

## CHAPTER 9

# The Response of the Departments of Education and Health and Social Services to Allegations of Abuse

9.1 Under Term of Reference 10, we are asked to consider:

- the response of the Education and Health and Social Services Departments to concerns about alleged abuse;
- what action they took;
- whether those actions were in line with the policies and procedures of the day; and
- whether those policies and procedures were adequate.

9.2 We have interpreted the “Education and Health and Social Services Departments” to include all staff working within those Departments – including residential child care staff, those in charge of the relevant Homes, child care officers (CCOs), Senior Managers within Children’s Services, and the Directors of Education.

9.3 When examining the action taken by the Departments, we have focused primarily on cases in which there was at least some action taken. As set out in Chapter 8, we acknowledge that a substantial number of witnesses gave evidence that, when they reported abuse, no action was taken at all.

### **Policies and procedures**

9.4 In order to establish what the policies and procedures of the day were, we have considered the evidence of witnesses to the Inquiry, as well as the documentary disclosure provided by the Departments. Our view is that for something to constitute a policy or procedure, it must be a written or properly communicated guide about how an individual should act in certain circumstances.

- 9.5 We considered whether the Education Committee’s “Agreed Code of Practice” on “Child Abuse/Non-Accidental Injury”<sup>1</sup> from 1987 could be regarded as a relevant policy or procedure, particularly given that Anton Skinner told us in evidence that non-accidental injury procedures would have gone out to all homes, with a prescribed set of action to be taken if there was a suspicion of abuse.<sup>2</sup> However, we concluded that the 1987 Code of Practice did not amount to a relevant policy or procedure for the purposes of Term of Reference 10. In our view, this code of practice is clearly directed towards suspected abuse where the child is living in the family home, and would not have been relevant to concerns about abuse where a child was in residential care. For example, a child would not have been placed on an “at risk” register when they had already been admitted into care.
- 9.6 We note that in addition to the 1987 non-accidental injury code of practice, there are several other policies and procedures that address the response to concerns about allegations of abuse – however, those that are not listed below (including, for example, the Child Protection Guidelines from 1991<sup>3</sup> and 2000<sup>4</sup>) do not include policies and procedures that would be applicable where a child in care is making an allegation of abuse, whether against a staff member or someone outside of a children’s home. We note that these procedures,<sup>5</sup> from 1991, refer to a Child Protection Co-ordinator who would “*oversee the effective co-ordination of these procedures*”,<sup>6</sup> however we have seen no evidence of any involvement of such an individual in responding to allegations about children in care, and no evidence at all about the work carried out in that role until the 2000s.
- 9.7 Some of those who worked in Children’s Services at the time made reference in evidence to policies and procedures – Anton Skinner said in evidence that these were available in the late 1980s<sup>7</sup> and Marilyn Carre remembered a protocol in existence before 1989 that CCOs were required to follow where it

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<sup>1</sup> WD006302

<sup>2</sup> Day 88/6

<sup>3</sup> WD009137

<sup>4</sup> WD005237

<sup>5</sup> The 1991 Child Protection Guidelines, as well as the 2002 Sexual Misconduct Policy and the 2004 Allegations against Staff Policy listed below

<sup>6</sup> WD009137/5

<sup>7</sup> Day 88

was suspected that a child had been sexually abused.<sup>8</sup> Furthermore, the Child Protection Team (CPT) was established in 1989 and received considerable publicity.<sup>9</sup>

9.8 However, we note that the Inquiry has seen several examples of disclosures of allegations of abuse relating to children in care in the late 1980s and early 1990s. These include the allegations against WN637 in 1987, the allegations against WN766 in 1988, the allegations against Les Hughes in 1989, the allegations against the Maguires in 1990, and the allegations against WN335 in 1991. All of those allegations were investigated. In none of them was there any reference to policies and procedures that were or were not being followed.

9.9 Thus, we conclude that the Departments did not have any policies and procedures for responding to concerns about abuse of children in care until the 1990s at the earliest, and potentially well into the 2000s. This does not therefore mean that we criticise all responses to allegations of abuse until this time. It means simply that these responses cannot be assessed against the “policies and procedures of the day”, because there were no such policies and procedures.

9.10 We note that in England, in 1991, the “Working Together under the Children Act 1989” guidance<sup>10</sup> included a section on abuse of children in residential settings – by other children, visitors and members of staff.<sup>11</sup> It set out that “*policies and managerial procedures must openly recognise the possibility of abuse and must prevent creating circumstances which could encourage abuse. There must be clear written procedures on how suspected abuse is dealt with, for children and staff to consult and available for external scrutiny*”. The guidance says that abuse by visitors should usually be dealt with in the same way as stranger abuse, and needs to be recognised in the vetting and recording practices.

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<sup>8</sup> Day 81/11

<sup>9</sup> GD000018/16

<sup>10</sup> This was updated in 1999

<sup>11</sup> EE000147/42–44

- 9.11 With regard to abuse by staff, the guidance says that it is “essential” that children and staff are encouraged to report their concerns to the appropriate persons in the local area, and that the procedure for this should be in written guidance and reinforced through training and supervision. Those in authority should be encouraged to treat concerns speedily and appropriately, and ensure correct and effective action. Procedures should make clear the action that should be taken if the member of staff is dissatisfied with the initial response.
- 9.12 The guidance goes on to say that where abuse by a member of staff is suspected, the action to be taken is the same as with any other suspected abuse – the local investigating agency should be informed immediately and other agencies involved as appropriate. Investigations of alleged abuse by a member of staff within the Social Services Department should include an independent element where possible (for example, from another Department, or the local NSPCC). Where possible, the investigation should be carried out by a senior member of the Department without line management responsibilities for the Home in which the alleged incident occurred. Those who are investigating need to recognise that abuse by staff in a residential setting can pervade the whole environment, possibly with the collusion of other members of staff, therefore they will need to pay regard to the possible need for secrecy.
- 9.13 Finally, the guidance goes on to note that three separate strands of investigation may need to be followed – (i) A child protection investigation; (ii) A police investigation, and/or (iii) An employer’s disciplinary procedures. It is stressed that it is *“of the greatest importance that those in authority are clear that, although there may be insufficient evidence to support a police prosecution, this does not mean that action does not need to be taken to protect the child, or that disciplinary procedures should not be invoked and pursued”*.
- 9.14 We consider that the “Working Together” Guidance of 1991 reflects the standards of the day.

9.15 Table 9.1 sets out what we consider to have been the relevant policies and procedures in Jersey at the relevant time.

**Table 9.1: Child Protection Policies and Procedures**

Doc Reference	Date	Policy/Procedure
WD000604	Nov 1991 <sup>12</sup>	Education Committee: Residential Child Care Staff – Disciplinary Procedure. Sets out that, in cases of gross misconduct or urgency, on receipt of a report of the matter, the Children’s Officer (CO) may immediately suspend the employee and follow the disciplinary procedure.
WD008545	Jul 1994	Children’s Rights and Complaints Procedure. Sets out complaints should initially be handled at a local level. It also sets out that a serious complaint that cannot be dealt with at local level can be made to the CO, who will register the complaint and appoint an Investigating Officer to conduct an enquiry. A written record will be kept of the whole process, and disciplinary procedures may be invoked at any stage. A final report will be made by the Investigating Officer to the CO.  We did not receive any reference to the invocation of this procedure in evidence to the Inquiry.
WD009349	Aug 2002	Sexual Misconduct Policy for Children’s Services. Sets out that employees of the Children’s Service have a duty to follow the Child Protection Policy of the unit and the Health and Social Services Committee, to report a suspicion of sexual or physical abuse to the Child Protection Co-ordinator. If reasonable grounds to suspect abuse, the matter must be referred to the CPT without beginning an internal investigation that could compromise the CPT investigation.  It is not clear what the references to the Child Protection Policy of “ <i>the unit</i> ” mean. We did not receive evidence of children’s homes having individual child protection policies at this stage.

<sup>12</sup> A similar copy of the same document was also received which is from March 1990

WD009035	Jul 2004	<p>Child Protection Committee Guidance: Allegations against Staff. Sets out procedure whereby a member of staff receiving a complaint of abuse against another member of staff must immediately inform their line manager or the designated person for child protection. That person must then immediately liaise with the Child Protection Co-ordinator Professional for the Organisation. If the criteria are met, a strategy discussion will be held. It is stated that it is not up to the recipient of the allegation to determine the validity of an allegation and failure to report could result in disciplinary action. Notes that sexual misconduct can occur even if a young person has reached the age of consent.</p> <p>Although this guidance seems to be focused on educational staff and doesn't specifically mention staff in care homes, we think that it likely has broader reach.</p>
WD008591	Aug 2005	<p>Children's Services Child Protection Procedures. Sets out that it is important to note that child protection procedures apply equally to children living away from home as for all other children. Allegations of abuse against staff, foster carers or volunteers should be referred to a Senior Practitioner or Team Manager in the Assessment and CPT. If a criminal offence may have been committed, a strategy meeting should be convened with the police. Investigation can include child protection enquiries, a police investigation, and/or disciplinary proceedings. The fact that a prosecution doesn't follow does not mean that action in relation to safeguarding children or employee discipline is not necessary. The investigation should be completed thoroughly and as quickly as possible. If allegations are substantiated, managers should think widely about the lessons of the case and how these can be acted upon. Historical allegations should be treated in the same way as contemporaneous allegations.</p>
WD009052	Aug 2006	<p>Civil Service Disciplinary Policy. This was applied to staff</p>

		accused of abuse. Sets out that gross misconduct, including assault or sexual offences, will normally lead to summary dismissal.
WD009213	Sep 2010	Memorandum of Understanding for investigations into serious incidents. Includes criminal conduct alleged against an employee of the States of Jersey which might cause significant damage to the reputation of the States of Jersey. Unclear if applied to residential care staff. Notes that States Employment Board has a duty to discipline, suspend or terminate the employment of States' employees.
WD009244	Feb 2011	Jersey Child Protection Committee Multi-Agency Child Protection Procedures. Sets out various principles that underpin the management of allegations against any person who works with children, and goes on to set out procedures to be followed. Sets out that no resignation is to be accepted during investigation.

9.16 We note that the Child Protection Procedures in 2005 are similar in content to that which existed in the English “Working Together” guidance from 1991 (set out above). This is perhaps unsurprising, given that the 1991 English guidance went alongside the *Children Act 1989*, and it was not until the *Children (Jersey) Law 2002* (implemented in 2005) that similar legislation was passed in Jersey.

9.17 When shown the 1991 UK “Working Together” document, which included guidance on responding to disclosures, Sean McCloskey stated that no similar procedure was in place at Heathfield at the time of allegations about WN335 in 1991, nor by the time he left in 1999.<sup>13</sup>

9.18 In evidence to the Inquiry, Phil Dennett said that there was a very clear process (in the context of a question about the mid-2000s) in that the police investigation takes priority and goes first, and once this has been completed,

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<sup>13</sup> Day 69/170

then they would look at a disciplinary process. Invocation of the disciplinary process was discretionary and would be done following discussions with the SOJP and colleagues, taking into account the context of the incident and the seniority and experience of the member of staff. He said that regardless of whether a disciplinary process was instigated, there would be a risk assessment about the suspected member of staff.<sup>14</sup>

- 9.19 We have not considered whether the policies and procedures were adequate in isolation, but have considered whether the practice was adequate.

### **Responses to allegations**

- 9.20 Consideration of this topic can be illustrated by reference to individual homes and to the fostering service. We have made findings in relation to individual cases where we considered it appropriate.

- 9.21 This chapter also includes the responses of witnesses to allegations of abuse that were made against them, or others. In doing so, we fulfil our requirement under Term of Reference 7 to hear from staff who worked in the relevant services, as well as ensuring, in the interests of fairness, that individuals are given the opportunity to comment on allegations made against them and others. The allegations of abuse made by former residents, as well as their perspective on members of staff and others, are set out in Appendix 2, as discussed in Chapter 7.

### **Haut de la Garenne (1959–1969)**

#### General evidence of care staff about allegations of abuse

- 9.22 Audrey Mills told the Inquiry that she “*never saw anybody hit or abuse a child during my time at Haut de la Garenne*” nor did she see or hear of anyone being “*abused or thumped in the detention rooms*”.<sup>15</sup> During her five years working at the Home “*no alarm bells were rung for me*”.

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<sup>14</sup> Day 134/19–21

<sup>15</sup> WS000585



- 9.23 Margaret Davies told the States of Jersey Police (SOJP) that throughout her time at the Home she was never aware of any physical or sexual abuse. She was never approached by children or staff about abuse.
- 9.24 WN8 (1962–1964) recalled that children were “*roughly handled*”. She described seeing a child tied to a table.<sup>16</sup> She said that boys did disclose to her that a male member of staff was doing things to them: “*I did not realise what they meant at the time.*”<sup>17</sup>
- 9.25 WN512 said that she did not see staff in the dormitories during the night shift and that no-one reported to her any incidents of sexual or physical abuse. There were no members of staff or children that she was concerned about in relation to sexual abuse. If she had had any concerns, she said, she would have gone to Colin Tilbrook.<sup>18</sup>
- 9.26 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 Haut de la Garenne (HDLG) nor was she aware of any rumours. Had she been she would have reported these to the police.<sup>19</sup>
- 9.27 WN615 (1966–1970) remembered one member of staff who “*seemed to be searching children regularly but not finding anything*”, the implication being that he was touching children. WN615 and Ray Williams reported their concerns to Colin Tilbrook after which, “at some stage”, the member of staff concerned left HDLG.<sup>20</sup>
- 9.28 WN602 (1965–1966) remembered being told off for slapping a boy across the face: “*I got into trouble for that. There were certain rules to be observed.*” The Inquiry has not seen any records in relation to this incident. WN602 said that although HDLG was very strict she did not recall seeing any violence or boys complaining to her about being hit.<sup>21</sup>

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<sup>16</sup> WD006741

<sup>17</sup> WD006741

<sup>18</sup> WD001881/9

<sup>19</sup> WD006639

<sup>20</sup> WD001881/9

<sup>21</sup> WD006913

## Peter Brooks

9.29 Although this case is also discussed in Chapter 8, in the context of the reporting of abuse, it is particularly relevant in this chapter because of the response to the allegation of abuse.

- Children’s Sub-Committee (CS-C) minutes in December 1960<sup>22</sup> noted the view of the Superintendent that Peter Brooks was not “effective” with the senior boys’ group and that his position was to be advertised. He had been recruited from the UK.
- On 17 January 1961, the boy disclosed to the Deputy Superintendent that Peter Brooks went to the boy’s bed at night and touched him under his nightclothes; he had also been sexually assaulted in Peter Brooks’ bed.<sup>23</sup>
- On 18 January 1961, the day after the disclosure of sexual abuse, the CS-C convened a “special meeting” at 6:30pm. The meeting was attended by Patricia Thornton, the Deputy Superintendent and by three co-opted members of the Executive Committee. The minutes are set out in full below:

*“Mrs Thornton reported to the subcommittee that the evening previously Mr Mallinson had asked her to go to Haut de la Garenne in order to tell her that a 14-year-old boy had run away earlier in the evening. He had been found by Ms Mallinson [and another member of staff]. He was very upset and stated he was going to see Miss Thornton to tell her of certain indecent behaviour of Mr Brooks. Ms Mallinson managed to take him back to Haut de la Garenne. He had then described in detail to Mr and Mrs Mallinson things which had occurred.*

*The subcommittee then talked to Mr Mallinson and, after discussion, decided that they must have a statement from the boy himself. The boy came in and, without any prompting, told the Committee very much the same story he had told Mr Mallinson. After the boy had left the room and the subcommittee had had a further discussion, deputy Mrs Green rang the President of the Education Committee and Senator John Le Marquand joined the meeting. It was then decided to interview Mr Brooks, the Assistant Housefather.*

*Mr Brooks looked extremely distressed. When asked if he knew the reason for the interview he stated yes, he had hit the boy in question. When pressed further, however, he admitted to having had the boy in*

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<sup>22</sup> WD006522

<sup>23</sup> WD006667

*his room and he later admitted that the boy had been in his bed. His statement coincided in many ways with the statement made by the boy. When Mr Brooks left the room the President rang Brigadier MacPherson who joined the meeting, and also Dr Wishart for his advice.*

*After lengthy discussion the Committee decided that it was their duty to inform the Attorney General. The President then rang the Attorney General and, a short while later, Centenier de la Mare came to Haut de la Garenne. After speaking to the committee he went into another room and interviewed Mr Brooks who admitted the affair. The Centenier then took Mr Brooks into custody.”<sup>24</sup>*

An Executive Committee minute dated February 1961 recorded:

*“the Committee was informed that Mr PL Brooks who had been appointed Assistant Housefather at Haut de la Garenne Children’s Home as from 1 December 1960, had admitted allegations made against him by one of the boys at the Home and that the matter had been referred to the Attorney General.”<sup>25</sup>*

- The minutes contain no further reference to the incident. There is no record available to the Inquiry as to whether steps were taken to review procedures in the Home. It is not known whether a report was sought from Patricia Thornton (CO) or from Mr Mallinson (Acting Superintendent).
- A newspaper report of the case refers to the CO, Patricia Thornton, having made “*routine checks and had found nothing against him*”.<sup>26</sup> When Peter Brooks had been recruited from the UK, he had some experience in schools and four references had been obtained, which were all positive.<sup>27</sup>
- Peter Brooks was dismissed in January 1961 and convicted in February 1961 of two cases of indecent assault on a 14-year-old boy at HDLG.
- Following conviction, Peter Brooks was bound over for three years and had to leave Jersey. He was also required to undergo a course of medical treatment.<sup>28</sup> There is reference to arrangements for the boy to see a psychiatrist, although given the context in which this is set out in the

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<sup>24</sup> See Appendix 5 to Closing Submissions of Counsel to the Inquiry

<sup>25</sup> WD001167/3

<sup>26</sup> WD001167/2

<sup>27</sup> WD006668

<sup>28</sup> WD006667

psychiatrist's letter to the Attorney General (AG), the concern may have been directed towards fears that the boy was homosexual.<sup>29</sup>

- 9.30 **Finding:** In our view, the response to this disclosure of abuse was more than adequate according to the standards of the time. While there were no systems in place, the child's account was taken seriously and acted upon. The member of staff, Peter Brooks, was asked by senior management to respond to the allegations. The matter was then promptly reported to the AG and the Education Committee, and subsequently to the police, and action was taken to dismiss Peter Brooks. Additionally, there appears to have been at least some consideration given to the child's welfare.

### Ray Williams

- 9.31 Ray Williams joined the staff at HDLG in 1966 as a Housefather for the intermediate group. He had no previous professional experience or training, having been a swimming pool attendant.
- 9.32 As set out in Chapter 8, in 1976, a female resident (WN346) complained about Ray Williams watching her while she dressed. She wrote a seven-page account in a notebook detailing what Ray Williams had done, her concerns, and the action that she and friends decided to take. The tone of the letter suggests genuine distress on the part of WN346.<sup>30</sup>
- 9.33 The complaint was further set out in a typed memo from WN491 (a member of staff) to Colin Tilbrook. The memo, dated 1 May 1967, faithfully relayed WN346's complaint and described it as a "*rumour*". The memo named other residents supporting the complaint and concluded: "*So far I have stopped them from going out this weekend for spreading malicious gossip.*"<sup>31</sup>
- 9.34 On 30 May 1967, Colin Tilbrook wrote a memo to the CO, marked "confidential", which said that he had:

*"a long, frank talk with Mr Williams ... I discussed the recent allegations made against him as well as the problems he has had in making*

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<sup>29</sup> WD006666

<sup>30</sup> WD006839/7

<sup>31</sup> WD006639/8

*satisfactory relationships with certain members of staff ... I also told him that he should so arrange things that there is no opportunity for any criticism from anybody inside or outside to complain. He well understood the nature of our conversation and has learnt from me, in no uncertain manner, that if there are frequent complaints in the future we should have to consider his position very carefully. I will keep a very close watch*".<sup>32</sup>

9.35 The timing of Colin Tilbrook's memo and the reference to "*recent allegations*" suggest that the Superintendent was addressing WN346's disclosure among other issues and that "*the recent allegations*" were already known to the CO.

9.36 In November 1968, WN491, a member of staff, wrote a confidential memo setting out an account of mounting friction between Ray Williams and staff member WN515. In that memo he "*warned*" Ray Williams about "*his future conduct*".<sup>33</sup> The existence of the memo reflects the fact that, in the absence of Colin Tilbrook, WN491 could discipline staff.

9.37 A memo in January 1969 by Colin Tilbrook notes:

*"Mr Williams – 14.1.1969 – very truculent, ill-tempered and rude to me in office complaining that I had been criticising the care that he and [WN615] take of their group. (Three children in morning were sent to me by [WN615] because they did not have all their school outfits). Had scene with [staff?] and was in near uncontrollable rage.*

*15.1.69 had argument with [WN187] and had [WN187] round neck in strangling action.*"<sup>34</sup>

9.38 In her statement to the Inquiry, Margaret Davies said that she was not aware at the time that Ray Williams acted inappropriately towards children.<sup>35</sup> She was shown Colin Tilbrook's reference and stated that she did not remember the criticisms being an issue at the time.

9.39 WN615 had no knowledge of Ray Williams being physically violent to children and never witnessed any sexual abuse by him.<sup>36</sup>

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<sup>32</sup> WD006636

<sup>33</sup> WD006638

<sup>34</sup> WD005821

<sup>35</sup> WS000606

<sup>36</sup> WD00188/6

- 9.40 Colin Tilbrook dismissed a complaint of bullying by Ray Williams made by WN126. He claimed that Ray Williams was picking on his brother, WN195, and had pushed him into the pool.<sup>37</sup>
- 9.41 He left in 1970 and returned to the UK, applying for posts in residential child care. A local authority's CO asked Colin Tilbrook for his opinion as to Ray Williams "*suitability for this type of work*". Colin Tilbrook replied<sup>38</sup> that Ray Williams needed "*support, guidance, encouragement and supervision*" and had "*considerable difficulty sometimes with more disturbed youngsters ... admits to be a rather belligerent man as well as quick-tempered*" and at times had "*considerable difficulty in [his] relationship with other members of staff*". The reference concluded that Ray Williams had "*difficulty in accepting normal professional disciplines*" and was inclined to be very "*prickly and huffy*", but had a "*deep concern for children in difficulty*". Ray Williams had been in charge of adolescents at HDLG for four years by this stage.
- 9.42 A number of allegations of physical and sexual abuse were made against Ray Williams during Operation Rectangle, by which point he was deceased.
- 9.43 **Findings:** The evidence suggests that Ray Williams was unsuited to work with vulnerable children and was not equipped to provide emotional support to children in his care.
- 9.44 On the basis of the contemporaneous evidence, we conclude that allegations of sexual abuse were raised about Ray Williams at the time. There was some response, in which Ray Williams appears to have been given an informal warning. We consider that even given the standards of the time, this was not an adequate response. Any complaint of sexual abuse should have been investigated beyond simply discussing the allegations with the alleged perpetrator.
- 9.45 We deprecate the fact that the child complainant was not believed, although note that such a response was common elsewhere at the time.

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<sup>37</sup> WD000695

<sup>38</sup> WD001213

Thomas Hamon

9.46 Thomas Hamon joined the staff as a relief Houseparent in 1966. He had no previous experience and resigned the same year to return to his work at St John's Ambulance.

9.47 After he left, he wrote to Colin Tilbrook, volunteering to help in the evenings:

*"I like those kids more than one would think, I promised them I would come up and see them, if you would allow it ... I can be of help in the evenings, so please let me come up."*<sup>39</sup>

9.48 Colin Tilbrook replied:

*"A little later on, when all our new staff have quite settled, it will be nice for you to call but at the moment I do feel you should wait."*<sup>40</sup>

9.49 In 1971, Colin Tilbrook wrote to Thomas Hamon, hoping that the boys at HDLG would continue to enjoy his "friendship".<sup>41</sup>

9.50 Margaret Davies remembered feeling "uncomfortable" about Thomas Hamon but did not raise any concerns with Colin Tilbrook because "my concern was based around a general feeling of suspicion towards Mr Hamon rather than anything specific".<sup>42</sup> As set out in Chapter 8, there was no system in place at the time that concerns held by staff about colleagues were to be raised with management.

9.51 WN930 recalled that Thomas Hamon was asked to leave HDLG but did not say why.<sup>43</sup>

9.52 In December 2005, Thomas Hamon pleaded guilty to 12 counts of indecent assault of boys relating to two separate periods, the first between 1964 and 1969 and the second between 1980 and 1989.<sup>44</sup> At least two of the children were former residents of HDLG and at least one of the offences occurred at HDLG. Thomas Hamon died in custody while awaiting sentence. As there

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<sup>39</sup> WD001180

<sup>40</sup> WD001179

<sup>41</sup> WD003663

<sup>42</sup> WS000606/12

<sup>43</sup> WD006733

<sup>44</sup> WD000735

were no recorded contemporaneous complaints about Thomas Hamon, we make no findings in this chapter.

WN264

- 9.53 WN264 gave evidence to the Inquiry about visiting HDLG in the 1960s to take children out for the afternoon. An analysis carried out by the SOJP during Operation Rectangle confirmed the fact that WN264 visited the home regularly. The records<sup>45</sup> show that on most visits he took more than one child out at a time, although there were also entries recorded suggesting that he took children out on their own on some of his visits.
- 9.54 In 2003, serious allegations of sexual abuse were made by WN195 against WN264 in relation to his visits to the Home in the 1960s. When interviewed by the SOJP, WN264 denied WN195's allegations, stating that they were outrageous. He said that on no occasion was he alone with a child.
- 9.55 During the police investigation, a notepad was found in his home, with website addresses relating to child pornography and also torn magazine pages depicting young boys wearing fashion clothing. WN264 said that he noted down the website addresses because his computer was crashing. He had received them by a junk mail. He had the magazine pictures because they were just "*handsome young boys*". He also admitted having produced six or seven hard copies of pictures of naked boys aged between 12 and 17.<sup>46</sup>
- 9.56 The matter was reconsidered during the course of Operation Rectangle but WN264 was not re-interviewed.
- 9.57 In oral evidence to the Inquiry,<sup>47</sup> responding to the allegations, WN264 maintained that they were "*monstrous*". He also denied allegations that were put him in relation to two other former residents at HDLG who alleged that he attempted indecently to assault them in his car.

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<sup>45</sup> WD000859

<sup>46</sup> WD007381

<sup>47</sup> Day 90; WS000617



9.58 As there were no recorded contemporaneous allegations of sexual abuse made against WN264, we cannot evaluate the response of the Education Department.

### Colin Tilbrook

9.59 No allegations were made against Colin Tilbrook while he was alive, as far as the Inquiry is aware, and as a result we make no findings in this chapter about the Education Department's response. A number of allegations were made during Operation Rectangle. In her statement to the Inquiry, his former wife Margaret Davies stated that she saw nothing which "*suggested Colin might have been abusing children*".<sup>48</sup>

9.60 WN8 remembered Colin Tilbrook "*shouting a lot*" and holding parties at night in his flat. Another member of staff (1963–1965) wrote to the SOJP in 2007, describing him as a dictator and a bully. She never saw him harm anyone but suggested that he behaved inappropriately with other female staff at the Home. She was wary of his behaviour towards her.<sup>49</sup>

9.61 WN930 (1965–1966) remembered Colin Tilbrook appearing in the communal bathroom when girls were having bath. He said that he was saying good night but she thought this inappropriate.

9.62 WN602 (junior staff member 1965/6) recalled Colin Tilbrook "*ruled by fear ... He would go for a few days without even talking to you ... I never saw Tilbrook or [WN491] interact with children*".<sup>50</sup>

9.63 WN515 (Housefather 1967–1974) said Colin Tilbrook was "*rigid*" but the children came first and staff second – his expectations were high.

9.64 WN87 (1965–1966) says that he went to the Police, having been told that Colin Tilbrook had made a 14-year-old resident pregnant. He was told that the

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<sup>48</sup> WS000606/16

<sup>49</sup> WD001894

<sup>50</sup> WD006913

Police would look into it. He does not say what the outcome of this disclosure was, and there are no contemporaneous records of such a disclosure.<sup>51</sup>

#### WN491

9.65 WN491 joined the staff as Housefather in 1962. During Operation Rectangle, WN491 was the subject of allegations of abuse from 15 complainants, all but one of whom alleged physical violence. There were no records of contemporaneous allegations being made against WN491, and therefore, as before, we make no findings in this chapter.

9.66 When interviewed by the SOJP, WN491 denied all allegations.<sup>52</sup> In relation to one of the several allegations of “towel flicking” he said that “*it is against my nature. The kids did it to each other*”. He denied throwing ashtrays, books and slippers at children and hitting any child with a belt.

9.67 Other witnesses gave the following evidence:

- His daughter gave a statement to the Police, saying that WN491 never liked the children at HDLG. He had a short temper and hit her as a child.
- WN930 (1965–1966) saw WN91 “*at least 2 or 3 times*” hitting boys across the head or upper body with the back of his hand. According to WN930, WN491 used the detention room for boys to calm down.<sup>53</sup>
- WN514 described WN491 as an “*autocratic disciplinarian and the kids respected him for it*”.<sup>54</sup>

#### Senator Wilfred Kricheski

9.68 As noted elsewhere, allegations have been made about sexual abuse committed by Senator Wilfred Kricheski. Although there is no evidence directly from Senator Wilfred Kricheski as he was deceased by the time allegations were made, the following background evidence has been obtained about him:

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<sup>51</sup> WD006727

<sup>52</sup> WD006931

<sup>53</sup> WD006733

<sup>54</sup> WD006768

- He was on the appointment Panel for Superintendent and Matron at the Jersey Home for Boys (JHFB) in 1946.<sup>55</sup>
- He was a visitor to JHFB in 1947, to interview boys leaving school.<sup>56</sup>
- He was a guest speaker at Brig-y-Don (BYD) in November 1973.<sup>57</sup>
- Research was carried out by the SOJP into him in July 2008.<sup>58</sup>
- Information was received from a former SOJP officer, Barrie Stead. He initially alleged that he investigated Senator Krichefski in the 1960s and was told to stop.<sup>59</sup> He later denied making these allegations.<sup>60</sup>
- Evidence was received by the SOJP of a blackmail demand, making allegations against Senator Krichefski and others.<sup>61</sup>

### Jeff Le Marquand

9.69 In July 1966, a child was admitted to HDLG when facing charges of “being destitute”. While at HDLG he made allegations of sodomy against Jeff le Marquand and another man.<sup>62</sup> Jeff le Marquand (now deceased) was, at the time, the owner of a shop in St Helier.

9.70 WN491 (staff member) reported the allegations to the SOJP and an investigation commenced. A Children’s Office memo dated 2 August 1966, a few days later, noted that the police had advised that the child allegations “*have been sufficiently supported by evidence for a charge to be preferred ... two men will appear in the Police Court today and ... The Police will formally ask for one weeks remand. In view of the fact that [the child] appeared to be a willing partner and as we cannot rule out the possibility that he may have a VD infection, he will be on his own but will be exercised. The M.O. will see him again on 3.8.66*”.<sup>63</sup>

9.71 One week later, a letter from Colin Tilbrook to Patricia Thornton noted that the child complainant (age 15) was still locked up at HDLG:

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<sup>55</sup> WD006459

<sup>56</sup> WD006460

<sup>57</sup> WD006463

<sup>58</sup> WD001661

<sup>59</sup> WD006439

<sup>60</sup> WD006440

<sup>61</sup> WD006438

<sup>62</sup> WD006419

<sup>63</sup> WD006432

*“We have no authority to detain the boy as I understand that there is no charge against him. In view of this I have explained to the child that we have no authority to lock him up and sought his permission to do so because of the fear the doctors have of possible infection and also because we wished to ensure nobody made an attempt to harm him. My own feelings are that this boy was a very willing accomplice in the “sodomy” charge and may be a very bad influence on other children and should therefore be kept separated from them.”<sup>64</sup>*

9.72 Documents from 1971 show that Jeff le Marquand was attempting to gain access to HDLG, having recently been released from prison. He was not allowed into the building.<sup>65</sup>

9.73 No further contemporaneous documents exist, but a 2008 SOJP report noted that Jeff le Marquand’s accomplice was convicted (in the 1960s) and sentenced to 18 months’ imprisonment.<sup>66</sup>

9.74 Further documents suggest that there was other intelligence provided to the SOJP about Jeff le Marquand’s alleged reputation as a paedophile.<sup>67</sup>

9.75 **Finding:** The initial response to this disclosure of abuse was appropriate. Despite there being no systems in place at the time, WN491 reported the allegations to the SOJP and an investigation commenced. However, the response to the child complainant, even according to the standards of the day, was inadequate. He was locked in the detention room on the basis of a suspicion that he might be a bad influence on other children.

### **Haut de la Garenne (1970–1986)**

9.76 This section sets out the responses of members of staff and others at HDLG to the allegations of abuse made against them or other staff members. A number of individuals who worked at or were connected to HDLG only became the subject of formal allegations of abuse after they had died.

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<sup>64</sup> WD006435

<sup>65</sup> WD004323

<sup>66</sup> WD006435

<sup>67</sup> WD006430; WD006013/2; WD006426; Day 46/8

Evidence of care staff re general allegations of abuse

- 9.77 As a volunteer for four years, Ernest Mallet (1970–1974) told the Inquiry that the Home seemed “*quite a happy place ... There did not seem to be any major things going on*”.<sup>68</sup>
- 9.78 Marion Robson was not aware, while she was at HDLG, of any complaint of children being caned excessively.
- 9.79 WN287, in the short time that she was at HDLG, was not aware of any abuse and said it was “*an okay place to work*”.<sup>69</sup> When she trained in the UK in child residential care and started work at HDLG, concern about sex abuse was simply “*not on the radar*”.
- 9.80 Wendy Castledine (1974–1978; 1980–1985) told the police that she “*never witnessed any cruelty or inappropriate behaviour towards any children in our care ... None of the children ever made any allegations of any sort to me*”.<sup>70</sup>
- 9.81 Likewise, a residential child care officer (RCCO) who worked in the Aviemore group (1970–1974) never witnessed any ill treatment and said the children “*were well cared for*”.<sup>71</sup>
- 9.82 WN715 (Superintendent, 1973–1974) did not witness “*any physical or sexual abuse or was not informed of any*”.<sup>72</sup>
- 9.83 WN870 (1973–1974) was not aware of any sexual abuse. She was not aware of any cellar and said that none were in use when she was there.<sup>73</sup>
- 9.84 The following staff said that they never witnessed or heard of any abuse:
- A member of staff who worked in the Home for six months in 1970.<sup>74</sup>
  - A member of staff who worked at the Home between 1970 and 1974.<sup>75</sup> She was never approached by a child with disclosures of sexual abuse.

