

STATES OF JERSEY

Education and Home Affairs Scrutiny Panel Review of Issues Surrounding the Review of the Final Financial Management of Operation Rectangle

FRIDAY, 28th OCTOBER 2011

Panel:

Deputy T.M. Pitman of St. Helier (Chairman)

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

Witness:

Mr. S. Syvret

Also Present:

Mr. M. Haden (Scrutiny Officer)

Note: The text of this transcript has been redacted in order to remove references to serious allegations made by the witness against certain individuals. The Scrutiny Panel agreed that the witness' action was an abuse of the immunity provided to witnesses under Regulation 8(2) of the States of Jersey (Powers, Privileges and Immunities) (Scrutiny Panels, PAC and PPC) Regulations 2006 as it was inappropriate to refer to third parties who would not have the opportunity to respond to these allegations.

Deputy T.M. Pitman of St. Helier (Chairman):

Okay. Back we come. Hopefully everyone can hear this time. We will move on slightly late, I apologise to anyone who has given up their lunch hour to be here. I will introduce myself again for the record, Deputy Trevor Pitman, I am Chairman of this Sub-Panel of the Home Affairs and Education Scrutiny Panel.

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

Deputy Wimberley of St. Mary.

Mr. M. Haden (Scrutiny Officer):

Mike Haden, Scrutiny Officer.

Deputy T.M. Pitman:

If I could ask Mr. Syvret to ...

Mr. S. Syvret:

Stuart Syvret.

Deputy T.M. Pitman of St. Helier (Chairman):

Okay. For the record again, I am sure Mr. Syvret is aware of it, but I will read out the oath: "The proceedings of the panel are covered by parliamentary privilege through Article 34 of the States of Jersey Law 2005 and the States of Jersey (Powers,

Privileges and Immunities) Scrutiny Panels, P.A.C. (Public Accounts Committee) and P.P.C. (Privileges and Procedures Committee) (Jersey) Regulations 2006 and witnesses are protected from being sued or prosecuted for anything said during the hearing unless they say something which they know to be untrue. This protection is given to witnesses to ensure that they can speak freely and openly to the panel when giving evidence without fear of legal action although the immunity should obviously not be abused by making unsubstantiated statements about third parties who have no right of reply. The panel would like you to bear this in mind when answering questions.”

Mr. S. Syvret:

If it is procedurally possible I am entirely happy to take an oath.

Deputy T.M. Pitman:

I will have to ask my officer about that.

Mr. M. Haden:

It is really a statement of position rather than an oath, just to make sure you are aware of the conditions.

Deputy T.M. Pitman:

Okay. Now obviously with this hearing, we have got Mr. Syvret in quite late in the day, due to circumstances really beyond our control. This has made it a little difficult as we have not got the same time we have had to do our question plans, however Mr. Syvret I think it is fair to say is here as a result directly of Mr. Power’s statement. So perhaps I might ask him to kick off, if he can outline the reasons he really felt he had to give us evidence. We have 5 or 6 points obviously that we are going to focus on but if he would like to introduce to us for the record why he felt the need to come in?

Mr. S. Syvret:

Certainly, and I think having heard the testimony just given by Mr. Power there has been quite a number of the points raised in that testimony that clearly relate to the areas of concern that I have too. In relation to the issues raised by Mr. Power’s statement to Wiltshire which I have a full copy of and I have read, I have seen and read the full copy of it so I am fully familiar with it, in the context of that document I have also submitted a number of other documents to the panel which you probably will not have time to deal with in detail, and indeed that may not even be necessary but for example I have submitted further documents to you such as things like the *Williamson Report* to be compared and contrasted with the *Howard League Report*. I think I have also referred you to the *Chapman Report*. Clearly, the BDO report falls within this kind of jungle, as it were, of external consultancy reports, that Jersey’s public authorities are wont to call in whenever there is a crisis that needs addressing. It is virtually always for cosmetic purposes. Effectively when you have public authorities, especially in Jersey, be they individual departments or departments working together or collectively or be it some decision of the States, when a decision is made that something has to be done and there has to be an external review into something, or an external investigation, virtually always the prime motivation and the driving force of that is as a part of a P.R. (Public Relations) spin doctoring programme. It enables the authorities to pretend, with the collusion of Jersey’s media, to the population that they are doing something. It enables them to pretend that they

are taking it seriously and look, they are taking it so seriously they are even commissioning an independent investigation, and we see this device used time and time again in the history of the States of Jersey and the BDO report falls quite firmly within that category. It is absolutely clear and certainly I would agree very much with the evidence given by Mr. Power that the manner in which the BDO report, the review, was carried out, for example expressly not interviewing the key person involved, Mr. Harper, shows that absolutely quite clearly the BDO exercise was designed and calculated as a component, as a part of the mechanism, along with people like *Jersey Evening Post* and Channel Television and BBC Jersey. It was all part of the exercise designed to basically trash the reputation of the police force, at least when it was under the leadership of Mr. Power and Mr. Harper, to trash their reputations, and to generally discredit the cause, as it were, of the victims of child abuse and to try and paint artificially the rest of Jersey's public administration as being fine and upstanding. It is within that general overall context that the BDO exercise sits and I do not think any honest or intellectually robust understanding of the genesis of the BDO report is possible until one considers and examines that overall context within which it sits. Why did all of that happen? Why did the BDO report happen? Well, for the same reason as Mr. Power was suspended. For the same reason as things were done, as Mr. Power alluded to, to remove me from office as Minister for Health and Social Services. This was the instinctive actions of the Jersey establishment who whenever faced with some exposing of poor performance, gross incompetence and malfeasance on their part, the instinct is to close ranks and pretend that everything in the garden is rosy. This happens not only in the case of child protection failures but of course in so many other areas of failure by Jersey's public administration.

Deputy T.M. Pitman:

If I could just interrupt you there, Mr. Syvret. One of the reasons the panel was interested in what you have had to say, and obviously we did meet to discuss this some time ago to see if what you had to say was relevant, this use of external consultants and the issue that to any fair-minded person how can a department, an body, really claim that they are being scrutinised if they are allowed to set up this process themselves and perhaps work on terms of reference, et cetera? What are your views on that? Is it even a viable option?

