

INTRODUCTION

- I.1 On 6 December 2010, Jersey's Chief Minister made a formal apology to all those who had suffered abuse in the States' residential care system, acknowledging that the care system had failed some children in a serious way.
- I.2 On 6 March 2013, the States Assembly formulated the Terms of Reference for what was to be a public inquiry undertaking a wide-ranging investigation into the abuse and mistreatment of children placed in children's homes and in foster care in Jersey from the Second World War to date.
- I.3 On that occasion, the Chief Minister, Senator Ian Gorst, said this:

"It is the right thing to do for victims of abuse who want to recount their experiences to an independent inquiry. It is the right thing to do for our community so we can be assured that we have done everything possible to establish what went wrong and then to ensure it does not happen again."

- I.4 The 15 Terms of Reference set by the States of Jersey cover many different areas and have areas of overlap. Because of the overlap, each Term of Reference has not been dealt with separately in the Report. However, I am satisfied that each of the issues raised in the Terms of Reference has been addressed. The Report identifies, at the start of each chapter, those Terms of Reference covered in the chapter.

Overview

- I.5 As I set out during the Inquiry's Preliminary Hearing on 3 April 2014:

"The Inquiry has been set up to establish what went wrong in the island's care system over many years and to find answers for people who suffered abuse as children."

- I.6 The Inquiry sat for 149 days of hearings and consultations, allowing over 200 witnesses to give evidence directly. Additionally, the evidence of over 450 former residents of, and those otherwise connected to, Jersey's care system was read into the record to enable the Inquiry to consider the broadest possible range of evidence. In order to provide a sufficiently substantial

evidential basis in addressing the Terms of Reference, the Inquiry processed and considered around 66,000 documents (a significant proportion of which amounted to many pages) and over 70,000 electronically stored documents (again, most of which ran to many pages).

I.7 The following Interested Parties took part in the hearings and made submissions:

- Jersey Care Leavers' Association;
- Law Officers' Department;
- Leonard Harper;
- Michael Gradwell;
- States of Jersey Police;
- The Government of Jersey, namely the Chief Minister's Department, Health and Social Services, Education, Sport and Culture, including the Probation and After Care Service and the Home Affairs Department.

I.8 I have incorporated, sometimes verbatim, some submissions in the Report, but only after a careful consideration of all submissions.

I.9 The Inquiry took the decision at the outset to divide its task into Phases of evidence as follows:

I.9.1 **Expert evidence:**

- Dr Philip Johnson, Associate Professor, Jersey Institute of Law;
- Tony Le Sueur, Policy Development, Governance and Quality Assurance Manager, States of Jersey;
- Professor Roger Bullock, Professor Emeritus of Child Welfare Research, Bristol University, and Fellow, Centre for Social Policy at Social Research Unit, Dartington; and Professor Roy Parker,¹ University of

¹ Now deceased

Bristol, and Fellow, Centre of Social Policy, Social Research Unit, Dartington. Professor Bullock attended the hearing to give evidence;²

- Richard Whitehead, Principal Legal Adviser, Law Officers' Department and Director of the Civil Division.

I.9.2 **Phase 1a** – evidence of and relating to former residents of children's homes³ and foster care;

I.9.3 **Phase 1b** – evidence of those connected to the care system, including residential child care staff, managers of children's homes, Child Care Officers, the Children's Officer and senior management within the Education Department and the Health and Social Services Department. Phase 1b also heard evidence from those alleged to have abused children in care and those convicted of abuse of children in care;

I.9.4 **Phase 1bb** – evidence of those charged with political or other oversight of children's homes and fostering services during the relevant period;

I.9.5 **Phase 2** – evidence from the States of Jersey Police, the Honorary Police, politicians, civil servants and the Law Officers' Department;

I.9.6 **Phase 3a** – the Inquiry Panel's meetings with staff and volunteers from organisations who work with, advocate for or support work with children and service users;

I.9.7 **Phase 3b** – the consideration of expert evidence set out in paragraph I.9.1 above and from meetings with child care policy experts such as Professor Eileen Munro and Lord Laming;

I.9.8 **Phase 3c** – a public consultation, inviting contributions from the people of Jersey as to how Jersey can deliver a high-quality system of care for children;

² EE000136 Bullock Report

³ Including Les Chênes and Greenfields

- I.9.9 **Phase 3d** – a consultation with Jersey stakeholders from all sectors, which included discussions with the Panel, held in public session, in which contributors from other phases participated.
- I.10 As part of Phase 3, the Panel consulted with members of past and present inquiries set up in the UK and other jurisdictions, including the Victoria Climbié, Rotherham, St Helena, Northern Ireland Historical Institutional Abuse and Scottish Child Abuse Inquiries, to discuss the challenges of translating Inquiry findings and recommendations into improvement in services for children.

