

Council

22 July 2015

Report title: Update on Lambeth's work to prepare for the Goddard Inquiry into historic child abuse.

Wards: All

Report Authorised by: Strategic Director Commissioning, Helen Charlesworth-May

Portfolio: Deputy Leader, Councillor Imogen Walker

Contact for enquiries: Helen Charlesworth-May

Hcharlesworth-m@lambeth.gov.uk

020 792 64637

Report summary

The purpose of this report is to provide an update to Councillors about the work to support the police investigation and prepare for the national inquiry into historic child abuse. The report sets out the actions taken by the Council to support renewed investigations into historical allegations of child sexual abuse in Lambeth and to set out key information that is part of the public discussion of events. This report is not a definitive analysis of events in Lambeth but rather sets out the facts as we currently understand them based on the information we have collated and reviewed.

The Council has supported renewed police investigations into child abuse in the Borough however Council officers have not undertaken any independent investigations into allegations of abuse in the Borough so as not to interfere with the police and national inquiry. The intention is that we will continue to work with the enquiry and provide relevant information. The Council has also been approached by the Shirley Oaks Survivors Association, which is seeking support in its campaign to encourage more people to come forward with their stories.

The consequences of child sexual abuse are profound and life altering for individuals. We cannot put right the wrongs of the past but we can learn the lessons for future generations.

Finance summary

There are no financial implications.

Recommendations

- (1) To note the report.

1 History and Context

- 1.1** A range of historic child abuse cases have been brought to public attention recently. They date back over a number of decades, and the work carried out following the exposure of Jimmy Savile has shown that in many cases organisations failed to act appropriately. Although there have been a number of investigations and reviews within Lambeth the decision was taken to collate all available information to ensure the Council could fully support the national enquiry and any current and future police investigations. The council has responsibility for protecting and ensuring the safety of many young and vulnerable people and will endeavour to provide as much information as possible to Councillors so they can understand the work being completed and its effect.
- 1.2** This report does not claim to analyse or review any findings as that will sit with the investigation and therefore its focus is more on the process to date.
- 1.3** With regards to the specifics of Lambeth we are aware that over the past 40 years there have been a number of allegations of child sexual abuse in Lambeth perpetrated against children who were in the care of the Borough. These allegations extend to children in care homes run by Lambeth Council, children placed with foster carers by Lambeth Council and children abused by staff employed by Lambeth Council. It has also been alleged that the abuse was part of a wider national network of abuse.
- 1.4** In addition there have been allegations that in the past senior officers of the Council, politicians and the police conspired to cover-up the evidence of abuse. Consequently there has been significant media interest in Lambeth over that time.
- 1.5** Following the exposure of Jimmy Savile as a serial abuser and the high profile cases that followed, the police began reconsidering past allegations of child sexual abuse across the country. In 2012, the police reopened old investigations into allegations of child abuse in Lambeth. Since this time, Council officers have been supporting the police with their investigations providing current information and collating available, pertinent historical documentation.
- 1.6** It is important to emphasise that the Council has not been carrying out an investigation into allegations of sexual abuse and there are no plans to do so because we do not wish to do anything that may damage the prospect of successful prosecutions and achieving justice for the victims and survivors of abuse; however we will continue to support the police and the national inquiry every way we can.
- 1.7** In total there were 67 Children's homes in Lambeth during the period 1965 to 1995 (although they were not all open for the entire time span). A large proportion (36) formed the Shirley Oaks complex which closed in the early 1980's. During this period there were approximately 15,000 looked after children and in the region of 2000 staff who worked in the children's homes.
- 1.8** The purpose of the work has been to prepare the Council to ensure that all relevant information is available for the national inquiry into child sexual abuse, being led by Justice Lowell Goddard and to support renewed police investigations. There are a small number of trials pending.

2 Activity

- 2.1** We appreciated that in order to support and manage the process effectively we needed to establish a small team to coordinate the work. Only in recent years have many of the processes become fully digital and we recognised that it would involve collating and reviewing hard copy paperwork as well as online. The Council set up this small team on the 24th July 2014 with the primary aims of:
- Finding documents collated by previous enquiries.
 - Ensuring the documents are accessible to the police and ready for the national inquiry.
- 2.2** Since this work began in July 2014, known files have been located. The team has undertaken general liaison with the police, including making arrangements for third parties to meet with the police as appropriate, provided evidence in respect of specific cases, searching and reviewing archives and for other items of relevance to the police. They have also arranged independent forensic analysis of digital media from past investigations, searched storage before office moves to ensure that important information was not lost or destroyed and taken steps to safeguard information that may be of use to the police and the national inquiry. The team has started to process Subject Access Requests (SARs) that are specifically related to historical sexual abuse cases. Although the team is now close to completing the work it was set up to do, some significant activity will continue in respect of SARs, providing evidence to the police for the trials that are pending and supporting the supply of documentation to the national inquiry.
- 2.3** The Chief Executive has written to and met with investigators from the national inquiry. Their terms of reference are attached as an appendix to this report (Appendix 1) along with correspondence (Appendix 2). He has also written to all current employees, whose employment dates from the 1980s and 1990s to encourage staff who may have any information to share it directly with the police or the Goddard Inquiry.
- 2.4** Initial work to commission specialist advice and support for victims and survivors has also begun and has been funded by the Council.
- 2.5** In addition, there have been a number of meetings with the Shirley Oaks Survivors Association. The association approached the Council in March 2015 to request access to their files and to gain the support of the Council in their campaign to draw attention to the cause of children subjected to sexual abuse and encourage people to come forward with their stories. Shirley Oaks was a “village” set up specifically for the care of children. It was based in the Croydon but was run by Lambeth.

