

STATES OF JERSEY



COMMITTEE OF INQUIRY INTO HISTORICAL ABUSE: APPOINTMENT OF CHAIRMAN

Lodged au Greffe on 14th June 2013
by the Chief Minister

STATES GREFFE

PROPOSITION

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

to refer to their Act dated 6th March 2013 in which they agreed that a Committee of Inquiry should be established in accordance with Standing Order 146 to enquire into a definite matter of public importance, namely historical child abuse in Jersey and that the Committee should be chaired by a senior legally qualified person from outside Jersey, and –

to appoint Mrs. Sally Bradley Q.C. as Chairman of the Committee of Inquiry.

CHIEF MINISTER

REPORT

On 6th March 2013 the States adopted P.118/2012 (Committee of Inquiry: Historical Child Abuse) by 43 votes to 0, and agreed that a Committee of Inquiry should be established to investigate historical abuse in Jersey as first promised by the then Chief Minister in March 2008. The States agreed that the recruitment of the Chairman and members of the Committee should be undertaken without any political involvement, and charged the Greffier of the States to undertake the selection process in conjunction with 2 independent people from the United Kingdom.

I am very pleased that the selection Panel has been successful in identifying a Chairman within the timescale that was set out by the Greffier in April. With the Greffier's consent, I have attached a letter at Appendix 1 which sets out clearly the process that the selection Panel has undertaken to select Mrs. Sally Bradley Q.C. Although I have not yet met Mrs. Bradley, I am confident that her skills and experience as described in the biographical information in Appendix 2 make her an ideal choice for this role.

In accordance with the terms of the States decision, the selection Panel will now work with Mrs. Bradley to identify 2 suitable Committee members from outside the Island. The Greffier has notified me that he remains confident that this process can be concluded in time to allow the appointments to be considered by the States in September, which will enable the Committee of Inquiry to begin its work in the autumn.

I am grateful to the 3 members of the selection Panel for the work they have undertaken to date in relation to the Committee of Inquiry, and I hope all members will support Mrs. Bradley's appointment as Chairman.

Financial and manpower implications

The Minister for Treasury and Resources presented detailed comments (P.118/2012 Com.(2)) on the proposition relating to the establishment of the Committee of Inquiry, setting out the anticipated financial implications of the Inquiry and the expected fees to be paid to the Chairman and members. The terms of appointment agreed with Mrs. Bradley are within the limits set out in those comments.

Mrs. Bradley has made it clear that she regards the work of the Committee of Inquiry as a full-time position and had stated that, other than honouring existing minor commitments, she will not undertake any other work during the period of the Inquiry to ensure that the Inquiry can be completed within the 12 month deadline specified in P.118/2012.

APPENDIX 1

Letter from the Greffier of the States



States Greffe

Our ref: 1032(5)

Senator I.J. Gorst
Chief Minister
Chief Minister's Office
Cyril Le Marquand House
The Parade
St. Helier

6th June 2013

Dear Chief Minister

Committee of Inquiry into Historic Abuse – Appointment of Chairman

I am writing to notify you of the outcome of the appointment process for a Chairman of the Committee of Inquiry into Historic Abuse.

On 6th March 2013, when adopting the proposition of the Council of Ministers in relation to the establishment of the Committee of Inquiry, the Assembly decided that the Chairman should be selected by a panel consisting of the Greffier of the States and two independent persons from the United Kingdom with the selection process to be overseen by the Jersey Appointments Commission.

I have been acutely aware throughout the appointment process of the need to respect the wish of the States that the recruitment of the Chairman should be undertaken with no political involvement. I have therefore not sought direction or guidance at any stage in relation to the recruitment from you or from anyone else in Jersey and I have deliberately avoided giving any detailed comment about the process being followed when I have been asked about it.

The first task that I had to undertake following the States decision was to select the two members of the selection panel to work alongside me. I was aware that Mr. Ed Marsden from Verita had been closely involved in drafting the terms of reference for the Committee of Inquiry and I was also aware that States members who attended the presentation by Mr. Marsden at the Société Jersiaise on 26th October 2012 had been impressed with his approach. I was also aware that Mr. Marsden was well respected by representatives of the Care Leavers and that he brought extensive experience in the establishment of public inquiries in the United Kingdom. I therefore

concluded that Mr. Marsden was ideally placed to serve on the selection panel and I was pleased when he accepted my invitation to undertake this role. I also agreed with Mr. Marsden that, in order to ensure that all arrangements for the selection process were made outside Jersey, a member of his office would act as administrator to make the practical arrangements for meetings, etc.