Mr. S. Syvret:

No, it is not. The ultimate ... why are we in this room today? We are looking at this particular issue of BDO and the genesis of it and why that happened and how it happened. But really the fundamental foundation stone that we have to start from in all of these investigations is the fact that many, many ordinary vulnerable people in Jersey were abused as children and in many, many cases that abuse took place when they were under the care of the States of Jersey and in many, many cases various people who worked for the States of Jersey knew that the abuse was taking place but they covered it up. They knowingly and deliberately covered it up and this was not only one or 2 instances, this was an intrinsic systemic, cultural attitude of Jersey's public administration. Now that is a feature of a failed system of governance. Governance in Jersey does not work, to the point that it is dangerous. It is dangerous to many ordinary people in Jersey, ordinary people who are powerless, are vulnerable to the failures and the vagaries of Jersey's public administration and why does that happen so particularly badly in Jersey? Is it bad in Jersey? You could look at a lot of

public authorities and governments and say things go wrong in other jurisdictions. Well, yes, they do but in larger nation states and most other jurisdictions failures do fairly regularly get stopped, they get revealed, there are checks and balances that broadly work. Jersey has none of that and therefore one of the great issues at the heart of all this, one of the great questions I think that your panel and future States Members are going to have to address is the fact and it is a fact, that Jersey has no effective checks and balances and its public administration is not subjected to effective scrutiny. So to address your question, you are absolutely right, it simply is not feasible, it is not viable for departments of the States when a crisis erupts in their field of responsibility for them then to say: "Oh, look, we are going to review this; look, do not worry, you can be reassured that we are going to look closely at this; you can be so assured that we are even going to employ an external consultant to review it in some way" and of course virtually always when external reviews are commissioned they do not work as Mr. Power indicated and I think it is quite clear to any thinking person, it is a case of he who pays the piper calls the tune and when people are employed they produce what their paymasters want them to produce, and there are very clear examples of that. I think for example you could point to the *Williamson Report* which is an absolutely intellectually bankrupt document. It is utter nonsense, it does not address the real issues, it did not address the failures. The reason why the *Williamson Report* was triggered was because of the concerns I raised and I spent the first half of 2007 working with some survivors and some whistleblowers to try and expose what was this culture of concealment and this gross systemic failure in child protection. Again, Mr. Power referred to this when he was giving evidence earlier, that there was, when I started raising these concerns and there were a number of different concerns, the response of the senior management of the departments was to close ranks to protect themselves, protect their own incompetence and to cover each other's backs and to engineer my dismissal and of course given the politics of the States Chamber there was no shortage of political support for them in that process. When I first went public with the concerns it was in answer to a question I was asked in the States Chamber during question time and I concluded the answer with words to the effect: "Look, if I am being asked do I have any confidence in Jersey child protection apparatus I have to say no and I am going to commission an external independent investigation." My problem as it were, having said that, is that the senior management across the civil service knew perfectly well that when I said I was going to commission an external independent investigation it would be an external independent investigation and that terrified them, and they had to get rid of me, which is why the Council of Ministers did what they did and instead of permitting me to do what I was going to do and ensure that a genuinely independent external investigator was appointed they instead appointed Williamson. If you read the *Williamson Report* you will see, indeed, you used it as one of your principal examples of evidence as to how these external consultancies in these reports are failures. He very carefully uses words such as: "There is no evidence of current child protection failures" and things of that nature in his report and this of course reflects in the reportage of the *J.E.P. (Jersey Evening Post)* and all the rest of the local and mainstream media at the time. So basically: "Williamson, external independent investigation, broadly gives a clean bill of health to the Island's child protection systems" which of course was utter nonsense. We were dealing with a system, again as Mr. Power has said, that had clearly for years and decades proactively concealed many serious child protection failures. So you could hold the *Williamson Report* up as another example of an

external agency, as it were, an external consultant, brought in, rather like Mr. Kellett at BDO and others to do a job for their paymasters.

Deputy T.M. Pitman:

Let me ask you, and you may think the question is naive, but as Scrutiny I have to ask it, we would like to assume that government is all about looking after the interest of its people. What is to be gained in the long-term by setting up investigations which are no more than perhaps a cosmetic gesture? What is to be gained? So for someone who has not followed all this, why would that happen? What would the benefit be to Ministers, politicians who are going to have the best interests of people and vulnerable children in this case, at heart? What is the benefit?

Mr. S. Syvret:

You have to contextualise this discussion and look at the way Jersey is politically. I mean Jersey is in reality a single party state. Let us face it, the true nature of the power function in Jersey, the way real political power is, I mean it is still a feudal society with merely a thin veneer of the kind of trappings, the cosmetic appearances of modern functioning democracy laid over the top. When you look back over the kind of 800-plus years of Jersey's independence, as it were, there has only been one period in that entire time when the ruling elite of the day, the ruling oligarchy were not completely in control, and that was during the Nazi occupation. Frankly, even then things seemed to rub along quite nicely for the local barons and lawyers and landowners. So when you are faced with a kind of major crisis in public administration you are looking at something that can shatter the illusion, and it is an illusion, it is a carefully crafted illusion held by many people in Jersey, via the local media and indeed we have seen that very strongly evidenced in the way the BDO report was handled and presented to the media locally and nationally. There was a very powerful vested interest in depicting a fictitious view of Jersey's public administration to the population and obviously if that bubble were pricked, as it were, if reality dawned on many people in Jersey then they would probably be looking, like people do in functioning democracies, they would be looking to change their government. They would be saying: "We have had enough of this failure, this malfeasance, these grotesque failings towards vulnerable people, these cover-ups, this ethical bankruptcy, we have had enough of it and we want this lot voted out and we want a new Government" and of course those who are in power in Jersey, who have always been in power, desperately do not want that to happen. So to them it is more important by miles to maintain the veneer of respectability than it is to do what is right.

Deputy T.M. Pitman:

Can I ask you, I mean obviously you were a politician for 20 years at the end of the day, with these external agencies and these investigations, what is the legal and constitutional status of them? What do they hold? How are they justified? Does that make sense, that question?

Mr. S. Syvret:

At the moment, generally speaking, unless the inquiry is given powers by the States as such, it is a States committee of inquiry, then effectively they are merely the creature, as it were, of whichever department has employed them. If there is any kind of legal, political accountability then that would merely be in a generic term via the Minister

