

The WASS Inquiry Report into Allegations Surrounding Child Safeguarding Issues on St Helena and Ascension Island (Redacted Version)

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December 2015

ISBN 978-1-4741-2559-8



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*Return to an Address of the Honourable the House of Commons
dated 10 December 2015
for*

**The Wass Inquiry Report
into Allegations Surrounding
Child Safeguarding
Issues on St Helena and
Ascension Island
(Redacted Version)**

*Ordered by the House of Commons to be printed
10 December 2015*



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Print ISBN 9781474125598

Web ISBN 9781474125604

ID 20111502 12/15 51735 19585

Printed on paper containing 75% recycled fibre content minimum

Printed in the UK by the Williams Lea Group on behalf of the Controller of Her Majesty's Stationery Office

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Chapter 9, the body of this report and Appendix 4 have been part redacted further to paragraph 3.12 of the Information Protocol and on a ground identified in paragraph 4 of that protocol (“Prejudicing the course or outcome of any contemplated or ongoing criminal investigation or other legal proceedings, the administration of justice or the prevention or detection of crime”). The full report will be published in due course.

Appendix 5 has been part redacted further to paragraph 3.12 of the Information Protocol on a ground identified in paragraph 4 of that protocol (“Breaching the principle of legal professional privilege; Breaching the Data Protection Act 1998”) and on grounds of relevance.

Foreword

St Helena, despite its small size and a population of around 4,000, has a fully functioning government, elected representatives and small departments mirroring those of a much larger territory and population. When looking at the operation of these small departments, the Inquiry inevitably found itself focusing on the individuals within each department and their inter-relationships. It was these inter-relationships, more than the formal structures, which set the tone and style of the island's overall governance and management. Some individuals had a disproportionate influence on their department's operational effectiveness, especially within the Police Service. The report is thus unusually coloured in some areas by the detailed personal observations and comments which some of the islanders we interviewed wished us to express.

The Inquiry was established in response to a series of newspaper articles, leaked documents and extraordinary allegations made by "whistleblowers". As the Inquiry progressed, it became increasingly clear that two of these individuals were largely responsible for the more salacious allegations and the resulting furore. This report necessarily looks at their role in considerable detail.

St Helena and its people have been grossly and unfairly tarnished by the allegations which the Inquiry was asked to investigate. I hope that this report clears away the wilder, unsupported accusations. I would like to thank all of those islanders and expatriates who not only agreed to give evidence but also assisted the Inquiry Panel while we were on the island. Without their positive and unstinting assistance, the Panel could not have covered so much ground and interviewed so many islanders.

I would also like to thank the Inquiry Panel, who lent their expertise and tireless enthusiasm to completing the rigorous schedule of meetings and interviews we conducted, looking into almost every area of St Helena's government and administration.

The Panel

Sasha Wass QC, Chair of the Inquiry

Moira Murray

Moira Murray has over 30 years' experience in safeguarding and protecting children, in both local authority and voluntary settings. She was Head of Safeguarding at the Children's Society from 2005 to 2009 and was appointed by the then Home Secretary to the Board of the Independent Safeguarding Authority, serving from 2007 to 2012. More recently, Moira was the Safeguarding Manager for the 2012 Olympic and Paralympic Games in London. She has written and chaired serious case reviews into the death and severe abuse of children. She has conducted safeguarding audits for local authorities and the NHS and has advised various organisations on best practice in safeguarding children. She is the co-author of *Safeguarding Disabled Children: Practice Guidance* (HM Government, 2009). Moira's expertise was used most recently in an assessment of the BBC's child protection and whistleblowing policies.

Colin Welsh

Colin Welsh recently retired from the Metropolitan Police Service after more than 30 years. He managed child abuse investigation teams for over eight years and spent a further nine years overseeing the most serious intra-familial crimes against children, including in excess of 100 child homicides and suspicious child deaths. He has led national and international inquiries, many of a sensitive nature, and has received several commendations for his work. Colin was a Senior Investigating Officer for over 10 years, accredited to Professionalising Investigation Programme (PIP) level 3, a family liaison coordinator, and trained in the investigation of sexual offences and inter-agency work. He provided safeguarding training to both police and external professional audiences and lectured internationally on aspects of child death investigation. In 2014 he received an Association of Chief Police Officers award for making a major contribution to improving the national standards of child death investigation. He remains on the National Crime Agency register of expert advisors for safeguarding and child protection matters. Since his retirement, he has set up a business with two colleagues (Safeguarding Strategies Ltd) providing safeguarding training and consultancy services to professionals from the private and public sectors, including those working in health, education and social care.

Detective Superintendent Robert Vinson

Robert Vinson is a Detective Superintendent and the Head of the Kent/Essex Major Crime Department. He is approaching 28 years' policing service, primarily as a Detective in the field of crime investigation. Robert is responsible for the management of some of the most serious and complex crimes across both counties. These include offences of homicide, kidnap, extortion and stranger rape, as well as complex child abuse investigations. Robert is nationally trained and accredited as a Senior Investigating Officer (PIP level 3) and in the strategic management of complex and serious crime cases (PIP level 4). He is also nationally trained in reviewing complex criminal cases and has expertise in leading cold case investigations. He has led numerous high-profile investigations, including into homicides, kidnaps, rapes and complex child abuse cases, both nationally and internationally. In 2009, Robert was awarded an MBE for his role in the uncovering

and investigation of child abuse allegations centred around Pitcairn Island in the South Pacific, which encompassed a number of generations. This investigation resulted in the prosecutions and convictions of a number of men for sexual offences against children, following trials on Pitcairn and in New Zealand.

Mark Waring

Mark, who was appointed Inquiry Solicitor, is a solicitor with 15 years' post-qualification experience. After five years in a major City law practice, Mark joined the Government Legal Service in 2003 and has pursued a career covering a broad range of public law litigation across government.

Mark's present role is in the Justice and Security team, where he has undertaken significant cases for the Ministry of Defence, the Home Office, the Security Services and the Ministry of Justice. Particularly challenging cases include Judicial Reviews concerning military operations and detention in Iraq and Afghanistan, religious extremism in English prisons and government transformation of rehabilitation services.

Mark's inquiry experience began with a role in the Gibson Inquiry into extraordinary rendition. Recent experience was in 2014, working for the Hallett Review on the operation of an administrative scheme during the Northern Ireland peace process. He assisted the Chair in documentation collation, preparation for interview of witnesses and Maxwellisation. Mark also drafted the key annex on the constitutional law of St Helena and Ascension Island and advised the Chair on such issues.

Lewis MacDonald

Lewis MacDonald is a qualified barrister who took on the role of Administrator to the Inquiry. Lewis read Law at Queens' College Cambridge before completing the Bar course at Nottingham Law School as a Lincoln's Inn scholar. He was called to the Bar in 2014 and completed his pupillage at 6KBW College Hill, supervised by Treasury Counsel. Lewis is presently at 2 Hare Court.

Lewis was an active and diligent member of the Inquiry Panel, providing important legal and administrative support to both the Chair and the Inquiry Solicitor.

Chapter 1

Overview and recommendations

1.1 This chapter provides a summary of the findings of the Inquiry. The justification for these findings is set out in the following chapters. The findings are held unanimously by the Panel unless expressly stated to the contrary.

1.2 Each chapter is designed to be read in isolation, which explains why there is some duplication in overlapping chapters.

1.3 The Inquiry was established on 20 November 2014 by the Foreign Secretary, supported by the Governor of the British Overseas Territory incorporating St Helena, Ascension Island and Tristan da Cunha. The full Terms of Reference are set out further on in this chapter.

The *Daily Mail* articles

1.4 The catalyst which led to the Inquiry was a series of three articles published in the *Daily Mail* newspaper in July 2014. These news stories contained sensational criticisms about the people and Government of St Helena, the Foreign and Commonwealth Office (FCO) and the Department for International Development (DFID). The contents of the articles were lurid, shocking and damning. These articles unwittingly gave a totally misleading and distorted view of the people of St Helena and of the institutions that serve them.

1.5 On 15 July 2014, under the *Daily Mail* headline “‘A culture of sexual abuse of children’: Shocking report claims British overseas territory of St Helena is rife with child abuse, domestic violence and sexual exploitation”, the readership was told that there was an unpublished report by a respected charity, the Lucy Faithfull Foundation, which had found that “sexual violence and brutality were endemic” on the island of St Helena. The article suggested that the charity had called for a review of policing and that residents had told the *Daily Mail* that the island was worse than Pitcairn Island, where six men in a population of 47 had been convicted of dozens of sexual offences. The *Daily Mail* was critical that the unedited 83-page Lucy Faithfull Foundation report had never been published. Only a four-page summary had been released. Conspiracy theorists drew the usual conclusions. The reality was quite different: the report was deeply flawed.

1.6 Sensational parts of the Lucy Faithfull Foundation reports were selectively quoted by the *Daily Mail*: “A persistent culture on both islands of the sexual abuse of teenage girls”; “An evident failure on the part of the police to tackle sexual offenders and notions of ‘victim blaming’ among authorities.” And finally, something the Inquiry *did* find support for:

“Provisions for disabled children which were as bad as anything that could be imagined and reminiscent of a Victorian lunatic asylum.”

1.7 The *Daily Mail* went on to report that there might have been a cover up, that the island was “a safe haven for sex offenders” and a “sanctuary for paedophiles”, and that “the abuse of children was ‘routine’”. St Helena was described as an island “ripe for exploitation by more sophisticated visitors”, a potential “paedophiles’ paradise”. “There are dark forces at work on St Helena”, one unidentified British police officer is quoted as saying. The article referred to a Northumbria Police report, which had made recommendations but had not been made public.

1.8 At the conclusion of the article, the shocking allegations were somewhat blunted by a quotation from the retired Chief of the St Helena Police Service, Peter Coll, who accused the Lucy Faithfull Foundation of being “hysterical” and “hunting out issues”. Mr Coll was also reported to have said that the situation on the island was “no worse than his old beats at Brighton and Hastings”. The article stated that the St Helena Government had taken on board the recommendations of the Lucy Faithfull Foundation and that these were now “well in train”. The story was not laid to rest by these comforting reassurances.

1.9 The following day, on 16 July 2014, the *Daily Mail* published further horrors taking place on St Helena: “Teenage girls are traded for food”; and reported that older women had suffered from a practice known as “downing” in their childhood which involved them being raped on the way to school.

1.10 On 24 July 2014 the *Daily Mail* revealed the controlling hand behind these three newspaper articles: “The Social Services Manager, who has asked not to be named... recruited from the UK for her expertise and moved to St Helena in February 2013”. The Social Services Manager revealed that there had been about 20 serious sexual abuse cases which had not been investigated by the police. She said that “corruption was everywhere among the authorities on the island”. The *Daily Mail* article went on to say that this Social Services Manager had been “threatened with perjury charges”, and had been “constructively dismissed on the 8th July”. She was also quoted as saying that St Helena would “become a Gary Glitter type tour destination”.

1.11 The motivation behind this distorted story was hinted at when the reader was informed that “The whistleblower has now issued proceedings against the FCO and DFID at the employment tribunal, along with a fellow UK social worker who recently left the island”. The directing hand behind the *Daily Mail* articles was Claire Gannon, as she later admitted to the Inquiry Panel. Her fellow UK social worker referred to in the report was Martin Warsama.

1.12 Claire Gannon had leaked to the *Daily Mail* a copy of the confidential Lucy Faithfull Foundation report to back up her own inflammatory claims. The report, together with the statement of the Social Services Manager who had recently returned from St Helena, provided enough disquiet to justify publication by the newspaper.

1.13 What the *Daily Mail* was unaware of, and could not have discovered, was that the contents of the confidential Lucy Faithfull Foundation report, which was leaked by Claire Gannon, had been *compromised* by Claire Gannon herself. This device, of obtaining publicity for a story (in this case leaking the Lucy Faithfull Foundation report) and then using that story to support false allegations, has routinely been used by disaffected individuals seeking to manipulate the news.

1.14 There was a further ingredient to the story, which precipitated the establishment of the Inquiry. On 30 October 2012 (well before the publication of the *Daily Mail* articles), an officer from the St Helena Police Service, Police Constable Michael Anderson, had written to Mark Hoban MP. He made allegations of corruption, incompetence, maladministration, partiality and racism on St Helena and Ascension Island. Reassurances were given that this was being looked into by the FCO and the St Helena Government. An internal review had been immediately set up on St Helena, followed by a Sussex Police investigation in December 2012, which was itself followed up by the report of a Southern Oceans Law Enforcement Advisor in March 2013; three further investigations by Northumbria Police Service took place over the following year. The *Daily Mail's* articles had brought these investigations back to the surface: what on earth was going on in the middle of the South Atlantic?

1.15 The allegations made in the *Daily Mail* in July 2014, and 21 months earlier by PC Anderson, were wide-ranging and very disturbing. In essence, the Inquiry team was asked to investigate a broad range of issues involving claims of endemic child abuse and police corruption and incompetence, as well as to look into the suggestion that there was a conspiracy by the St Helena Government, the FCO and DFID to cover up these matters. Highly confidential material enabling the victims of sexual abuse to be identified had been released to the press by Claire Gannon. The intense political and media attention had provoked serious public concern.

1.16 The island of St Helena, along with all its 4,000 inhabitants, had been labelled “a *Gary Glitter type tour destination*”: an island of sex abusers and paedophiles. The absurdity of these allegations, as the Inquiry found them to be, was lost in the welter of rumour and innuendo which later news stories were only too willing to echo.

1.17 How could this blight have settled on St Helena? Once the Inquiry began, it rapidly became clear that the three drivers – the PC Anderson letter, the Lucy Faithfull Foundation report and the Gannon–Warsama allegations – were merely the latest in a protracted series of 34 earlier reports and investigations into childcare on St Helena and Ascension Island which had been written between 1998 and 2012.

1.18 Early expectations of a relatively quick inquiry fell away. The Inquiry Panel had to analyse 34 reports spread over a period of 14 years, which pre-dated the Michael Anderson allegations, in order to consider what the reports had found and what they had recommended as they clearly impinged upon the Terms of Reference of the Inquiry.

Police Constable Michael Anderson

1.19 The first allegation that we looked into as part of our Terms of Reference was the letter written by PC Michael Anderson in October 2012 and sent to Mark Hoban MP. The letter was sent anonymously but the author was quickly identified as a serving officer in the St Helena Police Service. Michael Anderson later admitted his authorship of the document. The allegations made by Mr Anderson included the suggestion that certain individuals in positions of authority, including the then Attorney General of St Helena and certain police officers, had not been prosecuted for criminal offences they had committed. Mr Anderson claimed that there was an underlying acceptance of child abuse and that at least one serious sexual offence had been dealt with by way of a caution. He further suggested that investigations were being thwarted by local police officers and that there was no Sex Offenders Register; he also suggested that there was a lack of law enforcement

coordination between St Helena and its sister island, Ascension. He observed that children were allowed into bars and that there was a conflict of interest in the dual roles and official relationships held by government employees on Ascension Island.

Lucy Faithfull Foundation

1.20 The second element of the Inquiry was the Lucy Faithfull Foundation report of 2013. The Lucy Faithfull Foundation is a registered child protection charity, which works to prevent child abuse. The Lucy Faithfull Foundation was one of the expert authorities to which the FCO and DFID turned when they required community assessment of the British Overseas Territories. The Lucy Faithfull Foundation has also produced reports on the Pitcairn Islands, the Falkland Islands and Montserrat, as well as St Helena and Ascension Island.

1.21 The Lucy Faithfull Foundation report into St Helena and Ascension Island was confidential and written for the two government departments which commissioned it. The findings indicated persistent, if not prevailing, sexual abuse on St Helena, identified problems with the upper echelons of the St Helena Police Service, and criticised what it perceived as their lackadaisical pursuit of sexual abuse case investigations. It reported rumours of “*disturbing secrets*”. Offender management was said to be poor; residential facilities for those with disabilities were criticised; grooming of children was said to be prevalent; alcohol abuse a common problem; absentee parents provided an avenue to abuse; and casual prostitution, where sex was traded for food and consumer goods, was also reported. The Lucy Faithfull Foundation report was devastating. However, as the Inquiry Panel discovered, the report was both professionally compromised and insufficiently supported by evidence.

Claire Gannon and Martin Warsama

1.22 I repeat, the Lucy Faithfull Foundation report was a confidential paper produced for the UK Government. Regrettably, it had been privately provided to Claire Gannon by one of its co-authors, Michael Sheath, with the express caveat that she would hold it in strict confidence. As we have seen, the third catalytic element was provided by Claire Gannon’s later leaking of the report in 2014, in support of her and Martin Warsama’s claims for constructive and unfair dismissal before an Employment Tribunal. In addition to the Lucy Faithfull Foundation report being leaked to the media, the document was published in full on the website of Equal Justice Solicitors, who represented Ms Gannon and Mr Warsama in their Employment Tribunal claim. The inevitable incendiary results followed with the headlines that we have seen above.

The progress of the Inquiry

1.23 The original intention of the Inquiry was to undertake a short pathfinder visit to St Helena before the end of 2014, to be followed up by a relatively rapid inquiry conducted by a small panel consisting of police officers with current expertise in child abuse investigation and a highly experienced child welfare expert. Two factors intervened to stymie this objective and to extend the length of the Inquiry.

1.24 The first problem encountered was the isolated and inaccessible nature of the island. A pen sketch of the island and its history can be found at Appendix 1. The only way to reach St Helena was by sea aboard a cargo and passenger ship, the *Royal Mail Ship St Helena*

(RMS). The RMS sails from Cape Town to St Helena, on to Ascension Island and then back to St Helena before returning to Cape Town. The round trip lasts an average of 19 days. At the time of the intended preliminary visit by the Inquiry, December 2014, the RMS was fully booked, and it was not possible to visit St Helena until March 2015.

1.25 The second factor complicating the start of the Inquiry was the apparent failure of the FCO to understand the complex legal inter-relationship between itself and the separate judicial entities of St Helena, Ascension and the UK Government. Whilst the Foreign Secretary had initiated the Inquiry and the Governor of the British Overseas Territory involved had approved it, the newly appointed St Helena Attorney General advised the Governor of St Helena that the Inquiry had no legal authority on the island.

1.26 The Terms of Reference announced by the Foreign Secretary on 20 November 2014 stated: *“The Panel will have access to all relevant papers from the FCO, DFID and SHG [the St Helena Government] and its authorities.”* Despite this, the St Helena Attorney General informed me by email that the Inquiry would not be allowed access to police and social services files. These files contained the essential material which the Inquiry was established to investigate. Had this state of affairs persisted, the Inquiry would have been unable to operate on St Helena.

1.27 When I raised this barrier to the Inquiry with the civil servants at the FCO, I was repeatedly reassured that their Minister would deal directly with the Governor of St Helena to enable the Inquiry to proceed as intended by the Foreign Secretary. The Governor had not only publicly supported the Inquiry but I had also met him on 8 December in London and he had assured me of his full cooperation and assistance.

1.28 However, despite the journey to St Helena being booked and paid for and diaries having been cleared for a visit in March 2015, weeks passed without this problem being resolved. There was a brief period of time when it was unclear whether the Inquiry, as legally constituted, could even proceed. I was concerned that the Inquiry Panel would travel to St Helena and find itself unable to undertake a full investigation.

1.29 In retrospect it is clear that those at the FCO who were liaising with me had little or no experience of establishing such an Inquiry. A fundamental ingredient necessary for any inquiry is that a lawyer is appointed to support the inquiry panel. The lawyer drafts the protocols and documents necessary to constitute the inquiry. In the case of the St Helena Inquiry they would also advise on the constitutional relationships between the UK Government and the British Overseas Territory.

1.30 It was on 7 January 2015 that the St Helena Attorney General first identified the difficulty of allowing the Inquiry Panel access to the files. It was not until 17 February that a lawyer was appointed by the FCO and only then could he begin to address the legal barrier that the Attorney General had identified to the Inquiry.

