

5. Statement by the Chief Minister regarding the police investigation into historic child abuse in the Island

The Deputy Bailiff:

There are no matters under J, so we come then to K Statements on a Matter of Official Responsibility and the Chief Minister will make a statement about the police investigation into historic child abuse in the Island.

Deputy A. Breckon:

Sir, are we supposed to have a copy of this, may I ask?

The Deputy Bailiff:

I understand that it is in the course of being distributed.

Senator F.H. Walker:

I am quite happy to wait while copies are distributed if that is the wish of Members.

Deputy P.V.F. Le Claire:

Yes, please.

The Deputy Bailiff:

Very well, Chief Minister, I think that they have been distributed now so if you would like to give your statement.

5.1 Senator F.H. Walker (The Chief Minister):

Sir, I rise with great sadness to make this statement. Members are all now aware that over the weekend the police announced the discovery of the apparent remains of a child buried at the former children's home at Haut de la Garenne. I will not speculate on the potential events surrounding the child's death and we must all await the outcome of the police investigation before commenting further. However, the death of a child is always one of the saddest and most traumatic events and I ask the Assembly to reflect on this and to join with me in feeling for and praying for this child - whoever he or she may be - other victims of child abuse in Jersey and any surviving family members and friends. None of us imagined that children in Jersey could be abused and mistreated in the way that is being suggested and I am sure that I speak for all Members when I express my shock and horror that these things have apparently happened within our Island and to go on to express our full support for and deepest sympathy to all those affected. We will continue to provide the fullest support to the people who have been affected in any way by this horrific episode including, of course, those now coming forward to give evidence after so many years. Today Health and Social Services are inviting anyone who feels the need of support to contact their professional counselling service. This will not be a substitute for any of the police arrangements but will offer professional support to those who need it. Yesterday the Council of Ministers met and confirmed our fullest support for the Home Affairs Minister, the Police and our criminal justice authorities. We also confirmed that all necessary resources will be made available to ensure the most comprehensive inquiry possible and to support any prosecutions that lead from it. While the Council of Ministers' prime concern is protecting our current vulnerable children, our next priority is to ensure that anyone who has perpetrated crimes against children is identified and prosecuted. We have complete confidence in our police and here I must express my admiration and gratitude to the Honorary Police who, as always, have risen to the occasion and underpinned the investigation by providing invaluable and, indeed, essential support. I am sure Members will also want to join me in expressing our complete confidence in the Law Officers and the judiciary. We know that together they will do everything in their power to ensure that the criminal investigations and any subsequent prosecutions are thorough and pursued with the utmost rigour and professionalism. There is no hiding place in Jersey for anyone who abused children or anyone who in any way may have colluded with that

abuse and no stone whatsoever will be left unturned to bring them to justice. Now is not a time for personal agendas and political point scoring. It is a time for grief and collective commitment to uncover the events of the past and protect our local community so that we emerge from this trauma stronger in the knowledge that we have dealt properly with this historic outrage and that we can prove to the world that we are, despite the very damaging statements to the contrary, more than capable of managing our own affairs in a way which is in accordance with the very highest standards. I come now to the standard of current services and I want to assure the Assembly that I and the Council of Ministers believe that today's child protection arrangements are sound and work well to protect our most vulnerable children. In September we commissioned Andrew Williamson, a leading expert in these matters, to undertake a thorough review which he is doing with the support of other independent professional people as necessary. He intends to report in March and his report will be published in full. At the outset Mr. Williamson undertook to inform us immediately if he discovered any weaknesses which have to be urgently addressed and, should he do so, we have undertaken to respond immediately. To date he has not brought any such weaknesses to our attention. Indeed, he has confirmed that our services today work well in protecting our children and that he has identified no current risks or cause for serious concern. The police have said, as is normal practice in such cases, that if their inquiries raise concerns regarding the suitability of anyone who may have access to vulnerable people they will make an immediate disclosure to the relevant authority. I can confirm that there are no people currently employed in a role with access to children about whom any disclosures have been made. We are also concerned about the possible effect these revelations may have had on guests of the Youth Hostel Association and the Haut de la Garenne Trust who have stayed at Haut de la Garenne and in particular their staff. Counselling is also available to any of them who may need it. While the Council of Ministers' prime concern is protecting our current vulnerable children, our next priority is to ensure that anyone, anyone who has perpetrated crimes against children is identified and prosecuted. We have complete confidence in our police, the Law Officers and the judiciary. We know they will do everything in their power to ensure that the criminal investigations and any subsequent prosecutions are thorough, professional and totally impartial. Our major concern is now that any media coverage should not in any way undermine the potential of a successful prosecution should anyone be accused of crimes and I would ask all States Members to avoid making any comments which could jeopardise the judicial process. Sir, today a dark cloud hangs over Jersey and we must clearly now demonstrate to Islanders and the many millions of others throughout the U.K. and further afield who are also appalled at this terrible turn of events that we are capable of bringing the investigations to a successful conclusion and of prosecuting those responsible without fear or favour, and we will not rest until we have done so. We must demonstrate to our shocked people and the rest of the world that Jersey is, indeed, the well-governed, responsible and generally law-abiding community we know it to be. At this time, however, our thoughts should above all rest with the young person whose remains have been found at Haut de la Garenne, anyone who has suffered abuse and their friends and relatives who are suffering with them.

