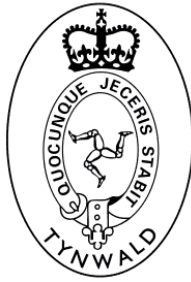


PP 2018/0132(1)



SOCIAL AFFAIRS

POLICY REVIEW COMMITTEE

FIRST REPORT FOR THE SESSION

2018-19

Historic child abuse at Knottfield

Volume 1

SOCIAL AFFAIRS POLICY REVIEW COMMITTEE
FIRST REPORT FOR THE SESSION 2018-19
HISTORIC CHILD ABUSE AT KNOTTFIELD

There shall be three Policy Review Committees which shall be Standing Committees of the Court. They shall scrutinise the implemented policies, as deemed necessary by each Committee, of the Departments and Offices indicated in this paragraph together with the associated Statutory Boards and other bodies:

- *Social Affairs Committee: Department of Education, Sport and Culture; Department of Health and Social Care; and Department of Home Affairs.*

Each Policy Review Committee shall in addition be entitled to take evidence from witnesses, whether representing a Department, Office, Statutory Board or other organisation within its remit or not, in cases where the subject matter cuts across different areas of responsibility of different Departments, Offices, Statutory Boards or other organisations. The Policy Review Committees may also hold joint sittings for deliberative purposes or to take evidence. The Chairmen of the Policy Review Committees shall agree on the scope of a Policy Review Committee's inquiry where the subject cuts across the respective boundaries of the Policy Review Committees' remits.

Each Policy Review Committee shall have –

- (a) a Chairman elected by Tynwald,*
- (b) two other Members.*

Members of Tynwald shall not be eligible for membership of the Committee, if, for the time being, they hold any of the following offices: President of Tynwald, member of the Council of Ministers, member of the Treasury Department referred to in section 1(2)(b) of the Government Departments Act 1987.

The Policy Review Committees shall be authorised in terms of sections 3 and 4 of the Tynwald Proceedings Act 1876 as amended and of Standing Orders to take evidence and to summon the attendance of witnesses and further to require the attendance of Ministers for the purpose of assisting the Committee (or Committees, if sitting jointly).

The powers, privileges and immunities relating to the work of a committee of Tynwald are those conferred by sections 3 and 4 of the Tynwald Proceedings Act 1876, sections 1 to 4 of the Privileges of Tynwald (Publications) Act 1973 and sections 2 to 4 of the Tynwald Proceedings Act 1984.

Committee Membership

Mr D C Cretney MLC (Chairman)

Ms J M Edge (Onchan)

Mr M J Perkins MHK (Garff)*

**Mr Perkins has not taken part in this inquiry and is not a signatory to this Report.*

Copies of this Report may be obtained from the Tynwald Library, Legislative Buildings, Finch Road, Douglas, IM1 3PW (Tel 01624 685520) or may be consulted at www.tynwald.org.im

All correspondence with regard to this Report should be addressed to the Clerk of Tynwald, Legislative Buildings, Finch Road, Douglas IM1 3PW.

Errata

This report was published online on 4th October 2018. On 18th October 2018 typographical corrections were made to the following:

Paragraph 84

Paragraph 176

Paragraph 199

Paragraph 206

Paragraph 244

Paragraph 253

Annex 3, footnote 165

Table of Contents

Volume 1

I. EXECUTIVE SUMMARY.....	1
LIFE AT KNOTTFIELD	1
LIFE AFTER KNOTTFIELD	2
CRIMINAL INVESTIGATIONS	2
KNOTTFIELD IN CONTEXT: THE CHILDREN’S HOME AND THE CHILDREN’S CENTRE	3
RESPONDING TO HISTORIC ABUSE	4
THE SAFEGUARDING OF LOOKED AFTER CHILDREN TODAY	7
II. THE WORK OF THE COMMITTEE.....	8
THE ESTABLISHMENT OF THIS INQUIRY	8
WRITTEN AND ORAL EVIDENCE OF INDIVIDUALS	10
OTHER WRITTEN AND ORAL EVIDENCE	11
CRIMINAL INVESTIGATION: SUSPENSION AND RESUMPTION	12
COMMITTEE MEMBERSHIP	13
EXTENDED REMIT	13
INDEPENDENT SAFEGUARDING CHAIR	13
III. LIFE AT KNOTTFIELD	14
WITNESSES	14
THE HAMILTON REGIME	14
THE GARDNER REGIME	17
<i>Why the Gardners left.....</i>	<i>18</i>
THE MARSHALL REGIME	19
<i>Physical, emotional and sexual abuse.....</i>	<i>19</i>
<i>Effect on the children’s education.....</i>	<i>24</i>
<i>Reporting abuse.....</i>	<i>25</i>
<i>Running away</i>	<i>27</i>
IV. LIFE AFTER KNOTTFIELD.....	28

V. CRIMINAL INVESTIGATIONS.....	31
1979: AN OPPORTUNITY MISSED	31
1991 TO 1995: MARSHALL IS CONVICTED	32
2015 TO 2018: FURTHER INVESTIGATIONS BUT NO FURTHER PROSECUTIONS	35
<i>Impact on former Knottfield residents</i>	<i>36</i>
<i>Decision not to prosecute in 2016.....</i>	<i>39</i>
<i>Decision not to continue in 2018.....</i>	<i>41</i>
VI. KNOTTFIELD IN CONTEXT: THE CHILDREN’S HOME AND THE CHILDREN’S CENTRE.....	41
WHAT IS KNOTTFIELD?	41
ORIGIN AND CONSTITUTION	42
WHERE THE CHILDREN CAME FROM, AND WHO SENT THEM	43
SCALE OF OPERATION	44
MANAGEMENT AND SUPERVISION IN THE 1960S, 70S AND EARLY 80S	45
WHAT HAPPENED IN 1983, AND WHY	47
RESTRUCTURING AFTER 1983	50
THE ATTITUDE OF THE CHILDREN’S CENTRE TO THE PAST	54
VII. RESPONDING TO HISTORIC ABUSE	57
APOLOGIES	57
SUPPORT FOR SURVIVORS	59
CRIMINAL JUSTICE	63
MENTAL HEALTH	66
CIVIL LAW	66
CRIMINAL INJURIES COMPENSATION	68
VIII. THE SAFEGUARDING OF LOOKED AFTER CHILDREN TODAY.....	70
IMPROVEMENTS SINCE 1983	71
FURTHER WORK NEEDED	75
<i>Challenges.....</i>	<i>75</i>
<i>Actions in response</i>	<i>77</i>

<i>Attitude and approach</i>	82
ANNEX 1: ADMISSIONS AND RESIDENT NUMBERS AT THE ISLE OF MAN CHILDREN'S HOME, 1961 TO 1983	86
ANNEX 2: TRUSTEES AND COMMITTEE MEMBERS OF THE ISLE OF MAN CHILDREN'S HOME, 1961† TO 1983*	88
ANNEX 3: LAW AND POLICY RELATING TO CHILD PROTECTION: EVENTS SINCE 1983	91
ORAL EVIDENCE	96
22ND FEBRUARY 2018 EVIDENCE OF ANNE SEED, ST CHRISTOPHER'S	97
22ND MARCH 2018 EVIDENCE OF MR PAUL BURNETT, INDEPENDENT SAFEGUARDING CHAIR; DR MALCOLM COUCH, CHIEF EXECUTIVE, AND MS DEBBIE BRAYSHAW, CHILDREN AND FAMILIES DIVISION, DEPARTMENT OF HEALTH AND SOCIAL CARE; AND MISS HAYLEY DAUGHERTY AND MISS CHLOE EDWARDS, VOICES IN PARTICIPATION COUNCIL	121
3RD MAY 2018 EVIDENCE OF MRS CHRISTINE URQUHART; MR JOHN GUEST; AND MRS KERRY SHARPE MLC	155
18TH MAY 2018 EVIDENCE OF MR GARY ROBERTS, CHIEF CONSTABLE	191
21ST MAY 2018 EVIDENCE OF MR JOHN QUINN QC MLC, HM ATTORNEY GENERAL; AND MR ANDREW JOHNSTON, FORMER TRUSTEE OF THE CHILDREN'S CENTRE	219
WRITTEN EVIDENCE	249
APPENDIX 1: 22ND DECEMBER 2018 - MANX INDEPENDENT 'CHILDREN'S HOME CHIEF JAILED FOR ASSAULTS'	251
APPENDIX 2: 11TH AUGUST 2000 - ISLE OF MAN TODAY 'PAEDOPHILE INVESTIGATIONS CONTINUES'	255
APPENDIX 3: 3RD JULY 2018 - ISLE OF MAN EXAMINER 'CHRIS IS ANOTHER VICTIM OF KNOTTFIELD'	259
APPENDIX 4: 29TH JULY 2017 - SUBMISSION OF CHRISTINE URQUHART	263
APPENDIX 5: 30TH AUGUST 2017 - SUBMISSION FROM THE LEWIS BATESON CENTRE	271
APPENDIX 6: 30TH AUGUST 2017 – SUBMISSION OF VOICES IN PARTICIPATION COUNCIL	277
APPENDIX 7: 30TH OCTOBER 2017 – SUBMISSION OF VOICES IN PARTICIPATION COUNCIL	281
APPENDIX 8: 30TH AUGUST 2017 LETTER FROM CHIEF CONSTABLE TO CHAIR OF THE SOCIAL AFFAIRS POLICY REVIEW COMMITTEE	303
APPENDIX 9: 26TH SEPTEMBER 2017 – SUBMISSION OF THE CHIEF CONSTABLE	307
APPENDIX 10: 16TH MAY 2018 – SUBMISSION OF THE CHIEF CONSTABLE	319
APPENDIX 11: 29TH SEPTEMBER 2017 – SUBMISSION OF HM ATTORNEY GENERAL	327

APPENDIX 12: 17TH NOVEMBER 2017 – EMAIL CLERK OF THE COMMITTEE TO HM ATTORNEY GENERAL	331
APPENDIX 13: 29TH NOVEMBER 2017 – SUBMISSION OF HM ATTORNEY GENERAL	337

Volume 2

APPENDIX 14: 16TH AUGUST 2018 – EMAIL HM ATTORNEY’S CHAMBERS TO CLERK OF THE COMMITTEE	367
APPENDIX 15: 17TH SEPTEMBER 2018 – LIMITATION (CHILDHOOD ABUSE) BILL 2018	371
APPENDIX 16: 30TH AUGUST 2017 – SUBMISSION OF THE DEPARTMENT OF HEALTH AND SOCIAL CARE	383
APPENDIX 17: 4TH SEPTEMBER 2017 – EMAIL MS DEBBIE BRAYSHAW, CHILDREN AND FAMILIES, TO CLERK OF THE COMMITTEE	403
APPENDIX 18: 31ST OCTOBER 2017 –SUBMISSION OF THE DEPARTMENT OF HEALTH AND SOCIAL CARE	407
APPENDIX 19: 16TH APRIL 2018 – EMAIL DR MALCOLM COUCH, CHIEF EXECUTIVE, DEPARTMENT OF HEALTH AND SOCIAL CARE, TO CLERK OF THE COMMITTEE	535
APPENDIX 20: 30TH AUGUST 2018 – EMAIL MS DEBBIE BRAYSHAW, CHILDREN AND FAMILIES, DEPARTMENT OF HEALTH AND SOCIAL CARE, TO CLERK OF THE COMMITTEE	541
APPENDIX 21: 1ST MAY 2018 – EMAIL RONALD BARR, CHIEF EXECUTIVE, DEPARTMENT OF EDUCATION, SPORT AND CULTURE TO CLERK OF THE COMMITTEE	545
APPENDIX 22: 18TH JANUARY 2018 – MR CHRIS THOMAS MHK, MINISTER FOR POLICY AND REFORM, TO CLERK OF THE COMMITTEE	549
APPENDIX 23: 31ST JANUARY 2018 – EMAIL CARLOS PHILLIPS, CABINET OFFICE, TO CLERK OF THE COMMITTEE	553
APPENDIX 24: 31ST AUGUST 2018 – EMAIL CARLOS PHILLIPS TO CLERK OF THE COMMITTEE	575
APPENDIX 25: 24TH AUGUST 2017 – EMAIL MR PAUL BURNETT, INDEPENDENT SAFEGUARDING CHAIR	579
APPENDIX 26: 31ST OCTOBER 2017 – SUBMISSION OF SAFEGUARDING CHILDREN BOARD	585
APPENDIX 27: 11TH DECEMBER 2017 – EMAIL MR GARY McMANUS, IOM SAFEGUARDING CHILDREN BOARD, TO CLERK OF THE COMMITTEE WITH AUDIT TOOL ATTACHMENT	595
APPENDIX 28: 2ND NOVEMBER 2017 – SUBMISSION OF THE CHILDREN’S CENTRE	623
APPENDIX 29: EMAIL MS FIONA DAWSON, CHIEF EXECUTIVE OFFICER, THE CHILDREN’S CENTRE, TO CLERK OF THE COMMITTEE	631
APPENDIX 30: 16TH NOVEMBER 2017 – LETTER Ms FIONA DAWSON, CHIEF EXECUTIVE OFFICER, THE CHILDREN’S CENTRE, TO CLERK OF THE COMMITTEE	635

APPENDIX 31: 17TH NOVEMBER 2017 – EMAIL CLERK OF THE COMMITTEE TO MS FIONA DAWSON, CHIEF EXECUTIVE OFFICER, THE CHILDREN'S CENTRE	639
APPENDIX 32: 23RD NOVEMBER 2017 – EMAIL MS FIONA DAWSON, CHIEF EXECUTIVE OFFICER, THE CHILDREN'S CENTRE, TO CLERK OF THE COMMITTEE	643
APPENDIX 33: 22ND MAY 2018 – EMAIL MS FIONA DAWSON, CHIEF EXECUTIVE, THE CHILDREN'S CENTRE, TO CLERK OF THE COMMITTEE	647
APPENDIX 34: 2ND AUGUST 2018 – EMAIL MS FIONA DAWSON, CHIEF EXECUTIVE OFFICER, THE CHILDREN'S CENTRE, TO CLERK OF THE COMMITTEE	651
APPENDIX 35: 29TH JULY 2017 – LETTER MS W MEGSON TO CHIEF MINISTER	655
APPENDIX 36: 10TH AUGUST 2017 – SUBMISSION OF MS CATHY FOX	659
APPENDIX 37: 29TH AUGUST 2017 – SUBMISSION OF MS CATHY FOX	663
APPENDIX 38: 23RD AUGUST 2017 – SUBMISSION MRS JANE POOLE-WILSON MLC	669
APPENDIX 39: 3RD OCTOBER 2017 – SUBMISSION OF MRS KERRY SHARPE MLC	675
APPENDIX 40: 6TH AUGUST 2018 – SUBMISSION MR IAN NOTMAN, DEPARTMENT OF HOME AFFAIRS	683



To: The Hon S C Rodan, President of Tynwald,
and the Hon Council and Keys in Tynwald assembled

**SOCIAL AFFAIRS POLICY REVIEW COMMITTEE
FIRST REPORT FOR THE SESSION 2018-2019
HISTORIC CHILD ABUSE AT KNOTTFIELD**

I. EXECUTIVE SUMMARY

Life at Knottfield

1. People who were children in the care of the Isle of Man Children's Home under the management of Mr and Mrs Hamilton (1961 to 1971) remember a regime characterised by relentless physical brutality and emotional humiliation. We believe them.
2. Even though attitudes have changed, the way in which corporal punishment was used at the Home when Mr and Mrs Hamilton were in charge could not have been acceptable at the time. The way in which the children in the Home were treated at that time would be completely unacceptable today.
3. Mr and Mrs Hamilton's successors, Mr and Mrs Gardner, ran the Home in an entirely different way under which the children were much happier. It was a tragedy that Mr and Mrs Gardner stayed in post for only 18 months, from February 1972 to October 1973.
4. People who were children in the care of the Isle of Man Children's Home under the management of Mr and Mrs Marshall (1973 to 1983) remember a regime characterised by horrific physical, emotional and sexual abuse. We believe them.

5. Mr Marshall did not only perpetrate abuse himself but tolerated others' abusive behaviour and exploited it to his own advantage. Abuse was perpetrated not only by Mr Marshall but by other employees of the Home, by other children in the Home, by other adults known to the children, and by adult strangers both on and off the Island. The children and the staff felt there was no-one to whom they could report the abuse which was going on.
6. Mr Marshall successfully covered up a multitude of crimes committed by himself and by others. We believe that the 13 offences for which he was convicted in 1992 were only a tiny fraction of the number of offences he actually committed.

Life after Knottfield

7. The experience of living at Knottfield ruined many lives.

Criminal investigations

8. An opportunity to stop Mr Marshall was presented in the late 1970s when a child reported sexual abuse to the police. The police failed to take this opportunity to prevent further abuse by Mr Marshall. This failure had tragic consequences. The Chief Constable has apologised on behalf of the Constabulary.
9. The investigation, prosecution and conviction of Mr Marshall for sexual offences against boys in his care was a significant milestone for the former Knottfield residents, for the police and for the wider community of the Isle of Man. We acknowledge the bravery of the survivors who were prepared to give evidence in court. We also recognise the commitment of the police and prosecutors in bringing Mr Marshall to justice.
10. Although the maximum sentence available to the court in 1992 was inadequate by today's standards, the conviction did represent a public acknowledgement that crimes had been committed by a person in a position of trust against some of the most vulnerable members of society.
11. The police investigations since 1992 have been traumatising for former Knottfield residents. There has been inadequate support in place to help survivors of abuse who are traumatised by the experience of being interviewed by the police.
12. The Isle of Man Constabulary has altered its practices in the light of experience. We welcome the Constabulary's shift in approach to serious sexual assault allegations. Until fairly recently the police would simply seek a prosecution. Today they try to do what the survivor wants.

13. It is impossible for survivors of abuse to accept that the age and state of health of a potential defendant should have any bearing whatsoever on a decision as to whether a prosecution is in the public interest.

Recommendation 1

That Tynwald is of the opinion that the public interest demands the most rigorous approach to crime against children, irrespective of the age and state of health of any alleged perpetrator.

Knottfield in context: the Children's Home and the Children's Centre

14. During the period from 1961 to 1983 the Children's Home was a body corporate established under its own Act of Tynwald and having charitable status. Although some of the placements the Home provided were paid for by the Board of Education, the Home itself remained separate from the Government of the Island.
15. Mr Hamilton, Mr Gardner and Mr Marshall managed the Home under the supervision of an Executive Committee of Trustees and Governors whose members visited the Home on a monthly basis. Records of what the Committee members saw when they visited, and of what they were told by the Home managers, appear to have vanished.
16. There is a stark discrepancy in tone between the management records which do exist and the recollections of former residents. The formal reporting arrangements which were in place in the 1960s and 70s cannot have given members of the Executive Committee of Trustees and Governors any clear idea of what life was really like for the children in the Home.
17. Although the complaint made by a child to the police in 1979 did not lead to a prosecution, it appears to have been taken seriously by frontline social workers who appear to have responded by referring fewer children to the Home.
18. When the number of children in the Home fell, the approach taken by the Executive Committee was to discontinue residential services for a period of two years and then to reopen with a new manager. The effect of the approach taken was that three children were fostered by Mr Marshall, and that Mr Marshall's abusive behaviour did not become public knowledge until his criminal prosecution ten years later.
19. It is possible that, by the late 1970s, individual members of the committee might have suspected that abuse was taking place. It is possible that such suspicion could

have been a factor in the decision to discontinue residential services in 1983. We have, however, no evidence of what any individual committee member knew or suspected before Mr Marshall's conviction in 1992 put the matter beyond doubt.

Recommendation 2

That Tynwald authorises the Social Affairs Policy Review Committee to receive and to report further evidence on the management of the Isle of Man Children's Home and its successor bodies at all periods in their history.

20. The restructuring and renaming of the organisation in 1983, 1988, 2004 and 2008 have had the effect of distancing the Children's Centre of today from the Children's Home of the 1960s, 70s and 80s. We can understand why this may have been a deliberate policy from the time of Mr Marshall's conviction in 1992 onwards. We have not been able to establish whether it was a deliberate policy at any earlier time. Nevertheless on the basis of the Children's Centre's own evidence the Children's Centre of today is a direct descendant of the Home established in 1868. References to "the Knottfield Children's Home, which closed in 1983" are, therefore, potentially misleading.
21. The Children's Centre's attitude to the historical work conducted by Mrs Sharpe at the request of its former Chief Executive Officer, John Knight, has been legalistic and defensive. Its attitude to the present inquiry has been similar.

Responding to historic abuse

22. Individuals who, as children, were in the care of the Isle of Man Children's Home between 1961 and 1983, have been badly let down by those in authority throughout their lives. There is no doubt that serious mistakes were made which had the gravest lifelong consequences for some of the most vulnerable people in the Island. Mistakes were made not only in the way individuals were cared for when they were children, but also in the response of the criminal justice service and the health and social care services when, as adults, those individuals disclosed the abuse they had suffered.
23. The Chief Constable's public apology on behalf of the Constabulary is to be welcomed. The holders of other public offices need to consider whether they should make similar public statements, as does Tynwald itself.

Recommendation 3

That Tynwald acknowledges that serious mistakes were made in relation to the care of children between 1961 and 1983 and in relation to the subsequent treatment of former residents of the Isle of Man Children's Home; and that Tynwald deeply regrets and sincerely apologises for its part in the failures of the Island's public authorities over many decades to detect and prevent the abuse of children in the Home, to bring the perpetrators of abuse to justice, and to provide support and assistance to individuals who have been abused.

24. Further disclosures of historic child abuse in the Isle of Man are likely.
25. Despite recent improvements in policing and mental health services, more could be done to ensure the best possible response of public authorities and the wider community to those disclosing historic child abuse.

Recommendation 4

That Tynwald acknowledges the right to privacy of adults in the Island who, as children, were abused in the Island or elsewhere; but also affirms the right of those adults to be heard and supported in the event that they choose to disclose abuse.

Recommendation 5

That Tynwald calls on the Council of Ministers to consider what improvements are needed to services for adults disclosing abuse as children, and to report to Tynwald; and that Tynwald calls on the Safeguarding Board, as part of its work on safeguarding and protecting vulnerable adults, to have special regard to the needs of adults who were abused as children and to report on this as part of its statutory annual report.

Recommendation 6

That the Council of Ministers should consider and report to Tynwald on whether to appoint a person to promote the interests of victims and witnesses of crime by analogy with the Commissioner for Victims and Witnesses established in the UK under the Domestic Violence, Crime and Victims Act 2004 (of the UK Parliament).

26. The present Chief Constable, Mr Gary Roberts, has shown an outstanding personal commitment to the investigation of child sex abuse both as an investigating officer and as a senior manager of the police service. For this he deserves the thanks and appreciation of Tynwald and the public.
27. The police and the prosecuting authorities need to work hard to build and maintain the confidence of the public in their ability to investigate and bring to justice the perpetrators of sexual abuse, including sexual abuse of children. The work which is underway with the Public Health Directorate on a sexual assault pathway has the potential to make an important contribution in this regard.
28. There is a possibility that survivors of historic abuse may be able to claim damages for personal injury from a Government Department, the Children's Centre, or both. We recognise that such an action would be expensive for the complainants even if a group action were to be brought.
29. The normal law on limitation periods, under which there is an expectation that a claim for personal injury will be brought within three years, is not suitable in cases of historic child abuse. We believe that it would be fairer, in such cases, if a claim could be brought at any time, as in Scotland. As in Scotland, the defendant should still have the opportunity to argue that a fair trial is no longer possible because of the passage of time but the burden should be on the defendant to prove this.

Recommendation 7

That Tynwald approves for introduction under Keys Standing Order 4.2(1)(f) the Bill at Appendix 15 of the First Report of the Social Affairs Policy Review Committee for the Session 2018/19 [PP No 2018/0132], which would replicate in Manx law the provisions of the Limitation (Childhood Abuse) (Scotland) Act 2017.

30. Survivors of historic abuse may be able to claim compensation under the Criminal Injuries Compensation Scheme 1983 (if the abuse occurred before 13th December 2005) or under the Isle of Man Criminal Injuries Compensation Scheme 2005 (if the abuse occurred on or after that date).
31. The time limits in the Criminal Injuries Compensation Schemes 1983 and 2005 are not suitable in cases of historic child abuse. We believe that it would be fairer, in such cases, if an application could be made at any time.

Recommendation 8

That the Attorney General should bring forward amendments to the Criminal Injuries Compensation Schemes 1983 and 2005 to provide that in cases of historic child abuse applications may be made at any time.

Recommendation 9

That the Attorney General and the Treasury should review the sums payable under the Criminal Injuries Compensation Schemes 1983 and 2005 to ensure that they properly reflect the degree of pain and suffering caused by physical, sexual and emotional abuse and neglect during childhood as they are today understood.

The safeguarding of looked after children today

32. The arrangements for safeguarding looked after children today differ markedly from those in place during the period 1961 to 1983. There have been numerous inquiries and reviews leading to many welcome developments in legislation, policy and practice. The introduction of the Voices in Participation Council, as a way of ensuring the voices of children and young people in care are heard, is especially welcome.
33. The arrangements in place today for safeguarding looked after children are generally good. For a criminal to perpetrate harm of the kind experienced at Knottfield between 1961 and 1983 would be more difficult today than it was then. Despite the improvements made since 1983, however, it remains a possibility that a child in the Isle of Man could suffer emotional, physical or sexual abuse or neglect while in care. The impact of such abuse can be devastating.
34. Considerable attention is already being paid by Departments and agencies, by the Council of Ministers and by the Safeguarding Board to the risk of harm to looked after children and young people, with numerous workstreams underway to manage and reduce that risk. We welcome this.
35. The protection of children from harm is a fundamental priority in any jurisdiction. Safeguarding of looked after children is a shared responsibility of all public authorities. It is essential for all public authorities concerned with safeguarding to maintain an attitude of continuous improvement. Such improvement should be based on learning from all available sources including serious case reviews, past mistakes, best practice from other jurisdictions, professional advice, the experience

of frontline staff and volunteers involved in the delivery of services, and above all the voices of children and young people.

Recommendation 10

That legislation should be brought forward to place the concept of corporate parenting on a statutory footing.

Recommendation 11

That the Social Affairs Policy Review Committee should hear oral evidence in public from the Safeguarding Board annually.

II. THE WORK OF THE COMMITTEE

The establishment of this inquiry

36. On 18th July 2017 Mr Baker moved:

That Tynwald notes with concern reports of historical child abuse at the former Knottfield Children’s Home, which closed in 1983, and refers the matter to the Social Affairs Policy Review Committee to report by December 2017; and further instructs the Committee to investigate the adequacy of current procedures to protect from abuse children in care (looked after children) in the Isle of Man and to report in March 2018.¹

37. The then Minister for Health and Social Care, Mrs Beecroft, moved an amendment as follows:

To leave out all the words after “That Tynwald notes” and to insert the words “that allegations of historical child abuse at the former Knottfield Children’s home were investigated by the Isle of Man Constabulary and resulted in a prosecution; encourages all victims of abuse, historical or current, to report their allegations to the police for investigation; and further notes that the

¹ Mr Baker did not offer a definition of “historical”. However, in written evidence to us (Appendix 16), the Department of Health and Social Care quoted the NSPCC definition which we regard as suitable for the purposes of this Report. It says “non-recent abuse (also known as historical abuse) is an allegation of neglect, physical, sexual or emotional abuse made by or on behalf of someone who is now 18 years or over, relating to an incident which took place when the alleged victim was under 18 years old”.

Island's services for children and young people, including 'looked after children' have undergone independent review, including the 2006 Overall Commission of Inquiry into the Care of Young People and the two Scottish Care Inspectorate reports into services for children and young people in 2014 and 2016, and that the Island's Safeguarding Children Board provides rigorous and independently chaired oversight of all matters relating to the safety and care of vulnerable young people".

38. This amendment would have prevented us from undertaking the inquiry on which we are now reporting. In the event, the amendment moved by the Minister was passed in the House of Keys by 13 votes to 10, but defeated in the Legislative Council by 7 votes to 1. The amendment therefore failed to carry. The motion as originally tabled by Mr Baker was then carried without a division.
39. During the debate on 18th July 2017, Mr Baker explained the background to his motion as follows:

Last year, additional complainants came forward and a police investigation took place. This included one of my constituents, who also disclosed his abuse to the Police at that time but chose not to make a formal statement. Whilst I understand that the evidence was strong, the matter did not, however, proceed to trial. I understand that this was primarily because of the age and medical condition of the accused.

Those affected included my constituent and a group of several others known to him. This was many years ago, but the experience has had, and still has, damaging consequences for them; it is not something that has gone away. Yet, other than going through a formal police process, there is little in place to meet their needs. Many of the victims have had no opportunity for counselling, support or assistance to work through or to move on from the experiences that they suffered whilst in the care of the Government. They need to achieve closure and for this they need our help.

40. The constituent referred to by Mr Baker was Mr Chris Glover. He provided us with written evidence in August 2017 and with oral evidence in private in September 2017. In December 2017 he died, the Coroner of Inquests later recording a suicide

verdict.² We would like to pay tribute to the bravery of Mr Chris Glover in bringing the truth about Knottfield to public attention.

41. We are aware that Jersey and the jurisdictions of the UK have established politically independent inquiries into historic child abuse. These are generally led or chaired by lawyers, and staffed by officers with a professional knowledge and experience of child sexual abuse. Our inquiry differs in that it has been undertaken by a parliamentary committee: although we are independent of the Isle of Man Government we are nevertheless a committee of politicians.
42. It will be for others to assess the impact and effectiveness of our work. For our own part we make no apology for having undertaken this inquiry. We were commissioned to do this work by Tynwald, on the basis of a motion which was tabled in response to the wishes of a former Knottfield resident, who has since died. We therefore did not have any choice but to complete this inquiry.

Written and oral evidence of individuals

43. On 25th July 2017 we issued a media release inviting written submissions by 30th August 2017. In its original form, the release invited people to send their submissions to enquiries@tynwald.org.im. Following feedback from blogger Cathy Fox and others, this was subsequently changed to the Committee Clerk's email address. Within the Clerk of Tynwald's Office arrangements were made to ensure that information about individuals affected by the issues under investigation was only available to the minimum number of officers necessary to support the Committee's work.
44. We considered what support arrangements could be made for witnesses who might come forward, our clerk visiting the Mental Health Service in September 2017 to explore the issues. It did not prove practical to put specific resources in place. We did, however, ask every witness about the state of their mental health as part of our conversation. We later learned from one of the witnesses, Mrs Urquhart, that:

The Police, after advice – or me shouting very publicly on social media – contacted the Mental Health Services and provided the victims of Knottfield with a phone number and a fast track into the Mental Health Services. I am aware of at least one or two people who accessed those services and were

² Appendix 3

*basically told that they could not be helped because they were too scared to open that avenue, stating that it was detrimental to the victim.*³

After the evidence-gathering phase of our inquiry was completed, we were advised by the Department of Health and Social Care that although there had been an increase in demand generally for Tier 2 mental health services, the numbers associated with our inquiry were so low as to not make an identifiable difference.⁴

45. On 11th September 2017 we issued a further release encouraging people to come forward. In it we gave assurances of confidentiality, invited contact by phone as well as email and mentioned that people could bring another person in support.
46. Some former Knottfield residents made written submissions; others got in touch by email or phone only in order to arrange to come and talk to us. We heard from the former Knottfield residents in private, mostly in the Legislative Buildings but in one case in the person's home. The total number of former Knottfield residents whom we have met during the course of this inquiry is 14. Two of the former residents took the further step of giving oral evidence in public. Of those two, one also gave us consent to publish her written submission. We would like to place on record our thanks to all the former residents for their bravery in coming forward to speak to us, in what was a further traumatic event. We have also met one former staff member.
47. We asked all the former Knottfield residents whom we met, and the staff member whom we met, if they would be content for us to use their evidence, in anonymised form, as part of our report to Tynwald. They all gave that consent.

Other written and oral evidence

48. The other written and oral evidence we received is published as part of this report. Much of it was also published on our website during the course of our inquiry.
49. In July 2018 our Chairman made an order, or precept, under the Tynwald Proceedings Act 1876 requiring the Children's Centre and the Manx Museum to give us access to the records belonging to the Children's Centre which are kept at the Museum. Our clerk visited the Manx Museum to consult these records on three occasions (16th August 2018, 10th September 2018 and 24th September 2018).

³ Q 15

⁴ Appendix 19

50. Our clerk also examined on our behalf the information folder held by Mrs Sharpe and referred to by her in her oral evidence.
51. Our Chairman wrote to Mr James Crookall Cain, a former member of the Executive Committee of the Isle of Man Children's Home and a former MHK and Speaker of the House of Keys, asking if he would wish to contribute to this inquiry. Mr Cain's wife said he was unfortunately presently ill in hospital. Mr Cain was born in 1927.
52. Our Chairman also spoke to the social worker referred to by Mrs Sharpe in her oral evidence.⁵ She was not in a good state of health and did not wish to give evidence to us formally, but she indicated that Mrs Sharpe had already conveyed anything that she would have wished to say.

Criminal investigation: suspension and resumption

53. As part of our private conversations with former Knottfield residents, we asked their consent to pass on what they had told us to the police. Many had already been in touch with the police. All gave consent for us to pass to the police what they had said to us, and we did this.
54. On 30th November 2017 the Chief Constable wrote to the Clerk of Tynwald stating that a new criminal investigation had been commenced and asking that Part 1 of our inquiry be suspended. On the advice of the Clerk of Tynwald we did suspend that part of our inquiry and our Chairman announced this by statement to Tynwald on 12th December 2017. As part of the suspension we removed from the Tynwald website certain written evidence which we had previously published there. We proceeded to gather evidence in relation to Part 2 of our inquiry while Part 1 was suspended.
55. On Thursday 22nd March 2018 we received a letter from the Chief Constable stating that an extensive investigation had been undertaken, a file had been provided to Her Majesty's Attorney General, and the Director of Prosecutions has decided that no further action was to be taken. We immediately resumed Part 1 of the inquiry and our Chairman announced this by statement to Tynwald on 17th April 2018. We restored the written evidence to our website.

⁵ Q 71

Committee membership

56. At the time of the July 2017 debate which established this inquiry, the Members of the Committee were Mr Cretney (chair), Mr Ashford and Mr Perkins.
57. In September 2017 Mr Perkins decided not to participate in this inquiry. This was because his daughter, Detective Constable Emily Perkins, was a member of the Public Protection Unit of the Isle of Man Constabulary and had played a part in certain criminal investigations relevant to the Committee's work. As a Committee we supported Mr Perkins' decision. We announced it as part of our media release of 11th September 2017; the Chairman also announced it formally to Tynwald on 12th December 2017.
58. On Monday 8th January 2018 Mr Ashford was appointed Minister for Health and Social Care. Ms Edge was elected as his successor on this Committee on Tuesday 16th January 2018.

Extended remit

59. Following comments made by Mrs Sharpe in her oral evidence in May 2018, our Chairman tabled the following motion, which was carried at the June 2018 sitting:

That the remit given to the Social Affairs Policy Review Committee on 18th July 2017 in relation to historic child abuse be extended to include abuse not connected to Knottfield.

60. We announced our extended remit by media release on 4th July 2018 and we remain open to receiving evidence. The present report does not relate to the extended remit.

Independent safeguarding chair

61. Following the extension of our remit at the June 2018 sitting of Tynwald, the independent safeguarding chair, Glenys Johnston OBE, contacted us and offered us advice based on her experience of similar inquiries in other jurisdictions. We met with Mrs Johnston to discuss our work and sent her a draft of this report. We are grateful to her for her comments and assistance.

III. LIFE AT KNOTTFIELD

Witnesses

62. We met 14 people who had been in Knottfield as children, nine men and five women. They had been in Knottfield for different lengths of time, some for their whole childhood. Some had also been in Glencrutchery Road.
63. One man said simply that “nobody there was treated right or treated nice; it wasn’t a nice place to be”. Another said “you never felt happy there”.

The Hamilton regime

64. At the time of the move to Knottfield in 1968 the manager of the Home (or the Master, as he was known) was Mr Hamilton, who had been in post since 1961. The number of children admitted to the Home during Mr Hamilton’s tenure was 294.⁶
65. We met nine former children who had been in the Home under Mr Hamilton’s management. They all described the regime as violent. One man said:

Hamilton was an ex-army Sergeant Major, or something like that. And everything was strictness with him. It was just like he was still in the army, basically... Even if you looked at him the wrong way, he would just belt you and think nothing of it... He was a powerful man and once he started he wouldn’t stop on anyone. He just kept going, thinking it would knock it out of you type of thing, but it didn’t.

66. The violence was carried out in front of the other children. A woman said:

It was wet dishcloths over your face, made to stand on the chair if you didn’t eat your tea, in a corner, with all the other kids sat eating, and then you got it served the next day...

If you got in trouble you were made to stand in a queue and were bent over his knee and had your pants pulled down for all the other kids to see and then your backside walloped, and the next in the queue was the same.

67. The physical punishment used could cause visible injuries. One man recalled:

⁶ Annex 1

I was kept off school once because the Hamilton man hit me across the face with a wet teacloth, and it wrapped around and blistered here...

68. The children knew the use of physical punishment was disproportionate, another man stating:

My sister remembers one vivid account of our brother being severely beaten with a stick by the tall fella because he caught him walking across the playground area with his hands in his pockets.

69. Night times were a trial. One man said:

Every night you had to use the toilet and say a prayer at your bed. Kids being kids they sometimes laugh at this time. I only did it once. I had to put my hands on the window ledge and was hit across the fingertips on both hands. I cried into my pillow as I knew that if any noise was heard once you were in bed, you would again get the stick, even at three to five years old.

You were not allowed up once you had been put to bed. If you wet the bed a member of staff would grab you tightly around the neck and rub your face into the wet sheet.

A woman said:

I remember wetting the bed a few times. My nose was rubbed in it and I can remember the stairs going down and it was a cast-iron bath and I had to bend over and wash my wet sheets, and getting a wet dishcloth again.

70. A man told us how the children were unable to raise any concerns with relatives, staff, the Executive Committee of the Home, or the police. He said:

He [Hamilton] was on his best behaviour when your relatives turned up, it was all smiles and glamour and you couldn't let on. You would be properly dressed and all this kind of thing, and you would have to stand there and he would say to you, 'Don't speak unless you are spoken to', before anyone came in the room and just, so many things like that... You couldn't approach your family when they came up to take you out, nobody could because he would just deny it...

The staff didn't want to know, because I am pretty sure it was like the old days, a hundred years or more ago, like an orphanage type of thing ... when everyone was in the same clique type of thing, and they would just look the other way,

because you couldn't go to them because the first thing they are going to do is go straight back to him, so we couldn't do that...

They kept it well hidden from what they called the committee, as well. He didn't have to answer to anybody. He would be putting all his views to the committee all year round saying, "Oh, everything is fine", and this, that and the other, and they would just take that for granted. Because not even one of them came forward in the year, it was only at Christmas they all turned up on the same day at the same time for about an hour and he would probably say, "There you go, it is all running well", and this and that and the other, and then that was it for another year. They never approached the children. They came in the room, in the dining room we called it, because it would always be when they were serving the main Christmas dinner. They would hang around for about 10 minutes and then he would walk out with them and they would be in his office and we wouldn't see them. You couldn't approach them; you couldn't get near them.

I suppose, with hindsight, you would have gone, but we would have got murdered for approaching the Police Force, because it would have had to go back to the Hamiltons and stuff, so we couldn't do it. We couldn't do it at all.

71. Mr and Mrs Hamilton were both over 60 when they retired in 1971.⁷ We assume they are now deceased. Given the passage of time it has not been possible to cross-check any of the children's memories of the Hamilton era with anyone who was an adult at the time. The former children have said in any case that the reality of life in the Home was hidden from other adults – therefore, corroboration would have been difficult or impossible to find even for a contemporaneous inquiry. However, having met the former children we find their accounts entirely convincing. We believe them.

Conclusions

People who were children in the care of the Isle of Man Children's Home under the management of Mr and Mrs Hamilton (1961 to 1971) remember a regime characterised by relentless physical brutality and emotional humiliation. We believe them.

⁷ Minutes of Executive Committee meeting, 13th August 1971 (Manx Museum)

Even though attitudes have changed, the way in which corporal punishment was used at the Home when Mr and Mrs Hamilton were in charge could not have been acceptable at the time.

The way in which the children in the Home were treated when Mr and Mrs Hamilton were in charge would be completely unacceptable today.

The Gardner regime

72. Mr and Mrs Hamilton left the Island at the end of 1971 and were succeeded from February 1972 by Mr and Mrs Gardner. The Gardners resigned in May 1973 and left in October of the same year by which time their successors were appointed. The number of children admitted to the Home during Mr Gardner's tenure was 39.⁸
73. We met seven former children who had been in the Home under Mr Gardner's management. Most of them had been in the Home both before and after Mr Gardner's brief tenure, and they had less to say about Mr Gardner than about his predecessor and his successor. One man said:

I think Jack Gardner left because his wife got ill and she passed away. I think that is the only reason he left. It would have been the case if he had stayed on, then the Marshalls wouldn't have got it, which would have been better all round, obviously, for everyone. Because they weren't in any form like that at all. They were not like the Hamiltons and they weren't like the Marshalls, they were just a neutral couple. They ran it properly but they were more relaxed type of thing, from what I remember of them.

74. Another man said:

What a big difference they made. No more red stick. We got pocket money. Every Saturday night they sat with all the children to watch Doctor Who and The Generation Game with the younger children going to bed after Doctor Who, and me and the other children my age going to bed after The Generation Game. The older children went to bed after The Morecambe and Wise Show.

75. A woman said:

Mr and Mrs Gardner, that is my happy time. They were lovely. They brought the kids alive a bit. They were lovely ... They just made you feel comfortable and

⁸ Annex 1

they treated you nicely and you thought oh, we're on a winner here, this is too good to be true. But it did carry on being good and they changed a lot when they ran it. It was lovely.

Why the Gardners left

76. As noted above, one of the former residents told us he had been led to believe that Mr Gardner had left because his wife had become ill and died. The records of the Home held by the Manx Museum tell a different story.
77. On 29th May 1973 a special meeting was held of the Executive Committee of Governors to consider a joint letter of resignation from Mr and Mrs Gardner. According to the minutes of the meeting:

The principal reason for the resignation appeared to be in the fact that an alleged inquiry had been made into the Houseparents' prior employment by a Committee Member. Mr Gill [the Chairman of the Committee] felt that if any one member instigated an investigation it was a personal matter for that member and not a matter for the whole Committee. Mr Gill read a further letter from Mrs Stanier setting out further complaints against the Houseparents.⁹

78. Mrs Stanier was another member of staff. She had written to the Executive Committee in April 1973 indicating her intention to resign with effect from the end of May 1973. Her resignation had been accepted by the Committee on 11th May 1973.¹⁰
79. At its meeting on 29th May 1973 the Executive Committee accepted the Gardners' resignation and by October 1973 the Gardners had gone. At the following Annual General Meeting the Chairman of the Executive Committee, Mr Gill, said:

During the past year we lost the services of Mr and Mrs J R Gardner who left to start in business on their own; we wish them every success in their new venture.¹¹

⁹ Minutes of Executive Committee meeting, 29th May 1973 (Manx Museum)

¹⁰ Minutes of Executive Committee meetings, 13th April 1973 and 11th May 1973 (Manx Museum)

¹¹ Report of AGM on 22nd May 1974 (Manx Museum)

80. Meanwhile in June 1973, after the Executive Committee had accepted the resignation of the Gardners, Mrs Stanier wrote again to the Committee asking to be reinstated. The Committee decided to wait until the new Houseparents were in post. It is not clear whether Mrs Stanier did return to the Home after the arrival of the Marshalls.¹²
81. It would appear that the Gardners left because of dissatisfaction on the part of one or more members of the Executive Committee, possibly spurred on by other members of staff including Mrs Stanier. It is ironic that a member of the Executive Committee queried Mr Gardner's prior employment, given that it was only in the case appointing Mr Gardner in 1971 that the Executive Committee had consulted Mr Cracknell, the General Secretary of the UK's National Children's Homes, to ask for assistance in finding a suitable manager.¹³

Conclusion

Mr and Mrs Hamilton's successors, Mr and Mrs Gardner, ran the Home in an entirely different way under which the children were much happier. It was a tragedy that Mr and Mrs Gardner stayed in post for only 18 months, from February 1972 to October 1973.

The Marshall regime

Physical, emotional and sexual abuse

82. Mr and Mrs Marshall moved to the Island to work at the Home from October 1973. They remained in post until residential services were closed in March 1983. The number of children admitted to the Home during Mr Marshall's tenure was 375.
83. It is a matter of public record that Mr Marshall was convicted in 1992 and jailed for three years for indecently assaulting two boys in his care. They had been 10 or 11 years old at the time of the offences. The offences dated back as far as 1974. One of the witnesses said he had suffered continual abuse and could not remember a day when abuse did not happen. The other told a similar story. The defence argued that both accounts showed some exaggeration as to the frequency of the offences. The criminal investigations which led to this conviction, and other criminal investigations, are discussed later in this Report.

¹² Minutes of Executive Committee for 15th June 1973 (Manx Museum)

¹³ Appendix 39

84. We met one of the men who had given evidence at the 1992 trial and we met five other people who also told us they had been sexually abused by Marshall. The level of detail in their accounts varied but each and every one was horrifying. We were also told of sexual abuse perpetrated on the children by other members of staff, by other adults known to the children, by strangers, and by other children.
85. It appears that following Mr Gardner's departure, the regime returned to one characterised by violence and humiliation. A woman told us the children were told they would be hit with cricket bats if they stepped out of line. The cricket bats were kept in a chest of drawers at the top of the stairs. On one occasion when she and two siblings had birthdays, their aunt sent a big basket of fresh fruit; the children were shown the fruit but were not allowed to have any. Birthday cards came but they had been opened before the children saw them. If there had been any money in the cards it had been removed.
86. In addition to the emotional and physical abuse associated with the Hamilton years there was now a clear sexual dimension. A man told us:

One of Marshall's punishments with me was making me get completely naked and caning me. He moved me to a single bedroom in the Home where he would come in often and abuse me. I would lie in bed awake at night waiting for the creak outside my bedroom door. Sometimes he would go into the big bedroom and I could hear him calling one of the boys.

Another said:

The other thing I remember about my early years is, being quite traumatised, I wet the bed, and if you wet the bed in the Children's Home you were made to wear a cloth nightie instead of pyjamas and sent to bed early in front of the other children. I was humiliated, as were other children because of this act.

And another said:

Every room had socks for the morning, underpants, clothes – first up, best dressed – but it seemed there were never enough underpants. Now, bear with me. At the back you have got the lawn. Most of us would go to Murray's Road School, so we would go out there, down, Murray's Road School. You would have to line up. All the kids would have to line up and drop their trousers for Marshall to see who was wearing underpants and who was not.

87. The bathroom was a place the children dreaded. A woman told us that one occasion when she was 12 years old she went into the bathroom to see a female staff member, whom she named, holding her sister's head under the water. The staff member, who was in charge of the Home at the time (Mr Marshall being away on a trip) was shocked when the 12-year-old walked in. The sister was four years old. Another woman said:

When we were bathed the only thing that Mr Marshall ... which was horrendous ... out of the bath he used to sit you on his knee and then I physically got touched on there with two other girls in the bathroom with me.... I can remember it as plain as day, getting touched and thinking, 'Oh, my God, they're next to get it done and made to touch him.'

A man said:

My first recollection of being sexually abused by Joe Marshall was when he called me in to have a bath. Once in the bath Marshall demanded that I perform a sex act on him and then go downstairs where he made me some toast.

Another man provided us with a detailed account of a sexual assault perpetrated in a bathroom, just after he had had a bath, by a female member of staff, whom he named.

88. Bedtime was a time of trial. A man told us:

I used to dread when Marshall was on duty as he would turn the light off and then go around to tuck us in and would try to stick his tongue into our mouths when saying goodnight. He did not do this to all the children in the room, only the "chosen few"...

At night, Marshall used to take one of us to the attic. In the room was a mattress and a light. He would make us do things to him and he would do things to me.

89. Not all the abuse took place at night or in the attic. A man provided us with a detailed account of a series of sexual acts which he was forced to perform in Marshall's office. Another told us:

Marshall got me where he would take me out with his family after he'd done something nasty, and I'd be scared and I'd be there having an ice cream on the beach with [two girls], and I would be thinking, 'Oh no, am I going to be left alone; is he going to find an excuse to ... ?'

90. Marshall and his permanent staff do not appear to have been the only abusers. A man told us:

I was sexually abused by a man who had been put in charge of the Home when Marshall and his family had gone on holiday.

91. Inappropriate behaviour also took place outside the Home. A woman told us that when she arrived at the Home a female employee was in charge, Mr Marshall being away on a trip. This employee's son took the woman, who was 12 at the time, out on her own to Castletown and had asked her to pose for photographs. At the time she did not think this was particularly odd. She had been glad of the chance to go out of the Home, as this was not normally allowed. Looking back on it, she now thought that it could be regarded as a form of grooming. She had not been abused but she believed that the man in question had later been imprisoned for indecent assault or exposure.

92. Another woman told us:

There was a shop at the back of the Children's Home ... and Pink Panther bars, do you remember them? ... We used to love them. They were called Pink Panther bars. Pink chocolate they were, with the Pink Panther on the front of them. He used to go like this to me out the back and then ... All for a chocolate bar, basically, a Pink Panther bar ... So I thought if I let him do it I'll get my chocolate, I'll get my Pink Panther chocolate bar, which he used to ... And then one time it went a bit deeper with him and I brought a box back for all the kids in the home and said, 'Look what he's given me,' but what I had to go through to get ...

93. A woman who was a member of staff in the Home when Mr Marshall was in charge told us:

In those days, the public could come in and take the children out – that is the way it was – and when those children came back, they would always say, 'Oh, we've been here, Miss,' or 'We've been there, Miss, and had ice-cream' and

different things. But a certain man came. He wanted boys between 10 and 14, and when the boys came back they were very, very quiet and subdued.

There was one particular boy who did say that there was something happening to him in the car, so I said to him, 'You don't have to go again.' He said, 'No, Curly's told me.' They called Mr Marshall 'Curly'. He said 'No, Curly said I've got to go.' So I went to see Mr Marshall and I said, 'I really think there's something ...' He said, 'Stop that now, you're being over-imaginative,' and really quite nasty about it – because what he said was right, and you didn't have that support in those days, like who do you turn to.

94. Child-on-child abuse was tolerated and exploited by Mr Marshall. Two women told us that children abused other children in the tunnel at the bottom of the building. A man told us his first experience of sexual abuse was by an older boy; then other boys started abusing him. One day when he was about 11 years old he was abused by three boys near the White Hoe. He told Mr Marshall what had happened. Mr Marshall put him in the bath and said: "There are plenty of people you can do it with – you have to keep it in, you can't go doing that outside the Home."

95. The same man told us of another occasion in these terms:

I remember running away and going to the police station and told them ... not about Marshall but about the other kids, and then I got a telling off from Marshall. When I ran away to the Police it was, 'Who else's name did you darken?' And it was banned.

96. Mr Marshall appears to have arranged for the children to meet other abusers during their trips off the Island. A man told us he was sexually abused by a stranger when on holiday in Kent, and at Warwick Castle by players of a foreign football team who performed sex acts on him and also made him do the same on them. Others had similar recollections. One said:

I remember Mr Marshall waking me up and going on the third window, when I was holiday, and a man brought me in and the he did things and I did things – I think it was the goalie, I can remember that ... And he was forcing me to mix with them all, but I didn't want to. And on a couple of nights there were these other fellas and he brought me in, but there were two of them and they were horrible. The goalie gave me some money. They just hurt me and it was just ... I wanted to ...

Another said:

Yes, I would have memories of when we used to go across. If you are in a big massive park and you have got all the kids there, you would have strangers coming up to Marshall, male strangers coming up to Marshall and he is chatting and he is pointing to the kids, and this happened quite a few times, every time we went away...

We were on a trip away – not an international trip, it is just that the football team were all there. I remember I was heading past their place and I tripped over and landed on my knee. Next minute, this physio or doctor of this international football team brought us in to treat my knee and offered me a cup of tea – they only drink black tea, which I thought was strange at the time – which was fine, because ... We were given a suitcase full of money. I do not know if the Government knew about that. He was handed a suitcase, witnessed by the kids because they presented it to him and he opened it up and it is not £100, it is all they have, this international football team. Big heavy briefcases full of cash. That is all they deal in. You would see it, they all had them, and one of these was given to Marshall, absolutely chocca. They even took photographs of it open, in front of all the kids gathering around and all this. To me that was just a normal trip, but I have since found out that was not a normal trip for at least one of the lads.

Effect on the children's education

97. The children went to Murray's Road School and Ballakermeen High School. A man told us that being in Knottfield had affected him in a negative way, because when the children from Knottfield went to the nearby school they were marked out and treated like scum.
98. A former Knottfield resident, Mr John Guest, told us in public:

When I was in the children's home I was not driven or helped in any way in my education. My education suffered. I was quite good at maths and quite a bright person at school, but when the paedophile in question came to the children's home my education suffered. All I wanted to do was get away from the children's home and the only way to get away from the children's home was to get away from school. Okay? So my good education, which would have got me a decent job, which would have made me a better citizen, suffered because the

Government, under the care of the Government, employed this paedophile in this children's home to ruin my life and others', which ruined my education and my life.¹⁴

99. Another man told us:

Before the sexual abuse by Marshall I was a quiet child and I was doing quite well at school and had friends. The Home did not seem too bad then. But looking back, when Marshall started abusing me I started retaliating. I would go out causing trouble or doing illegal things and the more he abused or caned me the more I would do it.

Reporting abuse

100. We were told of how Marshall and those around him had succeeded in covering up the abuse.

101. As in the Hamilton years, the children did not feel they could report the abuse. One man said:

The first time [I tried to run away] was when I was really young and something happened. I don't know if it was in Marshall's time, but I remember just walking along this busy road just wanting to get lost or knocked over. I got picked up by some gypsies who took me to the police station and I tried to say to them – but every time it was back to Mr Marshall. In the end I just stopped trying.

102. Another man told us that when he was 14 his mother took him to live with her and her husband in the UK. Marshall threatened him by saying that if he talked about the abuse, UK-based abusers would come and get him. So he said nothing.

103. On the rare occasion where abuse was reported to the police, Mr and Mrs Marshall prevented at least one child from giving evidence. He told us:

One night I woke up – it was darkish, it must have been early in the morning ... Mr Marshall turned up and said ... I was closing my eyes, keeping them closed as much as I can, just saying pretend to be asleep, and he is saying to this other kid, "You've got to come and do your chores." I was actually thinking "what

¹⁴ Q 45

chores do you do at that time of the morning?" He was saying, "No, no, I don't want to do the chores," and all this, and he was crying and screaming. Mrs Marshall turned up, trying to calm him down and saying, "Come on, you've got to do these chores," and then he was dragged out of bed and removed from the room.

The next thing, there was an investigation and I was told I would have to go to the police station and make a statement, which I was prepared to do, and I do not know how long after I had to go up to the police station but before I got to the police station, I was taken in a room by both Mr and Mrs Marshall. Mr Marshall didn't tell me; Mrs Marshall told me in no uncertain circumstances should I say anything at all to the Police – I didn't see nothing, I didn't hear nothing. And it wasn't just a 'Did you hear me?'; I still remember her face, and being young ... So I went up to the police station and said nothing.

Another man commented of the same investigation:

But once the Police were called to the Children's Home, when one of the children complained of sexual abuse ... I remember the Police coming, but as children we were not spoken to and asked if any other children had a complaint about this.

104. The Home also did nothing to support children who reported abuse taking place elsewhere. A woman told us:

I was being sexually abused from the age of four years before I went into Knottfield. Well, we think four years old; I could have been younger. I did report ... the person that was abusing me was still visiting me when I was in the home. I was there from the age of six to eight and I did report this person when I was age seven, which is why I am so concerned that the Knottfield files have gone missing.

I did report this abuser to staff. I cannot remember the staff's names. I remember the Marshalls. I can remember faces but I cannot remember the names, but I distinctly remember the Marshalls and I did report this abuser to staff in the home after a cinema trip, because he had abused me again, and nothing happened.

Running away

105. The children made various unsuccessful attempts to escape from the Home over the years. A woman told us she remembered using the fire escape to run away from the Home with her sister and another girl. They had ended up in Tromode in their pyjamas. A man told us:

One day we ran away. We got to Foxdale, that wasn't bad in a day! There were four of us and I think it was [...]’s relative that we got to and they phoned the Police, and then we got back and Marshall just battered us.

Another man gave the following account:

So me and [...] actually ran away from the Children’s Home and we called it ‘we escaped’. We got 50p each off our dad when he had been to see us and we said, ‘That’s our chance, we’re going to go,’ so we ran, and then we hid and we did strange things. They did not catch us, they did not find us. We watched the Police. From where our vantage point was we could see the Police looking for us, but they did not catch us – they were not clever enough to catch us.

Sadly enough, we got hungry and we sent [...], who must have been very young at the time, to go and get some food from the shop with the 50p that we had, one of the 50ps that we had, and he came back with, sadly, a tin of cat food. We were in the old mill house in Tromode by the river and we managed to break open this tin of cat food and we tried eating it, because we were very hungry. But it was part of this adventure that we were enjoying because we were free and we had no restraint or burden on us to not be just who we wanted to be. But that was two days which we enjoyed.

When we gave ourselves up ... We called it ‘we gave ourselves up’ – ‘Let’s give ourselves up,’ – we did, and we remember seeing people ... At this time we were hiding underneath the Children’s Home in a room that we called ‘the cage’, the children called the cage, because it was a play area which had a metal gate on it which we called the cage. We could see through various places what was happening around the place. It was a good place to be because we could see, and we could see the Police coming and people talking and we started getting cold so we said, ‘Let’s go.’ We walked in the house.

We just walked in the front door to the shock of the people who were there, and the Police were there too but at no time did anybody say to me or my

brothers, 'Why do you feel the need to run away from your bed, your home, what should be your place of comfort and care? Why have you decided to run away? All of these people have been looking for you.' Nobody said to us nothing. 'Go and get washed,' or whatever they made us do, 'and get on with your life.' So we were back in that place. We had tried to get away but we did not. We had done our best but we could not do any more, so that was that.

Conclusions

People who were children in the care of the Isle of Man Children's Home under the management of Mr and Mrs Marshall (1973 to 1983) remember a regime characterised by horrific physical, emotional and sexual abuse. We believe them.

Mr Marshall did not only perpetrate abuse himself but tolerated others' abusive behaviour and exploited it to his own advantage. Abuse was perpetrated not only by Mr Marshall but by other employees of the Home, by other children in the Home, by other adults known to the children, and by adult strangers both on and off the Island.

The children and the staff felt there was no-one to whom they could report the abuse which was going on.

Mr Marshall successfully covered up a multitude of crimes committed by himself and by others. We believe that the 13 offences for which he was convicted in 1992 were only a tiny fraction of the number of offences he actually committed.

IV. LIFE AFTER KNOTTFIELD

106. The Home does not appear to have prepared children well for adult life. A man told us:

Years later, when I decided to leave, I had a disagreement with this man, this monster, his wife – I had a disagreement with her and I was literally wrestled to the floor because I was becoming kind of anti-establishment and against anything that was ... So in my anger I just said, 'I'm leaving the Children's Home,' because at this time I had left school and I was trying to just get away, and I just said, 'I'm leaving.' I was told by this paedophile that the only way I could leave was if I spoke to my social worker, and my reply was 'What is a social worker?' I had never been in contact with anybody in my life. I was told

that Mr Evans was my social worker and he needed to see me. I had never spoken to Mr Evans or met Mr Evans in my life before this. So we had a meeting with the paedophile, myself and Mr Evans and the conversation lasted not as long as we have been in this room today. I said, 'I'm leaving,' – 'Why?' – 'I want to leave.' He said, 'Fine.' So I went up to my room. I cannot remember what ... I could say I packed a bin liner but I just packed a bag and I walked out the door. So I was gone, I left.

I walked into society, into the outside world alone, with some clothes, no money, and I went to stay at my brother's apartment, my brother's flat. He had a grubby flat on Castle Mona Avenue. I did not get on with my brother. We argued all the time in the Children's Home, we argued when I saw him at the Children's Home, but my escape was to go and share a flat with my brother. It was horrendous. He was three or four years older than me. There was a girlfriend and we fought all the time and it was just horrendous.

So I walked into society alone, with no training or guidance, they gave me no contacts, nothing, and looking back I can only describe myself as feral. I was just untrained. I could not cook, I could not feed myself, I had nothing, and within two days I remember I was hungry, so I waited until it got dark and I went back to Knottfield and I broke in and I stole some food. That was the way I had to get to eat – and I have put here 'crazy', because it was crazy but I was hungry.

107. Another man told us that when he got married, unbeknown to him, his wife invited Mr Marshall to the wedding. He felt so sick he had to leave the wedding early, without his wife. Of his married life and subsequent relationships he wrote:

We had a little boy and although it was a happy time I destroyed it. I did not know what to do, had no idea what a family was all about. The Children's Home taught you nothing about family or relationships.

108. The present Chief Constable told us that when, in the early 1990s, he met a number of adults who had been residents of the Home as children before 1983 he found that many of them had serious problems. He attributed these problems to their experiences in the Home. In his initial written submission he wrote:

Evidence gathered by the police showed that A had become an alcoholic by the age of 14, that he had a long and increasingly serious history of offending, that

*he had real difficulties in forming personal relationships, and that he had significantly poor mental health, including harming himself on several occasions. He believed that this had been caused by the abuse by JM and professional assessments supported this view. Many of the young people who spent time in the care of JM had similar problems.*¹⁵

Having read this submission, Mr Guest commented on this paragraph as follows:

*We feel his report submitted to the select committee has inaccuracies and find some of his comments offensive when he states that many of the young people who spent time in Knottfield [...] had poor mental health problems, difficulty forming relationships, had a history of offending and alcoholic problems. We find this and other parts of his written submission to this Committee to be untrue, a defamation of the character of myself and others who lived and survived the unregulated systemic abuse in the children's home in the 1960s and 1970s.*¹⁶

In his oral evidence the Chief Constable responded:

I have read the transcript of Mr John Guest's evidence, where he criticised my written submission. He felt that I was somehow seeking to blame the young people, when I described them as having mental health problems, or drink and drug addictions, or that they committed crime. Nothing could be further from the truth.

*The point that I was perhaps clumsily attempting to make was this: whatever happened to them in their lives was seemingly an inevitable, understandable and appalling consequence of what Marshall did to them. Nothing more, nothing less.*¹⁷

Conclusion

The experience of living at Knottfield ruined many lives.

¹⁵ Appendix 9, para 10

¹⁶ Q 28, lines 554 to 560

¹⁷ Q101, lines 77-83

V. CRIMINAL INVESTIGATIONS

1979: an opportunity missed

109. Among the childhood memories reported in the previous section of this report was one occasion when the police were called to the Home following a complaint about Mr Marshall. In his written submission the Chief Constable provided a different perspective on what is likely to have been the same event:

It was discovered [in 1992/93] that in 1979 a boy residing at Knottfield (B) had alleged that JM had abused him. The matter was not formally investigated and it was believed at the time (possibly for cultural reasons) that this was the case of a badly behaved adolescent trying to get an adult into trouble. Indeed B was perceived as being troublesome and difficult, exhibiting serious and challenging behavioural problems.

Efforts to try to determine precisely what had happened in respect of that allegation were frustrated by the lack of written records and by the death of a social worker, whom young people who had been in care appeared to have trusted and who was believed to have been suspicious about the behaviour of JM. His death had occurred sometime before the commencement of the investigation.¹⁸

110. In his oral evidence the Chief Constable explained that:

The report on the 1992 investigation makes clear that the single 1970s complainant, a young man, alleged sexual abuse against him by Marshall. It is impossible to determine what happened, except that Marshall denied the allegations and, as the report explains, he was given the support of the then Director of Education, Alun Davies, who has long been deceased.¹⁹

111. He went on:

This support meant that Marshall remained in charge of Knottfield for several more years, during which time he sexually assaulted other boys. It also meant that he remained a foster parent. In this capacity it is highly likely that he abused another boy. The 1992 investigation report contains the damning view

¹⁸ Appendix 9, paras 12-13

¹⁹ Q 101, lines 108-111

*that everyone around Marshall and Knottfield treated the matter as that of a naughty boy, who was attempting to cause trouble.*²⁰

And he went on to apologise on behalf of the Constabulary, saying:

This is a point at which I have to be careful: society was different then, police training and techniques were different, the belief attached to young people who complain was different; but different or not, this must have been an opportunity to stop Marshall. The way that the young victim was treated was, by any measure, terrible.

*At this distance – and in the absence of contemporary records – I cannot tell you what part the Police would have played in protecting young people in the light of the allegations. I suspect that it would have been fundamentally different than it would be now in such circumstances. However, I need to be very clear here: I am sorry that this opportunity to stop Marshall was not taken and I am sorry that the Constabulary was one of the public services that failed either to see or to take the opportunity.*²¹

Conclusion

An opportunity to stop Mr Marshall was presented in the late 1970s when a child reported sexual abuse to the police. The police failed to take this opportunity to prevent further abuse by Mr Marshall. This failure had tragic consequences. The Chief Constable has apologised on behalf of the Constabulary.

1991 to 1995: Marshall is convicted

112. In the early 1990s new evidence came forward of Marshall's abuse. This time the allegations were taken seriously by the police. The present Chief Constable was the officer in charge of the investigation.²²
113. In his written submission to us the Chief Constable describes how the Constabulary undertook a systematic and extensive investigation into the activities of Mr Marshall during his time at Knottfield, and how, during the course of the investigation,

²⁰ Q 101, lines 111-116

²¹ Q 101, lines 117-126

²² Q 103

attempts were made to trace and interview as many former residents of Knottfield as possible.²³

114. Although it seems likely that many people had suffered abuse in the Home, few were prepared to disclose abuse, with the efforts of the police being focused on just five witnesses (referred to as “A” to “E” in the Chief Constable’s submission). We have enormous sympathy with those who did not wish to bear witness in open court. From our experience of having met former Knottfield residents who were abused, we have seen for ourselves the distress which can result from telling and re-telling painful memories. In many cases they had not spoken of these things to their families, including to siblings who may have been in the Home as well and may or may not have suffered similar abuse.
115. An additional challenge for the police was a lack of records. The Children’s Centre was able to provide little more than a list of names,²⁴ while any records of the police’s own investigation from the 1970s had disappeared.²⁵
116. A written submission we received from a former Knottfield resident told us that the police put an advertisement on the radio in 1991/92 asking anyone with information regarding sexual abuse in the Children’s Home to contact the police. He did not think this approach was likely to generate many responses, because of the difficulty people found in talking about abuse.
117. He went on to describe an error by the police which resulted in less evidence coming forward than might otherwise have been the case:

I remember being in my house on the second floor in a room with my girlfriend. There were police there. My younger brother was in a downstairs room talking to the police. I found out by the police officer in our room that it was something to do with Marshall. The policeman turned to me and just casually asked me if Marshall had done anything wrong to me in the home. It was just for conversation. I remember I froze but my girlfriend was also there so I just said no.

²³ Appendix 9, paras 6 to 29.

²⁴ Q 101, lines 273-280

²⁵ Q 101, lines 104-105 and 127-128

After that day nothing else was said about it, and the sick and sad thing is I only found out a lot of years later that Marshall had been convicted and sentenced to prison over sexual abuse to my brother. Have you any idea how traumatising this is and to know that I could have stood beside my brother and told my story and we could have supported each other?

118. Despite such difficulties, in 1992 Mr Marshall was convicted of 13 charges relating to two boys. His conviction was reported in the *Manx Independent* on Tuesday 22nd December 1992.²⁶ The Chief Constable told us that during the investigation Mr Marshall had stated that he had committed “hundreds” of indecent assaults.²⁷

119. Mr Marshall was sentenced to three years’ imprisonment. The Chief Constable explained:

It should be noted that the sentencing powers then available to a court for offences of this kind were limited and JM was sentenced under legislation dating from the 1960s, rather than the Sexual Offences Act 1992 as the offences he had committed pre-dated the new law. The 1992 Act is now deemed itself to be outdated and a modernisation of sexual offences law is in the government’s legislative programme.²⁸

120. In oral evidence the Chief Constable commented of Mr Marshall’s conviction that:

At that time it was believed that his was the first conviction for this type of offending on a non-recent basis in the British Isles. This was a significant achievement, but not one that was celebrated by any of us involved in the case.²⁹

Conclusion

The investigation, prosecution and conviction of Mr Marshall for sexual offences against boys in his care was a significant milestone for the former Knottfield residents, for the police and for the wider community of the Isle of Man. We acknowledge the bravery of the survivors who were prepared

²⁶ Appendix 1

²⁷ Appendix 9, para 19

²⁸ Appendix 9, para 22

²⁹ Q 101, lines 150-154

to give evidence in court. We also recognise the commitment of the police and prosecutors in bringing Mr Marshall to justice.

Although the maximum sentence available to the court in 1992 was inadequate by today's standards, the conviction did represent a public acknowledgement that crimes had been committed by a person in a position of trust against some of the most vulnerable members of society.

121. Further disclosures were made in 1994 and 1995. These were investigated but did not lead to further prosecutions.³⁰

2015 to 2018: further investigations but no further prosecutions

122. After a further 20 years, evidence came forward in 2015 of abuse at Knottfield from a new witness whose account differed from those of the witnesses investigated in the 1990s. The police decided to conduct an extensive investigation and attempts were once again made to trace and interview as many former residents of the Home as possible. In addition to the five who had been interviewed in the 1990s (referred to as "A" to "E" in the Chief Constable's submission), eight more former Knottfield residents were traced (referred to as "F" to "M"). Attempts were also made to trace people who had worked at or visited Knottfield. A comprehensive file was passed to HM Attorney General in 2016 for consideration.³¹
123. Following the establishment of the present inquiry in 2017, we heard from a number of former Knottfield residents and, with their consent, passed what they had said on to the police. The Chief Constable told us:

Most of the people concerned had featured in previous investigations, but two had not done so. They were spoken to, but were unable to provide anything that would support any further action.

At the same time a further individual came forward to complain about Marshall. He had not been a resident of the home and had not featured in any of its records, but he had had cause to visit the home when Marshall was in charge. The allegations that he made were of a criminal nature but – and without wishing to downplay them – they were considerably less serious than

³⁰ Appendix 9, paras 25-27

³¹ Appendix 9, paras 30-48

the allegations that had been made in 1992 or in 2015. Nevertheless, they were fully investigated.³²

Impact on former Knottfield residents

124. As in 1992, so also in 2015 the former Knottfield residents who were contacted by the police found the experience extremely stressful. They felt that they were being forced to re-live experiences which they had put out of their minds and that they were once again being abused by people in authority. In her public oral evidence, former Knottfield resident Mrs Christine Urquhart said:

As you are aware, a majority of the victims have told their story many times to the authorities around them. With this, each time the horrors came back to haunt them, the strength they were able to muster to come forward dissipated...

When the Isle of Man Constabulary made a public statement requesting that the victims come forward with their stories and statements I completely and absolutely understood the implications of that for many of them. It needs to be understood that when a victim recalls a traumatic event they unwittingly re-live that occurrence. This can continue through visions, feelings and nightmares for a long time after the initial talk with the Police or yourselves, the Committee. So it was wholly disheartening that there was no care plan put in place at this point in time, and due to this many victims suffered again and are still suffering now at the hands of the people, yet again, who are supposed to be there to protect them. I absolutely denounce this public call-out for victims to come forward, for I have experienced it myself.

However, the Isle of Man Constabulary did put a care plan of sorts in place. Unfortunately, those who accessed this service did not find it helpful at all.³³

125. A man told us:

I was contacted by a female DC who phoned me up out of the blue in connection with the Children's Home and asked me questions about it over the phone. I did not like that at all; that was very unprofessional... I have never really worked in the same place very long because I have peaks and troughs

³² Q 101, lines 313 to 321

³³ Q 1, lines 40 to 42 and 55 to 65

and things happen with me, and at this time when I was contacted I had actually been working for the same employer for three and a half years, and on the day she phoned me I had to walk away from my work because of how it affected me.

126. Another man told us that after giving evidence to the same female police officer in 2015 he felt numb and sick because the interview had brought back things he had blocked out for so much of his life. After the interview he had sat in his car unable to move for three-quarters of an hour. He had locked himself in his home and stayed there for weeks, unable to work. The police had put him in touch with Victim Support but they had told him they had no expertise in such matters.

127. Another man said:

When this got reopened again two years ago and I got called into the office, saying that they were after my records. That was my manager. I wanted no-one to know that, and they told me why. And I said to them, "Why didn't the Police come to me instead of coming to you?" How dare they go to my employment! Would they do that to anyone else? Just because I worked there ... why go there? And people saw me walking into the office and coming out in tears, and then I have got to walk back into that environment.

128. The Chief Constable acknowledged that investigations were traumatising for the witnesses. He said:

investigations [subsequent to 1992] were better as techniques improved and as awareness increased; but they were not perfect and they were perhaps not good enough in terms of how they helped victims obtain the support that they needed...

The most recent investigation did the most to help victims... The help and support that victims and survivors of abuse will need will necessarily vary from person to person. There may be some who need no support from the state; there may be others who need access to counselling services or to the care given by general practitioners, while there are others who may need longterm support from the Mental Health Service...

I have made changes to how we investigate serious sexual assault allegations. Until fairly recently, our whole approach was about simply seeking a conviction.

*If a victim did not wish to go to court, then we would do little or nothing. Now we try to do what the victim wants: this may involve taking evidence, taking forensic samples and the like, but not doing anything until the victim is ready. This is a big shift and an important one.*³⁴

129. As regards the former Knottfield residents contacted since 2015, the Chief Constable said:

The impact of that [police] contact will have been different for every one of the people whom the Police traced. Mr Guest has clearly articulated the effect that it had on him to this Committee, and to me in a meeting we had late last year. What he said to investigating officers directly affected the way that officers then went about the 2017 investigation. I am sorry that our attempt to do the right thing caused him anguish...

*I am also sorry that some of the victims feel that we did not give them the support that they needed. I have sought to explain that what we do now is not what we did two years ago, or 25 years ago. We seek all the time to move on and to get better. In the last few weeks I have seen evidence from victims of other cases, where abuse had happened years ago but where investigations have just concluded, which shows me that our approach is now offering far better support to the people who need it.*³⁵

Conclusion

The police investigations since 1992 have been traumatising for former Knottfield residents.

There has been inadequate support in place to help survivors of abuse who are traumatised by the experience of being interviewed by the police.

The Isle of Man Constabulary has altered its practices in the light of experience. We welcome the Constabulary's shift in approach to serious sexual assault allegations. Until fairly recently the police would simply seek a prosecution. Today they try to do what the survivor wants.

³⁴ Q 101, lines 168 to 179 and 221 to 225

³⁵ Q 101, lines 305 to 310 and 351 to 356

Decision not to prosecute in 2016

130. Having considered the file on the 2015/16 investigation, HM Attorney General decided not to pursue a further prosecution. In his written evidence to us, he reminded us that he had statutory responsibility for criminal prosecutions and that he was not swayed by political opinion.³⁶
131. As far as Knottfield was concerned, HM Attorney General explained the 2016 decision not to prosecute Mr Marshall as follows:

*There were three complainants. In relation to two complainants it was concluded that there were legal evidential difficulties and, as a consequence, that the evidential threshold was not met. In relation to the third complainant where the evidence was stronger, the nature of allegations were such that the proposed Defendant would not have been sent to prison given the age and state of health of the Defendant. It was accordingly decided that it was not in the public interest to prosecute in relation to this third complainant.*³⁷

132. The explanation with reference to the age and state of health of the proposed defendant was difficult for the former Knottfield residents to accept, given the pain and trauma caused to them by the investigation. One of them wrote:

To put myself and others through this and be promised a prosecution only to then be told no is something you people will never understand. Why did they not know this beforehand? They said they had spoken with Marshall in regards to offences. They must have known he was ill. Can you even begin to understand how much damage has been done here?

Mrs Christine Urquhart said:

Just recently Bill Cosby, aged 80 years and in ill health, was successfully prosecuted for historical sex crimes. Max Clifford was in his 70s. Rolf Harris was in his 70s. Dave Lee Travis in his 60s. And closer to home, Derek Cooper of Hillberry Green is 77 years old and has recently been convicted of historical crimes. Every one of them claimed ill health. They failed. They could not evade the justice they so rightly deserved. Quite frankly, by not prosecuting this man and his staff in question you are making a laughing stock of us as victims and of

³⁶ Q 165, lines 96 to 97 and 112 to 113

³⁷ Appendix 11

*the Isle of Man, its judicial system and its policies and procedures in a very public forum.*³⁸

133. In oral evidence, HM Attorney General told us that under the Prosecution Code which he had issued, one of the common public interest factors against prosecution was that:

*A prosecution is less likely to be needed if the defendant is elderly or is suffering from significant mental or physical ill health, unless the offence is serious or there is a real possibility that it may be repeated.*³⁹

However, he also told us that if Mr Marshall had been younger and in a good state of health it would not, in his opinion, have made a difference to the decision not to prosecute.⁴⁰ The persuasive factors were, rather, the nature of the allegations and the likely outcome of any prosecution. He explained these factors in the following way:

I had to ask myself the question: if the more recent allegations had been made at the time of the 1992 trial and the subsequent conviction of Mr Marshall, would it have added to his sentence and were the new allegations any different to the type of abuse for which Mr Marshall stood before the court then? The answer to that is no. There was no material difference in the nature of the allegations and it seemed that the abuse formed a part of the same despicable conduct associated with the three young boys whose complaint was then made before the court.

