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# **STATES OF JERSEY**



## **HISTORICAL CHILD ABUSE: COMMITTEE OF INQUIRY**

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**Presented to the States on 1st February 2011  
by the Chief Minister**

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**STATES GREFFE**

## REPORT

### 1. INTRODUCTION

On 6th December 2010, the Chief Minister made the following apology –

On behalf of the Island's government, I acknowledge that the care system that operated historically in the Island of Jersey failed some children in the States' residential care in a serious way. Such abuse has been confirmed by the criminal cases that have been before Jersey's courts. To all those who suffered abuse, whether confirmed by criminal conviction or not, the Island's government offers its unreserved apology.

This report sets out the Council's position in relation to a Committee of Inquiry into historical child abuse. In arriving at their conclusion, the Council have considered the number of investigations and reviews that have been undertaken around the issue.

### 2. THE COUNCIL OF MINISTERS' COMMITMENT

On 31st March 2008 the previous Council of Ministers presented a report to the States (R.27/2008 – see **Appendix A**) announcing the intention of that Council to ask the States to establish a Committee of Inquiry to investigate any unresolved issues in relation to historic abuse in the Island at the conclusion of criminal investigations.

The report came in the wake of the announcement made in late February 2008 by the States of Jersey Police of the discovery of a fragment of what was initially described as partial human remains and later as part of a skull at Haut de la Garenne. These announcements led to massive public concern and international media attention and gave the appearance that Jersey had uncovered historic abuse on a scale far more serious than anywhere in the UK. The attention this generated included allegations that Jersey was an island of 'deep secrets' where the authorities had been complicit for many years in covering up child abuse.

It was in this context that the previous Council of Ministers announced that a Committee of Inquiry would be established in due course to investigate any unresolved issues.

### 3. THE CURRENT CONTEXT

There is no doubt that the context has changed considerably since the previous Council of Ministers made its public proposal for a Committee of Inquiry. The current Council believes that the actions that have taken place since, and the context in which we find ourselves today, are key considerations in deciding whether some form of inquiry should take place.

#### 3.1 Police Investigation

On 12th November 2008 the States of Jersey Police announced that they had found no evidence of any murders having taken place at Haut de la Garenne.

In December 2010, it announced the end of the thorough and detailed enquiry into allegations of historical abuse within the childcare system in Jersey during the period 1941 to 2009. On its conclusion, 8 people had been charged, with

7 successful prosecutions resulting from these cases. The States of Jersey Police has stated that, at this point in time, there is insufficient evidence from which it would be possible to mount any further prosecutions.

### 3.2 Current Childcare Arrangements

In an immediate response to concerns raised about the nature of childcare in the Island, in August 2007, the previous Council commissioned Mr. Andrew Williamson to undertake a review of children's services in the Island. This report, which was published in July 2008, concluded that current services were not failing in the Island, but identified important improvements to be made. These improvements have been included within a comprehensive plan which is currently being implemented with significant additional annual revenue funding which will reach £3.3 million by 2012. It is expected that by the end of 2011, 80% of these recommendations will have been fully implemented.

As part of this plan, in December 2010 the Children's Policy Group launched a public consultation on the Children and Young People's Strategic Framework that will run until mid-February. It is expected that this will then be lodged for debate in March 2011. Amongst other things, the plan also includes regular reviews of children's services by the Scottish Inspection Agency, the first of which began in January 2011.

### 3.3 Wiltshire Report

Shortly after the November 2008 announcement and following the suspension of the Chief of Police, the Wiltshire Police conducted an independent disciplinary investigation into the handling of the investigation. This work was completed in October 2009 and redacted versions of part of the main report, the financial report and the BDO audit were published in July 2010 and the rest of the main report will be published in redacted form very shortly.

The Wiltshire report contained 8 recommendations, 7 of which related to improvements to be made by the States of Jersey Police in how it manages future investigations (the eighth being a matter for ACPO in the UK). The States of Jersey Police have drawn up an action plan to fulfill these recommendations with good progress being made in all areas.

### 3.4 Governance of States of Jersey Police

The early phase of the Police investigation undoubtedly raised concerns over the governance arrangements for the States of Jersey Police.

On 21st December 2010, the Minister for Home Affairs lodged a Proposition and Report (P.192/2010), setting out the principles and roles of a Jersey Police Authority and requesting States approval to develop draft legislation based on these principles. This proposition is expected to be debated in February 2011.

Central to this proposal is providing proper oversight through establishing a body which provides a 'buffer' between the Minister and the Police and is in a position to challenge how policing is delivered to the community without accusation of interference. The Council firmly believes such arrangements are crucial to the effective oversight of the States of Jersey Police in the future.