Having noted the comments that you and others made during the debate about how important it was for the victims of abuse to engage with the Inquiry I also wanted to ensure that one member of the selection panel had direct knowledge and experience in the area of child abuse and child protection. I therefore approached the Head of Legal Services at the NSPCC and she suggested that a member of her staff, Mrs. Belinda Smith, would be suitable for this role. Mrs. Smith is Senior Legal Counsel – Child Protection at the NSPCC and in this capacity she has responsibility for all legal matters involving child protection for the charity. In addition she worked in private practice before joining the NSPCC dealing with child protection matters. I arranged to meet Mrs. Smith in London on 4th April with Mr. Marsden and was very quickly satisfied that her legal background, knowledge of child protection matters and personal style made her suitable to join the selection panel.

The States decision of 6th March 2013 required the selection process to be overseen by the Jersey Appointments Commission and I therefore liaised with the Chairman of the Commission at an early stage. The Chairman indicated that the appointment should be treated as an “expert” appointment and stated that the Commission did not want to be directly involved in the selection process provided that the Chairman was kept informed of progress at every stage. I can confirm that I have done that and the Chairman has recently indicated that he is fully satisfied with the process we have undertaken. It was also agreed with the Chairman of the Commission that in the case of a senior legal appointment of this nature it was not appropriate to publish a public advertisement and that potential chairmen should initially be approached by other means before the formal selection process.

The selection panel initiated inquiries through a number of different routes and by approaching relevant bodies and drew up a “long list” of senior legal figures who might be suitable to act as Chairman. The States decision specified that the Chairman should be a “senior legally qualified” person who was described in the accompanying report from the Council of Ministers as having a “legal/judicial background”.

The selection panel agreed that the Chairman needed to be a senior legal figure with appropriate experience to chair the inquiry either through having chaired similar public inquiries elsewhere or perhaps through sitting as a Judge in the High Court. We considered that it was also important, if possible, for the Chairman to have knowledge of dealing with victims of abuse and crucial that he or she had a suitable personal style and manner to handle witnesses appropriately. We also had to consider important practical issues such as availability to ensure that the person appointed could complete the inquiry in the 12 month period agreed by the States. It goes without saying that we were also keen to ensure that the person would take a robust and totally objective approach to the work to ensure that the inquiry was effective.

Before agreeing to meet anyone the selection panel also initiated extensive inquiries about any potential conflicts of interest. All those we approached were asked about any professional contacts with Jersey or personal knowledge of anyone in a position of authority in Jersey now or in the past who might have any connection with the issues being dealt with by the Committee of Inquiry. A number of people were removed from

the long list because of potential conflict. Although the selection panel was aware that, in practice, barristers in any set of Chambers act in a totally independent capacity from each other, we nevertheless erred on the side of caution and ensured that appropriate inquiries about conflicts of interest for any barristers working in a set of Chambers were made in relation to any of those we saw who were still in private practice.

The selection panel agreed that informal discussions should be held with 14 people from the initial long list and we also agreed that, in order to preserve the integrity of the final selection interviews, the initial discussions should not involve all three members of the selection panel. The majority of the informal discussions were therefore attended by Ed Marsden and myself although I undertook two meetings alone. The initial meetings were all held in London for convenience although some candidates travelled from other parts of the United Kingdom to meet us. The meetings were held on 10th, 11th, 12th April, 1st May and 17th May.

The purpose of the initial meetings, which lasted on average one hour 30 minutes each, was for a two way exchange to take place. The candidates had been provided in advance with an extensive background document about the inquiry running to some 80 pages and the meetings were the opportunity for us to inform candidates about the inquiry and also to seek an initial indication about how they would approach this task.

Although all 14 informal discussions were interesting and useful we concluded that several of those we saw were not suited to the task, either because they did not have adequate relevant experience, because their approach to the inquiry seemed inappropriate or because they simply did not have a suitable personal style for the work. We nevertheless spoke to four people who were considered to be suitable to invite to Jersey for a more detailed discussion. The full selection panel met the four candidates in Jersey on 28th and 29th May 2013 and held a detailed discussion with each of them. The four had been asked in advance to be prepared to discuss a series of questions about their approach to the inquiry and about their experience and this enabled us to make a fair comparison between the four candidates when we met them.

