

STATES OF JERSEY



COMMITTEE OF INQUIRY INTO HISTORICAL ABUSE: APPOINTMENT OF CHAIRMAN AND MEMBERS

**Lodged au Greffe on 5th November 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 their Act dated 16th July 2013, in which they appointed Mrs. Sally Bradley Q.C. to chair the inquiry; and –

to note that as a result of ill-health Mrs. Sally Bradley Q.C. is unable to take up the position of Chairman, and to appoint instead Mrs. Frances Oldham Q.C. as Chairman of the Committee of Inquiry and Professor Alexander (Sandy) Cameron C.B.E. and Ms. Alyson Leslie as members of the Committee.

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. 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.

On 16th July 2013 I was pleased to propose the appointment of Mrs. Sally Bradley Q.C. to chair the inquiry and her appointment was supported by the States by 48 votes to 0. Very sadly Mrs. Bradley suffered a stroke later that same day and it became clear soon afterwards that she was no longer able to chair the inquiry. This meant that the selection panel had to start the recruitment process again to find a replacement chairman.

I have had absolutely no involvement at all in the selection process, but I was pleased to be notified by the Greffier of the States in early October that the selection Panel had been successful in identifying a suitable person to replace Mrs. Bradley. Although I have not yet met Frances Oldham Q.C. I am confident that her skills and experience, particularly her combination of family and criminal experience, make her ideally suited to chair the inquiry.

I was pleased to be notified by the Greffier last week that the selection Panel had been able to work without any undue delay to select the 2 committee members. With the Greffier's consent, I attach at Appendix 1 a letter setting out the very rigorous and independent process that has been followed to recruit the Chairman and members.

It is clear from the biographical information set out in Appendix 2 that both Professor Cameron and Ms. Leslie have extremely relevant experience to work on the inquiry, and I was also pleased to be notified by the Greffier that Mrs. Oldham and the other 3 members of the selection Panel were immensely impressed by the personal style and approach of both proposed committee members, which they felt was exactly what is required for this inquiry.

The unfortunate ill-health of Mrs. Bradley inevitably caused an unavoidable delay to the start of the inquiry, but I was reassured to learn from the Greffier that Mrs. Oldham, Professor Cameron and Ms. Leslie are all available to start work early in the New Year, and I understand that as soon as their appointments have been ratified by the States they intend to meet to begin planning the inquiry.

I am extremely grateful to Mrs. Belinda Smith, Mr. Ed Marsden and the Greffier of the States for the work they have undertaken to identify 3 such suitable people for the committee and I hope all members will support these appointments.

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 the 3 nominees are within the limits set out in those comments.

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.

1st November 2013

Dear Chief Minister,

Committee of Inquiry into Historic Abuse – Appointment of Chairman and members

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

You will recall that I wrote to you on 6th June 2013 to notify you that the selection panel, comprising Mrs. Belinda Smith, Senior Legal Counsel – Child Protection at the NSPCC, Ed Marsden from Verita and myself was recommending to you that Sally Bradley Q.C. should be appointed as Chairman and her appointment was subsequently ratified by the States on 16th July 2013. Very sadly, as you know, Mrs. Bradley suffered a stroke on that same day and I learnt soon after from her consultant that she was no longer well enough to conduct the inquiry.

Having heard the news about Mrs. Bradley the selection panel met urgently and began steps to identify a new Chairman. The selection panel again initiated inquiries through a number of different routes, consulted relevant legal directories and approached relevant bodies before drawing up a “long list” of senior legal figures who might be suitable to act as Chairman. The selection panel had already agreed during the selection of Mrs. Bradley 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 Crown or High Courts. We considered that it was also important 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 was available to start the inquiry as soon as possible and able to complete it 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 from the long list the selection panel again 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. 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 10 people from the initial long list although one withdrew from the process before our initial meeting with her and we only therefore met 9 people. We agreed that, as we had done during the first recruitment process, the initial discussions should not involve all three members of the selection panel in order to preserve the integrity of the final selection interviews. The majority of the informal discussions were therefore attended by Ed Marsden and myself although I undertook one meeting alone when Ed Marsden was unavailable. The initial meetings were all held in London for convenience although some candidates travelled from other parts of the United Kingdom to meet us. These initial meetings were held on 22nd August and 11th September.

