Term of Reference 4 is also relevant in this context, as the Inquiry is required to consider the effect of the societal and political environment on the reporting or non-reporting of abuse.

8.2 The position of the States of Jersey as advanced to this Inquiry is that:

“Practices have changed drastically over time, with increased State involvement, the introduction and prominence of a governance culture and a changing and more modern society”.

8.3 Without doubt, that is what one would have expected. Society has changed considerably over the decades, whether one looks at Jersey or at the UK. We have heard evidence of the changes that have occurred in Jersey, as discussed particularly in Chapter 2.

8.4 In its final submissions, the States of Jersey dealt in generalities but did not address the question posed in Term of Reference 8: **whether systems existed to allow children and others to raise concerns** etc. The Panel therefore sought its assistance by way of supplementary submissions addressed to the question.

8.5 In its oral submissions¹ the States of Jersey said this:

“Data is limited in terms of reporting systems that operated historically. Certain cases appear to have been dealt with appropriately at the time and illustrate that there were systems in place that worked at times”.

8.6 It goes on to cite a 1961 instance. On 18 January 1961, the Children’s Sub-Committee (CS-C) held a meeting to consider allegations made the previous

¹ Day 145/40

day regarding the conduct of Peter Brooks, a Housefather at Haut de la Garenne (HDLG).² Peter Brooks admitted having a relationship and having been in the same bed as a 14-year-old resident boy. Following that meeting, Peter Brooks was arrested by the States of Jersey Police (SOJP).

- 8.7 The case of Peter Brooks is one of a small number of cases brought to our attention in which there was disclosure to staff by a child and action taken and is one of very few before the late 1980s. The CS-C meeting was attended by three co-opted members from the Executive Committee, by Patricia Thornton and by the Deputy Superintendent. There is no record available to the Inquiry as to whether steps were taken to review procedures in the Home, although we note that the Education Committee was informed and that the matter was referred to the Attorney General (AG).³
- 8.8 The available evidence regarding this incident is that the 14-year-old boy felt able to disclose the abuse, that his account was taken seriously and that the incident was reported within a short time to the Sub-Committee and to the Police.
- 8.9 There is no evidence that there was a system in the Home at that time to facilitate the reporting of abuse to staff. This incident was treated as self-contained, which was common practice during this era.
- 8.10 A decade later, there was a memorandum⁴ dated October 1969 from Colin Tilbrook to all staff at HDLG. Colin Tilbrook wrote:

"I would also seek to remind everybody that discussion with outside bodies on individual children from the general organisation at Haut de la Garenne should be left to the Superintendent. The nature of our work here must be treated at all times with absolute discretion and confidence must at all times be kept. We deal with very personal ... problems and the less talk there is about them the better for all concerned and this must apply with equal force as far as any individual member of staff is concerned."

- 8.11 The Inquiry has heard allegations against Colin Tilbrook of serious abuse, as set out in Chapter 9 (9.39). He resigned as Superintendent in 1973.

² WD001167/3 and WD009445

³ WD001167/3 and WD009445

⁴ WD002600/6

- 8.12 The States of Jersey submitted, on the one hand, that *“the memorandum might tend to indicate the lack of a culture of openness and transparency, where staff could and should raise concerns directly with, say, the Children’s Officer or the State of Jersey Police”*. It goes on to observe, quite rightly, that *“caution needs to be taken when considering such memoranda, particularly as being representative of a general approach across the homes and agencies”*.
- 8.13 Without making any findings on this specific point, one possibility must be that Colin Tilbrook wrote that memorandum to serve his own interests and to stifle discussion about improper behaviour within the Home.
- 8.14 On 29 November 1973, the Education Committee minuted⁵ an allegation that Gordon Wateridge, a Housefather, had assaulted a boy at HDLG. The Committee resolved that, in the event of the allegation being proved, Gordon Wateridge should be dismissed forthwith. There is no documentation available as to whether the assault was reported to the SOJP, and Gordon Wateridge appears to have resigned. However, within weeks, the Director of Education provided a reference, dated January 1974 and addressed to the Director of Social Services in Oxford. The reference stated that there had been a change of Superintendent at HDLG during the year and that the Wateridges and the new Superintendent *“do not share the same outlook”*.⁶
- 8.15 Mr and Mrs Wateridge were described in the reference as having *“many good qualities and, if given the type of leadership and guidance they at times require, can be an asset to any establishment”*.
- 8.16 The States of Jersey submissions concede that this reference *“was plainly inappropriate”* in the light of the Education Committee resolution of 29 November 1973.
- 8.17 The submissions by the States of Jersey contain other instances of complaints being responded to with greater or lesser degrees of success. These examples include: (i) the 1972 disclosures made by WN162 about WN121 being taken from his bed; (ii) the 1975 disclosures made about Henry Fleming, a neighbour at HDLG; (iii) an alleged assault in 1976 against WN145

⁵ WD001203

⁶ WD001203/4–5

that was not initially reported to the Police; (iv) the 1989 disclosures about abuse committed by Les Hughes at Clos des Sables; (v) the 1990 disclosures by staff about the Maguires at Blanche Pierre; and (vi) the 1991 disclosure of allegations about WN335 at Heathfield. Many of these matters are dealt with in more detail later in this chapter. The States of Jersey also dealt with the introduction of multi-agency response to complaints when they were made, initially in respect of non-accidental injuries to children, largely outside of the care context.

Development of policies and procedures

- 8.18 Until the 1990s, there is no document, protocol or unwritten set of rules, to which our attention has been drawn, that might be said to amount to a system for victims to report abuse.
- 8.19 Before that, we do also note the formation of Childline in 1986 and that Anton Skinner said in evidence that this continued to be a “*valuable*” outlet in Jersey throughout the period under review.⁷ One child who reported allegations of abuse at Clos des Sables in 1989 said that the formation of Childline made her realise that what was happening to her was wrong,⁸ but she did not report it to them. However, she did witness another girl making such a report.⁹ Some disclosures of historical abuse were initially reported using this service during the late 2000s.¹⁰
- 8.20 From 1991, there were Child Protection Guidelines in place,¹¹ but these focused on procedures for professional and voluntary agencies to report abuse. Furthermore, these do not appear to tackle the abuse of children in care and instead seem to focus on suspected abuse within the family home. In contrast to this, the English “Working Together” guidance of the same year included specific procedures recognising the particular challenges in reporting abuse in residential care, and set out a framework for the reporting of such allegations.

⁷ See WD007103/320

⁸ WN23 – WD008922

⁹ WS000011/10

¹⁰ E.g. WD008867/189

¹¹ WD009137

- 8.21 We note that, in 1994, there was, in Jersey, a “Children’s Rights and Complaints Procedure”,¹² which set out that complaints by children should be dealt with at a local level, but that serious complaints could go to the Children’s Officer, who would appoint an Investigating Officer. However, no witness referred to this in evidence and therefore we think it unlikely that this was widely disseminated. In 2002, a “Sexual Misconduct Policy for Children’s Service” was published which set out the duty of members of staff to report any suspicion of sexual or physical abuse to the Child Protection Coordinator, who may then refer it to the SOJP’s Child Protection Team.¹³ By 2004 the Child Protection Committee had published guidance into “allegations against staff” which again focused on the duty of staff to report any complaints of abuse upon receipt (and was largely directed at schools),¹⁴ and the following year, updated child protection procedures were published, which set out basic safeguards to allow for disclosures, including ready access to a trusted adult, readily accessible complaints procedures, and procedures for staff or carers to report concerns of abuse.¹⁵
- 8.22 We acknowledge the evidence of Phil Dennett¹⁶ that, although the 2005 Child Protection Procedures applied to everybody, he was fairly certain that there was a much smaller booklet for staff and young people which directed them to talk to the head of the Home, or to go to a Senior Manager, or to the Child Protection Team. We have not seen any such booklets from the time and no child or member of staff who made a complaint refers to any such booklet.
- 8.23 Despite the above, when concerns were raised with staff at the children’s homes, a recurring theme in the evidence is that the children raising the concerns were subject to further or more severe punishment. In some cases, they were beaten, in others they were kept in detention cells. In the very early part of the period under review it is clear that children were sent, entirely inappropriately, for psychiatric assessment and potentially risked detention in a psychiatric hospital if they raised concerns. Some were threatened with being sent to an Approved School in the UK.

¹² WD008546

¹³ WD009349

¹⁴ WD009035

¹⁵ WD008591

¹⁶ Day 134/16–17 – in relation to the mid-2000s

- 8.24 Many witnesses spoke of being disbelieved and simply having had their concerns brushed aside. They were told they were making things up, dismissed as fantasists or the products of damaged upbringing. They were told that the word of a child had no value against that of an adult.
- 8.25 The culture of each home provides an important context to the reporting (or non-reporting) of abuse. In some homes, the number of alleged abusers deterred some witnesses from speaking out. Former residents said that there was no-one to whom they could turn. Other witnesses say that they disclosed abuse to approachable members of staff but that nothing ever came of it.
- 8.26 Part of a consideration of Term of Reference 4 is the non-reporting of abuse and any explanation given for not disclosing abuse. This issue implicitly requires consideration under Term of Reference 8 as well – in order to establish what systems were in place for reporting abuse and the adequacy of any such systems, we need to consider the evidence of those who did not report abuse and identify why not. Many said that they did not think that they would be believed or that if they did report their concerns they believed that no action would be taken. This evidence was given in relation to reporting concerns to staff in residential children’s homes, child care officers (CCOs) and members of the Honorary Police and SOJP.
- 8.27 Most of the evidence from witnesses who were children in care, about the reporting of abuse, is to the effect that they did not feel able to report abuse at all, as discussed below. The reasons given are many. Some were frightened to raise concerns and feared further punishment if they did so. Some had been punished and humiliated to such an extent that they lacked the confidence and self-esteem to voice their concerns. Some felt unable to approach those in positions of authority, whether staff members, employees of Children’s Services or the Police. They did not think they would be believed. The people to whom they would naturally report abuse were the very people they alleged were abusing them. Some had tried raising their concerns on previous occasions but were punished, disbelieved or humiliated for having done so. The prevailing culture was that children did not speak up.

They were threatened by their alleged abusers with further punishment if they spoke up and/or were told that no one would believe them if they did.

8.28 We note that out of 132 claimants to the Historic Abuse Redress Scheme, 24 reported having complained to Children's Services or residential care staff at the time, 34 made complaints to other third parties, and 74 made no complaint for a variety of reasons.¹⁷

8.29 A selection of accounts in which abuse was not reported are set out below, although several further examples are contained within our examination of the reporting of abuse on a home-by-home basis later in this chapter.