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<sup>68</sup> Day 81/115

<sup>69</sup> Day 76/137

<sup>70</sup> WS000568/3

<sup>71</sup> WS000568/3

<sup>72</sup> WD006780

<sup>73</sup> WD006782

<sup>74</sup> WD006955

<sup>75</sup> WD006730

- Another staff member (1972–1973) told the police the same.<sup>76</sup>
- A part-time member of staff (1976–1979) did not witness any sexual or physical abuse but says that she was aware of bullying.
- WN661 (1976–1984) worked throughout her time in the Claymore group and did not remember any of the staff in her group physically abusing the children; she found it difficult to comment on other groups because she did not see them during the day. She said that no children complained to her about ill treatment.<sup>77</sup>
- WN520 (early 1970s) recalled the Home being a happy place and said “*I did not know of any hitting ... nothing was going on as far as I am aware*”.<sup>78</sup>
- A non-care member of staff who worked at the Home from 1981 said that she never saw any form of abuse.<sup>79</sup>
- WN871 (1974–1976) “*never saw anything untoward or ever felt ‘bad vibes’ about the Home*”.<sup>80</sup>
- WN831 (1977–1978) did not recall seeing any instances of abuse, but said that she was outspoken and staff knew that she “*would not tolerate any wrong doing or injustice*” if she witnessed it.<sup>81</sup>
- WN102 (1978–1982)<sup>82</sup> said that she never used physical force on children and never saw any other member of staff assault them. She recalled that “*restraint techniques were sometimes used if a child was uncontrollable*” – holding onto the arms or legs to stop the child injuring themselves and others.<sup>83</sup>
- WN689 (1977–1979) considered the Home to be well run.<sup>84</sup>
- WN722 (1982–1984) said that she could not recall seeing anything inappropriate and never saw any child being verbally abused or restrained.<sup>85</sup>

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<sup>76</sup> WD006954

<sup>77</sup> WD006777

<sup>78</sup> WD006940

<sup>79</sup> WD006799

<sup>80</sup> WD006731

<sup>81</sup> WD006790

<sup>82</sup> WD006810

<sup>83</sup> WD006810

<sup>84</sup> WD006785

<sup>85</sup> WD006957

- 9.85 A care worker in the Aviemore group worked for five years in the Home and never witnessed any abuse or heard any child complain of assault. She said that teenagers “*were restrained by placing arms around them*”.<sup>86</sup> In her statement, given in April 2008, she also said that “*sometime recently*” she had spoken to a former resident at the Home who had told her about assault and sexual assaults taking place there. She told her Manager at Children’s Services. She was also informed by the former resident that Colin Tilbrook had told her mother that if she did not make a complaint, she would be able to see her children more.<sup>87</sup>
- 9.86 WN532 and WN587 said that in their time as Superintendent and Matron they were not aware “*or even slightly suspicious*” of any child being harmed or ill treated or abused “*in any way*”.<sup>88</sup> They noted that when they arrived at the Home, there was no access at all to any underground area – the only little room was a “*sort of coal scullery type of building*” and they thought that it was through that building that the SOJP gained access to the “*cellar area*” in 2008. We note that a memo from WN532 to Charles Smith in January 1975 refers to members of staff inspecting “*the hole under the house*” looking for two boys.<sup>89</sup>
- 9.87 Fay Buesnel remembered that she spoke to Jim Thomson about the Jordans and others: “*Occasionally I would speak to him about people I felt were a bit harsh ... maybe hit somebody with a spoon at the table ... 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 ... I would say to him ... I am a bit concerned about such and such and he would say well ... Have you spoken to the person ... And I’d say yes and how I dealt with it .... Jim was lovely ... But hated confrontation of any kind*”.<sup>90</sup> She told the police that “*no child ever told me anything that I did not deal with*”.<sup>91</sup>

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<sup>86</sup> WD006728

<sup>87</sup> WD006728/8–9

<sup>88</sup> WD006213/15

<sup>89</sup> WD002627

<sup>90</sup> WD006918

<sup>91</sup> WD006918

- 9.88 WN7 told the Inquiry<sup>92</sup> that he did not see any cruelty nor did he witness any sexual abuse, although he accepts that there could have been some. He never saw a member of staff hit a child. He did not see children placed in their underwear in the detention rooms. In his view staff were sufficiently monitored and senior staff would walk round around the building.
- 9.89 Children complained to WN704 having been made to take cold showers for wetting the bed. Although WN704 did not use this practice on children in her group, she did not report it because Jim Thomson “*would just say that this was the way the units were run and it had nothing to do with me*”.<sup>93</sup>
- 9.90 When presented with a memo from 1975 that he wrote, WN714 said that he could not remember the memo, nor any child or member of staff involved or suspected of being involved in “*homosexual activity*”.<sup>94</sup> He also said that the memo, despite being signed by him, would have been typed by somebody else.
- 9.91 Mario Lundy was at HDLG in 1985 and in the short time that he was there nobody raised concerns with him, and he said: “*I had absolutely no evidence to indicate that anything might have been happening*”.<sup>95</sup>

#### Individuals accused or convicted of abuse

*Morag Jordan (née Kidd)*<sup>96</sup>

- 9.92 As discussed in Chapter 8, many witnesses spoke about disclosing abuse by Tony and/or Morag Jordan. In 2010, Morag Jordan was convicted of eight counts of assault against children at HDLG and sentenced to nine months’ imprisonment.<sup>97</sup> Five counts related to regular striking with her hand about the head or face of three young girls; one count to rubbing a girl’s face in urine-soaked sheets after she wet the bed at the age of 14 or 15; one count to punching a girl aged 11 in the back with her fist; and one count to the assault of a boy aged between nine and 12 by taking off her wooden shoe and

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<sup>92</sup> Day 66/21

<sup>93</sup> WD006775

<sup>94</sup> WD006725/14

<sup>95</sup> Day74/194

<sup>96</sup> WD002620 – she is referred to as both ‘Kidd’ and ‘Jordan’ throughout the documents

<sup>97</sup> WD002620



throwing it at his head. The sentencing remarks described her as “cold, uncaring and spiteful” and said that “*During the course of her duties to care for these vulnerable children, Mrs Jordan routinely picked on and bullied the three girls. She was a cold woman who resorted to her hands frequently and unnecessarily. There were strong suggestions from the evidence at trial that she particularly picked on one of the girls who spent the majority of her childhood at Haut de ta Garenne under the care of Mrs Jordan*”.<sup>98</sup>

- 9.93 In evidence to the Inquiry, Morag Jordan denied the allegations put to her and said that she did not understand why it was the staff had made allegations that were not reported at the time.<sup>99</sup> She did not remember a rule prohibiting children under the age of 11 from being hit, and said that she would tap on the fingers and on the back of the legs.<sup>100</sup> According to Morag Jordan, when she struck a child, it would be in front of other members of staff. All staff raised their voices with the children.<sup>101</sup> She thought that if they had had rules, the staff would have had some structure for what they could or could not do. We note that, as set out in Chapter 4, there were, in fact, rules in place during Morag Jordan’s tenure at the Home.<sup>102</sup>
- 9.94 Marion Robson found Morag Jordan “*extremely brusque ... She was always ready to be critical and shout and put (children) down*”. 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*”. She never witnessed her mistreating a child, although she did see her smack children’s hands with a serving spoon.<sup>103</sup>
- 9.95 Ernest Mallet described the Jordans as “*cruel, nasty bastards*”. He never saw them abuse children but thought that the way they spoke to and treated the children was inappropriate. He recalled one episode when he witnessed the

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<sup>98</sup> WD002620

<sup>99</sup> Day 94/148

<sup>100</sup> Day 94/91

<sup>101</sup> Day 94/128

<sup>102</sup> WD007183/22

<sup>103</sup> Day 76/102

couple being aggressive to a child; he intervened and was thanked by Jim Thomson.

- 9.96 WN636 remembered that Morag Jordan *“could not walk past the kids without hitting them ... (she) was always shouting at them ... and slapping them on the head for no reason”*.<sup>104</sup>
- 9.97 WN570 never saw Morag Jordan react in anger with children and had no concern about her.<sup>105</sup>
- 9.98 WN584 remembered her as being very *“mouthy”* with the children, but did not see her hit children.<sup>106</sup>
- 9.99 WN159 worked in Braintree alongside Morag Jordan. She remembers that Morag Jordan shouted at children regularly in front of the groups, that she would speak close to their faces and poke them in the chest. She thinks she may have commented on this to other staff but adds she never stopped to watch her behaviour: *“I had nothing to compare her with ... I just thought she could have dealt with it differently”*.<sup>107</sup>
- 9.100 A Housemother (1970–1974) recalled seeing Morag Kidd slam a sliding van door onto a 10-year-old boy’s hand, saying *“That’ll teach you”*. She told the police that she did not report this to anyone because Morag Kidd was her senior.<sup>108</sup>
- 9.101 WN562 said that she confronted Morag Jordan about her giving a child a black eye<sup>109</sup> and went to see Colin Tilbrook. A contemporaneous record describes her complaining to Colin Tilbrook about the disciplining of the child WN38 but notes that *“staff here will continue to discipline him as normal”*.<sup>110</sup>

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<sup>104</sup> Day 81/27

<sup>105</sup> Day 110/26

<sup>106</sup> Day 110/26; WD006793

<sup>107</sup> WD006720

<sup>108</sup> WD006016

<sup>109</sup> WD006933

<sup>110</sup> WD003133

- 9.102 WN532, former Superintendent, remembered that Morag “*knew the routine ... she seemed to be a good member of staff and would organise staff parties and take the kids out quite a lot*”.<sup>111</sup>
- 9.103 WN7 told the Inquiry that Morag Jordan was a role model and he never saw her hit a child.<sup>112</sup> Likewise WN539 said: “*She seemed to be a good member of staff.*”<sup>113</sup>
- 9.104 WN704 (late 1970s) remembered that Morag Jordan expected all leaders and staff to deal with the children in the same way; in her own group, if one or two children misbehaved all of the children would be punished.<sup>114</sup>
- 9.105 **Finding:** A large number of former residents and former staff members of HDLG gave evidence, either to the SOJP or directly to the Inquiry, about Morag Jordan’s harsh treatment of children. Although some spoke positively about her, the weight of the evidence and the criminal conviction demonstrates that she picked on, bullied and assaulted residents at the Home. Several staff members reported having seen Morag Jordan assaulting children and a small number (such as WN562 and Ernest Mallett) say that they reported her to the Superintendent at the time. Despite this, no corrective action was taken against Morag Jordan. There was no disciplinary process and no recorded warnings. We consider this to have been an inadequate response, even taking into account the absence of policies and procedures for responding to allegations.

### *Tony Jordan*

- 9.106 In 2010, as part of the same trial as his wife, Tony Jordan was convicted of eight counts of assault against children in his care and was sentenced to six months’ imprisonment.<sup>115</sup> These included:
- A series of assaults against two young boys by striking them on the elbow with a knife or metal spoon when they were at the dinner table.

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<sup>111</sup> WD006800

<sup>112</sup> Day 165/120

<sup>113</sup> WD006800

<sup>114</sup> WD006776

<sup>115</sup> WD002620

- Striking a boy over the head with his shoe because he failed to clean his shoes, and striking the same boy across the face with his hand, knocking him to the floor, because the boy refused to eat his lunch.
- Regularly hitting a boy across the face for a variety of reasons, including leaving the table without asking, not finishing food or being cheeky.

The sentencing remarks described him as a “*bully*” and highlighted a pattern of Tony and Morag Jordan committing “*repeated acts of casual violence against these children*”.

- 9.107 In his evidence to the Inquiry, Tony Jordan said that he always disciplined a child in the presence of other staff. Jim Thomson, he was sure, would have been aware of his approach to discipline. He could not remember having disciplined a child in anger nor having seen others do so.<sup>116</sup> He saw other members of staff flick spoons at children’s elbows; his actions were the same as the other staff he worked with in Claymore.<sup>117</sup> He added that he never punched a child in the solar plexus and never put WN22 in the detention cells, as were alleged.
- 9.108 Marion Robson recalled seeing Tony Jordan holding a boy up against the wall by the neck: “*I said something to him or tutted or expressed some disapproval and that was about it.*” She felt unable to intervene and did not think it her place to tell her father, Jim Thomson. She said that she hoped her father would have known about the Jordans.<sup>118</sup>
- 9.109 WN661 said that she saw Tony Jordan hit a child on the back of the hand with a spoon, around 1984, and told him she never wanted to see him do that to a child again. She could not remember if she reported the matter to the Superintendent but said: “*I never saw Tony hit a child again whilst I was there.*”<sup>119</sup>
- 9.110 WN704 said that she challenged Tony Jordan on a number of occasions about his treatment of the children. She gave an account of one particular

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<sup>116</sup> Day 94/24

<sup>117</sup> Day 94/31

<sup>118</sup> Day 76/113

<sup>119</sup> WD006777

incident. He picked up WN125 from the floor by the scruff of the neck then let him go so that he fell to the floor. She confronted him and he just “*shrugged*”, saying something like “*he should be playing with children his own age*”. She reported the incident the next day to Fay Buesnel and another member of staff, WN706. As a result of this, WN704 believes that Tony Jordan was moved from Claymore group to Braintree group.<sup>120</sup>

9.111 WN570 saw Tony Jordan in the presence of children, but never had any concerns about his approach.<sup>121</sup>

9.112 **Findings.** In our view, the weight of the evidence and his criminal conviction confirms that Tony Jordan bullied and physically assaulted children for whom he was supposed to be caring. This was witnessed by staff members, some of whom did not report this behaviour. Where Tony Jordan’s treatment was reported, it would appear that some action was taken. However, there is no contemporaneous record of this and no disciplinary proceedings were instigated.

9.113 Tony Jordan, like his wife, was allowed to continue in his role and to continue mistreating children. They were “*hiding in plain sight*”. The fact that no action was taken in respect of Tony or Morag Jordan’s conduct was reprehensible, whether judged by the standards of the day or of the present.

9.114 We consider that the absence of any appropriate response to Tony and Morag Jordan’s physical abuse represents a serious failure of management to protect children in their care.

#### *WN514 and WN515*

9.115 WN514 and WN515 were both interviewed by the SOJP during Operation Rectangle in respect of the allegations of abuse made against them during the investigation. There were no allegations made contemporaneously and therefore, as above, no findings are made. In their first interview in

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<sup>120</sup> WD006776/4

<sup>121</sup> Day 110/27

December 2008 they stated that they never physically punish the child and never caned a child.<sup>122</sup>

- 9.116 During a second interview in January 2009, both denied all of the specific allegations of abuse that were put to them. In respect of an allegation that WN514 shook a girl and knocked a jug of boiling water over another child she said she recalled the incident. She did not recall if she was present or was told by another member of staff that it had happened. Contemporaneous records do not indicate any involvement of WN514.<sup>123</sup>
- 9.117 In the SOJP report on the allegations,<sup>124</sup> the interviewing officers considered that it was “*quite clear*” that WN514 and WN515 were lying during their interviews and had spoken and come up with the same stories. DC McGranahan noted that: “*They would have police believe that in an eight-year period at HDLG during some of which time they had been [in a senior role] of the home that nothing untoward had gone on. There were no instances of children being given a clip round the ear for being naughty, no child ever being put in detention whatsoever unless on the say so of a court and no child ever being deprived of food or given the cane.*”

*Richard Owen*

- 9.118 In 1998, Richard Owen was convicted of one count of buggery and four counts of sexual assault on young girls at the residential school in which he worked after leaving HDLG. The school was run by staff members previously employed at HDLG.<sup>125</sup> As noted elsewhere, he also had a conviction for indecent assault before joining the staff at HDLG in the 1970s.
- 9.119 Fay Buesnel told the police there were rumours at the time that Richard Owen had a relationship with a girl at HDLG.<sup>126</sup> WN636 (1974–1976) recalled seeing him in town with his arm around WN183 but does not say

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<sup>122</sup> WN514–WD006768, WD006713, WD006714; WN515–WD006293, WN066296

<sup>123</sup> WN514–WD006715, WD006716; WN515–WD006927

<sup>124</sup> WD001527

<sup>125</sup> WD006747

<sup>126</sup> WD006921

whether she reported this.<sup>127</sup> WN694 “*often felt*” that Richard Owen “*could get physically too close to all the girls including [WN183]*”.<sup>128</sup>

- 9.120 WN532, in a statement to the police in 1996, said that there was one matter of concern at the time, namely young female residents visiting Richard Owen’s flat in HDLG to babysit. He mentioned this to WN587 but they took it no further, deciding that as Richard Owen was married “*no harm was being done*”.<sup>129</sup> He recalled that WN183 babysat for Mr and Mrs Owen.
- 9.121 WN705 knew WN183 while both were at HDLG, during which WN183 never disclosed that Richard Owen sexually abused her. WN705 subsequently came into contact with WN183 after they had both left HDLG and WN183 told her that she had had a sexual relationship with Richard Owen but did not want anyone else to know. WN705 said that she was “*deeply concerned about the possible implications of when the relationship was started or fostered. Either way it would have been inappropriate childcare*”.<sup>130</sup>
- 9.122 WN183 gave evidence at Richard Owen’s trial in 1998, giving an account of how he sexually assaulted her while she was at HDLG. She declined to make any complaint to the SOJP at that time.<sup>131</sup>
- 9.123 **Finding:** Despite rumours and concerns among staff about Richard Owen during his time at HDLG, nothing was done about this. We consider that this was inadequate – children were left at risk of sexual abuse.

#### *WN530 and WN531*

- 9.124 WN530 and WN531 both denied all the allegations of sexual abuse there were put to them.<sup>132</sup>

#### *Senior member of staff*

- 9.125 The SOJP interviewed a former senior member of staff in 2009.<sup>133</sup> He said that he was appalled at the allegation he buggered WN171. He remembered

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<sup>127</sup> WD006721/7

<sup>128</sup> WD006789

<sup>129</sup> WD006749

<sup>130</sup> WD006556

<sup>131</sup> WD006747

<sup>132</sup> Day 134/107

WN171 as being “*very, very disruptive*” and said that he disciplined him for stealing money from a member of staff; he made him pay back the money from his weekly pocket money allowance. Allegations of physical assault were also put to him, to which he replied that he never physically assaulted a child in his care. He asserted that he was against the use of corporal punishment from the outset of his time in child care.

*WN570*

9.126 WN570 was the subject of several complaints during Operation Rectangle, predominantly of common assault but also one allegation of indecent assault and a complaint of cruelty.

9.127 An allegation by WN98 was reported contemporaneously. When WN98’s mother saw bruising on her arms she phoned HDLG and the CCO, Richard Davenport. She said that she was told that WN570 had been given a good telling off and a warning.<sup>134</sup> A memo written by WN532 to Charles Smith in May 1975 recorded an account of WN98 having bruising to her upper left arm caused by WN570.<sup>135</sup>

9.128 In evidence to the Inquiry<sup>136</sup> WN570 said that she remembered being reprimanded by Charles Smith but there was no written reprimand. She recalled a memo that was sent around after the incident to remind staff not to restrain children. WN570 denied using excessive force in restraint and said that she caused a single bruise, a thumbprint, on the child’s upper arm. On reflection, she said that she should have handled the situation differently but there was no training and she acted “*on the spur of the moment*”.<sup>137</sup>

9.129 WN570 denied the following allegations:

- That she was one of the members of staff who assaulted WN99 when camping.<sup>138</sup>
- That she beat WN99 in a detention cell.

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<sup>133</sup> WD006719

<sup>134</sup> WD005866

<sup>135</sup> WD002687

<sup>136</sup> Day 110, WS000666, WS000667, WD005863, WD005869, WD005864, WD005865

<sup>137</sup> WS000667/3

<sup>138</sup> WD002811



- That she made WN6 stand outside the bedroom all night as punishment. WN570 said that the girl was not in her group and she did not have anything to do with her.
- Any allegation of indecency made by WN139 in relation to a tampon and an allegation that she hit WN50 with a hairbrush.

9.130 WN636 (1974–1976) remembered WN570 as being firm but fair and respected: “*She had a good relationship with the children.*”<sup>139</sup> WN694 (1974–1976) also remembered WN570 being good at her job and very professional. Another staff member (1973–1975) thought that she dealt with the children in a firm but fair manner.<sup>140</sup>

9.131 **Finding:** In our view, the response to this complaint of physical assault was adequate. There were no policies and procedures in place, but following a complaint from the child’s mother, this was recorded, passed to the CO, and led to a verbal reprimand.

#### WN503

9.132 During Operation Rectangle, WN503 was the subject of allegations from eight former residents at HDLG in relation to physical assault and/or cruelty. She denied all the allegations.

9.133 One allegation related to WN503 striking WN127 in the face, possibly with a hairbrush. A contemporaneous memo from Jim Thomson to Charles Smith in October 1977 referred to an incident three months beforehand, which WN503 reported to Jim Thomson at the time. He stated: “[WN127] *either struck or attempted to strike [WN503] who reacted automatically self-defence*”. The memo also noted WN127’s mother’s allegation that her daughter suffered hearing damage as a result.<sup>141</sup>

9.134 When interviewed<sup>142</sup> by the SOJP in January 2009, WN503 spontaneously recalled slapping WN127 across the face following verbal abuse and said

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<sup>139</sup> WD006724

<sup>140</sup> WD006802

<sup>141</sup> WD005961

<sup>142</sup> WD008754

that she was slapped back in return. She said that WN127's mother complained, WN503 apologised and the matter was treated as over. In a subsequent interview, in February 2009,<sup>143</sup> WN503's account differed as to who struck the first blow. On this occasion, she said WN127 hit her, so she hit her back. She described the incident as a blur.

9.135 **Finding:** We do not make any finding as to what actually happened in the incident but note that it was self-reported by WN503 at the time. Following a complaint by WN127's mother about the incident, Jim Thomson informed Charles Smith, the CO, and noted that they were getting a medical opinion. Although we do not know what, if any, action was taken – we consider that the fact that it was recorded and passed to the CO was appropriate.

*Fay Buesnel (Campbell)*

9.136 During Operation Rectangle, six complainants made allegations against Fay Buesnel, two of whom did not pursue them. She denied the allegations against her and gave the following, more general evidence:<sup>144</sup>

- Smacking was acceptable by the standards of the day and she saw other staff do it if a child misbehaved and it was absolutely necessary. She denied doing it herself.
- Caning was done exclusively by the Superintendent and recorded, with the CCO notified in advance. She never sent a child to be caned and was never present when the cane was administered.
- Children were restrained if they were violent towards others or “*running amok*”. She was involved sometimes but, being small and skinny, she sometimes got hurt.
- She did not have to hit children because she had a presence which stopped them misbehaving when she was on duty.
- Detention could only be authorised by the Superintendent and for a maximum of 24 hours.<sup>145</sup>

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<sup>143</sup> WD008756

<sup>144</sup> WD006915, WD006915, WD006787, WD006916–WD006922

<sup>145</sup> We note that, during Fay Buesnel's time at the Home, children were recorded as being placed in detention for more than 24 hours

- Children, if disruptive, were asked to stand in the corridor for ten minutes to calm down, but she had no part in this.

9.137 Former members of staff gave the following views on Fay Buesnel:

- Ernest Mallett described her as a “*brilliant caring person*”.
- WN694 described a “*kind of Cruella De Ville*”.<sup>146</sup>
- A carer who worked at the Home for six months recalled her as “*a very harsh, unapproachable woman*” but she never saw her do anything untoward against the children.<sup>147</sup>
- WN7 thought she had a good, fundamental knowledge of child care.<sup>148</sup>

WN7

9.138 The allegations made against WN7 are set out in detail in Appendix 2 and considered in Nicholas Griffin QC’s report (Chapter 11). In evidence to the Inquiry, WN7 denied the allegations of abuse made against him and said he believed the “*vast majority*” were made for compensation. It was important, he said, for the Inquiry to be aware of the background of some of those making allegations against him.<sup>149</sup>

9.139 One part-time member of staff remembered WN7 being “*young and lively and very popular with the kids*”.<sup>150</sup> Another, WN102, thought him firm but fair and never saw him hit anyone.

9.140 The Inquiry has not obtained any records showing contemporaneous allegations made in relation to WN7’s time at HDLG, and therefore no findings are made in this chapter in that regard.

WN552

9.141 WN552 was accused of a single instance of physical assault. When asked whether she injured WN146 so that he needed hospitalisation, she had no recollection of anything concerning WN146. A memo from WN532 to Charles

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<sup>146</sup> WD006789

<sup>147</sup> WD006677

<sup>148</sup> Day 65/129

<sup>149</sup> Day 66/53

<sup>150</sup> WD006796

Smith dated September 1974 recorded an injury to WN146's finger and his going for a check-up.<sup>151</sup>

9.142 WN552 recalled accidentally closing the door of a mini-van on a boy's hand but could not remember if he went to hospital. She thought she would have reported it at the time.<sup>152</sup>

9.143 WN636 remembered WN552 and WN146 playing with a rugby ball; WN146 bent his finger back, went to hospital and the finger was put in a splint.<sup>153</sup>

### *Gordon Wateridge*

9.144 Gordon Wateridge (1970–1974) was a Housefather at HDLG, in charge of the Senior Group.

9.145 In 2009, he was convicted of one count of assault on a boy and eight counts of indecent assault on three girls in their early to mid-teens. He was sentenced to two and a half years' imprisonment.<sup>154</sup> The Royal Court observed that "*The victims were children who were vulnerable due to their position. They were fully entitled to expect care, love and kindness yet they received sexual bullying and unkindness*". However, the Court stated that "*it must be careful not to blame Wateridge for the damaging experiences the victims had been subject to by other persons*". Gordon Wateridge was the only former staff member from HDLG to be convicted of sexual offences arising out of Operation Rectangle.

9.146 In his statement to the Inquiry, Gordon Wateridge refused to deal with most of the allegations of abuse made against him, including some made for the first time to the Inquiry, and despite his convictions stated: "*All the allegations are rubbish and complete nonsense.*"<sup>155</sup> He said that some children alleging abuse were not even at HDLG and he was never alone with the children.

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<sup>151</sup> WD006673

<sup>152</sup> WD006938

<sup>153</sup> WD006724

<sup>154</sup> WD001202

<sup>155</sup> WS000742

- 9.147 In an interview with the SOJP, Gordon Wateridge had said that he had been spoken to by Colin Tilbrook for having “*tore a strip off one of the kids*”, leading to at least one child complaining.<sup>156</sup> In his statement to the Inquiry, he said that he had meant that he would tell children off if they were misbehaving.
- 9.148 There is evidence to suggest that Gordon Wateridge was dismissed by Colin Tilbrook in the early 1970s after he assaulted another member of staff.<sup>157</sup> Gordon Wateridge denied this and said that he left because he was fed up with HDLG. He was frustrated that he had not had the opportunity to complete the Home Office training course and told Charles Smith “*to stuff his job*”.<sup>158</sup>
- 9.149 Education Committee minutes for November 1973 note an allegation that Gordon Wateridge assaulted a boy at HDLG. “*In the event of the allegation being proved, Mr Wateridge should be dismissed forthwith*”. The CO was instructed to investigate.<sup>159</sup> There is nothing further relating to this in his personnel file. Gordon Wateridge said the allegation was never raised with him at the time and was not the reason for his departure. He thought that the records kept about him were inaccurate and was clear in his mind that he left in March 1973 after working a one-month notice period.<sup>160</sup>
- 9.150 We note that despite Gordon Wateridge’s evidence on this point, the contemporaneous records suggest that he was still employed in January 1974 and was applying for other roles, with references provided by the States of Jersey. One such reference, authored by the Director of Education at the time, notes that Gordon Wateridge does not share the same outlook as the new Superintendent, and he felt that this was the reason for them seeking a change.<sup>161</sup>
- 9.151 **Findings:** Although the evidence is incomplete, there were contemporaneous complaints made about Gordon Wateridge physically assaulting children at the Home. Initially, these were dealt with by Colin

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<sup>156</sup> WD005892/15

<sup>157</sup> WD005899; WD006672

<sup>158</sup> WS000742/15

<sup>159</sup> WD001203

<sup>160</sup> WS000742

<sup>161</sup> WD001203/4–5

Tilbrook having “words” with him, however at one stage the allegations were passed to the Education Committee and the CO was instructed to investigate. This, as an initial response to an allegation of assault, was adequate, however there was no evidence before the Inquiry as to whether an investigation in fact took place.

- 9.152 The real reason for Gordon Wateridge’s departure from the Home is not clear – whether it was his own decision, due to assaulting a member of staff, due to assaulting a child, due to a difference of opinion with the new Superintendent, or some combination of these reasons. However, we consider that the Director of Education’s positive references for Gordon Wateridge, with no mention of the complaints made against him, was professionally irresponsible and amounted to an inadequate response to the allegations.

*WN562*

- 9.153 WN562 was the subject of allegations of indecent assault and physical assault during her time at HDLG. When interviewed by the SOJP in January 2009 she gave a “no comment” interview.
- 9.154 WN602 said in her witness statement<sup>162</sup> that WN562 had boasted to her of having sex with older male residents of HDLG, but she was not sure that she believed these tales.

*WN520*

- 9.155 WN520 was the subject of allegations of indecent assault. According to his account, WN715 told him that a girl had alleged he touched her when he tucked her into bed. He told WN715 he “*did not do it, complete rubbish*”. Charles Smith, he said, investigated the matter “*and it turned out that it was total fabrication*”.<sup>163</sup>
- 9.156 WN520 said he was instructed by WN715 not to speak to other staff members. He was not suspended and was eventually exonerated. He said

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<sup>162</sup> WD006913

<sup>163</sup> WD006939

no male staff member would put children to bed or take a female resident<sup>164</sup> to the toilet. He told the police he left HDLG voluntarily.

9.157 WN715 said he never referred an allegation of this type to Charles Smith or the Committee. A serious matter such as this would have “*been referred upwards by me, I would not have dealt with any allegations of this sort*”.<sup>165</sup>

9.158 The Inquiry does not have any contemporaneous records of the allegation being made or of any investigation being carried out. There are conflicting accounts and, as a result, we do not make any findings, but observe that, had the matter been referred to the CO for investigation, this would have been an appropriate response.

#### WN636

9.159 WN636 was interviewed by the SOJP in response to an allegation that she had had a sexual relationship with WN377, a male resident. In her statement, she said that she had “*definitely not*” had sexual relations with WN737 or other boys at the Home.

#### Marion Robson

9.160 In 1984, Marion Robson was disciplined for slapping a child in the face, “*to allow him to calm down*”. She set out the circumstances in a memo to Terry Strettle, CO, in which she expressed regret for having slapped WN747. The issue was dealt with by way of an oral warning given by Terry Strettle and recorded in a letter which concluded: “*I hope your future work will show that it was an isolated act resulting from a particularly stressful situation and a lapse of control*.”<sup>166</sup> She was warned that should a similar incident occur, the matter would be reported to the Director of Education who would decide whether to suspend her and report the facts to the Education Committee. This implies that this incident was not reported to the Education Committee.

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<sup>164</sup> WD006942; WD006943

<sup>165</sup> WD006781

<sup>166</sup> WD005774

9.161 In evidence to the Inquiry she denied all allegations of physical abuse and added that she never restrained a child nor witnessed one being pinned to the floor.<sup>167</sup>

9.162 **Finding:** We consider that this was an adequate response to an allegation of physical assault. Although we do not have sufficient evidence to extrapolate any further, we note that a relatively low-level physical assault led to a discussion at a high level, a warning that was confirmed in writing, and the threat of further procedures being instigated if there was any reoccurrence.

*Mario Lundy*

9.163 Most of the evidence on Mario Lundy's response to the allegations of abuse made against him is dealt with in the section below on Les Chênes/Greenfields. There were no contemporaneous allegations of abuse and therefore no findings are made in this chapter.

9.164 In relation to the allegations of abuse made against him with regard to his time at HDLG, he said:<sup>168</sup>

- He never picked up a resident by the ears or punched one in the stomach.
- The allegation made by WN383 that he saw him grab a girl by the throat, push back against a wall and punch in the face, never happened.
- He never poked children in the chest, saying "*Go on, hit me*". He said "*If a young person was coming at me I would have stood my ground and been quite assertive.*"
- He did not throw WN36 and WN591 against a wardrobe before throwing them onto their beds and did not recognise that scenario at all.
- In relation to WN391, he told the Inquiry: "*at some stage if I was dealing with a bully or someone who have been aggressive or abusive to a member of staff or another young person, I would give them a good ticking off and I may well have been wagging my finger when I was doing it*".
- He did not recognise at all the account of his lashing out and hitting WN91.

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<sup>167</sup> Day 76; WS000583

<sup>168</sup> Day 75; WS000587



Non-staff members accused and/or convicted of abuse

*Anthony (Tony) Watton*

- 9.165 Tony Watton did not work at HDLG but did have access to children there, by virtue of a relationship with Morag Kidd (as she then was) and a link with some of the residents. He used to volunteer in the evenings, visit the children at the weekends, and apparently was involved in taking holiday camps. He also ran the Jersey Canoe Club but following allegations of abuse in 1979, he was asked to resign from this position.
- 9.166 He was convicted in 1987 of indecent assault unrelated to HDLG. In another police investigation in 1996 he admitted being a paedophile.
- 9.167 In 2001, Tony Watton was charged with indecently assaulting two boys during the 1970s and 1980s, including one at HDLG. He committed suicide while on bail in November 2001.<sup>169</sup> Other allegations were subsequently made of sexual abuse by Tony Watton during Operation Rectangle.
- 9.168 Other staff members who were asked about him said the following:
- WN570 knew Tony Watton and would see him when he came to visit children at the Home. She had no concerns about him.<sup>170</sup>
  - Fay Buesnel remembered Tony Watton spending a lot of time at the weekends at HDLG.<sup>171</sup>
  - Morag Jordan recalled that Tony Watton used to volunteer in the evenings and used to take some of the children canoeing. She says that there was nothing about his behaviour that caused her concern at the time, but looking back "*perhaps something was not quite right*".<sup>172</sup>
  - It would appear that there were no contemporaneous allegations of abuse made about Tony Watton during the period in which he was visiting children in HDLG.