The Deputy Bailiff:

Deputy Troy, you were going to ask a question. Do you wish to ask your question now or not?

5.1.1 Deputy P.N. Troy:

I thank the Chief Minister because he has answered my earlier question in the statement and I am particularly relieved, as I am sure all other Members are to hear that Mr. Williamson has identified no current risks or cause for concern and I thank the Chief Minister.

5.1.2 Senator S. Syvret:

Could the Chief Minister confirm to the Assembly that when he speaks of judicial processes he recognises and accepts the accepted basic fundamental principles of the good administration of justice such as, for example, of meeting a necessary appearance of objectivity?

Senator F.H. Walker:

I, of course, accept all the fundamental principles of justice and the Courts of Jersey have an outstanding record over the centuries, particularly over many decades, of ensuring that justice is provided in Jersey in a totally impartial, just and proper way, and that has been endorsed on many occasions by judges outside the Island who have assisted us in that process and I have no doubt that will continue to be the case.

5.1.3 Deputy J.J. Huet:

I thank the Chief Minister for the statement and I am pleased that we will take anybody to court or prosecute that has been involved in misuse. I would like to be assured that we will also be taking into account anybody who has been aware and done nothing about it - might not have abused but been aware? I would like to be assured, because to me that is nearly as guilty as a person that does it.

Senator F.H. Walker:

I did say in my statement: "Anyone who has colluded or may have colluded with criminals who perpetrated or may have perpetrated these horrific crimes in the first place" and I endorse that fully. Anyone, we will investigate and prosecute, where possible; anyone who has not only committed the crimes but who has in any way colluded with the perpetrators in any way, been involved in any possible cover up or who has knowingly not passed on information to the authorities that they should have done.

5.1.4 Senator S. Syvret:

In the light of that answer, could the Chief Minister just expand on it somewhat by just saying unambiguously that also he wishes to see the charging and prosecution of anyone who has a case to answer for failing to meet their legal obligations and duties under the Children Law 1969 or the Children Law 2002, anyone that may have engaged in actions which amount to an attempt to pervert the course of justice and anyone who may have committed these kind of offences in a manner that gives rise to the common law offence, Misconduct in Public Office?

Senator F.H. Walker:

I believe I have said all I need to say on this subject. I have made my views extremely clear. They are not just my views; they are the views of the police and I know our prosecuting authorities as well, and I repeat, anyone who has been involved in a crime of abuse or it may be now sadly - horrendously - murder or anyone who has worked with them or colluded in any way to cover up such a crime will be brought to justice. Sir, could I add, not strictly in answer to the question, but could I add I think it would be extremely helpful now if Senator Syvret ceased his activities with the international media and worked more closely and co-operatively with our legal authorities to ensure that that result is achieved?

5.1.5 The Very Reverend R.F. Key, B.A., The Dean of Jersey:

I came to the House this morning looking for 3 assurances from the Chief Minister. I think he has already given the framework for those but may I just ask him to reiterate: the first is that Jersey will face head on the gremlins of the past and that, as he has said, the police and the prosecuting authorities will be given every authority so that there is no network, no relationship behind which an abuser can hide. Secondly, that he will encourage Ministerial colleagues to plan for the adopting and the apportioning of whatever resources are needed so that our children's services for today and the future, guarantee as far as is within our power to every child in Jersey the God given right to have a fulfilling and safe childhood. Thirdly, sir, that, after sight of Williamson, whatever system of inspection of charity or States' organisations that have the care of children will have the principles of transparency and accountability so that there will always be in the future, as far as we can determine, no place to hide.