In the circumstances of this new complaint being no worse than before, albeit isolated insofar as in respect of a further young child, how would a court be likely to deal with the defendant now? It was in this respect that the age and state of health of the defendant became relevant, not in the context of providing my excuse, or any excuse, for guilt; but rather, as to whether the court was likely, in the event of a prosecution, to impose a significant sentence – and by that I mean a custodial sentence. My conclusion was that it was not.

³⁸ Q 1, lines 144 to 150

³⁹ Q 165, lines 233 to 235

⁴⁰ Q 178

*There would not have been a satisfactory outcome for the new complaint and little would have been gained in the public interest to prosecute.*⁴¹

134. HM Attorney General also stated that his policy was in line with those of prosecuting authorities in neighbouring jurisdictions.⁴²

Conclusion

It is impossible for survivors of abuse to accept that the age and state of health of a potential defendant should have any bearing whatsoever on a decision as to whether a prosecution is in the public interest.

Recommendation 1

That Tynwald is of the opinion that the public interest demands the most rigorous approach to crime against children, irrespective of the age and state of health of any alleged perpetrator.

Decision not to continue in 2018

135. HM Attorney General explained the outcome of the 2018 investigation as follows:

*The Director of Prosecutions was consulted on the new complaint and advised. We did not, however, reach the stage of having to consider a prosecution decision, as that complainant in turn decided that they did not wish to continue with a formal complaint.*⁴³

VI. KNOTTFIELD IN CONTEXT: THE CHILDREN'S HOME AND THE CHILDREN'S CENTRE

What is Knottfield?

136. Knottfield is a large Victorian double-fronted house at 96 Woodbourne Road, Douglas, around 20 minutes' walk from the Legislative Buildings. Today Knottfield is joined to the neighbouring property by a modern glass entrance hall surmounted by a prominent sign reading "The Children's Centre". Woodbourne Road is a leafy thoroughfare towards the edge of the town. Knottfield stands about 100 yards from "Homefield", a similar building which housed the Civil Defence Commission from the

⁴¹ Q 165, lines 286 to 300

⁴² Q 176

⁴³ Q 165, lines 312 to 315

1950s to 1987 and the Department of Home Affairs from 1987 to 2015.⁴⁴ It is a five-minute walk from the site of the former Murray's Road School (which since 2012 has been part of Scoill yn Jubilee) and less than ten minutes' walk from St Ninian's Church.

137. In October or early November 1968 Knottfield became home to the Isle of Man Industrial Home for Orphan and Destitute Children, an organisation which in this period referred to itself as "the Isle of Man Children's Home" and was widely referred to as simply "the Home".⁴⁵

Origin and constitution

138. There was uncertainty among the former Knottfield residents who spoke to us about who was in charge of the Children's Home when they were there in the 1960s, 70s and 80s. Some appeared to assume the Home was run by the Isle of Man Government. One thought it was run by the church. In fact the Home was a self-standing organisation, incorporated by statute, with charitable status.
139. The Home had begun on Boxing Day in 1868 when David Russell, on behalf of the Douglas Town Mission, went out into the streets surrounding North Quay in Douglas and took as many homeless children as he could find into his own house in James Street. The Home moved premises and changed its official title a number of times. By 1909 its formal name was the Isle of Man Homes for Orphan and Destitute Children. It received funds from Henry Bloom Noble's will to build new premises at Glencrutchery Road under an indenture, or agreement, dated 5th February 1909.⁴⁶
140. In 1915 the constitution of the Home was reformed through the enactment by Tynwald of the Isle of Man Homes for Orphan and Destitute Children Act. The effect of the Act was to incorporate the Trustees of the Children's Home as a body corporate. It also authorised them to spend on the Home's buildings certain funds which had been given for the purpose of building a children's hospital, so long as they made sufficient provision for disabled children within any new buildings. The Act remained in force until it was repealed by the Charities Act 1986.

⁴⁴ Appendix 40

⁴⁵ The exact date of the move is not recorded but it occurred between the monthly meetings of the Children's Home Executive Committee on 4th October 1968 and 5th November 1968 (Manx Museum).

⁴⁶ Appendix 39; see also the indenture between the Noble's Trustees and the Children's Home Trustees dated 5th February 1909 which is appended to the Isle of Man Homes for Orphan and Destitute Children Act 1915.

141. During the period from 1961 to 1983, therefore, the Children's Home was a body corporate established under its own Act of Tynwald and having charitable status. Although some of the placements the Home provided were paid for by the Board of Education, the Home itself remained separate from the Government of the Island.

Where the children came from, and who sent them

142. At the time the Home moved to Knottfield, in late 1968, there was only one other such institution in the Island, in Ramsey.⁴⁷ Knottfield residents came from all over the Island.

143. The Department of Health and Social Care advised us that some children were placed at Knottfield by the Board of Education, which purchased placements at the Home, while others were placed there directly by their families or by the charity itself. The Department has some archived Board of Education files which were transferred to it in 1990. However, these are archived by name and not institution. Partly as a consequence of this, the Department does not know how many children the Board of Education placed at Knottfield.⁴⁸

144. The balance between children placed by the Board of Education and children placed by their families appears to have fluctuated. The financial accounts published by the Children's Home at each AGM show amounts received in respect of children, but do not break this amount down into amounts received from the Board of Education and amounts received from families.

145. In 1965 the Executive Committee reported that:

*At the beginning of 1964, maintenance contributions from public funds were received in respect of 79 per cent of the children, and the remaining 21 per cent were voluntary admissions. At the end of 1964, the position was reversed, contributions from public funds being made in respect of only 29 per cent of the children, the remaining 71 per cent being voluntary admissions.*⁴⁹

⁴⁷ Q 59. The Ramsey institution was founded in 1862 and taken over in 1880 by the UK National Children's Home. <http://www.childrenshomes.org.uk/RamseyNCH/> (accessed 12th September 2018)

⁴⁸ Appendix 16

⁴⁹ Report of AGM on 20th May 1965 (Manx Museum)

146. In 1972 the picture was similar:

We started 1971 with 12 children in Knottfield and all but one of these were in the care of the Board of Education. During the year five more were accepted from the Board and three were discharged, so that at the end of the year we had 13 resident children in the care of the Board of Education. In addition no less than 29 children were put in by their parents to be cared for during cases of illness, maternity and other family emergencies; 27 of these were returned to their parents after varying lengths of stay, and when I visited Knottfield on Christmas Day there were 16 children for Christmas Dinner. Today we have 18 children in Knottfield.⁵⁰

147. The Register of Admissions held at the Manx Museum contains an entry for every child admitted to the Home. One of the columns contains a letter “E”, “V” or “P” for each child, which is likely to stand for “Education”, “Voluntary” or “Police”. This would make a detailed analysis of the Knottfield resident population possible.

Scale of operation

148. The Home’s previous location had been in the nearby Glencrutchery Road. The main reason for the move in late 1968 was a decline in numbers, which the Executive Committee put down to the policy of placing children with foster parents and also the higher standard of living in the Welfare State.⁵¹ The premises at Glencrutchery Road had been built in 1915 to house 135 children.⁵² By the 1960s the operation was on a much smaller scale. Speaking in May 1968 and looking back on the year 1967, the Master of the Home Mr Hamilton said:

At times we seem to have large swings in intake and discharge, and at one point we only had five children in care, whereas we have 22 children at this very moment.⁵³

⁵⁰ Report of AGM on 18th May 1972 (Manx Museum)

⁵¹ The rationale for the proposed move was explained to subscribers by the Executive Committee at a Special General Meeting on 12th July 1965 and summarised in an address by Charles Gill, Chairman of the Children’s Home Executive Committee, at the official opening of Knottfield on 9th January 1969 (Manx Museum).

⁵² Date and capacity of Glencrutchery Road taken from address by Charles Gill, Chairman of the Children’s Home Executive Committee, at the official opening of Knottfield on 9th January 1969 (Manx Museum).

⁵³ Annual General Meeting, 30th May 1968 (Manx Museum)

The premises at Knottfield were selected and converted with this kind of operation in mind. At the time of the move the Committee thought that “with the top floor in use accommodation would be for about 20 children”.⁵⁴ Later the conversion of the neighbouring property at 90–92 Woodbourne Road added accommodation for a further eight children.⁵⁵ During the late 1960s and throughout the 1970s the number accommodated at any one time continued to fluctuate, with a high of 29 during 1974, and a low of 10 at the end of 1975.⁵⁶ At the point in 1983 where residential services were discontinued, numbers had fallen to three.⁵⁷

149. Length of stay varied from a few days to many years. The Register of Admissions includes the date of admission and discharge of every child. It seems likely that for most of the 1960s and 1970s there was a group of longer-term residents (one year or more) in the Home numbering up to perhaps a dozen at any one time. They would share the Home with a similar number of shorter-term residents at any one time.

Management and supervision in the 1960s, 70s and early 80s

150. The Act of 1915, together with the agreement of 1909, provided that there would be six Trustees – responsible for owning land and buildings and managing funds – and a larger Board of Governors, made up of anyone who subscribed at least £1 a year to the maintenance of the Home. By 1961, when Mr Hamilton was appointed, the practice was that the Governors acted through an Executive Committee consisting of ten men. The ten included the six Trustees and four other Governors. In addition, from 1968 the annual reports refer to the existence of a Ladies’ Committee with four members. Minutes of the Ladies’ Committee appear to be lost.
151. During the Hamilton, Marshall and Gardner periods the Home issued an Annual Report each year containing financial accounts, lists of subscribers and donations, proceedings of the Annual General Meeting and names of office bearers including trustees, Executive Committee members and (from 1968 to 1980) Ladies’ Committee members. These Annual Reports were presumably sent to all subscribers who were entitled to attend the AGM; in 1968 this was over 200 people. The most comprehensive collection of these Reports is that held in the Manx Museum on

⁵⁴ Minutes of Executive Committee meeting, 6th December 1968 (Manx Museum)

⁵⁵ Minutes of Executive Committee meeting, 10th September 1971

⁵⁶ The peak of 29 occurred in 1974 and was reported at the AGM in 1975 (Manx Museum). Year-end population was reported to the AGM in most years from 1961 to 1981: see Annex 1.

⁵⁷ Q 71

behalf of the Children's Centre. Access to the entire collection is restricted because it contains some confidential personal data on living individuals. However, we do not believe that the names of trustees and Committee members were issued with an expectation of confidentiality. Therefore, as an aid to future research, we are publishing the names of those trustees and Committee members as an Annex to this Report.⁵⁸

152. Throughout the Hamilton, Gardner and Marshall periods the Executive Committee of Trustees and Governors met at the Home on the last Friday of the month.⁵⁹ Each month, two of the Committee members would visit the Home and report back to the rest of the Committee. The Committee also received a monthly report from Mr Hamilton, Mr Gardner or Mr Marshall. The minutes record regularly that these reports have been received and noted. The reports themselves are not appended to the minutes and appear to have vanished.
153. Each year the members of the Executive Committee appear to have attended a Christmas party at the Home. In his report to the 1975 Annual General Meeting, Mr Marshall referred to this in the following terms:

The children were again able to invite friends to a Christmas Party, and the usual season fare was enjoyed by us all. You saw, Mr Chairman, with your colleagues, how much children and staff alike enjoyed and appreciated the provision made for them.

154. A former resident told us:

It was only at Christmas they all turned up on the same day at the same time for about an hour and he would probably say, "There you go, it is all running well", and this and that and the other, and then that was it for another year. They never approached the children.

155. Shortly before the Home moved to Knottfield in 1968, Tynwald enacted the Children and Young Persons Act 1966. Section 81 of this Act provided the Lieutenant

⁵⁸ Annex 2

⁵⁹ Minutes of monthly meetings of the "Trustees and Executive Committee" from 1867 to 1976 are in the Manx Museum. The Museum also holds minutes of Annual General Meetings from 1868 to 1978; these have been printed and bound, and were presumably circulated at the time to all "Governors", or subscribers. See Appendix 39; see also lists provided by Wendy Thirkettle, 16 July 2018

Governor of the Island with a power – but not a duty – to inspect any children’s home supported wholly or partly by voluntary contributions or endowments. We are not aware of any evidence that this power was ever used in relation to the Home at Knottfield.

Conclusion

There is a stark discrepancy in tone between the management records which do exist and the recollections of former residents. The formal reporting arrangements which were in place in the 1960s and 70s cannot have given members of the Executive Committee of Trustees and Governors any clear idea of what life was really like for the children in the Home.

What happened in 1983, and why

156. The Manx Museum holds a register of children admitted to the Home which begins in 1869. The last child in the Register is noted as leaving in 1983.⁶⁰ At this time Mr and Mrs Marshall left the Home. It is not clear whether they resigned, retired or were dismissed. The Children’s Centre told us:

*The Annual Reports of 1982 and 1983 make reference to residential care being discontinued. The 1982 report thanks Mr and Mrs Marshall, along with the other members of staff. The Children’s Centre can find no record of the precise circumstances of Mr and Mrs Marshall’s departure.*⁶¹

157. In her written submission Mrs Sharpe told us that at the time residential care was discontinued in 1983, the three children remaining in the Home (one of whom had severe physical disabilities) were fostered by Mr Marshall.⁶² In her oral evidence she went on:

The social worker that I mentioned kept a close eye on the children and she said that one of the children, who had a severe disability and was not able to speak, her behaviour deteriorated quite rapidly. Social workers visited and brought with them anatomical dolls, and the social worker said she was sure that the child was being sexually abused. The child became quite excited when they produced the anatomical dolls but was unable to say anything, and the social worker told me that she made the decision that that child had to be moved. I

⁶⁰ Appendix 39, confirmed by Committee Clerk

⁶¹ Appendix 28, Q 10

⁶² Appendix 39

*do not know because I do not have any access to these records, but I presume that the child must have been moved. But obviously there were other children who had been fostered by the Marshalls.*⁶³

158. Mrs Sharpe described to us the reason given by the organisation for the discontinuation of residential care in 1983:

*Well, the official reason given – by Mr Bob Dowty, who was chairman of the committee at the time, and it was the committee who made the decision to close down the residential arm, and he is quoted in newspapers of the time – is that numbers of children had dwindled and there were only three children left, being looked after by Mr and Mrs Marshall.*⁶⁴

159. Mrs Sharpe was sceptical about the reason given for the decision, given the history of the Home and given that residential services were resumed only two years later. She said:

For the first time in 114 years they decided not to have a residential unit and it was very soon obvious that there was a need for a residential unit, because that is why it reopened.

But if you look at the newspapers at the time, one of the reasons given [for the re-opening] was that there was a need for a residential unit because at times parents liked to go on holiday without their children and that is the only reason why the Isle of Man might need a residential unit.

*It was so obvious – it is obvious now, looking back and reading that in the newspapers from the 1980s – that there was a reluctance to admit that there was a need even for looked after children at the time and there was a definite sweeping under the carpet of ... well, of the whole thing, of the abuse.*⁶⁵

160. Mrs Sharpe offered her own explanation for the 1983 discontinuation of residential care as follows:

I believe the reason why the numbers dwindled was that social workers suspected that sexual abuse was going on and they were purposely not placing

⁶³ QQ 74 to 75

⁶⁴ Q 71

⁶⁵ Q 93

children in the home. Yes, there was a move towards fostering during the 1970s as a preferred option. However, I still do believe that that is the case, having interviewed one of the main social workers from the 1970s, and this social worker was the social worker who the first original child reported child sexual abuse to. He reported it to her prior to going to the Police...

It was not just that it was suspected; the social worker told me she and her colleagues believed the allegations that the children were making and she told me that meetings went on between the Police, between Social Services, between Knottfield and the social workers. There was a whole official line that they had to follow because there had been an official complaint made to the Police.

She told me that her managers were adamant that social workers had to just carry on as if nothing had happened because Mr Marshall had not been officially charged, but from what she told me also I do feel that social workers were purposely not placing children there...⁶⁶

161. Mrs Sharpe added that there was a possibility someone on the Children's Home Executive Committee might have suspected something as early as the mid-1970s. She said:

One thing that has always bugged me is in the 1976 annual report Mr Marshall, when talking about how he had moved his sleeping quarters from one of the houses on Woodbourne Road into the other – the other being the house that the children slept in – does refer in the report to:

“The unforeseen ban on the use of our attics in Knottfield after nine months has made our own personal accommodation rather less than satisfactory.”

So for a while he was banned from using the attic, and the fact that he used the term ‘ban’ and the fact that when you look back he was very open about what he was doing in front of the committee – it was almost like, when you look back, he was parading his behaviour in front of everyone. The fact that he uses the term ‘ban’ suggests to me that someone in authority had told him, ‘You’re not sleeping in the attic anymore,’ because possibly they knew what was going on: they knew that he was abusing children in the attic.

⁶⁶ QQ 71 to 73

Mrs Sharpe suggested that it would be useful for someone to ask surviving members of the committee whether they suspected that abuse was going on.⁶⁷ We have not yet managed to do this but we believe it would be of value to Tynwald for us to be able to receive and report on further evidence on this matter in the future, should any such evidence emerge.

Conclusion

Although the complaint made by a child to the police in 1979 did not lead to a prosecution, it appears to have been taken seriously by frontline social workers who appear to have responded by referring fewer children to the Home.

When the number of children in the Home fell, the approach taken by the Executive Committee was to discontinue residential services for a period of two years and then to reopen with a new manager. The effect of the approach taken was that three children were fostered by Mr Marshall, and that Mr Marshall's abusive behaviour did not become public knowledge until his criminal prosecution ten years later.

It is possible that, by the late 1970s, individual members of the committee might have suspected that abuse was taking place. It is possible that such suspicion could have been a factor in the decision to discontinue residential services in 1983. We have, however, no evidence of what any individual committee member knew or suspected before Mr Marshall's conviction in 1992 put the matter beyond doubt.

Recommendation 2

That Tynwald authorises the Social Affairs Policy Review Committee to receive and to report further evidence on the management of the Isle of Man Children's Home and its successor bodies at all periods in their history.

Restructuring after 1983

162. On its website, the Children's Centre summarises its own history as follows:

The history of The Children's Centre stretches back to 1868 when local philanthropists, including Henry Bloom Noble, recognised that there were many destitute children living in Douglas. These children lacked housing, food,

⁶⁷ Q 96

clothing and education, and it was realised that without help their prospects were bleak: starvation or a life of crime.

A long history: The Children's Centre was exclusively a children's home for over a century. In the 1980s, our Trustees looked at the changing needs of young people and their families, and decided to make dramatic and far-reaching alterations in the work of the charity. As a result of these changes the name became "The Isle of Man Children's Centre", a more relevant title for the wide range of services we now offered.

The past thirty years has again seen significant expansion for the charity, and huge growth in the diversity of services we offer.⁶⁸

163. Mrs Sharpe told us that when, in 1983, residential care at Knottfield was discontinued, the then chairman of Trustees Mr Bob Dowty stressed that the charity was "still alive and kicking" and "still an active charity". She said the day nursery continued to run along with a summer holiday club. In 1984 there were developed on the site, which came to be referred to as "the Knottfield Centre", before- and after-school clubs, a family centre, camping weekends and a contact centre. She also told us that residential services were resumed in 1985.⁶⁹

164. In written evidence to us, the Children's Centre said:

the former Knottfield Children's Home ... closed in 1983 and was unoccupied for a period after that. The Isle of Man Children's Centre which subsequently occupied 96 Woodbourne Road – also known as Knottfield House – later in the 1980s was formed under new direct management but with a committee which was descended from that which had overseen the Children's Home and its predecessor organisations since 1868.

The date of the Memorandum & Articles and the date noted on the Certificate of Incorporation for The Isle of Man Children's Centre is 19th May 1988.⁷⁰

165. The Children's Centre submitted to us the Memorandum and Articles of the new company set up in 1988. The eight individuals listed as the first members of the

⁶⁸ <https://www.thechildrenscentre.org.im/about/our-history/> (accessed 15th August 2018)

⁶⁹ Appendix 39; Q 54

⁷⁰ Appendix 28, questions 1 and 2

Committee of Management of the new company are the same eight individuals who formed the Executive Committee for 1988 under the previous constitution.

166. In 2004 a further Scheme was made and approved by the Attorney General and the High Court. Its essential feature was to place a new incorporated holding company in the structure, to which the assets of the charity would be transferred.⁷¹
167. In 2008 the company's official name was changed to "The Children's Centre".⁷²
168. The purpose of the restructuring in 1988 and 2004 is not clear. The Children's Centre wrote:

No records giving the exact reason for the change of name some 30 years ago have been located by the current management of The Children's Centre.

The Annual Report and Accounts to 30th June 1988 state "During 1988 the constitution and affairs of The Isle of Man Children's Home were revised and brought up to date. On 1 July 1988 under a Scheme approved by HM Attorney-General and the Isle of Man High Court Chancery Division, a company limited by guarantee and called the Isle of Man Children's Centre took over all the assets of "the Home" and assumed the responsibility of running our charity."⁷³

169. One of the effects of the restructuring may have been to protect the former trustees in the event of a civil claim against the charity. In written evidence to us, HM Attorney General said:

The Committee of Management came into being following the 1988 Scheme when the Trustees transferred to IOMCC the assets then held by the Trustees as the Memorandum and Articles of Association of IOMCC provide for such Committee of Management to be established. The Trustees following the 1988 Scheme remained in being solely for the purpose of receiving legacies, gifts and donations. That being the case, although 'assets' are not defined in the 1988 Scheme, and notwithstanding the absence of an express indemnity in the 1988 Scheme it may be concluded that the 1988 Scheme intended to transfer all of

⁷¹ Appendix 13, page 5

⁷² Appendix 39

⁷³ Appendix 28, question 2

*the assets, the then existing undertaking, staff and liabilities of the Charity then held by the Trustees to IOMCC.*⁷⁴

In oral evidence, he added:

*I have in my written advice identified that there are questions to be answered as to whether the liabilities of the Isle of Man Home prior to the transfer in 1988 are now liabilities of the existing charity. It may be that this is a matter for the court to determine and I am afraid I cannot say with any certainty whether today's Children's Centre is a potential defendant.*⁷⁵

170. In 2000 the *Isle of Man Today* website carried a story about Operation Cleopatra, a UK-based police investigation into child abuse. The Isle of Man police had appealed for information from former staff and residents of Knottfield. The news report concluded by saying:

*The police have stressed the investigation is not linked to the Isle of Man Children's Centre, Woodbourne Road, a separate entity which opened in 1985.*⁷⁶

171. In 2014 the Children's Centre lost its Government contract for residential services.⁷⁷ In 2018 the Children's Centre sold Knottfield.⁷⁸

Conclusion

The restructuring and renaming of the organisation in 1983, 1988, 2004 and 2008 have had the effect of distancing the Children's Centre of today from the Children's Home of the 1960s, 70s and 80s. We can understand why this may have been a deliberate policy from the time of Mr Marshall's conviction in 1992 onwards. We have not been able to establish whether it was a deliberate policy at any earlier time. Nevertheless on the basis of the Children's Centre's own evidence the Children's Centre of today is a direct descendant of the Home established in 1868. References to "the Knottfield

⁷⁴ Appendix 13, page 6

⁷⁵ Q 165, lines 461 to 465

⁷⁶ Appendix 2

⁷⁷ Appendix 39; see also our *First Report for the Session 2015/16: Social Care Procurement [PP 2016/0072]*

⁷⁸ QQ 146-147

Children’s Home, which closed in 1983” are, therefore, potentially misleading.

The attitude of the Children’s Centre to the past

172. Mrs Sharpe told us that in November 2013 she was asked by the then Chief Executive Officer of the Children’s Centre, Mr John Knight, to write a history of the Children’s Centre. The aim was to publish in time for the 150th anniversary in 2018 of the establishment of the predecessor organisation in 1868. Publishing costs were to be borne by the Children’s Centre.⁷⁹
173. Mrs Sharpe said that from March 2016 the Children’s Centre began to distance itself from the book. She described a meeting in April 2017 between herself, the Children’s Centre Chief Executive Fiona Dawson, and Mr Andrew Johnston who was at that time a trustee of the Children’s Centre. Mrs Sharpe was shocked by what Ms Dawson and Mr Johnston said at the meeting. Mrs Sharpe gave us the following account:

Andrew Johnston informed me that, I quote, ‘The Children’s Centre has never wanted a book writing about its history,’ and, I quote, ‘We would rather sweep under the carpet aspects of our history which we don’t like.’

Ms Dawson informed me, ‘We just can’t afford the litigation.’ She said that in the UK there were instances where organisations had been successfully sued by descendants of looked after children who had been sent to the colonies, for example. She said that since I had been working on the book – quote – ‘people had come crawling out of the woodwork’. She used the example of 10 people who had recently brought about a claim of historical abuse and said that this was all due to my writing the book.’⁸⁰

174. In its written evidence, the Children’s Centre gave us the following account of the discussion:

A draft manuscript was received in 2017, which did not focus solely on The Children’s Centre, but was a wider social history of children on the Isle of Man over the past 150 years. Discussions were held with Mrs Sharpe over concerns around some of the content, as well as her request for funding the publication and printing. The Children’s Centre and Trustees cannot use the charity’s funds

⁷⁹ Q 48

⁸⁰ Q 48

to cover publication costs, and will not allow The Children's Centre to be associated with the book in its current form because of the possible identification and adverse impact on individuals mentioned, their families, and others who may suffer emotional distress from some of the content or personal views expressed. We advised Mrs Sharpe to obtain written agreement from anyone mentioned in the book to confirm that they fully understand the possible data protection and/or legal ramifications for them personally, and advised her that any past or present staff of The Children's Centre are not authorised to comment on its behalf.⁸¹

175. Mr Andrew Johnston contacted us after hearing Mrs Sharpe's oral evidence. He denied the two quotations Mrs Sharpe had attributed to him, saying:

I did not say in our meeting in April 2017 that the Children's Centre has never wanted a book writing about its history. I was aware that Mrs Sharpe was writing a history of the Children's Centre, as it had been discussed in trustee meetings, and I was asked by my fellow trustees to represent them in any discussions with Mrs Sharpe...

Furthermore, I would never even contemplate using language like 'We would rather sweep up under the carpet aspects of our history which we don't like', either in my personal or professional capacity. I regard such language as disdainful and dishonest. In fact, it was Mrs Sharpe who used the words, 'You can't sweep under the carpet aspects of your history you do not like', during our meeting in April 2017, after Ms Dawson and I informed her that the principal concern of the trustees was protecting the identity of individuals and their families.

Ms Dawson and I informed Mrs Sharpe that the trustees could not agree to the Children's Centre being associated with the current draft of her book, because of the risk of identifying individuals and their families, and the possible harmful effects on those individuals and their families who may suffer emotional distress from some of the contents or views expressed.⁸²

⁸¹ Appendix 28, question 11

⁸² Q 207

176. We accept that individuals and their families could suffer emotional distress from the publication of a history of the Children’s Centre. Reasonable steps can and should therefore be taken to reduce or mitigate any such distress. However, the importance of such sensitivity needs to be weighed in the balance with the importance of telling that history in an open, honest and convincing manner. Anything less risks being perceived as a cover-up.
177. We also accept that any public discussion of historic abuse may encourage people who have been abused to come forward and disclose the abuse; this in turn can lead to people seeking legal remedies, which in the present circumstances could represent a litigation risk for the Children’s Centre. Unfortunately this kind of thinking, while it may be defensible in financial terms, can lead to perceptions of a cover-up.
178. On 25th July 2017 we issued a media release quoting our remit and inviting written submissions by 30th August 2017 from “anyone who would like to comment on these matters”. The Children’s Centre did not volunteer any written submission.
179. On 24th October 2017 we sent a series of questions to the Children’s Centre. The Chief Executive responded with a written submission on 2nd November 2017. Having considered the written submission, we invited the Chief Executive to give oral evidence in public. She refused, writing in an email on 13th November 2017:

I consider that the entirety of my evidence has been set out in the statement provided, which was compiled only following review of archives due to the historical nature of the questions asked of me.⁸³

180. Our Clerk telephoned the Chief Executive and encouraged her to attend. Following that conversation, the Chief Executive sent a further letter to the Clerk in which she reiterated that she had no personal knowledge of the historical period in question and also indicated that she would not wish to attend without bringing a legal advisor.⁸⁴

The Children’s Centre’s attitude to the historical work conducted by Mrs Sharpe at the request of its former Chief Executive Officer John Knight has

⁸³ Appendix 29

⁸⁴ Appendix 30; see also Appendix 31

been legalistic and defensive. Its attitude to the present inquiry has been similar.

VII. RESPONDING TO HISTORIC ABUSE

Apologies

181. Mrs Urquhart said:

I request that the Isle of Man Government make a full and public apology to the victims and their families for the inaction and ignorance over the years, to show that you understand and have learnt from the mistakes that were made and to reassure the public that the same attitude and pattern of behaviour will be abolished and will never happen across Departments in Government again; that those who were plainly ignorant and arrogant towards the victims are made accountable for their mistakes. This, I feel, needs to be a public apology to state that finally you believe them and that finally you are sorry.⁸⁵

182. Mr Guest said:

The Jersey Care Inquiry was instigated after their chief minister in 2010 made a full formal apology to all those who had suffered in the Jersey care system, acknowledging their failings towards those vulnerable children in a serious way. He stated that the inquiry was to be transparent and affording the fair treatment of victims and witnesses to be a priority. In a subsection headed 'systemic failings' it questioned (1) a failure to ensure that an institution provides proper care, (2) a failure to take all proper steps to prevent, detect and disclose abuse, and (3) a failure to take appropriate steps to ensure the investigation and prosecution of criminal offences involving abuse. I say to Mrs Beecroft, Mr Malarkey, Mr Quayle, Mr Thomas and others: read the Jersey Care Inquiry findings in full, then act in an honourable way.⁸⁶

183. Mrs Sharpe said:

I think that there has to be a clear message coming through from Tynwald that Tynwald acknowledges that the Isle of Man Government was responsible for looked after children from 1953 and that, even though we are talking about a

⁸⁵ Q 11

⁸⁶ Q 28, lines 499 to 508

different era, the children that were abused deserve at the very least an official apology on behalf of the Isle of Man Government.⁸⁷

184. The Chief Executive of the Department of Health and Social Care wrote:

Other governments, charities, institutions and faith communities have apologised for historical failings which led to children and young people suffering abuse. Such an apology or apologies may be needed in the Isle of Man.⁸⁸

185. The Chief Constable said:

I do not ordinarily support the concept of contemporary leaders apologising for failures or for shortcomings in how things were done in the distant past... However, I am as clear as I can possibly be that I deeply regret any failures on the part of the Police 40 years or more ago that prevented the victims of Marshall getting at that time the justice that they so obviously and deeply deserved. I am also sorry that some of the victims feel that we did not give them the support that they needed.⁸⁹

186. As the world's oldest parliament in continuous operation, Tynwald is always ready to claim credit for the achievements of the past despite the fact that individual members may have changed. By the same logic we believe that Tynwald as an institution must be ready to accept responsibility for past failings by the public authorities of the Island, since these authorities have were at the time working under legislative frameworks and financial settlements put in place by Tynwald.

Conclusions

Individuals who, as children, were in the care of the Isle of Man Children's Home between 1961 and 1983, have been badly let down by those in authority throughout their lives. There is no doubt that serious mistakes were made which had the gravest lifelong consequences for some of the most vulnerable people in the Island. Mistakes were made not only in the way individuals were cared for when they were children, but also in the response of the criminal justice service and the health and social care

⁸⁷ Q 94

⁸⁸ Appendix 16

⁸⁹ Q 101, lines 340 to 350

services when, as adults, those individuals disclosed the abuse they had suffered.

The Chief Constable's public apology on behalf of the Constabulary is to be welcomed. The holders of other public offices need to consider whether they should make similar public statements, as does Tynwald itself.

Recommendation 3

That Tynwald acknowledges that serious mistakes were made in relation to the care of children between 1961 and 1983 and in relation to the subsequent treatment of former residents of the Isle of Man Children's Home; and that Tynwald deeply regrets and sincerely apologises for its part in the failures of the Island's public authorities over many decades to detect and prevent the abuse of children in the Home, to bring the perpetrators of abuse to justice, and to provide support and assistance to individuals who have been abused.

Support for survivors

187. Having acknowledged the existence of historic abuse, Tynwald needs to consider what practical arrangements need to be put in place by way of response. These arrangements do not just need to cater for the needs of those survivors who have already disclosed abuse. They need to be in a position to respond to the needs of survivors who have not yet disclosed but who may choose to do so in future.
188. Given the large number of children who were resident in Knottfield during the Hamilton and Marshall periods and the relatively small number of adults who have disclosed abuse to date, we consider it highly likely that further disclosures of abuse at Knottfield will be made in the future. Historic abuse in other places is outside the scope of the present report but there is no reason to assume that Knottfield was the only place where abuse took place. Miss Brayshaw, Director of Children and Families Service in the Department of Health and Social Care, told us that particularly for sexual abuse, 30% of children that are subject to sexual abuse will not disclose that until they have become adult.⁹⁰
189. Mr Paul Burnett, former independent safeguarding chair, described the concerns of the Safeguarding Board as follows:

⁹⁰ Q 70

First, we have identified the need better to clarify the route to be taken by those deciding to disclose historic abuse allegations...

Second, there should be a clear pathway through which those disclosing historic abuse can access support that they may require following disclosure. Some survivors of abuse have resilience in these situations and are able to manage the aftermath of what is a very emotionally charged and challenging time for them. Others do not and may require a range of service responses to support the impact of their disclosures and all that flows from these disclosures...

Third, is the need for Government to recognise that abuse may have taken place in the past and to make clear statements that provide recognition of the experience of survivors of abuse and give those survivors confidence that they have taken robust steps to reduce the risk of such abuse occurring again. It is important to recognise that there may be other “victims” living in our community who have not come forward to disclose and this message would not only be important to them but may create confidence to disclose in the future.⁹¹

190. Commenting on the establishment of the present inquiry, the Chief Executive of the Department of Health and Social Care wrote:

Appropriate arrangements should be in place to enable victims as necessary to come forward, disclose, receive supportive care, make a police complaint or seek civil recompense. The wishes of people in these circumstances regarding what they wish to achieve must be respected. They may, for example, choose to complain formally to the police, or choose only to say what has occurred and seek support or recompense. Consideration should be given to an independent resource being used to manage procedures and support victims. For example, the NSPCC performed this function in the UK at the time of the Jimmy Savile inquiry.⁹²

It was not practical to establish an independent resource to support survivors in relation to the present inquiry, although we were told that a phone number and a fast track into the Mental Health Services was set up by the police after our inquiry

⁹¹ Appendix 26

⁹² Appendix 16

had begun.⁹³ The challenge of enabling and supporting survivors remains in relation to those who may disclose after this inquiry has been completed.

191. The Chief Constable said:

*The Committee has heard submissions that, effectively, detail an inequality of arms between the authorities, such as the police, and victims. I can understand why people would think that this is the case and I wonder whether the Committee's remit will allow it to consider the value of a victims' commissioner. Our justice system lags behind others in terms of how victims are supported and how their interests are protected. This is not a role for the police and there is a gap in the system.*⁹⁴

192. In recent years great emphasis has rightly been placed on the need to safeguard children from abuse. Throughout the public, private and third sectors, people who work with children trained on how to recognise signs of abuse, and on how to respond in the event of a disclosure. The same level of awareness has not been developed in relation to adults who may have suffered abuse as children. Their presence in our community is not universally acknowledged or understood. Meeting their needs appears to be regarded as a matter for the police and the health service, and indeed to be something of a specialism even within the fields of criminal justice and health and social care.

193. Some adults who have been abused will prefer not to disclose this. Their right to privacy must always be respected. Others, however, may wish to disclose. We believe that they had a right to be heard and supported when they were children, and that as adults they still have that right.

194. The Safeguarding Board established under the Safeguarding Act 2018 brings together representatives of the police, the Department of Health and Social Care and the Department of Education, Sport and Culture with the objective of co-ordinating safeguarding activities in relation to both children and vulnerable adults. Writing before the enactment of the 2018 Act of the predecessor Safeguarding Children Board, Mr Paul Burnett wrote:

⁹³ Q 15

⁹⁴ Q 101, lines 215 to 220

The Safeguarding Children Board does not have an operational role in relation to reports of historical abuse – it is not the body to which historic abuse referrals or disclosures are made nor is it the body that investigates and responds to the specific outcomes of investigations that result from such disclosures of referrals. What would be helpful as a result of this inquiry would be to establish absolute clarity about the locus of these functions and responsibilities in the future.⁹⁵

195. At a political level the Social Policy and Children’s Committee of the Council of Ministers has assumed the role of monitoring the implementation of action plans relating to children and families services.⁹⁶ The Council of Ministers could ask that Committee to build into its work programme the development of support for adults disclosing historic child abuse; or the work could be handled in some other way.
196. The enactment of the Safeguarding Act 2018 has brought together the old Safeguarding Children Board and Safeguarding Adults Partnership as a single combined board concerned with the safeguarding of both children and vulnerable adults. It remains the case that this Board has no operational role in relation to reports of historic abuse. However, the Board’s combined interests and expertise in the safeguarding of both children and vulnerable adults put it in a good position to review the effectiveness of services for adults disclosing historic child abuse, many of whom will be vulnerable.

Conclusions

Further disclosures of historic child abuse in the Isle of Man are likely.

Despite recent improvements in policing and mental health services, more could to be done to ensure the best possible response of public authorities and the wider community to those disclosing historic child abuse.

Recommendation 4

That Tynwald acknowledges the right to privacy of adults in the Island who, as children, were abused in the Island or elsewhere; but also affirms the right of those adults to be heard and supported in the event that they choose to disclose abuse.

⁹⁵ Appendix 26, pages 1–2

⁹⁶ Appendix 22; GD 2018/0045

Recommendation 5

That Tynwald calls on the Council of Ministers to consider what improvements are needed to services for adults disclosing abuse as children, and to report to Tynwald; and that Tynwald calls on the Safeguarding Board, as part of its work on safeguarding and protecting vulnerable adults, to have special regard to the needs of adults who were abused as children and to report on this as part of its statutory annual report.

Recommendation 6

That the Council of Ministers should consider and report to Tynwald on whether to appoint a person to promote the interests of victims and witnesses of crime by analogy with the Commissioner for Victims and Witnesses established in the UK under the Domestic Violence, Crime and Victims Act 2004 (of the UK Parliament).

Criminal justice

197. In his written submission to us, the Chief Constable has described in considerable detail the lengths to which the Constabulary has gone since 1992 to investigate Mr Marshall.⁹⁷ In oral evidence the Chief Constable said:

Contrary to the belief of one of the witnesses who has appeared before you, this investigation led to the arrest, detention and interview of Marshall, as has been the case every time an allegation has been put to him since his imprisonment in 1993.⁹⁸

The Chief Constable also explained to us of how the 1992 investigation had affected him personally and how he had sought to pass on the learning from that investigation to new recruits.

This has been my strongly held belief since I first spent time with a victim in 1992. The many, many hours that I spent with him, hearing his somehow detached and clear account of everything that Marshall had inflicted upon him, of the impact it had had at the time and the devastating effect it had continued to have on him haunted me for many years. I still think about it. If I allow myself, I can find myself back in the interview room with him.

⁹⁷ Appendix 9

⁹⁸ Q 101, lines 321 to 324

That young man – and I am sure many others – should have been absolutely safe as he was in the care of the state. The person charged with protecting him instead used him for his own perverted pleasure. This simple truth cannot be denied.

For over a decade I have spoken to every new recruit to the Constabulary and used the story of that young man to illustrate the catastrophic effect that abuse can have on decent young people. I do this to stress to them the need to understand that, behind everyone in need or in crisis, there is a back story, which is often a traumatic one.⁹⁹

198. Mrs Urquhart said:

Child sex crime as a whole on the Island is still not being taken seriously. I know this personally because I have experienced the system myself and the abuser is still walking the streets today, nearly four years after the crimes were first reported from four children. Not enough evidence. The witnesses are too young. The same song sung by the Police to the Attorney General's office again. The list of excuses goes on whilst another child predator is within our midst who will never see the inside of a courtroom.¹⁰⁰

199. The Chief Constable provided us with figures on non-recent sexual abuse investigated by the Constabulary from April 2013 to March 2018. Of the 99 crime reports recorded, 15 had resulted in successful prosecutions, 12 in unsuccessful prosecutions, 13 were live at the time the evidence was submitted and 59 had been discontinued. Of those which had been discontinued, two-thirds were discontinued on the advice of HM Attorney General, often noting insufficient evidence.¹⁰¹

200. The Chief Constable told us that the Constabulary has recently moved to an approach to sexual assault which may involve taking evidence, taking forensic samples and the like, but not doing anything until the victim is ready.¹⁰² This may improve the collection of evidence in the future.

⁹⁹ Q 101, lines 84 to 95

¹⁰⁰ Q 1, lines 164 to 169

¹⁰¹ Appendix 10

¹⁰² Q 101, lines 224-225

201. The Public Health Directorate of the Department of Health and Social Care has, as part of its 2017 to 2020 Business Plan, a priority to review the sexual assault referral service and prepare pathway options.¹⁰³ Work arising from this review could lead to improvements in the response to those disclosing historic sexual abuse and specifically in the timely gathering of forensic evidence. We were advised that the Department of Health and Social Care was working closely with the Constabulary on this initiative, which we welcome.

202. HM Attorney General said of the former Knottfield residents who had made allegations:

I can well understand how difficult it has been for them to come forward now but even though very long after the event, they can be assured that in the matters referred to us by the Police, their evidence has been considered carefully in the context of both whether it met the Evidential Test and if so, the Public Interest Test.¹⁰⁴

203. In response to Mrs Urquhart's assertion that child sex crime as a whole on the Island is still not being taken seriously, HM Attorney General said:

I do not believe that is the case... I have seen no evidence from the point of view of investigation and prosecution in my time which would indicate that they are not being taken seriously.

Conclusion

The present Chief Constable, Mr Gary Roberts, has shown an outstanding personal commitment to the investigation of child sex abuse both as an investigating officer and as a senior manager of the police service. For this he deserves the thanks and appreciation of Tynwald and the public.

The police and the prosecuting authorities need to work hard to build and maintain the confidence of the public in their ability to investigate and bring to justice the perpetrators of sexual abuse, including sexual abuse of children. The work which is underway with the Public Health Directorate on a sexual assault pathway has the potential to make an important contribution in this regard.

¹⁰³ <https://www.gov.im/media/1357652/20170617-public-health-business-plan-2017-2020.pdf>

¹⁰⁴ Q 165, lines 260 to 264

Mental health

204. The Chief Executive of the Department of Health and Social Care advised us in April 2018 that a pathway for survivors of historic abuse was largely in place, provided a person was referred to the mental health service by themselves or their GP.¹⁰⁵
205. We are conducting a parallel inquiry into mental health services on which we intend to report separately.

Civil law

206. Irrespective of whether a criminal prosecution takes place, a survivor of physical or sexual abuse may choose to seek recompense through the civil courts. Every case needs to be taken on its own merits but there are circumstances in which survivors may have a successful claim for damages on the basis of personal injury.
207. There are a number of hurdles which any claimant would need to overcome to be successful. The first is the cost of bringing a claim. The Attorney General and the Solicitor General commented that these might be mitigated by a group action, but that it would still be an expensive exercise.¹⁰⁶
208. A second hurdle is identifying the right defendant. HM Attorney General told us that:

... in relation to a historic abuse claim, where the abuse has occurred whilst the child victim was in the purported care of a third party provider, it is conceivable that claims may lie against both the provider and the state, subject to the principle of there being no double recovery.

The state could, for example, be liable if it failed to have any adequate supervisory safeguards in place or placed a child when 'on notice' of the risks that such a placement at that institution or with that person might provide.

I limit my comments to that, rather than speculating about specific or hypothetical cases, owing to potential sub judice issues.¹⁰⁷

209. In relation to Knottfield, HM Attorney General said:

¹⁰⁵ Appendix 19

¹⁰⁶ Q 203

¹⁰⁷ Q 165, lines 362 to 369

I have in my written advice identified that there are questions to be answered as to whether the liabilities of the Isle of Man Home prior to the transfer in 1988 are now liabilities of the existing charity. It may be that this is a matter for the court to determine and I am afraid I cannot say with any certainty whether today's Children's Centre is a potential defendant.

210. A third hurdle is the law on limitation periods. HM Attorney General explained to us that personal injury claims must normally be brought within three years of the “date of knowledge” (ordinarily the date the abuse took place) or of the claimant turning 18 years old, whichever is later. The court has discretion to hear a claim at a later date but the onus is on the claimant to show that a fair trial is still possible despite the passage of time.¹⁰⁸
211. In Scotland the position is different. The Limitation (Childhood Abuse) (Scotland) Act 2017 reversed the starting position. Instead, if a claim is for damages in respect of personal injuries resulting from physical abuse, sexual abuse, emotional abuse or neglect of a person while they were under 18, then that claim may be brought at any time. The onus is on the defendant to show that a fair trial is no longer possible because of the passage of time.
212. Commenting on this, HM Attorney General said:

Whether the Island might consider replicating the Scottish provisions is a matter, of course, for Tynwald. My own view is that this may be helpful to clarify the law in this area, although any change in the law is unlikely to have retrospective effect; by making a change in the law might provide, however, better clarification for victims and their families in the future.¹⁰⁹

Conclusion

There is a possibility that survivors of historic abuse may be able to claim damages for personal injury from a Government Department, the Children's Centre, or both. We recognise that such an action would be expensive for the complainants even if a group action were to be brought.

The normal law on limitation periods, under which there is an expectation that a claim for personal injury will be brought within three years, is not

¹⁰⁸ Appendix 13; also Q 165, lines 383 to 409

¹⁰⁹ Q 165, lines 435 to 438

suitable in cases of historic child abuse. We believe that it would be fairer, in such cases, if a claim could be brought at any time, as in Scotland. As in Scotland, the defendant should still have the opportunity to argue that a fair trial is no longer possible because of the passage of time but the burden should be on the defendant to prove this.

Recommendation 7

That Tynwald approves for introduction under Keys Standing Order 4.2(1)(f) the Bill at Appendix 15 of the First Report of the Social Affairs Policy Review Committee for the Session 2018/19 [PP No 2018/0132], which would replicate in Manx law the provisions of the Limitation (Childhood Abuse) (Scotland) Act 2017.

Criminal injuries compensation

213. Incidents which occurred before 13th December 2005 are eligible for consideration under the Isle of Man Criminal Injuries Compensation Scheme 1983. Incidents which occurred from that date onwards would fall under the Criminal Injuries Compensation Scheme 2005.
214. HM Attorney General confirmed in his written evidence that the Tribunal which administers the Isle of Man Criminal Injuries Compensation Scheme 1983 can consider applications for compensation arising out of sexual offences in respect of pain, suffering and shock. The onus is on the complainant to demonstrate that the injury alleged is as a consequence of a criminal act, although it is not necessary that the perpetrator must have been convicted. Injury in this context can include suffering, shock, psychiatric damage and the like, attributable to the abuse.¹¹⁰
215. HM Attorney General said the level of award under the 1983 Scheme was based upon the tariff for psychiatric damage and injury as set out in the Judicial College Guidelines. The level of compensation is awarded based upon the assessment of the level of injury, which would include an assessment of the permanence of injury and/or period of suffering. The levels of awards under the 2005 Scheme for such injuries are generally lower and are fixed, the Panel which administers the Scheme having no discretion.¹¹¹

¹¹⁰ Appendix 13; also Q 165, lines 439 to 448

¹¹¹ Appendix 13

216. An application to the Criminal Injuries Compensation Scheme differs from a personal injury claim in that it is not necessary to identify a defendant. It is also less costly than going to court. However, time limits remain a consideration. HM Attorney General explained that:

*applications under the Scheme must be brought within three years of the incident giving rise to the claim. The tribunal, however, has the power to consider applications out of time in exceptional circumstances and would in doing so consider the reasons for the delay. I cannot say what direction the tribunal might take in respect of historic sex abuse cases.*¹¹²

The equivalent time limit under the 2005 Scheme is two years.

Conclusions

Survivors of historic abuse may be able to claim compensation under the Criminal Injuries Compensation Scheme 1983 (if the abuse occurred before 13th December 2005) or under the Isle of Man Criminal Injuries Compensation Scheme 2005 (if the abuse occurred on or after that date).

The time limits in the Criminal Injuries Compensation Schemes 1983 and 2005 are not suitable in cases of historic child abuse. We believe that it would be fairer, in such cases, if an application could be made at any time.

Recommendation 8

That the Attorney General should bring forward amendments to the Criminal Injuries Compensation Schemes 1983 and 2005 to provide that in cases of historic child abuse applications may be made at any time.

Recommendation 9

That the Attorney General and the Treasury should review the sums payable under the Criminal Injuries Compensation Schemes 1983 and 2005 to ensure that they properly reflect the degree of pain and suffering caused by physical, sexual and emotional abuse and neglect during childhood as they are today understood.

¹¹² Q 165, lines 441 to 444

VIII. THE SAFEGUARDING OF LOOKED AFTER CHILDREN TODAY

217. The second part of the remit set for us by Tynwald in July 2017 is:

to investigate the adequacy of current procedures to protect from abuse children in care (looked after children) in the Isle of Man.

Current procedures are described and discussed in the written and oral evidence of the former independent safeguarding chair Mr Paul Burnett, the Department of Health and Social Care, St Christopher's (which operates residential services under contract from the Department) and the Voices in Participation Council, a council for children and young people in care facilitated by an officer of the Department.¹¹³

218. Children and young people are "looked after" legally when they have been cared for by the Department of Health and Social Care for more than 24 hours. The arrangements include being placed in a foster home, a care home, or with a friend or relative. Such arrangements can be made with the consent of parents, or by order of a court, or under certain circumstances by the police or social services, for example in an emergency.¹¹⁴

219. The Department told us in its oral evidence that at the end of February 2018 there were 83 children and young people under 18 in care, 54 young people aged between 18 and 21 receiving support from aftercare services, and 23 people beyond the age of 21.¹¹⁵

220. The Department explained in written evidence that in October 2017 around 70% of looked after children and young people were living with friends and family or in foster care, or were in the process of returning to their families. The remainder lived in small children's homes.¹¹⁶

221. There are 11 establishments. Nine are run by St Christopher's under contract to the Department. In addition there is an internal resource centre for children with disabilities, and a facility run by Autism Initiatives for children with profound autism.

¹¹³ Appendix 26; Appendix 18; Appendix 7; QQ 1–109

¹¹⁴ See Appendix 18, pages 1–2

¹¹⁵ Q 50

¹¹⁶ Appendix 18, page 2

222. St Christopher's described their nine homes to us as follows:¹¹⁷

1	Admission and assessment home (mainly used for young people coming into care for the first time)	6 beds
5	Small children's homes	3 beds
1	Aftercare home (young people aged 16 to 18)	6 beds
1	Aftercare home (young people aged 16 to 18)	3 beds
1	Secure care home	7 beds
Total number of beds		37 beds

Improvements since 1983

223. In the 35 years since 1983 Tynwald has seen a succession of inquiries and reports and a high level of legislative and regulatory activity including the enactment of the Children and Young Persons Act 2001, the Regulation of Care Act 2013 and the Safeguarding Act 2018. For the most part Tynwald and the Isle of Man Government have adopted legislation, policy and practice which have developed in the UK, often with a delay of some years.¹¹⁸

224. As regards sexual abuse in particular, there is much greater understanding today than was the case in 1983. Miss Brayshaw told us:

At the time I became qualified there was a huge inquiry going on in the UK in relation to Cleveland; and Cleveland established the basis for law, it put a children's rights base into the Children Act 1989, and it was a seminal change. I think to qualify at that point gave me a very different starting point than perhaps many other people had been in. What I have subsequently seen – and I think the bit that you cannot take away from child protection and child abuse – is that culturally and socially things change and impact on what happens. So there is a greater understanding of sexual abuse now than there ever was.

I think the biggest change, which again began in the late 1980s and through the 1990s, is the innovative work that is now done with perpetrators to actually understand that a perpetrator, a paedophile, has a career and that actually

¹¹⁷ Q 10

¹¹⁸ Isle of Man developments are outlined in Annex 2; for an outline of developments in England over a similar time period see Glenys Johnston, *An assurance report reflecting on the current multi-agency safeguarding arrangements within Derbyshire, with reference to Aston Hall Hospital, Derbyshire Safeguarding Children Board*, 25th July 2018, paragraphs 7.1.1 to 7.1.12.

historically it has been naive to think their victim was the only victim, and that normally there are more victims than that.

So I think we have a far more rounded understanding of: if this is what we are seeing and dealing with, what else do we need to think about at the same time? That for me is where everything gets joined up at every level to think about that.¹¹⁹

The Chief Constable wrote, in a similar vein:

Societal understanding of child sexual abuse has undergone a dramatic change since JM was routinely abusing children and young people. Children are believed when they disclose abuse and professionals are trained to spot the signs of sexual, physical and emotional abuse. The reporting of such allegations necessarily and inevitably leads to the involvement of a series of professionals from various agencies in a way that did not exist in the 1970s, 1980s or even the early 1990s.¹²⁰

225. The regulation and inspections regime for children's homes is today much more developed than it was in 1983. Each children's home run by St Christopher's can expect an unannounced inspection once a year from the Department's Regulation and Inspection Unit, and once a month from an independent visitor appointed by St Christopher's.¹²¹ This situation has only come about very recently. Mrs Seed told us that when St Christopher's first came to the Isle of Man in 2004 there was not any external inspection of children's homes, although St Christopher's brought with them from the UK their own internal inspection procedures.¹²² Miss Brayshaw told us that prior to 2015 there was nothing in place that was comparable to the current Minimum Standards for Children's Homes and Child (Secure) Accommodation. As a result any disparity between different children's homes could not be measured until very recently.¹²³

¹¹⁹ Q 90

¹²⁰ Appendix 9, para 59

¹²¹ Appendix 18, page 1 of statement by Regulation and Inspections Unit; page 6 of statement by St Christopher's

¹²² Q 21

¹²³ Q 72

226. Today's outsourcing arrangements allow the Department to take a robust approach to ensuring that standards are being followed. Miss Brayshaw said:

*I think in the contractual arrangements that we have, possibly some of the monitoring of that may be far more stringent than if the services were just delivered from in-house. We have quarterly partnership meetings with all of our providers of the services, and we have a very clear and specific performance framework that they need to demonstrate every three months.*¹²⁴

227. Allegations against staff members are today handled in a rigorous manner designed to protect children and young people while also treating employees fairly.¹²⁵ Miss Brayshaw told us:

*A procedure has been operating since 2013, and the procedure that currently operates was agreed in September 2016. So from 2013 up to the start of 2018 we have had 57 managing allegations: 26 have been substantiated, and this is against the criteria that their behaviour poses a risk to children; 17 have been unsubstantiated, which means it can be neither proven nor proven, so it is a neutral position; 12 were unfounded; and two were considered to be malicious after investigation. In all of that time we have had eight people who have gone on to be convicted of offences against children, that have been working with children – and that is across all professions and voluntary arrangements as well.*¹²⁶

228. A significant innovation in recent years has been the establishment in 2009 of the Voices in Participation Council.¹²⁷ This Council submitted written evidence to us based on the views of 20 children and young people aged between 6 and 23.¹²⁸ Miss Chloe Edwards, a member of the Council, told us she was close to someone who was in care and had been a friend of George Green and Samantha Barton. George and Samantha were murdered in the Island in 2002 when both of them were 16 years old

¹²⁴ Q 52

¹²⁵ Appendix 18, page 4

¹²⁶ Q 66

¹²⁷ Date from VIP webpage on gov.im, accessed 30 Aug 2018

¹²⁸ Appendix 7

and in care.¹²⁹ Commenting on changes which have been made since those murders, Miss Edwards said:

This person said to me that they noticed changes as soon as it happened – jobs were being looked at, who is working where – and investigations were going on for a long time.

When I tell them things that have changed now and things that are going on now, they say, ‘Ah, well, if this was in place then that might not have happened to George and Sam’ – which I think is quite an important thing to think about, when you are thinking about the safety of things and how much we have improved now in a way that they are comparing it to when they were in care, 15 to 20 years ago. I think it is important to think about that because it sheds some light on how far we have come, and even if every single aspect of everything is not perfect it has come a really long way and I think that is an important thing.

229. Miss Edwards also told us that young people in care today were able to find support in the event that they felt unsafe. She said:

Young people were asked about people who they felt were available to support them and between everyone that we asked there were 22 people who they felt that they could speak to about things if they felt unsafe or anything... It was discussed in a group about who people felt they could talk to, so one person might have said five different people, one person might have said one, one person might have said 15. But overall, 22 people from different sectors were named altogether.¹³⁰

230. Looking at the system overall, the Voices In Participation Council said in its written submission:

The Council felt that generally they were well protected whilst in care especially from being significantly harmed.¹³¹

The Chief Constable said:

¹²⁹ See Annex 2

¹³⁰ QQ 51, 56

¹³¹ Appendix 7, page 11

*The regime is so different than it was in the past. I sit on the Safeguarding Children Board. I cannot believe for one second that anything like the abuse or the regime that Marshall ran would not be picked up really early.*¹³²

Mrs Seed of St Christopher's, which operates children's homes, said:

*I feel that our current procedures are very good.*¹³³

The Chief Executive of the Department of Health and Social Care, Dr Couch, said:

*I think at the moment our standards, our safeguarding environment for looked-after children, are good.*¹³⁴

Conclusions

The arrangements for safeguarding looked after children today differ markedly from those in place during the period 1961 to 1983. There have been numerous inquiries and reviews leading to many welcome developments in legislation, policy and practice.

The introduction of the Voices in Participation Council, as a way of ensuring the voices of children and young people in care are heard, is especially welcome.

The arrangements in place today for safeguarding looked after children are generally good.

For a criminal to perpetrate harm of the kind experienced at Knottfield between 1961 and 1983 would be more difficult today than it was then.

Further work needed

Challenges

231. Although we have concluded that today's arrangements are generally good, we must immediately go on to say that there is still more to be done. The Department of Health and Social Care said in its written evidence:

The majority of children live safely in foster care or children's homes, but a small minority of carers inflict harm on and abuse the children and young

¹³² Q 148

¹³³ Q 3

¹³⁴ Q 54

people they are responsible for. An NSPCC impact report in 2014 estimated the occurrence of such harm to be 1 in a hundred children in foster care, and 2 to 3 per hundred in care homes.¹³⁵

The Department went on to comment that there is no reliable research on rates of abuse in the population generally. We accept that there will be abuse taking place in families unknown to the care system. Nevertheless the care system must aspire to be a place of safety for all the children and young people who come into it.

232. When we asked Miss Brayshaw if it was possible for a child in care to be abused today, she replied:

It is, and I think it would be absolutely wrong to say that could not happen... I think very slowly as services have evolved and certainly with all the reports, certainly in the 1980s and 1990s and 2000s about care homes, I think people realise that actually the sorts of work that we do – be it social worker or residential worker – can be a career opportunity for somebody who is intent on harming or wanting to abuse children. That is why regulation, vigilance and everything else is vitally important to keep that to a minimum.¹³⁶

233. Mrs Seed responded to the same question in the following way:

Yes, definitely. I am not saying that would be a regular occurrence – hopefully – but there is still a potential that a child could be abused ... we cannot eradicate risk and a lot of these children behave in very risky ways, so we have just got to protect them as much as we possibly can with the systems we have in place, but that does not say that somebody will never slip through the net or that somebody will not abuse them when they are out and about. I think if we did say that we would be highly criticised if something happened, to be fair...

Risk is always there; we just have to deal with it in the best way we possibly can with the tools we have got.¹³⁷

¹³⁵ Appendix 18, page 2

¹³⁶ Q 64

¹³⁷ Q 6; Q 42

Conclusion

Despite the improvements made since 1983, it remains a possibility that a child in the Isle of Man could suffer emotional, physical or sexual abuse or neglect while in care. The impact of such abuse can be devastating.

Actions in response

234. Child protection is an area to which much attention has been paid in recent years, with a succession of inquiries and reviews coming before Tynwald.¹³⁸ The Council of Ministers has developed a Combined Action Plan in response to the three most recent reviews (by the Care Inspectorate, by Mr Paul Burnett and by our predecessors on this Committee), with progress being monitored by the Social Policy and Children's Committee of the Council of Ministers.¹³⁹ Meanwhile the Safeguarding Board maintains a separate oversight role, with its independence from the Council of Ministers enshrined in statute law.¹⁴⁰
235. Mr Paul Burnett explained in his written evidence:

The role of the SCB is essentially one of scrutiny and challenge, testing the effectiveness of safeguarding arrangements in the Isle of Man and the ability of agencies to work in partnership when delivering their safeguarding responsibilities. The Board is responsible for putting in place policies, procedures, processes and practice guidance to underpin safeguarding work on the island and it is against these frameworks that the scrutiny and challenge work is aligned...

A core purpose of the SCB is to ensure that there are effective arrangements in place to safeguard children and young people in the Isle of Man. The SCB undertakes a range of actions and functions to reduce safeguarding risk and to prevent abuse of the type that is the subject of this Inquiry. The SCB is responsible for formulating, agreeing and ensuring the effectiveness of policies, procedures and operational frameworks to support the safeguarding and well-being of children. An extensive part of our time is spent on securing assurance

¹³⁸ Annex 1

¹³⁹ Appendix 22; GD 2018/0045

¹⁴⁰ Safeguarding Act 2018, section 6

*that this is indeed the case most importantly through our quality assurance and performance management arrangements.*¹⁴¹

Mr Burnett went on to explain that, in addition to following up actions stemming from the Board's own quality assurance and performance management regime, the Board was also engaged in actions arising from the report of the Scottish Care Inspectorate and the recent Jersey Care Inquiry.¹⁴² Commenting in March 2018 on the adequacy of current procedures, Mr Burnett said:

*If you go back, the last audit we did was in 2016 and we are just about to do the next audit – it will start in May. In the last audit a number of strengths were identified ... As I explained, though, there were a number of areas which we at that stage identified needed to be improved.*¹⁴³

236. Noting the March 2014 comment of the Scottish Care Inspectorate that “numerous reviews had resulted in a large amount of action plans which contributed to inertia and confusion about what to tackle next”,¹⁴⁴ we welcome the bringing together of action plans by the Social Policy and Children's Committee of the Council of Ministers. We also welcome the involvement of the Safeguarding Board in scrutinising implementation of those plans together with its own quality assurance and performance management framework.
237. The main contribution of our present inquiry to this agenda is, on the basis of the Knottfield experience, to re-emphasise to Tynwald and to all public authorities the priority which must be given to this work. There is little in the evidence we have gathered which is not already well known to the affected agencies. We would however highlight also a few specific issues which have struck us as particularly significant.
238. There is an issue around safe recruitment, which is highlighted in the written evidence of Mr Paul Burnett and of the Department of Health and Social Care. Miss Brayshaw and the Chief Constable acknowledged a specific concern we raised about

¹⁴¹ Appendix 26, pages 1 and 3

¹⁴² Appendix 26, page 6

¹⁴³ Q 49

¹⁴⁴ [GD 2014/0023](#), page 15

pre-appointment checks for people coming to the Island from beyond the UK and Ireland.¹⁴⁵

239. There are issues around fostering. We received evidence from a foster carer who wished to remain anonymous, describing the service as being in a state of disarray and setting out a series of errors in the handling of individual cases.

240. There is an issue around inspections of children's homes taking place during school hours when the children are not present. Mrs Poole-Wilson wrote to us as a trustee of St Christopher's suggesting that it should be a requirement that inspectors visit at a time when they can meet the looked after children.¹⁴⁶ Miss Brayshaw told us that this had already been raised by the Voices in Participation Council and a different way of working had been agreed.¹⁴⁷ There may be merit in making this a requirement on the inspectors, as opposed to an agreement.

241. There are issues around education. Mrs Seed said:

*I do not think education for looked-after children works very well on the Isle of Man. I know residential staff have been criticised recently about not getting young people to school – it is all our fault that the young people are not going to school. However, I think what we are saying is everybody has to accept responsibility for this. This is a corporate responsibility.*¹⁴⁸

242. Miss Brayshaw said:

*Education is an area where there is a limited amount of performance information that is coming through, to tell us that looked-after children are getting the right support in the educational setting that they should be getting... I think some of the young people and children would say they have been very well supported through their schooling, and others would have had different experiences.*¹⁴⁹

243. There are issues around leaving care and specifically about housing for care leavers. The Voices in Participation Council said in its written submission:

¹⁴⁵ Q 65; Q 150

¹⁴⁶ Appendix 38

¹⁴⁷ Q 63

¹⁴⁸ Q 36

¹⁴⁹ QQ 88 to 89

Had this motion [that is, Mr Baker's motion of July 2017] come to them for consultation they would have emphasized that in fact a majority of young people do not feel safe or protected when they are leaving care as opposed to whilst they are in the care system. Leaving care is a huge point of concern for those spoken to who are currently looked after and for those who have left care...

The policy around commissioners' housing has also left young people in a position where they are completely unable to apply for a house when they need it most. At 18 it is impossible for them to meet the criteria required to even go onto the waiting list for a house, this leaves them in private rentals which means they are forced to live wherever is affordable, meaning a young person may have to take a house in one area for a year then if this contract is not renewed they will have to move to a different area, at which point the 5 years in one area policy means they have to start the whole 5 years again.¹⁵⁰

The Department of Health and Social Care said in its written submission that it had agreed to amend the Children and Young Persons Act 2001 or introduce new legislation to improve support for those leaving care.¹⁵¹ However, it is not clear to us where this proposed legislation sits in the Government's legislative programme.

244. There are complex issues around attachment and emotional support for children in care. Mrs Poole-Wilson wrote that:

work that is carried out by residential staff to nurture looked after children and support their emotional well-being and development is not an area that currently seems to be explored and assessed or recognised.¹⁵²

Mrs Seed commented on a similar theme that:

one of the things we have always feared away from all of these years in social care is that we do not say we love the children – because people think different things when you say you love the children. But actually we are now talking

¹⁵⁰ Appendix 7, pages 16–17

¹⁵¹ Appendix 18, page 7

¹⁵² Appendix 38

*about starting to put in our mission statement and our vision statement that we actually love the children we work with, because we do.*¹⁵³

A related issue is that of changes of staff, be it residential staff or social workers. Miss Chloe Daugherty commented:

*Another young person said it can be hard to feel safe when your social worker changes quite a lot and different members of staff change in residential homes, because it was difficult to build a relationship with them. So if you cannot have a relationship with someone then it is hard to build trust. And then sometimes if they are trying to build a relationship with you, they sometimes feel nosy and you do not want to open up to them because as soon as you open up to them they are just going to get moved to a different house.*¹⁵⁴

On the other hand there can be reasons for ensuring social workers and residential workers work in teams. The 2015 Minimum Standards for Children’s Homes and Child (Secure) Accommodation specifically disapprove of “special relationships”, saying:

4.15 Where there are key worker systems in place, rotation on a regular basis should be considered to ensure that children are not at risk of ‘grooming’.

*4.16 Professional boundaries must be maintained and staff precluded from developing “special relationships” with any individual child and/or their families.*¹⁵⁵

245. There are issues around the state of the criminal law and forensic investigation, particularly with regard to sexual offences. The Chief Constable called for reform in his 2016 Annual Report, writing that “The legislation in this area is wholly inadequate and hugely out of date”.¹⁵⁶ The Director of Public Health advised us that numerous gaps had been identified in the sexual assault referral service.

¹⁵³ Q 5

¹⁵⁴ Q 51

¹⁵⁵ Appendix 2 of Appendix 18

¹⁵⁶ GD 2016/0028, page 10

Conclusion

Considerable attention is already being paid by Departments and agencies, by the Council of Ministers and by the Safeguarding Board to the risk of harm to looked after children and young people, with numerous workstreams underway to manage and reduce that risk. We welcome this.

Attitude and approach

246. The Department of Health and Social Care said in its written submission:

The corporate parenting concept is a statutory requirement in the UK, whereas in the Island it is a best practice concept. This means whilst the strategy is based on a multi-departmental agreement, achieving its aims is based on good will. The DHSC has agreed to consider amending the CYPA 2001 to make regulation for this concept and strengthen support for children in care.

The Children's Champion is a political appointment to champion the rights of looked after children and corporate parenting in the political arena. The role has a purposeful remit and is helpful, but is potentially compromised because it is political.

Other jurisdictions of the UK, and now Jersey, have opted for a truly independent scrutiny role – a Children's Commissioner – with a professional background in children's rights and with a clear remit to promote and protect the interests of children across services and across the political landscape. The SAPRC may wish to consider the merits of such independent arrangements as an alternative to those in place at present.¹⁵⁷

247. Miss Brayshaw said:

Regulation is not the be-all and end-all, and standards are not the be-all and end-all, because what is written on the paper does not make best practice. I think best practice comes from motivation, it comes from the values that individuals not only held intrinsically to themselves, but can share.¹⁵⁸

¹⁵⁷ Appendix 18, page 6

¹⁵⁸ Q 90

248. Mrs Seed said:

We say in St Christopher's that we are a learning organisation and we learn from every mistake we make, because we do make mistakes but we have learnt that if we make a mistake we hold our hands up and then we look at it and say, 'Right, what have we learnt from this? How can we prevent it happening again? What can we do better the next time?' That is the way we work now. We did not work like that years ago... if you do not continue learning and moving on with the way things have changed, then you should not be in this work.¹⁵⁹

249. She concluded her oral evidence by saying:

I think the main thing that I just really want to emphasise again is the fact that safeguarding and protection from abuse is all of our responsibility. I remember going to the first Safeguarding Forum in 2013 and that was the first thing that came up, that everybody said that safeguarding was everybody's business: it is not just staff who look after children in children's homes, it is not just teachers who work in schools; everybody should be responsible for this and everybody should be aware of it.¹⁶⁰

250. The representatives of the Voices in Participation Council whom we met concluded their oral presentation by quoting the following extract from their written submission:

The Council has, through this evidence, been able to identify effective processes which protect LAC from abuse. What has been identified is that to feel safe and protected it is important to be informed about what should be happening, trust those around you and understand what is in place to keep you safe. The saying "knowledge is power" was brought up by a young person and it was agreed that if they knew what should be happening they could tell someone if something different happened that shouldn't have. The council agreed that one of their biggest challenges was how care was discussed in other arenas. The council agreed the following statement

¹⁵⁹ Q 35

¹⁶⁰ Q 42

“Stigmatisation around care does not improve the service. If MHKs want to improve the service they should speak to the people who use it. The service is safe because if we tell them (children and families) something is wrong then we can work together to change it. The problem we have is when people don’t listen and think they know best.”¹⁶¹

251. The Department of Health and Social Care has commented that the corporate parenting concept is a statutory requirement in the UK, whereas in the Island it is a best practice concept. Sometimes things which are laid down in statute in the UK do not need to be laid down in statute in the Isle of Man because of the compact nature of this jurisdiction and its administrative arrangements. By contrast to the situation in the UK, the Isle of Man Department is both a central policymaker and a provider of services directly to the public; as such it does not always need to use statute law in order to make things happen. However, we do see merit in a statutory basis for the concept of corporate parenting, in the same way that we saw merit in a statutory basis for the Safeguarding Board. It is highly likely that, if asked, relevant Ministers and Departments would accept as a matter of best practice the concept of corporate parenting. The advantage of a statutory duty would be in making sure this remained at front and centre of their thinking at all times.
252. The Department has commented also that the Children’s Champion is a political appointment. We recognise the Department of Health and Social Care’s point that there could be merit in a politically independent Children’s Commissioner as in the UK and Jersey. Such a role would be called for if insufficient attention were being paid by politicians to children’s rights, or if priorities in the promotion and protection of children’s rights were being severely skewed by political intervention contrary to professional advice. We are not aware of any evidence that either of these is the case at the moment. If any such evidence does emerge, it should be taken very seriously.
253. Thirty years of inquiries, reports and legislation have brought us to a situation where looked after children inhabit a complex environment surrounded by any number of departments, agencies, champions, boards and committees. Rather than add to the complexity of that environment, we would prefer to join with the young people and professionals we heard from in emphasising a small number of fundamental concepts: shared values, shared responsibility, constant listening and constant

¹⁶¹ Q 109, quoting Appendix 7, page 15

learning. For our own part we intend to develop our role by examining the annual report of the Safeguarding Board which is now a requirement of the Safeguarding Act 2018, and by hearing oral evidence in public, based on that report, from the Board annually. We can already do this under our existing remit but we would like our intention to be backed up by resolution of Tynwald, to ensure that it is continued by our successors.

Conclusion

The protection of children from harm is a fundamental priority in any jurisdiction. Safeguarding of looked after children is a shared responsibility of all public authorities. It is essential for all public authorities concerned with safeguarding to maintain an attitude of continuous improvement. Such improvement should be based on learning from all available sources including serious case reviews, past mistakes, best practice from other jurisdictions, professional advice, the experience of frontline staff and volunteers involved in the delivery of services, and above all the voices of children and young people.

Recommendation 10

That legislation should be brought forward to place the concept of corporate parenting on a statutory footing.

Recommendation 11

That the Social Affairs Policy Review Committee should hear oral evidence in public from the Safeguarding Board annually.

D C Cretney (Chairman)

J M Edge

September 2018

ANNEX 1: ADMISSIONS AND RESIDENT NUMBERS AT THE ISLE OF MAN CHILDREN'S HOME, 1961 TO 1983

	Admissions	Residents at year end (boys)	Residents at year end (girls)	Residents at year end (total)
1961	12	10	7	17
1962	5	9	3	12
1963	18	10	4	14
1964	38	9	5	14
1965	12	6	6	12
1966	39	9	3	12
1967	38	8	2	10
1968	33	10	1	11
1969	34	10	3	13
1970	31	11	1	12
1971	34	not reported	not reported	16
1972	21	not reported	not reported	not reported
1973 (to 30 Sept)	18			
1973 (from 1 Oct)	6	not reported	not reported	not reported
1974	63	not reported	not reported	not reported
1975	28	10	0	10
1976	51	9	3	12
1977	45	not reported	not reported	11
1978	34	9	5	14
1979	38	10	5	15
1980	30	10	7	17
1981	22	5	4	9
1982	44	not reported	not reported	not reported
1983 (to 31 Mar)	14	not reported	not reported	not reported

Admissions (Hamilton period: 1 Jan 1961 to 31 Dec 1971) 294

Admissions (Gardner period: 1 Jan 1972 to 30 Sep 1973) 39

Admissions (Marshall period: 1 Oct 1973 to 31 Mar 1983) 375

Notes to Annex 1

The admissions figures are taken from a table at the back of the Register of Admissions held in the Manx Museum on behalf of the Children's Centre.

The numbers of residents at the end of each year are taken from the reports of the Annual General Meetings of the Children's Home held in the Manx Museum on behalf of the Children's Centre.

ANNEX 2: TRUSTEES AND COMMITTEE MEMBERS OF THE ISLE OF MAN CHILDREN'S HOME, 1961† TO 1983*

This information is taken from the Annual Reports of the Isle of Man Children's Home which are held by the Manx Museum on behalf of the Children's Centre.

† Reports showing officer bearers before 1961 have not been examined. Therefore where an office is shown as having been held from or in 1961, it may also have been held in earlier years.

* Reports showing office bearers after 1983 have not been examined. Therefore where an office is shown as having been held to or in 1983, it may also have been held in later years.

Bargery, R. R.

Trustee and Executive Committee Member, 1975 to 1982; Secretary, 1976 to 1982; Treasurer, 1979 to 1982

Bell, G. A.

Trustee, Executive Committee Member and Secretary, 1973 to 1974

Cain, F. J. (Mrs)

Executive Committee Member, 1980 to 1983*

Cain, J. C.

Executive Committee Member, 1978 to 1983*; Trustee, 1982 to 1983*

Cain, J. M.

Executive Committee Member, 1954 to 1978; Trustee, 1964 to 1978

(date of joining referred to during 1978 AGM)

Cashin, J. E.

Executive Committee Member, 1972 to 1983*; Trustee, 1979 to 1983*

Christian, G. F.

Trustee, Secretary and Treasurer, 1983*

Cowley, J. W.

Executive Committee Member, 1963 to 1970

Cowley, P. M.

Executive Committee Member, 1983*

Cubbin, C. H.

Executive Committee Member, 1969 to 1983*; Trustee, 1976 to 1983*

Cullen, Dr S. V.

Executive Committee Member, 1971 to 1977

Curphey, W. E. (Mrs)

Member of Ladies' Committee, 1968 to 1980

Davidson, A. J.