1.31 As well as providing the basic legal backbone for the administration and recording of evidence, the lawyer appointed, Mark Waring, was asked to use his extensive skill and knowledge to tackle the confused and conflicting legal jurisdictional problems raised by the Attorney General. Mr Waring’s analysis of the government inter-relationships is detailed in full in Appendix 3 to this report. The legal confusion continued unabated until days before the Inquiry Panel was due to depart on 11 March. Mark Waring’s researches proved fruitful: the answer to the Attorney General’s concerns was as simple as it was straightforward.

The Governor, acting as the Queen's representative on the island, had the power simply to direct that the Inquiry could operate freely and ensure that the St Helena Government facilitate the Inquiry to look at every relevant file as it wished. The approach by the St Helena Government bypassed that singular solution, causing a delay in the resolution of access to documents.

1.32 Upon landing on Ascension Island, the Inquiry's first port of call, the Panel split into three teams to make the most efficient use of our time and to enable us to meet witnesses and inspect all police and social services files, as well as to interview all those involved in safeguarding on the island. Additionally we provided an opportunity for residents on the island to meet us on a confidential basis. We also held three open meetings with the councillors, the voluntary associations and the general public. We visited the schools, and interviewed both teachers and teenage children. We interviewed the Administrator, several police officers, the social worker, Crown Counsel, the Public Solicitor and the resident doctor. We also visited and interviewed both the British Wing Commander in charge of the RAF detachment and his American counterpart.

1.33 We found that the Administrator of Ascension Island was proactive, hands-on and alert to issues of safeguarding on an island where the infrastructure was crumbling and staff vacancies went unfilled. Our findings on Ascension are detailed in Chapter 19. We found no evidence of police corruption or paedophilia. Reported sexual offences were few in number and were taken seriously by the police but were handled with varying degrees of competence. Two cases involving safeguarding caused us concern: the first involved a 15-year-old girl who had fallen pregnant; the second involved the sentencing of a sex offender to a probation order which was later held to be unenforceable on St Helena. This had been one of the concerns raised by PC Anderson in 2012. We address this in detail in Chapters 2, 4 and 18.

1.34 The main concern which was brought to our attention on Ascension Island arose from the planned withdrawal of the RMS once St Helena Airport was completed and the difficulty this would create for families working on Ascension who wished to visit their children on St Helena. We deal with this in Chapters 2 and 19.

1.35 On St Helena the Inquiry Panel looked in detail at the Police Service, the Social Services Department, the four schools, the health service, the criminal justice system, the prison service and the Government. We conducted formal recorded interviews with the Governor, the Head of the Governor's Office, the Chief Secretary, the Assistant Chief Secretary, the Attorney General, the Solicitor General, the Chief Magistrate, the Chief of Police, the Public Solicitor, the heads of the various directorates and other office holders. Additionally, we gave a press conference and invited islanders to speak to us in confidence, an invitation that several accepted. On more than one occasion interviews were conducted at discrete locations to protect the identity of interviewees.

1.36 In effect, the Inquiry needed to look at every part of the government and administration of the two islands. Fortunately the two islands are small and this is reflected in the size of the various government departments. We wanted to establish whether there was any truth in the picture painted of St Helena in the *Daily Mail*. In total we interviewed 145 witnesses, and read over 2,677 documents, including 34 previous reports on top of the six we were asked to consider; all police files dealing with sexual offences dating back to

2009 were analysed and a detailed review of social services files relating to child welfare was undertaken back to 2009 and in some cases stretching back before then.

1.37 Because of the litigious nature of one or two of those making the allegations we thought it wise to detail the minutiae supporting some of our conclusions. Where we deal with specific cases, we have felt it necessary to provide a considerable amount of background material in order to support our findings.

1.38 Having looked at every police file dealing with sexual offences going back to 2009 and married up those cases with social services files where this was possible, we concluded that there was child abuse on St Helena but that it was confined to isolated pockets of the population and involved a limited number of problem families. This finding is not supportive of an accusation that sexual abuse is endemic and is far removed from the picture presented in the *Daily Mail* articles. The sexual abuse which the Inquiry found was largely intra-familial and was occurring in socially deprived areas. There were 100 open social services case files, some of which had been open for many years. This is not unusual where families have ongoing problems. Of the open files, two were on the subject of child protection investigations, six children were considered to be at risk, 50 children were in need and seven children were subject to court orders.

1.39 Quite separately from the intra-familial abuse, we heard from several sources and have read, in nine previous reports, about a supposed cultural tendency on St Helena where some relationships form between post-pubescent girls and older men. It has been speculated that this type of underage sex has been publicly tolerated on the island, where the age of consent (16) is largely disregarded. The suggestion appears to be that this culture has developed as a result of the migration of a large number of young people seeking work on Ascension or overseas, which has led to an age imbalance on the island, and that social relationships reflect the available age profiles. If true, and depending upon the age variances, this may be interpreted as *prima facie* evidence of grooming. For example, a 15-year-old girl having sexual relations with an 18-year-old boy would amount to a criminal offence but would not ordinarily raise the issue of grooming. Had the man in question been substantially older than the girl, different considerations would arise. The Inquiry Panel was told that relationships which started when the girl was under the age of consent frequently resulted in marriage. That assertion was borne out by couples we encountered in which the female partner was considerably younger than the male. Having said this, we have not seen any statistics, nor do any appear to exist, which establish the frequency of such relationships. In any case, the relationships that are described by these sources are not portrayed as the type of abusive or exploitative relationships such as one might find in the well-publicised Rochdale, Rotherham and Oxford cases in the UK. The Inquiry was not resourced, nor did it have the time, to investigate these theories. However, there are active programmes in place alerting men to the age of consent, and young teenagers receive awareness training through safeguarding programmes.

1.40 In response to the *Daily Mail* headlines, the Inquiry Panel found no evidence that child abuse was either endemic or routine. In response to the public allegations made by Claire Gannon and Martin Warsama, we found no evidence of corruption in the St Helena Police Service, the St Helena Government, the FCO or DFID. Nor was there any evidence of a “cover up”, as they suggested to the public and went on to suggest in evidence to this Inquiry.

1.41 The allegations made by Claire Gannon and Martin Warsama were taken extremely seriously by the Inquiry and much of the Inquiry's time was spent investigating what they said in order to establish whether it had any foundation. Having conducted this detailed exercise, the Inquiry Panel was able to demonstrate that there was no truth in the sweeping assertion made by Claire Gannon and Martin Warsama that St Helena was a "paedophiles' paradise" or that the police and government were corrupt. Inevitably, we examined the conduct of Claire Gannon and Martin Warsama themselves. The Panel was left in no doubt that each of them was professionally incompetent and unable to fulfil the terms of their employment. Several of the chapters of this report address their misconduct. We have considered in detail the cases cited by Ms Gannon and Mr Warsama in which they have alleged corruption in others and have been able to dismiss their claims.

Response to the Terms of Reference

1.42 We address the specific Terms of Reference below.

"a) A review of SHG and the St Helena authorities' response to the recommendations of the independent police reports, the Lucy Faithfull Foundation report, and others, relating to allegations following the letter of November 2012."

1.43 This Term of Reference required that the Inquiry investigate:

- Former Police Constable Michael Anderson's document *Is There Corruption in the Territories?*, sent to his former MP in the UK ("the letter of November 2012").
- The Chief Immigration Officer's report commissioned by the St Helena Government into Michael Anderson's allegations.
- The Sussex Police report commissioned by the St Helena Chief of Police Peter Coll into Michael Anderson's employment responsibilities.
- The Southern Oceans Law Enforcement Advisor's report addressing the allegations made by Michael Anderson.
- The Lucy Faithfull Foundation report commissioned by DFID into child safety on St Helena.
- Three Northumbria Police reports which were commissioned by the FCO as a result of allegations against the St Helena Police Service made by the Lucy Faithfull Foundation.

1.44 At first blush, it seemed to the Inquiry Panel that a great deal of resources had been expended over the years on reporting on St Helena. However, on closer inspection, the Inquiry was surprised to discover that the eight reports listed in the Terms of Reference were merely the tip of an iceberg. There had been no fewer than 34 previous reports (pre-dating the Michael Anderson letter in November 2012) into sexual abuse and child protection on St Helena made between 1998 and 2012. While these reports were not referred to in the Terms of Reference, much of their content and concerns and many of their recommendations bear directly upon the Inquiry's investigations.

1.45 When one combined the eight reports referred to in the first Term of Reference with the 34 previous reports, the repetitious or overlapping nature of many of them told its own story. Although some of those reports were fuller than others, many covered the same topics and made the same or similar recommendations. Problems or concerns were perhaps unearthed by periodic inspections or specifically identified on the island, reports

made or called for, and recommendations made, and presumably acted upon, before falling by the wayside, necessitating new reports.

1.46 Mike Evans in his third report on St Helena, entitled *Where There's a Will* (May 2000), said this: *"I have an overwhelming feeling of déjà vu. Not long into the consultancy it became blatantly obvious that many of my recommendations, directions and advice, simply had not been acted upon."*

1.47 We have not been given, nor have we sought, access to the previous 14 years' emails and correspondence surrounding these reports but it is clear that many of the recommendations made were either lost or forgotten over time as staff were rotated or left St Helena. To give but one example: the Barnardo's report of 2011 made a series of clear and simple recommendations regarding safeguarding training. At the time of the Lucy Faithfull Foundation visit in 2013, it was plain that most of the Barnardo's recommendations were not in place. Had they been, the Lucy Faithfull Foundation would not have found the gaps in safeguarding which they identified and which this Inquiry went on to identify in several instances.

1.48 These failings are systemic as they cover 14 years and overlap several Governors' incumbencies. The root of the problem here may arise from one or a combination of some of the following factors:

- a. The handover from one Governor to the next is clearly inadequate in both scope and depth. The current Governor, Mark Capes, told the Inquiry Panel that he was not made aware of the previous reports into child safety prepared on St Helena until after he assumed office in 2011. Governor Capes said: *"I can't speak for why those reports were ignored...St Helena has been neglected for decades...by the UK government."*
- b. The administration of the St Helena Government and that of its departments have failed to establish management practices, procedures and guidelines to ensure safeguarding routines.
- c. There is a lack of continuity when managers are replaced. There is a failure of overlap on handovers or a failure to create best practice manuals to ensure that incomers learn from past experience and benefit from prior reports.
- d. Some of those responsible for directorial oversight were found to be inexperienced and ignorant of best practice. This has resulted in their inability to question front-line professional staff and hold them to account.
- e. The existence of previous reports and recommendations ought to provide a touchstone for newly arriving staff; instead, new recruits appear to be unaware of them. Consequently, lessons need to be relearned at regular intervals through the intervention of yet more costly investigations, studies, reports and inquiries.

- f. We saw one example of employment gaps in Social Services whereby the only qualified social worker on St Helena left her post in May 2012 and it was not until June 2012 that the St Helena Government even *started advertising* for qualified social workers to work on the island. Claire Gannon was appointed to take up the post in early 2013. St Helena Social Services had been without a qualified social worker on the island for a period of nine months. Claire Gannon was presented with a chaotic and unmanned Social Services Department on her arrival on St Helena. Her lack of recent experience in front-line social work meant that she found herself completely out of her depth. Although this cannot excuse the unprofessional behaviour she went on to exhibit, it should be recognised that Claire Gannon was not properly briefed for the task that confronted her when she arrived on St Helena in February 2013.

1.49 In addition to the systemic failings, the Inquiry did find that, during the current incumbent's tenure, Governor Capes' attention was specifically drawn to matters which required urgent consideration by an email from Viv Neary, the Child Protection Coordinator for British Overseas Territories, in March 2012. These included the lack of a formal arrangement for fostering children on the island; and the fact that the only qualified social worker was due to leave in May 2012 with no replacement ready to take over.

1.50 Neither of those two matters was resolved by the Governor, and his failure to heed the warnings given to him directly impacted on the complications that arose during the Child F adoption case in late 2013 and early 2014. The full facts of that case are addressed in Chapter 8.

1.51 The Inquiry Panel was disappointed to learn that one of the legitimate complaints made by former Police Constable Anderson in his letter of November 2012 remained unresolved at the time of the Inquiry Panel's visit to St Helena in March 2015. Mr Anderson specifically complained about a case in which a sex offender had been convicted on Ascension Island and sentenced to a community order by the Ascension Island Magistrates' Court. The man in question was deported to St Helena, where he breached the community order. He was brought before the same Chief Magistrate who had sentenced him and who was now presiding over the St Helena Magistrates' Court. The legal position was that the St Helena Magistrates' Court had no power to deal with the breach of a community order which had been imposed by the Ascension Island Magistrates' Court. In giving his judgment in October 2012, the Chief Magistrate made it plain that this matter required urgent action and that the passing of an Ordinance would resolve the matter quickly. Despite the fact that former Police Constable Anderson had specifically drawn attention to this legal anomaly, the St Helena Government had failed to deal with it by March 2015, when the Inquiry Panel visited the island. We can find no excuse for this oversight.

1.52 Governor Capes did act in respect of another of former Police Constable Anderson's legitimate concerns, namely the lack of licensing laws on Ascension Island. Michael Anderson brought to the attention of his former MP that children on Ascension Island were present in bars late into the night. On 18 June 2013, the Sale of Alcohol and Access to Bars (Children and Young Persons) Ordinance of 2013 was passed and licensing laws on Ascension Island were brought into line with those on St Helena.

“b) An assessment of the role of the FCO and DFID in responding to these emerging concerns.”

1.53 The FCO and DFID face difficulties in supporting St Helena at arm’s length. We draw no distinction between the two departments for the purpose of our observations. They perform different roles in respect of St Helena but there is close communication between the two departments and documents we have seen demonstrate that they act in concert.

1.54 The Inquiry Panel has been provided with internal emails and other communications dating from between November 2012 and July 2014 between the St Helena Government, the FCO, DFID and the Foreign Secretary. There emerged a clear pattern of how the FCO and DFID responded to problems. It appeared to the Inquiry Panel that a situation akin to that operating under the governorship of Hudson Lowe between 1815 and 1821 had taken root. When Governor Hudson Lowe was tasked with dealing with Napoleon’s captivity on St Helena, whenever a problem arose he would look to the Foreign Secretary for guidance, rather than address the issue himself. By the same token, the Inquiry Panel found that when a problem arose on St Helena, rather than deal with the matter on the island, the Governor would often refer all matters to the FCO. This was certainly the position from the time of Police Constable Anderson’s complaints onwards. Email traffic provided to the Inquiry Panel revealed the following pattern: a complaint is received by the St Helena Government. It is referred to the FCO or DFID. Civil servants in the respective department in the UK assure the Minister that the matter is being addressed and there follows the commission of yet another independent report into the matter.

1.55 In the Michael Anderson case we can see a perfect example of the process. The St Helena Government should have been able to deal with the complaints raised by him on the island. The complaints raised by Mr Anderson concerned local matters. Instead, the FCO was drawn into dealing with matters on St Helena which they had no control over or local understanding about. The staff at the FCO reacted by protecting their Minister from any fallout. Put into this position, there was little they could do beyond calling for yet another inquiry and issuing a press release to that effect. They were then able to reassure the Minister: *“All is under control. There might be a problem but it is in hand.”* The Michael Anderson document prompted DFID to commission the Lucy Faithfull Foundation report (amongst other reports). Criticisms of the St Helena Police Service in the Lucy Faithfull Foundation report prompted the FCO to commission the Northumbria Police reports; and the Gannon and Warsama allegations prompted the setting up of this Inquiry.

1.56 The ultimate responsibility for the failings on St Helena lies with the Governor of St Helena. It is he who needs to manage the island. It is unrealistic to imagine that the FCO and DFID can involve themselves in the details of day-to-day life on St Helena from Whitehall. When the FCO or DFID is called upon by the Governor to deal with a problem on the island, the only available response from a distance of 4,000 miles has been to commission another report. The Inquiry Panel found that the commissioning of reports into St Helena had become the default position for dealing with local problems.

“c) An appraisal of the response of the St Helena authorities, including the Department of Health and Social Welfare and SHPS [St Helena Police Service], to the specific child safety incidents detailed in the allegations, and whether further investigation, including criminal investigation, is required.”

1.57 The “*specific child safety incidents*” referred to are those detailed in the allegations made by Claire Gannon and Martin Warsama in their Particulars of Claim in the Employment Tribunal. Those Particulars of Claim were described by the Tribunal Judge in the following terms: “*These pleadings are presented in sensational, not to say tabloid language and are littered with inappropriate comments and opinion apparently intended for a readership other than the parties and the Tribunal. They wholly lack the detachment and moderation of expression which professional lawyers should bring to any form of litigation, regardless of the subject matter...It was hard to avoid the impression that the aim was to get into evidence newsworthy material of interest to the media. If that was the impression, it was improper.*”

1.58 Put in the context of the *Daily Mail* allegations, it is clear that the Particulars of Claim were plainly intended for the media. Claire Gannon admitted to the Inquiry Panel that she instructed her solicitor to post the documents on their website. The content of the legal documents was indeed couched in “*tabloid language*”. The Inquiry Panel spent considerable time looking at the allegations made in the Particulars of Claim and summarises them here.

1.59 Specific cases cited as examples of police corruption and governmental cover-ups are dealt with in detail in Chapters 8–11. The allegations made by both Ms Gannon and Mr Warsama are a gross distortion of reality. Accusations against others are made in order to deflect from their own incompetence and wrongdoing. We list the cases below and refer to the chapters where the full facts can be found.

1.60 **The Child F case:** This is dealt with in Chapter 8 and provides a clear example of the ignorance and lack of professionalism exhibited by both Claire Gannon and Martin Warsama. It was apparent to the QC who represented their department and to the judge who presided over the case that neither Ms Gannon nor Mr Warsama was competent to deal with an adoption case or understood their duty to the court. The Chief Justice found that both Ms Gannon and Mr Warsama wilfully obstructed the court. Additionally, the Inquiry Panel found that Claire Gannon failed in her obligation to look after the interests of the vulnerable mother of the child and Martin Warsama demonstrated hostility to the parties, which was entirely unprofessional.

1.61 The St Helena authorities were not equipped to deal with the case of Child F. It had been the first adoption case heard on St Helena in living memory. Governor Capes had failed to heed the warning given to him in March 2012 and there were not the facilities in place to foster children who were removed from their parents. At one stage, the Solicitor General of St Helena and his wife had to foster the baby whilst an alternative arrangement was made. None of these failings can excuse the conduct of either Claire Gannon or Martin Warsama.

1.62





1.63 The case of Jeromy Cairns Wicks: This was cited by Ms Gannon and Mr Warsama as evidence of police corruption and the protection of paedophiles by Freemasons. The case of Jeromy Cairns Wicks had been brought to the attention of the Chief of Police in 2010, Peter Coll. His investigation had been cursory and his response lax. When the allegations against Mr Cairns Wicks were resurrected in 2013, the investigation into him by officers DC Veronica Judd and DS Keith Pritchard was thorough and expertly handled. Jeromy Cairns Wicks had been a serving officer with the St Helena Police Service. He was suspected of historical offences of child abuse. The police investigation was sensitively conducted in difficult circumstances. The only contribution made by Claire Gannon was to interfere with the process, make unfounded complaints against the investigating officers and at one stage demand to be told the identity of the (adult) victim who had expressly sought anonymity. Claire Gannon had been a hindrance to a successful police investigation which she later alleged was corrupt. The full facts of the case are set out in Chapter 10.

1.64 The case of an alleged assault by a teacher: This was relied on by Claire Gannon to suggest that a prosecution was not brought as a result of collusion by the Chief of Police and the Head of Education. The Inquiry Panel has examined the case in detail in Chapter 11. There was no evidence of corruption. The response by the authorities was to take the allegation seriously. The only fault was not to convene a strategy meeting. The Panel was of the view that the result of the case would have been no different in the UK.