### 3.5 The prosecution service

A regrettable feature over the period of the inquiry has been the criticisms levelled by some against the prosecution and courts in the Island. The Council is in no doubt that fair and impartial justice has been delivered in the glare of what has been at times unprecedented publicity.

In June 2009, in conjunction with decisions relating to files received by the Law Officers' Department, the then Attorney General made a detailed public statement which set out clearly the approach taken and the underlying principles and reasoning behind decisions of this nature. In July 2009, the then Attorney General also made a statement to the States Assembly in relation to cases where he had directed that there should be no further action. Amongst other things, these statements identified the role played by independent lawyers in the process of considering files.

Also in 2009, the States commissioned an independent review of the role of the Crown Officers, including roles of the Attorney General and Solicitor General as legal adviser to the States of Jersey and chief prosecutor. This report was published as a report to the States in December 2010 and work is currently being undertaken to begin the process of progressing the recommendations.

### 3.6 Support for those affected

Throughout the historical abuse investigation, arrangements have been put in place to support those who have been affected by or been victims of abuse. This support is extremely important and the current Council of Ministers recognises this need and is putting in place measures for this to continue in the future on an independent basis for a specified period.

As a result of the investigation, the National Society for the Prevention of Cruelty to Children (NSPCC) Counsellor received 168 inquiries from alleged victims of physical, sexual and emotional abuse arising from their time in the care of the States of Jersey. Of these, 116 maintained regular contact and 25 received one-to-one counselling. In 7 of these cases, counselling occurred on a daily basis. A further 10 victims were serving a sentence in prison and required some therapeutic service.

The Health and Social Services Department worked closely with the States of Jersey Police to ensure a smooth transition of care and support for these alleged victims to its Psychological Assessment and Therapy Service. A helpline was set up by the Critical Incident Support Team and manned for a period of several months with the Psychological Assessment and Therapy Team worked closely with Victim Support. During the inquiry, the Psychological Assessment and Therapies Service worked with and offered consultation to the various multi-agencies involved in the inquiry process, including the police investigation team and Victim Support to meet the clients' needs.

The provision of a traumatic counselling service for those who have suffered complex post-traumatic syndrome (PTSD) is a fundamental contribution to the "recovery chances" of victims. Fifty individuals, many of whom are still in receipt of treatment, have been referred for such support as a direct consequence of events related to the historic abuse investigation. In addition, referral rates to the Psychology Service for cases relating to historic abuse more generally have increased by 20% over this period. In order to cope with the increased demand,

increased provision was made and in April 2009 a Counselling Psychologist was employed on a full-time basis to offer, working alongside those within the department, trauma-focussed therapy to clients.

Working with the Jersey Care Leavers Association, it was recognised that there may be a number of people in the community who need help but who have not contacted the service because they see it as part of the system which permitted their abuse to occur. With the announcement of the closure of criminal cases, the Council will shortly be establishing an independent and confidential point of contact for any remaining individuals who feel that they have either not been heard or are seeking assistance from the States of Jersey as a result of their experiences. Andrew Williamson, CBE, has been asked to provide this point of contact, which would be established through the States Greffe, to be independent from the H&SS Department. These arrangements will be established for a specified period in 2011 and it is anticipated that Mr. Williamson would speak with individuals about their experiences and assist them to access the appropriate services to meet their needs.

### 3.7 Dealing with claims for financial compensation

As would be expected, claims for financial compensation have been received and these are being dealt with by the Health and Social Services Department. The current Council has, however, considered the matter of dealing with such claims on a number of occasions since late 2009 and lawyers have been appointed to act on behalf of the States of Jersey.

The claims themselves, and the most appropriate approach to be adopted in managing those claims, are presently under review and are subject to detailed discussions between relevant parties. At this stage, the Council is unable to make any comment on this subject until this process has been completed.

### 3.8 Evidence of Conspiracy

The current Council is mindful of the claims of conspiracy and cover-up and therefore believe it was important to establish whether there had been any substantive evidence of a high-level conspiracy. With this in mind, in December 2010, the States of Jersey Police and the Attorney General were asked –

- (a) In the course of the Police investigation had there been any evidence of any form of high level conspiracy?
- (b) If the answer was yes, to explain the potential nature of any possible conspiracy.

The Attorney General has confirmed that both he and prosecuting counsel are aware of no evidence to suggest any form of high level conspiracy, either to carry out abusive activities or to cover up such activities.

The former Acting Chief of Police also confirmed that had been advised that the police enquiry did not reveal any high level conspiracy to commit offences against children in the childcare system. Nor was there evidence to indicate there had been any cover-ups of any such alleged activities. He also confirmed that no evidence was found of paedophile rings operating in the childcare system.