Treatment and analysis of the evidence

- I.11 Evidence was obtained by the Inquiry from various sources, including:
- disclosure from the Interested Parties;
 - statements and documents provided by witnesses to the Inquiry;
 - documents available to the general public;
 - documents obtained from the Jersey Archive;
 - all independent investigations and reports conducted in response to the concerns raised in 2007;
 - information that came to light during the development and progress of the Redress Scheme.
- I.12 In accordance with the Inquiry protocols, evidence given directly to the Inquiry was provided through a witness statement and then, in many cases, through oral evidence. Such statements and oral evidence were provided in three forms:
- **Publicly** – whereby individuals gave evidence under their own name, in the Inquiry’s hearing room, in the presence of the Panel, the Interested Parties and the general public;

- **Anonymously** – whereby individuals (whose names were known to the Panel) gave evidence from behind a screen in the Inquiry’s hearing room, in the presence of the Panel, Interested Parties and the general public, but with their name and identifying details redacted. Only Counsel to the Inquiry and the Panel could see the witness;
- **Privately** – whereby individuals gave evidence under their own name in the Inquiry’s hearing room, in the presence of only the Panel and Counsel to the Inquiry. As neither the Interested Parties nor the general public were able to hear this evidence, it has been considered by the Panel only as background material and will be neither set out in this Report nor used when making findings. I should make it clear that nothing emerged in these private hearings that raised new lines of enquiry.

I.13 Oral evidence at the Inquiry’s hearings was adduced by inquisitorial questioning by Counsel to the Inquiry. Relevant questions raised by Interested Parties were also asked on their behalf by Counsel to the Inquiry. There was no cross-examination. The members of the Panel were free to – and did – ask questions.

I.14 Some former residents of children’s homes and foster care were not able or willing to give direct evidence to the Inquiry during Phase 1a. We considered, in many such cases, the witness statements provided by them to the States of Jersey Police, applications made by them to the Historic Redress Scheme, Social Services records, and documents produced by the Education Department or the Health and Social Services Department, such as memoranda and committee minutes.

I.15 In the case of witnesses giving evidence during Phase 1b, the Inquiry had access to statements made to the States of Jersey Police, police officers’ reports, HR records and other contemporaneous documentation.

I.16 In the case of non-oral evidence, and when considering the weight, if any, to attach to it, I am mindful of the fact that this evidence was not tested or amplified in oral hearings.

- I.17 Witnesses who gave evidence during Phase 1a and Phase 1b were asked, as envisaged by Term of Reference 7, to explain or comment upon individual allegations of abuse that they had made, or that had been made against them. Notwithstanding that fact, it is not our task to resolve factual disputes in relation to individual allegations of abuse. A public inquiry is not equipped for such a task: witnesses, whether accused or accusing, do not have the opportunities or the protections that would be necessary for such a process.
- I.18 What is within our remit is to make findings about patterns of abuse, about systemic failings, and about the culture within particular institutions.
- I.19 It has been necessary to devise a system naming individuals entitled to anonymity. The working presumption was that all of those giving evidence who had previously been children in care, and all of those who had worked in residential care facilities, were entitled to anonymity. This was on the basis that they were, or might be, individuals making allegations of abuse, or that they might be individuals accused of abuse. That presumption could be rebutted when such an individual gave evidence in public to the Inquiry, at which point his or her name could be used, in accordance with the Inquiry's protocols. Other factors affecting anonymity included the death of any individual or the fact that allegations against them were already in the public domain.
- I.20 Ciphers have been used in cases where it was agreed by the Inquiry that a person could give evidence anonymously. They are also used where a person has been accused of abuse but is still alive and has not been convicted, or where the allegations are not in the public domain. The use of the cipher "WN" followed by a number does not indicate that allegations of abuse have been made against that person.
- I.21 The following abbreviations are also used: "WD" (witness document) and "WS" (witness statement).

I.21 The Terms of Reference, drafted by the States, are broad in scope.