The purpose of the initial meetings 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 9 informal discussions were interesting and useful Ed Marsden and I 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, just as importantly, because they simply did not have a suitable personal style for the work. We nevertheless met 3 people who were considered to be suitable to invite for a more detailed discussion with the full selection panel. We had hoped to hold all 3 interviews in Jersey to enable the candidates to visit the Island before agreeing to take on this task but in the event one could not come because of court commitments and we met her in London instead on 10th October. Frances Oldham Q.C. was fortunately one of the 2 who was able to come to Jersey for a formal discussion

with the full selection panel on 7th October The 3 Q.C.s we shortlisted had all 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 3 candidates when we met them.

At the end of the interviews the selection panel was unanimous that Frances Oldham Q.C. should be recommended as Chairman. She was first called to the Bar in 1977 and was appointed as Queen's Counsel in 1994. She is regularly instructed in high profile cases in both criminal and family matters and has considerable experience dealing with cases involving sexual and physical abuse. She was appointed as a Crown Court Recorder in 1994 and is authorised to try serious cases involving rape and serious sexual offences. She has been a Deputy High Court Judge in the Family Division for over 10 years and she spends several weeks each year sitting as a judge in the criminal and family courts. She is also a judge for the Mental Health Restricted Patients Panel Tribunal and in 2012 she was appointed as a member of the Q.C. Appointments Panel. She was leader of the Midland Circuit between 2002 and 2005 and Head of her Chambers for 7 years. She has very significant experience of dealing with victims of abuse and we felt that her combination of criminal and family law experience at the highest levels made her eminently suitable to chair the inquiry in Jersey.

Mrs. Oldham 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 limits set out by the Minister for Treasury and Resources in his published comments to P.118/2013.

Having identified a suitable person to chair the inquiry the selection panel moved on to the appointment process for the 2 committee members. This process had been started before the summer shortly after the selection of Mrs. Bradley but had to be put on hold when she became unwell as the appointment of the members obviously had to be made with the involvement of the Chairman.

In June and July the selection panel had worked with Mrs. Bradley to draw up a 'long list' of people who might be suitable to serve as members of the committee. We made enquiries of a number of organisations and individuals in the U.K. including charities and other non-government bodies and identified 17 people whose skills and experience appeared suitable for this work. We considered from the outset that at least one of the members should have direct experience of working in residential child care and identified a number of candidates who had done this. Most of those we identified from this social services background had often progressed in their careers to positions of management in this area.

We decided once again to use the system of informal discussions as a first stage in the selection process. Three of the 17 were seen by Mrs. Bradley and me in Leeds on 26th June and Ed Marsden and I met 13 in London on 11th and 12th July. One of the 17 was unexpectedly unwell on the proposed discussion day and I had to hold the informal discussion with him by telephone several days later.

Although we had planned to meet Mrs. Bradley on 25th July to draw up a shortlist for final interviews she sadly became unwell the week after the last informal interviews took place and this shortlisting meeting was not therefore able to take place. The selection panel nevertheless agreed that we had identified a number of very strong candidates and we contacted them all to explain what had happened. We made it clear that it would be several weeks before the selection process could continue but undertook to keep them updated on progress in identifying a new Chairman and we did throughout the summer and into September.

Once Frances Oldham Q.C. had been selected as Chairman we met with her as soon as we could, went through the CVs of those we had seen and shared with her the notes we had made after the informal discussions. She agreed that there appeared to be a number of extremely suitable candidates and saw no need to re-open the process in an attempt to identify further potential members. Two of the 17 we had initially identified had withdrawn from the process during the delay over the summer months but we were able, with Mrs. Oldham's involvement, to shortlist 6 people from the remaining 15 for a formal interview.