back to the States Assembly, so effectively the people doing ... it is the Minister who is responsible basically and especially so when these people are employed and they are being paid out of the department's budget to produce a report. I mean I can give you another good example while I think of it of how toxic and basically corrupt these proceedings are. Cast your mind back to the tragic death of a patient that occurred in the hospital. Now there was eventually an external inquiry into that. That inquiry both I and then Deputy Bob Hill made a tremendous fuss about that process. We wanted a proper judicially empowered independent public inquiry into what had gone wrong and the powers that be, the Minister, wanted to employ Verita. Now I have no doubt at all that the resultant report would have been your textbook whitewash. A few recommendations here and there, a bit of room for improvement but broadly everything in the garden is rosy, that is what it would have said. The report ended up being better than that but only because of, frankly, the microscopic scrutiny the process was placed under before it began by me and by Bob Hill. If you cast your mind back to that investigation being commissioned by the Minister for Health and Social Services and others at the time there were assurances even given in the States that it was the Minister only who had negotiated the terms of reference and the relevant potentially culpable senior civil servants had nothing to do with it. That was later exposed to be a complete lie. It was in fact the very senior civil servants, the very people who are culpable for the structural managerial failure that led to the disaster who had written the terms of reference and moreover when the terms of reference were released to the public they were not the same as the real full terms of reference. A part of the terms of reference that were agreed with Verita were excluded from those which were made public. The confidential, as it were, the private, terms of reference said that there would be no disciplinary investigations; there will be no kind of disciplinary consequences from this report. They will not look into any disciplinary matters. Now of course that was what the very culpable civil servants responsible for the disaster in the first place worked into that commissioning of this external report and they were the people who were to blame for it. I was the Minister for Health and Social Services in charge at that time and this is a very relevant and very useful analogy to what you are investigating. I was not aware of the true facts, I was told, as indeed I was in a lot of other areas, not least child protection, I was routinely told a load of complete lies by senior managers and very often very important things which one should have been told were simply never mentioned. One was kept in a state of ignorance and that was true of the true facts and the background of the tragic death of the patient. I only discovered the truth of what had happened after I had been dismissed from office over the child protection fuss. I discovered the truth of what had happened in the patient death case probably December 2007, January 2008 and when I discovered that truth, from a couple of different well-placed whistleblowers and I got some bits and pieces of evidence given to me too, it became very much crystal clear to me that what had occurred was in fact corporate manslaughter. I know the locum was prosecuted. That was a whole miscarriage of justice and that was yet another example of the politicised decisions of Jersey's prosecution function. I contacted the police and said: "Look, this information, this evidence, has come into my possession" and sadly I have got to say that this was a corporate manslaughter. This was a grotesque, reckless, structural failure by the department and a number of senior officers, but by that time the Attorney General's office had already decided they were going to prosecute the locum, she was a foreigner, a woman and disposable, and they were going to protect the department so the department was not prosecuted.

Deputy T.M. Pitman:

Can we move on to how that filters into the BDO review itself and your concerns?

The Deputy of St. Mary:

Sorry, can I just ask a couple of clearing up questions, because at the outset you lumped all external reports in together and I think it might be useful to clarify that there might be some that are genuinely commissioned, like the sewage strategy, some engineer has got to come and tell us where to put the pumps and so on so I just want you to refine that a bit as to whether there is a distinction between the BDO-type of report in the sense that you are saying and other reports that might be where there is a gap in expertise and on a small Island that is what you do.

Mr. S. Syvret:

Absolutely. I am not for one instant suggesting that external scrutiny and external reports and external expertise should not be used. On the contrary, the brutal reality is that a small community like Jersey dealing with the kind of complexities of a modern society, the way we are currently structured in terms of governance and so on is, to be perfectly blunt, simply not capable of governing the Island. The Island's entire systems of governance do not work to the good of the community. It is simply not capable, it is lost, it is all at sea. It is a disaster, a disaster zone. So absolutely the Island does have to use and bring in external consultants. The key factor though has to be the governance and the objectivity and the honesty and the transparency of the commissioning and the use of those external consultants and one of the things that structurally has to change and I would make this recommendation is that departments and indeed non-executive departments like the Law Officers' Department and we will maybe come on to them in a moment, departments of the States should not be allowed to commission their own external experts when it is something like this, when an investigation has to take place. I am not totally sure what the ideal mechanism would be, but it certainly should involve the relevant scrutiny panels. Whenever a department or frankly a scrutiny panel feels that there is some issue that is too complex or some problem that has gone wrong that needs investigating into there should be an absolute procedure, States procedure, whereby the relevant scrutiny panels and the relevant executive departments sit down and discuss in public in this kind of forum the commissioning and terms of reference and the reporting lines are worked out and agreed as a publicly available document, a publicly available decision so that anybody, any person who is commissioned externally, any experts, whatever, to review anything like this knows perfectly well that they are producing a report that will be, barring confidentiality and so on, a public document and that effectively they are reporting on behalf of the States of Jersey and that their job is to do that which is right, honest and professional and that they are not being employed to say what their paymasters want them to say. So there has to be that kind of governance structure put in place.

Deputy T.M. Pitman:

In terms of specifics and with BDO because obviously this is why ...

The Deputy of St. Mary:

I have another sort of back general ... because that was very useful, that was a very clear statement. The other point that you raised was that Verita, for instance, there

was additional terms of reference that were below the line about not being disciplinary and so on. There is an issue there though, is there not, around what Graham Power was talking about, inquiries that are there to improve performance, that are there on an open basis, and inquiries that are disciplinary inquiries where it is a completely different ballgame of things written down, depositions and all the rest. So how do you address that conflict in saying: “Okay, you have to put it right” but there is a conflict between putting it right and saying that so-and-so is to blame. There is a conflict because they do not work the same, those 2 kinds of inquiries.

Mr. S. Syvret:

You are absolutely right, although there will inevitably be in many cases an overlap between the 2 and an external review into some issue, some policy failure or something may inevitably turn up and touch upon potential disciplinary questions and there needs to also then be some kind of external and independent disciplinary process. This is one of the fundamental recommendations I would make to the panel and I think this is one of the most clear-cut things that has gone catastrophically wrong, the public good, from Jersey’s public administration, is that in a small place like Jersey with such a large public sector workforce all of who, certainly the senior players who know each other intimately, they are friends and even if they are not friends they are kind of brought up as it were within the established *Omertá* of Jersey’s public sector, the kind of unwritten code, as it were, that it is not the done thing to make life difficult for your colleagues. So you have to stand back from that and look at that and say is it realistic, is it credible, really, to expect the States of Jersey H.R. (Human Resources) function, headed up by the Chief Executive who works on a day-to-day basis with people who will be friends, Chief Officers and Deputy Chief Officers, is it really credible to expect that structure to be capable of maintaining proper, robust disciplinary standards within the civil service and within the public sector? I put it to you that the answer to that question is plainly not. Plainly not and you have to look at what happened to me as the Minister for Health and Social Services to see that. It is absolutely clear that there were many public sector employees at that time, both former and current, who were grossly incompetent, unemployable in many cases in frankly anything, let alone the fields in which they were employed in, and plainly many of them were acting in ways that were criminal in terms of conspiracy to pervert the course of justice and misconduct in a public office. The enterprise, for example, that Graham Power described earlier about the civil servants and so on and how they set about engineering my dismissal, that was a criminal enterprise. That was misconduct in a public office and conspiracy to pervert the course of justice. As the relevant public authority I was empowered under the Children (Jersey) Law 1969 with certain statutory duties, absolute obligations, to investigate what I considered to be necessary and to carry out what acts I considered to be necessary to ensure proper standards of child protection. I was doing that, and when the civil servants and others, as has been referred to by Mr. Power, and indeed as the Cabinet then engineered and moved against me to stop me from doing that, they were committing criminal offences. In fact I have here, and I have not submitted this to you yet, but I can do if you want, these are copies of a number of statements that I gave to the States of Jersey Police in early 2008, formal statements of criminal complaint about a number of these issues, including the fact that what the Council of Ministers and senior civil servants did was a criminal enterprise. These reports eventually of course went to the Attorney General’s office and as that office was structurally conflicted of course it was never going to prosecute

any people. The point one has to come back to then is well, in the final analysis you have got vulnerable people, ordinary members of society who our Government and our public sector are there to serve, supposedly, to serve and to protect. These people have been utterly failed to be protected by that public sector and here is the public authority who is empowered by governance in Jersey to protect them, the person, the Minister who has got legal responsibility to try and make sure that these things get put right and the system works and that public authority is not being actively, unlawfully, undermined and sabotaged by the rest of the structure. Now when you look at things from that perspective, what hope then do the vulnerable victims of this kind of failure in the past and indeed today's victims, what hope do these people have if the entire apparatus, if the entire might of Jersey's system can be mobilised in that way to crush the one person in public authority who is speaking out on their behalf?