The current Council of Ministers have noted that there is no evidence of any conspiracy in the investigations and reviews on the issue of historic child abuse.

### 3.9 Summary of current context

In March 2008 the Island was in shock and mourning for those it was alleged had been murdered at Haut de la Garenne, particularly in the light of allegations of complicity and cover-up. When considering what has taken place since then, it is clear that the context within which the previous Council of Ministers made its public commitment to a Committee of Inquiry has changed beyond recognition, In particular –

- (a) The alleged abuse has not been of the scale and scope as it appeared early in 2008, when it appeared to be potentially the worst case of historic abuse ever discovered in the UK. In particular:
  - There is no evidence that murder took place at Haut de la Garenne.
  - There have been fewer prosecutions than were envisaged at this time.
- (b) An in-depth investigation has been undertaken into current childcare arrangements, with all recommended improvements being comprehensively acted upon.
- (c) Concerns about how the police enquiry was conducted in the period leading up to November 2008 have been addressed through the publication of the Wiltshire report and the implementation of key actions by the States of Jersey Police.
- (d) Associated concerns about the governance arrangements of the Police are being addressed by the Minister for Home Affairs through the current proposal to establish a Police Authority.
- (e) Criticisms of the prosecution service have no firm basis, the former Attorney General has publicly explained the principles and reasoning behind prosecution decisions and the role of the Attorney General is covered within the Carswell report that was presented to the States Assembly in December 2010.
- (f) Both the Attorney General and the States of Jersey Police have confirmed that the investigation has not revealed evidence of high level conspiracy or cover-up.
- (g) The Chief Minister has made an unreserved apology to all those who had suffered abuse in the Island's care system in the past.
- (h) Comprehensive arrangements to provide support to those affected have been in place since 2009 and the Council of Ministers will be putting in place arrangements to strengthen these through a new independent gateway via Mr. Andrew Williamson CBE to assist individuals' access to the services they need.
- (i) The approach to be adopted in dealing with civil claims for compensation is presently subject to review and detailed discussion between relevant parties.

#### 4. A COMMITTEE OF INQUIRY

Public Inquiries are generally established to investigate specific and often controversial events that have given rise to public concern and are followed by calls for a ‘full and public inquiry’. The common factor in every Public Inquiry is the pressing public concern that something has happened that must be investigated openly and fairly by a body that is independent of the problem. In Jersey, the first test for a Committee of Inquiry, as set out in Standing Orders, is that it must be about a ‘*definite matter of public interest*’.

Whilst it is difficult to generalise, it is also clear that some inquiries are the result of what could be described either as a ‘flaw’ in society or the systematic failure of the State to protect its citizens. The Ireland Commission of Inquiry, for example, was the result of serious and widespread abuse of children across c. 140 institutions, which lead to c. 15,000 individual applications to its Redress Board.

In general, there are 6 main objectives of a public inquiry –

- (1) **Establishing the facts** – providing a full and fair account of what happened.
- (2) **Learning from events** – distilling lessons and preventing their recurrence through changing practice.
- (3) **Therapeutic exposure** – providing an opportunity for reconciliation and resolution between different parties.
- (4) **Reassurance** – rebuilding public confidence in whatever service or issue has been the subject of the inquiry.
- (5) **Accountability** – holding people and organisations to account, sometimes indirectly contributing to the assignment of blame and mechanisms for retribution.
- (6) **Transparency** – demonstrating that ‘something has been done’ or transparency in government.

As part of reviewing this matter, the Council has considered the characteristics, objectives and outcomes of a range of inquiries, including the North Wales Waterhouse Inquiry, Edinburgh Children’s Inquiry, Victoria Climbié Inquiry and the Ireland Commission to Inquire into Child Abuse (see **Appendix B**).

A full Committee of Inquiry is a significant undertaking which would require the appointment of individuals of sufficient stature and experience to act impartially and judicially in order to safeguard the interests of all involved. Experience of other Inquiries, such as that of the Ireland Commission, is that all those who wish to engage with it, whether as witnesses, those named by witnesses or other organisations would require legal support. This would be in addition to the significant legal support provided to the inquiry team itself. All legal representation would be paid for by the States.

Whilst cost should not be the deciding factor whether to commission a Committee of Inquiry it must be considered. As well as legal support, other main areas of cost would include the Chair and Inquiry team for the duration of the inquiry, secretarial support to that team, support for evidence-gathering and witnesses,

accommodation, media support and information technology systems for document management and transcription.