1.65 The case of Adult M: This was not mentioned by either Claire Gannon or Martin Warsama in their diatribe against the St Helena Government. In 2013 and 2014, Ms Gannon had direct responsibility for Barn View Residential Unit, where Adult M had resided for the previous 15 years. Adult M was born in 1996 with severe disabilities. She has never been and will never be capable of independent living. Adult M suffers from a severe genetic neuro-degenerative disorder, leukodystrophy, which belongs to a group of disorders characterised by degeneration of the white matter in the brain. Her exact diagnosis is unclear, although she has been diagnosed with spastic quadriplegia in all four limbs. She has been in this state since birth. Her condition is characterised by spasms, which are caused by disease affecting the nerve fibres of the corticospinal tract. She has an arched spine and disjoined arms. She lies on her back in bed. She is unable to feed herself and needs to remain supine for much of the time because the position of her lower limbs (which splay outwards at 90 degrees at the knees) makes it almost impossible for her to be in an upright position. Adult M has a profound learning disability and is unable to communicate

anything other than her very basic needs. She also has epilepsy, finds difficulty in feeding and swallowing, is incontinent and suffers from a dermatological condition. She has visual problems although her hearing is thought to be within the normal range.

1.66 Adult M had received medical treatment in South Africa in 2000 when she was four years old. Thereafter, there is no evidence that she received any medical treatment for her complex needs. She had literally been left to waste away in Barn View Residential Unit on St Helena. Nothing was done by Claire Gannon to address the appalling neglect suffered by Adult M. No medical treatment or equipment was arranged. Ms Gannon left Adult M in the care of two unqualified social care staff who were plainly ill equipped to deal with the situation.

1.67 Barn View was described in the Lucy Faithfull Foundation report as *“as bad as anything that could be imagined and reminiscent of a Victorian lunatic asylum”*. There was a lack of medical care and medicine. The place was described as dark and cold, smelling of urine and plagued by flies. Adult M was left with no care plan and, when her plight was eventually complained of in September 2014 (well after both Claire Gannon and Martin Warsama had left the island), she was found to be suffering from a skin condition so severe that it was originally thought to be gangrene.

1.68 It was not only Claire Gannon and Martin Warsama who had neglected Adult M but also their predecessors. The same responsibility lies with the present and past Governors, all of whom were given ample warning of the plight of disabled people on the island.

1.69 A DFID Social Development Advisor, in her report dated March 2002, said: *“The disabled are another sub-section of the population who have been relatively neglected to date.”*

1.70 A consultant repeated the warning in 2006 when he reported: *“There are limited existing resources, skills and expertise to meet the needs of the small number of children with disabilities.”*

1.71 Governor Capes visited Barn View at Christmas 2011 in order to present the staff with a cake. When asked by the Inquiry Panel about the condition of the establishment, Governor Capes said: *“What impressed me was the level of care and the atmosphere of the place then was very very good.”* The Inquiry Panel was unanimously at a loss to explain how the Governor could have come to this conclusion. Within months of Governor Capes' visit, the Police Development Officer in charge of safeguarding prepared a report for the St Helena Government describing some rooms in Barn View as being *“akin to those of solitary confinement in prison films: stark, cold and despairing”*.

1.72 In September 2014, Adult M's case was finally addressed. She was placed under the protection of the Supreme Court and has now been transferred to the UK for medical treatment. Adult M's case (outlined in Chapter 12) should be a matter of lasting shame to the St Helena Government.

“d) A review of the historic and current relationship between Social Services and the SHPS, and the implications for child safety.”

1.73 Allegations made publicly by Claire Gannon and Martin Warsama included suggestions that the St Helena Police Service refused to investigate cases of child abuse and indeed protected sex offenders from investigation.

1.74 The Inquiry Panel has looked at the relationship between Social Services and the St Helena Police Service both during the time Ms Gannon and Mr Warsama were on the island and after they left in May 2014. We found that relations between the two organisations had completely broken down during the time that Ms Gannon and Mr Warsama were in post, culminating in (unfounded) accusations by Mr Warsama that the police were planning to plant drugs on him and Ms Gannon.

1.75 No sooner had Ms Gannon and Mr Warsama left St Helena and been replaced by other qualified social workers than the relationship between the police and Social Services improved substantially. At the time of the Panel's visit to St Helena in March 2015, the police and Social Services had a good relationship and were working together to protect the vulnerable and investigate crime.

1.76 Claire Gannon arrived on St Helena in February 2013. By April of that year, she had fallen out with the police over their investigation into Jeromy Cairns Wicks. Officers DS Pritchard and DC Judd were tasked to conduct a sensitive investigation into Jeromy Cairns Wicks, a serving police officer. The investigation needed to be conducted covertly. Claire Gannon refused to accept this operational decision and demanded to be told about the progress of the enquiries. When officers made it plain that she could not be part of the investigation team, she made a formal complaint about the investigating officers' conduct to the Chief Secretary of the St Helena Government. It is plain from emails that we have seen that DS Pritchard did not react well to the interference of Claire Gannon, and their working relationship never recovered. This led to Claire Gannon making assertions in her Particulars of Claim that DS Pritchard was corrupt, an allegation that the Inquiry Panel found to be without any foundation.

1.77 The Chief Secretary told the Inquiry Panel that Claire Gannon complained about the police generally and the Chief of Police, Peter Coll, in particular. He said that at first he put this down to a personality clash between the two. When Mr Coll was replaced as Chief of Police by Trevor Botting, the Chief Secretary hoped that Ms Gannon would be able to work with the police. However, she made it plain that she refused to do so. The Chief Secretary said to the Inquiry: *"I did start to wonder whether the common factor was Claire Gannon."*

1.78 By the time of the visit of the Lucy Faithfull Foundation to St Helena, Claire Gannon's feud with the St Helena Police Service was in full swing. Email traffic set out in Chapter 7 demonstrates the influence that Claire Gannon had in the drafting of the report. She was being consulted by one of the authors as the report was being written. Ms Gannon was told that the police were going to be criticised. The Lucy Faithfull Foundation went well outside their Terms of Reference in making unfounded criticisms of the police. This resulted in yet another report on St Helena being commissioned. The ensuing Northumbria Police report established what the Inquiry Panel found, namely that the Lucy Faithfull Foundation's excoriating attack on named police officers amounted to little more than the repetition of spiteful gossip.

1.79 Claire Gannon was instrumental in the appointment of Martin Warsama, who had been a long-term associate of hers. Ms Gannon both interviewed Mr Warsama for the post of Social Services Trainer and also provided a reference for him. The description of Mr Warsama's abilities in the reference she provided bore no resemblance to the abrasive person who arrived on St Helena in September 2013 and whom the Inquiry Panel interviewed.

1.80 From the time of the arrival of Mr Warsama, the relationship between the police and Social Services deteriorated still further. The Inquiry Panel was told that Mr Warsama was personally abusive to individual officers and also heard descriptions of his intimidation of Social Services staff.

1.81 The relationship between Social Services and the St Helena Police Service should never have been allowed to reach the state of deterioration that it did. This would have undoubtedly had an adverse effect on those who looked to the Social Services Department for assistance. It is plain from documents that we have considered that those who were responsible for managing Claire Gannon and Martin Warsama failed to do so. The St Helena Government's overriding objective appeared to be to keep the two of them in post, knowing the difficulty of finding replacements. We repeat that this situation would never have arisen had Governor Capes heeded the warning given to him by Viv Neary in March 2012.

1.82 Following the departure of Claire Gannon and Martin Warsama, whose toxic presence created a division between Social Services and the police, the Inquiry Panel found evidence of multi-agency working, staff mentoring and training, and a rationalisation of case files and child protection planning. The current Senior Social Worker, Samantha Dunn, is engaged in safeguarding training and is working closely and harmoniously with the police.

“e) An assessment of the treatment of, and support given to, employees and others who bring child safety concerns to the authorities’ attention (“whistle-blowers”).”

1.83 Former Police Constable Michael Anderson brought matters which he believed to be of genuine concern to the attention of his former MP in Hampshire. Some of his complaints related to the St Helena Chief of Police and the St Helena Government. Mr Anderson's complaints were correct in some parts and unsubstantiated in other parts.

1.84 The Inquiry Panel is of the view that Mr Anderson was treated neither fairly nor judiciously by the St Helena Government. Email traffic between the St Helena Government and the FCO set out in Chapter 4 makes it plain that a decision had been made to remove Mr Anderson from his post before any formal investigation was conducted by Sussex Police. The immediate response of the St Helena Government and the FCO was to *“take action”* (as Governor Capes put it) against Mr Anderson rather than address the issues he raised, some of which were entirely valid. The Inquiry Panel is of the view that Mr Anderson acted with honourable intentions and, although several of his allegations were without foundation, he deserved to be taken seriously. Instead, a pretext was devised for him to leave his employment. The Sussex Police report concluded on a balance of probabilities that he had breached Police Disciplinary Regulations, which would amount to discreditable conduct. This conclusion was not supported by a subsequent investigation by Northumbria Police, who said this:

“Mr Anderson’s motives are considered honourable, and he had no obvious personal ‘axe to grind’. Investigators consider his actions came within the orbit of a person reporting potential wrongdoing formerly referred to as a ‘whistleblower’ and that he should have been treated as such. It is recommended that the appropriate authority consider, in terms of fairness and justice to Mr Anderson, how this matter may be resolved.”

1.85 The Inquiry Panel agrees with the conclusion and recommendation of the Northumbria Police report.

1.86 In direct contrast to Michael Anderson, whose intentions were considered “honourable”, the Inquiry Panel does not consider Claire Gannon and Martin Warsama to be whistleblowers in the legal sense. Ms Gannon and Mr Warsama were both unfit for the posts that they had filled on St Helena. Their incompetence had been exposed during the Child F adoption case, during which the Chief Justice was sufficiently concerned about their conduct that he recommended a review by Independent Counsel. The review by Independent Counsel was equally unfavourable about both Ms Gannon and Mr Warsama in terms of their competence and integrity. The matter is fully addressed in Chapter 8. By the time Ms Gannon and Mr Warsama made their allegations in the press and in Employment Tribunal proceedings, their own conduct was under scrutiny. Their “whistleblowing” was no more than a vengeful attack on their accusers.

“f) An assessment of how SHG and its authorities handle child and vulnerable adult sexual abuse cases in general.”

1.87 It will be clear from the specific cases described above that there were serious failings in respect of the vulnerable on St Helena. [REDACTED]

1.88 Claire Gannon and Martin Warsama did nothing to improve the function of Social Services whilst in post. However, the Inquiry Panel saw real signs of improvement since May 2014.

1.89 Senior Social Worker Samantha Dunn arrived on St Helena in May 2014 and within weeks had organised the Social Services filing system and put in place a system of referral commensurate with that found in the UK. Ms Dunn’s achievements demonstrate that it was possible to rationalise the Social Services Department, something Ms Gannon and Mr Warsama failed to do, blaming this on lack of funding.

1.90 Following the sensational allegations made in the *Daily Mail* in July 2014, the St Helena Government has made a concerted effort to address safeguarding.

1.91 One witness told the Inquiry Panel: *“It took two of the most incompetent people that I have ever met to go to the papers and exaggerate, for St Helena to give social services the resources it needed.”*

1.92 An additional budget of £1.2 million has been made available by DFID from April 2015 to be applied to all aspects of safeguarding, and training has been conducted in many aspects of St Helenian life. However, at the time of the Panel’s visit in March 2015, there were still matters of concern which were brought to our attention, in particular the lack of safeguarding understanding exhibited by six St Helenian police officers in dealing with a disclosure of sexual abuse by a young girl. We stress that there was no “cover-up” as alleged by Ms Gannon and Mr Warsama, rather an ignorance of proper safeguarding procedure.

1.93 It is only if this training initiative is maintained that St Helena will achieve the proper standard of dealing with sexual abuse cases.

“g) A review and assessment of other matters not envisaged at the initial stages of the inquiry but which, during the course of the inquiry, it appears prudent to include in scope.”

1.94 There were a number of concerns raised by interviewees about matters which had an indirect bearing on safeguarding. We list them below.

Healthcare

1.95 The Inquiry Panel visited Jamestown Hospital with a view to considering how children would be looked after. We found that the hospital lacked the rudimentary facilities required for the care of the sick. We were told by nurses that there was only enough running hot water for *one bath*; that the dishwasher and bedpan washer had been broken for three years; and that the hospital relied on the charitable donations of others for fundamental equipment. For example, the only operating table had been donated by the previous surgeon when he left his post.

1.96 We were also told that regional health clinics had closed and not been replaced, meaning that sick and vulnerable St Helenians living in remote parts of the island were not receiving medical attention. The Inquiry Panel was disturbed to learn that the Governor appeared to be unsure about when these clinics had actually closed.

The airport

1.97 St Helena Airport is due to become operational in 2016. It appeared that the needs of St Helenians and their children had not been properly considered in the planning of this development. In theory, the airport will bring about a number of changes for the people of St Helena in terms of accessibility of medical treatment. At the time of writing, St Helena has in place an arrangement with hospitals in Cape Town which enables St Helenians in need of specialist care to travel to Cape Town for treatment via the RMS. Once the airport is operational, the RMS will be decommissioned. The only connections St Helena will have will be to and from Johannesburg. Governor Capes told the Inquiry Panel in March 2015 that there was no arrangement in place for St Helenians to receive medical treatment in Johannesburg. In October 2015, having criticised the St Helena Government for overlooking the healthcare needs of its people, the Inquiry Panel was told: *“The SHG Health Directorate has already completed an assessment of potential Private Healthcare Providers in Johannesburg and Pretoria with the view to concluding a comprehensive service level agreement for healthcare for St Helenians in South Africa. It is expected that there will be an invitation to tender in December with the intention of having a contract in place when flights commence.”*

1.98 By the same token, the Inquiry Panel was told during its visit to St Helena in March 2015 that, once the RMS is decommissioned, it will be virtually impossible for the 800 St Helenians working on Ascension Island to travel directly to St Helena, as they do now. Their only way home will be to take a flight from Ascension Island to Brize Norton; to travel to Heathrow Airport; and to fly to Johannesburg and then back to St Helena. Governor Capes was asked about the difficulty that this would create and said this: *“Any new link is not going to be subsidised and we’re going to pay full cost. Who’s going to pay the full cost? That has to be the employers on Ascension who are willing to help share the cost of that service. And the signs are that some may not want to do that.”* On 9 October 2015, the

Ascension Island Government and the St Helena Government selected Comair Ltd as the preferred bidder for the provision of a monthly air service between St Helena and Ascension.

1.99 It did not appear to the Inquiry Panel that the interests and needs of St Helenians had been properly considered at the time of the airport construction. Provision of medical care and air links only appeared to be addressed as an afterthought.

The location of the new prison

1.100 The existing prison on St Helena is situated in Jamestown next to the police station. Due to a lack of recreational facilities inside the prison, inmates are allowed out to work provided that they are supervised. The St Helena Government has pushed through plans to move the site of the existing prison to a residential area on the island. There is no suggestion that recreational facilities will exist at the new location and prisoners will have to exercise outside of the prison under supervision. The Inquiry Panel visited the area intended for the new prison and was surprised at the choice of location. There were two crèches, and families who at present were happy for their children to play in the open. Great concern was expressed as to the detrimental effect on safeguarding that the relocation of the prison would have. When Governor Capes was asked about the legitimate concerns of the residents on the island, he said: *“That would be an assessment for the police to make...I am the Governor but those sort of operational decisions are a matter for the Police to manage or other agencies.”*

Conclusion

1.101 In the wake of the allegations made in the *Daily Mail* that *“corruption was everywhere among the authorities on the island”*, we have concluded that:

- There is no evidence of corruption in the St Helena Government, the St Helena Attorney General’s office, the St Helena Judiciary and Courts’ Service, the St Helena Police, Prison, Immigration and Fire Services, or the schools. For the avoidance of doubt, in all the aspects of the administration of St Helena and Ascension Island that we investigated, we found no corruption at all.
- As for the allegations that St Helena is a *“Gary Glitter type destination”* and *“a sanctuary for paedophiles”*, although there are instances of child abuse on the island, these are of a specific intra-familial type largely confined to deprived families living in remote parts of the island. There is nothing on St Helena which we consider would attract sex tourism.

1.102 However, we have concluded that St Helena suffers from bad management and a lack of strategic organisation. This is not a new finding. In a DFID Social Development Advisor’s report in 2000, he observed: *“There is little evidence of joined up thinking in SHG policy-making.”*

1.103 The picture that emerged to the Inquiry Panel was that St Helena was still being run as a colony, with the Governor acting as the Queen’s representative and delegating the day-to-day responsibility of managing the island to others. The island has a population of approximately 4,000. This is the size of a small English village or a medium-sized company. There is no justification for a disconnect between the Governor and the practical issues of day-to-day management. The Governor’s dual role on St Helena is as de facto head of state and his *primary* day-to-day role as Head of Government. It is easy to appreciate that the two

roles can conflict. The Governor, as head of state, effectively delegates tasks to himself as Head of Government. It is essential that as Head of Government he follows up delegated tasks to ensure that they are fulfilled. The Inquiry has seen evidence that Governor Capes ignored warnings given to him about the management of the island and has responded to the Inquiry on more than one occasion that he had delegated certain tasks as if that were the end of his responsibility. The Governor of St Helena's role in such a small community with limited resources requires active and involved management such as the Inquiry found on Ascension Island. The august title belies the need for a shirt-sleeved manager. Matters of great concern cannot be effectively dealt with from Whitehall. The commissioning of further reports should be a matter of last resort, not a routine solution to local difficulties.

Recommendations

Governor/Government

1.104 Over the last 17 years there has been no shortage of advice and recommendations as to how to manage childcare on St Helena. What is lacking is an institutional memory, analysis, codification, dissemination, training and practical application of that advice. These failings need to be addressed. Past reports need to be revisited, and previous findings and recommendations need to be collated, applied and, thereafter, monitored. This work is neither onerous, costly nor time-consuming and can readily be undertaken on St Helena. Appendix 2 lists the reports that the Inquiry has unearthed. There may be more. The FCO should monitor the progress of this undertaking, providing information, past reports and so on where they have been lost or mislaid on the island. The recommendations then need to be analysed to ensure that the St Helena Government has the resources and available skills necessary to apply them.

1.105 No further reports should be requested by either the St Helena Government or the FCO without first determining whether the area of concern has been dealt with previously by an earlier study.

1.106 All incoming staff responsible for oversight of the relevant departments, as well as trained staff employed in those departments, need to have access to the core manuals relevant to their department. For example, *Working Together 2015* should be available in hard copy in all relevant departments. Additionally, the specific analysis and recommendations unearthed in the earlier reports need to be available for training and education of all staff.

1.107 The FCO and the St Helena Government must take responsibility to ensure, upon appointment, that incoming Governors and relevant senior administrators are made aware of previous problems, reports and recommendations and are provided with the collated analysis. Governor Mark Capes told the Inquiry Panel that he was unaware of the previous reports until he was in post. Given the sheer number of previous reports into child safeguarding, his initiation and handover briefing were clearly inadequate. This fault lies with the FCO in the first instance and then it lies with the administration of the St Helena Government, who should also have prepared a full briefing document for him detailing matters requiring his specific attention, child safeguarding on St Helena being an obvious priority.

1.108 The Governor's primary duty is to ensure the safety and wellbeing of the people of St Helena. To avoid disquiet, division and unease, local objections raised to projects should be properly considered as Head of Government and not overridden as head of state. The temptation to overrule instead of achieving understanding and compromise makes Government more efficient but less effective as it loses the necessary support of the governed. The decision to move Jamestown Prison to a residential location did not reflect the popular objection to the project. The safeguarding implications of the decision need to be properly considered before the relocation is proceeded with.

