

<p>1 Friday, 26 October 2018 2 (9.30 am) 3 THE CHAIR: Good morning, everyone. Here we are on the 4 final day of this public hearing. Mr Sadd? 5 MR SADD: Good morning, chair, and good morning, members of 6 the panel. We start the day with hearing evidence from 7 P16. 8 WITNESS P16 (sworn) 9 Examination by MR SADD 10 MR SADD: Good morning, P16. 11 A. Morning. 12 Q. This morning we are going to go together through your 13 account, and that account is taken from the statement 14 that you provided to the inquiry. That statement has at 15 the end of it a signature and a date. 16 You have looked at your statement? 17 A. Yes. 18 Q. You have seen that signature and that date? 19 A. Yes. 20 Q. That's your signature and your writing for the date; is 21 that right? 22 A. That's correct. 23 Q. At the time that you signed it, were you content that it 24 set out your experience as best you can remember it? 25 A. Yes.</p> <p style="text-align: center;">Page 1</p>	<p>1 Q. I think there is one correction that you would like to 2 make, and it is in relation to paragraph 44. Do you 3 have paragraph 44? 4 A. Yes. 5 Q. You say: 6 "In my social care files, there is a witness 7 statement which I made when I was prosecuted. I was 8 charged with 9 counts of gross indecency ..." 9 I think you want to change that or you're not 10 entirely sure of the -- 11 A. Yes, I believe it's four counts of indecency and one 12 count of buggery. 13 Q. Thank you very much. 14 A. Thank you. 15 Q. The panel, P16, have a copy of your statement, and, as 16 I say, we are going to go through that together. The 17 statement that you have has, every now and then, 18 passages that have been blocked out. I think you 19 understand that process of redaction? 20 A. Yes, I do. 21 Q. It can happen, and it's happened with a handful of 22 witnesses throughout this inquiry, that, quite 23 unintentionally, you may say a name or you may say 24 a reference that ought not to go out to the public, and 25 if that does happen, you will hear me say something</p> <p style="text-align: center;">Page 2</p>
<p>1 like, "Cut the feed". Don't worry if it happens, 2 because it's so easy to do; all right? But just be 3 aware that I may interrupt your evidence as you're in 4 full flow; all right? 5 A. Okay. 6 Q. Know also to take your time, and if at any stage you 7 can't go on or need a break, do let us know. All right? 8 A. Okay. 9 Q. It is important you realise this isn't a test of memory. 10 If I ask you a question that makes no sense, that's my 11 failing, not yours, and ask me to clarify or to repeat 12 the question. All right? 13 A. Okay. 14 Q. Know also, please, P16, to draw the panel's attention to 15 anything I may have overlooked as we are going through 16 things together. 17 A. Okay. 18 Q. What I'm going to start by doing is by reading out 19 a summary of your evidence, and then, after that, we 20 will go through certain points of that. All right? 21 A. Yes. 22 Q. When in care in the children's home some decades ago, 23 P16 was physically and sexually abused by another child. 24 This commenced with physical abuse and progressed to 25 sexual abuse, including rape. This usually happened in</p> <p style="text-align: center;">Page 3</p>	<p>1 a dormitory in the children's home at night. P16 was 2 terrified to call out, as he was worried he'd get 3 battered. 4 P16 also suffered physical abuse by a member of 5 staff at the home. P16 tried reporting the abuse he was 6 suffering from the child in the placement to members of 7 staff, but he felt as if his disclosure was dismissed. 8 He started doing long-distance running in order to get 9 away from the children's home. While he was out 10 running, P16 became the victim of child sexual 11 exploitation. He was given money by men to perform 12 sexual acts in a public toilet he used when out running. 13 He did not believe he was doing anything wrong 14 because of the abuse he had experienced in the 15 children's home. The staff at the children's home 16 became aware of the sexual acts and phoned the police, 17 as a result of which P16 was arrested and charged with 18 multiple counts of gross indecency and of buggery. 19 He was convicted and received a custodial sentence. 20 He was a child when convicted, and he served time in 21 prison. He was released when he was 18. 22 P16, you and I will now go through your statement 23 together. 24 A. Okay. 25 Q. Paragraphs 1 to 4. You provide an account of your</p> <p style="text-align: center;">Page 4</p>

<p>1 family makeup. You explain that you are one of three 2 children. 3 At paragraph 5, you set out how you came to be taken 4 into care, and at paragraphs 6 to 11 you describe how 5 long you were in care and where your placements were. 6 These included placements in a children's home and 7 a foster placement. 8 From paragraph 12 of your statement, you set out the 9 details of the abuse that you suffered whilst you were 10 placed in the children's home, and, as you have just 11 heard, I have summarised that in the extract a moment 12 ago. 13 Then we move, please, to paragraph 34 of your 14 statement, where you describe your efforts to report the 15 abuse at the time. In relation to the child who abused 16 you, you say you were petrified of him. You say he was 17 older than you and that he was a violent and controlling 18 bully. Have I got that right so far? 19 A. Yes. 20 Q. Paragraph 39, please. You say you got close to one of 21 your teachers, who bribed you to stay in school, but you 22 didn't feel you could tell her because "I didn't want to 23 talk about it". P16, are you able to tell the panel why 24 it is you didn't want to talk about the abuse to her, 25 even though you were close to her?</p> <p style="text-align: center;">Page 5</p>	<p>1 A. I didn't think that -- if I told her, she would go back 2 to the home and tell the home and then I'd just be in 3 more trouble from a member of staff. 4 Q. Paragraph 40, please. You there refer to absconding 5 regularly from the home, and at paragraph 41, you refer 6 there to being arrested by the police for activities 7 with older men in public toilets. You say that during 8 your interview with the police, you think you told the 9 police "everything" about the abuse that you had been 10 subjected to at the home, as well as, you say, what had 11 been happening in the public toilets. 12 What was their reaction to you telling them that? 13 A. Nothing. They swept it under the carpet, like the staff 14 did at the home. 15 Q. Indeed, you come on to talk about that, the staff's 16 response, at paragraph 42. You say that when you met 17 with members of staff at the home after the police 18 interview, you remember telling staff members everything 19 that you had told the police. Again, what was the 20 reaction of the staff to what you told them? 21 A. They thought I was bisexual. 22 Q. Do you know if they passed on what you told them to 23 Social Services? 24 A. I believe so. 25 Q. Whilst you were at the home, did you have a social</p> <p style="text-align: center;">Page 6</p>
<p>1 worker? 2 A. I did. 3 Q. Did they visit the home? 4 A. No. When I was interviewed by the police, the social 5 worker didn't ever attend either. 6 Q. In the extract that I read out earlier, I referred to 7 the fact that at the time of your abuse, P16, you 8 started running away from the children's home and became 9 a victim of what would now be described as child sexual 10 exploitation. You were given money to perform sexual 11 acts in a public toilet. You were arrested and charged 12 with multiple counts, as we have heard. You were 13 convicted and received a custodial sentence. You say at 14 paragraph 44 it is clear that staff were aware of 15 the sexual abuse that you suffered at this time. Why, 16 P16, do you say it was clear to them that that is what 17 had happened to you? 18 A. Because that's what was stated at the interview. 19 Q. Do you think they were aware at the time that it was 20 happening in the home, that you were being subjected to 21 sexual abuse? 22 A. I know it was catalogued in my records, but I don't 23 actually know whether it was discussed with the staff. 24 I was referred to as a "troublemaker", so ... 25 Q. Paragraph 45, please. You say that, at the time, the</p> <p style="text-align: center;">Page 7</p>	<p>1 police swept the abuse that happened to you under the 2 carpet. Is there anything more you want to say about 3 that? 4 A. No. 5 Q. As you have just pointed out, you say that 6 Social Services were the same and that they told you to 7 plead guilty. Why do you think they told you to plead 8 guilty? 9 A. I was told that if I pleaded guilty, then I could go 10 home sooner, because I wasn't allowed to go home to my 11 parents until the court case was over, because they 12 deemed that I would run away and not turn up for the 13 court case. 14 Q. We learn later on in your statement, at paragraph 54, 15 that you were prosecuted when older men "paid me to have 16 sex with them in a public toilet when I was only 15 or 17 16"? 18 A. Yes, that's correct. 19 Q. You go on to say, "I can't get my head around it. 20 I never could". That's at paragraph 54. 21 At paragraph 47, please, you tell the inquiry of 22 more recent contact with the police, but you also say at 23 paragraph 47: 24 "... I made my family aware of my history of abuse. 25 When my mum saw an advert for this inquiry into abuse in</p> <p style="text-align: center;">Page 8</p>

<p>1 Nottinghamshire care homes, she gave me the phone number 2 and told me I should call about my experiences. 3 I telephoned the number." 4 And you say: 5 "DC Gary Dodd and a female officer got in touch with 6 me. I think that was in March 2015. I was interviewed 7 by the police concerning the abuse I suffered [when you 8 were at the home]." 9 You say: 10 "I cannot fault DC Dodd, as he was always there to 11 talk to and continually updated me as to the police 12 investigation." 13 A. Yes, that's correct. 14 Q. At paragraphs 51 to 57, you summarise your views of 15 the institutional response. You say that if you made an 16 allegation as a child, you weren't going to be believed. 17 What made you feel that way, P16? 18 A. The staff thought of me as a troublemaker and a liar, so 19 anything that I said wasn't believed. 20 Q. Paragraph 52. You tell the panel again that, when you 21 made an allegation, it was swept under the carpet. What 22 impact did the fact of that have on you? 23 A. I was shocked. He just referred to the fact that, "As 24 for your allegation, it no longer exists" and looked at 25 the file cabinet and chucked it in the file cabinet.</p> <p style="text-align: center;">Page 9</p>	<p>1 Q. Paragraph 53, please, if you are happy to go on -- is 2 that all right? 3 A. Yes. 4 Q. At paragraph 53, you say: 5 "If staff had treated all of the children the same 6 and didn't have favourites, I think I could have 7 reported what was happening to me earlier." 8 At paragraph 54, you say it does not make sense to 9 you that you were punished for having sex with a girl 10 your own age, and she consented, but nobody did anything 11 when you were abused by another child. Why do you think 12 that was? 13 A. I don't actually know. I've never been able to work 14 that out. 15 Q. At paragraph 56, please, you say -- I will go to 55 16 first and just read a part of that: 17 "I feel that being treated as a criminal [as a young 18 person] as opposed to a victim has destroyed my life. 19 Those convictions have followed me round. For a long 20 time, they were mistakenly shared as convictions against 21 children when they weren't. I was the child at the 22 time." 23 You say this: 24 "Even now, the fact that I was sexually abused as 25 a child is used against me. Some people in</p> <p style="text-align: center;">Page 10</p>
<p>1 Social Services seem to assume that because you have 2 been abused, you become an abuser. I have been fighting 3 the ... county council for years because they have 4 deemed me as a possible risk to children due to my 5 previous convictions. When a trainee social worker 6 visited me to assess the risk ..." 7 I ought to read that again: 8 "I have been fighting [redacted] county council for 9 years because they have deemed me as a possible risk to 10 children due to my previous convictions. When a trainee 11 social worker visited me to assess the risk, she 12 informed me: 'The abused often become abusers'. She 13 then asked me to do a timeline of all my life events on 14 an A6 sheet of paper using different-coloured pens. 15 I felt I was being treated like a child. I felt 16 completely disrespected." 17 Are you happy that I read -- 18 A. Yes. 19 Q. -- and then I will ask you a question; is that all 20 right? 21 A. Yes, that's fine. 22 Q. You say at paragraph 57: 23 "I was a victim and I feel like I am now being 24 victimised again and again by the system." 25 P16, you say that even now, and, as you have heard</p> <p style="text-align: center;">Page 11</p>	<p>1 me read out, the fact that you were abused is used 2 against you because your having been abused has led 3 people to deem you as a possible risk to children. What 4 would you like to say about that? 5 A. Some time ago Nottinghamshire Police made a mistake and 6 passed on inaccurate information to another borough of 7 Nottingham, and that information has been shared on my 8 social care records, and that has made me deemed as 9 a possible risk to children because of inaccurate 10 information being shared, and it's still being shared as 11 of today. 12 Q. What impact has the abuse to which you were subjected at 13 the home and the consequences of that had on your life? 14 A. I've been persecuted as an adult and it's prevented me 15 from having a family life. 16 Q. Are you happy for me to go on, or is there anything 17 you'd like to add? 18 A. Yeah, that's fine. 19 Q. As you probably know, P16, the panel are in a position 20 to make recommendations in the light of the evidence it 21 will have heard and received in this investigation. 22 What, in particular, would you want to see come out of 23 this investigation? 24 A. Unfortunately, as a solicitor said to me two weeks ago, 25 information that is written is law, so unfortunately,</p> <p style="text-align: center;">Page 12</p>

<p>1 social care records cannot be changed because they're 2 classed as law, and that's the problem, because 3 inaccurate information has been shared and it's still 4 being shared, but it can't be updated or removed because 5 they class it as law, and that's one of the problems: 6 inaccurate information being shared. They said in 2010 7 the protocol was going to be changed of sharing 8 information. It's not been done.</p> <p>9 Q. Should the panel understand by that that that's 10 something you would like them to look at?</p> <p>11 A. Yes, the sharing of information.</p> <p>12 Q. P16, I know I have done a lot of the reading and the 13 speaking. Are you content that you have been able to 14 say enough?</p> <p>15 A. Yes.</p> <p>16 Q. Is there anything else you would like to add?</p> <p>17 A. No.</p> <p>18 MR SADD: I have got no more questions, you will be relieved 19 to hear, but the panel may do, so if you wait there 20 a moment.</p> <p>21 THE CHAIR: We don't have any questions, but I would like to 22 thank the witness very much for your courage in coming 23 here today to tell us about your experiences. Thank 24 you.</p> <p>25 A. Thank you.</p> <p style="text-align: center;">Page 13</p>	<p>1 MR SADD: Chair, that completes the evidence of P16. 2 (The witness withdrew)</p> <p>3 MR SADD: What is going to happen next, subject to your 4 being satisfied about this, is there is going to be some 5 reading in of evidence. It is going to take about five 6 minutes for everything to be reconfigured. Are you 7 content to remain seated?</p> <p>8 THE CHAIR: Yes, thank you.</p> <p>9 MR LIVINGSTON: Good morning, chair. As indicated in the 10 first week, I am now going to read in the accounts of 11 witnesses that have been provided to the inquiry. These 12 arise from witness statements given to the inquiry.</p> <p>13 Before I do, one quick correction in relation to 14 evidence I read in in the first week is that A79 and L24 15 both made allegations in relation to Beechwood pre 1974 16 and, therefore, their evidence relates to the 17 city council in that respect rather than the 18 county council, which may have come across.</p> <p>19 Extracts of statement of MR MICHAEL SUMMERS (read)</p> <p>20 MR LIVINGSTON: Firstly, chair, the account which I want to 21 read in is from Michael Summers. His account is that he 22 was sexually abused by F73 whilst at Hazelwood and that 23 F73 tried to pull down his trousers and touch his penis. 24 Mr Summers was raped by F51 in F51's car whilst being 25 transported to a remand centre, and F51 also tried to</p> <p style="text-align: center;">Page 14</p>
<p>1 put his penis in Mr Summers' mouth.</p> <p>2 Mr Summers' account is also that he was sexually 3 assaulted by F74 at Aston Hall. In relation to 4 contemporaneous disclosure, he says that he told family, 5 police, Social Services and the NSPCC, but nobody would 6 listen. He says, "I was just a child in care. I was 7 seen as a naughty child. In those days, children in 8 care were meant to be seen and not heard". He reported 9 to Nottinghamshire Police in 2003 and then again in 10 2013. The police investigation in 2003 happened in 11 relation to one alleged perpetrator, but the police 12 could not trace him and so the investigation was closed. 13 A further investigation in 2013 occurred, but the police 14 claimed that these people either did not exist or did 15 not hold the positions in the council that he thought. 16 However, he says that the council has claimed that all 17 records have been destroyed but that a small number have 18 subsequently been found. The CPS declined to prosecute 19 F51.</p> <p>20 Mr Summers believes there is a pattern of denial and 21 coverup between the police, CPS and the council.</p> <p>22 Extracts of statement of WITNESS P11 (read)</p> <p>23 MR LIVINGSTON: Chair, in relation to P11, there are 24 allegations of abuse at Farmlands. P11 alleges that 25 a female member of staff, who was a social worker, tried</p> <p style="text-align: center;">Page 15</p>	<p>1 it on with him and he let it go so far and then they 2 were kissing and she had her breasts out. Another 3 resident came in and saw but then left. They then 4 engaged in mutual masturbation. He told the member of 5 staff who spoke to him and said that she had tried it 6 on.</p> <p>7 In relation to contemporaneous disclosure, P11 says 8 that they disclosed to a member of staff but there is no 9 record of this in the files. P11 recently came forward 10 after hearing of this inquiry and says that in relation 11 to the barriers of disclosure at the time, members of 12 staff would bribe the children not to tell by taking 13 them to the cinema so they couldn't tell social workers.</p> <p>14 Extracts of statement of WITNESS P12 (read)</p> <p>15 MR LIVINGSTON: P12 makes allegations of abuse in relation 16 to Beechwood and Cobblestones. With regard to 17 Beechwood, P12 says that they were raped by 18 Andris Logins twice and were aware that others were also 19 being abused. P12 told the residential social worker at 20 Skegby Hall that she had been abused, but he told her to 21 'Piss off to bed'. P12 more recently contacted the 22 police after Logins had been in court and gave an 23 interview while the proceedings were ongoing.</p> <p>24 In relation to barriers to disclosure regarding 25 sexual abuse, P12 says that she was scared that she</p> <p style="text-align: center;">Page 16</p>

<p>1 would be blamed and didn't think they'd believe her. 2 She said there was nobody she could trust and talk to 3 properly. She didn't really see it as abuse, just 4 something she accepted in life. 5 She says at the time that police and the CPS told 6 her that because Mr Logins had already been sentenced to 7 20 years, they didn't think there was a public interest 8 in pursuing further charges. 9 In P12's perspective on the institutional response, 10 she says that she feels there needs to be 11 accountability. People should put their hands up and 12 say when they have got it wrong and what are they going 13 to do to fix it. Don't hide, don't lie, don't shrink. 14 Extracts of statement of WITNESS D33 (read) 15 MR LIVINGSTON: D33 makes allegations of abuse in relation 16 to Beechwood; says that a member of staff used to sit on 17 the bed while she was on shift. She would ask the 18 resident to touch her vagina, sometimes under her 19 clothing. She would also touch D33's penis, sometimes 20 just fondling, sometimes full masturbation. D33 was 21 physically punished for running away and sometimes 22 stripped naked as a result. 23 Contemporaneously, D33 told his mum about the 24 physical abuse when he ran away, but was too embarrassed 25 to tell her about the sexual abuse. He also told a few</p> <p style="text-align: center;">Page 17</p>	<p>1 social workers and the police, when he ran away, about 2 the physical abuse, but nothing was done. More 3 recently, D33 disclosed sexual abuse when officers 4 called on him out of the blue to discuss his time at 5 Beechwood more recently in 2013/14, but D33 has not 6 heard from the police since disclosing the abuse. 7 In terms of the barriers to contemporaneous 8 disclosure, D33 says that his abuser used to tell him 9 not to tell other staff. She also used to talk to him 10 the following day, saying, "Did you like that?" 11 Another barrier was that staff made children fight 12 each other in boxing rings and D33 says staff were very 13 cruel. 14 In terms of D33's overall perspective, he says, 15 "I lost hope that anyone would help me. I eventually 16 became institutionalised as I felt safer in prison". 17 Extracts of statement of WITNESS D34 (read) 18 MR LIVINGSTON: D34 makes allegations of abuse in relation 19 to Beechwood, saying that after running away he would be 20 made to take his clothes off to stop it happening again. 21 He says that two female members of staff, F265 and F266 22 would pin him down, grab his penis through his clothes, 23 squeeze it and make him sing. They would also dig their 24 nails into his stomach or genitals. It happened to him 25 and a few of the other lads quite a few times. Nobody</p> <p style="text-align: center;">Page 18</p>
<p>1 stopped it. 2 At the time, D34 told the social worker, but she 3 told him to go back to Beechwood because he was remanded 4 there and dismissed his complaints. 5 In terms of the barriers, D34 says that he didn't 6 think it was sexual abuse at the time. He says, "As 7 soon as I arrived at Beechwood, I didn't like it. It 8 was a strange place. From the word go, it was clear 9 that the staff weren't doing anything to protect the 10 children in there". Overall, D34 says, "I think 11 reporting the abuse to my social workers and staff at 12 Beechwood was a waste of time. I thought something 13 would have been done, but nothing ever came of it". 14 Extracts of statement of WITNESS D36 (read) 15 MR LIVINGSTON: D36 makes allegations in relation to 16 Beechwood and foster care, saying that in foster care 17 his foster mother would make him sit next to her and 18 stroke the foster mother on her shins and calves. 19 With regard to Beechwood, one member of staff, an 20 old man, regularly used to watch them in the showers. 21 There was no contemporaneous disclosure and with regard 22 to barriers to disclosure, amongst other things, D36 23 says he did not report the abuse at Beechwood because 24 they used to threaten complainants with an 'unruly' 25 certificate, if they made trouble, which could lead to</p> <p style="text-align: center;">Page 19</p>	<p>1 them being put in the secure unit. D36 reported the 2 physical abuse outside of care to the police 3 in January 2016 and was subsequently approached by the 4 police in relation to this. 5 D36 is unwilling to participate in fresh police 6 inquiries about the abuse outside of care because he was 7 ignored last time. Overall, D36 says, "I knew what was 8 happening to me when I was a child was wrong. It was 9 horrible, but normal life for me". 10 Extracts of statement of WITNESS D37 (read) 11 MR LIVINGSTON: D37 makes allegations of abuse in relation 12 to Beechwood and Brick House. With regard to Beechwood, 13 saying, "At night, members of staff picked out boys to 14 be gagged and shagged". He was forced to masturbate and 15 anally raped by male members of staff on multiple 16 occasions and also forced to participate in masturbation 17 competitions with other boys and members of staff on 18 multiple occasions, saying, "I remember winning one of 19 these. I thought it was great. I thought I'd won 20 something, I'd achieved something. Because of my 21 childhood, I thought this was normal". 22 There was no contemporaneous disclosure and D37 23 says, "The main reason I didn't disclose the abuse was 24 that I didn't realise it was wrong. Even if I had 25 wanted to report the abuse, there was no-one to talk to,</p> <p style="text-align: center;">Page 20</p>

<p>1 and who would have believed me? The staff at Beechwood 2 were members of the community and I was just a kid". 3 More recently, D37 says, "When all this started coming 4 out and I saw Beechwood on TV, everything came back. 5 I fucking fell apart". 6 Overall, D37 say, "The abuse I have suffered has had 7 a catastrophic effect on my life. When I went into 8 Beechwood, the staff should have helped me. Instead, 9 they took advantage of my situation to fulfil their own 10 needs". 11 Extracts of statement of WITNESS D4 (read) 12 MR LIVINGSTON: D4 makes allegations of abuse in relation to 13 Beechwood in the 1990s, saying that he went into a games 14 room, two men came in, who D4 thinks were staff members, 15 saying it was clear from the way they acted that they 16 were operating together. One of them stood in the 17 doorway so that D4 couldn't get out, and another man 18 said, "Welcome to Beechwood", said that D4 is here now 19 and no-one cares about him. The staff member then 20 grabbed D4's hand and put it on his penis over his 21 clothes and told him to suck his penis. D4 did so. D4 22 spoke to other children afterwards about how to get away 23 but was told he never would. His goal was to be 24 somewhere else, even if it was in prison. 25 D4 did not contemporaneously disclose and says,</p> <p style="text-align: center;">Page 21</p>	<p>1 "I didn't think anyone could help me. No-one had ever 2 helped me before. Staff know you have no family and 3 nobody cares about you and there is nobody to turn to. 4 That's why you're there in the first place. You're 5 vulnerable. You've got no family. So who is going to 6 care?". The first person D4 told was an ex-partner, 7 around 10 to 15 years ago. He later started seeing his 8 current partner, who is related to someone involved in 9 a survivors' group, and also met Mickey Summers, who 10 supported D4 to give a report to Operation Daybreak and 11 he gave a video interview. 12 The summary of institutional responses is that D4 13 didn't hear from the police initially, so had to ring to 14 chase them. He was passed from one person to another 15 and an officer eventually rang D4 on New Year's Eve at 16 the end of 2016 to say they couldn't take it further and 17 would be taking no further action. They didn't explain 18 why. 19 Overall, D4 says, "I finally got the courage to 20 speak to the police and they treated me like nothing 21 because of my history and because I come from a bad 22 family. I'm really unhappy with how the police have 23 handled it. Even if there is no news, they should keep 24 me updated". D4 also makes the suggestion that 25 counselling should have been provided by someone who is</p> <p style="text-align: center;">Page 22</p>
<p>1 experienced enough to help him. 2 Extracts of statement of WITNESS P14 (read) 3 MR LIVINGSTON: P14 makes allegations in relation to 4 Beechwood, saying that members of staff would watch her 5 sleeping and watch her undressing and in the bath. 6 A member of staff would tell her where to wash, 7 including washing her private parts -- that's a male 8 member of staff, I should say. 9 In relation to contemporaneous disclosure, P14 says 10 that at Beechwood she told a female member of staff. 11 She does not know if anyone else was told, but the male 12 member of staff told her that no-one would believe her, 13 as she was on the register for suicide watch. More 14 recently, P14 informed the police during an unrelated 15 incident and shortly afterwards told the social worker. 16 In relation to barriers to disclosure, P14 realised 17 very quickly after being placed into care, she says, 18 that if you stood up for yourself, you would be 19 punished. She was made to not feel important and says 20 that if she was taken to a doctor after trying to take 21 her own life, a member of staff from the home would be 22 present in the room, and therefore she would be unable 23 to disclose to medical professionals. 24 P14 says until her recent social worker, 25 Social Services completely let her down, and as for the</p> <p style="text-align: center;">Page 23</p>	<p>1 police, "They did try to get me to report my abuse but 2 I wasn't interested. I don't think there was anything 3 else they could have done, because I wouldn't have 4 engaged with them, regardless of what they did. I think 5 they handled this well. I don't have any real 6 complaints". 7 P14 says overall in relation to Beechwood, "I feel 8 like all the staff were involved in the abuse in one way 9 or another. When I reported my abuse to the staff 10 member, she should have made a formal report and there 11 should have been an investigation. I opened up to her 12 and she let me down". 13 Extracts of statement of WITNESS P15 (read) 14 MR LIVINGSTON: P15 makes allegations in relation to 15 Beechwood and Witherslack Hall. P15 says that with 16 regard to Beechwood, on one occasion he was dragged out 17 of bed by his penis by a member of staff. With regard 18 to Witherslack Hall, he says a member of staff dragged 19 him upstairs, pinned him to the floor and forcibly 20 stripped him until he was naked. He did report the 21 abuse at the time to his social worker, and more 22 recently reported abuse in relation to Beechwood to 23 Operation Daybreak. One of the reasons for not 24 disclosing at the time was that he was scared of getting 25 a bad report at Beechwood.</p> <p style="text-align: center;">Page 24</p>

<p>1 P15 has heard nothing further regarding his 2 disclosure to Operation Daybreak, saying, "I have had 3 very little information from the Nottinghamshire Police 4 and I am very dissatisfied with the communication I have 5 received. I feel that they have been very dismissive of 6 my complaint". P15 also says that he feels very let 7 down by Social Services and the education system. 8 Extracts of statement of WITNESS D42 (read) 9 MR LIVINGSTON: D42 makes allegations of abuse in relation 10 to foster care. D42 was abused by the husband of 11 a relative who was foster caring for D42. This man 12 tried to force D42 to give him oral sex and also 13 sexually assaulted her and attempted to rape her on 14 several occasions. D42 caught a sexually transmitted 15 infection from her abuser when aged 7 or 8. 16 Contemporaneously, D42 disclosed the abuse to 17 another carer, aged 11, after her cousin, who was three 18 years older, also reported abuse by the same person. 19 The alleged perpetrator was acquitted. 20 More recently, D42 reported the abuse to the police, 21 in 2006. She considers that the police investigation 22 was incompetent. The CPS decided not to charge as they 23 said there was not enough evidence. D42 says, "I was 24 really unhappy about this. I feel like I'd wasted my 25 time and had just been fobbed off".</p> <p style="text-align: center;">Page 25</p>	<p>1 In terms of an overall perspective, D42 gives 2 a lengthy account, saying, "I do not understand why 3 a man charged with sexual offences against children was 4 bailed to reside at an address where children were 5 living", in particular when she was a witness against 6 him. She says, "There is a need for independent 7 mechanisms for services and support so there is no 8 conflict of interest, and also a need to safeguard staff 9 who want to whistleblow". D42 says, "I am angry, I am 10 in turmoil and I am disappointed at the way my 11 allegations of abuse have been dealt with. I have to do 12 everything myself and I don't feel I got help from 13 anyone, apart from a specific police officer, 14 Paul Waters". D42 considers that she has never had any 15 proper counselling. In 2016, she was told by 16 counselling services that her issues were too complex 17 and they could not help her. 18 Extracts of statement of WITNESS D44 (read) 19 MR LIVINGSTON: D44 makes allegations of abuse in relation 20 to (inaudible). He was primarily abused by a senior 21 member of staff who would make D44 masturbate him, 22 saying, "I remember the first incident very well. He 23 called me into his office and said he had all the power 24 as he was my mum and dad now. He told me if I wanked 25 him off, he would make sure I went home the next</p> <p style="text-align: center;">Page 26</p>
<p>1 holidays. I really wanted to go home, so I did it". 2 Sometimes the senior member of staff would pay him 50p 3 to masturbate him and £1 if D44 made him ejaculate. 4 On one occasion, D44 was tied naked to a pillar in 5 the showers and whipped by a staff member and another 6 staff member. D44 did not disclose contemporaneously 7 and says, "I have never reported my abuse. I don't 8 trust the authorities. I was abused by someone in 9 authority so why would I report it?" 10 In relation to barriers, D44 says his primary abuser 11 was a senior member of staff. There was no-one there he 12 could approach it to. None of the staff were 13 approachable and there was no interaction between staff 14 and children. When D44 confronted his abuser, his 15 abuser said no-one would believe him. His solution was 16 to keep running away. That's how he coped with it. 17 D44 says, "Everyone just saw me as a bad lad. The 18 police would just treat me like I was a baddun". He 19 also never reported to his parents, saying, "Mum 20 wouldn't have believed me. Dad would have said I was 21 making it up". 22 On D44's perspective on the overall institutional 23 response, he says, "No-one ever asked me why I was 24 running away. They should have known something wasn't 25 right".</p> <p style="text-align: center;">Page 27</p>	<p>1 Extracts of statement of WITNESS D47 (read) 2 MR LIVINGSTON: D47 makes allegations of sexual abuse in 3 relation to The Ridge, foster care and Skegby Hall. 4 With regard to The Ridge, D47 was sexually abused 5 throughout her stay, nearly two years, at The Ridge. 6 Between the ages of 8 and 10, the second night of her 7 stay a member of staff took her into the cellar and 8 digitally penetrated her. This happened every time this 9 member of staff was on night shift. Three times by 10 himself and other times with another member of staff. 11 On the second time, she was vaginally raped. On the 12 third time, she was raped with a vibrator. The other 13 man also used to rape her and force her to perform oral 14 sex. 15 On one occasion, a staff member drove her to this 16 other man's flat. She was tied up and raped at the flat 17 by both men and forced to perform oral sex. 18 At The Ridge, D47 was also sexually abused on one 19 occasion by a female resident aged about 13. This 20 resident came into her bedroom, kissed her on the mouth 21 and then kissed her on the vagina, digitally penetrated 22 her and rubbed her vagina all over D47's face. D47's 23 primary abuser, the staff member, was watching and 24 masturbating. 25 D47 was placed in foster care with relatives at one</p> <p style="text-align: center;">Page 28</p>