Executive Committee Member, 1961† to 1980; Trustee, 1972 to 1980

Dean, M. W.

Executive Committee Member, 1980 to 1983*

Dean, R.

Executive Committee Member, 1961† to 1982; Trustee, 1973 to 1983*

Dowty, R.

Executive Committee Member, 1976 to 1983*; Trustee, 1979 to 1983*

Ducker, C. R.

Trustee, Executive Committee Member and Secretary, 1961† to 1972

Ferguson, J. H. (Mrs)

Member of Ladies' Committee, 1968 to 1980

Gill, Charles H.

Trustee and Executive Committee Member, 1961† to 1980; Treasurer, 1961†

Godfrey, V. J. (Mrs)

Executive Committee Member, 1983*

Grundey, W. C.

Executive Committee Member, 1961† to 1971; Trustee, 1966 to 1971

Harvey, C. B.

Executive Committee Member, 1961† to 1966; Trustee, 1961† to 1964

Kelly, Henry

Trustee and Executive Committee Member, 1961†

McPherson, A. R. (Mrs)

Member of Ladies' Committee, 1968 to 1980

MacPherson, His Honour the Deemster Bruce W.

Trustee and Executive Committee Member, 1961† to 1972

Manderson, J. W.

Executive Committee Member and Treasurer, 1973 to 1978

Moore, G. E. (Mrs)

Member of Ladies' Committee, 1968 to 1980

Quirk, Alderman T. A.

Trustee and Executive Committee Member, 1961† to 1963

Toothill, H. B.

Trustee and Executive Committee Member, 1962 to 1975; Treasurer, 1962 to 1972

ANNEX 3: LAW AND POLICY RELATING TO CHILD PROTECTION: EVENTS SINCE 1983

- i. The regime at Knottfield which was described to us by former residents came to an end with the withdrawal of residential services on the site in 1983. At this point Mr and Mrs Marshall ceased to be employed by the Isle of Man Industrial Home for Orphan and Destitute Children. The organisation ceased to be known as “the Home”; it continued to operate other, non-residential activities and began to be referred to as “the Knottfield Centre”. In 1985 residential services were resumed under the management of Mrs Pugh.¹⁶² In 1988 the organisation formally adopted the name “The Isle of Man Children’s Centre”, which was later changed to simply “The Children’s Centre”. In 1992 Mr Marshall was convicted of 13 charges of indecently assaulting boys in his care while employed at Knottfield.
- ii. On Tynwald Day in July 1989, Mr and Mrs Robin Proctor presented a Petition for Redress of Grievance concerning the treatment of their 14-year-old son who had been suffering from myalgic encephalomyelitis for three years. By 1992 he appeared to have recovered.¹⁶³ The Petition gave rise to a Select Committee, which in turn gave rise to the appointment of a Commission of Inquiry into Child Care chaired by Patricia McManus, a solicitor. In its second report, of May 1994, the Commission presented a thorough review of legislation, procedure, practice and resources. It made a series of recommendations including the enactment of legislation similar to the Children Act 1989 of the UK Parliament.¹⁶⁴
- iii. In February 1995 Susan Joughin, a woman suffering from a chronic mental illness, attacked her two children, then aged 7 and 4. One of them died. The case led to the establishment of an inquiry by Alyson Leslie. The report on this inquiry, which was completed in March 1997, made a series of further recommendations for changes to the law on children and families, and on mental health and community care.¹⁶⁵

¹⁶² Appendix 39; Q 54

¹⁶³ Isle of Man Government, *Report of the Commission of Inquiry Into Child Care, Part 1* (August 1992)

¹⁶⁴ Isle of Man Government, *Report of the Commission of Inquiry Into Child Care, Part 2* (May 1994)

¹⁶⁵ Alyson Leslie, *Practice, planning and partnership: the lessons to be learned from the case of Susan Patricia Joughin: a report to the Council of Ministers of the Isle of Man Government*, March 1997 (available from Tynwald Library)

- iv. In July 2001 the Children and Young Persons Act 2001, which followed on from the recommendations of the McManus and Leslie reports, was given Royal Assent. In January 2003 Tynwald approved the Children's Homes Regulations 2002 made under powers in the Children and Young Person's Act 2001.¹⁶⁶ Under these regulations each home was required to have a policy in procedure to protect children from abuse and neglect. Procedures to allow children to make complaints should they be necessary were also required in homes.¹⁶⁷
- v. On or about 8th February 2002 Samantha Barton and George Green were murdered. Both were 16 years old at the time and in care. The case led to the establishment of a Commission of Inquiry into the Care of Young People chaired by Mark Everall QC. As well as looking at the care and support which had been given to Samantha and George, Mr Everall was also asked to inquire generally into the care and support provided to children with behavioural and emotional problems. In his report, presented in May 2006, he made 132 recommendations. Among them were the drawing up of an accommodation strategy for looked after children so as to increase the proportion of children living in foster care and kinship care; and the changing of legislation to ensure that small homes (those for three or fewer children) were made subject to the same regulatory and enforcement requirements as larger homes; primary legislation to place the Island Child Protection Committee on a statutory basis; and improved arrangements for ensuring the voice of young people would be heard.¹⁶⁸
- vi. In October 2013 the Regulation of Care Act 2013 was given Royal Assent. This Act replaced the provisions of the Children and Young Persons Act 2001 relating to regulation of children's homes and fostering services. It enabled the Department to issue minimum standards for social care services. Standards were issued for adoption in August 2013; for fostering services in October 2013; and for children's homes and secure accommodation in March 2015.¹⁶⁹

¹⁶⁶ SD 872/02

¹⁶⁷ <http://www.tynwald.org.im/business/hansard/20002020/th22012003.pdf> page T596

¹⁶⁸ Mark Everall QC, *Report of the Commission of Inquiry into the Care of Young People*, May 2006, (available from Tynwald Library), recommendations 8, 10, 29 and 111 to 114.

¹⁶⁹ Included within Appendix 18

- vii. From August to October 2013 children’s services were subject to an inspection by the Scottish Care Inspectorate. The report of this inspection was laid before Tynwald in March 2014.
- viii. In June 2014 the Department of Health and Social Care undertook a procurement exercise for residential services and other services for looked after children. In early 2015 the Children’s Centre, having lost its contract for residential services, referred the procurement to our predecessors on the Social Affairs Policy Review Committee. Their report was debated in on 21st July 2016.¹⁷⁰
- ix. On 16th June 2015 Tynwald debated a report by our predecessors on the Social Affairs Policy Review Committee relating to child protection issues – specifically to concern that rates of referral of children and families to social services by other agencies might be too high.¹⁷¹
- x. On 20th April 2016 it was resolved:

That Tynwald recognises that the Island’s children represent its future and that their well-being is of paramount importance and encourages all parts of Government to ensure that effective, professional and co-operative multi-agency safeguarding work provides an environment in which every child will have the best possible opportunities in life; and calls on Mr Karran to provide full facts to the Independent Safeguarding Chairman, Paul Burnett, for investigation.”

A report produced by Paul Burnett in response to this resolution was debated on 17th October 2017.¹⁷²

- xi. In June 2016 the Scottish Care Inspectorate issued to the Isle of Man Government a review of progress made since its 2014 report. This follow-up report was not published until October 2017.¹⁷³
- xii. On 13th December 2016 Tynwald debated a further report by our predecessors on the Social Affairs Policy Review Committee about Children and Families social work.¹⁷⁴

¹⁷⁰ [PP 2016/0072](#)

¹⁷¹ [PP 2015/0049](#)

¹⁷² [GD No 2017/0053](#)

¹⁷³ [GD No 2017/0056](#)

- xiii. On 17th October 2017 Tynwald received the Isle of Man Government’s response to the follow-up report which the Scottish Care Inspectorate had issued more than a year before.¹⁷⁵
- xiv. In July 2018 a “Combined action plan for children and young people” was laid before Tynwald. Presented by the Minister for Policy and Reform as chair of the Social Policy and Children’s Committee of the Council of Ministers, it addressed recommendations of the Scottish Care Inspectorate, of Mr Paul Burnett, and of our predecessors.¹⁷⁶
- xv. On 19th January 2018 the Children’s Centre announced that it was withdrawing the the Family Placement Service (FPS) which it was contracted to deliver for the Department of Health and Social Care. The impact of the announcement was discussed in the House of Keys on 30th January 2018.¹⁷⁷
- xvi. On 17th April 2018 Royal Assent was given to the Safeguarding Act 2018. This Act places the Safeguarding Board on a statutory basis, fulfilling a recommendation of the 2006 Commission of Inquiry into the Care of Young People.
- xvii. In May 2018 Mrs Caine resigned as Children’s Champion after the terms of reference of the role had been revised by the Council of Ministers.¹⁷⁸ In June 2018 Mr Baker was appointed her successor.¹⁷⁹

¹⁷⁴ PP 2016/0103.

¹⁷⁵ [GD No 2017/0055](#)

¹⁷⁶ [GD No 2018/0045](#)

¹⁷⁷ <http://www.tynwald.org.im/business/hansard/20002020/k180130.pdf>

¹⁷⁸ <https://www.manx.net/isle-of-man-news/85656/children-s-champion-resigns-after-remit-changes>

¹⁷⁹ <https://www.gov.im/news/2018/jun/29/chief-minister-announces-appointment-of-tim-baker-mhk-as-childrens-champion/>

ORAL EVIDENCE

22nd February 2018

Evidence of Anne Seed, St Christopher's



**STANDING COMMITTEE
OF
TYNWALD COURT
OFFICIAL REPORT**

**RECORTYS OIKOIL
BING VEAYN TINVAAL**

**PROCEEDINGS
DAALTYN**

**SOCIAL AFFAIRS
POLICY REVIEW COMMITTEE**

Child Abuse

HANSARD

Douglas, Thursday, 22nd February 2018

PP2018/0044

SAPRC-CA, No. 1/2017-18

All published Official Reports can be found on the Tynwald website:

www.tynwald.org.im/business/hansard

Members Present:

Chairman: Mr D C Cretney MLC
Ms J M Edge MHK

Clerk:
Mr J D C King

Contents

Procedural.....	3
EVIDENCE OF Mrs Anne Seed, Head of Operational Services (IOM), St Christopher's Fellowship .	3
<i>The Committee sat in private at 5.18 p.m.</i>	21

Standing Committee of Tynwald on Social Affairs Policy Review

Child Abuse

*The Committee sat in public at 4 p.m.
in the Legislative Council Chamber,
Legislative Buildings, Douglas*

[MR CRETNEY *in the Chair*]

Procedural

The Chairman (Mr Cretney): Welcome to this public meeting of the Social Affairs Policy Review Committee, which is a Standing Committee of Tynwald. I am David Cretney MLC and I chair this Committee. With me is Julie Edge MHK. The third Committee member is Martyn Perkins MHK; he is not taking part in this inquiry for reasons which I explained to Tynwald in
5 December.

Could we all please ensure our mobile phones are off or on silent, as we do not want to have any interruptions.

The Social Affairs Policy Review Committee is one of three Standing Committees of Tynwald the Court established in October 2011 with a wide scrutiny remit. We have three Departments
10 to cover: the Department of Home Affairs, the Department of Education, Sport and Culture and the Department of Health and Social Care.

It was resolved on 18th July 2017: 'That Tynwald notes with concern reports of historical child abuse at the former Knottfield Children's Home, which closed in 1983, and refers the matter to the Social Affairs Policy Review Committee to report by December 2017; and further
15 instructs the Committee to investigate the adequacy of current procedures to protect from abuse children in care (looked after children) in the Isle of Man and to report in March 2018.'

EVIDENCE OF Mrs Anne Seed, Head of Operational Services (IOM), St Christopher's Fellowship

Q1. The Chairman: The first part of this inquiry has been suspended for reasons which I explained in the Statement to Tynwald in December. Today we are concerned with the second part and we welcome a representative of St Christopher's. You are very welcome. We have
20 before us a submission from you which was sent to us earlier and by the Department of Health and Social Care – I thank you.

Would you first like to state your name and job title and give us a brief outline of your professional background, please.

Mrs Seed: My name is Mrs Anne Seed. I am Head of Operational Services for St Christopher's on the Isle of Man. I have over 40 years' experience in the social care environment. I have
25 worked in local authorities, for private companies and for the voluntary sector in the UK. I

moved to the Isle of Man in 2001, so I have been here a few years now, and I started working for St Christopher's in 2006. I am also a qualified social worker.

30

Q2. The Chairman: Thank you very much. Would you like to make any opening statement?

Mrs Seed: I think really I would just like to make the statement that safeguarding children is everybody's business, it is not just the organisations that care for children, because we all have a corporate parenting responsibility. I think with St Christopher's, because we are also affiliated to our UK parent company, we do a lot of dissemination and learning with the UK and with the Isle of Man, so we use experience that we have built up in working in different areas in the UK and here to develop our own practice.

35

Q3. The Chairman: Okay, thank you. How would you describe the adequacy of current procedures to protect from abuse children in care, looked-after children on the Isle of Man?

40

Mrs Seed: I feel that our current procedures are very good. Obviously you may think I am biased because that is my area of work, but in St Christopher's we do put children as the centre of our work and our vision in the organisation is for every child and young person to be happy, safe, achieve their potential and have a bright future – and I know they could sound just like words but actually what we do in our organisation is we train staff to live those values every day whilst they are at work and to put young people and the interests of young people as the core of our work. So child protection, which we now call safeguarding, and protecting from abuse is actually a very central element of our work, and all of our policies, procedures and working practices are based around keeping young people safe.

45

50

I think one of the things is that we cannot eliminate risk, we cannot eradicate risk. The young people we work with often have very risky lifestyles and have had risky lifestyles before they have come into the care system, so we try to do whatever we can whilst we are working with them to help them take risks – because children have to learn by taking risks – but we put safety nets in place to help protect them when they are taking the risks. So we have policies, procedures, we train staff. We actually do a lot of participation work with the young people as well because we want them to feel safe with us. We want the young people to feel that they can trust the staff enough to actually tell us when they do not feel safe, because we cannot always tell when they are safe or when they are not. There are indicators that we know will actually identify that, but there are times when we actually do not know when children are safe or that they are keeping themselves safe. Therefore we have to be always vigilant and alert around those areas of work.

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Q4. The Chairman: We have spoken to the Department of Health and Social Care in the past. There was an issue at that stage in terms of the stability of the workforce, in terms of them being present on the Isle of Man or coming and going. Do you have a stable workforce?

65

Mrs Seed: Yes. I think that was a historical issue and I think over the years we have worked very hard to have staff who are based on the Isle of Man, so all of the staff that we have working for St Christopher's, and we have 120 staff in total, live and work on the Isle of Man. I think we have one agency worker who works with us at the minute, who actually does come from Liverpool, because we have a staff vacancy. We are actually interviewing today to fill that staff vacancy, but he has been a consistent worker with us and he is actually being interviewed today to work for us.

70

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So we have to build stable teams of staff that work consistently together and are able to form relationships with the young people, because all of the work that we do is based on building good relationships with young people. If you have not got that, you cannot protect them.

80 **Q5. Ms Edge:** Just before, when you were talking about the risk and trying to keep them safe and that they would have the trust in the staff to come and say they did not feel safe, is that something you see quite often, or is that minimal? And is that something you keep records of?

85 **Mrs Seed:** We keep records. We do record things on young people every single day. We have an electronic recording system that we use because we have to record about young people. Obviously we follow all the data protection regulations and protect that information.

I think it depends on the young person. Every young person is an individual and has different needs and different risks. We have had some young people who will actually come and tell you that they do not feel safe. We have some young people who would never come and tell you and you sometimes have to ask them. And you will see it. If you have built up this trusting relationship with the young people, which the staff teams are trained to do, then they will be able to see some little indicators in terms of the behaviour of that young person changing slightly. It could be that they are going missing on a regular basis. It could be that they are associating with different young people than they normally associate with, and we may know that those young people are not in a good place and there are issues with them. Or you may just see different things in their behaviour, in the way they present. When you work with young people and you work on a shift basis you are working quite consistently with those young people and you see them. You see these things. You are trained to observe those characteristics in their behaviour and notice any differences, and that is part of the safeguarding training that we do with staff because observation is one of the biggest things that you can do.

I said before we cannot eradicate risk, but when you work with children and young people in a care setting they become part of your care family and therefore if you go home at night and you go to bed, the person you think about before you go to sleep or wake up in the morning might not be your own child, it might be the child you are looking after, because you are concerned about them. That is why we call it the caring profession, because we do care, and I think in St Christopher's ... I have just been doing some work at the minute with my colleagues in London around looking at the vision and strategy of our organisation and one of the things we have always feared away from all of these years in social care is that we do not say we love the children – because people think different things when you say you love the children. But actually we are now talking about starting to put in our mission statement and our vision statement that we actually love the children we work with, because we do. We care about them and they become part of our family.

115 **Q6. The Chairman:** Do you think, despite the present situation, it is still possible for a child in care to be abused today?

120 **Mrs Seed:** Yes, definitely. I am not saying that would be a regular occurrence – hopefully – but there is still a potential that a child could be abused. Myself, with being in social care for over 40 years, have seen this happen – not on the Isle of Man whilst I have been here, but certainly in the UK I have seen it happen and I have had first-hand experience of having a manager myself who did not behave appropriately. I actually left that organisation in the UK because I did not like the way they had handled their child protection procedure and did not follow it through. I was disappointed in the way it was handled. So I will not work for an organisation that I do not feel puts everything they can into protecting young people and keeping them safe.

125 As I said before, we cannot eradicate risk and a lot of these children behave in very risky ways, so we have just got to protect them as much as we possibly can with the systems we have in place, but that does not say that somebody will never slip through the net or that somebody will not abuse them when they are out and about. I think if we did say that we would be highly criticised if something happened, to be fair.

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Q7. The Chairman: In terms of your staff, are they encouraged, if they believed there was something that was amiss, to come to their line manager or whatever?

135 **Mrs Seed:** Yes. We have a number of policies in place and they are quite robust. One of them is the whistleblowing policy. I know in a lot of organisations you have whistleblowing policies and people are not really encouraged to whistle blow because they are frightened of the repercussions. Actually, we have used the whistleblowing policy on a number of occasions where staff have actually seen what they thought was inappropriate practice or poor
140 performance or just something that a staff member has said that they felt, 'Oh, no, you shouldn't really be saying that to that young person,' that they have actually come and reported. We have a very robust disciplinary process as well and we have disciplined people. We are very proactive, and even more so now, in dealing with poor performance because that is not the way we want our staff to work or look after the children.

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Q8. Ms Edge: How often do you review your policies? Do you have a set regime for that and good governance around that?

Mrs Seed: Our policies are reviewed every two years and it is normally a group of senior
150 managers who sit and review the policy, but one of the things we do now ... We have an interim chief executive who was an operational director previously and he is very much a hands-on chief executive and very committed to the children and young people. What we do now is we do a lot more staff consultation as well. So, recently, in the last six months we have been following a process – we have called it Vision and Strategy – about the organisation, where we have
155 involved staff and consulted with them and asked them things like why is St Christopher's a good place to come and work, how do you think we are good at keeping children safe, how would you change things, if you need to, and they are involved in us reviewing our policies and changing our policies if need be as well.

160 **Q9. Ms Edge:** Do you involve any of the children in that?

Mrs Seed: We do, because young people's participation ... It has taken a lot of work here in the Isle of Man and we have some young people who are part of the VIP Council, but the VIP Council does not represent every child that is in the looked-after system so we have systems in
165 place where we try and involve the young people in all aspects of their care. It is about the home that they live in, so it is down to menus, activities, do they want to come shopping with you – all of those basic things that you would probably do with your own family, but also we ask them to help us look at the way we work as well and look at our policies, what we have written, do they understand what we are saying, how do they think we could change it for the better, and I think that is becoming much more an accepted process than it has been in the past. I think we have
170 still got a long way to go, I think we could be better at it, but we have started that process.

Q10. The Chairman: In the Department's submission to us from October it said the Island has 85 looked-after children and young people. More than 70% of them live with friends and family,
175 in foster care or are in the process of returning to their parent or parents. The remainder live in small children's homes. How many small children's homes do you operate?

Mrs Seed: We have five small children's homes which take three young people and we have a six-bedded admission and assessment home which is mainly used for young people who come
180 into care for the first time, and we also have the secure care home.

On our other side as well, our aftercare, which is our 16-plus work, we have two homes, one six bed and one three bed, for young people who are 16 to 18 to help prepare them to live in the community.

The Chairman: Thank you.

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Q11. The Clerk: How big is the secure facility?

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Mrs Seed: The secure facility takes up to seven young people. We are contracted for three with the Isle of Man Government but obviously if we get more than three young people in then we renegotiate the terms with them. We do not turn young people away, obviously. We get a lot of young people at the minute on custody and remand. We get very few welfare cases now.

The Clerk: Thank you.

195

Q12. Ms Edge: And is the procedure for admitting them to the secure home different to the procedure for going into your smaller homes? And is handover different for each home or is there one process?

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Mrs Seed: If a child is admitted to the secure care home, if they come under welfare ... There are three routes they can come into the secure care home. One is welfare and that is usually through our secure care panel, and they are often young people who are already in the care system that we know of, who are presenting a very high risk and for one reason or another it is agreed that maybe a settling-down period or a time to help them get to grips with what is going on in their life would be better spent in the secure care home. But those are very strict criteria. We do not just put anybody in through welfare.

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For custody and remand they come through the legal route from the courts and we work quite closely with the Isle of Man Prison because once they reach the age of 18 they will transfer to the Isle of Man Prison.

210

So we run two different schemes, really, there: we run welfare, which is about looked-after children, and then remand and custody is more about the criminal route. We still call it the secure care home because we care about those children and young people. No matter what age they are we care, but we have to run different regimes for remand in custody because of their status and we have to prepare them to move to prison as well, and that is quite a traumatic move for somebody on their 18th birthday, to move to the Isle of Man Prison.

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Q13. The Chairman: You may have answered this already: how many people do you employ?

Mrs Seed: A hundred and twenty.

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Q14. The Chairman: Okay, thank you. And where does your funding come from? Do you have core funding or are you wholly reliant on payments for services under contract?

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Mrs Seed: We have funding from the Isle of Man Government. We have three contracts, which we won through the tendering process.

We have the children's residential contract, which includes all of our children's residential homes and the secure care home, and we also have an education support team that is part of that contract.

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We have an aftercare contract, so they work with 16-plus young people who are leaving care. We have two semi-independent living homes. We have a team of seven staff, personal advisers, who work in the community with young people who are living in their own accommodation, or they may be sofa surfing or living with friends. We also have a drop-in centre at Hope Street, where young people can come and seek advice.

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Our third contract is a wraparound contract, which is a therapeutic contract. We have a team of therapists who will come from different areas of therapy – psychotherapy, play therapy, art therapy, counselling. They provide a therapeutic service, a Tier 2 therapeutic service because

CAMHS is Tier 3, so we provide a Tier 2 service to help young people with their emotional and behavioural difficulties in the looked-after system. They work with foster children, looked-after children in residential care and also children in the secure care home, and we are just going to start working with adopted children as well and adopted parents.

240 We have got quite a lot of work but it is all contracted with the Isle of Man Government, so it is all core funding from the Government.

The Chairman: Thank you.

245 **Q15. The Clerk:** May I just come in on the funding briefly: St Christopher's Isle of Man, is that part of St Christopher's in the UK, or is it independent?

250 **Mrs Seed:** We are a registered charity on the Isle of Man. When St Christopher's first came to work on the Isle of Man, when they got their first contract in 2004, part of the tendering agreement was that we became a registered charity here. We are obviously still part of our parent company in the UK, which is St Christopher's – we are dropping the Fellowship title because that is historical. So we are still part of the parent company, which is how we are able to swap ideas, work together –

255 **Q16. The Clerk:** But in terms of financial stability of the organisation, if those Isle of Man Government contracts were not renewed you would have to make 120 people redundant overnight – is that right?

260 **Mrs Seed:** In theory yes, but what has happened in practice in the Isle of Man in the past – and it has happened to me three times since I have been on the Isle of Man – is that if a company does not get the contract back through the tendering process, the company that takes over normally transfers the staff. I think senior management are more at risk because any company that comes in wants to bring their own senior management with them and their own policies and procedures and ethos, but certainly most of our frontline staff are transferred and some of the staff we have working with us now actually have been transferred three times, like I have, because they have moved from different companies.

270 **Q17. The Clerk:** Okay, and just on funding which is not through the contract, does St Christopher's have any financial resource to do things which are not in a contract?

275 **Mrs Seed:** I can give you an example from our Isle of Man work. When we had the previous contract in aftercare we identified there was a need ... Housing for young people on the Isle of Man is poor. They cannot access commissioner houses, local authority housing, so mostly they have to go for private housing – and a lot of the landlords are fairly unscrupulous, I do have to say. So we identified with the Isle of Man that there was a need for some interim more stable housing for young people, where they could feel safe and where they could learn the skills before they actually moved into the community. So St Christopher's bought two move-on properties. There were two two-bedded properties in the community – one is at Governor's Hill and one is in the Anagh Coar area – and we bought those to move young people into. So they were bought out of contract; St Christopher's financed that themselves and put the staffing in ourselves.

Q18. The Clerk: So where does the money come from for that?

285 **Mrs Seed:** Well, St Christopher's obviously have reserves in the UK that they have ... What happens as well is if we have any surplus money on the Isle of Man at the end of our year, that stays on the Isle of Man so we use that as well. So the money that stays on the Isle of Man ... We

are not allowed to move money back to the UK – that is part of the contract – so whatever money we have left over here for our work here is then ploughed back into the work we do here, so that helps build up some of those extra resources. So when we went for contract the next time, which is the contract we have now, because that had been successful and had worked, the Isle of Man Government included that in the contract this time.

Sometimes it is about ... you take the initial risk and the organisation puts the money in to fund it to actually give the evidence that is needed, and then the Isle of Man Government work with us to include that.

The Clerk: Thank you very much.

Q19. Ms Edge: When the young people go into those homes, are they classed as independent and they then get benefits to live independently, so they would then pay St Christopher's for living in that facility?

Mrs Seed: Yes, for those two houses we act as responsible landlords and they claim housing benefit or they work. We have two care leavers as apprentices now that work for us and one of those young people, who is our IT apprentice, actually lives in one of those houses. So he is working, and when we have a young person who works we reduce the rent for them because that is more of an incentive to make things happen, and then we will give them a good reference to move into a tenancy of their own that is better than they would normally get.

Q20. The Chairman: You said things are difficult in terms of public sector housing. It never used to be the case but it now is the case that people of 18 can go on the housing list. Is it a problem because they do not get round to getting housed because of other people on the list? Is that what the problem is?

Mrs Seed: They can go on when they are 18, but unfortunately they do not often meet the criteria – because isn't it that you have to have lived in the area for five years? Young people in care are often transient, so they have not lived in that same area for five years – so they do not meet the criteria. If they have been lucky enough to get on the list for a particular reason, they often wait quite a few years after that before they are even considered for housing.

Q21. Ms Edge: The Department's minimum standards for children's home and child in secure that was issued in 2015 – do you think that has made a difference?

Mrs Seed: Most definitely. I think when St Christopher's first came to the Isle of Man in 2004 there was not any inspection of children's homes. I would not say it was a free-for-all but obviously there were not any controls around how you should be operating, the standards that you were expected to work by.

I think the thing about St Christopher's – and I did not work for them in 2004 but I know that when they came they were already doing inspections in their homes in the UK, so they transferred their internal inspection process over to the homes that they had taken over on the Isle of Man, so we have done internal inspections of our homes since 2004.

When the minimum standards were brought in and the Registration and Inspections Unit was set up, that formalised the process and the minimum standards – and they are called minimum for a reason because obviously we want to do better than minimum and that is what we always aspire to ... they set the standard that you are expected to attain. They do unannounced inspections once every year. If you do not meet the standards they will come back quicker than that. I do have to say we have been lucky and we have been compliant but you are working all of the time at ensuring that those standards are met. It is not something like you think the inspector has been in and you can sit back and have a sigh of relief and think that it is another 12

340 months before it happens again. It does not work like that. We employ an independent visitor
ourselves who goes and does our internal inspection and we do that every month in every single
home that we have.

So managers and staff always have to be on their toes, really, with maintaining standards.
Every year you have to do a self-assessment for the Registration and Inspections Unit, so every
345 manager we have in our homes is a registered manager with Inspections. They have to self-
assess their own home based on the standards, so when Inspections come they actually assess
you on your self-assessment. So if you have said something that you are not actually doing, they
will find you out. There is no way out of this.

You need to have standards in this type of work. It gives you the framework for your control
350 mechanism and for keeping people safe. That includes staff as well. That is not just about
keeping young people safe; that is about keeping the staff safe who work for us.

Q22. The Chairman: I was just going to ask you about staff. You said there are policies and
stuff in place in relation ... How about if there were unfounded allegations made about staff? Is
355 there a process where you can determine ...?

Mrs Seed: Obviously the safeguarding procedures are very clear and they were actually
reinforced by the Safeguarding Board when they were set up. It is about a very robust reporting
process. That would come to the manager, the manager would then report it to the social
360 worker, to the DHSC, and then the Police would become involved if necessary. So there is a very
clear process about how that works and we train all of our staff.

Safeguarding procedures are one of the things we train from the very beginning because we
get a lot of staff on the Isle of Man who have not actually worked in this arena before, which is
quite different from when I worked in the UK, so we have a very strict training programme and
365 as soon as they walk through the door they have mandatory training that they have to complete,
which includes safeguarding. We send them on the Safeguarding Board preliminary level 2
training as part of the probationary period. Managers do work with them in their induction
process and the probationary period because that lasts for six months, so it is an ongoing
process for six months. Then we do annual refresher training for all of our staff, and this year in
370 our safeguarding training refresher we are actually including child sexual exploitation as well
because that has come on the agenda for everybody.

So the processes are very clear. If people do not follow them, then they are disciplined. We
have a very clear disciplinary process around that because we say keeping young people safe is
paramount to our work, so if people are not abiding by that and abusing that process then we
375 have to take very firm action. We have disciplined people because we are now much more
proactive in our approach to this type of work. There are three of us on the Isle of Man who are
senior managers and our job is that we are always proactive in keeping an eye on these things
and making sure all of those processes are followed.

Q23. Ms Edge: You mentioned just before, when we were talking about your self-assessment
process ... I was not quite clear as to whether it was your internal monthly inspector that did the
380 review of the self-assessment or whether it was the independent –

Mrs Seed: It is the Registration and Inspections Unit.

385

Ms Edge: Thank you.

Q24. The Clerk: Can I ask a question about standards. Just to take an illustration of what you
are talking about, in the minimum standards, under the heading of 'Safeguarding' it says, 'The
390 service has the following policies in place' and there is a list of policies, for example
whistleblowing, which you have mentioned, photographs, social media, lone working. So, in

order to meet the minimum standards you have to have a policy on lone working. (*Mrs Seed:* Yes.) That does not really tell me what the rules are for lone working in children's homes. Is it something which is possible at all?

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Mrs Seed: As much as possible we avoid lone working in our children's homes because obviously that is a risky procedure to put in place. We always have two members of staff on shift and if we have a member of staff that goes sick, they phone one of the managers and then we find somebody else to go in there – because we run a care bank as well, so we have a care bank, a group of people who are not actually linked to a particular home but they go in and work in the homes where they are needed. So we always have spare staff to fill the gaps. To protect the young people and to protect the staff we do not do lone working in homes. It is a very risky business to be in.

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Q25. The Clerk: Yes, well, it is, and allied to that, then, is people working in groups if the same two or three people are working together for a long period of time. Is that something which you ... you shuffle the pack?

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Mrs Seed: We do. Obviously we try to have stable staff teams in a home, because that is the only way you can build meaningful relationships with young people. If we keep moving staff around into different homes all of the time it is inconstant for young people and they are not given the opportunity to know each other. We have six staff in a home. We have five and a half staff and a manager and the manager works 50% of their time on shift. They actually work two on shift but the manager every six months changes those shift lines around so that you get the opportunity to work with everybody in the home at some stage. There is always an opportunity for staff to do overtime as well, so if you are working overtime you obviously work with one of your other colleagues, or you can go to another home and work overtime. What we say is all of our staff work for St Christopher's Isle of Man, so if we need to move them we have to move them, but wherever we can we keep stable staff teams because that is the best way to work with the young people.

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Sometimes young people do not like some of the staff. We all have to work with people sometimes that we do not like, don't we!

The Chairman: Not in our job – it never happens in our job! (*Laughter*)

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Mrs Seed: Young people are very clear in telling you when they do not like a certain member of staff, and obviously if that situation is going to be difficult or problematic, particularly for the young person, we will move that member of staff. We do not just do it on the basis that a young person says, 'I don't like them.' It has got to be something much more than that, because very often if you say no to a young person – you know if you say no to your own children you are not flavour of the month, are you? – they will say, 'Well, I don't like you,' but it is probably because you said no to them or have given them an answer that they did not really want.

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So we have to be clear about when we move people, but we do listen to young people. One of the big things we say is – and this is part of our participation work – we do listen to young people, we will take them seriously, and that is whether they are telling the truth or not. We will listen to them and we will look into it, and if there is something behind that and there is a real reason why they cannot work with that member of staff, or if sometimes a member of staff just cannot work with that young person, they just have not gelled with that young person, then we will take it seriously and move them. It happens. It is human nature, isn't it? That happens all of the time.

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Q26. Ms Edge: You said that you always have two staff on. How does that operate particularly over a night shift? Does one have to be awake and one asleep? How?

445 **Mrs Seed:** No, in the smallest homes we have two staff sleeping in. In the six-bedded home, which is our admissions and assessment unit, we have a waking night staff because obviously they cater for young people who are first coming into the care system, so we do not know anything about those young people and we have not had a chance to prepare a very good risk assessment on them because we do not actually have a lot of information, and the Department of Social Care might not have much information on them if they have just come into care. So we always have a waking night staff there and we have a waking night staff in the secure home.

450 If we have a home that is in crisis – if we have a small home and we have got a couple of young people living there who are having a difficult time for one reason or another, or the home is in crisis for a particular reason – as managers we will make a decision where to put the night staff. So if we feel that we need to have a waking night ... Say we have a young person who self-harms and they are having a difficult time and their self-harming has increased and we are concerned about their care and welfare through the night, then either one of the staff members will volunteer to stay up and do regular checks on them, or if the other homes are quiet we will move one of the waking nights to do that and then put another sleep in there. And then if we have a staff member who volunteers to stay up that night, then we would send them home then next day and put another staff member in their place, because we cannot expect a staff member to be up all night and then work a shift until three o'clock in the afternoon.

460 **Q27. Ms Edge:** Before, you said that there was still the possibility of abuse that could not be eliminated, so from what you have just said, from a risk element, if there are two people sleeping in and they both can be sleeping because it is not a crisis home, how can you ensure there is not a risk there to the young if one of them is a heavy sleeper and one is not? How do you do that?

470 **Mrs Seed:** To be fair, I could not 100% say there was not a risk, but in my experience we have never had a situation through the night that I can think of in the time that I have worked for St Christopher's on the Isle of Man where we have had an incident in the night in that way, where somebody has been put at risk. Sometimes young people put themselves at risk – we have had several young people who sneak out at night and there have been a couple of occasions when we have not actually known they have been missing until the Police have rung and said, 'We've got your young person,' which is not good, I do have to say. That does not happen very often but we have had one or two young people who do that.

475 So, in fairness, hand on heart I could not honestly say that there is not a risk there, and it may be something we need to think about –

480 **Q28. Ms Edge:** To eliminate that (**Mrs Seed:** Yes.) because historically we are hearing of all sorts, aren't we?

485 **Mrs Seed:** No, don't worry, I agree. There is a risk element there, that if everybody is in bed and a staff member or whatever wanted to go and abuse a young person, it would be easy to do.

Ms Edge: Thank you.

490 **Q29. The Chairman:** You said you are one of the three senior management team – and there is a board of trustees?

Mrs Seed: We have a board of trustees, yes.

Q30. The Chairman: So who are they and what is their role?

495 **Mrs Seed:** We have Isle of Man based trustees: Hazel Hannan, who has been a trustee for
quite some time; Jane Poole-Wilson is now a trustee; and we have Peter Killey, who is a trustee,
who actually is an ex-fireman but he used to work with us in one of our homes and he has come
back and said, 'I really want to continue being a part of St Christopher's, I'd like to be a trustee.'
So they are our three Isle of Man based trustees. Obviously our Chief Executive is a trustee, or
500 he is a director. St Christopher's in the UK have their own board of trustees as well, who oversee
St Christopher's and a couple of them actually come on our board as well. We meet with them
every three months, but in the meantime they go round and visit homes and talk to staff and
young people as well.

505 **Q31. The Chairman:** Good. When it comes to leaving care and the aftercare, how do things
work around those kind of areas?

Mrs Seed: It is quite a difficult one, actually, in terms of protecting them from abuse, because
once they reach the age of 16, unless they are on a care order, young people can discharge
510 themselves from care, but we will still work with them.

Often our aftercare team are working with young people who do not have a social worker
anymore, so our personal advisers carry the risk for those young people, and it is risky living in
the community because a lot of them are very vulnerable and they are not prepared. It is very
different when they move into the community. Despite the fact that our staff try to prepare
515 them as much as possible, it is not the same as when you actually move into the community and
you have to experience it yourself, paying your rent, buying your food, keeping undesirable
people from your door, not having parties in the house and upsetting the landlord. All those
things that most young people do, because they are teenagers, seem to be an added problem
for looked-after children because they are also carrying the issues with them about being in care
520 as well and the emotional distress some of them have had that they have carried through their
care history. Sometimes that is some of the things they have experienced before they have
come into care, it is not just about being in care, and I think that is one of the reasons why the
DHSC set up the wraparound team, because we knew that there was a gap there for providing
therapeutic support to children who had been through the care system and were going through
525 the care system, to help them deal with the issues and the trauma that they had suffered in
their lives. So we were playing catch-up with our 16-plus young people and wraparound have
done a lot of work with several of them now, but they are very open to abuse when they move
into the community; there are lots of people who can abuse them in lots of different ways. We
have unscrupulous landlords. I do have to say the aftercare team have got good relationships
530 with at least four or five landlords now that they trust, but that has taken quite a few years to
achieve that. But we still have unscrupulous landlords around.

The reputation of some of the young people does not help. Moving to the Isle of Man from
the UK, I found it was a very insular environment. I was quite lucky because I moved from a
colliery village, but if you have moved from an urban area it is very difficult to get used to the
535 lifestyle – everybody knows everybody else, everything gets reported in the media and it is a
very public arena in the Isle of Man, and if a young person reaches the age of 17 and they
commit an offence they get named and shamed in the newspaper, so it does not help with their
reputation either in trying to become accepted in the community. I know from experience when
we have tried to open homes in various parts of the Island and we have been vindicated ... public
540 meetings where there were some awful comments made by people who live on the Isle of Man
about children in care, so I know how some people think. There are a lot of very socially
conscious people as well, I do have to say, but there are a lot of people who have very strong
views about teenagers and young people who have been in care and what should happen to
people.

545 So it is very hard for a young person to move into the community when they are 16. If you
think, most of us do not turn our own children out at 16, and these are children who have had

probably quite disruptive lifestyles anyway and all of the obstacles that are in the way make it extremely difficult for them. Personally, I think they are extremely open to various forms of abuse by living in the community. The aftercare team get quite anxious about this because they often feel that they are carrying that responsibility on their own, because if they do not have a social worker anymore there is nobody you can go to. Sometimes when you are 16 or 17 you fall into a gap. We have young people up to 16, who are classed as children; when you are 18 you become an adult. But what happens to you when you are 16 and 17? You fall into that grey area where not many people want to work with you or help you, or you do not meet the criteria to work with those people. The aftercare team are working with 55 young people living in the community at the minute. It is a lot of young people and they are carrying that responsibility for all of those young people. Sometimes their aftercare worker is the only person those young people will see every week, because if they do not have family support or any other positive networks in their lives they do not see anybody else, so then they still have the issues of loneliness, isolation, meeting the wrong people, being abused. It sounds quite scary. They do a really good job, I do have to say, and the young people become very resilient in their own way because I think they have had to learn to be resilient, and a lot of the preparation work we do with them is to try and teach them to be resilient and try to actually ... We know they are going to have to face risks, but how do you deal with those risks, how is it they can deal with it, who do they need to go to if they need help. That is why we have the drop-in at Hope Street, because that is open five days a week, every day, and we get a lot of our young people who live in the community just coming to Hope Street for company, for advice, to have something to eat, to watch the TV – because it is tough living on your own when you are a young person.

570 **Q32. Ms Edge:** How do you work with the Police? Obviously, we know that sometimes children go missing: how does that work?

575 **Mrs Seed:** Relationships with the Police have certainly improved over the years, but that is because we have all put the effort in, and sometimes that is based on personalities as well and people's views. If you find the right people, you hang on to those people and you work with them. The Police are very good, the police officers we have worked with who have been very understanding about the needs of young people and work with us.

580 I think developing the missings protocol has been a massive piece of work that we have done between ourselves, the Police and the Department of Health and Social Care. That has just changed recently because it used to be based on what time a young person is expected to come in on a night and that did not really work that well because 16-year-olds were saying to us, 'Why do I need to come in at 10 o'clock at night?' and then you got into this stage of you were reporting them missing every night and the Police were getting irritated and everybody was running around looking for them and it became a big problem. So we all sat down again and reviewed the protocol. It is this thing about reviewing things, isn't it? You cannot just expect them to work forever. We now do it on an assessment of risk. There is sometimes disagreement between the carer's risk assessment and the police risk assessment but we have to come to a decision, and what we normally do now is always have an on-call manager every night, every weekend, and they have a conversation with the duty social worker and those two people decide is the risk any different to what the risk is normally for this young person; if it is, these are the reasons why and there we will report them missing. So it has become a much more controlled process in terms of what we consider.

590 All the young people have risk management plans. I hate the word 'management' because it looks as if we are controlling, we are doing it to them, and actually we do not do it to them, we do it with them. But we have these management plans where every week that is reviewed. Certainly for the high-risk young people we work with that is renewed every week with the care home and the social worker and that is updated every single week, so we know the sort of

people they are associating with, what they are doing when they go out, where they are visiting. If that changes in any way and that risk heightens, then obviously we look at it differently.

600 In TT, which is a difficult time for everybody, we run our own Streetwise project, so we have staff who volunteer to base themselves down on the prom or around Douglas and they look for our young people, which eases some of the pressure off the Police, and that works really well. On a lot of occasions when we do report young people missing, because we provide stats and data to the Government every three months we realised last time that on most occasions when
605 young people go missing now either they bring themselves back or our staff find them and bring them back, so it is not as much pressure on the Police.

So the new protocol is working much better than what we have had in the past. We do have little blips with it, I do have to say, but that certainly, we feel, is working much better. I think because we have built much better working relationships with the Department of Health and
610 Social Care and the Police we can have those types of conversations with each other. It is not a problem if you think it is not working and you want to go and challenge somebody; we can easily do that now.

Q33. The Clerk: Can I ask a different angle on it, please, because finding people and bringing
615 them back is one role of the Police but another is investigating crime, and one of the things that the Committee has heard is that some young people who have been in the care system come out of it with a deep distrust of the Police. This is older cases, but is there anything ...? Do you think the young people that you work with would trust the Police? You may say it is no business of yours, but is there anything that you can say about that?

Mrs Seed: If you wanted me to be truly honest about this, I do not think any of our young
620 people trust the Police. I think that will be for various reasons, because I think they see the Police as an authority figure. It may not be because of the Police; it is because they see them as an authority figure and somebody who is probably going to control them and tell them what to do. We do those types of things but we do not do it in a way where the young people think it is
625 control and telling them what to do; we work with them. I think they have a different view of the Police and I think probably most of their experience of the Police has been if they have been missing and the Police have brought them back or if they have committed an offence and the Police have had to deal with them, so most of their experience of the Police has actually been a
630 negative one anyway. And they all talk to each other.

We used to have, a few years ago, the bobbies on the beat, and if they were in an area where a children's home was they used to call in and they used to have a cuppa and a sit down and have a sandwich, and actually that was more of an informal way of the young people getting to
635 know the Police. Then, if there was an issue in that area – say the neighbours were complaining about young people and we were thinking, 'Well, actually, it is not our young people; it's other young people but we are getting the blame,' – the Police would come in and help sort that, the bobby, because everybody knew them. I think because we do not seem to have that facility anymore, that has gone, those relationships that we were able to form to help the young people have a more positive view of authority have disappeared, I think probably because of cost
640 cutting or whatever the Police have needed to do, but that did work very well.

Q34. The Chairman: I think it is exactly that. We have had a conversation with the Chief Constable and I think he would love to have the ability to go back to the community policing as it was, and I think we would too.

645 **Mrs Seed:** It certainly worked very well for us.

650 **Q35. The Chairman:** Yes. You have been doing this job, social work and everything, even longer than I have been a Member of Tynwald, so how would you say things compare with how they were in the 1970s and 1980s?

655 **Mrs Seed:** I qualified as a social worker in 1979, which seems an awful long time ago, and one of the things I have learnt over the years is that this job is not a job, it is a vocation, because if you do not believe in what you are doing or what you are trying to do ... or you care and love the young people that you work with and that you have respect for them – and that is not always reciprocal, I do have to say, but you have to become quite hardened to that as well ... It is a job that you really have to want to do, and if you make it your vocation then it is a vocation for life.

660 When I qualified as a social worker, I went into the residential route and I spent 10 years working in residential in the UK. I then changed into other areas of social care because I then had a young family of my own and shift work did not suit me anymore, but I still stayed in social care, I just went into different areas of social care. When I think back, because I had this conversation with one my colleagues the other day, 30 years ago we did not have any of these policies and procedures in place, we did not have the standards in place. It feels quite scary to think back, that it was a bit of a free-for-all.

665 I ran a family group home, which was two council houses knocked into one – I lived in the house next door – but there was only ever one of us on shift with eight young people. The youngest was four, the oldest was 18, so it was a wide range of young people. It was a local authority children's home. You went in and you worked three days solid on shift. So you moved in there for three days and you worked solidly. I had a lady who came in at teatime to help me do the tea and do the school uniforms for the next day and she worked for three hours at teatime. The rest of the time you were on your own. If you think about the potential for abuse and the risks we were taking, it scares me to death now to think about that.

675 I saw inappropriate things happening. Even in my career I have seen inappropriate things happening, but because we did not have the systems in place not a great deal was done about it, and that is really scary. Now that everybody is starting to disclose historically, that does not surprise me, to be fair, because things were completely different 30 years ago. Obviously, as things changed and I worked for different companies and organisations all of these things were starting to be put into place, and that is probably one of the best things that ever happened because, as I said before, that does not just protect the young people, it protects all of the staff as well. I think probably we are in the best place now that we have ever been. We still have things to learn. We say in St Christopher's that we are a learning organisation and we learn from every mistake we make, because we do make mistakes but we have learnt that if we make a mistake we hold our hands up and then we look at it and say, 'Right, what have we learnt from this? How can we prevent it happening again? What can we do better the next time?' That is the way we work now. We did not work like that years ago. You just lived one day to the next. If you got through the day in that home on your own with those kids you were lucky. So I am not surprised and I can understand why there is so much disclosure now, to be fair, from the past. Because we have got all of these things in place now, the robust procedures policies, the training schemes, our monitoring, supervising staff, observing staff, all the things we do now, I am hoping that does not happen now or it is a very rare occasion that it happens. I am not saying it will never happen. I am hoping that that has gone a long way to preventing that from happening now. I think you are one of the lucky ones if you have survived from that era when you worked in residential care and nobody has made a disclosure about you in one way or another – and I am not saying we did inappropriate practice, because I am one of the people who have stood up over the years and shouted about inappropriate practice and got on my soapbox, but I think there are many people who are still out there now, who practised in residential work in that era, who should be very scared because they did work inappropriately. One of the things I have always said is for me the way I have survived in this work is I learn something every single day,

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700 and if you do not continue learning and moving on with the way things have changed, then you should not be in this work.

Q36. Ms Edge: That leads on really nicely – I was going to ask you how do you work with looked-after children education on the Island? Do you feel that is working well?

705 **Mrs Seed:** It is a tricky one. I do not think education for looked-after children works very well on the Isle of Man. I know residential staff have been criticised recently about not getting young people to school – it is all our fault that the young people are not going to school. However, I think what we are saying is everybody has to accept responsibility for this. This is a corporate responsibility. Yes, we are responsible for trying to encourage young people to go to school and
710 encourage education and lifelong learning, but the Education Department have a responsibility here as well; they cannot just wash their hands of young people. I can understand sometimes why it works that way, because if you have got a classroom of 32 young people and you have got a young person who is creating absolute mayhem in the classroom you just want rid of that one young person so you can work with those other young people. Unfortunately, some of our
715 young people that we look after are that one young person, and that is because they cannot cope in classroom situations. They cannot cope with the intensity of sitting in that classroom with everything that has happened to them, because a lot of the young people we take into care – and this is something that I think we have had to point out to people – have not actually gone to school before they have come into care, so why do you think it is our fault that we are
720 actually struggling to get them to go to school as well? We have had several young people who have not been to school for two years before they have come into care, so how do you think we are going to actually create a miracle overnight and get them to school? They are school averse.

That is why in our residential contract we have our education support service. We have a team of teachers and support workers who actually deliver education in a very creative way. We
725 do not call it education, because education to young people ... they have got a view and if they have had a bad experience, that is a bad view of education. We believe in young people having an education because they need the skills when they are older, but they do it in I think some whacky ways sometimes, doing education with the young people without them realising they are actually doing education – even just down to playing a game of darts or a board game. I will
730 often say to them, ‘Tell me what the purpose of that is.’ Well, actually, they have got maths because they are counting up, they are having to do English because they are reading, if they do cooking they are going to have to read the recipe and they are going to have to weigh all the ingredients out. So it is a very creative way of doing it and their idea is that they find something that a young person is really interested in and then they build a whole package of education
735 around that. They have the facilities to be able to do that – I know the Education Service do not, they cannot do it in that way, but that has proved very successful for us. And yes, we might not get the young people back to school, but they are getting some education and skills; they are getting some life skills and skills that will help them as they are older.

What we have found as well is a lot of our 16-plus young people are now coming back and
740 asking to work with that team because the lightbulb has gone on and they have thought, ‘Oh, no, I wish I’d done something now; I can’t get a job because I haven’t got any GCSEs.’ So they are actually coming back and working with the team now and doing functional skills, maths and English, which are equivalent to GCSEs, and they are getting some skills now, but sometimes it takes ... Aftercare have told me it sometimes takes two years of working with the young person
745 before they get to that stage where they think, ‘Oh, I wish I’d done something,’ and it is never too late to do it. So, yes, education in the sense of what we want to call formal education is not really very successful for our looked-after children.

Q37. The Chairman: I was interested in what you were saying before about the age – 16 and
750 18 and stuff. Do you think it would help if there was a more consistent approach? For example,

young people on the Isle of Man can vote at 16 now. Would it be easier if it was a more consistent across-the-board approach to that kind of thing?

755 **Mrs Seed:** It is interesting that, isn't it, because we are giving them responsibility to vote but we are not giving them responsibility to act as adults in the big wide world? So I think there certainly needs to be some more work around what that means for the young people, and I think doing that with the young people would be a very good exercise because sometimes if you ask young people 'What do you think about this?' they will actually come up with something and you think, 'Wow, that's great, I would never ever have thought of that.'

760 Sometimes, as professionals, as years have gone by, we have always thought we know best, we know what is right for young people. That is not the case anymore and I think we have learnt a great deal by asking the young people about things, asking them what their views are and how they think things could be changed for the better. So I think this grey area of being 16 and 17, if you went and asked all of those young people who are 16 and 17 now, or ones who have been
765 16 and 17 and have moved on, what had been their experiences and what have they learned from it, what would they advise us, they would have a mine of information to tell us.

Q38. The Chairman: Is there anything that Tynwald could do, in your opinion, to improve the situation for the future?

770 **Mrs Seed:** In terms of ...?

The Chairman: I do not know – legislation ...

775 **Mrs Seed:** There is a Safeguarding Bill going through Tynwald, isn't there? (**The Chairman:** Yes.) I think that is really good and it is great having the legislation to underpin things, because I know at some stage there is a leaving care Bill going to come through Tynwald as well, because we have no legislation underpinning leaving care on the Isle of Man, so everything is done through goodwill.

780 The Safeguarding Bill, which obviously is about protection from abuse, is great but any legislation that comes in needs to support the action, so there needs to be an understanding of what action needs to happen and supporting those people who have to put the action in place, and not criticise when it goes wrong. We do work in a very risky business and often things do go wrong, but it is always the negatives that people concentrate on. Sometimes you have to
785 because some of them are quite serious – there have been serious things that have happened on the Isle of Man – but we do not have to keep bringing that back up every single time something goes wrong. We have to learn from that and move on and put things in place, and I think that is the bit about ... Tynwald needs to make sure that things are put into place so that we stop becoming a talking shop and become more of an action ... I am not saying Tynwald have
790 to do the action, but you have to have the right people to follow up with the action and hold them accountable because I think accountability is a big thing nowadays. I am accountable to somebody, you are probably accountable to somebody. (**Mr Cretney:** The electorate.) (*Laughter*) Accountability is a massive thing. Responsibility and accountability are important, but I think to be able to put things in action we have got to trust the people to do it but then monitor it and
795 give them a kick up the backside if they are not doing it because I think sometimes we do need a little reminder. You can get a little bit complacent sometimes and think things are going okay, that's fine, and then something happens and 'Oh, no, why didn't we think about that?' – because we do not have all of the answers, we are learning all of the time. I think legislation is great for underpinning things, but it is about what happens after that that is the important thing
800 and allowing people to be able to do that.

I think the main thing as well is about forming relationships. We say we work in a social pedagogic way in our company, which is all about building positive, stable relationships with

805 people. That is not just about with the young people; that is about with any person you work
with, all of the other agencies, social workers, Government. So I think those relationships are
important as well, that people can trust each other enough to be able to say things to each other
and challenge each other and not feel as if they are going to be made the scapegoat for it. Time
and time again I sometimes read things and I cringe when social work is mentioned because I am
810 thinking, 'Well, I'm a social worker.' You feel as if you are all tarred with the same brush, but we
do not all operate in the same way. It is like you are all put under the one umbrella, and we
should not be because we are not all the same.

Q39. The Chairman: I think one of the points you have made which I think is most relevant is
embracing change and change is something that is ongoing, and in your career that is
something –

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Mrs Seed: Change is hard. Nobody likes change. We all shy back from change, don't we,
because you have to put a lot of work into it? You have to learn new things. I have had to learn
lots of new things over the years. I did not know about attachment and things like that when I
started off, and as there have become different ways of working I have had to learn about them
820 and bring them into my practice to help other people to learn about it. You have to do that
because if you stagnate then you just get left behind and you are not really then very good at
your practice. You have always got to be questioning yourself with your own practice as well. I
think that is a role of social workers. Whatever you do you question yourself. You sometimes
double-think yourself and you think, 'Did I make the right decision there, what if ...?' We are
825 always thinking about the implications of what might happen, because it is going to affect
somebody's life.

Q40. The Chairman: Yes, awesome responsibility.

830 **Mrs Seed:** Yes. You do become a little bit hardened to it, I do have to say. I do not do the
direct practice now, but I still go to bed some nights and know that somebody is missing, and
they are the last person I am thinking about when I go to bed and when I get up the next
morning the first thing I am thinking is, 'I wonder if they have got back safely.' That is what we
do. That is your social conscience.

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Q41. The Chairman: And your vocation, isn't it?

Mrs Seed: Yes, and your vocation.

840 **The Chairman:** Did you have anything?

Ms Edge: No, I think we have covered everything, thank you.

845 **Q42. The Chairman:** Is there anything else you would like to say to us? In the last little while,
however long we have been here, we have gone round in circles. Is there anything you would
like to say further, or do you think we have covered all the –?

Mrs Seed: Just let me check in my notes, because I did write a few things.

850 I think the main thing that I just really want to emphasise again is the fact that safeguarding
and protection from abuse is all of our responsibility. I remember going to the first Safeguarding
Forum in 2013 and that was the first thing that came up, that everybody said that safeguarding
was everybody's business: it is not just staff who look after children in children's homes, it is not
just teachers who work in schools; everybody should be responsible for this and everybody
should be aware of it.

855 And the fact that sometimes we do make mistakes, but I think as long as we can stand up and
be counted for our mistakes and learn from them and improve on that, that is the best we can
do.

And we cannot always eradicate risk. Risk is always there; we just have to deal with it in the
best way we possibly can with the tools we have got.

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Q43. The Chairman: And the other thing you said was that if things do go wrong, hold your
hands up and learn from that.

Mrs Seed: I have found that, because obviously we had a little blip with the Government a
couple of years ago – and it started over something really simple, I do have to say, but it
snowballed into a question about our standards of care. We then had to work really hard to
justify and prove to people that actually our standards of care were really good; this was just
one mistake which had been snowballed really out of proportion. It was not actually putting a
young person at risk; it was about the standard of a bedroom, and it was a teenager's bedroom.
That just snowballed into people questioning our standards of care. We were saying, 'How have
we got here from there?' and spending two years working on this to make sure it never happens
again.

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They are the types of things we have to learn from and I am thinking I still cannot understand
how we got to that situation from that one little incident, but I think some of that was down to
personalities as well and people just wanting to shift blame a little bit, but that is my personal
view.

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Q44. The Chairman: I was just going to say we live in a blame culture, don't we?

Mrs Seed: We do, and it is not a nice place to be when you are the person that is being
blamed.

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Q45. Ms Edge: Can I just ask with regard to your contracts, are they all running for the same
length of time at the same time?

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Mrs Seed: The contracts that we have we got for a three-year period. That finished in January
but we have been extended for two years because they can go up to five years. So ours run out
in January 2020, is it, 2019 ...? No, hang on, we are into the fourth year now, so it will be January
2020, yes.

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Q46. Ms Edge: And is that standard practice anywhere else, that you are on a three-year
extended up to five, or is that something ...?

Mrs Seed: It has been in my experience and certainly here on the Isle of Man. In the UK –
obviously I have done a lot of work there in the past and they vary. I have had contracts in the
UK where they have only been for a year, and that is hard to make anything happen. We
struggle to make big improvements in five years, never mind in a year. I know it is a much more
difficult environment to work in in the UK – we are very lucky here, to be fair, because we have
three quite stable contracts and unless we mess up big time we are okay, but I think five years is
really good for a contract nowadays, to be fair.

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And it is tough because then you have to go through a tendering process again and
everybody gets anxious. The one thing we try to do – and as I say, I have been in this three
times – is always protect the young people. No matter how the staff feel or how we feel about it,
the one thing we always do is continue working with the young people the way we always have,
and if they have to transfer to another organisation we try to do that in the most seamless way
possible without damaging them and how they feel. To be honest, the staff come secondary to
that; the young people come first.

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Ms Edge: Thank you.

910 **The Chairman:** I think we have probably come to the conclusion of today's meeting. I would
like to thank you very much, first of all, for your written presentation and for being so open and
honest today and letting us listen to your experience in this field, which has been very helpful for
the Committee. I was going to say you have been on the Island ... I hope you like the Isle of Man.
It sounds to me like you have got a northeast accent.

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Mrs Seed: I am from Durham. I have been here since 2001, but you never lose your accent,
do you!

The Chairman: Thank you once more and we wish you and the organisation all the best for
920 the future. That brings our session to a conclusion. Thank you.

The Committee sat in private at 5.18 p.m.

22nd March 2018

**Evidence of Mr Paul Burnett,
Independent Safeguarding Chair; Dr
Malcolm Couch, Chief Executive, and Ms
Debbie Brayshaw, Children and Families
Division, Department of Health and
Social Care; and Miss Hayley Daugherty
and Miss Chloe Edwards, Voices in
Participation Council**



**STANDING COMMITTEE
OF
TYNWALD COURT
OFFICIAL REPORT**

**RECORTYS OIKOIL
BING VEAYN TINVAAL**

**PROCEEDINGS
DAALTYN**

**SOCIAL AFFAIRS
POLICY REVIEW COMMITTEE**

Child Abuse

HANSARD

Douglas, Thursday, 22nd March 2018

PP2018/0058

SAPRC-CA, No. 2/2017-18

All published Official Reports can be found on the Tynwald website:

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Members Present:

Chairman: Mr D C Cretney MLC

Ms J M Edge MHK

Clerk:

Mr J D C King

Assistant Clerk:

Ms S Kenny

Contents

Procedural.....	25
EVIDENCE OF Mr Paul Burnett, Independent Safeguarding Chair; Dr Malcolm Couch, Chief Executive, and Ms Debbie Brayshaw, Children and Families Division, Department of Health and Social Care; and Miss Hayley Daugherty and Miss Chloe Edwards, Voices in Participation Council	26
<i>The Committee adjourned at 5.02 p.m.</i>	53

Standing Committee of Tynwald on Social Affairs Policy Review

Child Abuse

*The Committee sat in public at 3.00 p.m.
in the Legislative Council Chamber,
Legislative Buildings, Douglas*

[MR CRETNEY *in the Chair*]

Procedural

The Chairman (Mr Cretney): Welcome to this public meeting of the Social Affairs Policy Review Committee, which is a Standing Committee of Tynwald. I am David Cretney MLC and I chair this Committee. With me is Julie Edge MHK. The third member of the Committee is Martyn Perkins MHK; he is not taking part in this inquiry for reasons which I explained to Tynwald in
5 December.

Could we all ensure our mobile phones are off or on silent so that we do not have any interruptions. For the purposes of *Hansard* I will be ensuring that we do not have two people speaking at once.

The Social Affairs Policy Review Committee is one of four Standing Committees of Tynwald
10 Court which scrutinise different areas of Government. We have three Departments to cover: the Department of Home Affairs, the Department of Education, Sport and Culture and the Department of Health and Social Care.

It was resolved on 18th July 2017: 'That Tynwald notes with concern reports of historical child
15 abuse at the former Knottfield Children's Home, which closed in 1983, and refers the matter to the Social Affairs Policy Review Committee to report by December 2017; and further instructs the Committee to investigate the adequacy of current procedures to protect from abuse children in care (looked after children) in the Isle of Man and to report in March 2018.'

The first part of this Inquiry has been suspended for reasons which I explained in the
statement to Tynwald in December.

20 Today, we are concerned with the second part and we are sitting in public to hear evidence from the witnesses who will introduce themselves in a moment. You are all very welcome.

We have before us a submission which was sent to us in October by the Department of Health and Social Care and which has been published on our website; also a submission from Mr Burnett and a submission from the Voices in Participation Council. Thank you for your
25 evidence.

EVIDENCE OF

**Mr Paul Burnett, Independent Safeguarding Chair;
Dr Malcolm Couch, Chief Executive, and Ms Debbie Brayshaw, Children and Families Division,
Department of Health and Social Care;
and Miss Hayley Daugherty and Miss Chloe Edwards, Voices in Participation Council**

Q47. The Chairman: So, if we could go round the table and each state your name and job title, and give us a brief outline of your professional background as it relates to the topic under discussion today, please?

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Mr Burnett: Good afternoon, Chairman, my name is Paul Burnett, I am the independent Chair of the Safeguarding Children Board and Safeguarding Adult Partnership for the Isle of Man. I have been in that post for four years and today is my last day.

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My background is, professionally, I began my career as a teacher and then went into local authority work and became Director of Education in the London Borough of Greenwich, and then Director of Children's Services in that Borough; and then latterly Director of Children's Services in Northamptonshire until 2011 when I started chairing Safeguarding Boards. I have chaired Safeguarding Boards in four local authority areas in England.

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The Chairman: Right, thank you.

Dr Couch: Malcolm Couch, I am the Chief Executive of the Department of Health and Social Care.

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The Chairman: Thank you.

Ms Brayshaw: I am Debbie Brayshaw, I am Director of Children and Families Service. I am a qualified social worker by profession for 31 years in different roles across different authorities in the UK, and have responsibility for the Children's Homes Estate that we are going to be talking about.

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The Chairman: Thank you.

Miss Daugherty: My name is Hayley Daugherty, I am a part of Voices in Participation steering group.

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Miss Edwards: I am Chloe Edwards and I am also part of the Voices in Participation steering group.

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Q48. The Chairman: Okay, thank you very much, everybody.

The first point we always ask is would you like to make any opening statement, or will we just go straight into our questions? Alright, that is fine, thank you.

Mr Burnett, we understand that your tenure, as you have said a couple of minutes ago, as Independent Safeguarding Chair is coming to an end, so thank you for your work.

65

(Mr Burnett: Thank you.) What are the arrangements for handing over to your successor?

Mr Burnett: My successor, Glenys Johnston, has been appointed. My last day formally in post is 31st March and Glenys starts on 1st April. Glenys has already been over to the Island in February to start her induction. I have literally just come off the telephone to her when I came to this meeting starting the handover, so we are planning a seamless transition. There will be no gap in terms of the tenure in the office.

70

Q49. The Chairman: Okay, thank you.

75 How would you each describe – this is to everybody – the adequacy of current procedures to protect from abuse children in care, looked-after children, in the Isle of Man? Perhaps starting with –

Mr Burnett: I think if I start from a safeguarding perspective, clearly as I said in my submission the Safeguarding Board is essentially a scrutiny body that assesses the fitness for purpose of services in terms of delivering effective safeguarding, and in terms of effective co-ordination of their work. And in direct relevance to the subject matter of your Inquiry, we are of course responsible for monitoring the effectiveness of organisations in securing a safe environment for children and young people – and indeed for adults.

80 So I think the main piece of my evidence is focused around the compliance audit that the board carries out every two years. As I explained, we have eight quality standards that we would expect an organisation to comply with to be an effective safeguarding body. That audit is carried out every two years so that they can first self-assess the extent to which they are meeting that quality standard, and then there is an expectation that that is peer-evaluated and then tested 12 months later through our Quality Assurance Group that looks at progress on any actions that flow from that.

90 If you go back, the last audit we did was in 2016 and we are just about to do the next audit – it will start in May. In the last audit a number of strengths were identified – certainly in Government services and in those third sector organisations that participated – most had safeguarding policies, most had designated leads, most had ensured that their staff had had basic induction in safeguarding which was one of the expectations, and most were engaged in the work of the board and were following policies and procedures.

95 As I explained, though, there were a number of areas which we at that stage identified needed to be improved. I have listed all of those in my submission so I will not go through all of them, but I think in direct relevance to this particular Inquiry is the concerns that were raised at that stage about the consistency in applying safe recruitment processes, and then safe processes as the organisation developed – so things like DBS checks. In Government Departments and in schools and in third sector organisations we found some places where safe recruitment practice was not consistently followed, and in which not all were following DBS check processes, and in very few cases were there DBS renewals. That is not a requirement but it is good practice.

100 So subsequent to that particular audit, we have had an improvement plan in place to address that. We cannot judge at this stage how effective that has been, because obviously the second audit that we carry out in May will test whether those organisations where we have concerns have improved and put things right. I am very happy to ensure that the results of that audit, if they are here before you complete your work, will be shared with you so that you can actually start to see whether there has been improvement from those action plans.

110 **The Chairman:** Thank you, that will be very helpful.

Q50. Ms Edge: Could I just ask one question, just for the record: who is the Quality Assurance Group who is involved in that?

115 **Mr Burnett:** The Quality Assurance Group is one of the sub-committees of the board. It is primarily designated safeguarding leads, from Departments. At the moment it is chaired by Superintendent Pam Trevelyan from the Police, there are representatives on that group from all the key Government Departments, and one third-sector representative. I think I showed you the four-quadrant model that we use for our performance management: the intention is that that group populate those quadrants so the board can test whether data, quality, service user and staff outcomes are improving in terms of our business plan.

125 So in terms of the process I have just described, the compliance audit, it is the Quality Assurance Group that oversees that and they design the audit tool, and we have updated that to reflect some of the things you are looking at in this Inquiry so it will hopefully feed into our intelligence in that respect.

130 **Ms Brayshaw:** I wondered if it might be helpful to know the care arrangements that are available for looked-after children and the numbers of children that we are talking about at the moment? **(The Chairman:** Yes.)

135 I will take the number from the end of February where we have currently got 83 children and young people that are in care, and 'in care' is up to the age of 18. In respect of children that we then continue to support post-18, we have 54 young people that receive continuing support from the aftercare services, which is between 18 and 21. And in the absence of any real structural criteria and other support, we also continue to support 23 young people beyond the age of 21, if they choose to come back for support from us.

140 In terms of regulatory activity, that is in the care arrangements which are in place for children up to the age of 18. Children and Family Services currently commission and contract for the Family Placement Service which manages not only what we call 'mainstream foster carers' that are recruited and approved, they also support family kinship arrangements. So if there is an aunt, an uncle, a grandparent who takes on the care of a child, they go through that approval process and are supported by Family Placements as well. We have a very small number of children that at any given time are in an adoption placement, waiting for confirmation of an adoption order around that.

145 In addition to that, we have contracted children's care homes. The numbers in the submission by Registration and Inspection are slightly inaccurate: we have 11 establishments, nine of which are contracted and run directly by St Christopher's (Isle of Man). Then we have bespoke arrangements with Internal Resource Centre for Children with Disabilities, that is a respite facility, and bespoke placements with Autism Initiatives for a couple of children with very profound autism arrangements. They are all subject to registration and inspection requirements under the Regulations of 2013 and the standards therein. It is a regulatory requirement to comply with the standards, so it is not a choice whether they do or not, and they are minimal standards. From that point of view all facilities currently are operating to a good standard from the inspections that have been undertaken.

155 I would like to give the opportunity for Hayley and Chloe to speak because I think one of the key things in research that indicates how you know children and young people are safe, you can put lots of things in place but actually you have got to enable the voice of the child to be heard. We do not have to give them a voice, they have a voice, but we have to enable them to actually use their voice to tell us that what is happening is appropriate for them.

160 **Q51. The Chairman:** Yes. So, would you like to –

165 **Miss Daugherty:** In our report we spoke to a few of the young people and we really took on board their views as to if they were feeling safe or not feeling safe. We got a few quotes from them ... I do not know where it is now. *(Interjections)*

170 We were asking them whether they felt safe in school, at home, just anywhere. A young person added that there is support available at some schools but that is support to everyone, regardless. Then when we did Looked After Child (LAC) reviews and you got taken out of your lesson for LAC reviews, they did not get the support that they needed to catch up on lessons after being taken out for LAC reviews.

Another young person said it can be hard to feel safe when your social worker changes quite a lot and different members of staff change in residential homes, because it was difficult to build a relationship with them. So if you cannot have a relationship with someone then it is hard to build trust. And then sometimes if they are trying to build a relationship with you, they

175 sometimes feel nosy and you do not want to open up to them because as soon as you open up
to them they are just going to get moved to a different house.

Miss Edwards: Young people were asked about people who they felt were available to
support them and between everyone that we asked there were 22 people who they felt that
180 they could speak to about things if they felt unsafe or anything.

You will see in our notes in our report as well that there are illustrations, and there is one on
page 2. A younger member of the group drew pictures representing people in their lives, and
this one is: 'This picture represented the child's carer, she talked about how she has a family and
is safe, and that she loved living in her placement' – so there it is telling you that young people
185 do feel safe. And if they do ever feel unsafe about anything then there is a whole array of people
who they can go and speak to about it.

Q52. The Chairman: Yes, and I think that image portrays what you say.
Okay, anything else on that?

190

Ms Brayshaw: I think in the contractual arrangements that we have, possibly some of the
monitoring of that may be far more stringent than if the services were just delivered from in-
house. We have quarterly partnership meetings with all of our providers of the services, and we
have a very clear and specific performance framework that they need to demonstrate every
195 three months. I think that is in contrast to some of what Paul was saying, so for example in that
contractual requirement they have to demonstrate every three months that every member of
staff does have an up-to-date DBS check, and that all training and requirements have been met
and complied with. So we would know, in any given period, if that was out of kilter or had not
actually happened.

200

Q53. The Chairman: The situation about social workers relationship-forming and then social
workers moving on has been raised to others before. Are things improving in that regard and are
staff – ?

Ms Brayshaw: Slowly! I think in tracking it over the past few years, when we first looked at
what the position was – and this is probably going back four to five years – the reliance on
agency cover to support permanent staff on the Island was 44%. That is now running at 28%, so
it is slowly coming down.

Within that you do get churn, because people naturally leave and move on, they stop to have
babies, they retire and all of those things. We have put a lot of work into establishing a 'Grow
Your Own' scheme on the Island and we have a partnership with Robert Gordon University in
Aberdeen. That started three years ago.

How successful it has been? We have currently got 10 students at different points in that and
the first two to become qualified will come to fruition in January next year, and thereafter it will
215 be two or three every subsequent year. And it is a 10-year programme, so it is a long-term
succession planning arrangement.

The Chairman: That is good, thank you.

Q54. Ms Edge: Dr Couch has not gone through what he feels the adequacy of the current
procedures is.

Dr Couch: I suppose I should explain my role in all of these things almost like Mr Burnett and
Ms Brayshaw did. The Chief Executive of the Department, as you would imagine, has a range of
225 duties, one of which is that I am a standing member of the Safeguarding Children Board. I take
that duty very seriously indeed and I think since I was appointed I have not missed a single

meeting, as far as I am aware. That means that I am very much part not only of the global monitoring, which Mr Burnett mentioned, of our services and their effectiveness, etc. but it also means that I have got that knowledge from other agencies who take part in the board.

230 So, for example, we have representatives from the third sector, from the Constabulary, from Education and Children, etc. so that means I have a sort of monitoring role. In the Department, obviously I am the senior officer and the accounting officer for *all* of our functions, which means I need to take very seriously things like our corporate parenting role, our various forms of duty of care, the evolution, the development and the introduction of new legislation. And, for
235 example, our Department has led the introduction of the Safeguarding Bill to the legislative process, which of course is now out for Royal Assent and we are expecting that back fairly soon. That will be a very significant landmark I think, in Manx law, where we will make statutory the safeguarding function beyond any doubt. Then we need to make a number of regulations and standards under that, which will have full legal force.

240 Then I suppose another arm of what I do is working very closely indeed with Ms Brayshaw. I suppose to a degree we sometimes co-counsel, and things do come up from time to time where we would be talking about either individual cases, about the work of the Division, about things like staff turnover, staff engagement, etc. So I am there to support all of my colleagues but I think – again you would attest to this – I tend to take a very simple and straightforward line
245 which is that I want to see the best standards in all that we do, a very high level of professionalism, an understanding of the needs of the communities of the Isle of Man and that we are there for them. So it is the whole range of things.

The answer to Ms Edge's question directly is that I think at the moment our standards, our safeguarding environment for looked-after children, are good.

250

Q55. The Chairman: Just in relation to the Safeguarding Bill – I took it through the Legislative Council – one of the things that I was asked about was why it had taken quite as long as it had to get to being formalised in terms of being in law. Any idea?

255 **Dr Couch:** I honestly cannot answer that, Chair.

As you are aware, I have been in role for just over two and a half years now. It has been part of our preparatory legislative work during that period and has now come to fruition. But as you will remember, it was originally recommended in the Commission of Inquiry of 2006.

260 **The Chairman:** Yes, okay.

Q56. The Clerk: Can I just pick up on something that Chloe or Hayley said – it was Hayley I think. You used the number 22 I think – from the people you spoke to there were 22 ... Oh sorry, Chloe. *(Laughter)*

265 Of the people you spoke to, there were 22 people that they felt they could go to. That sounds like a lot of people. Is that for one individual there were 22 routes?

Miss Edwards: No, this is as a whole. It was discussed in a group about who people felt they could talk to, so one person might have said five different people, one person might have said one, one person might have said 15. But overall, 22 people from different sectors were named
270 altogether.

Q57. The Clerk: So 22 people from different sectors, are they people doing jobs like teacher, or whatever – social worker?

275

Miss Edwards: Yes, if you look on here there are the carers, social workers, Children's Rights Champion, CAMHS, doctors, nurses, youth workers, Police – a whole array of different people really.

280 **Q58. The Clerk:** And the people that you were talking to, do they feel that if they mentioned something to one of those 22 people, is there a sense that they would do something about it and they will talk to each other?

285 **Miss Edwards:** I think it depends from person to person and issue to issue, really. I think in some cases it is just as simple as going to whichever one of those people you choose to trust and telling them what is going on in life – you have got a few problems that you just need to talk to someone about and it can be as simple as that, and you just need a little bit of friendly advice. Or it could be that something has happened, you trust to go to the Police about it, and then obviously they are going to need to go to ... Obviously if you are looked after it would be your social worker and whoever is necessary to be involved.

290 So I think it just depends. But I think most if not all of the young people understand that depending on what they tell each different professional, it might have to be passed on to further agencies or it might not have to be, and I think they all understand that to some degree.

Q59. The Clerk: So it is quite a positive message that you are giving.
295 And is the group that you are talking to self-selecting? Did they have to feel positive before you talked to them? How did you choose who you talked to?

Miss Daugherty: We go to Voices in Participation Council which is held on a Sunday of every month, and we ran it over a few Sundays because sometimes we will have as many as 13 young people there and other times we will have very few because of family commitments. We ran it over I think it was about four meetings, and we all asked them ... If we had not asked them already, we would ask them and it did not matter what kind of mood they felt because if they are upset they are still going to tell the truth.