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<sup>169</sup> WD004365

<sup>170</sup> Day 110/27

<sup>171</sup> WD006919

<sup>172</sup> WS000621/10

*Terence Jarrett*

- 9.169 In May 1972, Colin Tilbrook wrote to the Children's Office setting out the steps taken following disclosure by two boys that they had been indecently assaulted by a Terence Jarrett (a visitor to the Home). One boy stayed overnight at the Jarretts' house. Colin Tilbrook talked to the boys and satisfied himself that "*there was a prima facie case for further investigation*". With Charles Smith's approval, Colin Tilbrook met with DC Watkins at Charles Smith's office. The police officer determined that "*as Mr Jarrett had a previous conviction (when he was aged 14) he would take statements from the boys*". He later arrested Mr Jarrett who was charged and brought before the Police Court Magistrate".<sup>173</sup>
- 9.170 Someone closely connected to Terence Jarrett had previously worked at HDLG, leading Colin Tilbrook to conclude, in respect of any possible vetting of visitors: "*any investigation into [the family's] background was never at any time indicated. I would not like to see that this isolated incident, serious although it may be, should make it necessary for the parents of any of the children's school friends to be subjected to any kind of prior investigation*".<sup>174</sup>
- 9.171 There is no record of whether the boys' welfare was followed up following this episode, although by the standards and knowledge of the day, it is unlikely that follow-up would have been routine and/or thought necessary.
- 9.172 Colin Tilbrook complained to Charles Smith about the *Jersey Evening Post* (JEP) naming the children in their report of the case "*in direct contravention of the Children (Jersey) [1969] Law, Article 44*". He asked the new CO to deal with the paper "*more firmly*".<sup>175</sup>
- 9.173 **Findings:** We conclude that the response to these allegations of abuse was adequate. Colin Tilbrook talked to the children about their disclosure. He then passed the matter on to the CO, and they decided between them, to notify the police. In the absence of formal procedures, this was an appropriate response to a disclosure of sexual abuse.

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<sup>173</sup> WD001239

<sup>174</sup> WD004362

<sup>175</sup> WD008616

WN973

- 9.174 In November 1972, allegations were made by WN121 that he had been abducted from HDLG by an individual called WN973. He said that WN973 took him to his flat and sexually assaulted him, although he did not recall much as he was “*drowsy*”. The police found him and WN973 was arrested and convicted. WN121 said that he was taken back to HDLG and placed in the detention room for two weeks. As he recalled it, it was so that he could not tell the other children what had happened.<sup>176</sup>
- 9.175 As recalled by WN121, the matter was in fact reported to the SOJP, who interviewed staff members at the Home. The interviews provide some insight into the attitude, at the time, towards visitors to HDLG.
- 9.176 Margaret Davies (Tilbrook) said in her statement that because of WN121’s circumstances she liked to be informed regarding visitors. She therefore “*accosted*” WN973 when she saw them together on an earlier occasion, concerned that he had entered the premises without authority. However, she then discovered that he had asked for WN121 on entry to the Home. She told WN973 that if he wished to see WN121 again, he should make a “*proper*” appointment. He did so and saw WN121 10 days later during which time a staff member was present.<sup>177</sup>
- 9.177 Gordon Wateridge, in his statement from the time, said that he was also under the impression that an appointment had been arranged through the Superintendent’s office, but later learnt this not to be the case. The next time WN973 visited, he had made an appointment and Gordon Wateridge was present throughout the visit. He asked Gordon Wateridge whether WN121 would be able to work in his shop again, but Gordon Wateridge explained that in the circumstances this was not possible.<sup>178</sup>
- 9.178 WN664 provided a statement in which she said that she was on night duty during the night when WN121 had been taken. She did a dormitory security

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<sup>176</sup> WD000678/118

<sup>177</sup> WD006451

<sup>178</sup> WD006452

check and later, WN162 told her that WN121 had been taken and had been given money. She called the police.<sup>179</sup>

9.179 The actual nature of the offence itself is set out in a memo from the Superintendent (Colin Tilbrook) to Charles Smith.<sup>180</sup>

9.180 WN973 was initially charged with:

- breaking and entering;
- inducing a child to escape from a detention home; and
- indecent assault.

The first and third charges were withdrawn and he was imprisoned for one month after being convicted of the second charge.<sup>181</sup>

9.181 **Finding:** In our view, the staff at the Home responded appropriately by involving the SOJP when WN121 was abducted. If WN121 was placed in the detention room upon his return in order to prevent him telling other children, this was clearly wrong.

### *Henry Fleming*

9.182 As noted elsewhere, concerns were raised in the mid-1970s about a man called Henry Fleming, who lived near HDLG and was interacting with residents.

9.183 On 29 July 1975, Jim Thomson, then SCCO, in a memo to WN532 (Superintendent at the time), recorded a visit he made to Henry Fleming with Richard Davenport, a CCO: "*the purpose of the visit was to meet personally this man who has been involved over many months in dealing with our children from Haut de la Garenne; quite a few of whom have been making a habit of visiting him and reputedly receiving cigarettes and drink*". Henry Fleming admitted that he had given cigarettes to the children named in the memo. The memo referred to a bunker that had been decorated and furnished by Henry Fleming. Jim Thomson noted: "*it may well be that his*

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<sup>179</sup> WD006455

<sup>180</sup> WD001656

<sup>181</sup> WD006453, WD001656

*motives are entirely innocent but homosexual malpractices cannot be discounted ... I intend pursuing further enquiries about this man ... It would also be advisable to place this property out of bounds to our children.*<sup>182</sup>

- 9.184 In a statement dated 2 August 1975, Henry Fleming admitted to the police that he engaged in sexual activity with children from the Home.<sup>183</sup> In a subsequent statement, he said that the children visiting him engaged in sexual activity with each other, despite being under age.<sup>184</sup>
- 9.185 Henry Fleming described how he had indecently assaulted children over a period of two or three years. In return, he would give them cigarettes and alcohol. One assault resulted in WN344 having to be medically examined.
- 9.186 On 5 August 1975, WN532 wrote a memo to Charles Smith, noting that he had reported Henry Fleming to the Constable, and saying: “*we have repeatedly tried to discourage children but this man’s temptations have been too strong*”.<sup>185</sup> A memo dated two days later notes: “*it now seems that some of our children are very seriously involved with this man. I wondered if any further involvement with C.C.O.s is necessary in case parents become aware and question happenings*”.<sup>186</sup> He noted that WN136 had admitted regular visits and at least one indecent offence, WN334 admitted regular visits and at least one gross indecent offence, while others were fringe observers and “*occasionally involved in mild sexual offences*”.
- 9.187 In October 1975, Henry Fleming was sentenced to two years’ imprisonment for indecent assault, gross indecency, exposure, and attempts to procure the commission of an act of gross indecency. An SOJP report from September 1975 summarise the charges and the investigation.<sup>187</sup>
- 9.188 There are few documents available to the Inquiry to show what, if anything, was done within HDLG or by Children’s Services following the conviction of Henry Fleming. The statements given by the children to the police recorded

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<sup>182</sup> WD001165/2–3

<sup>183</sup> WD00165/6

<sup>184</sup> WD001165/8

<sup>185</sup> WD000897

<sup>186</sup> WD000898

<sup>187</sup> WD005783

that each child was accompanied (at the time of giving the statement) by a member of staff from HDLG, including WN532 and WN587. There is no record of whether the children involved exhibited any distress.

9.189 WN694 remembers children going to Henry Fleming's house, saying: "We never let any of the kids from our unit go."<sup>188</sup>

9.190 **Findings:** We note that children had been visiting for a period of several months before any investigations were carried out. There was, at the very least, awareness that the children had been visiting and receiving alcohol and cigarettes from a man in his sixties. By early-August 1975, there was a recognition of sexual assaults on several children resident at the Home, however it was only reported to the Constable when initial attempts to discourage the children from visiting had failed. We consider that the response to concerns was inadequate. Those responsible for the care of the children failed in their duty to take adequate measures to protect those children from sexual abuse.

9.191 We note that there was an investigation carried out by Children's Services, that was then reported on to the Constable, and that this led to prosecution of Henry Fleming.

9.192 We deprecate the apparent reluctance to inform parents that their children had been the victims of sexual abuse – the memo noting that CCOs should be involved "*in case parents become aware and question happenings*" suggests that there was no plan to inform them. We consider that this was inadequate and we are critical of the possible motivation – to protect reputations.

#### Allegations against religious figure(s)

9.193 One staff member between 1974 and 1976 commented that a religious figure wanted to take the children camping after having turned up without

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<sup>188</sup> WD006789/5

appointment or introduction. They stopped this plan, told the police and he believes that the religious figure left the island.<sup>189</sup>

- 9.194 Two other staff members, WN714 and WN668, also gave evidence about a religious figure coming to the Home around 1975/1976 as a volunteer.<sup>190</sup> WN714 says that he did not know where he came from or who appointed him and that after he had left, his wife, WN668, told him that he had grabbed her and tried to put his hand down her skirt. WN668 said that she was always suspicious of this man and felt uneasy around him – saying that he would make inappropriate comments to her and one day grabbed her breasts and tried to put his hand down the front of her skirt. She did not tell anyone and did not see him again after that incident.
- 9.195 Another staff member gave evidence about the religious figure and was under the impression that he was on some sort of placement. He says: “*My impression of him was that he was a very dangerous person. He made the hairs on the back of my neck stand up.*”<sup>191</sup>
- 9.196 Due to the absence of contemporaneous records, we do not make any findings on these allegations.

#### Residents accused and/or convicted of abuse

##### *Michael Aubin*

- 9.197 Michael Aubin was charged in 2008 with offences of sodomy, gross indecency and indecent assault on three boys. The offences took place in 1978, when Michael Aubin was resident at HDLG.<sup>192</sup> In 2009, Michael Aubin pled guilty to two counts of procuring an act of gross indecency, and two counts of indecent assault. It was noted that “... *there had been an element of cruelty in the circumstances of this case. Not cruelty by the Police who arrested Aubin, nor by the Attorney General for prosecuting him, because that had to be done ... but cruelty in the circumstances. The defendant was entrusted into the care of the State when he was three. The State was in*

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<sup>189</sup> WD006425/5

<sup>190</sup> WD006424 and WD006423

<sup>191</sup> WD006789/5

<sup>192</sup> WD003591, WD003592, WD003593, WD005784

*loco parentis. He became what he became in the care of the State and now the State comes after him thirty-two years later to prosecute him for what he did when he was in its care, aged fourteen, a disturbed, brutalised fourteen year old”.*

9.198 There are various examples, between 1976 and 1978 of Children’s Services’ response to reported incidents:

- April 1976: two children in a state of undress were found in an outbuilding with Michael Aubin. Charles Smith noted: *“We have once more to put the boy under close supervision.”*<sup>193</sup>
- August 1977: Michael Aubin made advances to a young boy in his bed. Jim Thomson’s memo to Charles Smith noted: *“Remove from group dormitory situation and spend the rest of his leave sleeping in detention; I have not decided if he will be locked in, and I am in agreement with Mr Skinner that steps should be taken for his admission to the Boy’s Hostel as soon as possible after he has finished his schooling.”* Jim Thomson also noted: *“The most worrying thing is that he is prepared to make advances to young boys.”*<sup>194</sup>
- September 1977: Memo from Jim Thomson to CCO noted that Michael Aubin is *“under supervision of a member of staff for the last few days of his leave, and if this is not possible he should be confined to the detention room”.*<sup>195</sup>
- May 1978: Memo to Charles Smith from Jim Thomson that Michael Aubin made *“sexual overtures to a boy”*. Arrangements were made to interview *“the parties concerned”* and boy’s mother informed – it was noted that this *“may have been premature because she became overexcited and upset and ended up discharging [the boy] from care”.*<sup>196</sup>

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<sup>193</sup> WD001444

<sup>194</sup> WD001441

<sup>195</sup> WD001487

<sup>196</sup> WD001465



- July 1978: Memo from Jim Thomson to SCCO regarding “*Further incident with homosexual overtones ... Strongly advised transfer to an environment where he does not have ready access to young boys*”.<sup>197</sup>

9.199 **Findings:** We acknowledge that Children’s Services were placed in a difficult position in how to respond to this abuse. They had to balance the needs of the victims with the needs of Michael Aubin, all of whom were in their care.

9.200 We consider that Children’s Services did try and prioritise the safety of the victims, by placing Michael Aubin under close supervision and even locking him away. Nonetheless, they failed to take sufficient safeguards, and Michael Aubin was able to continue sexually assaulting children over a two-year period.

#### *Other residents*

9.201 There is evidence in relation to other residents of HDLG accused of abuse against fellow residents, either contemporaneously or subsequently:

- WN43: memos from 1980 refer to WN43 making sexual approaches to younger children. Jim Thomson noted that WN43 would continue to sleep in the detention room and night supervision was reviewed.<sup>198</sup>
- WN504: in 2010, a SOJP report recorded WN504 (resident) admitting his “*conquests*” with younger girls at the Home, including going to the girls’ rooms to touch their private parts and stripping a girl on a camping trip. WN504 said these were acts sexual experimentation and that the girls were willing participants.<sup>199</sup>
- WN74: during Operation Rectangle, WN28 made allegations of WN74 and others (aged 17 or 18) would force younger children to perform oral sex on them and touch their genitals. It was noted that there was no

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<sup>197</sup> WD001490

<sup>198</sup> WD000977, WD000941

<sup>199</sup> WD003504

contemporaneous support for these allegations and a number of inconsistencies in the accounts of abuse provided by WN28.<sup>200</sup>

## Heathfield

### WN637

9.202 In October 1987, WN36 reported to the SOJP that he had been indecently assaulted by WN637. WN36 (aged 17) had left Heathfield a month before and gone into foster care, while WN637 had left his role as a member of staff at Heathfield a few months previously and gone to work in a children's home in the UK. The matter was investigated by the SOJP<sup>201</sup> and in interview WN637 admitted to the conduct alleged but stated that sexual contact had been consensual. No charges were brought.

9.203 In a memo dated November 1987, after WN637 had left the employment of the Education Department, Anton Skinner said:

*"Please note for future reference that [WN637] should not in any circumstances be considered for a position in employment or voluntary work with the Department that would involve contact with children. For further information, see Children's Officer or a Deputy who should defer to Child in Care file."<sup>202</sup> [His emphasis]*

9.204 Anton Skinner said, in evidence to the Inquiry, that he was unaware of any UK-wide mechanism for informing other potential employers about the risks posed by WN637. He made no enquiries as to where WN637 moved to and was unaware that when he left, he had been given a reference by Terry Strettle (previous CO) for a post where he would be working with young girls who had been sexually abused.<sup>203</sup> Anton Skinner noted that WN637 had not done anything that had been found to be criminal and said: *"I appreciated that this did not prevent him working with children elsewhere but I could do nothing to prevent that."*<sup>204</sup> Subsequently, WN637 changed his name and obtained a job in the health sector in Jersey.<sup>205</sup>

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<sup>200</sup> WD002635

<sup>201</sup> WD004695

<sup>202</sup> WD004684

<sup>203</sup> Day 87/161

<sup>204</sup> WS000614/29

<sup>205</sup> WD004687

- 9.205 **Finding:** After an initial investigation by the SOJP which led to no charges, the response of the Education Department was inadequate. Some action was taken in that Anton Skinner left a note on the file stating that WN637 should not be considered for employment or voluntary work with children in Jersey.
- 9.206 However, this was, in our view, insufficient. No attempt was made to contact the children's home in the UK to which WN637 had moved with a reference from Jersey. It is clear from the file note that Anton Skinner considered WN637 to pose a risk to children, therefore the Education Department had a responsibility to take reasonable steps to prevent him working with children outside of Jersey as well.

#### WN335

- 9.207 In 1991, WN216, a former resident at Heathfield, alleged that he had been sexually abused by his key worker, WN335, over a period of several years.
- 9.208 In evidence to the Inquiry, WN335 denied the allegations and described them as fabricated.<sup>206</sup> He asserted that he did not give WN216 special privileges and that although he gave him driving lessons, gave him lifts to his flat, and helped him put up shelves, these were part of his role as key worker. He denied showering at WN216's flat, and drinking whisky with him at Heathfield. He accepted in hindsight that it was a misjudgement to arrange for WN216 to have a role connected with Heathfield after he left, but said he had spoken to staff who agreed it was appropriate. He thought that there were a number of possible reasons why WN216 had made the allegations, and gave some examples.
- 9.209 WN335 went on to say that he recalled WN216 having made vague comments about having been mistreated at HDLG before he came to Heathfield. He did not pass these comments on as he felt that they were a cry for attention and would only do so where there was clear evidence that the young person was telling the truth, which he acknowledged involved

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<sup>206</sup> Day 84; WS000603

making a subjective judgement.<sup>207</sup> He did not recall any procedures, guidance or training in place for dealing with disclosures of abuse at that time. On reflection, he acknowledged that he perhaps should have referred WN216's disclosures to Anton Skinner before deciding whether or not to act upon them.<sup>208</sup>

- 9.210 Six members of staff at Heathfield were interviewed by the SOJP, as was WN335's wife. One staff member said that when WN216 disclosed to her that he was having a sexual relationship with WN335, she and other staff members informed Anton Skinner.<sup>209</sup> Sean McCloskey gave evidence to the Inquiry that following WN216's disclosure to him, he said that he would have to tell management, about which WN216 was unhappy. As noted above, he said that there was no guidance on responding to disclosures in place at Heathfield at the time.<sup>210</sup>
- 9.211 Phil Dennett, a member of staff at Heathfield at the time, recalled that the allegations were brought to his attention by a member of staff who visited him at home. He immediately contacted WN669, a staff member, and they went to see WN216. Once they were satisfied that WN216 had indeed made the allegations as described, they notified Children's Services. In his statement to the SOJP in 2008<sup>211</sup> he said that when a young person made a disclosure of abuse, his social work training taught him that it was not for him to question its veracity but to ensure that it was passed on to the appropriate person for investigation.
- 9.212 Following the disclosure of the allegations, WN335 was suspended by Anton Skinner, who referred the case to Detective Sergeant (DS) Adamson of the SOJP CPT. However, before the police investigation commenced, Anton Skinner interviewed WN216 and WN335 and two other staff members, Phil Dennett and WN669. On 4 April 1991, he wrote a 10-page letter to DS

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<sup>207</sup> Day 84/24

<sup>208</sup> Day 84/54

<sup>209</sup> WD004531

<sup>210</sup> Day 69/170

<sup>211</sup> WD007345

Adamson containing his notes on the allegations, informing him of all that he knew on the case and setting out various conclusions of his own.<sup>212</sup>

9.213 In evidence to the Inquiry<sup>213</sup> Anton Skinner said: *“I did not see my involvement whatsoever as investigating the case, I was gathering the allegation.”* He went on to say *“I wanted the matter investigated very thoroughly by the Child Protection Team ... ”* and he didn’t want to engage in any way other than collecting the initial material to be handed over.

9.214 He agreed that it was unusual that he had allowed WN335 himself to inform the staff at Heathfield of the suspension.

9.215 Anton Skinner was referred to comments within his letter such as *“I asked why once WN216 was free of Heathfield ... he allows WN335 to continue a relationship which he WN216 maintains he did not like”* and *“This I find to be a very weak explanation and it altogether does not fit unless [WN216] enjoyed the relationship”*. In response, he said that he did not endanger the police enquiry and was trying to share his *“impressions”* with DS Adamson.<sup>214</sup> It was not an attempt to prejudge the case. His *“layman’s observations”* in the notes *“should not be accorded ... any significant status”*.<sup>215</sup> He was not trained in interviewing young people who had made disclosures of abuse, and had not produced a similar document in the course of any other investigation.<sup>216</sup>

9.216 He accepted in evidence that it was not the role of the social worker to make a judgement about the veracity of allegations but to listen and explain to the child what was going to happen.<sup>217</sup>

9.217 Anton Skinner said that he understood the police case to have been inconclusive due to lack of corroborative evidence. However, he concluded that WN216 was telling the truth and decided that WN335 had to be removed. WN335 was permitted to take early retirement with an enhanced

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<sup>212</sup> WD007092/161

<sup>213</sup> Day 89/19

<sup>214</sup> Day 89/32

<sup>215</sup> Day 89/338

<sup>216</sup> Day 89/30

<sup>217</sup> Day 89/47

pension. Anton Skinner recalled that he had agreed to give WN335 a general reference (not one supporting working with children) and in fact did so, on the basis that “*on the face of it WN335 had been a good employee and had worked well*”.<sup>218</sup>

9.218 WN335 said, in evidence to the Inquiry, that he thought an investigation had been conducted by Marnie Baudains which had concluded that he was innocent of the allegations, however he admitted that this was conjecture<sup>219</sup> and the Inquiry has not seen any evidence of such an investigation.

9.219 Anton Skinner wrote a letter to the President of the Education Committee<sup>220</sup> following the decision not to prosecute. He set out matters of “*gross professional misconduct*” on the part of WN335, including:

- Promoting WN216’s involvement in a role connected with the Home; allowing him to engage with other vulnerable teenagers and encouraging him to believe that he might develop a career in child care.
- Allowing WN216 to be present at the Home at night, in a position of sole responsibility.
- Placing himself in numerous vulnerable situations with WN216 by giving him a lift home and spending time in his flat alone with him.

9.220 The letter concluded that Anton Skinner considered WN335 to be “*an unacceptable risk professionally in the area of direct work with, or responsibility for, children in the care of the Education Committee*”.<sup>221</sup> In evidence to the Inquiry he said that he told WN335 that unless he resigned he would tell the Education Committee that he no longer had confidence in him.<sup>222</sup>

9.221 Anton Skinner told the Inquiry that although there were disciplinary procedures for Children’s Services personnel, they were not used often and were not particularly advanced at that stage. Anton Skinner said that he did

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<sup>218</sup> Day 89/57

<sup>219</sup> Day 84/26

<sup>220</sup> WD006632/50

<sup>221</sup> WD006632/52

<sup>222</sup> WS00614/40

not feel that there should be a disciplinary procedure as he wanted WN335 to resign and felt that WN335 could not have arrived at any other conclusion than having to resign or be sacked. He considered that he had expedited matters with a more direct approach but he admitted that the disciplinary procedure would have led to a determination on the facts, which would have been available for future employers.<sup>223</sup>

- 9.222 WN335's version of events was that it was his decision to resign and leave the island after having acknowledged his error of judgement. He also recalled a discussion about potential other roles, but was told that there were not any available.<sup>224</sup> Despite the contemporaneous note (of considering alternative roles), Anton Skinner stated in evidence that he was very clear to WN335 that he could not continue in employment with Children's Services.<sup>225</sup>
- 9.223 Anton Skinner said that this was a case which exemplified the frustration of investigating cases with no corroborating evidence. Ultimately, the decision was one made by the Crown Officers and he believes these were made in good faith.<sup>226</sup> In evidence, he spoke of frustrations in child protection proceedings on the basis that they could only obtain convictions where there is an admission (for example, Les Hughes), there is forensic evidence or there is an "*overwhelming preponderance of testimony from a large number of individuals*".<sup>227</sup> We note that this only applies to criminal prosecutions, and not to disciplinary proceedings.
- 9.224 Following this incident, allegations were subsequently made by Darren Picot that WN335 had also attempted to sexually assault him. In evidence to the Inquiry, WN335 denied these allegations.<sup>228</sup>
- 9.225 **Findings:** We find that the response to the significant allegations made against WN335 in 1991 was inadequate according to the standards of the time. Despite Anton Skinner accepting that it was not the role of the Social

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<sup>223</sup> Day 89/61

<sup>224</sup> Day 84/31 and WD006632/48

<sup>225</sup> Day 89/56

<sup>226</sup> WS000614/41

<sup>227</sup> Day 89/43

<sup>228</sup> Day 84/8

Worker to make a judgement about the veracity of allegations but to listen and explain to the child what was going to happen, in this case he wrote an inappropriate memo setting out his findings, including his views on the truth of the allegations.<sup>229</sup>

- 9.226 Allegations were referred to the police, in accordance with accepted practice of the time, but only after investigations had already been carried out by Children's Services, which could have been to the detriment of the police investigation and went beyond merely collecting the initial information.
- 9.227 After concluding that WN335 was an unacceptable risk and had committed gross misconduct, Anton Skinner and the Education Department decided that he should be allowed to resign or retire with a reference, rather than instigating a disciplinary investigation. On the basis of the facts that were established by Anton Skinner, albeit in absence of a properly conducted disciplinary investigation, the decision to provide WN335 with a reference for another job working with vulnerable individuals was inappropriate.
- 9.228 We note that there were no relevant policies and procedures in place in Jersey at the time. However, multi-agency working had been in place for a number of years at that point, and the "Working Together" guidance had recently been published in England, which set out that disciplinary proceedings must be considered even if there is insufficient evidence for an allegation to be prosecuted.
- 9.229 We note that this matter is further evidence of a common theme around this period (the late 1980s and early 1990s) in which Children's Services took the easiest route of getting suspected perpetrators to leave their posts, thereby avoiding conflict and the reputational embarrassment that could arise from disciplinary proceedings.

#### WN166 and another

- 9.230 In 2001, WN698 made a complaint of physical assault against two staff members, WN166 and a member of staff. The staff members, in turn,

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<sup>229</sup> Day 89/47



alleged assault by WN698 during the course of restraint, which was deemed by senior management to have been necessary to secure her safety as she was attempting to abscond.

9.231 Children's Services held a strategy meeting attended by senior staff and the police. Minutes of the meeting record the action taken and the actions to follow. It was decided that the restraint used was reasonable and that the two staff members should remain working at Heathfield, while noting "*Police to notify immediately should further information suggests any use of unreasonable force*".<sup>230</sup>

9.232 **Finding:** Children's Services responded appropriately to an allegation that a restraint had amounted to assault, by holding a strategy meeting in response to the allegations, which was attended by police. When the police decided not to take any action, it was noted that they should be told if any further information suggested any unreasonable use of force. This was an adequate response according to the standards of the time.

### WN820

9.233 In August 2006, a 15-year-old female resident at Heathfield ran away with a friend and told the friend that she was doing so because WN820 (a member of staff at the Home) told her would sanction her if she did not give him "*a blow job*". The friend reported this to other children and to a staff member. The staff member met with the complainant, who told him it was true. Her key worker asked her whether she wanted to: (i) do something, or (ii) do nothing. It was explained that if the latter, nothing would happen as she would not be regarded as having made a complaint. She said that she wanted something to be done and that she wanted to talk to the police. The SOJP's FPT were informed, as were Phil Dennett and Joe Kennedy.<sup>231</sup> A

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<sup>230</sup> WD006831

<sup>231</sup> WD009050

strategy discussion was held over the telephone<sup>232</sup> between the relevant key worker and DI Alison Fossey of the FPT.<sup>233</sup>

- 9.234 During a video interview, the complainant told the police that WN820 forced her to give him a blow job on one occasion and had recently asked her to put a certain skirt on.<sup>234</sup>
- 9.235 WN820 was made aware of the allegation by a fellow staff member. He took advice from his Manager, Simon Bellwood, and wrote a statement outlining his actions. He denied the allegation.<sup>235</sup> It was explained to him in an early meeting that he must not make contact with the complainant, or any of the other young people resident in any of the children's homes, until informed otherwise.<sup>236</sup>
- 9.236 WN820 was arrested and interviewed by the police. He gave a '*no comment*' interview, other than some general background about his role.<sup>237</sup> He was suspended from work three days later, on the basis that the investigation was ongoing and looked as though it would go on for some considerable time.<sup>238</sup> Following a police investigation, initial advice was provided in August that there was no realistic prospect of conviction, and a final decision not to prosecute was taken in December 2006.
- 9.237 In January 2007, a return-to-work meeting was held by Kevin Parr-Burman, Manager of Heathfield at the time.<sup>239</sup> During this meeting, WN820 said that on the night about which the allegations had been made, he had gone into the complainant's bedroom and saw that she was showing him her thong. He then closed the door and only went back in when she was properly covered. He accepted that in the future he would always have someone with him when checking on residents at night.<sup>240</sup>

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<sup>232</sup> According to the records, urgent casework commitments within the Family Protection Team meant that they were unable to hold a strategy meeting in person

<sup>233</sup> WD009053

<sup>234</sup> WD006877

<sup>235</sup> WD006877

<sup>236</sup> WD009049

<sup>237</sup> WD006878

<sup>238</sup> WD009051/53-54

<sup>239</sup> WD009051/52

<sup>240</sup> WD009051/52

9.238 In October 2007, an anonymous letter was received expressing concerns that WN820 had returned to work “*with no questions asked*”. A report from Marnie Baudains<sup>241</sup> later that month made the following comment:

*“It is understood that, during the investigation, the complainant refused to make a statement either confirming or denying the allegation, although her confidante made a statement saying that the complainant had confessed to her that she had made the story up. The police investigation concluded that there was no case to answer and [WN820] returned to his duties.”*

9.239 Marnie Baudains concluded in her report that an appropriate procedure was followed and WN820’s return to Heathfield was appropriate in the light of the outcome of the investigation.

9.240 During a supervision session in November 2007,<sup>242</sup> by which time WN820 had moved to Greenfields, he was adamant that he was a victim of a false complaint and said that the complainant had divulged information to one of her friends that the allegation was false. He felt let down by Heathfield and did not think he received any support from management, nor how isolated he would feel during the suspension process.

9.241 Phil Dennett, in his evidence to the Inquiry,<sup>243</sup> said that due consideration was given to the return of WN820 to work. He was required to change his practices and was supervised, as he had put himself in an inappropriate position by entering a young person’s bedroom accompanied. When asked about the decision not to instigate disciplinary proceedings, Phil Dennett said that there would have been a discussion, within the senior management team, with Social Services, with the police and with their own HR Department.<sup>244</sup>

9.242 **Findings:** The initial response to this disclosure of abuse was in accordance with the policies and procedures of the day – which at that stage were the 2005 Jersey Child Protection Procedures.

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<sup>241</sup> WD008988

<sup>242</sup> WD009048

<sup>243</sup> WS000708/5

<sup>244</sup> Day 134/50

- 9.243 However, following the decision not to prosecute the case, there was no disciplinary investigation. Phil Dennett said that there would have been a discussion before deciding not to instigate disciplinary proceedings, but the Inquiry has not seen any evidence of such a discussion. The relevant procedures state that “*The fact that a prosecution doesn’t follow does not mean that action in relation to ... employee discipline is not necessary*”. In our view, this was an inexplicable failure of the HSSD to follow their own policies and procedures.
- 9.244 Following a complaint about the handling of the case a few months after WN820 returned to work, Marnie Baudains stated that the complainant refused to make a statement and her confidante had made a statement confessing that the story was made up. As set out above, the complainant did in fact make a statement to the police<sup>245</sup> (via a video interview) and the Inquiry has not received any statement from the confidante stating that the complainant had admitted making the story up. Marnie Baudains set out that following the police investigation, WN820 returned to his duties. She did not investigate why there had been no thought given to a disciplinary investigation. Again, we consider this to have been an inadequate response to a complaint relating to the handling of an allegation of abuse.

#### Kevin Parr-Burman

- 9.245 In June 2008, an allegation was made that the Manager of Heathfield, Kevin Parr-Burman, used excessive force in taking hold of a vulnerable resident, WN823.<sup>246</sup> The allegation was reported by two staff members on duty at the time to their manager. It was passed to the SOJP’s PPU to investigate.
- 9.246 The two staff members set out the allegation to the police. One member felt uncomfortable continuing to hold onto WN823, who was visibly distressed. The staff member let go as he felt that Kevin Parr-Burman was “*becoming out of control*”. The other staff member, in her statement dated 21 June 2008, said that she thought that Kevin Parr-Burman’s actions were

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<sup>245</sup> WD006877/3

<sup>246</sup> WD006059

inappropriate and the force used was unnecessary.<sup>247</sup> However, in the SOJP report summarising this member of staff's evidence<sup>248</sup> and in the advices on charge written by Robin Morris<sup>249</sup> and John Edmonds,<sup>250</sup> they quote what appears to be a different statement, in which the member of staff apparently says: "*I also have to say that there was no excessive use of physical force but the use of a physical approach was in these circumstances, in my opinion, probably disproportionate to the circumstances.*" The Inquiry does not have a copy of this statement.

9.247 Kevin Parr-Burman was interviewed by the police in July 2008. He said<sup>251</sup> that Heathfield was an inappropriate placement for WN823 but he accepted that they had to do their best for him. He did not disagree that it was inappropriate to take hold of the back of WN23's T-shirt and try to pull him downstairs. He did not think that he "*lost it*" with WN823 but acknowledged that he was less patient than he would normally have been. He acknowledged "*that in retrospect [the incident] was inappropriate*" but said that it was not a deliberate act to injure a young person; it was not an assault. He accepted that he acted unreasonably but did not think he had gone beyond reasonable force.

9.248 The SOJP noted that Kevin Parr-Burman was very experienced in working with young people presenting with challenging behaviour, and was trained in child protection issues and skilled in crisis intervention.<sup>252</sup>

9.249 In September 2008, an email from Steve McVay put forward that view that Kevin Parr-Burman had acted inappropriately and regardless of the police outcome, should be dealt with internally in some way.<sup>253</sup> A report from Joe Kennedy suggested moving Kevin Parr-Burman to a management role at La Preference (which was what eventually happened) or a role at the White

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<sup>247</sup> WD006060  
<sup>248</sup> WD006059/3  
<sup>249</sup> WD006849/11  
<sup>250</sup> WD006849/6  
<sup>251</sup> WD006062  
<sup>252</sup> WD006059  
<sup>253</sup> WD009044

House. He noted that *“there is a likelihood that the police will not proceed which will instigate an internal inquiry”*.<sup>254</sup>

- 9.250 Following the police investigation, the decision on whether or not he should be prosecuted was taken by John Edmonds of the Law Officers’ Department (LOD). He decided that *“this is not a case where there is a realistic prospect of conviction and the Children’s Service should be advised to deal with the conduct of Mr Parr-Burman through their own internal disciplinary process”*.<sup>255</sup>
- 9.251 This determination followed the view of the AG that *“criminal proceedings are not at all appropriate”* but that *“Mr Parr-Burman acted in a way in which he should not have done”* and it was a matter for internal disciplinary procedures.<sup>256</sup>
- 9.252 John Edmonds also noted that Kevin Parr-Burman had acted inappropriately and had not handled the situation well. These were matters in respect of which he said the Children’s Service needed to consider giving formal advice and/or training. He also noted that there may have been aspects of the case that technically amounted to an assault.
- 9.253 A meeting was held shortly thereafter to assess risk in relation to Kevin Parr-Burman’s return to work. Risk assessment information was provided by Phil Dennett and Joe Kennedy. The Panel (Richard Jouault, Marnie Baudains and Rose Naylor) made the decision that a formal disciplinary procedure was not necessary as this was the first instance of the employee failing to meet the expected standards of conduct and it did not constitute serious or gross misconduct. The Panel decided that Kevin Parr-Burman should return to work at Heathfield subject to receiving proper supervision, monitoring and, if appropriate, training from Joe Kennedy.
- 9.254 In evidence to the Inquiry Phil Dennett was shown the relevant Civil Service disciplinary procedure<sup>257</sup> on gross misconduct, serious misconduct, assault

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<sup>254</sup> WD009047

<sup>255</sup> WD006849/2

<sup>256</sup> WD006849/3

<sup>257</sup> Set out in the table above

and negligence. He said that in his opinion the matter should have been referred to a disciplinary panel. As set out above, Kevin Parr-Burman did in fact move across to the role of Manager at La Preference. In 2010, Kevin Parr-Burman confirmed that there had been no work-related updating or training following his return to work.