8.30 WN397, resident at HDLG in the 1960s, described WN515 running over her hand with a hot teaspoon for not sweeping the floor to his satisfaction. Her evidence encapsulates what a number of witnesses said about their reluctance or inability to report alleged abuse while in care. She said:

*"I did not tell anyone about this. There was no one to tell. Nobody would have listened."*¹⁸

8.31 WN347 alleged physical abuse by Ray Williams (staff member) after his admission to HDLG in May 1969. He said:

*"I was fearful of him. The assaults by him towards me were numerous and of a bullying nature. This was the person I would have to speak to if I had a problem, but he was the problem."*¹⁹

8.32 WN209 described repeated sexual abuse by Ray Williams in the mid-1960s at HDLG. She told no one at the time *"because he told me not to or I would be in trouble ... I just did as I was told"*.²⁰ In 2008, when she made her Police statement, WN209 had still not disclosed the alleged abuse to her husband or her sister.²¹

8.33 WN217 alleged that she was raped by a male resident just before she left HDLG in 1980. In her Police interview in 2013, WN217 said that she had only ever spoken to her therapist about the alleged rape. She did not report the

¹⁷ Day 145/52

¹⁸ WS000251/5

¹⁹ WS000153/3

²⁰ WS000137/5

²¹ WS000137/7

incident at the time as she was due to leave the Home and wanted to leave “*with no hassle*”. Her assailant had threatened her not to tell anyone and “*the Police never believed a word you said*”. She also thought “*my mother would have made mountains out of it and got nowhere*”.²²

- 8.34 William Dubois moved to La Preference in 1985, and frequently absconded. He said that the Police never asked why he ran away and he did not tell them. He told the Inquiry:

*“No one listened. We were horrible little brats, we were in care, we got what we deserved.”*²³

- 8.35 Another recurring complaint was the lack of opportunity for children to make disclosures. Witnesses spoke of infrequent and supervised family visits, infrequent contact with the CCOs or a distant relationship with the CCO. A number complained that when a CCO visited, he or she spoke predominantly with the staff or Houseparents and did not see the child alone.
- 8.36 Several witnesses said that they did raise concerns at the time but these were not acted upon. Examples include absconding children telling the Police why they ran away from a home but simply being returned to the home without further enquiry.
- 8.37 Underlying all of the accounts is evidence about the prevailing cultural attitudes of the time. These include how children were viewed in general and those in care in particular, the stigma attached to those from difficult family backgrounds or with a history of offending, the acceptability or otherwise of the use of physical discipline and the deployment of psychological punishments.
- 8.38 In several cases, reports of abuse were acted upon and steps taken culminating in disciplinary action or prosecution. In other cases, concerns were reported but there was delay before action was taken, thereby potentially exposing more children to allegedly abusive behaviour.

²² WS000387

²³ Day 62/22

- 8.39 We set out examples of the evidence on the reporting of abuse on a home by home basis as the ability to report depended, to a significant degree, on the culture prevailing in each of the homes at the relevant time.

Jersey Home for Boys

- 8.40 Giffard Aubin (1943–1951) said in his witness statement to the Inquiry that the boys knew that if they spoke out they would be punished. Visitors were only allowed once a month and the older boys and staff closely supervised the visits. On the one occasion, Giffard Aubin did speak out to another boy he says he was taken to the General Hospital for assessment for mental illness. The doctor declined to admit Giffard Aubin to St Saviour's.²⁴
- 8.41 WN259 (1945–1954) described an incident where he and a friend went out picking flowers and his friend was taken off into the woods by a former resident at the Home who forced the child to masturbate him. The boys told the Superintendent and the former resident was charged. WN259 and his friend gave evidence and the man was convicted.²⁵
- 8.42 WN190 absconded from the home in 1952, with seven other boys. He said that when picked up by the Police they told officers about the abuse they suffered at the Home and showed them the scars that proved the physical abuse. WN190 said that they were simply returned to the Home and were beaten.²⁶ He also reported an incident of sexual assault by a former resident, who was staying overnight, and got into his bed and touched his penis and buttocks. He said that he told the Superintendent but that no action was taken.
- 8.43 WN133 (1950–1955) stated that he and three others went to the Constable's house to complain of a physical assault by one of the staff members. He showed his injuries to the Constable's wife but no further action was taken.²⁷
- 8.44 WN186 (1955–1965). His period of residence spanned the era of the Jersey Home for Boys (JHFB) and HDLG. He stated that from the age of 10 to about

²⁴ WS000001/8

²⁵ WS000036/9

²⁶ WS000046/3

²⁷ WS000057/11

13 he was the subject of repeated sexual assaults by a Master at the Home. He told the Police in 2008 that the Master told him that if he disclosed the abuse to anyone else he would be punished. In evidence to the Inquiry characteristic of those who suffered alleged sexual abuse WN186 said: *“I did not realise the sexual abuse I was suffering was not normal. I assumed it happened to all of us and it was never spoken about.”*

8.45 Winifred Lockhart was a resident in the JHFB from the autumn of 1948. She slept in a bedroom opposite the boys’ dormitory and alleged that she would be woken at night to the sound of boys screaming *“Leave me alone, I do not want to go”*. She could also hear the voice of a staff member saying words to the effect *“You were all right last night, why not tonight?”* She told the Inquiry that she spoke to one boy but he told her not to say anything. She said that she told a senior member of staff whose response was that no one would believe her. If she did not shut up then she would be sent to a place where no one would find her. Winifred Lockhart was eventually admitted to St Saviour’s following these disclosures.²⁸

8.46 WN149, a resident at the JHFB, wrote in his Redress Scheme Application, under the heading “Complaints of Abuse”:

“You did not do this. You were young and did not know what to do and you feared more beatings.”²⁹

8.47 Entries in the punishment books over this period suggest that the staff were alive to the risk and indeed the fact of sexual activity between boys and of older boys assaulting younger boys. Despite the entries in the punishment books there are no references in the Committee minutes to reports of abuse between boys at the Home or reports of any abuse alleged against members of staff.

Jersey Home for Girls

8.48 Violet Renouf told the Inquiry that there was no opportunity to speak about treatment at the Jersey Home for Girls (JHFG). There were few visitors to the Home and no one to complain to, neither the Parish Constable nor at the

²⁸ WS000006/17

²⁹ WD008715/4

church she attended.³⁰ In adulthood she spoke to three different doctors about her childhood experiences and was told each time: *"It is in the past."*³¹

8.49 Winifred Lockhart described a number of attempts to disclose alleged abuse. She said that two staff members were present when WN517 hit the girls and pulled their hair. The staff members did not intervene and when challenged said: *"Our hands are tied."* Winifred Lockhart told her teacher at school about the alleged sexual abuse by the Home doctor. The teacher said that she believed her, which *"helped a lot"*. Nothing was done after this disclosure and there was no follow-up from the school or Social Services.³²

8.50 WN208 was resident in the JHFG from about 1946/1947. In her Redress Scheme Application in August 2012 she provided a detailed account of sexual abuse. The perpetrator told her not to tell anyone about what had gone on.³³ In her Police statement of 2008 WN208 also said that a staff member told her not to tell anyone what was happening.³⁴

Sacré Coeur

8.51 In his Redress Scheme Application, WN156 stated that his older siblings and an aunt complained to the States authorities about the poor treatment of the five children by the nuns. They were moved out of the orphanage to the Boys and Girls Homes respectively. This appears to be a rare example of children being removed from a home following complaints about maltreatment of children by staff.

8.52 WN19 was resident (with her brother) for a period of weeks in both 1958 and 1959. She told the Inquiry that they did not discuss their experiences when they returned home: *"There was no one to talk to in those days. Firstly, they would not believe you and secondly, they would probably give you a beating for making things up."*³⁵ WN19 indicated that Children's Services were never really involved with her family despite her father being an alcoholic and beating the children.

³⁰ Day 8/113

³¹ Day 8/114

³² Day 11/49

³³ WS000077/4

³⁴ WS000076/4

³⁵ WS000008/4

- 8.53 WN894 said that she was abused on a visit by Jimmy Savile when she was eight or nine years old. She was selected to give Jimmy Savile a present when he visited the orphanage. When she was left alone in a room with him she said: "*He showed me his penis and took my underwear off and touched me below.*" WN894 reported the incident to one of the nuns, who washed out her mouth with soap and told her never to speak to anyone about it.³⁶
- 8.54 WN894 also alleged abuse by the brother of one of the nuns. She said that she reported this to the Mother Superior but was punished by being locked in the dormitory. She told the priest in confession and, notwithstanding supposed confidentiality of confession, the following day she had her mouth washed out with soap by the Mother Superior.³⁷

Haut de la Garenne (1959–1969)

- 8.55 WN124 left the Home in the early 1960s and provided an insight into the alleged regime of abuse and why it was not reported: "*It's your word against the Establishment, so what chance have you got?*"³⁸
- 8.56 WN324 said that a girl at the Home (WN123) told him and some other senior boys that she had been groped by Ray Williams, a member of staff. They told another staff member, WN491, about this. He said that WN123 had made it up and went on to say that Ray Williams might lose his job and that if he, WN491, heard anything more about it they would be for the high jump.³⁹
- 8.57 WN158 alleged that he was sexually assaulted at night on a regular basis until the age of eight. He complained to the Superintendent, Colin Tilbrook, along with three other boys. Colin Tilbrook's response was that they were all "*imagining things*".⁴⁰ WN158 absconded from the Home on one occasion and on his return repeated this disclosure to Colin Tilbrook who said that he was being silly.⁴¹

³⁶ WS000718/2

³⁷ WS000718/6

³⁸ WS000130

³⁹ WS000145/6

⁴⁰ WS000193/6

⁴¹ WS000193/7

- 8.58 WN220 described sexual assaults by Ray Williams on himself and other boys when they were in the showers.⁴² WN220 said that he reported this to Colin Tilbrook who caned him and placed him in one of the detention cells for a long period. He said he was then sexually abused by Colin Tilbrook when in the cells, having been caught in a state of arousal after Colin Tilbrook provided him with a pornographic magazine. WN220 said the abuse stopped abruptly after a period of weeks.
- 8.59 WN346 told a friend about being sexually assaulted by Ray Williams and the incident was eventually reported to Colin Tilbrook, the Superintendent, by one of the children. Colin Tilbrook took her to his office and told her off for “making up stories”. WN346 said she “just clammed up because I was warned and I knew that no one would believe me above Mr Williams”.⁴³ This complaint was recorded contemporaneously – she wrote a seven-page account in a note book detailing what Ray Williams had done, her concerns and the action that she and friends decided to take.⁴⁴ The complaint was further set out in a typed memo to Colin Tilbrook from WN491. The memo (1 May 1967) faithfully relays WN346’s complaint, describing it as a “rumour”, names other residents supporting the complaint and concludes: “*So far I have stopped them from going out this weekend for spreading malicious gossip.*”⁴⁵ It would appear that the allegation was initially made because a group of children were threatening to tell WN491 about something that Ray Williams had done, and then another member of staff “got to the bottom of the matter”.
- 8.60 WN162 described Colin Tilbrook putting him in a detention room and then sitting on the bed and fondling his genitals.⁴⁶ He said that this happened three times between the ages of eight and 10. WN162’s evidence highlights the children’s perception that they had no-one to whom they could disclose abuse when the alleged abuser was the most senior member of staff: “*Who could I tell? He was in charge of the Home.*” His CCO at the time was Jim Thomson (later to become Superintendent of the Home): “*The only person who could help me was Mr Thomson and he did not care.*”