3 Legal and Democracy Comments

- 3.1** Colleagues from Legal Services have formed part of the team and have provided advice on the appropriate disclosure of information within the confines of the statutory framework governing access to local authority records, the Public Records Act (30yr Rule) and where the rule is not applicable, in accordance with Information Law statutory provisions (FOI/DPA/EIR).
- 3.2** It is the aim of the Council to be as open and transparent as possible. This report reflects the Council's commitment to assist the Goddard Inquiry and provides information and clarity on what records and/or investigations have been identified and will be made available to the national inquiry.
- 3.3** There is a presumption under FOI legislation that all local authority records are open and disclosable, however certain categories of local authority records are subject to stringent exemptions from disclosure, these categories include adoption records, children's homes, reformatory schools and other social services records containing personal data (FOIA s.40, s.41, DPA, SI 2000 No.415, Adoption and Children Act 2002). Access to information in social services records less than 100 years old, to those with a bona fide interest, such as adopted children, is possible through the formal process of Subject Access Requests (SARs). Even where it is appropriate to disclose information some details will remain exempt from disclosure where the information is about or from a third party who might reasonably expect the information to remain confidential. This could include information from a neighbour/relative concerned about a child.
- 3.4** It is also of note that the National Archives are currently considering re-categorising and restricting access to some documents that have previously been public. This includes minutes of social services committees, which in the past have included details of individual cases.
- 3.5** The Goddard Enquiry is able to request any information that will support meeting its terms of reference and will not be subject to FOI legislation. The Inquiry is not a public authority for the purposes of the FOI Act 2000 therefore any information provided to the inquiry will not be released under FOI legislation.
- 3.6** Justice Goddard has written to all relevant organisations instructing them not to destroy any information without permission. The Council has developed a procedure to ensure that material relevant to the Inquiry will be retained. This procedure will be shared with the inquiry's investigation team to ensure it meets their test.
- 3.7** There are no comments from Democratic Services.

4 Detail of Lambeth's response to historical allegations to date

- 4.1** The rest of this report sets out the chronology of events as they are currently known. This report does not attempt to be a definitive statement of events or activity within Lambeth but does give you an overview. It should also be noted that this only deals

with allegations of sexual abuse as opposed to historical allegations of physical abuse or neglect. The Council has never undertaken general investigations into allegations of that nature.

- 4.2** There have been two substantial investigations in Lambeth into the running of children's care services, one by John Barratt resulting in the publication of two reports, and an investigation into the running of children's homes in Lambeth called CHILE. In addition there have been two internal management investigations which are related to police enquiries. These have not, to the best of our knowledge, ever been made public. One is the Clough report and the other is the Harris report, both of these currently form part of on-going police investigations and thus will not be made public although both will be made available to the Goddard Inquiry.
- 4.3** **The Clough Report** was commissioned in February 1993. It was set up to review the outcome of the disciplinary hearing of Michael John Carroll in relation to having a Schedule One offence, his fostering applications and his dismissal in 1991. Carroll was the manager of a children's home in Angell Road. At the time of his employment in 1978 he failed to disclose that he had a conviction for indecent assault against a child. The conviction became known to Lambeth Council in 1986 following an application by Carroll and his wife to Croydon Council to become foster carers.
- 4.4** Lambeth Council carried out a disciplinary hearing for gross misconduct. Despite finding Carroll guilty of gross misconduct he was not dismissed, but instead given a final warning. In May 1987 Carroll approached a social worker in Lambeth Council regarding the possibility of fostering two children. Although their application to foster the children was turned down in November 1988, the children continued to visit the Carrolls until 1990. Carroll was dismissed in 1991 for financial irregularities.
- 4.5** **The Harris Report** was produced in December 1993. It is an internal disciplinary report which deals with allegations of sexual assault and the production, viewing and sharing of pornographic videos. This report also makes reference to the murder of Mr Bulic Forsythe in February 1993. Witnesses to the disciplinary panel linked Mr Forsythe's murder to fraud and corruption. These issues were also investigated by the police in 1993 and were widely reported in the national and local media at the end of that year.
- 4.6** **The Barratt Report (parts 1 & 2)** was commissioned in December 1998. There are two reports, a factual background report and a final report; they are also referred to as the "Two Lambeth Child Protection Inquiries". John Barratt was commissioned by the Council to carry out two investigations into failures of child protection.
- 4.7** The inquiry concerns the care of a child known in the report by the fictitious name of Alan. Alan was a child who at that time was living at Angell Road Children's Home. He was the victim of sexual abuse carried out by Stephen Forrest, who was working at the home as a residential worker. Stephen Forrest died in 1992 after contracting HIV. The inquiry found that Alan had disclosed the abuse to Lambeth officers however no action was taken. The report stated that the organisation failed to protect Alan and the investigation led to an overhaul in the children's social care department and the