- 9.255 **Findings:** The disclosure by members of staff was appropriately passed to senior management and to the police. Following an investigation and a decision not to prosecute, the HSSD convened a meeting to assess risk and decide whether to implement the formal disciplinary procedure. This was all in accordance with the Child Protection Guidelines at the time.
- 9.256 It is surprising that no formal disciplinary procedure was implemented given the views expressed by the LOD and the admissions by Kevin Parr-Burman. The matter should have been referred to a disciplinary panel.
- 9.257 We are also concerned that despite the recommendations that Kevin Parr-Burman return to work subject to proper supervision, monitoring and training, in 2010 he stated that he never received any such training.

#### WN819

- 9.258 In May 2000, a resident at Heathfield alleged that he had been assaulted by WN819. When interviewed by the police, WN819 admitted involvement in altercations with the complainant and his brother, but said that he did not assault them. His contemporaneous note was that the child had banged his head on the door on purpose.<sup>258</sup> The police report concluded that there was insufficient evidence to prosecute WN819.<sup>259</sup>
- 9.259 Following this decision, an internal investigation by Children's Services concluded that WN819 was being targeted and threatened. There was concern that further allegations would be made.<sup>260</sup> Phil Dennett noted concern about the physical restraint techniques used, particularly the use of a duvet. He said that this highlighted the need for effective care and control

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<sup>258</sup> WD006093/311

<sup>259</sup> WD006093/313

<sup>260</sup> WD006092/296

training which was to be provided in the summer and was to include WN819.<sup>261</sup>

- 9.260 In January 2009, a different resident at Heathfield alleged that WN819 had assaulted him. This was investigated by the SOJP. One staff member saw the incident and said that the staff had some training in restraint of children and that the way WN819 was holding the child was inappropriate.<sup>262</sup> Another worker told the police that he heard the resident shouting at WN819 following the incident. The complainant then told him what happened, and said that he wanted to make a complaint. The care worker spoke to WN819 who told him: “*I snapped but you need to understand he was winding them all up*”. He completed a critical incident report.<sup>263</sup>
- 9.261 WN819 was interviewed by the police and said that he was an unqualified but experienced care worker who had training in restraint of children. The police doctor who examined the complainant noted: “*... this area of the neck is not a common area to be injured accidentally*”. A decision was eventually made in March 2010 that although the offence of common assault may be made out, there should be no prosecution but that any issues arising should be dealt with through internal disciplinary channels.<sup>264</sup> During the period in which this decision was being made, the complainant’s Social Worker had expressed the opinion that it would not be in his best interests for a prosecution to be undertaken and that an investigation by Social Services was taking place with internal disciplinary proceedings to follow.<sup>265</sup> The Social Worker subsequently confirmed that the complainant did want to go to court and at no time had she ever stated that he could not give evidence.<sup>266</sup>
- 9.262 Following the decision not to prosecute, an internal investigation report was completed in April 2010 by the Acting Manager of Heathfield.<sup>267</sup> WN819, staff, and other residents were interviewed, but the complainant failed to

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<sup>261</sup> WD006092/293

<sup>262</sup> WD006894

<sup>263</sup> WD006888

<sup>264</sup> WD006896

<sup>265</sup> WD007918/6

<sup>266</sup> WD007918/9

<sup>267</sup> WD009173



attend appointments for interview. The report concluded<sup>268</sup> that there should be no formal disciplinary proceedings, but said that the situation could have been avoided if WN819 had implemented TCI; he was not in control of the situation and this had led to him restraining the complainant in an untrained and unprofessional manner. It was “*essential*” that WN819 was given adequate support and supervision. He was required to retrain on a TCI course and receive weekly supervision for three months. It was essential that staff received debriefs following serious incidents.

- 9.263 In evidence to the Inquiry,<sup>269</sup> Phil Dennett said that the decision not to instigate disciplinary proceedings was a difficult area, and he would not have been surprised if it had gone either way.
- 9.264 **Findings:** On the basis of the evidence before the Inquiry, the response to the allegation of assault in 2000 was adequate. An internal investigation was conducted following the police’s decision to take no further action, which identified concerns and highlighted training needs.
- 9.265 In our view, the response by the HSSD to the 2009 allegation of physical assault was initially adequate. There was a multi-agency response and following the decision not to prosecute, an internal investigation report was carried out. This was in accordance with the Department’s own policies and procedures.
- 9.266 However, this is another occasion on which it is surprising that no formal disciplinary proceedings were instigated, given the conclusion that WN819 had restrained the complainant in an “*untrained and unprofessional manner*”. The recommendations for proper support, supervision and retraining were appropriate.

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<sup>268</sup> WD009173/15

<sup>269</sup> Day 134/101

## La Preference: Voluntary Home (1951–1984)

### WN729

9.267 In response to the allegations made against her and other staff, WN729 gave the following evidence:<sup>270</sup>

- Regarding Edward Walton’s allegation that a member of staff slammed their fist onto a child’s head before punching/kicking the child’s stomach, WN729 said that she never witnessed such behaviour. It was implausible as there would have been enough staff around to know about it.
- She never saw a child struck on the head with a ladle. Children were encouraged to eat their food but were not forced to do so.
- She never caned a child and children did not regularly abscond. She did smack the bottoms of some of the younger children; this was not recorded anywhere. Older children might be prevented from attending the youth club for a period of time.
- She did not think that any child was hit with a belt, but did not know what happened “*behind closed doors*”. She believed that bruising or bleeding would have been noticed by another staff member.
- She did not slap WN45 on the face while she slept.
- She had no recollection of being told by WN45 that she was being abused by Roger Horobin. In response to WN45’s allegation that WN729 forced her to go out on a trip with Roger Horobin, WN729 said that the CCOs were responsible for deciding upon visits for children at La Preference. WN729 was advised when a child came to La Preference as to who should see them and who should not. She would not force a child to go out with anybody if they did not want to do so.<sup>271</sup>

9.268 We note that despite WN729’s failure to recall this disclosure, there is contemporaneous evidence<sup>272</sup> that records that, upon receipt of these disclosures, she immediately reported the incident to Charles Smith, who

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<sup>270</sup> WS000627; Day 95

<sup>271</sup> Day 95/162

<sup>272</sup> WD007346/14

informed the police. The subsequent investigations led to Roger Horobin's conviction in 1979.

- 9.269 **Finding:** In our view, such a report was an adequate response according to the standards of the time, when there were no relevant policies and procedures in place.

### WN7

9.270 In 2003, WN617 made allegations that he had been assaulted by WN7 at La Preference in the early 1980s, when the Home was run by Christine Wilson. Following the reporting of this to Children's Services, an internal investigation was undertaken by John Cox (Service Manager of Adult Social Work) including interviews with WN617 and members of staff. WN617 had initially called the SOJP's CPU. They referred him to Marnie Baudains of Children's Services.

9.271 A record of an interview conducted with Christine Wilson notes that she said<sup>273</sup> that WN7 did not work at La Preference while she was there, and it was unlikely he would have had reason to visit. If he had visited, it was very unlikely that he would have been unaccompanied. She said that WN617 was pleasant but occasionally "*exploded*" and would have "*screamed blue murder*" if anything like that had occurred.

9.272 WN7 was also interviewed and said that<sup>274</sup> he had no real recollection of WN617 and no recollection of the allegation described. He thought it was the kind of thing he would not forget. At the time of the allegation he would not normally visit children's homes, although may have visited La Preference on occasion.

9.273 John Cox sent a letter to WN617 in June 2003 setting out his findings.<sup>275</sup>

- There was no "*collaborative*" [sic] evidence to support the complaint.

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<sup>273</sup> WD003846

<sup>274</sup> WD003849

<sup>275</sup> WD003845

- The factual evidence confirmed that WN7 never worked at La Preference and was not involved in a residential care role at that time.
- The available evidence indicated that it was unlikely that WN7 visited La Preference but that, if he had, he would have been accompanied.

9.274 WN688 (staff member at St Mark’s Adolescent Centre) recalled that in 1990, WN617 came to him and told him that WN7 used to hit him. When asked if he wanted this reported, WN617 said “*What is the point?*”. More recently when they discussed the matter again, WN688 suggested that WN617 write to Marnie Baudains on the basis that “*different staff had different ideas now and those things were not tolerated now*”.<sup>276</sup>

9.275 **Finding:** The response to the 2003 disclosure of an assault having taken place in the early 1980s appears to have been adequate according to the standard of the time. The disclosure was initially made to the SOJP, and was then passed on to Children’s Services. An internal investigation was carried out by an individual outside of the relevant department.

### **La Preference: States run (1984–2012)**

#### Miscellaneous

9.276 As noted above, in December 1996, a file note<sup>277</sup> suggests that a child (by then a resident at La Preference) made disclosures to Fay Buesnel that she had been sexually abused by an associate of her mother’s a few months before. This information was then passed to Marnie Baudains and then on to Selina Larkin to assess whether the child needed further protection. When Selina Larkin tried to investigate, she was told that the child had gone home overnight as Fay Buesnel did not feel that she was in any danger at home, even though the alleged perpetrator was at the house “*most of the time*”.

9.277 The matter was discussed at a CPT meeting but nothing was done immediately. A file note three weeks later records a meeting between Ms Larkin, a member of staff at La Preference, the child, and the child’s mother.

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<sup>276</sup> WD003532

<sup>277</sup> WD008625

The mother assured them that the child would be safe if she returned home.<sup>278</sup>

- 9.278 In January 1997, a note records that the CPT had investigated and there would be no further action on their part.<sup>279</sup> In March 1997, the child made a further disclosure about the sexual abuse to her boyfriend, which was passed to Richard Davenport. He noted: "*I think we will find that ... It has been dealt with by CPT.*"<sup>280</sup> This does not appear to have been pursued any further at this time.
- 9.279 In 2011, the alleged perpetrator was charged with three counts of indecent assault and one count of rape over a period of 24 years, including the allegation first raised in 1996. In March 2012, he was convicted of rape and indecent assault; the 1996 allegation was not pursued.
- 9.280 **Finding:** The allegation was appropriately reported to senior management and dealt with by the multi-agency CPT. In our view, it was not appropriate for the child to be returned home before an assessment had been made as to whether she needed further protection. The subsequent decision of the CPT to take no further action is not one that we can assess on the basis of the evidence.

### Ernest Mallet

- 9.281 Ernest Mallet said that his response to bad behaviour was to shout.<sup>281</sup> He also recalled having to restrain children occasionally despite not receiving any restraint training until 2000.<sup>282</sup>
- 9.282 In evidence to the Inquiry, he referred to an occasion in 1992 when a father complained that Ernest Mallet on several occasions physically assaulted a child in care at La Preference.<sup>283</sup> Ernest Mallet denied most of the allegations but did admit smacking the child and making him stand in the corridor to cool down after finding him messing about in the girls'

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<sup>278</sup> WD008626

<sup>279</sup> WD008592/7

<sup>280</sup> WD008593

<sup>281</sup> Day 81/182

<sup>282</sup> WS000602/21

<sup>283</sup> WD006573/15

bedrooms.<sup>284</sup> At a disciplinary hearing he acknowledged that the smacking was “*unacceptable and in contravention of departmental policy*”; he was given a first and final warning.<sup>285</sup> Around the time of this investigation, staff at La Preference were advised about the need to take extra care in respect of touching or hitting children and to refrain from shouting at them.<sup>286</sup>

9.283 In 2000, a further complaint was made that Ernest Mallet assaulted a child, by restraining him by the throat. As noted above, following disclosure by the child, WN687 quickly passed the information to Phil Dennett (the Manager of the Children’s Service), and a swift action plan was carried out. Phil Dennett conducted an investigation, during which time Ernest Mallet was not suspended but was told that he should stay at home. He and the two children involved were interviewed and prepared statements.<sup>287</sup> In his report on the matter, Phil Dennett highlighted various areas of concern, including the inappropriate restraint by Ernest Mallett, the lack of staff training, and the inadequate recording of the incident. Phil Dennett made several recommendations, including supervision for Ernest Mallett (who would return to work soon), a review of internal reporting systems, and care and control training for all staff.<sup>288</sup> This was provided later in 2000 but did not cover de-escalation.<sup>289</sup>

9.284 A meeting was held with Ernest Mallet following receipt of the report. It was noted that no formal disciplinary action was to be taken but a note placed on his file.<sup>290</sup> Ernest Mallet told the Inquiry that he felt that he had a lack of support from his Manager at that time.<sup>291</sup>

9.285 **Findings:** In both 1992 and 2000, investigations were carried out following allegations of physical abuse at La Preference. The response to the first allegation was adequate according to the standards of the time – disciplinary

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<sup>284</sup> WS000602/21

<sup>285</sup> WD006573/25

<sup>286</sup> WD006573/28

<sup>287</sup> Day 81/180

<sup>288</sup> WD006573/30–31

<sup>289</sup> Day 81/199

<sup>290</sup> WD006573/42

<sup>291</sup> Day 81

proceedings were carried out leading to a final warning, and staff were advised to take extra care with children and refrain from shouting at them.

- 9.286 We think that the broad response to the complaint in 2000 was adequate, with a reasonable investigation and helpful recommendations made by Phil Dennett. However, given that he found that Ernest Mallett restrained the child by the neck, we think it was inappropriate that no formal disciplinary proceedings were instigated.
- 9.287 Furthermore, in neither case does there appear to have been any multi-agency involvement in the investigation, despite the allegations including assaults that should have warranted investigation by the police. In both cases, this was inadequate.

#### WN7

- 9.288 In March 2004, allegations were made separately by WN749 and WN618 that WN7 had physically assaulted them at La Preference. WN749's allegations related to an incident in January 2004. WN618's allegation related to an incident in 2002
- 9.289 Children's Services' response to these allegations is noted in a document<sup>292</sup> which sets out the action taken between the 27 February 2004 and 11 March 2004. The author of the report is unknown.
- 9.290 Following disclosure by WN749 to Anne Shine (CCO), Anne Shine completed a report and discussed the options available her; a formal complaint to the SOJP, a formal complaint to Children's Services, or an informal complaint to Children's Services. WN749 confirmed that she wished to make a complaint to the police.
- 9.291 Children's Services senior managers agreed that WN7 would be told about the investigation and arrangements made to restrict his duties in relation to La Preference. The SOJP were advised of this plan. Allegations later made

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<sup>292</sup> WD009342

by WN619 to staff at Heathfield about having witnessed WN7 assaulting WN618 were also to be considered as part of the ongoing investigation.

- 9.292 WN718, a member of staff, gave a statement to the SOJP about the allegation,<sup>293</sup> stating that the staff were trained in control and restraint but what she saw WN7 doing was “*not part of the training programme given to staff*”. However, she said that in her view, WN7 “*was using reasonable force*”.
- 9.293 In May 2004, WN687 gave a statement to the SOJP.<sup>294</sup> He said that a “Crisis Intervention Package” called TCI had been introduced into Children’s Services in 2001 – leading to over 150 residential child care workers being trained. Its use was not optional, and physical restraint would only be used if professionally indicated and “*if the young person, other clients, staff members or others are at imminent risk of physical harm*”.
- 9.294 WN7 was interviewed by the SOJP in June 2004.<sup>295</sup> In relation to the allegations made by WN749 he said at the time that he used the “*minimum amount of force needed to control the situation*”. He said that he pushed her on the shoulder at arm’s length and did not pull her hair, and that he did not slap her leg but did touch it to remove it from the furniture.
- 9.295 In relation to the allegations made by WN618, WN7 told the SOJP that he could not recall the incident as alleged, and that if he had picked WN618 up, he certainly would not have thrown him anywhere.
- 9.296 In a police report in July 2004, DC Gregory concluded that there was insufficient evidence to prosecute WN7.<sup>296</sup> However he also noted a number of discrepancies in WN7’s account.<sup>297</sup> For example, WN7 said at one point that he remembered the incident very clearly because “*the touching of a child is a serious thing*” and then at various other points in interview stated he could not recall the incident clearly, and later stated that the incident was “*nothing more than what happens a thousand times a day within a children’s*

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<sup>293</sup> WD004888

<sup>294</sup> WD004889

<sup>295</sup> WD005353; WD005354

<sup>296</sup> WD004886

<sup>297</sup> WD005353; WD005354



home". Furthermore, WN7 said he spoke to a Manager, Phil Dennett, about the incident with WN749, because "*whenever I touch someone of any nature I record it*". However, he did not record it in writing, explaining that he did not think it was serious enough. Phil Dennett did not mention this in his statement (in 2004) and in that statement, said that he recalled no issues in the unit on the day in question. Finally, WN7 stated he was using prescribed methods of "redirection" and "proximity control". However, the TCI training manual does not provide for physical intervention in the context of "redirection" or "proximity control".

9.297 In evidence to the Inquiry, WN7 said that WN749's allegations were untrue and he did not use any violence but used a recognised method of restraint (TCI).<sup>298</sup> He recalled that there was no internal investigation following the decision not to prosecute.<sup>299</sup>

9.298 A memo from the Police Legal Adviser dated August 2004 noted:

*" ... it is clear from [WN7]'s interview and the observations of [WN718] that the guidance offered in the TCI manual was not being followed. It cannot be said that operating outside these guidelines would amount to a criminal offence, nevertheless it will cause the Department concern that one of their trainers in this area appears to have breached the guidelines".*<sup>300</sup>

9.299 In September 2004, DI Underwood met with Phil Dennett. A file note records that he explained that this was not a case for prosecution but that there must be "*genuine concerns regarding the manner and actions of a member of staff who is a Therapeutic Crisis Intervention Trainer. Operating outside those guidelines laid down by the Social Services must be a breach of internal policy and procedures*".<sup>301</sup>

9.300 When asked about this in evidence to the Inquiry, Phil Dennett thought he had had a discussion with WN7 and that following the incident they introduced an analysis of incidents whereby an external reviewer was

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<sup>298</sup> Day 66

<sup>299</sup> WD008410

<sup>300</sup> WD008410

<sup>301</sup> WD005348

brought in.<sup>302</sup> On the second occasion he gave evidence to the Inquiry,<sup>303</sup> he explained that he did not have managerial responsibility for WN7 from this time as WN7 was not employed within a residential care home and was therefore working within Social Services rather than the Children's Executive. Thus, it was not appropriate for him to lead any disciplinary process.

- 9.301 The Inquiry has not seen any evidence of disciplinary action being taken. Phil Dennett's view was that *"there should have been a disciplinary, or a pre-disciplinary look at it which would have ascertained what would have happened, why it happened, given the TCI trainer that this person was"*.<sup>304</sup>
- 9.302 **Findings:** We find that the initial handling of the disclosures of physical abuse was adequate – the children were consulted and the matter was passed on to the SOJP appropriately.
- 9.303 However, following the decision that there would be no prosecution, the response was inadequate. It would have been accepted practice at that time that just because there may be insufficient evidence to support a prosecution, it does not mean that disciplinary procedures should not be pursued. Such a course of action was suggested by the Police Legal Adviser and by DI Underwood in his meeting with Phil Dennett. No disciplinary procedures were initiated and this was inadequate.

#### WN662

- 9.304 In response to the allegations made against him, WN662 gave evidence to the Inquiry,<sup>305</sup> in addition to the evidence he gave in August 2009 to the SOJP.<sup>306</sup> In response to the allegations that he smacked or pushed a child in 1994/95 he could not recall the incident, but may have gently pushed the child and did not think that that action was inappropriate. The staff member who reported the incident did not raise it with him at the time. It was reported

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<sup>302</sup> Day 95 – the first occasion on which he gave evidence to the Inquiry

<sup>303</sup> Day 134/231

<sup>304</sup> Day 134/32

<sup>305</sup> WS000607; Day 83/29

<sup>306</sup> WD00691/4

by the staff member contemporaneously<sup>307</sup> but he did not recall being spoken to and could not recall the details. No formal action was taken.

- 9.305 WN662 denied the allegations made by a former resident at La Preference that he beat him with a bat, chased him, covered him with a tarpaulin, sprayed him with water and then threw a wet blanket over him. He said that no such events took place. He also denied the allegations made by WN663 that he kicked him when WN663 was making noise in the sandpit and pushed another child's face into the sandpit while battering him with his fists. WN662 also denied WN663's allegation that he smacked a girl on the bare bottom after she wet herself. He explained that such issues were dealt with by female members of staff and that other staff would have seen any such incident happening.
- 9.306 In response to the allegation that he put his hand down a child's trousers he emphatically denied it, saying that he never sexually assaulted any of the children in his care. Furthermore, he denied the allegations that he pulled a child out of bed by the ear and forced a child to stand in the corner of the bedroom for a long time, dressed only in underpants. This allegation was made by a member of staff, WN718.<sup>308</sup>
- 9.307 In response to William Dubois' allegation that he would beat anyone in the Home (La Preference) and pick on the most vulnerable children, WN662 said that he never hit anybody. He said that if he had done so there would have been a mark and somebody would have noticed. He denied the allegation that he was a bully and made the children do tasks like picking up all the leaves in the garden and then tipping them out before asking the children to repeat the exercise.

### WN753

- 9.308 In August 2006, WN752 (a 17-year-old former resident of Heathfield) disclosed to a member of the Leaving Care Team, Grace Little, that she had

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<sup>307</sup> WD006224

<sup>308</sup> WD006225

engaged in a sexual relationship with WN753, (a member of staff at La Preference and her former key worker).

9.309 A background document<sup>309</sup> notes that following the disclosure, Grace Little provided advice and support for WN752 and reported the disclosure the same day to Danny Wherry. Tony Le Sueur and DI Alison Fossey of the SOJP were also informed. WN753 was on holiday in France at the time with staff and residents from La Preference, and his removal from the group was immediately ordered. He was to have no contact with them. A strategy meeting held the following day agreed that WN753 be suspended and that DI Alison Fossey would seek advice as to whether a criminal offence had been committed. It was subsequently confirmed that no offence had been committed.<sup>310</sup>

9.310 The meeting concluded that if WN753 admitted the facts, the best outcome was to request his resignation in writing along with the reason why. The police and HR would then have it on record if WN753 attempted to work with children in Jersey again.

9.311 A disciplinary meeting was held the next day<sup>311</sup> and WN753 admitted the sexual relationship with WN752. He was advised that it was an act of gross misconduct and that his position was untenable. His letter of resignation has not been seen by the Inquiry and does not appear to have remained on his file, however an extract is included in the background note,<sup>312</sup> as follows:

*“I (WN753) have been made aware that (the young woman) has disclosed that she is pregnant with my child. I accept that it is likely and admit to having sexual relations with her. I further accept that this is an act of gross misconduct. In view of the above I hereby tender my resignation effective immediately.”*

9.312 A note “summary of findings” prepared by Phil Dennett was obtained by the Inquiry<sup>313</sup> and sets out the facts of the investigation, as noted above. It also acknowledged that WN752 was still a “child in care” up to the age of 18 and

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<sup>309</sup> WD006395

<sup>310</sup> Although we note that it would have been so from January 2007, when the Sexual Offences (Jersey) Law 2007 was adopted – as seen at WD009041

<sup>311</sup> WD004896

<sup>312</sup> WD006395

<sup>313</sup> WD009041

that WN753's resignation was accepted although an investigation into "gross misconduct" would have taken place if that had not been the case. It was noted that there was no evidence that any further young people were at risk from WN753, but described his actions as "*extremely inappropriate*" and noted that it may have led to a prosecution if the situation had arisen a few months later. The note concludes that it should be placed on record that WN753 "*should not be considered appropriate for future work with young people in Jersey and that the point should be made in any future requests for references from potential employers*".

9.313 In his first statement to the Inquiry, Phil Dennett said that "*the advice we received from the HR Department was that we could not dismiss [WN753] as he was not in breach of contract because the girl was no longer in our care*".<sup>314</sup> In his second statement to the Inquiry, Phil Dennett added that they had no proper HR support at all. They were told that if they tried to discipline WN753 they would be unsuccessful and would have to allow him to remain in post. He described the situation as "*probably the most frustrated I found myself during my career in child care*". He went on to say: "*in my opinion this member of staff should have been dismissed. I am satisfied that this would be dealt with differently now should a similar situation arise following the introduction of 'abuse of trust' legislation*".<sup>315</sup>

9.314 Phil Dennett added that now the General Social Care Council (GSCC) would be informed, but this system was not in place at that time for non-qualified social workers.<sup>316</sup> He said that WN753's actions amounted to gross misconduct according to the Civil Service disciplinary procedures<sup>317</sup> and that he did not believe the approach followed had anything to do with any unwelcome attention or publicity that the disciplinary process might involve.<sup>318</sup>

9.315 **Finding:** This matter was not handled in accordance with the policy and procedure in place at the time. In evidence to the Inquiry, Phil Dennett said

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<sup>314</sup> WS000628/43

<sup>315</sup> WS000708/8

<sup>316</sup> Day 134/57

<sup>317</sup> Day 134/57

<sup>318</sup> Day 134/59

that the advice from HR was that WN753 was not in breach of contract “because the girl was no longer in our care”. However, Phil Dennett’s contemporaneous note clearly stated that WN752 was a child in care until the age of 18. The Panel regards the response from HR as wholly unsatisfactory, for which the HSSD is responsible. Regardless of the age or status of WN752 when the matter came to light, WN753 had been guilty of gross misconduct and had admitted as much. Given that legislation was enacted only a few months later that would have criminalised WN753’s conduct, it is clear that it was regarded as unacceptable. Disciplinary proceedings should have been instituted rather than allowing the matter to end with resignation.

### Kevin Parr-Burman

- 9.316 In August 2010, a resident at La Preference alleged that he had been assaulted by Kevin Parr-Burman, the Manager of the Home. Kevin Parr-Burman had previously been the subject of allegations of assault against a child in care at Heathfield in 2008, following which he was moved to La Preference.
- 9.317 The SOJP investigated the 2010 allegation and interviewed Kevin Parr-Burman.<sup>319</sup> He said that he did not assault the child or restrain him in any way but merely put his hand lightly on the child’s shoulder to guide him off the pool table. He accepted that he did not record anything in the report running log or mention the incident to other staff on duty. He admitted that in hindsight he should have done so. Other staff members were questioned by the SOJP but none witnessed the incident.
- 9.318 Following the SOJP investigation, the matter was passed to the LOD. The decision was taken not to proceed to prosecution. In December 2010, the AG noted his concern that Kevin Parr-Burman “used force beyond what was needed and that he had not recorded such a significant event in the daily logs”. He recommended that “the Children’s Service deal with this through internal disciplinary procedures and training”. The Children’s Service agreed

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<sup>319</sup> WD006884

to do “*an internal investigation of the incident. Part of this investigation will look at whether Mr Parr-Burman will return to La Preference*”.<sup>320</sup>

- 9.319 A meeting held in February 2011 noted that the GSCC had been informed about the allegations against Kevin Parr-Burman and that they would conduct their own investigation.<sup>321</sup>
- 9.320 In April/May 2011, a management investigation under the disciplinary procedure was carried out.<sup>322</sup> Kevin Parr-Burman was interviewed and said in response to the allegations that he put his hand on the child’s shoulder to remove him from the pool table; it was all over in a matter of seconds. He thought that it was wrong that the report was made directly to the police by Ms Larbalestier (a member of staff) without prior discussion with her Line Manager.
- 9.321 He stated that after the previous allegation (in 2008 at Heathfield) there had been no work-related updating or training provided.
- 9.322 Kevin Parr-Burman thought it significant that he had not been suspended or put on “gardening leave” even though there were child protection issues. He also said that a child protection conference should have been arranged if there were serious child protection concerns.
- 9.323 The management investigation also included interviews with various staff members, including Phil Dennett. He described the issue around physical restraint as “*a very real problem for the island in the context of historical abuse investigation. However, there is clear policy for all staff in this area*”. He noted that a previous complaint about Kevin Parr-Burman led to the implementation of a supervision and training programme, and that supervision was now in place through Joe Kennedy. The matter had been referred to the GSSC.<sup>323</sup>

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<sup>320</sup> WD009060

<sup>321</sup> WD009176 – although the Inquiry has not seen a copy of any referral, nor any response from the GSCC.

<sup>322</sup> WD009056

<sup>323</sup> WD009057

9.324 The management investigation concluded that:<sup>324</sup>

- the matter should not be addressed under the formal disciplinary procedure;
- written guidance should be provided on record-keeping to ensure that incidents were recorded;
- arrangements for clinical supervision should be reviewed in order to support professionals.

9.325 Joe Kennedy subsequently provided a reference for Kevin Parr-Burman.<sup>325</sup> He answered a question as to whether any allegations or concerns had been raised by saying “*there have been no allegations made against Kevin which have resulted in disciplinary sanctions*”. Phil Dennett told the Inquiry that Joe Kennedy had spoken to the prospective employer (Dorset County Council) on the telephone about some of the issues concerning Kevin Parr-Burman.<sup>326</sup>

9.326 We note that in February 2013, while working as a Residential Manager in a Children’s Home in Cambridgeshire, Kevin Parr-Burman was cautioned for common assault by “*beating a service user*” for inappropriate restraint of a child. In November 2013, the Health and Care Professions Council (HCPC)<sup>327</sup> determined that Kevin Parr-Burman’s fitness to practice was impaired and he was suspended. The HCPC noted the following that is relevant to his time in Jersey:<sup>328</sup>

- Kevin Parr-Burman “may not have had recent practical experience of managing challenging behaviour despite his years of experience in the residential field”. He had not received Reinforce, Appropriate, Implode, Disruptive (RAID) training on physical intervention and “his lack of appropriate restraint and de-escalation training” was considered a mitigating factor.
- His “*lengthy and apparently satisfactory service*” was noted together with the fact that he had “*no prior HCPC disciplinary matters*”.

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<sup>324</sup> WD009056/7

<sup>325</sup> WD009178/88

<sup>326</sup> Day 134/83

<sup>327</sup> The successor to the GSCC

<sup>328</sup> WD008284



- 9.327 Kevin Parr-Burman's suspension was revoked by the HCPC the following year on the basis that he *"no longer posed a threat to service users"* and it would enable *"a highly experienced and competent social worker to return to social work when he feels confident to do so"*.<sup>329</sup>
- 9.328 **Findings:** The response to this allegation of abuse by the HSSD was initially in accordance with the policies and procedures of the day. The disclosure was passed to the SOJP and following their investigation and a decision by the LOD, a management investigation was carried out by Children's Services.
- 9.329 However, given the AG's concern that Kevin Parr-Burman had used *"force beyond what was needed"*, we are surprised that no disciplinary proceedings were instigated. Furthermore, we consider that it was inadequate and not in accordance with the policies and procedures of the day that Kevin Parr-Burman was neither suspended nor put on "gardening leave", and that no child protection conference was carried out.

#### **Family Group Home run by WN279 and WN281**

- 9.330 There is conflicting evidence in relation to allegations of abuse at this FGH. Four former residents (WN45, WN319, and WN318, and WN214) made allegations of regular physical and emotional abuse. The complainants describe a regime of cruelty, with regular beatings and casual violence. There are numerous allegations of the foster children being lined up for physical punishment with either WN279 or WN281 smacking the children or hitting them with a plastic cricket bat or a belt.
- 9.331 Other former residents described a normal, functional household. The natural children of WN279 and WN281 refute the allegations and there is no suggestion that they were involved.

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<sup>329</sup> WD008285

Allegations raised in 1975

9.332 In February 1975, one of the residents at the FGH reported to their teacher that they had been physically assaulted by WN279. The CCO, Ms Hogan recorded on 20 February 1975:<sup>330</sup>

*“Received a message from Saint Luke’s School that [WN319] was bruised on his head and said that [WN279] had hit him. Mr Shepherd reported that it was a large, fading bruise on the left temple that [WN319] told him was done at the weekend.”*

9.333 The CCO visited the school and spoke to Mr Shepherd who told her that none of the FGH children “*ever really seemed happy*”. Mr Shepherd thought [WN214] in particular was given a lot of chores to do at the Home and said “*he in fact used the word drudge*”.

9.334 Ms Hogan spoke to WN319 on his own and recorded “*he willingly told me that mummy had hit him*”. She saw a slightly yellowing bruise at the corner of his left eye and he said it happened at the weekend when he was in the bathroom. He could not find his wash bag and this was why mummy had hit him. He said that WN279 had hit him on the head before.

9.335 Ms Hogan also spoke to WN319 and WN214’s class teachers who said the children often talked of being hit on the head, although no bruising had been noticed before. They said that the children talked of being hit on the head before WN279’s illness, but it seemed to have occurred more often since. On this occasion WN319’s “black eye” had been brought to their attention by another resident at the FGH: WN214.

9.336 Ms Hogan also noted that she reported the information to Brenda Chappell (SCCO), who had, along with Charles Smith, discussed the situation with the Housefather WN281. It is recorded that WN281 claimed “*that [WN319]’s black eye had been caused by his getting out of bed in the night and bumping into something*”. He had found it impossible to believe that WN279 would hit any of the children, but “*but did show concern when faced with the apparent facts*”.