⁴² WD000185/11

⁴³ WS000152/6

⁴⁴ WD006639/7

⁴⁵ WD006639/8

⁴⁶ WS000272/8

- 8.61 WN184 said that he was a frequent absconder and told the Police that he did not want to return to HDLG. There is no suggestion that the Police questioned why he did not want to go back to HDLG. He said that on his return he was caned and put in the detention room.⁴⁷ He told the Police in interview in 2008 that those who hit him never left any marks or bruises. He said that HDLG was ruled with fear.⁴⁸
- 8.62 WN356 said⁴⁹ that, on one occasion, Colin Tilbrook touched her breast and genitals when she was using the payphone at the Home. In relation to the reporting of alleged abuse she said: *“I learnt not to complain at an early age, simply because it just did no good, you were told to ‘just go away’ and ‘do not talk rubbish’, however this attitude was not just limited to the staff at the Home”*. She said that she told Patricia Thornton about the payphone incident, to which she was asked whether there were any witnesses. WN356 thought that other girls also disclosed things that happened to them, but nothing further happened.
- 8.63 WN512, a former member of staff at the Home, said that no-one reported to her any incidents of sexual or physical abuse; she feels that children did have opportunities to talk to her and to tell her if there was anything wrong. She remembers that she *“reported abuse if it was happening”* but gave no specific incidents. There were no members of staff or children that she was concerned about in relation to sexual abuse: *“I would have mentioned it if I had.”* She says she would have gone to Colin Tilbrook and taken it further if nothing then occurred.⁵⁰
- 8.64 An individual employed in the nursery and at nights in the 1960s said that she had not been aware of any form of abuse taking place when she worked at HDLG nor was she aware of any rumours. Had she been she would have reported these to the Police.⁵¹
- 8.65 WN172, a former resident, alleged that in the early 1960s he was repeatedly raped by Senator Krichefski, who visited the Home. When he was 18 he was

⁴⁷ WS000135/3

⁴⁸ WS000135/8

⁴⁹ WS000204/4

⁵⁰ WD006791

⁵¹ WD006639

seen at the Home by Dr Fogarty, consultant psychiatrist, to whom he disclosed the sexual abuse. Dr Fogarty told him not to say any more and went off to get another doctor, Dr Evans. WN172 was sectioned and sent to St Saviour's psychiatric hospital. At the hospital he was seen by Dr Wishart who, he said, told him that he had been admitted because of his fantasies about Senator Krichefski.

- 8.66 In July 1966, a child was admitted to HDLG while facing charges of "being destitute". While there, he made allegations of serious sexual abuse against Jeff Le Marquand and another person (neither of whom worked at the Home). It would appear that these allegations were reported to the Police by WN491, a staff member.⁵²

Haut de la Garenne (1970–1986)

- 8.67 WN324 went to HDLG in 1969. He told WN491 (a member of staff, in the absence of Colin Tilbrook) that he had been beaten up in the showers by a member of staff. WN491 said that he did not believe him and told him to wait outside the office. He waited for over four hours before giving up. "*From that experience I decided not to bother reporting anything else.*"⁵³
- 8.68 WN74 (1971–1976) told the Inquiry about his experience of disclosing abuse to the Superintendent, Colin Tilbrook. He complained about abuse three times and in one instance asked Colin Tilbrook to involve the Police because Gordon Wateridge hit him. The Police were not called and WN74 felt that he never had a fair hearing from the Superintendent: "*Whatever (Wateridge) said would be believed and whatever I said would not.*"⁵⁴ He said the children gave up making complaints because there was no point. He was "*pretty sure*" that Gordon Wateridge was violent in front of other staff members.⁵⁵ WN170 told the Inquiry that Gordon Wateridge did hit children in front of staff and on one occasion, he was hit by Gordon Wateridge in front of a male staff member, WN515.⁵⁶

⁵² WD006341; WD006419

⁵³ WS000094/4

⁵⁴ Day 44/23

⁵⁵ Day 44/39

⁵⁶ Day 46/20

- 8.69 In his Redress Scheme Application, WN121 stated that he was physically and sexually abused by Gordon Wateridge. He said that he reported the abuse to Colin Tilbrook who *“said to me that I was a fantasist and a child criminal and if I told anyone else they would not believe me. I took a beating and never tried to make a complaint again after that”*.⁵⁷
- 8.70 The same witness said that he was abducted from the dormitory and raped by WN973, a visitor to HDLG. Despite WN121 saying that he never tried to make a complaint again, this was reported contemporaneously after member of staff called the Police, and WN973 was convicted of the abduction in January 1973⁵⁸ (but not the alleged rape, an offence which at that time would have required, as a matter of law, independent corroboration). This would have been after any complaint about Gordon Wateridge. WN121 describes being locked in the detention rooms for two weeks (either after the incident or the trial – the statement is unclear) so that he could not tell the other children.⁵⁹
- 8.71 WN395 is the mother of a former resident of HDLG. She told the Police in 2008 that, in 1973, her daughter had disclosed to her that she had been sexually abused. WN395 complained to the Superintendent (Colin Tilbrook) who she alleged said that her daughter must be lying and nobody at the home was capable of such things.⁶⁰
- 8.72 WN125 told the Inquiry that he reported to Mr Thomson that a female staff member, WN277, had tried to entice him and another boy to have sex with her. This only resulted in her *“being spoken to”*.⁶¹
- 8.73 One former female resident told the Police, in interview in 2007, that WN520 would wake her up in the morning and place his hands between her legs and put his fingers inside her. She believed it started before she was nine years old and *“he would say to me that it was our secret and it was all right”*. She used to visit her mother at weekends and stay overnight, insisting that she wore her pants in bed at night. She thought that this was when she disclosed

⁵⁷ WD000678/14

⁵⁸ Day 37/141

⁵⁹ WD000678/15

⁶⁰ Day 48/8; WD003465

⁶¹ Day 43/15

the abuse to her mother who then went to see the Superintendent, Mr Thomson. Her account merits reciting in full:

*“Mum told me that she went up to Haut de la Garenne to speak to Mr Thomson, who was head of the Home and they came to an agreement. She was not supposed to get the Police involved or they would cut her visits down to see us. After my mum went to see Mr Thomson I was bullied by [WN520 and his wife] for two weeks, just verbal abuse all of the time. After it all came out they called me a liar although I cannot actually remember what they said to me”.*⁶²

- 8.74 WN50 corroborated the allegations that WN520 abused the child in question. In her statement to the Inquiry she said that the girl’s mother complained to Jim Thomson. He dismissed her complaint, saying that she was an alcoholic and if she raised another complaint she would not see her children again. WN50 recalled that WN520 was sent to a children’s home in England after this.⁶³
- 8.75 WN520 himself said that the allegation was raised at the time and that as a result, WN715 referred the matter to Charles Smith. Charles Smith then carried out an enquiry, which led to him being exonerated.⁶⁴ WN715 cannot remember this happening, adding: *“I have never referred an allegation of this type to Charles Smith or the committee. Any serious matter like this would have been referred upwards by me, I would not have dealt with any allegation of this sort”.*⁶⁵ The Inquiry does not have any contemporaneous records of the allegation being made nor of any investigation being carried out.
- 8.76 WN382 (1976 – 1983) said in his witness statement to the Inquiry that two residents told him that they had been sexually abused by another resident, WN43. The allegations were so serious that WN382 told a member of staff. This resulted in WN43 being segregated from the rest of the children at night.⁶⁶

⁶² WS000191/3

⁶³ WS000343/7

⁶⁴ WD006939

⁶⁵ WD006781

⁶⁶ WS000643/5

- 8.77 In 1975, WN98's mother saw bruising on her child's arms and reported this to the staff at the Home and to the CCO, Richard Davenport. This account is recorded contemporaneously in a memo from WN532 to Charles Smith.⁶⁷
- 8.78 WN187 (1979–1984) told his brother that he was being abused by Terence Jarrett, the father of one of his friends. The brother told staff member WN515 who reported this to the Police. The prosecution of Terence Jarrett followed.⁶⁸ During his time at HDLG, WN187 was the victim of sexual abuse by at least three different men (Terence Jarrett, Thomas Hamon and Tony Watton). He only complained at the time about the abuse by Terence Jarrett. He told the Inquiry that the reason he did not disclose the other offences was that he could not go through again what he had had to go through with the prosecution of Terence Jarrett.
- 8.79 In 1977, WN503 (a member of staff) reported to Jim Thomson that an incident had taken place between her and WN127. The contemporaneous memo to Charles Smith notes that WN503 struck WN127 in the face "*automatically in self-defence*" and that WN127's mother had alleged that her child had suffered hearing damage as a result.⁶⁹
- 8.80 Marion Robson, a former staff member, said that there was no procedure in place to make staff feel confident about expressing disapproval. Had she wanted to raise concerns she says she would have done so with the senior member of the group if there had been something "*very extreme*" she would have reported it to a senior member of staff.⁷⁰ She would not herself have come forward for fear of not being believed, "*there just was not the culture of addressing those issues like that at the time ... there did not seem policies of procedures in place to support anyone who wanted to complain*".⁷¹ She added that if a child had made a complaint to her she would have believed them and would have tried to do something about it.⁷²