To illustrate the possible scale of such an approach, it has been estimated that on any one day of the 209 days that the North Wales Tribunal sat was regularly attended by c. 30 Counsel, plus solicitor advocates. It has also been estimated that a day of hearings (typically 3 per day) cost the Ireland Commission 103,000 euros per day.

**Appendix C** identifies some of the resource and practical issues in more detail.

## 5. OPTIONS CONSIDERED

With the above in mind, the Council has given serious consideration as to whether an inquiry is required and justified in the following areas –

- Historic childcare.
- Current childcare
- The prosecution process
- The police investigation.

### 5.1 Historic Childcare

A historical inquiry as described by the Council of Ministers in R.27/2008, including what happened in different organisations (e.g. Children's Service and Children's homes), processes and policies, how complaints were dealt with and how those in authority reacted.

This would be predominantly backward-looking, and may serve to address the objectives of fact finding, transparency and providing victims with the chance to tell their story and understand what happened, but it is unlikely to contribute to learning or provide public reassurance that current systems are effective. Due to the time that has passed, the ability of such an inquiry to uncover additional evidence or to hold individuals or organisations to account is considered highly questionable.

It is clear that the circumstances are far less serious than they initially appeared and are certainly not, as initially thought, worse than many other such incidents in the UK. Consideration has been given to the main issues that have emerged from inquiries into residential child abuse that have been conducted in the UK. A number of key findings have been consistently found from a range of such inquiries, including poor management of homes, in particular the level of autonomy given to the heads of homes; lack of close inspection; inadequacies in handling of complaints and lack of clear policies on this issue; lack of sensitivity towards children's needs and a failure to listen to them; poorly trained and unqualified staff exacerbated by inadequate recruitment procedures. It is likely that an inquiry into historical abuse in Jersey would uncover similar findings or conclusions; and with the services now provided having changed and moved on, it is at present difficult to imagine any lessons from the past leading to improvements in current and future services.

The current Council cannot see how using an inquiry to hold organisations to account for past policies and practices would be beneficial, particularly when independent external advisors have been engaged and we know that current standards of child care are appropriate and are in the process of being further improved. It is also difficult to see how an inquiry could be used to bring

individuals in the system at the time to account when a thorough and detailed police investigation has resulted in convictions and has concluded that there is no evidence to justify further prosecutions.

The Council recognises that an inquiry in this area could provide those individuals who have suffered abuse to have their stories heard, understand what happened and to draw a line under their experience. Experience shows, however, that this is not always achieved though an inquiry; not only can some find the experience traumatic, the outcome can lead to immense dissatisfaction amongst those affected, as was notably the case with the Ireland Commission. In addition, through the services in place to support those affected and the implementation of additional independent gateway arrangements in 2011, it is hoped that individuals who have been affected will continue to be able to tell their story and access appropriate support.

The Council of Ministers is therefore of the view that a Committee of Inquiry in this area would be of questionable benefit and, in the current context, could not be justified.

## 5.2 Current Childcare

The examination of current childcare arrangements in the Island to assess whether the Island is discharging its responsibilities properly.

This would address objectives around providing reassurance that current childcare arrangements are satisfactory, provide transparency around these arrangements and would enable learning to take place for the future.

The current Council of Ministers believes that this aspect has been fully covered by the Williamson report. This provided an independent and rigorous review of the standard of child protection and care in the Island and has identified areas for improvement which are in the process of being implemented. Amongst other things, this work includes the current consultation on a Children's Plan and the independent inspections of services by the Scottish Social Work Inspection Agency, the first of which commenced recently.

For this reason, the Council firmly believes there would be little benefit in undertaking a Committee of Inquiry in this area.

## 5.3 The Prosecution Process

The examination of issues relating to the performance of the prosecution service and how cases were dealt with leading up to decisions on whether to prosecute.

This would address objectives around providing reassurance and public confidence in the process, could enable learning for the future and would address issues of transparency in government.

The Council believes that criticism that Island's prosecution service has delivered anything but fair and impartial justice is unjust and has no firm basis. The former Attorney General took steps to explain the principles and reasoning behind prosecution decisions, including the engagement of external lawyers, and the role of the Attorney General is covered within the independent Carswell report that was presented to the States Assembly in December 2010.

#### 5.4 The Police Investigation

The examination of how the police investigation was conducted, including overall governance of the police service.

This could address objectives around providing reassurance and public confidence in the Police, could enable learning for the future and may address issues of accountability and transparency in government.

The Wiltshire investigation focused heavily on the conduct of the investigation. This independent report has now been published and the recommendations identified are in the process of being implemented by the States of Jersey Police. This would appear to fulfil the requirements for public scrutiny and future improvement. In addition, the current proposals for a Police Authority seek to address concerns about the governance of the police. The current Council finds it difficult to conceive what a Committee of Inquiry would add to this work.