creation of a new committee system, one of which monitored the progress of recommendations made as a result of the inquiry.

- 4.8 The Children's Homes in Lambeth Inquiry (CHILE)** was established in November 1998 by Heather Rabbatts, then Chief Executive. It was an independent inquiry run by an independent social care professional with a team of independent researchers and former police officers that formed the Lambeth Council element of the Police investigation into child sexual abuse in Lambeth known as Operation Middleton. The CHILE inquiry ran until 2003, and the team worked directly with former residents of children's homes and the police.
- 4.9** Operation Middleton was established in November 1998. It was a joint Metropolitan Police and Lambeth Council investigation into allegations of abuse of children either in the care of Lambeth, in residential homes under the control of the Lambeth Social Services Department, or with other carers. The investigation focused on homes open between 1974 and 1995.
- 4.10** Operation Middleton was initiated after allegations against Michael John Carroll were reported to the police.
- 4.11** Operation Middleton investigated over 120 allegations of sexual abuse/assault and was successful in bringing a number of perpetrators to justice. Three perpetrators were imprisoned for periods of between 18 months and 10 years. The Operation also assisted a number of other police forces in completing investigations and bringing charges, including Merseyside Constabulary in the case of Michael John Carroll who was imprisoned for 10 years in 1999.
- 4.12** The following factors hampered further successful prosecutions against alleged perpetrators:
- Sixteen alleged perpetrators died either before or during the Operation's life (including one suicide during trial in March 2003)
 - Eleven cases where the Crown Prosecution Service decided no further action was possible
 - Nineteen cases where the alleged perpetrators could not be identified
 - One case where the victim died before being able to give evidence
- 4.13** As a result of the investigations carried out the Council has received 69 claims for compensation. Total compensation of £1.8m has been paid in respect of 34 cases. In line with best practice individuals have received independent legal advice and support but have not had to be subject to a civil court case.

5. Conclusion

- 5.1** That chronology here does not include detailed explanation or analysis as we expect this to be the remit of the national inquiry and any police investigation; however, it shows the scope of issues on which we are liaising with the police. It also by implication suggests there will be a range of people who will need to be supported through this process.

5.2 We will continue to prioritise this work. We accept that we must work within the legal boundaries of what we can report to Council and beyond and would in no way want to prejudice the findings. It goes without saying that the issues involved are distressing and it is our responsibility to do all we can to ensure that justice is achieved for all involved. Lambeth Council fully supports the renewed efforts to bring the perpetrators of historic child abuse to justice and to learn the lessons of past mistakes.

Audit trail				
Consultation				
Name/Position	Department or Organisation	Date Sent	Date Received	Comments in para:
Helen Charlesworth-May, Strategic Director	Commissioning	07.07.15	10.07.15	Throughout
Alison McKane, Legal Services	Integrated Support, Enabling	07.07.15	10.07.15	Throughout
Wayne Chandai, Democratic Services	Corporate Affairs, Enabling	10.07.15	10.07.15	Throughout
Tracy Phillips	Integrated Support, Enabling	07.07.15	10.07.15	Throughout
Councillor Imogen Walker	Deputy Leader			
Pauline Whalley	Technical Project Manager, Enabling	07.07.15	10.07.15	Throughout
Carmel Howard,	Human Resources	07.07.15	10.07.15	Throughout

Report history	
Original discussion with Cabinet Member	n/a
Report deadline	n/a
Date final report sent	n/a
Report no.	/13-14
Part II Exempt from Disclosure/confidential accompanying report?	No
Key decision report	No
Date first appeared on forward plan	n/a
Key decision reasons	
Background information	Barrett Report parts 1&2 CHILE reports
Appendices	Appendix 1 Terms of Reference Goddard Inquiry https://childsexualabuseinquiry.independent.gov.uk/ Appendix 2 Correspondence with national inquiry