⁶⁷ WD002687

⁶⁸ WD004366/5

⁶⁹ WD005961

⁷⁰ Day 76/454

⁷¹ Day 76/74

⁷² Day 76/72–74

- 8.81 WN287 said that she was not aware of any abuse during the short time she was at the Home, but said that had she seen anything that made her feel uncomfortable “*I would have reported immediately to the head of the Home, WN870*”. She told the Inquiry: “*I learnt during my training in England that it was an important part of my duty of care to report any behaviour that caused me concern. That said, there was no established procedure to follow if we did have any concerns, and I did not receive any training in what to do if I did see any inappropriate behaviour. However, it was a matter of using common sense; you simply would not allow a child to be abused ... we would not have tolerated any physical or emotional abuse of children at HDLG*”.⁷³
- 8.82 Fay Buesnel remembers that she spoke to Jim Thomson about the Jordans and others: “*Occasionally I would speak to him about people I felt that were a bit harsh and perhaps if one person you know just ... maybe hit somebody with a spoon at the table or something and you felt that that was unnecessary, you would speak to them at the time and say 'Do not do that again or I will report you' ... I did not put it on paper. You would go ... it was very much ... I would say to him you know I'm a bit concerned about such and such and he would say well you know why have you spoken to the person and I'd say yes and how I dealt with it. And you know Jim was lovely but Jim was very ... [he] hated confrontation of any kind ...*”.⁷⁴
- 8.83 When Mario Lundy was at HDLG in 1985, he said that there was no formal process in place to enable the children there to raise any concerns: “*so it would have been probably children going to a member of staff that they trusted*”.⁷⁵
- 8.84 Many witnesses spoke of disclosing physical abuse by Tony and/or Morag Jordan. A sample of that evidence is as follows:
- 8.85 WN591 said that attempts to disclose assaults were met with comments such as “*Do not be so stupid*”. Staff member WN661 confirmed that she witnessed Tony Jordan hitting WN591 at the dinner table with the back of a spoon. After the children left she told him that she never wanted to see him do that to a

⁷³ WS000594/5

⁷⁴ WD006918

⁷⁵ Day74/193

child again. She could not recall whether she reported the incident to the Superintendent. She dated this to about 1984.⁷⁶ Tony Jordan was charged and found guilty of assaulting WN591.⁷⁷

- 8.86 WN191 said that she told Jim Thomson about a specific incident in 1979 when Morag Jordan hit her on the back with a wooden clog, causing significant bruising. Jim Thomson did nothing about it. WN191 said that Morag Jordan and Jim Thomson “*were very close and did not want anything getting out about abuse*”.⁷⁸
- 8.87 WN192 confirmed that Jim Thomson would not believe the children when they told him how they were treated. He would not talk to them. He said that Jim Thomson was always drunk and “*You could never get a sensible word out of him*”.⁷⁹
- 8.88 There is, unusually, a contemporaneous entry from Morag Jordan confirming that she gave WN19 “*a light smack*” on 8 June 1979 because she misbehaved. The incident was followed up by the CCO who appears to have spoken to WN19 on her own.⁸⁰
- 8.89 Tina McGuire told the Inquiry that she was picked on by Morag Jordan from the time she arrived at HDLG. She said that she was reluctant to share her concerns with the CCO, Pauline Vautier, because she spent long periods of time with Morag Jordan. She did not trust the CCO and thought that whatever she said would get back to the staff. A female staff member, WN14, would try to protect her, but no other member of staff listened to WN14’s concerns because she was so junior.
- 8.90 A significant number of assaults committed by the Jordans are said to have been witnessed by other staff members. There are some examples of the staff taking action but the preponderance of the evidence is that the staff did not intervene.

⁷⁶ Day 43/31; WD002306

⁷⁷ Day 43/34

⁷⁸ WS000305/2

⁷⁹ WS000326/6

⁸⁰ WD002546

- 8.91 Marion Robson thought that Morag Jordan was tolerated at the time because “*reporting procedures were much more vague ... there was less guardianship over that sort of thing ... it was a different climate really*”.⁸¹ Ernest Mallett said that he witnessed one episode of the Jordans being aggressive to a child – he intervened and says he was thanked by Jim Thomson.⁸² A Housemother [1970–1974] remembers seeing Morag Jordan slam a sliding van door onto a 10-year-old boy’s hand, saying as she did so “*That’ll teach you*”. She told the Police that she did not report this to anyone at the time because Morag Jordan was her senior.⁸³
- 8.92 WN562 says that she confronted Morag Jordan about her giving a black eye to a child and went to see Colin Tilbrook.⁸⁴ A contemporaneous record shows her complaining to Colin Tilbrook about the disciplining of WN38, but notes that “*staff here will continue to discipline him as normal*”.⁸⁵ She also said that a male member of staff touched her up in a car, but when she reported it the man turned on her and she was told off by Colin Tilbrook.⁸⁶
- 8.93 WN661 remembers one time when Tony Jordan hit a child on the back of the hand with a spoon. She says that she spoke to him afterwards telling him that she never wanted to see him do that to a child again. She adds: “*I cannot remember if I reported the matter to the Superintendent but I never saw Tony hit a child again whilst I was there.*” She thinks this happened towards 1984. She never saw bruises on children except on one child when she was bathing him on admission to the Home. She remembers reporting that.⁸⁷
- 8.94 WN704 recalled Tony Jordan picking up WN125 from the floor by the scruff of the neck and letting him go so that he fell to the floor. She confronted him and “*Tony shrugged ... saying something like he should be playing with children his own age*”. She told WN706, another member of staff, the next day. She

⁸¹ Day 76/102

⁸² WS000602

⁸³ WD006016

⁸⁴ WD006933

⁸⁵ WD003133

⁸⁶ WD006933

⁸⁷ WD006777

also told Fay Buesnel. She believes that Tony Jordan got moved from Claymore to Baintree as a result of this.⁸⁸

8.95 WN28, a former resident, said that Morag Jordan hit him on a regular basis and described the abuse as “*rampant and so common*”.⁸⁹ One staff member tried to protect him and made sure that Morag Jordan was not left alone with WN28 and his siblings. He said that he wanted to confide in that staff member but was scared that if he did she might get into trouble and so also might he.
90

8.96 WN176 described Morag Jordan being violent in front of the other staff who never said or did anything. He told the Inquiry: “... *The Morag Jordan situation, I would have gone to a member of staff if I would have known something would be done about it, but because we knew nothing would be done about it you are not going to put yourself at risk in that situation for no reason whatsoever*”.⁹¹

8.97 Some allegations against the Jordans are corroborated by contemporaneous medical records, such as WN125’s arm injury, which he alleged was caused by Tony Jordan, and was documented in his medical records, demonstrating contemporaneous disclosures.

8.98 WN99 (resident from 1970) stated that he only ever saw his CCO, Richard Davenport, when he ran away from the home back to his mother. Richard Davenport took him straight back to HDLG where he was placed in detention. He said that Richard Davenport would not listen to anything he said, including complaints he made.⁹²

8.99 WN217 said in her Police interview that in the late 1970s she disclosed to Charles Smith, Children’s Officer, physical abuse by a female member of staff. When she returned to the Home the female staff member screamed and

⁸⁸ WD006776/4–5

⁸⁹ Day 43/42

⁹⁰ Day 43/58

⁹¹ Day 51/47

⁹² WS000368/9

shouted at her “*Never do that again*”. She said that she was locked in detention for three days for having made the disclosure to Charles Smith.⁹³

8.100 When WN33 was in care at HDLG in 1982, a fellow resident reported to staff that WN33 had consensual sex with a boy from outside the Home. She says that this was after she had been raped by her adopted father on a visit to the family home. Following this report, she was taken to the Police station and examined by a Police doctor, accompanied by a female member of staff from HDLG. The Police doctor concluded that this was not the first time she had had sex. And after “*a long time and a lot of thought*”, she told the Police officers that she had been abused by her adopted father. She said that she was disbelieved by the Police and that, following her disclosures and a contemporaneous witness statement, she withdrew her allegations because the Police officers were not supporting her at all, and she was tired – so, in the end, said that she had lied.⁹⁴

8.101 WN48 alleges that he complained of abuse at the hands of WN7 to the Police in 1980, but says that it was never followed up. He says he complained to two officers and they wrote down his complaints and came back to him, saying something like “*we’ve spoken to him and it never happened*”.⁹⁵ During Operation Rectangle, WN48 made attempts to get hold of the statement that he allegedly made in 1980, but was told that there was no record of it.⁹⁶

8.102 We have also received evidence about the reporting of peer-on-peer abuse. There are various memos in the late 1970s recording allegations of abuse against Michael Aubin. Some of these appear to have arisen as a result of a resident at the Home disclosing this abuse (either to a fellow resident or a member of staff),⁹⁷ whereas others arose when the incidents were seen by members of staff.⁹⁸ Contemporaneous allegations were also made by residents about WN43.⁹⁹

⁹³ WS000387/20

⁹⁴ Day 48

⁹⁵ WS000406

⁹⁶ See, for example, WD003514/31

⁹⁷ E.g. WD00 2938; WD001465;

⁹⁸ E.g. WD001444;

⁹⁹ WD000977

Heathfield

- 8.103 WN36 alleged that after he left Heathfield he was sexually abused by WN637, who had previously been his key worker at HDLG and Heathfield. Contemporaneous records show that WN36 reported the incident to the SOJP at the time. WN637 was interviewed and admitted that sexual contact taken place but said that WN36 was a willing partner.¹⁰⁰ The matter was not pursued by the Police on the basis that WN36 had not made a formal complaint. After reporting the incident to the Police WN36 recalls that he met with his CCO who “*actively persuaded*” him not to take the matter any further.¹⁰¹
- 8.104 WN216 alleged that he was sexually abused by WN335 over the course of a number of years when a resident at Heathfield and after he left the Home. In a Police statement in 1991, he said that WN335 was aware that he was “*vulnerable and insecure and he also knew that I would not be able to say anything to anyone*”.¹⁰² His decision eventually to disclose the abuse that he suffered was because he was concerned that another resident at Heathfield was at risk of sexual abuse by WN335. He therefore reported the matter to several members of Heathfield staff including WN92, WN937 and WN655.¹⁰³
- 8.105 Darren Picot alleged that WN335 attempted to abuse him sexually while he was resident at Heathfield. On a few occasions, he took him into his office, locked the door and touched him inappropriately. On one occasion, Darren Picot almost reported this to a member of staff but he was “*on edge and worried*” and did not tell him.¹⁰⁴
- 8.106 Darren Picot gave evidence that he told Richard Davenport that WN335 said he was being sexually abused WN216. This was recorded by Mr Davenport at the time (after WN216 had already made disclosures), and it is noted that Mr Davenport replied with “gentle questioning” about Mr Picot himself, to which he denied that he had “*ever been approached either verbally or physically by*

¹⁰⁰ WD002284/74

¹⁰¹ WS000479/118

¹⁰² WS000486/3

¹⁰³ WS000486/9

¹⁰⁴ WD000201/14

either party in a sexual way".¹⁰⁵ Mr Picot told the Inquiry that he denied this at the time because he did not want it hanging over his head.¹⁰⁶

8.107 WN80 alleged that he witnessed WN335 lying naked on top of WN216 in one of the bedrooms at Heathfield. He said that he reported this to WN790, a member of staff, who said he "*must not say things like that*".¹⁰⁷