1.109 Data needs to be collated and analysed. The anecdotal accounts of sexual relationships between older men and post-pubescent but underage girls need to be either grounded in fact or demythologised. The St Helena Government would benefit by beginning a process or undertaking a study to collate and analyse data to establish the truth and determine the nature of the relationships, their duration and their conclusion. The lack of reliable data allows unproven assumptions to take root and unsupported generalisations to be made.

Recruitment

1.110 Weaknesses in recruitment practices have led to both unfilled positions and the appointment of unqualified and unsuitable staff. The St Helena Government should implement a robust and professional recruitment policy. Employment records of key staff need to be thoroughly investigated and such obvious concerns as references and reasons for leaving previous roles need to be scrutinised. We have been told that psychometric testing is now routinely performed on applicants. This is a useful step but not an answer by itself.

1.111 Those involved in the interview process should remain objective and independent. A candidate providing a reference from a member of the panel interviewing him, as happened in the Gannon–Warsama case, should not have been tolerated by the St Helena administration. The appointment process on the island was clearly at fault and needs to be reviewed.

1.112 Those appointed as Heads of Directorates must be either qualified in the disciplines of their departments or of a sufficiently high calibre to enable them to understand the job requirements and to direct their staff in the satisfactory fulfilment of their roles. The two previous Directors of Health and Social Welfare had no social work qualifications and were unable to oversee or challenge the performance of Claire Gannon and Martin Warsama, with fateful consequences. If the manager does not understand the requisite performance indicators, how can they be expected to effectively manage the staff?

1.113 St Helena, by virtue of its geographic isolation, is effectively hermetically sealed from the outside world. Expertise will frequently reside in only one or two people in a department and there will often be no one from whom advice can be sought on the island. It is therefore essential that when a post is vacated the incumbent has sufficient time to pass on the benefit of their experience to the newcomer. A sufficient and formal period of handover from one person to the next needs to be allowed for. A formal induction process needs to be worked through. When a new recruit arrives on the island, they should be able to shadow their predecessor *for a minimum period of a week* in order to have first-hand experience of the demands of the post and to begin to appreciate the small local and cultural differences which exist. If this practice had been in operation, the need for repetitive reports into the same or similar issues might have been avoided.

Police

1.114 Several police officers recounted their experience of arriving on St Helena and being put on duty without having the benefit of an induction course. They expressed concern about the failure to brief them on local law variances with the UK and were unaware that local Ordinances existed which they were expected to enforce. A formal induction procedure with an introductory package of basic information should be provided to all new recruits. This should include an outline of cultural differences, and an explanation of Ordinances and other essential local issues such as safeguarding concerns.

1.115 Additionally, there needs to be a personal introduction to the Chief of Police and senior officers to ensure that new recruits are aware of their wider duties and responsibilities.

1.116 Racial awareness training should be provided to all officers, both expatriates and St Helenians, so that each is sensitive to the other's idiosyncrasies. Inevitable pay differentials led some officers to mistake this for racial prejudice where none was found in the expatriate officers interviewed. Indeed, the reverse was true, with expatriate officers raising the perceived source of such concerns privately with the Inquiry team.

1.117 Training manuals outlining the proper procedures to be followed when safeguarding issues arise need to be provided to all police staff. It was unacceptable that, as recently as November 2014, six St Helenian officers were ignorant of the proper safeguarding procedures to be followed after a young girl made a disclosure of sexual abuse.

1.118 Safeguarding training should be provided to all new officers and refresher courses should take place at regular intervals.

1.119 The St Helena Police Service should consider an exchange system with the Criminal Investigation Department (CID) in a UK police force in order that St Helenian officers can receive specialist training and then pass on this expertise to St Helenian officers on the island.

1.120 Intelligence gathering should be undertaken, targeting families who repeatedly come to the attention of the police in respect of child abuse. Pertinent information should be shared with Social Services. Statistics should be compiled outlining the findings of the intelligence gathering.

1.121 Regular meetings with the Chief of Police and individual officers should be held. This would help to unearth disputes within the force and draw to the attention of the Chief of Police problems that exist. Such disputes should be resolved expeditiously. The advantage of such a small police force is that the Chief of Police can be in direct contact with all levels of the Police Service.

1.122 The programme of education provided by officers in schools addressing the age of consent and other safeguarding issues should continue and be enshrined in police practice. Liaison between the Police Service and the schools should be formalised so that each year group is aware of the issues and has contact with local officers.

Social Services

1.123 Steps should be taken to ensure that St Helena does not suffer from unfilled posts. Operating without the benefit of qualified social workers has created substantial

and avoidable problems on the island. Between May 2012 and February 2013, despite the fact that the Governor was specifically warned of the problems this would create, such a key vacancy occurred. The consequence of this was that Social Services descended into chaos, with cases being neglected and the filing system falling into disuse. By the time Claire Gannon arrived on the island the administrative situation was a shambles. This does not excuse the fact that Ms Gannon did nothing to address the disorder which was rapidly managed back into shape by her successor. However, it is recognised that Ms Gannon's introduction to work on St Helena would have been challenging and required abilities and organisational skills which she patently lacked.

1.124 Social Services should have a minimum of two qualified social workers on the island at all times. This will mean that at least three qualified social workers will need to be in post in order that absence on leave or for training purposes can be covered by the other two.

1.125 Training should be provided to St Helenians by expatriate social workers to enable them to obtain social work qualifications. Martin Warsama was appointed for this reason, as a Social Work Trainer, but there is no evidence that he trained anyone during his tenure. The training role should be maintained/resurrected and a suitable person engaged to take up the post. Should such an officer have existed then one might have expected the treatment of Adult M by untrained staff to have been noticed and dealt with years earlier.

1.126 Residential units such as Barn View and the newly opening Ebony View should at all times have a trained social worker overseeing the establishment and visiting on a regular, at least bi-weekly, basis. Trained social workers should ensure that residents have medical appointments when required and that the conditions in the units are clean and sanitary. It is totally unacceptable that untrained and unqualified carers have been made to take full responsibility for the failings in those establishments.

Safeguarding

1.127 Safeguarding training to the UK standard should be provided to all St Helenian Government employees who are likely to come into contact with children in the course of their employment.

1.128 Written manuals should be provided at all workplaces and employees should record that they have read and understood the procedures.

1.129 It should be the responsibility of the Head of the Governor's Office in his capacity as the chair of the Local Child Safeguarding Board that all procedures on safeguarding are applied *and regular refresher courses are undertaken*.

1.130 It should be a disciplinary offence to fail to adhere to proper safeguarding procedures.

Healthcare

1.131 Local health clinics should be reopened so that those who live in remote parts of the island have easy access to medical attention for themselves and their children. This would enhance the opportunity for trained staff to spot early signs of familial abuse and monitor very young families.

1.132 Jamestown Hospital needs to be modernised so that equipment necessary for the care of the sick is in working order. We were told that bedpan washers had not been functional for the past three years and there was only enough hot water for one bath. These shortcomings are unacceptable in a modern British society and need to be addressed.

1.133 An arrangement needs to be put in place so that when the RMS is decommissioned in 2016 residents of St Helena, who would previously have been sent to Cape Town to receive specialist medical attention, have a similar option of being treated in Johannesburg. The gap in essential specialist cover that will be left once the airport is operational does not appear to have been finally addressed.

Ascension Island

1.134 Attention needs to be given to the 800 St Helenians living on Ascension Island who will be unable to travel directly to their families on St Helena after the RMS is decommissioned. Their interests, like those requiring medical attention off the island, appear not to have been considered. The Ascension Island Administrator has told us that, if the matter is not resolved, Ascension Island is likely to lose 20% of its workforce. With such a small population, this would have a radical effect on the running of the island. In October 2015 the Inquiry Panel was told that steps had been taken in an attempt to resolve this.

1.135 The anomaly in the jurisdiction between St Helena and Ascension Island raised by former Police Constable Michael Anderson relating to the sentencing of offenders to community orders needs to be dealt with by the passing of an Ordinance. This is a straightforward matter and we fail to understand why it has not been done nearly three years after Mr Anderson brought the matter to the attention of the authorities.

Whistleblowers

1.136 There should be a formal grievance procedure available to all those working for the St Helena Government, overseen by the Chief Secretary. The latter is removed from the direct chain of command of the various departments and as such is best placed to adjudicate on internal disputes which, if left unresolved, interfere with the proper running of the island.

1.137 The findings of the Northumbria Police report as they apply to Michael Anderson should be conveyed to him.

1.138 Mr Anderson should receive a written apology from the St Helena Government (preferably from Governor Capes) for the unfair treatment he received from the St Helena Government and the FCO.

General observations

1.139 With the single exception of one year in the 1950s, St Helena has never paid its way. Until 1869, when the Suez Canal opened, the island sat aside a strategically important trade route and the public expenditure was justified in order to fulfil that role. Numerous attempts to make the island financially independent before and since 1869 have failed. Both St Helena and Ascension, as currently constituted, require continuing aid and this should be provided to ensure that a minimum level of family and childcare, which would be expected

by residents living in outlying parts of the British Isles, is available to the residents of these remote islands. In the case of Adult M, whose appalling treatment and neglect we record in detail, this reasonable expectation was woefully lacking.

Chapter 2

Government and the Governor

Introduction

2.1 The St Helena, Ascension and Tristan da Cunha Constitution Order 2009 sets out the constitutional framework for the three named islands, which form a single Overseas Territory sharing the same Governor, Chief Secretary, Chief of Police and Attorney General. The legal position is set out in detail in Appendix 3.

2.2 This Inquiry had not intended to involve itself with the finer points of the constitution, nor with the chains of command between the St Helena Government and the Foreign and Commonwealth Office (FCO). Our Terms of Reference had been to consider the functioning of Social Services and the Police Service, and the way in which child safety matters were handled.

2.3 However, as previously alluded to, the progress of the Inquiry was interrupted at a very early stage, and at one point it was feared that the Inquiry as set up by the Foreign Secretary would be unworkable. For this reason, the legal position had to be unravelled; we summarise here what emerged.

Chain of command

2.4 The former Deputy Head of the Falklands and Southern Oceans Department of the Overseas Territories Directorate was asked about the chain of command between the FCO and the St Helena Governor. He said this: *“There is an HR chain of command and a constitutional chain of command. They are not identical...The Governor wears two hats: one as an FCO employee and another as Head of St Helena Government. As an FCO employee, the Governor is managed by the Director of the Overseas Territories, Peter Hayes. As Head of the St Helena Government, the Governor is accountable to the Secretary of State for St Helena rather than the Secretary of State for the British Government. However, the current Foreign Secretary fulfils both of those roles.”*

2.5 I asked him about the St Helena Attorney General’s intervention to prevent the Inquiry Panel having free access to police and social services records on St Helena, access to which was essential to the Inquiry. He said this: *“I suspect the AG [Attorney General] is strictly speaking correct in that an FCO official cannot instruct St Helena to do anything. It is the Governor who has responsibility for overall governance. Most aspects of domestic policy are now devolved to the St Helena Government, the Governor and the Executive Council. The St Helena Attorney General was right that there was no constitutional mechanism which*

allows the FCO to instruct the St Helena Government. But the Governor, acting as head of St Helena Government could have cut through this. I am not sure why that did not happen.”

2.6 What became clear from an analysis of the chain of command was that the Governor, wearing his “*constitutional hat*” as the former Deputy Head of the Overseas Territories referred to it, was answerable only to the Secretary of State for St Helena and could not be directed by the UK Government.

2.7 That being the case, the Inquiry Panel concluded that if there were failings in the management of St Helena by its own Government, those must be regarded as failings of the Governor rather than failings of the FCO.

The role of the Department for International Development

2.8 The FCO employees in the St Helena Government are the Governor (a role fulfilled at the time of writing by Mark Capes) and the Head of the Governor’s Office.

2.9 The Chief Secretary, the Assistant Chief Secretary, the Civil Service and all public sector workers are employed by the St Helena Government.

2.10 The Department for International Development (DFID) provides funding to the St Helena Government. For 2015/16, DFID will provide £20.63 million towards its recurrent budget, including an additional £1.2 million which has been ring-fenced for safeguarding.

2.11 DFID also provides technical advice to help the St Helena Government meet the reasonable assistance needs of its people, with a view to reducing St Helena’s aid dependency. In practical terms, DFID finances the provision of “*technical cooperation*” workers; that is to say expatriate workers, usually (but not always) from the UK, who have expertise beyond that which is found on St Helena at the time. For example, in Social Services most if not all of the qualified social workers who have been employed on St Helena have been expatriate workers. By the same token, at the time of our visit to St Helena all of the Criminal Investigation Department (CID) officers in the St Helena Police Service were expatriates. The rationale for the provision of this technical cooperation assistance is to enable St Helenians to benefit from the expertise of expatriate workers and pass this expertise down to other St Helenians, thus reducing the island’s dependency on UK aid.

2.12 Although many St Helenians who gave evidence to the Panel were in favour of expatriate workers, particularly in the fields of the Police and Social Services (where local officers might be conflicted when investigating their own relations), there was a clear feeling of resentment that the salaries of the expatriate workers were higher by several multiples than local salaries.

The Governor and issues relating to the Terms of Reference

2.13 The Terms of Reference for this Inquiry do not require us to investigate the Governor.

2.14 It is only where the activities of the Governor have impinged on our Terms of Reference that we have considered his role and responsibilities. This has arisen in the following instances:

- a. The response to the 34 previous reports on child safety prepared between 1998 and 2012, some of which reported during his administration and all of which he should have been made aware of by the FCO and the St Helena Government.
- b. The failings in healthcare for vulnerable children and adults.
- c. The safeguarding of those St Helenians living on Ascension Island.
- d. The effect of St Helena Airport on children and families.
- e. The treatment of whistleblowers.
- f. Safeguarding the vulnerable on St Helena.

The 34 previous reports

2.15 The Inquiry was asked by the Foreign Secretary to conduct *“a review of SHG [St Helena Government] and the St Helena authorities’ response to the recommendations of the independent police reports, the Lucy Faithfull Foundation report, and others, relating to allegations following the letter of November 2012”*.

- 2.16 The documents referred to in the Terms of Reference comprised the following:
- a. The Michael Anderson letter dated October 2012 to Mark Hoban MP.
 - b. The Chief Immigration Officer’s response to the same dated November 2012.
 - c. The Sussex Police investigation into Michael Anderson of December 2012.
 - d. The Southern Oceans Law Enforcement Advisor’s report into policing on St Helena dated March 2013.
 - e. The Lucy Faithfull Foundation Child Safety Review (various versions exist dated over the summer months of 2013).
 - f. The three Northumbria Police reports into policing on St Helena dated March 2014 and July 2014.

2.17 It was clear from reading these reports that there was a flurry of report writing in existence at the FCO when it came to dealing with St Helena. Looking at the list of reports above, the letter from Michael Anderson (a) generated the other reports (b to e). When the Lucy Faithfull Foundation report (e) made critical (and as it transpired chiefly unsubstantiated) allegations against the St Helena Police Service, instead of questioning why the Lucy Faithfull Foundation had strayed well outside their Terms of Reference, the FCO commissioned three more reports into the findings of the Lucy Faithfull Foundation (f).

2.18 Further investigation by the Inquiry Panel revealed that the six reports we were asked to consider were merely the tip of an iceberg. We found a further 34 reports that touched upon child safety and social welfare on St Helena between 1998 and 2012 and which pre-dated the Michael Anderson letter.

2.19 The full list of these reports can be found in Chapter 5. A summary of their contents and recommendations is appended to this report at Appendix 2. What became clear on reading these reports was that many of the recommendations of the earlier reports were repeated in later reports, presumably because they had not been implemented before the subsequent reports were commissioned.

2.20 There were a number of common themes in the reports: the lack of qualified social workers, the lack of resources, the plight of disabled people in Barn View Residential Unit and the prevailing culture on St Helena of adult men engaging in sexual relationships with younger girls.

2.21 With those reports in mind, the Inquiry Panel asked Governor Mark Capes this: *“What we found is a pattern of a report...someone coming to look at child safety...making recommendations...and then in a very short period of time going back to square one. And this has been going back to 1998. Do you agree from the reports that you have seen that there seems to be a pattern?”* Governor Capes responded: *“I don’t know if there’s any way you can say anything other than that.”*

2.22 In fairness to Governor Capes, he told the Inquiry Panel that he had not been briefed in advance of taking up the post of Governor of St Helena on the reports that pre-dated his governorship. One of our findings in the administration of the island generally was the lack of adequate handover from one person to the next. This applied particularly in Social Services and the Police Service, where new recruits from the UK described the only induction that they were given as *“being left to get on with it”*. Governor Capes should have been informed by the FCO of the repeated warnings about failings on St Helena before he assumed office in November 2011.

2.23 Governor Capes told the Inquiry Panel that the current and immediate problems in social welfare were explained to him very soon after he arrived on St Helena by social worker Viv Neary. Mr Neary had been a consultant for the Safeguarding of Children in the Overseas Territories (SCOT) project. Before Mr Neary left St Helena in March 2012, he set out his concerns in an email to Governor Capes in which he complained about the failure of the St Helena Government to heed the warnings of his own previous reports, set out in full in Chapter 5.

2.24 From that point onwards, Governor Capes must be held responsible for the failure to act. This failure manifested itself in the following state of affairs being allowed to exist:

- a. There was no formal system of fostering children in existence on St Helena: this resulted in complications in the Child F case (dealt with in Chapter 8), in which the Solicitor General was at one stage responsible for fostering a baby.
- b. There were no qualified social workers on St Helena from May 2012; the only one left the island at the end of her contract. Efforts to find a replacement did not begin until June 2012, and it was not until February 2013 that a qualified social worker took up her post on St Helena.

2.25 The two examples above are a failure of management to heed warnings that had been given loudly and repeatedly. Whilst we accept that the office of Governor allows for delegation of responsibility to the Chief Secretary and the directors of the various departments, the overall responsibility for the management of the island lies with the Governor himself. St Helena has a population of approximately 4,000. There can be no excuse for failing to appreciate what is happening on an island with the same population as a medium-sized English village. This is particularly so when considering the state of healthcare. Delegation of a task does not absolve the delegator of responsibility for ensuring that the task is completed or undertaken satisfactorily.

Failings in healthcare

2.26 The Inquiry Panel has considered the case of Adult M in Chapter 12. It is plain from the material set out in that chapter that Adult M, who was born with multiple disabilities, had complex healthcare issues. Yet between the age of four, when she was sent to South Africa for medical treatment, and the age of 18 in 2014, there is no record that Adult M was ever treated by a doctor. She had literally been left to waste away in Barn View Residential Unit with only two untrained staff in attendance, responsible for Adult M and for the five other disabled residents.

2.27 Given the shocking physical condition and obvious pain experienced by Adult M, the Inquiry Panel tried to ascertain why there was no record of her having been treated by a doctor for all those years. The blame for this must lie with several previous governors, not just Governor Capes. This was an institutional failure by the St Helena Government.

2.28 We were told that several district clinics which provided medical care to local areas had been shut in around April 2012. One of those that had closed was the Longwood Clinic, which was near Barn View. This does not excuse the fact that Adult M did not receive medical treatment prior to April 2012, and our inquiries with the Governor caused us concern. Governor Capes was asked about the closure of the Longwood Clinic and the effect that this had on the vulnerable adults and children in Barn View. He replied: *“I can’t say to you how many visits doctors would make to Barn View. I don’t know when it closed.”*

2.29 Barn View has been variously described as *“cold and dark”*, with rooms *“akin to those of solitary confinement in prison films”*. The Inquiry Panel heard that it was unhygienic, smelling of urine and plagued by insects, until the untrained care worker who was left in charge engaged one of the inmates of St Helena Prison to build a fly door in 2013.

2.30 Governor Capes had been warned in advance that the Inquiry Panel wanted to interview him about the conditions in Barn View and the plight of Adult M, knowing that he had visited the institution at Christmas 2011. When asked, this is what the Governor told the Panel: *“What impressed me was the level of care and the atmosphere of the place then was very very good.”* The Inquiry Panel found this description irreconcilable with every other piece of evidence about the condition of Barn View.