<p>1 point and was raped by one of the relative's children 2 who was aged 14. She was aged 13. 3 At Skegby Hall, D47 was raped and sexually assaulted 4 by Mr Marriott and F278. With regard to F278, D47 says 5 that she was initially sexually touched on top of her 6 clothes in class. Then, after that class, was kept back 7 and digitally penetrated. F278 threatened to have her 8 sent to prison if she told. The staff member said, 9 "Try. It's your word against mine". After that, he 10 left her alone for about a month, and he then raped her 11 on three occasions, once anally. He also regularly 12 sexually assaulted her. 13 Mr Marriott was the music teacher. He initially 14 rubbed his penis and stomach on her back and then used 15 to sexually touch her in class. He then raped her three 16 times -- twice vaginally and once anally. He continued 17 to sexually abuse her whenever he could. On the final 18 occasion, this was interrupted by another child. The 19 other child punched Mr Marriott in the face and a few 20 weeks later he disappeared and never came back. D47 was 21 told by staff that he had been arrested for child abuse, 22 but D47 never spoke to the police at that time. 23 In relation to contemporaneous disclosure, D47 says 24 that with regard to The Ridge, she repeatedly tried to 25 tell various adults what was happening "but no-one ever</p> <p style="text-align: center;">Page 29</p>	<p>1 listened or believed me". There are numerous accounts 2 by D47 of contemporaneous disclosures to various 3 different people: the female cook, the kitchen 4 assistant, the female staff member, another female staff 5 member, a social worker, the school nurse and her 6 mother. That's all with regard to The Ridge. 7 With regard to foster care, she told the foster 8 carer about rape by the child and she was called a liar. 9 More recently, when D47 first read about the police 10 investigation, her initial reaction was, no-one believed 11 her before so why would they now? She was eventually 12 persuaded to go to the police, and also rang the 13 Multi-Agency Safeguarding Hub. In relation to barriers 14 to disclosure, her primary abuser at The Ridge was 15 senior and she says that when she tried to tell the 16 cook, "I remember not having the words to describe what 17 was being done to me". In relation to foster care, one 18 foster mother was seriously physically abusive to her 19 and says that she therefore couldn't tell. 20 D47 was regularly described in her records as being 21 preoccupied by sex. She says that the first time she 22 slept with someone was when she was aged 14 and a half. 23 She only did it once. She told a key worker. She said 24 that she didn't like it and wouldn't do it again, but 25 no-one ever spoke to her about whether she was sexually</p> <p style="text-align: center;">Page 30</p>
<p>1 active or talked about consent or asked if the sex was 2 abusive. 3 She says that in relation to the allegations made 4 against F278, F278 was initially due to be prosecuted on 5 seven counts. However, six of the counts were dropped 6 in June 2016, after a forensic psychiatric report was 7 obtained by the police in relation to D47. 8 It was noted that D47 had an exceptionally severe 9 form of dissociative mental disorder which was most 10 likely caused by her abuse. The report said that whilst 11 she had almost certainly been subject to severe sexual 12 abuse in her early childhood, D47 says, "Because of my 13 disorder, my evidence in the criminal proceedings would 14 be unreliable". The CPS came to the conclusion that 15 there was not enough evidence to charge other abusers, 16 one of whom was dead. 17 Overall, D47 believes that she has received no 18 justice because of the psychiatric report. She regrets 19 reporting to the police, as it has not made it any 20 better. 21 D47 says, "I was never believed as a child. I was 22 a child in care that nobody gave a damn about. I find 23 it extraordinary that we are called 'children in care' 24 because my life as a kid taught me nobody cares". 25</p> <p style="text-align: center;">Page 31</p>	<p>1 Extracts of statement of WITNESS D48 (read) 2 MR LIVINGSTON: D48 makes allegations of sexual abuse in 3 relation to Hazelwood by another resident. D48 says 4 that an older boy attempted to rape him in the basement 5 games area and pushed him to the ground. The older boy 6 was then pulled off by a member of staff. After this, 7 D48 was interviewed by a manager, seen by a doctor and 8 the other resident was removed from Hazelwood. This was 9 in the 1970s. 10 D48 says that, as far as he knows, the police were 11 not involved at the time. 12 In relation to barriers, D48 says there was no-one 13 to report to, "Even if I wanted to. I was just 14 suffering in silence. If you did report things, you 15 were put down as a 'grass'. That's not something you 16 wanted to be. You would get picked on and bullied, so 17 I kept it to myself". 18 D48 says, "I have not reported any of this to the 19 police. I don't deal with the police". He believes the 20 older boy should have been reported to the police and 21 sent to prison. He should have had counselling and 22 support. 23 D48 says, "In care, there was no love or compassion. 24 There were no cuddles. I was subjected to bullying and 25 staff didn't seem to care. To them, it was just a paid</p> <p style="text-align: center;">Page 32</p>

<p>1 job. I wasn't given a chance. I just kept myself to 2 myself. There was nobody I could turn to". 3 Extracts of statement of MR DALE DAVEY (read) 4 MR LIVINGSTON: Dale Davey, one of the complainant core 5 participants, makes allegations of sexual abuse in 6 relation to Sycamore House, saying that a female member 7 of staff began by asking Mr Davey to brush her hair. 8 This progressed to asking him for a massage of her head 9 and shoulders and, on one occasion, this member of staff 10 placed Dale's hands on her breasts; on another occasion, 11 she rubbed the inside of his leg. This was in 1973 to 12 1974. In 2014, Mr Davey told a doctor about the abuse 13 he had suffered and in around 2016 told his wife. 14 With regard to reporting the abuse, he had heard 15 stories of others being badly beaten upon reporting 16 abuse. He didn't want to step out of line, as his aim 17 was to get out of Sycamore House. 18 "I never reported the abuse prior to 2014", says 19 Mr Davey, "as I didn't think anyone would believe me and 20 I felt their attitude would be that most boys would love 21 to get that sort of attention from an older woman". 22 Mr Davey says, "I was very happy with the way my doctor 23 handled my disclosure to him in 2014". 24 Extracts of statement of WITNESS D5 (read) 25 MR LIVINGSTON: D5 makes allegations of abuse in relation to</p> <p style="text-align: center;">Page 33</p>	<p>1 Beechwood, saying that, upon arrival, told F29, a member 2 of staff, about the abuse suffered prior to coming into 3 care. D5 was worried that he might be pregnant. F29 4 said that he would have to examine him. F29 put his 5 finger inside D5's anus and touched his penis and 6 testicles. F29 also required D5 to take communal 7 showers. F29 would walk around the showers and lift 8 everyone's testicles to make sure they had cleaned 9 themselves. 10 In 2013, D5 read about Beechwood in The Nottingham 11 Evening Post and was persuaded by a friend to go to the 12 police. He was interviewed by two officers 13 in November 2013 and told them everything. He says that 14 there was a police investigation following that 15 disclosure but he's never been provided with an update. 16 In relation to barriers to disclosure, D5 says that 17 he did not consider F29's actions to be sexual abuse at 18 the time. He also suffered serious physical abuse from 19 staff and participated in organised boxing matches that 20 barred him from disclosing. 21 D5 says, "I feel let down by the police response to 22 my disclosure in November 2013. I also don't think 23 there was enough aftercare or support". He states that 24 police only provided him with details for counselling 25 and D5 had to arrange it for himself. He did not find</p> <p style="text-align: center;">Page 34</p>
<p>1 the counselling helpful and did not think the counsellor 2 was concerned for his welfare, "It did not feel 3 confidential or impartial to me". 4 Extracts of statement of WITNESS D9 (read) 5 MR LIVINGSTON: D9 makes allegations of abuse in relation to 6 Broughton House and foster care. This started just 7 before going into care, when D9 began an abusive 8 relationship with a man in his 30s. This man was very 9 controlling, very violent and raped her. She was scared 10 of him, but she continued to see him when she was at 11 Broughton House and the abuse continued throughout that 12 placement and also when she went into foster care. This 13 was in the early 1990s. 14 D9 says that, on arrival, she told staff at 15 Broughton House about the relationship. In fact, after 16 a positive pregnancy test, nothing was done to report 17 him to the police or move her or him out of the area. 18 She states that nothing was done by Social Services to 19 stop the relationship, even though they met the 20 alleged -- the perpetrator. 21 After a while, social workers said that D9 could 22 stay with the perpetrator, as long as she rang to tell 23 them where she was. It was said that this would cut 24 down on paperwork for the social worker. 25 When the police would come to get her after running</p> <p style="text-align: center;">Page 35</p>	<p>1 away, she reported the physical abuse she was suffering 2 but states that they never took her seriously, and one 3 said, "But you will go back for more". Another officer 4 said that she was a waste of police resources. 5 D9 more recently disclosed to her therapist, who 6 encouraged her to go to the police. She disclosed to 7 the police in 2017. The female police officer made her 8 feel worse. D9 told her she was underage and did not 9 want to have sex with the perpetrator and that he had 10 hit her and he was drunk, but the police officer kept 11 asking, "Did you consent? Did you say no?". D9 says, 12 "She was supposed to be adequately trained, but didn't 13 know how to deal with me, especially when I had a panic 14 attack". D9 was eventually told over the phone by 15 another officer that her abuser was dead and they were 16 closing the investigation. D9 says, in relation to 17 barriers to disclosure, "After being ignored as a child, 18 I shut everything away until 2017". 19 On an overall perspective, D9 says, "The social 20 worker and the care home staff knew of the relationship 21 and did nothing. They should have moved me away from 22 the area or told the police. They did nothing and in 23 fact condoned what was happening to me by telling me 24 that, if I phoned in, they would not report me missing 25 to the police. I thought the police in 2017 would be</p> <p style="text-align: center;">Page 36</p>

<p>1 more sensitive and equipped to deal with my case, but, 2 again, they seemed to suggest I consented to the abuse, 3 which again made me feel it was my fault. I spoke to so 4 many different officers on the phone. There was no 5 consistency or personal contact".</p> <p>6 Extracts of statement of WITNESS L18 (read) 7 MR LIVINGSTON: L18 makes allegations of abuse at Beechwood, 8 Bracken House, Woodnook and Risley Hall. At Beechwood, 9 L18 was forced to masturbate and perform oral sex on F29 10 and was anally raped by him. He was also anally raped 11 by F31 and had to perform oral sex and masturbate him. 12 L18 was anally raped by F54 and had to masturbate him 13 and perform oral sex and was forced to perform oral sex 14 and anally raped by F53. F52 was also forced to perform 15 oral sex and anal rape.</p> <p>16 In relation to Bracken House, L18 was abused by F55 17 and F56 and members of the Round Table. L18 was forced 18 to do sex acts in front of this group. He was anally 19 raped by males in the group and was abused by visitors 20 to the home.</p> <p>21 At Woodnook, L18 was sexually abused by a female 22 member of staff. At Risley Hall, L18 was anally raped 23 and forced to perform oral sex by F222.</p> <p>24 In relation to contemporaneous disclosure, L18 told 25 police, after he ran away from Beechwood, told his</p> <p style="text-align: center;">Page 37</p>	<p>1 mother, told the dinner lady and told his mother in 2 relation to the abuse at Risley Hall.</p> <p>3 L18 was approached by the police in 2000 following 4 disclosures of abuse at Bracken House by another 5 resident. L18 also reported the abuse at Beechwood at 6 the same time. The police approached him again in 2011 7 and he gave an interview. The police investigation in 8 the 1970s led to a conviction of one abuser but the 2011 9 investigation has closed.</p> <p>10 L18 was happy with the police, who he says have kept 11 in fairly regular contact, but says, "After the relief 12 of finally feeling believed, I felt let down that those 13 who are still alive will not be prosecuted for what they 14 did to me. I feel that they have escaped justice for 15 what they did to me and no doubt others".</p> <p>16 Extracts of statement of WITNESS L19 (read) 17 MR LIVINGSTON: L19 gives an account of being taken into 18 a laundry room by F29 and Dent at Beechwood, saying that 19 he was held down by F29 and anally raped by Dent. On 20 the second incident, he was taken to the laundry room by 21 the two men again and they inserted a hose pipe into his 22 anus and turned it on. This was extremely painful.</p> <p>23 L19 contacted the police in 2011, but was referred 24 on to solicitors, even though he says he wanted justice 25 and money was irrelevant.</p> <p style="text-align: center;">Page 38</p>
<p>1 In relation to barriers to disclosure, L19 says, 2 "I spent the rest of my time at Beechwood keeping to the 3 rules. I was petrified that I would be subjected to 4 such horrific pain again. I would try and keep out of 5 the way of F29 and Dent whenever I could and would just 6 hide away in my room. There was certainly no-one to 7 tell in the home. They were the two head people. If 8 they were the two people in charge, who could I tell?"</p> <p>9 L19 also says, "I was amazed by the council's 10 response to my claim. They still denied everything and 11 no charges have been brought by the police".</p> <p>12 Extracts of statement of WITNESS L20 (read) 13 MR LIVINGSTON: L20 gives an account in relation to 14 Beechwood and says, "That night, I was taken to the 15 laundry room after wetting the bed, was told to strip 16 off, grabbed by a staff member and someone else and 17 touched indecently". His anus was digitally penetrated 18 and a member of staff masturbated over him, and this 19 included anal rape on some occasions. He was also 20 penetrated with a large wooden object on one occasion 21 and had his head placed in a bucket of water. F29 put 22 his hands in pyjama bottoms and groped his penis in 23 front of other residents.</p> <p>24 L20 says, "I was threatened if I told anyone 25 I wouldn't be believed because I was a fucking</p> <p style="text-align: center;">Page 39</p>	<p>1 delinquent. I believed them". Who was going to believe 2 a naughty boy from a care home?"</p> <p>3 L20 brought a civil claim which was settled out of 4 court and says that that settlement ended the fight with 5 the defendants, but says, "I feel they have got away 6 with it. Their approach just ground me down to the 7 point where I wasn't strong enough to fight anymore. 8 Their derisory offer gave me a way out and I took it". 9 The police, he says, "have not prosecuted my abusers. 10 I feel let down by them. I thought in light of 11 the number of complaints, that there would be some 12 justice for what I went through".</p> <p>13 Extracts of statement of WITNESS L25 (read) 14 MR LIVINGSTON: L25 gives an account of abuse at Beechwood, 15 saying that he was taken to the cellar, told to strip 16 off and anally raped. A member of staff forced L25 to 17 perform oral sex and he was also raped on other 18 occasions around ten times.</p> <p>19 During L25's second period at Beechwood, he was also 20 abused by a female member of staff, including being 21 forced to digitally penetrate the member of staff. 22 There was one instance of sexual intercourse.</p> <p>23 L25 did not disclose at the time, as he was told by 24 the perpetrator, if he told anyone, he wouldn't be 25 believed, as he was a child in care.</p> <p style="text-align: center;">Page 40</p>

<p>1 In 2006, L25 disclosed to a medical professional. 2 In 2011, his parents told him of the investigation into 3 Beechwood and he gave an interview to police around 4 then. The police investigation is ongoing, but he would 5 like to hear further. 6 In relation to the civil claim, L25 says, "I have no 7 faith in the system or that justice will be done. It 8 would have been much better if the council had said, 'We 9 are listening' without judging me and then conducted 10 a proper investigation without a fight. It just feels 11 to me, however, that they are trying to push everything 12 under the carpet. An apology from the council would 13 mean more than any money. Money will not heal me but an 14 apology would be the start of having a healing process". 15 Extracts of statement of WITNESS L27 (read) 16 MR LIVINGSTON: L27 gives an account of sexual abuse at 17 Beechwood, saying that, with regard to a member of 18 staff, he was forced to perform oral sex on him on 19 around ten occasions in the cellar. A staff member, 20 F363, would take L27 out and would touch and grope and 21 fondle his penis. F363 would also take L27 to his home 22 and sexually abuse him. This would also take place at 23 Beechwood in the chicken sheds and in the cellar. 24 L27 told the police on some occasions that he was 25 being physically and sexually abused, but says, "I was</p> <p style="text-align: center;">Page 41</p>	<p>1 told to stop lying and that I was making it up. They 2 just didn't seem interested at all. I don't think they 3 believed me, but I find it hard to believe that they 4 didn't know what was happening in the home". L27 also 5 told one of the teachers who used to come into 6 Beechwood. More recently, he says, "I feel the police 7 never believed me". He's disappointed with the 8 council's defence to his civil claim and feels he cannot 9 move on without an apology. 10 Extracts of statement of WITNESS L28 (read) 11 MR LIVINGSTON: L28 gives an account of sexual abuse at 12 Beechwood as well. L28 was forced to stay in the 13 basement whilst a member of staff masturbated in front 14 of him. He was forced to masturbate F60 on two 15 occasions and had his genitals washed by a male member 16 of staff in the showers. In relation to contemporaneous 17 disclosure, a police cadet witnessed an episode in the 18 shower and said, "I can't believe what's happening 19 here", but took no further action. 20 L28 says that they were too frightened and 21 intimidated by the physical regime at Beechwood to 22 disclose at the time, saying he was terrified by the 23 staff and they would threaten him to keep quiet. 24 L28 says, "As I haven't heard from the police for 25 some time, I just feel like they are no longer</p> <p style="text-align: center;">Page 42</p>
<p>1 interested in investigating my complaints". 2 Extracts of statement of WITNESS L30 (read) 3 MR LIVINGSTON: L30 gives an account of abuse at Amberdale. 4 L30 was sexually abused by Dean Gathercole. This 5 started with touching and escalated into rape. There 6 was no contemporaneous disclosure, L30 says, because 7 abuse became a normal part of life. She became used to 8 it and believed she deserved it, saying, "I did not make 9 any reports of the sexual abuse at the time. I knew 10 that there was no point. Everyone knew what was 11 happening and all the staff knew about the abuse and, in 12 my opinion, didn't care. Gathercole had his pick of 13 vulnerable girls in Amberdale. In my opinion, he was 14 allowed to get away with it". 15 More recently, L30 says, "The police have been 16 supportive and through them I have found a supportive 17 social worker". 18 Extracts of statement of WITNESS L31 (read) 19 MR LIVINGSTON: L31 gives an account of abuse at Amberdale 20 and Sycamore House saying, at Amberdale, L31 would be 21 watched whilst changing by a male member of staff. At 22 Sycamore House, there were two incidents of sexual 23 abuse. One member of staff sat L31 on his knee and 24 groped her and rubbed himself against her. On the 25 second occasion, the member of staff grabbed L31 by the</p> <p style="text-align: center;">Page 43</p>	<p>1 throat, tried to kiss her and tried to remove her 2 clothes. The member of staff forced his hands under 3 L31's top and also digitally penetrated her. L31 did 4 make contemporaneous disclosures in relation to both. 5 With regard to Amberdale, L31 says, "The staff did not 6 care. Two members of staff in charge of the home knew 7 the abuse was going on, but didn't care". 8 In relation to Sycamore House, L31 disclosed to the 9 head of the home. The alleged perpetrator was not seen 10 at Sycamore again, although the head of the home did not 11 tell L31 what happened. 12 In relation to barriers to disclosure, L31 says, 13 "I knew what he was doing was wrong, but I was too 14 scared to tell anyone". L31 has had to chase the police 15 frequently for updates but has been told that the abuse 16 reported by her is less serious, so the investigation is 17 a lower priority, saying, "This has made me feel let 18 down by the police and that my suffering and what 19 happened to me, it's just not important. I don't feel 20 at the moment that they are taking my complaint 21 seriously". L31 also says, "I feel let down by the 22 council". 23 Extracts of statement of WITNESS L32 (read) 24 MR LIVINGSTON: L32 makes allegations of abuse in relation 25 to Bracken House, saying that, "A male member of staff</p> <p style="text-align: center;">Page 44</p>

<p>1 would watch me shower and change. He would also 2 restrain me and simulate sexual intercourse during the 3 restraints". L32 reported the abuse to a keyworker and 4 other social workers, but they did nothing about it. 5 L32 recently disclosed the abuse to solicitors. 6 In relation to barriers to disclosure, L32 says, 7 "I remember thinking there was a stigma attached to 8 children in care. We were all regarded as naughty. 9 That was when I began to believe that I was a naughty 10 child and had got what I deserved". 11 When L32 reported to staff at Bracken House, staff 12 said that L32 was devious, vile, an evil child and 13 should not be believed. On one occasion, police 14 threatened to arrest L32 if she kept complaining about 15 members of staff. This is in the 1980s, chair. 16 L32 says that she has no confidence in the police 17 because they did not believe her when she was a child, 18 saying, "I am extremely angry with Nottinghamshire 19 County Council and their social workers by the way in 20 which I was treated as a child in care". 21 Extracts of statement of WITNESS L34 (read) 22 MR LIVINGSTON: L34 makes allegations of abuse in relation 23 to foster care. Before coming into care, L34 was 24 subjected to extensive sexual, physical and emotional 25 abuse whilst living at home. When in care, the abuse</p> <p style="text-align: center;">Page 45</p>	<p>1 continued on contact visits. 2 The abuse that took place before care was disclosed 3 to L34's foster mother in 1984 and to police and 4 Social Services in 1986. Relatives were convicted for 5 her sexual abuse in 1989. 6 More recently, L34 has provided witness evidence in 7 a civil trial of the foster family regarding physical 8 abuse. 9 L34 says, "I feel that my family and I have been 10 extremely let down by Social Services. I went through 11 the most horrific abuse, both at home and in their care, 12 and I was not supported, looked after or protected in 13 the way in which I should have been". 14 Extracts of statement of WITNESS L33 (read) 15 MR LIVINGSTON: L33 was abused at Bracken House, saying that 16 a male member of staff sat L33 on his lap, stroked her 17 thighs, watched her changing into her nightgown, placed 18 his hands under her nightgown and stroked her chest and 19 genital area. There would also be simulated sexual 20 intercourse. 21 Also in 1984, L33 awoke to find an unidentified male 22 sexually assaulting her. 23 L33 says that she complained to her keyworker about 24 the physical abuse but was not listened to and, as 25 a result, did not complain about the sexual abuse. L33</p> <p style="text-align: center;">Page 46</p>
<p>1 says, "Children in care should feel safe. They should 2 be protected. They should not be allowed to be sexually 3 and physically assaulted by members of staff who are 4 supposed to be there caring for them. Complaints and 5 concerns should never have been dismissed". 6 Extracts of statement of WITNESS L37 (read) 7 MR LIVINGSTON: L37 makes allegations in relation to foster 8 care, saying that F36, her foster father, sexually 9 abused her. This was digital penetration in the bath. 10 On one occasion, L37 was told to do the same to another 11 foster child, but refused. 12 Two sons of her foster father, aged 12 and 10, asked 13 her to show them her private parts. Then the two sons 14 digitally penetrated her and penetrated her with 15 objects, leading up to vaginal rape. L37 would bleed 16 afterwards. 17 L37 disclosed sexual abuse to her grandmother in 18 1990 and this was reported to the social worker. 19 A contemporaneous investigation was not pursued because 20 similar allegations had been made, or other allegations 21 had been made against F36 but not pursued. A review of 22 this decision in 1992 revealed a concern but no 23 follow-up action is recorded. L37 gave evidence in 24 another foster child's civil claim in relation to F36 25 and says there was a huge relief that the court believed</p> <p style="text-align: center;">Page 47</p>	<p>1 her evidence. 2 Extracts of statement of WITNESS L39 (read) 3 MR LIVINGSTON: L39 makes allegations in relation to 4 Beechwood, saying a member of staff would watch him 5 coming out of the shower and on one occasion pushed him 6 against the wall and fondled his penis. A woman shouted 7 and he stopped and walked away. The member of staff 8 tried to sexually touch on a couple of other occasions, 9 but L39 was able to resist. 10 No contemporaneous disclosure was made of sexual 11 abuse. L39 says no-one believed his claims of physical 12 abuse, "and therefore I did not see the point of 13 reporting sexual abuse". L39 says that the police 14 investigation was ongoing and the police have treated 15 him fairly and he felt believed by them. They would 16 ring every month to update him, although he hasn't been 17 updated in a long time. 18 L39 was very surprised by the stance of 19 Nottinghamshire County Council, saying that they didn't 20 accept the abuse and did not offer an apology. The 21 claim was settled without an apology nor an admission 22 in June 2017. 23 Extracts of statement of WITNESS A73 (read) 24 MR LIVINGSTON: A73 gives an account of sexual abuse at 25 Beechwood by F29 on at least 12 occasions. F29 would</p> <p style="text-align: center;">Page 48</p>

<p>1 sometimes watch the boys showering and would also abuse 2 them in his office alone. F29 would tell A73 to play 3 with his penis -- sorry, F29 would play with his penis 4 and anus with his hands. There was no contemporaneous 5 disclosure. A73 says "because I was only young and 6 I didn't really think anything of it. I did not 7 understand what F29 was doing to me was wrong when I was 8 a child". 9 A73 says that in the early 1990s, two police 10 officers came knocking and asked if anything had 11 happened to him at Beechwood, and he told them about 12 F29. A73 says, "I felt that nothing was really done by 13 the police, both back in 1993 and more recently about 14 what I had told them. Nobody ever got back to me. 15 I just had to go over it with the police and rekindle 16 all these memories and then nothing happened and no-one 17 told me why". 18 Extracts of statement of WITNESS A74 (read) 19 MR LIVINGSTON: A74 makes allegations of abuse in relation 20 to Beechwood, saying that, whilst sleeping, he felt that 21 he was being touched by someone on his genitals over his 22 clothing but under his blanket. He stirred and opened 23 his eyes and saw F197 standing above him. This was in 24 the mid 1980s. There was no contemporaneous disclosure. 25 A74 says he did not want to report the abuse because he</p> <p style="text-align: center;">Page 49</p>	<p>1 had lost trust and did not feel he would be believed. 2 A74 went to the police in 2011, following media reports, 3 but was told that F197 was deceased so police would take 4 no further action. 5 Extracts of statement of WITNESS F40 (read) 6 MR LIVINGSTON: F40 gives an account of being frequently 7 raped by a member of staff in her room at The Leys 8 Children's Home from 1969 to 1972. There was no 9 contemporaneous disclosure. F40 says the perpetrator 10 was the head of the home and F40 did not want to upset 11 the perpetrator's wife and felt she had no-one else that 12 she could report the abuse to. F40 has asked that the 13 police take no further action in relation to her 14 complaint because she believes her abuser has died. 15 Extracts of statement of WITNESS F39 (read) 16 MR LIVINGSTON: F39 gives an account that, when she was aged 17 15, she was raped by a male aged 27 at the time. F39 18 was sexually exploited, including rape, forced oral sex, 19 digital penetration, penetration with objects. She 20 would be plied with drink and drugs. She became 21 pregnant. She would be beaten up. She was treated like 22 a slave. There was a forced marriage. F39 did not 23 disclose at the time, saying there was no-one she 24 trusted who she could turn to. Also, the perpetrator 25 threatened to kill her if she reported.</p> <p style="text-align: center;">Page 50</p>
<p>1 F39 reported the account to the police in 2009, 2 after she had managed to get away from the perpetrator. 3 The abuse took place between 1996 and 2008. 4 The police interviewed her but no further 5 investigation seems to have taken place. F39 says, 6 "I did not think that I could have been in contact with 7 many more institutions and all of these institutions 8 have let me down, including my school, the NHS, police, 9 Social Services, politicians, the legal system and 10 Women's Aid. I believe they have treated me 11 appallingly. 12 Extracts of statement of WITNESS F38 (read) 13 MR LIVINGSTON: F38 gives an account of abuse in relation to 14 Bracken House. She was asked by a friend in care to 15 visit a man, was then made to masturbate the man in his 16 garden shed, and F38's friend blackmailed her into doing 17 further sexual favours for men and the friend took money 18 for this. Thus she was introduced to sexual 19 exploitation at the age of 13. No contemporaneous 20 disclosure was specifically made, although F38 says that 21 police and Social Services were aware that she was 22 involved in child sexual exploitation at the age of 13. 23 F38 says, "As an adult who has worked for many years 24 supporting sex workers, I am disgusted at the manner in 25 which the council, Social Services Department,</p> <p style="text-align: center;">Page 51</p>	<p>1 Social Services staff and the police acted towards girls 2 in care in the past. It was as if there was a policy or 3 view within the Social Services Department, its staff 4 and the police that girls like me did not need or did 5 not deserve protection". She says, "It has become clear 6 to me, as a result of many years of working with and for 7 sex workers in Nottingham, that many more girls who were 8 in the care of the council suffered sexual abuse and 9 were allowed to become sexualised as children and were 10 not offered protection or support by the local authority 11 or the police". 12 Extracts of statement of WITNESS L33 (read) 13 MR LIVINGSTON: F46 gives an account of being raped by 14 Dean Gathercole, a member of staff at Amberdale. This 15 happened after having disclosed previous abuse that F46 16 had suffered. Gathercole groomed her and then took her 17 to an outside location and raped her. He also tried to 18 grope her on a further occasion. No contemporaneous 19 disclosure was made. F46 says that she felt she could 20 not disclose. In light of the response to other girls 21 who had made allegations against Gathercole, she would 22 not be listened to. F46 did disclose to the police in 23 2000 and a statement was taken. It was investigated but 24 it was decided that there should be no prosecution. 25 That decision was overturned in 2017 and more recently</p> <p style="text-align: center;">Page 52</p>