Mrs. Oldham and the full selection panel held interviews in London on 24th October with all 6 shortlisted candidates. At the end of the interviews, opinions were unanimous that Alexander (Sandy) Cameron CBE and Alyson Leslie should be recommended for appointment.

Sandy Cameron is a retired Director of Social Work who also spent 7 years after his retirement as Chairman of the Parole Board for Scotland. In addition to his direct experience of residential child care as a social worker from 1969 he has worked throughout his career to improve the quality of residential care for children and has been instrumental in several initiatives to improve training and research in this area. Alyson Leslie, of the University of Dundee, is one of the U.K.'s leading child protection experts. She has chaired and advised on some of the most difficult cases of abuse and child fatalities over the past 3 decades, including an inquiry in the Isle of Man in the 1990s. She has also undertaken a number of Serious Case Reviews and undertaken work on the contribution families and victims can make to reviews. In addition she has drafted procedural guidelines for the conduct of public inquiries that have been widely used in the U.K. We were all immensely impressed with the proposed approach of both to the inquiry and they both have a personal style and manner that is perfectly suited to this work. Both Sandy Cameron and Alyson Leslie have accepted our offer to serve on the committee although I have, of course, again stressed most strongly that their appointments are subject to approval by

the States Assembly and nothing can be confirmed until after that approval. I have also agreed appropriate terms with them both for the engagement that are well within the proposed budget limits set out by the Minister for Treasury and Resources in his published comments to P.118/2013.

The States decision of 6th March 2013 required the selection process to be overseen by the Jersey Appointments Commission and although the Chairman of the Commission made it clear that he did not see any direct role for the Commission in the selection process he approved the process being used and I have kept him updated on progress.

As I mentioned in my letter of 6th July 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 and members should be undertaken with no political involvement or influence. I have therefore not sought direction or guidance at any stage in relation to the recruitment process 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 selection panel worked to the best of its ability to find the most suitable people to serve on this important inquiry for Jersey and we are all satisfied that we have achieved that objective.

Having completed the selection process I would like to place on record my thanks to Belinda Smith from the NSPCC and to Ed Marsden from Verita whose input over the last few months as members of the selection panel has been invaluable. They have both contributed hugely to the process and I could not have undertaken this task without their help and guidance, I have already written to the NSPCC to express my thanks to the charity for allowing Belinda to assist. In order to ensure that there has been no 'Jersey' connection during the selection process I used the services of Verita to make all administrative arrangements for the selection process and I am also grateful to the staff in that organisation who have undertaken this task with tremendous efficiency.

In accordance with the States decision it now falls to you to lodge the necessary proposition in relation to the appointment of the Chairman and members 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.

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Biographical information

Mrs. Frances Mary Oldham Q.C. (Chairman)

Mrs. Frances Oldham Q.C. was called to the Bar in 1977 and appointed as Queen's Counsel in 1994. She was appointed as a Crown Court Recorder in 1994 and has also been a Deputy High Court Judge for over 10 years. She is a judge for the Mental Health Tribunal Restricted Patients Panel, is a Master of the Bench at Gray's Inn and was Leader of the Midland Circuit from 2002 to 2005. She has been a member of the Q.C. Appointments Panel since 2012 and was Head of Chambers at 36 Bedford Row for 7 years until 2011.

Mrs. Oldham is regularly instructed in high-profile and complex cases of the most serious and sensitive nature. Her practice encompasses all aspects of both serious and complex crime and child law. She has substantial experience in family law and is regularly instructed by local authorities, parents and guardians *ad litem*. Her criminal practice includes all aspects of serious crime particularly murder, manslaughter, sex offences, armed robbery and drug-related offences. Many cases involve complex medical and scientific issues, and mental health issues. In the Family Division she appears in substantial matters and has extensive experience of cases involving S.I.D.S; factitious illness syndrome and sexual abuse.