8.108 In 2000, a resident at Heathfield alleged that he had been assaulted by WN819, which led to investigations by the Police and by Children's Services. The resident had disclosed this allegation to his father, who then passed it on to Children's Services.¹⁰⁸

8.109 In 2001, WN698 made a complaint of physical assault against two staff members, WN166 and another member of staff. The staff members in turn alleged assault by WN698. Children's Services held a strategy meeting attended by senior staff as well as the Police.¹⁰⁹

8.110 WN752 was sexually abused by 60-year-old Roger Hatte when she was resident at Heathfield in 2003. He was convicted of one count of unlawful sexual intercourse. She alleged abuse over a number of years and said that after the last occasion, on 30 December 200,3 she made a disclosure to her key worker WN753.¹¹⁰ The Police report notes that there had been "*previous reports of an unhealthy association between WN752 and the accused for a number of years, but in the past there has been insufficient evidence to support investigations and prosecutions*".¹¹¹

8.111 WN752 made a further disclosure, after she left Heathfield, of a sexual relationship she had with her former key worker, WN753. She disclosed this by telephone to a member of the Leaving Care Team. This led to WN753's resignation after he admitted the relationship.¹¹²

¹⁰⁵ WD000201/28

¹⁰⁶ Day 25/156

¹⁰⁷ WS0004535

¹⁰⁸ WD006092

¹⁰⁹ WD006831

¹¹⁰ WS000495/4

¹¹¹ WD004899/1

¹¹² WD006395

- 8.112 In 2004, a member of staff at Heathfield spoke to Ann Shine (CCO) about a disclosure he had received by WN619 with various allegations against WN7, including that she had witnessed him assaulting WN618 at La Preference. Ms Shine notes that they would discuss the information with the SOJP Family Protection Team and it would likely be considered within the ongoing investigation into WN7, arising from complaints made by WN749 at La Preference.¹¹³ WN619 later decided that she did not wish to make a complaint.
- 8.113 In 2006, an allegation was made that a female resident was forced to perform oral sex on WN820, a member of staff. The disclosure was made initially to a fellow resident who told the other children and a staff member. The complainant was interviewed by her CCO and staff at the Home. She confirmed that the allegation was true following which the matter was reported to the Police.¹¹⁴
- 8.114 In 2008, two members of staff reported to their manager that the Manager of the Home, Kevin Parr Burman, had used excessive force when taking hold of a vulnerable resident, WN823. This allegation was then passed on to the SOJP's Public Protection Unit (PPU) to investigate.¹¹⁵
- 8.115 In 2009, further allegations of physical assault were made against WN819, by a different resident. This led to an investigation by the SOJP and a subsequent internal investigation by Children's Services, as discussed in Chapter 9.

La Preference: a Private/Voluntary Home

- 8.116 WN205 made allegations of abuse against WN755 and Edward Paisnel. WN755 was related to one of the members of staff and WN205 alleges that he touched her inappropriately in the genital area while the children watched television in the dark. Mr Paisnel was a regular visitor to the Home. He would get the children to sit on his knee and touch the girls in the genital area.

¹¹³ WD009342

¹¹⁴ WD006877/1

¹¹⁵ WD006059

WN205 said that she said nothing because she did not feel that she would be believed and all of her abusers were closely connected to one another.¹¹⁶

8.117 WN214 complained of sexual assault by three boys at the Home. She also said that she often woke on a Saturday night to find herself being sexually assaulted by another male.¹¹⁷ She told the school nurse, who then telephoned the Home. She said that a staff member told her that she was a liar and would never fit in anywhere. WN533 verbally abused her, telling her that she was making up lies.¹¹⁸

8.118 However, in 1979, WN214's sister, WN45, disclosed to WN729 that both of them had been sexually assaulted by Roger Horobin between 1976 and 1978. WN729, a staff member at La Preference, immediately told Charles Smith (CO) who informed the Police, eventually leading to Roger Horobin's conviction.¹¹⁹

La Preference: run by the States of Jersey

8.119 In 1992, a complaint was made by a child's father that Ernest Mallett had physically assaulted the child on several occasions at La Preference.¹²⁰ This led to a disciplinary hearing.

8.120 Around 1996, a child made disclosures to Fay Buesnel (OIC) that she had been sexually abused by an associate of her mother's a few months beforehand. According to the note, Fay Buesnel told the child that she would need to pass this information on and it was then passed to Marnie Baudains and on to Selina Larkin.¹²¹

8.121 In 2000, further allegations of physical assault were made against Ernest Mallett – information was passed swiftly by WN687 (Manager of La Preference) to the Manager of Children's Services.¹²²

¹¹⁶ WD003834/4

¹¹⁷ WD000670

¹¹⁸ WD000670

¹¹⁹ WD007346/14

¹²⁰ WD006573/15 is a copy of the complaint

¹²¹ WD008625

¹²² WD006573/30

8.122 In May 2003, WN73 met WN687 ahead of his pending placement at La Preference. During this meeting, WN73 disclosed his concerns regarding the treatment of the children either attending or remanded at Les Chênes.¹²³ These included actions by WN654 and another member of staff against various residents, as well as issues about being locked in solitary confinement for long periods.¹²⁴ The allegations against WN654 referred to striking a child on the head, grabbing/restraining another child by the testicles and restraining the same child and banging his head on the floor. There was also an allegation that he had exposed himself in the shower room. Following the disclosure, WN687 reported the matter to Phil Dennett, who in turn forwarded the complaints to the SOJP's Family Protection Team (FPT) via Sarah Brace of Children's Services. It was noted that "*the Police and children's service know all the alleged victims in this inquiry ... they are all troubled young men and regular attendees at Les Chênes*".¹²⁵ As part of the SOJP investigation, other residents of Les Chênes also made disclosures.¹²⁶

8.123 In 2003, WN617 wrote to Marnie Baudains, alleging that he had been assaulted by WN7 at La Preference in the early 1980s. This prompted an internal investigation, including a meeting with WN617 and an interview with WN7.¹²⁷ WN617 had initially contacted the SOJP FPT and was directed to Children's Services.

8.124 In 2004, allegations were made by both WN618 and WN749 that they had been physically assaulted by WN7 at La Preference over the previous 18 months.¹²⁸ These allegations were first disclosed by the children to a CCO (and a member of staff at Heathfield, as above) and then a formal complaint was made to the SOJP.

8.125 In August 2010, a resident at La Preference alleged that he had been physically assaulted by Kevin Parr-Burman, who had previously been the subject of allegations at Heathfield. This was subsequently investigated by the

¹²³ WD005740

¹²⁴ WD003947

¹²⁵ WD005740/3

¹²⁶ WD006418/8-21

¹²⁷ WD003848; WD003849; WD003850

¹²⁸ WD009342

SOJP¹²⁹ and then internally. We note that while Kevin Parr-Burman was Manager of La Preference, he had previously set out a guide to completing incident reports, which included guidance in how to respond to any allegation of abuse.¹³⁰

8.126 Email correspondence between Phil Dennett, (Co-ordinator (Children's Executive)) and Joe Kennedy (Manager of Residential Services) from February 2011 records a complaint from a female resident about a male resident exposing himself to her and touching her up inappropriately. She also alleged that she had been touched up by another male resident at the Home. It is not clear from the documentation held by the Inquiry how this complaint was dealt with.

Brig-y-Don: run by the States of Jersey

8.127 An incident recorded on 15 May 2013 described a male resident complaining of being tipped out of bed by two male staff members and being restrained with excessive force. The Police attended and handcuffed the boy because he was shouting and screaming. The record does not deal with this incident as a complaint by the boy.

8.128 On 9 December 2013, a court-appointed psychologist, Christine Tizzard, contacted the Head of Children's Social Work, Sean Pontin, to make a disclosure of alleged physical and sexual abuse of residents by staff of Brig-y-Don (BYD). She described the position as extremely concerning and said that it required investigation:

*"My office have so far this morning been directed to make several calls to different numbers without success in order to make a disclosure. I have now been advised the most effective manner is to contact you by email."*¹³¹

Les Chênes

8.129 WN620 was a resident at Les Chênes between 1981 and 1984. He stated he was physically abused by a number of staff including Mario Lundy, WN246 and WN110. When he threatened to report incidents of physical abuse to his

¹²⁹ After having been passed on by the child's Social Worker – WD009059/25

¹³⁰ WD009229

¹³¹ WS009045

father he was told by WN108 that “*whatever happened in these four walls stayed there*”.¹³² WN620 stated that he did not make a complaint at the time because he had been told not to and in any event, he did not know how to go about making a complaint.¹³³ This is an example of a former resident mentioning the lack of a formal reporting system being an impediment to making disclosure. We do note that a complaint was eventually made to the Police about physical abuse in December 1999.

8.130 WN145 was at Les Chênes between 1981 and 1984 and alleged physical abuse by WN108, Mario Lundy and WN246. He stated:

*“No one ever spoke out about the abuse at Les Chênes. I did not feel that there was anyone we could speak to. We did not see our Child Care Officer on a regular basis ... I remember one resident did speak to his parents about the abuse. The parents came in to raise their concerns ... But as soon as his parents left [he] was beaten black and blue again by WN108 and WN246. That is what happened if you dare to speak out.”*¹³⁴

8.131 WN673 was admitted to Les Chênes between 1980 and 1984 and alleged physical abuse by Mario Lundy and WN246. He said:

*“I could not tell anyone at the home about the violence that was going on because there was no one to tell ... I never told my mum because she would have been upset and will probably have kicked off with the staff. All the children at Les Chênes trusted each other, but we knew not to trust anyone else.”*¹³⁵

8.132 WN621 was admitted to Les Chênes on remand around 1984. She says she witnessed WN69 being punched in the face by WN246. When she and WN69 were taken to their weekly remand hearing before the Magistrate, they disclosed this incident to him. WN621 stated that the Magistrate said WN69 must have deserved it and that his response “*gave (her) no confidence in telling anybody in authority about anything that had happened to me or anybody else. There was no one to tell*”.¹³⁶

8.133 William Dubois resided at Les Chênes for short periods while on leave from boarding school in around 1988. He says he was abused by Mario Lundy and

¹³² WS000457/2

¹³³ WS000457/3

¹³⁴ WS000500/5

¹³⁵ WS000498/9

¹³⁶ WS000438/4

another staff member. He told the Inquiry that he disclosed the abuse to which he had been subjected to his CCO, Dorothy Inglis, but that she would “*bury her head in the sand*”.¹³⁷ In evidence, she replied saying that she spent a great deal of time with him and he did not tell her about any abuse he suffered.¹³⁸

8.134 Mario Lundy told the Inquiry that there was no formal complaints process while he was Principal. He said that in retrospect perhaps there should have been but added “*I would be surprised if you found something like that in any similar school elsewhere at the time ... it could have been much more effective*”.¹³⁹

8.135 When asked whether the scale of Les Chênes was conducive to making complaints, Mario Lundy suggested that people were coming in and out of the school every day: “*Social workers visited, social workers often visited young people away from Les Chênes which gave them the opportunity obviously to speak more freely but there was also a confidential counsellor who attended the school.*”¹⁴⁰

8.136 He said that had a child wanted to make a complaint, he would have them speak to either their parents, their social worker, their probation officer, the school counsellor or the educational psychologist. He said that there were not many occasions when parents complained to him about the treatment their child said they had received.¹⁴¹ The opportunity to see parents was not limited to home leave as parents could come on Sunday afternoons and stay “*for as long as they chose to stay*”.