### 6. RESOURCE IMPLICATIONS

Public inquiries are inevitably costly, something recognised in R.27/2008, when the Council of Ministers stated there would be significant cost to such an undertaking. The costs will vary widely depending on the scope of any such exercise; and forecasting such costs in advance of establishing the detailed scope and terms of reference is particularly difficult. It is also clear that costs and scope can be easily be subject to significant underestimate at the start, the experience in Ireland being a good example of this, where initial estimates were c. 2.1 million euros and projected final costs of between 126 and 136 million euros.

It is therefore only possible to make a broad assessment at this stage, using other recent inquiries as a guide. With this in mind an initial estimate would be that, in Jersey, an inquiry with reduced scope could cost in the order of £3 million – £5 million with something of broader scope anything between £5 million and £10 million.

The costs of a Committee of Inquiry would clearly be in addition to those incurred as part of addressing the subject more broadly, in particular:

<b>One-off costs:</b>	
Historical Abuse Investigation	£7,575,000
Williamson Review	£35,000
Williamson Implementation (capital)	£600,000
Wiltshire Investigation	£639,000
<b>Additional revenue expenditure:</b>	
Williamson Implementation (by 2012)	£3,300,000
(£3.0 million in 2011)	

The Island has already committed considerable resource to dealing with both the investigation and matters arising, including reviewing and improving current childcare and reviewing the police investigation. In addition to the above, there

will be a number of civil claims which will incur significant cost and potentially result in compensation payments. In total this could amount to a seven-figure cost.

## **7. CONCLUSIONS**

In March 2008, it was feared that what had been uncovered by the historical abuse investigation represented the worst ever case of abuse anywhere in the UK. This has proved not to be the case and, whilst any individual case of child abuse is serious, the scale of the issue has been shown to be very different to that apparently presented when the Council of Ministers made its commitment to a Committee of Inquiry.

There is no question that the care system operating historically in the Island had failed certain children in the States' residential care in a serious and unacceptable way. The Island's government has unreservedly apologised for this and, given the confirmation that all criminal prosecutions are concluded, is working in detail on the most appropriate approach to be adopted in dealing with the claims for compensation.

Although the criminal case has ended, the support and care provided to those affected continues. The arrangements for Psychological support that have been in place since 2009 will be strengthened in 2011 through the provision of an independent gateway which will enable individuals to both have their story heard and be provided with access to appropriate services.

In addition, whilst the work undertaken since 2007 demonstrated that services within childcare were not failing, significant steps are being taken to ensure that current and future child care is of the highest possible standard.

There is also no question that the way the Police investigation was handled early in 2008 generated a level of fear and apprehension amongst the public which has subsequently been judged to have been wholly inappropriate. It is clear lessons have been learned from this, and steps have already been taken to improve Police investigations and governance in the future.

The current Council recognises that the most compelling argument for some form of inquiry is in the area of historical childcare. It is accepted that an inquiry in this area might provide opportunities for those affected to have their story heard and understand what has happened, though evidence would suggest that outcomes often fail to match expectations, sometimes adding to the sense of grievance and anger.

With the police investigation having fully investigated the allegations made, it is unclear what an inquiry into events that took place many years ago would add to this and what meaningful benefit would be derived from such a complex undertaking.

The Council has therefore concluded that a Committee of Inquiry would not meet the requirement to investigate unresolved issues in relation to the historic abuse in the Island as the issues have been reviewed.

It is accepted that not everyone will agree with the Council's decision and some individuals may still have questions. It is hoped that those who may not agree will recognise the seriousness with which the Council has considered the matter. With

the advantage of the passage of time, the Council has reviewed all the issues and considers that a Committee of Inquiry would not be appropriate.

The current Council of Ministers firmly believes that the Island would be best served by recognising the steps that have already been taken and the continued focus on improving current levels of childcare and also continuing to meet and support the needs of those affected.

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**STATES OF JERSEY**



**COMMITTEE OF INQUIRY:  
CHILDREN'S CARE HOMES**

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Presented to the States on 31st March 2008  
by the Council of Ministers

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STATES GREFFE

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2008

Price code: B

R.27

## **REPORT**

The Chief Minister and the Council of Ministers have made it clear since the announcement of the police investigation into historic child abuse that all required resources will be made available to enable the investigation and any subsequent criminal proceedings to be completed effectively. At this time this must be the top priority for the Island.

It is nevertheless almost inevitable that, at the conclusion of the current criminal process, there will still be a very large number of unanswered questions about the way in which children have been cared for in Jersey in previous decades.