Senator F.H. Walker:

The answer to all those questions is a resounding and very emphatic yes. Jersey has to face - and it is going to be an extremely troubled process, a horrific process in some respects, I fear - Jersey has to face head on the gremlins of the past. We have to ensure that there is no prospect of what may have happened, and it has to be said not just what may have happened in Jersey, but what happened in many other children's homes elsewhere in the past, we have to ensure that that never again can possibly happen in Jersey. I can assure the Dean, Sir, and Members and the public that there is nowhere for the perpetrators of these vile crimes to hide and nor will there be any place for them to hide. We will be looking anew, although I have received no evidence to suggest that our children's services are under-funded; we will be looking anew at funding levels and in particular, of course, at any recommendations along those lines that the Williamson report may put to us. I can also confirm, as has been the case now for some very considerable time, that all such activities will be conducted in a transparent and accountable way. Sir, Jersey's childcare services are today unquestionably up to speed. They are always subject to improvement and I have no doubt Mr. Williamson will make recommendations along those lines but I reiterate that he has found no serious cause for concern over the months he has already been working with us here in Jersey and we should all take comfort from that, and add to that our determination to implement all recommendations he makes and, as already said, to ensure that we mount, as we are, the most vigorous possible prosecution of any criminals or those who have sought to hide their crimes in any way whatsoever.

5.1.6 The Deputy of St. Martin:

I rise because, having heard from the Minister for Health a little earlier when I asked about the Kathy Bull recommendations and we were told they were not all recommended because they did not appear to be what was good for Jersey. Can I ask the Minister how he can say that all the Williamson recommendations will be fulfilled or will be implemented if, indeed, they too are found not to be suitable for Jersey?

Senator F.H. Walker:

Well, Sir, I would be very surprised if that turned out to be the case because my belief is that Mr. Williamson has a very considerable knowledge of the workings and the needs of our Social Services Department. What I can assure the Deputy and others is that Mr. Williamson's report will be published in full and then, of course, there will be complete transparency in terms of when and how his recommendations are implemented. If, to my surprise, any recommendations are considered not able to be implemented for whatever reason, then, of course, the House and the public will be informed of that and the reasons for it. So, to reiterate really the question from the Dean, this will be done in an atmosphere and a situation of complete transparency and, indeed, accountability.

5.1.7 Deputy P.N. Troy:

Does the Chief Minister feel that we, perhaps, owe an apology to the staff member at Health who reported concerns over procedures used in the past and who then lost his employment and I wondered if the Chief Minister might investigate how that issue was handled? Certainly, in my opinion, staff must be able to voice concerns to management without reprisal, and perhaps the Chief Minister might consider installing proper procedures to protect staff reporting concerns, especially in this area of child protection.

Senator F.H. Walker:

I am saddened to hear that question but, in answering it, I have to make it 100 per cent clear that the employee concerned was not sacked because he expressed concerns to management or to the Health Department. His provisional temporary contract was not extended because his performance was unsatisfactory. So, in no circumstances is an apology due to him. He is in any

case taking his case to an Employment Tribunal in the very near future and we will, of course, await the outcome of that.

The Deputy Bailiff:

That is the expiry of 10 minutes from the Minister's statement.

Senator P.F.C. Ozouf:

There were a couple of other people who wish to ask questions. Is it possible to lift Standing Orders - it is an exceptionally important issue - for another period of 10 minutes if there are people. I saw some other people's lights?

The Deputy Bailiff:

That is entirely for the Assembly. Is anyone proposing to lift Standing Orders?

Senator P.F.C. Ozouf:

I propose to raise the Standing Orders, Sir.

The Deputy Bailiff:

Is that seconded? [**Seconded**]. All those in favour of lifting the Standing Orders to allow the questioning to continue? Those against? Then they can continue. Does any other Member wish to ask a question?

5.1.8 Deputy R.G. Le Hérissier:

Would the Chief Minister commit himself to publishing the protocols surrounding *sub judicæ* rules, as I do fear that some of the emotion that is being, either inadvertently or advertently, generated could well prejudice future trials. Secondly, Sir, would he acknowledge that there will be cases where there will not be sufficient evidence to mount a criminal prosecution but there might well, clearly, be *prima facie* evidence of behaviour that warrants serious investigation and perhaps staff discipline and that being so, will he set up a concurrent process to deal with that category?