305 **Q60. The Clerk:** And they are all looked-after children? Is that right?

Miss Daugherty: Yes, whether they are in foster care, adoption – (*Interjection*) we have not got any adoption.

310 **Miss Edwards:** Kinship, we have a kinship –

Miss Daugherty: Kinship, or fostering, residential, care leavers – we have a handful of everyone.

315 **Q61. The Clerk:** You make it easy for them to turn up? (**Miss Daugherty:** Sorry?) How do you make it easy for them to turn up?

320 **Miss Daugherty:** It is an open invite, so we tell them where it is and what time and if they want to turn up they can turn up, and if they don't then they don't have to, we don't force them. We put drinks on, some juice, and sometimes we have some sweets and that.

Miss Edwards: We also do ... Kat, our Voices in Participation Officer, if someone or some people cannot make it on the days that she has given, then she can meet with them another time to suit them. So nobody is ever left out, everyone always gets a chance; just sometimes you need to work it around them.

Miss Daugherty: Yes, and for us to get more young people involved, once every six months we will hold an activities day. So an invitation will be sent out to all young people.

330 We have been to Laser Mayhem, we have been to the NSC, we have been to a number of places where we do team-building exercises, and get more young people interested in coming, and that is how we grow our Council.

The Clerk: Thanks very much.

335 **Mr Burnett:** Just speaking on their behalf, I think your participation rate as a proportion of the number of children in care on the Island is significantly higher than I have ever experienced anywhere else in the UK. I do not know whether you are the highest but the proportion is certainly bigger than in any of the four areas that I chaired boards, and that is a positive sign that people are engaging.

340

Q62. The Chairman: Yes, definitely. Do you meet in any particular geographic area, or do you go around the Island?

345 **Miss Daugherty:** Our team-building exercises are all over the Island, but our meetings are held in Douglas. We did – I think it was a poll or something – where we found out where people were located and most people are located in central Douglas, or it is easier for them to –

The Chairman: Bus-wise, and stuff, yes.

350 **Miss Daugherty:** Yes.

Q63. Ms Edge: Can I just follow up on a question where you said, Ms Brayshaw, with regard to the inspections: are they on-the-spot inspections or are they notified that there is an inspection due?

355

Ms Brayshaw: It is a combination. For most of the children's homes they will be unannounced inspections; for fostering and adoption they are planned inspections because of the length of time that they need to be involved, so they do give about two weeks' notice to the service that that is happening. St Christopher's, in addition to the standards which are set down, have their own independent visitor that can just turn up and check as well.

360 I think the other thing that is important in terms of the influence of the young people themselves, they did a very constructive challenge to Registrations and Inspections. The inspectors were regularly turning up when none of the children or young people were there, so they challenged that and agreed with them a different way of working, so that again the inspectors had direct access to the children and young people themselves.

365

Q64. The Chairman: Is it possible for a child in care to be abused today?

370 **Ms Brayshaw:** It is, and I think it would be absolutely wrong to say that could not happen. I think I have said in my submission that there is no equivalent rate as to what the rate of a child that may be abused in care could be, as against the general population.

375 I think very slowly as services have evolved and certainly with all the reports, certainly in the 1980s and 1990s and 2000s about care homes, I think people realise that actually the sorts of work that we do – be it social worker or residential worker – can be a career opportunity for somebody who is intent on harming or wanting to abuse children. That is why regulation, vigilance and everything else is vitally important to keep that to a minimum.

380 We run a procedure that is operated under the auspices of the Safeguarding Board, it is called the Managing Allegations Strategy Meeting (MASM), so that for any individual that works with children if serious allegations are made against them that procedure and that strategy meeting manages all the strands of that.

You can appreciate that if an allegation is made against a professional or a volunteer, then there is a strand relating to their employment, there is a strand relating to whether or not an offence has been committed, and there is a strand related to whether or not they are at risk and should or should not continue to work with children directly.

385 Again, the remedies in respect of that have been significantly strengthened with the Regulation of Care Act and the introduction and expansion of the vetting and barring system to the Isle of Man, that operates in the UK as well. So we do now have the ability to effectively refer to professional bodies and have people deregistered as a professional, whether that be a social worker, a doctor or a teacher.

390

Q65. Ms Edge: Can I just check on that because obviously the Isle of Man, with regard to the General Teaching Council, is not a part of that. How do we check that with regard to disciplinary against teachers, etc?

395 We have a large number coming to the Island to work. Then also with regard to DBS checks, how far do you go? The Isle of Man is only signed up to the UK as a jurisdiction, we do not go beyond that, so how do you check people coming from outside of the jurisdictions?

Ms Brayshaw: That becomes a voluntary arrangement, to do that. And I think if I were to state that if there was anywhere where there was vulnerability, it is around safe recruitment.

400 I think the systems operating at the moment – and I have said this many times to Paul – is that they are there, but they are quite immature at this point in time, and I think our area of vulnerability is safe recruitment across the whole piece.

Q66. Ms Edge: So do you think there are other regulatory bodies that we should be signing up to in the Isle of Man?

Ms Brayshaw: Yes.

Mr Burnett: Yes, I think Debbie is right.

410 There are two levels to this: one is making sure that the safe recruitment processes in the Isle of Man are consistently and robustly applied across all employing service providers, whether they are in Government or outside. Then there is the issue you are referring to, which is how do you ensure you get the information you need to secure that safe recruitment if that person is coming from a jurisdiction where there are not the same legal frameworks in place.

415 There are ways in which you can do that, but you need to sign up to formal protocols to enable that information to be shared.

Ms Brayshaw: Would it be helpful to know the numbers of Managing Allegations Strategy Meetings that we have had? (**The Chairman:** Please do, yes.)

420 A procedure has been operating since 2013, and the procedure that currently operates was agreed in September 2016. So from 2013 up to the start of 2018 we have had 57 managing allegations: 26 have been substantiated, and this is against the criteria that their behaviour poses a risk to children; 17 have been unsubstantiated, which means it can be neither proven *nor* proven, so it is a neutral position; 12 were unfounded; and two were considered to be malicious after investigation.

425 In all of that time we have had eight people who have gone on to be convicted of offences against children, that have been working with children – and that is across all professions and voluntary arrangements as well.

430 **Q67. The Chairman:** In your experience, is that a fair comparison with elsewhere – ?

Ms Brayshaw: I think it is. I think actually we are far better at some of the areas of conviction, where that possibly would not be pursued quite as strictly elsewhere in the UK. And I think that is about the smallest of the jurisdictions, and the discussions that can be had with your partner colleagues.

435

Mr Burnett: I think one of the other positives, just to come in, is also that the source of the MASM referrals is broader here than I am commonly used to. I mean in most of my English boards the significant majority are from schools. Here, the range is much wider, isn't it Debbie? (**Ms Brayshaw:** It is.) I think that is a positive because it suggests that organisations across the partnership understand the MASM procedure.

440

I should say to you in terms of the Inquiry, that we are just in the process of revising the procedure yet again, because one of the areas which I think we need to be more assured about is that employers fully understand their responsibilities and the actions they should take in a managing allegations process. Sometimes I think people have indicated that they are not as familiar with the process as they should be and that can often lead to things not being done quite as they should be. And of course if you do not get a process right, that puts at risk the outcome. So we are just about to revise that element which takes the employer through the process that they need to follow.

445

Ms Brayshaw: If it is helpful, out of those 57, five related to staff working in the children's homes. There was an increased number of nine where it related to foster carers in the care home arrangements.

450

Q68. The Chairman: Dr Couch, you wrote in your October 2017 submission:

The majority of children live safely in foster care or children's homes, but a small minority of carers inflict harm on and abuse the children and young people they are responsible for. An NSPCC impact report in 2014 estimated the occurrence of such harm to be 1 in a hundred children in foster care, and 2-3 per hundred in care homes.

455

You then wrote:

There is no reliable research which would allow comparison with rates of abuse in the population generally.

Could you explain what is meant by that last sentence please?

Dr Couch: I will just go back to the core document, if you forgive me?

460

Ms Brayshaw: Can you say which page of the submission that is, sorry?

The Clerk: This is on the second page, just above the heading Contractual Arrangements.

Ms Brayshaw: Yes, here it is.

465

Dr Couch: Yes, sorry, I understand. What that is saying is that we are talking today with the Committee about looked-after children and that means there is a far higher level of scrutiny and attention to safeguarding, by force of the fact that these children are in different arrangements than there are in the general population. And so those figures I think that we have quoted that the NSPCC has produced, that is because you can have a very careful observation of what goes on for children in some form of care.

470

We do not know accurately in the Isle of Man, or in the UK or anywhere else, how much abuse – whether it be emotional, physical, or sexual – would be going on in the general population. So that is what the reference means.

475 **Ms Brayshaw:** It is. You can make a reference against the rate of children coming into care
and the rate of children that may be subject to a child protection plan, but it is not a reliable
source because it is only of the children that you know about. So in our benchmarking on the Isle
of Man we would anticipate that between five and six children in every thousand children would
480 be needing to come into care at some point in their lives. So if you take that down to hundreds it
is very small, and the rate for children that are the subject of a plan is 4.9 per thousand children.
We actually fare very well benchmarked against UK jurisdictions and local authorities.

The Chairman: Yes, and the point you make, I mean if you look at some of the tragic high-
485 profile situations which have occurred in the UK for example, they sometimes happen in
domestic environments where it seems –

Q69. Ms Edge: Do we not gather data, though, from the likes of our school environment and
obviously the Police, so that we can have some form of benchmark across? When you say you
cannot tell within the general public, there is an element that there are people gathering this
490 data – visits to hospitals, etc.

Dr Couch: Well, we do, and Ms Brayshaw can produce statistics of the alerts that we become
aware of through all of the different safeguarding mechanisms. So as you mention, an alert may
be picked up in a school, that then comes into the system and an appropriate agency will
495 investigate. An alert might go to the Police or it might come directly to Social Services. But to
sound a little bit like Donald Rumsfeld, there are unknown unknowns. We can produce for you
information about the things we know, so that is where somebody has raised an alert and it is
investigated – and we publish those statistics of course too.

We cannot easily know what is going on that does not become a report.
500

Mr Burnett: One of the things we have always done though, to give you some assurances on
the core data – so things like the number of children in need, the number in child protection and
the number in care. The board has always compared the Isle of Man data with the same data in
the four countries of the United Kingdom. One of the reasons I was particularly anxious to do
505 that was because, when I first came to the island four years ago, there were strong perceptions
that the number in child protection and the number in care in the Isle of Man was too great and
too many children were being brought into child protection and into care.

I think historically that had been the case, but if you look at the data in the four years I have
been here the Isle of Man position on those, certainly in child protection and care, has not
510 increased at the same level as it has increased in England, Wales and Northern Ireland. So the
relative position of the Island is significantly better now than it was four years ago.

The only reason I do not mention Scotland is because Scotland changed its thresholds for
child protection, and so they are different to the other parts of the UK and the Isle of Man, and it
looks like they have got fewer people in child protection – but if you go back to the old threshold
515 that is not the case. So it is not a like-for-like comparison there.

I think that benchmark is really critical even though you could argue that context is different,
I believe you have got to have some comparison to enable you to judge yourself whether you
are performing effectively or not. If you were significantly out of kilter with those other averages
you would have to ask questions about why.
520

Q70. Ms Edge: Have they never benchmarked against the other Crown Dependencies though
which seem to be of a similar nature and culture to our Island?

Mr Burnett: We do do that –

525 **Ms Brayshaw:** Yes, I think the issue here is finding out what you do not know. And I think the other thing, coming back to children and young people, is that if something happens to a child or young person the environment within which they are is key to whether they will actually say to somebody, 'This is happening to me now'.

530 So what we do know is that, particularly for sexual abuse, 30% of children that are subject to sexual abuse will not disclose that until they have become adult. So there is a longitudinal issue as well in terms of not feeling safe until they feel they are an adult that they will tell somebody that something has happened to them.

535 It is very difficult because you can only work with those ... The challenge for us is creating those environments to be safe enough that a child or young person can tell straight away (**The Chairman:** Feels confident.) and something can be done about that.

I think you found the bit, didn't you, where some of the children and young people you say had talked about they will tell somebody, knowing 'they are going to tell somebody else and something is going to happen for me'.

540 **Miss Daugherty:** We got a quote from a young person which says:

If it's something big it doesn't matter who you tell, they will always pass it on. Professionals aren't allowed to keep secrets. It's a good thing because you can tell whoever you want and you will still get help.

The Chairman: Yes, good.

545 **Q71. Ms Edge:** So you said we have done comparisons with the smaller jurisdictions, the other Crown Dependencies. How did we perform against them?

Mr Burnett: Well, I meet three times a year with the Chairs from Guernsey and Jersey. Actually, that comparison is quite difficult because I would stress their data is not as robust as ours. Guernsey does not report in the same way, but our rate in comparison to Jersey is lower – the proportion of children in child protection and care is lower.

550 One of the things I should probably mention to you is that my successor is in fact the Chair in Jersey and she will be chairing both, so you will have absolutely perfect access to data from both islands to compare on that front.

555 **Q72. The Chairman:** The Department's Minimum Standards for Children's Homes and Child (Secure) Accommodation were issued in 2015. Have they made a difference?

560 **Ms Brayshaw:** Yes, they have made a difference. They create that regulatory framework that is required and also obviously alongside that is we put these standards in place, and therefore we will monitor and measure that you are meeting those standards. There was nothing comparable prior to that and therefore the disparity between different children's homes could not be measured because there was not anything to measure it against.

565 It would be fair to say that providers, prior to 2014 when we re-tendered under the Regulation of Care Act and the Standards, were that most of the homes were working to best practice requirements anyway, but there was no external measure to say that was happening. So it has made a difference. My understanding is that those Standards and Regulations will be coming up for review in the next two to three years as well.

570 **Q73. The Chairman:** I do not know if you are aware but we had a senior representative of St Christopher's in to speak to us, (**Ms Brayshaw:** Yes.) and in that meeting, for example, the situation of lone working during the evening was raised by Ms Edge. Have you got any comment about what was raised at that time?

575 **Ms Brayshaw:** Yes, obviously the approach to that is in relation to what is considered to be safe care arrangements – what is safe for children and young people, and what is safe for staff in those circumstances as well. So we would not have any of the children’s homes that would have any less than two staff on of a night time.

Every arrangement is subject to continuous risk assessment. So in conjunction with the Department if they felt that there were particular difficulties for any young person in a given home we would agree an arrangement where we have what we call ‘waking night staff’ where staff are there, awake, overnight as well. Obviously the contractual arrangement is agreed on optimum staffing arrangements. I would hope – and I think St Christopher’s did say – that the Department are very open to negotiations where anything additional is required, and then there is an agreement that that would be costed and provided.

585 **Q74. Ms Edge:** So with regard to if you feel there is a need for waking night, do you not think you are putting children at risk that you do have two staff, but one is asleep and there is only one awake? You do not know there is a situation at that time.

So do not think it would be an essential priority to make sure there are always two people there to take that risk away?

590 **Ms Brayshaw:** There are always two people there –

Ms Edge: Yes, but one is asleep.

595 **Ms Brayshaw:** Sometimes two are asleep as well. There is never only one person in the care home.

What happens is you actually require the care home to also demonstrate the other standards that are in place – having respect for privacy and the expectation that you would not go into a child or young person’s room without prior permission or agreement. There would be local arrangements in association between the staff in the home and the children and there would be an agreement of what is acceptable behaviour between the two – not going into a person’s bedroom of an evening would be one of those.

600 I cannot say to you that would never, ever happen and I think there would be risks associated with one member of staff sleeping in, there would be risks associated with one member of staff always being awake, and with two members of staff always being awake. So it is always being risk assessed.

605 The requirement if we have waking night staff is usually that some of the children or young people are not going to be asleep all through the night, so it is about ongoing work with those children and young people through the night time as well. So it is not as if everybody in the building is asleep and one person is walking around awake. I may not have explained that as well as I can but it does fulfil a purpose, but I do appreciate –

610 **Q75. Ms Edge:** It is a high-risk area, isn’t it?

615 **Ms Brayshaw:** It is all a high-risk area and I think the standard that I try to work to and the discussions that I have with all staff is that the trauma and the experiences that the children and young people coming into care have come *from*, then we have to strive to provide better than they have had previously, and the best we can possibly do. Some children get very distressed of a night time and are unable to sleep.

620 **Q76. Ms Edge:** And when you say the local agreements that are in place: are they local for each individual place or is there a standard in best practice?

Ms Brayshaw: No, no, they are local to each individual place and can change depending on who is in the care home.

625 It may be helpful to know that the small homes that we operate have no more than three children or young people in them. The one exception is our assessment unit which has six beds in it and that is where children come in in an emergency and it is appropriate they go into residential care. Very little is known about them so an assessment process is undertaken with them straight away. But three is the norm in the longer-stay children's homes.

630 **Q77. The Chairman:** In the figures you just gave us a little while ago, fortunately you said that there were only two, I think, unfounded allegations in relation to problems –

Ms Brayshaw: Two malicious, yes.

635 **The Chairman:** Yes. Is there anything in place to protect staff from those kinds of situations?

Ms Brayshaw: Yes, the Managing Allegations process protects staff as well as protecting children. Its intention is to get to the bottom of what is happening and usually if a child or young person makes an allegation that turns out to be malicious, it is symptomatic of something else going on for that child or young person, which we equally have a responsibility to consider and look at.

Hayley has just given me a statement, but I do not want to read it for her, I would like to ... Do you want to say it?

645 **Miss Daugherty:** When I went into care I was at the assessment centre for about a month and they had 'waking nights' there. So when I got put into a long-term placement they actually sent the two waking nights to that placement with me and the other young people who got sent, so that made us feel safe and it made us feel comfortable because we knew there was somebody there if we needed them. So I think having waking nights is a good thing, especially if you are being moved to placement at a young age.

Dr Couch: Can I add, Chair? Picking up on your question just now about the framework of standards and best practice, clearly from our perspective the paramount responsibility is to care for the children and young people and to make them safe. But the standards also to an extent are a framework within which people working with those children and young people are also safe. If you are operating to the best standard the whole system is safe for everybody.

Ms Brayshaw: You have to provide safe care, but care safely, and it is both ends of that continuum.

660 **The Chairman:** Alright.

Q78. Ms Edge: Who does that independent audit of the cases? So there were 57: is it just done by the Audit Board – (**Mr Burnett:** What, the MASM?) or do you have anybody coming in completely independent looking at those cases?

Ms Brayshaw: Of the Managing Allegations? (**Ms Edge:** Yes.) Not at the moment. It is managed by the Quality Assurance Unit in Children and Families Division.

670 There is a process which is chaired by the Senior Independent Reviewing Officer who takes responsibility. She does the analysis of the information that comes out of that as well. But again that is a multi-agency process, so if you have a Managing Allegations Strategy Meeting there will be representatives from all relevant partner agencies. So the Police would always be present in terms of whether they are undertaking an investigation, and the employer Department or

675 employing agency or service would also be present as well. Everybody agrees first of all what the
process of investigation needs to be and then also comes back and agrees what the outcome of
that process is – and it is a multi-agency process that does that.

680 I think the other difficulty is – which again I think coming back to making the point of the
impact of the Safeguarding Bill once it becomes an Act – that arrangement at the moment is a
best practice procedural arrangement, and what the Safeguarding Bill will do is put that
procedure on to a statutory footing. There is no reason why that information should not be
forwarded to the Safeguarding Board, and its QA group actually audit and test the veracity of
that work. And I think something like that is actually being undertaken at the moment.

685 **Mr Burnett:** Yes. In my English boards we have an annual report on MASM cases. So we do
not look at the individual cases as such, but the Independent Reviewing Officer who is
responsible for co-ordinating the MASM processes will do an annual report, tell us how many
cases there have been, whether they are substantiated or not substantiated, etc. We also know
which organisations they have come from and any themes that emerge in that analysis.

690 Certainly I can think in two of my boards across, there are particular themes that will emerge
that the board then has a responsibility to start to address. So what I think will happen when we
have got a legislative framework here is that the annual report will come to the Safeguarding
Board and then any themes that need addressing can be tackled quite robustly. At the moment
we have not really got any legal capacity – well, we have not got the legal *vires* really to do that
because in a sense people are voluntarily participating in it.

695

Q79. The Chairman: One of the key areas I guess is about leaving care and aftercare. Are you
satisfied with the way that is being handled by the various agencies at the moment?

700 **Ms Brayshaw:** I would split that into two. I think again it is an area of work where we
commission and contract services for aftercare, again based on best practice. There is no legal
vires, there is a small statement in the Children and Young Persons Act about providing support.
We have currently got departmental agreement to move forward with seeking amendment to
the Children and Young Persons Act to introduce greater regulations and support there, and I
think that will also come with increased policy requirements around that.

705

I think the children and young people eloquently talk about the difficulties of moving into
aftercare. What I would say is – and I hope all of the young people feel that – is that the door of
the service is never closed on them; and I think over my time here the eldest person that has
come back for support has been 31 and the door was open to that individual.

I think, linked to that, Hayley has just identified something that she would like to share.

710

Q80. The Chairman: Okay.

715 **Miss Daugherty:** Going back to feeling unsafe and things, obviously our whole report was
based on evidence from the young people and there was a lot of ... they did not really like
CAMHS and other mental health services. So we have got: 'Feeling unsafe is not an unusual
reaction to unresolved trauma' – whether that is it being very traumatic when you went into
care or something like that – and it can take a long time to work through that.

We got a quote from a young person that says:

CAMHS was very rigid with its process, they give you a diagnosis or just dismiss your fears like your not broken
enough for them to help you. This wasn't helpful for me. I saw 19 mental health professionals as an inpatient and
outpatient in two years and it didn't help at all. In 2016 I got a wraparound worker, since this I have returned to
work, got engaged, can manage my anxiety and depression without medication, have a house and my partner and
I are expecting our first child. My mental health problems have gone from extreme and life limiting where I self-
harmed and tried to commit suicide to mild, managed and where I am in control. Wraparound worked because

they approach everyone as an individual, you don't need a label of depression or bi-polar or anxiety they just help you to get better in the best way for you.

720 So I think 19 health mental health professionals in two years is a bit extreme, and then it just takes that one person to approach that other person as an individual instead of going by the book like CAMHS does, and Crisis, and other services. It is just about taking time instead of just passing them from pillar to post and I think that is where they feel a little bit unsafe, because they do not know who is going walk into the room next minute if they are speaking to someone
725 from this service, and then all of a sudden they are speaking to someone from another service – it will not help with their mental ability, and to feel safe.

Q81. The Chairman: So in terms of that particular example, that is a really positive outcome eventually –

730

Miss Daugherty: It is of wraparound, yes.

Ms Brayshaw: Would it be helpful to know what wraparound is?

735 **Q82. The Chairman:** Yes. I think we have a rough idea but it would be much more helpful to –

Ms Brayshaw: It is a contracted service, it was a service that was contracted after our commissioning arrangements in 2014. It was identified that CAMHS is under a lot of pressure with the number of young people that it is working with, and therefore quite rightly works with those at the top end of that requiring psychiatric support and medication. What we also know
740 from the research is that the therapeutic requirements of looked-after children, if not met by CAMHS, can go unnoticed and neglected.

So the wraparound service is a dedicated therapeutic service for looked-after children only. They have very close working relationships with the CAMHS service as well. Last year the service
745 took part in a Social Care Institute for Excellence Seminar in the UK and was identified as a service of best practice.

Q83. The Chairman: And in terms of actually moving on into your own home, hopefully, is that something that is a difficult process or is that – ?

750

Miss Edwards: Yes. (Laughter)

The Chairman: I thought that might be the answer!

755 **Miss Edwards:** I think it is not so much necessarily the moving into your own home thing – obviously that is scary anyway. I got my first flat out of care when I was 17, but luckily I had a friend as well and we moved in together. But the issue more for us was the condition of the flat we moved into and I think it happens – maybe not so much now – but a couple years ago the conditions of the flats and properties that people were moving into was of very minimal
760 standards.

I have moved – I could not even tell you how many times since I have left care – and I am only now just in flat that has no damp and no issues, and a decent landlord. That is extremely hard to find. I think before, the aftercare service was making improvements and things in everything. I think young people were struggling a lot to get somewhere and to get the support as well. I
765 think people did not realise how bad the living situations were for some people. But I think that now is improving and it is getting a lot better.

Miss Daugherty: Could I just add to Chloe there?

770 When most young people leave care and go to aftercare, a high percentage of them are on
some form of benefit, whether it be Jobseeker's or Income Support or anything like that. So you
get very minimal money towards a flat, towards wet rent and everything, so you end up living in
conditions that you should not be living in, and you end up getting very sick. In our report we
have got photographs of an actual flat – that person has now moved out into a flat just down the
road ... It is a bit bizarre how one flat can look like that and then three doors down the road it
775 can be that there is absolutely no damp and a really nice place.

But because, like I said, most people are on some form of benefits, they do not have the
money to go and rent a nice place where it is not damp, or get nice furniture – and if you do
have the money to get nice furniture there is no point because it will just get damp in the place.
But there was nothing anyone could do about that.

780 Also, we have got a quote here about, if you cannot keep up with your rent payments there is
nothing there to help you, so it says here:

... if you have nowhere to live then the police will tell you to move on but where are you supposed to go? If you
go to the commissioners they say you have to have lived in one place for 5yrs after your 18 and I was only 18. If
you go to a landlord you need money but benefits won't give you anything if you miss doing a job search but
sometimes that's hard when you have no money to get anywhere and no credit and are depressed. You can only
use the homeless place if you are a man so what do you do?

So that just speaks volumes about how there are not very many, if any, services that can help
a young person who has left care. It obviously does not stand for just young people who have
left care, it is obviously for every young person and maybe even adult across the Island. But I just
785 think that speaks volumes.

Aftercare do help out a lot by trying to find flats that are reasonable rent and not damp, and
they do help out with trying to find furnishings and things like that, but sometimes no matter
how much they help there is just nothing you can do because of money.

790 **Q84. The Chairman:** Anybody in our job as Members of Tynwald, and local authority
members, will recognise the situation you are describing. It is sometimes particularly difficult if
there is a baby involved as well in damp accommodation. So I recognise how difficult that is.

795 **Miss Daugherty:** Yes, in the pictures of the person who lived in that flat, both that person
and their partner have severe, extreme asthma and due to those conditions there were multiple
hospital admissions whilst one of them was pregnant – pneumonia, pleurisy and everything all
caused by the damp in the place. I have spoken to the person who lived there and they said that
they got the landlord round, because it was a private rental, and there was a crack on the
outside wall which was never ... nothing came of it. But those pictures are pictures of flats that
800 are very *mild* damp compared to other conditions that young people have to live in.

Q85. Ms Edge: Can I just ask, Chloe, you said that you moved in with a friend. Did that affect
your benefits or were you able to keep them as two individuals?

805 **Miss Edwards:** No, my friend was actually working part-time at the time, it was over
Christmas. But no, it did not affect –

Q86. Ms Edge: It did not affect you?

810 **Miss Edwards:** No, it did not affect each other's income.

Miss Daugherty: I believe it only affects if you are on benefits and you move in with
somebody. I believe it only affects you then if you are actually in a partnership with them; and if
you are in a partnership and they are working, then you do not get benefits or anything.

815 **Q87. The Chairman:** Okay, and how about the relationship working with the Police? Is that a
good situation?

Ms Brayshaw: My view is that it is. We have quite a lot of dialogue with the Police. As with
820 any professions you have to work hard at maintaining an understanding of roles and
responsibilities, and sometimes there are expectations that cannot be met on both sides. But we
have very regular contact with the Police Protection Unit. Where appropriate, if issues come up
that are relevant to both, then there is a standing arrangement at the moment that I, or senior
managers in my Department, get invited to inspector meetings and we have a dialogue about
any issues that are coming up.

825 **Dr Couch:** Certainly we have no doubt that the Constabulary takes its safeguarding
responsibilities very seriously indeed.

Ms Brayshaw: Yes.

830 **The Chairman:** Yes, and I think when we had the Chief Constable in recently he was saying
that one of the regrets about not having quite such comprehensive service in terms of local
areas, was that the local police officer got to know the young people and was able to work with
them. But then they do not have the luxury of so many personnel at the moment. It is difficult.

835 **Q88. Ms Edge:** Can I just ask with regard to looked-after children's registers that are held –
which is very limited, it is down to one person and perhaps a secretary. If there is absenteeism
or anything within those areas how have you covered that?

840 **Ms Brayshaw:** What register, sorry?

Ms Edge: Looked-after children registers, particularly in Education. There is only one person
allowed to be responsible for that and a secretary that is accountable. But if those two people
are absent, where do we fit? Is that something that is in the remit?

845 **Ms Brayshaw:** I am not understanding the question.

Ms Edge: Well, there is a looked-after children's register in the Education setting which is
obviously partly to do with Children and Family Services as well, and it is documentation that is
850 completed with all of the different Departments, so it is just that continued –

Ms Brayshaw: That arrangement would be Education's own arrangement of how they
manage their contribution to the support of looked-after children, so that would not be dictated
by ourselves or influenced by ourselves. Where that comes from is the requirement that to
855 operate as a corporate parent obviously different Departments and different services and
establishments need to come together. Every looked-after child is at school and therefore we
have to make arrangements with the school as to how the educational arrangements for the
child are going to be undertaken. How the Skills and Education organise themselves to do that is
within their gift.

860 We are currently having discussions, and there is a working group being set up which is
actually going to be consulting with the young people as well about how best to progress those
arrangements. Education is an area where there is a limited amount of performance information
that is coming through, to tell us that looked-after children are getting the right support in the
educational setting that they should be getting.

865 I do not think that answers your question because I am not understanding –

Q89. Ms Edge: No, it just does not sound a very joined-up approach, does it? Because if you have got a looked-after child that you have got a concern about in the Education setting, clearly if there is no joined-up approach to looked-after children and the way it is recorded, monitored and access to that detail, it is going to be very difficult to help a child, isn't it?

870

Ms Brayshaw: Yes, but I am still not understanding what the looked-after register is, because I do not know of a looked-after register, so perhaps I need to explore that.

875

I would not like that to be taken as a suggestion that there is not joined-up working, because I think every child that is in care has a statutory review and everybody that is involved with that child in the corporate parent sense attends that meeting and reports to that meeting. I think some of the young people and children would say they have been very well supported through their schooling, and others would have had different experiences. But there is an open dialogue both with the Department of Education and with individual schools about the requirements for looked-after children.

880

885

Miss Daugherty: Just going off what Debbie said then about being supported whilst in education, speaking from experience myself, if I needed to speak to anyone about anything like that I felt very supported. It was just when I had to go for a looked-after ePEP, I did not feel very supported because we would get taken out of our lessons, but we were not able to catch up on the work – we were not offered the help. But since then – *(Interjection by the Clerk)* Sorry?

The Clerk: What is ePEP?

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Miss Daugherty: Electronic personal education plan. *(Laughter)*

The Chairman: Well done!

895

Miss Daugherty: But since then, Debbie and a few others made the decision to suspend the ePEP meetings and just hold the meetings at the LAC reviews – looked-after children reviews.

Ms Brayshaw: We are revising how to do educational plans for individual looked-after children. The electronic mechanism to do it was not working and it did not suit anybody. *(Interjection by the Chairman)*

900

Mr Burnett: Can I just make a comment in relation to what you were saying? I think one of the areas that we have identified in the board through the health check that we did against the Jersey Inquiry, is that we need greater clarity about how individual Departments contribute to the wider corporate parenting responsibility. I think the way in which I would expect that to be done – and this is my experience across – is that each Department has particular outcome indicators that show how effectively they support children in care.

905

So in an Education context that would be how do they perform at GCSE level in comparison to their peers? Is their attendance as good as their peers? Are they more or less at risk of exclusion? Are more of them being educated other than at school? And I do not mean by that home education, I mean in other provision. In a sense if you get that indicator set right collectively, you have essentially got the whole picture.

910

I am going back a long time but it is similar to the Every Child Matters agenda, where you used to have your indicators for health, your indicators for achievement, and indicators for safeguarding, engagement and economic wellbeing. I think that needs to be more robust so that as a board we would be able to see if children in care were achieving best outcomes across the whole of their lives. That is not to be done collectively, it is a collection of individual actions that need to be in place rather than a generic process.

915

I do not know whether I am fully understanding where you were coming from, but I think if you were saying that is not being collectively collected I would agree with you on that. In the health check we did we felt that there was quite a long way to go towards ensuring that every agency was seeing their corporate parenting role clearly and then implementing that effectively. It should not be just down to Children and Family Services to ensure that happens.

Ms Brayshaw: And the working group that has been set up now is looking to establish exactly that, both at a strategic and an individual level.

Q90. The Chairman: Debbie, you indicated earlier how long you have been committed to working in this area – 30 years, was it, I think you said? (**Ms Brayshaw:** Thirty-one, she said quietly!) (*Laughter*) Thirty-one years.

So would you like to compare how things were then to how things are now?

Ms Brayshaw: I began my career in residential care and at the time I began I worked in a children's home that could cater for up to 12 children aged between nought to 18. I could be the only member of staff on duty at any given time, be that night or day. So regulations in the UK did not subsequently come in and be established until almost the early 2000s in relation to that.

I felt that has given me the best grounding for my work and I think if you do not know how to engage and work with your children and young people that you are with, then actually you can very often miss the point even if you do not know you are missing the point. I would say – and I think I mentioned this this morning – I think I have been very fortuitous in the point that my career has taken.

At the time I became qualified there was a *huge* inquiry going on in the UK in relation to Cleveland; and Cleveland established the basis for law, it put a children's rights base into the Children Act 1989, and it was a seminal change. I think to qualify at that point gave me a very different starting point than perhaps many other people had been in. What I have subsequently seen – and I think the bit that you cannot take away from child protection and child abuse – is that culturally and socially things change and impact on what happens. So there is a greater understanding of sexual abuse now than there ever was.

I think the biggest change, which again began in the late 1980s and through the 1990s, is the innovative work that is now done with perpetrators to actually understand that a perpetrator, a paedophile, has a career and that actually historically it has been naive to think their victim was the only victim, and that normally there are more victims than that.

So I think we have a far more rounded understanding of: if this is what we are seeing and dealing with, what else do we need to think about at the same time? That for me is where everything gets joined up at every level to think about that.

Regulation is not the be-all and end-all, and standards are not the be-all and end-all, because what is written on the paper does not make best practice. I think best practice comes from motivation, it comes from the values that individuals not only held intrinsically to themselves, but can share. I think if that can be demonstrated any way at all in the experience of the Isle of Man – and I know that you possibly have not seen it yet – but the presentation of Flip the Script that the children and young people came up with, I think is one of the most powerful presentations in looking at how children and young people and professionals together can make a far bigger difference than one group or the other group. I think the work we have done on that has been absolutely, really substantial to get us to that point.

The Chairman: Good!

Q91. The Clerk: Can I ask ... It may be well known to everybody in the room, but because we were talking about the beginning of Ms Brayshaw's career, can you just confirm that was in the UK, and when did you move to the Isle of Man?

970 **Ms Brayshaw:** I moved to the Isle of Man five years ago.

Q92. The Clerk: And so when you started off in the home that you described with a large number of people –

975 **Ms Brayshaw:** That was in the UK.

Q93. The Clerk: That was in England?

Ms Brayshaw: Yes, it was in England.

980 **Q94. The Chairman:** Okay. So we are going to look at the previous reports and reviews now. Mr Burnett, in your October 2017 submission, you wrote:

... the SCB is currently engaged in a number of strands of work that are relevant to this inquiry. This includes:

- action in response to a review inspection of children's services, including arrangements for children in care, undertaken by the Scottish Care Inspectorate;
- a review of safeguarding arrangements in the Isle of Man in the light of recommendations within the recent inquiry undertaken in Jersey specifically in relation to residential provision on that island; and
- consideration of issues arising from the Jersey inquiry that relate specifically to issues raised in both the Isle of Man 'Commission of Inquiry into the Care of Young People'...

– which followed the tragic deaths of Samantha Barton and George Green.

What sort of actions are coming out of this work?

985 **Mr Burnett:** In terms of the Scottish Care Inspection there has been a slight shift actually. Initially the Safeguarding Board identified the improvements that they identified needed to take place from a safeguarding perspective, and we built those into our own business plan and then set up means by which we could monitor. The governance of that has changed slightly now with the creation of the Single Action Plan which links to both the Scottish Care Inspectorate
990 inspection and my own Tynwald investigation, and then the Social Affairs and Policy Review Committee's recommendations from their piece of work. So in a sense some of that has shifted although the Safeguarding Board still has responsibility for delivering some of those actions.

995 In relation to the Jersey Inquiry what we did was to look at the eight areas of recommendations that had been put forward by the Inquiry there, and test how we would fare against those areas of concern – and when you read it out it sounds very clumsy the way I have written that. But there were a lot of synergies between what the Jersey Inquiry was saying about services and cultures which resonated with what came out of the Inquiry here in 2006.

1000 The outcome of that health check is very mixed. In four areas we BRAG rated ourselves as green, which means we were satisfied that the arrangements were robust enough to give us assurance that they were effective. Those four were: first of all giving children and young people a voice – and the VIP is a critical part of that but it is not the only part. The other evidence that we brought through there was things like the Youth Survey that we do every year through the Department of Education Sport and Culture; the work of the Children's Rights Officer; and also the Police complaints processes, which have been very highly regarded in terms of their
1005 engagement with young people.

We BRAG rated ourselves green in terms of inspection of services in the sense that there had been inspection and there had been external objective judgement of effectiveness. Although we rated that green we did make the point that that needed to be more regular and more systematised.

1010 Building a sustainable workforce: we felt we were in a good position because there was very strong evidence, not just in Children and Families but across the piece, that where there were challenges to recruitment appropriate steps had been taken to address that – and Debbie has

already given some evidence of how effective that has been in the Children and Families Directorate.

1015 The final area where we felt we were strong in comparison to the criticism in Jersey was legislation, because of course at the time we did the health check the Safeguarding Bill was coming through. That is likely to get Royal Assent in May and that provides the legal frameworks that were deemed to be lacking in Jersey, and there is no legislation in Jersey or Guernsey for safeguarding.

1020 The areas where we identified concern were: first of all there was a recommendation in the Jersey report that they have a commissioner for children. We did not necessarily suggest that it had to be a commissioner for children but we did feel there needed to be much more clarity of there being an independent person who could have oversight for the interests of children, and actually the Children's Champion role provides the basis for that. But I think our view was that
1025 the role description for that role needs to be reviewed in the light of what the Jersey Inquiry was saying, to ensure that it is truly focused on children's interests and advocacy for children in the political environment – and not about parents or other issues. They are important but the children's lead ought to be focused on children.

The second area where we had concerns was the corporate parenting element, which we
1030 have already talked about, and a feeling that whilst Children's Social Care were very strong in supporting children in care it was not always as clear in other parts of the partnership – and I am not just talking about Government agencies, but across the partnership the clarity of that role for those agencies was not always where it should be. And certainly picking up the point you made that the outcome evidence was certainly not always visible.

1035 The third area that we had a concern about was what was described in the Jersey Inquiry as 'the Jersey way'. In a sense that is about the sort of local culture impacting on the way that people deliver services. So I think we very quickly recognised that there was an 'Isle of Man way' as well, not necessarily the same as the Jersey one but there is a way. There are issues about the culture of the Isle of Man which are not always positive if you are looking at good quality service
1040 delivery.

The final area where we had concerns was about legacy issues. I think we have identified in
our health check – and this is really pertinent to this Inquiry actually – that we have not always
1045 got a repository of historic evidence which is collective and which is properly and robustly kept in the archives, so that if you do get historic abuse you can actually go back to the records of the time and enable yourself to properly investigate whether indeed there was a problem or not. I think we would not be confident that we could do that at the moment, and so we have put forward some recommendations to improve the way in which we retain records, the way we archive records, and how those who need to can access those records should there be any historic allegations.

1050 So that was really the outcome. That has now been to the board and I think the agreement is that will then go to SPCC so that we can look at an action ... In a sense that needs to sit alongside the Single Action Plan now and determine does the Single Action Plan address those four areas of concern. If it does, good; if there are gaps then maybe that Action Plan needs to be extended.

1055 **Dr Couch:** If I could just add one extra rider to that, just to help the Committee?

I think as Mr Burnett was saying, there have been a number of inspections, and some of the
work of Tynwald, etc. – which of course Paul has been involved in – which has created a range of
recommendations. So the Social Policy and Children's Committee – which as the Committee is
1060 aware is a sub-committee of the Council of Ministers – has instructed officers to bring together all of those recommendations into a single place, and the actions against those recommendations are the Single Action Plan that has just been mentioned. That is now a standing agenda item on that Committee's work, which meets approximately every month – we are meeting tomorrow afternoon, for example – and the Committee will be asking officers for updates.

1065 So through me, in terms of our work in DHSC, my colleagues will feed into the action points for that. That will enable the Minister for Policy and Reform, who chairs that particular Committee, to have the material that he needs from time to time to report back to Tynwald on progress.

1070 **Q95. The Chairman:** I think the point you made about – I will invite you in a minute, Julie – cultural impact in Jersey and the Isle of Man, even in other places in the UK now there is still an element of –

Mr Burnett: Absolutely, yes.

1075

Dr Couch: And the problem is ... and we do see this in the UK if we think about Rotherham or what has been happening in Telford. It becomes 'groupthink', I suppose in psychological terms, and can enable people either unwillingly or sometimes wilfully to ignore things. And I think you asked a question earlier, nobody can guarantee that abuse will not happen in certain locations. 1080 When it does happen and we become aware of it, we must move assertively, quickly and professionally to deal with it. But you are right, culture can take you down all sorts of strange routes.

The Chairman: Absolutely.

1085

Mr Burnett: I think just to further illustrate Malcolm's point, if I look at the qualitative evaluation of services whilst I have been Chair – and this resonates with the Scottish Care Inspection – frequently, the quality is not consistent; and the proportion of service delivery that is good or adequate has improved, but there is still a degree that is not where it should be. I think that is what relates to this culture, that there are still practitioners who think the way they have always done it is the right way, and these people are coming in with these bright new ideas about how you can do things differently: 'That is not how it is like in the ...'

1090

Well, it happens everywhere, it is not just in the Isle of Man. But it is something that we have got to take very seriously, because if you are the child who receives the service from that person you are not going to get the same quality of provision and outcome as if you got one of the 75% who are practising good or better.

1095

Dr Couch: One example which I am sure will make you smile, is that in the context of the work that we are discussing with the Committee today, *traa dy liooar* is just not appropriate. 1100 *(Laughter)*

1100

Q96. Ms Edge: I am just quite shocked with regard to the records, because obviously I was very aware of the Samantha Barton and George Green case, and one of the major recommendations was keeping records. Have you put any safeguard in place to make sure nothing is destroyed from this point on, because particularly with FOI there was an element that people would become nervous of keeping data?

1105

So has something been done, particularly in Government, to make sure no records are destroyed until this policy comes out?

Ms Brayshaw: I think it is layered. I think to be clear, in respect of what Paul was saying, the Safeguarding Bill will resolve the issue of what is the information that belongs to the Safeguarding Board and should be legitimately archived and kept in that arena, as opposed to what should be kept by Government Departments. And that is important, because ultimately the question is who does that information belong to and where should it sit?

1110

1115 We have had archiving and record policies in place for *many* years now and so we do not
destroy records. We are very clear that certainly records in relation to children that are looked
after will be archived and kept for 75 years and would not be destroyed.

1120 I think there is that bigger issue of a depository for information that captures those cultural
issues that have happened, and the bigger generic picture. I would hope that the Safeguarding
Board becomes the depository for much of that information.

Mr Burnett: Yes. And to answer your question directly, yes we have now established a
repository for Safeguarding Board information. Everything that has been produced during the
time I have been here is in that repository.

1125 I cannot do everything from prior to when I was here, but that was quite difficult to get hold
of, I have to say, when I first came here.

Q97. The Chairman: Chloe?

1130 **Miss Edwards:** I am very close to someone who was in care, and friends with George and Sam
– obviously before the incident happened – and they tell me a lot about what happened and
everything, and how things were about everything then. This person said to me that they
noticed changes as soon as it happened – jobs were being looked at, who is working where –
and investigations were going on for a long time.

1135 When I tell them things that have changed now and things that are going on now, they say,
'Ah, well, if this was in place then that might not have happened to George and Sam' – which I
think is quite an important thing to think about, when you are thinking about the safety of things
and how much we have improved now in a way that they are comparing it to when they were in
care, 15 to 20 years ago. I think it is important to think about that because it sheds some light on
1140 how far we have come, and even if every single aspect of everything is not perfect it has come a
really long way and I think that is an important thing –

Q98. The Chairman: It is very important, yes.

Mr Burnett, you say in your submission:

The SCB is responsible for formulating, agreeing and ensuring the effectiveness of policies, procedures and
operational frameworks to support the safeguarding and well-being of children. An extensive part of our time is
spent on securing assurance that this is indeed the case most importantly through our quality assurance and
performance management arrangements that we have in place to assure ourselves that children are indeed safe –

1145 What do you actually do, and how do you know if it is working?

1150 **Mr Burnett:** We have the Four Quadrant Quality Assurance Framework. So we have first of all
a dataset which includes some of the key data that we have discussed earlier, such as the
number of children in care, the number of children in child protection, the number of children
accessing Children with Additional Needs Support, etc. and a whole range of quantitative data
that enables you to see prevalence of certain types of abuse. We look at what are the reasons
that people come into child protection: is it neglect, is it physical abuse?

1155 So we have all that that data to inform us, in a sense, to test what the Isle of Man context is
rather than going with a particular issue that might be the matter of the moment. That then
needs to be tested out against qualitative information, so we do a series of audits. Individual
agencies do their own audits of practice, but we do board audits as well to look at the
effectiveness of interagency working. One of the key ones is the compliance audit that I referred
to right at the beginning, which is the bi-annual check on compliance to safeguarding standards.

1160 Then the areas that are less developed are testing what service users and what staff believe
to be the case, because data can tell you one thing, qualitative order can tell you, but unless you
talk to the people who are receiving the services and the people who are providing the services,

and test that they actually think things are working – or not, as the case may be – then you have not got the full picture. You need that 360° appraisal of whether or not we are being effective.

1165 I think in answer to your question about how effective we are: I would say that effectiveness is improving and has consistently improved in the four years that I have been the independent Chair – and I do not put that down to me personally, I put that down to the leaders and the managers and the staff in the services concerned. But I always come back to that statement that it is not consistently the case that everything is improving and there remains a challenge to ensure that you consistently achieve good quality, or better, and that you consistently achieve
1170 good quality outcomes.

We have already seen in this specific arena that you are talking about, in terms of children in care, I think the outcomes are improving and the young people have given evidence of that in a much better way than I can. But there are still things where children in care do not do as well as other children and we need to continue to try and narrow that gap as we move forward and
1175 ensure that the outcomes continue to improve.

I suppose the other thing that we now need to do as a board, is align with the Single Action Plan approach that SPCC are adopting, because in a sense the outcomes from that work will be critical to our future priorities. We need to get from SPCC their assessment of how effective safeguarding aspects of that action plan are so that they can reciprocally challenge us about
1180 whether or not we are doing our job as well as we could, and they may find that the Safeguarding Board could be doing better in certain areas of its work. So we need to develop that reciprocal challenge, if you like, between the board challenging the executive and the commissioners around the quality of their services and their impact on safeguarding, but they similarly need to reciprocally challenge us about whether we are effectively enabling
1185 safeguarding improvement to take place.

The Chairman: Absolutely.

1190 **Q99. The Clerk:** Sorry, when you say ‘the executive and the commissioners’, are you talking about commissioners with a small ‘c’?

Mr Burnett: Yes, sorry, I meant people who commission services, yes.

1195 **The Clerk:** Thanks.

Q100. Ms Edge: I suppose it is one for Dr Couch, really: from a succession planning point of view you have obviously got some very experienced officers involved with all of this and the Safeguarding Board. What you do from a succession point of view across the Department as a whole to make sure that there is going to be a consistent approach?
1200

Dr Couch: I think the first thing is to have the right people in place. I suppose in a way we discussed this earlier when you mentioned the issue with schools. Across DHSC, across the Isle of Man public sector you can have almost single practitioner or small groups of practitioner risks. We have some very skilled, very good people who have a cluster of knowledge around
1205 themselves, so I need to be aware of those in my Department and have a general understanding at least in terms of retirement or other career aspirations when they might move on.

I should be identifying those people who are the next group of people who could potentially be ready to take those roles. I should be investing in training, I should be aware of what people’s skills and knowledge are. I should be requiring people to have certain skills and knowledge for
1210 certain works. I think we have all talked about the issues of the difference between policy and practice, and one of the issues as the Chief Executive is to be aware that it is not good enough to have a bookshelf full of shiny policies – it really is not. In actual fact that is quite easy to do these days because largely you can cut and paste from best practice elsewhere.

1215 I need to know that my colleagues at the coalface, so to speak, are delivering what is
required of those policies, etc. In addition, which is a far wider issue for us in an Island
community, is where we do have gaps how easy is it for us to recruit people – and this can either
be growing our own timber, or from the local population, or bringing people in. You need to
think about the material you use for advertising, you need to think about the actual
remuneration packages, etc. and the sort of things that you give them. So it is an incredibly
1220 broad theme.

I suppose all I can assure you is that it is a key, recurrent and significant part of my work to be
bearing all of those things in mind and I take it very seriously.

Q101. The Chairman: It has got to be a vocation, rather than anything else, hasn't it?

1225

Ms Brayshaw: That is exactly the conversation we had with your MHK colleagues this
morning. I think that certainly from a social work perspective, whilst it is not badged as a
vocation, it is. I have been discussing with my staff this morning the outcome of the 'Have Your
Say' questionnaire for Government employees, and given the position of a social worker who is
1230 damned if they do and damned if they don't, the outcome for my service was that 92% of my
employees actually feel very committed to the work and the customers that they work with,
which I think in the area of work that they are in, that demonstrates it is a vocation.

I think to build on what Dr Couch has said, and again to bring the young people back into
that, in our arena we have now established quite clearly that children and young people will be
1235 involved in every interview process for workers that are working – and that is within the care
home environment, sometimes within the fostering environment, where that has been enabled
to happen, and certainly within the social work arena as well. And if there is anybody or any
group of people that will tell you what consistency and good looks like, it is the children and
young people themselves.

1240 I would have to say these two in particular have made very astute observations in interviews
that I have been in with them. *(Laughter)* They are my most critical friend and I think I have the
most difficult challenges in being invited to discuss things with the group of young people –
because they at the end of the day experience the services.

Q102. The Chairman: Okay, we are nearly there, you be pleased to hear.

1245 Other than it being placed on a legal footing, will anything else change when the
Safeguarding Bill becomes law? Is there anything else, or is it just a formal legal status? Or will
anything else change?

Mr Burnett: No. There are three key things in the Bill: one is that it will mean that everyone
has a duty to safeguard. So it is not just the board itself becoming a statutory body, there will be
a duty on all people working for children or vulnerable adults to safeguard.

The second is the duty to co-operate with the Safeguarding Board, so that will give much
more strength to our policies and procedures, because if we issue a policy and procedure there
1255 is going to be a duty to co-operate with that and therefore we will have powers to challenge if
they do not.

And I guess the final thing in a sense comes back to the very first thing I said, that it will also
give us a status that will enable us to evaluate compliance with expectation. So the audit that we
currently carry out on a voluntary basis, because there is no statutory framework for that,
1260 essentially will become a statutory process very similar to that which we have had in England for
some time called the Section 11 Audit – section 11 of the Children Act. That will enable us to test
all safeguarding bodies, not just Government agencies, in their compliance in the areas that your
Inquiry has been focusing on.

So I think it empowers the board and it empowers our community to ensure more effective
1265 safeguarding. However, and I have to say this, legislation in itself is not a universal panacea for

improvement. I remember the very first time I spoke in the Isle of Man when I was invited to do a presentation in the Barrool Suite some five years ago, somebody asking me about whether it was important to have equalities legislation. I reflected that we had had it since 1972 in the UK but there were still significant *inequalities* of a variety of types in the way that the UK operated.

1270 So I am not naive enough to think that just by having a piece of legislation the world is suddenly going to be a brighter place. It does come back to that thing about all staff being committed to ensuring they are effective in their safeguarding work, and that they are committed to working collectively with their partner agencies to make that as effective as it can be. So that drive will still have to come, and just because somebody has got a legal duty to do it will not necessarily mean they do it well, and that is going to be the challenge I think.

Q103. The Chairman: And the comments you make about the equality situation again is back to a cultural issue, isn't it? It is all about the change in culture.

1280 **Mr Burnett:** Absolutely.

Dr Couch: I was going to say that it very much follows what Paul has said, that although as I said earlier the Safeguarding Act when it is promulgated in Tynwald is a very key landmark, it is not the be-all and end-all. And I think as Chloe said very eloquently a few minutes ago from people that she knows we can look back on our history and realise that things were very different not that long ago. **(The Chairman:** Absolutely.)

1285 I suppose the theme I would push – and again, Debbie experiences this almost weekly – is that for our services, for the public sector in general in the Isle of Man, there has to be an absolute commitment to continuous improvement. Complacency – we are never going to be *there* because standards will improve, the law will change.

1290 We talked earlier about the cultural drifts and, for example, if you think about the impact of social media on certain types of abuse, the first smartphone was only introduced 11 years ago. Some things can come *very* quickly. So I think as long as we have that commitment that we will always try to be our best, then we have some confidence that we are moving in the right direction.

1295 The challenge then is, as we say, we need to be checking that we are making progress – and that is a different form of not being complacent, isn't it? So you should be aiming to be good, checking that you are good, planning whether you are being good, and then changing again if you have slipped off, and try a different way.

1300 **Q104. The Chairman:** Good intro into my next question! *(Laughter)*

Clause 12 of the Bill proposes that the Safeguarding Board will have to make an annual report to the Department within a timescale prescribed by the Department, and the Department will have to lay that report before Tynwald.

1305 Dr Couch, what sort of timescale is the Department thinking of prescribing?

Mr Burnett: Shall I answer that, because it is my – ?

Dr Couch: Yes, it is not our Department.

1310 **Mr Burnett:** It is me that will do the – **(The Chairman:** Oh, sorry.) well, not me, but it will be my successor.

1315 In actual fact we have reported our annual report for the last two years, so this is nothing new, but it will be a requirement. I think the intention in the legislation is that the annual report – it will be based on a financial year, and the final report would be presented or go into the political system in September. The reason why there is a bit of a delay is because much of the performance data that we collect, the last quarter of that year up to the end of March, is often

not available until maybe four to six weeks later. So that annual report would be presented in September or October of each year.

1320

Q105. The Chairman: Is that to Tynwald or to the Department?

Mr Burnett: No, to Tynwald.

1325

Dr Couch: Tynwald. But again, if I can clarify the operational management of the Safeguarding Act when it is an Act will be Cabinet Office. (**The Chairman:** Right, okay, sorry.) With reference to the Department, it will be construed in that way.

Q106. The Clerk: Apologies, I missed that.

1330

But although you are not the Cabinet Office – perhaps Mr Burnett can just confirm – is it the intention that once the report is given to the Department it will come straight to Tynwald at the next available sitting?

Mr Burnett: Yes, absolutely.

1335

Q107. The Chairman: Mr Burnett, if you were still in post, how would you react to an invitation from this Committee to come and discuss that annual report after it had been laid before Tynwald?

1340

Mr Burnett: I would welcome it.

Q108. The Chairman: It is back to what you have just been talking about, isn't it?

1345

Mr Burnett: That is the pattern that I would expect to cross. I present my annual reports to the full Council, and to the other partner agencies such as the CCG and the Police and the Health and Wellbeing Boards, and then I would always have a meeting with the scrutiny panels that were responsible for Children's Services and Adult Services.

1350

So I think that would be a good pattern, because in a sense you present your annual report to the executive but then you need to step back and start to look at what ... In a sense you are scrutinising the executive in terms of whether they have listened to what the annual report has said, and whether changes are made to the way that Government operates on the back of any areas for improvement that my report would identify. And it is quite appropriate that discussion should take place between my successor and this Committee.

1355

Q109. The Chairman: Anything else you would like to say?

Ms Brayshaw: I think Chloe and Hayley would like to (**The Chairman:** Good.) conclude with a statement.

1360

Miss Edwards: If you have a look at page 15 of our report under Conclusion, it says:

The Council has, through this evidence, been able to identify effective processes which protect LAC from abuse. What has been identified is that to feel safe and protected it is important to be informed about what should be happening, trust those around you and understand what is in place to keep you safe. The saying 'knowledge is power' was brought up by a young person and it was agreed that if they knew what should be happening they could tell someone if something different happened that shouldn't have. The council agreed that one of their biggest challenges was how care was discussed in other arenas. The council agreed the following statement 'Stigmatisation around care does not improve the service. If MHK's want to improve the service they should speak to the people who use it. The service is safe because if we tell them (children and families) something is wrong then we can work together to change it. The problem we have is when people don't listen and think they know best.'

The Council hopes the Social Affairs Policy Review Committee find their evidence informative to the current investigation in relation to the –

(Ms Brayshaw: Aforementioned.) *(Laughter)*

[*that*] motion, put forward by Mr Baker.

The Chairman: Okay. I think if everybody has had their say, can I start my concluding remarks.

1365 First of all, thanking Hayley and Chloe. To the best of my knowledge there have not been any young people who have come to one of these Scrutiny Committees to have their say. You have done remarkably well, you have been *very* good and very helpful in terms of our consideration.

When I was young, I left home when I was 15 and went into a flat with a friend, so I have got a little bit of an idea about how difficult things can be. So I wish you all the very best for the future, both of you.

1370 To Mr Burnett: thank you very much for your four years of service, it is very important. And as always, to the Department, carry on the good work, it is vital.

That brings to a conclusion our consideration today. Thank you very much.

The Committee adjourned at 5.02 p.m.

3rd May 2018

**Evidence of Mrs Christine Urquhart; Mr
John Guest; and Mrs Kerry Sharpe MLC**



**STANDING COMMITTEE
OF
TYNWALD COURT
OFFICIAL REPORT**

**RECORTYS OIKOIL
BING VEAYN TINVAAL**

**PROCEEDINGS
DAALTYN**

**SOCIAL AFFAIRS
POLICY REVIEW COMMITTEE**

Historical Child Abuse

HANSARD

Douglas, Thursday, 3rd May 2018

PP2018/0082

SAPRC-HCA, No. 1/2017-18

All published Official Reports can be found on the Tynwald website:

www.tynwald.org.im/business/hansard

Members Present:

Chairman: Mr D C Cretney MLC
Ms J M Edge MHK

Clerk:
Mr J D C King

Contents

Procedural.....	3
EVIDENCE OF Mrs Christine Urquhart	3
<i>The next witness was called at 10.40 a.m.</i>	11
EVIDENCE OF Mr John Guest	12
<i>The next witness was called at 11.14 a.m.</i>	20
EVIDENCE OF Mrs Kerry Sharpe MLC.....	21
<i>The Committee sat in private at 12.21 p.m.</i>	34

Standing Committee of Tynwald on Social Affairs Policy Review

Historical Child Abuse

*The Committee sat in public at 10 a.m.
in the Legislative Council Chamber,
Legislative Buildings, Douglas*

[MR CRETNEY *in the Chair*]

Procedural

The Chairman (Mr Cretney): Welcome to this public meeting of the Social Affairs Policy Review Committee, which is a Standing Committee of Tynwald. I am David Cretney MLC and I chair this Committee. With me is Julie Edge MHK. The third member of this Committee is Mr Martyn Perkins MHK. He is not taking part in this inquiry, for reasons which I explained to Tynwald in December 2017.

If we could all ensure that our mobile phones are off or on silent so that we do not have any interruptions. For the purposes of *Hansard* I will be ensuring that we do not have two people speaking at once.

The Social Affairs Policy Review Committee is one of the four Standing Committees of Tynwald Court which scrutinise different areas of Government. We have three Departments to cover: the Department of Home Affairs, the Department of Education, Sport and Culture and the Department of Health and Social Care.

It was resolved on 18th July 2017: 'That Tynwald notes with concern reports of historical child abuse at the former Knottfield Children's Home, which closed in 1983, and refers the matter to the Social Affairs Policy Review Committee to report by December 2017; and further instructs the Committee to investigate the adequacy of current procedures to protect from abuse children in care (looked after children) in the Isle of Man and to report in March 2018.'

Shortly after Tynwald made that resolution last July we invited people to come forward if they wanted to comment on these matters. As a result of that invitation we had face-to-face meetings in private with 13 former residents of Knottfield and one former staff member. These meetings took place in September and October.

On 30th November this part of the inquiry was suspended pending a criminal investigation. On 22nd March 2018 the criminal investigation was completed and this part of the inquiry was resumed.

Today we are sitting in public for the first time for this first part of the inquiry. I am very grateful to the two individuals we are about to hear from for being willing to come and talk to us in this public forum: you are welcome.

EVIDENCE OF Mrs Christine Urquhart

Q1. The Chairman: For the record, Christine, would you state your full name. And what would you like to say to us today, please?

30 **Mrs Urquhart:** My name is Christine Urquhart and I was a resident of Knottfield Children's Home between 1978 and 1982. I am here today to speak on behalf of some of the victims.

First of all, I need to say thank you. I feel I need to thank the Isle of Man Government for creating this Committee and opening this review and finally acknowledging the victims of Knottfield Children's Home publicly. With this review taking place, some of the victims feel that they were finally being heard, that they were receiving validation for the atrocities that happened to them within those walls of 96 Woodbourne Road, commonly known as Knottfield Children's Home, at the hands of those who were supposed to be caring for them whilst they were already vulnerable children. The victims believed that finally the system was believing in them.

40 As you are aware, a majority of the victims have told their story many times to the authorities around them. With this, each time the horrors came back to haunt them, the strength they were able to muster to come forward dissipated ... was the reality of our legal system into their worlds. The disenchantment they felt whilst the system as a whole let them down only exasperated their lack of self-worth again. It established a pattern of not being able to believe in a system that was supposed to be there to protect them – then when they were children and now as recovering, trying to recover – and so enable them to seek the justice they so rightly deserved. And like I said, this disenchantment is now happening again.

45 Unfortunately, some of these victims are no longer with us to see this day, through either death of natural causes or otherwise, so please be mindful that you are doing this for them also, and their families, and they must be acknowledged.

I was thankful but curious when this Review Committee was formed: initially thankful that the politicians were finally sitting up and listening and would hopefully allow the victims of Knottfield justice and eventually closure. However, I was hugely aware and concerned that the process was ill thought out and there was no care plan put in place for these victims.

55 When the Isle of Man Constabulary made a public statement requesting that the victims come forward with their stories and statements I completely and absolutely understood the implications of that for many of them. It needs to be understood that when a victim recalls a traumatic event they unwittingly re-live that occurrence. This can continue through visions, feelings and nightmares for a long time after the initial talk with the Police or yourselves, the Committee. So it was wholly disheartening that there was no care plan put in place at this point in time, and due to this many victims suffered again and are still suffering now at the hands of the people, yet again, who are supposed to be there to protect them. I absolutely denounce this public call-out for victims to come forward, for I have experienced it myself. However, the Isle of Man Constabulary did put a care plan of sorts in place. Unfortunately, those who accessed this service did not find it helpful at all.

60 So I hope this is a lesson learnt for the Police in how to deal with future victims of abuse and historical crimes. I dearly hope that with your new-learned experience of such crimes and the victims involved, which took place here on the Island, you now understand and acknowledge the absolute necessity for more investment in our over-capacity Mental Health Services. With this review now taking place it absolutely gives you and our Government the opportunity to show the people of the Isle of Man that you are supporting them. You are not only doing this review for the victims of Knottfield, but also for their families, as I have previously stated, their friends, the authorities who could not or would not act and the general public who are aware of all these atrocities. Take this time to prove to the Isle of Man's citizens, but more importantly to these victims, that you are finally on their side, that you are a people's Government who were voted into these seats by the people and must stand for these people.

75 Last month the victims were informed that yet again there would be no prosecution of the man who inflicted so many horrors and abhorrent behaviours upon them when they were only children. To be honest, we kind of expected it as it has become the norm on the Island. The system is perceived to ignore the victim and protect the perpetrator, so we all expected the usual gumph: 'not enough evidence, not enough witnesses, it is too expensive to ensure a

conviction so we are not going to bother'. We have all heard these excuses many times. What we did not expect was the reason behind why *this* man has not even been arrested, never mind prosecuted, the reason being because he is too old and too ill. Everyone knew his age and his state of health before this review started. They all knew before the investigation took precedence over the review. So please tell me why you have put all these people through this again for nothing.

Who was the person that decided to abuse these people again? This is a form of torture and degradation which has caused immense harm to these people again. The reasoning behind this decision not to prosecute the man I have heard before, regarding another historical crime that was inflicted on myself – which is of course ridiculous. The age and well-being of a criminal are truly not ours or your responsibility. The responsibility here is to the children who were entrusted into *your* care, the Isle of Man Government, the Department of Education as it was called at the time. It was your Department that paid and entrusted this man to care for the vulnerable children of this Island. Do you not feel disgusted by it or embarrassed? This monster is about to get away with it again and it is all being done by your own Departments.

You were our parents. You owed us a duty of care, which you did not uphold; you are still not upholding it. We were placed in Knottfield due to the negligence of our own parents and caregivers, some of whom were prosecuted by the Isle of Man courts. Why should you or this man not be treated in the same way by the same courts for the same negligence, if not worse? I need to ask is there a double standard here, because it feels like there is.

The Attorney General and the Police have more than enough evidence and more than enough witnesses to enable a prosecution, so why is this man still being protected? The whole thing – the review, the investigation – now feels like it has purely been a fishing exercise, an opportunity for the Government to find out exactly what the victims know so they can collate and compose what feels like yet another cover-up. I feel that this is all in the fear that the press are coming to expose the crimes that have been committed against the children on the Isle of Man, with no fear of prosecution for the perpetrators. It feels like you were in fear of a Jersey-like scandal happening here on the Island – and you should be, rightly so, to be fair.

I have been looking into how the victims have been treated during this process and I have found that their rights and personal liberties may actually have been violated by the Police, and by the Government calling them to come forward again, by providing them with false hope that finally someone was going to do something to prosecute this man and protect them.

Please refer to the European Convention on Human Rights Act – which takes precedence over legal and domestic legislation, I have to add. Article 3: the right not to be tortured or treated in an inhumane or degrading way. And Article 8: the right to respect for your family and your private life. These people poured their hearts and minds open to you all, the Police included, *again*. You may have only heard it for the first time, but police, teachers, social workers, everyone that was around these children and as they became adults, has heard these stories again and again and again, and every time these people are tortured and it takes a long time to heal from it all every time. Their everyday lives were changed, which has affected them and their families by the imposing of this process. It feels like the system has repeatedly raped and tortured these people emotionally and psychologically for a fact-finding exercise, and that is criminal.

As I stated previously, when a person reveals abuses that have taken place against them they unwittingly re-live those moments in time, the fear, the shame and the pain. You were aware of this. You were made aware of this when this process started. You were made aware that these people, some here today, would become that six-year-old child again who was beaten and raped for the pleasure of the abusers around him. You were made aware that the reason the 12-year-old boy had turned to a life of crime was so he could escape the abuses that were happening to him. No one would listen and no one would act for them. These people, while reliving their stories, become those children again. After the interviews are finished with either yourselves or

the Police, or whoever else wants to get inside their heads, they are left as that child and this can take months, years, to overcome.

135 They told their stories again because they believed that finally someone was going to say, 'I believe you.' Do you believe these victims? Do you believe what happened to them?

What are you going to do to ensure they receive the validation they require after suffering for so long?

140 Do you believe that there has been a cover-up to protect those involved, who were aware and decided to protect themselves and the reputation of the Island?

If your answer to any of these questions is yes, then a prosecution *must* be made. This man must be prosecuted. His health and well-being is down to the sentencing judge to decide, not you and not I.

145 Just recently Bill Cosby, aged 80 years and in ill health, was successfully prosecuted for historical sex crimes. Max Clifford was in his 70s. Rolf Harris was in his 70s. Dave Lee Travis in his 60s. And closer to home, Derek Cooper of Hillberry Green is 77 years old and has recently been convicted of historical crimes. Every one of them claimed ill health. They failed. They could not evade the justice they so rightly deserved. Quite frankly, by not prosecuting this man and his staff in question you are making a laughing stock of us as victims and of the Isle of Man, its

150 judicial system and its policies and procedures in a very public forum.

Another case that has recently been made public is from a brave man called Gerry Underwood. He reported historical sex crimes against him to the Isle of Man Constabulary five years ago and still nothing has been done to help him. The Isle of Man Constabulary claim that they have changed their systems and procedures, which they have, but all still leads to the same

155 outcome and excuses from the Police and the Attorney General's office. We all know this because we have all lived it many times. Nothing has changed at all. Please be part of that change now. Implement safeguards for the victims, not the perpetrators.

Over the past year alone, from 1st January 2017 to 1st January 2018, a total of 86 crimes were reported to the Police on the Island. Of these, 33 were historical, of which 18 were inflicted

160 upon children – persons as they were children. Only five of these 18 – and this is from when I received the information in March, I must add – were operational. Five. There are five that are classed as cleared, completed, but I do not know what that means. I have not had any clarification as to what that means. I would like to know.

Child sex crime as a whole on the Island is still not being taken seriously. I know this personally because I have experienced the system myself and the abuser is still walking the streets today, nearly four years after the crimes were first reported from four children. Not

165 enough evidence. The witnesses are too young. The same song sung by the Police to the Attorney General's office *again*. The list of excuses goes on whilst another child predator is within our midst who will never see the inside of a courtroom.

170 So, questions for the Attorney General. What evidence do you exactly require? Broken bones? Bruises? Photographic evidence? Scars? Well, for these people, broken bones have healed, the bruises have cleared and all the physical evidence has disappeared along with the children's personal files from Knottfield – which is another question I must raise with you later. But scars they have plenty of: the mental scars that have ripped open again during this process;

175 the scars that create the nightmares to return and question their ability to lead normal lives, that make them question their self-worth and destroy their self-esteem. These scars are always there, destroying these people from the inside out because of what happened to them and because not one person of authority has stood up and said, 'I believe you and I will have your back.'

180 These people need validation, not more persecution. They need someone from the establishment that they have paid into their whole lives to stand up and say, 'I believe you and we are sorry.' Without this, what is the point in any of this? What is your explanation as to why this review is actually taking place? What outcome are you hoping for from all of this? Is anyone actually thinking or caring about these victims at all? Because it does not feel like it.

185 These victims are parents and grandparents now. They are also struggling with their ill health,
even more so throughout this process. Who is looking out for them? Who is protecting them?
You were supposed to be protecting them when they were children; you are supposed to be
protecting them now. That is your job: to protect the people of the Island who have suffered
crimes against them. Give them the validation, tell them you believe them and apologise publicly
190 for it taking so long to get to this point. I am so sorry that some of them cannot be with us today.
I have some questions for you. I am not done yet, sorry; I am not done yet.

The Chairman: No, that is fine. Take as long as you want.

195 **Mrs Urquhart:** Are you able to answer these directly now, or ...?

Q2. The Chairman: Let's progress with the questions orally.

Mrs Urquhart: Okay. Where is the medical statement stating the perpetrator is too old and
200 unfit to be prosecuted?

Q3. The Chairman: We are yet to meet with the Attorney General and that will be amongst
the things we will be asking.

205 **Mrs Urquhart:** So you have not even seen the statement, even though it is not public?

Q4. The Chairman: The Attorney General is going to come into this Committee –

Mrs Urquhart: On the 21st.
210

The Chairman: Yes.

Mrs Urquhart: Yes, I will be here. Okay, so he has that. Will it be made public, because the
whole thing is a public forum? Obviously there is data protection, I understand that, but surely
215 there must be something for the victims to see the reasoning behind why he will not be
prosecuted. Will there be something made public?

Q5. The Chairman: I cannot answer for the Attorney General. I hope so.

220 **Mrs Urquhart:** In this case the perpetrator is too old and too ill. In other cases the witnesses
were deemed too young. So how do we protect the children of our Island? Yet again another
question I feel you cannot answer. The Attorney General will need to answer that, I would
presume. I have it put here 'Please advise', and he is not here – I was expecting him to be here.

225 Does the Attorney General have evidential and public interest tests? And if he does, where
are they and will we see them?

Q6. The Chairman: Amongst the questions we were going to ask you when you had finished
your statement is what you would like us to ask the Attorney General, so this is very helpful.

230 **Mrs Urquhart:** Public interest tests.

Q7. The Chairman: Please put it on record.

235 **Mrs Urquhart:** Can the Attorney General's decision be reviewed or appealed? If so, by
whom? How do we go about that? Anything?

Q8. The Chairman: No. I am sorry, I do not know the answer to that.

Mrs Urquhart: Okay, it's fine. I will be back on the 21st, don't worry.

240 Has the Attorney General decided not to prosecute against or with the opinion of the Isle of Man Constabulary? Yet again that is a question for him.

Q9. The Chairman: Well, no, the answer there is that the Isle of Man Constabulary, after the new witness came forward and was interviewed, submitted to the Attorney General that they
245 wished to have a prosecution. The Attorney General's office ... What is the officer called? There is an officer in the Attorney General's who makes these decisions and it was his decision, not the Police's.

Mrs Urquhart: Okay. I find it all ludicrous. You said yourself you have had 13 former residents
250 of Knottfield sat in front of you yourself. That is a lot of witnesses; that is a lot of evidence. I do not understand the Attorney General's reasoning behind any of this, to be fair.

Were there ever any checks made on this couple in Manchester before they were allowed to run a children's home? Do you have any evidence of that?

255 **Q10. The Chairman:** I do not believe we have had any evidence of that.

Ms Edge: It is something we can ask, isn't it?

The Clerk: Well, no, I do not think the Committee has any information on that at the
260 moment.

The Chairman: But again we can certainly make inquiries about any of the points you are raising and we are very happy to do so.

265 **Mrs Urquhart:** Okay. Where are all the Knottfield children's files? We have heard this question many times and not one person in authority, I feel, even believes they existed; but we, as residents, know they existed.

These files held personal information on the children in the care of the home, such as personal correspondence, their health, welfare and behaviours, their pocket money accounts,
270 post office accounts, post office books. They held an awful lot of information. They had an awful lot of evidence: doctors' appointments, health checks, everything that would have corresponded with the abuses that were taking place against the children at the time. Do you not find it ludicrous that they are missing?

275 **The Chairman:** Yes.

Mrs Urquhart: Thank you. Is anybody looking for them?

Q11. The Chairman: I think we are receiving evidence after John Guest ... The next person
280 after him has been conducting, for a considerable time, at the request of the Isle of Man Children's Centre previous management ... and I think that she may have information on that.

Mrs Urquhart: Okay. Sexual crime on the Island per capita is high in comparison to the UK. In only the first six months of 2017, 42 sex crimes had been reported to the Police, five of which
285 were deemed non-criminal offences, which left 37 crimes to deal with – which is quite possibly 37 victims with families. Some crimes may be different but inflicted on the same person, you have to understand that, so it is only an approximation.

290 To back up Lisa Taylor and Sadie Sanders, I must absolutely reiterate that the punishment
must fit the crime and those punishments must be used as a deterrent to try and curb this
behaviour and to protect our children. Only recently, a 19-year-old boy went to jail for only six
years after savagely raping a 10-year-old child. That young boy will carry the scars of that event
for the rest of his life, whereas his rapist will be out walking our streets within three or four
years. It does not feel like it fits. A review needs to take place to look into sex crime as a whole
on this Island. I feel this review is only the tip of the iceberg and we cannot stop here. It has to
295 continue.

Investment in mental health can itself provide further investment into the Health Service as a
whole. To be as brief as I can, failing mental health is one of the most highly contributing factors
to failing physical health. By making a substantial investment into the Mental Health Service you
will be saving in so many other areas, so this is a request for you to consider and put forward to
300 Government. I understand Manannan Court is still quite new and quite fresh and a lot of
investment was made in that building, but we need the staff to fill the building and to help the
people of the Isle of Man. That is where you are lacking. It is a lovely, good-looking building, but
you have not got the staff. It is completely overcapacity. That is where the investment needs to
be.

305 Finally – nearly – as much as it has been disheartening that it has taken so long for the victims
of Knottfield Children’s Home to be heard, it must be acknowledged that thankfully they are
being heard now. So many Departments across Government have listened to the victims’ stories
over the years with no one acting on what they were being told. This spans back to the 1960s,
the 1970s, the 1980s and beyond, when they were still children.

310 I request that the Isle of Man Government make a full and public apology to the victims and
their families for the inaction and ignorance over the years, to show that you understand and
have learnt from the mistakes that were made and to reassure the public that the same attitude
and pattern of behaviour will be abolished and will never happen across Departments in
Government again; that those who were plainly ignorant and arrogant towards the victims are
315 made accountable for their mistakes. This, I feel, needs to be a public apology to state that
finally you believe them and that finally you are sorry.