<p>1 Dean Gathercole has been prosecuted and convicted for 2 the allegations made, amongst others, by F46/A79. 3 F46's overall perspective is, "I am very 4 dissatisfied. I think at the time I was abused, it 5 appears obvious that Dean Gathercole was abusing other 6 girls who made complaints about him. I think the 7 evidence at the time should have alerted the authorities 8 to the fact that Dean was abusing children. I think 9 also that when I made my complaint to the police, that 10 there was not an effective investigation". 11 Extracts of statement of WITNESS L47 (read) 12 MR LIVINGSTON: L47 gives an account of sexual abuse in 13 foster care, being sexually abused by his foster father, 14 F276, on many occasions. No contemporaneous disclosure 15 was made. L47 says he was scared of the foster carer 16 and the possibility that things could get worse. There 17 was also no time alone with the social worker. F276 was 18 always present. 19 More recently, L47 complained to the police, but the 20 police said there was nothing they could do because F276 21 was dead. There was also a council investigation which 22 F47 describes as a joke, saying that he was not involved 23 in the process and did not have the opportunity to 24 verbally put his case across, saying, "What gave these 25 people the right to decide whether or not I had been</p> <p style="text-align: center;">Page 53</p>	<p>1 abused without properly listening to me?". L47 also 2 says, "I feel like the police didn't really care and 3 they were just fobbing me off with excuses". 4 Extracts of statement of WITNESS L50 (read) 5 MR LIVINGSTON: L50 gives an account of abuse at Beechwood, 6 saying that he was made to take trousers and pants off 7 by F29. He was examined, watched in the showers and had 8 his backside patted by F29. L50 told his schoolteacher 9 about the abuse, who simply said, "Did he?", and then 10 did nothing further. 11 A barrier to L50 was that they were worried that 12 they would not be believed or would get into trouble, 13 saying, "Who was going to believe me over the person in 14 charge?". L50 is unhappy at the police investigation 15 and wants an apology from the council. 16 Extracts of statement of WITNESS P2 (read) 17 MR LIVINGSTON: P2 gives an account of abuse in Beechwood 18 and foster care. With regard to Beechwood, four females 19 came in and carried out an internal examination on her. 20 At the time, P2 didn't know what this was for, but 21 reflecting on the experience, says it doesn't feel right 22 and thinks she was sexually abused. 23 In foster care, P2 was abused by the foster father. 24 He would take her out on trips and each time would abuse 25 her. On one occasion, she was laid to sleep in the</p> <p style="text-align: center;">Page 54</p>
<p>1 trailer and raped. 2 She says with regard to the abuse by the foster 3 father, he told her that she couldn't tell anyone 4 because if she did it would cause trouble. She says, 5 "There was no-one I could really talk to. I never saw 6 my social worker and I don't even know who this was". 7 P2 disclosed during counselling a few years ago and also 8 spoke to the police, but never gave a formal statement. 9 P2 says, "I feel quite frustrated by the actions of 10 the police. Although they gave me a number to phone 11 when I was ready to give my interview, I feel they 12 should have kept me updated on what was happening with 13 the investigation. I think that Social Services 14 completely let me down". 15 Extracts of statement of WITNESS P3 (read) 16 MR LIVINGSTON: P3 gives an account of sexual abuse at 17 Vale View Children's Home. P3 was sexually abused by 18 a male resident when she was 12 to 13. Although boys 19 and girls were separated in bedrooms, the boys would 20 come in and staff didn't stop it. P3 would find the 21 male perpetrator hiding under her bed. He would grab 22 her and pin her to the wall and start touching her. 23 This happened most days. 24 One evening, he sneaked into her room and got into 25 her bed, put his hands inside her knickers, she screamed</p> <p style="text-align: center;">Page 55</p>	<p>1 and he left. P3 told her sister about the abuse at the 2 time at Vale View and said she wasn't going back. Her 3 sister told a member of staff. They said they would 4 look into it but she was never spoken to. 5 P3 says that she has not reported to the police as 6 her support worker said they would let her down. She 7 says, "I think Social Services have completely let me 8 down. I feel like the counselling I have received has 9 been okay, but I found it very difficult when my 10 counsellor kept changing". 11 Extracts of statement of WITNESS D35 (read) 12 MR LIVINGSTON: D35 makes allegations in relation to 13 Beechwood and Skegby Hall. With regard to Beechwood, he 14 was sent to the dorm and then was held down and raped by 15 F29 and another. One held him down while the other 16 raped him. 17 At Skegby Hall, F78 physically abused and then this 18 progressed to sexual abuse by F78. He would also be 19 taken by F79 from his room and raped. 20 D35 says that he always felt guilty because he felt 21 relieved when F79 would come in and pick another boy 22 instead. D35 was also sexually abused when running away 23 from another care home aged 15. The man knew he was 24 homeless and took him in and would rape him at night. 25 No contemporaneous disclosure was made. D35 says</p> <p style="text-align: center;">Page 56</p>

<p>1 that the perpetrators told him to keep quiet and said 2 that if he said anything he would get it worse next 3 time, saying, "I had a record of previous convictions 4 and knew that no-one would believe me. I was also 5 scared as I knew I would get beaten if I reported". 6 D35 recently discussed the abuse with a solicitor 7 and he's reported to the police. D35 was updated 8 regularly by the police but then lost his phone so lost 9 contact. 10 D35 went about six or seven times to the police and 11 says the police were very nice about this. D35's 12 animosity is with Social Services. D35 says, "They 13 employ these people without vetting them. I can recall 14 one of the staff members saying to another something 15 like, 'I'm glad you recommended me for the job'. They 16 were both abusers, they were able to get their friends 17 jobs in the establishments which extended the extent of 18 the abuse. People turned a blind eye to what was 19 happening. They should have done more intensive checks 20 on staff at the homes or visited the homes with surprise 21 checks like they do at schools for Ofsted". 22 Extracts of statement of WITNESS P13 (read) 23 MR LIVINGSTON: P13 makes an allegation of sexual abuse in 24 relation to foster care. The complainant was sexually 25 abused by the brother of her foster mother when he was</p> <p style="text-align: center;">Page 57</p>	<p>1 aged 11. He was 21 and would babysit for her. On the 2 first occasion, there was forced masturbation and forced 3 oral sex; on the second occasion, there was simulated 4 sex. At Wollaton House, P13 was hugged tightly by 5 Norman Campbell, who would rub himself against the 6 complainant and kiss him on the cheek. 7 Contemporaneously, P13 told his foster mother, "Just 8 keep that bastard away from me", and certain the foster 9 mother knew what he was talking about. She banned the 10 foster relative from the house. She also reported the 11 abuse by the foster relative to a social worker but 12 couldn't get the words out to explain properly. 13 Other than the social worker, the complainant had no 14 trust in the adults probable for him. A record from 15 1984 notes in relation to P13: 16 "He said he is never believed when he says things 17 and this causes a lot of the bother." 18 P13 reported recently to the police and has an 19 ongoing civil claim. After this recent disclosure, the 20 police told him that there were three options. Firstly, 21 that he wouldn't be believed, and that would be the end 22 of it; secondly, that he would be believed, but the CPS 23 would decide not to prosecute; or, thirdly, he might get 24 lucky and a charge might be brought. In May 2018, the 25 complainant was told that the alleged perpetrator had</p> <p style="text-align: center;">Page 58</p>
<p>1 admitted the sexual assault years ago and received 2 a fine and a community sentence. The police officer 3 told the complainant she would check the court records 4 and took his Social Services records but has not been in 5 touch since. 6 P13 says, "I have completely lost faith in the 7 police and I regret trying to do things the right way. 8 I have been completely let down. I feel badly let down 9 by the social care system. I was abused by those who 10 were supposed to be caring for me". 11 Extracts of statement of WITNESS L49 (read) 12 MR LIVINGSTON: L49 gives an account of abuse in foster 13 care, saying they would wake in the middle of the night 14 and find F275 masturbating at the end of the bed, 15 a foster parent. On subsequent occasions, F275 16 ejaculated on the bed and would get L49 to masturbate 17 him. 18 L49 complained to Merseyside Police in 2011 about 19 the foster parents after a suggestion from the GP. L49 20 went back around 12 months later and more recently 21 complained to Nottinghamshire Police. With regard to 22 F275, L49 didn't understand what was happening, was 23 scared and there was nobody to tell. 24 L49 made complaints to the police a second time and 25 was passed on to a different police force. F275 was</p> <p style="text-align: center;">Page 59</p>	<p>1 prosecuted and L49 gave evidence but F275 was found not 2 guilty. 3 The City Safeguarding Board carried out an 4 investigation into the allegations, finding various 5 parts substantiated. L49 received a criminal injuries 6 compensation award for abuse by F276 but not for F275 7 due to the previous "same roof" rule. 8 L49 felt that Cheshire Police did a very thorough 9 investigation but when F275 was found not guilty, this 10 made him very angry; he said "To me, this felt like the 11 whole system was calling me a liar and that no-one 12 believed me". L49 feels angry and disgusted by the 13 letter from the Safeguarding Board, saying, "Had they 14 listened to me, I believe the outcome would have been 15 different". 16 Extracts of statement of WITNESS P6 (read) 17 MR LIVINGSTON: P6 makes allegations of abuse in relation to 18 Greencroft, saying a member of staff would come into the 19 bedroom at night, give P6 treats, talk to her and tell 20 her she was special. She was regularly sexually abused 21 including forced oral sex and digital penetration. On 22 one occasion P6 believes he raped her. 23 At the time, P6 told a female member of staff that 24 she was sore down below. The member of staff said, "Go 25 away. You're being silly". She told another female</p> <p style="text-align: center;">Page 60</p>

<p>1 member of staff and was taken to hospital. After she 2 was taken to hospital and examined, she said, 3 "I remember the staff member in the car afterwards 4 telling me that I was the most disgusting, dirty child 5 she had ever met and said that I had done some dirty 6 things with a boy. He was a bit older than me, but we 7 never did anything sexual". 8 P6 says in relation to barriers to disclosure that 9 the perpetrator would say it was their special secret 10 and she must never tell anyone. After the member of 11 staff told her she was disgusting, P6 says, "I made sure 12 I never said a word to anybody else. I shut down from 13 everyone after that". P6 found the police interview to 14 be traumatic and feels completely let down by 15 Social Services, saying, "Social Services haven't just 16 let me down, they have let down thousands. The system 17 was supposed to protect us, but it didn't". 18 Extracts of statement of WITNESS L22 (read) 19 MR LIVINGSTON: L22 gives an account of sexual abuse at 20 Beechwood, saying that a male member of staff would come 21 in and touch her sexually. F360 got L22 drunk and would 22 then play 'Spin the bottle' and gyrate against her in 23 a sexual manner. Female residents were forced to box 24 each other in shorts and their bras. All the male staff 25 and residents would watch. She would also be watched in</p> <p style="text-align: center;">Page 61</p>	<p>1 the showers by male members of staff. 2 F60, a member of staff, would expose his penis to 3 her and L22 received graphic letters from other 4 residents making sexual threats, including gang rape. 5 She started allowing male residents to have sex with her 6 to prevent them from raping her. 7 L22 says, "I told the night staff about the beatings 8 and what was happening, but they didn't seem to care. 9 I also told my social worker about what was happening. 10 I was always asking her to take me out, but she would 11 never listen". 12 No action was taken at the time, but L22 recently 13 contacted a solicitor and she has contacted the police 14 as well. In relation to the councils, L22 says, "They 15 argued I was out of time to bring the claim, denied 16 I had been abused and denied I had suffered an injury. 17 They also denied that being fear of rape was something 18 they could be responsible for. This made me very angry. 19 I did not receive an apology from the councils or any 20 form of admission about what I went through". With 21 regard to the police, L22 says, "I have never felt they 22 believed me. They called me a few weeks back and told 23 me they are not bringing a prosecution against any of 24 the people I made the allegations against. They made me 25 feel like I was worthless and that the abusers were in</p> <p style="text-align: center;">Page 62</p>
<p>1 the more powerful position. I also cannot believe 2 I never received a personal visit and an explanation, 3 just a telephone call". 4 Extracts of statement of WITNESS L51 (read) 5 MR LIVINGSTON: L51 makes allegations in relation to foster 6 care, Beechwood and Sycamore House. In relation to 7 foster care, saying that F84 touched L51 sexually, tried 8 to rape her and partially penetrated her. He also 9 digitally penetrated her. 10 In relation to Beechwood, L51 was indecently 11 assaulted by F7, who tried to rub himself against her in 12 a sexual manner and a male member of staff groped L51 13 around the side of the Lindens. She pushed him off. 14 A member of staff in a senior position at Beechwood 15 fondled and groped her breasts during an examination. 16 L51 was introduced to prostitution by a girl in care and 17 began "prostituting herself on the streets". L51 says 18 this was rife amongst female residents in Beechwood and 19 Sycamore House. 20 She said that she told staff at Sycamore House, and 21 it is recorded in her records that she had been 22 soliciting in what was a well-known red light district, 23 Forest Road. She says the staff knew but no-one cared. 24 Her Social Services records also state she was overheard 25 trying to discourage another resident from seeing</p> <p style="text-align: center;">Page 63</p>	<p>1 a senior member of staff because he would feel her 2 breasts. 3 In the mid 2000s, L51 approached solicitors to make 4 a civil claim. She also made complaints to the police. 5 She ultimately lost contact with the police and her 6 solicitor and the proceedings came to a close. 7 After seeing recent media coverage, L51 issued 8 another claim and they were recently settled. The main 9 barrier to disclosure for L51 was that L51 mistrusted 10 the people supposed to care for her. In response to her 11 claim, the council argued that she was out of time to 12 bring the claim. The defence stated that L51's 13 Social Services and foster care records had been lost or 14 destroyed. However, L51's solicitor had advised them 15 that they had a copy of those records in a letter before 16 action. 17 She was visited by the police at her home to advise 18 her that her alleged abusers would not be prosecuted 19 because two of them had died, the allegations against F7 20 were minor. 21 L51 felt tired of the civil proceedings by the time 22 they settled and says there was no apology or admissions 23 from the council. L51 was also uncomfortable with her 24 contact with the police. She felt pressured and felt 25 like she was on trial, saying there was no discussion</p> <p style="text-align: center;">Page 64</p>

<p>1 about support services or counselling. L51 says, 2 "I feel like I had been abused again. I did not feel 3 believed by them. They made me feel like they were just 4 going through the motions". 5 Extracts of statement of WITNESS L52 (read) 6 MR LIVINGSTON: L52 gives an account of abuse in relation to 7 foster care, Repton Lodge, Cavendish Road and 8 Somersall Street. In relation to foster care, L52 was 9 abused by the brother of her foster carer, who she 10 believes was over the age of 18. He came to the foster 11 home whilst the foster carers were at work and had 12 sexual intercourse with L52. Full sexual intercourse 13 happened on a number of occasions. At Repton Lodge, 14 staff confiscated L52's shoes to prevent her from 15 leaving the home. Two male members of staff would only 16 allow her to have her shoes back if she performed sexual 17 favours for them, including oral sex. 18 At Cavendish Road, L52 was the only female resident 19 in an all-boys' home and she was constantly the subject 20 of sexual attention and harassment from the male 21 residents. They touched her breasts, put their hands 22 down her pants. She had sex with a lot of the boys 23 because she was scared they would rape her if she didn't 24 do what they wanted. On some occasions, she was forced 25 into situations where she had to have sex with more than</p> <p style="text-align: center;">Page 65</p>	<p>1 one other resident at once. 2 Regarding Somersall Street, L52 had a job and men 3 from the company would come to the home, pick her up 4 along with another female resident, and the man who 5 picked her up would have sex with her. This was in the 6 2000s. 7 In relation to barriers to disclosure, L52 says she 8 couldn't tell anyone about the abuse in foster care by 9 the son of the foster parents because he had 10 a girlfriend. She believes her foster carers knew what 11 was happening. Regarding Repton Lodge, L52 didn't make 12 any complaint because she didn't see the point. The 13 staff were the ones who were abusing her. Regarding 14 Cavendish Road, she says, "I never told the staff what 15 was happening because they knew. It was obvious what 16 was happening. They were doing nothing to protect me. 17 I didn't believe I would be listened to. The main 18 reason that I have waited so long was because I was 19 always frightened and scared that my child would be 20 taken away from me". 21 Chair, I just have one further account to read in, 22 and that's from Q1. 23 Extracts of statement of WITNESS Q1 (read) 24 MR LIVINGSTON: Q1 makes allegations in relation to foster 25 care, saying, "The complainant witnessed other children</p> <p style="text-align: center;">Page 66</p>
<p>1 in foster care rape his siblings. The complainant was 2 forced to rub cream all over his foster parent". This 3 was in the 1960s and 1970s. 4 Q1 tried to stop the rape of his siblings and was 5 threatened as a result. Q1 has received a formal 6 apology from the county council. The complainant 7 describes his childhood as a living hell. 8 Chair, I believe that's all of the accounts to read 9 into the record. I think if there are any that have 10 been missed out, then they can perhaps be covered during 11 the day at some point. There are some ongoing matters 12 that need to be discussed about them. But thank you, 13 chair. 14 THE CHAIR: Thank you, Mr Livingston. We will take a break 15 now and return at 11.30 am. 16 (11.15 am) 17 (A short break) 18 (11.32 am) 19 THE CHAIR: Mr Sadd? 20 MR SADD: Chair, we now go to closing submissions. 21 THE CHAIR: Yes. Mr Ford? 22 MR FORD: Chair, I think in terms of camera convenience, it 23 is anticipated that I go and stand at Mr Sadd's lectern, 24 so I will do that. 25</p> <p style="text-align: center;">Page 67</p>	<p>1 Closing submissions by MR FORD 2 MR FORD: Chair, panel members, thank you. The 3 city council's oral submissions will be a summary of 4 more comprehensive written submissions which will be 5 submitted in accordance with the timetable that the 6 inquiry has set. 7 Chair, in our opening statement to this inquiry, the 8 city council apologised and accepted responsibility for 9 things that had gone wrong in the past. The inquiry has 10 heard a great deal of evidence about past failings, 11 including failings in the very recent past. It is not 12 the intention of the city council to say much more in 13 closing about these. It is clear that in many instances 14 children were not adequately protected. It is plain 15 that there was widespread abuse at Beechwood over a long 16 period and that there were systemic problems with the 17 management of Beechwood that should not have been 18 allowed to persist. 19 As Alison Michalska said yesterday, it is accepted 20 by the city council that Beechwood should not have been 21 allowed to continue operating in the form that it did 22 beyond the late 1990s. It should have been shut or the 23 basis on which it operated should have been radically 24 altered. 25 These oral submissions will focus on two different</p> <p style="text-align: center;">Page 68</p>

<p>1 issues. The first is aspects of the child protection 2 system in Nottingham today, and the second is the 3 proposals that the city council makes for improvements 4 to the system in the future. Can I say that, in each 5 instance, the intention of the city council submissions 6 arises directly and will directly address particular 7 concerns that have been the subject of concerns over the 8 course of this hearing. It is not, and we do hope that 9 it will not be interpreted as, an attempt to deflect 10 attention from the responsibility of the city council 11 for its failings. Those failings are accepted. What we 12 hope to do today and in our written submissions, having 13 listened to the evidence that's been given by the 14 victims about what they want to see happen in the 15 future, is to make our suggestions about how that might 16 be achieved; to say something positive against 17 a background of the very negative situation the 18 city council is in.</p> <p>19 Starting with the system as it stands, it was said 20 in opening statements on behalf of victims that the 21 panel should have a healthy dose of scepticism when told 22 by witnesses for the councils that abuse had only taken 23 place in the past and in a bygone era and that the 24 system had changed. It was put yesterday to 25 Ms Michalska that this was in effect her view and that</p> <p style="text-align: center;">Page 69</p>	<p>1 abuse was largely in the past; that was then, this is 2 now. But, as she said, that is not her position, it is 3 not the city council's position. The inquiry has heard 4 the clearest possible evidence that it is not the case, 5 and the city council accepts that the evidence discloses 6 failings occurring very recently. Nor is it the 7 city council's case that the child protection system has 8 now changed so that abuse has been eradicated. That is 9 clearly not the case, and sadly perhaps it never could 10 be.</p> <p>11 It is a point that Sir Martin Narey, who has 12 featured more than once already in this hearing, 13 referred to in his recent review of residential care in 14 England published in 2016, where he quotes something he 15 was told by a chief executive of an authority who said 16 to him, "In employing and supporting staff, we recruit 17 very carefully, but we also assume that all adults may 18 be at risk living alongside these children. This is 19 a really difficult countercultural truth, that there are 20 not two classes of people, one safe and one unsafe, one 21 normal and one perverse". Sir Martin goes on in 22 response to that to say:</p> <p>23 "This is a vital issue. The horrors of widespread 24 abuse in residential care which prompted the retreat of 25 the voluntary sector may have abated, but the capacity</p> <p style="text-align: center;">Page 70</p>
<p>1 for individuals to behave poorly to abused children has 2 not disappeared."</p> <p>3 The city council, may I say, has been asked to 4 respond to several recent -- relatively contemporaneous 5 criticisms, one in particular occurring in the -- or 6 several occurring in the Serious Case Review in relation 7 to Child J, and two, I think, legal authorities in which 8 Nottingham City Council was a party, and we will do that 9 in our written submissions but I won't do that now.</p> <p>10 So it is not the city council's position that they 11 are not continuing problems, nor that the child 12 protection system has eradicated abuse, but it is the 13 position of the council that improvements have been made 14 over the relatively recent past and that, as a result of 15 those changes, the protection of children from sexual 16 abuse has been strengthened and improved. The system 17 remains imperfect, abuse still occurs, but the changes 18 that have been made have brought about an improvement.</p> <p>19 The first thing I want to do is highlight relatively 20 shortly, and, again, with more detail about each of 21 these points in our written submissions, three, I think, 22 examples of progress that has been made, arising, as 23 I have said, from the evidence that the inquiry has 24 heard.</p> <p>25 The first concerns the recruitment of staff and, in</p> <p style="text-align: center;">Page 71</p>	<p>1 particular, the use of agency workers. The panel has 2 heard a lot of evidence about the use of agency staff, 3 in particular, agency social workers and foster carers. 4 D6 gave exceptionally powerful and compelling evidence 5 about the problems to which the use of agency staff can 6 give rise, particularly when combined with out-of-area 7 placements. The city council, as you have heard and 8 seen, has been working to reduce reliance on agency 9 staff, and I am just going to mention briefly some 10 figures. The number of agency social workers has 11 reduced from 21 per cent in 2015 to 15.6 per cent in 12 2017, and in 2018, January, the level was 9 per cent and 13 by October it was 6 per cent. So there has been 14 progress there.</p> <p>15 IFAs. The number of children placed with 16 independent fostering agencies has been reduced -- 17 again, some figures -- from 57.5 in 2017 to 52 in 2018, 18 and, as Ms Michalska says in her third statement, the 19 city council fully supports the concerns expressed by D6 20 about the use of independent fostering agencies and the 21 privatisation of the system. The council continues to 22 focus on the direct recruitment of foster carers, but it 23 is difficult, and it would appreciate and welcome any 24 support that this inquiry can give authorities in that 25 respect.</p> <p style="text-align: center;">Page 72</p>

<p>1 As regards directly employed social workers, you 2 have heard some evidence about the problems with 3 turnover, that the figures, again, are encouraging. 4 Turnover rates have reduced amongst employed social 5 workers from 21 per cent in 2015 to 8 per cent in 2017, 6 and Councillor Mellen was asked about this issue and 7 highlighted the problem. He said that the Corporate 8 Parenting Board had prioritised retention of social work 9 staff in the children in care team as being the most 10 important thing to keep consistent, and the figures do 11 demonstrate some success, at least, in that respect. 12 Councillor Mellen also gave evidence about the 13 city council's aspiration for the use of out-of-county 14 placements. You will recall he said a plan was made in 15 2015 to bring it to 85 per cent of all children to be 16 within 20 miles of Nottingham, and I say, in case it is 17 not clear, that 15 per cent is because it's sometimes in 18 the interests of children to be placed away from the 19 city and that's why some children always will be. But, 20 as he said, that goal has nearly been met with the 21 current figure something like 83 or 84 per cent. 22 Finally on this, Alison Michalska gave evidence 23 yesterday about the use of agency IROs and the increase 24 in the number of IROs after the criticism in the 2014 25 Ofsted inspection, which you have seen, albeit at that</p> <p style="text-align: center;">Page 73</p>	<p>1 stage many agency staff, and then a further increase in 2 2017, fewer agency staff, and I am told that today the 3 position is that there are no IROs contracted through 4 agencies. 5 The written submissions will say something finally 6 on this subject about mandatory staff training, but I'm 7 not going to repeat that now. 8 Secondly, the question of the MASE Panel and the 9 question of child sexual exploitation. You have heard 10 that the MASE Panel, which is the Multi-Agency Sexual 11 Exploitation panel, is a forum chaired by the director 12 of Children's Integrated Services that provides 13 a quality assurance function for work undertaken in 14 relation to young people at risk of CSE. The MASE Panel 15 has representation from all the key agencies, including 16 the police, education, health, children's social care, 17 targeted support, the youth offending team, the early 18 help and community safety, in order to ensure a full 19 range of services. 20 The Safeguarding Board also funds a CSE coordinator 21 post and the coordinator sits on the MASE Panel. The 22 coordinator manages a team that leads on return 23 interviews from young people who go missing and you have 24 heard some evidence about that. The team analyses 25 how -- has allowed the city council to identify</p> <p style="text-align: center;">Page 74</p>
<p>1 vulnerable young people who otherwise would not have 2 been visible within the system and try to make 3 connections between young people, locations and possible 4 perpetrators. 5 The coordinator also leads multi-agency work in 6 relation to children who exhibit harmful sexual 7 behaviour, and you heard some evidence about the 8 ASHA Panel from Helen Blackman, amongst others. 9 Finally on this topic, the inquiry heard from 10 Councillor Mellen about steps taken by the council to 11 raise awareness in other sectors such as amongst taxi 12 drivers, hotel reception staff and door staff and so on. 13 Again, further information will appear about this topic 14 in the closing written submissions. 15 Thirdly, the Historical Concerns Project. Looking 16 at the time, chair, I am going to merely remind you that 17 this was a project commissioned by Ms Michalska at 2014 18 in the light of national and local scandals, including 19 Beechwood, which comprised a record review which 20 resulted in dangerous people being identified and dealt 21 with, dismissed in many cases, but, again, much more 22 detail about that in the written note. 23 I am going to move on to deal with the question of 24 future improvements. There is plainly scope for 25 improvement and of course it is part of this panel's</p> <p style="text-align: center;">Page 75</p>	<p>1 remit to make recommendations as to what they might be. 2 As others will have done, we have analysed the 3 suggestions made by victims and survivors who gave 4 evidence, many -- all of whom, I think -- were asked 5 what they felt could be improved about the system. As 6 we read it, there were three main themes -- other points 7 emerge, but three main themes. The first was the need 8 for an independent person to whom to make disclosures; 9 the second concerned counselling and support; and the 10 third concerned access to documents. 11 I am going to say something, please, about the first 12 and third of those. We are not going to deal directly 13 with the question of therapy. You heard the commitment 14 made to future therapy funding. But we know of course 15 it is specifically part of the accountability and 16 reparations investigation remit to consider those 17 points. 18 Very briefly, as I shall have to be in the light of 19 the time, so far as an independent person is concerned, 20 as we understand it, there are really three potentially 21 independent areas of support that victims may be able to 22 draw on. The first you have heard something about, 23 which is the question of the personal adviser. But, as 24 I think you have heard now, the case law has considered 25 the question of whether the personal adviser should be</p> <p style="text-align: center;">Page 76</p>

<p>1 independent of the local authority in the sense of not 2 being a member of the authority's staff, and the judge 3 concluded: 4 "There is nothing either in the general law or in 5 the relevant legislation which makes it either unlawful 6 or necessarily undesirable to appoint, as the personal 7 adviser of the child in care, an officer or employee of 8 the local authority which is the child's corporate 9 parent." 10 Although it is quite right to say that the judge 11 went on to say that, if that is the position, they need 12 to be aware of the need for distance from the authority, 13 and not act in a way which compromises that, and in the 14 particular case, the involvement of the adviser in the 15 preparation of the pathway plan was said to breach that 16 requirement. 17 But it was put to Ms Blackman on behalf of D6 that 18 a personal adviser couldn't be fully independent if they 19 were line managed and paid and pensioned by the 20 authority. Certainly, if that is the test, then 21 obviously the personal assistant role doesn't fit the 22 bill. 23 There are two others, as I have said: independent 24 visitor and independent advocate. Details of our 25 understanding about how those systems operate will</p> <p style="text-align: center;">Page 77</p>	<p>1 appear in the written submissions, but I hope the point 2 emerges there that the system is, to an extent, 3 fragmented with different possible sources of support 4 for different purposes. The independent adviser is an 5 independent post and the rules require that the 6 individual is not an employee of the authority, but the 7 position is much less clear in relation to the others. 8 Finally, can I deal with the question of access to 9 documents. Firstly, I am asked to make it clear on 10 behalf of the council that the council firmly denies 11 that, whether on instructions from insurers or 12 otherwise, people are deliberately denied access to 13 their documents, although the city council well 14 understands why that conclusion might have been reached 15 by people who have been failed as regards access to 16 their documents, and it certainly is accepted that 17 people were -- D6 and others as well. 18 But we do submit, and the detail will be set out 19 again in the written submission, that there is a real 20 systemic problem with the question of access to 21 documents arising from the fact that there are two quite 22 separate routes: the subject access requests which you 23 have heard about, a provision of 24 the Data Protection Act; running alongside the question 25 of disclosure under the Civil Procedure Rules and the</p> <p style="text-align: center;">Page 78</p>
<p>1 personal injury pre-action protocol. 2 In summary, the problem is this: subject access 3 requests are very often made by individuals to the 4 authority and sometimes by solicitors. They are dealt 5 with by a person within the authority whose job it is to 6 process them. Whereas responses to letters of claim 7 under the Civil Procedure Rules normally come from 8 solicitors and, once the letter of claim is received by 9 the insurer or the local authority, that goes to the 10 insurer's solicitors. So firstly, the job is often done 11 twice but, secondly, and perhaps more pertinently in 12 terms of the evidence you have heard, the material that 13 needs to be disclosed is different, depending on which 14 process is used. So under the Data Protection Act the 15 individual has the right to information constituting 16 their personal data, but the third party evidence must 17 be removed. Whereas it is much broader under the Civil 18 Procedure Rules. 19 The short fact is that people are going to get more 20 material if they do it under the Civil Procedure Rules 21 than if they do it under the DPA; more, but by 22 definition different. You have heard a victim complain, 23 entirely understandably complain, that the material 24 their solicitor got was different from the material they 25 got, and one suspects that this is the reason.</p> <p style="text-align: center;">Page 79</p>	<p>1 Our suggestion -- and, again, we say more about it 2 in the written note -- is that the panel might consider 3 whether liaison between the Information Commissioner's 4 Office and the Civil Procedure Rules Committee might 5 seek to resolve that. 6 We have a section which I had hoped to have time to 7 speak to a little about civil claims, but I have run out 8 of time. It will be in our written note and I hope it 9 assists. 10 THE CHAIR: Thank you very much, indeed. 11 MR FORD: Thank you. Mr Sharland? 12 Closing submissions by MR SHARLAND 13 MR SHARLAND: Good morning, madam chair and panel members. 14 As you are aware, I represent Nottinghamshire 15 County Council. I began my opening statement to this 16 inquiry with the county leader's, Councillor Kay Cutts', 17 very public apology in January 2018 when she stated that 18 the county had failed some children entrusted to our 19 care and that this failure had left "a dreadful stain on 20 the history of the council that we must neither refute 21 nor excuse". 22 Having heard the incredibly compelling and 23 courageous testimonies of the victims and survivors in 24 the first week of this inquiry and this morning, 25 together with accounts of appalling abuse detailed in</p> <p style="text-align: center;">Page 80</p>

