

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

3. The Chief Minister - a statement regarding the Historical Child Abuse Inquiry

3.1 Senator T.A. Le Sueur (The Chief Minister):

The Council of Ministers understands that the historical child abuse inquiry has now been concluded. We appreciate that there are many Islanders both here and living elsewhere who have been affected by this long running inquiry and we sympathise with those people. I would like to offer the following apology. On behalf of the Island's Government I acknowledge that the care system that operated historically in the Island of Jersey failed some children in the States residential care in a serious way. Such abuse has been confirmed by the criminal cases that have been before Jersey's courts. To all those who suffered abuse, whether confirmed by criminal conviction or not, the Island's Government offers its unreserved apology. **[Approbation]** The States of Jersey has received claims for financial compensation which are under review. In March 2008 the Council of Ministers presented a report to the States which considered that, depending on the outcome of the criminal cases, it would be appropriate to hold a Committee of Inquiry. The Council of Ministers will now consider whether there remain any unanswered questions that require further investigation. We will discuss the matter formally in the very near future and bring forward a report to the States.

3.1.1 Deputy P.V.F. Le Claire:

Without being churlish I would like to congratulate the Chief Minister on issuing an apology and it was my question if he would apologise... I am very pleased he has done so. May I ask the Chief Minister what has changed in the intervening period from when I asked his predecessor to make an apology and he was unable to, to the point that has now transpired where the Chief Minister is finally able to make this welcome apology?

Senator T.A. Le Sueur:

What has changed since then is that criminal cases have now been heard and I gather that the last of the criminal cases has now been concluded.

3.1.2 Deputy M.R. Higgins of St. Helier:

Looking at the Chief Minister's apology, he says at the final line: "To all those who suffered abuse, whether confirmed by criminal conviction or not, the Island's Government offers its unreserved apology." The next line then says: "The States of Jersey have received claims for financial compensation which are under review." How does he intend dealing with the ones that unfortunately there was not sufficient evidence to perhaps bring prosecutions but were certainly abused? So are all the residents of these homes going to be treated equally when it comes to claims for compensation?

Senator T.A. Le Sueur:

I am very reluctant to speak in any depth about potential civil claims because they are ongoing. I would simply say in broad terms that any individual can bring a civil claim about anything at any time and that claim would be judged on its merits.

3.1.3 The Deputy of St. Martin:

It is very much in line with my question, in the statement the Chief Minister says that unanswered questions remain. One of the questions I was asking was what action if any is going to be taken against those people involved in the management of Haut de la Garenne? Will that be one of the considerations give by the Council of Ministers?

[14:45]

Senator T.A. Le Sueur:

I am not going to speculate on the extent of the Council of Ministers deliberations merely to say that we will be deliberating and bringing you forward a report in due course.

3.1.4 Deputy M. Tadier of St. Brelade:

I also welcome the apology and especially the phraseology to do with criminal convictions, which implies that just because there were cases which did not result in a conviction does not mean that did not necessarily occur. But based on that, will the Chief Minister advise if there are likely to be investigations in the cases where there was not evidence which could be proved beyond all reasonable doubt but which it may be, on balance of probability, that abuse did occur? If that is the case will there be any disciplinary action taken against perhaps current staff members, States employees who may fall into that latter category, even though they may have not had any procedures against them to do with criminal convictions?

Senator T.A. Le Sueur:

That is a matter on which I am not going to speculate at this stage.

3.1.5 Deputy M. Tadier:

Just a quick supplementary, perhaps more concisely, does the Minister acknowledge and envisage that there are likely to be civil proceedings coming which would not necessarily have been able to be brought criminally, and what kind of follow up procedures is the Minister envisaging for that scenario?

Senator T.A. Le Sueur:

I think I have already made it quite clear that because there is the potential for civil claims, I am not going to speculate or elaborate further at this stage.

3.1.6 The Deputy of St. John:

Given the statement and its content, will the Minister explain why Members were not in possession of this prior to being asked to vote on taking the statement prior to taking the questions in the House? That, I think, is totally discourteous of Members not being able to have had this information in their hands prior to the Minister asking for the statement to be heard.

Senator T.A. Le Sueur:

This is simply a matter of good practice that I believe that States Members should be the first to receive the statement and the apology. If I had presented it before the start of the States sitting it does have the opportunity to fall into other party's hands and I am anxious that Members receive it first.

3.1.7 The Deputy of St. John:

Given that this could have been handed out at 2.30 p.m. not nearly 2.45 p.m. I think the Minister is being a bit economical with what he is telling us, given we cannot put in-depth questions to the Minister at such short notice.

The Bailiff:

So your question is, Deputy?

The Deputy of St. John:

My question is in future will the Minister ensure that we have it at the moment we walk into the Chamber, not a quarter of an hour afterwards?