Mrs. Oldham practises from Chambers in London and Leeds and she lives in Leicestershire. She is married with 2 children and 3 step-children and her interests include sailing, theatre and medieval history.

The Legal 500 states that Mrs. Oldham "straddles criminal and family matters to great acclaim".

Professor Alexander (Sandy) Cameron C.B.E.

Sandy Cameron obtained a B.A. from the University of Strathclyde in 1971, a Certificate of Applied Social Science from the University of Aberdeen in 1973 and a CQSW from the Central Council for Social Work Training and Education.

Sandy was first involved in social work practice in Scotland from 1969 to 1975 as a student and then as a qualified social worker. His initial case experience included children in residential and foster care. In 1975 he was appointed Principal Officer, Research and Planning, for Central Regional Council Social Work Department. He was then appointed Principal Officer, Fieldwork, with the Council and in this post he managed 5 social work area offices and established the first Emergency Duty Team in Scotland. He was appointed as Assistant Director of Social Work in 1981 and carried management responsibility for all field services.

In 1987 he was appointed as Director of Social Work for Borders Regional Council and in 1995, on the re-organisation of local government, he was appointed as Executive Director of Social Work for South Lanarkshire. This was one of the largest of the new authorities. During his time in that post he undertook a major programme of replacement of children's homes. As part of this process he commissioned research

into the design of residential units which was published under the title “Designed for Care”. In addition to dealing with the physical aspects of care this work highlighted significant issues of concern in the attitudes of many residential workers, not least of which was their lack of ambition for the young people they were looking after. The renewal of the homes was therefore part of a strategy to heighten ambition and improve educational outcomes.

On retirement from this post in 2006, Sandy took up the post of Chairman of the Parole Board for Scotland, a position he held until 2012. As Chairman of the Parole Board he was involved in dealing with the most serious offenders and making assessments of their risk if released on licence. The role frequently involved sitting on tribunals chaired by a legal or judicial member of the Board along with 2 members from other disciplines. Sandy is therefore used to working in a quasi-judicial setting alongside others, including very senior judges. The tribunal process involved reading very large dossiers and listening to, and interrogating, substantial amounts of evidence.

In 1996 Sandy was invited to take the chair of the management Board for the Centre for Residential Child Care which was a partnership between the University of Strathclyde, Save the Children and Who Cares Scotland. This was established to improve training and research in the residential child care field and was unique in the U.K. In 2000 the Scottish Government made funds available to establish a centre of excellence, and Sandy led the bid from the Centre which was successful and resulted in the establishment of the Scottish Institute for Residential Child Care. Alongside this he also successfully established the funding for the first Chair in residential Child Care within the University. At that time this was the only such academic post in the world and he continued as Chair of the Management Committee of SIRCC until 2006. Sandy was also the first Chair of the Scottish Institute for Excellence in Social Work Education which was a partnership between all of the social work courses in Scottish Universities. He continues to chair the successor organisation, the Institute for Research and Innovation in Social Services, which is predominantly funded by the Scottish Government with the objective of promoting evidence-based practice and innovation across the social services field in Scotland.

Sandy is currently a Director of Care Vision which is a company providing residential child care and fostering services in Scotland. He introduced a Professional Standards Committee to the company to ensure that practice was monitored. The company works with some of the most difficult and challenging young people who often have too much experience of being moved from placement to placement.

Sandy has been a Visiting Professor at the University of Strathclyde since 1997 and was appointed C.B.E. in the Birthday Honours List 2000 for Services to social work and the prevention of drugs misuse. He held office as Secretary and then President of the Association of Directors of Social Work.