Deputy T.M. Pitman:

If I can move you on from that now, that is very useful for the wider context just as to how the BDO took place in the whole historic abuse thing. Could you highlight some specifics with your concerns to the BDO process, how that was done, how it was set up, how it was developed and has got to where we are today? Because that is, at the end of the day, why we are here, not that that is to undermine what you are saying.

Mr. S. Syvret:

Well, as I said the BDO report can only really be understood within the context. I mean if you just looked at the BDO report just as an entirely isolated incident then it may not make a lot of sense, but when seen in the context of the kind of things that Graham Power and Lenny Harper have described, other evidence, other documents you have taken, the context within which it took place was as a part of what I have just described, in fact it was a component and it was merely another step in this general move by Jersey's public authorities, helped very much by the media which is very much a part of the BDO saga and I would like to talk about the media role in a minute, if I may, the media role in rejecting all of this. In fact it is an interesting point, notwithstanding the desperate move to remove me as the Minister for Health and Social Services, they were not able to do it immediately because of the summer recess so I was still in post for a little while so much to their fury I was able to, and this is an interesting point about comparing and contrasting different external investigations, I was able to establish contact with the Howard League for Penal Reform and invite them, and I have emailed to you, you may not have seen it yet, the letter of invitation I sent to them. Now they are an absolutely world-renowned independent organisation with the highest respect and they do not take commissions. They do not get commissioned, they do not take money even, they do their own independent reports and if people write to them and say: "We think there might be something here that we think you might want to look at it" then they consider it and they decide whether they want to review something and look into it. That is what the Howard League did and it was a completely independent report and that report stands in marked contrast to the *Williamson Report* so there were those 2 differing reports, as it were, and the *Howard League Report* in fact endorsed everything that I have been saying and what Simon Bellwood, one of the whistleblowers had been saying, and it stood in marked contrast to the *Williamson Report*. Now if you look at the way the reporting took place of course the publication of the *Howard League Report* was absolutely buried, I think driven off the radar screen pretty much. I think it might

have even coincided with the suspension of Graham Power and the infamous press conference that [the Acting Chief Officer] and [retired D/Superintendent] gave.

Deputy T.M. Pitman:

If I could just come in there, because the media, the trail, is obviously of interest to us, particularly in the fact that whatever the pluses and the negatives of the BDO review as they pointed out they made 9 points I think where they were very praiseworthy of the process and Mr. Harper. Yet none of that ever found its way into the media. How do you see that as feeding into what you are saying? Is that all part of this bigger picture?

The Deputy of St. Mary:

Also the recommendations which is the key to their report, did not get the coverage that the other aspects did.

Mr. S. Syvret:

No, exactly. I mean often when these kind of consultants are employed they know perfectly well what their job is, that they are there to produce something that can be spun and it is then up to the media of course to become part of the apparatus and to make sure that what the experts produce is then spun appropriately to the public. In fact I was up at Channel Television a couple of weeks ago in their foyer and they have a number of these kind of Perspex, plastic awards and things that they have won for different things on display in their reception area and one of them is the award that Channel Television won for what was supposedly an investigative examination of the alleged financial mismanagement of the Haut de la Garenne investigation and I ... this thing caught my eye as I was stood there waiting at the reception desk and I had to struggle not to just burst out laughing in public looking at this. This is simply an act of corruption, this is media corruption, let us not beat about the bush. All Channel Television did was simply cut and paste bits and pieces from the BDO report and largely more, lots of spin doctor press releases prepared by the establishment to make sure that it was presented in a particular way and then condemned in a particular way in a further effort to trash and discredit the historic abuse investigation and one of the most fascinating things about that episode is that Channel Television were quoting verbatim parts of I think it was the BDO report before it had even been published, certain parts were evidence in it. The great probability of course is that evidence, I think it is already established, that [retired D/Superintendent] was leaking evidence to the media, certainly to the national media, so one would have to assume that the probability is that those unlawful leaks, advanced leaks to Channel Television, were occurring via [retired D/Superintendent]. Now there is obviously a very profoundly important matter that arises here and your panel has already discussed this point on several other occasions with Mr. Harper and Mr. Power and others. You had [retired D/Superintendent] leaking internal confidential police information to a national journalist, a national journalist who is internationally recognised as being an apologist, as it were, or somebody who is a known sceptic, a kind of go to person if you want, to try and heap discredit and criticism upon child abuse investigations. Now at the time that that was occurring it is really quite remarkable, you have to bear in mind that at the time that that was occurring [retired D/Superintendent] was the senior police officer in charge of the child abuse investigation. What on earth? What would a senior officer with the responsibility for leading an historic child abuse investigation be doing leaking quite plainly carefully selected, carefully calculated

information, calculated to damage and discredit the investigation? Why would he be leaking such material to a national journalist with a reputation for undermining child abuse investigations? That I think is one of the most stark facts that has emerged in recent months and it is quite remarkable indeed, it ties in very much with your discussion, because at the end of the day we are talking about ordinary people and what gets done to them and the things they suffer and what society has in place to protect ordinary people, and part of that protection is of course the fourth estate, the media, and in democracies we often rely upon the media to expose wrongdoing or what is right. Yet this quite staggering fact about the conduct of [retired D/Superintendent] has been exposed in recent months and I do not think it has been meaningfully reported in any of Jersey's mainstream media at all.

Deputy T.M. Pitman:

If I could ask you, and perhaps it is an unfair question, but in fairness to BDO or any other review that is undertaken, what safeguards, if any, can be put in place to ensure that you or I, we could write a report with the best will in the world, what assurances if any can be put in place that the media are not just going to spin this in whatever form they wish? Is there anything that can be done that you can put forward as a recommendation?