2.31 As far as other health facilities on St Helena are concerned, the Inquiry Panel was able to visit Jamestown Hospital and inspect the equipment. We were told by medical staff that the hospital only had hot water in one bathroom, while the bedpan washers and dishwasher had not worked for three years. It was only by chance that the one surgeon who performed operations had a working operating table, this having been donated by his predecessor.

2.32 The Director of Health and Social Welfare told the Inquiry Panel that when he arrived in 2013 he had brought to the attention of the St Helena Government what he described as the *“disastrous”* state of the health service. At that time, there were no defibrillators or ventilators on the island. He said that there had been improvements since 2013 and that the St Helena Government and the Governor could take credit for this. But, having had their attention brought to the failings in 2013, there can be no excuse for the lack of basic facilities as seen by the Inquiry Panel in March 2015.

Safeguarding families on Ascension Island

2.33 As the constitution makes plain, the Governor and the St Helena Government are also responsible for the good governance of Ascension Island. We address the subject of Ascension Island in Chapter 19.

2.34 The important features of Ascension Island are as follows:

- a. There is no right of abode on Ascension Island.
- b. The island has a population of approximately 850, the majority of whom are St Helenians working in order to provide for their families on St Helena.
- c. Current access between St Helena and Ascension Island is by the *Royal Mail Ship St Helena* (the RMS), which travels between the two islands and then onwards to Cape Town and back. The round trip takes on average 19 days.
- d. Ascension Island depends on St Helena for its police service and court service. The Chief Magistrate sits in both St Helena Magistrates' Court and Ascension Magistrates' Court.

2.35 Concerns about Ascension Island were brought to the attention of Governor Capes in 2012, when former Police Constable Michael Anderson wrote to the MP for Fareham in Hampshire, where Mr Anderson had previously lived. Amongst the complaints levelled at Ascension Island were two matters of genuine concern:

- a. The presence of children in bars due to the absence of licensing laws on Ascension Island.
- b. An anomaly that existed in the jurisdiction of the courts which meant that a defendant sentenced to a probation order on Ascension Island and then deported to St Helena could not be punished by the St Helena Court when he breached that Ascension Island probation order.

2.36 As we have set out above, Mr Anderson's complaints came squarely within the Terms of Reference for this Inquiry.

2.37 Once he had been alerted to the situation, Governor Capes acted swiftly to address the issue of children in bars. In July 2013, an Ordinance was passed in spite of opposition by councillors on Ascension Island to bring in licensing laws. We have been told by the Ascension Island Administrator that these laws are respected on the island.

2.38 However, the Inquiry Panel was disappointed to learn that the jurisdictional problem identified by the unenforceable probation order had still not been resolved. The Chief Magistrate who had complained about the anomaly on St Helena when the matter came before him on 25 October 2012 said this: *"The Ascension Magistrates Court therefore has no geographical jurisdiction to make pronouncements on any act or omission which is alleged to have taken place on St Helena. There is accordingly an urgent need for legislation in Ascension and for that matter St Helena to allow the transfer of any cases at whatever stage to another Magistrates' Court in the territory and to extend the jurisdiction of each court to make community or other orders which are enforceable throughout the entire territory."*

2.39 The Inquiry Panel pursued this matter, only to be told that the legislation that the Chief Magistrate had said was so urgent had still not been enacted. We asked the Attorney

General about this and her written reply was: *“I note that an urgent statutory review on this matter was suggested. There does not appear to have been any action in respect of the recommendation for legislative amendment since the review of 2012. I cannot explain why this is the case.”*

2.40 Other matters relating to the governance of Ascension Island included the deployment of the police and the assistance provided by the probation officer and social worker.

2.41 When the Inquiry Panel interviewed the Chief Justice in May 2015, he drew to our attention an incident when he was sitting on Ascension Island and wanted a probation report to be made. The only probation officer was based on St Helena. Despite his request, the Chief Justice was told by Chief of Police Trevor Botting that he would not provide the assistance of the St Helena probation officer to prepare the report for a case on Ascension Island.

2.42 This episode was one of a number of examples the Inquiry Panel found of Ascension Island services being put in second place to those on St Helena.

2.43 Another example is the lack of a full-time social worker on Ascension Island. When the Inquiry Panel visited the island in March 2015, Ascension Island had a part-time social worker whose presence on the island was accidental. She was a qualified social worker, and had travelled with her husband to Ascension Island when he was appointed Head Teacher of Two Boats School. When her qualification became known, she was asked to work part time as a social worker on the island. This arrangement had been in place since 2012. The family were due to return to the UK in 2015 and there were no plans in place to appoint a social worker to replace her. This state of affairs would have remained had it not been for the insistence of the Administrator of Ascension Island, Marc Holland, who has now himself employed a full-time social worker.

The effect of St Helena Airport on families

2.44 DFID has provided approximately £250 million in aid for the building and running of an airport on St Helena, which is due to become operational in early 2016.

2.45 A particular concern that was brought to the attention of the Inquiry Panel by several interviewees was the change in travelling arrangements between Ascension Island and St Helena that will occur on completion of St Helena Airport. By the middle of 2016, the RMS will be decommissioned and the shuttle service that provides access between Ascension Island and St Helena will cease to exist.

2.46 St Helena Airport will not be directly accessible from any European destination. The length of the runway is such that large aircraft which could undertake a flight from Europe without refuelling would not be able to land. The position at the time of writing this report was that flights to and from St Helena would be from one single destination, Johannesburg in South Africa. This fact has caused concern and alarm to St Helenians working on Ascension Island, who were previously able to return home to their families and children on St Helena via the RMS.

2.47 Governor Capes was asked about this by the Inquiry Panel. He agreed that there was no plan for an air link between St Helena and Ascension Island. He said this: *“Any new link*

is not going to be subsidised and we're going to pay full cost. Who's going to pay the full cost? That has to be the employers on Ascension who are willing to help share the cost of that service. And the signs are that some may not want to do that."

2.48 In practical terms, this means that any St Helenian working on Ascension Island who wants to visit his or her family will have to undertake the following journey: a military flight from Ascension Island to Brize Norton in the UK; travel from Brize Norton to Heathrow Airport; a flight from Heathrow to Johannesburg; and then a flight from Johannesburg to St Helena.

2.49 Not surprisingly, we have been told by the Ascension Administrator, Marc Holland, that a large percentage of the Ascension Island workforce has said they will leave the island when this arrangement becomes operational.

2.50 Since returning from its visit to St Helena and Ascension Island, the Inquiry Panel has been told that on 9 October 2015 a preferred bidder was selected for the provision of a monthly air service between St Helena and Ascension. Such an arrangement is still to be finalised at the time of writing.

2.51 One of the benefits of an airport on St Helena will undoubtedly be the provision of access to specialised healthcare. The existing arrangements are that approximately 140 St Helenians travel to Cape Town each year to receive medical treatment not available on St Helena. In the light of the arrangements that exist between St Helena and Cape Town, the Inquiry Panel asked the Governor why the air link had been arranged with Johannesburg. Governor Capes said this: *"They do have good hospitals in Johannesburg."* When asked whether there had been a link between any hospital in Johannesburg and St Helena, he said: *"There will have to be a development of an association."* Asked whether anything had been put in place so far, he said: *"That is work to be done. I don't think there have been any serious negotiations done on that, but it is work to be done."*

2.52 At the time of writing this report, the new airport on St Helena will not provide easy access to the island for those living on Ascension. Neither has a firm arrangement been made for medical treatment to be provided for St Helenians in Johannesburg to replace the existing arrangement with Cape Town. This is a matter of particular concern when it comes to the specialist care of children, as there is currently no paediatrician on St Helena. We were told in October 2015 that this is finally being addressed.

2.53 The Inquiry Panel finds it extremely concerning that these matters have not yet been finalised. No thought appears to have been given to the people of St Helena.

The treatment of whistleblowers

2.54 Former Police Constable Michael Anderson made a number of complaints about the St Helena Government, the St Helena Police Service and the St Helena legal system in an anonymous letter written to Mark Hoban MP in October 2012.

2.55 The Inquiry Panel has considered the case of Mr Anderson and his treatment by the St Helena Government in Chapter 4.

2.56 The Inquiry Panel concluded that Mr Anderson's complaints were valid in some respects and unsupported by evidence in other respects. However, it was the universally held opinion of those who worked with him that Mr Anderson was a decent and honourable man.

2.57 Once Mr Anderson's authorship of the letter became known, the immediate objective of the St Helena Government was to remove him from the island (he had been posted to Ascension Island at the time). Subsequent investigations by Sussex Police did no more than seek to justify the decision that had already been taken to remove Mr Anderson.

2.58 Although it was the Chief of Police at the time who effected this arrangement, it was known by Governor Capes, and documents we have seen suggest that the decision had his approval. The Northumbria Police report had concluded: *"Investigators consider his actions came within the orbit of a person reporting potential wrongdoing formerly referred to as a 'whistleblower' and that he should have been treated as such. It is recommended that the appropriate authority consider, in terms of fairness and justice to Mr Anderson, how this matter may be resolved."*

2.59 Governor Capes was asked about the conclusions of the Northumbria Police report and was invited to act upon it. Governor Capes said: *"If [Chief of Police Trevor Botting] recommends a course of action, I have got every confidence in Trevor and if he says we should now close this off, of course I would consider it carefully."*

2.60 The decision to remove Michael Anderson from Ascension Island and terminate his employment had not been Trevor Botting's decision; it had been the decision of Governor Capes, acting with Trevor Botting's predecessor. The Inquiry Panel considers that Michael Anderson, as a whistleblower, was badly treated by the St Helena Government and that it is Governor Capes' responsibility to make amends himself, not to delegate this decision to Mr Botting.

The new prison

2.61 One matter was drawn to the Inquiry Panel's attention which affected safeguarding on St Helena and was the direct responsibility of the Governor. This was the decision to move St Helena Prison from Jamestown to a residential part of the island.

2.62 When the Inquiry Panel visited Ascension Island on the journey to St Helena, we heard evidence from a St Helenian witness who wanted to voice her anxieties about prisoners on St Helena. She had been on St Helena the previous year and was concerned to see Jeromy Cairns Wicks (who was a well-known figure currently serving an 11-year sentence for child sexual offences) washing a police bus outside the police station in the centre of Jamestown. According to this witness, who asked to remain anonymous, there was no sign of Mr Cairns Wicks being supervised by a prison officer.

2.63 This same witness expressed grave concerns about the plans to move the prison to a venue in Half Tree Hollow, which is a residential area of the island. The proposal is to adapt the current accommodation for disabled residents, the Challenging Behaviour Unit, and develop this into a functional prison with a capacity to accommodate a larger number of prisoners. This project was expected to start during 2015.

2.64 The prospect of a prison containing mainly sex offenders was the cause of considerable unrest amongst residents in the immediate surroundings of Half Tree Hollow.

2.65 When we were on St Helena, the Inquiry Panel was invited to the home of a disabled resident of Cow Path (Adult U), an area which is located within a short distance of the proposed new prison site at Half Tree Hollow. This resident enjoys sitting on her veranda and listening to audio recordings. She said that she would feel unable to do this if she knew that a prison was so close to her home. She was aware that prisoners would be allowed out of the precinct of the prison for recreation and in order to perform prison work. She did not have any confidence that she would be safe. In addition to concerns about her own safety, Adult U told the Inquiry Panel that there were two crèches in the immediate vicinity and several vulnerable residents nearby. She told us that she voiced her objections, as did 170 other residents, but these were overridden by the Governor.

2.66 The Inquiry Panel was able to see that the area surrounding the new prison site was residential, with many children living there and playing outdoors. Given that so many of the prison inmates had been convicted of sex offences against children, the Inquiry Panel felt that real safeguarding problems were likely to arise.

2.67 The Inquiry Panel raised the point with Governor Mark Capes that there had been fierce opposition to the location of the new prison. He said this: *“With the prison, I took steps to make sure that we were going to get it done...I could see we were going to get resistance from our councillors, our elected members who had an attitude that prison is meant to be uncomfortable and unpleasant and there are other things to spend money on. So one of the reasons I dissolved the Legislative Council in April 2013 was because I felt that the councillors that we had at the time didn’t have the stomach for this.”*

2.68 Governor Capes explained that if democratically elected members did not agree with his approach, he had the power to dispense with them. He continued: *“It was a sort of nuclear option and I dissolved LegCo and I delayed the election for as long as possible under the constitution. That gave us time to work on plans and strategy and part of that strategy was to make sure that whatever happened with our new councillors, and I was optimistic we were going to get a fresh crop of more...I wanted to make sure I could work on the new councillors to persuade them that this was the right thing to do to move the prison.”*

2.69 Governor Capes was asked about what the Inquiry Panel considered to be the legitimate concerns of local residents. He said he was aware that there had been objections. When asked what measures had been put in place to protect local residents, Governor Capes said: *“That would be an assessment for the police to make...I am the Governor but those sort of operational decisions are a matter for the Police to manage or other agencies. I mean at the moment you have prisoners coming out and working around...they come and work around Plantation House. They are supervised if they are going to be working in the vicinity of the prison in Half Tree Hollow and there would have to be adequate supervision.”* When the Inquiry Panel raised this with the Chief of Police, Trevor Botting, it was clear that no strategic risk assessment document was yet in existence.

2.70 The relocation of the prison to a residential area would be acceptable if it was completely contained. However, the new location will require prisoners to exercise outside the prison walls, and this raises obvious safeguarding concerns. It is unacceptable that those convicted of sexual offences against children should be allowed out in a residential

area, for example to wash vehicles, where children are present. It is difficult to see, given the low levels of staff, that close supervision would be possible – but even that would be undesirable.

Conclusion

2.71 The former deputy head of the Overseas Territories Department's description of the dual roles held by the Governor inadvertently highlighted the problem of management that we found on St Helena. Interviewees variously described the Governor as being “a *headmaster*” and “*colonial*”. The comments clearly apply to his dual role as Her Majesty's representative on the island and executive head of the administration. When the Governor is wearing this “constitutional hat”, he delegates duties to the administration and expects them to be carried out. Around this role is a whiff of colonialism. However, it is at this stage that he needs to put on his “FCO (or managerial) hat” and operate as if he were the managing director or head of a corporation. In the latter case, the Governor would follow up the tasks he had delegated to ensure that they were carried out. There would not be the lack of continuity between recommendations and their application on the ground that we found during the course of this Inquiry.

2.72 As we will see in the following chapters, St Helena is blighted by unfilled posts, lack of qualified personnel and an absence of training for those who are in post.

2.73 One example of problems arising out of the dual role of the Governor is well illustrated by the repeated transferring to London of difficult problems encountered in the management of the island. The 34 reports into child safeguarding on St Helena between 1998 and 2012 provide an illustration. As was seen with Hudson Lowe between 1815 and 1821, the temptation of the Governor wearing the “constitutional hat” is to pass even the smallest problem back to London. In the case of former Police Constable Anderson, exactly the same thing occurred. Several of the problems raised by Mr Anderson should have been dealt with on the island. The FCO finds itself in a difficult position when the Governor makes such referrals.

2.74 The Inquiry Panel became aware of this after being allowed access to a substantial amount of email traffic between civil servants within the FCO and submissions they have made to their various ministers. The tone of these emails reveals a tendency to assuage the concerns of the ministers (and to deal with any media interest in a subject) by reassuring them that matters are in hand and another report is under way, rather than get to grips with management problems on the island. The FCO is also at fault in failing to refer back to previous reports, where they exist, which cover the same or similar subjects.

2.75 The Inquiry Panel does question Governor Capes' performance in relation to the following matters:

- a. The failure to address concerns brought to his attention by previous reports on child welfare, and in particular the matters raised by Viv Neary in his email of 27 March 2012.
- b. The dilapidated state of Jamestown Hospital.
- c. The closure of local clinics which provided for the vulnerable.
- d. The appalling neglect of Adult M.

- e. The failure to put in place a reciprocal arrangement with hospitals in Johannesburg to replace the existing arrangement with Cape Town hospitals, which will come to an end when the RMS is decommissioned.
- f. The failure to expeditiously consider and make arrangements for the families on Ascension Island who will be unable to have direct access to St Helena when the RMS is decommissioned.
- g. The safeguarding problems caused by the relocation of the prison.

2.76 The Inquiry Panel spent 16 days on St Helena. During this time, we were able to meet directors, managers and staff from each of the directorates. This demonstrates that overseeing such a small administration and attending to problems arising on the ground is readily achievable. It is this type of shirtsleeve management that is required on St Helena.

2.77 On Ascension Island, where the population is 850 as opposed to 4,000, exactly the same services are required: education, health, police, safeguarding and welfare. Providing such services is even more problematical than on St Helena. However, on Ascension Island the Administrator, Marc Holland, had his finger firmly on the pulse and directly involved himself in all areas of government. The problems of Ascension Island are addressed in Chapter 19.

2.78 Governor Capes has been particularly burdened with the organisation necessary for the airport and, to a certain extent, the pressure on him is understandable. Governor Capes told us in interview: *“They asked me to come here to coincide with the airport project because they needed someone who knew about Overseas Territories and how to get things done. My nickname was ‘The Enforcer’.”*

2.79 The burden of making arrangements for the forthcoming airport has been substantial. Problems arising during Governor Capes’ administration may well have been exacerbated by the attention that he needed to give to the airport project. Whatever the reason, the Inquiry Panel has concluded that he did not give sufficient attention to the more mundane aspects of managing St Helena.

Chapter 3

Police

Introduction

3.1 A review of the current and historical relationship between the St Helena Police Service and Social Services is central to this Inquiry. Not only are the police responsible for the prevention, detection, investigation and prosecution of sex offences, but they also play a key role in liaising with Social Services, education, health and the legal system. In the UK, the Children Act 1989 and the government guidance *Working Together to Safeguard Children 2015* provide that the police are required to work closely with partner agencies to safeguard children and protect them from harm.

3.2 Before assembling the Inquiry Panel, I had been provided with a large number of documents and it was apparent that a thorough analysis of the police files would be required. For this reason, I recruited two highly experienced police officers with direct knowledge of investigating allegations of paedophilia. They were instructed to undertake a detailed analysis of every police file dating back to 2009 to ascertain the quality and professionalism of the St Helena Police Service's investigations. Random dip searches were also made of case files going further back in time. Detective Superintendent (DS) Robert Vinson, who worked on the Pitcairn investigations, and former Detective Inspector Colin Welsh, now a Safeguarding Consultant, spent the majority of their time on the island working at the Police Headquarters in Jamestown.

3.3 The Inquiry Panel conducted an appraisal of the Police Department and selected a sample of officers to interview. Formal, tape-recorded interviews were conducted with 12 serving police officers and three former officers of the St Helena Police Service. Questions covered their qualifications, skills and training, as well as cases they had been involved in. Some of those interviewed were selected because of their personal knowledge of specific cases which had come to the Inquiry's attention. All the officers interviewed were also given the opportunity to express their personal views and criticisms of the St Helena Police Service in confidence if they so desired. Only one officer asked to remain anonymous.

3.4 Besides the day-to-day performance of the Police Service, the Inquiry was also asked to look into serious allegations made in 2012 by a serving police officer, Police Constable (PC) Michael Anderson, who had accused the Police Service variously of corruption, incompetence, maladministration, partiality and racism. He directed his allegations anonymously to Mark Hoban, who at the time was the MP for Fareham in Hampshire. Those allegations are considered in Chapter 4.

3.5 Further allegations and critical observations about the St Helena Police Service were made in a confidential report by the Lucy Faithfull Foundation, commissioned by the Department for International Development (DFID) in May 2013 and subsequently leaked to the press by Claire Gannon in July 2014. These are dealt with in Chapter 7.