Ms. Alyson Leslie

Alyson Leslie obtained an M.A. from the University of Oxford in 1976, a P.G.C.E. from Sheffield City College in 1977, a Dip.S.W. and C.Q.S.W. from the University of Dundee in 1984; and she is currently studying for a Ph.D. through the University of Huddersfield on the need for a national archive of public inquiry reports.

Alyson has 14 years' experience in Scottish Social Work Departments in child care, community care and criminal justice, ultimately as an Assistant Director of Social Work. In this role her responsibilities included performance management, professional audit, chairing child protection reviews, staff development and training, inspection of establishments (including residential child care establishments), planning, aspects of staff welfare and overseeing EU funding bids and programmes for disadvantaged young people.

Alyson also has 21 years' experience conducting reviews and inquiries (child protection/mental health) across the U.K. (mainly in England). She is currently the only professional in the U.K. working across jurisdictions investigating and reviewing child death/child maltreatment cases. She currently teaches graduate, post-graduate and post-qualifying social work courses at University of Huddersfield and at the University of Dundee (Child Protection, Risk and Professional Decision-Making, Models and Methods, Assessment and Intervention in Child Care and Protection). She is currently also working with the Scottish Government, the U.S. Center for the Review and Protection of Child Death and Universities in England and N. Ireland to develop and pilot a potential system for the review of all child deaths in Scotland with the aim of reducing child mortality numbers and improving the service to families who experience the loss of a child.

Alyson has significant experience in chairing and advising in public inquiries. She was –

- Advisor in the Child Abuse public inquiry (case of Jason Dabbs), Newcastle-upon-Tyne;
- Chair of the Ritual Abuse Inquiry, Ayrshire;
- Chair of the inquiry in the case of Susan Joughin (child fatality/mental health), Isle of Man;
- Lead/Chair of the inquiry into the death of JAS (child abuse), Brighton;
- Advisor in the inquiry into the death of CF (child fatality/mental health), Trafford.

She has undertaken a number of Serious Case Reviews (SCRs) and also undertaken an investigation into allegations of historic abuse in a London Borough, investigations related to the death of an infant in a care facility for young mothers and investigations into alleged misconduct at a national charity.

Alyson has significant expertise in the processes associated with public inquiries, having drafted national guidance for Scotland on establishing and conducting inquiries that were then used by the Department of Health in England and provided to inquiries, including the Victoria Climbié inquiry. She has been an advisor to U.K. and Scottish governments on aspects of inquiry and case review processes and advisor to local

safeguarding boards on family involvement in reviews. She was the Chair of a working group producing guidance on SCRs in Scotland. She was grant-funded in 2012–13 by the Scottish Universities Insight Institute to hold cross-jurisdiction U.K. colloquia on the dissemination of learning from inquiries/reviews, parallel investigations and the involvement of families.

Alyson has 10 years' experience chairing public GMC hearings, managing the participation of patients and families, arbitrating legal argument and applications and delivering sound determinations that have withstood judicial review. She held the position of interim Director of Regulation at the Human Fertilisation and Embryology Authority, and in this capacity established critical incident management process at the Authority and oversaw investigations in research establishments and fertility clinics across the U.K.

Alyson has undertaken a significant number of research commissions, including 2 studies of the experiences of parents who have been subject of child protection inquiries, a study of young people's experiences of attending looked-after children reviews and child protection case conferences, several Best Value audits of services for people with physical disabilities, services for carers and users of mental health services, a study of how the working time of residential care staff in a children's establishment is spent and evaluation of complaints/feedback mechanisms for young people. Commissions for other bodies have included the extent to which child protection training for social services staff is fit for purpose, an evaluation of governance issues for a longstanding children's care charity and the evaluation of service provision for parents of young children.

Alyson has undertaken over 40 conference presentations, completed over 30 major reports, been commended by the Local Government Organisation for the standard of her investigation/re-investigation of complaints, and won the "Most Inspiring Lecturer" and "Best Lecturer" awards at the Social Work Student Awards in 2012 and 2013.