Just a little quote from Nelson Mandela that I would like to add because I feel it is
appropriate:

There can be no keener revelation of a society’s soul than the way in which it treats its children.

Bear that in mind.

320 Thank you.

Q12. The Chairman: Thank you, Christine.

Can I just, before we start answering any questions, answer a couple of the points you made
earlier.

325 The Isle of Man parliament, Tynwald, rather than the Government, decided by majority that
the right thing to do was to undertake this inquiry, and I agree and I voted for that. We did not
require outside forces to come in and shine a light on us, like Jersey did.

I believe the young people, who are now older people, who have been to speak to us. I
believe them. I believe their story. (*Mrs Urquhart:* Thank you.) But we have to go through this
330 process and we have to make a report to Tynwald. We will be making recommendations to
Tynwald and it will be for Tynwald to decide whether they accept what we have to say after we
have met everybody we need to meet.

So, we have got a few questions, if you are ... (*Mrs Urquhart:* Yes.) That is fine, yes.

Do you want to go first?

335 **Q13. Ms Edge:** Obviously we will be seeing the Chief Constable as well as the AG in a couple of weeks' time. Have you got any questions you would specifically like us to ask the Chief Constable?

340 **Mrs Urquhart:** In this forum? The Isle of Man Constabulary have been very public in saying that they have changed their policies and procedures in the way that they treat victims of historical crime and sex crime as a whole. What I have found over the past four years is that those procedures have changed and they are willing to listen to you more, but it is the final outcomes that do not change – and I have said this already.

345 I have to applaud the two officers who took charge of this investigation. I will not name them personally, but they know who they are. Their patience and understanding I found, personally, was hugely appreciated; it was a hard job that they took on. But the Isle of Man Constabulary as a whole ... I am not sure I can say in this forum, to be fair.

350 **Q14. The Chairman:** Please do not worry about what you say.

Mrs Urquhart: I do not want to swear.

Q15. The Chairman: I think it is best that people are as honest as possible in this.

355 Would you like to make any comment about the Government Mental Health Services and their involvement in any of this?

360 **Mrs Urquhart:** Yes. The Police, after advice – or me shouting very publicly on social media – contacted the Mental Health Services and provided the victims of Knottfield with a phone number and a fast track into the Mental Health Services. I am aware of at least one or two people who accessed those services and were basically told that they could not be helped because they were too scared to open that avenue, stating that it was detrimental to the victim. So what was the point, to be fair?

365 **Q16. Ms Edge:** That was after the recent interviews and that with the Police?

Mrs Urquhart: Yes.

Q17. Ms Edge: They did not give you good access to their services?

370 **Mrs Urquhart:** Oh, they got access; they did not get good service.

Q18. Ms Edge: And what else do you think could help? Is there anything that you could ...?

375 **Mrs Urquhart:** The reason they did not get good service was because the Mental Health Service is overcapacity and everybody I know is fully aware of that. For these people in particular I think an independent Mental Health Service needs to come to the Island, specifically for these people, to allow your own Mental Health Service to do the job that they already do, and that way they will not be shunted out the door, saying, 'It's too late, we can't open that corridor in your mind; we haven't got the time to fix you.' Bring in an independent service to help these people, so that the people you have already can do the job that they are under so much pressure to do. And hire more, invest in more staff – you desperately need more staff.

385 **Q19. The Chairman:** Do you know, were the management of Knottfield under any supervision from outside? I know you would only be very young at the time, but do you think they were under any supervision from outside?

Mrs Urquhart: There was the committee of Knottfield.

390 **Q20. The Chairman:** The committee, that kind of thing. Do you want to talk about that a little bit?

Mrs Urquhart: Well, it is the committee that dictate how any business or organisation runs, so yes they were dictated to. I believe the committee were aware of what was going on, if not part of it – sorry, I have to say. So yes, they were dictated to.

395 There was a lot of money that went missing that belonged to the children. Everything has been covered up for a long time and the committee of Knottfield were behind that – it is not just down to the perpetrators – and I think it has all been covered up to save the reputation of the Island. Well, that is not happening now, is it?

400 **Q21. The Chairman:** Well, I think it is the reverse, isn't it? By trying to cover things up you do not (**Mrs Urquhart:** Exactly.) enhance the reputation of anyone.

Mrs Urquhart: I would really be interested to know who the committee members were. I cannot seem to find that information. Maybe somebody – maybe John – might have that, I do not know, but I would really like to know who the committee members were and were party to the ignorance and the arrogance of what happened.

Q22. The Chairman: Yes, well, I am sure Kerry Sharpe again will have information about that.

410 **Q23. Ms Edge:** Can I just ask ... Obviously everybody has concerns if those records cannot be found, and clearly that is the belief. When anybody has accessed the medical service or any other medical service – their GP – on the Island, there are no records with their GP practice at all?

415 **Mrs Urquhart:** My own personal medical health record only goes back to 1992. Everything before it is gone.

Q24. Ms Edge: And you are with the same general practice, the same GP? Yes. Okay. Thank you.

420

Q25. The Chairman: The questions we were going to ask were ... What do you think Tynwald should do? I think you have made it absolutely clear what you think –

Mrs Urquhart: They need to apologise.

425

Q26. The Chairman: – Tynwald should do. Yes. Anything else you would like to say?

Mrs Urquhart: No, I think I have covered everything that I needed to say.

430 **Q27. The Chairman:** You have covered everything very well. I know that it will be quite difficult for you, to say the least, to come here to do this in public, but we want to thank you very much as a Committee for being prepared to do so, for being so open and honest and frank. We will see this through.

435 **Mrs Urquhart:** Thank you for listening to me. Thank you.

The next witness was called at 10.40 a.m.

**EVIDENCE OF
Mr John Guest**

Q28. The Chairman: We will now have Mr Guest, please.

John, for the record would you tell us your name and then would you like to make any statement, please.

440

Mr Guest: My name is John Guest and I was a victim of physical, mental and sexual abuse at the Isle of Man Children's Home in the 1960s and 1970s.

I would like to thank the previous speaker, who I do not know. She made some good technical points but, on the point where she said she is speaking for the victims, she is not speaking for me personally because I do not know who she is, so I just make that point clear.

445

I would like to talk and I have my picture of my mother with me today.

I would just like to say that I appreciated the points that the previous speaker made and a lot of the technical points that she made. I am very appreciative of what she said, but my talk is a more personal talk and not so technical, so I hope it comes across clearly and understandable to the people here today.

450

I would like to open my address to this Committee here today by remembering and paying my personal respects to the memory of my two good friends and fellow victims of the physical, mental and sexual abuse committed against us in the Isle of Man Children's Home whilst under the guardianship and care of the Isle of Man Government in the 1960s and 1970s: Chris Glover and Ian Strange.

455

Chris took his own life in December 2017, I and others believe as a direct result of the trauma inflicted on him as a vulnerable child in the care of the Isle of Man Government and more recently by the unprofessional actions and insensitive manner in which the Isle of Man Police Force conducted their inquiries in 2015. Chris was my lifelong friend. He was a family man, loved and respected by all his many friends and ex-work colleagues, as the packed-to-capacity church at Andreas testified on the day of his funeral. It is sad that some of the people here were not there to witness that.

460

Ian Strange, I was informed by the Isle of Man Police, had also taken his own life. I last met Ian in Douglas some time ago and when we sat and talked he was still visibly traumatised by the abuse he was subjected to whilst in the care of the Manx Government and the treatment he received from the Police. I have enquired on several occasions for details on Ian's resting place and on his passing but I am still awaiting that information from the Police.

465

I would like at this time just to ask the people here today and the Committee to give me the respect of a short silence in their memory, if that is okay.

A silence was observed.

470

Mr Guest: Thank you.

I would like to start by thanking Mr Baker for bringing motion 35, the Knottfield Children's Home, before Tynwald Court. I would like to thank Dr Allinson for seconding the motion and also Mr Henderson for his contribution to support the motion.

At the risk of seeming ungrateful, I hope to say this is not a waste of all our time. The reason I said this, ladies and gentlemen, is because apparently once this Committee has completed their hearing and made their report, incredibly the select committee's findings are to be submitted to the Council of Ministers for written response – people who have already shown publicly they do not really care. Your findings are to be handed over to the Council of Ministers, including Mr Quayle, Mr Thomas, Mr Malarkey, Mr Peake and others who en masse voted for Mrs Beecroft's amendment, which would have stopped motion 35, the Knottfield Children's Home, being investigated by the select committee. If this is the case, we all have to ask ourselves why are we bothering with this hearing today.

475

480

485 The reason I am here today is to represent my two dead friends, Chris and Ian, and other individuals who do not have the strength to dredge this all up in public – and frankly, it is not easy for me. Lest anyone misunderstand, despite this horrendous experience, I have a loving wife, a fine son and a daughter and I strive to be successful in my work. I chose to get on with my life and tried to put the shame of my mistreatment behind me. Many of the other victims have not been so fortunate. Also, the actions of some of the politicians and of the Isle of Man Police Force compelled me to act.

490 To Mrs Beecroft, Mr Malarkey, Mr Quayle, Mr Thomas and others who voted in favour of the amendment – in the words of Mr Baker, trying to sweep this issue away – I say bow your heads in shame. Your oath of office is to serve and protect and I say to you all you have let me down, let my two dead friends down and also some of the other innocent victims that are here today, not forgetting all those who were subject to this horrific treatment, and I feel you have let the Island down.

495 I see Mrs Beecroft mentioned in Tynwald the Jersey Care Inquiry, which investigated the historical child abuse on their Island. It was an independent inquiry, free of government and the Police, giving the victims of child abuse in their care system a totally unbiased and impartial avenue to give their evidence. The Jersey Care Inquiry was instigated after their chief minister in 2010 made a full formal apology to all those who had suffered in the Jersey care system, acknowledging their failings towards those vulnerable children in a serious way. He stated that the inquiry was to be transparent and affording the fair treatment of victims and witnesses to be a priority. In a subsection headed ‘systemic failings’ it questioned (1) a failure to ensure that an institution provides proper care, (2) a failure to take all proper steps to prevent, detect and disclose abuse, and (3) a failure to take appropriate steps to ensure the investigation and prosecution of criminal offences involving abuse. I say to Mrs Beecroft, Mr Malarkey, Mr Quayle, Mr Thomas and others: read the Jersey Care Inquiry findings in full, then act in an honourable way.

500 I am here today to speak out for the victims of physical, mental and sexual abuse inflicted on us whilst in the care and protection of the Isle of Man Government in the 1960s and 1970s. We were taken from our homes and placed into the care of the Isle of Man Government, into a place void of compassion, encouragement and guidance in any way. This unregulated children’s home was funded by the Isle of Man Government. Never at any time in all the years I was in care was I visited or spoken to by a social worker. We were never encouraged to study or helped in any way to prepare us for moving into society. We were not taught any morals, respect or compassion for others. So, on leaving the care system without training or an education, many fell into petty criminality to survive. We were angry, unguided teenagers, trying to find our place in society.

515 I am not here today to talk about my personal experiences and the physical, mental and sexual abuse inflicted on me whilst under the care of the Isle of Man Government; I have spoken to this Committee to some extent on this matter in private. Also, the evidence I gave to the Police helped to convict the paedophile who ran the children’s home in Knottfield after a court case in 1993.

520 I would like to say that victims have asked for and have been denied access to funded legal counsel to assist in asking questions and putting evidence forward, a privilege enjoyed by this Committee and by the Police. I ask the Government again, here in public, to give us this assistance.

530 I, like many of the people who came through the care system at Knottfield in the 1960s and 1970s, have no respect for the Isle of Man Police Service and their office. Their unprofessional attitude and actions towards the innocent victims of Knottfield and the actions of the paedophile who ran the home need to be, in my mind, independently investigated. I personally made several complaints to the Isle of Man Police in regard to their handling of the case in 2015 and 2016 and their treatment of the victims, leaving one suicidal and others unable to work. Their action in one instance after taking evidence was to text a visibly shaken and unstable

535 victim, offering a contact number for victim support services. After several visits to Police
Headquarters and complaints and inquiries into their procedures and actions, I was awarded the
title 'dissatisfied customer' – the reference number is DC18/15-16 and it was signed by Inspector
Will Campbell of the professional standards department, dated 14th December 2015 – and in
the eyes of the Isle of Man Police I am a dissatisfied customer; I thank them for that title.

540 In 2015 the Isle of Man Police again opened an investigation into Knottfield and child abuse,
and after two years of investigation their intrusive and uncompassionate approach to victims
concluded with the suicide of my good friend.

The Chairman: It's all right, take your time.

545 **Mr Guest:** Okay ... concluded with the suicide of my good friend and fellow victim,
Chris Glover, and other victims feeling let down and unsupported by the Isle of Man Police
Service.

550 With new evidence being provided and one claim of sexual abuse by another member of staff
on a vulnerable victim being made, we believe the case has been closed with no further actions
or prosecutions. We the victims, through legal counsel, would like to question the content of the
police file sent the Attorney General which led to this decision.

555 The Chief Constable, Gary Roberts, was in 1993 an investigating DC into the child abuse at
Knottfield which led to the conviction of the paedophile who ran the home. We feel his report
submitted to the select committee has inaccuracies and find some of his comments offensive
when he states that many of the young people who spent time in Knottfield, including Ian
Strange, had poor mental health problems, difficulty forming relationships, had a history of
offending and alcoholic problems. We find this and other parts of his written submission to this
Committee to be untrue, a defamation of the character of myself and others who lived and
560 survived the unregulated systemic abuse in the children's home in the 1960s and 1970s. If, in
1979, Ian Strange – a scared, vulnerable and abused child who found the courage to complain
about his mistreatment – had been listened to by the Police he would be alive today. The Police
in 1979 took the word of a paedophile running Knottfield that Ian was a troublemaker and
attention seeker. The Police walked away and left that child to his fate. The Chief Constable
565 stated in his written evidence to this Committee:

An opportunity to stop his offending arose in 1979, but not taken.

His words, given to you the Committee.

570 Also in his report the Chief Constable stated the lack of files connected to the case and that
they had been destroyed before the police investigation in 1992 – his words in his statement. So
how, on 30th August 2017, did the Isle of Man Police Force receive an anonymous call informing
them that staff at the Isle of Man Children's Centre were destroying files related to the
Knottfield investigation?

575 Leading me on to the Isle of Man Children's Centre, I believe the Centre had commissioned a
book relating to the children in care over the last 150 years on our Island. The Children's Centre
had claimed it had a history dating back over a hundred years, when in fact it was only formed in
1988. The victimised innocent residents of the Manx childcare system and Knottfield who grew
up in their care in the 1960s and 1970s find it deeply offensive that someone could write this
book without our knowledge or input. Without reading the book, I say shame on the Children's
Centre and those involved.

580 We would also like to ask the select committee to ask questions regarding the handing over
of the building and cash assets of the children to the Children's Centre. That included the
substantial building that was Knottfield. Allegedly the building is now up for sale. We ask: what
was the agreement as to the use and ultimately the sale of this valuable asset?

585 Mr Cretney, select committee, the Police and the people of the Island, I ask for recognition for what happened, justice for the innocent victims and hopefully closure. This dark chapter of our Island's social and criminal history must be recognised and documented and, where appropriate, action taken. You owe it to a generation of vulnerable young children who, under the care of this Isle of Man Government, were sent to Knottfield in the 1960s and 1970s – that unregulated, inadequate, uncaring children's home where a paedophile was free to ruin countless young lives. You owe it to us and this Island's victims.

590 Again I would like to put on record my disgust and total disagreement with the procedure where this Committee's findings and evidence, on completion of its work, are sent to the Council of Ministers for their written response; the Council of Ministers who en masse voted for the amendment to motion 35, which would have silenced the innocent victims and dismissed Mr Baker's motion. I await their written response and its contents with interest.

595 I call on this Committee, in giving their findings to Tynwald, to remember the innocent victims, their treatment, and to admit that a travesty of justice was committed on vulnerable young children whilst under the care of the Manx Government. Again I ask for recognition for what happened, justice and closure.

600 That is my main evidence, but I would like to end on a personal note, if I can. I do not know ...

The Chairman: Take your time.

605 **Mr Guest:** I do not know if I can read it, really. I would like somebody else to read it. Could you read it for me, or somebody?

The Chairman: Yes, Mr King will read out what John wants to say.

610 **The Clerk:** 'I wish to end my evidence on a personal note. This picture I have with me today, and which I have taken to my closed meeting with this Committee, is of my mother, Doreen Guest. In the mid-1960s, date unknown, the Manx Government, through one of its Departments, decided to remove from her love and care me and my three brothers. She was placed some time later in secure care where, many years later, she died in her early 40s. She never saw her children again. I cannot imagine how she must have felt at this callous action. I think of her daily.'

615 **Mr Guest:** Thank you.

The Chairman: Thank you, Mr King.

620 **Mr Guest:** At the end now, I would just like to thank you for giving me this opportunity to talk for the victims, living and departed.

625 **Q29. The Chairman:** Okay, well, thank you very much, John. Again, very brave, very frank, and you have made your points very well.

I want to clarify the process. When this Committee reports, the report will be made public. It will be laid before Tynwald to be debated at a subsequent sitting. What happens is the Council of Ministers have the opportunity to consider the report, along with all other Tynwald Members, and ultimately it will be Tynwald rather than the Council of Ministers –

630 **Mr Guest:** Yes, but the Council of Ministers will be giving a written response; the Council of Ministers who en masse voted against motion 35. We would not have been sitting here today if that had been successful.

Q30. The Chairman: I hope they have had time to reflect upon their decision.

635 **Mr Guest:** Well, I hope so, yes; I do too.

Q31. The Chairman: The other points ... This Committee is a parliamentary Committee and as such is not Government; it is unbiased and impartial. As I said to Christine, we will make sure that we complete our work properly and report without fear or favour.

640 I want you to know that we do take everything that has been said to us very seriously and I share with you that one of the people, Chris, who spoke with Mr Baker and who subsequently has taken his own life, we owe it to him to make sure that we complete this process.

Mr Guest: And Ian as well.

645

Q32. The Chairman: And Ian; we did not meet Ian.

If it is all right with you we will ask a few questions. We will be seeing the Chief Constable in a couple of weeks. You have made several points. Is there anything else you would like us to ask him, other than what you have said already?

650

Mr Guest: To ask the Chief Constable?

The Chairman: Yes, anything you think we should put to him, other than ...? You have made a number of important points.

655

Mr Guest: I have actually had a meeting with the Chief Constable and I have put a lot of my points I wished to make to him anyway.

I think the situation is that myself and fellow victims have a complaint and a grievance against the Isle of Man and the Police, so how can they be impartial when we are complaining against the Police and the Police then make the file to put to the Attorney General, when we are complaining against their actions? It should be an independent written report given to the Attorney General, not by the Police. The Isle of Man Police Service I do not think are impartial enough and I think it is unfair.

665 **Q33. Ms Edge:** Sorry, John, can I just ask on that, did your complaint go right through the process and did it go to the ...? Because obviously there is the Police Complaints Commissioner – do you know, did it get to him and have you had the outcome of that?

670 **Mr Guest:** Right, I will answer that. When I made my complaint on several occasions I was spoken to by several high-ranking police officers and that was not put to me. It was put to me that I would be treated as a dissatisfied customer and that was as far as it was going.

Q34. Ms Edge: So you were not aware of that option?

675 **Mr Guest:** I was not made aware of the other option that you just mentioned.

Ms Edge: Thank you.

680 **Q35. The Chairman:** Can I ask the same question I have just asked you about the Chief Constable in relation to the Attorney General: anything other than what you have said already that you would like us to ask the Attorney General?

Mr Guest: To ask the Attorney General?

685 **The Chairman:** Yes.

690 **Mr Guest:** I would like him to make public why the contents of the file ... I think the file is in the defence of the Police. The Police do not want there to be a prosecution because we, the victims, want to ask the Police questions because the Police do not want this to go ahead. So I think it is not a fair system. I think it should be an independently placed file before the Attorney General, not by the Isle of Man Police. It is too local, it is too friendly in the contents of ... Civil servants and the Police are all together and they do not want it to happen, and I think that is totally unfair in a criminal judicial way. It should be an off-Island investigation and then a file put forward.

695 And the health of the paedophile in question should not be in question. He should be wheeled into a court in a wheelchair, like in anywhere else in the world; age is no barrier. So I think the Police are acting in their own interest, not in the interest of the victims, as shown in their actions towards the victims as well.

700 **Q36. The Chairman:** Okay. Without answering on behalf of the Chief Constable ... We will certainly put that to the Chief Constable, but the Chief Constable did submit a file seeking a prosecution.

705 **Mr Guest:** Well, yes, he might have done, but what was the content of the file? When you have new evidence, where people are coming forward offering fresh evidence of abuse, and in one instance abuse by another member of staff as well, given to the Police, where is the non-strength in that evidence?

710 We have not got a right to ask legal questions. We have not been given access to funded legal advice where we could ask these questions properly. We should be entitled to this. What is happening on this Island, where people have not ...? We are in the situation we are in because we were not given an education whilst under the care of the Government, so we are not clever enough people to ask these kind of questions. Why are we not given access to funded legal advice so we can ask the questions? This is a right. Anywhere else in the world you would have a right to do that.

715 **Q37. The Chairman:** Yes. Again you make a good point in relation to that –

Mr Guest: Yes, I do.

720 **The Chairman:** We have a system which is means tested and, as we have had a conversation –

725 **Mr Guest:** Yes, I can understand your means-tested system, but this goes past the means-tested system. We are talking about vulnerable people. I work for myself, I am a worker, I have never claimed off the Government, but why should I have to find thousands of pounds to defend myself and ask questions of a Government and a Police Force who have let me down and wronged me and taken away my life? Why should I have to find the money to do that?

730 I have spoken to a law firm in Athol Street – they want £260 an hour plus VAT. If I had been an educated person I maybe would be able to afford that, but I have broken my back for the last 30-40 years working on a building site because that is the outcome of the Government's care for me when I was young. They robbed me of my education, my innocence, and now I have got to pay for it to defend myself against what they did to me. Where is the fairness in that? That is totally unfair, not just for myself but my fellow victims.

735 The Police take your evidence and they treat you unfairly, and then they leave you alone. Why can't we ask the Police questions? Why can't we ask Government questions through legal counsel? Because we cannot afford it, and that is totally unfair.

You created us the way we are – do you know what I mean? – this Government. The people who spent endless years in jail did not spend endless years in jail because they chose to go out

740 and do these bad things; it is because of the way they were created and brought up by an uncaring Government and the Isle of Man Children's Home.

Ms Edge: Can I just follow on?

745 **The Chairman:** Yes.

Q38. Ms Edge: You have made comment about the Chief Constable and then, with regard to records, somebody saying that there were records being destroyed. We will make sure that that is a question that is asked.

750 **Mr Guest:** Well, if you have read the Chief Constable's report, which is available to you, it is actually in there. I am only commenting on what he has ... Luckily, I was able to read his report before it was taken off the website. So if you read his report you will see it. The way you looked at me there – his report was put on the website and it was removed.

755 **The Chairman:** It had to be removed because of the –

760 **Mr Guest:** Okay, that's fine, but if you read the report you will find in there he states that in 1992, I think it was, files were destroyed or were unobtainable and he has mentioned it on several occasions, and all of a sudden the files that were unobtainable would seem to be available to the Isle of Man Children's Centre to write a book. And then, in 2017, luckily, an anonymous caller made a call saying that they were destroying files. Well, I would like to question how, when the Isle of Man Children's Centre knew there was an investigation going on and the files were part of the investigation, they were destroying the files. The Isle of Man Children's Centre were destroying the files, by which they were destroying criminal evidence
765 which they knew was part of an investigation, so they should be made responsible and accountable for what they have done.

Q39. The Clerk: Just to mention the written evidence which you talked about from the Police and some other written evidence was taken down from the Tynwald website when this
770 investigation was suspended –

Mr Guest: Why was that?

775 **The Clerk:** – but it is back on the website now. That was to maintain the separation between the –

780 **Mr Guest:** Yes, thank you for that, but I would like to question as well the contents of the Chief Constable's report. He is stating lack of files and lack of evidence but he is criticising me and others and our actions. How has he found out this information when the files are not available to look into our circumstances? He is quoting individuals and group activities, so where is this information coming from? We want to question, through legal counsel, what he has written. A lot of it is untrue and defamation of our character, because people can read that and then when this Committee sits and they read that ... If they had just read that report from the Chief Constable and did not speak to me and others, they would have thought they were dealing
785 with people who were criminals and unruly – because that is what he has written in his report, which is totally untrue, claiming alcoholism and unruly behaviour. Okay, unruly behaviour is fair because that is the way we were brought up. We were brought up without boundaries, without regulation, but that was not our fault; that was the way we were brought up. And on leaving the care system we were just let go. We were not given any accommodation, nothing. So we were

790 angry and we were unruly because we had no boundaries, but this Government, through the Isle of Man Children's Centre, created how we were. So that is it.

The Chairman: Okay. Anything else?

795 **Ms Edge:** I do not think so. We have covered everything, haven't we?

Q40. The Chairman: Again, I think you have partially answered this, but what do you think Tynwald should do as a result of ...? When we report, what you think should be the outcome?

800 **Mr Guest:** Well, I think en masse the Isle of Man Government want to get a backbone and acknowledge what has happened. The Isle of Man Government and the Police Service are only interested in the reputation of the Isle of Man, and this story is not good for the Isle of Man. But it has to be acknowledged and the people who are victims, they have to give recognition to them. At the moment the actions of the Government, the MHKs and the Council of Ministers are showing that they do not care.

The Chairman: Okay. I think that is probably all we need to ask you, John. Again, thank you very much for coming along –

810 **Mr Guest:** Well, I would like to say one more thing.

The Chairman: Yes, please do.

815 **Mr Guest:** The former speaker, you asked her a question about the committee of the Isle of Man Children's Home. The committee of the Isle of Man Children's Home were local businessmen who used to meet once a month in Knottfield. They were local businessmen and I believe that, because of the cunningness and actions of the paedophile who ran the children's home, they had no understanding of what was going on. They only came to the building for about two hours once a month to have their meeting, so I do not believe that they would have had any knowledge of what was going on.

Q41. The Chairman: You do not think they were complicit in it?

825 **Mr Guest:** No, definitely not. I would not have thought so, because of the way he was running the place and they were not there anyway, so I do not think so.

Q42. Ms Edge: Can I just ask you one more question, John? Obviously they had a duty to have you educated. You did attend school –

830 **Mr Guest:** Who had a duty?

Q43. Ms Edge: Well if you were in somebody's care ... Did you attend school?

Mr Guest: Yes.

835

Q44. Ms Edge: Has anybody looked at any of your schooling records with regard to your time within Knottfield?

Mr Guest: No.

840 My son is 10 years of age now, the age I was when I was being abused. He is starting secondary school and when he goes to secondary school I will encourage him, and if he is good

at a subject I would like to ask what he wants to be when he leaves school and I will point him in the direction of what he wants to do.

845 When I was in the children's home I was not driven or helped in any way in my education. My education suffered. I was quite good at maths and quite a bright person at school, but when the paedophile in question came to the children's home my education suffered. All I wanted to do was get away from the children's home and the only way to get away from the children's home was to get away from school. Okay? So my good education, which would have got me a decent job, which would have made me a better citizen, suffered because the Government, under the
850 care of the Government, employed this paedophile in this children's home to ruin my life and others', which ruined my education and my life.

So yes I went to school, and yes I did have to go to school. I skipped off school when I felt like it and I did not go to school when I wanted to, and on leaving school I got a leaver's report which, out of about 200 children ... I got a good leaver's report: six As on my leaver's report.
855 Teachers asked me why am I leaving – 'You shouldn't be leaving, you've got a good education,' – but how could I say to them 'I'm getting away' from what I did? And then, when I left the children's home, I decided when I left the children's home. I got a bag into my room, packed my bag and left, and that was me leaving the children's home. I was getting away from my education; my only escape from the children's home was to leave my education. Okay?

860 **Ms Edge:** Thank you.

Mr Guest: Right.

865 **Q45. The Chairman:** Again, thank you very much for speaking to us privately previously, John, and for coming along today and being honest about such a difficult subject.

Mr Guest: I would like to say one more thing. I see that motion 35 was on the Knottfield Children's Centre, but attached to the main motion was a secondary motion, which was present-day care of children, which is understandable but I would just like to say that it should not have
870 been included in the motion. The main motion was headed the Knottfield Children's Centre and for this to be added and debated by Mrs Beecroft ... If you read the *Hansard*, the majority of her talk was based on modern-day practice. She did not really question or even look into ... She acknowledged Knottfield but the majority of her talk was on modern-day practice, and really
875 that again is defamation against the main motion, which was for the Children's Centre, which I feel should not have been ... It should not be debated here today, modern-day practice. The children's home, Knottfield, is the main reason we are here today and that is the only thing I am interested in talking about and listening to, and that should be a separate motion, not to be including anything else.

880 **Q46. The Chairman:** Okay. We are obviously required to comply with –

Mr Guest: Yes, but for what purpose? I do not know. Just to either dilute it down or make it seem less important, but it should not even be on the same statutory motion as the Knottfield
885 Children's Centre, which was the heading on the motion anyway.

The Chairman: Okay. Thank you very much and we will now move on to our next –

Mr Guest: Well, I hope the politicians of the Isle of Man show respect to the people who
890 suffered and give us the justice we deserve.

The Chairman: I agree. (**Mr Guest:** Okay.) Thank you, John.

The next witness was called at 11.14 a.m.

**EVIDENCE OF
Mrs Kerry Sharpe MLC**

Q47. The Chairman: Our final witness this morning is Mrs Kerry Sharpe, Member of the Legislative Council.

895 For the record, please could you state your name and outline your professional background as it relates to the subject we are talking about today.

Mrs Sharpe: My name is Kerry Sharpe. I am currently a Member of the Legislative Council, but prior to joining the Legislative Council on 12th March 2018 I was writing a book entitled
900 *The History of the Children's Centre*, working title.

Q48. The Chairman: Okay, thank you. Would you like to make any opening remarks?

Mrs Sharpe: Yes, I have prepared a short introduction.

905 In November 2013 I was asked by the then CEO of the Children's Centre, John Knight, to write the book *The History of the Children's Centre*. Over the next two years I met with John Knight and his development manager, Juana Warburton, approximately once a month to discuss the progress of my research and how the material would be presented in the book.

910 We did not sign a contract; we had a verbal contract. We did sign a letter of intent. We decided that I would write the book for free, so long as my expenses incurred during the first year of research for the book were covered by the Children's Centre. We agreed that publishing costs would be covered by the Children's Centre.

I drew up a document for the trustees outlining the structure, style and content of the book, plus an estimate of publishing costs. This was circulated to trustees and I attended a trustees' meeting to answer any questions they had.
915

I gave a short talk to staff members about the history of the organisation. I interviewed staff members *in situ* at the Children's Centre. I was asked to interview the oldest former child, who is 96, in Cirencester. The organisation paid for my flight and hotel.

920 John Knight agreed with the trustees that the Children's Centre would pay half the publishing costs and the other half would be found via donations. In short, I was researching material for a book about the 150-year history of the Children's Centre. The book was to be published and ready to coincide with the anniversary celebrations. It was a collaborative effort.

In January 2015, following a controversial loss on behalf of the Children's Centre of a raft of Government contracts, John Knight and Juana Warburton resigned. Fiona Dawson took over as
925 CEO. For the first 15 months, Ms Dawson actively supported the book. She arrange bi-monthly meetings with me to discuss progress. She encouraged me to meet with staff members to help progress anniversary celebrations, for example. I was asked to attend a meeting with Katie King at the Manx Museum with staff members to discuss a potential exhibition at the Museum which would run in parallel to the launch of the book.

930 From March 2016, for reasons I will explain, it appeared that the Children's Centre began to distance themselves from the book, resulting in a meeting in April 2017 between myself, Fiona Dawson and Andrew Johnston, a former lawyer and trustee who was allegedly representing the will of the trustees, where Andrew Johnston informed me that, I quote, 'The Children's Centre has never wanted a book writing about its history,' and, I quote, 'We would rather sweep under the carpet aspects of our history which we don't like.' Ms Dawson informed
935 me, 'We just can't afford the litigation.' She said that in the UK there were instances where organisations had been successfully sued by descendants of looked after children who had been sent to the colonies, for example. She said that since I had been working on the book – quote – 'people had come crawling out of the woodwork'. She used the example of 10 people who had
940 recently brought about a claim of historical abuse and said that this was all due to my writing the book.

In June 2017, I informed Ms Dawson that I would not be going ahead with publishing the book at the end of July after all. I informed her that I had not yet decided what to do with the material. I informed my interviewees, who were all adamant that I press on with the book. I
945 obtained legal advice. I approached this inquiry and gave written evidence.

I then approached Culture Vannin, who agreed that the book ... I submitted a few sample chapters and what I did was I broadened the aspect of the book to look at the history of looked after children on the Island as a whole over the past 150 years so that the Children's Centre would not feel that they were specifically under the spotlight only. Culture Vannin agreed that
950 the book was of historical value and they presented me with a grant towards publication costs. Chris Thomas MHK, Chair of Culture Vannin, said:

Culture Vannin is delighted to award a grant towards the publishing of Kerry's new book *The Herring Barrel Children* because it represents an important contribution to Manx history, focusing on an area which had previously been under-researched and consequently little understood. The book promises many fascinating and compelling stories which are likely to be of interest to many of us.'

Thank you.

Q49. The Chairman: Thank you.

955 You did get in touch with us last August but since then you have been elected Member of the Legislative Council and you have been appointed Member of the Department of Health and Social Care. Have you taken on any responsibilities in the Department of Health and Social Care to do with looked after children?

960 **Mrs Sharpe:** Not so far.

Q50. The Chairman: And do you see any conflict between your role in the Department of Health and Social Care and your role as an impartial witness in this inquiry?

965 **Mrs Sharpe:** I do not, because my research was carried out before I joined the Legislative Council. I have yet to research the final chapter of the book because I want to see what happens in 2018 first and what the result of this inquiry is, but apart from material which I have gathered through interviewing people, all of my material has come from the public domain, so I see no reason why research on the modern period should not come from information which is in the
970 public domain.

Q51. The Chairman: Okay. Were you shocked or surprised when the trustee, the lawyer you spoke about earlier, said what he said?

975 **Mrs Sharpe:** I was shocked because I thought, 'Why are you lying to me? As an organisation you asked me to write this book about the history.' Of course, since then the CEO changed and members of the trustees changed, but nevertheless the book was ongoing and on the day that John Knight left the Children's Centre he confirmed to me, 'The book will still go ahead.' I felt that the lawyer was lying to me, yes, so I was shocked.

980 I was also shocked at the term that was used – 'people have come crawling out of the woodwork' – because this was exactly what 19th-century language was used when referring to orphans and looked after children. They were referred to as 'street urchins', for example, and 'street Arabs'. They were referred to in dehumanising terms and I felt that this was the impression that I was getting that day from Fiona Dawson and Andrew Johnston.

985

Q52. Ms Edge: Can I just ask: you said that as yet you have not got anything to do with looked after children within your role. Can you state for the record what your role is within DHSC, what responsibilities you have?

990 **Mrs Sharpe:** I have joined the Department of Health and Social Care with special
responsibility for children and families. As yet, the director has been on annual leave, so we have
not actually met to discuss what my role will be specifically. That is as far as we are at the
moment.

995 **Q53. Ms Edge:** And you do not feel there is any conflict with what you are aware of at the
moment?

1000 **Mrs Sharpe:** No, I do not, because I have researched the book so far using information
available at the Manx Museum, which is open to the public, and I would not ever use any
confidential information, for example, as material for my book.

Q54. The Chairman: Okay. So we will go back to Knottfield in context.

1005 Thank you for your paper, which we have, as you know, published on our website. Please
could you briefly talk us through the origins of the place we know as Knottfield and the key
stages in its evolution.

1010 **Mrs Sharpe:** 'The Home', as it was commonly known for over a century, starts its life on
Boxing Day 1868. On this day, Scottish Wesleyan David Russell went out onto the streets
surrounding the North Quay in Douglas and took as many homeless children as he could find
into his own house in James Street. David Russell had been employed as the agent of the
1015 Douglas Town Mission. The Town Mission had asked Russell to identify the key causes of
drunkenness and depravity allegedly so prevalent in the town. What Russell had reported was
that there were vast numbers of homeless children wandering the streets and that what the
town needed most was an industrial school for orphan and destitute children. Only if these
children could be given a sound, moral education and training for work, he believed, could the
town's endless cycle of poverty and crime be broken. From this point, the main stages in the
evolution of the home are as follows.

In 1869, Russell's home moved from James Street to Woodside Terrace, South Quay.

1020 In 1870, overcrowding led to a move to Mountain View, Glencrutchery Road. The home's
official title changed to the Douglas Industrial Home for Destitute Children, then the Manx
Industrial Home for Destitute Children, then the Isle of Man Industrial Home for Orphan and
Destitute Children. However, it was always referred to commonly as 'the Home'.

In 1881, a large donation from an aristocratic miser, Pierre Baume, led to the purchase of
Strathallan Hall, a former boarding school in Onchan, so the home moved to Strathallan Hall.

1025 In 1906, money from Henry Bloom Noble's will allowed for the construction of a purpose-
built children's home on Glencrutchery Road. Noble's trustees also made a £20,000 donation to
the home's endowment fund.

1030 In 1939, the home moved to Lorne House, Castletown, returning to Glencrutchery Road in
1946. The home became referred to by the press as the Children's Home; however, its official
title was still the Isle of Man Industrial Home for Orphan and Destitute Children.

In 1968, the home moved to Woodbourne Road and held its official opening ceremony on
1st January 1969. The manager requested that the home be known as Knottfield.

On 16th April 1971, the home expanded into the adjacent property, Frances Villas, at
numbers 90-92 Woodbourne Road, in order to start a day nursery.

1035 In 1983, the residential arm of the home closed. However – and this is crucial – the charity
still continued to run and the newspapers reported that Mrs Tonks, the nursery nurse, would
keep the nursery running and the chairman of the committee, Mr Bob Dowty, was quoted in the
newspapers as saying, 'The charity is still alive and kicking.'

1040 In 1984, the home's manager began developing before- and after-school clubs. So the
residential arm closed and the nursery continued to run, along with a summer holiday club
which was run by Mrs Peggy Pugh. In 1984, Mrs Peggy Pugh was asked to take over the running

of Knottfield and she began developing before- and after-school clubs, a family centre, camping weekends and a contact centre. The press referred to the home as the Knottfield Centre.

1045 On 10th May 1985, the residential arm of the home reopened. Between 1985 and 2000, the home's name was officially changed to the Isle of Man Children's Centre. In 2000, children in residence moved into small, family-sized houses, although the day nursery and other services continued.

In 2008, the Isle of Man Children's Centre officially changed its name to the Children's Centre. In 2008, both buildings on Woodbourne Road were knocked into one and a large glass front bearing the name 'The Children's Centre' was erected at the front of the building.

1050 In November 2014, the Children's Centre lost its Government contract for residential services.

Q55. The Chairman: Thank you very much for that.

1055 The point I was hoping to get at was that for a long time, including the time we are looking at, the Isle of Man Children's Centre was responsible for this accommodation on behalf of the Government.

Mrs Sharpe: Yes, from the passing of the Children's Act in 1953 the Isle of Man Government took on responsibility for all looked after children in the Isle of Man.

1060

Q56. The Chairman: So do you agree it might be helpful if we were to speak to the Children's Centre so they can let us know their part of the story?

Mrs Sharpe: Yes.

1065

The Chairman: Thank you.

Q57. Ms Edge: In the evidence that you have submitted you also mention the Ramsey children's home. How did this relate to the home in Douglas with regard to the evidence? And there had been lots of other children's homes around the Island you have commented on.

1070

Mrs Sharpe: Well, the Ramsey children's home was always a separate home. I have some notes on the Ramsey children's home. It was actually set up before the Douglas children's home. It had its origins in a Ragged School which was set up in the winter of 1862 by Miss Susanna Gibson, who was daughter of the shipyard owner T C Gibson, and in 1963 a permanent home, Ballacloan, also known as the Ramsey Industrial School, was built by T C Gibson in north Ramsey and run by Miss Gibson.

1075

Q58. The Clerk: Sorry, did you say 1863 or 1963?

1080

Mrs Sharpe: 1863. Miss Gibson, in 1878, applied for affiliation to the Methodist Children's Homes and Orphanages because by this point her father, who had been a main benefactor, had died and she could not afford to run it; she was relying on donations. She applied to the Methodist Children's Homes and Orphanages and so the Ramsey children's home then became part of Methodist Children's Homes and Orphanages, which are now known as the National Children's Homes.

1085

So there was never any connection between the Douglas children's home and the Ramsey children's home.

1090

Q59. The Clerk: Were there a whole lot of Methodist homes in the Island, or was that her trying to make a link with an off-Island ...?

1095 **Mrs Sharpe:** As far as I know. From my research I have not been able to find any other children's homes on the Isle of Man. I know for a fact, through going through the registers since 1868 for the Douglas children's home, that children were routinely sent to the Douglas children's home from all over the Island. This was why they had to keep moving, because they kept running out of room; the more successful they were, the more children were sent to them.

1100 **Q60. The Chairman:** Can I ask you: you said in preparation of your work you had access to the Manx Museum, for example, in terms of ... Were there any records actually available from the Children's Centre which were made available to you to assist in the preparation of the work when you were initially engaged by the previous director?

1105 **Mrs Sharpe:** At the first meeting which I attended with Mr Knight and Mrs Warburton they gave me a folder and they said, 'This is all the information that we've got.' It consisted of a research paper which had been written in 1986 by a Miss D Cringle, entitled 'The Emigration of Manx Children to Canada 1884-1928'; one black and white photograph, which had been published in an Isle of Man newspaper around 1960, depicting children from the children's home in Douglas receiving presents from Father Christmas; a recent public report on the Children's Centre, detailing their ethos and the services that they offered; a business card belonging to a former looked after child from the home, who was in his 70s but was happy to be involved in all the Children's Centre's projects; and a general outline, which Mrs Warburton gave me, which she had used when giving talks about the history of the Children's Centre across the Island. That was all the information that I ever received from the Children's Centre.

1115 **Q61. The Chairman:** Would you have expected there to be more substantial records?

1120 **Mrs Sharpe:** No, because Mr Knight informed me that he and Mrs Warburton had given all the records they could find to the Manx Museum. So I went to the Manx Museum and there are four boxes all clearly labelled 'Children's Centre Archives' – and these are available to the public, but you have to request them.

The Chairman: That is helpful, thank you.

1125 **Q62. The Clerk:** Does that include records involving individual names of people who are still alive?

1130 **Mrs Sharpe:** Well, at the time when I started my research the information was given to me by the curators at the Museum and this included the main register, which started in 1868 and which listed names, and then at the back there are some loose pieces of paper and the names go up to ... I have noted this, but I think it is round about 1980. But I do not know whether, since I started my research, the new management at the Children's Centre have made any arrangements with the Museum. It might be that you have to apply for special permission to access that register; I am not sure.

1135 **Q63. The Chairman:** So, at the time you were able to go and look at these registers, which went up to ... I think you say 1983 in your ... In other words, it does include people who are still alive – and what you were able to read about them was what sort of information?

1140 **Mrs Sharpe:** The only information contained in the register is entry date, exit date, name and date of birth, and then in the 19th century there were some little notes made about some children – for example, 'emigrated to Canada' or a child 'has been placed as a servant' in a certain house. But in later years – and I am trying to think off the top of my head ... Well,

1145 definitely from the 1970s onwards, there is no detail about the children other than entry date, exit date and date of birth.

The Clerk: Right.

1150 **Q64. The Chairman:** One of the witnesses we have spoken to privately said that he wondered what had happened to personal effects – photographs, that kind of thing; whether they would be retained. There was nothing like that retained in what you saw?

1155 **Mrs Sharpe:** No. All I obtained from the Children’s Centre was this one folder which I mentioned to you, and the files at the Museum contain register and book-keeping details; that is it.

Q65. The Clerk: So when you talk about files – sorry, but can we just make it absolutely clear for people listening – did you see files on individuals?

1160 **Mrs Sharpe:** No. When I say ‘files’ – sorry – I mean there are four boxes of information, and I think I detailed in my written evidence what is contained in each box. So there is no detail about individuals, other than name, entry, exit and date of birth.

1165 **Q66. Ms Edge:** Can you just clarify: on the records that you received from the Children’s Centre – the one file that you received – is that information that was in the public domain at that time, or do you think you have received confidential information from them?

1170 **Mrs Sharpe:** Let’s see what was in it. The research paper by Miss D Cringle is not the only copy that is available; I think the Family History Society has a copy, probably. And it was an academic piece of work. I certainly do not see that as a confidential piece of information.

The black and white photograph they gave me had been published in the Isle of Man newspapers, so that was not confidential.

Their public report is available to the public.

1175 The business card from the former looked after child – he had already expressed the fact that he would help the Children’s Centre in any way. He still does help them. There was no reason why they should think they should not give me his details.

And the notes from Mrs Warburton’s talk – she had already given those talks in public.

1180 **Q67. Ms Edge:** Can I ask: has the file gone back to the Children’s Centre, or have you retained it?

Mrs Sharpe: I have retained that as part of my research material.

1185 **Q68. Ms Edge:** Okay, and that was the agreement at the outset? There was no agreement that you had to return any of their information?

Mrs Sharpe: No.

1190 **Ms Edge:** Okay, thanks.

Q69. The Chairman: The Tynwald resolution states that Knottfield closed in 1983. Is that true, that it was in 1983 it closed?

1195 **Mrs Sharpe:** The residential arm of Knottfield closed in 1983 but Knottfield did not close in 1983. As far as I am concerned –

Q70. The Chairman: Okay, so for residential.

Mrs Sharpe: – it did not ever close.

1200 **Q71. Ms Edge:** Did you find any reasons behind why they decided to close the residential
arm?

1205 **Mrs Sharpe:** Well, the official reason given – by Mr Bob Dowty, who was chairman of the
committee at the time, and it was the committee who made the decision to close down the
residential arm, and he is quoted in newspapers of the time – is that numbers of children had
dwindled and there were only three children left, being looked after by Mr and Mrs Marshall.

1210 I believe the reason why the numbers dwindled was that social workers suspected that
sexual abuse was going on and they were purposely not placing children in the home. Yes, there
was a move towards fostering during the 1970s as a preferred option. However, I still do believe
that that is the case, having interviewed one of the main social workers from the 1970s, and this
social worker was the social worker who the first original child reported child sexual abuse to. He
reported it to her prior to going to the Police.

1215 **Q72. The Chairman:** I was called to ask you were any of the social workers still around now,
because we have not spoken to any of them and it might be helpful, if that was what they
suspected, to enquire as to why they did not go any further.

1220 **Mrs Sharpe:** Well, it was not just that it was suspected; the social worker told me she and her
colleagues believed the allegations that the children were making and she told me that meetings
went on between the Police, between Social Services, between Knottfield and the social
workers. There was a whole official line that they had to follow because there had been an
official complaint made to the Police.

1225 She told me that her managers were adamant that social workers had to just carry on as if
nothing had happened because Mr Marshall had not been officially charged, but from what she
told me also I do feel that social workers were purposely not placing children there.

1230 **Q73. The Chairman:** Perhaps it would be helpful for the community, I think, if separate to
today you might ask this social worker if she will be prepared to talk to us, because I think it
would be helpful if we could speak to her. She will have seen our call for evidence, I am sure –

Mrs Sharpe: Yes, she has.

1235 **Q74. The Chairman:** Right, but it would be helpful to us if she does feel able to come and
speak to us, I think.

You have said why it closed at the time. What happened to the children who were there at
the time?

1240 **Mrs Sharpe:** The children were fostered by Mr Marshall, and I want to know how that could
possibly have happened.

1245 The social worker that I mentioned kept a close eye on the children and she said that one of
the children, who had a severe disability and was not able to speak, her behaviour deteriorated
quite rapidly. Social workers visited and brought with them anatomical dolls, and the social
worker said she was sure that the child was being sexually abused. The child became quite
excited when they produced the anatomical dolls but was unable to say anything, and the social
worker told me that she made the decision that that child had to be moved.

Q75. Ms Edge: And do you know if that did happen?

1250 **Mrs Sharpe:** I do not know because I do not have any access to these records, but I presume that the child must have been moved. But obviously there were other children who had been fostered by the Marshalls.

1255 **Q76. The Chairman:** Just for the record, some of the former residents have expressed concern that you may have been given access to their personal information when they have not. That is not the case?

Mrs Sharpe: No.

1260 **Q77. The Chairman:** And I asked about the photographs.
The Children's Centre told us when you discussed your manuscript with them in 2017 they did not wish to be associated with it in its current form because of the possible identification and adverse impact on individuals mentioned, their families and others who may suffer emotional distress from some of the content or personal views expressed. Is that how you saw it?

1265 **Mrs Sharpe:** No, I did not, because the reason I submitted the first draft of the book to them in 2017 was that they had already distanced themselves from me and suddenly there was no response coming back. I decided that I would submit the first draft to them as it was in order for them to see exactly what material we were talking about. It was only for the eyes of Fiona Dawson and Andrew Johnston.

1270 I explained to them clearly it was a first draft and, as such, it contained all possible information which could go into the book. Not all that information would be going into the final version at all; it was a first draft. I used initials appertaining to interviewees in the knowledge that Fiona Dawson and Andrew Johnston probably would know who those individuals were because they worked at the Children's Centre, but it did not matter – it was for their eyes only; that was not what was going out to the public at all.

1275 So I found the fact that they were supposedly worried that people were being identified when they did not want to be identified was just not a valid argument. Also, the interviewees I had spoken to – I was surprised, actually, but they all wanted to be named in the book. Every time I interviewed someone I said, 'You know you don't have to be identified; we can use initials, we can use false initials,' but they all wanted to use their real names.

1280 **Q78. The Chairman:** In the paper you sent us you said you had a conversation with one staff member who told you about staff being told to withdraw their interviews for the book and staff being told to destroy data. Can you tell us more about that?

1285 **Mrs Sharpe:** Yes, I can. On 6th April 2017, one member of staff I had interviewed for the book e-mailed me saying:

It has recently been brought to my attention that you have requested information in connection to me to support your book *The History of the Children's Centre*, working title. I cannot stress strongly enough that I do not and have never given you or anyone else permission to use my name or any information referring to the Children's Centre. With this in mind, I insist any references are removed.

1290 I was quite surprised to receive that because I knew that Mr Knight had e-mailed all staff at the Children's Centre and asked them to comply with me if I wanted to interview them and I had interviewed a vast number of staff *in situ* at the Children's Centre. And one of the purposes of the book was to inform the public what the Children's Centre did – that was the point. So I was surprised at that.

1295 Then I received a letter from Mrs Pugh, dated April 2017, saying that she had not realised that the book would include 'thoughts of former residents and also of other staff'. So she informed me in the letter that she wanted her interview removed.

1300 I met, by chance, a woman who had acted as a conduit between myself and a former looked after child who was now living in the UK and she asked me if the book was still going ahead. I said yes and she said, 'Oh, well, I'm surprised because the former child has been phoned up by someone from the Children's Centre asking them why they gave you an interview and why they were taking part in this book at all,' and they had left the former child quite upset about it, but whoever it was who had called from the Children's Centre had said, 'It doesn't matter because the book isn't going ahead anyway.' This came as a surprise to me.

1305 I called all of my interviewees to inform them that the book was not going to be published in July 2017 and I spoke to one interviewee who said, 'Well, we were all asked to withdraw our interviews from you, but I didn't withdraw mine,' he said, 'because I sought legal advice and I was told that I did not have to do this.' But he did say, 'We were all called into a meeting and we were asked to withdraw our interviews.'

1310 **Q79. Mrs Edge:** I am trying to get it clear in my heard because I think I have heard a few conflicts there in that you have said you did not have individual names but you felt that the Children's Centre did not want you to go ahead with things because you might have had names.

When you have done your research and you have met with staff, no individual names of children who were in there have ever been discussed with you?

1315 **Mrs Sharpe:** You are talking about staff now that are dealing with children?

1320 **Q80. Mrs Edge:** No, when you have done your interviews with all these people with regard to your book and you have talked about them trying to send an e-mail round saying they do not have to speak to you. You had already spoken to a number of them. Were there ever any names mentioned?

1325 **Mrs Sharpe:** Well, for example, when I was interviewing, say, the person who runs Thriving Families, which was a project the Children's Centre was running – it was an early intervention project – I was talking to that person about how does Thriving Families work and I did ask her if I could interview someone from Thriving Families so that I would have a real-life example to use in the book to show what a fantastic intervention it is. So, together with the person that runs Thriving Families, I did meet a recipient of Thriving Families and I asked her how she would like to be referred to in the book, and she just said she would be quite happy being referred to by her first name.

1330 But in general I was dealing with the whole history of 150 years. I was not dealing necessarily with individuals, other than people I interviewed personally. So it is not as if I was interviewing staff members and they were reeling off lists of former looked after children or looked after children. That was not the point of the book. The book was about how the history of the Children's Centre had evolved as an organisation.

1335 **Q81. Ms Edge:** But you did speak to a social worker, who gave you, it sounds like, quite a lot of detail? But hopefully we will get the opportunity to hear that.

1340 **Mrs Sharpe:** She did give me a lot of detail, yes, but you are in this situation whereby individuals may be referred to ... For example, with this social worker, I am respectful of confidentiality, so anything which has been told to me by an interviewee ... I have not spoken with anyone else and I certainly would not put it into a book without express permission of that person.

1345 All of my interviewees, I feel, trust me. They trusted me. I said to all of them, 'When I finish my final draft of the book I will bring the chapter to you that you appear in and I will read you the chapter and then you can tell me whether you're happy with that, and whether you want to be named or not named – it's up to you.'

1350 **Q82. Ms Edge:** When you talked about your first draft, which was solely for the purposes of the Children's Centre, you did say there was a lot of extra data in there that would not have been used in your book.

Mrs Sharpe: That is right, yes.

1355 **Q83. Ms Edge:** So have you retracted that from the Children's Centre now and you are the only person who holds that?

Mrs Sharpe: Yes. They certainly did not keep it, no; it is in my possession.

1360 **Q84. The Chairman:** The Children's Centre said to us in their submission that you told them in June 2017 you had taken legal advice and decided not to go ahead with publishing the book. Do you see that as a correct statement of what you said to them in June 2017?

Mrs Sharpe: On 16th June 2017, I sent an e-mail to Ms Dawson saying:

I have decided not to go ahead with publishing the book at the end of July.

1365 She asked, on 16th June 2017:

Do you intend to publish an alternative version at a later date?

On 23rd June, I replied:

To answer your question, obviously I have researched and collated a lot of material which is of historical interest and I do not want to consign it to the waste bin. However, I have not yet made a decision on how best to present that material.

1370 **Q85. The Clerk:** While you are thinking about it, just another question about the process of commissioning the book. The conviction of the former head of the Knottfield Children's Home in 1992 was reported in the *Manx Independent* on 22nd December 1992. Was it in 2013 or 2014 you made contact with John Knight?

Mrs Sharpe: In 2013.

1375 **Q86. The Clerk:** In 2013, so that is some 21 years after the report appeared in the newspaper. Did John Knight know about the abuse?

1380 **Mrs Sharpe:** He told me that after he had had his interview in the Isle of Man for the job of CEO and then returned to the UK to wait to hear whether he had got the job or been offered the job, he received an anonymous letter in the post – well, he said it was anonymous but he felt it was from one of the trustees that had interviewed him – saying, 'Just so you know what you're getting into,' and contained in the envelope was a cutting from the newspaper outlining what had happened to Mr Marshall and how he had been imprisoned. Mr Knight never found out who sent him that.

1385 **Q87. The Clerk:** Can you say a bit more about the genesis of the idea of a 150-year celebration? Was there any particular reason why they felt like doing it that way, by means of having a history book?

1390 **Mrs Sharpe:** Well, Mr Knight had read a book written by Anna Magnusson called *The Quarriers Story*, which is a history of the Quarriers children's homes in Scotland, and when I met Mr Knight he said that he had been looking for someone to write a book similar to that about the history of the Children's Centre because in general people believed the Children's Centre to just be a nursery on Woodbourne Road; they did not realise that it had this very rich history.

1395

Q88. The Clerk: Does the Scottish book refer to historical abuse at all?

Mrs Sharpe: It does refer to abuse having taken place at the Scottish children's homes; yes, it does refer to that.

1400

Q89. The Clerk: So do you think John Knight knew that one of the possible consequences of commissioning the book was to lift the lid on historical abuse?

1405 **Mrs Sharpe:** He absolutely knew that, because that was one of the main topics that I brought up at our monthly meetings. We discussed how would we approach the material from the 1970s because it would be very sensitive, and we talked a lot about how would people want to be named, could people be identified, what would be the effect on the Children's Centre of publishing the stories of what happened in the 1970s. John Knight said very clearly the Children's Centre must be big enough and brave enough to hold up its hands and say, 'We made mistakes. We are not the same people working now that we were in the 1970s, but as an organisation we had responsibility to look after these children and we failed.' He was always very open about that and very certain that the abuse that happened in the 1970s should definitely be part of the book.

1410

1415 **Q90. The Clerk:** I think we have had John Knight before this Committee when he was in post, and I guess we could ask him this question but can you remember anything about his professional background before he was in the Isle of Man?

1420 **Mrs Sharpe:** Before he joined the Children's Centre he was working in the north east of England for an organisation that dealt with children who I think may have been excluded from school, but I cannot say off the top of my head right now exactly what his job was.

The Clerk: Okay, thanks.

1425 **Q91. Ms Edge:** Can I just follow up: you said you were not going to be publishing the book in July 2017, but then afterwards you talked about ... that you had broadened the title of the book and you had had a grant from Culture Vannin, from Minister Thomas. So you are still considering publishing something and you have had a grant from Culture Vannin to do that?

1430 **Mrs Sharpe:** Yes. Obviously the Children's Centre had withdrawn themselves from the book entitled *The History of the Children's Centre*. It was clear that they no longer wanted to be involved with that book at all, so I had to ask myself do I just put this research aside and let down my interviewees, who were all very adamant that they wanted their stories to be heard, or do I press on and try to get it published in some other way, and the most obvious way seemed to be to broaden out the remit of the book and make it a general history of looked after children in the Isle of Man. Although the history of the Children's Centre would play a big role in that,

1435

because it was always the main children's home, through broadening it out I could then go and seek funding for publication from various bodies – for example, Culture Vannin.

1440 **Q92. Ms Edge:** So can I ask what date you received that grant and do you think it is still appropriate if you have got the role of Children and Families within the Department of Health and Social Care?

1445 **Mrs Sharpe:** I received the grant just before Christmas 2017 and I have two years to use that grant. I do not see a conflict because ... Why would there be a conflict? The only reason I can see that there would be a conflict would be if I were to use confidential information which I was only party to through being the Member for Children and Families. But I would not do that. I would only continue in the same vein as I have done throughout the rest of the book, which is taking information which is in the public domain.

1450 **Q93. Ms Edge:** We will be hearing from the Chief Constable and the Attorney General later this month. Anything you think we should be asking them?

1455 **Mrs Sharpe:** Yes! I think that the public deserves a better understanding of how the Police deal with documentation, for example, in relation to child sexual abuse. I know that the 1970s were a different time, but the records appertaining to the allegations which children made in the 1970s, as far as I know, are not in the possession of the Police. I know it was a different time but I think the public deserves an explanation for why those records are not available. The Chief Constable referred in his evidence to the fact that there were records from the 1992 inquiry on behalf of Isle of Man Constabulary but that the Constabulary routinely destroys material at set periods. I would just like confirmation on how documents are kept now and for how long they are kept.

1460 I would like to know that there has been a thorough investigation into whether there was a paedophile ring in operation on the Isle of Man during the 1970s. Clearly the manager of the children's home was sexually abusing the children. We now know that the vicar of St Ninian's, who the children went to on a Sunday from the children's home, has been convicted for child abuse. We saw in the Isle of Man newspapers recently that a headmaster at Murray's Road School ... I cannot remember the details, but the newspaper article I read connected the headmaster of Murray's Road School with child sexual abuse and the children at the Children's Centre were sent to Murray's Road School. So you have got a vicar, you have got a manager of a children's home and you have got a headmaster: how many other people were involved with abusing children during the 1970s?

1465 We know – well, I know from having spoken to interviewees who were at the children's home in the 1970s – that children were abused when they went on holiday to the UK under Mr Marshall, so did this extend out into a UK-wide ring?

1470 I would like to know whether anyone has talked to members of the committee from the 1970s and 1980s and what their explanation was for closing down the residential unit at Knottfield, because for the first time in 114 years they decided not to have a residential unit and it was very soon obvious that there was a need for a residential unit, because that is why it reopened. But if you look at the newspapers at the time, one of the reasons given was that there was a need for a residential unit because at times parents liked to go on holiday without their children and that is the only reason why the Isle of Man might need a residential unit. It was so obvious – it is obvious now, looking back and reading that in the newspapers from the 1980s – that there was a reluctance to admit that there was a need even for looked after children at the time and there was a definite sweeping under the carpet of ... well, of the whole thing, of the abuse, of ... yes.

1485

Q94. The Chairman: Sadly, we will not be able to interview Mr Dowty, but do you have the names of the other people who were on the committee at that time?

1490

Mrs Sharpe: Not in front of me, although they are available in the records.

The Chairman: Okay, if you have it in your files, if you could forward the other names, then we can obviously look at as well.

1495

What do you think the Committee should recommend to Tynwald?

Mrs Sharpe: I think the Committee should recommend that further investigations need to be made into child sexual abuse of looked after children in the Isle of Man prior to the 1970s and really that this inquiry should stay open further, because I know that there are more people out there who were abused during the 1970s, who for many reasons have not come forward. But perhaps now that these people have come forward there might be more.

1500

Also, there was abuse occurring, according to my interviewees, after the 1970s in the Isle of Man, not necessarily at the Children's Centre. But how do all these things connect up? We do not know yet and we do not know, the children who were being abused in the 1980s, whether their perpetrators were connected to those that were abusing during the 1970s. So I think that there has to be an opportunity for people to come forward pre-1970s as well as 1970s and post-1970s.

1505

I think that there has to be a clear message coming through from Tynwald that Tynwald acknowledges that the Isle of Man Government was responsible for looked after children from 1953 and that, even though we are talking about a different era, the children that were abused deserve at the very least an official apology on behalf of the Isle of Man Government.

1510

I would like to see at statutory level something put in place whereby looked after children can always know that there is someone to talk to within Government, there is someone they can go to in order to access any services they might need, whether it is counselling or whether it is psychological services, because as adults looked after children continue to carry inside of them that looked after child forever.

1515

My interviewees have told me about the day that they left the children's home with a carrier bag. That is all they had – all their possessions in a carrier bag – and they went out into the world and they had no one. They knew there was nobody who was going to look out for them, there was no one who was going to support them in that role of parent for the rest of their lives. That has a huge effect on that person, on how that person develops relationships in the future and on how that person relates to their own children.

1520

I have seen, through my research, that in the Isle of Man we are still looking after the same families that we have been looking after for generations because that cycle has not been broken, because those children, once they leave care, are not receiving the support that they need in order to go forward into their adult lives.

1525

Q95. Ms Edge: I am just interested ... Obviously you have stated that you have been elected as an MLC since you have decided to continue with the book. Have you got a date you are planning to publish that?

1530

Mrs Sharpe: I do not have a date as yet, because I have not been working on the book since I became an MLC, but I will have to find some time over the next two years to complete the book. But the main body of work is there already.

1535

Q96. The Chairman: Anything else you would like to say?

Mrs Sharpe: Yes, there is one thing. In relation to the committee during the 1970s, as I said, I would like, if possible, for members of the committee who are still remaining to be talked to about whether they suspected that abuse was going on.

1540

One thing that has always bugged me is in the 1976 annual report Mr Marshall, when talking about how he had moved his sleeping quarters from one of the houses on Woodbourne Road into the other – the other being the house that the children slept in – does refer in the report to:

The unforeseen ban on the use of our attics in Knottfield after nine months has made our own personal accommodation rather less than satisfactory.

1545 So for a while he was banned from using the attic, and the fact that he used the term ‘ban’
and the fact that when you look back he was very open about what he was doing in front of the
committee – it was almost like, when you look back, he was parading his behaviour in front of
everyone. The fact that he uses the term ‘ban’ suggests to me that someone in authority had
told him, ‘You’re not sleeping in the attic anymore,’ because possibly they knew what was going
on: they knew that he was abusing children in the attic. I just feel that people knew what was
1550 going on but nothing was ever said and nothing was ever done.

Q97. The Clerk: When you say he was parading what he was doing in front of people, what do you mean?

1555 **Mrs Sharpe:** Well, for example, he was always very profuse in meetings thanking everyone
for their support, so whenever he did something which with hindsight was part of his grooming
process ... For example, he immediately increased wages, increased the children’s pocket money
allowance, bought a television, a radio, all kinds of luxury items that managers of the home had
never bought before, but he bought them all at once. And he would always say, ‘And thank you
1560 to the committee for supporting me and what I’m doing; thank you to the committee for
supporting my decision to move our annual holidays from Butlin’s’ – which had been a very
public way of having a holiday with children – ‘to self-catering accommodation.’ He would say,
‘We had a wonderful time in our self-catering accommodation this summer – we were the only
people in the building.’ He was very open about –

1565

Q98. The Clerk: So this was in the minutes of the committee meetings?

Mrs Sharpe: Yes, about thanking the committee for being behind the decisions that he was
making, which with hindsight I think were part of a whole grooming process. He was always very
1570 public about thanking the committee for their support in allowing him to do these things. For
example, when he moved into the attic he profusely thanked them and even when he says that
he has had an unforeseen ban on the use of the attic, there were:

other difficulties of a more personal nature

– which were caused by his not being able to use the attic –

but the overwhelming feeling I have is one of continued support and confidence, for which I wish to thank you,
Mr Chairman and members of the committee.

So, yes, I just feel that he was open in displaying what he was doing, really.

1575

The Chairman: Okay, I think you have come to the end of your contribution for today,
anyway. Thank you very much for all the work that you have put into your presentation and for
the research, which is obviously going to greatly assist the work of the Committee.

That will bring the public session of the Committee to a close for today. Thank you.

1580

Mrs Sharpe: Thank you.

The Committee sat in private at 12.21 p.m.

18th May 2018

**Evidence of Mr Gary Roberts, Chief
Constable**



**STANDING COMMITTEE
OF
TYNWALD COURT
OFFICIAL REPORT**

**RECORTYS OIKOIL
BING VEAYN TINVAAL**

**PROCEEDINGS
DAALTYN**

**SOCIAL AFFAIRS
POLICY REVIEW COMMITTEE**

Historical Child Abuse

HANSARD

Douglas, Friday, 18th May 2018

PP2018/0097

SAPRC-HCA, No. 2/2017-18

All published Official Reports can be found on the Tynwald website:

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Members Present:

Chairman: Mr D C Cretney MLC
Ms J M Edge MHK

Clerk:
Mr J D C King

Contents

Procedural.....	37
EVIDENCE OF Mr Gary Roberts, Chief Constable.....	37
<i>The Committee adjourned at 12.53 p.m.</i>	60

Standing Committee of Tynwald on Social Affairs Policy Review

Historical Child Abuse

*The Committee sat in public at 11.30 a.m.
in the Legislative Council Chamber,
Legislative Buildings, Douglas*

[MR CRETNEY *in the Chair*]

Procedural

The Chairman (Mr Cretney): Welcome to this public meeting of the Social Affairs Policy Review Committee, which is a Standing Committee of Tynwald. I am David Cretney MLC and I chair this Committee. With me is Julie Edge MHK.

The third member of the Committee is Martyn Perkins MHK. He is not taking part in this inquiry, for reasons which I explained to Tynwald in December 2017.

Could we please ensure that mobile phones are off or on silent so we do not have any interruptions, and for the purposes of *Hansard* I will be ensuring we do not have two people speaking at once.

The Social Affairs Policy Review Committee is one of four Standing Committees of Tynwald Court which scrutinise different areas of Government. We have three Departments to cover: the Department of Home Affairs, Department of Education, Sport and Culture and the Department of Health and Social Care.

It was resolved on 18th July 2017: 'That Tynwald notes with concern reports of historical child abuse at the former Knottfield Children's Home, which closed in 1983, and refers the matter to the Social Affairs Policy Review Committee to report by December 2017; and further instructs the Committee to investigate the adequacy of current procedures to protect from abuse children in care (looked after children) in the Isle of Man and to report in March 2018.'

This morning we are going to hear from the Chief Constable – welcome.

EVIDENCE OF Mr Gary Roberts, Chief Constable

Q99. The Chairman: For the record, perhaps you could state your name and role and how long you have been in that role.

Mr Roberts: My name is Gary Roberts, I am the Chief Constable of the Isle of Man Constabulary. I was appointed on 1st January 2013. Prior to that I had been the Deputy Chief Constable for five years.

Q100. The Chairman: And how long have you been an officer with the ... ?

Mr Roberts: I have been 34 years a police officer.

30 **Q101. The Chairman:** Thank you.

Thank you for your submission which we published on the Tynwald website. Would you like to make any opening statement?

35 **Mr Roberts:** Yes, and before I do make an opening statement – I intend to make quite a lengthy one – what I will say is this has been too long coming. Although it is not a pleasure to be here today, I am glad that I am here today and it is important that I am here today.

I think in modern life one of the words that it is most overused is ‘unprecedented’. If a football team does well, people say its success is unprecedented. Some of the things I am going to say today are unprecedented in terms of coming from the post-holder that I am; coming from
40 a place where I am carefully and advisedly applying hindsight to things; and coming from a place also where I make statements that are in some ways in language that you would not expect from a Chief Constable.

And, just for the record, I think it is important to say that I have shared with you this opening address to aid you in your work because it is lengthy and it will take me quite some time to read
45 it.

The Chairman: Thank you.

50 **Mr Roberts:** Mr Chairman, it had not been my intention to make an opening statement. I held the view that my written submission to the Committee, my oral evidence and the chance to answer questions from you and your colleagues would be sufficient to make clear my personal views and the position of the Constabulary. However, I now believe that that approach would have been wrong. It would have risked understating the importance that I attach to this hearing and to the strength of my personal and professional feelings.

55 There is a danger in applying hindsight to matters as appalling and emotive as the sexual and physical abuse of children. As perfect as hindsight is, professionals such as me have to be careful not to stray from our ordinary operating environment, which is based on facts and proof beyond all reasonable doubt, to a world where we can speculate, draw inferences and indulge in conjecture.

60 However, the issues that this Committee is investigating are so serious and have been so appallingly damaging to so many people, that I feel it would be a dereliction of my duty if I were not to apply some degree of hindsight.

65 Based on what I can see, Joseph Henry Marshall ran the Knottfield Children’s Home for his own sexually perverted pleasure. Survivors of the abuse that he inflicted gave consistently chilling accounts of the abuse and how and when it was carried out that suggest – on the balance of probabilities – that those who should have been charged with overseeing his work either knew he was abusing children and helped protect him, or they turned a blind eye to what he was doing; or they simply failed to see what ought to have been obvious. It was almost as if he were offending in plain sight.

70 Whatever the truth, many children in his care were systematically and callously abused by him over a period of several years. Abuse can ruin the life of a victim. The actions of Marshall may well have ruined the life of some of the young people who were in his care.

It is because of this abuse and the failure of those in positions of responsibility and power to see what was going on and stop it that we are here today.

75 We live in an era when professionals are required to report to the authorities knowledge or suspicion of money laundering. There is no such requirement in terms of the abuse of children.

I have read the transcript of Mr John Guest’s evidence, where he criticised my written submission. He felt that I was somehow seeking to blame the young people, when I described

80 them as having mental health problems, or drink and drug addictions, or that they committed crime. Nothing could be further from the truth.

The point that I was perhaps clumsily attempting to make was this: whatever happened to them in their lives was seemingly an inevitable, understandable and appalling consequence of what Marshall did to them. Nothing more, nothing less.

85 This has been my strongly held belief since I first spent time with a victim in 1992. The many, many hours that I spent with him, hearing his somehow detached and clear account of everything that Marshall had inflicted upon him, of the impact it had had at the time and the devastating effect it had continued to have on him haunted me for many years. I still think about it. If I allow myself, I can find myself back in the interview room with him.

90 That young man – and I am sure many others – should have been absolutely safe as he was in the care of the state. The person charged with protecting him instead used him for his own perverted pleasure. This simple truth cannot be denied.

95 For over a decade I have spoken to every new recruit to the Constabulary and used the story of that young man to illustrate the catastrophic effect that abuse can have on decent young people. I do this to stress to them the need to understand that, behind everyone in need or in crisis, there is a back story, which is often a traumatic one.

I believe that it is safe to say that an opportunity to stop Marshall was presented in the late 1970s. I cannot say precisely what the Constabulary did or did not do. I was not a police officer then and there are no files to be found.

100 If I just go off script at this point, in your previous hearing Mr John Guest mentioned what appeared to be a contradiction in the written submission I provided where I said the files could not be found, and that has been conflated with the Knottfield files. At this point, I am only talking about the Constabulary's own investigative file, not the Knottfield files.

105 Whatever files may have existed before 1992 had been destroyed by the time of that investigation. However, the report on the 1992 investigation makes a number of references to what had apparently happened in the 1970s. These references were based on work that was undertaken in 1992, including the interviewing of professionals from social services and education.

110 The report on the 1992 investigation makes clear that the single 1970s complainant, a young man, alleged sexual abuse against him by Marshall. It is impossible to determine what happened, except that Marshall denied the allegations and, as the report explains, he was given the support of the then Director of Education, Alun Davies, who has long been deceased. This support meant that Marshall remained in charge of Knottfield for several more years, during which time he sexually assaulted other boys. It also meant that he remained a foster parent. In this capacity it is highly likely that he abused another boy. The 1992 investigation report contains the damning view that everyone around Marshall and Knottfield treated the matter as that of a naughty boy, who was attempting to cause trouble.

120 This is a point at which I have to be careful: society was different then, police training and techniques were different, the belief attached to young people who complain was different; but different or not, this must have been an opportunity to stop Marshall. The way that the young victim was treated was, by any measure, terrible.

125 At this distance – and in the absence of contemporary records – I cannot tell you what part the Police would have played in protecting young people in the light of the allegations. I suspect that it would have been fundamentally different than it would be now in such circumstances. However, I need to be very clear here: I am sorry that this opportunity to stop Marshall was not taken and I am sorry that the Constabulary was one of the public services that failed either to see or to take the opportunity.

130 The absence of files from 1979 presents a problem. I do not see why the file had gone by 1992, but gone it had. The first Isle of Man Constabulary policy on the retention of records was written in 1987. At the conclusion of the 1992 inquiry, I wrote to the Chief Constable of the time asking for files in respect of alleged sexual and child abuse to be retained indefinitely.

135 Since the Bichard inquiry into the sharing of information between police forces, which arose from the murders in Cambridgeshire of Holly Wells and Jessica Chapman and which reported in 2004, the Constabulary has had a records retention policy that largely mirrors that found in England and Wales. The policy is modern and fit for purpose. It is subject to regular and frequent review.

140 Nowadays, even an investigation that does not lead to a prosecution will inevitably cause action to be taken to safeguard young people. As I have said, I do not know what the regime for safeguarding was like in the 1970s; but I strongly suspect that it was primitive, was not focused on the needs of the child and would not have operated in such a way that, even if a prosecution had not been undertaken, making sure the children involved were safe would have been a consideration. My clear recollection of what the victims in the 1992 investigation told me is that any child who reported abuse was seen to be the problem; seen to be a troublemaker; seen to be lying. This may have been a common societal attitude, but it is no less scandalous for that. This attitude must have made it easy for offenders to lie or prevaricate their way out of trouble.

145 When a complaint was made in 1992 things had moved on. It must be stressed that the 1992 investigation was important. The victim who came forward was an adult survivor. He was serving a very long prison sentence. He did not trust the Police. Yet, because of the care of people around him, he was able to develop that trust. He was the first adult survivor here, in this jurisdiction, to come forward to disclose sexual abuse when he was a child.

150 It is also important not to overlook the fact that Marshall was arrested, interviewed, charged, convicted and imprisoned for those offences and for similar offences against two other boys, who had been abused while resident at Knottfield. At that time it was believed that his was the first conviction for this type of offending on a non-recent basis in the British Isles. This was a significant achievement, but not one that was celebrated by any of us involved in the case. I believed at that time – as I have continued to do – that Marshall had abused very many children, but he was as difficult an offender to deal with as he was a danger to young people.

155 I was present when the late Deemster Callow sentenced Marshall to a term of imprisonment. The inadequacy of the sentence was caused by the state of our laws; the revulsion clearly felt by the Deemster was obvious.

160 The 1992 investigation was good for its time, given the state of societal and police awareness of abuse of this kind. It was good considering the absence at the time of specialist training and it was good because it stopped Marshall from offending in a care environment. However, it clearly was less than adequate for the ongoing support needed by the victims, including those who did not complain. I am not excusing this, but I would remind you that nothing of this kind – the reporting of non-recent abuse by an adult survivor – had happened here before.