The Council of Ministers believes that the only way to ensure that there is total transparency in relation to this issue is for a full public inquiry to be held in due course, and the Council is hopeful that all members of the States will share this view. The most effective way to undertake any such inquiry is through a Committee of Inquiry established under the States of Jersey Law 2005.

The Council of Ministers has approved the attached draft proposition relating to this issue (see Appendix) in order to illustrate the nature and extent of the Inquiry that is envisaged. The purpose of this Report is to place the matter in the public domain. The Council does not, however, consider it would be appropriate to lodge this proposition 'au Greffe' until the criminal process has been completed. This would firstly be inappropriate because lodging and debating this proposition now could risk compromising the ongoing criminal process. Secondly, until that process is complete, it remains unclear exactly what questions will remain unanswered at the end of the process, and this proposition may need to be amended. It could be some time before it is possible to lodge and debate this, but the Council nevertheless believes that this should be done as soon as it becomes possible.

**Council of Ministers**

**DRAFT**

**PROPOSITION**

**(to be finalised once the criminal process has been completed)**

**THE STATES are asked to decide whether they are of opinion –**

to agree that a Committee of Inquiry should be established in accordance with Standing Order 146 in order to investigate any issues which remain unresolved in relation to historic abuse in the Island.

**COUNCIL OF MINISTERS**

Note: The membership and terms of reference of the Committee of Inquiry to be agreed by the States at that time.

**REPORT**

Since the announcement of the police investigation into alleged historic child abuse in the Island, the Council of Ministers has made it clear that the Island's first priority must be to give full support to the police investigation and any subsequent prosecutions to ensure that anyone found guilty of abuse can be brought to justice. The Council has also made it clear that anyone who, while not necessarily acting criminally, covered up evidence or who deliberately or negligently failed to act upon information they received will be dealt with appropriately. The Council has undertaken to ensure that all the necessary resources will be made available to achieve this objective.

In a statement made on Monday 25th February 2008, just after the discovery of the fragment of a skull at Haut de la Garenne, the Chief Minister stated that *"The protection of children is our highest priority and we are totally committed to supporting the Police and Criminal Justice authorities in uncovering any historic abuse and bringing those responsible to justice. There will be no hiding place for anyone who abused children or in any way colluded with or helped to cover up that abuse. We will commit whatever resources are necessary to the investigation and any subsequent criminal cases."*

Experience in other jurisdictions that have faced similar investigations in the past has shown that there are always a large number of unanswered questions that remain at the end of the investigation and prosecution process. It is therefore probable that the future conviction of any guilty parties in Jersey will only go some small way towards answering the many questions that local residents and others outside the Island have been asking in recent weeks. These are likely to include questions such as –

- How have the Island's children's homes been run in recent decades?
- What procedures were in place to recruit staff and how was the performance of staff monitored? Should other steps have been taken to monitor performance?
- What measures were taken to address inappropriate behaviour from staff when it was discovered, and if those measures were insufficient, what other measures should have been taken?
- How did those in authority at political and officer level deal with problems that were brought to their attention?
- What processes were in place to assess the performance of the homes and what action was taken as a result of any problems that were identified?
- Were there any mechanisms in operation to allow children to report their concerns in safety and what action was taken if and when concerns were voiced?

The Council of Ministers believes it is essential that its undertaking to ensure that there is complete transparency in relation to these issues is translated into a firm commitment to hold a full inquiry into any unanswered questions in due course. It is, of course, the case that the inquiry will not be able to begin until the conclusion of the current police investigations and any associated prosecutions, but the Council nevertheless considers that it is important for the States to be advised now of the Council's commitment that this inquiry should take place so that work can start as soon as possible after the conclusion of any criminal trials. There have been many comments in recent days in the international press alleging a 'culture of secrecy' and 'cover-up' in Jersey and a public commitment at this stage to hold a full transparent inquiry would demonstrate in a practical way that this is simply not the case in 2008.

The Council of Ministers believes that the inquiry should take the form of a States Committee of Inquiry established in accordance with the procedures set out in the States of Jersey Law 2005 and the Standing Orders of the States of Jersey. This would enable the States as a whole to agree the terms of reference of the inquiry and its membership. In addition, a Committee of Inquiry has the advantage of having all the powers and immunities conferred by the States of Jersey (Powers, Privileges and Immunities) (Committees of Inquiry) (Jersey) Regulations 2007 (see Appendix) which enable it to summon evidence and witnesses if necessary, and also provide protection against civil and criminal proceedings. These powers and immunities will be essential to ensure that the Committee can discover the full facts without any inhibition.