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<sup>330</sup> WD009278/23

- 9.337 On 24 February 1975, Ms Hogan visited the two children, WN319 and WN214. They said this time that the black eye happened while WN319 was sleepwalking, although WN319 said that “*Mummy has hit him on the head before*”. WN279 called Ms Hogan later and told her the bruise had been caused by the removal of a splint of fibreglass using tweezers, and she thought that sleepwalking was not very likely.
- 9.338 In evidence to the Inquiry, WN281<sup>331</sup> said that he remembered one of the children had a bruise but the child was not hit on the head. WN281 had no recollection of a conversation with Brenda Chappell and Charles Smith. He said that although it was difficult for WN279 after her illness, she just would not hit people. He denied the suggestion that he or his wife may have told the children to change their stories.<sup>332</sup> In spite of the contemporaneous record, he said he was never told that WN279 had hit the children.<sup>333</sup>
- 9.339 As noted in Chapter 4, Ms Hogan made further visits to the FGH in which she criticised the atmosphere of the Home. The Inquiry has not seen any evidence of these reports being followed up at a senior level, or any action being taken.
- 9.340 **Finding:** The records in relation to the 1975 allegations show an inadequate investigation by Children’s Services in response to the disclosures. After some investigation by Ms Hogan, Brenda Chappell and Charles Smith, they appear to have accepted the apparently innocuous (albeit entirely different) explanations given by WN279 and WN281, without properly interviewing the children or involving the police. This was despite other reports about WN279 given by class teachers and Ms Hogan that should have given cause for concern.

Allegations allegedly raised in 1976/77

- 9.341 A staff member at the FGH, WN287, told the Inquiry that she saw WN319 with a bruise above his left eye and asked how it had happened. He told her “*Mummy did it in the bathroom*”. When WN287 was taken to the

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<sup>331</sup> Day 137/31

<sup>332</sup> Day 137/31

<sup>333</sup> Day 137/36

contemporaneous records from 1975 (set out above) she said that she believed that it was a totally different incident from the one that she reported<sup>334</sup> to Brenda Chappell. She said that a meeting followed between WN279, Brenda Chappell and Jim Thomson. She went on to say that following the meeting, Brenda Chappell told WN281 that they were concerned about his wife and a decision was made to retire WN279 for ill health rather than to sack her.<sup>335</sup> WN287 thought there was a three-month period between the disclosure and WN279's retirement.<sup>336</sup>

- 9.342 WN319, in his witness statement<sup>337</sup> also described an incident in which WN279 she pushed him, causing him to fall and hit his head on the side of the bath tub. He developed a black eye. The CO, Charles Smith, came to the house a couple of days later to speak to him. Two people from the Foster Parents Association also attended. He told them about the bath incident and shortly after this he said that WN279 and WN281 left the Home.
- 9.343 In an SOJP report from 2008, a conversation is recorded with Brenda Chappell noting that her recall was inconsistent to the extent that they would not take a statement.<sup>338</sup>
- 9.344 WN281 told the Inquiry that the decision to retire was made by him as he considered it was "*probably best*" for them to be in a different environment. He said that if such a meeting had taken place or an allegation raised against his wife, he is confident that she would have informed him. When he suggested retirement to his wife she agreed.<sup>339</sup> He denied that she was forced to retire.
- 9.345 **Findings:** We think that there was probably a report of physical abuse made by WN287 to her managers in 1977. This concerned a similar assault on the same child as the 1975 allegation. If this second alleged incident did in fact take place, it could have been avoided by proper action in relation to the 1975 disclosure. On the basis that a report was made by WN287, the

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<sup>334</sup> Day 76/156

<sup>335</sup> WS000594

<sup>336</sup> Day 76/154

<sup>337</sup> WS000171/4

<sup>338</sup> SOJP officer's report dated 25/09/2008

<sup>339</sup> Day 137/41

response to that complaint was inadequate. The SOJP were not involved, and the children were not interviewed, on the basis of the evidence available to the Inquiry. No records were kept.

- 9.346 Although there was conflicting evidence on the reason for WN279 and WN281's retirement in 1978, we note WN287's evidence that they were asked to retire in response to the report of assault. If that is the case, it was an inadequate response to an allegation of abuse. Given WN287's evidence, there was also a failure to record the disclosure and to properly inform the Education Committee about the reason for WN279's departure.

#### Behaviour of visiting clergyman

- 9.347 There is common ground in respect of one aspect of the evidence, namely visits from a clergyman who engaged the children in a bizarre game. They would bend over his knee and search inside his boots for chocolate while he smacked them on the bottom.<sup>340</sup> WN281 said that the game did take place but if they thought he was doing something inappropriate "*we would have him out the door faster than his feet could touch the floor*".<sup>341</sup> The priest visited every week for two or three years.

- 9.348 **Finding:** In our view, even by the standards of the day, this was inappropriate behaviour that should have caused the Houseparents to be concerned from the outset.

#### Operation Rectangle/Redress Scheme

- 9.349 During Operation Rectangle, WN45, WN31 and WN318 made allegations of physical abuse. Allegations were subsequently made by WN214 in her application to the Historic Redress Scheme.

- 9.350 WN279 and WN281 were interviewed by the SOJP. WN279's interview was stopped after she gave nonsensical answers (thought by the officers to be in Latin or Gaelic). She was seen by the police surgeon who said that "*she was*

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<sup>342</sup> WD008829

<sup>342</sup> WD008829

*unable to, or would not, give meaningful replies to questions in interview*”, despite being fit to be detained and interviewed.<sup>342</sup>

- 9.351 WN281 in his interview with the SOJP<sup>343</sup> denied the allegations. He said that there was no cruelty and that their own children were disciplined in the same way.

### **Clos des Sables**

- 9.352 Eight former female residents complained of sexual abuse by Les Hughes, Housefather at Clos des Sables. He was arrested on 23 March 1989.
- 9.353 Five specimen charges were brought in respect of the allegations made against Les Hughes. He pleaded guilty to sexual offences against WN23, WN282 and WN253. The offences spanned the time from 1969 to 1985 and included three counts of indecent assault, one count of procuring an act of gross indecency and one count of unlawful sexual intercourse.<sup>344</sup> He was sentenced in 1989 to three years' imprisonment.

### 1988 disclosure

- 9.354 A contemporaneous document from February 1988 records an interview Marnie Baudains (at that time a CCO not working at the Home) had with WN23 and WN816,<sup>345</sup> two residents at Clos des Sables. Marnie Baudains had been informed by the Duty CCO, Mr Coomer, that WN816 had made a disclosure that Les Hughes had touched her in the “private parts” when they were alone together. Marnie Baudains collected the two girls from the Home and spoke to them.
- 9.355 WN816 alleged that Les Hughes tried to tickle her between the legs and touched her between the legs. She did not want anything said to Les or Janet Hughes. WN23 said that nothing similar had happened to her. Both girls were then returned to Clos des Sables and the Houseparents were not informed.

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<sup>342</sup> WD008829

<sup>343</sup> WS000550

<sup>344</sup> WD000165

<sup>345</sup> WD000191/14

- 9.356 In evidence to the Inquiry, Marnie Baudains said that she did not recall this incident and thought that WN816 was on another CCO's caseload and her own involvement was as a duty call. She said that the contemporaneous record<sup>346</sup> would have been handed to her Manager. Thereafter it would be for her Manager and WN816's CCO to decide on any further action. She did not know if anything did in fact happen, and the Inquiry has not seen any evidence of any further action at that time. She had not expressed a view in the record of the interview because at that time (1988) she said that she did not have the skills to identify the behaviour as grooming. She told the Inquiry that there must have been some concern because she took the trouble to interview the girls. In oral evidence, she said that she sees it "*so clearly now*" but did not think that she saw it then.<sup>347</sup>
- 9.357 When Janet Hughes was shown the February 1988 record, she told the Inquiry that she did not remember anything about it, but thought that it should have been brought to her attention. She says that although it sounded "*quite flimsy*" she "*would have wanted to look into it further*".<sup>348</sup>
- 9.358 **Finding:** The response of the Education Department to the disclosure of abuse in 1988 by WN816 was not adequate. The allegations made by WN816 amounted to disclosures of sexual abuse by a child in care. The fact that the child did not want Les and Janet Hughes to find out does not excuse the inaction that followed this disclosure. Whether this was due to a failure to pass on the report of abuse, or a failure to respond when it was passed on, this was a significant failure on the part of the Education Department.
- 9.359 Prompt and effective action, like that taken in 1989 in response to WN23's disclosure, would have involved the SOJP. This may have led to the arrest of Les Hughes and his removal from post a year earlier, and thus may have prevented some of his sexual assaults from having taken place.

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<sup>346</sup> WD000191/14

<sup>347</sup> Day 91/91

<sup>348</sup> Day 69/98

1989 disclosures leading to prosecution of Les Hughes

- 9.360 Marnie Baudains gave evidence about WN23's disclosure in 1989 which initiated the investigation into Les Hughes.<sup>349</sup> WN23 was allocated to her caseload in late 1987 or early 1988, and they developed a relationship of trust over the first year. On one occasion when WN23 had stayed out all night, Marnie Baudains visited WN23 in her bedroom. WN23 told her that Les Hughes had ruined her life and discussed how she had been touched intimately by him from age six to age 11: *"the pain of disclosure was palpable. She had such difficulty in telling me, as if she was wringing the words out of herself"*.<sup>350</sup>
- 9.361 Marnie Baudains said that she believed WN23 and told her straight away, which she thought seemed to matter a lot. She told WN23 that she would have to take the matter further. In evidence, she said that she would have done so even if WN23 had not wanted this to happen. She said there was *"no prescribed guidance"* and *"I had to make an assessment of what to do"*.
- 9.362 Marnie Baudains alerted the member of staff on duty at the Home and then phoned Anton Skinner the same day and he said that he would report the matter. She knew that the police needed to be involved but had had no training and did not know the exact process. After WN23 was interviewed by the police she stayed overnight at Marnie Baudains' house.
- 9.363 Marnie Baudains told the Inquiry that her priority was WN23. Decisions about other residents at Clos des Sables she left to Anton Skinner, Brenda Chappell and their CCOs to oversee. She thought that the CCO for each child was asked to assess whether the child might have been subjected to abuse. Following this disclosure, she did not recall going back to WN816, who had made the disclosure to her in February 1988, as noted above.

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<sup>349</sup> Day 91; WS000618

<sup>350</sup> WS000618/4



- 9.364 In evidence to the Inquiry, Marnie Baudains said that if a similar situation happened today, there would be greater involvement from other agencies in order to have all of the pieces of the jigsaw in one place.<sup>351</sup>
- 9.365 **Findings:** Marnie Baudains took appropriate action in 1989 when WN23 disclosed sexual abuse by Les Hughes. As her CCO, Marnie Baudains saw WN23 on a regular basis and a relationship of trust developed such that WN23 felt able to make the disclosure. Marnie Baudains telephoned the CO Anton Skinner who thereafter took appropriate action in response to the report, by passing the matter to the police. Prosecution and conviction followed.
- 9.366 There was no policy or procedure in place for how to handle reports of abuse. Marnie Baudains' evidence was that there was "*no prescribed guidance*" and "*I had to make an assessment of what to do*". Staff had no training in this regard, as confirmed by Marnie Baudains and WN283. It is implicit in Crown Advocate Whelan's letter that there was no "*fixed policy by virtue of which any complaint, no matter how apparently ill founded, [would] be given formal attention*". On the evidence before the Inquiry, is equally clear that Children's Services took no steps to create one.

WN283's knowledge of allegations of sexual abuse

- 9.367 WN282 said that she told staff member WN283 who responded that it was best to leave things as they were. The Inquiry understands that this incident founded count five on the indictment to which Les Hughes pleaded guilty.<sup>352</sup>
- 9.368 There was a further sexual assault on WN282 when she was 14 or 15. WN282 said that she again told WN283 who was reluctant to do anything and said "*think about how Mrs Hughes would feel*". According to WN282, WN283 said that Janet Hughes knew what was going on.<sup>353</sup>

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<sup>351</sup> Day 91/92-93

- 9.369 In her statement to the Inquiry, WN283 said that the girls had told her that Les Hughes used to barge in when they were getting showered and changed and that he used to watch them sunbathing in the garden, but that she “*did not think anything of this*”.<sup>354</sup> She told the girls that they should speak to Brenda Chappell if they wanted to take it further. However, “*the girls did not seem to want to do this and that made me doubt whether what they were saying was true*”.<sup>355</sup>
- 9.370 Referring back her statement to the SOJP in 1989,<sup>356</sup> WN283 said in her Inquiry statement that WN253 told her that Les Hughes “*used to play with her*” but she did not understand that to mean that WN253 had been sexually abused. She goes on to say: “*I cannot give a reason as to why I did not take this statement to be a serious disclosure of sexual abuse, all I know is that, at the time, I obviously did not feel that there was anything to it.*”<sup>357</sup>
- 9.371 Another disclosure received by WN283 was when WN282 telephoned her and told her that she had visited the doctor “*because Les Hughes had ruined her life and had been sexually abusing her*”. WN283 said in her statement to the Inquiry that she advised WN282 to go to the police. She said: “*I had not received any guidance on what to do should a child disclose allegations of sexual abuse or physical abuse to me*”.<sup>358</sup> In evidence to the Inquiry, Anton Skinner said that he was surprised these disclosures were not revealed because of the rapidly developing child protection procedures at the time.<sup>359</sup>
- 9.372 WN283 said in her statement to the Inquiry that on reflection “*I perhaps should have reported the matter to the police*”, but at the time felt that she should not get involved because the child did not want to pursue the matter herself.
- 9.373 In her 1989 police statement, WN283 said: “*I thought to myself that it was really up to the girls themselves to either go to the police or somebody at the Children’s Office and it was not up to me to go on their behalf.*” She went on

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<sup>354</sup> WS000725/12

<sup>355</sup> WS000725/12

<sup>356</sup> WD009395/38

<sup>357</sup> WS000725/12

<sup>358</sup> WS000725/13

<sup>359</sup> Day 88/5–7 – Anton Skinner appeared to be referring to the Non-Accidental Injury Procedures

to say that Mr Hughes “*presented the picture of a caring parent and the allegations seemed unbelievable*”.<sup>360</sup>

9.374 WN283 recalled that after the allegations came to light she told Anton Skinner about the disclosures made to her. This was not done in a formal interview and she said: “*Anton Skinner appeared to accept what I was telling him and I continued with my job. I was not told of any disciplinary action. I was not removed from Clos Des Sables and no further action was taken after that meeting.*”<sup>361</sup>

9.375 WN283 thought that Janet Hughes must have known what was going on,<sup>362</sup> whereas Janet Hughes thought that it was WN283’s duty to act in response to the disclosures and blamed her for effectively covering up for Les Hughes.<sup>363</sup>

9.376 **Finding:** A number of disclosures of sexual abuse were made during the 1980s to WN283 by girls at Clos des Sables. WN283 took no action. Although her failure to report these disclosures any further may be partly explained by her not having received any guidance on what to do, we consider that this does not absolve WN283. Her evidence was that she thought it was up to the girls themselves to go to the police or someone in Children’s Services, and it was not up to her to go on behalf of the children. That is unacceptable, even for the standards of the time. Although we acknowledge that this was an individual decision, as an employee of the Education Department, we conclude that they are responsible for this inadequate response to disclosures of abuse.

#### Anton Skinner’s response

9.377 Following the conviction of Les Hughes, Crown Advocate Whelan, who prosecuted the case, wrote to Anton Skinner the next day:

“ *... Clearly it can be established that complaints were made to [WN283] and that she took no effective action. You have indicated that*

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<sup>360</sup> WD009395/38

<sup>361</sup> WS000725/16

<sup>362</sup> WS000725/15

<sup>363</sup> WS000578/32

*you will wish to look further into the matter. If you are satisfied that [WN283]’s response to the complaint was at fault you will no doubt wish to consider what action should be taken. In addition, you will no doubt wish to give thought to establishing a fixed policy by virtue of which any complaint, no matter how apparently ill founded, will be given formal attention.*<sup>364</sup>

Crown Advocate Whelan concluded:

*“I should welcome a note of your conclusions in due course.”*

- 9.378 On 11 October 1989, in an article published in the JEP, Anton Skinner said that he would prepare an in-depth report into what had happened. The report would consider whether there were any lessons to learn for the future and how this had remained undetected for 20 years.<sup>365</sup>
- 9.379 Anton Skinner gave evidence to the Inquiry that there was no review.<sup>366</sup> He later said that he suspected that there was a report but was quite sure that it would not have revealed any “*nuggets of how better to detect abusers in care settings*”.<sup>367</sup> The Inquiry has seen no document appearing to be such a report.
- 9.380 Anton Skinner also said that “*if [WN283] was still employed by us and had failed to report a serious case of abuse then I would have thought that was grounds for dismissal*”.<sup>368</sup> As noted above, no disciplinary proceedings were instigated.
- 9.381 **Findings:** Anton Skinner’s failure to follow up the sound advice he received from Crown Advocate Whelan to look further into the matter of WN283’s inaction, and his failure to follow up on own assertion to the JEP that he would prepare an in-depth report into what had happened, are both inexplicable, and his explanation to us was unconvincing.
- 9.382 He said that the report would consider whether there were any lessons to learn. At the time, there was no policy in place for managing allegations of abuse against staff, or managing allegations by children in care. He had the

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<sup>364</sup> WD005567

<sup>365</sup> WD005572/36

<sup>366</sup> Day 88/10

<sup>367</sup> Day 88/61

<sup>368</sup> Day 88/7

perfect opportunity, in 1989, to conduct a review that may have led to a policy being created. He said he would conduct such a review, but did not. As a result, not only was there no policy in relation to Clos des Sables, there was none for any of the FGHS.

9.383 Further, the Education Department's failure to take any disciplinary action against WN283 was inadequate. Anton Skinner accepted in evidence to the Inquiry that her conduct was grounds for dismissal. Despite having full knowledge of this conduct at the time, no action was taken. This was another failure to grapple with the inappropriate response to disclosures of abuse.

#### Evidence of Janet Hughes

9.384 Janet Hughes gave evidence to the Inquiry that she had no suspicions about her husband at any stage until she was told of the allegations in 1989.<sup>369</sup> The staff at Clos des Sables had never raised any concerns with her about her husband. She said that if an allegation of sexual assault had been made to her, she would have involved Children's Services and the police.<sup>370</sup> Following the disclosures in 1989, Janet Hughes left the Home immediately and her husband was arrested.

9.385 Janet Hughes told the Inquiry the discussions she had with Children's Services were not about what had been happening at Clos des Sables. It was her employment position that was discussed on the basis that although there were no allegations made against her, she could not continue to work at Clos des Sables.<sup>371</sup>

9.386 Janet Hughes denied the allegation that she asked WN148 to leave the Home following WN148's disclosure to staff member WN283. She said that she "*would never have just thrown a resident out of the house without having a plan for their after-care*".<sup>372</sup>

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<sup>369</sup> Day 69/90

<sup>370</sup> Day 69/86

<sup>371</sup> Day 69/92

<sup>372</sup> Day 69/86

## **Blanche Pierre**

### Background to disclosures

9.387 In late 1989/early 1990, two trainee child care staff, Susan Doyle and Karen O'Hara, were placed at Blanche Pierre.

9.388 Susan Doyle initially provided holiday cover at Blanche Pierre for six weeks. She thought that she would be looking after the children but recalls that in fact she did the chores at the FGH. She turned down a subsequent offer to work at Blanche Pierre full-time, instead taking up a part-time role. She said that Jane Maguire had initially come across as "*quite a caring person*" but she was reluctant to take the job because she had concerns about the way the children were treated:

*"The strictures of the home, the way that Jane and Alan spoke to the children, the rules of the home and it was just my gut feeling ... It was in stark contrast to how they presented to the public or the Children's Office. They were quite cold. They did not display warmth or affection and they really did not have any empathy towards the children."*<sup>373</sup>

9.389 Her role was made permanent in February 1990. The atmosphere in the Home, she recalled, was "*quite tense*" and she could see that the children were "*fearful*" of the Maguires: "*They would freeze when spoken to by Jane. They would freeze.*"<sup>374</sup>

9.390 Susan Doyle described to the Inquiry her recollection of Alan Maguire, whom the children referred to as "Big Alan". "He bragged about how he would lift the children up by the ears for a bit of fun and the youngest was walking past and he demonstrated in front of me. The child, aged seven years, was held up in the air probably for a couple of seconds". She told the Inquiry that the child had done nothing wrong.

9.391 According to Susan Doyle, the Maguires slapped the children and shouted at them in front of her. She said there was very little she could do apart from comforting the children afterwards. Susan Doyle witnessed other incidents

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<sup>373</sup> Day 82; WS000604; WD006633

<sup>374</sup> Day 82/9

and described one in particular which she overheard and then witnessed the aftermath:

*“Bad language was not allowed and it was a house rule that he would wash their mouths out with soap and on that particular time the youngest boy swore and he marched him off to the downstairs toilet where I could hear screams behind the door and when he came out the young boy ... was sobbing and he had cut his tongue at the side ... I went to comfort him ... I was shouted at (by Alan Maguire) ... ‘Keep away.’”*

- 9.392 On Friday nights, Susan Doyle slept over at Blanche Pierre. On one occasion, she recalled a child aged nine years being made to stand by the front door in their night clothes, facing the wall. This incident lasted for “two hours” before Alan Maguire decided that the child could go to bed. According to Susan Doyle, the Maguires spoke to her about the children in derogatory terms such as: “*a slut like her mother*”. They never said kind things to the children.
- 9.393 Susan Doyle told the Inquiry that during mealtimes the children were not allowed to speak unless spoken to and the food had to be eaten otherwise it was served up again the next day. If the children misbehaved or talked out of turn, Jane Maguire banged their heads together. Alan Maguire would do the same. Susan Doyle, a mother herself, questioned Jane Maguire about her treatment of the children and was told: “*I’m their foster mother and this is the way we treat these kind of children.*”
- 9.394 Susan Doyle felt at the time that she could not take the matter any further as she had just started working for Children’s Services as a “*very junior member of staff*” and “*I had no experience in child care*”. Susan Doyle felt that she could not raise her concerns about the Maguires with Brenda Chappell. Likewise, she was unable to speak to Richard Davenport, a CCO who visited Blanche Pierre, because “*Jane was usually around*”.
- 9.395 Susan Doyle remembered making entries in the Blanche Pierre Home Diary that staff were expected to complete. Entries in the diaries record the punishments the children received but Ms Doyle said that “*nobody checked the diaries*”. She could not explain why the Maguires kept this form of diary

and thought that it was “*probably*” not a complete record of the punishments given to the children.<sup>375</sup>

- 9.396 The other staff who had been there longer “*seemed to accept the behaviour without question*” according to Susan Doyle. She sensed that the Maguires were under pressure; “*they did not have the ability to cope*” but added, “*it does not excuse their behaviour and their cruelty*”.<sup>376</sup> Susan Doyle said that there was daily contact between Jane Maguire and Brenda Chappell and that their relationship was both professional and personal. She never heard Jane Maguire mention that she was under any pressure or stress.<sup>377</sup> Susan Doyle felt that there was a lack of support from Children’s Services but added that had it been offered “*they would have refused it ... They did not want anybody else within the home*”.
- 9.397 Karen O’Hara was no longer alive at the date of the Inquiry. She provided a statement to the police in November 1997.<sup>378</sup> Her account of what she witnessed is similar to that given by Susan Doyle: “*I have seen Jane smack all of the children ... Punitive and vindictive ... There was no compassion in the house.*” She saw Alan Maguire smack a child who then wet herself.
- 9.398 Karen O’Hara told the police that Alan Maguire had a particular dislike of WN88. On one occasion WN88 was told to clean and tidy the playroom while Karen O’Hara was washing at the sink. Alan Maguire went into the playroom “*screaming and shouting*”. Karen O’Hara then “*saw Alan pick up WN88 and hurled him across the room, about ten or 12 feet. WN88 hit the wall under the window looking out to the garden, on his back. I was worried that he be seriously injured because he was so small ... Alan told the other kids and they laughed*”.

#### Disclosures made by Susan Doyle and Karen O’Hara (1990)

- 9.399 While working at Blanche Pierre, Susan Doyle and Karen O’Hara were both attending an Open University residential care training course co-ordinated by

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<sup>375</sup> Day 82/52

<sup>376</sup> Day 82/77

<sup>377</sup> Day 82/98

<sup>378</sup> WD006354



Dorothy Inglis, a member of Children’s Services social work team. Dorothy Inglis spoke to the Housemother, Jane Maguire about the training, and noted that:

*“Jane Maguire was not receptive to this training opportunity and was concerned that Sue and Karen will be taking time out of their duties at Blanche Pierre.”*<sup>379</sup>

9.400 At one of their fortnightly tutorials, when discussing corporal punishment, both raised their concerns with Dorothy Inglis about their experiences at Blanche Pierre.

9.401 Susan Doyle explained the timing of her disclosure:

*“It was with being such a junior member of staff. Would I be believed? What proof did I have? ... It was only when I started working there permanently that I started to make notes of incidents to build up some proof to take it forward ... It took time to gather that evidence because I knew I wanted to be believed”.*<sup>380</sup>

9.402 Audrey Mills, in her witness statement,<sup>381</sup> recalled Karen O’Hara coming to her for advice having seen a child badly treated by Alan Maguire. Karen O’Hara, she said, was unsure how to proceed and she advised her to speak to Dorothy Inglis, “a very experienced social worker at the time”.

9.403 According to Susan Doyle, Dorothy Inglis then drafted a statement “*which we both signed*”. Susan Doyle remembered feeling relieved that they had disclosed their concerns. Dorothy Inglis said that they had done “*the right thing*” although Susan Doyle said that she remained fearful for her job.

9.404 Dorothy Inglis was “*absolutely horrified and quite shocked*” on hearing their accounts. She made a contemporaneous handwritten note of everything reported to her and went to see Anton Skinner (CO) immediately after Susan Doyle and Karen O’Hara left.<sup>382</sup>

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<sup>379</sup> WS000629/20

<sup>380</sup> Day 82/92

<sup>381</sup> WS000585

<sup>382</sup> WS000629/21

9.405 The Inquiry has both a manuscript<sup>383</sup> and a typed note<sup>384</sup> of that meeting with Dorothy Inglis. The “*Report for Mr AJ Skinner, outlining information received Le Squez Family Group Home*” begins with an assessment of Susan Doyle and Karen O’Hara. Dorothy Inglis describes them as “*intelligent, enthusiastic and caring people*”. The disclosure is presented in three parts; first, regarding specific incidents; secondly, general incidents; and, thirdly, general issues relating to staff and household. The report concludes:

*“They have/do feel very isolated and confused and they read that no corporal punishment is used by the Children’s Department then they see it happen – perhaps foster parents are allowed to smack children? Jane states clearly that she is the children’s foster parent – perhaps that is the explanation.*

*Ms O’Hara and Ms Doyle are greatly concerned and anxious about the situation and I feel that they have taken the most difficult route in mentioning what has happened rather than simply opting out. They naturally now feel very vulnerable”.*

9.406 Dorothy Inglis told the Inquiry that at the meeting, Anton Skinner said that he would deal with the matter although he did not tell her what he was going to do. There was no mention of involving the police and there was no reference made to the welfare of the children at Blanche Pierre.<sup>385</sup>

9.407 Dorothy Inglis told the Inquiry that she contacted Anton Skinner “*three or four days later*” for an update as she had not heard from him. She says that she was “*put out*” by his comments about Susan Doyle and Karen O’Hara: “*I remember him saying that they had not been in the post for very long and the indications were that perhaps they were not ... necessarily going to be that good at the job.*” Dorothy Inglis thought that the comment had been given to him: “*I do not know from whom.*” She said that she just responded by saying: “*you do not have to be in a job a long time to know what good practice is and that’s certainly not good practice*”. His response, she said, was to tell her that “*Blanche Pierre was not my concern*”.<sup>386</sup>

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<sup>383</sup> WS009305

<sup>384</sup> WD000206

<sup>385</sup> Day 97/86

<sup>386</sup> Day 97/89

- 9.408 Dorothy Inglis thought that there would be an investigation and that the children would be the primary concern, ensuring “*the best possible support and best possible outcome for them*”. She thought that there should have been an investigation at that time.
- 9.409 Susan Doyle recalled that, shortly after seeing Dorothy Inglis, she and Karen O’Hara were called to a meeting with Anton Skinner in his office. Anton Skinner said that he took the allegations “*quite seriously*” and acknowledged the difficult route taken in bring it to his attention. Anton Skinner “*reassured us that our jobs were safe and he would deal with it in due course*”.
- 9.410 A three-page document<sup>387</sup> is headed “Record of Notes taken during an interview at the Children’s Office on twenty-seventh of April 1990 with Ms K O’Hara and Miss S Doyle both of Le Squez Family Group Home related to events alleged to have taken place at the Home”. The interview was conducted by Anton Skinner, CO and Geoff Spencer, Senior Officer. The text of the record follows closely the note prepared by Dorothy Inglis and additional allegations are recorded in the text at paragraph 13 (a)–(r). The account witnessed by Susan Doyle of a child being thrown across the room is dated 20 April 1990, seven days before the meeting with Anton Skinner.
- 9.411 At the meeting on 27 April 1990 no mention was made about what would happen to the Maguires. Susan Doyle said she continued to work at Blanche Pierre “*for the children ... I was hoping for better outcomes for them*”.
- 9.412 On 30 April 1990, Anton Skinner had a meeting with Jane and Alan Maguire and recorded the details in a report dated some three months later, on 6 August 1990.<sup>388</sup> That report refers to “*two further interviews which were conducted in May and June*”. The chronology of events after 30 April 1990 is a matter of controversy since it is unclear what event in fact precipitated the decision taken by Anton Skinner to remove the Maguires from Blanche Pierre.

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<sup>387</sup> WD000205/3

<sup>388</sup> WD000207

- 9.413 Susan Doyle said that following her meeting with Anton Skinner, Geoff Spencer took over from Brenda Chappell in overseeing Blanche Pierre. She said that “*Brenda Chappell went off on long-term sick leave*”. According to her, Geoff Spencer told the staff that he was sending in auditors: “*Jane was in a state of panic*”. Susan Doyle told the Inquiry that Jane Maguire was sent “*on lots of training courses*” but was still running Blanche Pierre.<sup>389</sup> Geoff Spencer’s evidence was that he had no recollection of being involved in the investigation of the Maguires, despite Susan Doyle and Karen O’Hara stating that he was present at an interview with them. He did remember asking to look at the accounts and expenditure as part of his general oversight role.<sup>390</sup>
- 9.414 The next event in the chronology involved Susan Doyle. When she was on a Friday evening shift, WN154, a 15-year-old resident, did not come back to the home. She said that Alan Maguire “*openly bragged what he would do to him when he got his hands on him*”. Susan Doyle was concerned for WN154’s wellbeing so contacted Dorothy Inglis who in turn contacted Geoff Spencer.<sup>391</sup>
- 9.415 Susan Doyle told the Inquiry that she was instructed to meet WN154, on the Saturday morning, and give him the option of going home with her or returning to Blanche Pierre “*to face the music*”. Susan Doyle said “*he faced Alan’s wrath as he went in and he went up to his bedroom, jumped out of the bedroom window ... and came to my house at 10 o’clock at night*”.<sup>392</sup>
- 9.416 She described WN154 as being “absolutely terrified” and “in a bad way emotionally”. She said that he was “terrified because he knew eventually he would have to go back there but he did not know that I had already disclosed to Anton”. Geoff Spencer came to her house and said that he would speak to Anton Skinner. WN154 then spent four nights at Susan Doyle’s house during which time she was not required to work at Blanche Pierre. It is noteworthy that there are no contemporaneous Social Service records recording these events.