165 It is important that there is proper recognition of the 1992 investigation: clearly and for the first time, victims were believed and, just as importantly, Marshall was sent to prison.

170 Subsequent investigations were better as techniques improved and as awareness increased; but they were not perfect and they were perhaps not good enough in terms of how they helped victims obtain the support that they needed. Sadly they did not lead to prosecutions. I am sure that the Attorney General will be able to articulate the enormous difficulties that prosecutors face when trying to obtain convictions decades after an event that, by its very nature, had happened out of the sight of others.

175 The most recent investigation did the most to help victims. In some ways this is one of the most complex areas for the Committee to consider. The help and support that victims and survivors of abuse will need will necessarily vary from person to person. There may be some who need no support from the state; there may be others who need access to counselling services or to the care given by general practitioners, while there are others who may need long-term support from the Mental Health Service.

180 All of this said, the role of the Police in terms of supporting victims is not clear and is certainly not understood. Even today, the National Police Chiefs' Council in the United Kingdom is yet to

decide how the Police should approach victims. Do we believe them or not? Do we offer them support, or is that someone else's job?

185 What is clear is that victims, especially people abused in the way that Marshall abused his victims, need the best possible support. However, the Police are not trained or resourced to do this. Indeed, it is not our role. The best we can do is help direct victims to places where they can get help. This is only effective, though, if those services themselves are adequately resourced to meet demand.

190 As recently as yesterday I discussed the type of support that should be given to those reporting sexual abuse with senior partners in the Mental Health Service. They confirmed what I have said: the role of the Police in these circumstances should never go beyond directing victims and survivors to other services. How we do that has not always been consistent.

195 I have appeared before this Committee twice in the last 11 months to discuss mental health issues. You know the admiration that I have for the senior leaders of that service and how I believe that the service is heading in the right direction. However, for the 'signposting', if I can call it that, to work properly, services need to be properly resourced.

200 The issue of whether to believe victims is also critically important. I absolutely and totally believe the people you have heard from. I believe the victims of abuse at Knottfield. I have always done so. That has been the position held by every officer involved in investigating these matters since 1992.

My officers now effectively work on this basis: we will begin by believing an account given to us. We will probe it and seek to find evidence that may support it or otherwise, but we will continue to believe it unless and until proof is found that the account is wrong. This is really important. The starting point is and always will be to believe.

205 The Police then have fine line to walk. We have a duty to the court and to justice, which means that we have to gather evidence that may support the account of a victim, or may benefit the defendant. What this means is that our interviews with victims have to be about gathering evidence that is useable in court. They cannot have the therapeutic role that the Committee touched upon in its earliest sessions. To run the interviews along those lines would risk the integrity of the investigative and prosecution process. This may sound callous, but it is a fact of our criminal justice system.

Nothing I have said means that police officers investigating child abuse do not care. Indeed, they care deeply and are passionate about getting justice for victims of abuse. Often they are badly affected by what they encounter in their work.

215 The Committee has heard submissions that, effectively, detail an inequality of arms between the authorities, such as the Police, and victims. I can understand why people would think that this is the case and I wonder whether the Committee's remit will allow it to consider the value of a victims' commissioner. Our justice system lags behind others in terms of how victims are supported and how their interests are protected. This is not a role for the Police and there is a gap in the system.

220 I have made changes to how we investigate serious sexual assault allegations. Until fairly recently, our whole approach was about simply seeking a conviction. If a victim did not wish to go to court, then we would do little or nothing. Now we try to do what the victim wants: this may involve taking evidence, taking forensic samples and the like, but not doing anything until the victim is ready. This is a big shift and an important one.

225 It must be noted, though, that when an investigation is complete the Police report to the Attorney General. It is for him, not us, to decide what will follow. Under the terms of a mutual agreement, I am obliged to follow his legal advice.

230 Returning now more specifically to Knottfield: we will continue to investigate allegations of abuse. It is nonsense to suggest that we have no interest in seeking justice. We have an absolute duty under statute and common law to investigate offences, but rightly there is a complete separation of powers so that we do not decide what happens at the conclusion of an investigation.

235 I have seen the comments of Ms Sharpe MLC. I cannot say whether there was a conspiracy in
place in the 1960s and 1970s. However, my training as a senior detective taught me that there
are no such things as coincidences in criminal matters. People who have sexual feelings for
children will always target their activities so that they are close to children; often they find ways
of working with them. These people will somehow associate with each other. They will not stop
the evil things that they do by choice: they have to *be* stopped.

240 The second part of the Committee's remit is critical in terms of this particular issue. I do not
think it necessary to make this address even longer, so I will not offer a commentary on current
safeguarding arrangements. However, I am a member of the Safeguarding Children Board and in
this capacity I have a duty to ensure that those arrangements are effective. I will be happy to
answer questions from the Committee about those arrangements.

245 It is clear that Marshall was a dangerous predatory paedophile offender; his friend, the
Reverend Graham Gregory, was another such offender. Both men were imprisoned here for
offences against children who were under their care or control. Indeed Gregory was also
imprisoned elsewhere. Gregory had links, through Marshall, to the children who resided in the
home.

250 The post-1970s investigations did not focus on conspiracies involving several offenders, but
had evidence been found of any such thing, then appropriate steps would have been taken.

I mentioned hindsight when I first began this address. Hindsight tells us that there were
several people holding positions, which gave them control of vulnerable children, or which
allowed them access to such children. Hindsight also tells us that they went on to abuse
255 children. Hindsight does not tell us whether there was an actual criminal conspiracy. It is now
difficult to imagine how evidence of such a conspiracy could be secured, beyond obtaining
admissions from offenders. The attitude of both of the men I have mentioned rules this out.

Turning now to data: I have provided the Committee with data showing the reporting,
investigation and prosecution of non-recent sexual offences over the last five years. I am happy
260 for this data to be published by the Committee. The Constabulary generates a lot of
management information on a routine basis, but I commissioned this work to help the
Committee. The data is complex, but it tends to show that obtaining convictions at court can be
done, but is by no means easy. It is very difficult to deliver justice to those who most need it
when a lot of time has elapsed. The nature of our judicial processes and the criminal standard of
265 proof are significant, but unavoidable factors.

The data contains evidence of what I described earlier: we will take reports, record them
properly, even go on to gather evidence, but do nothing else because that is what the victims
want. In the past this would not have been recorded in our data. What we do now has to be in
the interests of victims.

270 There has been considerable focus on files relating to residents of Knottfield. The handling of
the files by the most recent owners of the property has been such that people will suspect that
something sinister has been done. I am not sure that this is the case.

The Constabulary has examined all of the files. However, there has been almost nothing of
any evidential value in them. It is important to remember that, when the files were active, they
275 were controlled by an abuser. On that basis alone it is scarcely conceivable that they would
contain evidence of offending.

All of this said, the files held by the Museum were useful in terms of helping to identify the
names of residents of Knottfield. This has allowed cross-referencing to take place with other
data gathered by the Police. For example, a list of residents' names was found in 1992 and in
280 subsequent investigations this was checked against details from the Museum files.

The Committee has heard about the discovery of extra files in September 2017. It is correct
that these files were about to be destroyed when the Police were called. It is for the directors of
the Isle of Man Children's Centre to explain how these files had not previously been made
available to the Police. However, they did not contain any useful evidence, albeit they did reveal
285 names of seven residents who had not featured elsewhere.

The issue of files takes me naturally onto the scope of police investigations. Contemporary investigations are different than those in the past in several ways, but notably in terms of how decisions are made and recorded. Investigators are trained to make what are termed ‘policy decisions’ about the scale, scope and direction of investigations. They make such decisions based upon a variety of factors, including the available resources and the likelihood of obtaining a conviction. Decisions such as these were clearly made in the past, but the biggest difference between now and then is that they are better recorded and properly rationalised now.

Clearly I do not know about the 1970s investigation, so I cannot comment upon it.

The 1992 investigation focused on the allegations made by person A, as he is termed in my original written submission to the Committee. It was not confined to him, but was widened to include male residents of the home at the time that he had been abused.

The 2015 investigation began after a man alleged that he had been abused in a very small timeframe: between 29th December 1974 and 2nd January 1975. A senior officer made a policy decision that the investigation should focus upon people who had been resident there for the six months before and after those dates, and upon staff who were known to have been employed at the same time. This led to 52 people being identified as potentially being able to offer evidence as a witness, or indeed as a victim. The discovery of the extra files in September 2017 brought this figure to 59.

It was at this stage that contact was made, and it was at this stage that people, such as Mr John Guest, received renewed contact from the Police. The impact of that contact will have been different for every one of the people whom the Police traced. Mr Guest has clearly articulated the effect that it had on him to this Committee, and to me in a meeting we had late last year. What he said to investigating officers directly affected the way that officers then went about the 2017 investigation. I am sorry that our attempt to do the right thing caused him anguish.

As you know, the opening of this inquiry led to former residents of Knottfield to come forward to give evidence. Arrangements were made to share their testimony with the Police, subject, of course, to them consenting to this. Most of the people concerned had featured in previous investigations, but two had not done so. They were spoken to, but were unable to provide anything that would support any further action. At the same time a further individual came forward to complain about Marshall. He had not been a resident of the home and had not featured in any of its records, but he had had cause to visit the home when Marshall was in charge.

The allegations that he made were of a criminal nature but – and without wishing to downplay them – they were considerably less serious than the allegations that had been made in 1992 or in 2015. Nevertheless, they were fully investigated. Contrary to the belief of one of the witnesses who has appeared before you, this investigation led to the arrest, detention and interview of Marshall, as has been the case every time an allegation has been put to him since his imprisonment in 1993. Yet again he denied the allegations.

I know that the Committee will put questions to the Attorney General about the decision not to prosecute Marshall for this latest matter. Those questions are for him to answer but, based on my reading of the file, I cannot see how he would safely have reached any other conclusion. Again, this is not because the complainant was lying. He was another person who patently told the truth.

I do not for one second doubt the veracity of this last complainant, just as I have not doubted any of the others. The only person whom I believe to have been untruthful throughout the series of police investigations has been Marshall himself; albeit in 1992, and in subsequent inquiries, the conduct and attitude of his wife called her truthfulness into question. She died some time ago.

I know that the Committee will understand the significance of some of the things that I have said today. I hope that the victims who are here today recognise the sincerity of this address. What happened at Knottfield was sickening. The Constabulary successfully investigated,

prosecuted and convicted Marshall in 1993, but it is difficult to see how he was not stopped many years earlier.

340 In the course of this address I have apologised for what was not done by the Police in the 1970s. I do not ordinarily support the concept of contemporary leaders apologising for failures or for shortcomings in how things were done in the distant past. Our view of the past is inevitably coloured by what we are doing in the present. It is affected by contemporary culture, by modern standards and by attitudes that inevitably change with the passage of time. For
345 example, I have resisted calls for me to apologise for the fact that the Constabulary enforced laws made by Tynwald that made some sexual acts between consenting adults illegal. Police officers do not make laws and cannot be criticised for enforcing laws made by a democratically elected parliament. However, I am as clear as I can possibly be that I deeply regret any failures on the part of the Police 40 years or more ago that prevented the victims of Marshall getting at
350 that time the justice that they so obviously and deeply deserved.

I am also sorry that some of the victims feel that we did not give them the support that they needed. I have sought to explain that what we do now is not what we did two years ago, or 25 years ago. We seek all the time to move on and to get better. In the last few weeks I have seen
355 evidence from victims of other cases, where abuse had happened years ago but where investigations have just concluded, which shows me that our approach is now offering far better support to the people who need it.

I do not envy the Committee in its task of reporting on this whole, awful affair. I believe that any society should be judged on how it treats the most vulnerable people. The young people who were resident in Knottfield were amongst the most vulnerable members of this community.
360 When they should have been safe, many of them were instead exposed to vile abuse. This was shameful.

Q102. The Chairman: Thank you very much.

We have got some questions; obviously some of them will cross over the statement you have
365 made already, so I apologise for that in advance.

If we go right back to 1979, you say in your submission that an opportunity to stop Marshall, the defendant, arose in 1979 but was not taken. Can you say why it was not taken at that time?

Mr Roberts: I cannot say why, because I do not know. What I can say is that if an allegation
370 were made now, of that nature, it would be investigated more rigorously and thoroughly than it clearly was in the 1970s. But the safeguarding regime that is in place now would then make sure that no other young people were in danger from that offender.

Now, what that regime was like in 1979 I do not know, but as I said in my submission, I
375 suspect it was primitive and I suspect the attitude, all the way through, was 'this is a naughty boy trying to cause trouble for a fine upstanding member of the community', when Marshall was a serial abuser.

Q103. The Chairman: In the 1992-93 investigation, what was your role and what did you find and what was the outcome?

380 **Mr Roberts:** I was the officer in charge of the investigation.

Marshall was sentenced to three years' imprisonment for 13 offences against three ... they were young men then, but there were boys at the time.

385 Marshall surprised me during that, because in the interviews for that, for the first and only time ever he made admissions. He has not admitted anything at all ever and he was arrested twice after that, soon after his release from prison, for other offences that had come to light since he had been imprisoned.

Marshall is – I do not know – probably the most dangerous child sex offender I have ever encountered.

390 **Q104. Ms Edge:** Can I just add to that, with regard to that inquiry. You said about the records being retained and that the process changed, but then you said only since the Bichard inquiry, so have you got any guarantees between 1992 and ... that the records you requested to be retained have been?

395 **Mr Roberts:** Yes, the policy change was made in 1992 by Chief Constable Oake, which meant that files in respect of sexual complaints were to be retained indefinitely.

Under the current policy they are retained for 100 years and they are reviewed every 10 years. So if, for argument's sake, someone made an allegation of rape that was not detected, every 10 years that would be reviewed, and so those files are now safely stored.

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Q105. The Chairman: Whilst you have said in your statement that there is a clear separation between the judiciary, the Attorney General's Chambers and the Police – and I would agree and say also the political Members – do you believe that in the UK and elsewhere where historical items of sexual abuse have been unearthed and people, whatever their age or necessarily their health, are prosecuted, that is the correct way to follow such matters?

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Mr Roberts: It depends. So I said in my submission that we are trying to deal with sexual offending in the way that suits the victim. So, as I said, we will do an awful lot now, if the victim says, 'I am just telling you about this and I do not want a prosecution', but we will do an awful lot. That would not have been the case in the past, clearly. I think the views of victims have been insufficiently considered in the whole of the justice system for the whole time that I have been a police officer.

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Q106. Ms Edge: You just said previously that the files are reviewed every 10 years but it appears nothing happened between 1995 and 2015. If there was a review of files, why do you feel that nothing came forward?

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Mr Roberts: The review is not in terms necessarily of reinvestigating. The review is in terms of the need to retain and whether the information in it is of use elsewhere.

So there were a series of other small investigations into Marshall. In two inquiries that happened shortly after his release from prison, files were sent to the Attorney General and on both occasions the Chief Prosecutor of the time, who were two different characters, made decisions not to prosecute him. I am not sure I agreed with those decisions, but they were the decisions that they made.

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Q107. The Chairman: In the 2015-16 investigation what was your role, what did you find and what was the outcome?

Mr Roberts: Well, I have no role in operational policing. It is important that I stay reasonably detached from operational policing so that I can provide objective scrutiny if I need to. So that work was undertaken and the policy decisions, if you like – the direction, scale and scope of the inquiry – were set by a detective inspector.

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Q108. Ms Edge: Can I just ask with regard to ... I know you have explained that we should speak to the AG about why there was no prosecution, but it seems to be that it was felt that the defendant was too old to be prosecuted. Is there a policy in place as to when somebody is too old? Why would that be – ?

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Mr Roberts: Age can never be a case. There is a man who has been sent to prison in the United Kingdom at the age of 99, I think, for sexual abuse.

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The prosecutors have a code to follow. They follow their code and their code is based on the likelihood of a conviction, whether it is in the public interest, and they have to take account of all manner of things. That is for the Attorney General to answer. There are some parts of that where I would be speculating and that would not be fair to you or to the people here today.

445

Ms Edge: Okay, thank you.

Q109. The Chairman: If the defendant was considered by the Attorney General's Chambers or the prosecuting officer to be too old to be prosecuted in 2015, why did the service put people through the trauma of another investigation in 2017-18?

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Mr Roberts: That is not a consideration for us. There is nothing in the law that says anybody is too old. If a complaint is made against someone, no matter their age, we will investigate it. So we have to.

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The Attorney, I am sure, will deal with the age thing, but age in itself can never, ever be a barrier to prosecution.

Q110. The Chairman: Okay.

And just tell me again why there was no prosecution this time?

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Mr Roberts: That is again a question you will have to ask of the Attorney, but he felt there was insufficient evidence at this time.

Q111. Ms Edge: During the Committee's oral hearings, Mrs Urquhart said that:

Over the past year alone, from 1st January 2017 to ... 2018, a total of 86 crimes were reported to the Police in the Island. Of these, 33 were historical, of which 18 were inflicted upon children – persons as they were children. Only five of these 18 – and this is from when I received the information in March, I must add – were operational.

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Mr Roberts: I have provided you with quite extensive data.

Q112. Ms Edge: Does that marry up with what Mrs Urquhart ... ?

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Mr Roberts: Let me go through it with you. It would be easier for people who are listening today to understand when they see it posted online, but it says a number of things.

So we covered the last five years and we looked at the number of non-recent offences, so non-recent offences we term as things that happened at least a year earlier.

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We looked at different types of offence – indecent assault, rape, gross indecency and so on; we looked at the dates they were committed the dates; the dates they were reported; the outcome; if the offender was known or unknown; and whether the investigation was supported or unsupported by the victim – so going back to whether the victim was just telling us for our information.

480

In the last five years there have been 99 non-recent sexual abuse reports recorded. These consist of 54 indecent assault, 37 rape, six gross indecency and two buggery. The victims comprise: males 30% of records and female 70%. Three quarters of the crimes related to offences when victims were under the age of 16.

485

Fifteen cases – now, this is where it becomes tricky, because one offender can commit several offences, so the numbers of offences that were recorded does not tally with the number of offenders – 15 resulted in successful prosecutions; 12 in unsuccessful prosecutions; 10 of those 12 unsuccessful prosecutions were in the first two years of the reporting period – so in other words, four and five years ago.

Thirteen of these investigations are live or are pending as prosecutions; 59 were discontinued.

490 Of those discontinued two thirds were discontinued on advice from the Attorney General's noting insufficient evidence.

Other reasons for discontinuing were: the failure of a victim to provide a formal complaint – so this is people just telling us, not wanting us to do anything – that was 11 crimes; an inability to identify offenders – two offences; the investigation being handed to another police force in another jurisdiction in two cases; the suspect being dead in two cases; and one is ongoing while we locate the suspect.

In almost all the cases recorded, the suspect was known to the victim.

In an eighth of the cases the two were or had been in a relationship – so that is in 12 of those crimes, they are people who have been together as partners.

500 A quarter are in the same family, albeit that includes a foster or step relationship – that is 25 crimes; and another half were known to each other prior to the offences.

One in eight of these cases have not been supported by the victims.

I could go into all the detail but it can go online, but that gives you the scale and scope of things. As of this week, the Public Protection Unit, which investigates matters such as this, has got about 25 live investigations – that is a handful of officers, five or six officers dealing with 25 crimes and there are another half dozen or so that are in the court process, so either waiting for a guilty plea or waiting for a trial. So it is substantial. Really, it is substantial.

510 **Q113. The Chairman:** In his evidence John Guest told us he had been classified as a 'dissatisfied customer'. What does that mean?

515 **Mr Roberts:** Mr Guest made complaints about how he had been treated, in terms of being a victim, how the contact had been made, how there was insufficient support available to him. He complained about that but his complaint was about the Constabulary's policy, not about the conduct of individual officers.

So our complaint system is a bit complex, and Tynwald has reviewed it several times in the past. There is an independent Police Complaints Commissioner who deals with complaints about the conduct of officers. He does not have oversight of things where the force policy is such that it adversely affects people, that is not his remit.

520 It was a direct result of Mr Guest being treated in the way has that major steps were taken in terms of the very latest investigation, which I think in his evidence he said to you was done properly, and that was the difference. So he was not a formal complainant in terms of the conduct of an officer, because it was not about the conduct of an officer; it was about the policy and its approach of the Constabulary.

525 **Q114. The Chairman:** And if you have read his evidence, you will have picked up – I am sure it is in writing at least – how he was aware about another person who had been interviewed by the Police and then went outside and was sat in the car and was clearly distressed. Is there anything you would like to...?

530 **Mr Roberts:** I have touched on this in the opening address I made. There is no easy answer to this and I said everybody is different, and I spoke at some length yesterday with senior people in the Mental Health Service, just to check that my understanding is right. It may be that the Committee wants to speak to people from the Mental Health Service because they will give support to what I am saying, I think, in terms of a dispassionate approach to this.

They say that if the Police went beyond simply signposting people, they would be entering dangerous territory that actually in the longer term could harm people. That is their view.

We are not trained or equipped, and never will we be, nor should we be, to deal with things like that.

540 **Q115. The Chairman:** I just wonder if, in such situations – and I am talking about an ideal world here, I guess – where somebody who is clearly distressed who has been interviewed on a really sensitive matter, that perhaps somebody from the Mental Health Services or another agency might be involved at the same time.

545 **Mr Roberts:** And that was touched on, I think, when Minister Ashford was a member of this Committee, right at the start of this. He made reference to the benefit of having the Police asking the questions to get evidence and there being a therapeutic element to that. That would actually, sadly, fundamentally undermine the investigation. It simply cannot be done and I am sure the Attorney would be able to explain it better than I can well why that would be the case.

550 But having the access to support is critical. So you go back to 1992, there was at that time a drop-in service in Kingswood Grove and people were signposted, if you like, to there; but whether they got adequate support I do not know. Whether there were people there who were *able* to give them adequate support at that time I do not know, because this was fairly new ground

555 At the very latest, people were given a direct access number to contact if they needed support. Now, that sounds a bit callous, but as I said in my written address, there are some people who will need nothing but there will be some people who are so enormously and badly damaged in the long term for this that they need really intensive support. The Police can never be the people to do that. We can only be the people to signpost them to it. (**The Chairman:** If the –)

560 And sorry, just to cut across you – (**The Chairman:** No problem.) On the two occasions I have been before this Committee to talk about mental health, I have read an extract from a report from Sir Thomas Winsor, who is Her Majesty's Chief Inspector of Constabulary, where I have said that he says that until the Mental Health Service is as equally resourced as the physical health service, the problems that we are talking about today and the problems of mental health in the community, as they present to my officers, will continue. And we are a long, long way from being in that position.

570 **Q116. The Chairman:** I just wonder if there is any, formal or otherwise, follow-up if somebody is signposted; whether somebody from your office would then check up with the relevant service to see if ... because otherwise they may become lost and they may end up doing something which we would all regret.

575 **Mr Roberts:** I absolutely agree but my service ... I told you about the 25 live investigations that a handful of officers are dealing with. They have to focus on the investigation and this sounds really callous, and in many ways I regret saying this, but they are not able to do what in the ideal world everybody would want them to do. They simply cannot.

580 But the other services should be able to. Now whether they can or not is another matter maybe for another day.

585 **Q117. Ms Edge:** Can I just ask then, so if I had been in and I had been interviewed, I get signposted. Immediately after having that interview, I do not have a phone with me, I have nobody to pick me up, I have nowhere to go. Is there not a critical response team, could they not be called?

Mr Roberts: Let me illustrate this. It is almost like my officers are coming across as callous and they are *absolutely* not.

590 I read a letter recently from someone who said that she had been the survivor of horrific sexual abuse and one officer, she said, now means the world to her and her family, for the work that that officer has done.

We had a case recently where officers actually went and bought clothes for a victim so that when he went to court he was not in pyjamas, because he had no other clothes.

So officers will do everything that they can because they passionately care about getting justice for these victims. But it is a really difficult one.

595

Q118. Ms Edge: Could I just ask: is there a phone that people can use up at the station? They would have to ask?

600

Mr Roberts: If we interviewed the victim of abuse in the police station and they said, 'I can't get home, I haven't got a phone', we would take them home. That is the sort of thing we would do and the distance we have come since the 1970s, clearly, I think it is considerable.

605

But – and this is where I absolutely support and understand what Mr Guest said to you – if, out of the blue, where you have dealt with these things, you in your own mind have somehow come to terms with what has happened to you, but out of the blue a police officer rings you up or arrives at your house and says, 'I want to talk to you about what happened to you in the 1970s', that is like dropping a bomb on someone. I absolutely understand that.

But we have a duty then to investigate and how we do that is often going to be unpleasant, and that is where the support services are necessary behind the scenes.

610

We talked about separation of functions, and I know I am talking a lot, but the separation of functions between the Police, the judiciary, the Attorney General and the politicians: there also has to be that separation between the Police and the support services.

Q119. The Chairman: Okay.

615

What training is in place for police officers in dealing with people who disclose historical child abuse?

620

Mr Roberts: There was no training at all until earlier in this century. Officers are now trained to deal with abuse, whether it is recent or historical, and they are trained better than I ever was trained.

Q120. The Chairman: So is that something that you introduced during your time or prior, Chief Constable Oake?

625

Mr Roberts: No, it is more complicated than that. The conditions of service of police officers in the Isle of Man are linked to the UK, so they in theory get exactly the same training as UK officers. So when the UK changes its approach, we stay in step as far as we can and as far as it is relevant.

630

Q121. Ms Edge: And is that training in place from when they go to training school or is it only if you get into a specific department like the CID? Is it specific for the role you have or is it for every officer?

635

Mr Roberts: There are two or three levels to it. So when officers first join, they are given training about how to deal with witnesses and victims, they are given training about how to interview people.

As they move on in their careers they are given enhanced training, and particularly if they go into public protection, they will get specific training that teaches them how to do that. And the people who go into that world are selected for their character.

640

Q122. The Clerk: Can I ask, when you say they are trained how to do it, who are they trained by? Is it by other police officers?

645 **Mr Roberts:** Things are in the course of changing. Until recently, until the last three or four years, we were trained with police forces in England and Wales. The College of Policing has been set up which now owns all the intellectual copyright for training on police matters and so we can only access their curriculum, if you like, with their consent and in exchange for money.

However, we do have our own curriculum that runs in parallel and some of our training is undertaken by private companies or provided by private companies.

650 **Q123. The Clerk:** Right, and does it involve the same kind of interagency thinking that we hear about?

655 **Mr Roberts:** This takes on you to the second part of your inquiry really. There is interagency training in terms of the investigation of abuse. So officers who work specifically in the public protection world and ... This will confuse people: there is a public protection unit that investigates and there is a multi-agency public protection unit that it is located within the social services building and they do things like the case conferences and so on.

The officers who work in those two teams are trained with social workers and with education professionals and health professionals. They all have common training.

660

Q124. Ms Edge: Can I ask then why was the 2015 case conducted by CID and not by the highly trained public protection officers?

665 **Mr Roberts:** Demand – simply demand. We at times were struggling to cope with the demand so officers had to be seconded in, but the basic detective training that detectives have gives them some of those skills and the officer who led that inquiry had previously been in that environment. She had previously worked in public protection. So it was not like somebody without skills. Detectives tend to move around so that they can do different things, and she had previously worked in that environment.

670

Q125. The Chairman: The next two questions I am going to ask you are ones which were put to us by John Guest to ask you. I do not know whether his view has changed any from what you have had to say today or not, but I will ask the questions anyway. You have obviously referred to both these matters already in your statement this morning.

675 John asked us to say that because the victims have made complaints against the Police, his view is the Police are not impartial; therefore someone else should be putting a file to the Attorney General. Would you like to comment on that?

680 **Mr Roberts:** I have strayed into being less than impartial myself here, because I have said throughout all of this, police officers have absolutely fundamentally believed all of the victims. They have absolutely fundamentally wanted Marshall to be brought to justice every time there has been a complaint. If that strays away from us being objective and makes us biased, then it is biased not in the way that Mr Guest I think is saying. We are biased that actually we want this to be right.

685 And we cannot lose sight of the fact that in 1992 an investigation began; in 1993 a Deemster sent him to prison for offending against three boys. We must not lose sight of that. Whether that should have happened in 1979 is a matter of conjecture.

690 **Q126. The Chairman:** Okay and the second one was: he felt that your original submission to us could be seen as defamatory because you referred to such matters as alcoholism hits re-offending, difficulties in forming personal relationships and poor mental health. You have referred to this, obviously, in your opening statement but is there anything further you would like to add?

695 **Mr Roberts:** Yes, I referred to that because what I said is what I absolutely and fundamentally believe.

Marshall ruined the lives of these young people and what I was trying to say in that original written submission was just that: that is exactly what he did.

700 Boy A had the makings of a *really* fine young man and Marshall took that away from him. That is the point I was trying to make. It was perhaps not written the way it would have supported ...

I am just trying to find a note to illustrate a slightly different point.

705 When we were looking at the Museum files and the personal files of the victims, we found ... I can do it without the notes. There were two young people who had been sexually abused by Marshall. One had been to a doctor and in his file there was a reference to chafing and wounds on his legs. My view is that those wounds or the marks were caused by Marshall's sexual abuse of him. The doctor simply wrote it down as, 'This boy is overweight'.

710 There was another boy who was examined and the doctor wrote, 'He is a deep character. He is deep and difficult and hard to deal with. It is probably because he is in the wrong stream at school.' He was being abused every single day of his life by Marshall, that is why he was like that.

So things in the past were different – different in the wrong way.

715 **Q127. Ms Edge:** Can I just ask, when you had access to the Museum files, was it purely just cross-referencing names that you had had, to be able to make contact, or did you see anything further into those files?

Mr Roberts: No, as I said, we looked at the files but they had nothing of evidential value and the point I made about that earlier in my address was that Marshall controlled the files, so he is not going to write down things that were even implicit that there was abuse going on.

720 So we did look at them for evidence: there was no evidence, but they were useful in terms of names.

725 **Q128. Ms Edge:** And whenever you were trying to gather your evidence you then cross checked with medical records for every case?

Mr Roberts: You can only cross check with medical records with consent. So where there were extracts from medical records or where there were comments from medical practitioners within the files that were held at the Museum then that was fine, but we cannot go to medical records without express consent.

730

Q129. The Chairman: In paragraph 50 of your original commentary to us, Chief Constable, you referred to the files and at the end of the paragraph, it says:

There is no sinister explanation for this, but it is indicative of the chaotic nature of record-keeping that was undertaken several decades ago.

I just wonder: how did you reach the conclusion that there was nothing sinister about it?

735 **Mr Roberts:** Well, maybe that is clumsy, there appeared to be nothing sinister, but the records were a shambles.

You may need to ask the people from the Children's Centre about how they managed the records. I saw what Kerry Sharpe said, but the records were hopeless, really.

740 **Q130. The Chairman:** Which follows on nicely: she mentioned that the Constabulary regularly destroys files at set periods. Do you want to comment on that? Because you have said already that –

Mr Roberts: I think I have covered that.

745 The advent of the General Data Protection Regulations caused us to review again this policy and if it is fit for purpose. There are some aspects of it that we would happily publish. There are some aspects of it that we would not publish, but generally it should be published. So if there were an FOI request, for example, we would redact bits that are around secret stuff but publish the rest of it.

750 **Q131. The Clerk:** Sorry, I know you have covered this, but I am still not totally clear. I think you said that under Chief Constable Oake the decision was made that files of the kinds of offence we are talking about today should be kept indefinitely, but then you also said they are kept for 100 years.

755 **Mr Roberts:** Yes, it is a minimum of 100 years.

Q132. The Clerk: A minimum of 100 years.
And you also said they are reviewed every –

760 **Mr Roberts:** Sorry to interrupt you, that is because it now ties in with the Bichard Report from 2004 which effectively set protocol for police forces in England and Wales, which we have copied.

765 **Q133. The Clerk:** Right, so 100 years at least. And then the ten-year review is ... I do not understand, if they are going to be kept for 100 years at least and you look at them after 10 years, what are you looking for? Not to decide whether to keep them.

Mr Roberts: No but if, for argument's sake, the perpetrator were dead then the file would go.

770 **Q134. The Clerk:** It would be destroyed?

Mr Roberts: More likely than not. Some evidence from the file would go if they were dead. We receive information every week to say who has died and our records are weeded, unless there is a link to ...

775 So if there was something tied to several different people then no, that file would remain. But if somebody who 40 years ago had stabbed someone in a pub, there is no purpose in us keeping that file once all the parties are dead. If, however there was –

I am not explaining this very well.

780 If a matter has not been detected, so if a woman comes along and says, 'On the way home last night I was raped' and we do not find the offender, that will be subject to a review in terms of the record keeping, so that our obligations under keeping proper records and data protection. But it will be periodically reviewed on what we call a cold case basis to see whether there is other information, whether there is evidence from another investigation or even whether forensic samples that we have taken can be subjected to new techniques. So we periodically
785 send samples from cases in the 1990s away to laboratories to check whether techniques have moved on sufficiently to allow us to identify offenders.

Q135. The Clerk: So with alleged sexual offences, you do not destroy the files just because are too old, but you might destroy them because everyone referred to them has died.

790 **Mr Roberts:** Yes.

The Clerk: Thank you.

795 **Mr Roberts:** Although there is as a test we apply on that as well, which is whether it is in the public interest to keep them, in which case they fall under the Public Records Act and they eventually find their way to the Museum.

The Clerk: Right, thank you.

800

Q136. The Chairman: I am going to take the opportunity to ask you a question which has nothing to do with today's proceedings. You have just mentioned about rape allegations made by females. Has the policy of the Police changed under your Chief Constable's role in relation to the advice that used to be from one of your predecessors that females should not walk home late at night.

805

Mr Roberts: That was idiotic.

The Chairman: Yes, good.

810

Mr Roberts: Everybody has a right to be safe. Everybody has a right to live their lives as they want to live them. And we should not be saying to women, 'Careful how you dress because you will be a target for rape'. That is obscene, to be honest.

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The Chairman: Yes, good. That was my view at the time, thank you.

Q137. Ms Edge: Can I just go back on your record keeping and if somebody has passed away: with historical cases, the person might have passed away, but if the manager or whoever has not maybe carried out their role correctly, something could come forward in the future. I am just wondering how you make that decision?

820

Mr Roberts: It has to be objective. So since that 1992 inquiry into Knottfield, nothing regarding Marshall will be destroyed, nothing will be.

825

So an assessment is made all the time: is there a purpose for keeping this, could there be a purpose for keeping it? If there is not, then it has to go. We are not allowed to keep data that we should not keep.

Ms Edge: It is changing, isn't it?

830

Q138. The Chairman: We have written evidence from the Museum to the effect that additional client files 1939 to 1979 were received in early September 2017. Have you seen these?

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Mr Roberts: Yes, we have seen all the files that are now in existence, including those that were on the point of being destroyed.

Q139. The Chairman: Okay.

840

Mrs Sharp, in her evidence, asked if there had been a thorough investigation into whether there was a paedophile ring operating in the Island in the 1970s and whether it extended to the UK. Obviously, you have referred to the vicar as well as Mr Marshall. Is there anything else you would like to ...?

845

Mr Roberts: There are two important aspects with the UK. So Marshall and his wife came to the Isle of Man from Kent, where they had been involved in the care of children for a number of years. We had dialogue with the Kent County Constabulary and he was unknown to them.

850 Towards the end of the last century, and I think it was from 1997 to about 2002, Greater Manchester Police ran an operation called Operation Cleopatra, which looked at abuse in children's homes in the North West, particularly in Greater Manchester. We shared information with them. There was nothing more that came from that – so in other words, there were no links with the UK in that one.

We have an information-sharing agreement with the Metropolitan Police Service for their long-running investigations that have been into non-recent abuse and no information has come from that that would suggest that Marshall or others offended.

855 I indulged in speculation and applied hindsight in my opening address. I know exactly what Ms Sharpe is saying, but I do not know is the answer. I do not know whether there was and at this far distance removed, without admissions from people, it is very hard to see. In the world we are in now, people keep records on their mobile phones and on their computers. We are talking about the 1970s which seems like forever ago, really, doesn't it?

860 **Q140. Ms Edge:** Can I just ask, because within your opening statement you commented that when Marshall was brought before the Constabulary, he had the support of the then Director of Education. Has anything been looked at around that? Because for a Department like the Department of Education, who were party to sending children to the Children's Home ... Was anything looked around that?

865 **Mr Roberts:** There was a social worker called Dave Evans, who I think would have been key to a lot of this, because I think he knew or suspected what was happening, but he had died by the time of the 1992 investigation. I think he was held in decent regard by the boys who were in Knottfield. Mr Davies is dead, so we do not investigate people who are dead.

870 The remit of the Police is not to investigate the policy decisions made by people in other Departments, that is not ours. But the comments that are in the 1992 file, and I wrote the 1992 file, relate to things that were told to us by former professionals who had worked in that environment.

875 **Q141. Ms Edge:** Maybe I was not clear enough but where I am coming from is: have any of the education records being looked at with regard to the children when they were in education, that might have pointed towards you looking at anything differently?

880 **Mr Roberts:** No, not in those terms, no.

Q142. Ms Edge: So they have not been looked at?

Mr Roberts: No.

885 **Ms Edge:** Okay.

Q143. The Chairman: As part of your investigations have you at any time spoken to the people who were trustees of the Children's Home in the 1960s, 1970s and 1980s or on the Children's Home Committee?

890 **Mr Roberts:** I do not know, to be honest.
In 1992 we did not. I do not know the full detail of the people spoken to, but I suspect not.

895 **Q144. The Chairman:** This is one that was referred to as well and has caused much upset. Some of the residents have said they think their personal effects have been lost or hidden by the Children's Centre. Do you want to make any comment about that?

900 **Mr Roberts:** Certainly in the more recent inquiries, victims have said that. We simply do not know. We really do not know and that is not something we have been able to find any facts about.

905 But I take you back to the chaotic nature of the record keeping. The whole thing was chaotic and if you look, I found a reference actually this morning when I was reading my own files on it, to there being an inspector's report into the home in about 1976 or 1977 I think, off the top of my head, which had talked about the filthy state of it, the bad way that it was being looked after and therefore the bad way that the young people who were in there were being treated. It talked about the inadequate clothing that some of them had, the inadequate footwear that they had for school, so that helps paint this picture of this awful place.

910 **Q145. The Chairman:** It is just really unfortunate. Mr Guest, when he spoke to us, had by his side a picture of his mum, and I just think whoever disposed of their personal effects is callous, to say the least.

915 **Mr Roberts:** I will just refer you again to the last paragraph of my opening address, where I said: 'I believe that any society should be judged on how it treats the most vulnerable people. The young people who were resident in Knottfield were amongst the most vulnerable members of this community. When they should have been safe, many of them were instead exposed to vile abuse.' Just simply how they were treated – it was shameful, the whole thing.

920 I read Mr Guest's submission about life chances and how he wants to do the right thing for his son, and I admire him for that. (**The Chairman:** Absolutely.) It is shameful that young people who were in the care of the state were treated like this.

Q146. The Chairman: Something that has come up fairly recently: the Children's Centre are selling Knottfield. Have you got any comments?

925 **Mr Roberts:** I understand that building has been sold and will be converted into a private dwelling.

Q147. The Clerk: Did you say it has been sold?

930 **Mr Roberts:** It has been sold.

The Clerk: Thank you.

935 **Mr Roberts:** We have had contact with the Isle of Man Children's Centre this week and it has been sold.

Mention has been made both to you and once in one of our previous investigations that the children who have been in there believed that it was theirs, that survivors of all of this believed it belonged to them. We can see no evidence of that, but that is something I think you will have to ask the trustees about.

940 **Q148. The Chairman:** Okay, thank you.

We will move on to current procedures now. Can you outline the role of the Police in today's safeguarding arrangements?

945 **Mr Roberts:** The. current arrangements, if you like, flowed out of the deaths in care of Samantha Barton and George Green.

There was a fundamental reappraisal. There was the Everall Public Inquiry, the recommendations of the Everall Public Inquiry even today are only just being implemented, so placing the Safeguarding Children Board on a statutory footing is only just happening.

950 However, the regime is so different than it was in the past. I sit on the Safeguarding Children Board. I cannot believe for one second that anything like the abuse or the regime that Marshall ran would not be picked up really early.

955 Most abuse happens in the home – in people’s own homes. So children actually where they should be the most safe are the least safe in some cases. What is important and what has changed most is the constant training that professionals get to recognise the signs of abuse. And that applies to teachers; it applies to social workers; it applies to police officers. It applies to anyone in the public service who has dealings with children and that training is constant and the awareness is constant. There is an established regime for sharing information and raising concerns.

960 Where there is a vulnerability around modern safeguarding arrangements is actually in the caution that professionals sometimes feel in terms of sharing information. Recent changes to data protection will potentially make that more difficult and there is a training programme in place to give people the confidence to share information. Protecting children should be at the heart of everything that the state does.

965 So the current processes I think are good. Investigations that take place are either single-agency investigations, so my agency investigates or social services investigate, or they are joint investigations. Those investigations are rigorous and are scrutinised and where partner agencies do not agree there is an escalation process, but at the heart of it is the need to think about what is needed for that child, how we are going to protect that child.

970 We have come a long way, and I have seen the submission made to you by Paul Burnett, who is the retiring Chairman of the Safeguarding Children Board. I think he captures pretty well the position we are in, notwithstanding the Tynwald inquiry into some cases that social services dealt with which did raise concerns and those are being dealt with.

975 **Q149. The Chairman:** I am sorry, I am going to just nip back for a moment to ... Again, I promised to ask a question on behalf of Mr Guest, who sadly has left but I am still going to ask the question.

980 Do the Police have any information as to the death and location of the late Ian Strange? One victim has inquired on several occasions and has been informed the request has been forwarded to Special Branch for investigation to help on this matter. He says for several months countless emails have been sent to the Police requesting this information.

Mr Roberts: Yes, let me answer that.

985 We had information at some point during the latest inquiry that Mr Strange had died. And that information was shared with Mr Guest because he had been a friend of his. As recently as this morning we have had information that suggests that that might not be the case. So our efforts are progressing to find him.

990 From what we know, Mr Strange is someone who travels a lot. So officers today are renewing their efforts to see whether they can find him, but there is a distinct chance that he has not died, and the information we have that he died, we have not yet corroborated. So there are signs that he is still with us and I hope he is.

995 I deliberately did not mention this, but now we have just jumped back into that part, I want to just touch on the death of Chris Glover. I deliberately have not covered that because that is subject to a Coroner’s Inquest. The Coroner’s Inquest will take place on 28th June. It is a terrible, terrible event and I am really sorry for Mr Glover’s family. The facts are not anywhere near as simple as they were made out in the submissions to you at your last public hearing, and they will come out during the inquest.

1000 **Q150. Ms Edge:** Can I just ask you a question on safeguarding: we have had the DHSC in with regard to this inquiry and they did say that there was only one night officer sometimes present

in the homes, which they did not think was right, but I am wondering if that has come up regarding safeguarding.

1005 One other question that I have concerns with: are you confident that when somebody is employed in any of these roles – bearing in mind, and I think it is still called a CRB check, that we have only signed up to check people within the United Kingdom, Ireland and Scotland, we have not signed up with anywhere else and it has to then go on a reference or on actually getting evidence from an embassy or something – are you confident that that happens in every case?

Mr Roberts: No, I am not confident.

1010 I think the safeguarding regime in terms of checking people is pretty sophisticated now.

If you go back to what I said in the opening address, people who want to abuse children put themselves in a position where they can control children and they can abuse. So the job of us and others should be to stop them from getting in those positions in the first place. The regime is pretty effective now, I think, at stopping people who are like that from getting in the system, but it is only a number of years ago that we arrested a young man who was unknown to us, who was horribly abusing tiny little children at a nursery. If they are not known, they are not known.

1015 You are right that there are gaps in terms of how agencies share information and access information for people outside the British Isles. The Isle of Man is not a party to the Europol Treaty, our exchange of information in terms of criminal records is through the United Kingdom. The government in the UK needs to be very careful that Brexit does not have an adverse impact on how information is obtained.

1020 **Q151. Ms Edge:** Do you think we should be party to the Europol Treaty or do you think it works well going via the UK?

1025 **Mr Roberts:** Well, it would be pointless now because –

Q152. Ms Edge: Yes, we do not know what is going to happen, do we?

1030 **Mr Roberts:** The UK will come out of it in a year or two's time.

Q153. Ms Edge: Are you representing in any way around that? Is there anything within – ?

1035 **Mr Roberts:** No, there is nothing we can do. And it was a policy decision made by Government 15 or 20 years ago.

Q154. The Chairman: What message would you like to give to anyone contemplating disclosing historical abuse, not just the ones we are talking about now, but any others?

1040 **Mr Roberts:** I feel sad that a possible outcome of this inquiry, or a possible outcome of social media comment on this inquiry, will deter people from coming forward.

I have got some absolutely fantastic officers who want to do their best for victims of abuse. They do some wonderful stuff. I have got an award ceremony next week and I know some people think the Police awarding themselves and patting themselves on the back is not a good thing, but there is a victim of horrible, sustained systemic abuse coming to sit in the audience for that, because he wants to be there to see the person who transformed his life being recognised.

1045 So we will get things wrong, we will make mistakes but we are so well-intentioned.

1050 **Q155. The Chairman:** At least one of the people we have spoken to, I think, has felt that for her that us believing what she had to say was the first time that she felt that was the case.

A lot of them have a concern about authority figures, and that includes politicians as well.

1055 **Mr Roberts:** Well, the first authority figure many of them were exposed to was the man who abused them and continued to abuse them and some of the boys, in particular, he abused them every single day. It is almost hard to imagine. So I do not wonder that they do not like authority, I do not wonder that they do not like people like me who wear a uniform.

1060 The Constabulary now and the Constabulary from the 1970s are just unrecognisable, they are completely different. And while I am still around – and I am getting a bit old and coming towards the end of my time now – fundamentally we have to be here for the people of Isle of Man. That is fundamentally what we have to do, and we have to be decent, straightforward and honest.

I understand how people like that feel. I do not know how I would feel if I had gone through that, but I can imagine.

1065 **Q156. Ms Edge:** Can I just add this one in? This was another question that we were asked to ask. I am not sure if you have listened to all the witness evidence but obviously there were some suggestions in there that the victims that have come forward recently were not perhaps treated correctly by the officers. I am not sure if you have looked into that or are you intending on looking into that in any way?

1070 **Mr Roberts:** What happened in the last investigation was affected in a good way by what John Guest had said. We made early contact with the Mental Health Service. We spoke there to a man called Ross Bailey, who has appeared before this Committee and he is an excellent public servant. We worked out with him a plan to put in place to support people who needed support.

1075 Now, not everybody wants support and not everybody else is in the place where they can ask for it. That support, I think for just about every victim, worked but –

1080 **Q157. Ms Edge:** I think it was more about, perhaps the people that came forward felt they were not treated correctly by the police officers, so has any investigation taken place with regard to the police officers?

1085 **Mr Roberts:** If you remember in my opening address, I said that what we do now is not what we did two years ago, 25 years ago and certainly not 45 years ago. We have just got to keep getting better and better and better. And if something goes well, we should learn from it; if something goes badly we should learn from it. If that went well, and it appears to have gone well, then that is effectively the template for the future, until we find an even better way of doing it.

1090 But then, you touched on something, and so did Mr Cretney, and I have said it time and time again today: I have always believed the victims of Knottfield. From 1992, every day that Knottfield is mentioned it takes me back and I believe them. All my officers who have worked on these cases since 1992 absolutely and utterly believe those victims.

Q158. The Chairman: We will be hearing from the Attorney General and a former trustee of the Children's Centre next week. Is there anything you think we should ask them?

1095 **Mr Roberts:** I do not think it would be right for me to suggest things you should ask the Attorney General.

The Chairman: I wondered about that!

1100 **Mr Roberts:** But the issues that are clearly very important to people who were in Knottfield, such as their personal effects and such as the ownership of the property, they clearly need to be explored, I think.

1105 **Q159. The Chairman:** What do you think that the Committee should recommend to Tynwald, other than the value of a victims commissioner?

1110 **Mr Roberts:** I think the way that treat young people probably still is not right, is it? They are out there today, there will still be young people being abused. Raising awareness of abuse and understanding, as a community, the impact that abuse has on people and the damage that it causes to people is fundamentally important.

1115 I told you in my opening address how I speak to new recruits. I do not tell them it is about Knottfield – they will all know now – but I say, ‘I dealt with this young man and this is how he presented to police officers when they dealt with him on the streets. This is the reason he was like that.’ And so trying to gain an understanding amongst professionals and amongst the community of the horrible, insidious long-term impact of abuse I think is critical.

1120 A victims commissioner I think is important as well, and I made reference; I took a line out of my address because I thought I was going too far. I mentioned money laundering and there is an obligation on professionals to report knowledge or suspicion of money laundering. There is nothing like that for child abuse.

The Chairman: Yes, I noted that as well.

1125 **Q160. The Clerk:** Is there a particular victims commissioner, another jurisdiction which has got one?

Mr Roberts: There are victims commissioners in other jurisdictions.

Q161. The Clerk: All of the surrounding jurisdictions?

1130 **Mr Roberts:** I do not think all of the surrounding ones, but there are in other jurisdictions and I think, and I might be wrong, New Zealand might have one.

The Clerk: Right, thank you.

1135 **Q162. Ms Edge:** Can I just ask with regard to – obviously a lot of people do not want to come forward. Do you find you ever get any cases coming through your Crimestoppers line? Is that monitored in the UK, is that like an independent or – ?

1140 **Mr Roberts:** Crimestoppers is independent. There is an Isle of Man charity that is part of the Crimestoppers network. That is independent from the Police and provides information to the Police.

Off the top my head, I am not aware of cases like this coming through that route. It is a route, but I am not aware of that.

1145 **Q163. The Chairman:** Is there anything else you would like to say?

1150 **Mr Roberts:** No, thank you. Thank you for ... A times I think you have indulged me because I have gone all over the place, and you certainly indulged me in allowing me to talk for half an hour at the start without you asking questions. But I think it was so important that I said that and some of the things in there, I have thought long and hard about whether I should say them because I am taking myself outside my normal professional operating mode, if you like. But this is really, really important.

1155 **Q164. The Chairman:** We agree and we would like to thank you for being so frank in your presentation and that will certainly be helpful to us in concluding the work we have got before us.

1160 **Mr Roberts:** Thank you and I hope you realise and I said I hope the survivors of this see the sincerity. This is heartfelt stuff I have given you today.

The Chairman: I accept that.

Okay, so that brings to a close the public session this morning and I would like to thank everybody for being present.

The Committee adjourned at 12.53 p.m.

21st May 2018

**Evidence of Mr John Quinn QC MLC, HM
Attorney General; and Mr Andrew
Johnston, former Trustee of the
Children's Centre**



**STANDING COMMITTEE
OF
TYNWALD COURT
OFFICIAL REPORT**

**RECORTYS OIKOIL
BING VEAYN TINVAAL**

**PROCEEDINGS
DAALTYN**

**SOCIAL AFFAIRS
POLICY REVIEW COMMITTEE**

Historical Child Abuse

HANSARD

Douglas, Monday, 21st May 2018

PP2018/0098

SAPRC-HCA, No. 3/2017-18

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Members Present:

Chairman: Mr D C Cretney MLC
Ms J M Edge MHK

Clerk:
Mr J D C King

Contents

Procedural.....	63
EVIDENCE OF Mr John Quinn QC MLC, HM Attorney General	63
<i>The Committee adjourned at 10.52 a.m. and resumed its sitting at 10.55 a.m.</i>	81
EVIDENCE OF Mr Andrew Johnston, former trustee of the Children’s Centre.....	81
<i>The Committee adjourned at 11.14 a.m.</i>	88

Standing Committee of Tynwald on Social Affairs Policy Review

Historical Child Abuse

*The Committee sat in public at 9.30 a.m.
in the Legislative Council Chamber,
Legislative Buildings, Douglas*

[MR CRETNEY *in the Chair*]

Procedural

The Chairman (Mr Cretney): Welcome to this public meeting of the Social Affairs Policy Review Committee, which is a Standing Committee of Tynwald. I am David Cretney MLC and I chair this Committee. With me is Julie Edge MHK.

The third member of this Committee is Martyn Perkins MHK. He is not taking part in this inquiry, for reasons which I explained to Tynwald in December 2017.

If we could all ensure that our mobile phones are off or on silent so we do not have any interruptions, and for the purposes of *Hansard* I will be ensuring that we do not have two people speaking at once.

The Social Affairs Policy Review Committee is one of four Standing Committees of Tynwald which scrutinise different areas of Government. We have three Departments to cover: the Department of Home Affairs, Department of Education, Sport and Culture and the Department of Health and Social Care.

It was resolved on 18th July 2017: 'That Tynwald notes with concern reports of historical child abuse at the former Knottfield Children's Home, which closed in 1983, and refers the matter to the Social Affairs Policy Review Committee to report by December 2017; and further instructs the Committee to investigate the adequacy of current procedures to protect from abuse children in care (looked after children) in the Isle of Man and to report in March 2018.'

This morning we are going to hear from Her Majesty's Attorney General and later on from a former trustee of the Children's Centre.

So welcome. I understand, is Mr Wannenburg going to ... ?

The Attorney General: No, sir.

EVIDENCE OF Mr John Quinn QC MLC, HM Attorney General

Q165. The Chairman: So perhaps for the record, if you would be kind enough to state your name and role and how long you have been in that role.

The Attorney General: Thank you, Mr Chairman.

I am John Quinn, Her Majesty's Attorney General. I have been acting as Her Majesty's Attorney General since March of last year; before that, for four years as Her Majesty's Acting Attorney General.

30

Q165. The Chairman: Thank you – and thank you for your two submissions of September 2017 and November 2017, which we have had published on the Tynwald website. Would you like to make any opening statement?

35 **The Attorney General:** Yes, I would, Mr Chairman.

The Chairman: Thank you.

The Attorney General: Thank you, Mr Chairman.

40 Having been advised by your Clerk of the broad range of matters that you may wish me to comment on, I thought it might be helpful to make this prepared statement in which I will provide you with more details than perhaps questions may elicit.

Your Clerk very helpfully referred me to specific evidence that you have received from Christine Urquhart, John Guest and Kerry Sharpe MLC. I have read that evidence and I start by saying that I was disturbed and shocked by what I read. Even as Attorney General, in which role I often have to stand back and view matters, ignoring personal feelings, I can begin to appreciate the nature, extent and emotional impact of the appalling sexual and physical abuse which has clearly taken place over a number of years.

45 I cannot, however, as Attorney General, reach out to the victims or their families in the same way as others, as I have a statutory duty to perform. What I say to you, Mr Chairman, and to them is that I have and will continue to discharge my duties professionally and to the best of my ability.

One of the matters which as Attorney General I often have to have regard to is the question of 'public interest'. I will say more about this later.

55 However, to put myself into context, I am a Manxman born and bred, and so Knottfield Children's Home is well known to me and some of the names of families involved in this sorry affair are familiar to me.

It is 40 years since I was called to the Manx Bar so one may say I am well practised. I am well aware that the Public Interest Test has to be viewed in the context of this our small jurisdiction with its own laws and standards. I am also aware that given the impact of matters of the abhorrent nature you are considering, it is perhaps more deeply felt and more apparent because of our unique small jurisdiction and will be so damaging to so many people. As a nation we are generally trusting of people; what is clear in this case from the evidence that I have seen is that for too many years we were all too trusting in those who ran the Knottfield Children's Home, which enabled the perpetration of these awful crimes.

65 Mr Chairman, the first I became concerned with this matter was sometime in 2016. The matter was presented to me on the basis that Mr Joseph Henry Marshall had already in 1992 been tried and convicted of indecent assaults on three boys who were children at Knottfield. He received a three-year custody sentence for despicable offences.

70 Accordingly, I cannot make comment on what was or was not done before the matter was referred to me, in particular what was or was not done in 1992, which I have read of in the evidence I have seen of Mr Guest and Mrs Urquhart, and having also had the benefit of reading what the Chief Constable said to you last week.

75 From all that evidence I do see that there seemed to be an opportunity – or perhaps opportunities – to stop Mr Marshall; perhaps to have actually stopped him as long ago as the late 1970s. Missing those opportunities, undoubtedly, resulted in several young people being abused whilst in Mr Marshall's care after that date.

80 Why was he not stopped? Whether it was as a result of the culture which then existed or by people foolishly not even thinking the worst of Marshall; whether because of the attitudes of that generation, perhaps an attitude of turning a blind eye; or whether because of incompetence, who knows, and it is not for me say.

85 Hindsight can be both useful, but it also can be dangerous: useful in enabling society to learn from obvious prior mistakes and so better inform attitudes; but also dangerous, as hindsight does not always reveal the truth of matters. Hindsight, however, now aided by the evidence you have heard, clearly demonstrates that mistakes were undoubtedly made, but perhaps does not seem to identify clearly why.

90 As I mentioned, my first personal involvement in this case was in 2016, when it was then brought to my attention that, following an investigation which had taken place for a year or so beforehand into historic sex abuse at Knottfield, the Police had referred the results of their investigation to my Director of Prosecutions for a decision to be made as to whether a new prosecution should or should not be made or pursued against Mr Marshall. I will say a little more about the prosecution decision-making process in a moment, but I would like to explain to the Committee the overarching and well established framework that exists on the Island concerning how we reach the stage of a prosecution decision being made, and I welcome this opportunity of explaining this.

95 The statutory responsibility for all criminal prosecutions in the Isle of Man rests with me as Her Majesty's Attorney General under Schedule 8 of the Criminal Justice Act 2001. I am not, however, a criminal investigator and I have no input into the investigative role whatsoever. The separation of functions between the prosecution decision-making and the investigation is essential and it enables me to stand back, distanced from having spoken with complainants, witnesses and generally the evidence gathering, so then I am able to take an informed and impartial view. The overriding principle which governs both the Constabulary's role as investigator and indeed my own as prosecutor is to ensure that justice is achieved.

100 I comment that in a few situations allegations are brought directly to my attention by complainants: for example, a Deemster or other judge may refer evidence or conduct to me that arose in court proceedings. Occasionally, members of the public have brought matters to my attention and so have brought those matters direct to me. In all those circumstances, I refer any complaints to the Police to investigate and to then report to me.

105 The framework of the prosecution decision being made post-investigation by the Attorney General is common in many jurisdictions. As Attorney General, I am appointed by Her Majesty; I am not employed by our Government or by the Police. My primary responsibility is to Her Majesty, to whom I make my Oath of Office. I am never swayed or influenced by political opinion or indeed any views or recommendations made by a Committee of Tynwald.

110 That said, although the prosecution decision is made by me as Attorney General, I have engaged a Director of Prosecutions, together with a team of some seven experienced prosecuting lawyers. They advise me and to them I have generally delegated my prosecution decision-making. However, despite this delegation, I reserve the right to overrule any and all prosecution decisions and I require to be consulted by my prosecutors and to agree to prosecute, or not, matters such as historic sexual abuse cases. You might ask, why this oversight? In simple terms, because as I mention, I consider the public interest in such matters requires my personal review.

115 I make mention of the Director of Prosecutions, whom I have no hesitation to consult with regard to prosecutions of historic sex offences. Mr Butters is an experienced English barrister, who has successfully prosecuted historic sex cases in the UK and in this jurisdiction. I mention this simply to demonstrate that, professionally, abhorrent cases of historic sexual offences are regrettably not unknown to us and so we are well used to considering such matters in the context of vulnerable victims and families.

120 I note from the Chief Constable's evidence that he provided you with details of the sexual abuse cases over the last five years which were referred to my Prosecution Team in Chambers.

130 Those statistics show that two thirds of the matters referred to us for consider of prosecution
were discontinued on advice from my prosecutors, after noting insufficient evidence to provide
a realistic prospect of success. That percentage of discontinued cases may seem high to you and
to enable you, Mr Chairman, and the public to better understand this outcome, I need to explain
the basis upon which, as prosecutors, we consider all cases referred to us by the Police after
135 they have carried out their investigation of the complaints they receive.

In April 2016 I issued a Protocol and Guidelines for Prosecutions and for the Isle of Man
Constabulary in relation to Sexual Offences. These Protocol and Guidelines are publicly
accessible and are published on my Chambers website. I issued those Guidelines because
offences of a sexual nature will always be regarded as serious by me as Attorney General and by
140 the Isle of Man Constabulary.

In that Protocol I recognised that cases of sexual offending are not only most serious and
damaging, but can result in significant and ongoing consequences for victims and their families.
The objectives of the Protocol are: firstly, to reflect the Police and Prosecution Policy, of which I
will say more; to achieve improved and consistent performance in the investigation and
145 prosecution of sexual offending; and finally, to improve the support of victims of sexual
offending and increase public confidence in the Police and the prosecution response to sexual
offending.

The Chief Constable agreed the Protocol and Guidelines I issued. It has been followed since
and its aims and objectives achieved. In general terms, the Protocol and Guidelines set out a
150 structured approach to the handling and care of the complaints and witnesses and their families.
It provides for pre-charge advice being available from my prosecutors to assist the ongoing
investigation, and provides timelines for turning around and dealing with various matters to
ensure there is no delay in progressing the investigation and any subsequent prosecution. As in
the statistics which the Chief Constable has given you, despite these Guidelines and the care
155 taken by both the Police and my prosecutors, not all prosecutions are successful. Historic sex
cases are difficult challenges for both the Judiciary and juries, no doubt because of the passage
of time.

Alongside the aforementioned Policy and Guidelines, in all criminal proceedings, prosecutors
are then required to apply the Prosecution Code, which again I have published, as it contains
160 important information for all who work in the criminal justice system and for the general public.
The Code helps prosecutors on my behalf as Attorney to play their part in ensuring that justice is
achieved in a transparent and accountable way.

The Prosecution Code which I published, and which I updated in March 2017, follows that
issued by the Crown Prosecution Service in the United Kingdom, which is also followed by many
165 other jurisdictions, and I mention only Jersey and Guernsey by way of example as being similar
jurisdictions to our own. Every case which Chambers considers for prosecution will be
considered in terms of this Code and clearly every case must be considered on its own merits.

There are two stages in any prosecution decision to prosecute. The first stage is the
Evidential Test. If the case does not pass the Evidential Test, a prosecution will not go ahead, no
170 matter how important or serious or it may be otherwise. If the case does pass the Evidential
Test, the prosecutor must then separately decide if a prosecution is warranted in the public
interest.

The second stage is, therefore, the Public Interest Test. The prosecutor will only start or
continue a prosecution when a case has passed both tests.

175 Prosecutors must be satisfied that there is sufficient evidence to provide a realistic prospect
of conviction against each defendant on each charge. They must also consider what the defence
case may be and how that is likely to affect the evidence in a prosecution case.

A realistic prospect of conviction is an objective test. It means that a judge or a jury, properly
directed in accordance with the law will, on the basis of the evidence, be more likely than not to
180 convict the defendant of the charge alleged. As I have mentioned, in historic sex cases this is
often a difficult remit to apply.

185 When deciding whether there is sufficient evidence to prosecute, prosecutors must consider whether the evidence can be used and is reliable. There will be cases in which the evidence does not give any concern. However, there will also be cases in which the evidence may not be as strong as it first appears. In this regard, prosecutors must ask themselves the following question: is it likely the evidence will be excluded by the court? There are certain legal rules which might mean that evidence which seems relevant cannot be relied upon at a trial.

190 For example, is it likely that the evidence will be excluded because of the way in which it was gathered or because of the rule against using hearsay evidence? If so, is there enough other evidence to ensure a realistic prospect of conviction? I will need to say more about the rules of evidence later, as there have been issues which have arisen as a consequence of evidence taken at this inquiry, which I need mention.

195 I have already mentioned the Public Interest Test, which must be considered in every case where there is enough evidence to provide a realistic prospect of conviction. In cases of any seriousness, once the Evidential Test is satisfied, a prosecution will usually take place unless there are public interest factors tending against prosecution which clearly outweigh those tending in favour.

200 Prosecutors in making any prosecution decision must balance factors for and against prosecution carefully, fairly and consistently and to this end prosecution decisions are routinely peer reviewed and, as I have mentioned, at times referred to me.

205 Some factors, including any published policy issued by me as the Attorney, may emphasise the requirement to prosecute, but other factors or published policies may suggest that another course of action would be better followed. In this regard, I have in mind, for example, a caution policy which is agreed with the Constabulary which would not, however, apply in historic sex cases.

210 The following are some common public interest factors, both for and against prosecution – but I must emphasise, they are not exhaustive. The factors which may apply or not will depend on the facts in each case. A prosecution is probable if: firstly, a conviction is likely to result in a significant sentence; secondly – not relevant here – a weapon was used or violence was threatened during the commission of the offence; thirdly, the offence was committed against a person serving the public, for example a police officer, prison officer or nurse; the defendant was in a position of authority or trust; the evidence shows that the defendant was a ringleader or an organiser of the offence; there is evidence that the offence was premeditated; there is evidence that the offence was carried out by a group; the victim of the offence was vulnerable, has been put in considerable fear or suffered personal attack, damage or disturbance; the offence was motivated by any form of discrimination against the victim’s ethnic or national origin, sex, religious beliefs, personal views or sexual preference; or finally, there is a marked difference between the actual or mental ages of the defendant and the victim, or there is an element of corruption.

220 Many of the factors I mention would clearly be of relevance in relation to what we know of the historic sexual abuse which took place in Knottfield, but I must remind you that there must be admissible evidence to prove any factor relied upon; it cannot be based upon belief or supposition.

225 I also now move on to mention some common public interest factors against prosecution. A prosecution is less likely if: the court is likely to impose a very small or nominal penalty; or if the offence was committed as a result of genuine mistake or misunderstanding – these factors must be balanced against the seriousness of the offence. If the loss or harm can be described as minor and was the result of a single incident, particularly if it was caused by a misjudgement, or there has been a long delay between the offence taking place and the date of the trial, unless: the offence is serious; the delay has been caused in part by the defendant; the offence has only recently come to light; the complexity of the offence has meant that there has been a long investigation; the prosecution is likely to have a very bad effect on the victim’s physical or mental health – always bearing in mind the seriousness of the offence; the defendant is elderly

235 or is, or was at the time of the offence, suffering from significant mental or physical ill health,
unless the offence is serious or there is a real possibility that it may be repeated – prosecutors
must balance the desirability of prosecuting a defendant who is suffering from significant mental
or physical ill health with a need to safeguard the general public; and finally, factoring against
prosecution, if the defendant is already serving a lengthy custodial sentence and little more may
be gained by further prosecution.

240 Again, a number of these factors against prosecution are relevant to the matter and I will
come back to them later.

Deciding the question of public interest is not simply a matter of adding up the number of
factors for and against prosecution. Prosecutors must weigh and decide how important each
factor is in the circumstances of each case and go on to make their overall assessment. Before
245 final determination of the public interest test in relation to historic sex offences, those decisions
must be reviewed by the Director of Prosecutions who, in turn, must refer them to me for my
own review.

Prosecutors, including myself, always act in the public interest and not just in the interest of
any one individual complainant. Prosecutors must always consider and think very carefully about
250 the interests of the victim and the views expressed by the victim, and the impact that the
offending has had upon them. If the victim is a child or a person unable to speak for themselves,
it may often be necessary to take into account the views of the victim's family or other persons
responsible for care of the victim. The views of the victims must be taken into account at all
stages, including considering whether or not it is in the public interest to commence a
255 prosecution, discontinue a prosecution or to agree to accept certain pleas. The interests of the
victim are – and should always be – an important factor when considering where the public
interest lies.

In this case, the victims were children at the time of the offences alleged and were not in a
position to perhaps complain as they were entitled to or, alternatively, having made complaint,
260 experienced their not being taken seriously or ignored. I can well understand how difficult it has
been for them to come forward now but even though very long after the event, they can be
assured that in the matters referred to us by the Police, their evidence has been considered
carefully in the context of both whether it met the Evidential Test and if so, the Public Interest
Test.

265 When a prosecution decision is made in any case, the victim or complainant is always entitled
to ask me to review the decision. If it is a decision that I have made myself, and I have carried
out any peer review, then such review is undertaken by Her Majesty's Solicitor General.

I can tell you that there have been instances during my time in office where I have been
asked to conduct such a review and also incidents when the matters referred to me have been
270 referred to the Solicitor General. I can also tell you that I am aware of instances where following
this review, the initial decision of the prosecutor has been reversed.

I hope that by explaining the detail of the process, it may assist the Committee and the public
to better understand the prosecution decision in 2016, which at first the Director of
Prosecutions made and which, following my own review of the file, I confirmed.

275 There were three complainants. In relation to two of the complainants, the Evidential Test
was not met. I will say a little more about this in a moment.

In relation to the third complainant, it was concluded the Evidential Test was met. However,
it was concluded that in the public interest, Mr Marshall would not be prosecuted.

I have noted that the view has been expressed that the decision not to prosecute was that
280 this was made simply because of the age and state of health of Mr Marshall. That is not so. What
I said in my answer to you, Mr Chairman, of 29th September 2017 was that: 'the nature of
allegations were such that the proposed Defendant would not have been sent to prison given
the age and state of health of the Defendant'.

285 It was the nature of the allegations and the likely outcome of any prosecution 'which were
the persuasive factor, not age or state of health' of the Defendant.

I had to ask myself the question: if the more recent allegations had been made at the time of the 1992 trial and the subsequent conviction of Mr Marshall, would it have added to his sentence and were the new allegations any different to the type of abuse for which Mr Marshall stood before the court then? The answer to that is no. There was no material difference in the nature of the allegations and it seemed that the abuse formed a part of the same despicable conduct associated with the three young boys whose complaint was then made before the court.

In the circumstances of this new complaint being no worse than before, albeit isolated insofar as in respect of a further young child, how would a court be likely to deal with the defendant now? It was in this respect that the age and state of health of the defendant became relevant, not in the context of providing my excuse, or any excuse, for guilt; but rather, as to whether the court was likely, in the event of a prosecution, to impose a significant sentence – and by that I mean a custodial sentence. My conclusion was that it was not. There would not have been a satisfactory outcome for the new complaint and little would have been gained in the public interest to prosecute.

I mention the use of the evidential difficulties with two of the complaints considered in 2016. I must not and will not say anything which identifies these two complainants, so with this in mind, I am able only to outline the evidential difficulties.

In one case, the evidence did not actually identify the perpetrator so although disclosing the abuse suffered, there was no supporting evidence which could be used to charge anybody.

In the second case, the complainant having made an initial complaint then advised the Police they no longer wished to pursue the complaint and so became a reluctant witness, a development making subsequent prosecution fraught.

There has in fact been a further complaint since this inquiry began, Mr Chairman, as a result of which the Police asked that the inquiry be halted whilst the criminal investigation of that complaint took place. That complaint was investigated. That complainant has not, to my knowledge, given evidence to this inquiry. The Director of Prosecutions was consulted on the new complaint and advised. We did not, however, reach the stage of having to consider a prosecution decision, as that complainant in turn decided that they did not wish to continue with a formal complaint.

As far as I am aware, there are now no further formal complaints under criminal investigation. This does not signal that the case is closed, as if any further allegations are made which after investigation pass the Evidential Threshold and clearly if the complainant is prepared to see the matter through, then a decision can be made whether that case in the public interest should be placed before the court. As I have mentioned, age and health of any defendant are not determinative as far as the Public Interest Test is concerned.

I have mentioned potential evidential difficulties with reference to evidence presented to this inquiry, and I say this in relation to any prospect of criminal proceedings which may follow.

In all criminal cases presented to any criminal court, the evidence must be preferably independent but unquestionably not tainted by views or the evidence of others. The concern I have now in relation to future proceedings is that some witnesses at this inquiry gave their evidence in the presence of one another and that if for some reason we wished to use their evidence in any future criminal prosecution, I fear that their evidence could be ruled inadmissible through being tainted, innocent or otherwise, and therefore fatally contaminated.

I now move on to mention issues relating to civil law in the context of whether a child who is abused in a children's home has a legal claim for damages for personal injury against the home. I have provided the inquiry, Mr Chairman, with a note outlining the limitation periods for personal injury claims on the Island – that is the time within which a claim must be brought – but it may be helpful if I summarise the position.

Owing to the many different situations which may give rise to a potential claim for damages, I do not intend that what I state now should be treated as a definitive and exhaustive statement of the law in the Isle of Man in relation to claims for damages for personal injury.

I am not aware of any claims relating to historic sexual abuse having been brought to or determined under judgment by the Isle of Man Courts on substantive grounds or on the question of limitation. It will be a matter for the Courts of the Island to state what the law is if any such claim is to be made.

I am also keen to avoid making any comments which might be taken to express a view as to claims which may lie between litigants now or in the future.

I am sure this Committee will be concerned not to direct questions which might be perceived to raise issues which are *sub judice*, whether in respect of ongoing litigation, if there is any, or which may be brought in the future.

At the outset, it must be remembered that most damages claims are not brought against the individual abusers but instead are brought against the employer of the abuser, under the principle of vicarious liability. Employers typically have insurance and other means to meet damages claims.

Typically a placement of a child in an institution will have involved some intervention by the state to begin with, before a placement is secured. Thereafter, a placement is then secured through direct public provision or via a third party. That third party could be a charitable, religious or other body or individuals on some form of approved fostering or adoption list operated by the state. The state undoubtedly has certain duties relevant to the initial intervention, albeit not necessarily duties which give rise to a basis to claim damages.

After an intervention, the state has certain duties with regard to a placement it provides or a placement through a third party. If the state did not itself directly provide the placement, it nonetheless is recognised in certain circumstances as having a duty – albeit informed by the standards expected of the time – relevant to the placement it secured elsewhere for the child concerned.

So in relation to a historic abuse claim, where the abuse has occurred whilst the child victim was in the purported care of a third party provider, it is conceivable that claims may lie against both the provider and the state, subject to the principle of there being no double recovery.

The state could, for example, be liable if it failed to have any adequate supervisory safeguards in place or placed a child when ‘on notice’ of the risks that such a placement at that institution or with that person might provide.

I limit my comments to that, rather than speculating about specific or hypothetical cases, owing to potential *sub judice* issues.

I then briefly touch upon the Limitation Act issues. The Limitation Act 1984 of Tynwald is in materially identical terms as the Limitation Act 1980 of Parliament. I therefore consider that the approach of the Island’s courts is likely to be informed by the highly persuasive but not binding effect of decisions of the higher appellate Courts of England and Wales, as I describe below.

Until 2008, the position in England and Wales was that claims relating to deliberate abuse were to be categorised in law as subject to an absolute six-year limitation period, within which civil legal proceedings had to be brought.

As a consequence of conjoined cases before the House of Lords in 2008 – known as *Hoare v A*, which was the lead case – the court’s approach to the nature of the claims for inflicting intentional harm for the purposes of the Limitation Act has shifted somewhat. No longer were such claims to be considered to be ones categorised as akin to negligence and/or breach of duty. Rather the approach in England and Wales since 2008 has been that such claims should be considered as if they were personal injury claims.

For the purposes of the Limitation Act 1980, the three-year limitation for bringing a personal injury claim runs from the later of either, firstly, the date of knowledge sufficient to bring a claim – which is ordinarily, but may not be, the date of the abuse; or secondly, the claimant turning 18 years old.

The importance in the shift in categorisation is that that three-year ‘date of knowledge’ or reaching majority is subject to potential further discretionary extension of time by the court to enable claims to be brought belatedly and after expiry of the limitation period.

390 Among the factors that the court will be likely to consider, when considering this extension,
to take into account are the following: firstly, whether there was any physical/mental
impediment in particular as a consequence of the abuse which prevented a claim from being
brought in time; secondly, whether there would be serious prejudice to the defendant caused by
395 the long delay in bringing proceedings, such that a fair trial was no longer possible; thirdly,
although the court's discretion was unfettered and had to be addressed in all the circumstances,
the court should never lose sight of the public policy, for a fair trial, considerations on limitation
periods; fourthly, whether having undertaken a full and proper audit of all available documents
there were significant gaps in documentation; fifthly, whether witnesses were untraceable or
dead; and finally, the cogency and consistency of what a witness states.

400 As to whether that discretion to extend time to enable the claim to be brought should be
exercised, many of the reported England and Wales cases which have gone to judgment since
the above re-categorisation of abuse claims for Limitation Act 1980 purposes have seen the
court refuse to exercise discretion to allow the claims to proceed out of time. Ordinarily, this is
on grounds related to the cogency of evidence typically available – or more likely, not available.

405 Indeed, this was the case in one decision of our own High Court in a judgment in the Isle of
Man given in 2000 relating to an allegation that a school pupil had been assaulted by a school
teacher in 1974 – that was the case of *Kelly v the Department of Education*. The case
demonstrates that evidential issues can have an important inhibitive effect in cases founded on
historic events. This was not a sexual abuse case.

410 The legal position in Scotland has changed somewhat, where the Scottish Parliament has
introduced the Limitation (Childhood Abuse) (Scotland) Act 2017 with effect from
4th October 2017. For consistency, I use the descriptive terms of 'claimant' and 'defendant' as
known in the Island and England and Wales, rather than the Scottish terms of 'pursuer' and
'defender'.