Senator F.H. Walker:

I believe the publishing of the *sub judicæ* rules should be done, if anyone, by the Attorney General rather than by me. This is a legal matter and I hope the Attorney General will be able to agree to that. So far as any individuals who may be found not to have committed criminal offences, but who have clearly underperformed or acted inappropriately and if they are in current States employment, then I can give every assurance that they will be dealt with under the disciplinary process. The disciplinary process is already a public document but I am quite happy to distribute it to Members if that is the wish of the House.

5.1.9 The Connétable of St. Helier:

My earlier question to the Chief Minister about communications failure here was meant to be constructive and I must say that I do not share the Deputy of St. John's view that everything went well yesterday, and I think I would like to know from the Chief Minister what communication advice he is taking or why, for example, we are not seeing press conferences in which he is standing side by side with his Chief of Police and other Ministers who are concerned and whether he would agree to be slightly less defensive and more positive in his approach to the whole media issue?

Senator F.H. Walker:

Well, Sir, I am sorry if the Constable does not appreciate or does not agree with the approach that was adopted yesterday. It was an approach taken under advice and it was considered - and I believe rightly - the necessary approach to respond, not just to the many questions that many

elements of the media had about the horrific discovery, but also to the allegations that were made and persisted with and, indeed, expanded upon during the day of Jersey's general incompetence and inability to manage ourselves in a satisfactory manner. So far as a press conference with the Chief of Police is concerned, the Chief of Police, from an operational point of view, has independence and the Chief of Police has to be content with all arrangements for talking to the media.

5.1.10 Deputy P.V.F. Le Claire:

I am sure I and other Members are greatly appreciative of the statement this morning from the Chief Minister. Perhaps it might be an idea, under the current circumstances, given the dark cloud which hangs over Jersey at this time as stated by the Chief Minister, if it were possible for the States Members to sign up to this statement in some way physically in a declaration to show that we are united in supporting the emphasis of this statement and all that it means to demonstrate to the people of Jersey and the world that this Government is 100 per cent, as individual politicians, behind these investigations and leaving no stone unturned.

Senator F.H. Walker:

I think that is an extremely helpful suggestion and I warmly thank the Deputy for making it. It would clearly be a decision for each individual States Member whether or not they wished to sign the statement and indicate their support but, providing there are no rules to prevent it and I cannot think of why there should be, I will, through the Greffe, make a copy of the statement available in the Members' room and invite all Members who may wish to do so to sign to signify their support for the approach that we are taking in dealing with this horrendous issue.

5.1.11 The Connétable of Grouville:

Could the Chief Minister please assure us that there will be no ceiling to the level of this investigation as, in fact, we may have a situation where Ministers, through dereliction of their duties have, in fact, exacerbated the situation?

Senator F.H. Walker:

I am sorry. I did not hear all the question.

The Connétable of Grouville:

That there may, in fact, have been Ministers who exacerbated the situation by dereliction of their duty.

Senator F.H. Walker:

I do not think I should comment on that at this juncture. I am certainly not aware of any current Minister who could be accused of dereliction of duty.

5.1.12 Mr. W.J. Bailhache Q.C., H.M. Attorney General:

Would the Chief Minister permit me to welcome his statement today and, given that there is no evidence of any current malpractice by the childcare authorities and in the light, in particular, of the question by Deputy Le Hérisier, would he permit me to emphasise that the law enforcement agencies should now be allowed by the media and by politicians to get on with their jobs [**Approbation**] of leaving no stone unturned in investigating whether crimes have been committed, by whom and against whom and of bringing criminal proceedings, where that is appropriate, so that justice is done in the courts of this Island?

Senator F.H. Walker:

I absolutely endorse the view of the Attorney General. The problem we are going to have to wrestle with as an Island is that we now have numerous representatives of the national and international media in Jersey who will not be leaving, in my judgment, for quite some time and

who will be seeking stories from wherever and whomever they can get them from. But I would add my own words to those of the Attorney General and, indeed, to those in my statement that I very much hope that Members will refrain from making any comment. It is certainly not my intention to make any further comment until and unless there are specific new developments and I very much hope that all Members will adhere to that and that the media too will recognise that we have an incredibly serious situation on our hands and allow our investigating authorities, as the Attorney General said, to get on with the job.