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<sup>389</sup> Day 82/66

<sup>390</sup> Day 75/55–66

<sup>391</sup> WS000604/13

<sup>392</sup> Day 82/69

- 9.417 Susan Doyle told the Inquiry that she believed the incident involving WN154 was the precipitating event that led to the removal of the Maguires from Blanche Pierre. Anton Skinner asked her to collect the keys from the Maguires, which she thought “*should never have happened*”. An entry written in the records by Richard Davenport (CCO) dated 1 June 1990 suggests that by this date the Maguires had left (with Audrey Mills having taken over), and that WN154 running away was the event that led to their departure. The record is noted by Anton Skinner on 12 June 1990, who wrote “*please discuss*”.<sup>393</sup> Susan Doyle said that not enough was done by Children’s Services at the time to give support to the children at Blanche Pierre.
- 9.418 When the Maguires left Blanche Pierre, Susan Doyle said that she had another meeting with Anton Skinner. Her account was that he asked her to remember all the good work the Maguires had done. She recalled that he advised her and Karen O’Hara “*to keep quiet because the other Family Group Home was about to go into the paper regarding the abuse and the Island would not be able to cope with it*”.<sup>394</sup> The other FGH referred to was Clos des Sables, where Les Hughes had been the Housefather and had been arrested a few months beforehand.
- 9.419 Anton Skinner said that he “*probably*” drafted a letter dated 26 July 1990 which was signed by Iris Le Feuvre, President of the Education Committee, and sent to Jane and Alan Maguire. The letter thanked the Maguires for their excellent work and total commitment to the children in their charge. The letter continued:

*“It is therefore with regret that we learn of your retirement although we fully appreciate that after ten years of extremely hard work for our children a change of direction and a rest from the twenty-four hours a day commitment you have shown over all these years was well deserved. My committee therefore asked that I write on behalf of the children in your charge and to wish you all the very best for your future. We were delighted to learn that Mrs Maguire will continue to work for the Committee in our developing Family Centre Service and therefore we would not be losing your services altogether. Once again many*

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<sup>393</sup> WD000408

<sup>394</sup> Day 82/93

*thanks for your 110% commitment and hard work, the proof of which will live on in the children for whom you have shown such love and care.*<sup>395</sup>

9.420 At the date of the letter, 26 July 1990, Anton Skinner had had three meetings with the Maguires which he then wrote up in the report dated 6 August 1990. Anton Skinner said in his statement to the Inquiry that the letter was “*all balderdash*” and in oral evidence said that it was a demand made by the Maguires – “*they wanted something that they could show the parish priest or the family*”. He said he discussed the letter with Iris Le Feuvre and that he would have told her about the circumstances – “*what was going on in negotiations with the Maguires ... I would have discussed the allegations that had been laid by the two members of staff*”. He accepted that he was asking the President of the Education Committee to sign a letter which he knew to be false: “*I produced a letter that was part of the arrangements for removing them.*” In Anton Skinner’s view, the Maguires were in a state of denial. In a 2008 statement to the SOJP, Iris Le Feuvre said that she could remember signing the letter but could not remember the contents of the letter. She told the police: “*I would not have signed it without reading it first.*” She told the police that she could “*definitely remember some discussions within the committee in relation to [the Maguires]*”.<sup>396</sup>

9.421 Jane Maguire was re-employed in the Family Service Centre as a family centre assistant and development officer. This role involved contact with young children on a regular basis. She was also employed to give parenting advice. When the Maguires left Blanche Pierre, Anton Skinner asked Audrey Mills (CCO) to go there. Audrey Mills said that she had no idea at the time that she was asked to take over the running of the Home, that Jane Maguire would be taking up Audrey Mills’ previous job. Anton Skinner simply told her that there had been mismanagement at Blanche Pierre. She was not involved in any arrangement to exchange roles with Jane Maguire. She said

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<sup>395</sup> WD000213

<sup>396</sup> WD006865

that the description set out in Anton Skinner's 6 August 1990 report was "inaccurate".<sup>397</sup>

9.422 Anton Skinner's two-page report is reproduced in full below:

*CONFIDENTIAL DOCUMENTS*

*Group Home Le Squez – Mr and Ms Maguire*

*Discussed the allegation contained in the Record of Notes taken on 27 April 1990, with Mr and Ms Maguire, on 30 April, at Highlands College.*

*Mr and Ms Maguire denied the degree of physical contact/the verbal threats and inappropriate punishment – Mr Maguire was particularly angry and adamant that the incident of 20 April witnessed by Ms O'Hara had not occurred in the manner described. He alleged that Ms O'Hara had grossly exaggerated the details of this incident and that in reality [WN88] slipped when half pushed towards the area of the playroom he had been asked to tidy up.*

*The House parents admitted that they had employed what they termed "slaps on the back of the legs" and "run a-longs" as means of physical punishment for perceived wrongdoing/naughtiness by the children. They also admitted that they had used washing mouths with soap as a means of punishing the children for using bad language. They maintained that all the methods of punishment they used would be that used to discipline their own children and they consider these punishments appropriate in the rearing of children.*

*Initially they challenged whether they had been told that it was the Children's Service's policy that corporal punishment was never used as a means of disciplining children in the Care of the Education Committee but later they appear to retract the statement.*

*A period of time was spent with Mr and Ms Maguire trying to put these alleged incidents in what they saw as their true perspective set against the years of loyalty and commitment they had demonstrated to the children in their care. The couple also made various criticisms of Ms Doyle and Ms O'Hare's attitude to, and care of, the children although no complaint of any substance was made.*

*In the final part of that interview and two further interviews which were conducted in May and June the following was agreed:*

- 1. The fact of the use of corporal punishment by Mr and Ms Maguire was admitted although they maintained that only light "slaps" or "taps" on the legs were used.*

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<sup>397</sup> WS000585; WD006313; Day 73

2. *They accepted that there may have been an overemphasis on “controlling” the children and that inappropriate sanctions/threats of removal etc. may have been used.*

3. *It was acknowledged that much of this behaviour reflected the increasing pressures on Mr and Mrs Maguire trying to raise children who were emotionally damaged and so exhibited behaviour which they found difficult to cope with. In effect the couple were experiencing the early signs of possible “burnout”.*

4. *It was agreed that it would be better for Mr and Ms Maguire to consider “retiring” from the role of House parents before the acknowledged pressures resulted in possible deterioration in their standards of care for the children.*

*Subsequently a handover of responsibility from Ms Maguire to Ms Audrey Mills was agreed and was staged during May/June with Mr and Ms Maguire effectively “retiring” as Houseparents of the Group Home at the end of June. Ms Mills has now been appointed as Officer in Charge of the Group Home with a staff complement of 4 ½ to be established as soon as possible. There will be no resident member of staff but staff will provide the sleep-in cover required for the Home.*

*Jane Maguire has now taken up Ms Mills’ former position within the Family Centre Service as Family Centre Assistant and Development officer this effectively a “job – swap”.*

*AJ Skinner*

*AJS / SJR*

*Children’s Officer*

*6.8.90*

9.423 Audrey Mills said there was no formal handover when she moved into Blanche Pierre, and she did not meet the Maguires. Although they had run the home for nearly 10 years there were no written reports and no photographs of the children. She felt that she would have benefited from more support and professional guidance at the time.

9.424 Audrey Mills was shown, in advance of her evidence to the Inquiry, the letter to the Maguires signed by the President of the Education Committee, Iris Le Feuvre. She had not seen the letter in 1990 and 25 years later she told the Inquiry that she felt “*very angry when I read that*”.<sup>398</sup>

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<sup>398</sup> Day 73/41



- 9.425 Dorothy Inglis told the Inquiry that she felt that Brenda Chappell “*had a large part to play*” in the decision to re-employ Jane Maguire. She knew that Brenda Chappell held the Maguires in “*very, very high regard*” and remembered her calling Mrs Maguire “*Janie*”. She said that Brenda Chappell was a strong force within the Department and “*was always very very very supportive of the people that she was responsible for*”.<sup>399</sup>
- 9.426 Once the Maguires left Blanche Pierre Dorothy Inglis said that it became general knowledge that they had mistreated children in their care. When Jane Maguire was redeployed in Children’s Services, Dorothy Inglis told the Inquiry that her colleagues were “*horrified*” and organised an informal meeting with Anton Skinner in which she took part. David Dallain, Richard Davenport and David Taylor (all CCOs) also attended the meeting to express the collective view that it was “*highly inappropriate to re-employ [Jane Maguire] in advising mothers or parents on good parenting practice*”. Dorothy Inglis said that Anton Skinner responded “*emphatically*” that it was not their decision to make.
- 9.427 Dorothy Inglis said that she lost faith in Anton Skinner at that point, albeit that he had been her line manager from the time she joined Children’s Services. She said: “*I had a great deal of respect for him and I just feel that the situation, he handled so badly that yes, I lost a lot of faith and sometimes it is difficult to rebuild that.*”<sup>400</sup>
- 9.428 **Findings:** In 1990, when the care workers Karen O’Hara and Susan Doyle raised their concerns about abuse at Blanche Pierre, there was no formal process in place in Jersey for staff to disclose concerns of abuse. Additionally, there were no formal policies or procedures as to how such disclosures should be handled once received. Formal policies and procedures relating to the disclosure of abuse were in place in Social Service departments in the UK at that time. The absence of such procedures in Jersey at this time was inadequate. This contributed to the failures in the response to the allegations made about the Maguires.

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<sup>399</sup> Day 97/102

<sup>400</sup> Day 97/100

9.429 In the climate of that time, the action of Karen O’Hara and Susan Doyle in reporting allegations of abuse was courageous and should be commended. Dorothy Inglis, in pursuing the matter, displayed a responsible and professional attitude for which she too should be commended. The response of all three to concerns about abuse was more than adequate.

The role of Anton Skinner in response to the allegations of abuse in 1990

9.430 Anton Skinner gave evidence to the Inquiry over three days in July 2015. Part of his evidence dealt with his role in the disclosure of abuse at Blanche Pierre.<sup>401</sup> He gave evidence after Susan Doyle but before the Inquiry heard from Dorothy Inglis and Dylan Southern.<sup>402</sup>

9.431 Anton Skinner was therefore given the opportunity to respond to their evidence and he provided a supplementary 38-page statement to the Inquiry in February 2016.<sup>403</sup> This statement in part seeks to counter some evidence given by Dorothy Inglis, Dylan Southern and Susan Doyle. We have considered his supplementary statement in full and in particular with reference to the handling of the Maguires’ case in 1990 and subsequent events in 1997–1999.

9.432 Anton Skinner had been CO since 1986. He had overall responsibility for the social services for children both for those at risk and those in care. This included those in residential children’s homes, foster care and FGHs. He was directly answerable to the Education Committee and the Director of Education (John Rodhouse).

9.433 In 1983, when he was a SCCO, Anton Skinner compiled a three-page list of non-accidental injuries which had been referred to other agencies, including the police and Health Visitors.<sup>404</sup> These included four cases of “*excessive physical force used in disciplining children ... which involved mitigating factors or provocative actions by the children involved*”. All of these took place in the family home. In evidence to the Inquiry, Anton Skinner agreed

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<sup>401</sup> Days 87–98

<sup>402</sup> Dylan Southern was appointed in 1997 by the Chief Executive of the HSSD to report on whether there was a disciplinary case against Jane Maguire

<sup>403</sup> WS000734

<sup>404</sup> WD007092/53–55

that the list was representative of cases that would have been referred by Children's Services to the CPT.<sup>405</sup> He accepted that the account of a boy being thrown across the room "*if it is received just as an allegation it would have been handed to the Child Protection Team for investigation*".<sup>406</sup> He explained to the Inquiry why the specific allegation made in 1990 by Karen O'Hara about WN88 was not referred to the CPT:

*"Because that was an allegation that I and the person supervising at the home at the time took up with the house parents."*<sup>407</sup>

9.434 Anton Skinner also explained to the Inquiry what he considered to be the exceptional nature of the situation that he faced with the Maguires, not least of which was, according to him, the number of children in the Home:

*"I wished to remove [the Maguires] from the Group Home with the least amount of collateral damage to the children."*<sup>408</sup>

When asked again why the allegations against the Maguires had not been referred to the CPT, he told the Inquiry:

*"it was an extremely complex situation"*.<sup>409</sup>

9.435 He said that his last visit to the home was "*some months before*" he received Dorothy Inglis's report in April 1990. He told the Inquiry that "*my presence in the home had been used by Alan Maguire to lecture a child in front of me about what would happen to that child if you continue to behave badly and 'this was the Children's Officer there' and I remember leaving the home thinking 'I do not like that attitude' and I had mentioned that to the senior member of staff that I considered it inappropriate*".<sup>410</sup> He said that he did not speak to Alan Maguire at the time about his inappropriate attitude. He added that he had not been intimidated by Alan Maguire and spoke to Brenda Chappell "*about it a while later*".<sup>411</sup>

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<sup>405</sup> Anton Skinner's evidence was that the CPT was formed in about 1985, although other evidence suggests that this occurred around 1989

<sup>406</sup> Day 87/153

<sup>407</sup> Day 87/151–157

<sup>408</sup> Day 87/154

<sup>409</sup> Day 87/156

<sup>410</sup> Day 88/18

<sup>411</sup> Day 88/114

- 9.436 Anton Skinner told the Inquiry that any concerns that others may have had about the Maguires were allayed by the support they received from Brenda Chappell. Brenda Chappell never raised concerns with him and, he said, *“probably held the view that they were struggling to do their best throughout”*. When shown Jane Maguire’s 1987 self-assessment, he agreed that it did not portray someone who was struggling.
- 9.437 Anton Skinner said that Susan Doyle and Karen O’Hara had been *“very brave and professional in coming forward ... and had acted properly”*. On receipt of Dorothy Inglis’s report he did not speak to Brenda Chappell at that stage but contacted Geoff Spencer, who was then supervising the FGHS in Brenda Chappell’s absence. He too was shocked at reading what was said about the Maguires: *“it is an appalling litany of behaviours towards children”*.<sup>412</sup>
- 9.438 Anton Skinner was invited to comment upon the schedule of house diary entries.<sup>413</sup> He said he would have expected Brenda Chappell to have looked at those diaries on a routine basis. If the entries had been brought to his attention, *“I would have been dismayed by the whole retinue of crude punishments ... this was an unsatisfactory arrangement for children”*. He told the Inquiry that he would have *“removed the Maguires as effectively as I could in the shortest possible period of time”*. The entries were, he said, *“an appalling catalogue of ways of responding to children’s misbehaviour”*.<sup>414</sup>
- 9.439 By way of example, a Home Diary entry for 13 September 1986 records: *“slapped on backside with my sandal and later still (they) carried on in the hall, and in future when I’m on duty they will not go to bed, but will stand until they beg to go”*.
- 9.440 Anton Skinner was invited to compare and contrast his August 1990 report with his written statement prepared in January 1999 for the internal disciplinary review conducted by Dylan Southern. In the 1999 statement he sought to distinguish the 1990 accounts of the Maguires’ behaviour from the

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<sup>412</sup> Day 88/46

<sup>413</sup> WD007092/16

<sup>414</sup> Day 88/35

accounts obtained by the police in 1997/98. The latter included allegations of sexual assault by Alan Maguire. He said:<sup>415</sup>

*“An examination of these second set of alleged offences, set against the original complaint made against the Maguires, bear little or no comparison. The first reflect a couple losing control in a single instance allied to misgivings about their competency to care for damaged children. The second set of allegations, which are believed by all those in the investigation to have taken place, detailed a catalogue of cruel and sadistic treatment of vulnerable children placed in trust in their care. They also clearly portray what Ms Maguire thought was acceptable treatment of vulnerable persons in her care.”*

9.441 He accepted, however, that the account given by Susan Doyle and Karen O'Hara was *“a catalogue of cruel and sadistic treatment”*. He told the Inquiry that the situations in 1990 and 1999 were *“vastly”* different, *“not in terms of the content of the allegations but the circumstances in which they may or may not have been corroborated by the children”*.

9.442 When asked whether Jane Maguire should have been dismissed in 1990, Anton Skinner replied:

*“I did take a pragmatic course of action which resulted in Mrs Maguire working in the Family Centre Service in which, you may say, ‘why was she not disciplined and dismissed?’ and with the hindsight of the children saying all of these things happened, if they were not in day-to-day direct care of the children at that time then yes that may have been possible to achieve that through disciplinary action and dismissal. I dealt with a set of situations based on what Karen and Sue Doyle were saying and what the Maguires was saying in response to that and I wanted to keep the children neutral to that because these were their parents, or house parents, living on a daily basis with them, with their direct care.”<sup>416</sup>*

9.443 From a number of Anton Skinner's answers in evidence, his rationale seems to have been that he sought to protect the needs of the children by not sacking Jane Maguire while she was still in the FGH. He was then asked why, when she left the FGH, she was redeployed in Children's Services rather than being dismissed at that point. He replied: *“this was presented to me as an alternative that would have eased her out of the Group Home with*

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<sup>415</sup> WD007092/150

<sup>416</sup> Day 88/75

*her full compliance and co-operating with the handing over of the Group Home to another set of staff*".

- 9.444 He accepted that it was his suggestion and choice of phrase – used in the Confidential Notes – that the Maguires should “*retire*”. Anton Skinner had commented elsewhere in his statement to the Inquiry that the States “*were not very good at firing people*”. Having accepted that Mrs Maguire would ordinarily have been dismissed in 1990 for what was reported, he was asked whether his approach to the Maguires in 1990 stemmed from the general cultural difficulty of sacking people. He agreed he could have commissioned a disciplinary hearing. He did not at the time make it clear to the Maguires that had it not been for the circumstances he would have taken disciplinary action “*because*” he said, “*they had not seen themselves as these transgressors ... they had denied the majority of those offences*”. He accepted that, with hindsight, he had been lenient with the Maguires.<sup>417</sup>
- 9.445 Anton Skinner was asked what action he took to protect the children in the three months the Maguires remained at Blanche Pierre after the April 1990 disclosure. He said that he told the Maguires “*firmly and properly*” that they could not “*use the methods of discipline that they had*”. During the period “*we negotiated their exits*”, the Maguires were “*very closely monitored and visited by others, Child Care Officers and Geoff Spencer*”.
- 9.446 When it was suggested to Mr Skinner that his priority in 1990 had been the Maguires and not the children, he told the Inquiry that “*getting the Maguires out as soon as possible*” was his priority. Mr Skinner was referred to the document dated 6 August 1990 (reproduced above). He agreed that the meetings in May and June referred to in the notes concerned negotiations with the Maguires about their withdrawal from Blanche Pierre in what was the best achievable outcome for them. He told the Inquiry that it was his “*recollection*” that Brenda Chappell had taken part in what he described in evidence as “*the negotiations*”.

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<sup>417</sup> Alan Maguire was not an employee of the States, so could not have been subject to disciplinary proceedings

9.447 He accepted that the reference to “burn out” in the notes was not an expression the Maguires used in explaining their actions. He did not accept that the reference to “burn out” was an ex post facto rationalisation made by him to justify the approach he took in 1990. He told the Inquiry:

*“I did what I thought was achievable and possible at the time if that was all in error and I should have taken other actions then obviously I accept that is a matter for the Inquiry.”<sup>418</sup>*

9.448 Anton Skinner said that the decision to remove the Maguires was taken following his meeting with them on 30 April 1990 and not following the incident with the resident WN154 running away. He accepted that he had been concerned at the time that disclosures about Blanche Pierre reflected badly on Children’s Services but said that protecting its reputation was not *“my primary concern at all ... very much a minor issue”*. He was asked about a passage in his 1999 statement in which he referred to Children’s Services recognising a *“contributory responsibility”* for what had happened. He told the Inquiry that he was not referring to a lack of supervision by Children’s Services but to the decision to maintain FGHS.

9.449 Anton Skinner acknowledged that in 1990 he did not refer the matter to the CPT nor to the police and that the children had not been interviewed. Furthermore, he did not consult the Director of Education. He was asked whether in those circumstances there was a *“cover up”* and he replied:

*“Well if you are describing what would constitute a cover-up then clearly it was in those terms a cover-up. But not something that I would have seen as a cover-up, it was something I would have seen as trying to deal with the situation as quickly as possible.”<sup>419</sup>*

9.450 Had any investigation been instigated by Anton Skinner, it is possible that the Home Diaries and other allegations would have emerged at that time.

9.451 Anton Skinner told the Inquiry that the letter<sup>420</sup> signed by the President of the Education Committee was *“probably drafted”* by him. He said in his statement to the Inquiry<sup>421</sup> that the letter was *“all balderdash”* and he said in

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<sup>418</sup> Day 88/102

<sup>419</sup> Day 88/135

<sup>420</sup> WD000213

<sup>421</sup> WS000614/33

evidence that it was a demand made by the Maguires – *“they wanted something that they could show the parish priest or the family”*. He accepted that he was asking the President to sign a letter which he knew to be false: *“I produced a letter that was part of the arrangements for removing them”*.

- 9.452 At the close of his evidence to the Inquiry, Anton Skinner made a statement, part of which reads:

*“I do think it important and wish to make an apology on both my behalf and my Services behalf to the residents of Blanche Pierre Group Home that we did not pick up the alleged abuse that they suffered prior to Sue Doyle and Karen O’Hara coming forward. That was an error of our organisational structure at the time and I offer unreserved apology to those children that suffered as a result of us being lax in detecting those things earlier.”*

- 9.453 **Findings:** Anton Skinner’s responsibility as the CO was to the children in care at Blanche Pierre. He claimed to the Inquiry to have been fulfilling that responsibility. He failed to investigate fully the allegations of abuse or to take appropriate action. He should have ensured the immediate removal of the Maguires pending a thorough investigation. His failure to do so left the children exposed to the risk of harm for a period of months and compromised later attempts to deal with the Maguires.
- 9.454 The disclosures of abuse should have been referred to the CPT and the SOJP should have been notified. The States of Jersey, in their closing submissions,<sup>422</sup> recognised that *“those in authority failed to report the suspected physical abuse to the States of Jersey Police. It must be acknowledged that there were inappropriate responses in 1990/91 to the reported serious concerns of physical abuse, with devastating consequences for the vulnerable children concerned”*. We agree. Anton Skinner’s explanation for failing to notify the CPT was not convincing.
- 9.455 Anton Skinner failed to consult the Director of Education or the Education Committee about the disclosure of abuse and his negotiations with the Maguires. He agreed an exit strategy that gave priority to the interests of

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<sup>422</sup> Day 145/52



Jane and Alan Maguire rather than to the care and protection of the children concerned. That approach was, in our view, unprofessional.

- 9.456 The children at Blanche Pierre and other staff working there should have been interviewed at the time of the disclosures in 1990. In the absence of the matter being passed to the SOJP, this investigation should have been carried out by Children's Services. The failure to do so was inadequate and meant that contemporaneous evidence was never obtained from those who were resident at the Home.
- 9.457 The Education Department failed to take disciplinary action against Jane Maguire at the time of the disclosure, and instead redeployed her in a post which involved her giving parenting advice, despite the objections of CCOs. This was, in our view, inexplicable and indefensible. It also reflects a broader attitude within the Department at that time, of taking the easier route rather than the correct one.
- 9.458 The letter drafted by Anton Skinner and sent out by Iris Le Feuvre on behalf of the Education Committee, which thanked the Maguires for their "110% commitment", was indefensible. It represented a whitewash of the allegations of abuse made against the Maguires. We do not accept Anton Skinner's position that this was necessary to get the Maguires to leave Blanche Pierre.

#### The fostering of WN81

- 9.459 When Jane and Alan Maguire left Blanche Pierre they fostered one of the children from the FGH, WN81. On 14 November 1990, David Castledine (Fostering Officer) noted that Anton Skinner requested him to carry out an assessment of the Maguires as foster parents, albeit this had "*already been agreed by senior staff*".<sup>423</sup>
- 9.460 On 27 November 1990, Richard Davenport (WN81's CCO) noted that he explained to the Maguires that a fostering assessment would have to take

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<sup>423</sup> WD004634

place.<sup>424</sup> A memo from him, also dated 27 November 1990, noted that he visited the Maguires but that registration “*has not involved a fostering assessment*”.<sup>425</sup>

- 9.461 Between 27 and 29 November 1990, an application was completed that noted, under the heading “Social Work Assessment” that the transfer and registration was agreed and approved by Anton Skinner and senior staff.<sup>426</sup> The Foster Parent registration permit is dated 13 December 1990,<sup>427</sup> as is the police check.<sup>428</sup> On 18 December, the transfer of WN81 to the Maguires as foster parents is recorded along with a note that a supervising officer is necessary in accordance with policy and the law. Richard Davenport says that it should not be him.<sup>429</sup>
- 9.462 In evidence to the Inquiry, David Castledine said that he was not aware of any allegations against the Maguires until after the fostering of WN81. He found it difficult to answer the question as to whether he asked why the Maguires had left Blanche Pierre. He was specifically asked to carry out the assessment of the Maguires and this was the only time where the referral came directly from Anton Skinner. He was puzzled as to why he was chosen, as Anton Skinner would have known that he would want to go through the formal process and carry out a full review. When he interviewed them as part of the fostering process he said that they were uncomfortable with his questions. His concerns were significant enough for him to raise the matter with Anton Skinner. He felt that he was presented with a *fait accompli*. It did not occur to him to take his concerns to the Education Committee. He said that the final decision on fostering was made by Anton Skinner.<sup>430</sup>
- 9.463 Anton Skinner gave evidence at about the decision to foster WN81 with the Maguires.<sup>431</sup> He said that WN81 had lived with the Maguires since she was a baby and the SCCOs (Brenda Chappell and Ann Herrod) put forward a

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<sup>424</sup> WD004638

<sup>425</sup> WD004639

<sup>426</sup> WD004640

<sup>427</sup> WD004635

<sup>428</sup> WD001105

<sup>429</sup> WD004630

<sup>430</sup> WS000609; Day 85/97

<sup>431</sup> WS00064; WS000734/9; Day 88/170

strong case for the fostering – he said that the impetus came from them. Notwithstanding Anton Skinner’s knowledge of the Maguires’ abusive behaviour towards the children in their care, he believed that they had a unique relationship with WN81. Anton Skinner said that this was not a decision negotiated with the Maguires but one based upon the view of child care staff.

- 9.464 In his witness statement Anton Skinner said that at the time he thought that the “*inappropriate behaviour*” of the Maguires had been mainly directed at one particular boy and “*there was no suggestion that this was mirrored with any of the other children*”. In evidence to the Inquiry he said that he was not aware of WN81 being mistreated. Anton Skinner was taken to his own record, dated 27 April 1990, of his interview with Susan Doyle and Karen O’Hara<sup>432</sup> which recorded WN81 having been punished for wearing the wrong dress. He retracted his assertion that there was no suggestion that the behaviour “*was mirrored with any of the other children*”.
- 9.465 Anton Skinner was asked whether he took into account the allegations against the Maguires when he made the decision to foster WN81. He replied that he “*took account solely of the proposals that were put to him as to the effect on this child if she was not placed with the Maguires*”. He was aware of the general assessment procedure for fostering but formal procedures were not needed, said Anton Skinner, because they were dealing with a “*de facto fostering situation of some years*”. The decision to involve the Fostering Officer, David Castledine, was an administrative decision. Anton Skinner could not recall whether he informed David Castledine of the Maguires’ background but would find it “*astonishing*” if David Castledine had not been aware of the situation. Although he would usually accept David Castledine’s advice on any concerns, in the case of WN81 the decision had already been made at a senior level that it was in her interests to foster her with the Maguires. Anton Skinner did not recall David Castledine asking him to provide reasons why the assessment procedure was not carried out.

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<sup>432</sup> WD007092/1–2

- 9.466 Anton Skinner knew that the foster relationship broke down after 18 months. When presented with documents relating to the breakdown of the relationship he said that it came to a “*very sad end*” for reasons that did not lie with the actions of the Maguires. The documents included a record of a meeting, facilitated by Children’s Services, between WN81 and Jane Maguire. Jane Maguire was asked a series of questions by WN81 and her answers were recorded by the CCO. They were questions WN81 “*always wanted to ask Jane*”. Jane Maguire was asked by WN81: “*Do you still love me – can we still be friends?*” and Jane Maguire answered: “*No*”.<sup>433</sup>
- 9.467 Dorothy Inglis told the Inquiry<sup>434</sup> that CCOs queried the appropriateness of fostering a child with the Maguires given the circumstances. She said there was “*almost disbelief that that would be a course of action that would be taken*”.
- 9.468 Audrey Mills said that she was not consulted about the fostering. Although she thought that it should not have happened she did not tell anyone at the time: “*I was kind of taken along with it because she had been with them from a baby.*”<sup>435</sup>
- 9.469 **Finding:** In our view, the decision to allow WN81 to be fostered by the Maguires following their departure from Blanche Pierre was an inadequate response to disclosures of abuse. Normal procedures were circumvented and Anton Skinner instructed David Castledine, the Fostering Officer, not to undertake the requisite fostering assessment of Janet and Alan Maguire. For whatever reasons, WN81 was placed with two individuals who were known by the Education Department to be unsuitable to care for children. This was a dereliction of duty and we are not surprised that the fostering decision was met with incredulity by others within the Department at the time.

Children’s Services’ involvement in response to allegations (1990–1998)

- 9.470 Marnie Baudains (CCO in 1990) told the Inquiry that there was, at the time, a sense of unease about the Maguires “*that something bad had happened*”.

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<sup>433</sup> WD001059; WD001058

<sup>434</sup> Day 97/107

<sup>435</sup> Day 73/47

She was not aware of specific incidents of assault. Asked what she would have done, as a senior manager, on receipt of Dorothy Inglis's report in 1990 she replied:

*“ ... it would have been wise to have conducted a child protection investigation. Even if that had not led to prosecution ... the team was very much in its infancy but I imagine that every young person would have been interviewed”.*

- 9.471 Audrey Mills managed Blanche Pierre between 1990 and 1993 at which point the FGH was closed. She said in her statement to the Inquiry that when she moved to the Home *“the children would tell me how the Maguires used to call them stupid and generally belittle them ... the thing that struck me most ... was their use of the phrase ‘we cannot do this’ or ‘we’re not allowed’”*.<sup>436</sup>
- 9.472 In May 1997, Alan Maguire contacted the police concerned about a threatening letter that he had received. A former resident at Blanche Pierre, WN76, was interviewed by the police and disclosed that she had been physically and sexually assaulted as a child by Alan and Jane Maguire. In her statement to the Inquiry, Audrey Mills said that about this time in 1997, WN76 disclosed to her that she had been sexually abused by Alan Maguire.<sup>437</sup>
- 9.473 Marnie Baudains first became involved in the Maguires' case in May 1997, when she was Manager of the Children's Services CPT. She contacted Assistant Inspector Barry Faudemer to report suspected child abuse on the part of Jane and Alan Maguire. Barry Faudemer wrote a memo to the CPT requesting a formal investigation into Jane and Alan Maguire. The memo notes that *“The Children's Office have harboured suspicions about Mr and Mrs Maguire for some considerable time, but no children have come forward to make definite complaints of abuse”*.

It concludes:

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<sup>436</sup> WS000585

<sup>437</sup> WD005444

*“The Children’s Office believe that there is a strong possibility that a significant volume of abuse will be unearthed during the course of this Inquiry”.*<sup>438</sup>

- 9.474 Marnie Baudains told the Inquiry that the children had been failed by Children’s Services: *“I think the fact that we did not discover all that had happened to these young people meant that it’s quite likely that we did not provide them with an appropriate level of care and therapeutic support that they could have benefited from in the years following the Maguires’ departure.”*
- 9.475 Marnie Baudains confirmed that in 1997 those who had lived with the Maguires were identified and a search was conducted for case records. Furthermore, the police had *“all the diaries”* (i.e. from Blanche Pierre) for their investigation.
- 9.476 In her 2008 statement to the SOJP, Linda MacLennan (former CCO) provided an account of disclosures to her by WN76 and how Linda MacLennan dealt with this. She told the police: *“On a professional level I had no doubt what WN76 was telling me was true, at times she tried to play it down, she did not seem to have a reason for telling me things other than she just seemed to have the need to talk about these events in her life. She did however stress her dismay at how Jane Maguire was being allowed to still work with children within Social Services on the island”*. Linda MacLennan went on to describe the action that she then took on receiving the disclosure: *“As a result of what WN76 was telling me I instigated contact with child protection team and this included the Police who began an investigation ... as soon as WN76 began to tell me this I told her we should not talk about it further and that a proper investigative interview should take place. This was done but I was not present when it took place and because of procedures we did not discuss it between us afterwards”*. Linda MacLennan states that she felt, as did WN76, that there had been a cover up, *“I had concerns over the way certain things with Jersey Health Care Services [sic] had been handled. There appeared to be a culture of sweeping things under the carpet”*.

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<sup>438</sup> WD006281

9.477 Following the police investigation, the Maguires were charged and brought to an “old-style committal hearing”. Karen O’Hara gave evidence at the committal hearing in June 1998,<sup>439</sup> as well as giving a police statement, which concluded: *“I find it really difficult to verbalise the humiliation and degradation that these children suffered. It was a constant tirade of eroding their most basic rights, like contact with their extended families ... I am very angry, still, at what I experienced and how the children were treated even after the Maguires left.”*

9.478 Susan Doyle gave a statement to the police in 1997,<sup>440</sup> which included the following extracts:

*“It is difficult to set down on paper the emotional abuse which these children suffered ... they lived under a regime of day-to-day fear of the couple.*

*“The children were constantly demoralised and threatened, sometimes with removal to Heathfield. I remember when [WN154] had run away, Alan and Jane were shouting at her that she was a slapper like her mother and always had her knickers up and down, like her mother. This was in the presence of Richard Davenport who was the children’s Child Care Officer ...*

*Brenda Chappell was in charge of the group homes, but she was great friends with Jane and Alan and there was no way we could speak to her.”*

Susan Doyle gave evidence to similar effect at the committal hearing in June 1998.<sup>441</sup>

9.479 A neighbour of the Maguires also gave evidence at the committal hearing and provided a detailed account of mistreatment that she witnessed:

*“I feel that I have let all these children down. I know from what they have told me and what I have seen that these children have suffered appallingly. These kids confided in us, but we did not know who to report this to. We also felt that the kids would be in even worse trouble if he got back that we’d reported what was happening.”<sup>442</sup>*

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<sup>439</sup> WD000602

<sup>440</sup> WS000547

<sup>441</sup> WD000209

<sup>442</sup> WD006351; WD006352

9.480 WN307 worked at Blanche Pierre from 1980 to 1989 and gave a statement to the police. She said that she never witnessed any violence and the children never complained.<sup>443</sup>

9.481 Richard Davenport (CCO) said in his police statement:<sup>444</sup>

*“I certainly did not have any concerns at the time that the children have been subjected to any abuse by Alan and Jane Maguire.”*

9.482 Statements were also taken from three former residents who said that they had been happy with the Maguires. One left Blanche Pierre in 1984, another in 1985 and the third in 1987. They were all in their late teens at the time of their departure.<sup>445</sup>

9.483 As noted elsewhere, the case against the Maguires was dropped following the committal proceedings. A meeting was held to discuss the decision at which Marnie Baudains was present, although she did not recall the details in evidence to the Inquiry.<sup>446</sup> The contemporaneous file note<sup>447</sup> records that Marnie Baudains said that it would be *“extremely difficult for the victims”* if the case was dropped, and would damage their faith in the system. Picking up on the phrase used by Advocate Binnington (Crown Prosecutor), she expressed the view that *“if public interest was the test, the public interest lay in bringing a prosecution”*. The AG, Michael Birt, explained that public interest only came into effect where there was sufficient evidence, and any decision would be based on the evidence rather than the public interest. With regard to the decision taken not to proceed, it was noted that: *“No-one dissented from this view although naturally there was sadness that this decision had to be taken.”*

9.484 **Finding:** The response of Children’s Services to the disclosures of abuse in 1997–1998 was adequate. Marnie Baudains and Linda MacLennan, among others, responded appropriately following disclosures, and a multi-agency

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<sup>443</sup> WD005476; WD005477

<sup>444</sup> WD000579

<sup>445</sup> WD000576; WD000577; WD000580

<sup>446</sup> Day 91/117

<sup>447</sup> WD007098/75–76



investigation was instigated. The decision to drop the case was taken by the AG.