415 The Scottish Act reversed the starting position that a claimant had to bring a claim within
three years of the later of (a) the date of knowledge of the abuse complained of; or (b) the
claimant reaching the age of majority, which in Scotland for the purposes of civil cases is 16; or
otherwise persuade the court to exercise its discretion to allow the court to proceed outside
that three-year period. Instead, the claimant's action in Scotland can be brought at any time, but
420 it is still open to the defendant to apply to the court to argue that it is not possible for a fair
hearing to take place.

Defendants are required to demonstrate 'substantial prejudice' if the case were to proceed,
leaving the court to balance the competing interests of both parties. Exactly what constitutes
'substantial prejudice' is unclear, but the passage of time alone between the occurrence of the
425 abuse and the presentation of a claim is, on my understanding, insufficient to satisfy this
requirement. It is likely that the very same factors that come into play in England and Wales
when considering an application to exercise discretion to allow a claim to proceed out of time
will be in play in Scotland, when a defendant seeks to argue a claim should not proceed because
of the prejudice to a fair trial.

430 For the time being, however, the law in the Isle of Man remains broadly as the position is in
England and Wales, such that the starting point is that a claim relating to historic abuse
occurring whilst the victim was a child must be ordinarily brought within three years of the
victim suffering the abuse or within three years of reaching the age of 18, but as I have said, the
court has a discretion to extend time.

435 Whether the Island might consider replicating the Scottish provisions is a matter, of course,
for Tynwald. My own view is that this may be helpful to clarify the law in this area, although any
change in the law is unlikely to have retrospective effect; by making a change in the law might
provide, however, better clarification for victims and their families in the future.

I now move on briefly to mention the Criminal Injuries Compensation Scheme, where again I
440 have provided the inquiry with a note of how the Scheme works and is applied. As I pointed out,
applications under the Scheme must be brought within three years of the incident giving rise to

445 the claim. The tribunal, however, has the power to consider applications out of time in exceptional circumstances and would in doing so consider the reasons for the delay. I cannot say what direction the tribunal might take in respect of historic sex abuse cases. As I have advised, the tribunal will consider applications for compensation arising out of sexual offences. The onus is on the complainant to demonstrate that the 'injury' alleged is as a consequence of a criminal act, although it is not necessary that the perpetrator must have been convicted. 'Injury' in this context can include suffering, shock, psychiatric damage and the like, attributable to the abuse.

450 As is the position with civil claims, the time of the delay between injury and claim may cause a claimant difficulties in satisfying the burden of proof in relation to the abuse, as in the absence of there having been a criminal conviction, the claimant would have to prove on a balance of probabilities that a crime had been committed.

455 I have also in my written evidence provided the inquiry with what I have so far been able to identify as to the restructuring of the Isle of Man Home over the years. As I advised, prior to April 1988, the Trustees of the Isle of Man Homes for Orphans and Destitute were a body corporate established under the Isle of Man Homes for Orphan and Destitute Act 1915. In the late 1970s, it would have been this body corporate that operated Knottfield.

In 1988 a company called Isle of Man Children's Centre acquired the assets of the previous corporate body and then operated the home.

460 Subsequently, in 2004 a further scheme was entered into which made a further reorganisation and modernisation of the Isle of Man Children's Centre, a charitable company. I have in my written advice identified that there are questions to be answered as to whether the liabilities of the Isle of Man Home prior to the transfer in 1988 are now liabilities of the existing charity. It may be that this is a matter for the court to determine and I am afraid I cannot say with any certainty whether today's Children's Centre is a potential defendant.

470 I am finally asked to comment on whether I consider lawyers in the Isle of Man require special training to deal with survivors of historic child abuse. I do not believe so, as the claims, if they exist in law, are in negligence and/or breach of duty, which lawyers dealing with civil litigation will be well versed in. It may be, in the absence of any judicial precedent on the Island as to quantum of any such claim, that lawyers here would be well advised to seek specialist advice off-Island to assist, but doing this is not unusual. I believe that there are a sufficient number of Manx Advocates capable of dealing with claims of this nature.

Thank you, Mr Chairman.

475 **Q166. The Chairman:** Thank you very much, Mr Attorney General. No doubt we and others will study in depth the comprehensive comments that you have made this morning.

We have got some prearranged questions which may cover points you have already responded to, so please forgive us if we duplicate in some instances.

You referred to Mrs Urquhart, as well as Mr Guest. Mrs Urquhart said:

Child sex crime as a whole on the Island is still not being taken seriously.

480 Would you like to respond to that suggestion?

The Attorney General: Yes, thank you, Mr Chairman.

485 I do not believe that is the case. I can only speak, of course, from my own experience of the matters which have been investigated, which have been brought to my attention. I have no hesitation in saying that the Police, in the files which I have seen, did a thorough job; and also from the point of view of my own Chambers, where I have indicated to you the seriousness with which we actually view these matters, I mentioned the protocol which I issued, which is by way of instruction to my prosecutors and the involvement of myself and both the Director of Prosecutions in ensuring that these matters are dealt with, within the framework which has been agreed with the Police.

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So I have seen no evidence from the point of view of investigation and prosecution in my time which would indicate that they are not being taken seriously.

495 **Q167. The Chairman:** In your submission to us of September 2017, you wrote of the 2015-16 investigation. In relation to two complaints, it was concluded that there were legal evidential difficulties and, as a consequence, that the evidential threshold was not met. In relation to the third complainant where the evidence was stronger, the nature of the allegations was such that the proposed defendant would not have been sent to prison, given the age and state of health of the defendant.

500 It was accordingly decided that it was not in the public interest to prosecute in relation to this third complainant. And you have gone on to say that it was not particularly the age and state of health, but the nature of the allegations. Would you like to comment a bit further on that?

505 **The Attorney General:** Mr Chairman, I do not know if I can say any more. In my prepared statement, I outlined the basis upon which that decision was reached. Essentially, because of the nature of the allegations – the sexual abuse which took place – being ... and it is an abhorrent set of circumstances, so what I say, I find some difficulty with, because I am not belittling in any way that offence, but it was of the same type as the conduct upon which Mr Marshall was convicted in 1992. The point I was making was that if that matter had been before the court in 1992, it would not, in my considered view, have resulted in any further sentence being imposed. So it follows, then, that if the matter were to be prosecuted now, I did not consider that there would have been a custodial sentence.

515 **Q168. The Clerk:** Can I follow up on that, please, Mr Chairman? The law has changed since the conviction of 1992. Does that mean that if further evidence is found of different offences which have not been prosecuted, the sentence could come out different?

520 **The Attorney General:** Mr Chairman, it could well do. As I have made clear, this case is not closed. If further evidence comes through and that criterion that I have just explained to you does not exist, it will be viewed again.

We did look at, quite recently, a further allegation, where I have explained why it was not proceeded with, because it did not pass the Evidential Test. The complainant was not prepared to proceed. That was a completely different type of offence to the other matters I have referred to.

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Q169. The Clerk: So would you be sentenced according to the new law?

530 **The Attorney General:** No, you would be sentenced according to the law at the time of the offence. *(Interjection)*

Q170. The Clerk: Sorry, can you say again: when you change the ... when Tynwald intervenes in a particular category of offence and decides that the sentence should be longer, or the maximum sentence should be longer, does that mean somebody convicted from now on would serve a longer sentence?

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The Attorney General: No. A person is convicted and dealt with as the law applies at the time of the offence. I thought you were talking about the nature of the offence being somewhat different than the matter which I reviewed.

540 **The Clerk:** Well, I was talking about both things, to be honest.

The Attorney General: Right. I have made the position –

545 **Q171. The Clerk:** So I think in terms of the sentencing laid down by statute, that does not change anything because you are sentenced according to the law (*The Attorney General:* At the time.) at the time of the offence.

But if you find evidence of a different sort of offence, that could result in an additional sentence?

550 *The Attorney General:* It certainly could.

The Clerk: Thank you.

555 **Q172. Ms Edge:** Can I just follow on the public interest and the effects on the offender which you commented on. I was not quite clear that the same principles applied to the victim with regard to public interest. So if a victim comes forward, what are their rights from a public interest point of view?

560 *The Attorney General:* As I have made clear, Mr Chairman, the interests of the victim are taken into account. It is one of the factors for prosecution – in favour of prosecution.

565 **Q173. Ms Edge:** I think that you stated that it is the effects on the individuals that are taken into account with regard to the victim, but if the victims and the effects on them have a difference – like today, since you have listened to some evidence from the Committee, would you reconsider that?

The Attorney General: The circumstances would be considered as they are today, albeit in relation to the offence which was committed historically. Clearly, the public interest would be applied as it exists today.

570 **Ms Edge:** Thank you.

575 **Q174. The Chairman:** In relation to the 2015-16 investigation, you said that there is kind of a protocol and matters can be referred to the Solicitor General for review. Was that the case in this instance?

The Attorney General: No, not in this case. We did not receive any request for my decision to be reviewed.

580 **Q175. Ms Edge:** Can I just ask a further question with regard to the evidential information that you take: if evidence comes forward from a victim and the carer is the person that you are considering prosecuting, how do you distinguish whether it is the victim that is giving the facts correctly? Because surely if you were going to ensure that those facts were correct, you would be going to the carer, and the carer could be the perpetrator.

It was not quite clear how ... what evidence could ...

585 *The Attorney General:* Right, you will appreciate, we can only make our decision on the basis of the results of the investigation. We are given a file by the Police which will provide us with the evidence which they have gathered. I would imagine that not only will the Police have taken a statement from the victim and supporting evidence, but they would also have put it to the possible defendant – the carer, or whatever. If they had not, on our review of the file, we would ordinarily perhaps send it back to the Police for further inquiries to be made, so that we would have available to us the best information which they could give us, upon which we could make our decision.

So, the evidence will be there. Whether it is satisfactory or not is another matter.

595 **Ms Edge:** Thank you.

Q176. The Chairman: In evidence to us, Mrs Urquhart said:

Just recently Bill Cosby, aged 80 years and in ill health, was successfully prosecuted for historical sex crimes. Max Clifford was in his 70s. Rolf Harris was in his 70s. Dave Lee Travis in his 60s. And closer to home, Derek Cooper of Hillberry Green is 77 years old and has recently been convicted of historical crimes. Every one of them claimed ill health.

Can you again confirm, just again for the record so that it is absolutely clear, that your policy is in line with that of prosecuting authorities in neighbouring jurisdictions?

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The Attorney General: Yes, Mr Chairman.

Q177. The Chairman: And another one that I would just like to confirm again, in relation to why there was no prosecution after the most recent investigation, it is because the victim decided not to proceed.

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The Attorney General: That is correct, sir.

The Chairman: I think you have answered this ...

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Q178. The Clerk: Sorry, just before we leave the age thing, because I think this has been picked up clearly by a lot of people.

Going back to 2016, you wrote, of the 2016 decision that you made:

the nature of the allegations were such that the proposed Defendant would not have been sent to prison given the age and state of health of the Defendant.

And you have explained that when you talk about the nature of the allegations, they were similar to the allegations for which he had been convicted in 1992. If he had been younger and in a good state of health, would that have made a difference?

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The Attorney General: Not in my opinion, no.

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Q179. The Clerk: So it was a bit of an own goal, mentioning his age and state of health.

The Attorney General: Sorry, a bit of a ... ?

The Clerk: I do not understand why you mentioned his age in this email.

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The Attorney General: It would have been a factor in: would you put a defendant, a perpetrator through a trial, because of his age and state of health, in the knowledge that he would not receive a custodial sentence? That was one of the factors we would have taken into account.

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Q180. Ms Edge: Can I just add to that? Obviously, it was felt that it was similar to the offence that had had a custodial sentence; but that would be for the case at the time and however many victims at the time. If these are new victims coming forward, it does not matter; there could be a hundred come forward and it would still be the same sentence. Is that – ?

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The Attorney General: Not necessarily. (**Ms Edge:** Okay, thank you.)

It all depends on the nature, as I have tried to explain, of the allegations which were made.

640 **Q181. Ms Edge:** I am not sure whether you can state this on the record –

The Attorney General: I do not wish to.

645 **Ms Edge:** I am just inquiring as to whether any of the files did get returned before they came back to you. Can you state that? With regard to the evidence, were they referred back? With this latest case, were any files referred back to the Police before you made your final decision?

650 **The Attorney General:** Before the final decision? I can say that the Director of Prosecutions was consulted with reference to the investigation, as it was being conducted. So before it was finalised.

Ms Edge: Thanks.

655 **Q182. The Chairman:** In your submission to us of November 2017, you commented on two schemes of 1988 and 2004, which restructured the Children’s Centre. What would you say was the net result of those schemes?

660 **The Attorney General:** As I explained in my prepared statement, the net result is that the home ended up being operated by the Isle of Man Children’s Centre. What is not clear, and I have again tried to explain that in the note which I left with you, is whether or not the transfer of the going concern of operating the home from the company which operated it in the late 1970s to the company that operated in, I think it was 1988, to where we are today, actually was done on the basis that liability for prior acts of the staff of the home was something for which the previous companies or indeed the new company is accountable for.

665 I have expressed the view – but it is only *my* view – that there is a good case for arguing that the liabilities do rest with the new company; but that is a matter for the courts. I have got to stress that. The court will not be influenced, necessarily, by my view.

670 **Q183. The Chairman:** The Tynwald resolution establishing this inquiry talked about Knottfield Children’s Home which closed in 1983 – that is what it says.

Is it correct to say that the home closed in 1983?

The Attorney General: I do not know the answer to that, Mr Chairman, sorry.

675 **The Chairman:** A number of these questions are about the way you have gone into detail about –

The Clerk: Some of these are already covered.

680 **The Chairman:** Yes, I think so.

Q184. The Chairman: In relation to the Criminal Injuries Compensation Scheme, who makes the scheme and could they change the three-year time limit?

685 **The Attorney General:** I am sorry, Mr Chairman, I didn’t ...

The Chairman: Who makes the scheme and could they change the three-year time limit?

The Attorney General: I think it is actually by Tynwald.

690 **Q185. The Chairman:** So the three-year time limit could be changed by Tynwald.

The Attorney General: By Tynwald, yes, sir – sorry.

Q186. The Clerk: May I also ask, are there any instances of the time limit being varied by the tribunal? I think you mentioned it was possible in theory. Has it been done?

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The Attorney General: I am advised that, yes, there are examples – which I cannot cite for you, Mr Chairman, but there are examples of the time limit being extended.

The Clerk: Thank you.

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The Chairman: You have been so comprehensive in your commentary this morning, which is very helpful. But I think you have covered most of the points that I have got.

Q187. The Clerk: This is a prepared question which the Attorney General has answered with respect to the law, but I would like to ask it with respect to the personal side. He said the Attorney General cannot reach out to people. We have heard that the Police need special training to deal sensitively with survivors of historic child abuse. Is the same true of lawyers?

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The Attorney General: From my Chambers' point of view, of course we do not deal with the victim, the complainant. We often meet with them in the event of having to explain the prosecution decision, and certainly, in my own experience, I have actually met with a victim in my time to explain why a trial did not succeed. So we have that interaction but we do not actually deal with their problems. That is why I tried to say, very glibly, that I cannot reach out to them; I have a statutory function.

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As far as the lawyers on the Island are concerned, I am not aware of any gaps that exist. There are practices which deal with very sensitive child issues – not necessarily child abuse issues – and I know they receive training. Unless, maybe, it is something for the judiciary, not for me – I am not aware of any issues which would necessitate any specialised training.

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The Clerk: Thank you.

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Q188. The Chairman: Just back to the procedure that is followed in all cases: can you explain how the Police compile the files they are required to put forward to your office with regard to evidence, witnesses, etc.? Is there a specific format for them doing that?

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The Attorney General: There is an agreed format between ourselves and the Police as to what we need to see with reference to the evidence gathering. So there will be a format for, for example, how a statement is taken to ensure that it is in such a state that it is then admissible.

What I cannot say, what we will not necessarily say, is what the file should contain because that is the evidence gathering, but there is a flow of the file backwards and forwards to Chambers, where they could come back and seek advice with reference to a particular issue that the Police may have come across investigation, as to what evidence that they may need to address that.

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Q189. Ms Edge: Can I ask: is that procedure open to review on an annual basis or is there anything you would pick up perhaps from Committee evidence that you would include in that?

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And with regard to vulnerable people and Government-run organisations, is there protocol behind, if an individual comes forward, who the Police should gain evidence from because obviously the carer ... There will be carers involved, there will be schools involved, there will be medical practitioners involved. Is the procedure ... ? I know you said that the evidence should be gathered correctly by the Police but if there was a review, do you feel if it is a Government-run

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body, there should be guidelines as to every area of Government that should be touched with the evidence?

745 **The Attorney General:** That is very difficult to answer because ... I think you have just got to bear in mind that when we make the prosecution decision, we want to make it in such a way that if it is to prosecute and it is in the public interest to prosecute, what we have before us is a file of evidence which will give us a reasonable prospect of success of obtaining conviction.

750 So clearly it is in our interest to work closely with the Police to cover off those areas of the evidence that are required before the court. We would clearly take into account if it was the evidence to be given by a child of the protocols and care processes that need to be put in place to obtain that evidence.

755 I do not know whether there is a role for an outside body to direct us as to what should be on that file. I just do not see how that works, with respect.

Q190. Ms Edge: I suppose the angle I am coming from is: I did ask the Chief Constable when they were reviewing the cases, were there any school records of the children, because that has come up throughout the Committee – were they looked at with regard to the evidence that was put forward for the prosecution? I think he said that he either was not sure or no. So from the point of view of some of the items that have been brought up by the victims, it seems that there may have been an issue there.

760 So it is just whether your procedure does review what is discussed in committees and whether you think there should be procedure changes.

765 **The Attorney General:** I think we are governed by what the complainant says. If a complainant makes a link in their evidence to their experiences at school and it is relevant to what we are considering from the point of view of prosecution, then clearly, we would, I would imagine, be talking to the Police as to whether or not they ought to go to that school to see whether there is any corroborative evidence there to support what the complainant said.

770 It is not an all-embracing inquiry into why things have happened. Our role is to simply see whether there is sufficient evidence to prosecute.

Ms Edge: Thank you.

775 **Q191. The Chairman:** When the Police put a file forward to your officers for consideration of prosecution, are previous witness files from previous attempts or investigations also considered? Whose responsibility is it to put all this together to allow you a clearer picture of the perpetrator in question – your office or the Isle of Man Constabulary?

780 **The Attorney General:** I am just trying to think of any Without making a generalised answer to that, it is clearly a question from the point of view of the Police as to what is put forward to us to make the prosecution decision. Insofar as a file may contain records of prior convictions, I can see circumstances where a prosecutor justifiably will ask for details of that previous file.

785 The previous convictions are routinely provided on the file, which we consider. So we know what we are dealing with.

Q192. The Clerk: What about a previous investigation of the same defendant, but from a different complainant?

790 Put it another way: if witness 1 says, 'That person did this to me', and witness 2 says it, what happens if 15 or 20 people have said the same thing about the same defendant? Does it add up or not?

795 **The Attorney General:** I am quite sure, Mr Chairman, that that would be provided to us and if we were aware of it, we would ask for that information. And in this particular case, it was, of course. We were aware of the previous ...

800 **Q193. The Clerk:** But I mean, you mentioned earlier that evidence can be contaminated (**The Attorney General:** Yes.) if two witnesses give evidence side by side to the investigating authority. And so you would expect them to be interviewed individually by the Police. Nevertheless there can be a cumulative effect of several complaints against the same person.

The Attorney General: It could arise, yes, Mr Chairman.
805 That is why I just make a note of caution. We may have difficulties, which I am sure you can imagine.

Q194. The Clerk: What are the difficulties?

810 **The Attorney General:** The difficulties are ... I know you are then taking me into the realms of defence, where the admissibility of evidence could be challenged as tainted, because somebody else was there when that statement that was made is being relied upon. So there could be undue influence, for example. Or alternatively, the corroboration for that statement, which may have come from the other person who was there listening to it is then going to be of no value.

815 **Q195. The Clerk:** Right. But if the evidence is properly gathered by individual, witness by witness, then you can bring together evidence from lots of witnesses as part of prosecuting the same defendant?

820 **The Attorney General:** Yes. It is possible, Mr Chairman, but I am just making note of the warning that they could be considered by the court – it is the court's decision – to be tainted.

The Clerk: Thank you.

825 **Q196. The Chairman:** When this matter was considered in Tynwald, not all Members of Tynwald agreed that this should be referred to Social Affairs Policy Review Committee. I just wondered, had you offered any advice in advance of the Tynwald sitting on that matter?

830 **The Attorney General:** I think I had expressed a view, which I cannot remember, to be honest, Mr Chairman. I think I had been asked and I believe my comments would have been to express the caution which I have expressed today with regard to the evidence that could be gathered and its usefulness, in the context of a prosecution, which is my only interest.

But I cannot ... I think, yes, I am pretty sure I was asked on that basis.

835 **Q197. Ms Edge:** Can I just ask one other question? You said that the case is not closed. How long will it remain open? Is there any timescale on that?

The Attorney General: No timescale. If any evidence comes forward which is then investigated and passed to us for consideration of prosecution, it will be.

840 **Ms Edge:** Thank you.

Q198. The Chairman: You may not feel you want to answer these last couple and that is fine. We will be hearing from a former trustee of the Children's Centre shortly. Is there anything that you think we should ask him?

845 **The Attorney General:** I do not think I can comment on that.

Q199. The Chairman: And what do you think the Committee should recommend to Tynwald?

850 **The Attorney General:** I think the only one point I have mentioned to you is that I could see every justification for suggesting to Tynwald that the limitation period should follow that of Scotland, for the sake of clarity and in the interests of victims.

Q200. The Clerk: May I just ask a point of detail? In your opening statement, Mr Attorney General, I think you said of the Director of Prosecutions, he is an English barrister who has successfully prosecuted historic cases in the Isle of Man and this jurisdiction. (**The Attorney General:** Yes.) Did you mean, has he successfully prosecuted historic cases in England?

The Attorney General: Yes, he has.

860 **Q201. The Clerk:** Thank you.
And would you be able to send us your statement by e-mail or leave a hard copy?

The Attorney General: I have it here for you.

865 **The Clerk:** Thank you very much.

The Chairman: Anything else?

Ms Edge: No, I am fine, thanks.

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Q202. The Chairman: Is there anything else you would like to say in conclusion?

The Attorney General: I thought you were going to ask me, because I forgot to put it in my note, one of the questions which was raised in the evidence which you have been given was whether or not the prosecution decision made can be appealed. I have explained to you how it can be reviewed and how it is reviewed and the process I have in place for that review. Technically, my view is it could be the subject of a petition of doleance, in the same way that any administrative decision could be doleanced.

880 I will say no more, but I believe ... I just want it there for the record, because the question has been posed to the inquiry, that I believe that that could be an opportunity if somebody felt ...

Q203. The Chairman: One of the things that has been raised with us by victims of this historic abuse is that they may not have access to funds in order to facilitate such legal remedies. Is there anything that can be considered which might lessen that burden? I mean, they are above the lines for legal aid, but obviously not wealthy people. Is there any other alternative that could be considered in order for them to facilitate a legal process?

890 **The Attorney General:** That, Mr Chairman, as you are aware, crops up many, many times. I can make a very glib comment that the solution is with Tynwald, because certainly in the confines of the legal aid scheme which exists at the moment, I cannot influence how it is applied.

As the Solicitor General reminds me, one way that it could be mitigated is if there was a group action.

895 **The Chairman:** That is exactly what I was wondering about.

The Attorney General: That would make some savings to individuals but it is still an expensive exercise.

900 **The Chairman:** Well, thank you very much for your very comprehensive presentation this morning, which obviously, as I said at the start, we will consider. If there is anything we wish to come back to you, I am sure we will do, but thank you very much for today.

*The Committee adjourned at 10.52 a.m.
and resumed its sitting at 10.55 a.m.*

**EVIDENCE OF
Mr Andrew Johnston,
former trustee of the Children's Centre**

905 **Q204. The Chairman:** We will now continue with our investigation and inquiry from witnesses. The next witness is Mr Andrew Johnston. So for the record perhaps you could state your name and role in relation to the subject of our inquiry.

Mr Johnston: Thank you. Good morning.
My name is Andrew Johnston. I am a former trustee and director of the Children's Centre.

910 **Q205. The Chairman:** Thank you. For how long were you a trustee?

Mr Johnston: Just over 12 months.

915 **Q206. The Chairman:** And are you speaking on behalf of the Children's Centre today?

Mr Johnston: No, I am not. I am no longer a trustee so I cannot represent the Children's Centre.

920 **Q207. The Chairman:** Thank you. Would you like to make any opening statement?

Mr Johnston: Yes, I would. Thank you very much.

I would like to thank this Committee for allowing me the opportunity to address it this morning, regarding the statements made by Mrs Kerry Sharpe about me to this Committee on 3rd May 2018.

925 Before I begin, I would like to pay my own tribute and admiration to the courage of those victims who suffered abuse at the former Knottfield Children's Home who have given evidence to this Committee.

I am not able to provide any evidence on the historical child abuse at the former Knottfield Children's Home. I am here to respond to the comments made about me by Mrs Kerry Sharpe, a Member of the Legislative Council, to this Committee on 3rd May regarding a book she was writing about the history of the Children's Centre.

In her statement to this Committee, Mrs Sharpe made the following comments:

From March 2016, for reasons I will explain, it appeared that the Children's Centre began to distance themselves from the book, resulting in a meeting in April 2017 between myself, Fiona Dawson and Andrew Johnston, a former lawyer and trustee who was allegedly representing the will of the trustees, where Andrew Johnston informed me that, I quote, 'The Children's Centre has never wanted a book writing about its history,' and, I quote, 'We would rather sweep under the carpet aspects of our history which we don't like.'

935 For the record, I was not 'allegedly acting on behalf of my fellow trustees'. I and Ms Dawson had the express authority to represent the trustees, which is recorded in the minutes of a trustee meeting.

Also, I am not a former lawyer. I remain a practising solicitor.

Mrs Sharpe is very much mistaken regarding our discussion in that meeting in April 2017. Mrs Sharp has got her facts wrong.

940 I did not say to her, 'The Children's Centre has never wanted a book writing about its history', and I did not say, 'We would rather sweep up under the carpet aspects of our history which we don't like.' Indeed, if necessary, I am prepared to swear on oath as to the truthfulness of my account as detailed in this, my statement.

945 I did not say in our meeting in April 2017 that the Children's Centre has never wanted a book writing about its history. I was aware that Mrs Sharpe was writing a history of the Children's Centre, as it had been discussed in trustee meetings, and I was asked by my fellow trustees to represent them in any discussions with Mrs Sharpe. I therefore had no reason to say the Children's Centre has never wanted a book writing about its history. Indeed, the trustees believed a book would be good to celebrate its 150th anniversary.

950 However, until Ms Dawson and I read the draft, we and the trustees had no knowledge about the content and style of the book. It is therefore unfair for Mrs Sharpe to say that, 'From March 2016, the Children's Centre began to distance themselves from the book', because until April 2017 the Children's Centre had not seen the book, or rather the draft.

955 Ms Dawson and I met with Mrs Sharpe in April 2017 to discuss the contents of her draft which she had submitted to us. Why would we arrange a meeting with Mrs Sharpe to discuss a draft, if the trustees never wanted a book writing about its history? The trustees would have communicated this to Mrs Sharpe at the earliest opportunity, had this been the case.

Ms Dawson and I left the meeting in April 2017, on the understanding that Mrs Sharpe would submit a revised draft, after considering our concerns and comments.

960 Furthermore, I would never even contemplate using language like 'We would rather sweep up under the carpet aspects of our history which we don't like', either in my personal or professional capacity. I regard such language as disdainful and dishonest.

965 In fact, it was Mrs Sharpe who used the words, 'You can't sweep under the carpet aspects of your history you do not like', during our meeting in April 2017, after Ms Dawson and I informed her that the principal concern of the trustees was protecting the identity of individuals and their families. Ms Dawson and I informed Mrs Sharpe that the trustees could not agree to the Children's Centre being associated with the current draft of her book, because of the risk of identifying individuals and their families, and the possible harmful effects on those individuals and their families who may suffer emotional distress from some of the contents or views expressed.

970 Interestingly, I note that in Mrs Sharpe's response to a question from Ms Edge of this Committee on 3rd May, Mrs Sharpe used similar language when she said:

... it is obvious now, looking back and reading that in the newspapers from the 1980s – that there was a reluctance to admit there was a need even for looked after children at that time and there was a definite sweeping under the carpet of ... well, the whole thing, of the abuse ...

On 11th April 2017, Mrs Sharpe sent an email to Ms Dawson in which Mrs Sharpe said:

I have taken on board the comments you and Andrew Johnston made and I think you made some useful points.

975 If Mrs Sharpe was dissatisfied in any way, as she now appears to be, I am extremely surprised that she did not take this obvious opportunity to express her concerns in her email, especially taking into account the importance she attached to them in her statement made to this Committee.

Ms Dawson, who is the Chief Executive Officer of the Children's Centre, can confirm the truthfulness and accuracy of my account that I have given this morning.

980 As a Member of the Department of Health and Social Care with special responsibility for Children and Families, Mrs Sharpe must be fully aware of the risks and consequences of revealing the identity of individuals and families in the Department's care. The very same issues apply to the Children's Centre and these are the issues which the trustees of the Children's Centre had to take into account regarding the contents of Mrs Sharpe's draft.

985 I am sure, once Mrs Sharpe realises her mistake, she will apologise to me and this Committee and retract the comments made about me in her statement to this Committee on 3rd May.

Thank you.

Q208. The Chairman: Thank you. You may have said it at the start, but when did you cease to be a trustee?

990

Mr Johnston: I think it was 13th March.

Q209. The Chairman: Okay, thank you.

995 Would you like to indicate why you are no longer a trustee? You were a trustee for 12 months.

Mr Johnston: Yes, for personal reasons.

1000 **Q210. Ms Edge:** Can I just ask: you stated that there were minutes taken of the meetings with Mrs Sharpe. Would they be available to the Committee?

Mr Johnston: No, minutes were not taken of the meetings with Mrs Sharpe. I was referring to trustee minutes.

1005 **Q211. Ms Edge:** And they would be available to the Committee, would they, when this item was discussed? (**Mr Johnston:** That ...) Would your opinion normally be in that way ... ?

Mr Johnston: Normally, my opinion in public – yes, it would be.

1010 **Ms Edge:** Unless the policy has changed. (**Mr Johnston:** Yes.) Okay, thank you.

Q212. The Chairman: When you were trustee, did you discuss as trustees whether the Children's Centre should appear before this Committee? (**Mr Johnston:** No.)
So any decision in that regard –

1015

Mr Johnston: I was not involved in any of that.

Q213. The Chairman: Okay, so any decision in relation to that would not be taken by the trustees; it would be taken by the management.

1020

Mr Johnston: I would imagine the trustees would have been involved.

Q214. The Chairman: But you do not remember.

1025 **Mr Johnston:** No, I do not recall having discussions about that.

Q215. Ms Edge: Your experience of when you were a trustee: did you feel that in the procedures around informing the trustees of any items that go before the trustees, it was a proper agenda and proper recording of procedures at the time?

1030

Mr Johnston: Yes.

Ms Edge: Okay, thank you.

1035

Q216. The Chairman: Do you think it would be helpful to this inquiry if the Children's Centre were to appear before it?

Mr Johnston: I am no longer a trustee so I cannot comment on behalf of the centre.

1040

The Chairman: Okay, thank you for your comments about Mrs –

Mr Johnston: I believe they have made written representations.

1045

Q217. The Chairman: Yes. But have declined to appear. We have heard that record keeping at the Children's Centre was chaotic and that files have gone missing. Would you like to comment on that?

Mr Johnston: I cannot comment on that.

1050

Q218. The Chairman: We have heard from former residents at Knottfield that their personal effects have gone missing. Would you like to comment on that?

Mr Johnston: I am unable to comment on that.

1055

Q219. The Chairman: Okay, yes, you would have been a trustee in August 2017. Would you like to say what happened in August 2017 with regard to the files?

Mr Johnston: My recollection is a report ... Somebody had anonymously said something to someone about the files disappearing, and I recall that Ms Dawson, the CEO, contacted the Police because the call came from within the Children's Centre.

1060

Q220. The Chairman: I do not know whether you are going to be able to ... The resolution establishing this inquiry talked about Knottfield Children's Home which closed in 1983. Is it correct to say that the home closed in 1983, or is that something that ... ?

1065

Mr Johnston: I am sorry, I was not involved.

Q221. The Chairman: Would you like to comment why the Children's Centre has put so much effort into distancing itself from its own past?

1070

Mr Johnston: I think we should ... From its own past? **(The Chairman: Yes.)** The Children's Centre is completely different from what the Knottfield Children's Home was. It is a completely different thing. *(Interjections)*

1075

Q222. The Chairman: Sorry, we cannot have any interruptions from the Gallery. Are you able to comment on what services the Children's Centre provide today?

Mr Johnston: Again, I am no longer a trustee so I do not think it is appropriate for me to comment on that, other than there have been significant changes.

1080

Q223. Ms Edge: Can I just ask a question: you stated that in April 2017 was the first time that you had seen the book that Mrs Sharpe was going to do and you sent her away for it to be revised. Did you actually see a revised version before you finished as a trustee?

1085

Mr Johnston: No.

Ms Edge: Thank you.

Q224. The Clerk: Can I ask, when did you become a trustee?

1090

Mr Johnston: I became a trustee on 22nd February 2017.

Q225. The Clerk: Okay, so the meeting which you came in to make your statement about, which was in April 2017, you had been a trustee for how long?

1095

Mr Johnston: Just a matter of months.

Q226. The Clerk: How many trustee meetings had you been to? (**Mr Johnston:** Sorry?) How often do the trustees meet?

1100

Mr Johnston: I cannot recall. It was regular. I think it might have been monthly.

Q227. The Clerk: So how many trustee meetings had you been to, when you met Mrs Sharpe?

1105

Mr Johnston: It would have been two or three.

Q228. The Clerk: How many trustees were there?

1110

Mr Johnston: I am trying to think now ... Including myself, I think it is five or six.

Q229. The Clerk: And at the trustees' meetings, was there anyone there apart from the five or six trustees as a matter of routine?

1115

Mr Johnston: There would be heads of departments, who would be reporting to the trustees on activities or events that had taken place prior to the trustees' meetings.

Q230. The Clerk: Why did the trustees nominate you as the representative in conversations with Mrs Sharpe?

1120

Mr Johnston: I think I probably volunteered.

Q231. The Clerk: You were going to monthly trustees' meetings from February 2017 until 30th March 2018, and I think you said at no time in those meetings was there a discussion of whether the Children's Centre should appear before this Committee. Is that right?

1125

Mr Johnston: Quite honestly, I do not recall.

Q232. The Clerk: You do not recall? (**Mr Johnston:** No.) Could you give us a ... ?

1130 **Mr Johnston:** I was not ... From the beginning of the year until March, I was off Island quite a lot, so I did not attend some of the meetings. So it may well have been in some of those meetings where I was not present, there was a discussion about it.

1135 **Q233. The Clerk:** Okay. Of course, there is more to life in the Children's Centre than responding to this Committee. Can you give us a flavour of the sorts of things that were discussed at meetings you do remember?

1140 **Mr Johnston:** Well, the whole activities of the Children's Centre. That is the nursery, the community farm. There were risk committee meetings – all sorts of issues dealing with the running of the centre.

Q234. The Clerk: Did you see any children?

1145 **Mr Johnston:** Yes. They were on the premises. Because where the headquarters is, you had the children's nurseries.

Q235. The Clerk: Did the children talk to the trustees?

1150 **Mr Johnston:** I do not know ... I went to see the children, because when I was appointed as a trustee, I said I wanted to have a look around, but I cannot speak for other trustees.

Q236. The Clerk: What did you see?

1155 **Mr Johnston:** What do you mean?

The Clerk: What did you see? One of the topics of interest to this Committee is the extent to which a board of trustees can really know what is going on. What did you see when you went around?

1160 **Mr Johnston:** A well working establishment.

Q237. The Clerk: And did the board of trustees at any meetings discuss the safeguarding arrangements?

1165 **Mr Johnston:** Absolutely. It was of paramount importance – safeguarding was of paramount importance and it was always an agenda item.

Q238. The Clerk: And is it your view that the safeguarding arrangements during the time that you were there were adequate?

1170 **Mr Johnston:** They were robust. They had a very strong safeguarding policy and very robust procedures. Safeguarding, as I said, was always an agenda item at the trustees' meetings and there were always reports if there been any lapses in safeguarding. So the trustees kept on top of the safeguarding issues.

1175 **Q239. The Clerk:** What about the loss of Government contracts – did they talk about that?

Mr Johnston: The issue of Government contracts was talked about.

1180 **Q240. The Clerk:** And was the organisation in good spirits during your period as a trustee?

Mr Johnston: As good spirits as you could possibly expect them to be, yes.

The Clerk: Thank you.

1185

Q241. Ms Edge: Can I just ask with regard to safeguarding, and then I want to ask another question? You said that there were reports at the meetings with regard to lapses. Were there many reports of lapses in safeguarding?

1190

Mr Johnston: No, there were very few. Probably in single figures and my recollection is they were all minor.

Q242. Ms Edge: Thank you. Just a question that I am interested in: how do you become a trustee of the Children's Centre, what is the normal term and who does the selection process?

1195

Mr Johnston: I was actually approached to be a trustee because there was a vacancy coming up. The process was: I was introduced to the Chief Executive Officer who ... did not interview me, but we had a discussion, and then I was introduced to the chairman of the board of trustees and subsequently to the other trustees of the Children's Centre. Effectively, I suppose they were vetting me to see that I was the right kind of person to be a trustee.

1200

Q243. The Clerk: So who approached you?

Mr Johnston: I think it was it was the human resources officer at the time.

1205

Q244. The Clerk: Of the Children's Centre? (**Mr Johnston:** Yes.) So it went out and recruited its own trustees, in other words?

1210

Mr Johnston: Sorry? No, no, it just happened that the human resources officer knew me, knew that I had retired and she wanted to know if I would be interested in a trustee position.

Q245. Ms Edge: So there is no public recruitment process, it is all done internally within the centre, it sounds like?

1215

Mr Johnston: I honestly do not know what the policy is for recruitment.

Ms Edge: You do not know. Thank you.

1220

Q246. The Clerk: You left on 13th March: has the vacancy created by your departure been filled?

Mr Johnston: I have no idea. You need to ask the Children's Centre.

The Clerk: Thank you.

1225

Q247. The Chairman: Okay, I think it is clear that the principal reason you wanted to come and speak to us today was to clarify conversations which you had had with Mrs Sharpe MLC. So thank you for that. Obviously we have got two different opinions, but thank you for that. Anything else you would like to say?

1230

Mr Johnston: No.

The Chairman: Well, can I thank you for coming along this morning.

1235

Mr Johnston: Thank you again for giving me the opportunity to speak to you.

The Chairman: Thank you. That concludes this morning's session.

The Committee adjourned at 11.14 a.m.

WRITTEN EVIDENCE

**Appendix 1: 22nd December 2018 - Manx
Independent 'Children's Home Chief
Jailed for Assaults'**

CHILDRENS' HOME CHIEF JAILED FOR ASSAULTS

*Indecency charges
dated back to 1974,
Deemster is told*

THE 56 years old former head of the Knottfield Childrens' Home has been jailed for three years for indecently assaulting two boys in his care.

Joseph Henry Marshall of Castle Mona Avenue, Douglas admitted thirteen charges and asked for a further offence to be taken into consideration by the court.

Deemster Henry Callow heard the offences dated back as far as 1974 when one of the boys was 10 years old. The offences committed in the 1980's involved a boy of 11 years.

Government Advocate, Mr Michael Moyle said matters went back a long time, "old sins have long shadows".

In a statement one of the boys said he had been very happy at the home until Marshall took over.

For some time the boy said he suffered continual abuse, he could not remember a day when abuse did not happen.

Mr Moyle said the boy was in a position whereby he could not confide in anyone.

The boy left the home as soon as he could and felt that what had happened had an effect on his life.

The other boy told a similar story to the police. He said the matters preyed on his mind and he was relieved the story was now out in the open. He was

receiving counselling which was helping.

Mr Moyle told the court there had been a complaint made by a boy in 1979. Enquiries were made but Marshall denied any involvement and there was no corroborative evidence.

Defending advocate Miss Sally Bolton said the defendant had admitted the offences but believed the accounts from both boys showed some exaggeration as to the frequency of the offences.

Miss Bolton said Marshall had done a lot of good for the community and deeply regretted his behaviour and deeply regretted not admitting matters when the complaint was made in 1979.

Imposing the sentence, Deemster Callow said: "The simple facts are, you were the person in charge of a childrens' home for a number of years with young boys under control and in your charge.

"They considered you as a father figure and these facts show a very serious breach of trust, not just in an isolated incident, but continuing over a number of years".

**Appendix 2: 11th August 2000 - Isle of
Man Today 'Paedophile Investigations
Continues'**

THE NEEDLE.

Isle of Man Children's Home

Isle of Man Children's Home, Knottfield, Woodbourne Road, Douglas

PAEDOPHILE INVESTIGATION CONTINUES

Published on Friday 11 August 2000 01:00

Investigations into a suspected paedophile ring are continuing

INVESTIGATIONS into a suspected paedophile ring in the Island in the 1970s and 1980s are continuing.

The probe was launched in May after links to the Island were discovered by Greater Manchester Police as part of Operation Cleopatra, a massive investigation into 350 alleged paedophiles.

The police family protection unit appealed for information from former residents and staff at the Isle of Man Children's Home, Knottfield, Woodbourne Road, Douglas, which closed in 1983.

A special hotline received at least seven calls.

Detective Sergeant Richard Power said the calls had produced useful lines of inquiry which are being investigated.

The police have stressed the investigation is not linked to the Isle of Man Children's Centre, Woodbourne Road, a separate entity which opened in 1985.

Isle of Man Today 11/08/00

**Appendix 3: 3rd July 2018 - Isle of Man
Examiner 'Chris is Another Victim of
Knottfield'**

NEWS

Tragedy; Former resident of children's home took his own life, coroner finds

BY ADRIAN DARBYSHIRE
adrian.darbyshire@iomtoday.co.im
Twitter: @iomAdrian

A tormented victim of sexual abuse at the Knottfield children's home took his own life, an inquest heard.

Christopher Glover was due to give evidence to the Tynwald inquiry, which is currently investigating allegations of historical sexual abuse at the former children's home in Douglas, which closed in 1983.

He was also under investigation by police himself over an historical allegation for which he protested his innocence.

The inquest heard he was dealing with the break-up of his marriage, the recent death of his brother John and was still coming to terms with the loss of his baby son 27 years ago.

He had also been suspended from his job as a support worker in the government's children and family services division.

Mr Glover, 55, was found dead at his home in Larivane Close, Andreas, on the morning of December 14 last year.

Police were called to force entry after the mental health team were unable to get an answer at the door.

A hand-written suicide note was found on the dining room table together with another note explaining his wishes for funeral arrangements.

The note read: 'It's not me admitting my guilt. I am innocent and I'm going to the grave knowing it. I have lost everything I hold dear to me.'

He wrote that he needed to protect his family from any court case.

Mr Glover said the stress he was under had triggered memories of the abuse he had suffered as a child at Knottfield, where he was in care from the ages of four to 18.

In a statement read out

Christopher is another victim of Knottfield

SHAME

Missed opportunities to stop sexual abuse scandal at children's home revealed at last

Flashback: Examiner front page coverage of the Knottfield inquiry on May 22

at the inquest, his wife Mandy said her husband had not wanted to talk about what happened at Knottfield.

But at some point he was in contact with Ayre and Michael MHK Tim Baker about launching an inquiry into abuse at the home, which closed in 1983.

As a result more victims came forward but Mr Glover continued to struggle with mental health issues from the pressure of the current inquiry.

Mrs Glover said she only discovered what her husband had endured at Knottfield when she came to type up his statement for the Tynwald inquiry.

'I was horrified,' she said.

He told, among other things, how he was taken on holiday and abused by other men, including allegedly on one occasion by members of a foreign national football team.

Mr Glover's son Jack said in his written statement that his father always blamed himself for not doing more to protect his brothers and sister, who were also at the home.

The inquest heard that Mr Glover had made previous recent suicide attempts and was admitted to hospital on four separate occasions under the Mental Health Act for his own protection.

OVERDOSE

He was admitted on a voluntary basis as an in-patient to Manannan Court mental health unit on October 30 after taking an overdose and writing a suicide note.

The inquest heard this was precipitated by severe stress, having signed a witness statement and being due to appear before the Tynwald inquiry over his abuse at the Knottfield children's home.

Mr Glover was discharged

on November 3, with the support of the crisis team. That same day he was arrested by police investigating an historical offence.

He was due to answer police bail on December 29.

Mr Glover was admitted to Manannan Court for a second time between November 23 and December 4, again with the support of the crisis team which provided daily contact, mostly by face to face visits at his home.

Consultant psychiatrist Dr Marina Hudson said he could not be formally detained under the Mental Health Act as he was fully engaging with staff, taking his medication and insisting he did not want to end his life because of the impact this would have on his family.

There were no signs his depression was worsening, she said, or that he was not telling the truth about his intentions. It was impossible to predict suicide, she said.

Coroner John Needham said there was absolutely no room for recording a neglect verdict and he was not persuaded that the mental health



Tragedy: Christopher Glover committed suicide, a coroner has ruled

services had missed opportunities.

Recording a suicide verdict, Mr Needham said he took into account the abuse Mr Glover had suffered as a child in care at Knottfield, which had affected him for the rest of his life.

The re-opening of the Knottfield inquiry would have made him think about those issues again, the coroner said. He also took into account a 2005 road accident which had left Mr Glover in chronic pain, and also the recent death of his brother.

But the Coroner said the main factor and catalyst for

Mr Glover's decision to take his life was the allegation being investigated by police.

He recommended that the mental health services review the use of tick box risk assessments and the way the contents of suicide notes are recorded.

Deputy Clerk of Tynwald Jonathan King said the social affairs policy review committee had received Mr Glover's confidential written submission in August last year.

He said the information it contains is sensitive and the committee has not, at this stage, made any decision to publish it.

**Appendix 4: 29th July 2017 - Submission
of Christine Urquhart**

Knotfield Children's Home Review 2017

Who Am I?

My name is Christine Urquhart (nee Gibson) and I was a resident at Knotfield Children's Home on Woodbourne Road from September 1980 – July 1982.

During my time spent residing at the home I was subjected to physical, emotional and sexual abuse. This was at the hands of the staff and the other children within the home and family friends who were still allowed to visit us. In my experience I have no re-collection of being sexually abused by any members of staff, however I have 'blocked' a lot from my memory from my time spent there and I have advised officials (police, social services) that if my name should ever arise regarding sexual abuse that I do not want to know. You see I was already being sexually abused before arriving in the home, and this continued whilst I was there by a family friend. I eventually reported this to a staff member but nothing was done. Twice while I was resident at Knotfield I reported sexual abuse and no one actioned anything. The police were notified in February 1981 by my parents, but this was fruitless. In my social work file the social worker had noted that this was an EXCUSE to hold on to the children longer. The police were contacted by said social worker and were told not to act (my parents tried contacted Sgt Butt who recalled a telephone message was left for him but he did not act, as instructed not to do so by The Department of Education Chairman (who ran social services at the time)).

Sexual abuse was taking place within Knotfield amongst the children themselves. It was a very sexualised atmosphere that professionals should have been able to pick up on every time they walked in the door. Every child who was a resident a Knotfield was not only abused by those who ran it, worked there or resided there. They were abused by a system that was supposed to be there to protect them from these monsters they were left at the mercy of.

This same system has abused us all time and again ever since. Being raped again by a system that was meant to be there to protect us as children and then coming along (when it suits them NOT US) again when we are adults is HORRIFIC!!! As an adult you have tried to move on and build a life for yourself and your family. To have the authorities then cry out for people to come forward, for these people to put themselves through all the trauma that happened to them again, re-live those very moments, and then have absolutely nothing come of it is..... I can't truly find any polite words to describe what this does to a person, what it done to me and many others. You are left with your old wounds cut wide open again. That feeling of extreme vulnerability and doubt returns but now you are an adult and it affects every inch of your life. Not one of these people have been offered psychological support (the police kept telling me to contact Victim Support but they are not counsellors, they can't help anyone psychologically only legally). To have told your story to the authorities, to have bared your soul and your shame to be told we don't believe you/we don't have enough evidence/the perpetrator is too ill is soul destroying and does feel like rape due to the amount of detail the police require.

Surely after all this time and with the amount of people that have come forward there is enough evidence to prosecute the perpetrators now. How can the Attorney General's office claim anything different? What is it that they want exactly? Photographs, bruises, confessions..... Scars, well we all have plenty of those if so required; mentally scarred for life not only by the perpetrators but by the system itself. Scars we can definitely provide.

Author: Christine Urquhart

Date: 29.08.17

Contact: [Contact details redacted]

Knotfield Children's Home Review 2017

What is my Aim?

I have been contacted by many residents of Knotfield Children's Home. The abuse these people endured as children was horrific!! Listening to their stories, seeing their faces contort when recalling the various incidents is heart breaking to witness. These people have asked me to put forward this report on their behalf as they do not feel they can approach you individually at this present time. I am happy to do this for them as it is personal to me also.

I have become fearful that the public request for people to come forward and tell of their personal experiences is extremely premature and ill advised. As a child myself of neglect, sexual, physical and emotional abuse I completely understand what these people would need to put themselves through when telling their stories. As I have experienced this myself I know first-hand that you end up reliving the nightmare you're speaking of. In my case I was signed off work for a year to deal with and try to get past the regurgitation of emotions and nightmares attached. This was a horrific ordeal for me and my family. It put our family under a huge amount of stress also due to the lack of income and my mental health. Thankfully I was offered private psychological support which helped me immensely. I was then referred to Psychological Services where I was diagnosed with PTSD (Post-traumatic Stress Disorder). This is something I have suffered with my whole life it transpired.

Without the psychological support in place for these people I fear a lot of victims and their families will be put at risk by telling their stories, again!

Everyone on the island is aware that Mental Health Services are currently stretched to capacity. Will you be offering support for these people who come forward? Will you pay for a service to come to the Island to help support these people and their families?

My main objective here is to try and ensure that ALL victims of Knotfield Children's Home are taken seriously.

- That we receive the justice we deserve for the crimes against us all.
 - That we are provided with a professional support network for us and our families to help cope with reliving the nightmares of our past.
 - To receive the validation we so deserve from the IOM Government.
 - For the perpetrators to be PROSECUTED.
-

I am happy to finally speak out and will do so publically if so required to ensure that we are getting our point across and on behalf of those that do not feel strong enough to do it for themselves.

This really needs to be the last time this subject matter is ever brought into the public domain to protect those who lived it. However, it is an absolute requisite that we get justice within this process and that this is not solely a social exercise to protect the government!!!

Author: Christine Urquhart

Date: 29.08.17

Contact: [Contact details redacted]

Knotfield Children's Home Review 2017

Small examples of stories

These people are happy for me to name them, and those who are now deceased who never received the justice or validation they so much deserved.

The one ongoing factor in all of these stories is that no one wanted to know about what these children were enduring whilst in the care of paid professionals. The police actually marched a child back to Knotfield and reported him for 'telling-tales' to Mr Marshall (who ran the home). Once the police left Mr Marshall questioned this child and then physically attacked him because the child was TRYING to report Mr Marshall himself for sexual abuse. He then realised he had no one who could save him from his situation and gave up trying. (Sexual, physical & emotional abuse)

Another child from the age of only 6 years old was passed around Marshall's friends and abused so badly that it has affected his whole life. He was in the home throughout his childhood where the sexual, physical and emotional abuse continued until he was old enough to leave. Again, he had no one to turn to whilst in the grip of these monsters. (Extreme sexual, physical & emotional abuse)

As a young girl this lady was being transported to Glencrutchery Road and was being abused in the CAR on the way.... Once there she too was subjected to a horrific ordeal where she again was sexually, physically and emotionally abused on a daily basis. This woman went on to live, unwittingly, a destructive life by attracting the 'wrong' kind of men into her world. She was trusting and loving, they were abusive and cruel. She lived what she learnt!! Her life has been a struggle which all stems from the abuse she went through as a child. (Sexual, physical & emotional abuse)

Another young man who suffered horrendously whilst residing at Knotfield behaved so badly that he would have himself removed to a secure unit (Borstal type unit) to escape the abuse he was suffering. Once he had served his time so to say, he would be moved back to Knotfield where the abuse would continue so again he would behave badly to escape it again. This unwittingly set him on a pattern of criminal behaviour throughout his life. All because no one actually stopped him, asked him, listened to him and then acted for him. Eventually he was able to tell his story and a prosecution was upheld and compensation was granted. However, because of his criminal lifestyle they deducted costs from his compensation and he was only ever awarded an actual figure of £4,000!!!! This is discrimination. If people had paid attention, asked and listened this man's life could have been saved, from himself!! From the torment he lived with for so long, the nightmares, the fear, the injustice. (Sexual, physical & emotional abuse)

A young boy was in Knotfield during the 60's/70's and was victim to sexual abuse by two members of staff (male & female). He states that the police and the IOM Government were aware of what was going on but chose to do nothing to help or stop it. Since his time in the care system he has come

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Knotfield Children's Home Review 2017

forward to report what happened to him during his childhood. Unfortunately, again he was let down by the system. Then 2 years ago the police opened the case and contacted HIM for his evidence. This turned his world upside down, again. He needed to resign from his job as he couldn't cope which in turn caused him to get into debt. Then he was contacted by the police to be informed that he put himself through all this for nothing as the AG's office decided not to prosecute the perpetrators. (Sexual, physical & emotional abuse)

Questions to you the Committee

- Will ALL the victims (pretty much every resident of Glencrutchery Road and Knotfield) receive the justice and validation they deserve?
- Will people/departments be held accountable for their lack of action and sheer ignorance?
- Will psychological support be put in place and offered to the victims and their families?
- Who will gain from all of this? The victim, the perpetrators, the government, present/future looked after children?
- Will the Isle of Man Government finally publically acknowledge their failings and ignorance?
- Will they apologise for this?
- Where are the Knotfield files? It seems that the files the children's home kept themselves have gone missing. WHERE ARE THEY?
- Some adults have no medical records from their time at Knotfield. How do medical records disappear? Where are they?

Requirements

- A meeting to be held for all residents so the committee can hear from them directly in a safe comfortable setting.
 - Psychological Services is an absolute requirement to help people.
 - A list of all committee/trustee members of Glencrutchery Road and Knotfield Children's Homes to be made available.
 - Monies from children's savings went missing. This must be investigated and these children must be paid back (with interest).
 - There is a book being written concerning the nightmares of Knotfield. This must be stopped. Why someone should be profiting of the misery that so many suffered is sickening.
 - The MHK's, Judges, Police, Social Services (Dept. of Education) and any other officials who covered up the atrocities for so long must be made accountable for their actions/inaction.
-

Overview

Child Protection Acts go back a fair time but these were not adhered to in the protection of these children and their reporting of the crimes against them.

Common sense is as old as time.... How did not ONE person not know what was going on? Surely there must be some officials who reported crimes against these children and were ignored also.

Author: Christine Urquhart

Date: 29.08.17

Contact: [Contact details redacted]

Knotfield Children's Home Review 2017

Who were they? Where are they now? Doctors, hospital staff, schools..... the list is endless of the amount of people who these children were surrounded by and yet not one person reported anything!!! I can't believe that, someone must have said something.

How high up the ladder was it decided not to act to save these children? Whose decision was it to keep everything from being revealed publically? These decisions affected the lack of prosecutions at the time; this still goes on today to 'protect' the image of the Isle of Man. Was it the social services, the police, the AG's, the MKH's/MLC's, the Judges!!! ***Who decided that these children, now adults, were not important enough to save and help in order to protect an image of an island in denial?***

**Appendix 5: 30th August 2017 -
Submission from The Lewis Bateson
Centre**



Committee Secretariat,
Legislative Buildings,
Douglas,
IM1 3PW

30.08.17

To whom it may concern

Investigations into allegations of abuse at Knottfield

I have been asked by a client who wishes to remain anonymous at this point, to make a submission to the enquiry on their behalf. I am happy to provide additional information if the enquiry so desires on behalf of my client.

My Client was subject to sexual abuse by two unidentified members of staff of Knottfield in the 70's. My client made a statement to the police last year in relation to the abuse and an investigation ensued. My client was advised after some time that the investigation had concluded, that 12 people came forward but only 3 wished to pursue the matter. My client being one of them, and that for various reasons the case was now closed.

My client wishes to ask the enquiry to consider the following points and these are as written by the client:

Why have the Police closed the case? I understand that normally this type of case is left open - and this does seem unusual. Why when some of the people who came forward could identify a particular person, why was this person not prosecuted. (We have the name of the identified person.)

In their explanation the police stated that although there was a strong likelihood of a conviction from one of the victims statements, as the perpetrator had committed a similar crime at a similar time any sentence would be considered as concurrent to his previous conviction. The man was in his 80's and in ill health, possibly with a terminal illness and therefore it was not felt to be in the public interest... Why is someone's state of health a consideration in determining a prosecution.

My client feels strongly that it is in the public interest to prosecute people like the person identified, to send a strong message to other people that no matter how much time elapses from offence to detection, people who commit crimes will be prosecuted. This would give

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closure to many of the victims and go some way to restoring their faith in the Justice system. It would also eliminate any feelings that there may be a cover up.

My client also asks why the police only appeared to investigate one perpetrator, when from their own experience there were clearly two (possibly five) perpetrators. The client was too young to count how many there were, and it was too long ago to identify the people remembered.

My client would like to thank the Police for their confidentiality in this matter. They also organised a meeting with the Attorney General to facilitate a discussion about the rationale for the outcome of the investigation. Although an explanation was given as to why they were no longer carrying the matter forward, it still seems unfair to the victims that they would not have this matter fully and thoroughly investigated. The nature of the offence in my client's case was not a slight injustice - it was a series of brutal and violent acts that involved multiple rape of a child, who were placed in the care of these perpetrators, by the government and we would ask that the seriousness of the events that happened would never be under-estimated. My client wishes you to know that this has affected their whole life in ways that many could not imagine - and they are sure the lives of many others, and to fail to prosecute some one because they have previously been convicted of a similar crime and are old and infirm, does not seem to be justice. My client feels that the children who suffered at the hands of this person and others who worked at Knottfield at the time should see justice done.

Suggestions going forward:

In the instance of some sudden death, the people affected have a designated Police Officer to handle all of their enquiries, (this is not the investigating officer) My client would like to suggest that a designated officer is dedicated to the victims of abuse.

They would also like to suggest that free, confidential counselling is provided for the victims. While victim support is a great service, more specialised, in depth and long term counselling is needed, and if this is not available through the NHS, identified counsellors from the private sector should be offered, the fees paid for by the government, given that in the case of Knottfield the victims were in the care of the government at the time, they have a duty of care to support people violated while in their care.

My client would like to thank Tim Baker for his courage in raising this issue and urge him not to allow this to be 'swept under the carpet'.

At the end of this enquiry my client would like the Government to formally acknowledge that children were abused in their care and give a full apology on behalf of the Government in charge at the time of the abuse.

Thank you to the investigating Board - this cannot be an easy task. To eliminate the possibility of a cover up - there should be an external party (not the Police) who would be party to the investigation and oversee this.

Kind regards

[Signature redacted]

[Name redacted]

Director
Lewis Bateson Centre

**Appendix 6: 30th August 2017 –
Submission of Voices in Participation
Council**

Submission to the Social Affairs Policy Review **Committee in respect of Knottfield.**

The Voices in Participation Council [VIP] is a council for children and young people in care. We meet regularly to discuss matters relating to our care arrangements and work with the DHSC, the Children and Families Division and the Safeguarding Children Board to discuss and influence policy and procedure.

We are facilitated by a participation Officer Kat Ash who has assisted us in the discussion we have had about the Tynwlad resolution on this matter. Our thoughts are set down as follows to be considered:

1. How will the investigation not only protect those who come forward disclosing abuse at Knott field, but also the identity of any person named in someone else's evidence?
2. Due to the nature of the island's size it is plausible that a member of the social affairs policy review committee could read evidence where a third party is named against their wishes, it is also plausible that a committee member could have a personal or professional relationship with this third party, thus giving them access to personal elements of an individual's life against their wishes. It is for this reason that the VIP believe all evidence which names a third party should be anonymised by an off island professional prior to it being read by the committee.
3. Following previous negative experiences with publicity around looked after children and the social care system we are a part of, the VIP would ask that the media's representation and speculation around this enquiry is carefully considered and managed. This should allow those who have experience of Knott field who do not wish to re-visit this, privacy and the right to remain anonymous and silent.
4. The VIP would suggest that an independent advocacy role should be made available to individuals wishing to give evidence. This will ensure that support is unbiased and no one group can attempt to influence or present their own agenda through the evidence.

We thank you for considering these matters, and will also be responding to the second part of the resolution in due course.

Signed [Name redacted]

**Appendix 7: 30th October 2017 –
Submission of Voices in Participation
Council**

Voices in Participation Council response to the Social Affairs Policy Review Committee Part Two

The Voices in Participation Council [VIP] is a council for children and young people in care. We meet regularly to discuss matters relating to our care arrangements and work with the DHSC, the Children and Families Division and the Safeguarding Children Board to discuss and influence policy and procedure.

We are facilitated by a participation Officer Kat Ash who has assisted us in the discussion we have had about the Tynwald resolution on this matter.

The Voices in participation Council would like to submit the following evidence regarding *'the adequacy of current procedures to protect from abuse children in care (looked after children) in the Isle of Man'*. Included in this evidence are the views of 20 children and young people aged between 6 and 23 who are currently looked after or are care leavers. The Voices in Participation council felt that the question asked was quite specific and that being protected from abuse involved being kept safe, protected and supported to thrive. The below evidence therefore includes discussions which incorporate all three elements. It was also not suitable to discuss abuse specifically with the younger members who took part in giving their views for this evidence therefore they have discussed specifically what makes them feel safe and happy in care.

The evidence has been split into the following sections and although it is given as collective evidence from the Council verbatim quotes from young people and survey results are given to support statements. All comments made have been kept anonymous at the young people's request.

- Perceptions of care
- Working together for positive change
- Being Protected
- Being involved
- Having Choices
- Feeling unsafe
- Being Supported

Being Supported

All young people report that they have a good number of people available to support them whilst in care if they are worried or concerned about any aspect of their care or if an incident has taken place. Young people name the following people who they can talk to:

- Main Carers
- Independent Reviewing Officers
- Social Workers
- Teachers
- Teaching assistant
- Contact Centre Staff
- Children's Rights Champion (within Children and families)
- Participation Officer
- Wraparound worker
- CAMHS worker
- Chief Social worker
- VIP Council
- Fostering officer
- Home Manager
- Doctor
- LAC Nurse/School nurse
- Guardian
- Family
- Friends
- Youth Workers
- Supporting families worker
- Respite carers
- Police

Young people report that they can contact these people through text, phone calls, emails, Mind of my Own App and face to face meetings. They also note that the duty social worker is always available for them to contact if they are concerned during the evening or night as well as the police.

Younger members of the group drew pictures to represent the people in their lives.



This picture represented this child's carer, she talked about how she has a family and is safe and that she loved living in her placement.

The council all agreed that the issue of confidentiality was very clear for them. They were all aware that although they could speak confidentially with any of the above named professionals there were certain situations where the information you told them would be shared with other professionals. The council was very clear that information would be shared if what you had told a professional meant you were unsafe, had experienced abuse or were at risk of being harmed. They also acknowledged information could be shared if something said would raise questions about the safety of someone else. A young person commented *'if it's something big it doesn't matter who you tell, they will always pass it on. Professionals aren't allowed to keep secrets. It's a good thing because you can tell whoever you want and you will still get help.'*

Young people report that they receive visits every 3 month from their social worker and more often if they need more support, social workers always see young people alone unless the young person does not want this. This means that young people have time to share any concerns they may have with their social worker. A young person talked about what a social worker is and why they are there saying *'They are there to keep young people in care safe and they do that, it's not like a parental relationship, it's more professional than that.'*

Some young people said that their allocated social workers changed too often and that this can be confusing when you are unsure of what has been passed on or when the change will happen.

Most young people also reported that they have adequate support at school and are aware of the allocated LAC lead that they can go to if they have a problem. In a survey carried out in 2016 with LAC in education 91% of young people asked said they had someone to talk to in school if they needed to. A young person did add though that *'there is support available in school but at my school it is the same support available to everyone regardless of whether you are LAC or not.'*

Young people particularly in foster care said that it is easy to talk to their carers and that once a carer knows them well they will notice if something is wrong. Young people in residential care reported that they felt more able to speak to some staff than others and said *'it can be hard when you get new staff to trust them because you don't know them'*.

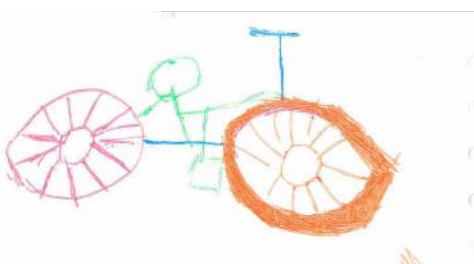
A majority of young people report having a positive relationship with their wraparound worker (this post provides therapeutic support to young people) though some of the older young people and care leavers said *'it was difficult to build a relationship with them and trust them, I felt like they were just nose'*. However one care leaver said *'My wraparound worker is really supportive and will meet me where I am most comfortable, she supports me to do things and I can just ring whenever I need to see her.'* Young people did not report relationships with CAMHS to be as positive with young people saying *'you have to be at rock bottom before they will see you extra'*. Young people praised the different kinds of support available through wraparound and felt it was positive that there were different options of who you were able to see. Generally the group felt there was less choice

about who they could see within the CAMHS service and although one young person had been able to change their CAMHS worker the other young people felt they had no choice in who they saw even if they felt they would benefit better from working with someone else. The council specifically mentioned that some young people may feel more comfortable with a male worker and some may feel more comfortable with a female worker.

Young people report that they are supported to attend extra-curricular activities and pursue their interests. A young person commented *'Everyone is quite supportive of you and encouraging; you get given the help and support you need to do things you are interested in. I didn't do any sport when I was at home and now I do it 5 times a week!'*

Young people reported attending dance clubs, swimming, cadets, yoga, youth club, mandarin lessons, music lessons, hockey, netball, football and athletics clubs. Young people felt they had more opportunities to pursue their interests in care than when they lived at home and were supported to do this.

One of the younger members drew a picture about what she had been supported to do in care.



This child had been able to learn to ride a bike. She was very proud of this and was excited that she had been able to pick a bike she wanted.

Feeling unsafe

Some members of the council acknowledged that there were times when they put themselves in unsafe situation; these situations were often related to going missing from care. One young person told us what happens when she went missing;

'I will get phone calls if I'm late home and then if I won't answer I get texts. Then I usually turn my phone off and just stay out of the way. I know that my carers will be out looking for me but sometimes I just want to be somewhere else and I know they will say no so I just go anyway. If you're missing for two hours I think it is then the police look for you. Normally they find you. Then when you go home your social worker comes and talks about why they were worried and they see if you need to see a doctor or if anyone hurt you then you have a plan so you won't go missing again. It's hard because sometimes everything in my head is just too much. They do try and help you to feel better though so you don't go missing again, I probably will though.'

An older care leaver was asked when you were in care was there anything which would have changed your mind about going missing, the reply was

'No, I was determined to do what I wanted but I knew I could go home. You couldn't have stopped me but at least there were people there and I had someone to ring if things went wrong.'

The council considered this and agreed that staff and carers cannot always control what a young person chooses to do but there are systems around the young person which means they can choose to ask for help if they are in an unsafe situation and people will be actively looking for them and trying to make them, safe and protect them. Young people also stated that the fact they have choices about their lives is a very positive thing.

Some young people reflected that they had a sense of feeling unsafe at times however they were not able to identify why, when discussed young people noted that sometimes it is hard to feel safe in a home environment when you have felt unsafe when you lived at home with your parents. Council members discussed this and one member made the following comment which was agreed with throughout the group, *'Professional boundaries can make it difficult to build relationships which feel real. This is your life so it is real to you but it's all systems and processes so it's like you question everyone and everything, like you have to figure out what is real and what is just something that has to happen. It's hard to be happy when you don't know/trust people'* This needs to be considered in the context that children/young people who enter into the care system have experienced some level of trauma, hence the need for them to become `Looked After`.

Experiencing an internal sense of feeling unsafe is not an unusual reaction to unresolved trauma and can often take a long time to heal from. The Dept. recognised that children and young people who are looked after frequently need therapeutic input to explore these feelings and emotions and in response to this need has commissioned a specialist therapeutic service called the Wraparound Team to provide this resource to the LAC population.

Young people report that the Wraparound service is well used with many saying this service really supports them and helps them to find ways of managing difficult situations. Some young people had very strong feelings about mental health services particularly the difference they felt they had experienced between the CAMHS service and wraparound.

'I didn't find CAMHS helpful at all whereas wraparound is more accessible and there are different pathways you can choose like art therapy or play therapy.'

'CAMHS was very rigid with its process, they give you a diagnosis or just dismiss your fears like your not broken enough for them to help you. This wasn't helpful for

me. I saw 19 mental health professionals as an inpatient and outpatient in two years and it didn't help at all. In 2016 I got a wraparound worker, since this I have returned to work, got engaged, can manage my anxiety and depression without medication, have a house and my partner and I are expecting our first child. My mental health problems have gone from extreme and life limiting where I self-harmed and tried to commit suicide to mild, managed and where I am in control. Wraparound worked because they approach everyone as an individual, you don't need a label of depression or bi-polar or anxiety they just help you to get better in the best way for you.'

'It's hard to get into CAMHS even if you want support. You have to be at rock bottom.'

Some young people did feel CAMHS had been beneficial to them though all said it was very rigid and that they felt they had very little choice about what was offered to them through the service. The Council acknowledged that CAMHS was a high level service and that not everyone needed support through CAMHS even if they felt they wanted this. One young person felt that CAMHS had been the right choice for their care and that a more rigid approach was what they needed to help them, *'CAMHS was good for me because I needed medication and monitoring because my mental health was out of control. Counselling wouldn't have worked for me because I couldn't do that until the medication made me feel better. I do think it should be more accessible when you are already seeing someone and there should be a place for kids in the hospital because if you're not safe at home it gets really complicated Being with little kids on children's ward isn't good but being with adults in the mental health hospital is scary.'*

Having Choices

Young people discussed how having choices about what happened in their lives kept them safe. They identified that this meant they felt in control of their lives.

'They talk to you about what is going to happen and you always have some choices in it. Like sometimes you won't get what you want but you still get to choose how it happens or whatever.'

'You have a choice about what you want to do, like if you want to go to your review or see your parents or where you live. You get your say and they won't force you to see people you're not comfortable with.'

'I know what I need first and foremost so having a choice and being able to voice my opinion helps to keep me safe.'

Younger members of the council drew pictures to represent things which they had choices about.



This young person said she had choices about what she ate and said she had tried lots of new foods she had not tried before since being in care. Her new favorite food was mushrooms which she particularly liked on pizza. She talked about not having any choice about food at home and that sometimes there wasn't enough food for everyone. She said there was always lots of food at her placement and this made her feel safe and happy.



Another young person talked about being allowed to have treats, her favorite being chocolate cake. She spoke about this making her very happy.



A young person also talked about being able to choose what she liked to watch on the television. She talked about having time to enjoy programmes she was interested in which wasn't an option at home.



A young person drew a picture of a birthday party she had had. She talked about getting presents that made her feel special and deciding what sort of party she wanted. This was very important to her and she said *'I'll remember that day forever'*.

The council discussed that in some instances they felt they had more choices than other children and young people who lived at home. This was particularly around any religious preference, dietary choice or their gender and sexuality. The council discussed that in an 'average' family home there could be some resistance to a child or young person deciding they wanted to be different to other members of their family i.e changing religion or choosing to become vegan or vegetarian. The council felt that because they were in care there were very clear rules and processes about them being supported by carers if they made these choices. The group also felt because they were in care they had more freedom to make decisions about their gender or sexuality without fear of this upsetting family. The group generally felt support offered to young people who made these choices was good and they were encouraged to make informed decisions about their lives.

It was also noted that the processes which in some instances gave LAC the ability to make choices without fear of judgment could also feel *'excessive'* or *'over the top'*. One young person said *'meetings happen about things which at home no one would have a meeting about. You don't get to say; hey I don't want you to have that meeting, that's just the way it is. Sometimes then you feel like you have less choice because everyone else decides what will happen. Say you are moving placement you can't look at your new carers and say no I don't fancy living with them, you have to try it out and then if you are really unhappy and it's not working out you move. That's when you feel like you have no control at all.'*

Overall the council felt that they were given a good amount of choice about day to day aspects of their lives and were involved in changing policies and procedures which affected them through VIP. The council felt that sometimes young people were not able to be part of decisions and that this was challenging for them. The council all agreed that having choices about their lives and feeling in control of what happened made them feel safe. An older care leaver commented *'the more out of control of my life I felt, the more unsafe situations I put myself in and then the more other people would take advantage. I think feeling safe is really important, just knowing you have some control.'*

Being involved

The Council felt that being involved in their care was as important as having choices about what happened. They felt there was a very big difference between having choices and being involved. *'it's like the difference between being offered choices when something has to change and being involved so you are aware and have a voice when people are thinking about what might need to change.'* The council felt that they needed to know what their plan was so that they could have choices about what happened in it.

Every young person has a LAC review every 6 months where all aspects of their care is reviewed, young people are able to attend these meetings and speak to the reviewing officer or the children's rights champion prior to the review to ensure the review addresses any concerns the young person may have. Young people report that this process helps to keep them safe as it helps them to not feel isolated in their placement and means they know what should be happening with their care. Young people identified that this enables them to know what should be happening and means they can ask for help if something is happening which should not be.

Young people reported that most of the time they felt professionals shared information with them. Young people reported they were sometimes unsure of who knew they were in care or why they were in care but they didn't feel it was ever shared with inappropriate people.

'Most social workers share everything you need to know with you but I had one who didn't tell me some things. They all share the important information with you though like if it's about court or something.'

Most young people felt involved in decisions about their care though one young person told us they felt like things were always done to them not with them. This young person specifically commented on feeling that school expected too much and didn't understand them. This was not the consensus of the group however they did acknowledge that being involved in meetings about them did pull them out of classes or activities. The council said this was not helpful as it did not help them to feel like they fitted in with their peers.

Being Protected

Younger members of the group drew pictures about what helped them feel protected.



This was a picture of a rainbow which a child had hung on their bedroom door, she said the *'it means no bad dreams can get in and it keeps me happy. I walk through a rainbow to go to bed.'*



Two young people drew 'hugs'. Both said that hugs make them feel safe if they are scared. The young person who also drew hearts said that this was because she was very happy at her home and was always safe.

Young people discussed being protected from situations they have previously been exposed to. Young people said;

'They don't tell your parents where you are which is good because you don't worry they will turn up then. The house I live in now isn't like a prison and has running water and food. At home it felt like a prison. It's a really safe area where I live and a nice environment so I feel safe here.'

'They make sure your face isn't in the paper or something which is good but it does make you different.'

'Being protected is really important for young people. When I went into care I felt safe for the first time in years. I knew I was going to be safe for a while, knowing that I could be happy as I was safe. I knew I was in care because I wasn't safe at home.'

This idea of care feeling safe raised questions for the group, they discussed how hard it was to identify what being protected was when they initially came into care. They asked *'if you don't know what safe is how you know you are being protected?'* This highlighted that sometimes measures put in place to protect LAC can feel restrictive when they have not existed at home. *'You have to learn why they make you go to bed or why they pick you up because you don't really see why you can't just do what you did at home. It makes you a kid again but you haven't done that before so it's hard.'*

'I remember they would call every few hours or send a text to check in if we were out at all to make sure we were safe. They made sure we had bus money and credit on our phones in case we needed to call them; they also made sure our phones had charge. It was a bit annoying but did keep us safe.'

The council discussed how some systems in place to protect them were quite different to other children and that sometimes these could be overwhelming or frightening.

'Sometimes the methods in place to protect you are frightening, like when the police come to pick you up if you are missing or if the police come to take you into care. You don't really feel like they are protecting you it is just really scary.'

The general thoughts of the group were that police involvement with LAC could be managed better and that often they were involved when a young person had done nothing wrong. The young people felt they needed a different approach in these situations so they didn't scare the young person.

The council also discussed that it was difficult to feel protected in your placement when another young person moved in who you didn't get on with. *'If they have the police around all the time then you just have to deal with it. If they steal from you then you can't just get your stuff back you have to report it to the police.'*

The council felt that generally they were well protected whilst in care especially from being significantly harmed.

Working together for positive change

The 'Care Matters, white paper 2007' stated that services are safer if we listen to the people who use them. The council felt this was something that the DHSC children and families division does very well. Young people reported that they have been able to make positive change for LAC and care leavers through the Voices in Participation Council in lots of ways. The council have been able to be involved in decision making at both operational and strategic levels. Below is documented some of the partnership work the council has undertaken.

