

### **3.3 Deputy M.R. Higgins of St. Helier of the Chief Minister regarding the legal costs of the Historic Child Abuse Redress Scheme:**

Will the Chief Minister detail how much money to date Mourant Ozannes have been paid for handling the Historic Child Abuse Redress Scheme and how much in total to date has been paid out to abuse victims?

**Senator I.J. Gorst (The Chief Minister):**

The Historic Child Abuse Redress Scheme is progressing well. It is my intention to provide Members with all the expenditure details at the conclusion of the scheme. The scheme is ongoing and figures released now would be unrepresentative of the scheme as a whole.

#### **3.3.1 Deputy M.R. Higgins:**

Obviously the Chief Minister does not want to tell us because the fees going to Mourant Ozannes are well in excess of what abuse victims are getting and there is no doubt at the end of this scheme the only winners, and I do not really like to talk about winners and losers, but the people who are going to be rewarded the most are going to be Mourant Ozannes and the other lawyers involved in this case. The abuse victims are being paid a pittance. Does the Chief Minister not agree?

**Senator I.J. Gorst:**

I do not agree with the last statement but the Deputy is quite right. Ministers recognised at the start of this scheme that the bands and the amounts payable to victims were consulted upon and expert advice was received from U.K. (United Kingdom) Q.C.s (Queen's Counsel) but Ministers were always aware that there would be a requirement for independent lawyers to administer the scheme on behalf of government, that is Mourant Ozannes, and as the Deputy knows, legal fees in Jersey are adequate to say the least. The scheme also allows for the payment of the legal fees for those legal advisers to the individual claimants.

#### **3.3.2 Deputy T.M. Pitman of St. Helier:**

Just to echo the previous point, would it not be a great opportunity for the Chief Minister to send a message by appealing to the legal firm to work for free? Would that not send a good message that these people are really important and Jersey takes its responsibilities seriously? Does the Chief Minister not agree? A great chance for the legal industry to not be accused of just being a moneymaking gravy train.

**Senator I.J. Gorst:**

I would not agree with that either. I am extremely grateful for the work that Mourant Ozannes and the partners and lawyers involved in administering the scheme have done on our behalf. They have a very difficult task, they have to act impartially, and we should not underestimate what that means to them and I believe, and I have said it publicly before, that we should be grateful to them for undertaking this work. Of course, we should pay their fees as we will be paying the fees of the legal advice to the individual claimants. It is right that they take legal advice and have help themselves with regard to their claims.

#### **3.3.3 Deputy M. Tadier:**

Will the Chief Minister explain what other experts, for example, psychiatrists who may be called upon to provide background reports are being called on as part of the redress scheme and whether those costs will be included in the final report?

**Senator I.J. Gorst:**

That is absolutely right. The costs of the scheme will be disclosed. They will be broken down obviously into legal fees and other costs incurred in the scheme. Be in no doubt that the Council

of Ministers are well aware that this scheme will cost millions of pounds but we still believe it is the right thing to do.

#### **3.3.4 Deputy M. Tadier:**

Does the Chief Minister anticipate at this point that the legal and professional fees will far exceed the amount of compensation being paid out to those victims under the scheme?

#### **Senator I.J. Gorst:**

It is difficult to say that they will far exceed but do not forget that for each claimant there will be the legal fees of the lawyers administering the scheme on behalf of Government and also the legal fees of the individual advice. We do not know exactly what that relationship will be. We will be aware of it once the scheme is completed and that is made public but one may suggest, from looking at these simple numbers, it might be 2 to one but it is too early to say.

#### **3.3.5 Deputy M.R. Higgins:**

Did the Chief Minister negotiate with Mourant Ozannes the contract and did he cap their fees and also is he prepared to publish the interactions given to Mourant Ozannes in handling the claims?

#### **Senator I.J. Gorst:**

The Deputy asks me a question to which I do not have the information to hand. Of course fees were negotiated, as you would expect, but I do not have a copy of any written instructions in front of me because I am not sure that is quite how the scheme came into being so I would have to inquire further. I am not sure it is quite that straightforward.

#### **3.3.6 Deputy M.R. Higgins:**

Could the Chief Minister say whether he capped the level of fees? When he negotiated them, did he put an upper limit as to what Mourant Ozannes could get?

#### **Senator I.J. Gorst:**

It is a number of months since this work was undertaken, in actual fact by the previous Council of Ministers. They were the ones that instructed Mourant Ozannes to administer the scheme. I do not recall that there was a cap but, as I say, it is a number of months ago.