The Committee of Inquiry (“the Committee”) is asked to do the following:

- 1. Establish the type and nature of children’s homes and fostering services in Jersey in the period under review, that is the post-war period, with a particular focus on the period after 1960. Consider (in general terms) why children were placed and maintained in these services.**
- 2. Determine the organisation (including recruitment and supervision of staff), management, governance and culture of children’s homes and any other establishments caring for children, run by the States and in other non-States run establishments providing for children where abuse has been alleged, in the period under review and consider whether these aspects of these establishments were adequate.**
- 3. Examine the political and other oversight of children’s homes and fostering services and other establishments run by the States with a particular focus on oversight by the various Education Committees between 1960 and 1995, by the various Health and Social Services Committee is between 1996 and 2005, and by ministerial government from 2006 to the current day.**
- 4. Examine the political and societal environment during the period under review and its effect on the oversight of children’s homes, fostering services and other establishments run by the States, on the reporting or non-reporting of abuse within or outside such organisations, on the response to those reports of abuse by all agencies and by the public, on the eventual police and any other investigations, and on the eventual outcomes.**
- 5. Establish a chronology of significant changes in childcare practice and policy during the period under review, with reference to Jersey and the UK in order to identify the social and professional norms**

under which the services in Jersey operated throughout the period under review.

- 6. Take into account the independent investigations and reports conducted in response to the concerns raised in 2007, and any relevant information that has come to light during the development and progression of the Redress Scheme.**
- 7. Consider the experiences of those witnesses who suffered abuse or believe that they suffered abuse, and hear from staff who work in the services, together with any other relevant witnesses. It will be for the Committee to determine, by balancing the interests of justice and the public interest against a presumption of openness, whether, and to what extent, all or any of the evidence given to it should be given in private. The Committee, in accordance with Standing Order 147(2), will have the power to conduct hearings in private if the Chairman and members consider this to be appropriate.**
- 8. Identify how and by what means concerns about abuse were raised and how, and to whom, they were reported. Establish whether systems existed to allow children and others to raise concerns and safeguard their well-being, whether these systems were adequate, and any failings they had.**
- 9. Review the actions of the agencies of the government, the justice system and politicians during the period under review, in particular when concerns came to light about child abuse and establish what, if any, lessons are to be learnt.**
- 10. Consider how the Education and Health and Social Services Departments dealt with concerns about alleged abuse, what action they took, whether these actions were in line with the policies and procedures of the day, and whether those policies and procedures were adequate.**

- 11. Establish whether, where abuse was suspected, it was reported to the appropriate bodies, including the States of Jersey Police; what action was taken by persons or entities including the police, and whether this was in line with policies and procedures of the day and whether those policies and procedures were adequate.**
- 12. Determine whether the concerns in 2007 was sufficient to justify the States of Jersey Police setting in train “Operation Rectangle”.**
- 13. Establish the process by which files were submitted by the States of Jersey Police to the prosecuting authorities for consideration, and establish:
 - i. Whether those responsible for deciding on which cases to prosecute took a professional approach;**
 - ii. Whether the process was free from political or other interference at any level.****
- 14. Set out what lessons can be learned for the current system a residential and foster care services in Jersey and for third-party providers of services for children and young people in the island.**
- 15. Report on any other issues arising during the Inquiry considered to be relevant to the past safety of children in residential or foster care and other establishments run by the States, and whether these issues affect the safety of children in the future.**

I.22 Chapter 1 of this Report sets out an overview of and background to the Inquiry; the Terms of Reference are addressed and recommendations are made in the chapters that follow. Additional material is provided in appendices as follows:

- Appendix 1: Chronology of Significant Events in Jersey Relating to the Inquiry’s Terms of Reference
- Appendix 2: Histories of People who Experienced Care in Jersey

- Appendix 3: Recommendations from Witnesses, and other Contributors to the Inquiry, on the Future of Child Care in Jersey
- Appendix 4: List of Contributors to Phase 3
- Appendix 5: Glossary
- Appendix 6: The Bullock and Parker Report
- Appendix 7: Legislation Study by Richard Whitehead
- Appendix 8: Documents on Oversight and Operation of Children's Services
- Appendix 9: Education and Children's Services Department and Health and Social Services Department Policies, Procedures and Guidance
- Appendix 10: Terms of Reference

Frances Oldham QC
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