



TYNWALD COURT OFFICIAL REPORT

RECORTYS OIKOIL
QUAIYL TINVAAL

PROCEEDINGS

DAALTYN

HANSARD

Douglas, Tuesday, 18th July 2017

All published Official Reports can be found on the Tynwald website:

www.tynwald.org.im/business/hansard

Supplementary material provided subsequent to a sitting is also published to the website as a Hansard Appendix. Reports, maps and other documents referred to in the course of debates may be consulted on application to the Tynwald Library or the Clerk of Tynwald's Office.

Volume 134, No. 13

ISSN 1742-2256

Mr Shimmins: Thank you, Mr President. I beg to second and reserve my remarks.

The President: I put the motion. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

**35. Knottfield Children's Home –
Referral to SAPRC for investigation and report –
Motion carried**

The Hon. Member for Ayre and Michael (Mr Baker) to move:

That Tynwald notes with concern reports of historical child abuse at the former Knottfield Children's Home, which closed in 1983, and refers the matter to the Social Affairs Policy Review Committee to report by December 2017; and further instructs the Committee to investigate the adequacy of current procedures to protect from abuse children in care (looked after children) in the Isle of Man and to report in March 2018.

The President: Item 35, Knottfield Children's Home. Hon. Member for Ayre and Michael, Mr Baker to move.

6780

Mr Baker: Thank you, Mr President.

This is a difficult subject; it is not one that I bring to the floor of this Hon. Court lightly, but it does need tackling. As a modern, mature and caring jurisdiction, we must be both able and willing to deal with uncomfortable issues such as this in an appropriate manner.

6785

Hon. Members, the background is that Knottfield was a children's home run by the then Children's Board on the site of the Children's Centre. It was closed in 1983. In the 1990s, as a result of a UK police operation, Knottfield became the subject of a historic sex abuse trial. One of the former employees was successfully tried and imprisoned for his crimes. He has since been released.

6790

Last year, additional complainants came forward and a police investigation took place. This included one of my constituents, who also disclosed his abuse to the Police at that time but chose not to make a formal statement. Whilst I understand that the evidence was strong, the matter did not, however, proceed to trial. I understand that this was primarily because of the age and medical condition of the accused.

6795

Those affected included my constituent and a group of several others known to him. This was many years ago, but the experience has had, and still has, damaging consequences for them; it is not something that has gone away. Yet, other than going through a formal police process, there is little in place to meet their needs. Many of the victims have had no opportunity for counselling, support or assistance to work through or to move on from the experiences that they suffered whilst in the care of the Government. They need to achieve closure and for this they need our help.

6800

As Knottfield was run by the Education Board, it has been difficult to identify who to address this with. I have spoken at length with Clare Bettison, as she has current responsibility for this area within the Department of Health and Social Care, and with Paul Burnett as the Independent Chair of the Safeguarding Board. This has shown that the subject has not previously been raised in Tynwald and Government has not properly investigated or acknowledged what went on at Knottfield.

6805

Despite the best efforts of the Hon. Member for Douglas East, Miss Bettison, and Mr Burnett, and their assistance, for which I am very grateful, no satisfactory outcome has been

6810 forthcoming. I therefore determined to bring this motion before you today, but am mindful that this must be handled in a sensitive manner which does not cause further distress.

Hon. Members, the core part of this motion simply asserts that the issue of historic child abuse at Knottfield Children's Home needs investigating. There is little doubt that some children and young people suffered what can only be described as terrible abuse whilst in the Government's care at Knottfield. They need to be given the voice that they have lacked to date. Their stories need to be told.

An appropriate response from Government will be required so that they can obtain the outcomes that they need. Referring this matter to the Social Affairs Policy Review Committee is the right way, in my opinion, to ensure that this is achieved.

6820 The second part of my motion instructs the Committee to subsequently investigate the adequacy of current procedures to protect children in care from abuse. This is simply to ensure that our current procedures are fit for purpose and reflect current best practice. At a minimum, this will confirm that everything is fine and that the lessons have been learnt. It may, however, highlight further areas for improvement. If so, this will serve to reduce the risk of any similar problems occurring in the future.

6825 Both parts of this motion are important and I therefore commend it fully to you. Mr President, I beg to move the motion standing in my name.