3.6 A third set of criticisms of the Police Service were made in 2014 by two social workers who had been employed on St Helena, Claire Gannon and Martin Warsama. The Gannon–Warsama allegations suggested that paedophilia was endemic on St Helena and that the Foreign and Commonwealth Office, DFID, the St Helena Government and the St Helena Police Service were all corrupt. Mr Warsama further suggested that he was the victim of a police conspiracy to plant drugs on him. The allegations made by Ms Gannon and Mr Warsama are set out in Chapter 14.

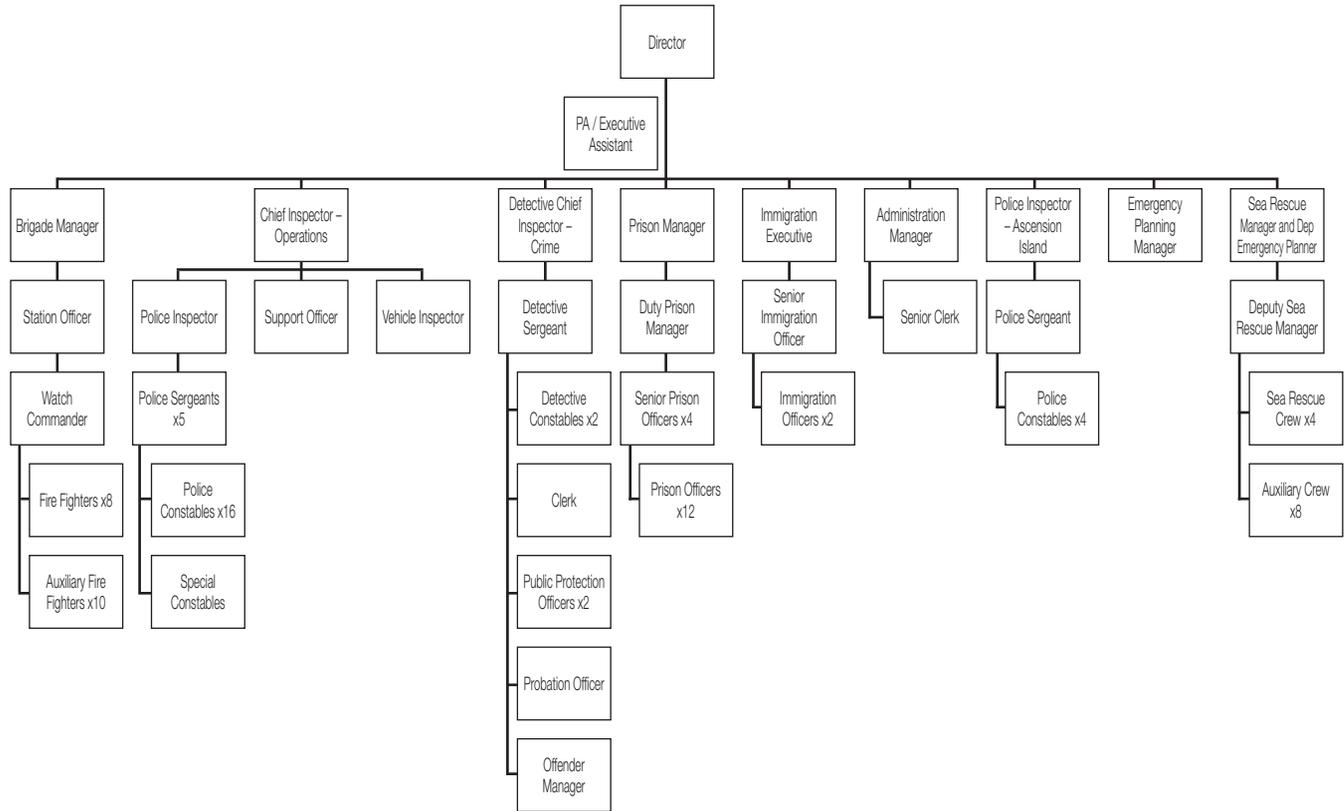
Structure and management

3.7 The St Helena Police Service is an extremely small force, much smaller than an average Operational Command Unit in the UK.

3.8 According to documents supplied by the St Helena Government listing the establishment figures on the island, there are 34 full-time serving police officers; these include the senior management team and those officers currently seconded to the Ascension Island detachment. This number is supplemented by seven volunteer Special Constables. The Chief of Police has additional responsibility for immigration and licensing, St Helena Prison, fire and sea rescue, disaster management and emergency planning.

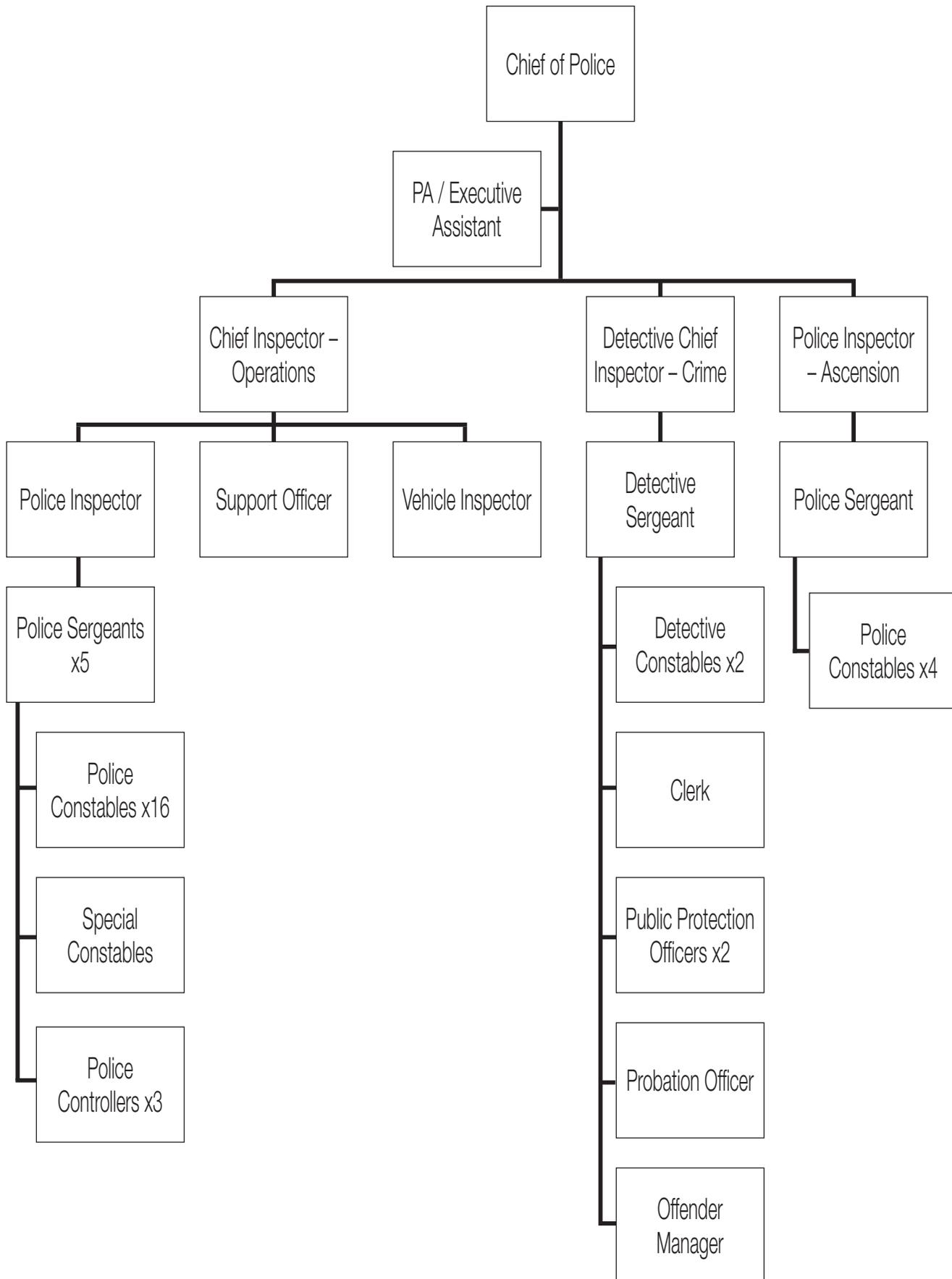
3.9 In recent years the St Helena Government has employed expatriate former UK police officers of Superintendent rank to fulfil the role of Chief of Police.

Police Service structure and responsibilities



3.10 As in the UK, the St Helena Police Service is divided between the Operational Division, comprising uniformed officers who deal with day-to-day policing in the community, and the Criminal Investigation Department (CID) officers, who are involved in the investigation of crime. This division in such a small force has created problems on St Helena because there is no local pool of experienced investigators to draw from. At the time of the Inquiry Panel's visit, the CID was staffed entirely by expatriate officers. This has the unfortunate effect of creating both a social and potentially a racial division at the heart of the police force. This was commented upon by several of the officers whom the Inquiry Panel interviewed as a source of friction. We were told in October 2015 that one St Helenian officer has now been appointed to the CID.

Structure of St Helena Police Service by role



Analysis and observations made by individual officers

3.11 The comments and observations made by the serving officers we interviewed are summarised below.

Command structure

3.12 It was unclear to officers who was deputised to stand in for the Chief of Police during the occasions when he was absent. Until the recent restructuring of the force (illustrated in the charts above), there had been a post of Deputy Chief of Police. This post has been removed by the current Chief of Police. Several St Helenian officers expressed the opinion that a Deputy should be officially appointed, and that ideally this officer ought to be a St Helenian to create a perception of fairness. If there was such a suitably trained local officer of the correct rank available on the force, the Inquiry Panel sees the strength in that argument. The immediate problem needs to be addressed by identifying and deputising a stand-in on such occasions as one is required, to avoid confusion in the ranks.

Induction

3.13 Officers felt that they ought to have been formally introduced to the senior officers upon arrival. Instead, several officers complained that they were not aware of who was who before they were expected to start work. Some officers appointed as offender managers arrived on St Helena only to be told by Detective Chief Inspector (DCI) Trevillion that they were to work as investigators. They complained that there was no formal induction procedure in the force. Officers arriving from the UK were often expected to “get on with it”. There was no explanation of local issues, practices, cultural differences or sensitivities. This meant that newly arrived officers were unaware of social conditions whereby parents frequently left their children in informal fostering arrangements. It would be a simple job to provide each officer with a welcome pack containing a force structure chart, reporting and contact details, and information on where to find details of local police procedures. Additionally, intelligence advice would help newly arrived officers to navigate their way around the complex inter-family relationships, given that so many St Helenians share the same surname without necessarily being related. The Inquiry was surprised to find that this essential information was not provided. Such a welcome pack would provide the basis for any induction, but should not replace a properly structured induction programme.

Legal training

3.14 Most concerning was the complaint that no training or explanation was given to new recruits on the differences between UK law and that operating on St Helena. Some UK officers had actually started work and were unaware that Ordinances provided the backbone of the legal system on St Helena. This information should clearly form part of the induction procedure.

Breadth of general skills

3.15 Some officers arriving from overseas may have been specialists in the UK and have lost touch with some of the general skills required on a small force. For example, officers recruited from the UK may be completely unaware of best practice in child safeguarding, or of how to handle issues involving sensitive family and sexual abuse cases with their specific

evidential requirements. When new officers are recruited, possible gaps in their training and experience need to be identified and refresher courses provided for them.

Policies and guidance

3.16 Chief of Police Trevor Botting was well aware of the lack of induction and training procedures. He set up Operation Quest in order to provide such written guidance. At the time of the Panel's visit, some 18 months after Mr Botting's appointment, this document had still failed to materialise. What we found disappointing was that standard procedures and policies which exist across UK police forces for almost every aspect of policing were not simply adapted for local conditions.

Intelligence

3.17 It appeared that there was little or no intelligence gathering on the specific individuals who appear to be responsible for the repeated sexual offending that had taken place on the island. This needs to be addressed. It is important that both current and closed cases are analysed in order to look for the associations and common practices of sex offenders and thereby determine the systems they deploy. The Inquiry Panel was told that, of the £1.2 million which has been provided by DFID for safeguarding, a portion will be applied to intelligence gathering and crime reporting. This will be especially important with the development of the internet on the island. At present, there is no evidence of collusion on St Helena between known sex offenders.

Dispute resolution

3.18 One of the most important aspects of management is identifying and resolving staff conflicts, as these may interfere with the efficient running of investigations. The Inquiry Panel heard repeated complaints about the abrasive personality of DS Keith Pritchard. Some described him as "*a bully*". The fractious relationship between DCI Trevillion and DS Pritchard impacted on the department. The Inquiry Panel considered that this matter should have been properly addressed by the Chief of Police, Trevor Botting. As we discuss below, police officers' close links with the community, combined with the division between expatriates and locals, can result in investigations being compromised. The Inquiry Panel's attention was drawn to one case where a St Helenian officer was ostensibly biased in favour of a defendant. This caused division within the force. Internal police disputes need to be identified and isolated in order to minimise such sources of conflict. In small teams, internal divisions can severely affect the functioning of the force. It was clear from the one-to-one interviews that there were serious and unaddressed problems creating interpersonal strife in the force. These disputes had been allowed to fester as a result of management inaction.

St Helenians and expatriates

3.19 Division in the force between locally employed staff (St Helenians) and those brought in from overseas (expatriates) concerned many officers. The expatriates were particularly sensitive and alert to this division. They did not see the problem as a racial divide but one caused by two factors. The first factor was the pay differential, which they felt was driving division. The second factor was the split of the police force into uniformed and CID departments. Unfortunately, owing to local skills shortages on St Helena, the CID branch was exclusively made up of expatriates. The appearance created was one of a racial divide.

This appearance was further emphasised by the necessary secrecy of much of the CID investigative work. It is neither desirable nor practical to deal with sensitive investigations into, for example, child abuse or sexual offences other than in a closed office. However, the Inquiry Panel was told by several officers that a sign had been placed on the door of the CID office saying “Uniform Free Zone”. DCI Trevillion removed the sign during the course of our visit to St Helena, only to find that DS Pritchard replaced it with a similar sign.

3.20 This childish and exclusionary conduct could only have diverted officers from properly performing their duties. On St Helena the necessary secrecy of the CID work, and the expatriate staffing division, led several of the St Helenian officers to feel that there was an intentional racial divide. This unintended consequence is a direct result of the lack of St Helenian officers adequately trained in CID work. This problem cannot be addressed other than by identifying suitable St Helenian officers for enhanced training off island in order to build up the local police skills base. Several St Helenians in the police force were very keen to express their desire for a completely locally employed force. However, in such a small community there was also an awareness that, when handling difficult cases involving intra-familial sex offences, it was helpful to call upon officers who had no personal relationships with those under investigation. It is hoped that by addressing these potential divisions head on, particularly by putting in place long-term training for CID work and ensuring that all police staff receive racial awareness training (as occurs as a matter of course in the UK), these divisions can be healed.

Pay differentials

3.21 This issue is not within the purview of this Inquiry. However, it is a very difficult area, causing division and friction that affects the functioning of the force and, potentially, the investigation of criminal cases. We were told by Chief of Police Trevor Botting that a fundamental pay review had been carried out by an independent member of the St Helena Government. It is beyond our Terms of Reference to become involved in this area, but it was a subject raised by expatriates and St Helenians alike. All police officers were aware that, without the local skills existing on St Helena, expatriates had to be called upon. In order to attract expatriates, they clearly have to be paid rates commensurate with their existing salaries. Developing training programmes for St Helenians to enable greater use of local staff is the only viable long-term solution to this source of division.

Freemasonry

3.22 This issue is referred to because Claire Gannon has accused the police force of being corrupt or under the malign influence (as she saw it) of Freemasonry, which she also said affected the Government and investigations into child sexual abuse. The Inquiry Panel took this suggestion seriously and specifically asked all serving officers if they were Freemasons. Those who answered positively were DS Keith Pritchard and Police Sergeant Clarence Roberts. We found no evidence whatsoever of any corrupt practices relating to Freemasons. Quite the contrary. The only significant Masonic presence in the police force connected with any offence which we could unearth involved a serving police officer, Jeromy Cairns Wicks. Mr Cairns Wicks, who had pleaded guilty to a series of sexual offences, was investigated by a fellow officer, Keith Pritchard. Far from protecting Mr Cairns Wicks, DS Pritchard's thorough investigative work was instrumental in the arrest and conviction of his fellow Mason, Jeromy Cairns Wicks. This case is fully addressed in Chapter 4.

Police resources

3.23 Everyone demands more resources. However, the majority of the St Helenian officers who gave evidence expressed a desire that there should be a greater police presence in the community. This opinion was echoed by several non-police witnesses who gave evidence. While the population of St Helena is small, the nature of the rugged island leads to relatively isolated and small communities where antisocial behaviour by a small minority requires a local deterrent. This problem was plain to see at Longwood, where small groups of young men hung around the local bus stop area where there had been previous cases of sexual assault. Seemingly short distances as the crow flies are, in reality, a long drive away from each other around circuitous roads and hairpin bends and over mountainous terrain. Infrequent visits are not satisfactory, and it is only by having a visible deterrent and adequate police presence that such matters can be dealt with.

Review of police files dating back to 2009

3.24 As we noted in Chapter 1, reliable statistics on St Helena are few and far between. However, the Inquiry Panel was able to collate its own data by investigating every police file going back to 2009: offences of murder, robbery, burglary and fraud were almost non-existent. There were few incidents of public order centred on establishments which serve alcohol. The majority of reported crime related to sexual offences and domestic violence. The sexual offences fell into three categories: rare cases of stranger rape; intra-familial child abuse within a limited number of deprived families; and offences of underage sexual intercourse between older men and post-adolescent girls. The Inquiry Panel also ensured that it examined all the files seen by the Lucy Faithfull Foundation. Additionally, we wanted to analyse the profile of criminality on St Helena. Where possible, we wanted to cross-reference criminal files and Social Services files.

3.25 A full report on all the files inspected has been prepared. Our detailed report is not published here and has been retained by the Inquiry as it contains sensitive material not for publication. However, we have distilled the facts and figures into the following table:

Year	Number of cases
2009	6
2010	22
2011	8
2012	11
2013	8(1*)(1^)
2014	14(1^)
2015	7

* physical abuse ^ file with Attorney General ^ alleged incident occurred on Falkland Islands

- 3.26 From the case files inspected in detail, our investigations reveal the following:
- The figures above do not support in any way the lurid allegations that sexual offences are endemic on St Helena.
 - Neither is there any consistency in the number of sexual offences reported year on year.

- c. As stated, given the statistically small sample it is not possible to analyse the data in a meaningful way. However, we can look at the number and type of cases relevant to the Inquiry.

3.27 Over the six-year period reviewed, the total can be broken down into three categories of victim:

Adult	12 over the six-year period
Vulnerable adult	11 over the six-year period
Child	43 over the six-year period

3.28 An average of seven cases per year of child abuse challenges the false impression produced by media reports of a culture of paedophilia on St Helena.

3.29 Excluded from these three categories are a small number of cases that fall into the “miscellaneous” group: one case of sexual deviancy with no victim; several cases of consensual sexual activity between a male and a female under the age of 16; and one case of a male believed to be loitering within school grounds with sexual intent but with no actual victim.

3.30 There is no evidence of widespread paedophilia; nor is there evidence of paedophile rings on the island. In short, the impression given by the press (which was provided to them by Claire Gannon, Martin Warsama and the Lucy Faithfull Foundation report that Ms Gannon leaked) is not supported by the evidence.

3.31 St Helena does have problems with paedophiles, as do most communities all over the world, but the evidence of sexual abuse of children was largely confined to a few pockets of deprived families living in isolated parts of the island.

3.32 There were a small number of victims (fewer than five) whose names repeatedly feature in a number of allegations. Equally, there were a similar number of adult male suspects whose names appear in several allegations.