8.137 Mario Lundy recognised that both the educational psychologist and the clinical psychologist’s function at Les Chênes was to assess rather than provide any therapeutic provision. He would not be drawn on whether in those circumstances it would have been realistic for a child to have made any disclosure. He did not think that the CCO would be the first port of call for a child at Les Chênes who wanted to speak to someone outside of the school.

¹³⁷ Day 62/39

¹³⁸ WS000629/28

¹³⁹ Day 74/52

¹⁴⁰ Day 74/54

¹⁴¹ Day 74/56

- 8.138 WN834 could not recall any allegation of abuse being made against a member of staff although “*pupils would complain if they perceived an injustice*”. Any complaint about the unfairness of the actions of a member of staff would be investigated by WN834. This happened rarely and that she had regular access to an external advisor if she was concerned about any issue in the school that she did not wish to discuss “*internally*”.¹⁴²
- 8.139 WN834 did remember dealing with an allegation that an older boy had tried to touch a younger boy’s genitals in the shower. She says that she was called to Mario Lundy’s office to hear the complaint and to ensure that a written record existed before Mario Lundy asked the older boy about the allegations. The social workers of both boys were contacted, a risk assessment was carried out and a plan put into place.
- 8.140 WN698, admitted around 2000, states that she complained about alleged physical abuse at Les Chênes to her CCO, Stuart Hallam.¹⁴³ In March 2003, WN698 complained to the Police that she had been assaulted by WN543 while being restrained by him. This led to a Police investigation, including a medical report on WN698’s injuries.¹⁴⁴
- 8.141 WN629 was resident at Les Chênes around 2001. She said that she saw WN543 holding a student by the neck against a wall. She reported this incident to her mother and a complaint was made to the school but nothing was ever done.¹⁴⁵ WN629 also complained to WN543 and WN245 about staff member WN544, saying that he would come into the girls’ bedroom and watch as she and WN698 were getting changed. She said that nothing ever happened as a consequence of this complaint.¹⁴⁶ In 2002, WN629 disclosed to WN543 that she and WN698, had been the victims of rape while they were both students, though not residents, at Les Chênes. This matter was reported by staff at Les Chênes to the Police the next day.¹⁴⁷ This disclosure was made following an altercation referred to above in which WN698 assaulted

¹⁴² WS000719

¹⁴³ WS000511/8

¹⁴⁴ WD005115

¹⁴⁵ WS000449/4

¹⁴⁶ WS000449/5

¹⁴⁷ WD003976

WN543 (and in relation to which she was subsequently convicted of common assault).¹⁴⁸

8.142 In 2001, Les Chênes staff requested Police assistance to deal with a resident, WN761. When the Police arrived, two staff members, WN245 and WN543, alleged that WN761 had assaulted them. While WN761 was being interviewed by the Police, he raised concerns about the staff treatment of a fellow resident, who was his girlfriend. WN761 subsequently made a counter allegation of assault to the Police against WN245 and WN543, after having absconded and told his mother. An SOJP investigation ensued, in which the Police investigated the possibility of more widespread abuse.¹⁴⁹ Ultimately, there were no prosecutions, but the Police report eventually led the Director of Education to commission the first Dr Kathie Bull Report.¹⁵⁰

9.143 WN630 was admitted to Les Chênes between 2001 and 2003 following the commission of a criminal offence. He said that he was placed in a headlock by staff member WN110 and that this was reported to the Police at the time by WN777. He did not pursue the complaint further as he was still at Les Chênes. WN630 said that he did complain to his father about being placed in the secure unit for a prolonged period of time. His father “*complained to the authorities but it got him nowhere*”.¹⁵¹

8.144 WN73 was resident at Les Chênes and Greenfields between 2002 and 2005. He said, of the use of the secure suites:

*“There really was nothing I could do about my treatment and being placed in solitary for long periods of time. The problem was that there was nobody for children to complain to We could not have approached [certain members of staff] and if we did they would not have listened. We could not complain to the Police because they were putting us in there.”*¹⁵²

¹⁴⁸ WD005109

¹⁴⁹ WD008345/106–120

¹⁵⁰ Day 113/71–3, WS000652/24–25

¹⁵¹ WS000450

¹⁵² WS000443/23

8.145 As set out above, we note that it was only when WN73 left Les Chênes to go to La Preference in 2003 that he felt able to make disclosures about abuse at Les Chênes.¹⁵³

Family Group Homes

8.146 The response to allegations of abuse in the FGHs is addressed in detail in Chapter 9. For present purposes, it is important to note the following with regard to the reporting of abuse.

Family Group Home run by WN279 and WN281

8.147 WN45 gave evidence that her teacher saw bruises she had developed as a result of beatings from WN279. She says she was taken to see the head teacher and says: *“The headmistress asked me how I got the injuries but I would not say. I begged and pleaded with her not to tell anyone because I knew I would get another beating if WN279 and WN281 found out ... This was at my secondary school, St Helier’s Girls School.”*¹⁵⁴

8.148 WN45 also says that she complained about an inappropriate visiting clergyman to WN279, and WN279 stopped the children from going to his church.¹⁵⁵ WN45 says that she only told two friends about the alleged physical abuse perpetrated by WN281 and WN279.¹⁵⁶

8.149 There are contemporaneous records from February 1975, which show that WN319 complained to his teacher at St Luke’s School that WN279 had hit him, causing a bruise on his head. The teacher reported it to the CCO, Ms Hogan, who attended the school to speak to the teachers and children. Teachers reported that the children had often talked of being hit on the head.¹⁵⁷

8.150 WN287, a staff member at the Home, gave evidence that WN319 told her on a different occasion that the bruise above his left eye had been caused by WN279 *“in the bathroom”*. WN287 said that she reported the incident to

¹⁵³ WD006418/9

¹⁵⁴ WS000168/6

¹⁵⁵ WS000168/13

¹⁵⁶ WS000168

¹⁵⁷ WD009278/23

Brenda Chappell (SCCO) and that there was then a meeting, eventually leading to WN279 retiring about three months later.¹⁵⁸

8.151 WN319 provided a statement in which he said that WN279 gave him a black eye by pushing him into a bath tub. He recalls that that Charles Smith attended the Home a couple of days later to speak to him, as well as two people from the Foster Parents Association. He says that he told them about the bath incident, and shortly after this WN279 and WN281 left the Home.¹⁵⁹ Although we cannot be certain, it would seem that this is likely to be the same incident referred to by WN287.

Clos des Sables

8.152 In 1968, WN347 disclosed to Les and Janet Hughes that he had been sexually abused while at school in the UK, before arriving at the FGH. This is recorded in the Houseparents' Report to Children's Services, along with their view that the story was made up to win sympathy.¹⁶⁰

8.153 WN148 says that she walked in on Les Hughes assaulting WN23 one night; she told a staff member, WN283, about the abuse of WN23 but was promptly asked to leave the Home by Janet Hughes.¹⁶¹ WN148 told the Panel that she did not think WN283 could comprehend that Les Hughes might sexually abuse her, as she was a very loving and trusting person.¹⁶² WN148 explained to the Inquiry that she did not feel able to tell anyone about the abuse before that, saying that she had learned that nothing would get done about it, no one would listen if she tried, there was no one to talk to, and that as a child, they did not feel comfortable saying anything to those who did visit.

8.154 WN282 also alleges that she disclosed sexual abuse by Les Hughes to WN283, but she was very reluctant to do anything about it. She alleges that WN283 replied by saying: "*think about Ms Hughes, how would she feel? Do not you think she knows what is going on? Of course she does! All this could*

¹⁵⁸ Day 76 and WS000594

¹⁵⁹ WS000171/4

¹⁶⁰ WD001974/17

¹⁶¹ WS000083/8

¹⁶² Day 21/55

*break up their marriage!! Just think about her feelings”.*¹⁶³ She says that she and three other girls mentioned sexual abuse by Les Hughes to WN283.¹⁶⁴

8.155 WN283 acknowledged in her 1989 statement to the Police and her subsequent statement to the Inquiry¹⁶⁵ that she had received disclosures of abuse from WN282 and WN283, among others. She did not report the matters to the Police nor Children’s Services.

8.156 WN23 describes another girl at the home suffering sexual abuse at the hands of Les Hughes, and she encouraged her to phone Childline, which was being publicised at that time by Esther Rantzen. She described accompanying the girl to the phone box, but she was unable to recall whether any action resulted from that.¹⁶⁶

8.157 In 1988, WN816 disclosed to the Duty CCO, Hal Coomer, that she had been sexually assaulted by Les Hughes at the Home. As was recorded contemporaneously, this was passed to Marnie Baudains who interviewed WN816 and WN23. During this interview, WN23 said that nothing similar had happened to her.¹⁶⁷

8.158 In 1989, WN23 disclosed to her CCO, Marnie Baudains, that she had been sexually abused by Les Hughes. In her oral evidence to the Inquiry, WN23 said that she felt that Marnie Baudains was very understanding and supportive. WN23 said that Marnie Baudains impressed on her that she was making a very serious allegation, with huge implications, but felt that Marnie Baudains believed her.¹⁶⁸ By this time, WN23 had already disclosed the abuse to her boyfriend, who had believed her. WN23 goes on to describe being interviewed the following day by Marnie Baudains and Brenda Chappell, with Brenda Chappell telling her that she was duty bound to report the matter to the Police. WN23 says that she confirmed to Brenda Chappell that she wanted something done about Les Hughes, and a phone call was made to the Police, with WN23 giving her first Police statement later that evening.¹⁶⁹

¹⁶³ WS000091/3

¹⁶⁴ WS000091/3

¹⁶⁵ WD009395/37; WS000725/12

¹⁶⁶ Day 20/59

¹⁶⁷ WD000191/14

¹⁶⁸ Day 20/71

¹⁶⁹ Day 20/73

WN23 describes having mixed feelings about making the disclosure to Marnie Baudains and Janet Chappell, insofar as they were supportive, but she felt that they questioned whether she wanted to go ahead with the complaint.¹⁷⁰ She told the Panel that she felt closer to Marnie Baudains in the run-up to the disclosure because Marnie Baudains had increased her visits due to WN23 self-harming.¹⁷¹