The disciplinary investigation (1999)

- 9.485 When the Maguires' prosecution was abandoned in 1998, Graham Jennings, Chief Executive, HSSD, decided to embark upon a disciplinary process against Jane Maguire. He told the Inquiry: " ... *it was clear to me from the evidence that I had seen that there was very likely a case to answer in terms of professional misconduct and that was the reason I asked for the report.*"<sup>448</sup>
- 9.486 Dylan Southern, Head of Mental Health Services, was asked to carry out a review and produce a report as to whether there was a disciplinary case against Jane Maguire. Dylan Southern interviewed, among others, Dorothy Inglis, Anton Skinner, and Jane Maguire. He was unable to speak to Brenda Chappell but did interview a number of former residents of Blanche Pierre. He was given access to all the police papers, including the home diaries. In his statement to the Inquiry he described his feeling of "*absolute horror*" reading the diaries and he told the Inquiry he could not understand why a "*visiting professional did not just look at the diaries*".<sup>449</sup> He said: "*[Jane Maguire's] actions were clearly inappropriate, cruel and openly recorded and available in the home. In my view, her behaviour constituted gross misconduct on numerous accounts at the very least.*"<sup>450</sup>
- 9.487 Dylan Southern interviewed Jane Maguire and a record of that interview is exhibited to his statement.<sup>451</sup> Jane Maguire had no recollection of the meeting with Anton Skinner on 30 April 1990 nor of the allegations made by Susan Doyle and Karen O'Hara. She denied the allegation that she washed the children's mouths out with soap. Dylan Southern told the Inquiry that he took Jane Maguire through the diary entries: "*my recall is that there was no response ... She was very quiet about it*".<sup>452</sup>

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<sup>448</sup> Day 138/122; WS000715

<sup>449</sup> Day 116; WS000677; WD008663

<sup>450</sup> Day 116/30

<sup>451</sup> WD008663/13

<sup>452</sup> Day 116/65

9.488 He also told the Inquiry that during his interview with Anton Skinner he showed Anton Skinner, for the first time, extracts from the diaries. Asked about Anton Skinner's reaction he said: "*muted would be the best way of describing it*".

9.489 In his statement to the Inquiry, Dylan Southern said:

*"For the purposes of my investigation, drawing a distinction between the two sets of allegations was irrelevant and bore no consequences to the ultimate conclusion, which was that there was incontrovertible evidence, fully available in previous years and at the time in 1990, that Jane Maguire was reported as abusing the children in her care. That, to me, was all the evidence that was needed in order for Children's Services to take action; and for the children to have been immediately protected from Jane Maguire and her husband. Her employment status was secondary to the needs and protection of the children concerned. She should have faced a full investigation, which initially should have been led by the police and her employment in tandem or following a police decision on any action to be taken."*<sup>453</sup>

9.490 Two versions of Dylan Southern's report were available to the Inquiry, one being 10 pages longer than the other. Each report however has an identical concluding section and recommendation:

*"There is sufficient evidence to show from the police, and my own investigation, that Ms Jane Maguire, whilst employed as the Housemother at Blanche Pierre Group Home:*

*(a) Clearly understood her role and responsibilities towards the children in her care.*

*(b) Understood that a policy existed which forbade the use of corporal punishment on the children in her care.*

*(c) Breached this policy by inflicting, allowing and condoning physical punishments.*

*(d) Inflicted, allowed and condoned various forms of severe physical abuse on the children in her care.*

*(e) Inflicted, allowed and condoned psychological abuse on the children in her care.*

*(f) Is guilty of numerous offences which constitute gross misconduct.*

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<sup>453</sup> WS000677/17

*I recommend that Miss Jane Maguire is dismissed from the employ of the Health and Social Services Committee.*<sup>454</sup>

9.491 Dylan Southern told the Inquiry that he removed passages from his original draft on his own initiative. He removed a passage that referred to Mrs Maguire's "*gross disregard for the psychological well-being of children when she chooses*" as it referred specifically to her treatment of a girl at the Home. He also removed an entire section which was a critique of the actions of Children's Services at the time. This included references to staff saying that they had been approached by Anton Skinner not to say anything, the fact that the CPT had not been involved in 1990, and that the children had not been interviewed by their CCO. His remit, he explained, was specifically to consider whether there was a disciplinary case against Jane Maguire. Dylan Southern, in evidence, denied that he was asked to remove these passages by Graham Jennings or that he had professional issues with Anton Skinner. Dylan Southern sent Graham Jennings a copy of the revised report under cover of a letter dated 23 February 1999 recommending Jane Maguire's dismissal.<sup>455</sup>

9.492 Dylan Southern told the Inquiry that he wrote a second letter to Graham Jennings on the same date (23 February 1999) suggesting that Anton Skinner's conduct should be reviewed by an independent senior peer group – he added in evidence to the Inquiry "*my personal view is that he was absolutely responsible*". In his statement to the Inquiry, Dylan Southern said:

*"... I believe the most senior and responsible officer within Children's Services failed those children miserably and Jane Maguire has never been held to account".*<sup>456</sup>

9.493 Dylan Southern received no response from Graham Jennings to the second letter. No such letter has been obtained by the Inquiry.

9.494 In his evidence to the Inquiry<sup>457</sup> Graham Jennings said that his memory of the draft report was that it was at his insistence that the references to Children's Services be removed. The draft report was too broad and should

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<sup>454</sup> WD008663/24

<sup>455</sup> WD009305/75

<sup>456</sup> WS000677/24

<sup>457</sup> Day 138/127

specifically address Jane Maguire. He said: *“I took on board his criticisms, at least in part, and addressed them with Anton Skinner after the disciplinary hearing”*. He could not recall receiving a letter from Dylan Southern regarding Anton Skinner. He said that whether or not he received the letter he understood Dylan Southern’s concerns and followed them up with Anton Skinner. Graham Jennings felt that Anton Skinner had taken steps to protect the children. He acknowledged that Anton Skinner should have considered disciplinary action against Jane Maguire in 1990 and that he should have spoken to the children.

9.495 Graham Jennings told the Inquiry that he *“struggled”* to understand the letter signed by Iris Le Feuvre in 1990 (the “110% letter”, as it became known).

9.496 He was invited by Counsel to consider alternative options open to Anton Skinner that would “have been preferable to handling the situation in a way that did not recognise the abuse that was alleged”. He replied:

*“I think that the evidence in 1999 was really very, very damning and I think it was very difficult for anybody to deny or defend. There was hand written records of their own making in terms of the things that were going on with the children at that time, and, you know, it appeared a really brutal regime. It had no place in the care of children, what was happening in that home and in 1999 that was patently obvious.”<sup>458</sup>*

9.497 Graham Jennings said that, in his judgement, nothing he had found out about the events of 1990 had called into question Anton Skinner’s professional competence in 1999, saying: *“No – I have not seen anything ... which made me question either his integrity, his commitment to the service or the people he was offering the service to”*.<sup>459</sup>

9.498 Upon receipt of the Dylan Southern report, Graham Jennings wrote to Jane Maguire on 10 March 1999 to convene a disciplinary hearing on 22 April 1999. Graham Jennings wrote to Jane Maguire after that hearing: *“the panel recommends your dismissal”*.<sup>460</sup> Jane Maguire tendered her resignation

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<sup>458</sup> Day 138/138

<sup>459</sup> Day 138

<sup>460</sup> WD009305/156

before the recommendation was put to Committee. It was accepted by Graham Jennings.<sup>461</sup>

9.499 In his supplementary statement to the Inquiry, Anton Skinner said that Dylan Southern's view of the position in 1990 represents a

*“total misunderstanding of the position as presented in 1990 ... I believe that a re-examination of their [Dylan Southern and Barry Faudemer] evidence shows that they are responding to my actions in 1990 from a perspective of what was known in 1998 and what was suspected by no one in 1990 – not by Susan Doyle or by Karen O’Hara or Brenda Chappell or Richard Davenport or by anyone else involved with the Maguires and the running of the Group Home”.*

*“I can categorically state that there was no cover-up. I dealt with a very complex situation to the best of my abilities and with only the welfare and best interests of the children uppermost in my mind.”<sup>462</sup>*

9.500 Anton Skinner also criticised Dylan Southern's evidence as “*full of inaccuracies and omissions*”. He said that he was unaware of the existence of the Blanche Pierre diaries until the disciplinary investigation in 1998/1999. He had no recollection of an informal meeting with Dorothy Inglis, David Dallain, Richard Davenport and David Taylor where concern was expressed about Jane Maguire's redeployment in Children's Services.

9.501 **Findings:** In carrying out the investigation into Jane Maguire, the response of the HSSD in 1999 was adequate. Dylan Southern wrote a clear and measured report and we reject the criticisms levelled at Dylan Southern by Anton Skinner. There was “*incontrovertible evidence*” at the time in 1990 that Jane Maguire was reported as abusing the children in her care. Her employment status should have been secondary to the protection of the children in her care. Dylan Southern concluded, and we agree, that in 1990 she “*should have faced a full investigation*” led by the police. The question of her employment should have been examined in tandem or following the conclusion of any police investigation.

9.502 Despite Dylan Southern's identification in 1999 of failings on the part of Children's Services, and particularly Anton Skinner, in 1990, no action was

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<sup>461</sup> WD009305

<sup>462</sup> WS000734

taken in response. We find that this was inadequate. Whether or not a letter was sent or received relating to Anton Skinner's conduct, by failing to investigate, Children's Services absolved themselves of responsibility in relation to the failures in 1990. Anton Skinner's conduct showed, at the very least, an absence of judgment and professional skill.

#### The involvement of Children's Services (2008–2009)

9.503 The Maguire case was revived in 2008 and legal advice sought from different counsel. Various former and current staff members from Children's Services gave statements to the SOJP. The case, which is dealt with in more detail under in Chapter 11, was not pursued and Alan Maguire died in 2009.

9.504 Anton Skinner was interviewed by the police in 2008.<sup>463</sup> He said that he considered the FGH a "flawed model" given the stresses and strains on the Housemother. "In a sense the Education Committee were culpable in all of these group homes in setting up impossible situations". He expressed the view:

*"I believed that nine tenths of the complaint could be summarised as old-fashioned parenting in an attempt to cajole the children into doing what they wanted them to do. That would not have been seen as offences probably to this day ... the one incident that may have warranted referral to the police was pushing the child so the child fell across the playroom ... that was subject to considerable disagreement between Ms Doyle and Mr Maguire as to what the true extent of that push was and I believe in the sum total of all of that if I'd given the report to the police at the time ... said what I intended to do, the police would have said that's correct if that's what you want to do."*

#### **Les Chênes/Greenfields**

##### General staff evidence

9.505 A number of members of staff at Les Chênes said that they never saw any abuse by staff of residents or the use of excessive force on anyone.

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<sup>463</sup> WD006255/3

- 9.506 A medical professional who visited residents in the late 1980s and early 1990s did not recall witnessing any type of abuse or inappropriate behaviour by staff towards children and none was ever reported to him.<sup>464</sup>
- 9.507 WN834 said in her statement to the Inquiry that any complaint about the actions of a member of staff would be investigated by her: *“I have no recollection of any real incident of concern about the behaviour of any member of staff. I did not experience anything that led me to question the behaviour of any member of staff during the entire time of being employed at Les Chênes.”* WN834 had regular access to an external adviser if she was concerned about any issue in the school that she did not wish to discuss *“internally”*.<sup>465</sup> She could not recall any allegation of abuse being made against a member of staff although *“pupils would complain if they perceived an injustice”*.
- 9.508 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. WN834 remembers undertaking work with the older boy *“about his sexuality and inappropriate physical contact”*.
- 9.509 One member of staff remembers another member of staff pouring a jug of milk over WN628’s head. No complaint was made by WN628 at the time. The incident was recorded and reported to the principal.<sup>466</sup>
- 9.510 A number of staff members who worked at Les Chênes/Greenfields in different capacities and in different decades gave evidence that they did not witness anything inappropriate or any violent behaviour against residents.<sup>467</sup>

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<sup>464</sup> WD006126

<sup>465</sup> WS000719

<sup>466</sup> WD006151; see WD006137 for variation of account – reported and no action taken

<sup>467</sup> WD006125; WD006127; WD006128; WD006130; WD006132; WD006135; WD006136; WD006138; WD006139; WD006140; WD006143; WD006144; WD006145; WD006146; WD006147; WD006149; WD006150; WD006154; WD006155; WD006165; WD005847; WD006866; WD006873

9.511 There do not appear to be any allegations relating to abusive treatment at Les Chênes in the 1990s, with one exception.

Individuals accused of abuse

9.512 We are only able to make findings as to the response to allegations of abuse where there is contemporaneous evidence of disclosure.

WN108

9.513 WN108 said that the allegations made against him were totally alien to his overall philosophy and his approach to his work. In his 40 years of teaching he had never assaulted a child: *“I would not want people to think that a culture of abuse pervaded Les Chênes as that was absolutely not the case.”*<sup>468</sup>

9.514 He told the Inquiry that no complaints of assault had been made against him while he was at Les Chênes.

9.515 He gave the following evidence to the Inquiry<sup>469</sup>

- He never assaulted a child.
- He denied the suggestion that he was a teacher with a physical approach but accepted that he may have poked a child in the chest when addressing him or her.
- He accepted that he did challenge WN622 and explained the circumstances as he remembered them: *“The individual made a move to attack the member of staff ... I restrained the child, we both fell to the floor, but I certainly did not punch him, I certainly did not kick him. In all my years of working in education I’ve never been involved in such an intervention. It would be totally alien to the whole of my philosophy on working with young children.”*<sup>470</sup>
- He described one office that had built in furniture (suggesting that it could not have been moved) and that if he had pushed the child around the room

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<sup>468</sup> WS000597/4

<sup>469</sup> Day 79

<sup>470</sup> Day 79



(described by witnesses as “pin-balling”) it would have destroyed a relationship with the child and would have been counter-intuitive to what they were trying to achieve at Les Chênes.

- He recalled the circumstances surrounding one allegation that he punched a child in the face and stamped on the child’s legs. He said that the young person stole something from a staff member and tried to attack that person. He therefore had to restrain that young person but did not use excessive force. He had not punched him in the face or stamped on him. He told the Inquiry that, at the time, “*There was no formal guidance or formal policy on the use of restraint*”.<sup>471</sup>
- He had “*absolutely no recollection*” of pushing WN622 against a wall for using the word “*abortion*”. WN622’s allegation that he pushed him through a dining hatch and kicked him after WN622 threatened WN246 with a knife was “*totally unfounded*” and “*physically impossible*”.<sup>472</sup>
- He could not remember WN622 being caned for having a “wet tissue fight” and if such a fight occurred it would not have resulted in caning. If WN622 had punched another boy that may well have resulted in corporal punishment.
- He never picked a child up by the ears.
- WN145 was not kept in solitary for six weeks – “*that never happened*”.<sup>473</sup> WN145 may have slept in secure for six weeks but “*certainly would not have been kept there under lock and key for such a long time*”.<sup>474</sup>
- The incident described by WN145 of being pushed against the wall of a room, jabbed in the chest and thrown to the floor never happened.<sup>475</sup> Given the dimensions of the room that was physically impossible.
- He had no memory of WN591 coming to see him about being hit by a member of staff.

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<sup>471</sup> Day 79/8

<sup>472</sup> Day 79/22

<sup>473</sup> Day 79/26

<sup>474</sup> WS000597/4 – records suggest that he did sleep in secure for six weeks due to renovation works at the premises

<sup>475</sup> Day 79/31

*Mario Lundy*

- 9.516 Mario Lundy addressed the allegations made against him in his evidence to the Inquiry.<sup>476</sup> His response to allegations made against him during his time at HDLG are contained in the section above relating to HDLG (1970–1986).
- 9.517 Mario Lundy attended a voluntary interview with the SOJP on 2 December 2008 and 2 December 2009 “to answer questions in relation to *Operation Rectangle*”. He denied all of the allegations put to him. He distinguished between those that were “*complete falsities*” and those that were “*gross exaggerations*”. He explained: “*If I was accused of punching somebody it might well have been that I restrained them but then it was taken a step further and I make no bones about it. The fact of the matter is that if I felt at the time that there was no option and the young person needed to be restrained because of their behaviour, then I would have taken that action.*”<sup>477</sup>
- 9.518 His evidence to the Inquiry about the allegations made against him while at Les Chênes was as follows:
- All the allegations against him related to the period 1982–1985, save for one.
  - He had not heard the expression “pin balled” until interviewed by the police in 2008. In response to WN179’s allegation that Mario Lundy had ‘pin-balled’ WN620<sup>478</sup> Mario Lundy simply said: “*No.*” He had never broken a resident’s bones.
  - The allegations that he made a boy put aftershave on his groin after he had shaved off his pubic hair was “*absolutely preposterous*”.
  - He could not remember an incident, described by WN623, that he had grabbed hold of WN620 by the side of the neck and dragged him out of sight. It is possible that if there had been an incident on a football pitch, he may have taken hold of somebody and taken them away to calm them down but not in the way that has been alleged.

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<sup>476</sup> Day 74/203 onwards

<sup>477</sup> Day 74/205

<sup>478</sup> See Chapter 8, Les Chênes – WN620’s account

- He denied WN651's allegation that he slapped him across the face, swearing and shouting and then pushed him against a safe. Mario Lundy said he had never slapped someone across the face and there was no safe on the premises. He did not witness an assault by WN108.
- He denied WN80's allegation that he hit him on the back of the head with his knuckles, causing him to fall forwards. Mario Lundy did not remember this and denied that he then went on to "drag" WN80 to the secure room where he remained naked for four or five days.
- He said that there was no "tacit" agreement with WN108 they would punish the children together.
- In response to the allegation that he and other staff members had dragged a child out of the day room and the child was not then seen for two weeks, Mario Lundy replied: *"No. There is almost a perception being developed here of an institution that operated in a vacuum. There were Probation Officers just about every week who joined in activities with the young people. They went surfing with their charges. Somebody would have noticed if a person was taken out of circulation for two weeks. That's just absolutely false."*<sup>479</sup>
- He denied throwing WN591 out of bed with the words *"I've been waiting for ages, I've had your name on a locker here"*.
- In response to the allegation that Darren Picot was taken down heavily by Mario Lundy during a game of rugby and who then stamped on his head, back, arms and legs, Mario Lundy replied that this did not happen. He did not tackle roughly when he played rugby with residents as he was conscious that he was playing with young people.
- He denied Darren Picot's allegation that he would often slap or push him down the stairs: *"That just didn't happen."*<sup>480</sup>

9.519 Mario Lundy summarised, in evidence to the Inquiry, his response to the allegations: *"There are twenty-seven allegations from, I think, around twelve or thirteen young people. In the whole of my teaching career, and I have*

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<sup>479</sup> Day 74/220

<sup>480</sup> Day 74/224

*dealt with thousands of young people, I have not had a single spontaneous complaint against me ... ”.*<sup>481</sup>

- 9.520 In answer to questions from the Panel, Mario Lundy reflected: *“I think I had a physical presence and I wasn’t intimidated.”* He dealt with the more physical episodes, particularly if female teachers were involved, as he felt it was his responsibility: *“I didn’t shy away from it, but I didn’t at any time feel that I was doing anything that was malicious towards a young person, but trying rather to do something that would bring them under control.”*<sup>482</sup>
- 9.521 Monique Webb said that she never saw a child come out of staff offices in distress. Jonathan Chinn said that no child complained to him about being hit by Mario Lundy and he never heard him referred to as the “pin ball wizard”. He had never seen Mario Lundy hit a child.

#### WN245

- 9.522 In 2001, WN761 was admitted on remand and made threats against another resident. WN245 and another staff member tried to speak to him. *“He just exploded with rage”* and the decision was taken *“to get him into a cell – he ended up in the cell, but we were both injured in the process”*. He described the restraint used: *“We basically had to push him and then shut the door.”*<sup>483</sup>
- 9.523 WN761 made an allegation of assault against WN543 and WN245 to the SOJP after having absconded and told his mother. He had also raised concerns about the staff treatment of a fellow resident, who was his girlfriend. This was in the context of WN245 and WN543 alleging that WN761 had assaulted them. WN245 and WN543 denied assaulting WN761.
- 9.524 During an SOJP investigation into this complaint,<sup>484</sup> they also considered the possibility of more widespread abuse, as well as the possibility that Les Chênes staff (including WN245 and WN543) had conspired to provide false information to the investigating officers. The matter was investigated by

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<sup>481</sup> Day 74/203

<sup>482</sup> Day 74/254

<sup>483</sup> Day 75/106

<sup>484</sup> WD008106/1–15

SOJP officers unconnected with the FPT, in order to avoid unnecessary damage to their relationships with Les Chênes and the Children's Services.

9.525 The decision taken was that it was not in the public interest to pursue the case against WN761, the resident. WN245 said to the Inquiry: "*We were left with no assurance that we had acted correctly.*"<sup>485</sup>

9.526 The conclusion of the SOJP report was that an "*urgent and thorough*" review of the policies and practice at Les Chênes, with a particular focus on the use of secure rooms and restraint was needed. It was noted that Tom McKeon, as Director of Education, had undertaken to instigate such a review as soon as possible. They particularly asked for consideration of the facilities, the need for appropriate legislation, the need for training, the need for complete and accurate records, the need for frequent and ongoing monitoring of the remand facility, and the need for procedures to allow "inmates" to report any concerns about their treatment to an independent monitoring body. We are aware that in fact, this led the Director of Education to commission the first report by Dr Kathie Bull.<sup>486</sup>

9.527 WN245's responses to the other allegations against him are as follows:

- In a police interview in 2009, WN245 denied stripping WN628 leaving him naked in a cell for six hours. He recalled WN628 taking off his own clothing down to his boxer shorts and threatening to harm himself. He and another staff member just left WN628; it was not true that WN628 was two months in isolation.
- WN245 had no memory of seeing WN627 held in a headlock. "*I've never seen that at all.*"<sup>487</sup>
- He did recall an incident concerning WN631 when he used restraint, following TCI techniques, but only after he and others had tried to talk to him. He did not pull out WN631's hair.<sup>488</sup>

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<sup>485</sup> WS000592/2

<sup>486</sup> WD004264/23-24; Day 113/71-3; WS000652/24-25; WS000591/20

<sup>487</sup> Day 75/110

<sup>488</sup> Day 75/111

- He did not forcibly use a headlock to get WN630 into a car to take him back to Les Chênes. He did not hold WN630's neck "*bent back over the rear seat of the car*" during the return journey.<sup>489</sup>
- WN245 told the police it was possible that he jabbed WN632 in the chest but not in the throat. He had conceded to the police that this approach "*might not be appropriate*".<sup>490</sup> He told the Inquiry: "*ten or fifteen years ago things were looked at in a slightly different way. So, like all of us, we've made mistakes, but I do not think I've acted maliciously in [sic] any occasion*".<sup>491</sup>
- WN52's allegations that WN245 grabbed him, pulled his shirt over his head, punched him in the stomach and kicked him as he fell to the floor was "*complete fabrication*".<sup>492</sup>
- WN245 contacted the police following a telephone call made to him in which the caller alleged WN245 had touched a young person's penis. The police interviewed the caller, who admitted it was false.<sup>493</sup>
- WN245 said he had never seen a headlock being used at Les Chênes.<sup>494</sup>

9.528 **Finding:** Following the detailed SOJP investigation in 2001 and the request for an urgent review of policies and procedures at Les Chênes, the Director of Education commissioned an inspection by Dr Kathie Bull. The SOJP's assessment of the matters needing attention at Les Chênes was insightful. This commissioning of an inspection was an adequate response to concerns raised by the SOJP. However, as reflected in the criticisms made by the SOJP in their report, this response was, by then, too late.

#### WN543

9.529 WN543 told the Inquiry, in relation to WN629's allegation that he witnessed an assault by WN543 on a boy: "*To the best of my knowledge that incident never happened.*"<sup>495</sup> WN629 also described him holding a resident up

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<sup>489</sup> Day 75/112

<sup>490</sup> WD006418/6

<sup>491</sup> Day 75/114

<sup>492</sup> Day 75/115

<sup>493</sup> Day 75/117

<sup>494</sup> Day 75/123

<sup>495</sup> Day 77/164

against the wall by his throat. WN543 told the Inquiry: “*That is absolutely not true.*”

- 9.530 WN543 gave his account of the incident that involved both WN629 and WN698: “*So we were looking to admit the young people, but they just did want to be there, you know. They’d come in, they were still agitated, they were still fairly angry and one of these young people actually did attack me ... I called for another member of staff to come and help. I took one of the young people down to the secure area with another member of staff.*” A medical report, exhibited to WN543’s statement, describes the injuries he received during the incident.<sup>496</sup> He told the Inquiry that he did not assault WN629 or WN698.
- 9.531 As set out in Chapter 8, following this incident, WN629 disclosed to WN543 that she and WN698 had been the victims of rape. This was reported to police the next day.<sup>497</sup>
- 9.532 WN543 gave his account to the Inquiry of the incident described by WN698. He remembers there being a number of other people present “*including a probation officer and other members of staff*”. He opened the door but did not “*at any time kick her in the stomach. That is complete fabrication*”. He gave a statement to the police in 2003 in which he described kicking the door down and his actions thereafter. In the same statement, he referred to techniques that he had been taught on a four-day course.<sup>498</sup> Asked whether WN698’s medical report at the time was consistent with the use of restraint techniques, he told the Inquiry those around him would have intervened if he had used “*undue force*”.
- 9.533 Following this investigation by the SOJP, we have not seen any evidence of any consideration of an internal investigation into WN543’s conduct, despite the fact that the SOJP report <sup>499</sup> found that there was a possibility that the “*petechial haemorrhage to [WN698’s] eyelids was caused during the restraint*”. It was noted that if this was the case “*it would have been due to*

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<sup>496</sup> WD006485/13

<sup>497</sup> WD003976

<sup>498</sup> WD006485/26

<sup>499</sup> WD005115

*the restraint technique being applied inappropriately in some manner*". The report concluded that there was no evidence that WN543 acted other than appropriately given the situation and there was no substance in the complaint of assault made against him. However, it also said that "*It might be advantageous for the education department to review this case and ensure that their staff are fully aware of the risks involved in applying extended periods of restraint. There will be situations such as this case when it is necessary to restrain violent young people while awaiting assistance. The risks involving acute behavioural disturbance and positional asphyxia must be understood in these situations*".

- 9.534 Exhibited to WN543's statement are short descriptive notes provided by the police in relation to the allegations made against WN543 and his response at the time of the police interview in 2009. He told the Inquiry that all the allegations arose out of the late period of Les Chênes after 2000.<sup>500</sup>
- 9.535 WN543 was invited to respond to an allegation relating to an incident in March 2009.<sup>501</sup> He gave a detailed account to the Inquiry<sup>502</sup> of his visit, with a colleague, to a young person's family home. The young person started to attack his mother and was restrained until he calmed down. He then grabbed a knife and threatened them with it. WN543 called the police.
- 9.536 WN543 was invited to respond to an incident recorded in March 2010 of him "*grabbing and pushing*" an individual. He provided a detailed account to the Inquiry of his involvement in this incident.<sup>503</sup>
- 9.537 One member of the teaching staff (2004) described WN543 as a "*bully and a horrible person due to his treatment of staff and children*".<sup>504</sup> Another witness recalled watching him using restraint and thinking that he had gone "*over the top*".<sup>505</sup>

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<sup>500</sup> WD006485/47

<sup>501</sup> WD006471

<sup>502</sup> Day 77/186

<sup>503</sup> Day 77/189

<sup>504</sup> WD006147/2

<sup>505</sup> WD003973



9.538 **Findings:** In 2002, a complaint by WN629 of being raped by someone outside of the School was made to WN543. This was in the context of an altercation in which WN543 had himself been physically assaulted. The fact that this was reported to the SOJP the following day was an adequate response.

9.539 We have not seen any evidence to suggest that the Education Department did review the 2003 case in which an allegation of assault against WN543 was made, despite the recommendation from the SOJP. The inability to take steps to learn lessons was an inadequate response to this allegation.

#### WN246

9.540 WN246 accepted, in evidence to the Inquiry, that, in retrospect, his drinking must have had an impact on his ability to care for the residents at Les Chênes.<sup>506</sup> His response to the allegations made against him was:

- He did not prod WN620 in the chest, pushing to the floor and straddle him, holding his jaw, while still on the ground.
- He did not pour a bowl of chocolate mousse over the head of WN179, in front of other residents.<sup>507</sup>
- He did crash a car while driving three residents home from school but the accident did not happen because he had been drinking. He told the Principal immediately on return to Les Chênes, the police were called and no further action was taken.<sup>508</sup>
- He denied WN621's allegation that he deducted points under the MAS for her not eating her food – food was never used under the system: it was a right.<sup>509</sup>
- He denied WN621's allegation that he had punched a resident in the face in a classroom and that when the resident got up from the floor pushed him into another classroom. He told the Inquiry that had he done so the Principal would have found out, given the small scale of the school.<sup>510</sup>

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<sup>506</sup> Day 93/189

<sup>507</sup> Day 93/190

<sup>508</sup> Day 93/192

<sup>509</sup> Day 93/193

<sup>510</sup> Day 93/194

- He denied WN621's allegation that he grabbed her by the hair and also her allegation that he had had a fight with a resident in the kitchen. He said he was not a violent person. It was not something that he would have done.<sup>511</sup>
- He had no recollection whatsoever of WN621's allegation that he dragged a resident to the toilets and threw him against the wall while holding onto his sweatshirt. WN246 said that he had no recollection of this "*whatsoever*". He said he sought to avoid confrontation.<sup>512</sup>
- WN145 alleged that on two occasions WN246 threw him around first the woodwork room and on the second occasion the art room. WN145 alleged that WN246 was often drunk on duty. WN246 replied that he could not recall these incidents and he would not have gone to work if he thought he was drunk, although "*I would have had a drink some time, before I went to work*".<sup>513</sup>
- He did not force a child to eat food to which they were allergic, making them sick. WN246 said that he would not have used food in this way to punish a child. He viewed the MAS as a way of sanctioning children.<sup>514</sup>
- He could not remember parents coming to the school to complain about his treatment of their son.
- He denied punching a child in the shower room. "*The child I meant to have attacked said I did not*".<sup>515</sup> WN246 told the Inquiry that he had not punched the same boy in the head in the laundry room.
- He could not recall assaulting a child in the canteen, throwing him over a sofa and grabbing him in a headlock. "*It's not the way I deal with things*", he said in evidence.<sup>516</sup>
- WN246 accepted in evidence that if Tom McKeon said that he had seen him forcibly push a child against the wall and had spoken to him, then it must be true. He could not remember the incident.<sup>517</sup>

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<sup>511</sup> Day 93/198

<sup>512</sup> Day 93/197

<sup>513</sup> Day 93/202

<sup>514</sup> Day 93/205

<sup>515</sup> Day 93/203

<sup>516</sup> Day 93/208

<sup>517</sup> Day 93/209

- 9.541 Monique Webb remembered that WN246 would have a lot of run-ins with the children. She thought him a bit harsh with the MAS and recalled that he rarely gave children points. She recalled WN246 grabbing a child and pushing him against the wall and thought at the time that this was “*a bit over the top*”. She may have been wrong that it was him but he did have “a short fuse” but she never had concerns about the children.<sup>518</sup> She did remember him being on duty, smelling drink on his breath and reporting it. It was only in the evening on activities.<sup>519</sup> She had reported her concerns to the Principal when WN246 was driving a school vehicle and she smelled drink on his breath.<sup>520</sup> WN246 maintained that he would not have been driving had he been drunk but “*I am sure that I have driven it having had a drink*”.<sup>521</sup>
- 9.542 Peter Waggott worked with WN246 but was not aware that he had any issues with drink. He never saw him lose control and did not agree WN246 had a short fuse: “*He was known as a strict member of staff and he was a bit of stickler for the Merit Award System.*”<sup>522</sup>
- 9.543 Tom McKeon had had to reprimand WN246 when he saw him push a child against a wall. He sent the boy back to the classroom and then spoke to WN246. He took no disciplinary action, aside from warning WN246. As already referred to, Tom McKeon did not think that this amounted to gross misconduct.<sup>523</sup> He was aware of the drinking problems but this was not the cause of the accident with the school vehicle. WN246 had taken “avoiding action” at the time. He learnt of the incident sometime after it happened and then warned WN246.<sup>524</sup>
- 9.544 Mario Lundy issued WN246 with a formal reprimand in May 1993, for drinking before coming on duty.

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<sup>518</sup> Day 70/67

<sup>519</sup> Day 70

<sup>520</sup> WS000577

<sup>521</sup> Day 93/191

<sup>522</sup> Day 93/191

<sup>523</sup> Day 77/73

<sup>524</sup> Day 77/127

- 9.545 In 1997, WN109 wrote to Tom McKeon, as Director of Education, detailing WN246 coming to work having been drinking.<sup>525</sup>
- 9.546 In evidence to the Inquiry<sup>526</sup> Tom McKeon said that he sent WN246 home on two occasions when he had been drinking and undertook his duties himself. On the second occasion he told him that if there was a recurrence that he would seek dismissal. When asked whether sufficient steps were taken to protect the children he said: *“It could be argued that [WN246] should have been removed immediately ... my view was that he had many good qualities ... and was going through a difficult time in his life so needed to be supported as well as disciplined.”*
- 9.547 WN246 for a time worked with Kevin Mansell. In that time Kevin Mansell saw no evidence of WN246 working having been drinking. He told the Inquiry that WN246 was *“without doubt the strictest person on the staff but I cannot think of an example where he overstepped the mark ... he was very strict on the implementation of the rules which existed ... he was prepared to spend hours doing [the activity] with the young people which they really enjoyed”*. Kevin Mansell described WN246 as knowing exactly how far to go but then stop.<sup>527</sup>
- 9.548 **Finding:** We consider that failing properly to deal with WN246’s alcohol problem represented a significant failure of management. No-one caring for children who reports for duty, having been drinking, should be dealt with by way of a warning. Whatever sympathy there may have been for WN246, he should not have remained in post while his drinking was a problem. Any member of staff on duty under the influence of alcohol poses an unacceptable risk to the children in his or her care.

*WN110*

- 9.549 In his evidence to the Inquiry, WN110 gave the following responses to allegations made against him:

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<sup>525</sup> WD005976

<sup>526</sup> Day 77/79

<sup>527</sup> Day 80/11

- He could not remember pushing WN620 over the edge of a sofa<sup>528</sup> and could not remember an alleged incident when he pushed WN641 “clear over” a couch: “*It just would not have happened.*”<sup>529</sup>
- He could remember the incident in relation to WN627 in 2002. He had had to restrain him by using a bear hug and both ended up on the floor. He had not shouted at WN627: “*the sorts of students we deal with they have had lots of teachers shouting at them at previous schools and that does not really work and so I found shouting to be a waste of time*”. He had not kept WN627 in a headlock for an hour: “*I must’ve been very strong*”. Another staff member, WN655, witnessed the episode. “*There was no shouting. WN110 was using all the techniques in attempting to calm WN627 down*”. She went on to describe how WN110 did not use any “*inappropriate behaviour whatsoever*”.<sup>530</sup>
- WN110 remembered that restraint training was introduced when Les Chênes became Greenfields at which point the teaching staff were not involved in restraint. Complaints about the use of restraint, “*this would have been the care staff who would have been involved with this*”.<sup>531</sup>
- A child kept in isolation continually for two weeks: “*This would not happen*”. He could not recall anyone coming out of isolation appearing “*in any way to be physically injured*”.<sup>532</sup>

WN110 told the Inquiry that “*I do not think that I ever lost my temper*”. He did not remember kicking a person in the legs in a rugby game causing him to fall to the ground. He could not remember having punched a pupil in the head while he was playing goal keeper.

