

In December 1985, the first Management Inquiry took place. It was Chaired by Don Thomas, Senior Children's Homes Officer, who was assisted by Pat Salter; a Children's Homes Officer, and Pauline Lawrence, Personnel Officer. However, Mother and Father of LA-A26 complained that there were no black members on the Inquiry Team, and the Director of Social Services decided to set up an alternative Inquiry Team with Ms Williams as Chair, and Josie Durrant.

Karen Ellison, Principal Officer, Personnel and Training (DMS), and Phil Sealey, Race Relations Adviser. The Inquiry Team considered the findings of the first Inquiry Team, relevant background information, and statements from Ivy House staff, Ann Worthington, LA-A26's Social Worker, and LA-F12. The Inquiry took place over 14 days, including a day spent at Ivy House.

Ms Williams said that LA-A26 is a 15 year old black girl, who is said to have a mental age of a 3 year old. The nature of the abuse as presented to the Inquiry Team was that of oral sexual interference.

On 6th December 1985, Mother of LA-A26 was invited to a coffee morning at Ivy House, a Children's Home providing respite care for mentally handicapped children. On her return home, Mother of LA-A26 told LA-A26 she had been to Ivy House and had seen her bedroom. LA-A26 became very distressed, and touched her vagina and mouth saying "cush-cush" (the family name for vagina). At first Mother of LA-A26 ignored LA-A26, but she kept repeating words and phrases such as LA-F12, "Ivy House", "Cockalock" (family name for penis), "LA-F12 in bathroom", "suck it, LA-A26, suck it", "LA-F12 in mouth". Mother and Father of LA-A26 were very distressed and made a complaint.

Ms Williams added that LA-A26 had stayed at Ivy House on two occasions in 1984, and 8 times in 1985, for up to a week at a time.

Ms Williams said that Mother and Father of LA-A26 reported the incident to Ms Worthington, who interviewed LA-A26 alone. LA-A26 repeated what she had said to her mother. Ms Worthington reported this to senior members of staff and it was then reported to the police. LA-A26 was seen by the police and then examined by a police doctor. No evidence was found, but because the nature of the abuse was oral intercourse, it was impossible to prove.

Ms Williams said that the Inquiry Team had interviewed David Pope, Assistant Director, as he was the first senior officer to be informed. They also interviewed Don Thomas and Pat Salter, who both have responsibility for Ivy House, Ann Worthington and Ann Bannister a play therapist. Ms Worthington had put the family in touch with Ms Bannister as LA-A26's behaviour had become excessively disturbed.

Ms Williams went on to say that Inquiry Team had also interviewed the Officer-in-Charge at Ivy House, the staff member LA-F12 and other members of staff. They had also received a report from Ann Bannister. Ms Bannister is qualified as a Social Worker, and is qualified in drama therapy. She spent 6 years as a probation officer and five years as a Specialist in Child Abuse for the NSPCC. She has also made a study of Child Sexual Abuse in the U.K. and U.S.A. Ms Williams said that Ms Bannister would appear as a witness and would provide a written presentation and a verbal report, and would report the findings of the art therapist, who examined LA-A26's drawings of Ivy House, her home, school and LA-A26 herself.

In conclusion, Ms Williams said it was the belief of the management team that [LA-A26] had suffered sexual abuse on more than one occasion at Ivy House, committed by [LA-F12]

Defence

Mr Williams said he felt it his duty to bring to the attention of the Panel a number of cases highlighting the importance of the burden of proof. He cited a case of Hampshire County Council and quoted a number of passages relating to the burden of proof, and said his submission was that the Panel could not find [LA-F12] guilty unless they were convinced of his guilt.

Mr Williams said it was not part of his task to argue that sexual abuse had not taken place, but the question the Panel had to decide was whether or not [LA-F12] was guilty of the allegation.

He felt the Panel may be satisfied that sexual abuse had taken place, and they may be satisfied that it took place at Ivy House. He did not believe, however, that the Panel could be satisfied that [LA-F12] committed the sexual abuse. He said he did not believe the Panel could come to that conclusion because:

- a) there was no evidence
- b) there was no medical evidence
- c) there was no evidence from staff at Ivy House.

Some of the staff admitted that all things were possible, but did not see how it was possible. Mr Williams said that he did not feel that possibility was part of the tribunal - the Panel had to be convinced that [LA-F12] was guilty.

Mr Williams reminded the Panel that after two lengthy interviews, the Police had not found any evidence against [LA-F12]

Mr Williams said that the Management Team had presented hearsay evidence - whilst he agreed it was admissible at a Disciplinary Hearing, he felt the weight attached to such evidence was questionable. He added that second hand hearsay had also been presented to the Panel - for example, what [LA-A26] allegedly said to her mother is double hearsay. He reminded the Panel that there was no evidence other than hearsay.

Mr Williams added that the more serious the allegation, the more careful the Panel would have to be in making their decision.

Mr Williams said the Panel had heard about the changes in [LA-A26]'s behaviour. He recalled that one member of staff from Ivy House had said that she had noticed no change in [LA-A26]'s behaviour. What evidence was there of changes in her behaviour but hearsay from the management team.

He added that the management team had said they had no doubt that [LA-F12] was guilty - that was improper, as it is not their decision but the Panel's.

Mr Williams said that as far as Ms Bannister's evidence was concerned - she had said that Ivy House was the most likely place that the abuse occurred, not, as Ms Williams had said, the certain place of abuse.