The President: Hon. Member for Ramsey, Dr Allinson.

6830

Dr Allinson: Thank you, Mr President. I beg to second.

The President: Hon. Member for Douglas South, Mrs Beecroft.

6835 **The Minister for Health and Social Care (Mrs Beecroft):** Thank you, Mr President.

With the eyes of the world on Jersey recently, following the publication on 3rd July of the final report of the Independent Jersey Care Inquiry into the abuse of children in that island's care system, it is only right that we should reassure ourselves that children and young people in the Isle of Man who, for whatever reason, are being looked after by the state are safe.

6840 As Hon. Members know, in the past we let down some of the most vulnerable children in our care. We are well aware of the events that led to the 2006 report of the Commission of Inquiry into the Care of Young People in the Isle of Man. The report was unflinching in its assessments of the failings of the care system at that time and also of the broader failings of Government to protect those who needed protecting most.

6845 Following its publication, a huge amount of work was undertaken to put systems and processes in place to improve the standards of care for looked-after children in the Isle of Man. This included the creation of a Safeguarding Children Board with an Independent Chair.

6850 The adequacy of current procedures to protect children in care from abuse can be set out clearly and I do not think that the Social Affairs Policy Review Committee of Tynwald needs to conduct an inquiry. Our arrangements today are very different from those applying in the 1970s and the 1980s.

6855 The Children and Young Persons Act 2001 introduced modern law and practice into our child protection work. The Regulation of Care Act 2013 introduced a wide range of care standards, including the vetting of staff working in children's homes and the inspection of the homes by my Department's Registration and Inspection Unit, which publishes its inspection reports.

6860 In addition, residential facilities for children and young people are commissioned from external providers and we have robust governance arrangements through contract management. No current children's home has failed an inspection. An external body, the Care Inspectorate from Scotland, reviewed our services for children and young people in 2014 and did a follow-up inspection in 2016.

Sadly, we know that child abuse took place at the Knottfield Children's Home some years ago and that a perpetrator was convicted and imprisoned. That home was closed over 30 years ago. Whilst I understand and respect the Hon. Member for Ayre and Michael's wish to have any further allegations looked into, and indeed support that wish, I again feel that the Social Affairs
6865 Policy Review Committee should not inquire into the matter. It is a matter for the Constabulary and its officers, who are skilled both at interviewing and supporting witnesses with care and respect and dealing appropriately with alleged offenders.

In addition, the Independent Chair of Safeguarding Board is proposing to carry out a review to test the Isle of Man performance against the areas that the Jersey inquiry have identified for
6870 improvement.

I will close my remarks there, Mr President, and beg to move the amendment standing in my name:

To leave out all the words after 'That Tynwald notes' and to insert the words 'that allegations of historical child abuse at the former Knottfield Children's home were investigated by the Isle of Man Constabulary and resulted in a prosecution; encourages all victims of abuse, historical or current, to report their allegations to the police for investigation; and further notes that the Island's services for children and young people, including "looked after children" have undergone independent review, including the 2006 Everall Commission of Inquiry into the Care of Young People and the two Scottish Care Inspectorate reports into services for children and young people in 2014 and 2016, and that the Island's Safeguarding Children Board provides rigorous and independently chaired oversight of all matters relating to the safety and care of vulnerable young people'.

The President: Mr Malarkey.

Mr Malarkey: I beg to second the amendment by the Hon. Member and just emphasise the
6875 middle part and encourage all victims of abuse, historical or current, to report these allegations to the Police for investigation. That is what they are there for and I would encourage anybody who has had sexual abuse, present or past, to let our Police Force deal with it.

The President: Hon. Member of Council, Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.

I am a bit bemused here with what is going on. I am very supportive of Mr Baker's motion –
6885 200%! I can see why it is here, I can see why he wants the Committee to have a look at it, and I am sure that the maturity of our Scrutiny Committees will dictate that if there is any evidence uncovered of anything untoward – I will put it like that – they will involve the appropriate professional authorities to assist them and direct their proceedings accordingly, or halt their proceedings if necessary and engage the professionals required if such circumstances came about.