Young people are currently in the final stages of the DRIVE project, this project will enable LAC and care leavers an opportunity to be substantially financially supported to learn to drive. This project is realistic about the level of support a LAC or care leaver may need to learn to drive recognizing that they may leave care with a diminished support system and financially less secure than their peers who have lived at home. The initial idea was debated with the chief social worker and Mr Harmer (the political lead for social care at the time) in a visit to Tynwald, it has then been proposed and negotiated through the senior management team and is now in its final stages before it becomes a live project.

The council has spoken at numerous events including the Safeguarding children board forum to highlight and challenge what life is like as a looked after child or care leaver. There have been bespoke workshops held with the police and within health services about interactions with LAC. In 2016 the Council launched their own full days training program for professionals called 'Through the keyhole' This training is available through the safeguarding children's board and offers professionals an insight into how it feels to be a LAC, the specific challenges they face and exercises to help those working with LAC understand how it feels to be on the other side of an assessment, protocol or difficult conversation. This training is designed and delivered by LAC and care leavers and has been extremely well received.

The council has representatives sit on the corporate parenting group and actively feeds into what happens in this group. They have also attended team meetings and working groups to ensure young people's views are considered in decision making. In 2016 the council was awarded an 'Investing in children's' award by a UK advocacy group for their continuing commitment and effective practice which has ensured young people's voices are heard at a decision making level within the care system.

Young people reported that the Electronic Personal Education Plan (EPEP) process was not used well to support or change their education plans. In a survey undertaken in 2016 82% of young people asked said that EPEPS were unhelpful and they did not know why they had to complete them. One young person spoken to when gathering evidence for this report said '*EPEP's don't change anything.*' Since this time the Council was pleased to hear that EPEP's have been suspended due to young people's thoughts on them. The council felt it was very positive that their views had been heard and responded too. The council has now been invited to sit on the working panel to help decide what will replace the EPEP system.

Through the process of gathering evidence for this report the Council identified that the complaints process for young people could be confusing as it was not streamlined across providers, due to the council highlighting this a piece of work is being undertaken between managers, providers and the council to improve the process and make it more easily accessible for young people.

The council has found that building relationships with professionals has been key to its success. In 2015 the group created a presentation called 'Flip the script' which identifies their journey of learning to trust the professionals around them and build strong foundations for change. The council identified that open communication lines where all parties are heard and acknowledged as having something to offer has created a culture within children and families where the young person's voice is valued. Responding to the quote above 'services are safer when we listen to those who use them' the council believe these open communication lines evidence safe practices which do help to protect children in care from abuse. The council would like to offer to present their 'Flip the script' presentation to members of the social affairs policy review committee as part of their evidence for the board.

Perceptions of care

The Council felt that other people's perceptions of children in care often made them feel unsafe and that this exposed them to distressing situations. Young people felt people did not understand care and that because of this they would ask questions which were inappropriate. One young person said *'Adults don't understand care, care should be exposed as a positive thing because people have an unrealistic view especially in schools, children should also be educated about what care is.'* Young people felt that schools and other organisations expected LAC to be naughty or under achievers, a young person commented *'people think young people in care are stupid and they're not. Of course some are not top of the class but it's a diverse range of people, not everyone is the same.'* Young people said that this lack of aspirations for children in care was oppressive. They identified that the media did not help this saying *'if one young person in care was involved in something with the police they would be named in the paper and it would say they lived in a St Christopher's home so everyone then thinks it's just people in care who steal or do something wrong. When a young person at home is involved with the police they don't say whoever it was lived at home with their parents. It gives people the wrong impression and it's not fair.'*

Young people also felt that politically they are often represented badly; young people discussed the last Tynwald investigation into children and families and listened to a Tynwald sitting related to this. They noted members saying things like 'Parents should feel able to voice concerns or complaints without fear', they questioned 'what about the child? Why wasn't the child mentioned?' A statement was made by a member saying 'I submit that it should be the primary objective of the Department to keep families together' young people felt that the primary objective should be to keep children and young people safe, they also felt this negated their own personal views, young people made the following statements about this;

'I'm not crying and sad, I'm fine and I don't want to go home'

'Care was the best thing that happened to me, I don't know where I would be now if I hadn't come into care'

'I wish I had come into care sooner'

'Walking into my care home was the first time I ever truly felt safe, it was like I could breathe again.'

Young people felt that politicians did not understand that lots of young people did not want to stay with their families and it would not be safe for them to do so and to say this should be the primary objective made them feel like somehow someone had failed by not keeping them in their family which wasn't true. Young people also noted that some organisations were very negative about social workers on Facebook and said they didn't feel this was fair as then if it came up people would ask them what they thought. One young person said *'The last investigation there was loads on Facebook about social workers and now people think they are monsters just because some parents said they weren't happy, I wanted to comment on Facebook but then I knew people would know I was in care. No one asked us what we thought and I didn't like them being called bullies because mine is really nice.'*

Young people felt the impact of politicians statements was not thought through and politicians made no effort to communicate with young people about what they thought.

When a LAC moves into semi-independent living at 16 they have to claim benefits even if they are in college so they can start to learn to manage money. Young people felt that because of this people felt they were *'scroungers'*, a young person said *'if you lived at home you wouldn't claim benefits when you were going to college, most families would still buy your food and rent, we have to claim benefits but people think it's because we are lazy not because we have to and have no choice because you can't earn enough to pay the rent and go to college.'*

In a survey conducted in 2016 40% of the young people asked said that they did not feel that school had the same aspirations for them as other young people, one young person commented *'I felt like teachers labelled me as a bad kid because I was in care and they didn't even know why I was in care.'*

The council felt that LAC are stereotyped with young people saying *'some young people give everyone else a bad name.'* They discussed how they felt that they had to prove they were able to achieve the same as others. A young person said *'you feel a bit pushed not to be part of that stereotype, like you shouldn't make a mistake as then people will say well it's because they are in care. It feels like a lot of pressure. No one protects LAC from how other perceive them. It's ok for us to be branded as bad. It's not nice to feel different and we always do.'*

Conclusion

The Council has, through this evidence, been able to identify effective processes which protect LAC from abuse. What has been identified is that to feel safe and protected it is important to be informed about what should be happening, trust those around you and understand what is in place to keep you safe. The saying 'knowledge is power' was brought up by a young person and it was agreed that if they knew what should be happening they could tell someone if something different happened that shouldn't have. The council agreed that one of their biggest challenges was how care was discussed in other arenas. The council agreed the following statement

'Stigmatisation around care does not improve the service. If MHK's want to improve the service they should speak to the people who use it. The service is safe because if we tell them (children and families) something is wrong then we can work together to change it. The problem we have is when people don't listen and think they know best.'

The council hope the social affairs policy review committee find their evidence informative to the current investigation in relation to the aforementioned motion put forward by Mr Baker.

Thoughts on Mr. Bakers motion

The Voices in participation council refer to the motion put forward by Mr Baker *'That Tynwald notes with concern reports of historical child abuse at the former Knottfield Children's Home, which closed in 1983, and refers the matter to the Social Affairs Policy Review Committee to report by December 2017; and further instructs the Committee to investigate the adequacy of current procedures to protect from abuse children in care (looked after children) in the Isle of Man and to report in March 2018.'* The council understands that an amendment was put forward regarding this motion by Mrs. Beecroft highlighting that the department of health and social care, children and families is regularly reviewed and audited by commissioned bodies to ensure standards are adequately protecting those the service provides for.

The council was hugely disappointed that this amendment was not supported; the lack of support provided for this amendment caused the Voices in participation council to have serious concerns that at the current time members of Tynwald are really unaware whether children in care are safe from abuse. This in the council's opinion is unacceptable. Young people would like to know 'Why don't they already know if we are safe?' It was very concerning to the council that it has taken for a member of the general public to approach an MHK and highlight historical abuse for Tynwald to call LAC safety into question. The abuse of children at Knottfield happened 30 - 45 years ago and the VIP find it wholly unacceptable that all these years later this is what has triggered politicians to ask questions about LAC safety and protection from abuse. It also concerns the VIP hugely that members of Tynwald do not seem to have faith in the commissioned inspections, some of which are fairly recent in 2016, which have taken place to ensure LAC's safety. The VIP

would question why Tynwald members do not believe these commissioned inspections are robust enough to evidence their safety and a separate enquiry needs to take place? The Voices in Participation council were able to be part of the Scottish inspectorate, they were fully supported to give their views and have a voice in this process.

Unfortunately prior to this motion being put forward and voted on young people currently in care or utilizing the aftercare service were not spoken to. The Voices in Participation council were disappointed that this did not happen and would suggest that this investigation will change little in their lives and be of little benefit to them owing to the fact that they report processes to protect children in care from abuse to be good. However had this motion come to them for consultation they would have emphasized that in fact a majority of young people do not feel safe or protected when they are leaving care as opposed to whilst they are in the care system.

Leaving care is a huge point of concern for those spoken to who are currently looked after and for those who have left care. Young people made the following comments about leaving care;

'It is like all of a sudden you realize nobody outside of children and families really cares about what happens to you. You can be homeless and it doesn't matter because you can't get a commissioners house and if you make one mistake benefits will take everything away. I felt hopeless.'

'One time benefits gave me a cheque for £4.81 to live on for 2 weeks. How can anyone live off of that? I rang benefits and they said unless I had a baby they couldn't do anything. I said why would you only help me if I had a baby and they told me that was the way it worked and I should talk to my MHK if I was unhappy. I rang up Tynwald and they said someone would ring me back but no one ever did. Aftercare helped me out a bit that month but I had to live off noodles because I couldn't afford anything.'

'I couldn't even afford a coat when I left care, when it got to the winter I was freezing. One of the staff from children and families noticed I didn't have a coat and there was a special allowance made to buy me one. No one else cared.'

'I've lived in 14 flats in 3 years; they were all damp and cold and had mold in them. The landlords don't care and if you try to leave they keep your deposit. You don't have a choice though because you don't have the money to be picky.'

'it's like your just on your own when you leave, you can talk to your aftercare worker and they try to help but they can't book appointments for you and things because all the services say you're an adult and you have to do it yourself. When you're at CAMHS you get help and then if you miss an appointment in adult mental health they just kick you out and send you an angry letter. They don't think about the fact you are living alone and you have loads to do and might have no money to put

credit on your phone or to buy a bus ticket. They just say it's your fault so then your mental health gets worse and you never trust them again'

'Thinking of leaving care is exciting but I have no idea what is in place to keep me financially safe or just make sure I am ok.'

'if you have nowhere to live then the police will tell you to move on but where are you supposed to go? If you go to the commissioners they say you have to have lived in one place for 5yrs after your 18 and I was only 18. If you go to a landlord you need money but benefits won't give you anything if you miss doing a job search but sometimes that's hard when you have no money to get anywhere and no credit and are depressed. You can only use the homeless place if you are a man so what do you do?'

'People expect that when you leave care you can just be an adult but none of my friends who weren't in care have the same challenges as me. I can't ring my mum for a lift at 2am if something happens and I want to get away.'

'I don't know what will happen to me when I leave care. I might just get on the boat because at least across I will get help to get a house.'

There are a number of obstacles which face young people leaving care and the voices in participation council feel that Tynwald have not shown interest in resolving these. The Council feels that the lack of aftercare legislation which would protect a young person's right to be supported when leaving care to this point is telling of how little of a priority care leavers are politically. The council is aware that the department has taken steps to rectify this gap in legislation. The council hopes this will be supported by members of Tynwald.

The council believe that had the landlord's bill been passed this would have aided in ensuring some adequate, safe, affordable accommodation was available to care leavers in the private sector. Without this legislation the council believes care leavers are left vulnerable to being exploited by rogue landlords. The policy around Commissioners housing has also left young people in a position where they are completely unable to apply for a house when they need it most. At 18 it is impossible for them to meet the criteria required to even go onto the waiting list for a house, this leaves them in private rentals which means they are forced to live wherever is affordable, meaning a young person may have to take a house in one area for a year then if this contract is not renewed they will have to move to a different area, at which point the 5 years in one area policy means they have to start the whole 5 years again.

Young people report that the aftercare service provided is good and that children and families are helpful and supportive of them once leaving care however there is little understanding and support from anywhere else. The council includes the following pictures to give a small example of what 'good' quality accommodation looks like. This accommodation has one bedroom and a combined kitchen/living

room at a cost of £625 PCM. The damp in this property is considered fairly minimal compared to others young people have to live in.





The council proposes that a change of culture is required politically and across all services to understand specifically the challenges care leavers face to ensure legislation, policies and procedures protect those leaving care from abuse and support them to thrive as an independent adult. The council would be happy to be part of discussions to aid politicians in gaining a better understanding of the issues faced by care leavers.

[Name redacted]

Senior council member

Steering group Member

On behalf of the Voices in Participation Council

30/10/17

**Appendix 8: 30th August 2017 letter from
Chief Constable to Chair of the Social
Affairs Policy Review Committee**



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Our Ref: GR/SK

30th August 2017

Mr D C Cretney, MLC
Chair
Social Affairs Policy Review Committee
Legislative Buildings
Douglas
IM1 3PW

Dear *Mr Cretney*

At its July 2017 sitting Tynwald passed a motion – “That Tynwald notes with concern reports of historical child abuse at the former Knotfield children’s home, which closed in 1983, and refers the matter to the Social Affairs Policy Review Committee to report by December 2017; and further instructs the Committee to investigate the adequacy of current procedures to protect from further abuse children in care (looked after children) in the Isle of Man and to report in March 2018.”

I write in connection with this motion and with your request that the Constabulary makes a written submission. Attached hereto is a paper in respect of the first part of the motion. The committee must be aware that the investigation of abuse at Knotfield was a particularly sensitive matter, which victims and others found to be difficult to deal with. The handling of evidence in respect of the matter therefore requires acute sensitivity.

I think it important that I should make the Constabulary’s position very clear. Two thorough investigations have taken place into allegations of abuse at Knotfield. One, which took place a quarter of a century ago, led to the conviction and imprisonment of the former head of the home. The more recent investigation has not led to prosecutions for reasons that are largely set out in the paper. Decisions about the case were made by the director of prosecutions from HM Attorney General’s Chambers, who may wish to offer his own submission. However, if potential witnesses or victims come forward and offer written submissions or provide verbal evidence to the committee which makes new allegations or provides fresh evidence, then it will be necessary for me to ask the committee to suspend its work, so that the criminal investigation can be reactivated. In circumstances of this kind any criminal investigation must take precedence and nothing should be done that could be considered as interfering with that investigation or any potential, subsequent judicial process.

Turing to the second part of the motion, I am a member of the safeguarding children board and I believe that modern, effective procedures, process and systems have been created to safeguard young people, irrespective of whether or not they are looked after by the state. The independent chairman of the safeguarding children board will make a submission on its behalf.

Yours sincerely

[Signature redacted]

Gary Roberts
Chief Constable

Enc.

**Appendix 9: 26th September 2017 –
Submission of the Chief Constable**



Background

1. At its July 2017 Tynwald passed the following motion proposed by Mr Tim Baker MHK:
That Tynwald notes with concern reports of historical child abuse at the former Knottfield Children's Home, which closed in 1983, and refers the matter to the Social Affairs Policy Review Committee to report by December 2017; and further instructs the Committee to investigate the adequacy of current procedures to protect from abuse children in care (looked after children) in the Isle of Man and to report in March 2018.
2. This paper is the Isle of Man Constabulary's (IOMC) submission in respect of the first part of the motion. In a covering letter the Chief Constable has made reference to the second part of the motion and to his position as a member of the Safeguarding Children Board (SCB).
3. The letter also alerts the Social Affairs Policy Review Committee to the implications of a witness or victim of abuse coming forward and providing new material, which might potentially be evidence of an offence.
4. Knottfield Children's Home was a residential care home in Woodbourne Road, Douglas run by the Board of Education for many years until its closure in 1983. For the last decade of its existence it was run by Joseph Henry Marshall (**JM**) and his wife Edna Marshall.
5. Records relating to the home are largely kept in the national archives, but files relating to individuals, including those who spent time in care in the home, have not been found and appear to have been destroyed before the first police investigation began in 1992. The IOMC took possession of documents believed to be relevant to its investigation, but records of its 1992 inquiry are limited, as in accordance with its records management policy the IOMC routinely destroys material at set periods. Nevertheless, the absence of records does not materially alter or affect the quality of this submission.

1992-93 Investigation

6. At the end of 1991 an adult male (**A**) began to make disclosures about abuse he had suffered when resident at Knottfield between 1980 and December 1982. He first spoke to a consultant psychiatrist at Ballamona Hospital, but in 1992 he was persuaded to make disclosures to the police.
7. Over the course of several weeks **A** gave a graphic account of systematic sexual abuse that he suffered at the hands of **JM** over the course of almost all of his time at Knottfield. He and two of his three siblings had been placed into care on a voluntary basis, because his family's domestic circumstances meant that there was insufficient space in the family home for two adults and four children.
8. At the time that he made the disclosures **A** was the first adult male to come forward in the Isle of Man and make allegations of non-recent sexual abuse by a man in a care setting. The subsequent police investigation was therefore entirely new ground for the IOMC. At the time the IOMC did not have a specialist sexual offences investigation team, but even with the benefit of hindsight, the original investigation can be seen to have been thorough and largely successful, in that the only suspected offender pleaded guilty to thirteen serious charges on his first appearance before a Court of General Gaol Delivery.
9. **A** made a sixty six page statement of complaint, which painted a horrific picture of long-term serious, systematic sexual abuse committed against him by **JM**. Scarcely a day went by when **A**, who was 11 when the abuse started and 14 when it ended, was not was not indecently assaulted by **JM**. The assaults were conducted in a flagrant, brazen manner often in close proximity to other children and to **JM's** wife and children.
10. Evidence gathered by the police showed that **A** had become an alcoholic by the age of 14, that he had a long and increasingly serious history of offending, that he had real difficulties in forming personal relationships, and that he had significantly poor mental health, including harming himself on several occasions. He believed that this had been caused by the abuse by **JM** and professional assessments supported this view. Many of the young people who spent time in the care of **JM** had similar problems.
11. The IOMC began a systematic and extensive investigation into the activities of **JM** during his time at Knottfield. Inquiries were also undertaken with Kent Police, in which area **JM** had lived and worked for many years before coming to the Isle of Man. He had not been subject to investigation whilst there.
12. It was discovered that in 1979 a boy residing at Knottfield (**B**) had alleged that **JM** had abused him. The matter was not formally investigated and it was believed at the time (possibly for cultural reasons) that this was the case of a badly behaved adolescent trying to get an adult into trouble. Indeed **B** was perceived as being troublesome and difficult, exhibiting serious and challenging behavioural problems.

13. Efforts to try to determine precisely what had happened in respect of that allegation were frustrated by the lack of written records and by the death of a social worker, whom young people who had been in care appeared to have trusted and who was believed to have been suspicious about the behaviour of **JM**. His death had occurred sometime before the commencement of the investigation.
14. In the 1970s attitudes towards child protection, child abuse and safeguarding were considerably different than they are now, and indeed how they were in 1992. The reporting of abuse was infrequent and professionals were not trained to investigate such matters or to spot signs of abuse. Cross-agency child protection or safeguarding protocols did not exist.
15. A series of high profile inquiries in the United Kingdom brought a sea change in attitudes to child sexual abuse. It should be borne in mind that even in the 1970s a group (Paedophile Information Exchange) was frequently granted mainstream media coverage as it sought to lobby for the abolition of the age of sexual consent. Modern observers are rightly horrified by this.
16. **B** was traced and interviewed and he disclosed that he had been abused by **JM** in similar fashion to **A**. However, he refused to make a statement of complaint and he was adamant that he would not become involved in any prosecution, except insofar as he would be content for his offences to be taken into consideration by a court if admitted by **JM**. In other words, he would support police action, but he would not in any circumstances give evidence.
17. A third man (**C**) was interviewed and, whilst he alluded to having been sexually abused by **JM**, he had poor mental health and he was not able to make a full disclosure or to support a prosecution. It was evident that simply raising the issue with him was harming his mental wellbeing.
18. The mental health of **C** was so poor that a decision was made to bring forward the arrest and interview of **JM** in order to help safeguard **C** and to protect the integrity of the investigation. A genuine fear existed that **JM** would learn of the investigation and thus have the opportunity to frustrate it.
19. In September 1992 **JM** was arrested and interviewed. He initially denied having committed any offences but he changed his mind and admitted to having abused **A** in the manner and over the timescale alleged. He denied having abused **B** or **C**, but he disclosed that he had systematically abused another boy, **D**, in similar fashion. He stated that he had committed "hundreds" of indecent assaults on **A** and **D**.
20. **D** made considerable efforts to avoid speaking to the police and it was several weeks before he agreed to meet officers. He told officers that he had been abused, but he would not initially make a statement of complaint. He asked for counselling and he was given access to counselling support. It was clear that the abuse he had suffered had had a significant and very damaging, long-lasting effect on his life.

21. Some two and a half months after **JM's** arrest **D** eventually made a statement of complaint, which detailed an appalling catalogue of abuse. It appeared as if he had been abused by **JM** every day for around seven years. The abuse had been almost identical in nature, scope and brazenness to that suffered by **A**.
22. After his arrest **JM** was charged with offences against **A** and **D**. It was also decided that he should be charged with offences against **B**, despite his reluctance to give evidence. **JM** appeared before a Court of General Gaol Delivery in December 1992 when he pleaded guilty to thirteen specimen charges of indecent assault. He was sentenced to three years' imprisonment. (It should be noted that the sentencing powers then available to a court for offences of this kind were limited and **JM** was sentenced under legislation dating from the 1960s, rather than the Sexual Offences Act 1992 as the offences he had committed pre-dated the new law. The 1992 Act is now deemed itself to be outdated and a modernisation of sexual offences law is in the government's legislative programme.)
23. During the course of the investigation attempts were made to trace and interview as many former residents of Knottfield as possible. The absence of comprehensive records made this difficult and those that were found chose not to make disclosures.
24. None of those interviewed, or known to have made disclosures, made allegations against anyone other than **JM**. However, interviews were conducted with **JM's** wife and employees of Knottfield in an attempt to determine whether anyone else might have been involved or whether they had knowledge of the offences committed by him. Officers treated **JM's** wife's protests of ignorance with scepticism, but there was no evidence at all to indicate that anyone else was involved, or that anyone helped cover up the abuse.
25. In 1994 allegations of sexual abuse were made against **JM** by one of his former long-term foster children, **E**. He had been interviewed during the 1992 investigation, but he had not made any disclosures; however in 1994 he alleged that he had been buggered by **JM** whilst in his care. (This would now constitute an offence of rape, but at the time of its commission the offence of rape was less extensive than it is now.) An extensive investigation was carried out, but medical evidence was inconclusive and HM Attorney General decided that no further action should be taken. Officers investigating the matter were convinced that **E** was being truthful but **JM** flatly denied the allegations when they were put to him.
26. In 1995 a member of **JM's** family came forward to make allegations that **JM** had abused a child to whom he was related. **JM** was arrested and interviewed, but he denied the allegations. After an investigation it was again determined by HM Attorney General that insufficient evidence existed to bring a prosecution.

27. The police file on **JM** was finally closed in 1995 and the investigating officer noted that he was aware that several other men over the age of thirty had made disclosures to social workers and counsellors about abuse committed against them by **JM**, but that none of them was willing to make formal criminal complaints. The investigating officer firmly believed that **JM** had abused very many children in his care, that he was a serious and dangerous sex offender and that he remained a threat to children.
28. All necessary steps were taken with social services to ensure that **JM** was kept away from children and this included dialogue with his family concerning the prevention of him having unrestricted access to his grandchildren. At the time there was no regime for the management of sex offenders upon completion of their sentences.
29. To all intents and purposes no further police contact was made with **JM** or with previous residents of Knottfield in connection with allegations of abuse until 2015.

2015-16 Investigation

30. In May 2015 a man, **F**, approached members of the IOMC's specialist Public Protection Unit to allege that he had been abused at Knottfield in December 1974 or January 1975 by two men. At the time he had been four years' old. He had had no memory of the incident until he had had counselling in March 2015, when the long-suppressed memory resurfaced.
31. **F** could not name his offenders, but he offered descriptions of the two men, one of whom roughly fitted the description of **JM** as he was known to have presented in the 1970s. He provided a detailed account of several incidents of serious sexual assault, including buggery. (Again this would now be rape, but the law in the 1970s was considerably more restricted.) The account given by **F** differed in many aspects from those given by victims interviewed during the first investigation. The siblings of **F**, who had been with him at Knottfield were interviewed, but they had no knowledge at all of the alleged abuse.
32. It was decided to conduct an extensive investigation into the allegations made by **F** and attempts were again made to trace and interview as many former residents of the home as possible. However, crucially it was not possible to identify the alleged offenders and no other evidence could be found that corroborated the allegations.
33. Over the course of several months eight people were traced who may well have been victims of abuse at the hands of **JM**. One of those interviewed was **C** who still refused to make a formal complaint or to support a prosecution.
34. **G** was the only female victim who came forward and made a complaint. She alleged that she had been indecently assaulted by **JM**, but was at best reluctant to support a prosecution. The investigation duly tested her account and evidential discrepancies were discovered in that that she claimed that the offences against her had happened

at a time when **JM** was still residing in the UK. In any event, she was at best a reluctant complainant, who was unlikely to give evidence in court.

35. **H** alleged that he had been indecently assaulted by **JM** and his description of the commission of the offences was similar to those given by victims in the first inquiry. **H** is the brother of one of those who made allegations in 1992. He also alleged that a female employee of Knottfield, **Z**, had indecently assaulted him while he was in care.
36. **I** was interviewed and he told officers about the sexual abuse he had suffered at Knottfield. He named **JM** as being responsible. However, the strain of disclosing and the trauma caused by the offending had clearly damaged him. His mental health was not good enough to allow him to make a formal complaint. He also alleged that he had been indecently assaulted by a member of the Knottfield management committee when on a trip to Wales. However he did not name the offender or make a formal complaint about it.
37. **J** was another sibling of **H**. He was unwilling to complain, but anecdotal and circumstantial evidence suggested that he may have been indecently assaulted by **JM**. **K** was another person who had spent time in Knottfield and whose siblings had been abused. Again circumstantial and anecdotal evidence suggested that he might have been abused, but he chose not to offer any co-operation with investigators. There is also circumstantial evidence to suggest that **L**, another female, had been abused by **JM**, but she has not been traced.
38. Officers examined (with consent) medical records of those whom they had interviewed and then trawled through social services records. Nothing of any evidential worth could be found. Indeed, the social services records of the time were sparse and not at all detailed. Nothing was found in either the medical records or the social services records to help the investigation.
39. In April 2016 **JM** was arrested and interviewed in connection with the allegations made by **G** and **I**. He claimed that he had only committed the offences that he had admitted in 1992-3 and that he would have admitted at that time if he had abused other children in his care.
40. In July 2016 **H** made his complaint and **JM** was further arrested and interviewed. Again he denied the offences.
41. In November 2016 **Z**, the female employee named by **H**, was interviewed about allegations that he had made. She vehemently denied the allegations.
42. Inquiries were made to try to trace visitors to Knottfield and people involved in its running. The passage of time made this difficult. However, it was established that **JM** was a close associate of **GG**, a clergyman, who was later convicted of non-recent sex offences committed in the UK. No allegations were made against him in connection with his time in the Island and the United Kingdom officers investigating

his activities had no information about Knottfield or about **JM** or anyone else connected with the Isle of Man inquiry.

43. During the investigation into **JM**, a man (**M**) alleged that he had been indecently assaulted whilst resident at Knottfield by another resident of the home. He did not wish to complain.
44. Several other people who had been residents of Knottfield were traced and interviewed by investigating officers. None of them disclosed abuse; however, some gave the impression that they had been victims, but they were unwilling to speak about their experiences; others spoke about suspicions they had about what had been going on when they resided at Knottfield.
45. Former staff members were traced and interviewed. None had direct knowledge of any abuse committed within Knottfield. Some spoke about suspicions that they had had, but they did not provide evidence to assist in any prosecution.
46. Contact was made with Operation Hydrant, a long-running and extensive UK investigation into non-recent sex abuse. The IOMC has agreed an information sharing protocol with Hydrant, but to date no information has been obtained that has any link to Knottfield or to anyone related to the IOMC's investigation.
47. Between 1997 and 2002 Greater Manchester Police ran an inquiry, known as Operation Cleopatra, into sexual abuse in over two hundred children's homes in the north-west of England. The IOMC provided assistance in identifying potential victims who had links to the Isle of Man. However, no evidence was gathered by the operation to support any action in the Isle of Man.
48. A comprehensive file detailing the police investigation was passed to HM Attorney General for consideration. However, it was determined that there was insufficient evidence to support a prosecution. It is for HM Attorney General, should he so choose, to explain the rationale for this decision.
49. On 30th August 2017 an anonymous caller told the police that staff at the Isle of Man Children's Centre were destroying files relating to the Knottfield investigation. Officers attended the centre and spoke to staff including the Chief Executive Officer.
50. It was determined that staff were clearing out old material, including some files, all of which were being catalogued. Officers examined the material that related to Knottfield, which included personal effects of former residents such as letters and photographs, and documents providing education and medical records. The files had not previously been shown to the police during the Constabulary's investigations in 1992-3 or 2016-17. There is no sinister explanation for this, but it is indicative of the chaotic nature of record-keeping that was undertaken several decades ago.
51. Current staff of the Isle of Man Children's Centre were clearly striving to bring some order, hence the cataloguing of the material.

52. Offices examined the files and found nothing of evidential value. However the names of seven people who had spent time residing at Knottfield and who had not featured in either investigation were discovered.
53. Steps will be taken to try to locate the seven people, several of whom are thought to live in the United Kingdom. At this stage there is no reason at all to believe that any of them were victims of sexual abuse. However should any of them be traced and disclose abuse, then the committee will be informed.

Conclusion

54. The Constabulary conducted two rigorous and thorough investigations almost twenty five years apart. Those investigations led to the early imprisonment of **JM**, who was the only named offender. The investigations did not find anything to prove the involvement of other people, or the existence of a network of offenders. However, it was clearly the case that young people, many of whom were extremely vulnerable, were exposed to an appalling regime within Knottfield in which they were sexually, physically or emotionally abused.
55. The investigations also showed that there was no proper or effective supervision of **JM** or of the regime within Knottfield. This meant that he was able to offend for many years without fear of being detected. Clearly this is demonstrated by the discovery of new files as set out in paragraphs 49-53 above.
56. The concept of corporate parenting was unknown at the time of the offending or of the initial investigation. Neither of the two police investigations was able to find any evidence at all of the existence of state-owned policies designed to protect vulnerable people, other than the criminal law, or to safeguard those in state care. It is difficult for the modern observer to understand this.
57. **JM** was a serious sex offender, who systematically abused children in his care. Although there was insufficient evidence to prosecute him after 1993, there are very strong grounds to believe that he abused far more children than could be proved. An opportunity to stop his offending arose in 1979, but not taken.
58. Most of those who were subjected to abuse by **JM**, or who were otherwise exposed to the regime he created at Knottfield, suffered long-term and often permanent emotional damage. Some of the victims who were brave enough to come forward were very clear about this: they believed that he had ruined their lives. It is difficult to argue against this.

59. Societal understanding of child sexual abuse has undergone a dramatic change since **JM** was routinely abusing children and young people. Children are believed when they disclose abuse and professionals are trained to spot the signs of sexual, physical and emotional abuse. The reporting of such allegations necessarily and inevitably leads to the involvement of a series of professionals from various agencies in a way that did not exist in the 1970s, 1980s or even the early 1990s.
60. Record keeping in the period when **JM** offended was poor compared to modern standards.
61. Counselling services were almost non-existent when **JM** offended. When his victims came forward in the 1990s they were given access to counselling from a service run by the Department of Health and Social Security. However, those services were in their comparative infancy and no specialist services existed to help survivors of non-recent abuse.
62. It was evident that some of the victims and witnesses who were interviewed in the course of the more recent investigation continue to have emotional and psychological problems, which will continue to require professional intervention and support.

Gary Roberts
Chief Constable
Isle of Man Constabulary
September 2017

**Appendix 10: 16th May 2018 –
Submission of the Chief Constable**

Non-Recent Sexual Abuse Offences April 2013-March 2018

Scope

Details are required of all the non-recent sexual abuse cases (non-recent abuse is determined as where the reported abuse occurred over one year before it was disclosed and/or reported) that the Constabulary have investigated **in the last five years**, which needs to be broken down into:

- the number of offences,
- the type of offences (offences of indecent assault, buggery, rape, gross indecency and all attempts thereof),
- dates when committed
- dates when reported
- the outcome (successful or unsuccessful prosecution / NFA / Caution)
- if the offender was known/unknown
- whether the investigation was supported or unsupported by the victim/complainant

Summary

- In the last five years there have been **99 non-recent sexual abuse crime reports recorded**.
- These consist of 54 Indecent Assault, 37 Rape, 6 Gross Indecency and 2 Buggery records.
 - The victims comprised both males (30% of records) and females (70% of records), with over three-quarters of crimes relating to offences when victim was under age of 16.
- 15 have resulted in successful prosecutions, 12 in unsuccessful prosecutions, 13 are live investigations or pending prosecutions, and 59 were discontinued no further action.
- Of those discontinued, **two-thirds were discontinued on advice from the Attorney Generals Chambers, often noting insufficient evidence** to provide a realistic prospect of conviction.
 - Other reasons for discontinuing were failure of victim complainant to provide a formal complaint (11 crimes), inability to identify offenders (2), investigation progressed by another constabulary (2), the suspect being deceased (2), and one pending locating the known suspect.
- In **almost all cases recorded the suspect was known to the victim**.
 - In an eighth the two were, or had been, in a relationship (12 crimes), in a quarter the two were in same family (albeit occasionally identified as being in a foster or step relationship) (25 crimes), and over half were otherwise known to each other prior to the offences.
- Overall **one in eight crimes recorded have not been supported by the victim**.

Analysis

There were three sources to consider: PPU Referrals register, Recorded Crimes, and Prosecutions recorded by Police Registry. Initial review suggested the primary source for summarising investigations carried out should be Recorded Crimes, with the other sources used for corroboration and further detail.

Non-Recent Sexual Abuse Offences
April 2013-March 2018

Number and type of non-recent sexual abuse offences by crime year recorded

Crimes are recorded with a date of reported, date committed on/from and (where offences were committed within a period) date to. It is possible to identify all 'historic' crimes, where most recent date of commission is more than one year after date crime reported.

From the broad category of Sexual Offences, Indecent Image offences, Underage Sexual Intercourse offences and Keeping a Brothel were excluded from the historic records identified.

In the period reviewed, twelve persons were named as suspects in more than one crime report, and for five of these persons the offences were reported in different years. 59 were only named in one report, and five reports do not have suspects named. It should be noted that crime reports may occasionally refer to commission of more than one offence, or name more than one suspect.

Recorded Crime Type	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	Grand Total
INDECENT ASSAULT	8	8	8	15	15	54
BUGGERY			1	1		2
RAPE	7	7	9	6	8	37
GROSS INDECENCY	1	1		1	3	6
Grand Total	16	16	18	23	26	99

Suspects named	13	12	12	20	20	71
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Outcome

Every crime report was reviewed to determine outcome, and where charged matching to offences prosecuted, to find out whether prosecution was successful. Where discontinued without suspect charged, updates and investigation notes were reviewed to determine principal reason for failure to prosecute.

In table below included with Successful Prosecutions are two crimes where prosecution was not successful on all charges, and one where offences were recorded against the subject, although the crime was recorded as detected no proceedings, as victim withdrew complaint. Included with Pending outcome are seven crimes still being investigated, with no charges yet made, and five where prosecution has not yet completed, and one which has been adjourned Sine Die, so no final result has been reached.

Outcome	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	Grand Total
Successful Prosecution	2	3	4	5	1	15
Unsuccessful Prosecution	5	5	1	1		12
Pending			1	1	11	13
NFA	9	8	12	16	14	59
Grand Total	16	16	18	23	26	99

Non-Recent Sexual Abuse Offences
April 2013-March 2018

In more detail

Outcome	Result Summary	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	Grand Total
Successful Prosecution	Imprisonment 6 counts				1		1
	Imprisonment	1	3	2	2	1	9
	Conditional Discharge				1		1
	Probation	1					1
Both	Imprisonment 2 counts Dismissed 1 count			1			1
	Probation 3 counts Discharged 2 counts				1		1
Unsuccessful Prosecution	Acquitted	4	1	1			6
	Discontinued - Subject deceased	1			1		2
	Dismissed		1				1
	Withdrawn		3				3
DNP	No formal complaint by victim			1			1
Adj Sine Die	Adjourned Sine Die				1		1
NFA	Advice received from AGs - no further action		3	5	10	6	24
	Insufficient evidence for realistic prospect of conviction	3	4	6	3		16
	Discontinued - Subject deceased				1	1	2
	Discontinued pending the offender being located	1					1
	Matter be forwarded as part of a UK investigation	1				1	2
	No formal complaint by victim	4	1		1	5	11
	Unable to identify offenders				1	1	2
	Unknown			1			1
Live	Pending					7	7
Pending	Pending			1		4	5
Grand Total		16	16	18	23	26	99

Non-Recent Sexual Abuse Offences
April 2013-March 2018

Known / Unknown Relationship between suspect and victim

Stranger is rarely recorded, Otherwise Known covers most crimes where victim is not related to or in relationship with suspect.

Relationship category	Relationship	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	Grand Total
Relationship	Boy - Girlfriend					2	2
	Ex Boy - Girlfriend			1	2	1	4
	Ex Common Law Husband		1		1		2
	Husband - Wife		1			1	2
	Common Law Husband - Wife	1					1
	Ex Spouse					1	1
Relationship Total		1	2	1	3	5	12
Family	Brother - Sister	1		2	1		4
	Step Brother - Sister				1		1
	Father - Son			2			2
	Father - Daughter	1	2			1	4
	Step Father - Daughter		1		1	1	3
	Foster Father - Daughter			2			2
	Foster Father - Son			1			1
	Uncle - Niece					1	1
	Cousins	4		1	1	1	7
Family Total		6	3	8	4	4	25
Other	Acquaintance	4	3	2	6	3	18
	Associate	1		1		4	6
	Otherwise known	4	8	6	10	6	34
Other Total		9	11	9	16	13	58
Stranger	Stranger					3	3
Stranger Total						3	3
(blank)	(blank)					1	1
(blank) Total						1	1
Grand Total		16	16	18	23	26	99

Victim Support Investigation

The willingness of victim/complainant to provide formal complaint was assumed to be yes for all crimes that ended in a prosecution, and also for all discontinued crimes unless explicitly noted in crime updates that formal complaint either withdrawn or not made by aggrieved.

Victim Supported Investigation	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	Grand Total
Yes	12	15	17	22	21	87
No	4	1	1	1	5	12
Grand Total	16	16	18	23	26	99

Non-Recent Sexual Abuse Offences
April 2013-March 2018

Comparison with PPU Referrals register

Of the 26 historic abuse crime reports identified in 2017-18, the majority cannot be identified within the 2017-2018 PPU spreadsheet, either by aggrieved or suspect name. Those that do have partial or complete matches by names tend not to be categorised as Historic Sexual Abuse, nor indicate need to complete a crime report.

In the last four years, that figures are available for, there are only 24 cases categorised as Historic Sexual Abuse in PPU register. It should be noted that the PPU register has evolved over this period to better capture the scope of investigations, and this register has grown from 225 investigations recorded in 2014-2015 to almost a thousand in 2017-2018.

**Appendix 11: 29th September 2017 –
Submission of HM Attorney General**

SOCIAL AFFAIRS POLICY REVIEW COMMITTEE
Inquiry into child abuse: historic reports and current procedures

Evidence of HM Attorney General
29th September 2017

(1) Who decided in 2016 not to prosecute Mr Joseph Henry Marshall and what was the reasoning for the decision?

The decision not to prosecute Mr Joseph Henry Marshall in 2016 was confirmed by me on the recommendation and advice of my Director of Prosecutions. I would comment:

There were three complainants. In relation to two complainants it was concluded that there were legal evidential difficulties and, as a consequence, that the evidential threshold was not met. In relation to the third complainant where the evidence was stronger, the nature of allegations were such that the proposed Defendant would not have been sent to prison given the age and state of health of the Defendant. It was accordingly decided that it was not in the public interest to prosecute in relation to this third complainant.

(2) Are there any circumstances in which the decision could be reviewed and a different outcome reached?

A prosecution decision can and often is reviewed if new evidence or new complainants come to light, such a review can lead to a different outcome.

(3) Where a pattern of offending behaviour is alleged, to what extent can the existence of a group of witnesses alleging similar crimes make up for weaknesses which might exist in the evidence of each one of the witnesses taken individually?

Complainants can and often are joined together in a trial if there is a nexus of similarity and that similarity often enables each complainant to support the other.

(4) Where a pattern of offending behaviour is alleged, to what extent is it the practice of the criminal prosecution division of HM Attorney General's Chambers to bring together allegations from groups of witnesses alleging separate but similar crimes, so that they can be heard together?

Similar fact evidence is often relevant and so the answer to this question is as (3) above. The case of *DPP v P* is often cited as the authority for similar fact evidence and how it is dealt with. In essence, where there is similar fact evidence and the allegations are similar then evidence can result in lending support to the credibility of another.

(5) What changes in law or practice might increase the likelihood of a successful prosecution in the unhappy event of a case like Mr Marshall's arising in the future?

I do not consider a change of law would have affected the outcome in this matter.

**Appendix 12: 17th November 2017 –
Email Clerk of the Committee to HM
Attorney General**

Archived: 02 October 2018 14:36:27
From: [Jonathan King]
Sent: 17 November 2017 16:48:00
To: [John Quinn]
Cc: Redacted
Subject: SAPRC inquiry into child abuse
Importance: Normal
Attachments:

Dear Mr Quinn

Thank you for confirming by email on 14 Nov 2017 that you can attend the public meeting of the Social Affairs Policy Review Committee at 12.15pm on Wednesday 6 December 2017 in the Legislative Council Chamber.

Between now and then the Committee intends to publish your written evidence of 29 September 2017 in the attached format. If for any reason you believe the Committee should not do this, please let me know.

You have asked what matters the Committee wishes to put to you. The Members will wish to talk through with you the matters already answered by you in writing, together with the further matters mentioned below.

I would like to request on behalf of the Committee your written comments on the following three further points by 30 November 2017 if possible please.

First: is the law of the Island as to limitation periods for personal injury claims the same as that of England, which is summarised in House of Commons Library Briefing Paper 04209 dated 8th June 2017 ([here](#))?

Second: the Isle of Man Government website states ([here](#)) that incidents which occurred prior to 13 December 2005 are eligible for consideration under the Isle of Man Criminal Injuries Compensation Scheme 1983. Please could you provide a brief outline, suitable for publication, of how this Scheme works. If a person has been a victim of physical or sexual assault in the Isle of Man before 1983, how would he access the Scheme; what would he need to prove and to what standard of proof; and what sort of award could he expect to receive? Would the award be commensurate with the scale of tariffs scheduled to the Criminal Injuries Compensation Scheme 2005 (GC 34/05); are these tariffs index-linked; and in the case of irreparable damage to mental health is additional allowance made for additional years of suffering?

Third: The Children's Centre says in its written submission of 2 November 2017, which the Committee has published on the Tynwald website ([here](#)), that:

'The Annual Report and Accounts to 30th June 1988 state "During 1988 the constitution and affairs of The Isle of Man Children's Home were revised and brought up to date. On 1 July 1988

under a Scheme approved by H.M. Attorney-General and the Isle of Man High Court Chancery Division, a company limited by guarantee and called the Isle of Man Children's Centre took over all the assets of "the Home" and assumed the responsibility of running our charity."

The Committee will wish to understand the effect of the Scheme referred to. If you have a copy of the Scheme on file, please supply it. Please could you also advise the Committee of the purpose, nature and effect of the Scheme. If the new company took over all the assets of the predecessor body, does it follow that the new company also took on the predecessor body's liabilities?

Many thanks.

Jonathan

Jonathan King
Deputy Clerk of Tynwald and Clerk of the Legislative Council
Legislative Buildings, Douglas, Isle of Man IM1 3PW
[Tel no redacted]

www.tynwald.org.im

SOCIAL AFFAIRS POLICY REVIEW COMMITTEE
Inquiry into child abuse: historic reports and current procedures

Evidence of HM Attorney General
29th September 2017

(1) Who decided in 2016 not to prosecute Mr Joseph Henry Marshall and what was the reasoning for the decision?

The decision not to prosecute Mr Joseph Henry Marshall in 2016 was confirmed by me on the recommendation and advice of my Director of Prosecutions. I would comment:

There were three complainants. In relation to two complainants it was concluded that there were legal evidential difficulties and, as a consequence, that the evidential threshold was not met. In relation to the third complainant where the evidence was stronger, the nature of allegations were such that the proposed Defendant would not have been sent to prison given the age and state of health of the Defendant. It was accordingly decided that it was not in the public interest to prosecute in relation to this third complainant.

(2) Are there any circumstances in which the decision could be reviewed and a different outcome reached?

A prosecution decision can and often is reviewed if new evidence or new complainants come to light, such a review can lead to a different outcome.

(3) Where a pattern of offending behaviour is alleged, to what extent can the existence of a group of witnesses alleging similar crimes make up for weaknesses which might exist in the evidence of each one of the witnesses taken individually?

Complainants can and often are joined together in a trial if there is a nexus of similarity and that similarity often enables each complainant to support the other.

(4) Where a pattern of offending behaviour is alleged, to what extent is it the practice of the criminal prosecution division of HM Attorney General's Chambers to bring together allegations from groups of witnesses alleging separate but similar crimes, so that they can be heard together?

Similar fact evidence is often relevant and so the answer to this question is as (3) above. The case of *DPP v P* is often cited as the authority for similar fact evidence and how it is dealt with. In essence, where there is similar fact evidence and the allegations are similar then evidence can result in lending support to the credibility of another.

(5) What changes in law or practice might increase the likelihood of a successful prosecution in the unhappy event of a case like Mr Marshall's arising in the future?

I do not consider a change of law would have affected the outcome in this matter.

**Appendix 13: 29th November 2017 –
Submission of HM Attorney General**

1. Limitation Periods for Personal Injury Claims – the Manx Position

(i) Statutory Considerations

The (Manx) Limitation Act 1984 (the “Manx Act”) mirrors the English Limitation Act 1980 (the “UK Act”) at section 11, which creates a special time limit for bringing an action for personal injury. The applicable period is generally 3 years from the date on which the cause of action accrued or from the date of knowledge of the injured person. Notably, by s26 time is extended where the injured person was under a disability at the time the right of action accrued (such as minority) : here the action must be brought within 3 years after the disability was caused.

Section 14 of the UK Act defines ‘date of knowledge’, the Manx Act equivalent definition is at s15.

The court has a discretion to extend the time limit for bringing a personal injuries claim which is dealt with in s31 of the UK Act and s31 of the Manx Act.

The wording of the relevant sections of the both Acts is sufficiently similar in both jurisdictions for me to confirm that, in answer to the question posed, the law settled in legislation in the Isle of Man is “the same” (quoting from the question posed by the Deputy Clerk of Tynwald) as that in England with regard to limitation periods.

(ii) Common-law

Given however the circumstances of the request for information and the context of the House of Commons Briefing paper which was attached, there is also the common-law position to consider.

The issue in question regards the time limit for claims of sexual abuse, and specifically those brought by a claimant who was a minor at the time of the alleged abuse.

Prior to the ‘landmark ruling’ of the Appellate Committee of the House of Lords in 2008¹, it was considered, in accordance with the statutory provisions cited above, that the three-year time limit for bringing a personal injury claim only applied previously to negligently caused injury, rather than deliberately inflicted injury, such as sexual abuse². Prior to that case, deliberately (as opposed to negligently) caused personal injury (abuse) had a limitation period of 6 years from date of the injury or from the date complainant the complainant reached the age of majority. The 2008 ruling however found that the limitation period should remain at 3 years in accordance with s11, but that that limitation period could be extended in accordance with (the English Act’s) s33.

¹ A v Iorworth Hoare; C v Middlesbrough Council; X & Anor v Wandsworth LBC; H v Suffolk County Council; Young v Catholic Care (Diocese of Leeds) [2008] UKHL 6 <https://publications.parliament.uk/pa/ld200708/ldjudgmt/jd080130/hoare-1.htm>
The Appellate Committee of the House of Lords, as the predecessor of the Supreme Court, was the highest court of appeal at that time

² In accordance with the decision in *Stubbings v Webb* [1993] AC 498

(iii) **Manx versus English law**

In the absence of any Manx authorities to the contrary (there appear to be no reported cases of a similar nature, i.e. extending the limitation period for sexual abuse personal injury claims) and on the basis that the 2008 ruling was a House of Lords (pre-Supreme Court) decision, I consider that the 2008 House of Lords ruling will be of highly persuasive authority in the Isle of Man Courts³. In support of this principle, it is apparent from the 2017 Manx judgment of Bentley & Oth v Energy Management Systems SUM2013/71⁴ that the Isle of Man courts recognise the persuasive authority of English judgments concerned with extending the time for bringing claims generally under the respective Limitation Acts.

2. **Criminal Injuries Compensation Scheme 1983 (the "Scheme")**

(i) **Outline of how the Scheme works**

An outline of the scope of the Scheme, including how it works, is published and can be found on the IoM Government website at :-

<https://www.gov.im/media/1353015/isleofmancriminalinjuriescompen.pdf>.

This document provides an outline of the Scheme, the basis of compensation and the procedure for determining applications. I attach a copy hereto for your reference.

In summary, the Tribunal assesses applications for ex-gratia payments of compensation when personal injury has been sustained directly attributable to:-

- a) A crime of violence
- b) Apprehension/attempted apprehension of an offender/suspected offender

Awards are made from monies set aside by Tynwald for such purpose.

Applications must be brought within 3 years of the incident giving rise to the injury (subject to extension of time being granted in exceptional cases) and the value of the compensation for the injury must not be lower than £1000. In assessing applications made 'out of time', the Tribunal would understandably want to be informed as to, inter alia, the reasons for delay as well as whether the applicant was under any (legal) disability at the time of the injury.

Compensation awards may be withheld or reduced due to a claimant's contributory conduct and are assessed based upon principles applied in common-law damages claims i.e. on the balance of probabilities, not on the criminal burden of proof. Similarly, awards can be reduced to take into account any compensation recovered directly from the perpetrator. The level of compensation is assessed by reference to the level of compensation for standard personal injury claims as set out in (what used to be the JSB Guidelines) the Judicial College Guidelines ("JCBG") and is usually

³ The principle of English persuasive authority of Frankland being reiterated in the recent case of the Isle of Man Summary Court in R v O'Connell & McBurnie SC 2017/2 at para 14.

<https://www.judgments.im/content/J1915.htm>

⁴ <https://www.judgments.im/content/J1890.htm>

in the form of a lump sum payment. The JCBG sets out different categories of injury and the tariff related to those injuries. Categories include both physical injuries and psychiatric damage.

The level of compensation can be limited by various factors including but not limited to:-

- a) A cap on the net loss of earnings
- b) No element equivalent to punitive or exemplary damages
- c) Funeral expenses only are paid to the estate in fatal accident cases
- d) Except for limited personal items, compensation is not payable for loss of or damage to property
- e) Compensation is reduced by the value of entitlement to social security benefits
- f) To take account of any pension accruing as a result of the injury

The procedure for making a claim is set out in the attached paper at paras 22-24 inclusive but essentially involves the completion of a form (a copy of which is attached hereto) supported by evidence and statements as available. The initial decision is taken on the basis of a paper application although an appeal can be considered by way of oral hearing by the Tribunal if application for such is made (ordinarily) within 3 months of the initial decision.

(ii) Specific Queries relating to an Application of Physical or Sexual Abuse

The Tribunal will consider applications for compensation arising out of acts of rape and other sexual offences both in respect of pain, suffering and shock and in respect of loss of earnings due to consequent pregnancy. The onus is upon the applicant to demonstrate that any injury alleged is a consequence of a criminal act.

Access

An applicant would access the Scheme by completing the application form on the Isle of Man Government website - <https://www.gov.im/media/1353017/application-form-1983-scheme.pdf> (copy attached)

Because out of time applications are only considered/successful in exceptional circumstances, any applicant must demonstrate such exceptional circumstances to the satisfaction of the Tribunal.

Normally the Tribunal will disregard any period of delay whilst the applicant was a minor however for applications where there has been a lengthy delay, the Tribunal would consider the application on its merits to determine whether the circumstances were such that they were sufficiently exceptional to justify the delay in question. That is a discretionary matter for the Tribunal and the decision of the Chairman is final (subject to the ability of an applicant to ask for an oral hearing if not satisfied with the initial decision as set out above).

Burden of proof

The application needs to overcome the civil burden to be successful, so on the 'balance of probabilities', rather than the higher criminal burden of 'beyond

reasonable doubt'. Sometimes therefore an award may be made by the Tribunal where the same case may fail in a criminal prosecution.

Level of award

In psychiatric damage and sexual abuse cases the awards tend to be comparatively higher under the 1983 Scheme. That is because the tariff is higher in the JCBG than it is under the 2005 tariff. The JCB Guidelines also set out tariffs in 'bands' so the awards can be made on a sliding scale depending on the seriousness or otherwise of an injury. The 2005 awards however are fixed so less available to discretion.

The level of award is based upon the tariff for psychiatric damage and injury as set out in the JCB Guidelines. The scale runs from 'minor' through 'moderate' to 'severe' and level of damages which start from under £10,000 up to approximately £175,000, will be assessed on the facts of the individual case. Comparatively, the upper level for psychiatric injury under the 2005 Scheme is £27,000 and for the most serious of abuse (including physical and psychiatric damage) is £33,000.

The level of compensation is awarded based upon the assessment of the level of injury, which would include an assessment of the permanence of injury and/or period of suffering. Whilst therefore there is no specific additional element per number of years of suffering, this is one element of the injury that would be taken into account in the round.

The award is not in itself index-linked although the JCB Guidelines are regularly reviewed and updated.

3. I am asked to comment concerning what The Children's Centre said in its written submission of 2nd November 2017 that:

"The Annual Report and Accounts to 30th June 1988 state "during 1988 the constitution and affairs of the Isle of Man Children's Home were revised and brought up to date on 1st July 1988 under a Scheme approved by H.M. Attorney General and Isle of Man High Court Chancery Division; a company limited by guarantee and called the Isle of Man Children's Centre took over all the assets of "the Home" and assumed the responsibility of running the charity".

As requested, I am attaching a copy of the Scheme referred to, dated 12th April 1988 ("the 1988 Scheme").

As will be noted from this Scheme, prior to April 1988 the Trustees of the Isle of Man Homes for Orphan and Destitute ("the Trustees") were a body corporate as provided for under the Isle of Man Homes for Orphan and Destitute Children Act 1915 ("the Act"). The Trustees' roles and functions were set out in the Act which in general terms related to providing for the care of children on the Island which was a charitable trust.

The 1988 Scheme in simple terms transferred to another company called The Isle of Man Children's Centre ("the IOMCC") all the assets which then vested in the Trustees. Such assets transferred were to continue to be held on and subject to the

charitable trusts. The Scheme also provided for any future legacies paid to the Trustees to be passed to the IOMCC.

There is no mention in the 1988 Scheme of any liabilities that the Trustees as a body corporate may have had at the time of transferring the said assets to IOMCC.

The 1988 Scheme did not appear to discharge the Trustees from liabilities and they remained in place solely for the purpose of receiving legacies and other gifts and paying them over to IOMCC. The Act was repealed by the Charities Act 1986.

I need mention a further Scheme dated the 10th March 2004 ("the 2004 Scheme") which was made and approved by the then Attorney General and by the High Court. I attach a copy of the Order made by the Court dated 4th June 2004 with the attached Scheme dated 10th March 2004, approving a further reorganisation of IOMCC.

At the time of this Scheme in June 2004 the primary legal entity through which the charitable objectives were delivered was (since 1988) the IOMCC whose activities are set out and described in paragraph 5 of the 2004 Scheme. There is also reference to the Isle of Man Society for the Prevention of Cruelty to Children ("IOMSPCC") but it appears that, rather than being active in the delivery of the charitable objectives, that charity (founded in 1906) may have done no more than remain in existence to receive bequests and pay them over to IOMCC. To be specifically noted at this stage is that it at paragraph 5.1 of the 2004 Scheme the list of charitable objectives included "to provide residential accommodation for children, young persons and families in the Isle of Man who are in need of care and are referred by the appropriate authority" (the appropriate authority being the Department of Health and Social Care). The charitable objectives of so providing residential accommodation had been in place since the passing of the Act in 1915.

The 2004 Scheme as you will note had the purpose of modernising the then corporate structure of the Charity which was then as mentioned, the IOMCC. At that stage this Charitable Company operated the provision of residential accommodation and employed staff to carry out the duties outlined at paragraph 5.

The essential feature of the restructure in 2004 was to place a new incorporated holding company in the structure to which the assets of the Charity would be transferred. The holding company would then create three subsidiary companies which were wholly owned by the holding company. The activities of the Charities were then to be transferred to the subsidiaries accordingly to their specialisation (and purpose). I highlight the following which the 2004 Scheme provides:

The Committee of Management of IOMCC retained IOMCC solely for the purpose of receiving benefits and legacies and those receipts were to be paid to the holding company and notably (in paragraph 19 of the Scheme) on paying over such funds the holding company **"shall indemnify and keep indemnified the Committee of Management and keep indemnified and save harmless the Committee of Management and their respective personal representatives from and against all liabilities (including without limitation any fiscal liabilities and**

all the interest and penalties) actions proceedings accounts claims and demands (including costs and expenses in connection therewith) which may from time to time be brought by any person against the Committee of Management in its capacity as such in connection with or relating to Isle of Man Children's Centre or in any way relating thereto or to the benefits and legacies so paid" ("the complete indemnity").

I will refer to this complete indemnity below. I note at this stage that the complete indemnity was not expressly provided for in the 1988 Scheme when then transferring the Trustees' assets to IOMCC.

In paragraph 23 of the 2004 Scheme, the Committee of Management transfer the real estate held by IOMCC and the staff employed by IOMCC to Camphill Limited and in paragraph 24 of the Scheme, Camphill Limited, on such transfer of the real estate and staff were required to provide the Committee of Management with the complete indemnity.

Under paragraph 25 of the 2004 Scheme, provision is made that any legacy or legacies received after the date of the Scheme are to be transferred by IOMCC to the holding company, again subject to the holding company providing the Committee of Management with the complete indemnity.

The significance of the 'complete indemnity' and the fact the Committee of Management in making the transfer of assets referred to above is, put simply, that the Committee of Management clearly acknowledged that it required such an indemnity. It can therefore perhaps be fairly concluded that the Committee of Management accepted it had potential liabilities which prudently it considered required it to obtain a suitable indemnity against the assets IOMCC so transferred.

The Committee of Management came into being following the 1988 Scheme when the Trustees transferred to IOMCC the assets then held by the Trustees as the Memorandum and Articles of Association of IOMCC provide for such Committee of Management to be established. The Trustees following the 1988 Scheme remained in being solely for the purpose of receiving legacies, gifts and donations. That being the case, although 'assets' are not defined in the 1988 Scheme, and notwithstanding the absence of an express indemnity in the 1998 Scheme it may be concluded that the 1988 Scheme intended to transfer all of the assets, the then existing undertaking, staff and liabilities of the Charity then held by the Trustees to IOMCC.

John Quinn, QC MLC
H.M. Attorney General
29th November 2017

A

CHANCERY DIVISION

IN THE MATTER of the Charities
Acts 1962-1986

and

IN THE MATTER of the Petition
bearing date the 12th day of April
1988 of the Trustees of the Isle
of Man Homes for Orphan and
Destitute Children..

SCHEME

1. That the Trustees of the Isle of Man Homes for Orphan and Destitute Children (hereinafter called "the Trustees") shall upon this Scheme being approved by this Honourable Court pay transfer convey or otherwise make over to The Isle of Man Childrens Centre (hereinafter called "the Company") a Company with Charitable objects which the Trustees intend to form (a copy of the proposed Memorandum and Articles of Association of which is filed herewith) all the assets now vested in the Trustees as such Trustees as aforesaid...

2. That subject to the provisions of clause 3 hereof the said assets shall when the same have been paid transferred conveyed or otherwise made over to the Company be held by the Company upon with and subject to the objects powers and provisions set out in the said proposed Memorandum of Association of the Company...

3. In respect of those monies standing to the credit of the Trustees "Endowment Fund" the same shall when paid or transferred to the Company be held by the Company upon with and subject to the same trusts and provisions upon which the same have prior to the date hereof been held by

the Trustees...

4. That following such transfer and conveyance as aforesaid the Trustees shall remain in being solely for the purpose of receiving devises legacies gifts and donations made for the benefit of the Isle of Man Homes for Orphan and Destitute Children (formerly known as The Isle of Man Children's Homes or Home)...

5. (1) That the provisions of the Isle of Man Homes for Orphan and Destitute Children Act 1915 and the First Schedule thereto (but except the provisions contained in Sections 4 and 5 thereof) as far as the same constitute the provisions of a Trust Indenture are hereby revoked.

(2) That sub-section (1) of Section 5 of the said Act shall be varied to the extent that the word "two" shall be substituted for the word "three" therein.

(3) The Children's Home Trustees shall henceforth consist of not less than three persons...

6. That the Trustees shall as soon as reasonably practicable after receipt thereof pay transfer convey or otherwise make over to the Company all sums of money or property (real or personal) hereafter received by the Trustees for the benefit of the Isle of Man Homes for Orphan and Destitute Children (formerly known as The Isle of Man Children's Homes or Home) whether the same be received by way of devises legacies gifts donations or in any other manner and that the same shall (subject to the provisions of Clause 7 hereof) when paid transferred conveyed or otherwise made over to the Company be held by the Company upon with and subject to the objects powers and provisions set out in the said proposed Memorandum of

Association of the Company...

7. That in respect of any legacy hereafter received by the Trustees upon specific trusts the same shall when paid or transferred to the Company be held by the Company upon and subject to the trusts upon which it was bequeathed...

This 12th day of April 1988

[Signature redacted]

SIGNED SEALED and DELIVERED :
by the Trustees in the
presence of:-

[Signature redacted]

[Signature redacted]

[Signature redacted]

[Signature redacted]

[Signature redacted]

SIGNED and DELIVERED by Her :
Majesty's Attorney General
in the presence of:-

[Signature redacted]

[Signature redacted]

APPENDIX B

B (i) Statement of Assets – 31st March 2003

B (ii) Cash in Bank – 31st March 2003

APPENDIX B (i)

ISLE OF MAN CHILDREN'S CENTRE

STATEMENT OF ASSETS

31 MARCH 2003

	£
Investments (at market value)	559,064
Freehold Property (at book value)	1,000,805
Other fixed assets	67,989
Net current assets	1,374
Liabilities due in more than one year	(179,295)
Total Assets	£ 1,449,937

APPENDIX B (ii)

ISLE OF MAN SOCIETY
FOR THE PREVENTION OF CRUELTY TO CHILDREN

STATEMENT OF ASSETS

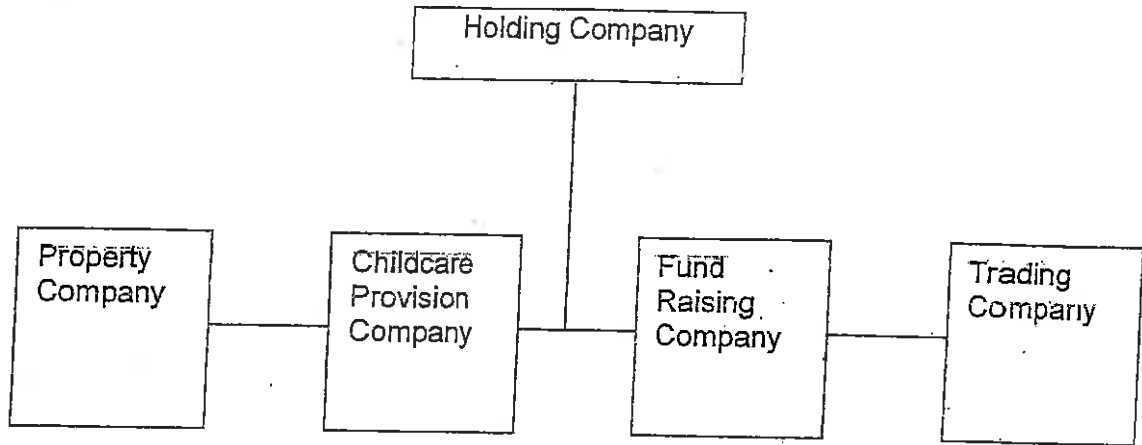
31 MARCH 2003

	£
Cash at bank	190

Total assets	£ 190
	=====

APPENDIX C

Intended Structure



APPENDIX D

ISLE OF MAN CHILDREN'S CENTRE

DETAILS OF STAFF

31 MARCH 2003

Administration Department	6
Nursery Department	19
Residential Department	20
Family Centre Department	7
After School Club Department	13
Total Staff	<u>65</u>

Serial Number: CP2003/117

**IN THE HIGH COURT OF JUSTICE OF
THE ISLE OF MAN**

CHANCERY DIVISION

IN THE MATTER of the Charities Act 1962
and the Charities Registration Act 1989

and

IN THE MATTER of the Petition bearing
date the 9th day of September 2003 of the
Committee of Management of the **ISLE OF
MAN CHILDREN'S CENTRE** for the
approval of a Scheme relating to the assets
of the **ISLE OF MAN CHILDREN'S
CENTRE**

SCHEME FOR RE-ORGANISATION

Laurence Keenan
Advocates & Solicitors
Victoria Chambers
47 Victoria Street
Douglas
Isle of Man
IM1 2LD

APPENDIX D

Details of Staff

Serial Number CP2003/117
IN THE HIGH COURT OF JUSTICE OF THE ISLE OF MAN
CHANCERY DIVISION

IN THE MATTER of the Charities Act
1962 and the Charities Registration Act
1989

and

IN THE MATTER of the Petition bearing
date the 9th day of September 2003 of the
Committee of Management of the **ISLE
OF MAN CHILDREN'S CENTRE** for the
approval of a Scheme relating to the
assets of the **ISLE OF MAN CHILDREN'S
CENTRE**

SCHEME

Interpretation

**IN THIS SCHEME THE FOLLOWING EXPRESSIONS SHALL HAVE THE
FOLLOWING MEANING:**

"Assets"

means those assets set out in Appendix B

"IOMCC"

means the Isle of Man Children's Centre a
company incorporated in the Isle of Man limited by
guarantee under Company Number 38847

"IOMSPCC"

means the Isle of Man Society for the Protection of
Cruelty to Children, an Isle of Man registered
charity number 15

"Property"

means all real and personal property held by
IOMCC or controlled by the Committee of
Management subject to all

“the Holding Company”

mortgages, charges, liens and other liabilities whatsoever affecting all or any part of the same means Newco a new company to be incorporated for the purpose of the Scheme and being a company limited by guarantee not having a share capital

“the Committee of Management”

means the directors of IOMCC who currently are:-

John Charles Fargher of [Address redacted]

Anthony Peter Lyth [Address redacted]

Mary Anne Wilson of [Address redacted]

Penelope Ann Creighton of [Address redacted]

Sally Margaret Bolton of [Address redacted]

Juliet Spittall of [Address redacted]

Maxim John Kelly of [Address redacted]

“the Charities”

means IOMCC and IOMSPCC

A **Object**

1. This Scheme follows two prior Schemes of IOMCC that were permitted and

approved by the High Court of Justice of the Isle of Man on the 13th day of July 1965 ("the First Scheme"), and on the 27th day of April 1988 ("the Second Scheme.") A copy of the Second Scheme is attached hereto as Appendix A

2. The object for which this Scheme is proposed is to enable a modern, efficient and convenient corporate structure that will promote and facilitate the operation of the Charities, as the current Committee of Management of IOMCC hold the view that the present structure of the Charities do not reflect the activities of the Charities, nor the intended development of the charitable activities in the future

The Present Services

3. IOMCC is the legal entity through which the Charity operates
4. IOMCC employs 65 staff, details of which are contained within Appendix D
5. The current activities of the Charities are:
 - 5.1 to provide residential accommodation for children, young persons and families in the Isle of Man who are in need of care and are referred by the appropriate authority
 - 5.2 to provide the facilities and operate a "family centre" that will provide advice and guidance to young families on parenting skills and the care of children
 - 5.3 to provide the facilities and operate a "day nursery" for the benefit of children, young persons and families in the Isle of Man
 - 5.4 to provide the facilities and operate an "after school" club for the benefit of children, young persons and families in the Isle of Man
 - 5.5 to provide holiday schemes as may be deemed necessary for the care and recreation of children in the Isle of Man
 - 5.6 to provide the facilities for contact between separated and divorced parents to their children in the Isle of Man

- 5.7 to provide the facilities and operate an "outdoor recreation place" for the benefit of children, young persons and families in the Isle of Man
6. Certain of the services are provided to the public at large at cost or with a modest uplift
7. In addition various services are provided fully or partially at no cost to individuals and families
8. Furthermore certain of the services are provided through funding from the Department of Health and Social Security with whom IOMCC has agreed in principle a Partnership Agreement, an arrangement that will continue after the re-organisation
9. Three members of the Committee of Management have acted as Trustees of the IOMSPCC
10. IOMSPCC continues to receive bequests which subject to their terms are provided to IOMCC for use for charitable purposes
11. It is intended that this situation remains the same after the re-organisation and consequently no application is made in respect of the IOMSPCC

B Proposed Scheme

Upon this Scheme being approved by this Honourable Court the following shall immediately take effect:-

12. The Committee of Management of IOMCC shall pay, transfer, convey or otherwise make over to the **Holding Company** the Assets. The membership of the **Holding Company** will be limited to the Committee of Management for the time being of IOMCC who will also be the Directors of the **Holding Company** and one will act as Company Secretary. The Directors of the **Holding Company** will undertake the role of the Committee of Management of IOMCC
13. The assets when so paid, transferred, conveyed or otherwise made over to

- the **Holding Company** shall be held by the **Holding Company** upon and subject to the objects, powers and provisions set out in the Memorandum and Articles of Association of the **Holding Company**
14. The **Holding Company** will incorporate, own and maintain absolute control of initially three subsidiary companies that will reflect the different activities of the **Holding Company**. The subsidiary companies will be companies limited by guarantee and not having share capital, pursuant to The Companies Act 1931 – 1993, and will be:
- 14.1 A **Trading Company** – that will offer training and/or carry on business and trading activity associated with the objects of the **Holding Company**. The sole member of the **Trading Company** will be the **Holding Company**
- 14.2 A **Fundraising Company** – that will conduct the fundraising activities, accept subscriptions and donations, (whether of real or personal estate), devises and bequests. All monies and property received will be paid to the **Holding Company** to be applied for the purposes of the **Holding Company**. The sole member of the **Fundraising Company** will be the **Holding Company**
- 14.3 A **Child Care Provision Company** – that will provide all the services and employ the required staff to provide for the welfare of children, and for the general and social welfare services in the Isle of Man. The sole member of the **Child Provision Company** will be the **Holding Company**
15. In addition a **Property company, Camphill Limited**, which has already been incorporated, will purchase and hold properties for the various purposes of the Charities. The sole member of the **Property Company** will be the **Holding Company**

16. The activities of the Charities will be channelled to the subsidiaries according to their specialisation. The focus on different objectives will enable the subsidiaries to develop their professional capabilities through the deployment of specific modes of operation and the employment of professional staff
17. The allocation of resources to the different subsidiaries will be controlled absolutely by the **Holding Company** and all funds and donations raised by the subsidiaries will be subject to the complete and absolute control of the Directors of the **Holding Company**
18. The constitution of the Holding Company provides for an annual review of the committee of management of the Holding Company for the purposes of reviewing the activities carried on, the financial position of the company and its subsidiaries and the integrity of the committee members

Operative Provisions

19. The Committee of Management shall upon the Scheme being approved retain IOMCC solely for the purpose of receiving bequests and legacies and such receipts shall be paid over to the **Holding Company** save and except such funds necessary to meet annual company and statutory fees and to retain a bank account and that on so paying the funds the Holding Company shall indemnify and keep indemnified and save harmless the Committee of Management and their respective personal representatives from and against all liabilities (including without limitation any fiscal liabilities and all the interest and penalties) actions proceedings accounts claims and demands (including costs and expenses in connection therewith) which may from time to time be brought by any person against the Committee of Management in its capacity as such in connection with

or relating to Isle of Man Children's Centre or in any way relating thereto or to the bequests and legacies so paid.

20. The Committee of Management shall with the intention of creating the structure set out under Appendix C forthwith arrange for the incorporation of the subsidiary companies referred to in paragraph 14. the Memorandum of Association and Articles of Association of which shall be in form submitted herewith
21. Camphill Limited a company incorporated in the Isle of Man for the purposes of holding the real estate of the Charities and which is under the management and control of the Committee of Management shall forthwith call a meeting of its Members for the purposes of passing a Special Resolution to adopt the new Memorandum of Association and Articles of Association in the form submitted herewith
22. The only Members of the **Trading Company, Childcare Provision Company Fund Raising Company and Camphill Limited** shall be the **Holding Company**
23. The Committee of Management shall as soon as reasonably practicable:-
 - 23.1 transfer and convey all real estate held by or in the name of IOMCC to Camphill Limited
 - 23.2 effect all necessary contracts to arrange for the transfer of the staff currently employed by IOMCC to any such company by which such staff will subsequently be employed ensuring that the individuals so transferred do not suffer any financial loss or loss of employment rights arising out of such transfer(s)
24. Upon so transferring conveying or otherwise making over the said real estate to Camphill Limited, Camphill Limited shall indemnify and keep indemnified and save harmless the Committee of Management and their respective personal representatives from and against all liabilities (including without limitation any

fiscal liabilities and all interest and penalties) actions proceedings account claims and demands (including costs and expenses in connection therewith) which may from time to time be brought by any person against the Committee of Management in its capacity as such in connection with or relating to Isle of Man Children's Centre or in any way relating to the said real estate

25. That in respect of any legacy or legacies hereafter received by the IOMCC the same when paid shall be transferred to the **Holding** Company and held by that Company upon and subject to the trusts upon which it was bequeathed save and except for the retention of sufficient funds to meet all company and statutory fees and charges and the necessary minimum balance to maintain a bank account and that on so paying or transferring the said legacy or legacies to the Holding Company the Holding Company shall indemnify and keep indemnified and save harmless the Committee of Management and their respective personal representatives from and against all liabilities (including without limitation any fiscal liabilities and all interest and penalties) actions proceedings accounts claims and demands (including costs and expenses in connection therewith) which may from time to time be brought by any person against the Committee of Management in its capacity as such in connection with or relating to Isle of Man Children's Centre or in any way relating to the said legacy or legacies
26. The IOMCC will be retained as a non-active Company and solely for the purpose of receiving bequests and legacies and paying the same in accordance with the foregoing provisions

This 10th day of March 2004

SIGNED SEALED and DELIVERED
by the Committee of Management in
the presence of:-

[Signature redacted]

[Signature redacted]

:
:
:
:
:

[Signature redacted]

SIGNED and DELIVERED by
Her Majesty's Attorney General in
the presence of:-

[Signature redacted]

:
:
:
:
:
:

[Signature redacted]

APPENDIX A

Second Scheme

IN THE HIGH COURT OF JUSTICE OF THE ISLE OF MAN
CHANCERY DIVISION

IN THE MATTER of the Charities Act 1962

and

IN THE MATTER of the Charities Registration Act 1989

and

IN THE MATTER of the Isle of Man Children's Centre

and

IN THE MATTER of the Petition of the Committee of Management of the Isle of Man Children's Centre dated the 9th day of September 2003

At a Court holden at Douglas
(in chambers) on the 4th day of June 2004

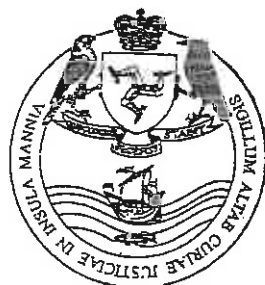
His Honour
THE DEEMSTER KERRUISH

UPON the said Petition being called on the 16th day of February 2004 in the presence of Counsel for the Petitioner and in the presence of the Attorney General acting in person and having further called the said Petition on the 4th June 2004 in the presence of Counsel for the Petitioner and having heard Counsel thereon UPON CONSIDERATION had thereof IT IS ORDERED that:-

1. the Petitioner be granted leave to amend the Petition so that paragraph one thereof reads as follows:-
"John Charles Fargher, Anthony Peter Lyth, Mary Anne Wilson, Penelope Ann Creighton, Sally Margaret Bolton, Juliet Spittall and Maxim John Kelly are the directors and the Committee of Management of the Isle of Man Children's Centre of Francis Villas, Woodbourne Road, Douglas, Isle of Man ("IOMCC")"
2. the Scheme for re-organisation of IOMCC be approved in the form attached hereto

the Petitioner do immediately record a certified copy of this Order and enrol the original Scheme in the General Registry

the costs of the Petitioners in this matter to be met out of the funds of IOMCC



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