At the end of the second day the selection panel found that its final decision was finely balanced between two candidates, either of whom we believed could have undertaken the role very competently and successfully. Nevertheless, after very careful assessment of the background and proposed approach of both candidates, we concluded that Mrs. Sally Bradley Q.C. should be invited to chair the inquiry.

Mrs. Bradley Q.C. was called to the Bar in 1978 and has been a Q.C. since 1999. She has been a Deputy High Court Judge for 12 years and now sits as a Judge in the Family Division for some six to eight weeks a year presiding over some of the most difficult cases involving family matters and abuse. In her practice as a Q.C. she deals almost exclusively with family law matters with particular emphasis on cases involving serious abuse. Although she has never chaired a public inquiry the selection panel was satisfied that her experience sitting as a Judge in the High Court will give her the necessary experience. Very importantly she has an extremely personable and approachable manner and made it very clear to the selection panel that she wishes to ensure that the inquiry process is non-threatening so that all stakeholders are encouraged to engage actively. Mrs. Bradley is extremely experienced in dealing with vulnerable people and also has significant knowledge of the effect that abuse in childhood can have throughout a victim's life.

I am pleased to inform you that Mrs. Bradley has accepted our offer to act as chairman although I have, of course, stressed most strongly that any appointment is subject to approval by the States Assembly and nothing can be confirmed until after that approval. I have also agreed appropriate terms with her for the engagement that are within the proposed budget limit set out by the Minister for Treasury and Resources in his published comments to P.118/2012.

The selection panel is confident that Mrs. Bradley is eminently suited for this role and will be a very effective chairman for the inquiry. She has also made it clear that she is keen to set out a timescale at the outset so that the work can be completed within the proposed 12 month time period suggested.

In accordance with the States decision it now falls to you to lodge the necessary proposition in relation to Mrs. Bradley's appointment and I am happy to confirm that I have no objection if you wish to append this letter to your report so that States members are aware of the process that has been undertaken.

Yours sincerely,

Michael N. de la Haye
Greffier of the States.
m.delahaye@gov.je

APPENDIX 2

Mrs. Sally Bradley Q.C. – biographical information

Mrs. Sally Bradley Q.C. was called to the Bar in 1978 and appointed as Queen's Counsel in 1999. She was appointed as a Recorder in 2000 and as a Deputy High Court Judge in 2001 and she has presided as a judge in the Family Division of the High Court for a number of weeks each year, often dealing with complex cases which involve allegations of serious abuse or care proceedings.

Mrs. Bradley's primary expertise is in family law matters, having specialised in this aspect of legal work for the last 35 years. Her work has a particular emphasis on child care work, including cases of serious abuse (physical, sexual, emotional), child abduction, adoption and cases of factitious illness.

Mrs. Bradley has been instructed on behalf of public bodies and private individuals including local authorities, children's guardians, parents and other family members.

Although she is based in the North-East and is a member of the North Eastern Circuit, Mrs. Bradley's practice is nationwide and she appears regularly in Courts throughout England and Wales including courts in London, Bristol, Cardiff, Birmingham and Manchester.

Mrs. Bradley has an extensive referral practice in the Court of Appeal and she has appeared in the House of Lords. Through the cases which she has conducted she has acquired a highly specialised knowledge of medical matters affecting children, and as a result Mrs. Bradley has also accepted instructions in criminal cases involving children where offences of homicide, sexual abuse and cruelty are alleged. Mrs. Bradley has extensive experience of dealing with vulnerable clients and witnesses, including those with mental health difficulties. In addition, Mrs. Bradley has dealt with matters involving the Court of Protection. She has delivered seminars to the Family Law Bar Association on child care law and is a speaker in relation to vulnerable witnesses in family proceedings.

Mrs. Bradley obtained her law degree at Newcastle University and she is a fluent French speaker. She currently practises from Trinity Chambers, Newcastle, and Sovereign Chambers, Leeds.

Chambers UK 2011 stated "Sally Bradley Q.C. handles complex care cases effectively. Solicitors turn to her not just for her legal skills but also she has 'a sympathetic manner with vulnerable clients'." Chambers UK 2013 stated "Clients are pleased to work with such an incredibly bright, pleasant and unstuffy advocate."