<p>1 the read-in evidence and the four tables prepared by the 2 inquiry, it is clear that this public acknowledgement, 3 and the one before it, was the correct thing to do. 4 In these brief oral submissions, I intend to address 5 the following matters: firstly, the historical sexual 6 abuse at Beechwood and other residential care homes for 7 which the county were responsible in foster care and 8 harmful sexual behaviour between children in the 9 county's care. Secondly, the county's current practice 10 and how it differs from the practice that occurred in 11 the '70s to the '90s. And, thirdly, the county's 12 response to recent allegations of historic sexual abuse. 13 Turning firstly to Beechwood. The inquiry has heard 14 extensive evidence as to the extent of abuse at 15 Beechwood throughout its existence. It is clear that 16 children in care placed at Beechwood between 1974 and 17 1998, the period for which the county were responsible, 18 were very badly let down. The county accepts the 19 evidence heard by the inquiry that the culture at this 20 home was defective in many ways throughout this period. 21 Large numbers of children were sexually abused 22 during this period by a large number of employees. This 23 should never have happened. Further large numbers of 24 children were subject to physical and emotional abuse 25 there. This should also never have happened.</p> <p style="text-align: center;">Page 81</p>	<p>1 The children who were placed at Beechwood were 2 vulnerable. Some had been sexually abused whilst living 3 with their families. Such children needed a high 4 quality of care and it is clear that they did not 5 receive such care, or anything close to it. Children 6 were failed by staff at Beechwood who were part of 7 a climate where physical and emotional abuse were the 8 norm. Staff at Beechwood failed children in their care 9 by not detecting the sexual abuse going on around them. 10 The children were further let down by social workers and 11 others to whom abuse was disclosed. They should have 12 been believed but invariably they were not. 13 The children were also let down by the county who 14 were responsible for overseeing and scrutinising the 15 care in Beechwood. It is clear that such oversight was 16 wholly ineffective. The county accepts that its 17 failures in relation to Beechwood were wide ranging and 18 comprehensive. These failures were systemic. Former 19 Beechwood residents said in their evidence to the 20 inquiry that they were failed by the council. They were 21 right. 22 Now, whilst the focus of the case study has been 23 Beechwood, it is of course clear that sexual abuse 24 occurred in a number of other residential homes run by 25 the county during this period, including, but not</p> <p style="text-align: center;">Page 82</p>
<p>1 limited to, Amberdale, Greencroft, Hazelwood and 2 Wollaton House. The county failed a significant number 3 of children in its care. For this, it is profoundly 4 sorry. 5 Turning now to the second case study, namely, child 6 sexual abuse in foster care. Again, it is clear that 7 the county failed a significant number of children in 8 its care. As with the Beechwood case study, the 9 treatment that these children were subject to was not 10 limited to sexual abuse but often included horrific 11 emotional and physical abuse. 12 From the evidence heard by the inquiry, it is clear, 13 again, that social workers and other county employees 14 far too often adopted a carer-focused rather than 15 child-focused approach. 16 Too often, children in foster care were not seen 17 frequently enough by their social workers and, when they 18 were seen, they were not seen alone. 19 Too often, social workers and others failed to pick 20 up on signs that all was not well. 21 When children did make disclosures of sexual abuse 22 by their foster carers, far too often they were not 23 believed. There was a flawed approach, whereby some 24 social workers adopted the view that if foster carers 25 were experienced or well regarded for the apparent</p> <p style="text-align: center;">Page 83</p>	<p>1 quality of their care, they could not possibly abuse 2 children in their care. There was a consistent failure 3 to think the unthinkable. Further, as with the sexual 4 abuse in residential care homes, the county failed to 5 provide adequate oversight. We are truly sorry that 6 this sexual abuse occurred and that the county failed to 7 keep children in our care safe. 8 Turning finally to harmful sexual abuse between 9 children, the third case study. Yesterday, 10 Professor Hackett explained the development of awareness 11 of harmful sexual behaviour between children. In his 12 expert report, he explained that such sexual abuse did 13 not feature in national guidance until the 1991 edition 14 of the Working Together document. The institutional 15 knowledge of such abuse, both in the UK and worldwide, 16 came considerably later than sexual abuse by adults. 17 In light of this, it is notable that one county 18 employee, Mr Fisher, who the inquiry heard from, was, if 19 anything, ahead of many in his realisation of 20 the importance and widespread nature of this form of 21 sexual abuse in 1990. The survey conducted by Mr Fisher 22 and Ms Holloway-Vine that year revealed very high levels 23 of harmful sexual behaviour between children in the 24 council's care. The county put in place policies to 25 protect children from harmful sexual behaviour by other</p> <p style="text-align: center;">Page 84</p>

<p>1 children. However, these policies were not consistently 2 applied. Vulnerable children who had previously been 3 sexually abused were placed alongside children who were 4 known to have abused previously. None of this should 5 have happened, but it did.</p> <p>6 The county let down a significant number of children 7 who were sexually abused by other children whilst in 8 their care. Again, we are profoundly sorry that this 9 sexual abuse occurred.</p> <p>10 Turning to the next topic: the county's current 11 practice. It is clear that our practice in the '70s, 12 '80s and '90s, together with our knowledge, 13 understanding and ability to manage, were very dark 14 days. The reason for that historic failure are many and 15 complex and operated as a perfect storm that allowed 16 that systemic failure to permeate. The central 17 question, however, is where we are today and are 18 children safe. We are confident that we are in a very 19 different place from where we were and that children are 20 not at risk of such systemic failure today.</p> <p>21 Factors that allow such systemic failure to operate 22 are not part of today's modern practice. In particular, 23 the pervading culture of disbelief of children no longer 24 exists. The starting point is that children are 25 believed. As Mr Edwards explained, social workers and</p> <p style="text-align: center;">Page 85</p>	<p>1 decision makers are now more risk focused and child 2 centred. They are prepared and must think the 3 unthinkable. A number of victims and survivors have 4 assisted the council in changing its culture. They have 5 given talks to social workers and other staff in 6 Children's Services to assist their understanding as to 7 how child sexual abuse can occur, the long-lasting 8 impact it has on children and their lives as adults, 9 together with the barriers to disclosure and how they 10 can be overcome. The county is very grateful for this 11 valuable assistance.</p> <p>12 All children in the county's care, not just those 13 with a statutory entitlement to it, now have access to 14 an independent advocate to support them. The county has 15 learnt from its past as to the critical importance of 16 children having access to someone independent to whom 17 they can talk, if necessary.</p> <p>18 Children are now invariably seen by social workers 19 alone, making it easier for them to make disclosures. 20 The county was recently commended for its good practice 21 in relation to this by Ofsted. Ofsted's conclusions 22 were reached after a four-week inspection carried out by 23 eight inspectors. The inspectors reviewed hundreds of 24 files before they finalised their report.</p> <p>25 It may be suggested on the basis of isolated cases,</p> <p style="text-align: center;">Page 86</p>
<p>1 such as Perry, that things haven't really changed and 2 the county is no better than it was in the '70s, '80s 3 and '90s. We would suggest that there is no real basis 4 for such a submission if it is made. The county will 5 address the Perry case in writing, as it was only raised 6 with Mr Pettigrew shortly before he gave evidence. We 7 accept that very serious mistakes were made in this 8 case, and Perry was not seen on their own sufficiently 9 often, although they were seen by social workers on 10 their own on occasion both at home and school. However, 11 isolated cases do not form a credible basis for 12 contending that there remains systemic failures in the 13 county children's services in light of the powerful 14 evidence to the contrary set out both in the Ofsted 15 report and Mr Edwards' and Mr Pettigrew's testimony 16 before this inquiry.</p> <p>17 However, we do wish to make clear that the county 18 accepts that there is still scope for improvement. The 19 county is not complacent. It knows that sexual abuse of 20 children in local authority care cannot be wholly 21 eliminated. We have to be continually vigilant in light 22 of changes in technology which present those who wish to 23 do harm to children with new opportunities. We continue 24 to be self-critical and reflective. We will continue to 25 test ourselves as we recently did in relation to harmful</p> <p style="text-align: center;">Page 87</p>	<p>1 sexual behaviour against the NSPCC framework, 2 a framework against which only two local authorities 3 have published an audit evaluating their practice and 4 practice across multi-agencies.</p> <p>5 As Ofsted recently commented, council leaders and 6 managers were "determined to improve services even 7 further and they are doing well". The most recent 8 standard inspection of the county's children's services 9 took place in 2015. The county's children's services 10 were graded as good. This puts us in the top 11 25 per cent of the Children's Services Departments in 12 the country. Ofsted noted that improvements to the way 13 children's services are now delivered was evidenced in 14 the number of children currently receiving the service 15 that met their identified needs. This finding accords 16 with the compelling evidence, as Mr Edwards and 17 Mr Pettigrew detailed, as to how today's practice has 18 been transformed.</p> <p>19 The final topic I am going to cover is the county's 20 response to recent allegations of historical sexual 21 abuse. In my opening submissions, I indicated that 22 Mr Colin Pettigrew would attend every day of 23 the inquiry, seeking to listen and to learn. He has 24 done so. You heard his evidence yesterday and it is 25 clear that the county council have listened to what</p> <p style="text-align: center;">Page 88</p>

<p>1 victims and survivors have had to say.</p> <p>2 In relation to civil claims, Mr Pettigrew explained</p> <p>3 that the average time between a claim being issued and</p> <p>4 it being settled had decreased from six years in 2011 to</p> <p>5 less than a year now. He went on to explain that after</p> <p>6 hearing the evidence of the victims and survivors, and</p> <p>7 in particular L17, who explained that, after her claim</p> <p>8 had settled, she was given no apology or acknowledgement</p> <p>9 that she was telling the truth, Mr Pettigrew, after</p> <p>10 confirming with her solicitor that this was agreeable to</p> <p>11 her, spoke to L17 and told her that he believed her and</p> <p>12 that he apologised to her personally on behalf of</p> <p>13 the county.</p> <p>14 He subsequently followed this oral apology with</p> <p>15 a written apology.</p> <p>16 However, the county accepts that it shouldn't have</p> <p>17 come to this. The county should, as a matter of common</p> <p>18 decency, have apologised to individuals at the same time</p> <p>19 as the settlement of their claim.</p> <p>20 As Mr Pettigrew explained yesterday, the county's</p> <p>21 approach will change forthwith. In the future, every</p> <p>22 child with whom the county settles will receive</p> <p>23 a personal apology in writing from Mr Pettigrew or, in</p> <p>24 his absence, the director. If that individual wishes to</p> <p>25 speak to Mr Pettigrew or a director for that apology to</p> <p style="text-align: center;">Page 89</p>	<p>1 be repeated orally, that can be accommodated.</p> <p>2 In relation to the large numbers of victims and</p> <p>3 survivors with whom the council has already reached</p> <p>4 a settlement in the past, Mr Pettigrew will personally</p> <p>5 apologise to them for the county's failure to keep them</p> <p>6 safe if they would like such an apology. All they or</p> <p>7 their solicitors need to do is indicate that they would</p> <p>8 like such an apology.</p> <p>9 The county has adopted this approach as opposed to</p> <p>10 writing to every individual because it understands that</p> <p>11 not every victim and survivor will appreciate being</p> <p>12 written to by the county at this time.</p> <p>13 The county's practice in relation to pleading</p> <p>14 limitation as a defence to claims will also change with</p> <p>15 immediate effect. Where a claim is received in respect</p> <p>16 of abuse suffered by children in our care which</p> <p>17 technically appears to be out of time, we are mindful,</p> <p>18 whether pleaded by a party or not, that the court must</p> <p>19 satisfy itself that it can hear the matter regardless.</p> <p>20 However, the county council undertakes to those that</p> <p>21 have suffered that it will not, and it will never,</p> <p>22 advance an argument to the court that the claim should</p> <p>23 fail on the basis that it is out of time, where those</p> <p>24 proceedings fall within its control.</p> <p>25 Where, as may be the case, the county does not have</p> <p style="text-align: center;">Page 90</p>
<p>1 complete control over the claim, how the claim is</p> <p>2 responded to, because of the involvement of insurers or</p> <p>3 another party, it will seek to persuade them to adopt</p> <p>4 a similar approach. As the inquiry is aware, this is</p> <p>5 a complicated area involving a number of technical</p> <p>6 issues and any clarity the inquiry could provide on this</p> <p>7 issue would be welcomed.</p> <p>8 Mr Pettigrew said in evidence yesterday he was not</p> <p>9 aware that the county charged for subject access</p> <p>10 requests under the Data Protection Act. We have checked</p> <p>11 this and the county do not, and have not, charged</p> <p>12 applicants for provision of their personal data,</p> <p>13 including their care records.</p> <p>14 Finally, recommendations. In the limited time we</p> <p>15 have been allocated, it's not possible to address the</p> <p>16 various recommendations made by the victims and</p> <p>17 survivors. However, the county undertake in its written</p> <p>18 closing submissions to respond to each and every</p> <p>19 suggested recommendation proposed. It will also make</p> <p>20 its own recommendations as to how practice can be</p> <p>21 improved so that all children in the care of local</p> <p>22 authorities are kept safe. Thank you.</p> <p>23 THE CHAIR: Thank you, Mr Sharland. Ms Leek?</p> <p>24 Closing submissions by MS LEEK</p> <p>25 MS LEEK: Chair, may I speak from here so that I can see</p> <p style="text-align: center;">Page 91</p>	<p>1 both the panel and core participants, please?</p> <p>2 Members of the panel, core participants, over the</p> <p>3 last four weeks, Chief Superintendent Rob Griffin and</p> <p>4 Rob McKinnell, senior investigating officer for</p> <p>5 Operation Equinox, have attended these hearings and</p> <p>6 listened to the evidence. They have been struck, in</p> <p>7 particular, by the evidence of the victims and survivors</p> <p>8 of sexual abuse at the hands of those in whose care they</p> <p>9 were placed and whom they should have been able to</p> <p>10 trust.</p> <p>11 These officers want the panel and, more importantly,</p> <p>12 the survivors to know that, as I said in opening, they</p> <p>13 are not complacent that they have learned all the</p> <p>14 lessons that need to be learned; they have taken on</p> <p>15 board evidence of both good and poor practice. They</p> <p>16 will feed this back to those investigating child sexual</p> <p>17 abuse in order to share what they have learnt and to</p> <p>18 incorporate some of the evidence into future training</p> <p>19 programmes.</p> <p>20 Chair, may I give a few examples of some of</p> <p>21 the evidence that will be shared?</p> <p>22 Nottinghamshire Police have been heartened to hear that</p> <p>23 for some complainants their evidence of contact with the</p> <p>24 police was a positive one. This will be fed back.</p> <p>25 Being proactively contacted by the police encouraged</p> <p style="text-align: center;">Page 92</p>

<p>1 them to make disclosures, which they would not otherwise 2 have made.</p> <p>3 The police were informative, in regular contact and 4 kept them updated, telling them if there was a new 5 person on the team. The police were patient with them, 6 supportive and made them feel comfortable, and they felt 7 believed or taken seriously, in some cases for the first 8 time.</p> <p>9 As Chief Superintendent Rob Griffin said yesterday, 10 these issues are absolutely central to how we treat 11 victims of abuse, and will be fed back for force-wide 12 learning.</p> <p>13 As regards poor practice, the evidence suggests 14 that, historically, police did not give proper scrutiny 15 to the reasons why children were absconding or reported 16 as misbehaving or offending. In some cases, the 17 children's behaviour was clearly due to abuse by those 18 charged with their care, who may also have given false 19 information to the police. As this panel has heard in 20 evidence, police now work much more closely in 21 collaboration with other institutional partners and the 22 councils. Systems, understanding and awareness of 23 the risk and the devastating extent of child sexual 24 abuse and how this impacts on children's behaviour have 25 developed significantly over the years.</p> <p style="text-align: center;">Page 93</p>	<p>1 Whilst the police and councils' response to these 2 scenarios is now very different, Nottinghamshire Police 3 will re-examine their own systems and practices in the 4 light of the evidence that has been given during these 5 hearings.</p> <p>6 Where the police did take action to investigate, we 7 have heard evidence that the experience of complainants 8 was mixed. Evidence has been given of poor practice, 9 some of which is as follows.</p> <p>10 Some complainants were contacted in an insensitive 11 way. They found it difficult to trust the police due to 12 previous unrelated, negative interactions with police, 13 and felt as though they were treated themselves as 14 criminal. They did not always feel believed. They were 15 not consistently updated or told what was going on. 16 They were often distressed by the length of 17 investigations or prosecutions. And some, sadly, felt 18 that the police did not care and were not provided with 19 adequate support or support at an appropriate stage. 20 For many, the process of the investigation was 21 distressing, even where the police were supportive, 22 because it took them back to traumatic experiences from 23 their past.</p> <p>24 Chair, the chief constable reiterates his sincere 25 apology on behalf of Nottinghamshire Police for any</p> <p style="text-align: center;">Page 94</p>
<p>1 case, regardless of how long ago it occurred, where the 2 actions or inactions of the police or the way in which 3 allegations were handled by the police in any way 4 exacerbated or prolonged the pain suffered by any 5 complainant.</p> <p>6 He recognises how crucial it is that complainants 7 should be taken seriously, kept informed and supported 8 and treated with respect by his officers, particularly 9 since so many have already been failed by institutions 10 in their past.</p> <p>11 Chair, may I turn to barriers to disclosure? From 12 a police perspective, understanding barriers to 13 disclosure is absolutely crucial to the successful 14 prosecution and investigation of offences. The police 15 have taken careful note of the evidence on this issue. 16 The chair and panel will have read and heard the 17 evidence of Nottinghamshire police officers who work 18 within the Child Abuse Investigation Unit, including the 19 written evidence of officers who have provided their own 20 understanding of barriers to disclosure.</p> <p>21 During the course of the hearings, the panel has 22 heard further crucial evidence about barriers to 23 disclosure, including that some complainants felt, or 24 were told, that they would not be believed because they 25 were in care. One complainant powerfully described</p> <p style="text-align: center;">Page 95</p>	<p>1 feeling as though she had been treated as though she was 2 an underclass. Others said, "As a child in care, I had 3 always been assumed to be a liar"; one said, "I was 4 threatened that if I told anyone, I wouldn't be believed 5 because I was a fucking delinquent", and that they 6 didn't think "a naughty boy from a care home would be 7 believed".</p> <p>8 For some complainants, because they had been abused 9 before being taken into care, or because of manipulation 10 by abusers, they did not understand that what was 11 happening to them was criminal. One explained, "We all 12 came from dysfunctional families so we didn't know any 13 different". Many complainants had been passed from 14 person to person, who they were supposed to trust, and 15 on each occasion had been let down. Not surprisingly, 16 they felt unsafe and confused.</p> <p>17 One complainant said, "When I look back now, 18 I didn't know the police were there to help you. I can 19 only speak for myself. It was more trouble for them to 20 bring me back. I was just that little black kid".</p> <p>21 Some complainants did not report or later retracted 22 allegations because they were afraid that the 23 consequence might be that they would be moved into 24 a worse situation. The Nottinghamshire Police inquiry 25 team are committed to feeding these comments and</p> <p style="text-align: center;">Page 96</p>

<p>1 concerns back to those who are responsible for 2 investigating the current and historic allegations of 3 abuse. 4 As to moving forward, chair, the panel have heard 5 powerful evidence from complainants, victims and 6 survivors of the importance of their own involvement in 7 shaping systems. One complainant has said, "I don't see 8 how anyone can make any decisions about the future of 9 children in care without input from survivors. I don't 10 see that you can do anything without our input. You 11 know, you can't learn anything from a textbook. You've 12 got to have it from people like us". They're right. 13 Another said, "If telling my story can help positive 14 changes, I'm happy to report my story as many times as 15 is needed". They are also right. 16 Nottinghamshire Police truly welcome input from 17 complainants, victims and survivors and recommendations 18 from the panel. The officers who have been in court 19 this week have taken on board these sentiments and 20 recognise the importance of learning from the 21 experiences of victims and survivors and working with 22 them. 23 As many complainant core participants are already 24 aware, since the summer of 2016, Chief Superintendent 25 Rob Griffin has been attending survivors' group</p> <p style="text-align: center;">Page 97</p>	<p>1 meetings. Changes have already been made as a direct 2 result of input from members of that group, including 3 police publishing information about individuals being 4 charged and convicted, and putting in place a policy to 5 address the immediate support victims may need at the 6 time of making disclosures. 7 Working with the survivor group has helped 8 Nottinghamshire Police make great strides forward, but, 9 as Rob Griffin said yesterday, the police can and will 10 use the group as critical friends who can inform and 11 support them in the development of their training. 12 Operation Equinox are still actively investigating 13 allegations of sexual abuse involving children in the 14 care of Nottinghamshire Councils. The CAIU and the 15 Public Protection Unit more widely continue to 16 scrutinise and improve their own internal processes, and 17 are always striving to better their understanding of 18 barriers to disclosure and how they may be overcome to 19 enable early disclosure, safeguarding action and 20 appropriate support for those making disclosure. 21 Nottinghamshire Police are committed to bringing 22 more perpetrators of child sexual abuse to justice while 23 either providing or signposting the way to proper 24 support for claimants, victims and survivors and taking 25 all possible steps to ensure that the horrors described</p> <p style="text-align: center;">Page 98</p>
<p>1 cannot ever be repeated. 2 Chair, the chief constable asks me to reiterate his 3 own sincere thanks to those complainants, victims and 4 survivors who have so bravely and powerfully given their 5 evidence during the course of this hearing, which will, 6 without doubt, provide invaluable assistance to the 7 police and other institutions, both locally and 8 nationally. 9 Chair, finally, the chief constable hopes that the 10 local and national coverage of this inquiry will give 11 other as-yet unknown victims the confidence to come 12 forward, as we are totally committed to bringing any 13 offenders to justice wherever we possibly can. Thank 14 you. 15 THE CHAIR: Thank you, Ms Leek. Could we now move on to 16 Mr Brown? 17 Closing submissions by MR E BROWN 18 MR E BROWN: Chair, panel, nobody can have been anything 19 other than profoundly moved by hearing and seeing the 20 evidence called in Nottingham and here today. It will 21 leave a lasting impression on everybody listening of 22 those who have suffered so badly. What resonated was 23 that, for many, it was the first time that they had been 24 believed. 25 As you know, I represent the Crown Prosecution</p> <p style="text-align: center;">Page 99</p>	<p>1 Service, the CPS, and those CPS lawyers from whom you 2 have heard at the coalface make the important point that 3 theirs is a quite different judgment that must be 4 brought to bear when hearing and seeing the evidence 5 that they are presented with. But, as you heard, "We 6 are not saying that the abuse did not happen" -- I think 7 I quote accurately. If charges are authorised, then the 8 process of the trial starts. If they decline to 9 authorise charges they are emphatically not making 10 a decision on the truthfulness of that individual, but 11 making a judgment on an overall view of a presentation 12 of all of the evidence at trial, and it is important to 13 understand that distinction. 14 It is as well to remind ourselves that this hearing 15 here has a quite different role examining the evidence 16 to that of the CPS, and this hearing here has a quite 17 different character to a criminal trial that, in any 18 event, has changed perhaps beyond recognition in the 19 last 12 to 15 years, as I will explain. 20 The CPS role is a very different public one, as 21 a matter of principle, to that of almost every other 22 relevant institution here, confined as it is to making 23 important, independent and objective decisions about the 24 prospect of a jury convicting. You heard of 25 the statutory test: is there a realistic prospect of</p> <p style="text-align: center;">Page 100</p>

<p>1 a conviction? That is, that a jury, having heard all of 2 the evidence, must be more likely than not to convict, 3 and a jury having been directed by the judge that they 4 all must be sure on the evidence -- nothing more and 5 nothing less.</p> <p>6 One remembers that the reason for the very existence 7 of the CPS is its independence. It is an objective 8 referral authority from the police which reacts to the 9 information it's given and brings to bear an objective 10 judgment, a departmental and certainly individual 11 objective judgment, making individual, sometimes very 12 difficult, decisions about criminal charges.</p> <p>13 It goes without saying, of course, that the CPS 14 lawyers are not investigators and have never been so.</p> <p>15 Perhaps surprisingly, its wider charging powers were 16 not in place in fact until 2006. Charging decisions 17 were for the police before then.</p> <p>18 You saw for yourselves two specialist, and you may 19 think sympathetic, CPS decision makers. You will recall 20 them. Those involved in that decision-making process 21 are not lulled into bias one way or another; they are 22 bound by what evidence admissible in court is available 23 to them. And so it is that it is a judgment call, 24 plainly with no ulterior motive one way or the other. 25 They use, as you heard, their experience, their</p> <p style="text-align: center;">Page 101</p>	<p>1 expertise, their training and the law, as we all have 2 to. They are specialists from the RASSO team, 3 dedicated, therefore, to rape and serious sexual 4 offences, and that very fact is plainly an advantage, 5 you may think, in this area of crime, and has been in 6 place for many years.</p> <p>7 So it is that a charging advice comes into 8 existence. We have seen some examples here in the 9 inquiry, sometimes demonstrating the complexity of 10 cases, both legally and evidentially. One was over 11 40 pages long. None of which were expected to have been 12 pored over, line by line, in a public hearing five/ten 13 years later, therefore giving you, perhaps, a good 14 insight into the thought processes involved. And they 15 are difficult decisions:</p> <p>16 "It is a duty on our shoulders. It is a huge 17 weight, and they are difficult decisions sometimes to 18 deliver, on occasion."</p> <p>19 You heard quite a bit about the liaison in such 20 cases with the police, good and effective liaison, by 21 and large, from the evidence, but the CPS lawyers also 22 have to tread that careful path between positive, 23 productive cooperation, on the one hand, and their 24 independence that must be retained, on the other.</p> <p>25 It is important for the wider public to know, for</p> <p style="text-align: center;">Page 102</p>
<p>1 a number of reasons, that the whole context of an 2 adversarial criminal trial in respect of children and 3 adult victims of sexual abuse has changed beyond 4 recognition.</p> <p>5 For many years, there have been really effective 6 measures that have, the evidence tells us, succeeded in 7 putting witnesses much more at ease and, therefore, 8 getting to the truth during a criminal trial.</p> <p>9 Significant examples: there is no trawling through 10 a person's past today. There is no need for the 11 presence at court of children at all. There are always 12 pre-recorded interviews, but also, today, pre-recorded 13 cross-examination as well. There is real judicial 14 restriction on questioning in cross-examination, and, at 15 the very least, screens, for example, for adults 16 speaking about past experiences. There is training for 17 lawyers and indeed judges, and it is a quite different 18 understanding in the trial process for the plight of 19 victims.</p> <p>20 We are also assisted today by the filling of gaps 21 that the legislation allowed us from 2003 onwards, 22 regarded as a sea change.</p> <p>23 But the role of the independent criminal prosecutor 24 does mean, for example, that safeguarding is a very 25 complex issue, how it should be approached as nonexperts</p> <p style="text-align: center;">Page 103</p>	<p>1 in that field. In fact, its role, the CPS role, in 2 safeguarding has been identified, and just for your 3 view, if I could ask for CPS002810 to be brought up, and 4 you see it there. This is into it, it is "Historical 5 and institutional cases", this comes from safeguarding. 6 Again, another document as well, please: CPS002811, its 7 front page, please.</p> <p>8 From 2013, and now updated last year, an important 9 work. It's explained more fully in Mr McGill's 10 statement.</p> <p>11 As an example, if we could go, perhaps, please, to 12 page 24, it deals with non-recent cases. It is 13 a dedicated section in respect of non-recent cases. 14 But, importantly, any wider examination of this 15 important document demonstrates that the wider guidance 16 also focuses on all of the issues that you have seen 17 arise in non-recent cases.</p> <p>18 It identifies those myths and stereotypes. The 19 witnesses perhaps spoke well of this. Factors that 20 previously have been thought to undermine are listed out 21 and an understanding that it may actually support 22 a case, whereas before it was thought perhaps to 23 undermine. This is identified.</p> <p>24 One person's word may be sufficient. One may not 25 see a full account straight away. Identifying elements</p> <p style="text-align: center;">Page 104</p>

<p>1 such as abuse of trust, use of control elements, 2 grooming, coercion, manipulation, that are very often 3 difficult for a child to understand. Institutional 4 abuse, the young and vulnerable and why they are 5 vulnerable, and the need for support and counselling 6 should not be discouraged pre-trial. 7 So this important guidance is available and used, as 8 you heard. But can I explain and clear up one possible 9 misapprehension? It involves the issue of what has 10 become known as undermining material. It is in fact the 11 Criminal Procedure and Investigations Act of 1996 and 12 the Codes that make disclosure of third party material, 13 perhaps, or other material essential and fundamental to 14 the trial process. However, it's defined as: 15 "Any material that might reasonably be considered 16 capable of undermining the case for the prosecution 17 against the accused or of assisting the case for the 18 accused. It must be disclosed." 19 But it's from that statute that the word 20 "undermining" amongst lawyers and the police has become 21 commonplace. What it does not mean, by definition, at 22 all, is that the witness is actually undermined. It is 23 an important distinction again. It is an obligation to 24 disclose and it's become an expression used, but it's 25 very important that that expression is understood in its</p> <p style="text-align: center;">Page 105</p>	<p>1 legal sense and represents the obligation to disclose 2 material capable of undermining. 3 It should be understood, however, that it is not 4 a judgment on a person's truthfulness. 5 Third party material. You have heard a lot about 6 the Social Services reports. And that may form 7 disclosure. But there is now, and it may be more recent 8 only, that an increased awareness, perhaps lacking in 9 the past, that third party material may be an advantage 10 to a prosecution case and not a tool for the defence to 11 use. An important lesson learnt. 12 Can I address shortly some details of evidence? 13 Others will be addressed in written submissions, of 14 course. 15 A50. In 2001, the trial experience was horrible: 16 "The witness had no screen and in fact didn't ask 17 for one, but today the witness might not even need to be 18 at court at all." 19 Just giving an illustration, it is no comfort to 20 A50, I don't think, but today it's quite a different 21 regime. There was a sensible suggestion that the victim 22 impact statements, as was described, should be read out 23 before sentencing. Well, they are, in fact, and have 24 been for many years. 25 Gallagher. That was a truly shocking case, as was</p> <p style="text-align: center;">Page 106</p>
<p>1 seen by the 13 life sentences, and the judge, the 2 Recorder of Nottingham, saying, "In my view, you should 3 never be released and should die in prison". 4 Sue Matthews of the CPS was not asked about the 5 later 2011 caution after his sentence, but Rhona Hicks, 6 as officer in the case, and therefore in direct contact 7 with the victims, told you it was in the interests of 8 those victims to get justice. So yesterday's evidence 9 must be seen perhaps in the light of that 10 closer-to-the-issue evidence from 2011. 11 This issue has come late, it doesn't matter, but so 12 you know, there is guidance in respect of non-recent 13 cases, guidance on the public interest in prosecuting 14 where a nominal penalty is likely. As I say, we shall 15 discuss in further detail individual cases in written 16 submissions and analyse the policies and guidance, of 17 course. 18 Some final short points, please: meeting victims. 19 So you know, if there is a charge and it is then 20 discontinued by the Crown Prosecution Service, they will 21 meet the survivor if the case is one of serious sexual 22 abuse. It is an important role that the Crown 23 Prosecution Service have. Under the Victims Code, the 24 victim can ask for a meeting in any event. If a lesser 25 charge is brought, the victim is written to, explaining</p> <p style="text-align: center;">Page 107</p>	<p>1 the position, and you have heard from previous strands 2 of the important victim's right to review when charges 3 are declined. It is an important role that the Crown 4 Prosecution Service now undertake with victims reviewing 5 their decision. 6 You heard of concern that the CPS -- this was from 7 Mandy Coupland. You heard of a concern that the CPS may 8 be cherry picking cases. Well, the reality is that 9 Mandy Coupland is correct about that. The CPS, in 10 a sense, do have to cherry pick those difficult 11 decisions. It is cherry picking those where the test 12 that is imposed upon us is satisfied. 13 Finally this, please: P16 gave evidence to you 14 today. P16 was prosecuted. It is very many years since 15 any kind of prosecution would take place in his 16 circumstances. It was in the mid '80s -- in fact, 17 before the CPS was ever created. So, in a sense, 18 shocking to us all, that, and it must have been a truly 19 dreadful experience for him. All I can say, and I'm 20 afraid it will be little comfort to P16, is that it's 21 many, many years since any such person has been 22 prosecuted in his circumstances. Thank you very much 23 for your attention. Those are our submissions. 24 THE CHAIR: Thank you, Mr Brown. Mr Hollas? 25</p> <p style="text-align: center;">Page 108</p>