Blanche Pierre

8.159 Darren Picot said that he never even considered reporting the abuse at the time he was living at the Home, because of “*pure fear*”.¹⁷² He also explained that he felt that his teachers must have known about the abuse at Blanche Pierre, and went on to say the following: “*... it is not worth anyone’s while losing their job over making complaints because people made complaints and they were just shoved in a drawer*”.¹⁷³ He went on to say that he never told anyone of the abuse at school, for fear of being shunned. He said: “*It was bad enough being called ‘foster boy’ without being called ‘foster boy that gets beaten’, stuff like that*”.¹⁷⁴

8.160 Another witness, WN76, told the Inquiry that she did not disclose the alleged abuse at the time because she did not realise what had gone on the Home was wrong and regarded it as the norm. She explained that it was only through her work with children and her child protection training that she came to realise that what had gone on was “*totally wrong*”.¹⁷⁵

8.161 WN154 said this about why he did not feel able to disclose the alleged abuse: “*I always remember, because of being scared of Alan and Jane, there was no-one to go to if you had a problem, and just wanted to talk it over with someone, which young people do. Even when Richard Davenport, the CCO, came down, if he asked if everything was okay, I’d say ‘Yes’ because I was too scared to say anything else.*”¹⁷⁶

¹⁷⁰ Day 20/73

¹⁷¹ Day 20/76

¹⁷² Day 25/118

¹⁷³ Day 25/130

¹⁷⁴ Day 25/131

¹⁷⁵ Day 29/69

¹⁷⁶ WS000114/3

8.162 In a 2008 statement, David Dallain (CCO) said that WN83 had disclosed at one point that Jane Maguire had hit him. He said that he approached Jane Maguire about it and she completely denied any incident had taken place, which surprised him. He said: *“I did not consider reporting the incident to my manager ... as there was no corroboration. I assessed the situation and decided to take no further action and wait to see if any further allegations were made. I did this as I hoped that if there was any truth to the allegation, bringing it to Mrs Maguire and speaking to her about it would serve as a warning and stop any further incidents.”*¹⁷⁷

8.163 As discussed in detail below, disclosures were finally made in 1990 by Susan Doyle and Karen O’Hara, two staff members at the Home. They reported their concerns to Dorothy Inglis, who was providing tutorials for them at the time. Dorothy Inglis reported it to Anton Skinner and an investigation commenced.

Children in foster care

1950s

8.164 Winifred Lockhart says that she reported physical abuse from her foster mother to a visitor from the “Social Welfare Department” – she said that she was quite a forceful child and felt able to speak up.¹⁷⁸ There are some contemporaneous records of these reports from 1953.¹⁷⁹

8.165 WN964 and WN963 said that they told various people, including the Parish Constable, the school, and neighbours, about physical abuse perpetrated by their foster parents, WN965 and WN962. WN964 said that nobody ever did anything about it.¹⁸⁰

8.166 WN174’s physical abuse at the hands of his foster mother, WN483, was reported to the authorities by someone else, leading to the child being moved to HDLG.¹⁸¹ Details of the alleged abuse were recorded contemporaneously by Children’s Services.¹⁸²

¹⁷⁷ WD006875

¹⁷⁸ Day 11/25–26

¹⁷⁹ WD000010/5

¹⁸⁰ WD006594; WD006595

¹⁸¹ WD000684

¹⁸² Day 35/34–36

1960s

- 8.167 Michael Laing said that he did not report alleged abuse by his foster parents at the time, because he tried to block it out. He says that he never considered approaching the Police and felt that there was a stigma attached to speaking out.¹⁸³
- 8.168 WN341 said that he disclosed abuse by his foster parents to various people, including Patricia Thornton, his CCO, the Head of Children's Services, and Jim Thomson. He says that the Head of Children's Services did not want to know, but when he told Mrs Bygraves (also a CCO), she was lovely and "*said she was going to help me*". He was eventually stopped from staying with his foster parents.¹⁸⁴
- 8.169 WN240 says that she ran away from her foster home in the early 1960s due to being forced to work for her foster mother and her foster father making lewd comments. She said that she told her social worker straight away, who immediately said that she couldn't go back. That day, they found WN240 somewhere else to go.¹⁸⁵

1970s

- 8.170 WN31 says that she did not have the opportunity to disclose her mistreatment at the hands of her foster parents, because her foster mother was always present when anyone from Children's Services visited. She said it felt like the social workers were there to be friendly with the foster mother and "*It did not really feel like they were coming for me*".¹⁸⁶
- 8.171 WN3 alleges that she was sexually abused by another resident in the foster home. She remembered being visited by her CCO, Marnie Baudains, about once a year and was never alone with her on these occasions. She says that she ran away at one point and saw Marnie Baudains, but she did not feel able to disclose the abuse – she generally found it difficult to speak to adults.¹⁸⁷

¹⁸³ WS000003/16–19

¹⁸⁴ WS000242/6

¹⁸⁵ Day 39/76–78

¹⁸⁶ Day 13/32

¹⁸⁷ WS000470/0–11

8.172 In the late 1970s, a young child died in private foster care after having been shaken by his foster mother, Mrs Le Moignan. A few months before, neighbours had made complaints to Children's Services about the treatment of the child and his sibling.¹⁸⁸

1980s

8.173 WN99 said that he was beaten by his foster father and ran away to his mother, who called the CCO, Richard Davenport. WN99 said that he was then sent straight back to the foster home, without the complaints having been taken seriously. More generally, he thought that children were unable to speak out about abuse because they thought that they would not be believed.¹⁸⁹

8.174 WN803 and WN901 described making a video statement about allegations of abuse against their adoptive father (who had previously been their foster father). She appears to have been taken there by her foster mother.¹⁹⁰

1990s

8.175 One child who was in foster care in the early 1990s alleges that she was regularly sexually abused by her foster father. She says that she did not tell anyone about the abuse at the time because she thought it was her fault and she must have done something wrong, and the abuse was her foster father's "payback".¹⁹¹

8.176 In 1991, a 13-year-old girl was removed from foster care at the request of the foster mother. A note from the CCO recorded that "*these foster parents have been wiped off the slate*".¹⁹² In the following days, it appeared that something was disturbing the child and she eventually disclosed allegations of indecent assault against her foster father (WN857) to Marnie Baudains, which led to a Police investigation and disclosures of digital penetration on five occasions.¹⁹³

¹⁸⁸ WD006509

¹⁸⁹ Day 45/67-71

¹⁹⁰ WS000689/2

¹⁹¹ WD000301

¹⁹² WD008598

¹⁹³ WD006607

- 8.177 In 1994, the mother of a child in foster care reported to Children's Services that her two-year-old child had suffered physical abuse at the hands of her foster parents, WN858 and WN859. This prompted an investigation by Children's Services and a subsequent Police investigation.¹⁹⁴
- 8.178 Later that year, a 19-month-old girl was admitted to hospital by her foster mother, WN861. Dr Clifford Spratt, the local paediatrician, found two large bruises which he deemed non-accidental. As a result, he notified the SOJP and Children's Services, and investigations commenced.¹⁹⁵
- 8.179 In 1998, a 16-year-old girl in foster care reported to the SOJP that she had been physically assaulted by her foster father, leading to a Police investigation.¹⁹⁶
- 8.180 In the 1990s and 2000s, there were several disclosures of abuse in relation to WN862's alleged abuse of WN974, who had previously been in foster care. These included: a report was made by the maternal grandfather in 1995 to Children's Services; a disclosure by WN974 to the family support worker in 1997; and a disclosure to the SOJP in 1998.¹⁹⁷ Although there were further allegations in the following years, WN974 was unwilling to make a formal complaint.

2000s

- 8.181 In 2002, two or three children in foster care disclosed to their mother that they had been sexually abused by the 18-year-old son (WN884) of their foster parents, WN812 and WN813. The mother notified the out of hours duty officer the same day, who passed it on to David Castledine (the CCO for the children). He quickly informed the SOJP, who carried out an extensive investigation.¹⁹⁸
- 8.182 In September 2003, a 15-year-old child in private foster care disclosed to her CCO that she had been indecently assaulted by her foster father. She was

¹⁹⁴ WD005965

¹⁹⁵ WD006618; WD006617

¹⁹⁶ WD006626

¹⁹⁷ WD006626

¹⁹⁸ WD008746

concerned about the consequences of making a formal complaint and was worried about her foster mother.¹⁹⁹

8.183 In August 2006, a 14-year-old child in foster care raised allegations that she had been indecently assaulted by her foster mother's fiancé. She initially told her foster mother, who reported the matter to the SOJP.²⁰⁰

Summary of evidence set out above in relation to individual homes

8.184 Throughout the period under review, ad hoc disclosures were made to staff in children's homes – either by the child themselves, or by a relative, by another member of staff, or by a friend. Therefore, we look below at the individual homes and services to examine the reporting of abuse in each of them.

Jersey Home for Boys

8.185 Children made disclosures to staff at the Home, to the SOJP, and to the Constable. Other children were unable to make disclosures, either because they were scared, they had been threatened with punishment, they did not think they would be believed, or they did not realise that the sexual abuse was not normal.

Jersey Home for Girls

8.186 Children generally did not disclose because there was nobody to complain to, or because they were scared. When children did disclose to staff, staff responded that they could not intervene, that there was nothing they could do and that the children should not tell anyone. One child allegedly told a teacher about being abused; the teacher did believe her, but there was no follow-up from this.

Sacré Coeur

8.187 Some children say they complained to Children's Services, others said that there was nobody to speak to and that they would not have been believed had they done so. Complaints were also said to have been made to the nuns and

¹⁹⁹ WD006628

²⁰⁰ WD006624

to the Mother Superior of the Orphanage, leading to the children being punished.

Haut de la Garenne (1960–1969)

8.188 Many witnesses said that that they did not report their abuse because they did not think that they would be believed. One, who alleged abuse by senior members of staff, said that there was nobody they could tell. Some said that they reported allegations of abuse to the Police or to visiting doctors. Others said that they disclosed to members of staff, including to the Superintendent, Colin Tilbrook. On some of these occasions, the children were disbelieved; on others, they were punished for their disclosures, or abused further. Members of staff said that if they had had any concerns or had received any disclosures, they would have reported them to the Police, or to Colin Tilbrook. There are at least two examples of a member of staff reporting an allegation to the Police following a child's disclosure. The case of Peter Brooks is discussed above.