Mr. S. Syvret:

Transparency. As I was saying earlier the commission process has to be given proper governance. Whenever these external reports are commissioned they have got to be done with good governance, they have got to be done in a shared and transparent way so that the body or person being commissioned knows that they are being commissioned to do an objective, professional job and not merely to aid and assist what is broadly a corporate spin doctoring campaign. Governments cannot control what the media say and nor can Governments control or should they control how the media reports things, but nevertheless there are certain basic precautions that Government can take, basically to fulfil transparency and objectivity, to put all the relevant facts on the table. But I think even in the case of Jersey we are not even talking about kind of an accidental grasp of the situation that the media seized and run with. When you look at all of this, the way the BDO report was prepared, the way it was generated and the way it was presented, the way it was published afterwards, this was not merely an accident and the media got the wrong idea in their heads and ran away with it. It is very clear on the evidence that this was structured and designed, targeted and driven and fed to the media in such a way as to ensure that the media was aimed at a particular perspective, a particular angle. One of the crucial things to understand in all of this is that this is an iterative process. I mean people like the authorities in Jersey, when sitting down to discuss: "What are we going to do about this crisis, it is all falling apart and it looks like we have been a bunch of despicable clowns and we have failed" which they clearly had: "what do we need to do about this?" Their first thought is that they need to win the P.R. back, they need to try and con the public that everything in the garden is rosy. So they will sit down with their spin doctors and their spin doctors will then tell them: "What you have got to do is appear that you are taking it seriously and then you have got to commission an independent investigation" and the spin doctors will often sit down with the Ministers and with the senior civil servants and calculate, work out with them, the terms of reference that then need to be given to the external agency in order to pretty much ensure that the report that the external agency comes up with at the end of the day will

meet the purposes and the objectives of the spin doctoring exercise. So it is very much that kind of an iterative process. You can be quite sure that these people, these authorities, if they thought that for one instant there was any danger that an external report commission was really going to rip the middle out and expose all of the failures then it would never be commissioned.

The Deputy of St. Mary:

If you go back to trying to limit, sort of put a little box around and make things smaller or something, and if the commissioning of the BDO report had been absolutely an A1, collaborative, external review, scrutiny, whatever you want and had included, for example, an arrangement between Home Affairs and the police, had included the 2005 debacle around trying to take over the police and so on, so if you included all those issues around how we arranged finance and governance within the police, would you still not have had the possibility that the *J.E.P.* would have taken those bits and put them on the top in the headlines and ignored, even the relationship that is far too difficult for people to understand that in the 2005 law there was a problem, that there is not a police authority, that there is no finance staff under Graham Power's control so that he cannot say: "Half your time goes on Rectangle Police", he cannot do that. None of that was covered at all, but even if it had been the media would still be free to misrepresent it, take it from page 16 and put it on the front page.

Mr. S. Syvret:

Absolutely, that is absolutely correct and there is nothing that you can do to stop that. All that you can do is ...

The Deputy of St. Mary:

In a situation where there is only one print media?

Mr. S. Syvret:

Obviously. I mean to revisit a point I made just a moment ago, I mean what is our concern here? Our concern is the broad good of people in our society and this whole vast edifice of public administration, is it serving that need properly, lawfully, and ethically and effectively? Plainly it is not and why is it failing to do so? What is going wrong with the system? One of the things that has plainly gone wrong with the system here is Jersey's mainstream media. There is a major debate taking place in the United Kingdom at the moment where there is broad consensus between all the main political parties that the whole conduct of the media, the print media in particular, and its relationship to power, lobbying, commercial interests, politicians, spin doctors, it took a particularly disgusting episode to bring it out that probably should have been addressed years ago but finally the whole real, toxic, foul nature of that whole power scene, that whole power structure, is finally beginning to be faced up to and that is in a situation where you at least have a degree of diversity and a degree of checks and balances. You have got competing political parties, for example, you know, Rupert Murdoch does not own all of the national newspapers, there are alternatives to him, there is the *Telegraph*, there is the *Guardian*, and so on. There is the BBC. So in the U.K. there is a degree of media diversity but even there they see that clearly something has gone catastrophically wrong and the whole question of media power and its relationship with those in power has to be addressed. Now in Jersey the situation is vastly worse than that. There is only one newspaper. That newspaper is

effectively in receipt of tens of thousands, I am not sure of the figure, but I think the last figure I saw was maybe £300,000 or something, it is in receipt of a lot of money each year out of the taxpayers' and ratepayers' pockets. Obviously the newspaper has got to keep the politicians sweet to guarantee that it carries on getting that income, which is why you will see basically the *Jersey Evening Post* always depicts and presents the establishment line in things, which is why it depicted the BDO report as it did, and why it always attacks and trashes anyone, any individual, me or Graham Power or Lenny Harper, anyone else for that matter, anyone else who is not on the centre right or the extreme right, anyone who is on the centre ground or on the centre left gets marginalised, victimised by the *Jersey Evening Post* and it is a fundamental problem. You can look back upon the saga of the last couple of years, well the last 4 years but the last couple of years in particular, and the only detailed evidence-based factual reporting there has been of the things that you are discussing today and all the related matters has been by citizens media journalists, on the blogs, people like me and other people have written and published and done citizens journalist work and you could not go to the *Jersey Evening Post* website, even if you had access to the full website, and find the evidence documents and the facts about all of these matters, but you can on the blogs.

Deputy T.M. Pitman:

Obviously you see the blogs as they have grown as part of the checks and balances that have come about on us by default, but what would be useful when we look at the BDO and everything that has gone before, how could we achieve that accountability? Because that is what all this comes down to, the lack of accountability. How do we set about ensuring that that happens in the future?

Mr. S. Syvret:

I am sorry, maybe I digressed when I was speaking earlier about the public sector employee business, but in terms of departmental accountability and making the public sector accountable, I think what you have to establish effectively is an external H.R. board that consists of a number of experts who are not known already to people in Jersey, who are nationally recognised experts and who live and work in the U.K. but who would be employed on a part-time basis, whatever, be commissioners of something, to form a panel that effectively is the overall H.R. panel for the public sector in Jersey. This panel would then have reported to it disciplinary issues, would be responsible for proper, basic ... I am not talking day-to-day management, I am not talking about the management of departments, how it obviously would still be the management here, but in terms of things like discipline, especially at the high levels, among the middle and high-ranking civil servants and others in that kind of position, there has to be an external, objective impartial body that questions of discipline, competence, performance are reported to and it then makes the decisions, it gets empowered to make the decisions. We have, for example, the Comptroller and Auditor General; I am envisaging a similar kind of external agency to that. This agency would not only be for disciplinary, dealing with complaints either. It would also ... I think this body is fundamentally important and I do not think Jersey's public administration can work properly without this kind of body. It is necessary too because these things can cut both ways. It is possible for employees to be victimised and to be marginalised. They too need protection of course. Clearly the problem with Jersey at the moment is the civil service is basically out of control and that is probably an inevitability of the policy vacuum that has arisen as we do not have powerful party

politics, and that is a cultural thing. So the civil servants at the moment are unanswerable to politicians.

Deputy T. M. Pitman:

Are you aware of anywhere else in the world where the type of body you are talking operates because, I suppose, the critics to that would say: "Well, it is a bit difficult, Jersey is autonomous, you know. We pass our own laws et cetera." How could that work? Is it feasible?