Senator T.A. Le Sueur:

No, it was dependent entirely on the nature of the statement, were it by me or anybody else. I would point out that unless I am mistaken there is no obligation for a copy of the statement in

written form to be circulated. It is merely a statement to be made by the person concerned, but I may be wrong on that one.

3.1.8 Senator A. Breckon:

Can I ask the Chief Minister, he says in the last sentence: "Discuss the matter formally in the very near future and bring forward a report to the States." Could he give some sort of an assurance to the Assembly on when that will be and hopefully maybe the first quarter of 2011?

Senator T.A. Le Sueur:

I would certainly hope that it would be fairly early in the near year. I was anxious to present an apology today in advance of any other activity that may be required simply to deal with that aspect of the matter. But I do acknowledge the importance of this and we will consider it at the Council of Ministers at the earliest opportunity.

3.1.9 Deputy J.B. Fox of St. Helier:

Referring back to the unanswered questions, some of the questions can be answered it is just they were originally intended to become part of an independent inquiry. Are you still intending to look at those aspects while you are reviewing it with your Council of Ministers?

Senator T.A. Le Sueur:

I think I have already dealt with that question and the answer is that the Council of Ministers will consider what aspects may still require review including potentially any unanswered questions.

3.1.10 Deputy T.M. Pitman of St. Helier:

As someone who knows individuals in Haut de la Garenne I very much welcome the Chief Minister's apology. However, with the value of hindsight, would the Chief Minister agree with me that it is unfortunate this issue became a political football and that some of the representatives in this House really became vilified and attacked for simply trying to represent the interests of those who were abused? Does he think that is an unfortunate situation and will he work to ensure it does not happen again?

Senator T.A. Le Sueur:

I cannot influence other Members' thinking or actions. I believe that what I have done throughout this is to act in the way which I believe is the correct approach and the right way to go about things.

3.1.11 The Deputy of St. Martin:

Part of my question has been answered in how quickly will this consideration be taken, but could I ask very much in line with what Deputy Pitman was saying, that there has certainly appeared from this side of the House a reticence for getting straight answers or at least answers to questions being asked. Will the Chief Minister consider maybe inviting some of those Members who have shown more than a keen interest in getting to the bottom of what has been going on at Haut de la Garenne, maybe consider inviting some of those people - including myself - along with the Council of Ministers to discuss the way forward so we can have a combined way forward rather than an us and them approach?

Senator T.A. Le Sueur:

I will take note of the Deputy's suggestion, it may be something that is worth pursuing. It will depend on the outcome of the Council of Ministers views. I do take his suggestion on board.

3.1.12 Deputy D.J.A. Wimberley of St. Mary:

Following on from the Deputy of St. Martin, the Chief Minister's answer was that he would just carry on with his Council of Ministers and not try to have a broader approach to this from the

outset and I just want to ask the Chief Minister why he takes that view, and in particular with regard to the wider issues, not so much focusing on the victims themselves but on the fact that their stories were not listened to by all kinds of different people and that wider societal issue? I wonder if that will be included in the Minister's deliberations and whether he will not reconsider having a broader spectrum of people in on that initial discussion?

Senator T.A. Le Sueur:

I do not believe I ruled out the possibility of a subsequent broader review involving other States Members, whether individually or collectively. At this stage all I said was that the Council of Ministers would consider that suggestion and take it seriously.

3.1.13 Deputy M. Tadier:

Does the Chief Minister acknowledge that during the Council of Ministers deliberations to consider whether there do remain any unanswered questions it would be useful to know what kind of legal advice was given in circumstances where some cases were dropped when seemingly there was evidence, and how does the Minister intend to go about that very tricky tightrope of asking for legal advice which normally would have a presumption of confidentiality in most circumstances?

Senator T.A. Le Sueur:

I am sure that the Council of Ministers will take such legal advice as it considers appropriate and necessary and if we require additional advice in that respect I am sure that the Law Officers will be prepared to assist us.

3.1.14 Deputy M. Tadier:

That was not quite the question. The question relates to whether any attempt will be made to find out what the legal advice was given in certain cases which resulted in them either being pursued or not being pursued, and there were quite a number of high profile cases which we do not need to mention which one would have hoped - certainly from the alleged victim's point of view - would have gone to court but did not. In order to ascertain to whether or not one needs to have an inquiry it would seemingly be useful to have that information, so can the Minister answer whether he intends to ask for that kind of legal advice to be made available to the Council of Ministers confidentially?

Senator T.A. Le Sueur:

That is a question which at this stage I cannot give a hard yes or no to. It would be up to the Council of Ministers to consider what information it may or may not require.

The Bailiff:

Very well, that completes questions to the Chief Minister then on that statement.