<p>1 Closing submissions by MR HOLLAS 2 MR HOLLAS: Madam chair and panel, I am pleased that we were 3 brought back down to earth this morning by being 4 reminded, notwithstanding the picture painted yesterday 5 by the corporate witnesses, of the lived experiences of 6 the victims and survivors. It is encouraging to hear 7 the commitment to improve systems, but you should not 8 forget that many who gave evidence were the very people 9 in place during those failures, and, indeed, both chief 10 executives of the councils were previously responsible 11 for children's services in their councils. 12 You are not going to hear anything new from me, nor 13 do I need to stray far away from my opening statement 14 some three weeks ago. In that, I asked 12 questions. 15 I leave that to you to consider, whether they have been 16 answered, and to what degree the victims and survivors 17 were failed as children and again when they came looking 18 for the truth. 19 Sadly, time precluded an examination of 20 the section 47 protocol as being appropriate for adults 21 or the sharing of records without consent. We didn't 22 look behind the operational direction given by 23 Helen Chamberlain to restrict investigations, to that 24 written within the four corners of the allegation, nor 25 did we really get to the bottom of the "why" in respect</p> <p style="text-align: center;">Page 109</p>	<p>1 to minimising press exposure along with the constraining 2 police operation. 3 I tried in the first week to alert you to the 4 barrier that standard institutional response is to 5 survivors. I don't think you should underestimate this 6 second barrier: as damaging as the first. In the public 7 gallery in week 1, survivors, to my knowledge: one who 8 had suffered a heart attack; one who had been sectioned; 9 one who had their house removed from them; one who had 10 been threatened with their children being removed; one 11 who had legal action taken against him to stop his 12 campaign; and in that gallery, sadly, the sister of 13 a survivor who took his life. 14 Yes, the police have listened and improved; yes, 15 with the active support of the PCC and his staff, we 16 have a better starting point for bringing together 17 disparate commissioning of therapeutic services for all 18 victims and survivors of sexual crimes, and the specific 19 needs of survivors of in-care abuse is acknowledged and 20 mainstreamed, but more is required, including harnessing 21 the engagement of the National Health Service. 22 For the councils, much more work is required. Words 23 and apologies are cheap. It is action that is needed. 24 My hope is that people will use this inquiry as 25 a platform and catalyst to begin to rebuild their lives</p> <p style="text-align: center;">Page 110</p>
<p>1 and no more allow themselves to be treated with such 2 disregard, demeaned and insulted by those that were 3 supposed to look after them as children and as adults. 4 I know the support we have built through the sexual 5 violence engagement manager and Notts SBS stand by ready 6 for a surge when survivors have had time to digest and 7 process and work out what to replace the vacuum of 8 battle that has consumed them all these years. 9 But please do not think it is just the councils. 10 The survivors sought support from their MPs with varying 11 degrees of success, if any, but most were, 12 unfortunately, not supported by the likes of 13 a John Mann, and last night we sought the support of 14 Lilian Greenwood, so that, when your forensic torchlight 15 is removed from the councils, there is at least the 16 gravitas of office of a Member of Parliament that can 17 keep an eye on the progress of the councils. 18 These survivors were failed again by some of their 19 own solicitors, unfortunately, who failed to advise them 20 to report to the police, who failed to ensure that they 21 were aware of the impact of litigation prior to 22 a criminal justice conclusion, and failed to advise them 23 of the impact of getting their records before such 24 a police disclosure, and of course we should not forget 25 that the pitiful sums that many of the survivors have</p> <p style="text-align: center;">Page 111</p>	<p>1 got is a negotiated one between the solicitors and the 2 councils. 3 Madam chair, that litigation system is broken, and 4 I suggest does not operate in the interests of 5 the survivors, but more the financial interests of 6 the legal communities or the councils or the insurers. 7 If you are perhaps able to make a recommendation to open 8 some form of review of those claims and seek an 9 ex gratia payment, perhaps it may go some way to mending 10 that system and the survivors' and victims' interests. 11 We have to ask if anything has changed and are 12 children safe in Nottinghamshire's councils today? Have 13 lessons been learned in how to respond to victims and 14 survivors? This is a judgment for you and the panel, 15 but, again, I will say: words are cheap; it is action 16 that we need to see. 17 When children are harmed or failed, who looks at 18 those failings, to use that awful and overused phrase, 19 to "learn lessons"? It will not have escaped anyone's 20 notice that the pro word "independent" has many 21 interpretations at council level, but none which I can 22 see could stand scrutiny against the Oxford Dictionary. 23 They are marking their own homework, perhaps putting 24 that overwatch role of the LADO, the IRO and Children's 25 Safeguarding Boards with the Police and Crime</p> <p style="text-align: center;">Page 112</p>

<p>1 Commissioner because most of what they are looking at is 2 a crime and what is happening to our children would 3 deliver that truly independent oversight and focus the 4 minds of those responsible for delivering a safe and 5 progressive service. 6 We must also find a way to make the environment less 7 permissive for both abusers and those responsible to 8 act. We heard from the CPS, whose Threshold Test was 9 for the prosecution of the defendant, not the justice 10 for a victim. I understand that our legal system would 11 prefer 99 guilty people walk free rather than one 12 innocent go to gaol, but it is difficult to square that 13 in seeking justice for survivors through our courts. 14 The significant improvements to the trial system is 15 of little value to survivors when so few of them will 16 get their day in court. Survivors have been failed by 17 our justice system and the law has been allowed to 18 become its master, not its mistress. What of those that 19 are found not to have acted in the best interests of 20 the victims and survivors? Nothing other than sailing 21 off into the sunset with their gold-plated pensions 22 while leaving behind the devastation of people's lives, 23 and, unfortunately, Nottingham is not alone in this. 24 I just have a few more points I would like to make. 25 To the survivors, thank you for giving me part of your</p> <p style="text-align: center;">Page 113</p>	<p>1 trust and your confidence. It has been my privilege to 2 walk part of your journey. 3 And to the authorities who say abusers don't walk 4 around with a signpost on their forehead: you are right, 5 but before you invest any authority over anyone into 6 someone, make sure that they have demonstrated that they 7 understand implicitly the responsibilities that flow 8 from such authority of their personnel. And if you 9 don't understand the personal characteristics that are 10 needed to be in that role, perhaps you, yourself, should 11 not be in the position you are. 12 If I could finish by echoing the words of a general, 13 Sid Shachnow, a Lithuanian holocaust survivor, as 14 a child, who became a US general and recently 15 unfortunately died. He wrote a book titled "Hope and 16 Honour". In that, he identified the qualities of those 17 who did survive and who succeeded, and I echo his words 18 for the benefit of the survivors. He said: 19 "Flexibility, the ability to change, adjust, adapt; 20 assertiveness, to take the initiative and be bold; 21 tenacity, perseverance to overcome obstacles; optimism, 22 be future orientated; emotional intelligence, to 23 understand yourself and others; humour, the lubricant of 24 life; and courage, the will and determination to go on." 25 But he also issued guidance for those in authority:</p> <p style="text-align: center;">Page 114</p>
<p>1 "Remember - without memory, we do not learn. 2 "Reflect - to look back calmly in order to gain 3 understanding. 4 "Renew - the bystander is conspicuous not by their 5 absence but by their silence." 6 Thank you, madam chair. 7 THE CHAIR: Thank you, Mr Hollas. Mr Suleman? 8 Closing submissions by MR SULEMAN 9 MR SULEMAN: Thank you, chair. As you know, I appear on 10 behalf of John Mann MP and Q1. Now, the law surrounding 11 public inquiries means that John isn't able to give this 12 oral closing himself. I am the lawyer, but John is the 13 one who can change the law. 14 The following statement is from John Mann verbatim 15 and in the first person singular. These are John's 16 words: 17 "I'd like to start by thanking the inquiry and the 18 survivors who have spoken. I pay tribute to their 19 courage and mental fortitude, as I do to Rachel Morton 20 and others who have stood up and been counted. 21 "Panel, you came to Nottinghamshire because the 22 survivors in Nottinghamshire are organised. 23 Mickey Summers is a pain in the behind for people in 24 authority like me, but he is the people's pain in the 25 behind. What he and others have achieved is</p> <p style="text-align: center;">Page 115</p>	<p>1 magnificent. 2 "You should draw two conclusions that are vital. 3 Firstly, the invisible people whom I represent are no 4 less brave. Nottinghamshire is not unique. In fact, 5 the opposite. The county has had Sir Michael Lyons, 6 later director of the BBC Trust, followed by 7 Sir Peter Housden, later the top civil servant in local 8 government in the UK. At the 2015 municipal journal 9 awards, Nottingham was the top council, including 10 winning for children's services, and the county won for 11 its legal services. These are top performing councils. 12 "Child abuse elsewhere in the country is at least as 13 big a problem as it is here, and perhaps bigger. To 14 conclude otherwise is wrong. But Nottinghamshire rose 15 to prominence because of self-organisation. Therefore, 16 make your first recommendation that modest funding be 17 given to allow survivors to become visible. Small 18 amounts will have a disproportionate effect on survivors 19 coming forward. 20 "Secondly, make some early interim recommendations. 21 Don't delay. In this parliament, everything you 22 recommend will be forced through. 23 "It is not just local politicians with their heads 24 in the sand. During the six months of this inquiry's 25 strand, only four MPs have sought to discuss it with me,</p> <p style="text-align: center;">Page 116</p>

<p>1 and one of those was the Prime Minister. Parliament 2 will feel obliged to accept your recommendations. 3 "I want to address what we have heard. First, an 4 institutional preconception that children in care were 5 the problem. F37 told us that 'as a child in care, 6 I was always assumed to be a liar'. Numerous people 7 I represent echo this. 8 "Institutional witnesses showed contrition, but did 9 little to contradict this view. Kenneth Rigby described 10 Beechwood as a dumping ground. Ultimately, chair, you 11 were the one who brought the point home. You asked 12 whether 'a major part of the problem may have been the 13 attitudes held by staff to the children in their care', 14 and noted that we had heard several statements that 15 staff were driven by value judgments and 'effectively 16 blamed the victim'. Mr Rigby accepted this. 17 "We would ask that you make it clear that a child in 18 care is never again to be treated as the problem. He or 19 she has the same right to be cared for, looked after and 20 presumed truthful, regardless of prior circumstances, as 21 any other child. 22 "Secondly, we have received evidence that in the 23 1970s, badly behaved children were sent to children's 24 homes, and if they were badly behaved there, we have 25 heard that there was little institutional curiosity</p> <p style="text-align: center;">Page 117</p>	<p>1 about why that might be. 2 "L43 told us that social workers didn't visit him in 3 Beechwood. This is a regular point made by those who 4 confide in me. C21 said that his dreadful experiences 5 could have been avoided if someone had sat him down and 6 asked why his behaviour was as it was. This is again 7 what scores of survivors tell me. 8 "I will offer this inquiry documents I have received 9 in the last fortnight that allege that some badly 10 behaved children within children's homes were sent to 11 Aston Hall in order to be experimented on medically. 12 "In response, we heard from Rod Jones that, 13 'child abuse is difficult to detect'. Perhaps it 14 wouldn't have been difficult had the state treated them 15 as their own children rather than as the awkward 16 problem. Nobody provided leadership. Nobody wanted to 17 know the uncomfortable truth. Mr Frank forcefully and 18 rightly made the point to Mr Jones in relation to 19 requests for reports: 'If not you, then who?'. 20 "Chair and panel, I ask you to give social workers, 21 police and council representatives a job description of 22 their responsibilities. Make it clear, easy and 23 transparent. Then there is no hiding place. And that 24 includes councillors I have met who hide behind 25 insurers, legitimising this because any responsibility</p> <p style="text-align: center;">Page 118</p>
<p>1 carries a financial cost. 2 "The inquiry could have honed in on this more. 3 Mr Pettigrew said that if it were in his gift to 4 instruct insurance companies not to use limitation 5 defences, he would have done long ago. But it is in the 6 council's gift not to use insurance funding. 7 "The inquiry also didn't get to grips with the 8 failings of some solicitors. The inquiry should add to 9 the institutional failings the repeated appalling 10 responses of some of the solicitors my constituents 11 visited seeking justice. For a majority, it added to 12 their trauma and discouraged them from coming forward. 13 "We heard evidence of abuse being detected but 14 nothing being done. L45's social worker noticed, in 15 1982, that she was spending hours in Robert Thorpe's 16 bedroom, however nothing was done. In Q1's case, 17 concerns were raised by professionals working with the 18 children, but no action was taken. 19 "Now, if there is one thing binding the majority of 20 the cases I see, it is that the school could have 21 changed the outcome for the child. We have seen this 22 reflected in the evidence we have heard in this inquiry. 23 "You should clarify and emphasise the role of 24 schools in this process. In the past, badly behaved 25 children were put in children's homes. Today, schools</p> <p style="text-align: center;">Page 119</p>	<p>1 in Nottinghamshire have been more willing to exclude 2 badly behaved pupils than identify what underlies their 3 behaviour; twice the level of ten years ago. The 4 inquiry must look at this. 5 "The evidence from children's homes we have heard is 6 today even less likely to surface. Why is there no 7 council assessment of every excluded child to understand 8 the root cause of their behavioural problems? Where are 9 the specialists inside schools advising, supporting and 10 intervening? This is today. 11 "We have also heard about the trouble individuals 12 had in obtaining their social care records. Some have 13 said that this was the biggest barrier to their 14 disclosure of their abuse. I have seen countless others 15 with the same problem and faced some significant 16 hostility when seeking records for constituents. 17 "Q1 spent thee years searching for the truth. We 18 ask you to put in place a legal requirement to archive 19 documents independently and provide them within a set 20 period of time at no cost. 21 "We have heard about the use of carers as 22 a business. Foster carers have historically been paid 23 large amounts and taken large numbers of children 24 without the supervision that might befit a residential 25 care setting.</p> <p style="text-align: center;">Page 120</p>

<p>1 "Q1's foster parents were running a business. In 2 1970, his foster parents earned more than an England 3 World Cup footballer. Please do not underestimate the 4 economics of foster caring, and I suggest 5 a consequential economic-driven inertia to change 6 placements or upset the apple cart. 7 "The councils and their insurers still seek quick 8 settlements with survivors of abuse. Our recent Freedom 9 of Information request found that the amounts paid by 10 the county council to settle claims have, for complaints 11 between 2002 to 2018, been as low as £900. Yet on 12 Tuesday, the county refused a Freedom of Information 13 request asking how much they spent on lawyers. It must 14 dwarf the money given for survivors to rebuild their 15 lives. Colin Pettigrew noted this in his evidence. 16 "Now, Q1 received a public apology from the council. 17 He is illiterate and now he is being given free 18 education by the council. Others don't have this. When 19 asked, Mr Edwards said that he knew of no system for 20 routinely assessing loss of education. 21 "Please recommend that an education loss assessment 22 should be made of every looked-after survivor, and would 23 not the decent thing in Nottinghamshire be for the 24 councils to provide lifelong learning for survivors up 25 to and including university bursaries?</p> <p style="text-align: center;">Page 121</p>	<p>1 "Any part of settlements which cloak the facts of 2 a case in secrecy, such as confidentiality clauses, 3 should not be enforceable as a matter of public policy. 4 This is a crucial recommendation you could make 5 immediately. 6 "Finally, we heard how NHS and mental health 7 services are not integrated. Mental health support 8 should be routinely and instantly available. Not just 9 resourced, though more is needed, but also systems. 10 Please recommend that multi-agency hubs dealing with 11 child abuse have an integral NHS input and output. 12 "Now, your task, chair and panel, is unenviable. It 13 must strike the panel as extraordinary that no survivors 14 appear to have approached a local councillor. In over 15 50 years, that's a lot of councillors. Where is the 16 leadership? In swathes of the country and parts of 17 the county, survivors remain silenced, invisible. Their 18 voices demand action. 19 "D6 said something which will stay with us all. He 20 said, 'These people don't value life but they respond to 21 death'. 22 "Chair and panel, many of us have too much 23 experience of this, but you can do something about it. 24 Restore the survivors' trust in us. Parliamentarians 25 will not dare to obstruct you. Be bold. By being bold,</p> <p style="text-align: center;">Page 122</p>
<p>1 the ripples of your influence will run for generations. 2 "And when we are told, 'We will apologise when there 3 is something to apologise for', reflect on the mind-set 4 behind this. Then hold all of us in authority quickly, 5 precisely, thoughtfully but unequivocally to account. 6 "Finally, I, John Mann, say this to the survivors: 7 some of us in authority have chosen to listen, and 8 I represent over 30 more survivors. There are very many 9 out there cheering you on. Never give up. You are not 10 on your own, and we will win." 11 Thank you. 12 THE CHAIR: Thank you, Mr Suleman. 13 MR SADD: Chair, looking at the time, might I suggest that 14 at this moment we break for 45 minutes? 15 THE CHAIR: Yes, we can do that, and return at 1.40 pm. 16 (12.56 pm) 17 (The short adjournment) 18 (1.40 pm) 19 THE CHAIR: We will continue with Mr Enright, I believe. 20 Closing submissions by MR ENRIGHT 21 MR ENRIGHT: Good afternoon. Today, my name is 22 Mickey Summers. But it could be John or Joan or Jill or 23 Jack, because my story is not at all unique. 24 I am, as the very fine MP John Mann described me, 25 a right royal pain in the ass. I have just three things</p> <p style="text-align: center;">Page 123</p>	<p>1 to say today. I want to say thank you to some people in 2 this room and some people who are no longer with us. 3 I want to talk about trust, how it is lost and how it 4 can be regained. And I want to ask you, chair, to do 5 just two things to improve the lot of children in care. 6 David John Bell, he was my rock. He gave me the 7 belief that this inquiry was achievable. Graham Holden, 8 Patti Johnson and the original protest group who started 9 the Nottingham campaign, Mandy Coupland and the 10 Nottingham CSA action group, we owe you a massive debt 11 of gratitude. 12 The journalists who championed the cause of victims 13 in Nottingham -- Jeremy Ball, Nick Frame, Phil Brewster 14 and David Whitfield, and of course Lieutenant Colonel 15 David Hollas, an officer and a gentleman, who has worked 16 tirelessly, often seven a days a week, to create 17 platforms for survivors and to be the driving force for 18 change, thank you. 19 To my friend, who I can only refer to as A303, 20 I want his mother and sister to know that I am saying 21 his name in my mind. 22 His mum begged for support from Nottingham City 23 Council. His mum was sent an email with a telephone 24 number. Is that support? 25 He took his life. His death shook us all. He will</p> <p style="text-align: center;">Page 124</p>

<p>1 never see justice. He will never know that this inquiry 2 came to Nottingham to investigate what was done to him 3 and others.</p> <p>4 Chair, panel, I also want to thank you for your very 5 hard work, and for coming to Nottingham, because it sent 6 a message to the authorities that the sheriffs had come 7 to town.</p> <p>8 Turning to Nottingham City Council, County Council, 9 police and CPS, I do not trust you. Apart from one or 10 two notable exceptions, I have heard nothing in the past 11 four weeks that has changed my mind and let me tell you 12 why. I do not trust you because of the 53 hard years 13 I have had since being taken into care at the age of 12. 14 I do not trust you because, when I say was in the care 15 of Nottingham, what I mean is, I managed to survive 16 a series of brutal and abusive homes. I do not trust 17 you because, at Beechwood, I was battered by staff who 18 dragged me around by the hair. I do not trust you 19 because at Hazelwood I saw an 8-year-old boy abused. 20 When I saw this happening, I ran away. I wish I had not 21 run away.</p> <p>22 The same man abused me. Again, I ran away and I hid 23 in the fields. I do not trust you because, when I kept 24 running away, this led to me being arrested, I told the 25 police and social worker about the abuse I was</p> <p style="text-align: center;">Page 125</p>	<p>1 suffering. Instead of taking action to protect me, 2 I was deported from Nottingham to Somerset to a remand 3 home there. My family didn't even know where I was.</p> <p>4 I do not trust you because on the long drive to 5 Somerset, I was raped by that social worker to whom 6 I had reported the abuse.</p> <p>7 I do not trust you because my records from the time 8 show that I reported the abuse. The superintendent 9 described me as a tale bearer and the psychiatrist 10 recorded that I was very anxious to talk about my 11 problems with very little persuasion, produced a long 12 string of grievances against authority figures. Yes, 13 I did. Yes, I did. I do not trust you because, when 14 I cried out for the help of adults, you did not come. 15 You turned your heads away because people like us are 16 worthless.</p> <p>17 As a child, I ran away from sexual abuse and hid in 18 the fields, but I grew up and I stopped running in 2003 19 when I went to Nottingham Police and reported some of 20 the abuse I had suffered.</p> <p>21 I do not trust you because, when I did so, you did 22 not believe me, just like when I was a child. You 23 wanted it to go away. You wanted me to go away. People 24 like me to go away. Or, better still, to have never 25 existed.</p> <p style="text-align: center;">Page 126</p>
<p>1 I tried all of the proper channels. I was polite. 2 I made my reports. But all I got were denials and the 3 walls got higher and higher. I was left with two 4 choices: to give up; or to stop being polite. I chose 5 to stop being polite.</p> <p>6 I will not take you through everything that I and my 7 friends had to do to be heard, but these are just two 8 examples. As I have said, when I was taken from 9 Nottingham to Somerset I was raped by my social worker. 10 I raised this with the police and councils and I was 11 told he did not exist, he had never worked for the 12 council. I put out posters across Nottingham about my 13 abuser, saying, "Wanted, dead or alive. Justice for 14 Mickey". The police considered prosecuting me, but, lo 15 and behold, my non-existent abuser was found within days 16 and was arrested. Sadly, despite being found credible, 17 the CPS would not prosecute. This was in 2016. But 18 what would have happened in 1967, when I was described 19 as a childish tale bearer?</p> <p>20 I do not trust you because you said my abuser did 21 not exist, and he did.</p> <p>22 I do not trust you because, during this 23 investigation, we have heard time and again of records 24 going missing. Records relating to child abuse have 25 this amazing ability to be carried off by biblical</p> <p style="text-align: center;">Page 127</p>	<p>1 floods, fires, or to have never existed, just like my 2 abuser.</p> <p>3 I do not trust you because the only way we could get 4 you to listen or do anything was by taking direct 5 action, by being a pain in the arse.</p> <p>6 I do not trust you because, rather than asking 7 yourself, why are we so angry, you took out injunctions 8 against me.</p> <p>9 That is the tragedy for victims of child abuse. 10 No-one will listen unless we shout, unless we bang our 11 fist upon the table and literally and metaphorically 12 drum our heels upon the ground.</p> <p>13 For my part, I accept that I am not easy to deal 14 with. That is true of a lot of victims of child abuse. 15 We are damaged, we are angry, and our lives are not 16 easy. You must accept that your organisations played 17 a big part in why we are the way we are.</p> <p>18 There are individuals in your organisations who we 19 do trust and who we can talk to. You should be big 20 enough and ugly enough to work out why we trust them. 21 It's simple: they listen; they take time to try to 22 understand; and when they promise to do something, they 23 do it. And that is what trust is built on.</p> <p>24 Now, I can summarise for you in just six words how 25 not to regain trust and how to begin to rebuild trust.</p> <p style="text-align: center;">Page 128</p>

<p>1 Six words: Nottingham City Council/Nottingham 2 County Council. That's it. We saw it yesterday: night 3 and day. 4 I challenge you to change your view of us, how you 5 think of us and how you treat us. Take up that 6 challenge, knowing that it will not be an easy road, but 7 if you decide to, we can build a new relationship. That 8 is the challenge. Take it. 9 Finally, chair, the efforts of your panel and the 10 Nottingham survivors have begun to pull back the heavy 11 veils of shame and fear and secrecy that allows 12 child abuse to happen and shields child abusers. This 13 inquiry has allowed light to shine in the dark places 14 where children cower. 15 There are things that were previously not spoken of, 16 like mental health and domestic violence, and it was 17 only when people began to speak about these things in 18 public that things began to change. Shame and fear 19 evaporated like mist, and truth emerged like the sun. 20 The same thing needs to happen with child abuse. So 21 I have just two suggestions. First, children in care 22 are not just in the care of the state, they are in the 23 care of our collective society. They could be anyone's 24 children, and should be cherished by the whole of 25 society and not hidden away out of sight.</p> <p style="text-align: center;">Page 129</p>	<p>1 20 November is The Day of the Child, and I would ask 2 you, madam, and your panel, to recommend that a big part 3 of that national day be devoted to children in care, to 4 acknowledging them, to cherishing them and making them 5 visible, because when children are no longer hidden away 6 but are made visible, it is so much harder to abuse them 7 and mistreat them. Most importantly, these children 8 need to feel and believe that they belong and are 9 cherished by our wider collective societal family. 10 Secondly, this inquiry has put months, if not years, 11 of work into this investigation. It has heard weeks of 12 evidence. You will write a report and you will make 13 recommendations. Promises will be made by the councils, 14 by the police, by the CPS, but you will have gone away. 15 And when you leave, what is to stop them sighing a big 16 sigh of relief and just going back on everything that 17 they have promised? 18 You came to Nottingham a few weeks ago and I urge 19 you to come back to Nottingham in 18 months to hold the 20 councils and the police and the CPS' feet to the fire 21 once more to see if your recommendations have been 22 implemented and to see if anything has actually been 23 changed. Let them know, chair, that the sheriffs are 24 coming back to town. Thank you. 25 THE CHAIR: Thank you, Mr Enright. Ms Gallagher?</p> <p style="text-align: center;">Page 130</p>
<p>1 Closing submissions by MS GALLAGHER 2 MS GALLAGHER: Thank you, chair and panel. At the start of 3 this month, in week 1, we heard very powerful, moving 4 evidence from F37, where she described feeling as if she 5 was part of an underclass simply because she'd been 6 a child in care, and she said: 7 "My experience of care was relentlessly awful. 8 I belonged to an underclass of girls who were treated as 9 worthless. We were not believed by anybody. We grew up 10 being told that we deserved everything we got. Because 11 I was a child in care, I was prejudged at every stage of 12 my life, and I was always assumed to be a liar." 13 She said, "The reputation I was given by 14 Social Services as a bad girl has followed me throughout 15 my life to this day. I know this is true of so many 16 other girls who were in care. We were not bad girls. 17 We were just girls." 18 She said, after that, that she knows there's still 19 an underclass of boys and girls in Nottingham and 20 elsewhere who are seen as worthless liars not deserving 21 of care. 22 Over the course of this three-week hearing we have 23 heard from many survivors who echo that view of F37, 24 their experience of feeling as if they are part of an 25 underclass. We have heard that from those who gave oral</p> <p style="text-align: center;">Page 131</p>	<p>1 or read evidence. We have heard that from the 2 67 victims and survivors whose details are summarised in 3 the very lengthy table you have before you cataloguing 4 their experiences. Indeed, we have seen it in relation 5 to other people who aren't core participants before you 6 but whose cases have been gone through, trawled through, 7 by your counsel team. 8 We have seen people, who were dismissed and 9 disbelieved by the councils and by the police, described 10 as being promiscuous, a term used in some documents for 11 clients of mine as young as 7 at the time. 12 "Unreliable", "aggressive", "lying", "delinquents", 13 "troublemakers". That word "troublemaker" is one which 14 P16 used precisely this morning in his evidence: a child 15 victim of rape and CSE criminalised and branded an 16 abuser and criminal himself, branded a troublemaker. 17 Something which you will see when you go back 18 through the week 1 transcripts is that the word 19 "worthless" was used repeatedly by the complainant core 20 participants who gave evidence. It was repeatedly used 21 by survivors to describe how they felt, both in the 22 past, in childhood, but, critically, also now as adults 23 attempting to access justice and secure much-needed 24 support. Just to give you some examples, that's the 25 word used by P4, by L39, by F37, by P7, by P3, in their</p> <p style="text-align: center;">Page 132</p>

<p>1 evidence. It was also the term used by Mandy Coupland 2 this week when she described how her survivors feel: 3 they feel worthless because they feel less of a person 4 because of what's happened. Some feel vulnerable, 5 embarrassed and judged, she said.</p> <p>6 I say that at the start because it is important to 7 indicate -- and I have indicated this to 8 Ashleigh Shepherd -- that there are some complainant 9 core participants not within the three particular case 10 studies, not one of the 12 selected to give oral 11 evidence, who have actually found this process itself 12 very difficult, and while they are very grateful that 13 the inquiry is here, some of them do find that, because 14 of the focus on Beechwood and foster care, if they have 15 been abused in another children's home, for example, 16 some of them understand the focus on case studies and 17 they recognise why that's important legally for your 18 role, but they have nevertheless felt that the process 19 itself has given less weight to their experiences, and 20 we have reassured them, and I hope you can reassure them 21 too, that every single one of the 67 accounts in that 22 table has something very important to add to the 23 inquiry's work. That table, 22 pages, is a powerful 24 catalogue of adults whose lives have been blighted by 25 their experience as children -- whether that was in</p> <p style="text-align: center;">Page 133</p>	<p>1 The Ridge, Skegby Hall, Farmlands or other children's 2 homes.</p> <p>3 The poet Lemn Sissay who spent 18 years as a child 4 in care because he went into care when he was under the 5 age of one, in the first few months of his life, as 6 indeed did some of the complainant core participants 7 here, has pointed out on a number of occasions that 8 literature and popular culture is rife with heroes who 9 grew up without their biological parents -- 10 Oliver Twist, Matilda, Cinderella, Batman, 11 Luke Skywalker, Pippy Longstocking and he's written 12 a poem, "Superman was a Foundling", which adorns the 13 walls of the Foundling Museum just a few miles from 14 where we're having this hearing.</p> <p>15 The poem is important because it addresses the 16 disparity between society's admiration for fictional 17 stars of popular and classic culture who are fostered, 18 adopted or orphaned, ranging from Romulus and Remus of 19 Rome's foundation myth to Lisbeth Salander of "The Girl 20 with the Dragon Tattoo". On the other hand, 21 a widespread disregard and contempt for their real-life 22 counterparts. What he says, as a care-experienced 23 adult, is, "How have we not made the connection between 24 these incredible characters of literature and religions 25 and the children in care in our midst? It is not our</p> <p style="text-align: center;">Page 134</p>
<p>1 pity that they need, it's our respect. Children who 2 have had a life in care deserve the right to own and 3 live the memory of their own childhood."</p> <p>4 We say at the outset that all of the complainant 5 core participants, the victims and survivors who have 6 laid bare their horrific experiences for you over these 7 three weeks -- and I say "victims and survivors"; in 8 some cases they describe themselves as "thrivers". We 9 say all of those individuals deserve our respect, as do 10 the many others who were abused when the Nottinghamshire 11 Councils were purportedly acting as their corporate 12 parents. That's the first theme I want to turn to: 13 respect.</p> <p>14 One aspect of respect which matters a lot to my 15 clients is how the corporate witnesses have treated this 16 process, these hearings, and indeed the complainant core 17 participants themselves. We acknowledge and thank at 18 the outset Mr Pettigrew and Chief Superintendent 19 Rob Griffin for what many people have described to us as 20 the compassionate way in which they have engaged with 21 victims and survivors during the course of this 22 three-week hearing. It is not a universal view. It is 23 certainly a view which many people feel and I have been 24 asked to put. And the largely constructive way in which 25 they answered questions yesterday. You will recall</p> <p style="text-align: center;">Page 135</p>	<p>1 Chief Superintendent Rob Griffin being asked about 2 certain proposals and saying, "That seems like a good 3 idea, I could see that that could help", for example.</p> <p>4 Now, whilst we have many criticisms of 5 the county council and the police, both in relation to 6 historical matters and current, the attitude and 7 approach of those two men this month has been much 8 appreciated and we thought we should put that on record.</p> <p>9 Similarly, Ms Leek's opening contained on behalf of 10 the police a very clear apology. Many people were 11 sitting on the edge of their chairs waiting for the 12 "but" which never came. Similarly, we thought today we 13 could see a real indication of a willingness to listen 14 and learn and the submissions which she made about 15 barriers to disclosure in particular could have been 16 made on this side of the courtroom.</p> <p>17 So in stark contrast, however, there is real concern 18 about the city council's approach throughout this 19 hearing. It has saddened and frustrated many survivors. 20 Many in the public gallery or following online yesterday 21 have found the evidence from Ms Michalska deeply 22 concerning, both in content and in tone. For someone so 23 concerned about reputational risk, which she emphasised 24 is very different, in her view, to reputation 25 management, we suggest yesterday was not a good example</p> <p style="text-align: center;">Page 136</p>