Mr. S. Syvret:

It works now with the Comptroller and Auditor General.

The Deputy of St. Mary:

What about the F.P.P. (Fiscal Policy Panel)?

Mr. S. Syvret:

Yes, it may not be something that exists elsewhere and it may not be a common thing but I certainly think it is simply what has to be done. The current arrangements means that Jersey is not capable of governing itself and running proper governance within its public sector under the current arrangements where you have disciplinary issues or issues of confidence and performance going to senior civil servants concerning the person who might be their best mate and they had a dinner party with last Saturday and that they play golf with regularly. It just is not going to work and of course there is a danger that things could swing too far in the other direction and certainly much, much more power needs to be taken from the public sector and put back in the hands of politicians at the moment, but of course it could go too far. You could find senior civil servants being persecuted or pressured in some ways to do things that are wrong or were not proper, or being unfairly blamed and scapegoated, thrown to the media and the public, as it were, as a sacrificial lamb for the mistakes of the politician which would obviously be a danger of going to the opposite extreme of the situation we are in today. You have got to avoid that. I think the kind of external body that would be empowered by decisions of the State, there would be some clear regulatory framework, probably involve amendments of the Public Employees Law or whatever, but some external body of the kind I am suggesting would provide the protection and the safeguards to both sides, both the politicians and the senior employees, and in particular it would provide protection to the public that there were proper standards of governance and accountability among the senior ranks of the public sector.

Deputy T. M. Pitman:

Can I take you back to what you were saying about the terms of reference and the dangers which I think is something the Panel includes about the danger of people almost who are going to be investigating and setting up their own terms of reference? Is that something where you feel that we almost need to go to this external body or perhaps terms of reference should come before the States every time? Perhaps it should be a States decision.

Mr. S. Syvret:

For the individual ... for the scrutiny of ...

Deputy T. M. Pitman:

No, you are okay.

Mr. S. Syvret:

For external scrutiny of particular issues, as it were, perhaps yes, it would depend upon the nature and the scale of the issue to be inquired into. Certainly I think that when, say, the relevant Scrutiny Panels and the relevant executive departments agreed between them to commission a review or an investigation into some area could certainly be notified to the States. There should be a formal notification at the very least. Now not all reviews, of course, are necessarily huge or dramatic issues and you would not necessarily want to have a situation where the States has to get bogged down with debating every single review, external inquiry that might get put in place. So it is a case of calling a kind of yardstick, a set of criteria whereby it is okay for Scrutiny and the executive departments to agree between them they are going to do this and they have notified the States or when it gets to where certain other factors involved that trigger the requirement for them to bring a proposal to the States to agree terms of reference.

Deputy T. M. Pitman:

No, no, that has answered what I was going to ask.

Mr. S. Syvret:

Speaking of terms of reference, obviously there is going to be a lot of issues that you will not be looking into but this has a bearing obviously and will be the committee of inquiry, which again I think you have discussed before. This was something of course ... going back to how the whole issue began was in July 2007. I said I was going to commission an independent external investigation and that was going to be inquiring into what was already quite clearly a powerfully evidenced catalogue of child protection failures by Jersey's public sector and here we are all these years and all this chaos and lawless bedlam down the road and still there is no meaningful external inquiry into the whole overall failure of what has happened and what has gone wrong, so badly wrong with Jersey's public sector standards and governance here. If I am asked do I have any faith at all that the committee of inquiry the States thrust on to the Council of Ministers is going to work? No, I do not, and I will explain why and come on to the Law Officers functions, because that is of relevance to your terms of reference. This is not to criticise those States Members who brought forward the committee of inquiry proposal. It was good that it was debated and that the States agreed it, but let us face it, I mean, again there has been an external consultant, Beresford(?) I think, employed to help draw up the terms of reference and those terms of reference are being mulled over by the executive, the Council of Ministers, and they are being mulled over by the Law Officers Department and the Attorney General, and they might then eventually ... though frankly I would not be at all surprised given the election result now and the current make up of the Assembly which has moved, I would say, generally more to the right, more back to the conservative ground, it is entirely feasible that the decision will be overturned and there will not be a committee of inquiry, but even, frankly, if that did not happen ... and it is impossible to see that the States agree a meaningful terms of reference and commissioning the necessary people, people who will really get their teeth into this and I have to say I do not see now how a committee of inquiry could address these issues. To give you an example, another external review which we have not touched upon, that is the *Carswell Review*,

and again chaired by a number of local people sitting on this Panel, chaired by Lord Carswell, again another one of these figures who people genuflect to. They are regarded as being a very high learned, knowledgeable person whose opinions and views we are supposed to defer to and accept what they say. If they put their name to X, Y, Z, then that must be right. That review while it did recommend - it could not really do anything else, let us face it - a separation of powers in respect of the Bailiff and the Speaker of the States, by far the bigger issue that was on that Panel's desk was the prosecution function in Jersey and that, although I have not talked about it much so far, is the thing that is at the core of all these issues, the prosecution function, and the *Carswell Review* recommended that the office of Attorney General could stay as it was. That is patently a ridiculous conclusion and you do not have to take my word for that. You can simply do the most basic research of established administrative law, English case law, case law on administrative standards to see, for example, such established principles as a public authority exercising their discretionary power when they are carrying out their statutory duties - for example, in this case a prosecution function - that for the decisions to be lawful, the public authority cannot be conflicted. Does, structurally, the office of Attorney General meet that test in Jersey? No, it does not. It is not lawful. It is simply not lawful and that is at the heart of a lot of the things that have gone wrong these years. You have the office of Attorney General basically being ... that is the Law Officers' Department being the body that gives the day to day, week to week legal advice to these departments like the Health and Social Services Department, Home Affairs Department, the Chief Minister's Department and then doing all that one day and telling them what they must do and not do and what they must say and not say and generally helping them and advising them how to get out of their mess, and then they go back to their office in the Law Officers Department and they have gone off and then they get a report from the States of Jersey police landing on their desk saying: "Well, we think Health and Social Services Department should be prosecuted", that there are a number of criminal complaints, very clearly evidenced, powerfully evidenced, a catalogue of failures against the Health and Social Services Department. If they have got a criminal complaint, yes, they should be prosecuted and the Attorney General and these people he works for, these are the same people who have been advising that department. It just is not lawful even if ... and that, frankly, is even leaving out of the equation, bad faith and political bias on the part of the office holders. Even if you assumed good faith and no political bias on the part of the office holders such as Attorney General, Solicitor General and people in the Law Officers Department, structurally are they lawfully capable of making the decisions objectively to prosecute or not? No, they are not and there are victims of that failure such as the victims of child abuse who had a right to have the potential charging of their alleged abusers properly and objectively considered by a non-conflicted prosecution department, and this is their human rights. You have the right to home and family life and things of that nature. There are people who are subject to child abuse, as well as being a direct criminal attack on them, it is also a breach of their human rights. It is a breach of the Human Rights (Jersey) Law, in breach of the E.C.H.R. (European Court of Human Rights).

