

THE DELIBERATIONS OF THE PANEL

The Panel examined the plans of Ivy House.

Ms McDonald said she found it difficult to believe the workers who had stated that it was impossible to be alone with a child for a substantial period of time. If, for example, the waking night duty staff was in the kitchen, would they be able to hear anything at the other side of the house?

Mr Smith, if it were to have happened, the offender would have had to take LA-A26 to the nearest bathroom. Mr Smith felt that it was possible that if he had LA-A26 alone for, say, 15 minutes, the offence could be committed, but the risk of detection was incredibly high.

Ms Symes said that she felt the staff would have to be fairly vigilant because of the nature of the children's mental handicap, especially if some were epileptic. She recalled that one member of staff had said that the children were checked every 15 minutes.

Ms McDonald said that one member of staff had said that everything could be heard at night.

Mr Smith voiced his concern - that the level of detection was so high, and although the person might be quiet, would they be able to guarantee the child not making any noise.

Ms Symes said that the Panel had heard that LA-A26 liked to be alone in the bathroom. Dr Wing said that initially LA-A26 might have enjoyed the sexual activity. However, the point at which she might have ceased to enjoy it could not have been assessed by the abuser and it would then be likely that LA-A26 would have become distressed and made a noise, making detection more likely.

Mr Smith said that he felt that the management case had proved that abuse was possible at Ivy House, but he still felt it was highly improbable.

Ms Symes wondered about the possibility of the staff colluding.

Both Ms McDonald and Mr Smith felt the staff were not colluding. Ms McDonald felt that the staff simply didn't want to believe it was possible - and obviously felt some concern after their own reputations. However, she felt that the submissions of some of the members of staff were very inconsistent.

Mr Smith said he felt that management's case for LA-A26 having suffered sexual abuse was very good.

Ms McDonald felt it was very probable that the abuse took place at Ivy House.

Mr Smith disagreed - he felt it highly unlikely. He added that in his opinion there was far more proof of the abuse than where it took place.

Ms Symes said that since fellatio is alleged to have been a major activity in the abuse, she felt it was likely that the perpetrator would have ejaculated into his trousers, which he would then have to change, and if he ejaculated into his hanky, he would have to dispose of it - possibly minor points but all adding to the risk of being detected.

Ms McDonald did not feel that this was a relevant issue.

Mr Smith felt that it was another risk factor, but he felt that the Panel ought to consider the questions in a logical order.

All members of the Panel agreed that [LA-A26] was very likely to have been sexually abused.

Mr Smith said that Ivy House elicited a bad reaction from [LA-A26] - could that have been caused by something bad having happened at Ivy House? If [LA-F12] was the person who had carried and restrained her when she had a tantrum, she might associate that with him and Ivy House.

Ms Symes said that she was uncomfortable about the fact that [LA-F12] guilt might rest on [LA-A26] seeing him as a figure of authority who might have had to restrain her.

Mr Smith asked whether, if [LA-F12] planned to sexually abuse [LA-A26], he might not have spent some time being nice to her and gaining her trust.

Ms McDonald noted that [LA-F12] testified that he had never had much to do with [LA-A26]. However, other staff had said she had thrown her arms round him.

Mr Smith said that only [Name Redacted], [LA-A26]'s keyworker, had said that [LA-A26] could be affectionate, and was the only person to say that she saw [LA-A26] being affectionate to [LA-F12].

Ms McDonald said that she felt it was important that [LA-F12] was seen as an authority figure by [LA-A26] as such a person is a key figure in child sexual abuse cases.

Ms Symes also recalled that Dr Wing said that autistic children are able to recognise authority figures.

Ms McDonald said she felt that the idea of the abuse being progressive was very plausible - [LA-A26] may have colluded initially if she found it enjoyable, and thus not made a lot of noise, etc.

Mr Smith felt that there was still a possibility in his mind that the abuse could have occurred at home. He felt that the management had not investigated the alternative places very fully. Mr Smith was also aware that [Mother of LA-A26] figured very largely but [Father of LA-A26] remained a more distant figure.

Ms Symes said however, that according to Ms Bannister, [LA-A26] didn't give a bad reaction to home.

Mr Smith noted that [LA-A26] did not specify who [LA-F12] was.

Mr Symes also noted that [LA-A26] didn't specify '[LA-F12]' in the context of home or school.

Ms McDonald felt it was far more likely that the abuse occurred at Ivy House than at home or school.

Mr Smith felt that possibility was quite clear, but he was less convinced of the probability.