Haut de la Garenne (1970–1986)

8.189 Again, many witnesses who did report allegations of abuse said that they were not believed, or that they were punished. This discouraged them from making any subsequent disclosure because they thought that there was no point. Some children disclosed allegations to relatives, who then passed on the allegations to senior members of staff. The evidence suggests that, at least on some occasions, these allegations would be passed on to Children's Services, either to inform them or with the intention that Children's Services would follow up and investigate. Allegations of abuse made against a non-staff member, Terrence Jarrett, were reported to the Police by members of staff, while allegations of sexual abuse by residents against fellow residents appear to have been addressed by staff and Children's Services without informing the SOJP. Members of staff said that there were no procedures in place for reporting abuse, but that if they did have any concerns, they would have told a senior member of staff. There are some examples of members of staff reporting concerns about the Jordans to the Superintendent.

Heathfield

8.190 Serious allegations of sexual abuse were disclosed in the late 1980s and early 1990s, either to members of staff or directly to the Police. In the 2000s, allegations were made against members of staff and people outside the Home: these were reported to members of staff, CCOs and others within Children's Services, either by the child themselves or by their friends or relatives. Some allegations of physical abuse against members of staff were reported by other members of staff. Many of these were then passed on to the SOJP for investigation, although there were some low level allegations that were dealt with only by Children's Services. By 2005 there appears to have been procedures in place for responding to allegations of abuse, but it is not clear at what stage, if ever, there were any effective systems in place for the reporting of abuse.

La Preference (Private/Voluntary Home)

8.191 A small number of disclosures by residents were made in relation to abuse perpetrated outside of the Home by adults not employed at the Home. Some were acted upon and some, according to former residents, were not. One witness did not disclose because she thought she would not be believed.

La Preference (States run)

8.192 Several reports were made by children or their relatives alleging physical assault by staff members during the 1990s and 2000s – these were generally made to CCOs or other members of staff. A small number of disclosures were also made in relation to abuse taking place outside of the Home.

Brig-y-Don (States run)

8.193 There are two instances of complaints being made – one by a resident and one by a court-appointed psychologist.

Les Chênes

8.194 In the 1980s, residents said they were threatened not to make complaints and would not have known how to do so anyway. Some former residents said that

they did not complain because it would not have got them anywhere, or that there was nobody to whom they could complain. There was nobody for them to speak to, and when they did complain, they were punished. One said that they disclosed a physical assault to a Magistrate, but were told that they must have deserved it. In the 2000s, some children did make complaints about physical abuse – either to CCOs or to the SOJP – leading to investigations. At least one disclosure was made to members of staff about sexual abuse outside of Les Chênes, which was then immediately reported by staff to the SOJP. In this period, it does not appear that disclosures were made pursuant to any particular system in place, but it does seem that residents were at least aware that they could make complaints, whether to their CCO or directly to the SOJP.

Family Group Home run by WN279 and WN281

8.195 There are contemporaneous records of complaints of physical abuse being made in the 1970s to school teachers, and then subsequently to a CCO, Ms Hogan. On the first occasion on which Ms Hogan investigated the allegations, teachers said that the children at the Home often talked of being hit on the head. On another occasion, one of the children disclosed to a member of staff that he had been hit by WN279, which she then reported to Brenda Chappell. In relation to both incidents, there does not appear to have been any system in place under which staff were required to report the allegations to the SOJP.

Clos des Sables

8.196 In the 1960s, one child disclosed to the Houseparents that he had been sexually abused in the UK before arriving at the Home: this was reported to Children's Services, albeit accompanied with the Houseparents' view that the allegations had been invented. During the lengthy period in which Les Hughes was committing sexual assaults against girls in the Home, some of the girls made complaints to a staff member, WN283. However, as discussed in Chapter 9, these were not acted upon. In 1988, some disclosures were made to a Duty CCO and, in 1989, significant disclosures were made by one of the girls to Marnie Baudains, her CCO. This happened after a long period in which a relationship of trust was built between WN23 and Marnie Baudains.

Following receipt of the disclosures, the matter was reported to the SOJP. Although disclosures were made and were acted upon at this time, this does not appear to us to have been facilitated by any system, but as a consequence of the relationship between a CCO and a child in care.

Blanche Pierre

8.197 Some children said that they did not make disclosures at the time because of fear; another did not realise that what was happening to them was wrong. One disclosure of physical assault was made to a CCO, but this was not passed on to his Manager because he assessed the situation and thought that because there was no corroboration, the disclosure would go nowhere. Disclosures were made in 1990 by two staff members, Sue Doyle and Karen O'Hara: these related to what they had witnessed, rather than to disclosures made by children placed there. They told Dorothy Inglis, who passed the matter on to Anton Skinner, Children's Officer. Although these disclosures were investigated to some extent at the time, there was no multi-agency approach and no system existed to facilitate these disclosures, despite the multi-agency CPT being in existence, albeit in embryonic form. The Police were not informed at the time.

Children in foster care

8.198 Disclosures were made throughout the relevant period, either by the child themselves or by others who had concerns about the abuse, including relatives of the child. The disclosures were largely made to CCOs or someone else within Children's Services, although in the later period in particular, complaints were also raised directly with the SOJP. Some children say that they had nobody with whom they could raise complaints, because even when their CCO visited, they did not have the opportunity to see them on their own.

Findings: Reporting of abuse

8.199 Below, we set out generic findings on the reporting of abuse, having summarised the evidence on the reporting of abuse at each Home.

- 8.200 We have considered a large amount of witness evidence about the reporting of abuse and about the reasons given for not reporting abuse. Although some of the accounts arise from oral evidence to the Inquiry, many were taken from witness statements; these were not tested in oral evidence. Some of the accounts are corroborated by contemporaneous records and/or other witness evidence, others are not. As a result, we have not made findings in individual cases as to whether or not disclosure took place.
- 8.201 Concerns about abuse were raised in a multitude of different ways, across the whole of the relevant period. They were raised by the children who had been abused themselves; their friends, relatives, and teachers; by CCOs; and by residential child care staff.
- 8.202 Where concerns were raised, they were reported to a variety of people. The most common route of disclosure was to the child's CCO or to someone else in Children's Services. However, disclosures were also made to parents, teachers, friends, residential child care staff, the Police, and others.
- 8.203 There is no evidence before the Inquiry that any child in residential or foster care who raised allegations of abuse did so by reference to any formal policy in place. For a large proportion of the period with which the Inquiry is concerned, there were no formal Policies or procedures in place, and no systems relating to the handling of disclosure that we can identify. The formation of Childline in 1986 did not amount to a system for reporting concerns, but did provide an outlet for some. We recognise that at least until the late 1980s this was in line with the approach taken generally in the UK, but note that policies and procedures in Jersey were behind those in the UK. Children in care therefore had to use their own initiative if they wanted to make a disclosure. A child decided to whom, and in what circumstances, he or she could safely make an allegation of abuse.
- 8.204 From the late 1980s and early 1990s, policies and procedures began to be introduced relating to the processing and handling of disclosure. The recording and processing of disclosure appears to have increased at this time in line with the development of multi-agency working. However, these systems still had significant flaws – they do not appear to have been effectively brought

to the attention of children and consequently were of little, if any, practical benefit either to children in residential care, to residential care staff or to CCOs.

- 8.205 By 2005 it is clear that a formal system was in place – however, there is a significant question about how widely these procedures were made known and whether they were used by staff or children. Further, these procedures largely replicated English guidance from 1991, providing another example of Jersey lagging significantly behind policy and practice elsewhere.
- 8.206 In his 2008 statement, WN688, an employee of Children’s Services, said that *“Until about five years ago, there was not a complaints procedure, before that it was a cloudy picture as to what and how complaints were recorded and investigated. There [were] no set guidelines and who to report to and who investigated the matters. I have reported things in the past and was told that unless I had evidence or proof to substantiate what I was saying that there was nothing that could be investigated.”*²⁰¹ This suggests that even if there were systems and procedures in place by the early 2000s, they were not sufficiently well known by Children’s Services staff to be useful in practice. This we find was an inadequate approach.
- 8.207 The absence of an identifiable reporting system for much of the relevant period made it very difficult for children, staff and the general public to make complaints or raise concerns. Children in the care system were often powerless. While we recognise that up to the late 1980s this was the approach generally, we record our dismay that children’s accounts went unheard and discounted. There were no systems in place – whether they were adequate or not over this period does not fall to be assessed.
- 8.208 The reasons why children in care did not feel able to report abuse are varied. Many felt they would not be believed and said that the prevailing culture at the time was that children did not speak up. Some accepted their abuse as a normal part of life. Some were unable as children to articulate their experiences and were only able to speak out years later.

²⁰¹ WD003532

- 8.209 Although the responses to allegations of abuse are addressed in Chapter 9, we note that one of the reasons why children did not disclose is that they had previously disclosed and had either been disbelieved or had been punished. It is clear to us that the absence of a system for reporting and the culture in various institutions further reduced the likelihood of children making disclosures. We note that a number of children would still not have been able to disclose at the time, regardless of the system or culture. The barriers to disclosure that we have identified above are ones that have been found in other reports on child abuse.
- 8.210 Notwithstanding the lack of a formal system and the various reasons for non-disclosure, there were disclosures throughout almost the entire period. Many of those, particularly from the late 1980s onwards, were to a child's CCO. We do not think that this amounted to any system, yet alone an adequate one, but we recognise that this was an important outlet for children and that such disclosures often depended upon regular contact and the development of a relationship of trust.
- 8.211 From the late 1990s, an increasing number of disclosures were made directly to the SOJP. Again, we do not consider that this amounted to a system, let alone an adequate one, yet again we recognise that there must have been some information provided to children in care that they were able to make complaints directly to the Police. On the basis of the evidence, we do not know whether this information was provided by the Police themselves, or by Children's Services.
- 8.212 We consider that Term of Reference 8 does not require us to make findings on the reporting of historic allegations and the systems in place to facilitate such reports. We have focused on the reporting or non-reporting of contemporaneous or recent allegations. However, we think it important to record that by the 2000s, large numbers of allegations of historic abuse were being made and were being investigated, particularly as part of Operation Rectangle. Prior to this time, with a few exceptions, there were no reports of non-recent allegations of abuse by children formerly in care.

- 8.213 With regard to the effect of the political and societal environment, we note that at least over the early part of the relevant period, Jersey society remained patrician and hierarchical: those in care remained in our view marginalised, and their standing low. In line with societal views in the UK at the time, the views of children, and more so of children in care, were given scant regard over those of adults in whose care they were maintained as well as those in authority. That children will have been disbelieved or were fearful of coming forward is in part a reflection of how those in care were viewed by the society charged with their care.
- 8.214 The evidence we received points to the Jersey child care system being one in which there was abuse of children. That abuse, in many cases, was not dealt with because of the lack of any means of supporting children to make complaints or raise concerns. The voices of children were effectively ignored over many decades.