Another member of staff at Les Chênes remembers working alongside WN110 when they were trying to calm WN653 down. He remembers that WN110 “*took hold of WN653 and restrained him as he was screaming and shouting obscenities. I went ahead of WN110 and WN653 opening doors in order that WN110 could convey WN653 into secure. The manoeuvre lasted*

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<sup>528</sup> Day 72/12

<sup>529</sup> Day 72/16

<sup>530</sup> WD003961

<sup>531</sup> Day 72/23

<sup>532</sup> Day 72/225

*15 seconds in all. The next step would have been to inform Kevin Mansell or Peter Waggott of the incident and the ‘occurrence book’ would have been endorsed accordingly”.*<sup>533</sup>

#### WN544

9.550 In response to the allegations made against him, WN544 gave the following evidence to the SOJP in interview:

- The allegation that he punched WN630 was “*completely untrue*”. He never punched a student “*ever*”.<sup>534</sup>
- WN544 was alleged to have hit a resident’s head on a table and then “*dragged*” him to secure, hitting his head against the wall as he went. WN544 remembered taking the resident out of class but without any violence taking place. He took him to the Deputy Principal’s office to cool down. The account given by WN627 did not happen.
- He recalled having to restrain WN630 and WN73 to stop them escaping after they smashed a window using a pool ball wrapped in a sock and threatened the staff with table legs. He told the police who attended that the situation was “*very rare indeed*”.<sup>535</sup>
- WN544 was “*very conscious of the dangers in dealing with female children as a male member of staff and team leader*”. He denied the allegation that he watched WN698 and WN629 changing in their room and refused to leave when they asked him to do so. He had never been in that room without a female staff member present.<sup>536</sup>
- He denied that he ever stamped hard on the toes of one resident in the football yard, saying that this had never happened.

#### WN654

9.551 WN654 was employed as a part-time care worker at Les Chênes, working occasional shifts during the evenings and at weekends.

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<sup>533</sup> WD003980

<sup>534</sup> WD003986

<sup>535</sup> WD003986

<sup>536</sup> WD003972

- 9.552 Allegations of abuse were made against him in 2003 and subsequently similar allegations were made during Operation Rectangle. WN73 disclosed to WN687 in 2003 his concerns regarding the treatment of the children. The allegations against WN654 referred to striking a child on the head, grabbing/restraining another child by the testicles and restraining the same child, banging his head on the floor. There was a further allegation that WN654 exposed himself in the shower room.
- 9.553 WN687 reported the matter to Phil Dennett who in turn forwarded the complaints to the 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 offenders at Les Chênes"*.<sup>537</sup>
- 9.554 WN654 gave the following account when interviewed by the police:
- Regarding the alleged striking of a child in the head, he said that he was struck on the mouth by the child's elbow and tried to push the child away but believed he had caught the child on the bridge of the nose and forehead. He denied striking the child twice to the head or threatening to hurt him *"badly"*.
  - He denied restraining a child and banging his head on the floor when in the secure area.
  - He denied being deliberately naked in front of a child; he said he turned his back when a resident walked in so as not to expose himself.
  - Regarding the alleged grabbing of WN630's testicles he told the police that he decided to restrain WN630 to prevent him attacking another pupil: *"I tried talking to [the child] to come back into secure, he swore profusely at me and then it was a case of how do we get this guy back into secure before an incident of violence happens, so I made a decision there and then. I got hold of [the child's] hand, his right hand. Pulled his right hand down put my left hand between his legs from the back got hold of [the child's] hand and surprised him by pulling him downwards so [he] was now bent double with me holding his hand behind him, saying come on ... back in into secure,*

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<sup>537</sup> WD005740/3

*let's go. He was swearing profusely at me and calling me a queer because I had pressure on his testicles however I did explain to him there and then that if he bent forward it was not my hand on his testicles it was his own arm. So if he bent forwards and walked forward we'll go back into secure and everything will be fine, if you stand up it will put more pressure on you and we do not want that so come on lets just go into secure".* WN654 said that he did not record the incident in the log at the time because *"it did not merit it, it was not in my opinion a major incident up until now"*.

9.555 Another care worker witnessed the incident and told the police that having been trained in restraint what he saw WN654 doing was not a legitimate restraint technique. WN776, a full-time care worker, witnessed WN654 grab WN630 by the testicles and told him to put the child down immediately. The incident, it appears, was not recorded.

9.556 In 2003, DC Brian Carter carried out a police investigation into complaints by residents about the use of restraint by staff, including the episode between WN654 and WN630 (see Chapter 10). He prepared a 15-page report.<sup>538</sup> No prosecutions followed. The investigation prompted a memo from DS Beghin to DI Bonney in which reference is made to procedural problems "within Les Chênes" to be addressed with Phil Dennett.<sup>539</sup> Phil Dennett was invited to comment about the police memo and what his involvement was. He told the inquiry that the reference to him was mistaken as the HSSD had yet to take over the running of Les Chênes at this date. Had it been his remit he told the inquiry: *"If a member of staff for whom I had responsibility had acted in the manner described I believe I would have instigated an internal investigation to establish whether disciplinary action was necessary."*<sup>540</sup> There was no evidence before the Inquiry as to what action was taken, if any, by the Education Committee, WN654's employer.

9.557 **Finding:** The episode between WN630 and WN654 was a serious incident in which, on one view, the use of restraint had been allowed to go beyond

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<sup>538</sup> WD008662/417

<sup>539</sup> WD008662/433

<sup>540</sup> Day 134/24



what was reasonable. We find that there should have been an internal investigation carried out by the Education Department. In the absence of any evidence of such an investigation, we conclude that one did not take place. The Department must have known or at the very least should have known about the police involvement. By 2003, such an internal investigation would have followed recognised procedure and practice. We view this as a serious failing. WN654's actions were never subject to internal review.

### **Aviemore**

- 9.558 In May 2003, allegations were made about a residential CCO's care of children at Aviemore, including allegations about physical chastisement. A disciplinary meeting was convened by Danny Wherry,<sup>541</sup> who wrote a report into the allegations that was passed to senior management. The allegations included allowing a child with severe learning difficulties to walk without shoes for a mile; shutting a child outside for refusing to eat dinner; and slapping of a child on the thigh. The report, written in June 2003,<sup>542</sup> concluded that the member of staff disregarded the personal safety of children and staff and suggested that the matter be dealt with under the gross misconduct procedure. It was noted that staff had all expressed anxiety about whistleblowing.
- 9.559 No finding is made about this case, because we do not have documents relating to the final action taken in this case.
- 9.560 In 2002, allegations were made by a former resident at Aviemore, WN4, that he had been sexually assaulted in the 1990s by WN518, a former member of staff there. A substantial investigation was completed by the SOJP and a decision was made that there was insufficient evidence to prosecute.<sup>543</sup> At this time, WN518 was working for Social Security, although the allegations related to a time during which he was employed by the HSSD. The employment situation was considered and a letter (dated October 2004) from Inspector Bonjour of the SOJP stated that "*I am able to say from my*

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<sup>541</sup> WD009350

<sup>542</sup> WD009343

<sup>543</sup> WD004825

*knowledge gained during my review of this matter that there are no other circumstances I am aware of that give me cause for concern”.*<sup>544</sup>

- 9.561 The allegations were reviewed during Operation Rectangle in 2008, following concerns raised by WN4’s parents, although no new evidence was provided. A decision was again made not to proceed and no action was taken in respect of his employment at this stage.
- 9.562 In 2013, allegations were raised by another former resident of Aviemore about WN518. A timeline regarding the concerns raised about WN518 was produced while the investigation was ongoing.<sup>545</sup> In June 2013, WN518 was arrested and the allegations put to him, which he denied. A meeting was held in July 2013 about these concerns under the SOJP/States of Jersey “Memorandum of Understanding” (MOU), in which it was noted<sup>546</sup> that he had access to vulnerable adults during the course of his employment and that this was a serious allegation. It was concluded that in light of the seriousness of the allegation, WN518 should be suspended.
- 9.563 A subsequent meeting was held in October 2013,<sup>547</sup> in which it was noted that there was insufficient evidence to proceed against WN518, however a public interest disclosure had been made. It was noted that there was no evidence of the complaint being malicious, nor that there had been collusion between the complainants, whose time at Aviemore did not overlap. A decision was taken approximately a week later to lift WN518’s suspension.<sup>548</sup>
- 9.564 **Finding:** In our view, the response of the HSSD to both allegations made against WN518 was adequate. Both disclosures of abuse led to investigations by the SOJP, and on both occasions the Department considered the employment position of WN518 and whether there were any risks. This was in accordance with the policy and procedure of the day.

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<sup>544</sup> WD008597

<sup>545</sup> WD009200

<sup>546</sup> WD008597

<sup>547</sup> WD008595

<sup>548</sup> WD008596

## Response to allegations against CCOs

9.565 Allegations of abuse, and failure to respond to abuse by CCOs, have, for the most part, been dealt with elsewhere in the Report, with the exception of the following:

### Richard Davenport

9.566 Linda MacLennan, in her statement to the police in 2008,<sup>549</sup> recalled that when she first started as a CCO (approximately 1983), she was approached by a former resident at HDLG. WN213 told her that Richard Davenport sexually assaulted her when she was at the Home. Linda MacLennan knew that she had to report this disclosure “ ... *So I followed procedure and prepared a written report about what WN213 had told me*”. She submitted the report to Ann Herod, her SCCO, who told her that it would be dealt with. Linda MacLennan received no feedback. “*Richard Davenport was still working as a Child Care Officer when I left Jersey (in about 2003)*”. Although there is reference by Linda MacLennan to following procedure, the procedure that was laid down is not set out in the report.

9.567 The SOJP subsequently followed up Linda MacLennan’s account. Richard Davenport’s personnel file contained no reference to Ms MacLennan’s written report. The police report<sup>550</sup> details further allegations made against Richard Davenport, concluding: “*There is no record of any kind of complaint or discipline record on Davenport’s file.*”

9.568 In 2009, a seven-page police report was compiled bringing together, in one document, allegations made by children in care that Richard Davenport had failed to act on complaints that they made to him about being abused.

9.569 Richard Davenport provided a statement to the police in 2009, relating to the allegation that WN167 disclosed to him sexual assault by WN743 while in foster care. She maintained that Richard Davenport, her CCO at the time, told her that she was to put that time behind her and he would ensure that

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<sup>549</sup> WD005449

<sup>550</sup> WD006872

the family would not foster any more children. Richard Davenport denied that this ever happened: *"I would have been outraged at such an allegation, recorded it in detail ... And it would have gone through the system to the line manager"*. He said: *"My conscience is clear professionally."*<sup>551</sup>

## WN7

9.570 In 2001, an allegation was made by a mother that WN7 aggressively manhandled her son, who was the subject of a care order. A three-page report was prepared, detailing the investigation carried out by Sarah Brace, a Children's Services Team Manager. The report concluded that the allegation had little foundation and that no further action was required. The mother was told of the outcome and advised that if she wanted to take it further she should put her concerns in writing to Phil Dennett.<sup>552</sup>

9.571 In 2003, PS Barrot prepared a report for the FPT. It detailed an account of a child taken to La Preference in a police car and refusing to get out of the car. WN7's assistance was sought and he is described as arriving on the scene and proceeding to *"drag [the child] out of the car by her arm. This caused her great distress ... "*. WN7 provided a detailed response.<sup>553</sup> He said that he told her *"in a directive manner that she was to get out of the car ... She was unable to do so due to still having a seatbelt on. She leant back and undid her seatbelt and then slid along the seat. I did not 'drag' her. The first physical contact I had with her was as she was going to the ground on exiting the car. I held onto her arm stating words to the effect 'Stand-up' ... It became obvious that she was 'going to ground' and therefore I let her go"*.<sup>554</sup>

## Hal Coomer

9.572 Hal Coomer was a CCO from 1975 until 1990. WN341 alleged that he told Hal Coomer that he had been sexually abused. Another complainant, WN132, said that Hal Coomer arranged a video interview after WN132 alleged that he had been abused in a ward at the general hospital. When

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<sup>551</sup> WD006859

<sup>552</sup> WD006837

<sup>553</sup> WD006840

<sup>554</sup> WD006840

asked about these two complaints in 2008, Hal Coomer told the police that he could not remember WN132 or WN341. If such allegations had been made, he said that he would have done something about them.<sup>555</sup> In a later statement he did recall both individuals but still denied the allegations.<sup>556</sup>

### WN766

9.573 WN766 was a CCO from 1982 until 2002. In April 1988, following a visit by him to a family home, a six-year-old child made an allegation that he indecently assaulted her. The allegation was reported to the SOJP by the child's mother. A police investigation included an interview with the six-year-old and her brother. The police report, completed nine days after the complaint, concluded that the assault had not occurred and that "*there should be no slur on the character of [WN766]*".<sup>557</sup>

9.574 The Children's Section received the police report a week later, and Anton Skinner wrote to DCI Le Brocq:

*"As we agreed, the allegation and the problems encountered during the investigation highlighted the need to equip officers from both agencies with the specialist skills necessary to cope with this sensitive and complex area of our work ... I would hope we could set up a local training course ... within the near future ... I look forward to a new chapter of expertise and co-operative progress in this challenging area of work."*<sup>558</sup>

9.575 A review five years later, by SCCO Ann Herrod, highlighted that WN766, at the time of the investigation, felt that "*he did not receive adequate support or counselling*" and noted that "*the after-effects of the allegations need further discussion and they are inhibiting progress*".<sup>559</sup>

9.576 **Findings:** With regard to the Department's response to allegations of abuse against CCOs, we note that such allegations were generally investigated, by the SOJP where necessary. There is a lack of clarity regarding the allegations about Richard Davenport: the evidence of Linda MacLennan was

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<sup>555</sup> WD006863

<sup>556</sup> WD006862

<sup>557</sup> WD006827

<sup>558</sup> WD006827

<sup>559</sup> WD006824

that she prepared a written report regarding an allegation of sexual assault in the 1980s, but no such report has been seen by the Inquiry.

## **Fostering services**

### 1950s

9.577 Winifred Lockhart disclosed alleged physical abuse and neglect from her foster mother, WN961, to a visitor from the “Social Welfare Department”. According to Winifred Lockhart, this resulted in WN961 stopping the physical chastisement but she carried on depriving her of drinks. Winifred Lockhart was eventually moved from her foster home when she was sent to school with chickenpox and the headmaster intervened.<sup>560</sup> This is confirmed by contemporaneous records.<sup>561</sup> She was sent to the JHFG under the Poor Law provisions.<sup>562</sup>

9.578 **Finding:** The relevant Department did respond to a report of physical abuse and neglect in foster care in the 1950s – in the case of Winifred Lockhart, action was taken by a visitor and she was eventually removed from the Home.

9.579 WN964 and WN963 were fostered by WN965 and WN962. WN964 said that she was a “*slave*” for her foster parents, getting up early every morning to work before school. Both she and her sister were regularly beaten by WN962 with a belt, brush or stick. She said that the school, neighbours and the Parish Constable knew what was happening as both girls told people how the bruises had been caused. Nothing was done about it. In 2008, WN964 told the police that WN962 would keep the girls under lock and key and would tie them to a chair when she went out. She said that WN965 used these occasions to offer them money to touch their breasts. They were never forced to do anything to him.<sup>563</sup> In 2008, WN963 confirmed the alleged

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<sup>560</sup> Day 11/36

<sup>561</sup> WD000010/5

<sup>562</sup> Day 11/38

<sup>563</sup> WD006594

abuse to the police and indicated that the Constable of St Helier knew of the alleged abuse.<sup>564</sup>

- 9.580 Michael Laing was fostered by Nancy Elson and in evidence to the Inquiry, made allegations of physical abuse during his time there. He also alleged that WN969, Nancy Elson's son, sexually abused him while he was living in the foster home.<sup>565</sup> Michael Laing did not report the alleged abuse by Nancy Elson and WN969 because he tried to "*block out*" the abuse.
- 9.581 Nancy Elson gave a statement to the Inquiry in September 2014,<sup>566</sup> but has since passed away. She said that she treated Michael in the same way as her own son – she would slap them on the hand or back of the legs if they were in the wrong. She considered there was a difference between slapping and hitting and does not recall hitting Michael. She would never embarrass the children by complaining or grumbling about them in front of others. She denied that Michael was beaten two or three times a week and thought it was much less frequent than that. She could remember beating Michael for helping an old lady carry firewood upstairs, or beating him with a spoon. She also denied having gagged Michael while he was being beaten.
- 9.582 WN341 was resident at HDLG in the 1960s – at the weekends, he stayed with foster parents along with his brother. WN341 alleged physical and sexual abuse against both of them. WN341 said that he told a number of people about the abuse at the time. Jim Thomson would not listen. He told the Head of Children's Services who "*did not want to know*". He told a CCO called [Hal] Coomer and Patricia Thornton who he said knew the couple well. He also told Ms Bygraves "*who was lovely when I told her and she said she was going to help me*".<sup>567</sup> He was eventually stopped from staying with his foster parents. There are no contemporaneous records of any disclosures or response.
- 9.583 WN174 was fostered by WN483 as a single parent from 1958 to 1967. He alleged physical abuse and neglect. Someone contacted the authorities and

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<sup>564</sup> WD006595

<sup>565</sup> Day 9/89

<sup>566</sup> WS000533

<sup>567</sup> WS000242/6

he was moved to HDLG. The alleged abuse is documented in the contemporaneous records. One record described WN483's "*strange ideas about bringing up children*", suggesting that Children's Services were aware of the physical abuse of WN174. Another record indicates that notwithstanding reports of being tied to a banister, having his head held underwater and being thrashed with a stick, he showed a surprising amount of affection towards WN483.<sup>568</sup> At the time WN483 cared for WN174, she was looking after a total of eight children. In a case conference in 1967, Colin Tilbrook expressed concern about the situation in WN483's foster home, given that so many of the children were getting into trouble.<sup>569</sup>

9.584 A note from Colin Tilbrook in July 1969<sup>570</sup> said that returning WN174 to the care of WN483 would be "*a regression and would be absolutely wrong for him*". Nonetheless WN174 decided he wanted to live with WN483 again and returned to her care in October 1970.<sup>571</sup> There is no record of any formal action in response to the allegations made against WN483 by WN174. There is no record of the allegations being put to her.

9.585 **Finding:** In the 1960s, according to the accounts of witnesses and the small amount of contemporaneous records, some action was taken in response to allegations of abuse by children in foster care. Both WN341 and WN174 were removed from their foster parents after disclosing abuse. However, the response of the Department to return WN174 to his foster mother, despite significant allegations of physical abuse, was inadequate according to the standards of the time. We agree with Colin Tilbrook's expressed view at the time – it was "*absolutely wrong*", despite WN174's own wish to return.

#### Death of a child in private foster care

9.586 In December 1978, a year-old child who was being privately fostered died in hospital after being shaken by his foster mother, Mrs Le Moignan, who was sentenced to four years in prison for manslaughter.<sup>572</sup> In July 1979, a report

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<sup>568</sup> Day 35/34

<sup>569</sup> WD001271/112

<sup>570</sup> WD001264

<sup>571</sup> WD001257

<sup>572</sup> WD006510/9



into the death of the child was produced by the Director of Education (then John Rodhouse) and the Medical Officer of Health (MOH), which was published in full by the JEP. When he was asked about this report in his evidence to the Inquiry John Rodhouse could remember very little save that the report was commissioned by the Presidents of the Health and Education Committees, and that the case and report attracted a good deal of press attention at the time.<sup>573</sup> The narrative that we have gleaned about this case is largely based on the findings of the report.<sup>574</sup>

- 9.587 The child had been privately fostered in April 1978 along with his sister, initially without the Education Committee being informed, despite the legal requirement to do so. By September 1978, the Children's Office became aware of the placement and of the fact that neighbours had complained about the treatment of the children.
- 9.588 In discussions between David Castledine (the CCO) and the Health Visitor, arrangements had been made for close supervision. This amounted to a visit by David Castledine every three weeks (although in fact he visited more), set against the usual pattern of visiting a child in private foster care once every three or four months.
- 9.589 A chronology records complaints about the care of the children being made on 19 September 1978, 13 October 1978, 24 October 1978 and 3 November 1978. David Castledine and the Health Visitor were fully aware of police investigations carried out the previous year into bruises sustained by a girl who had been privately fostered by the same couple.
- 9.590 Although David Castledine had ready access to and consulted Anton Skinner, SCCO at the time, about the case, no analytical review was done to establish the options open to the Children's Service and it was assumed that nothing could be done unless there was positive and incontrovertible evidence of ill treatment.

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<sup>573</sup> Day 95/197

<sup>574</sup> WD006509

- 9.591 The report concluded that “if the Children's Office-had held wider powers to prohibit fostering by ‘unsuitable’ people”; and “*if there had been in the Island an effective body with power to co-ordinate and direct the actions of all the various agencies that exist to protect children at risk; then it could have been possible to remove the [ ] children from Mrs Le Moignan's care before the tragedy occurred*”.
- 9.592 A recommendation was made that a Children’s Review Committee be established to deal specifically with allegations of non-accidental injury before they reached the point of police investigation. Another recommendation was that no distinction be made in the supervision of foster children in the care of the Education Committee and those in private foster care.
- 9.593 The report concluded that David Castledine (and the Health Visitor) did all that they could and more than could be reasonably expected.
- 9.594 In evidence to the Inquiry about the case, David Castledine said<sup>575</sup> that a weakness in the 1969 Law was that Children’s Services were not aware of all of the private fostering going on in Jersey – in this case it was only discovered by the Health Visitor, who brought him in as CCO to the children. He said that the obligation to visit private foster homes was quite limited and was not a priority for CCOs given their caseload, although he acknowledged that perhaps it should have been and said that they changed their policies thereafter.
- 9.595 David Castledine said that they were aware of rumours about the care provided by the foster parents, including concern raised by a teacher, but nothing substantial emerged and there were no bruises etc. They had nothing to act on and the only power of intervention was an increased level of contact: the children were visited 17 times in three months.
- 9.596 In response to the part of the evidence which referred to physical mistreatment of the children,<sup>576</sup> David Castledine stated that his

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<sup>575</sup> WS000609 and Day 85/67

<sup>576</sup> WD006760/152

understanding was that there was one anonymous phone call. He was also aware that the foster parents had previously fostered and the police had been involved in investigating complaints about bruises sustained, but nothing was found.

- 9.597 David Castledine said that following the death of the child, changes were made to ensure that private foster arrangements were reported to Children's Service. He said that the recommendation of setting up a Children's Review Committee was not adopted, although he thinks that the Director of Education, the CS-C and the Children's Office requested amendments to the *1969 Law*.
- 9.598 He did not think that the recommendation about not distinguishing between boarded-out children and private foster children in terms of supervision ever came into fruition, and the registration process for the former continued to be more thorough. He also could not recall a body being set up to co-ordinate and direct the actions of all of the various agencies on the island.
- 9.599 **Findings:** The response to complaints made about the care of the young child being privately fostered by Mrs Le Moignan was adequate. There was multi-agency involvement and an increased level of contact following the complaints. A subsequent report concluded that David Castledine and the Health Visitor did all that they could and more.
- 9.600 However, there were some failings at a higher level. There was an erroneous assumption that nothing could be done about the complaints unless there was positive and incontrovertible evidence of ill treatment, and there was no high-level analytical review.
- 9.601 The distinction at that time between the supervision of children in private foster care and those who had been boarded out was problematic. The failure to correct this distinction following a recommendation to do so was an inadequate response. Compounding that failure, as noted above, in 1979, Charles Smith is recorded as commenting in the press that the Children's Department have a "*minimal role to play*" in private fostering and simply had to ensure that "*physical standards*" were satisfactory, with none of the

*“stringent procedure”* that was in place for those boarded out.<sup>577</sup> Their duty under the 1969 Law was to *“satisfy themselves as to the well-being of the children”*.

9.602 The initial response to the death of the child was adequate: a comprehensive report was prepared by the Director of Education and the MOH to investigate what had happened and make recommendations for the future.

9.603 However, the response to this report was inadequate and few lessons appear to have been learned. This would have been an ideal opportunity to introduce a “Children’s Review Committee” that would have been able to address allegations of non-accidental injury before they reached the point of police investigation. This would have put Jersey in an excellent position to respond to allegations of abuse over the next decade and more. The failure to establish such a Committee at the time was a lost opportunity.

#### WN99

9.604 WN99 was fostered in the early 1980s. He alleged abuse at HDLG but said that the foster family was not much better as he was forced to work for them despite the fact that he attended school. On one occasion, after a beating from the foster father, he said that he ran away to his mother’s house. She called the CCO Richard Davenport. According to WN99, he was sent straight back to the foster home without the complaints having been taken seriously.<sup>578</sup> There are no contemporaneous records of this report.

#### WN803

9.605 WN803 made allegations of physical and sexual abuse against her foster father<sup>579</sup> who became her adoptive father in 1981.<sup>580</sup> The allegations are supported by her sister WN901. WN803 described making a video recorded statement at Children’s Services at some point after the age of 11 (i.e. after 1988). Her foster mother took both girls to Children’s Services, but WN803

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<sup>577</sup> WD004611

<sup>578</sup> Day 45/67

<sup>579</sup> WS000689

<sup>580</sup> WS000705

does not recall what, if any, action was taken.<sup>581</sup> WN901, her sister, made the same allegations against the foster/adoptive father. She recalled the police being called after he beat her when she was seven years old. She said that she and her sister were taken to their uncle's house.<sup>582</sup> WN901 said:

*"I feel that my fostering and subsequent adoption was neglectful on the basis that [the foster father] had a known alcohol problem. I feel he was allowed to adopt us because he was a policeman and because of this, proper checks were never completed."*

9.606 WN803 made a written submission to the Inquiry:

*" ... when you're adopted ... you already feel like you're not good enough, when you're given to new parents, you expect them to be vetted and you expect to have reports of abuse followed up".<sup>583</sup>*

9.607 There are no contemporaneous records of the statement made by WN803 to Children's Services.

9.608 **Finding:** If WN803 made a statement to Children's Services in the late 1980s/early 1990s and this was not acted upon, that is to be deprecated. However, in the absence of contemporaneous records of such a disclosure (particularly when other disclosures of that time are recorded), we cannot come to a finding on this matter.

### WN857

9.609 As discussed in Chapter 10, in 1991, a 13-year-old girl disclosed that she had been indecently assaulted by her foster father WN857, leading to an investigation by the SOJP and a decision not to prosecute.

9.610 A report was subsequently written about the case in August 1991 by Marnie Baudains, which noted the breakdown of the placement and the fact that the complainant's family's representative had been told about the allegations.<sup>584</sup>

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<sup>581</sup> WS000689/2

<sup>582</sup> WS000705/2

<sup>583</sup> WS000689/2

<sup>584</sup> WD008600

9.611 **Finding:** The response of the Education Department to allegations of sexual abuse made against WN857 was adequate. The foster parents' registration was removed, the disclosure was passed to the SOJP for investigation, and a follow-up report was written after the decision not to prosecute.

WN858 and WN859

9.612 In 1994, allegations of physical abuse were made against WN858 and WN859, the foster parents of a two-year-old child. The multi-agency response, involving an investigation by Children's Services and the SOJP, with the input of Dr Henry Spratt, is set out in Chapter 10 (paragraph 10.90).

9.613 **Findings:** The Education Department's response to allegations of physical abuse against WN858 and WN859 was mixed. The fact that the child and another foster child were removed from the foster parents at an early stage in the investigation suggest a procedure that put the immediate interests of the child first. The removal of the foster parents' registration following the investigation was also appropriate, as was the debriefing session carried out which included lessons to be learned.

9.614 We note that a multi-agency approach was taken to the investigation of this case, with Children's Services initially investigating to see whether there were any concerns about non-accidental injuries, and then requesting the involvement of the police once such concerns were established. However, the SOJP later noted that in the absence of "*immediate and full liaison between the Children's Service and the police*", the inquiry had been made more difficult and had taken longer.

9.615 Further, we find that there were failings on the part of Children's Services in their response to this case:

- Initial concerns about bruises, raised by the child's mothers, were dispelled on the basis of the bond between child and foster mother – this was not an adequate response.
- The CCO described the foster parents as having provided "*excellent care*" through the placement, despite having to speak to them about physical punishment of the child and despite this incident. This description was

inappropriate given the injuries inflicted by the foster parents, which were known to the CCO.

- It was not appropriate for the Child Protection Case Conference to make a recommendation that the foster parents should not be prosecuted. This was not part of their role and may have unreasonably influenced the decision about whether to prosecute this case.

#### WN860 and WN861

9.616 Later the same year, allegations of physical abuse were reported against WN860 and WN861, following injuries identified in a 19-month-old girl who was being fostered by them. The investigations carried out by the SOJP and by Children's Services' CPT<sup>585</sup> are discussed in Chapter 10 (paragraph 10.102).

9.617 **Finding:** The initial response of the Education Department to the allegations of physical abuse against WN860 and WN862 was adequate. A multi-agency investigation was carried out, in which the CPT produced a report, which included consultation with paediatricians, concluding that injuries appeared consistent with having been carried out inadvertently by their young child. However, no Child Protection Conference was held to ensure that measures were in place to protect the child, which we consider to have been inadequate according to the standards of the time.

#### WN862

9.618 As discussed in Chapter 10 (paragraph 10.107), concerns were raised on various occasions from 1995 onwards that WN863, a registered foster parent, had committed sexual offences against his previous foster daughter, WN974. Several of these disclosures were made to those working within the HSSD.

9.619 **Findings:** In our view, on numerous occasions, the HSSD failed to respond adequately to concerns raised about sexual abuse perpetrated by a registered foster parent, WN862:

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<sup>585</sup> See report at WD006617

- In 1995, a disclosure of sexual abuse from a relative led to a report from the CCO. This concluded that there were no grounds to investigate further, partly on the basis of a denial from the alleged victim, as well as positive reports about the foster parents over the years. This was an inadequate response.
- Disclosures in 1997 and 1998 from WN964, the alleged victim, led to a case conference being held and a multi-agency response. This initial response was adequate. The investigation led to a confirmed disclosure from WN964, but she said she didn't want to make a formal complaint. The file was sent back to Children's Services, but no action appears to have been taken. WN862 remained as a registered foster parent, with no further action taken. This was inadequate.
- Further disclosures were made in 1999, in February 2000 and in October 2000 – however no action was taken to remove WN862 as a foster parent. In 2001, Tony Le Sueur "*expressed criticism of previous investigations*" and recorded his decision not to place any further children with WN862. He noted that once the children currently in their care came "of age" in 2003, they would be deregistered as foster parents. During a strategy meeting in 2005, it was noted that the allegations had never been investigated by Children's Services. We are concerned that although this showed the Department finally grappling with the issue, they were sufficiently concerned about the allegations to deregister the foster parents, but not to remove the children in their care at the time for over a year. We consider that the response continued to be inadequate.
- An adequate investigation was carried out in 2005/2006, involving Children's Services and the SOJP. By this point, WN862 was no longer a registered foster parent and the main issue from the perspective of Children's Services was the protection of WN964's own children, who had ongoing contact with WN862. The investigation was hampered by the refusal of WN974 to co-operate, but included the identification of others who had been fostered by WN862.



WN812 and WN813 – allegations about their son, WN884

- 9.620 Chapter 10 sets out the response of Children’s Services, as well as the SOJP, to allegations of abuse made by children in foster care against the son of their foster parents, WN884.
- 9.621 WN812, the foster mother, told the Inquiry<sup>586</sup> that she had initially thought that the allegations were untrue. She complained that Children’s Services did not provide support when they needed it most, during the investigation. She said that she and WN813 made the decision that they could not continue to be foster parents and ripped her licence into pieces, although they did continue to look after one girl in a private arrangement. She acknowledged that this was at the same time as they were told by Children’s Services that they were going to be de-registered.
- 9.622 **Findings:** In our view, the response of the HSSD to these allegations was adequate. The response to the disclosures was swift, and involved strategy meetings with the SOJP, suspension of the foster parents, alternative placements of the children in their care, and an investigation into the files of all children who had been fostered by WN812 and WN813. Following the SOJP investigation, the foster parents were deregistered because of the risks posed by their son.

A private foster father (2003)

- 9.623 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. The fostering was a private arrangement between the two families which was supported by Children’s Services, who had conducted a private foster assessment, along with carrying out police checks and taking a reference from a family friend. The disclosure was passed to the SOJP FPT.<sup>587</sup> Following an admission by the foster father, in December 2003, the foster father was convicted of one count of indecent assault and sentenced to two

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<sup>586</sup> WS000681/78, 13, 14

<sup>587</sup> WD006628

and a half years' imprisonment.<sup>588</sup> His name is not given, in order to protect the identity of the victim.

9.624 A "recommendation to close" document was completed in February 2004,<sup>589</sup> which noted that in advance of the placement an initial private fostering assessment had been completed, along with application forms, references, police check and home visits. It was further noted that the foster father should "*clearly not be able to care for any other young person in the future. A warning should be placed on the 'softbox' programme regarding his schedule one status*".

9.625 **Finding:** The response of the HSSD to this disclosure of abuse was adequate. The matter was passed to the SOJP, and an investigation led to successful prosecution. Following this, Children's Services ensured that their system reflected that the perpetrator should not be able to care for other young people in the future.

#### WN865

9.626 As noted in Chapter 10 (paragraph 10.157), a disclosure of indecent assault by a 14-year-old in foster care led to the conviction of her foster mother's fiancé for indecent assault. Consequently, the Fostering Panel considered the continued placement of the child.

9.627 **Finding:** On the basis of the limited evidence, the response of the HSSD to this case was adequate. Although the foster mother was not implicated in the allegations, a detailed report was produced about her continued suitability, taking into account past concerns about relationships and what the situation would be in the immediate future. We consider that this was appropriate in the circumstances.

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<sup>588</sup> WD006627

<sup>589</sup> WD009199