Deputy T. M. Pitman:

Sorry, if I could interrupt you, obviously you have restated that some of this is much bigger although we fully accept it is fully informs why we are here today. Can you give us your thoughts on how this problem with the Law Officers is, and perhaps you feel that Mr. Power and company were challenging this and that has fed into this, how

this BDO report came about, because again that is why we are here about, specifically the BDO? Can you give us your thoughts on how that may have contributed?

Mr. S. Syvret:

There is no question other than that the actions of Mr. Power and Mr. Harper - being that they were both clearly absolutely straight, impeccably professional, tough, no nonsense, ethical individuals - they were bringing something to the policing function in Jersey which probably the policing function in Jersey has never, ever had in the entire 800 year history of the place, seriously, and that is a policing function as Mr. Power has alluded to, I think, and Mr. Harper as well on several occasions in their evidence. They were bringing to the policing function in Jersey what it should be, an objective policing function that is designed to enforce the law. If that means having to prosecute the Government, having to prosecute the Health and Social Services Department or the Education Department or prosecuting senior civil servants or prosecuting politicians, then that is what they will do and that is what a policing function should do. It is not the job of the police to give a monkey's about how all this might look politically for the Government, and it is absolutely quite wrong indeed for the police force to bear in mind those kinds of considerations. Their job is to enforce law. "Has a Government department been acting criminally?" "Yes." "Okay, we want them charged. We want them prosecuted." It is as simple as that and this has never happened, never happened before. In all both States and honorary policing, the entire history of the policing function in Jersey, there has never, ever been a policing function that has defied the power core in Jersey, the oligarchy, and this absolutely terrified the Jersey establishment, terrified them. One of the reasons it terrified them was because obviously a lot of the things that the police were investigating, Mr. Power and Mr. Harper were investigating, were crimes that had been reported in many ways and on many occasions to the Jersey authorities previously but had been covered up, had been ignored by previous police forces, both States and honorary, and in certain cases had been previously buried by previous Attorney Generals. This potentially was apocalyptic to the very survival and very credibility of the Jersey establishment. So they had to do something, hence the insane disastrous mess that the Island is in today, you know, the panic and the ludicrous megalomania and the errors of judgment that we are seeing on the part of the establishment. It was not only the child protection failures, of course, the prospect of having a police force, as was so infamously described back, I think, it was in 2008, that was not in political control, a police force out of political control. The great fear of that for the Jersey establishment was that suddenly all the other crimes that are customarily buried in Jersey might start getting the lid peeled off them too, for example, it is quite amazing, is it not, Jersey has never had an example of planning corruption. There are only 2 possible explanations for that, either Jersey is filled with people who are entirely unique in the entire history of the human race and we are unique in all of modern society, or it is because planning corruption may well be endemic in Jersey but should never be investigated and prosecuted. I think I know which my money is on, being a rationalist, I think I know what the more rational explanation is, and indeed part of the evidence that you have had submitted to you is in fact ... Mr. Power referred to his affidavit that he prepared for me to assist me in the malicious prosecution mounted against me, and he refers to a particular episode in there where he was basically under ... he was effectively being subjected to attempts to coerce him into not investigating allegations of planning corruption, credible allegations of planning corruption have been put to him. He was absolutely standing

to his professional duty and he was absolutely rejecting these improper pressures and he was saying: “No, these are serious matters. Prosecutions will be for you to decide although at the end of the day, it is a serious matter. It is my job. Let the police investigate it”, and the final words of the Attorney General, [name removed] to him were: “So be it.” A few days later Mr. Power was unlawfully suspended. I explain that because it shows that it was not only just the lid getting ripped off the child protection failures that the authorities were scared of, they were scared, terrified, of the whole concept, this massive culture shock of suddenly an independent police force that was going to start sending dozens of big, fat files on all kinds of cases that should have been prosecuted and these were all suddenly going to start landing on the Attorney General’s desk, and the Attorney General and company were going to have start taking responsibility for not prosecuting them whereas in days gone by the modus operandi of policing in Jersey was merely for the Attorney General and others to have a quiet word in the police chief’s ear and say: “Just forget it. We do not want to do that. Do not bother investigating that, go and do something else instead.”

The Deputy of St. Mary:

Yes, I take a lot out of that and we will see what we make of it but going back, quite a long way, into what you said, I was sort of wrestling with it. I have been wrestling with it for the last half hour but they know what their job is which is to set terms of reference, to call on a certain firm who will produce a spinnable report and the media will then spin it and then, hey presto, you get the results that we saw in the media as a result of BDO. I suppose my question is that when I hear [Chief Officer, Home Affairs] evidence, and he is giving his evidence and he was saying: “Well, I was mainly responsible for the terms of reference and other people worked on it but basically it was me and then BDO and so on, and we discussed it briefly with the Minister”, and I just sort of compare that to Blair with his grid and his massive spin doctor operation with real tough professionals like Campbell who you would not want to share a room with really for long, and then comparing that to Jersey and saying that ... I just to want to see how you think that works, because I am struggling with ... I know the terms of reference were limited in a certain way, I would never have drawn those up and if there had been oversight you would not have had those terms of reference, but I am just wondering how you think that works?

Mr. S. Syvret:

I am not sure I quite get your question.

The Deputy of St. Mary:

I mean, we have got this picture which is plausible of the whole of this bankrupt system of the coalescence of the various offices and they have got this threat, and certainly the establishment is threatened by an independent police force and so forth, and then that cascades down to the Chief Officer of Home Affairs who is asked by the Minister to produce this report, terms of reference ... right, so now you are shaking your head so how do you see it working?

Mr. S. Syvret:

Not necessarily ... maybe by the Minister, maybe not by the Minister. You have to understand that senior civil servants often ... well, in many ministerial cases they get no instruction at all from their Minister. They just do ... that is not necessarily always a criticism of the office. When you look at the average Minister in the States, how

many of them would you say were dynamic in terms of having their own clear cut policy vision, and wrote their own policy papers?

The Deputy of St. Mary:

Well, they were not elected on a clear policy vision, were they, to do that job?

Mr. S. Syvret:

No, I mean, most of them just do what they are told basically. They are nursemaided by their senior civil servants. They rubber stamp whatever is put in front of them. So often, the decisions, as it were, the instructions of the Minister will end up being what the Chief Officer and the Chief Executive and a few other similar colleagues have sat down and worked out beforehand. So they all then devise the terms of reference and they will then go to the Minister and say: "What do you think of this? Can you approve this?", and they will say: "Yes", and that then becomes the Minister's decision. So the senior civil servants are then happy to go off into the sunset saying: "Right, we can do this. We can carry out exactly what we wanted to do. We can achieve our objectives and it is the Minister's decision. It is not our decision. We are only obeying orders."