It would be premature at this stage to speculate on the precise scope of the Committee's terms of reference, as these may depend in part on the outcome of the current police investigations. The Council is determined that nothing should be done or proposed at this time that could, in any way, prejudice the current police investigation. When it is possible to establish the Committee it will, however, be essential to ensure that the terms of reference are far-reaching so that every concern expressed and every allegation made can be fully investigated. Whilst it may be too late to right the wrongs of the past, it will be important for the people of Jersey that all relevant issues are brought out into the open so that the truth of what may have happened in recent decades can be established.

Under Standing Orders a Committee of Inquiry can be comprised of between one and 5 people and the appropriate membership will need to be considered once the precise terms of reference can be drawn up. In order to ensure a proper degree of independence, it is nevertheless almost certain that it will be necessary to appoint one or more members with appropriate professional qualifications and experience from outside the Island. The Committee will require considerable administrative support to undertake its work effectively and it would be naïve to imagine that there will not be a significant cost associated with its work. The Council nevertheless believes that this will be an essential and worthwhile use of public funds in the light of recent events.

**Financial and manpower implications**

As explained above it is likely to be many months, or even years, before this Committee of Inquiry can begin work and there are therefore no immediate resource implications arising from this proposition. When a further proposition is brought in due course to appoint members of the Committee and agree terms of reference, a full resource implication statement will be included, together with details of the proposed source of those resources.

## APPENDIX B

## Summary of other inquiries

Inquiry	Summary	Costs	Key Dates
North Wales Tribunal	A Tribunal to inquire into the abuse of children in care in the former county council areas of Gwynedd and Clwyd since 1974 – 1996 Looked at 89 homes which operated over the 22 year period Re-interviewed 500+ former residents of childrens homes who alleged physical or sexual abuse during the initial police investigation	Approx. £13 million (the majority of this was for legal expenses and this amount does not include the legal costs of participating public agencies)	Announced 1996 Report published 2000
Edinburgh's Children Inquiry	Ascertain whether there was any allegation of abuse raised prior to the commencement of the police investigation into the abuse of a large number of residents by two former staff members over a period of 14 years and; to review current procedures, practice and guidelines in operation within Edinburgh County Council 66 interviews 16 other contacts 2 office visits 21 residential unit visits 3 foster family visits	Not available	Announced 1998 Report published 1999
Commission to Inquire into Child Abuse – Ireland	To conduct an inquiry into abuse of children in institutions and hear evidence from those who allege they suffered abuse during the period 1940, or earlier, to the present day Approx. 140 institutions Investigation Committee: 2,107 applications received, of which 1,007 proceeded Confidential Committee: 1,541 applications received, of which 1,090 gave evidence	€126 – €136 million for the Commission Total cost of response including Redress Scheme, Commission and Education Finance Board estimated at €1.36 billion	Commission established 2000 Report published May 2009 Ongoing work to settle legal and discovery costs until approx. 2010
Victoria Climbié Inquiry	To establish the circumstances leading to and surrounding the death of Victoria Climbié	£3.8 million	Announced 2001 Report published 2003
Kerelaw Residential School and Secure Unit Inquiry	To secure comprehensive insight into the circumstances that led to the abuse that occurred at Kerelaw open and secure school from April 1996 until closure. 350 – 400 allegations of abuse from 159 people 166 interviews conducted	Not available	Announced 2007 Report published 2009

## APPENDIX C

## 1. Some issues surrounding costs

Whilst it is vital that a commitment is obtained at the outset to adequately fund an inquiry, in its initial stages it will be extremely difficult to gauge the overall projected costs accurately because of unknown or variable factors. Providing a forecast in advance of establishing overall scope and the inquiry team's detailed terms of reference have been definitively established is particularly difficult and a preliminary budget would need to be identified at the outset.

This difficulty is highlighted by the initial estimate in 1999 of the costs of the Commission of Inquiry in Ireland would be between 1.9 million and 2.1 million euros and would take 2 years to complete. In practice, it was 10 years before a report was produced and it has been estimated that final costs could be between 126 and 136 million euros.

In 2004 the Department for Constitutional Affairs (DCA) produced a consultation paper, *Effective Inquiries*, in response to a wider piece of work known as Government by Inquiry. In this consultation document, the DCA noted that there had been approximately 30 significant/extensive inquiries since 1990 at a total estimated cost of over £300 million. Some of these inquiries and their costs are listed below –

- Stephen Lawrence Inquiry – 1997 – £4.2 million
- Bristol Royal Infirmary Inquiry – 1998 – £14.5 million
- Bloody Sunday Inquiry – 1998 – c. £155 million
- Royal Liverpool Children's Hospital Inquiry – 1999 – £3.5 million
- Marchioness Inquiry – 2000 – £6.3 million
- Shipman Inquiry – 2000 – £16 million – £21 million.