3.33 From our analysis of these findings, taken in conjunction with our parallel investigation into the available Social Services files, the Inquiry Panel believes that it is fair to conclude the following:

- a. There are a small number of victims and suspects on whom relevant agencies should concentrate their combined efforts. The Inquiry Panel believes that targeted intervention is the key to reducing the total number of allegations.
- b. A significant proportion of the cases that the Inquiry Panel reviewed involved sexual activity between girls aged 12 to 16 and males aged anywhere from late teens up to their 60s. The Inquiry Panel found that it is not unusual on St Helena to find family units where there is a 15- or 20-year age gap between the mother and the father, providing further support for the well-documented culture of older men involved in sexual relations with younger girls. This practice has evidently been common for generations. Whilst we in no way condone this behaviour, it is important to reflect on the comparison with the UK. Recent cases of child exploitation in England have followed a different pattern, where paedophiles target young girls primarily for sexual abuse and groom them for this purpose rather than having any intention of forming serious long-term relationships.

3.34 On St Helena the age of consent, 16, needs to be continually reinforced. The Inquiry Panel was pleased to see public information posters to this effect. A long-term programme of education also needs to be undertaken in the schools on the island to educate young people that it is not acceptable or lawful for older men to engage sexually with very young girls, below the age of sexual consent. Chief of Police Trevor Botting told the Inquiry Panel that work had already been initiated in schools to raise awareness of safeguarding and the dangers associated with the use of mobile phones and the internet, although use of the internet is expensive and still at the very early stages of development. A schools liaison officer had also recently been to the island as an advisor and had trained a police officer in that role. It is important that Mr Botting's initiative is continued by his successors. On too many occasions, good initiatives such as this are lost during an inadequate handover process.

Safeguarding

3.35 The Inquiry Panel specifically looked for evidence of current awareness, training and skills among all the police interviewees to assess their knowledge of safeguarding issues.

3.36 The expertise that we looked for was woefully lacking: we saw no evidence of any written training procedures or rule books and no instructions as to how to approach safeguarding issues when they arose. The shortcomings and lack of knowledge displayed by the St Helena Police Service can best be illustrated by the case of Adult E.

3.37 Adult E was a St Helenian and a serving officer in the St Helena Police Service. His young daughter made a disclosure to Adult J that she had been sexually abused by her father. Adult J was herself the wife of a serving police officer. However, rather than reporting the matter immediately, Adult J only raised the disclosure made by the child during a routine meeting with Social Services. She also went on to tell Social Services that her relatives had heard what the child had alleged.

3.38 During the course of the subsequent police investigation, it was discovered that three further police officers had also been aware of the disclosure made by the child. This meant that six police officers, all St Helenians, had been made aware of an allegation of sexual assault on a young child by her father who was a police officer and one of their colleagues. Not one of these six serving officers had brought the matter to the attention of Social Services so that an investigation could be initiated. This omission demonstrates a shocking lack of understanding of the most rudimentary principles of safeguarding on the part of at least one-fifth of St Helena's police officers. As mentioned above, expatriate recruits may also require refresher courses.

3.39 As part of the criminal investigation that followed, the child was interviewed on two occasions but made no disclosures. An advice file was submitted to the Attorney General's chambers, but because there was no recorded disclosure from the victim, the matter could not be progressed in the Criminal Court due to lack of evidence.

3.40 Adult E was suspended from duty and the other police officers were made the subject of a disciplinary investigation. Adult E was dismissed and the majority of the other officers received written warnings, together with an action plan that included safeguarding training.

3.41 The Adult E case provides a perfect illustration of the continuing need to employ expatriate police officers.

3.42 The Inquiry Panel was told that safeguarding training has recently been undertaken by Detective Constable (DC) Dave Honan and Senior Social Worker Samantha Dunn. Both have since been able to provide both level 2 safeguarding training and Achieving Best Evidence interview training. The Inquiry Panel recommends that all officers receive level 2 training, and this should be arranged as soon as possible.

3.43 The Inquiry Panel acknowledges that there has been significant progress in the field of safeguarding since the arrival of the current Chief of Police in October 2013. In particular:

- a. A safeguarding lead has been appointed.
- b. Multi Agency Public Protection Arrangements are in place.
- c. Two offender manager posts have been created.
- d. A safeguarding specialist (DC Honan) is now in place, as noted above.

3.44 The improvement in police awareness has corresponded with an improvement in Social Services personnel, and the Inquiry Panel is in no doubt that relations between the St Helena Police Service and Social Services have changed dramatically for the better.

Conclusions and recommendations

- a. The identity of the designated Deputy Chief of Police should be formalised in order that the management structure of the force can operate in the absence of the Chief of Police.
- b. A formal induction programme should be devised for new recruits. This should include an outline of cultural differences, and an explanation of Ordinances and other essential local issues.
- c. Level 2 safeguarding training should be undertaken by all officers (both expatriate and St Helenian) before their appointment.
- d. It would be beneficial to the advancement of St Helenians within the force if they were provided with an opportunity to enter an exchange programme with the UK for CID training. The viability of such a programme should be investigated by the Chief of Police.
- e. Racial awareness training should be provided to *all* officers.
- f. Regular meetings between the Chief of Police and individual officers should be held. This would help to unearth disputes within the force and draw to the attention of the Chief of Police problems that exist. It would thereafter be the responsibility of the Chief of Police to resolve such disputes. The advantage of such a small police force is that the Chief of Police can be in direct contact with all levels of the Police Service.
- g. Intelligence gathering should be undertaken, targeting families who repeatedly come to the attention of the police in respect of child abuse. Pertinent information should be shared with Social Services.
- h. Statistics should be compiled outlining the findings of any intelligence gathering.
- i. The programme of education provided by officers in schools addressing the age of consent and other safeguarding issues should continue and be enshrined in police practice. Liaison between the Police Service and schools should be formalised so that each year group is aware of the issues and has contact with local officers.

Chapter 4

Former Police Constable Michael Anderson

4.1 Michael Anderson was the author of the document *Is There Corruption in the Territories?*, which was sent anonymously to Mark Hoban MP on 30 October 2012 on his behalf by his wife. Mark Hoban had been the Andersons' MP in Hampshire. Although the document was sent anonymously, all relevant parties were able to focus their suspicions on Mr Anderson's authorship from a very early stage by the nature of the allegations.

4.2 Michael Anderson retired from his job as a police officer in the UK in January 2009. In June 2011, he joined the St Helena Police Service on a two-year contract. Mr Anderson was initially posted to St Helena but in April 2012 he was moved to the Ascension Island Detachment. He later agreed to extend his contract for a further year, so that he was due to leave in June 2014.

4.3 Mr Anderson's complaints covered both St Helena and Ascension Island.

4.4 Mr Anderson's complaints in respect of Ascension Island were more specific and are related to the way criminal investigations were handled. We deal with them below.

Allegations made in the Anderson letter

The Dane Wade case

4.5 Mr Anderson stated in his letter of complaint: "*Dane Wade indecently assaulted a 14-year-old girl in the family home whilst her parents were in an adjoining room...He admitted the offence...and the magistrates issued a probation order only...The Administrator Colin Wells revoked Wade's entry permit and he was deported back to St Helena. Since returning...he has broken the conditions of this probation twice...He was put before the SH Court and his probation order has been quashed as not being valid on St Helena as it was issued by the Ascension Court.*"

4.6 As Mr Anderson stated, Dane Wade was issued with a probation order by the Ascension Island Magistrates' Court and then deported back to St Helena. Mr Wade then breached the probation order and was brought before the St Helena Magistrates' Court on 25 October 2012 to deal with the breach of the community order. The Chief Magistrate determined that the St Helena Court had no power to deal with the breach of a community order made on Ascension Island. He said: "*The Ascension Magistrates' Court therefore has no geographical jurisdiction to make pronouncements on any act or omission which is alleged to have taken place on St Helena. There is accordingly an urgent need for*

legislation in Ascension and for that matter St Helena to allow the transfer of any cases at whatever stage to another Magistrates' Court in the territory and to extend the jurisdiction of each court to make community or other orders which are enforceable throughout the entire territory."

4.7 This case provides a clear recognition that there was a fundamental anomaly in the respective legal systems between St Helena and Ascension Island which needed to be dealt with as a matter of urgency. Not only had the Chief Magistrate identified and drawn attention to this anomaly but Mr Anderson, in making the complaint to his MP, had re-emphasised the need for action.

4.8 By the time the Inquiry Panel visited St Helena, this lacuna in the law had *still* not been dealt with. The Inquiry Panel looked into this situation and asked both the Chief Justice and the current Attorney General about this anomaly. This question is also addressed in Chapter 18.

4.9 We invited the St Helena Attorney General to explain the current position. In a written response to the Inquiry, she said: *"There is no statutory power for a probation order which is passed by the Magistrates Court in Ascension to be supervised in St Helena or vice versa. There is no statutory power for the Court in St Helena to consider an alleged breach of an Ascension Island Magistrates Court order. The Chief Justice reviewed the case of Dane Wade on the 12th December 2012 stating that by reason of the power of the Magistrates Court Ordinance Cap A19 it would be possible for a St Helena court to deal with breach of an Ascension probation order which had occurred in St Helena. The review of the Chief Justice is not a binding judgement. The AG [Attorney General], if invited to make submissions on this matter, would take the view that the territorial limits of a probation order in Ascension remain limited to breaches in Ascension for the reasons which appear to have been advanced by the Chief Magistrate in the original R. v. Wade judgement. I note that an urgent statutory review on this matter was suggested. There does not appear to have been any action in respect of the recommendation for legislative amendment since the review of 2012. I cannot explain why this is the case."*

4.10 The conclusion of the Inquiry Panel is that the whistleblower Mr Anderson's concerns and criticism of the legal anomaly were entirely correct. What is of more concern is that nothing has been done about it two and a half years later. This is in spite of the fact that the legal establishments of both islands are fully aware of the anomaly and that one of the Terms of Reference of this Inquiry is to deal with *"specific child safety incidents"* and *"the treatment of whistleblowers"*.

4.11 In respect of the sentence of probation that Dane Wade received, the Crown appealed this sentence and on 26 November 2012 the probation order was replaced with an 18-month prison sentence. We have addressed the level of sentences passed on St Helena in Chapter 18. We repeat here that we have looked at all sentences passed by the current Chief Magistrate since 2012. We were particularly interested in all sentences incurring detention for a period exceeding six months which have been reviewed by the Chief Justice since 2007. We were pleased to see that all these sentences were entirely in keeping with best practice and the current Sentencing Guidelines issued in England and Wales.

The Adult T case

4.12 Mr Anderson, in his letter of complaint to his former MP, said this: *“In late August/early September of this year, the Ascension Police Inspector heard rumours that a 15 year old girl had left Ascension for the UK as she was pregnant, both the Headmaster and possibly the Ascension Administrator were aware but that neither had seen fit to report it to the police. Had they done so when they first became aware, the police would have had a chance to talk to the victim before she travelled to the UK, as the police only heard the rumours after she had left Ascension. The Ascension Crown Counsel when informed of the investigation told the police to tell the suspected father of the child, [Adult T] that if he admitted the offence of having sex with an underage girl, he could be dealt with by caution.”*

4.13 At the time of Mr Anderson’s allegations, the investigation into Adult T was ongoing. Adult T was one of four individuals who had been arrested and was being investigated. Enquiries into Mr Anderson’s assertions revealed that Crown Counsel had given no instructions as to how to dispose of the case; and in any event Mr Anderson had not been present during any conferences between Crown Counsel and the Police Inspector who had conduct of the case at the time.

4.14 The Inquiry Panel did not find any validity in this aspect of Mr Anderson’s allegations. We also looked at the case from the perspective of *“the 15 year old girl who had left Ascension”*. This is covered in Chapter 19. The social worker on the island had become involved as soon as the girl’s pregnancy came to light and dealt with the case entirely appropriately. There was no substance in the suggestion that the father of the child was pressurised into admitting guilt in return for a caution.

4.15 The Inquiry Panel finds that Mr Anderson’s allegations were completely wrong in respect of this case.

Allegations against David Blunt

4.16 In the letter to MP Mark Hoban, Mr Anderson also said this: *“Earlier this year, a schoolboy was punched in the face by a mother outside Two Boats Club, a drinking establishment. The headmaster, David Blunt was aware of this assault but did not report it to the police. The schoolboy was one of his pupils as is the mother’s daughter and the mother herself was employed at the school. The Headmaster asked the Administrator what he should do and the matter was reported to the police by the Administrator.”*

4.17 Police files revealed that the father of the boy in question reported this matter to the police on Monday 2 July 2012, the events having occurred late on the evening of Saturday 30 June. Statements were taken, and the member of staff was arrested and charged with assault on 17 July 2012.

4.18 Administrator Colin Wells was to tell the Chief Immigration Officer, who investigated Mr Anderson’s allegations in 2012: *“I recall the Headmaster being furious at the behaviour of the attacker...He never attempted to intervene in the disciplinary process that led to her dismissal.”*

4.19 The Inquiry Panel was able to interview David Blunt at Two Boats School on Ascension Island. He told us that he only heard about the assault on Monday 2 July. He told Administrator Colin Wells and the Police Inspector on the telephone. The member of staff

accused of assault was suspended pending the police investigation and then dismissed following her conviction.

4.20 Having considered this aspect of Michael Anderson's allegations against Headmaster David Blunt, we find them to be without foundation. It does not appear that Mr Anderson could have had any first-hand knowledge of the events about which he wrote.

Children in bars

4.21 There are three bars on Ascension Island: the Saints Club, the Two Boats Club and the Volcano Club. At the time that Police Constable Anderson wrote to his former MP, children would frequently accompany their parents to these establishments where drinking would continue well into the night, particularly at weekends.

4.22 Michael Anderson's letter to his former MP said this: *"There are no licensing laws on Ascension and although St Helena and UK have licensing laws, the Ascension Crown Counsel...has advised the Ascension Administrator that they are not applicable on Ascension. These establishments continue to be frequented by children."*

4.23 In 2012, when Mr Anderson made his allegations, he was correct: there were no licensing laws on Ascension Island.

4.24 On 19 June 2013, Colin Wells emailed Governor Capes saying: *"On the 18th June, you enacted the Sale of Alcohol and Access to Bars (Children and Young Persons) Ordinance of 2013 against the advice of the island council."* Licensing laws on Ascension Island were brought into line with those on St Helena. The Inquiry Panel was told by Ascension Island Administrator Marc Holland that the licensing laws are followed, despite being unpopular with the majority of Ascension Island residents and indeed the Island Council.

The Anderson allegations

4.25 Turning to what Mr Anderson said about St Helena, this is summarised as follows:

- a. That the people of St Helena have no faith in the police.
- b. That the Chief of Police at the time, Peter Coll, boasted that he was only on St Helena for a holiday and he allowed the Deputy Chief of Police to run the Police Service.
- c. That people in power were immune from prosecution. Instances cited by Mr Anderson were:
 - i. A parking ticket issued to a local magistrate was voided.
 - ii. A prosecution of the former Attorney General for drink driving was halted.
 - iii. The Deputy Chief of Police was cautioned for threatening a man with a machete. The record of this caution mysteriously disappeared.
- d. It was considered acceptable on St Helena for older men to engage in sexual activity with younger girls.
- e. There was no Sex Offenders Register on the island.
- f. That a middle-aged man on St Helena was given a probation order for an offence of attempted rape.

4.26 This Inquiry has considered what Mr Anderson alleged in respect of St Helena in some detail. Some of Mr Anderson's criticisms about Ascension Island were found to be correct, whilst some were not. The same applied to criticisms that he made about St Helena. The Inquiry Panel has found that Mr Anderson was correct in the following respects:

- a. The culture of older men having sexual relations with young girls was found to exist and was widely tolerated on the island. This had been the conclusion of no fewer than nine previous reports into St Helena commissioned since 1998. It is also one of the findings of this Inquiry.
- b. There was no Sex Offenders Register on the island.
- c. The allegation that the Chief of Police at the time, Peter Coll, was ineffectual and allowed the Deputy Chief of Police to run the Police Service was examined in depth by the Northumbria Police investigation, which found on a balance of probabilities that there was a *prima facie* case to bring disciplinary proceedings against Peter Coll for neglect of his duty, in that he failed to act with proper diligence when informed about the failings of the St Helena Police Service.

4.27 However, the following allegations made by Michael Anderson were *not* supported by evidence:

- a. That a parking ticket issued to a local magistrate was voided.
- b. That a prosecution of the former Attorney General for drink driving was halted.
- c. That the Deputy Chief of Police, Jeff Ellick, was cautioned for threatening a man with a machete and the caution "*mysteriously disappeared*". This last allegation was scrutinised by Northumbria Police in 2014. The rumour about the machete had been widely disseminated in St Helena and is later repeated in the Lucy Faithfull Foundation report. Northumbria Police interviewed all relevant witnesses and found that the incident described by Mr Anderson was a wild exaggeration of a domestic dispute which Jeff Ellick had been involved in. None of the first-hand witnesses supported the account of a machete being wielded by Mr Ellick. Furthermore, Northumbria Police conducted a detailed analysis of the cautioning system on St Helena and were able to satisfy themselves that the numbering system that was in place suggested that none of the forms had been removed from the system. The Inquiry Panel is satisfied with the integrity and conclusions of the Northumbria Police investigation.
- d. The allegation made by Michael Anderson that a middle-aged man was given a probation order for an offence of attempted rape is not supported by the court records that the Inquiry Panel has inspected.

Response to the Anderson letter

4.28 When the Anderson document was received by Mark Hoban MP, he forwarded it to Mark Simmons MP, who had responsibilities within the Foreign and Commonwealth Office (FCO). The St Helena Government was informed. On 8 November, an investigation was launched.

4.29 The first response to the Anderson document was prepared at the request of Governor Mark Capes by the Chief Immigration Officer on St Helena, who had been seconded by the Home Office. The Chief Immigration Officer gave evidence to the Inquiry Panel that Mr Anderson was a reasonable officer whom he liked and he did not believe

that his motivation for sending the document was malicious. The Chief Immigration Officer prepared a swift response to the Anderson document, which was provided to the FCO by Governor Capes on 12 November.

4.30 The Chief Immigration Officer concluded his report with the following summary: *“The anonymous corruption report received in St Helena on Thursday November 8th raises some very serious allegations about corruption in both St Helena and Ascension Islands Governments in relation to two particular cases. There appears to be little evidence at this stage to support those assertions. Similarly, with regard to individuals highlighted within the report as corrupt, it would appear that the drafter has broadly based his accusations on second hand information. Primary evidence would not suggest corruption in any of the cases outlined in the report. Finally, there are some wider issues, which the report raises, especially with regard to child protection. It is clear that steps are being taken to combat what is a recognised concern on the island and that work was and remains underway to further address the issue.”*

4.31 Governor Capes sent the Chief Immigration Officer’s report to the FCO with a covering email saying: *“The report...also notes that while we have more work to do on removing a culture that has been inclined to tolerate inappropriate relationships with minors, we have introduced a range of measures to safeguard children and continue to do work on this...We will not take any action against the author of the letter until Peter Coll returns.”* The Chief of Police, Peter Coll, was off the island at the time. However, the Inquiry Panel was surprised that Governor Capes immediately considered *“taking action”* against Mr Anderson, rather than addressing the issues he raised. This appears to have set the tone for his subordinates, whose focus then changed to removing Mr Anderson.