The Deputy of St. Mary:

All right, so the establishment is located within the civil service and not within the political sphere or is it ... because it could work the other way.

Mr. S. Syvret:

Well, the civil service ... it is the political sphere.

The Deputy of St. Mary:

It could work that Minister's transmit from a central core to offices to ...

Mr. S. Syvret:

It works both ways. I mean, certainly there will be some politicians like maybe ... I mean, Philip Ozouf, for example. He has been the de facto Chief Minister for how many years, and frankly he probably was when Frank Walker was there. We know Frank Walker liked to live under the delusion that he was the boss and in truth he was puppeteered by Philip Ozouf, quite obviously and heavily. But people like Philip Ozouf ... obviously he is quite a Machiavellian schemer, they will be feeding in and giving directions and so forth to policy direction and what the senior civil servants do and say but a lot of the Ministers are passive non-entities, you know, the current Minister for Health and Social Services for example.

Deputy T. M. Pitman:

I have got to really draw this to a conclusion. I know there is a lot you would like to talk about. The question I have got to ask you is obviously best value for money is important. It is something we would all agree about.

Mr. S. Syvret:

Yes.

Deputy T. M. Pitman:

But probably the sadness that everyone concludes who has sat through this review is that here we are discussing those kinds of issues as opposed to some of the things that you have touched on, the vulnerable people.

Mr. S. Syvret:

Yes.

Deputy T. M. Pitman:

Moving forward, and that is not to disregard the past, because I am not one of those people who thinks: "Forget the past, let us just move ahead", but putting a stop to all this, what is your take on that?

Mr. S. Syvret:

As I have already alluded to, the fundamental problem here is that Jersey does not have any effective checks and balances and you want to fix the system, you want to make it cost effective and responsible and lawful and transparent and accountable and all of those good things, then you have got to face up to the fact that existing checks and balances are utterly broken, utterly broken. You only have to look at the conduct of the Jersey authorities in the past 4 years to see that Jersey is in a state of lawless anarchy basically. You know, point to another Western regime that sacked its Minister for Social Services for trying to protect vulnerable children. You have an organisation that is under criminal investigation for such things like corporate child abuse and they solve this problem simply unlawfully suspending the police chief and the prosecution function that would ultimately be responsible for prosecuting any of these malfeasances is the same authority that is advising the politicians and the civil servants to do this stuff. It is not even credible to argue about the matter. It is just that Jersey is a broken, lawless society and this is why the committee of inquiry is never going to work. It will not work because the only thing that can solve this problem is some type of Royal Commission and direct intervention from London. It is the only thing that could get to the bottom of this and the reason I say that is because it is quite clear that if the real facts were uncovered and the evidence proves it was exposed, quite a number of very senior people in Jersey would be charged and prosecuted with offences such as conspiracy to pervert the course of justice, and misconduct from a public office, [Text redacted]

Deputy T. M. Pitman:

We have to be careful there, Mr. Syvret. I fully understand your ...

Mr. S. Syvret:

These are evidenced facts. The evidence is available.

Deputy T. M. Pitman:

But are you then saying the committee of inquiry should not go ahead?

Mr. S. Syvret:

I think it should not go ahead. I do not think it can go ahead because the committee of inquiry is only going to look at lessons to be learnt, what went wrong, what failed, recommendations et cetera. Frankly so catastrophic is the situation that Jersey is in, we are nowhere near yet being ready for that kind of thing. We have to be quite clear about something here, what was done to Graham Power and what was done to me

were criminal offences. These were conspiracies to pervert the course of justice. The actions taken against Graham Power and the actions taken against me were conspiracies to pervert the course of justice and misconduct from a public office. These were criminal enterprises engaged in by the very highest of Jersey's public authorities, criminal enterprises against the public good, against the rights of ordinary, weak, vulnerable people. Now can that ever get fixed with an internal committee of inquiry? No, it is such a mess that only intervention by London ... and I can give you an example of that. [Text redacted]

Deputy T. M. Pitman:

We really have to end that now, Mr. Syvret.

[Text redacted]

Deputy T. M. Pitman:

I understand your feelings and but I have to take into consideration third parties but because of where we are, they will get no chance to respond to that so I am sure you do accept that, and that is not to undermine what you are saying. Given the time, is there anything that you want to finish on, and I know that there is much more that you would like to say but ...

Mr. S. Syvret:

Indeed. The fundamental problem, I think, that the vulnerable people in Jersey have is that there is this profoundly dysfunctional prosecution system. The Office of Attorney General is the core problem really. It is the cancer at the heart of all of this, and the other great problem ... it is a twinned pronged problem that Jersey has, the ordinary people of Jersey have, one is the office of Attorney General. It is a toxic, cancerous entity that cannot do its job properly and the other is the local mainstream media.

Deputy T. M. Pitman:

Okay.

Mr. S. Syvret:

The performance of the media has been catastrophic and we see this particularly in the way the BDO report was derived, how it was presented. There is one reporter here at the moment, the reporter from Jersey's only newspaper left, shortly after I began speaking. You simply could not ... and even the BBC in Jersey has utterly failed and has gone native. They had former [Chef Minister] on live radio the Sunday before the Island's general election. This is one of the senior establishment political figures, giving all kinds of prejudicial political commentary and remarks the day before the election. I mean, if that had occurred in the U.K., the Director General of the BBC would have to resign.

Deputy T. M. Pitman:

Okay. We are going to have to end it there.

Mr. S. Syvret:

Well, can I just conclude?

Deputy T. M. Pitman:

Go on then but please do not make ... and I know you spread the feeling, but remember those third parties are not going to get the chance to respond and we do not want that to undermine the report at the end of the day.

Mr. S. Syvret:

Well, I am sure they could always call upon the Panel too. They could appear if they wish to or whatever. They do have a right to appear before the Panel but we have to remember that this is not just a political spat when we are talking about politicians arguing here about the performance of the media and so on. As I was saying before Channel Television has these Perspex awards sat in their foyer for supposedly a piece of investigative journalism that is nothing more than a cut and paste fit up job and it is not just a political argument. There are actual real, living, breathing victims out there. People who were failed as children and who since have been failed again and again and again by Jersey's public administration and failed by the media too, and the failure of the media in Jersey is catastrophic and the media is absolutely a part of Jersey's political establishment. It is absolutely a key part of the source of power and it is not difficult, much like the child abuse cases, when many of these things came to my attention, it was ordinary people, my former constituents, the victims of this stuff, were bringing these things to my attention as likewise other victims of crime too, [text redacted]

Deputy T. M. Pitman:

I think we are going to have to end it there to be fair.

Mr. S. Syvret:

[Text redacted]

Deputy T. M. Pitman:

Can we cut it there please? I understand your feelings totally but I do have to try and stick within our ...

Mr. S. Syvret:

[Text redacted]

Deputy T. M. Pitman:

We will end it there, please, gentlemen and ladies. I thank everyone for attending and thank you for giving your evidence, Mr. Syvret.