<p>1 of how to reassure members of the public that they can 2 have confidence in the decision making and approach of 3 Nottingham City Council's Children's Services 4 Department. 5 Now, we recognise that Mr Ford used much more 6 nuanced words this morning, but we think, when you look 7 at the transcript and you look at Ms Michalska's three 8 statements, that actually she uses much more absolutist 9 language, quite far removed from the much more nuanced 10 and balanced language that we heard from Mr Ford today, 11 so there is a mismatch, we think, between the language 12 used by Mr Ford and by his client. 13 It is not only yesterday's evidence which has caused 14 our clients concern regarding the city's approach to 15 this inquiry. I highlight just a number of other 16 matters now. We will deal with it in more detail in 17 writing. The first, which I will deal with very 18 briefly -- it has been done in a lot of detail by the 19 counsel to the inquiry -- is the non-apology apology, if 20 I can put it that way, because we have repeatedly seen 21 examples of what we would term a non-apology apology: 22 "an apology if you feel upset"; "an apology if we did 23 anything which caused concern"; or, indeed, an apology 24 which directs blame elsewhere or is heavily caveated. 25 We say Mr Curryer's belated 14 September apology plainly</p> <p style="text-align: center;">Page 137</p>	<p>1 fell into this category. It is not a badge of honour to 2 say that it would have passed the Browne Jacobson test 3 from the 1990s. You will recall the slides we saw about 4 how to give an apology which doesn't lead to liability, 5 how to empathise without saying something is your fault, 6 the dos and don'ts of apologies. If you compare that 7 list with the wording we received in September, I'm 8 afraid you will see that they match up: don't use 9 phrases with legal significance; don't admit liability 10 or negligence; empathise with injury or suffering; don't 11 admit that the county has caused harm or trauma. 12 It upset a lot of individuals that we had yet 13 another example of a non-apology apology yesterday. So 14 when myself and Mr Simblet raised concerns about the 15 eleventh-hour third statement, what we got was the 16 following: the response was to say, "We gave this to the 17 inquiry yesterday and we are sorry it was not disclosed 18 to you yesterday". In other words, an apology for the 19 inquiry's apparent delay. 20 Let me be very clear -- I can't speak for 21 Mr Simblet. From my clients, we make no criticism 22 whatsoever of the inquiry. The inquiry is perfectly 23 entitled to take 24 hours to review a document and 24 consider it before disclosure. Our criticism was of 25 the council not the inquiry. The apology we got was</p> <p style="text-align: center;">Page 138</p>
<p>1 a purported apology in relation to your solicitors' 2 delay and that was a misplaced apology, and not their 3 place to make it. We do say it is astonishing that 4 matters in that statement were only raised on Day 14 of 5 this 15-day hearing. 6 For example, we learnt yesterday for the first time 7 partway through the hearing about this individual who 8 has been appointed in relation to records. Now, what 9 the council failed to tell us -- they failed to tell us 10 about the process previously. We learned of it 11 yesterday and it is already a done deal. They have 12 conducted the recruitment exercise. Had they told us 13 earlier, we perhaps could have had input into it, they 14 could have listened to our concerns regarding records 15 and they could have taken a step which addresses those 16 concerns. They could have listened to issues raised by 17 the inquiry, but they haven't done that. They have 18 jumped the gun. No action for months or years on 19 records and then a flurry of misguided activity behind 20 the scenes without our knowledge when the inquiry is in 21 town. Frankly, that does not reassure our clients that 22 the council is, as they claimed in opening, committed to 23 continuing to learn lessons from the past. 24 Rather like Ms Michalska's evidence, we suggest that 25 that's another example of them presuming to know the</p> <p style="text-align: center;">Page 139</p>	<p>1 question and rushing ahead with their answer without 2 actually listening and reflecting. They have gone off, 3 taken action to be seen to be doing something which is 4 not in fact well considered. We say it is knee-jerk, 5 belated action, not thought through, not respect. 6 The second thing is the non-answer answer as well as 7 the non-apology apology. We have noticed in going 8 through the transcript -- we noticed it during evidence 9 and we checked it in detail afterwards -- the 10 nonanswer answer, particularly from city council 11 witnesses, although not only, we also heard it from 12 David White. So sometimes the answers were, we'll say, 13 evasive, not addressing the question asked. Sometimes 14 the language seemed very carefully chosen. I will give 15 you a couple of examples. 16 Yesterday, when Alison Michalska was asked if she 17 accepted that Beechwood should have been closed, we ask 18 you to note carefully what she said. She said yes to 19 Beechwood being closed, not because of escalating 20 concerns regarding abuse, simply because it was a big 21 children's home and, "Any big institution should have 22 been closed a long time ago". So they were her words. 23 It looks as if she's saying yes, it sounds positive. In 24 fact, when you look at the language, it's saying, "It is 25 not really anything to do with me, it is a more general</p> <p style="text-align: center;">Page 140</p>

<p>1 point about children's homes". That was typical of many 2 answers that she gave. 3 I will give you another example. We asked her about 4 a specific criticism in the 2017 Ofsted report which was 5 that the city council does not always fully understand 6 the reasons why children go missing and therefore does 7 not always give children the help they need. You will 8 recall that's something we raised in opening as one of 9 the red flags that gives us real cause for concern. We 10 have heard questions from Ivor Frank to some witnesses 11 about this specific issue. 12 You will recall the Ofsted report said staff do not 13 consistently or effectively conduct return-home 14 interviews, don't explore the reasons why children are 15 going missing and that limits their ability to construct 16 and implement appropriate risk management plans. Our 17 question was, does she accept that this is a continuing 18 obstacle to identifying children who are subjected to 19 abuse, and when you look at it, you will see over two 20 full pages of transcript -- pages 107 to 108 -- she 21 failed to answer. She gave a lengthy explanation of 22 what "requires improvement" means in Ofsted terms, which 23 appeared to some of us to be based on the pre 2015 old 24 "adequate" Ofsted writing -- we perhaps get an 25 indication of where she stood on the debate about</p> <p style="text-align: center;">Page 141</p>	<p>1 whether to move from "adequate" to "requires 2 improvement", and she didn't, frankly, accept this as an 3 area which, in layman's terms, requires improvement. 4 She talked about England's changed practice towards 5 children, spoke about being self-critical. There is 6 a straight answer to the question. The question is: do 7 you accept this is a continuing obstacle to identifying 8 children who are subject to abuse? We say the answer is 9 clear: yes. And she should have said so. 10 Also, Sonia Cain, Day 10. During her evidence, the 11 word "expectation" or "expect" was used 26 times. So 12 when she was asked a question, she said the aspiration 13 not in fact in practice was happening. She constantly 14 gave answers like there was an expectation that a social 15 worker would see a child on their own, even if the 16 foster carer didn't want it. Of course that wasn't the 17 question. You will recall that also happened with 18 county witness David White. 19 The number 26 is also relevant to 20 Margaret Mackechnie, who gave evidence on Day 9, because 21 in her evidence, short evidence, she said, "I don't 22 recall" or "I can't recall" 26 times, usually followed 23 by "I imagine that possibly my practice would have 24 been", so similar to Sonia Cain, giving evidence which 25 was aspirational and not actual.</p> <p style="text-align: center;">Page 142</p>
<p>1 The third thing just to mention briefly is 2 the June 2018 interview by Ms Michalska. I raise that 3 solely for a single point, which is, in the second 4 statement that we have got, which we say doesn't in fact 5 answer our concerns when you look at it carefully, she 6 dealt with the issue of the paedophile ring, and can we 7 just deal with that? That phrase was used in the police 8 context in a very particular way, concerning whether 9 a criminal conspiracy to sexually abuse children had 10 been hatched between multiple individuals at 11 a particular time. This inquiry has now heard, we say, 12 clear evidence that for decades on the councils' watch 13 there was almost continuous physical and sexual abuse of 14 children in care in multiple children's homes across the 15 city and the county, and in multiple foster placements. 16 There was a culture which allowed that to happen, often 17 in plain sight, with council employees and agency 18 workers turning a blind eye or not paying proper 19 attention. 20 Trying to address a criminal liability question 21 about whether half a dozen people got together to 22 expressly conspire to abuse children is beside the 23 point. That may be a matter of relevance to the police. 24 It is a very odd matter to give an interview about when 25 you're running a Children's Services department. We say</p> <p style="text-align: center;">Page 143</p>	<p>1 that interview belittled the position, indicates she 2 hasn't in fact reflected on what truly happened to our 3 clients and the many other people who lie behind the 4 ciphers on the pages before you and the many more 5 unknown to us. 6 Let me turn to the case studies. Firstly, 7 Beechwood. We said in opening: 8 "At Beechwood, we say there is horrifying evidence 9 which will emerge over this three-week hearing about the 10 nature and scale of physical abuse. Report after report 11 describes frequent absconding, near daily aggressive 12 attitude on the part of staff, a culture that violence 13 and injuries were not unusual." 14 We say that's been borne out by the evidence that 15 you have heard and you should make that finding in your 16 report, we respectfully suggest. 17 The inquiry has now heard harrowing evidence about 18 the oppressive, threatening, controlling atmosphere at 19 Beechwood which deprived children of autonomy. The 20 words used by Margaret Stimpson on Day 8 where she 21 described it as a "depersonalising place with a punitive 22 and uncompromising regime". Mark Cope said, "It felt as 23 if we were dealing with objects, not humans. This had 24 a terrible impact on the children. We never actually 25 saw an individual child, it was what they'd done wrong".</p> <p style="text-align: center;">Page 144</p>

<p>1 They saw the label, not the child. 2 That fits with what N1 described in N1's evidence: 3 a general culture of physical abuse, no nurturing, no 4 empathetic staff. You may recall she gave evidence 5 recalling crying for her mum and being told to shut up. 6 Paddy Tipping echoed this in his evidence this week, 7 referring to children being told what to do rather than 8 listened to and him being told a short, sharp shock was 9 what was needed for these children. Although we suggest 10 that Mr Tipping could, and should, have done more at the 11 time -- you will be aware two of our clients in 12 particular had him as a social worker and are 13 critical -- we do say his evidence regarding the 14 atmosphere and environment now, even if it is on 15 reflection, is credible and consistent with other 16 witnesses. 17 You will recall that in relation to its remand home 18 days, even Kenneth Rigby accepted in answer to 19 a question put by Mr Sadd on behalf of P15 that some 20 children couldn't disclose allegations because they were 21 waiting for a report. They had a fear of being labelled 22 a troublemaker and getting a bad report that would 23 prevent them returning home. So there was total power 24 over children who were there in that way. 25 You will also recall there was evidence from many</p> <p style="text-align: center;">Page 145</p>	<p>1 witnesses that that remand home mentality continued, 2 even after the status of the home changed. So even 3 though the home ceased to be used for this purpose, it 4 was reinforced by the physical environment -- bars on 5 the windows. A79 described it feeling like a Borstal 6 atmosphere even when it wasn't a remand home. The 7 phrase "dumping ground" was mentioned a little earlier. 8 That was used repeatedly when you go back through the 9 transcript in different ways, tellingly, by different 10 witnesses in a way which was, we suggest, contemptuous 11 towards the children by Kenneth Rigby in evidence where 12 he said, "We had to take all-comers, we got all the 13 people left over who were difficult", or in another way, 14 as a description of an attitude problem he observed by 15 Mark Cope where he talked about Beechwood being there to 16 contain the children and the dumping ground perception 17 having a massive impact, he said, on the children. 18 That's borne out by the evidence you have heard from the 19 complainants. C21, for example, on Day 2, said, "We 20 knew what Beechwood was, the local children. I knew 21 what it was, it was a bad boys' home". 22 Mark Cope's evidence, referring to containing the 23 children and that being the mind-set, is also reflected 24 and echoed by Michelle Foster who said there was 25 a culture of managing the children rather than caring</p> <p style="text-align: center;">Page 146</p>
<p>1 for them. We say that is truthful evidence and correct. 2 That containing/managing was done by largely 3 untrained staff, we have seen including many agency 4 staff. You have heard evidence, from Michelle Foster in 5 particular, on the lack of training. You have heard 6 from Mark Cope on the "War and Peace" procedure guide of 7 160 pages which nobody ever actually read. You have 8 also heard of extensive and systemic physical and sexual 9 violence there throughout the period when its doors were 10 open, bearing out the Hassall report conclusion in 2011 11 and more and bearing out the Operation Daybreak overall 12 assessment from February of this year that Beechwood was 13 riddled with abuse from the late '60s at least until the 14 late 1980s. 15 We suggest that the evidence shows the multifaceted 16 interrelationship between physical and sexual abuse at 17 Beechwood. The many adults who abused physically and 18 then progressed to sexual abuse. The many children, 19 importantly, who disclosed physical abuse were able to 20 do so and were then disbelieved and no appropriate 21 action was taken. This then created an additional 22 barrier to reporting sexual abuse. 23 Bronwen Cooper's findings that children would not 24 have felt safe at that time, physically or sexually. 25 The whole atmosphere of the home not being safe</p> <p style="text-align: center;">Page 147</p>	<p>1 sexually, in part because of the macho culture with 2 staff banter and inappropriate sharing of pornographic 3 images. 4 I am going to address a couple of specific points 5 about Beechwood and then move on. In opening, we 6 informed you that client after client of ours has 7 described a fight club operating in the cellar of 8 Beechwood over at least four decades. 11 clients within 9 our group alone who experienced this from 1963 -- A79 -- 10 to 1992 -- D34. Can I just remind you of the very 11 powerful read evidence of A79. You will recall A79, 12 I think, because he is very unusual, because over the 13 period 1957 to 1972 he was moved 27 times and he was 14 actually in Beechwood on five separate occasions. The 15 first time when he was aged 3. He has a memory from 16 when he was aged 3 of there being a fighting culture. 17 When he returns on his third stay, aged 7 or 8, he 18 is raped. When he returns on his fifth stay, aged 17, 19 he is again raped. In the read evidence which you 20 heard, he described, when he went back there in 1971, 21 the fighting culture continuing and he said, "There was 22 nothing to do but, if in doubt, fight". That was his 23 evidence. 24 We did also tell you in opening that D34 describes 25 the terrifying use of a Freddie Kruger mask. Now,</p> <p style="text-align: center;">Page 148</p>

<p>1 Mark Cope in his evidence recalled the mask, but 2 described how he thought the children loved it. You may 3 recall he gave the evidence saying some of the children 4 say, "Freddie, Freddie, Freddie". We suggest, chair and 5 panel, Mr Cope was a witness who appears to have done 6 his best to support the children, but struggled because 7 of his inexperience and his lack of training in 8 a poisoned system. This is a very good example. 9 Freddie Kruger, some of us of a certain age will know, 10 was a character from an 18-rated horror film, "Nightmare 11 on Elm Street", a burnt serial killer who uses a gloved 12 hand with razors to kill children, his victims, in their 13 dreams, causing their deaths in the real world as well. 14 This is plainly not an item which should ever have been 15 in an environment with young and vulnerable children. 16 We don't blame Mr Cope. We blame the system and the 17 management. 18 Turning to a number of witnesses in respect of 19 Beechwood, there are a number of witnesses, we say, who 20 gave evidence which we suggest is not reliable and 21 should not be accepted by the inquiry and we have got 22 three that we want to draw to your attention. Firstly, 23 Jim McLaughlin, Day 7, who described Beechwood as 24 a positive environment. We say it is simply not 25 credible, whether it is rewriting history, it is</p> <p style="text-align: center;">Page 149</p>	<p>1 misremembering, it doesn't matter. It is not credible 2 evidence. It shouldn't be accepted. 3 Secondly, Kenneth Rigby, Day 7. He said, "The staff 4 did all they could in the way that they were caring for 5 children, nothing more could have been done to engage 6 the trust of the young people at Beechwood". That is 7 evidence which this inquiry should reject. 8 He also said that the fight club consisted of 9 fairly-conducted boxing matches with consent. He also 10 denied ever seeing anyone with a split lip, despite 11 evidence from a witness in week 1 that he, himself, gave 12 her a split lip. This is the same man who flatly 13 refused to accept that there was an abusive culture or 14 brutal regime and who saw the staff as vulnerable, not 15 the children. In fact, three times in his statement he 16 refers to the vulnerability of staff and that being the 17 way around. 18 You will recall, chair and panel, attitudes which 19 could fairly be described as victim blaming. He 20 referred to children as "devious", he referred to girls 21 in Redcot as being "very promiscuous" and how male 22 members of staff had to be very careful and give the 23 girls plenty of leeway. In relation to Mr Dent, he gave 24 what we say is very concerning evidence. His focus was 25 on the protection of staff from allegations, not on the</p> <p style="text-align: center;">Page 150</p>
<p>1 children. He said he took Mr Dent into the office after 2 seeing him in the TV room with his arm around two girls 3 and his description was, "That's not expected. He's 4 putting himself in a situation. He could be giving 5 mixed messages to the girls". So his focus was that he 6 was giving mixed messages to the girls, the girls might 7 make some allegation against him. 8 He was asked if he spoke to the girls by your 9 counsel and his answer was, "No, because they had done 10 nothing wrong". It simply never occurred to him that 11 the girls could be victims or potential victims, need 12 support. His mind-set was to only speak to them if they 13 had done something wrong, even when giving evidence in 14 2018. That is a wrong-headed and skewed approach and we 15 say his evidence that this was a caring environment and 16 that staff were doing all they could should simply be 17 rejected. It is not credible. 18 The third witness we want to turn to is 19 Margaret Mackechnie. She similarly described children 20 liking it at Beechwood, being happy there, giving a good 21 account of being there. We say that's unreliable 22 evidence. Whether or not the children gave her those 23 accounts, it is simply not reflective of the true 24 experience and the weight of evidence before you. 25 We do suggest that in fact Ms Mackechnie was an</p> <p style="text-align: center;">Page 151</p>	<p>1 unreliable witness overall and there's evidence before 2 you to suggest that she may have been involved in 3 perpetuation of a system of denial and coverup and 4 ignored repeated warnings that Beechwood was unsafe. 5 I will just draw a few points to your attention. 6 Firstly, the Bronwen Cooper report from July 2001. 7 You will recall that Bronwen Cooper gave evidence that 8 she had initially recommended that Beechwood be closed 9 but felt a little pressure to remove this following 10 a discussion with Ms Mackechnie. She accepted also her 11 independence was somewhat compromised. We say 12 Bronwen Cooper was very measured in her evidence. 13 Clearly, a considered and truthful witness. She did 14 feel that pressure. 15 When you then turn to the evidence in response to 16 that, to the questions from Margaret Mackechnie, look 17 very carefully at the language, because she consistently 18 used phrases like, "Bronwen Cooper was given a free 19 rein, she had unfettered access" but when you check the 20 transcripts she says Ms Cooper had free rein and 21 unfettered access in terms of where she could go, she 22 could speak to who she wanted, she could see what she 23 wanted. Critically, Ms Cooper was plainly not free to 24 say what she wanted to say and, when she said what she 25 wanted to say, she was made to remove it from her</p> <p style="text-align: center;">Page 152</p>

<p>1 report.</p> <p>2 April 2002, the NCSC apparently recommended that</p> <p>3 Beechwood be closed following an inspection according to</p> <p>4 The Nottingham Post article with a quote, rejected and</p> <p>5 denied by the council. We say in fact that's another</p> <p>6 indication that there were these concerns not being</p> <p>7 dealt with.</p> <p>8 Finally, April 2003, the inquest into the death of</p> <p>9 a particular child. You will recall the evidence of</p> <p>10 Michelle Foster that she was threatened by Ms Mackechnie</p> <p>11 not to tell the truth about Beechwood at her inquest.</p> <p>12 She said, "If I disclosed to the inquest that children</p> <p>13 were having sex and taking drugs in the unit, it would</p> <p>14 cost me my job". We say Ms Foster was a witness of</p> <p>15 truth and her account was clear and compelling. In</p> <p>16 contrast, on this particular point, Ms Mackechnie said</p> <p>17 she had no recall of visiting Michelle before the</p> <p>18 inquest. She denied that she told her she would lose</p> <p>19 her job. When you look at the transcript, you will see</p> <p>20 her wording about whether she visited her and spoke to</p> <p>21 her was very vague: no recall. But on the issue about</p> <p>22 the job, she denied it. That's an odd contrast, we</p> <p>23 suggest. You may think it is an unusual contrast to</p> <p>24 have no comment on one matter and a clear denial on the</p> <p>25 other very closely related matter. It read oddly to us.</p> <p style="text-align: center;">Page 153</p>	<p>1 In response to a question from the panel -- I think</p> <p>2 it may have been from Mr Frank -- there was a question</p> <p>3 put regarding a group meeting. She accepted she'd had</p> <p>4 a group meeting with people who were going to be</p> <p>5 witnesses and she was asked if this was normal practice,</p> <p>6 and her answer was, well, I wouldn't know if it's normal</p> <p>7 practice because this is the first and only inquest</p> <p>8 I have ever been involved in. She was then asked what</p> <p>9 was the point of the group meeting and she said it was</p> <p>10 to tell the witnesses about the process. So we say</p> <p>11 there is an obvious contradiction saying it is the one</p> <p>12 and only inquest I have ever been at, I was there to</p> <p>13 talk to them about the process. That is another reason</p> <p>14 why we say her evidence simply is not credible and</p> <p>15 Michelle Foster's evidence should be preferred, who had</p> <p>16 a very clear memory of it and indeed found it difficult</p> <p>17 to contain herself in the public gallery when this</p> <p>18 evidence was being given by Ms Mackechnie.</p> <p>19 Overall, we suggest in relation to Ms Mackechnie</p> <p>20 that there's a pattern of pressurising staff to cover up</p> <p>21 the extent of the problems at Beechwood and ignoring</p> <p>22 warnings.</p> <p>23 Foster care. I will just deal with this briefly.</p> <p>24 I indicated in opening that this is critical, as the</p> <p>25 great majority of children are now fostered rather than</p> <p style="text-align: center;">Page 154</p>
<p>1 placed in residential homes. We are preparing quite</p> <p>2 detailed written submissions which we hope will be</p> <p>3 helpful to you on this.</p> <p>4 We do understand that foster care is not being</p> <p>5 examined, or not due to be examined, in the Lambeth</p> <p>6 strand, so we say there is no reason to wait in respect</p> <p>7 of foster care recommendations if that's the case.</p> <p>8 I understand the case studies are historic</p> <p>9 children-home-specific. So if that is the case, this</p> <p>10 doesn't need to wait for the other local authority</p> <p>11 strand to end --</p> <p>12 Now, many of the issues arising in relation to the</p> <p>13 evidence in that case study concern failures of</p> <p>14 oversight which are not foster-care-specific. But (a)</p> <p>15 they are more likely to arise in foster care, given that</p> <p>16 most care placements are now foster care; and (b) they</p> <p>17 are more concerning, we suggest, given the absence of</p> <p>18 Ofsted inspections.</p> <p>19 You can see that in the Gallagher case or in D6's</p> <p>20 experience about other foster children when an</p> <p>21 allegation is made and there not being a full</p> <p>22 investigation.</p> <p>23 Two particular headline issues we wish to just draw</p> <p>24 to your attention, which are continuing or increased</p> <p>25 barriers to disclosure in respect of foster care. The</p> <p style="text-align: center;">Page 155</p>	<p>1 first is carer-focused culture. You have heard some</p> <p>2 submissions already about that this morning from</p> <p>3 Mr Sharland. There's been a carer focus in the</p> <p>4 councils, we say, and arguably there still is, despite</p> <p>5 efforts to address this in the county in a way that</p> <p>6 there hasn't been in the city. A carer-focused approach</p> <p>7 can lead to higher rates of abuse, as occurred in</p> <p>8 Mansfield district. Key witnesses -- and we will give</p> <p>9 you the references in writing -- are Jayne Austin in</p> <p>10 particular, and also the reviews of social working</p> <p>11 undertaken in the 1990s, "Finders Keepers" and so on.</p> <p>12 We will give you those references.</p> <p>13 We do also want to draw to your attention a matter</p> <p>14 of particular concern in this regard from Mr Mellen, who</p> <p>15 gave evidence, who referred to there being two foster</p> <p>16 carers on the Corporate Parenting Committee. That's</p> <p>17 another matter which suggests there's this focus on</p> <p>18 foster carers.</p> <p>19 There's also many other examples of attempts to</p> <p>20 reassure carers that they don't need to worry about</p> <p>21 allegations being made against them. You will recall</p> <p>22 the evidence of Rod Jones in respect of Focus magazine.</p> <p>23 The second topic is out-of-county placements.</p> <p>24 I won't go through it in detail now, but it is a matter</p> <p>25 we are setting out in a lot more detail in writing.</p> <p style="text-align: center;">Page 156</p>

<p>1 There does now seem to be wide agreement from the 2 witnesses who appeared that out-of-county placements are 3 problematic for a number of reasons. There is less 4 oversight, both formal and informal; less support 5 available for the children; foster carers might access 6 less training and information. You have heard some of 7 the rates which suggest there's a significant number of 8 placements at a distance from the responsible local 9 authority, the evidence of Steve Edwards was 15 per cent 10 of county foster children being in a placement that's 11 outside a 20-mile radius. But also, importantly, as 12 well as the evidence suggesting that they're less likely 13 to access training and have oversight, there's also some 14 evidence from Mr Edwards that the placements at 15 a distance might actually be more complex cases in need 16 of extra support or oversight, and that's a particular 17 concern.</p> <p>18 Harmful sexual behaviour between children. Our 19 headline point on this is that our view is that this, 20 although it is a separate case study, the key issues for 21 you to focus on are the same structural failures in 22 respect of Beechwood and foster care and the creation of 23 a toxic atmosphere where this can take place.</p> <p>24 I'm going to turn to the issue of what has changed 25 and the extent to which historic concerns have been</p> <p style="text-align: center;">Page 157</p>	<p>1 addressed by the councils and deal with that briefly. 2 Firstly, can we say this: there is a fundamental 3 challenge for the panel in looking at this issue, and 4 that is that there are no children in care currently who 5 are part of this process. The youngest individual from 6 our cohort before you is aged 23 and I believe from the 7 descriptions given of others that he may indeed be the 8 youngest person before you. So although he is still 9 a care leaver and in the system in that way, you don't 10 have anyone before you who is currently a child in care. 11 The result of that is that the witness evidence is 12 largely one-sided, so you have heard corporate evidence 13 about what's currently being done, but you don't have 14 evidence from children on the ground who are being 15 affected.</p> <p>16 There are some notable and very limited exceptions, 17 for example, the statement of Carolyn Willow, which you 18 have. But that is a fundamental problem when it comes 19 to looking at this issue. We say, we referred to 20 scepticism in our opening: if in doubt, make 21 a recommendation. Because if they are doing it already 22 and if the aspirations and the statements are true, the 23 recommendation won't cause them any difficulty. So our 24 motto would be: if in doubt, make a recommendation. 25 We do accept there's a distinction between the</p> <p style="text-align: center;">Page 158</p>
<p>1 county and the city in respect of this change point and 2 Mr Sharland dealt with this in his closing this morning. 3 In respect of the county, we accept that the current 4 Ofsted picture is more positive. The Perry case which 5 we have provided for you -- that was provided by us 6 because it raises some concerns. We are wary of 7 assertions that something is a one-off and not 8 systematic, particularly when it involves multiple 9 professionals across multiple agencies, and we will 10 consider carefully what the county has to say on that 11 but Perry is a case which caused real concern for us.</p> <p>12 Also, we are quite conscious -- it came up in 13 a different context in CPS evidence, when we were 14 looking at the case of NO-F80, that foster care case, 15 and the context of that is that NO-A104 was indecently 16 assaulted by Myriam Bamkin at Amberdale when he was 15, 17 and the social worker was allowed to continue in her job 18 for almost 30 years after concerns were ignored. 19 A staff member had reported concerns. It wasn't taken 20 further.</p> <p>21 Bamkin continued to work for Nottinghamshire 22 County Council until 2016, when she was suspended 23 following the complaint. Now, this is one area where we 24 think the city has in fact been better than the county 25 because the city did do a review in respect of its</p> <p style="text-align: center;">Page 159</p>	<p>1 employees. But if that complaint hadn't been made in 2 2016, Bamkin could still be working there now. That's 3 very recent and that does give us cause for concern. 4 But we don't go so far as to say there's a systemic 5 problem in the county because we can't on the evidence. 6 There is enough to give us cause for concern.</p> <p>7 In relation to the city council, however, we do say 8 that there is evidence of systematic concerns and we 9 will set it out in more detail in writing. Three things 10 in particular we want to draw to your attention: the 11 Ofsted report from 2017 regarding missing children; the 12 Child J Serious Case Review. We had a bit of a canter 13 thorough it yesterday very briefly, but you will see 14 when you look at it, lack of a child-centric approach, 15 focus on supporting the adult, believing the child was 16 difficult because the aunt had said the child was 17 difficult, not being challenged. Multiple professionals 18 making precisely the same errors which have occurred 19 over the years for the people who are sitting in the 20 public gallery and who are behind the ciphers and the 21 papers.</p> <p>22 The third matter, which we didn't get to deal with 23 yesterday, we were intending to, was the LM case. We 24 will set that out in more detail in writing. It is 25 a 2016 case where Mr Justice Keehan in the High Court</p> <p style="text-align: center;">Page 160</p>