Based on these inquiries, it was estimated in 2004, that the average cost of inquiries was approximately £7 million (this figure excludes the Bloody Sunday Inquiry). It has also been recognised that in addition to this there will be further costs to a department itself in terms of the handling of the inquiry and its aftermath, as well as the redeployment of staff away from their usual tasks.

As an example of a breakdown of costs, the Ireland Commission is projected to cost (Source: C&AG Ireland report June 09) –

Category	Total Projected Cost in euros
Administration*	30m
Legal team Costs	15.5m
Litigation Costs	2m
State Respondent Costs**	8.5m
Other Costs	2m
Third Party Legal Costs	68 – 78m

\* Administration: 58% salaries, 25% accommodation, 6% IT, 4% experts, 3% accountancy.

\*\* Costs of representing the public interest, government departments and compliance with discovery orders.

What is striking from the above figures is the amount spent on legal costs – a broad estimate would be 90 – 100 million euros. If, as would be likely, Jersey adopted the principle that legal representation should be met by the States, then a great deal of expenditure on a Committee of Inquiry would be on legal fees. The

list of the main practical issues provided in Section 2, below, identifies at least 4 areas where Counsel/legal advice will be required –

- for the Inquiry Team
- for witnesses
- for those named by others
- for other parties (e.g. States Departments).

To further illustrate these costs –

- It has been estimated that on any one day of the 209 days the North Wales Tribunal on Child Abuse sat was regularly attended by 8 Queen’s Counsel, 21 Junior Counsel and solicitor advocates.
- it has been estimated that a day of hearings (typically 3) cost the Ireland Commission 103,000 euros per day (though in Jersey this is likely to be higher).

## **2. Practical Considerations**

In considering what a Committee of Inquiry might look like in Jersey, consideration of other public inquiries in the UK has identified a number of issues that will need to be considered. These are set out below and will need to form part of the thinking behind the size and scope of any inquiry.

### Chair/Inquiry Team

Many inquiries operate with a single Chair, who may choose some suitably qualified assistants for support (e.g. Victoria Climbié, 1 Chair, 4 assessors). Others will appoint a team of people (e.g. 3), with one identified as the Chair. Under Standing Orders, a Committee of Inquiry in Jersey can be comprised of between one and 5 people.

### Counsel for the Inquiry Team

The inquiry team will almost certainly require specific legal support, probably in the form of a solicitor to the inquiry and a legal team in support. This is likely to be significant.

The Victoria Climbié inquiry had a legal team of 13 and the North Wales ‘Lost in Care’ enquiry had 10 plus legal assistant support.

### Counsel for Witnesses

Legal support will be required for witnesses, which is very often paid for by the inquiry.

### Counsel for those named by others

Legal support for those either accused of abuse or those accused of operating or presiding over systems which allowed abuse to go unchecked.

### Counsel for other parties

Legal support for other parties, such as the States Departments involved or other involved parties.

Secretariat

A secretarial service will be required for the inquiry team. This often includes a secretary to the Chair, plus support staff.

The Victoria Climbié inquiry had a secretary plus 7 others and the North Wales 'Lost in Care' Inquiry had 8 administrative staff under a Chief Administration Officer.

Evidence-Gathering/Witness Team

Careful consideration will need to be given to who should provide evidence, what evidence is required and what support is required to gathering evidence.

Some inquiries, such as the North Wales 'Lost in Care' inquiry include support to the evidence gathering process through a witness interviewing team (9 people, including 8 retired detectives).

Document Management

Document management will be required to handle the collection of documents, sort/order them and ensure their safekeeping. A dedicated Document Manager will be the point of contact with those who may have documents and will ensure that a disclosure schedule is signed off and will deal with continuing disclosure. The Document Manager will also be the Data Protection Officer for the inquiry.

Venue

A multi-functional venue will be required which will provide facilities to hold the public inquiry, including public access, provide facilities for the inquiry team, legal team and secretarial and to house the technology requirements. Separate meeting rooms will be required both for the inquiry team and to meet witnesses.

Media Support

It will be crucial to have dedicated and experienced media support for the inquiry. This will be particularly important during public hearings, when new information will undoubtedly come to light and will need to be responded to and co-ordinated with some urgency.

One dedicated person is likely to be an absolute requirement, though more may be required at key times. (e.g. Victoria Climbié 2 people, North Wales 'Lost in Care' 1 person).

IT Support

IT systems and support will be required for –

- Document/evidence management systems
- Transcription systems
- Website

Not only will the right systems have to be selected and implemented, ongoing support will be required, particularly for the transcription service, systems support and website updating.