I believe very strongly that any case of child sex abuse, those victims should be allowed a
6890 voice, and that it is all very well for us here pontificating – and I mean that in a professional sense – that we leave it to the Police and those who are qualified to do deal with it; people may not want to come forward to a formal figure after a horrific crime such as this – they may feel more comfortable talking in privacy or alluding or having a friend represent them in privacy and
6895 the more informal setting that a Tynwald Scrutiny Committee can provide.

It will then be up to the Committee, I would say, to handle what information they have collected, as we have seen in the recent Social Policy Committee investigation into personal capability assessments – that was handled with aplomb, privacy and confidentiality, and in a very appropriate manner. So I am sure that this Committee that this is asking to be referred to
6900 can do the same thing. I have no question in my mind that they could not perform these duties.

We have heard about the Everall report. The Everall report was into something entirely different; it was to do with the double murder at Strang Lodge. It looked at that particular circumstance. It did not look back in time, as far as I can recall – and I waded through it and we have had the debates here. It was looking at very specific circumstances, systems and how we could improve failings and so on. The Health Minister is correct: it was unflinching and it pointed out some very serious issues which, going forward, new systems have been put in place, systems tightened up and so on.

But the point I made then with the Everall inquiry and the point I make now is no matter what you do with putting systems in place, they are not perfect and we will always get, with whatever subject we are dealing with, the situation where we have tried in the past, changed processes, changed procedures, and something else will invariably happen that was unaccounted for, or some new or unusual circumstance, and then the process will begin again to address that circumstance.

What I am saying, Hon. Members, is systems are not completely failsafe. I am not saying what we have got in place now is bad; I am just saying it is not absolutely failsafe. What I am saying from that is if there is evidence where people have not been allowed to speak, tell their story, or through a friend, then they should be allowed the right to do so, or for at least the Committee to look into the surrounding circumstances or overview circumstances to see if there is a case to be dealt with, if I can put that in parentheses.

We have seen recent issues with regard to our systems in place where there have been failings. Even with new systems put in place ... least of all the front pages of our press this week – I will not go into any further details. But I think Hon. Members will see the point that I am making is you cannot account for all situations all the time, as best as we try, with our best endeavours.

I am not criticising any hard work that has gone into this situation, but what I am saying is that I think particularly the victims of child sex abuse should be given a chance, if they feel they have not – and we can offer them the chance, at the very least. Then if the Committee was to look into the situation at least there is another doorway there for them; and that is what I think is important.

The amendment, to me, clearly closes that door shut. It is absolutely straightforward with what it does and it precludes then if the Hon. Member for Michael and Ayre has a person or persons who have a story to tell and, for whatever reason, they may not have had a chance before, they may have felt threatened by authoritarian figures or the Police, as we find out ... it is just in their psyche, or because what happened has made them so frightened that they would not even consider it, we should allow a door to be open to those people.

Let the Committee assess it even in overview terms to see what they are dealing with, what needs to be done, and I am sure our Scrutiny Committees – or their members – have considerable experience and breadth of knowledge; and the Clerks, who obviously will be attending that Committee, will assess what information is coming through or what is likely to come through, and the Committee and the Clerk, or Clerks, will come to a decision and determination on that.

So, for me, Hon. Members, I am going to vote for the main motion. Keep the door open, especially for such vulnerable people as this.

The President: The mover to reply, Mr Baker.

Mr Baker: Thank you, Mr President.

I stand to reply to both Mrs Beecroft's comments and the comments of Mr Henderson.

I understand why Mrs Beecroft, the Minister for the Department, has proposed the amendment, but it really does not address my concerns. I cannot and will not support it. She says in one breath that she does not feel the need for the Social Affairs Policy Committee to

review this matter, yet she indicates that she is confident in what is in place now; in which case, why not let it be looked in to?

6955 Her statement acknowledges that these issues happened. She said she supports my right to bring this forward and the wish for it to be looked into, yet is proposing not to let that happen by raising this amendment. Accepting the amendment would simply sweep the issue away and deny what is being asked for here, which is an opportunity for these voices of vulnerable people who were young and have been severely damaged by this experience. I think we, as a Court, owe them their justice.