<p>1 criticised -- his words -- "the egregious failures of 2 Nottingham City Council", and he expressed particular 3 concern that the errors identified in that case -- 4 that's a case about removal of a newborn baby from 5 a mother -- are not isolated examples and that the 6 problems were systemic. Ms Michalska is perfectly aware 7 of it, because the High Court asked her to give an 8 apology and she wrote -- she and the lawyer had to give 9 in writing -- had to write to the High Court and the 10 High Court in the judgment expresses concerns about the 11 terms of the correspondence that it receives.</p> <p>12 There, that's very similar, the LM case, to the 13 Baby G case which I mentioned in opening. So a decade 14 later, another case about this Children's Services 15 Department and we say it is quite right to have 16 a healthy dose of scepticism here because lessons 17 weren't learned between the Baby G and the LM case and 18 there is a basis for you to say these are systemic 19 failures and a failing Children's Services Department.</p> <p>20 I am just going to note for the written submissions 21 that there are a number of thematic issues which we deal 22 with in a bit more detail in the written submissions. 23 There are some key thematic underpinning issues we wish 24 to note. One of the problems with the case study is 25 sometimes the underpinning issues can be forgotten.</p> <p style="text-align: center;">Page 161</p>	<p>1 They reflect what was said in opening, but we say they 2 are now supported by evidence which has borne out our 3 predictions. The four topics are: lack of effective 4 oversight mechanisms; flaws in the leaving care system, 5 in the city council in particular; red flags being 6 missed; and the absence of a child-centred approach. 7 I will just, because of the time, deal with oversight 8 briefly before turning to a couple of other matters.</p> <p>9 So in relation to oversight, for large periods of 10 time when our clients were in children's homes, there 11 were more detailed requirements for inspection of food 12 facilities than there were of children's homes, and we 13 will deal with that in detail. The system is now very 14 different but there are many new challenges, 15 particularly because of the foster care development.</p> <p>16 A couple of things we just want to highlight: IROs 17 are central to the reassurances we were given. We say 18 the evidence is that IROs, particularly in the city, are 19 not independent, not properly resourced, there's no 20 sufficient evidence of challenge. We do have concerns 21 about the county, but we accept that Mr Pettigrew's 22 evidence was better than Ms Michalska's evidence on this 23 point. We have got particular concerns about the issue 24 of collocation, which we will deal with.</p> <p>25 The political oversight is also fundamentally</p> <p style="text-align: center;">Page 162</p>
<p>1 flawed. You will recall Councillor Philip Owen 2 referring to "the odd child", seeing the odd child. If 3 you wanted a phrase which indicates a failure and not 4 having a child-centred approach, you could get nothing 5 better. Also, there was evidence about the conflict 6 between dual roles, so individuals sitting both on the 7 corporate parenting board and on the other board, which 8 was a real problem.</p> <p>9 I think, because I have a very limited amount of 10 time, I just want to flag one matter for you and then 11 just deal very quickly with some recommendations. The 12 matter I want to flag for you concerns criminal 13 prosecutions and the interaction between the CPS and the 14 police. We are going to deal with this in writing but 15 it is very important because it didn't come up. The 16 documents are before you and came up, but it didn't come 17 up in some detail.</p> <p>18 There is a particular concern about the CPS' current 19 substantive decision making and their communication with 20 victims when deciding not to proceed, because it is done 21 via police indirectly. Now, this morning, you heard 22 evidence read in relation to P12, and P12 was 23 described -- so P12 is someone who was raped by 24 Mr Logins in 2013. That's her allegation. When she 25 goes to the police after she's seen Mr Logins on TV,</p> <p style="text-align: center;">Page 163</p>	<p>1 there is then a process and it is decided ultimately not 2 to proceed with the prosecution. She described -- you 3 will see it in the table -- she was very pleased with 4 the police because they explained, "He already has 5 a 20-year sentence, it is not in the public interest to 6 proceed". She discovered for the first time this week, 7 having looked at Mr McGill's statement, that that is not 8 the reason that the prosecution did not proceed. The 9 reason that the prosecution did not proceed is because 10 they found in relation to her -- it says P12 was, 11 according to Beechwood records, "manipulative". P12, 12 a 13-year-old girl, "had been crossing boundaries with 13 Logins" -- what on earth does that mean; it is 14 a 13-year-old girl -- and had been "inappropriately 15 physical towards other staff members". Also, there 16 wasn't issue identified regarding her mental health and 17 there was a request for the police to get a report and 18 the report never came and they decided not to proceed. 19 So she never got told by the police what the reason was 20 for the decision or about her right to review.</p> <p>21 In relation to recommendations, we have got a series 22 of recommendations which are both national and local. 23 On the national ones -- I'm told that I can't deal with 24 those. I will have to do them in writing.</p> <p>25 On the national ones, can I say one thing: one of</p> <p style="text-align: center;">Page 164</p>

<p>1 the national ones that we deal with concerns austerity. 2 This is an area where we in fact agree with 3 Ms Michalska. She gave a very powerful interview to 4 The Guardian in October 2017 where she highlighted the 5 fundamental £2 billion gap between central government 6 funding and what Children's Services need to do, and the 7 Department for Education are here and they have been 8 very silent throughout this hearing, but there is 9 a fundamental issue about adequate funding for 10 Children's Services. That's absolutely not to let the 11 councils off the hook, but we will be calling for 12 a national recommendation in relation to adequate 13 funding. Thank you very much. 14 THE CHAIR: Thank you, Ms Gallagher. Mr Brown? 15 Closing submissions by MR N BROWN 16 MR N BROWN: Thank you. Chair and members of the channel, 17 the purpose of this inquiry is to make sure that 18 the children of today and tomorrow do not have the same 19 experience as the complainant core participants who have 20 taken part in this inquiry and as so many other children 21 who were in care at the same time as them. 22 No-one who listened to the evidence during the first 23 week of this inquiry can doubt the importance of your 24 task. Sitting here and listening to those 11 people 25 give evidence, as well as P16 today, you probably</p> <p style="text-align: center;">Page 165</p>	<p>1 wanted, as D20 dearly wanted, everyone who has any 2 dealings with anyone who is or may be affected by child 3 sexual abuse and everyone -- and this includes the 4 lawyers and insurers of local authorities -- who makes 5 any decisions which affect the victims of child sexual 6 abuse, to hear the voices of those 12 complainant core 7 participants, as you have done. 8 Not just to read their words on the written page, 9 but to actually hear those words as they were spoken, 10 and to hear the voices of those 12 people as they said 11 them. 12 Because, for anyone who actually heard those 13 12 people, it would be virtually impossible to ignore 14 their voices. 15 Yet that is D20's fear, that their voices, along 16 with the voices of all of the other complainant core 17 participants like her, who did not get a chance to speak 18 to this inquiry, but whose equally important words were 19 summarised, will be lost in a cacophony of competing 20 causes and demands and then essentially forgotten. 21 To prevent that fate, to make sure that you, as 22 a panel, do successfully achieve what you have set out 23 to do, you have to grasp the nettle: money. Because 24 putting in place meaningful and effective change boils 25 down to one thing: having sufficient resources to</p> <p style="text-align: center;">Page 166</p>
<p>1 implement the changes you recommend properly. You have 2 to demand that this government and future governments 3 find the money to fund the changes which you recommend. 4 No ifs, no butts, no excuses. Otherwise, it won't 5 happen. 6 You can have the best policies and procedures in the 7 world, but unless the individuals who are tasked with 8 putting those policies and procedures into practice have 9 the necessary empathy and understanding, those policies 10 and procedures will turn out to be empty promises for 11 many of the children they are designed to protect. 12 Take Daniel Yates, for example. How many of us in 13 this room would be comfortable with all of the judgments 14 which he is making, about whether abuse is taking place 15 at the home where he works. As Jayne Austin said, 16 whatever system is in place, compliance is always 17 a challenge. As Chief Superintendent Griffin said 18 yesterday, policies and procedures are worthless without 19 proper leadership. 20 So how do you make sure that all of these 21 individuals, whether they are working with children in 22 care today or whether their contact is with survivors of 23 child sexual abuse, all have the necessary empathy and 24 understanding to do their jobs really well? 25 First, you have to attract, select and retain the</p> <p style="text-align: center;">Page 167</p>	<p>1 right people. 2 Secondly, they have to be thoughtfully and properly 3 trained, and I would add in parentheses, if at all 4 possible, that includes hearing -- actually hearing -- 5 from adults who were sexually abused as children and, 6 I would emphasise, reflecting upon those experiences, 7 just as you have done. 8 Thirdly, there has to be the right oversight. The 9 staff on the front-line have to be carefully supervised, 10 again, by the right people. 11 Fourthly, both managers and front-line staff have to 12 have the time to do their jobs properly. 13 Now, the problem is that all of that costs money. 14 Take D20's recent experiences with the police in 2014. 15 D20 acknowledges that not every police officer could be 16 expected to know the importance of giving her a choice 17 as to whether or not she came forward to help them with 18 their investigation into Beechwood. But she would 19 expect a specialist, trained police officer to know that 20 now; now that Nottinghamshire Police have heard how her 21 life imploded after the police blundered into her life 22 in 2014 effectively demanding to know what evidence she 23 could give to support their prosecution. Having heard 24 and thought about what D20 and others have said, like 25 D6, about how now, the present, is not necessarily</p> <p style="text-align: center;">Page 168</p>

<p>1 always the moment when everyone feels able to talk about 2 their experiences of abuse. Like C21, about how 3 frightening it is to find out suddenly that what you 4 thought was completely private and only you knew about 5 is out there in the public domain and other people know 6 and are talking about it. 7 Yesterday, Chief Superintendent Griffin asked for 8 practical guidance. D20 would now expect a specialist 9 police officer to know how important it was to write to 10 her in advance, saying that he or she wanted to talk to 11 her about her experiences at Beechwood as part of 12 a criminal investigation, and then inviting her to call 13 a particular number if she wanted to assist, or even 14 just find out what agreeing to assist the police might 15 involve or would probably involve, so that she, D20, had 16 a choice whether to ring that number the next day or in 17 a month's time, in six months' time, or perhaps never at 18 all, and so that she, D20, really knew and had had an 19 opportunity to think about what she was probably getting 20 herself into if she decided to get involved. 21 D20 would now expect any police officer who is 22 coming into contact with the victims of historic 23 childhood sexual abuse to have that sort of practical 24 training, not just senior police officers, but every 25 officer doing this type of work, and for there to be</p> <p style="text-align: center;">Page 169</p>	<p>1 protocols for every officer to consult and to follow; 2 and at the same time D20 would expect any police officer 3 doing or involved in this type of work, and every 4 appropriate NHS commissioning body, fully to appreciate 5 the importance of having properly trained counsellors 6 who actually know what they are doing available 7 immediately, there and then, whenever the police 8 approach someone like D20 or whenever someone like D20 9 comes forward, and for that to be nationwide. It is not 10 rocket science. 11 How are you going to cope if you find yourselves, as 12 D20 suddenly found herself, having to or being forced to 13 face up to experiences which you have buried away to 14 keep yourself sane, and your partner has not the 15 slightest idea what it is like because he has had 16 a happy childhood and he just can't grasp it or he is 17 just not able to support you, or you are on your own? 18 Who are you going to talk to? And if you have no-one to 19 talk to, how on earth are you going to cope? 20 As I have already acknowledged, all of this costs 21 money, but D20 would say it would all be money well 22 spent, for two reasons: you know the toll that childhood 23 sexual abuse takes. You also know how vulnerable so 24 many victims of child sexual abuse are. As D20 would 25 say: what price is my life? For the lack of training of</p> <p style="text-align: center;">Page 170</p>
<p>1 those police officers in 2014 and for the lack of 2 counselling, D20 has paid a very heavy price with her 3 mental health, and indeed effectively her life over the 4 last few years. 5 "Even coming into town, four years later, is a big 6 deal for me", D20 told me the other day. She then went 7 on, "I can't go on like this. I have lost my way in 8 life", and D20 of course only has one life. 9 If that isn't enough, the second reason is horribly 10 practical: as D20 would again say, she's had her fair 11 share of mental healthcare over the last four years and 12 she's been unable to work because of her mental health 13 for all of that time. How much has that cost? 14 Obviously D20 is not the only victim of child sexual 15 abuse who has significant mental health issues. How 16 much has our failure as a society to address child 17 sexual abuse up until now, how much has that cost us 18 financially in total to date, let alone the price that 19 individuals have paid in wasted lives? 20 My final thought: at the end of this inquiry, you, 21 the panel, will wield huge political and moral weight. 22 Please don't pull your punches. Pin down the key 23 individual decision makers, from chief constables to 24 ministers, from local authority directors of 25 Social Services to those who hold the purse strings in</p> <p style="text-align: center;">Page 171</p>	<p>1 the NHS. Make them spend the money that is needed. 2 Make sure they are held accountable if they don't. Make 3 them report and explain and try to justify their 4 decisions. Make the case because we, as a society, can 5 afford it and we owe it to all those we have let down so 6 badly in the past. Thank you. 7 THE CHAIR: Thank you, Mr Brown. 8 MR SADD: Chair, might I suggest at this time we have 9 a break. Chair, would you prefer 15 or 10 minutes? 10 THE CHAIR: We will return at 3.00 pm. 11 (2.48 pm) 12 (A short break) 13 (3.00 pm) 14 THE CHAIR: Mr Simblet? 15 Closing submissions by MR SIMBLET 16 MR SIMBLET: Thank you, madam. These submissions are made 17 on behalf of 34 core participants represented by 18 Uppal Taylor Solicitors and identified in this inquiry 19 as the core participants with "L" prefixes. I would 20 like to thank the panel on our clients' behalf. I know 21 they are grateful to have had their evidence heard, read 22 and summarised, and it is completely appropriate to both 23 start with complainant evidence and to finish it, 24 because that dovetailing of the evidence reinforces, we 25 say, the important evidence that those people have got</p> <p style="text-align: center;">Page 172</p>

<p>1 to give and the urgent demand for action that they 2 require.</p> <p>3 I am not going to review the evidence in detail. 4 That's been done by others. But I would make this 5 comment: what we predicted in opening would be the 6 evidence has materialised. In summary, the institutions 7 got very much wrong and very little right. What is now 8 being said under the gaze of the inquiry and belatedly 9 being changed reveals wholesale failures in child 10 protection in all its aspects.</p> <p>11 It has been accepted there were serious systemic 12 issues in relation to supervision of foster parents, 13 including from directors of Social Services. It has 14 been accepted there were systemic issues in relation to 15 Beechwood where the evidence describes a very cruel and 16 abusive environment. It's clear there were no 17 procedures or guidance in place regulating sexual 18 behaviour between children in care, clear from the 19 evidence of Michelle Foster, Mark Cope and 20 Margaret Mackechnie that that was the position in 21 children's homes too. On any view, the conditions at 22 Beechwood were continuously, for decades, hellish.</p> <p>23 The plainly political and expedient decision not to 24 close Beechwood after Bronwen Cooper's report was 25 a decision that contributed to the perpetuation of abuse</p> <p style="text-align: center;">Page 173</p>	<p>1 in Beechwood and elsewhere, and it is now said that 2 Beechwood and all big children's homes should have been 3 closed at that time. That is not just a shallow 4 observation, because our client L43, from whom you 5 heard, was sexually abused there after Ms Cooper's 6 report, in the same place that his mother, L51, had 7 herself been sexually abused. It was not, as we say the 8 evidence reveals, sadly, in some ways, massively 9 different from other children's homes which have also 10 now been closed. You will recall the evidence of L17 on 11 the first day and L18 this morning, who described sexual 12 abuse that they sustained both in Beechwood and in 13 Amberdale.</p> <p>14 We would also say this: various witnesses have 15 claimed to introduce a particular innovation or 16 improvement. We would say that, while the inquiry may 17 give credit where it is due, the inquiry must be careful 18 not to give credit where it is not due. You, through 19 the expertise and knowledge that you all have, as well 20 as the material that is introduced and considered in 21 this and other phases, will be aware of national 22 developments and regulatory changes. A change in 23 practice that's been brought about by a change in 24 national legislation, which imposes a legislative 25 requirement on a local authority to act differently,</p> <p style="text-align: center;">Page 174</p>
<p>1 should not camouflage a change that they make if it is 2 in fact an external legal change rather than something 3 that they have initiated. That is something that we ask 4 you to bear in mind when you review the evidence and the 5 way it has been narrated in this inquiry.</p> <p>6 We should also say this: we would invite you to be 7 careful not to place too much weight on the way the 8 evidence came out from different witnesses, because 9 those giving evidence early on in the inquiry, including 10 persons such as Mr Fenwick and Mr Rigby, as well as 11 Mr Jones and Mr White, were more able to deflect 12 searching questions than seems to have been the case 13 with those giving evidence later, in part because the 14 issues unfolded as the inquiry proceeded, and that even 15 though some of those later witnesses were inheriting 16 a position that needed clearing up, those giving 17 evidence earlier on, we would say, were able to claim 18 either personal or institutional amnesia and to distance 19 themselves more from the obvious failures that we say 20 they were responsible for.</p> <p>21 It is also pertinent to observe that there is not 22 one person in this inquiry who has accepted being 23 personally accountable for any of the abuse.</p> <p>24 Now, our opening finished with the words, "The 25 inquiry is not able to change someone's past, but it can</p> <p style="text-align: center;">Page 175</p>	<p>1 change someone's future", and this is not a phase of 2 the inquiry dealing merely with ancient history. The 3 evidence we have heard is, some institutions have 4 changed procedures this month, or intend to fix them in 5 the next few months, and Mr Frank insisted on 6 a commitment from Councillor Owen to be updated about 7 the matter.</p> <p>8 Child abuse is a real and significant current 9 problem. There is probably a child suffering right now, 10 as we sit here in this building, and we say that the 11 inquiry has a duty to make recommendations that will 12 assist that child and others at risk. While child 13 protection may have changed and evolved over previous 14 decades, what is clear from the evidence that has been 15 heard in these public hearings is there is still a long 16 way to go. We do not share the observation made by 17 Mr Sharland this morning on behalf of Nottinghamshire 18 County Council that there is not a risk of -- a current 19 risk of systemic failure.</p> <p>20 So what we now propose to do to address this risk is 21 to identify some useful, sensible and, above all, 22 workable recommendations, and first focus on those that 23 look forward, recommendations directed to the protection 24 of children in care now and in the future, aimed at 25 preventing abuse.</p> <p style="text-align: center;">Page 176</p>

<p>1 We say, first, there should be a recommendation that 2 all institutions and services, including medical 3 services, improve their awareness of the dangers of 4 abuse for children. This inquiry has been mainly 5 concerned with sexual abuse of children, but any abuse 6 of a child is wrong, whether that's sexual, physical or 7 emotional, and those other abuses create the 8 circumstances in which sexual abuse can take place, and 9 create the circumstances in which children are unable to 10 disclose such sexual abuse.</p> <p>11 We say there should be education for children in 12 care on abuse and grooming behaviour. While we can't 13 eradicate necessarily abuse, educating a child as to 14 behaviours that are wrong, including alerting a child to 15 signs of grooming behaviour and ensuring that the child 16 knows who to complain to, how to complain and how they 17 can access an individual or service, will improve 18 disclosure and lead to earlier intervention.</p> <p>19 Next, and there's been evidence given about this, 20 ensuring a child has multiple avenues of complaint or 21 assistance -- it could be a telephone complaints line, 22 a rights sheet, better points of contact. L48 told you 23 how he had been kept from seeing his social worker on 24 his own. Steve Edwards gave us some evidence of what 25 the system is today and told us children can access</p> <p style="text-align: center;">Page 177</p>	<p>1 a telephone line or social worker, but we say more 2 proactive steps should be taken.</p> <p>3 Children should be given simple instructions about 4 the risks and their rights, given a sheet of paper about 5 contact points and a web link or some other digital form 6 that helps them.</p> <p>7 It is appropriate to provide a means by which the 8 children can contact the council and/or an independent 9 advocate by phone or by internet. Why not recommend 10 a prepaid mobile phone as standard for children in care, 11 and there is no reason why such a phone could not be set 12 up to only allow access to predetermined numbers, 13 including the child's social worker, if there were 14 a danger of that facility being exploited by others.</p> <p>15 Also, the functioning of such a phone or such 16 electronic means can be monitored electronically, thus 17 guarding it against misuse or suppression, for instance, 18 by foster carers. That is a simple and, we say, 19 affordable and effective recommendation that could, and 20 should, be implemented.</p> <p>21 Also, please be aware that we cannot of course just 22 rely on children themselves to complain. Some children 23 may be too young or have communication difficulties or 24 disabilities that prevent them having access to 25 a complaint route if things are not right. You have</p> <p style="text-align: center;">Page 178</p>
<p>1 also heard a whole host of evidence about other barriers 2 to disclosure. So regular and frequent checks and 3 visits on both them and the carers should be mandatory.</p> <p>4 Reassessment of needs, medical checks and 5 reassessment of placements and carers on a regular basis 6 need to be mandatory, including the opportunity to see 7 the child on their own. This issue also raises issues 8 of quality and training.</p> <p>9 We also need firmer measures to increase awareness 10 and involvement of all that come into contact with the 11 child, including medical services, schools, workers and 12 other people concerned in the child's welfare, and call 13 for the imposition of a duty of candour or a duty of 14 transparency on those people, backed up with criminal 15 and civil liability. We say criminal liability because, 16 why should it not be a criminal offence for somebody to 17 fail to protect a child when they should have done?</p> <p>18 If people knew that they might go to prison for 19 letting a child down, we might see much more care given 20 to the children than has been disclosed in the evidence 21 we have heard here. This would go hand in hand with 22 ensuring agencies are alert to any signs of abuse or 23 changes in the behaviour of a child that may suggest 24 abuse.</p> <p>25 Also, and we have some quite moving evidence about</p> <p style="text-align: center;">Page 179</p>	<p>1 this, as L48 expressly stated, and L45 inferentially 2 stated when describing her foster placement, children 3 are vulnerable, and children in care are more vulnerable 4 than others. They lack the protective factor of 5 a secure parental background.</p> <p>6 One thing that can give a child a degree of 7 psychological security is the opportunity to build their 8 own memories, and their own history. If you remember, 9 L45 brought her Sunday School prize book to the inquiry, 10 her only childhood possession, and one that had come 11 back to her via being found in a jumble sale. Its 12 importance to her, including, as she told the inquiry, 13 the restoration later in life of her religious belief 14 was palpable. The evidence from many complainants of 15 being isolated, made to feel worthless, physically 16 abused, racially abused, otherwise isolated and 17 separated and made to feel more vulnerable, means that, 18 in our submission, the inquiry should consider the 19 benefits of a child being -- of society ensuring the 20 child has things of their own and for those to be 21 respected and preserved.</p> <p>22 L48 said this could be some form of memories box for 23 each child, things like the keeping of physical objects 24 and digital memories to help a child develop his or her 25 own sense of self or of self-worth, by helping them to</p> <p style="text-align: center;">Page 180</p>

<p>1 create memories, and that would be, we say, an 2 inexpensive and worthwhile protective factor. 3 This sense of children having their own history also 4 incorporates access to records and record keeping. You 5 have heard a lot on that topic. Records, of course, 6 also need to be useful rather than simply formulaic. 7 Now, looking then to recommendations relating to the 8 response to allegations of abuse. Some of what you have 9 heard affects the police, and some affects 10 Social Services. In this context, we consider these 11 things. 12 One -- now, this is something that you are going to 13 hear and have a phase of the inquiry in the 14 accountability and reparations phase, so I am going to 15 be somewhat brief about it, but there has been evidence 16 given and, as you know, the Nottinghamshire Councils' 17 phase presents an example of current situations where 18 the accountability and reparation case studies seem to 19 be more in the past, so it is not something I want to 20 just abandon. So number one, some form of redress 21 scheme for victims and survivors of child sexual abuse 22 who were in the care of Nottinghamshire Councils and 23 others, both in residential care or foster care or under 24 the care and watch of the councils who suffered abuse 25 within the family home. It needs to be fair and</p> <p style="text-align: center;">Page 181</p>	<p>1 economical. It would be seem to be supported by the 2 corporate witnesses from whom you have heard. 3 Such a scheme would have to preclude challenges to 4 limitation. You have heard a lot about barriers to 5 disclosure. They affect the operation of the law of 6 limitation. 7 The evidence you have heard is that paragraph 1 of 8 the Nottinghamshire County Council's defence contained 9 a limitation defence. That sort of approach needs to be 10 swept aside. 11 Also, a system of belief, where there is acceptance 12 from the child of what has happened with appropriate 13 consideration of supporting evidence, and a more 14 holistic view taken. It is notable that in the evidence 15 you have heard some of the people who had brought claims 16 about Beechwood at an early stage were treated -- sorry, 17 some of the people who brought claims about Beechwood at 18 a later stage faced the same problems and the same 19 defences as people who had brought claims about 20 Beechwood at an earlier stage. Nobody seems to have 21 said, "Why are all these people bringing a claim about 22 Beechwood? Surely there is evidence of serious 23 institutional abuse there and therefore what these 24 people are saying is likely to be true?". 25 The approach of disbelief and of focusing on how you</p> <p style="text-align: center;">Page 182</p>
<p>1 could knock out a case on an individual basis seems to 2 have been the approach adopted here. 3 There should also be, we say, no bar on using such 4 a scheme even if individuals have already settled civil 5 claims against the council. There should be 6 a recognition that, following this inquiry, those 7 engaged in protracted civil proceedings facing systemic 8 disbelief and requirements to give evidence and to be 9 challenged about their accounts and to have to speak to 10 doctors, and so on, are likely to have become 11 demoralised and disheartened and those that have not 12 simply given up may have been deflected into settling 13 for less than they might otherwise have got. 14 And also a system for redress that not only 15 recognises the abuse, but its impact, the impact upon 16 the rest of people's lives, and you have heard a great 17 deal of evidence about lives essentially ruined by the 18 abuse that was suffered. 19 The people from whom you have heard who are 20 complainants and survivors have not been able to live 21 the lives that they ought to have been able to live and 22 any compensation or redress scheme needs to take that 23 firmly into account. 24 Also, recognition, as in the Lambeth redress 25 scheme -- and I know you are going to hear more about</p> <p style="text-align: center;">Page 183</p>	<p>1 that -- that even where abuse has not been directly 2 perpetrated on a child, that putting a child in harm's 3 way is itself a compensable wrong. Our submission is 4 that the evidence heard in this inquiry suggests that 5 the operation of Children's Services in 6 Nottingham/Nottinghamshire went far beyond negligence. 7 It was at least reckless, you might argue bordering on 8 criminal. 9 Then a recommendation in relation to counselling and 10 other support for people who have suffered abuse while 11 in institutional care. First, that councils should pay 12 for a proper independent expert assessment of any 13 sufferer of childhood sexual abuse who wants to have it, 14 and that, having obtained such a proper independent 15 expert assessment, the relevant council guarantees to 16 fund the provision of services to those people to the 17 extent that the assessed need remains. 18 That would not be a hugely costly endeavour and, for 19 the reasons that Mr Brown was submitting a few moments 20 ago, may in fact save society money because people 21 become more able to live useful and fulfilling lives, 22 including working. 23 Many companies and employers provide counselling 24 services and services of that support to their 25 employees. It is also likely to improve and ameliorate</p> <p style="text-align: center;">Page 184</p>

<p>1 the ongoing consequences for complainants and to that 2 extent help reduce the financial and psychological 3 consequences of this abuse. 4 Also, importantly, counselling should be independent 5 of the councils. 6 In relation to the comment that legal fees have been 7 too high, well, that is an inevitable consequence of 8 vigorously defended litigation, when, as has been made 9 clear, the approach, to a large extent, taken by the 10 councils is within their control. 11 Nobody who has heard the evidence that we have would 12 say that victims of child abuse should have to conduct 13 civil proceedings without the necessary skilled legal 14 assistance that is required, and nobody would say that 15 they should have something less than that that is being 16 deployed against them by institutions. That's not just, 17 as it were, an empty sentiment. The law requires and 18 expects that. Parties are required to be put on an 19 equal footing in civil proceedings. And the approach of 20 councils to defending and disputing these claims must 21 change. 22 Also, the system that the council has set up by 23 which it makes findings in a process that does not 24 adequately, let alone fully, involve the complainants 25 themselves is a matter, as you have heard, that has</p> <p style="text-align: center;">Page 185</p>	<p>1 added insult to injury. You heard live evidence from 2 L48 about this, written evidence from others, and the 3 explanation of the workings of this scheme from 4 Rachel Morton we say do not reassure. It is notable 5 that Chief Superintendent Rob Griffin also seemed to 6 think this system unsatisfactory, and the contention 7 from Rachel Morton that complainants would have known of 8 these sorts of meetings we say is something that should 9 not be accepted. It is not a good way of doing things. 10 It seems to be institutionally accepted by many 11 witnesses that it is not acceptable, and it is, in my 12 submission, obvious that the complainant needs to be 13 fully involved in this process, and that such panels 14 should include survivor/victims with review and 15 oversight perhaps from outside councils, including in 16 cases where the complainant is dissatisfied with the 17 outcome. So when it comes to the process of getting and 18 obtaining apologies, the process of consulting with the 19 complainant, explaining to the complainant what is 20 happening, and ensuring that the process itself is 21 subject to oversight from other councils would, we say, 22 bring a degree of independence to that. 23 Now, insofar as the police and CPS is concerned, 24 there should be a proper police response. We are 25 grateful for what Ms Leek QC said in her opening, where</p> <p style="text-align: center;">Page 186</p>
<p>1 she made the apology on behalf of 2 Nottinghamshire Police, but that of course needs to be 3 backed up with action. The evidence you have heard 4 about the police investigations is evidence of systemic 5 failure. Not only do complainants not know what has 6 happened, but there is a real risk that abusers have got 7 away with their crimes. There is a real risk that 8 abusers may well pose current risks. 9 You have seen the evidence about the time gap 10 between the bringing to justice of some of the people 11 that were convicted and how concerns have been raised 12 about many of them many years ago. We don't know that 13 there aren't people in that position now. 14 Further, we make a legal submission in the context 15 of the state's duty to protect people from inhuman and 16 degrading treatment, that the law requires a proper 17 investigative system, and a proper system of law 18 enforcement and, from what you have heard, including in 19 particular the evidence of DI Dales, there have been 20 systemic problems in the police investigations. 21 They were inadequately resourced; inadequately 22 staffed; inadequately supported. DI Dales, whose 23 evidence was accepted by Chief Superintendent Griffin, 24 said she wasn't given proper support and help. She had 25 staff members who were ill-trained, including one who</p> <p style="text-align: center;">Page 187</p>	<p>1 had writing difficulties, which, in an inquiry such as 2 this, is plainly unsuitable. She was initially only 3 allowed to work on it one day a week. She was a DI, 4 when a more senior officer would have been appropriate, 5 as she said, and as others said. 6 She had unsatisfactory arrangements for the use of 7 police vehicles, as explored by Mr Frank. 8 She was reluctant to complain about those poor 9 arrangements, in case it affected her promotion 10 prospects. This is the stuff of systemic failure. 11 Paddy Tipping said on Wednesday, 24 October, there 12 is an opportunity to revisit cases where there is 13 a reason to do it. His opinion that Operation Daybreak 14 was thrown together with people available at the time 15 and that the specialist nature of the operation required 16 people who were better professionally qualified is, we 17 say, in itself, a good reason to look again at these 18 cases. It has been said that police have learned a lot 19 and that the police operation evolved. That may well be 20 right, because the original investigation was not fit 21 for purpose, and those earlier complainants have 22 effectively been guinea pigs for police learning. In 23 those circumstances, we invite you to recommend that the 24 police should be looking again at the allegations of 25 sexual abuse in which decisions to prosecute were not</p> <p style="text-align: center;">Page 188</p>

