

### **3.3 Deputy M.R. Higgins of the Chief Minister regarding the compensation scheme for Historic Child Abuse victims and the number of claims settled, disputed, rejected and pending:**

Will the Chief Minister update Members on the compensation scheme for Historic Child Abuse Victims and in particular the numbers of claims settled, disputed, rejected and pending, the number of claimants undergoing additional psychiatric or other assessments and the progress in extending the scheme to those in foster care?

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

I understand in my absence the questioner was discourteous towards my Assistant Minister. I can assure the House that my Assistant Minister is fully briefed and completely capable of answering any questions which might be sent to the department. If I may now start the answer, 131 claims have been received. Of those 84 claims, 64 per cent have agreed a settlement. 47 cases are still being considered. No claims have been rejected and no claimants have disputed the settlement offered to them. No one has asked for their offer to be reviewed. 61 claimants - that is 46 per cent - have had or have agreed to have a report from a scheme psychiatrist. A paper will be taken to the Council of Ministers in the New Year detailing the options for foster care.

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

Of the people who have gone for psychiatric assessment, how many have had to see more than one psychiatrist?

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

There are currently 2 claimants that have agreed following consultation, as I understand it, with their legal adviser to undergo a second form of assessment with regard to psychiatric report.

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

The Chief Minister said that no claims had been rejected. Could he enlighten the Assembly as to my information that at least one individual was being pressured to withdraw his application or he would be prosecuted? This is an individual who made statements to the police in the 1980s, but they conveniently disappeared. Is the Minister quite confident of his statement?

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

I am confident of the information that I have been given by the lawyers administering the scheme on our behalf. If there are particular circumstances that the Deputy has been approached about from those who might claim then of course he can either contact me or contact the scheme's lawyers or the individual claimant's lawyers to consider that with them. But, I am not aware of the information, as I do not believe you would expect me to be, around individual claimants.

#### **3.3.3 Deputy M. Tadier of St. Brelade:**

Will the Chief Minister confirm whether he is aware that some of the victims have been advised that if they did not accept the compensation given to them, which they may have thought was a paltry sum, that they would have to pay their own legal fees? Does the Chief Minister think that kind of ultimatum is appropriate?

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

As I said, I am not aware of individual cases in that regard. We should remember the reason that the Council of Ministers set up this scheme in the first place was so that claimants did not have to go through a lengthy and often difficult court process, notwithstanding the fact that many of those claims would be out of time. Therefore, the Council of Ministers came up with this particular scheme, which is far easier. It does not incur the costs associated with going to court and is more helpful in giving compensation than perhaps would have been claims taken through the court.

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

If it turns out to be correct, which I believe is the case, that some individuals have been told: “Accept this otherwise you will have to pay your own legal fees, i.e. the work that I have done for you as a lawyer”, is that acceptable in the Chief Minister’s opinion?

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

Once again I am being asked to give an opinion with regard to what lawyers are telling claimants. Lawyers should be supporting claimants in accessing the scheme and helping them in that regard. You would not expect me to be party to what individual lawyers would be saying to their claimants.

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

May I have a point of order? The Chief Minister is implying that this question is out of order, that it does not fall under his responsibility, but it is a States-run scheme, which has been set up by the States of Jersey for his department. Therefore, does the Chief Minister accept that if the scheme is being run inappropriately it is up to him to be answerable for that?

#### **The Deputy Bailiff:**

You cannot expect him to comment on what lawyers have been saying. But you can be asked the question as to what your opinion is if they have concerns. That is really what Deputy Tadier is asking.

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

In that case I could be asked my opinion on any number of issues which are completely outside of my remit. I do not think it is appropriate. I am not sure ...

#### **The Deputy Bailiff:**

It is part of the pleasure of being Chief Minister.

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

Thank you, Sir. That is why I enjoy the job so much. It would not seem appropriate to me, as an individual, that lawyers should be treating what are vulnerable claimants in this manner. It would depend, of course, on what sort of contract the lawyer would have with the claimant before they were representing them. My understanding was that claims like this elsewhere and perhaps some lawyers in relation to claims in these instances would be offering more of a no-win no-fee basis. Therefore, I think that if claimants are being told that by their lawyers they should go back and challenge it.

#### **3.3.5 Deputy J.A. Hilton of St. Helier:**

Can the Chief Minister tell the Assembly with regard to the psychiatrics assessments that take place, do they employ off-Island psychiatrists to do these and whether there have been any delays around these assessments taking place?

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

As far as I am aware they are employing off-Island psychiatrists. One of the important things with regard to all these issues around historic abuse is trying to build confidence and bring independence, because some of the individuals have lost confidence in the service that was provided on-Island to them over a number of years. Therefore we have to acknowledge that and try and help them, because that is an issue which they need to deal with and the scheme needs to deal with as well. With regard to the delays, I am trying to think whether I am aware. I am aware of one case where perhaps there has been a delay, but I am not aware of the reasons why.

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

Is the Chief Minister aware that at least one person has been having trouble with the States lawyers who claim that the person was not at Haut de la Garenne and yet other survivors of the regime at Haut de la Garenne have confirmed that that person was present? Is the Chief Minister also aware that many of the States' records regarding Haut de la Garenne have conveniently disappeared or been destroyed.

[10:00]

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

I am not aware of records having conveniently disappeared or being destroyed. I am aware that there have been some difficulties with some records for those who wish to make claims under the scheme. I am also aware that in those cases officers and departments have tried to recover information in any way that they could and tried to patch together information and records. I would have thought - again I am not aware of individual cases - that where individual's records are not able to ascertain whether individuals were resident at Haut de la Garenne and yet other third parties are able to verify it that would be part of the evidence used in determining a claim.