6960 In complete contrast, Mr Henderson's comments. I really thank him for his comments. He shows a complete understanding of both the situation and the sensitivity with which it has to be dealt with, and the people who have been affected by it; and he gave a very clear exposition of why defeating the amendment and voting for the motion is the right course.

6965 So, in closing, I would reiterate: please, defeat the amendment, support the motion and demonstrate that we are an inclusive and caring Court, that we will listen to those whose voices have not been heard, that we will stand up for what is right and that we are prepared to address past wrongs.

6970 Thank you, Hon. Members, on behalf of all those who have suffered injustice over the years at Knottfield.

The President: Hon. Members, the motion before us is at Item 35 and, to that, there is an amendment in the name of the Hon. Member for Douglas South, Mrs Beecroft.

I put the amendment first. Those in favour of the amendment, please say aye; against, no.

A division was called for and electronic voting resulted as follows:

In the Keys – Ayes 13, Noes 10

FOR

Mrs Beecroft
Mr Boot
Mr Cannan
Mr Cregeen
The Deputy Speaker
Mr Harmer
Mr Malarkey
Mr Peake
Mr Perkins
Mr Quayle
Mr Shimmins
Mr Skelly
Mr Thomas

AGAINST

Dr Allinson
Mr Ashford
Mr Baker
Miss Bettison
Mrs Caine
Mr Callister
Mrs Corlett
Ms Edge
Mr Hooper
Mr Moorhouse

The Deputy Speaker: Mr President, in the Keys, 13 for and 10 against.

In the Council – Ayes 1, Noes 7

FOR

Mr Anderson

AGAINST

Mr Coleman
Mr Corkish
Mr Cretney
Mr Crookall
Mr Henderson
Mrs Poole-Wilson
Mr Turner

The President: In the Council, 1 for and 7 against. The Branches are in disagreement, therefore the amendment fails to carry.

I put the motion as set out. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

**36. Swearing-in ceremony of the Lieutenant Governor –
Castle Rushen as venue –
Motion carried**

The Hon. Member for Arbory, Castletown and Malew (Mr Cregeen) to move:

That Tynwald is of the opinion that the swearing-in ceremony of the Lieutenant Governor should be held in Castle Rushen.

The President: Item 36, Swearing-in ceremony of the Lieutenant Governor.

6975 Hon. Member for Arbory, Castletown and Malew, Mr Cregeen, to move, please.

Mr Cregeen: Thank you, Mr President.

The motion put before you is quite simple. If approved, it would bring any future swearing-in of the Lieutenant Governor back to Castletown and Castle Rushen.

6980 Mr President, we have just celebrated Tynwald Day and celebrated our culture and our heritage. We can rightly be proud of our heritage: the world's longest continuous parliament; the first place to give women the vote. This motion is not about the position of the Governor; it is about reverting to past practice of swearing-in of the Lieutenant Governor to the place it has taken place in since 1791.

6985 Mr President, I have spoken to the CEO of Manx National Heritage, who has plans to refurbish the room and to promote it as a function venue. I have spoken to a Treasury officer and can confirm no additional funding is to be allocated at MNH for this work, and it will sit with their ongoing maintenance programme.

6990 Hon. Members, this motion acknowledges that Castle Rushen gives the ceremony the gravitas that it deserves.

Mr President, this motion acknowledges the Petition from Colin Leather and Tony Brown. It also has the support from Castletown Commissioners. I have spoken to the Speaker and he supports it. I hope Hon. Members will support this motion. It brings back the ceremony to its historical location and with no additional costs.

6995 I beg to move the motion standing in my name.

The President: I call on the Hon. Member for Middle, the Chief Minister, Mr Quayle.

The Chief Minister (Mr Quayle): Thank you, Mr President.

7000 In rising, I stand to second the motion. We have one of the best preserved medieval castles in Europe in Castle Rushen, but we are a Manx nation steeped in history and tradition and it seems incomprehensible that we should not use Castle Rushen for the swearing-in ceremony of the Governor.

7005 I attended the last ... my first swearing-in of a Governor in the courthouse in Douglas and the facilities were nice and I am sure they were far less cramped than maybe it will be down in the room in Castle Rushen; however, sad to say, it was totally devoid of character.

It is a unique part of our history. It should not have been thrown away, and I am more than happy to back and second this motion.

Thank you.