<p>1 made.</p> <p>2 We don't say that every case should be prosecuted.</p> <p>3 However, we do say that every case should be looked at</p> <p>4 properly and every single individual who has complained</p> <p>5 to the police should be given a proper and clear</p> <p>6 explanation as to the progress and outcome of their</p> <p>7 complaints. There should be a dedicated team within the</p> <p>8 CPS to review the allegations and the keeping of</p> <p>9 a proper and accurate database to ensure the wider</p> <p>10 picture of allegation is always seen.</p> <p>11 Every complainant should know who the decision taker</p> <p>12 is. Every complainant should be informed in writing of</p> <p>13 their rights to review, including their rights to</p> <p>14 a meeting, rather than it being left to the</p> <p>15 complainant's own initiative to find out about that.</p> <p>16 Also, you heard evidence that L43 was encouraged to</p> <p>17 drop his criminal complaint of sexual assault on him by</p> <p>18 another boy by a member of staff inviting him to do</p> <p>19 that. So where retractions are made, there needs to be</p> <p>20 full consideration as to why this has happened.</p> <p>21 You also, in my submission, should recommend there</p> <p>22 needs to be properly trained, sympathetic yet rigorous</p> <p>23 specialist police officers. You heard evidence from</p> <p>24 Sue Matthews in the CPS about the benefits of</p> <p>25 specialisation and how she said it pays off in terms of</p> <p style="text-align: center;">Page 189</p>	<p>1 the quality of work now being undertaken. There can be</p> <p>2 no substitute for proper training in an area of such</p> <p>3 complexity and sensitivity.</p> <p>4 We also wanted to seek a recommendation in relation</p> <p>5 to the specific issue of evidence gathering, which is</p> <p>6 the procedures by which intrusive medical examinations</p> <p>7 came about. You will recall the evidence about L19</p> <p>8 being required to have an intrusive rectal examination.</p> <p>9 Unfortunately, you have had very unsatisfactory, and it</p> <p>10 turns out to be incorrect, evidence given to you by the</p> <p>11 police about that. An opportunity has been missed to</p> <p>12 explain how that came about or what the system was, but</p> <p>13 we are going to invite further evidence about that -- we</p> <p>14 are already in the process of doing that and we will</p> <p>15 make written submissions on it. It, of course, is</p> <p>16 unfortunate because it suits the institutions where the</p> <p>17 position is unclear and ambiguous when it could have</p> <p>18 been hunted down.</p> <p>19 There should also be bespoke protocols for contact</p> <p>20 between the police, identified victims and identified</p> <p>21 complainants, and Mr Brown said something about that.</p> <p>22 The recommendations that we invite you to make are</p> <p>23 all supported, we say, by evidence that has been heard.</p> <p>24 They can be and are located in the evidence that's been</p> <p>25 heard and will be focused in a more detailed written</p> <p style="text-align: center;">Page 190</p>
<p>1 document that we supply.</p> <p>2 I want to turn to something else now, very quickly,</p> <p>3 which is the nature of the inquiry process and scrutiny.</p> <p>4 I have mentioned that we are going to put in a detailed</p> <p>5 written document. You have heard that many others,</p> <p>6 including the institutional witnesses, are. This is an</p> <p>7 inevitable process of the inquiry.</p> <p>8 At the moment, Nottingham City Council,</p> <p>9 Nottinghamshire County Council and</p> <p>10 Nottinghamshire Police have all been under scrutiny.</p> <p>11 People from those organisations have given evidence that</p> <p>12 in some way acknowledges criticism. Leading counsel</p> <p>13 instructed for each of those organisations has proffered</p> <p>14 an apology on behalf of those institutions and those</p> <p>15 apologies have been widely reported and commented upon.</p> <p>16 One fear from the victims and survivors is that,</p> <p>17 once the inquiry leaves town, the cooperative approach</p> <p>18 from institutions will cease. This is a real risk. It</p> <p>19 might be thought that it's only because the inquiry, to</p> <p>20 use Mr Pettigrew's words from yesterday, has been</p> <p>21 shining a bright torch that we have seen the apologies</p> <p>22 from the institutions and the acceptance that abuse</p> <p>23 occurred and the acceptance that institutions are</p> <p>24 responsible for that abuse.</p> <p>25 It would be wholly wrong if those acceptances and</p> <p style="text-align: center;">Page 191</p>	<p>1 apologies had only been given for appearances' sake at</p> <p>2 this inquiry or for the sake of the TV and press</p> <p>3 reporting of this inquiry.</p> <p>4 We would invite you to consider carefully the</p> <p>5 written submissions made on behalf of the institutions</p> <p>6 and to see whether they are rowing back from what they</p> <p>7 have said in public. If they seek to do that, we would</p> <p>8 invite you to observe that and to say that that was what</p> <p>9 happened; that one thing had been said to the victims</p> <p>10 and survivors in this hearing, and one thing had been</p> <p>11 said on oath to you, and now something different is</p> <p>12 being said in writing. There must be actual</p> <p>13 institutional learning and not just window dressing.</p> <p>14 Because the people of Nottinghamshire and the</p> <p>15 victim/survivor core participants in this inquiry are</p> <p>16 entitled to rely on what the authorities have publicly</p> <p>17 and clearly stated are the ways in which they failed and</p> <p>18 the ways in which they need to learn and the action they</p> <p>19 are going to take. Merely discussing matters in council</p> <p>20 meetings or seeking to minimise what appears to be a bad</p> <p>21 picture for them will not do. The children abused in</p> <p>22 the past will be failed if things continue as they have</p> <p>23 done. Rather than talk about who might be on an inquiry</p> <p>24 in 30 years' time, institutional witnesses should be</p> <p>25 ensuring that we do not need to have another one. Thank</p> <p style="text-align: center;">Page 192</p>

<p>1 you.</p> <p>2 THE CHAIR: Thank you, Mr Simblet. Thank you, indeed.</p> <p>3 Finally, Mr Jacobs?</p> <p>4 Closing submissions by MR JACOBS</p> <p>5 MR JACOBS: Madam chair, thank you. I would like to start</p> <p>6 by conveying my client's thanks to Ashleigh Shepherd,</p> <p>7 Patrick Sadd, Paul Livingston and their teams for</p> <p>8 ensuring that this investigation has been a successful</p> <p>9 process and handled with sensitivity.</p> <p>10 In my opening submissions, I referred you to three</p> <p>11 important themes which have now been borne out by the</p> <p>12 evidence and to which I would like to return.</p> <p>13 Firstly, there has been a permissive culture of</p> <p>14 child abuse in Nottinghamshire which enabled sexual</p> <p>15 abusers of children to operate undetected and</p> <p>16 unchallenged throughout the care system for four or five</p> <p>17 decades.</p> <p>18 Secondly, children in care have been perceived as</p> <p>19 part of an underclass, of deviance or delinquency. This</p> <p>20 is a social problem which must be addressed. Otherwise,</p> <p>21 it will become a generational issue with children of</p> <p>22 victims of abuse themselves being taken into care and</p> <p>23 the cycle repeating itself. There needs to be</p> <p>24 a profound culture change whereby children in care are</p> <p>25 de-stigmatised and placed at the centre of society.</p> <p style="text-align: center;">Page 193</p>	<p>1 Thirdly, the issue of barriers to disclosure. It is</p> <p>2 clear that over the decades there has been a systemic</p> <p>3 failure of the councils, CPS, police and social staff to</p> <p>4 understand why sexual abuse goes unreported and</p> <p>5 undetected. Simply being a child in care is in itself</p> <p>6 a barrier to disclosure.</p> <p>7 I would ask that the inquiry recommends that there</p> <p>8 should be a code of guidance on this particular issue,</p> <p>9 to ensure that concerns raised by evidence in this</p> <p>10 inquiry are laid to rest once and for all.</p> <p>11 It is important that this investigation is grounded</p> <p>12 in the experiences of victims and survivors. I now turn</p> <p>13 to the evidence three of my clients gave in Nottingham</p> <p>14 in week 1.</p> <p>15 C21 gave very powerful evidence in the afternoon of</p> <p>16 Day 2. He was taken into care and sent to Beechwood in</p> <p>17 1977, aged 14, after proceeding to the Magistrate's</p> <p>18 Court.</p> <p>19 Although an older child, he was not consulted at any</p> <p>20 stage of the care process. His social worker treated</p> <p>21 him with disdain. Had the social worker sought to</p> <p>22 understand the problems that he had at the time, it is</p> <p>23 unlikely that my client would have been sent to</p> <p>24 Beechwood.</p> <p>25 He told the inquiry that he was abused in the</p> <p style="text-align: center;">Page 194</p>
<p>1 showers by F29, a senior member of staff at</p> <p>2 Lindens House. He was raped by F29 after being taken</p> <p>3 down into a laundry room. There is a similar account</p> <p>4 that we heard this morning from D5, L19 and L20. This</p> <p>5 incident has haunted C21 for over 40 years. He still</p> <p>6 agonises over the steps that he could have taken to have</p> <p>7 avoided being left alone or being alone with F29 on that</p> <p>8 day.</p> <p>9 My client was groomed by F29 after the attack by</p> <p>10 being given a coveted job in the garden. He was told by</p> <p>11 the old gardener with whom he struck up a genuine</p> <p>12 friendship, "You were not the first and you won't be the</p> <p>13 last". He told the inquiry, "This may sound selfish,</p> <p>14 but I felt relieved it wasn't just me". The fact was,</p> <p>15 as Yvonne Dales confirmed, Beechwood was riddled with</p> <p>16 child sexual abuse in the 1970s. F29, in particular,</p> <p>17 has been described by police as the most prolific</p> <p>18 offender at that home, with 34 complaints made to the</p> <p>19 police by 33 former residents. F29 lived on the first</p> <p>20 floor and had access to children's bedrooms. We know</p> <p>21 from the evidence of Jim McLaughlin that F29 was</p> <p>22 a strange individual who had an unhealthy interest in</p> <p>23 boys. Mr Cope confirmed this view.</p> <p>24 So why, then, was this man allowed to abuse so many</p> <p>25 children? He was undoubtedly protected by his seniority</p> <p style="text-align: center;">Page 195</p>	<p>1 at the Beechwood home and by the particular inability of</p> <p>2 children in care to disclose such matters. But these</p> <p>3 factors should not on their own have enabled such</p> <p>4 prolific abuse to continue. The answer is that it must</p> <p>5 follow from the evidence you have heard that there was</p> <p>6 a hostile environment at Beechwood and a culture which</p> <p>7 protected and facilitated abusers. That culture was</p> <p>8 highlighted in the evidence of Mark Cope, an adult</p> <p>9 member of staff and former trainee policeman who was</p> <p>10 suspicious about F29 but had been verbally attacked by</p> <p>11 Jim Saul, the superintendent at the Beechwood home, and</p> <p>12 told to get on with his job when trying to report</p> <p>13 similar behaviour of F204 who was acting inappropriately</p> <p>14 by watching children in the shower.</p> <p>15 Mr Cope said that this treatment made him feel small</p> <p>16 and made him question whether it was right to report his</p> <p>17 concerns.</p> <p>18 If members of staff, adult members of staff, were</p> <p>19 being pushed down, and those are Mr Cope's words, what</p> <p>20 possible chance did children have of being able to</p> <p>21 report or disclose abuse?</p> <p>22 Kenneth Rigby gave evidence about John Dent openly</p> <p>23 draping his arms around two girls aged 14 and 15 years.</p> <p>24 Mr Rigby told the inquiry that his reaction was to tell</p> <p>25 Dent, "Don't put yourself in a position where you get</p> <p style="text-align: center;">Page 196</p>

<p>1 compromised". So when confronted with an abuser openly 2 grooming or abusing two children in care, the reaction 3 of the deputy superintendent at Beechwood was 4 unhesitatingly to protect the abuser.</p> <p>5 This permissive culture has profoundly affected the 6 lives of its victims and those who survived abuse. C21 7 described his post-Beechwood life in the following 8 words: 25 years of being a drug addict, 30 years of 9 abusing alcohol; numb the pain, numb the mind and numb 10 the thoughts. One would imagine both councils would be 11 falling over themselves to apologise to the hundreds of 12 children who were abused whilst in their care. While my 13 client is content with the apology given by 14 Nottinghamshire County Council, he adamantly refused in 15 his evidence to accept the apology given by Nottingham 16 City Council, belatedly, on Day 1 of the inquiry. His 17 criticisms of the conduct of city council are supported 18 by other evidence.</p> <p>19 Firstly, there is the astonishing statement of 20 the council leader in minutes of a meeting dated 21 14 February 2018: "We will apologise when there is 22 something for us to apologise for". As 23 Councillor Mellen accepted on Day 13, those minutes were 24 signed and approved.</p> <p>25 Secondly, Mandy Coupland described the city</p> <p style="text-align: center;">Page 197</p>	<p>1 council's conduct as a shambles and, in her words, "so 2 arrogant". She says she does not see how her group of 3 survivors can forgive the city council for its conduct.</p> <p>4 Thirdly, there could not have been a greater 5 contrast between the sincere manner in which 6 Mr Pettigrew for the county council gave his evidence 7 and the defensive and, my clients would say, slightly 8 hectoring approach taken by Ms Michalska on behalf of 9 the city council.</p> <p>10 It is important for survivors like C21 that the 11 actions of the city council are deprecated in the 12 findings of this inquiry.</p> <p>13 The statement made by the council leader was only 14 made a few months ago. It could only be described as 15 offensive, something that Councillor Mellen very 16 properly accepted in his statement. It is unfortunate, 17 however, that Ms Michalska sought in her evidence to 18 undermine this concession. It is simply not credible 19 that the city council had been waiting to make personal 20 apologies. Complaints had been flowing in since 2010 21 and the inquiry commenced in 2016.</p> <p>22 N1 was another compelling witness who gave evidence 23 on the morning of Day 3. She also had no support from 24 her social worker and she was admitted to the Beechwood 25 home in 1982, aged 12, and she said she immediately</p> <p style="text-align: center;">Page 198</p>
<p>1 noticed a culture of physical abuse and described girls 2 being dragged around the corridor by the hair by members 3 of staff. Kenneth Rigby who gave evidence on Day 7 -- 4 and this is relevant -- physically assaulted N1 after an 5 incident in which she'd been injured by a boy with whom 6 she'd been play fighting. She gave a graphic account in 7 her evidence of Rigby grabbing the boy by the throat and 8 then lashing out at her with the back of his hand, when 9 he tried to intervene, splitting her lip. This incident 10 fundamentally undermines Mr Rigby's evidence that he 11 would not have tolerated abuse at Beechwood and that, if 12 he had seen any boy or girl with split lips -- his 13 words -- or bloody noses, he would immediately have made 14 his own enquiries, as Mr Fenwick would have done.</p> <p>15 I invite you to find that Mr Rigby and Mr Fenwick were 16 not credible in their recollections of the Beechwood 17 home and the culture there.</p> <p>18 N1 was groomed into a sexual relationship by 19 Andris Logins, another prolific abuser of children who 20 lived at Beechwood and was employed there as 21 a residential carer. The nature of the grooming was 22 such that she did not know she was being groomed at the 23 time. She stated in her evidence that she knew what 24 Logins was building up to because she had come from 25 a life of sexual abuse. She felt uncomfortable, but</p> <p style="text-align: center;">Page 199</p>	<p>1 went along with Logins because he gave her privileges 2 and made her feel as though she had power over him. 3 It's important to note that the nature of the grooming 4 is in itself in many cases a barrier to disclosure. N1 5 believed she had been complicit and that belief 6 persisted into adulthood.</p> <p>7 The inquiry has heard evidence that this sort of 8 grooming is ongoing. Yvonne Dales stated that she is 9 still dealing with people who don't understand that what 10 happened to them constitutes abuse and that this issue 11 is even more important today with the advent of cyber 12 abuse.</p> <p>13 Logins openly flaunted his sexual behaviour towards 14 children. The inquiry has heard evidence that he 15 dressed inappropriately and was overtly tactile with 16 children and let girls sit on his knee. Mr Cope stated 17 that Logins' behaviour was witnessed by everybody in 18 management and he would actually come on duty in 19 a flaunting way and say, "Hello, girls. Andy is back". 20 He didn't hide what he was doing.</p> <p>21 This is important evidence because it is clear that 22 Logins' behaviour was seen as acceptable. There could 23 be no stronger evidence of a permissive grooming culture 24 at Beechwood in the 1980s. This conduct could not have 25 gone unreported without such a culture being in</p> <p style="text-align: center;">Page 200</p>

<p>1 existence. Indeed, Logins appears to have admitted as 2 much. We heard from Mr Sadd on the opening day that at 3 his trial in mitigation his lawyer said that Logins had 4 been sucked into a regime that he was part of. The 5 protestations of witnesses to the contrary should be 6 discounted.</p> <p>7 NI made a partial disclosure of Logins' behaviour to 8 Mr Clark, a senior member of staff at Beechwood. NI 9 stated that Mr Clark told her it was all being dealt 10 with and not to worry about it. However, no action was 11 taken and she was shortly transferred to Skegby Hall 12 where she disclosed the abuse to the head there, 13 a Mr Lincoln. Again, no action was taken. P12's 14 account, by the way, is very similar in this regard. 15 Had NI's disclosure been acted upon, Logins could have 16 been prevented from abusing numerous other children or 17 seeking to do so. Logins was working with children up 18 until he was arrested in 2015. In or around 2004, 19 Philip Morgan gave a reference to Logins for a position 20 that involved working with children but without 21 conducting any checks. When this was put to him, he 22 replied, "That didn't occur to me at the time". The 23 culture whereby children in care were placed at risk 24 from Logins was therefore in place some 30 years after 25 he raped and abused NI.</p> <p style="text-align: center;">Page 201</p>	<p>1 F37 gave powerful evidence in the afternoon of 2 Day 3. Born in 1960, she was taken into care, aged 3 2 and a half. She and her sister were placed with 4 foster carers with whom she lived until she was 15 years 5 old. Her foster father, F235, refused to allow F37 to 6 spend any time with social workers. That is a systemic 7 historical failure, in my submission.</p> <p>8 He was violently abusive and began to sexually abuse 9 F37's sister in the bedroom that the children shared. 10 F37 was raped by F235 when she was 14 years of age. She 11 eventually reported this abuse to her social worker but 12 was not believed because F235 had responded to the 13 allegation by calling F37 a liar and a thief. This is 14 yet another example of the systemic failure of 15 allegations of sexual abuse made by children in care not 16 being taken seriously.</p> <p>17 Remarkably, after many years, F37's social worker 18 confided in her that she had believed the account all 19 along, but the more serious members of staff in 20 Social Services had disbelieved her. At the end of her 21 evidence, F37 told the inquiry, "As a child in care, 22 I was always assumed to be a liar. Social Services knew 23 what was happening to me. They had been told, but they 24 did not act because I was a child in care and, 25 therefore, was not believed. The reputation I was given</p> <p style="text-align: center;">Page 202</p>
<p>1 by Social Services as a bad girl has followed me 2 throughout my life to this day".</p> <p>3 Chair, the stigma attached to children in care is 4 a fundamental social failing which the inquiry must 5 address in this investigation. Time after time, the 6 word of an abuser has been accepted over that of 7 a vulnerable child. F37's assertion that children in 8 care are perceived as having less worth than other 9 children is supported by other evidence in this 10 investigation. Mr Cope said that, at the Beechwood 11 home, working there felt like they were not dealing with 12 humans but objects. Michelle Foster said that staff 13 treated children like they were a problem: you don't 14 want to pick it up and touch it. Mr Pettigrew described 15 as scandalous that children who are abused in care 16 receive less compensation than those who were abused at 17 independent Benedictine schools.</p> <p>18 F46 was abused by Dean Gathercole at Amberdale. She 19 is aggrieved that the CPS took a decision not to 20 prosecute Gathercole when she came forward in 2000 and 21 this, again, I say, is part of the systemic failing.</p> <p>22 Susan Matthews set out the reasons for the 2000 23 decision at paragraph 48 of her witness statement as 24 follows: 25 "The offence was very old and had only just been</p> <p style="text-align: center;">Page 203</p>	<p>1 reported. Uncertainty over what date the rape took 2 place on. It was said that delay and uncertainty might 3 result in Gathercole being denied a fair trial. No 4 forensics, no cooperation. Concerns at the time about 5 F46's promiscuity" -- an extraordinary allegation, in my 6 submission:</p> <p>7 "Gathercole gives an explanation for F46's knowledge 8 of the layout of his mother's house where he had abused 9 her. There is nothing in Gathercole's physical 10 appearance that could have been found out legitimately 11 and the offence is denied."</p> <p>12 Rule 10 questions on this point were requested but 13 not permitted. However, it ought not to be contentious 14 that the reasons given by the CPS in 2000 for not 15 prosecuting Gathercole are not reasons that would bar 16 a prosecution today. The prosecution did not proceed in 17 2000 because it was a historic abuse case and because 18 Gathercole had denied the allegation.</p> <p>19 As to corroboration, F46 provided details of other 20 girls who had been abused by Gathercole. Allegations of 21 promiscuity are simply not a relevant consideration, as 22 confirmed by Samantha Shallow in her evidence. F46 23 raises an important issue and wants the inquiry to know 24 that she was failed by the CPS in 2000. The effect of 25 the CPS's failure to prosecute then is that Gathercole</p> <p style="text-align: center;">Page 204</p>

<p>1 was free to pose a danger to children for a further 2 18 years.</p> <p>3 F39 was known by numerous agencies to have been 4 sexualised and abused by a child, yet no action was 5 taken. F40 was repeatedly raped by a member of staff 6 at a children's home. Nothing was done. F38 was 7 groomed into prostitution whilst in care and seen by the 8 police and Social Services as a young offender as 9 opposed to a victim of crime. She has worked with sex 10 workers in Nottingham and her evidence is that hers was 11 not an isolated case. She says that, "Social Services 12 and police took the view that girls like me did not need 13 or deserve protection".</p> <p>14 I will go on to recommendations. We will be putting 15 in written submissions, but in bullet form, my clients 16 have asked me to make a number of suggestions on their 17 behalf.</p> <p>18 Firstly, and importantly, we say there should be 19 a code of guidance, as I indicated earlier, in relation 20 to barriers to disclosure, to include the very fact that 21 being a child in care is a barrier to disclosure; fear 22 of disbelief; shame and stigma attaching to abuse; fear 23 of abusers; the seniority of abusers; the nature of 24 grooming. The Nottingham investigation is a window on 25 residential care in general. It is important that the</p> <p style="text-align: center;">Page 205</p>	<p>1 inquiry makes recommendations that other local 2 authorities and institutions will be able to follow.</p> <p>3 As long as barriers to disclosure are not clarified, 4 children in care will continue to fall prey to abusers. 5 The impacts could be substantial. In March 2017, there 6 were some 72,000 children in care in England with 7 90 entering the care system every day.</p> <p>8 Secondly, steps should be taken to eradicate the 9 social stigma that attaches to children in care. As 10 I have previously said, there needs to be a fundamental 11 cultural change where children in care are placed at the 12 heart of society and not at the margins. Taking a child 13 into care should involve society wholeheartedly 14 nurturing that child, keeping him or her protected and 15 safe and providing the closest possible substitute to 16 family life. Care provided should champion these 17 children instead of neglecting and failing them.</p> <p>18 Enhanced educational opportunities and care packages for 19 leaving care would enable children to enter adulthood on 20 an equal footing with other children. Children in care 21 should have dedicated social workers to build trust and 22 social esteem.</p> <p>23 Thirdly, the permissive culture of child abuse which 24 has blighted Nottinghamshire must be addressed. My 25 clients have suggested: training of key agencies; use of</p> <p style="text-align: center;">Page 206</p>
<p>1 independent social workers or advocates or visitors to 2 children's homes; independent mechanisms to ensure 3 access to their records; the non-reporting of suspected 4 abuse of children in care to constitute disciplinary 5 offences; the involvement of children in all decisions 6 relating to them being taken into care; the involvement 7 of victims and survivors in training police and 8 residential care staff; and educating children in care 9 as to the dangers that are faced.</p> <p>10 In relation to reparations, my clients have 11 suggested that there should be: adequate and 12 sufficiently resourced face-to-face counselling and 13 mental health support -- that's very important; full and 14 appropriate apologies; counselling in parental skills 15 where requested; redress schemes that are independent of 16 the civil claims process; an independent advocacy 17 service; replacement education where requested; and the 18 destruction of buildings to lessen the pain for 19 survivors.</p> <p>20 Chair, I will conclude. You and your fellow members 21 are experts in this area, and have many decades of 22 experience in dealing with troubled children and working 23 to keep them safe. Those who instruct me hope that you 24 will have recognised that the system, as it stands, does 25 not keep children in care safe from sexual abuse. We</p> <p style="text-align: center;">Page 207</p>	<p>1 call on you to make brave and bold recommendations and 2 to use this opportunity for a national review to bring 3 about a profound cultural change in how society must now 4 treat and perceive children in care, placing them at the 5 centre of social life. I echo Mr Brown: money must be 6 found.</p> <p>7 I also must request that you take steps to guard 8 against any failure to implement or any watering down of 9 your recommendations after this inquiry has left the 10 public eye in Nottinghamshire. To this end, I endorse 11 the proposal that the inquiry reconvenes in Nottingham 12 to investigate the implementation of its recommendations 13 within 18 months of the publication of its report and 14 recommendations.</p> <p>15 I end with the words of C21, a statement he made at 16 the conclusion of his evidence, which was referred to by 17 Mr Pettigrew yesterday. At the conclusion of his 18 evidence, my client said:</p> <p>19 "I believe I was a victim then, but I am going to 20 make sure I walk out of here today a survivor, because 21 I have shed enough tears. I am a survivor and I am 22 leaving a survivor. I am still breathing, I am still 23 alive and I am a survivor."</p> <p>24 Chair, the bravery and courage of these former 25 children in care who have spoken to the inquiry has been</p> <p style="text-align: center;">Page 208</p>

<p>1 simply staggering. You have an opportunity to repay 2 that bravery and courage and trust through making 3 findings that will go a long way towards ensuring that 4 children in care today and in the future will not have 5 to make that same journey from victim to survivor. 6 Those are my submissions. 7 MR LIVINGSTON: Chair, very briefly, firstly, I have to make 8 a correction in relation to one of the things which 9 I read out this morning. In relation to D42, the table 10 from which I read said she was abused by the husband of 11 a relative who was caring for her. In fact, the abuser 12 was married to the sister of her carer. 13 Secondly, chair, to make good on our promise in 14 week 1 to hear from all complainant CPs who provided 15 evidence, there are two more that I need to briefly 16 read. 17 Extracts of statement of WITNESS D25 (read) 18 MR LIVINGSTON: In relation to D25, D25 alleges in relation 19 to foster care that he was not directly subjected to 20 sexual abuse but was aware that his fellow foster child 21 was abusing his sibling and he saw an incident with his 22 own eyes in which the foster parent encouraged this 23 child to rape his sibling, D25 told the police in 2016. 24 Extracts of statement of WITNESS D18 (read) 25 MR LIVINGSTON: In relation to D18, there is also</p> <p style="text-align: center;">Page 209</p>	<p>1 allegations of abuse in foster care. D18 witnessed the 2 sexual abuse including rape of his sister by the foster 3 father on numerous occasions, including the foster 4 father getting into a bed which he shared with his 5 sister. When he was 10 or 11, he was moved to another 6 bedroom, did not witness any further sexual abuse, but 7 knew it was still happening. He can't believe his 8 foster mother didn't know what was happening. She was 9 often in the house when the foster father came to D18's 10 bedroom and raped his sister. D18 gave a statement to 11 the police when his sister reported the abuse around 12 2000, but he does not now want to report his foster 13 parents, as he is trying to build a relationship. D18 14 didn't tell anyone what was happening to his sister at 15 the time. He was too scared of his foster father. D18 16 says, "We should have been protected as children. Every 17 day when I wake up, and when I go to bed, I think: why 18 me? I feel it is too late to do anything about it as 19 the pain is imprinted". D18 considers the police did 20 not do enough for his sister either. 21 Chair, Mr Sadd now has a few remarks to make, thank 22 you. 23 Closing remarks by MR SADD 24 MR SADD: Chair, the first thing I would like to say, and 25 most importantly, is I would like to thank the</p> <p style="text-align: center;">Page 210</p>
<p>1 complainant core participants for playing the very 2 important role that they have in this inquiry, and in 3 particular for providing their accounts to the inquiry, 4 recognising now, at the close of this investigation, as 5 we did at the opening, how difficult for many providing 6 their accounts will have been, and continues to be. 7 Whilst it has not been possible to call each core 8 participant to give evidence orally to the inquiry, 9 I want to assure all complainant core participants that 10 each individual account that has been provided and 11 summarised in the complainant core participant summary 12 table is important and is significant to the inquiry, 13 and will be carefully considered by the inquiry panel. 14 Chair, I would also like to thank everybody, and in 15 particular the core participants and their legal teams 16 and all the witnesses who have attended, for their 17 patience and cooperation with the investigation, and in 18 particular for bearing with us in this temporary hearing 19 venue, which is a little more cramped than our usual 20 hearing venue. Thank you also to the staff here at the 21 Oval for accommodating us at very short notice, and for 22 their assistance in ensuring the smooth running of this 23 hearing. 24 Finally, chair, during the course of this 25 investigation's hearing, a large volume of documents</p> <p style="text-align: center;">Page 211</p>	<p>1 have been referred to. As previously mentioned, a list 2 of documents on which my opening was based are due to be 3 published in the coming weeks. In addition, a number of 4 documents regarded as core to the investigation will be 5 published, as will those arising from witness evidence 6 we have heard over the past few weeks. 7 Additionally, statements we have obtained from 8 witnesses who haven't been called to give oral evidence 9 will also, where relevant, be published. 10 Finally, we are due to receive written submissions 11 from some core participants in due course. These are 12 likely to be published on the website as well. 13 Closing remarks by THE CHAIR 14 THE CHAIR: Thank you very much, Mr Sadd. I will add my own 15 and the panel's thanks to what you have just said. We 16 are very grateful to those who have gathered and sent 17 evidence in to the inquiry for the purposes of this 18 investigation and your efforts in bringing information 19 to the inquiry's attention and to everybody are very 20 much appreciated. It will all be considered. We will 21 now review the material and evidence from this case 22 investigation and of course the further written 23 submissions that we will receive, and we will work 24 towards a report which will set out our findings and 25 conclusions in this investigation.</p> <p style="text-align: center;">Page 212</p>

<p>1 Our hope is that we will be in a position to publish 2 this report in the summer of 2019. 3 With that, I will draw this hearing to a close and 4 thank you all very much. 5 (3.59 pm) 6 (The hearing concluded) 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 213</p>	<p style="text-align: center;">INDEX</p> <p style="text-align: right;">PAGE</p> <p>3 WITNESS P16 (sworn)1 4 5 Examination by MR SADD1 6 7 Extracts of statement of MR MICHAEL14 8 SUMMERS (read) 9 10 Extracts of statement of WITNESS P1115 11 (read) 12 13 Extracts of statement of WITNESS P1216 14 (read) 15 16 Extracts of statement of WITNESS D3317 17 (read) 18 19 Extracts of statement of WITNESS D3418 20 (read) 21 22 Extracts of statement of WITNESS D3619 23 (read) 24 25 Extracts of statement of WITNESS D3720</p> <p style="text-align: right;">Page 214</p>
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