

Independent
Jersey Care
Inquiry

INQUIRY RULING

APPLICATION FOR INTERESTED PARTY STATUS

MR MICHAEL GRADWELL

Mr Gradwell has, by virtue of an application dated 22 July 2014 (a copy of which is annexed to this Ruling), asked to be accredited as an Interested Party. The application is made under paragraphs 11 and 13 of the Inquiry Protocol: General Procedures, and falls to be considered under paragraph 12 of the same protocol.

For the reasons set out in the application, specifically on the basis that he may be criticised during the course of the Inquiry, the Inquiry agrees to designate Michael Gradwell as an Interested Party to the Inquiry.

Signed:



Frances Oldham QC



21 August 2014

Date:
Our Ref:
Your Ref:
Please ask for:
Direct Line:

Imran Khan
[REDACTED]

The Chair
Frances Oldham QC
Jersey Care Inquiry
PO Box 551
Jersey
JE4 8XN

Dear Madam Chair

**Jersey Care Inquiry
Application for Interested Party Status**

We are instructed to act on behalf of Mr Michael Gradwell.

We have had an opportunity to consider the "Inquiry Protocol – General Procedures" and our client herein applies for Interested Party status.

We note that in determining whether to designate any individual as an Interested Party, the Inquiry will consider the following factors:-

- i. *Whether the person may have played a direct and significant role in relation to an issue or issues to which the Inquiry relates.*

During the period between 8 September 2008 and 27 August 2009 our client was seconded to the States Jersey Police as the Senior Investigating Officer for Operation Rectangle.

Our client had responsibility for coordinating and managing the investigation. It is therefore, our clients submission that he played a direct and significant role in relation to a number of issues relevant to the Inquiry.

- ii. *Whether the person has a significant interest as an important aspect of the matters to which the Inquiry relates and will assist the Inquiry to fulfil its terms of reference.*

In view of our clients appointment as the Senior Investigating Officer for Operation Rectangle, he has a significant interest in matters and he will be privy to a large number of issues which the Inquiry would wish to establish. In particular, we draw reference to the following terms of reference to which our client can assist the Inquiry with

- (6) take into account the independent investigation and report 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.
- (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 systems were adequate and any failing they had.



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- (9) review the actions of the agencies of the government, the justice system and politics during the period under reviews, in particular when concerns came to light about child abuse and establish what, if any, lessons are to be learnt.
- (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 were sufficient to justify the States of Jersey police setting in train Operation Rectangle
- (13) establish whether the process by which files were submitted by the States of Jersey policy to prosecuting authorities for consideration and establish – whether those responsible for deciding on which cases to prosecute took a professional approach; whether the process was free from political or other interference at any other level.

Whilst we have not set out the basis upon which our client will assist the Inquiry insofar as the aforementioned terms of reference are concerned, we have commenced taking our clients instructions upon the same and we are therefore in a position to confirm that he would wish to volunteer information to assist the Inquiry in respect of terms of reference 6, 8, 9, 11, 12, 13 and any others which may be deemed appropriate and necessary.

The Inquiry may also be of the view that our client's evidence will assist it in making its recommendations.

iii. Whether the person may be subject to significant criticism during the inquiry's proceedings or any interim report or final report. It is, in our view, given our clients role within Operation Rectangle that some individuals, organisations or institutions may provide information to the inquiry which leads to criticism of him and/or the actions undertaken by him.

It is, in our view, possible that our client may be subject to criticism. Our client has had sight of a comments placed on the internet where reference has been made to his involvement in Operation Rectangle in a less than complementary manner.

With respect, even if there is a distinct possibility of criticism to be levelled at our client, then we submit that he should be given the opportunity to address the same by way of a response.

iv. Whether the persons interest or contribution to the Inquiry requires the status of being an Interested Party.

We contend that in order for our client to voluntarily provide information relating to Operation Rectangle, he should be provided with the Interested Party status.

v. Any other circumstances which the inquiry considers relevant.

This is of course is a matter for the Inquiry to determine but we respectfully submit that the information our client can provide at the Inquiry will be of significant relevance.

In addition to the matters set out above, should our client be successful in his application for Interested Party status, he would seek to submit questions or potential lines of enquiry to the Inquiry.

The Inquiry will no doubt appreciate that in order to provide information our client would require access to the documents within the inquiry's control. We note that Interested Parties and their accredited lawyers will be entitled to view documents pursuant to the Inquiry's document management system.

We trust that having taken into account the matters contained herein, it is accepted that our client would offer significant assistance to those matters which have been set out within the Terms of Reference approved by the States of Jersey on 6 March 2013.

Should you require any further information in support of our clients application for Interested Party status, please do not hesitate to contact the writer at your convenience.

We look forward to hearing from you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'LH Small', written in a cursive style.

Lewis Hymanson Small LLP