4.32 The matter was dealt with by Ascension Island Administrator Colin Wells, who sent a series of emails to the FCO dealing with the Anderson document. These emails are referred to in detail as they demonstrate that neither Colin Wells, Peter Coll, the St Helena Government nor the FCO set their primary focus on addressing the content of Mr Anderson’s letter. Contrarily, all the energy was directed at removing Mr Anderson from office as soon as possible. The relevant emails are these:

- a. **7 November 2012: Colin Wells to the FCO:** *“Mick [Anderson] is a PC in the St Helena Police Force Detachment to Ascension. He transferred here from St Helena earlier this year. He is a British Police officer. I have had a good relationship with him and always found him to be a rather decent chap.”*
- b. **8 November 2012: Colin Wells to the FCO:** *“On Mick handling, I agree. And it is not necessarily for me but for the CoP [Peter Coll] and Mark [Governor Capes]. It is not my force, although I do have influence on operational issues on island and clear interest. As I said in my missive I rather like the chap and he and the other officers did a brilliant job today with the DoK [a reference to a visit to Ascension Island by the Duke of Kent].”*
- c. **22 November 2012: Colin Wells to the FCO:** *“I have stated already I would like to see the back of...PC Anderson...Could you raise a short term command issue with Coll? Obviously I will do so as well.”*
- d. **27 November 2012: Colin Wells to the FCO:** *“Coll was going to talk to Anderson through the letter and bring him into a position where he will admit responsibility and seek a dignified and quick exit from Ascension. As Anderson has only months*

left on his contract and the police were underspent on their staffing allocation I said I was content for Coll to offer to pay him up to the end of the contract if that is what he wanted to do. Coll seemed confident that Anderson would go...Coll is going to have his work cut out getting this right. He is the right person for this – Anderson... should respect Coll's rank and experience...[Coll] fully understands the need to handle [Anderson] carefully, aiming to find an agreed exit route with minimum collateral damage."

4.33 On 30 November 2012, Peter Coll sent the following information to Governor Mark Capes: *"On Tuesday the 27th November 2012, I met with PC Anderson...[he] was informed that he was not under investigation for any criminal or disciplinary offences at that time... He categorically denied that he was the author..."* Michael Anderson has described an unpleasant exchange between himself and Peter Coll. Mr Anderson said that Mr Coll asked him whether he had sent the anonymous document. Mr Anderson denied "sending" it, saying this was technically correct, as it was his wife who sent the email to which the document was attached.

4.34 Peter Coll continued in his update to Governor Capes: *"On Wednesday 28th November 2012, Anderson submitted his resignation to me in a document which accused me of behaviour typical of the St Helenian police management style."*

4.35 The emails from Colin Wells and the information provided by Peter Coll to the Governor demonstrate that, *prior to Peter Coll speaking to Mr Anderson about the document on 27 November 2012*, discussions had already taken place between Colin Wells and Peter Coll in which it was agreed that Mr Coll would seek to persuade Mr Anderson to leave the island and that funds would be made available for him to be paid up to the end of his contract.

4.36 It was only *after* the decision was made to remove Mr Anderson from his post that Sussex Police officers were engaged to investigate Mr Anderson. Mr Coll was a former Chief Superintendent from Sussex Police himself and thus had long-standing connections with that force. The choice of engaging officers of his former force to oversee the investigation into Mr Anderson seems to the Inquiry Panel to be unwise, and it was bound to create a perception of bias. The Terms of Reference for the Sussex Police investigation were tightly drawn and restricted to Mr Anderson's authorship and compliance with police regulations. They were not asked to look into the allegations themselves.

4.37 On 5 December 2012, Sussex Police officers conducted a disciplinary interview with Mr Anderson. The Inquiry Panel has been able to listen to the tape recording of this interview. The interview was conducted in accordance with the Police Conduct Regulations 2012. Mr Anderson (as was his right) insisted on having the support of a "police friend". As Mr Anderson was due to leave the island on 8 December 2012 (having resigned), he was unable to nominate a suitable "friend" at such short notice. This resulted in the disciplinary interview being concluded *without* Mr Anderson having the benefit of any support during the interview. He consequently chose *not* to answer any questions during the interview in relation to the allegations against him. Moreover, Mr Anderson was never given the opportunity at any later time to reconvene the interview in the presence of a "friend", as requested. Instead, the Sussex investigation team went straight on to submit their report on the basis of the information available to them, concluding that on the balance of probabilities Mr Anderson had committed a breach of confidence. The Sussex officers did not undertake

an independent investigation into the allegations themselves. The Sussex investigators also determined at paragraph 32 of their report that Mr Anderson had wilfully or negligently made a misleading or inaccurate statement, based on “*what appear to be significant inaccuracies in the information provided in the document*”. What those inaccuracies were is not detailed. The only other reference in the report is found at paragraph 20: “*It would appear that some of the information has not been recounted accurately against the known detail of the criminal investigations into Sexual Offences.*” The Sussex Police report concluded on a balance of probabilities that Michael Anderson was the author of the document and that he had breached Police Disciplinary Regulations, which would amount to discreditable conduct.

4.38 The conduct of Michael Anderson was subsequently considered as part of a wider review of St Helena policing conducted by Northumbria Police in October 2013. The Northumbria Police report had been commissioned following the accusations against the police made by the Lucy Faithfull Foundation report in July 2013 and is dealt with later, in Chapter 7. The Inquiry Panel is unanimous in its view that the Northumbria officers dealt with all matters they had to address in a fair, methodical and comprehensive fashion, resulting in cogent conclusions and recommendations, which the Inquiry Panel wholeheartedly supports and endorses.

4.39 The three Northumbria Police reports dealt with allegations of both a criminal and disciplinary nature. For this reason, circulation has been restricted to key individuals in the FCO and the St Helena Government. As wider publication has not taken place, speculation and misinformation about the content and the conclusions reached in these reports have been a regrettable but inevitable consequence. There is, for example, a misconception that the Northumbria officers carried out some sort of investigation into the allegations of sexual misconduct perpetrated by Jeromy Cairns Wicks, a former St Helena police officer now serving a substantial prison sentence for his crimes. Those investigations were in reality investigated and prosecuted solely by the St Helena Police Service.

4.40 In relation to Michael Anderson, the Northumbria Police report concludes at paragraphs 8.1 to 8.8:

- a. *“Mr Anderson continues to feel aggrieved in relation to this.*
- b. *Investigators consider that whilst it is true that the e-mail to the Rt. Hon Mark Hoban, Member of Parliament for Fareham, was a technical breach of confidentiality and worthy of inquiry that the response of the Chief of Police is unusual and contrasts very starkly with his approach when matters relating to the alleged shortcomings of policing in St Helena were raised.*
- c. *Mr Anderson could have considered writing to HM Governor on the Island, or to the Foreign and Commonwealth Office to raise these matters and chose instead to write anonymously to a Member of Parliament.*
- d. *This was outside the chain of established authority but nevertheless should be seen in context.*
- e. *Mr Hoban, as a Member of Parliament, was a responsible person unlikely to breach confidentiality and identify victims publicly.*
- f. *Mr Anderson’s motives are considered honourable, and he had no obvious personal ‘axe to grind’.*

- g. *Investigators consider his actions came within the orbit of a person reporting potential wrongdoing formerly referred to as a ‘whistleblower’ and that he should have been treated as such.*
- h. *It is recommended that the appropriate authority consider, in terms of fairness and justice to Mr Anderson, how this matter may be resolved.”*

4.41 The Inquiry Panel supports these findings and is of the view that the above information should be communicated to Mr Anderson at the earliest opportunity by the current Chief of Police, Trevor Botting.

4.42 The Inquiry Panel considers that the reaction of Chief of Police Peter Coll was ill judged. It is apparent from the emails between Administrator Colin Wells and the FCO that any investigation into Mr Anderson commenced *after* the decision was taken that he should be asked to leave the island. Furthermore, Peter Coll devised that the officers who carried out the investigation into Mr Anderson were from the very constabulary where Mr Coll had spent his career.

4.43 It was only after the departure of Michael Anderson that the St Helena Government decided to look into the veracity of the allegations that he made. The Inquiry Panel considers that this exercise should have been undertaken before the St Helena Government “*took action*” (as Governor Capes described it) against Mr Anderson.

4.44 Two reports were commissioned to look into the allegations made by Michael Anderson:

- a. A Review of Policing by the Southern Oceans Law Enforcement Advisor.
- b. A Review of Child Safety by the Lucy Faithfull Foundation.

4.45 The Southern Oceans Law Enforcement Advisor visited St Helena in March 2013 in order to conduct his review. The Terms of Reference included “*an investigation into the veracity of allegations recently made against the St Helena and Ascension Island Police force and health check the initial internal review conducted by [the Chief Immigration Officer]*”. The Southern Oceans Law Enforcement Advisor’s report concluded that: “*I was able to discuss the allegations levelled in an anonymous letter received by MP Mr Mark Hoban and believed to have been sent by a former disenchanting officer of the St Helena Police Force. Due to confidentiality surrounding the letter and subsequent internal review, I was circumspect in my disclosure of it and in questions to stakeholders. This is similar to the level of discretion used by [the Chief Immigration Officer] in his review. Having spoken to [the Chief Immigration Officer] it is clear that he has taken all reasonable steps to establish the veracity of the allegations made and has had appropriate cooperation from stakeholders and officers in the Saint Helena Police Force who supported his enquiries...The allegations have been proven in virtually all respects to be exaggerated, inaccurate or if not, based on third party commentary. In fact where information was second or third hand, [the Chief Immigration Officer] was able to investigate further, finding that the allegations were generally not corroborated by commentators who were able to give a more first hand account. It is my belief based upon this and subsequent actions by the administration and Chief of Police that the issues have or are being addressed satisfactorily...In terms of Child Safeguarding, one of the issues raised, there has been a significant development since 2011 with the Safeguarding Board now operative and well advanced plans to develop MAPPA [Multi Agency Public Protection Arrangements] as well as the now planned introduction of the Sexual Offenders*

Registration Scheme. This will apply to both Saint Helena and Ascension. There is a growing trend of disclosure which indicates growing trust and confidence from victims of abuse and this may continue for some time to come as victims see the possibility for their voice to be heard and their victimisation taken seriously by authorities.”

4.46 The conclusion of the Southern Oceans Law Enforcement Advisor appears to be that, although many of the Anderson allegations were third hand and unsupported by evidence, there was substance in some of Mr Anderson’s complaints: for example, the absence of a Sex Offenders Register and the ongoing issue of child protection on St Helena and Ascension Island.

Conclusions in respect of Michael Anderson

4.47 Although several of the allegations made by Michael Anderson have been shown to be incorrect, Mr Anderson did draw to attention certain important failings of the St Helena Government: the sentencing anomalies in the Dane Wade case; the social problem created by children in bars; the absence of a Sex Offenders Register on both islands; and the tolerance of older men being engaged in sexual relationships with underage girls.

4.48 The Inquiry Panel heard evidence from Mr Anderson and we also considered the wealth of documentation which he provided to us. The Inquiry Panel has concluded that Mr Anderson was a well-intentioned individual who (albeit incorrect in a number of his accusations) dealt with the situation in a manner which he believed was correct. He did not leak information to the press at any stage and alerted the person he believed would be best placed to deal with his concerns, namely his (former) Member of Parliament.

Whistleblowing

4.49 The term “whistleblower” is frequently used to describe those who reveal information out of a genuine desire to draw attention to wrongdoing. It is also a term that is widely misused and embraced by those who seek to justify the making of malicious and unfounded accusations.

4.50 In the UK, the Public Interest Disclosure Act 1998 offers a number of protective measures to workers who make “*qualifying disclosures*”. Whether the legislation would cover the Overseas Territories is not material to the Inquiry Panel’s findings. The Terms of Reference of the Inquiry cover “*the treatment of whistleblowers*” and we see no reason to depart from the definition of that term used in the UK.

4.51 A worker who has made a “*qualifying disclosure*” can be described as a whistleblower and is entitled to the protection that flows from that term. It is necessary to consider the legal requirement here. For information to be classed as a “*qualifying disclosure*”, two hurdles must be overcome.

4.52 The first hurdle relates to the subject matter of the disclosure. Section 43B of the Employment Rights Act of 1996 provides that: “A ‘*qualifying disclosure*’ means any disclosure of information which, in the reasonable belief of the worker making the disclosure, tends to show one or more of the following –

- (a) *that a criminal offence has been committed, is being committed or is likely to be committed,*

- (b) *that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject,*
- (c) *that a miscarriage of justice has occurred, is occurring or is likely to occur,*
- (d) *that the health or safety of any individual has been, is being or is likely to be endangered,*
- (e) *that the environment has been, is being or is likely to be damaged, or*
- (f) *that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.”*

4.53 The Inquiry Panel is sure that Michael Anderson reasonably believed that the subject matter of his disclosure was covered by the matters outlined in section 43B.

4.54 As far as the second hurdle is concerned, a “*qualifying disclosure*” must fulfil at least one of sections 43C to 43H, which govern the circumstances of the disclosure. We consider that Mr Anderson can rely on the protection in 43G and/or 43H:

“43G. Disclosure in other cases

A qualifying disclosure is made in accordance with this section if –

- (a) *the worker makes the disclosure in good faith,*
- (b) *he reasonably believes that the information disclosed, and any allegation contained in it, are substantially true,*
- (c) *he does not make the disclosure for purposes of personal gain,*
- (d) *any of the conditions in subsection (2) is met, and*
- (e) *in all the circumstances of the case, it is reasonable for him to make the disclosure.*

(2) The conditions referred to in subsection (1)(d) are –

...

- (b) *that...the worker reasonably believes that it is likely that evidence relating to the relevant failure will be concealed or destroyed if he makes a disclosure to his employer, or*
- (c) *that the worker has previously made a disclosure of substantially the same information –*
 - (i) *to his employer...*
- (3) *In determining for the purposes of subsection (1)(e) whether it is reasonable for the worker to make the disclosure, regard shall be had, in particular, to –*
 - (a) *the identity of the person to whom the disclosure is made,*
 - (b) *the seriousness of the relevant failure,*
 - (c) *whether the relevant failure is continuing or is likely to occur in the future,*
 - (d) *whether the disclosure is made in breach of a duty of confidentiality owed by the employer to any other person...*

43H. Disclosure of exceptionally serious failure

- (1) *A qualifying disclosure is made in accordance with this section if –*
 - (a) *the worker makes the disclosure in good faith,*
 - (b) *he reasonably believes that the information disclosed, and any allegation contained in it, are substantially true,*
 - (c) *he does not make the disclosure for purposes of personal gain,*
 - (d) *the relevant failure is of an exceptionally serious nature, and*
 - (e) *in all the circumstances of the case, it is reasonable for him to make the disclosure.*
- (2) *In determining for the purposes of subsection (1)(e) whether it is reasonable for the worker to make the disclosure, regard shall be had, in particular, to the identity of the person to whom the disclosure is made.”*

4.55 Mr Anderson made a disclosure involving a number of serious allegations, to an MP, in good faith, for no reward. The Inquiry Panel is satisfied that Mr Anderson believed that what he said in his letter to Mark Hoban MP was true. The fact that certain parts of the letter have been unsubstantiated does not change the Inquiry Panel’s conclusion that he made a qualifying disclosure.

4.56 In the UK, the consequences of making a “*qualifying disclosure*” are threefold:

- a. Firstly, any contractual duties of confidentiality that purported to preclude a qualifying disclosure would be void (section 43J). The effect of this would be that Mr Anderson was not breaching his contract of employment or committing a disciplinary offence by sending the letter.
- b. Secondly, a worker has the right not to be subjected to any detriment by any act, or deliberate failure to act, by his employer done on the ground that the worker has made a protected disclosure (section 2 of the Public Interest Disclosure Act 1998).
- c. Thirdly, an employee who is dismissed shall be regarded as unfairly dismissed if the reason for the dismissal is that the employee made a protected disclosure (section 103A of the Employment Rights Act). That appears from the language of the Act to be a conclusive presumption, provided the court is satisfied that the dismissal is as a result of the disclosure.

4.57 The Inquiry Panel is in no doubt that Mr Anderson can be described as a whistleblower in the legal sense. In the UK, he would have been entitled to the protection of the law.

4.58 The Inquiry Panel does not consider that Mr Anderson was treated fairly or properly by the St Helena Police Service or the St Helena Government. He raised matters at least some of which were entirely valid. The correspondence between the St Helena Government, the Chief of Police and the FCO leads the Inquiry Panel to conclude that the Sussex Police investigation was treated as a foregone conclusion and the overriding objective was to remove Mr Anderson from his post. In all the circumstances, Mr Anderson is entitled to have a burning sense of grievance. The Inquiry Panel recommends that Michael Anderson is provided with an apology by the St Helena Government.

Chapter 5

Social Services

Introduction

5.1 The St Helena Health and Social Welfare Directorate lies at the centre of this Inquiry. The Inquiry Panel found that, since May 2014, there have been positive improvements in its organisation and running. Prior to that date, there were periods when it was in a state of chaos. Between May 2012 and February 2013, there was not a single qualified social worker on the island. The Director of Health and Social Welfare at the time was not a qualified social worker, and neither was her successor. The Health and Social Welfare Directorate has now been reorganised and renamed, with health and safeguarding moved into different directorates.

5.2 Direct responsibility for the fact that St Helena was left without any trained social services professionals between May 2012 and January 2013 must lie with the St Helena Government. By 2013, there had been 34 reports focusing on social and safeguarding problems. It must have been evident that this was an area of government that required careful management. Many of the problems which have arisen on the island and which have drawn such critical media attention are a direct result of this failure.

5.3 Allegations of an extremely serious nature have been made about the people of St Helena. It was suggested in the *Daily Mail* that St Helena was a “*paedophile’s paradise*” where “*a culture of sexual abuse of children*” existed.

5.4 The Inquiry needed to access Social Services files in order to assess the level and extent of sexual abuse on the island and see whether the reality accorded with the allegations reported in the media. As explained in Chapter 2, a problem arose soon after the Inquiry was announced when the St Helena Attorney General said that the Inquiry’s unfettered access to the Social Services files would not be permitted. It was two months before this obstacle was overcome.

5.5 The Inquiry Panel was able to draw on the considerable expertise of Moira Murray, who had 30 years’ experience in safeguarding and child protection in both local authority and voluntary settings. Her qualifications and direct experience in child safeguarding were called upon in 2009 when she co-authored *Safeguarding Disabled Children Guidance*; and in 2012 she was appointed Safeguarding Manager for the Olympic and Paralympic Games in London. As such, she was ideally qualified to provide the Inquiry with the expertise needed to assess the problems faced by the St Helena Social Services Department.

The idiosyncrasies of St Helena

5.6 Looking at an atlas, St Helena appears like a full stop lost at sea. Zoom in on Google Earth and a verdant volcanic island appears, with thinly spread housing littered seemingly at random over a land of precipices and steep canyons bordered by a rugged volcanic desert of terrifying cliffs.

5.7 The small population of some 4,000 people is largely dependent upon the UK Government for survival, as the island is far from being self-sufficient.

5.8 The island is cut off from the world and reliant on imports for almost everything necessary for life, from food to fuel and from bread to bricks. Essential supplies arrive by sea aboard the only supply ship, the *Royal Mail Ship St Helena* (the RMS). The RMS also offers the only means of arrival and departure: the ship provides the pulse of the island.

5.9 Inevitably there are social problems when young adults and some parents go overseas to improve their lot, leaving their families behind.

5.10 I remind readers of these characteristics of St Helena here because this is the unique social climate in which its people live, in strained economic circumstances, and in which the Social Services Department operates.

The structure and staffing of the department

5.11 Between 2008 and 2013, the Health and Social Welfare Directorate was the largest directorate in the St Helena Government, employing 27% of the Government's workforce. Social Services came within the ambit of this directorate.

5.12 The Director of Health and Social Welfare between November 2008 and August 2013 had no professional qualifications and described herself as "*a generalist*". In August 2013, a new director took over the role, having arrived on St Helena the previous month. His background was in the Armed Services and he was a qualified nurse. Neither he nor his predecessor had any experience of managing a social care department.

5.13 In October 2014, the Health and Social Welfare Directorate was broken up and thereafter social services were managed separately from health.

5.14 The headquarters for Social Services are at Brick House in Jamestown. Additionally, Social Services are responsible for a number of residential establishments, in particular Barn View and the Challenging Behaviour Unit, which house adults and children with disabilities.

Provision of social services on a small island

5.15 The Inquiry Panel found that the social issues facing the island are complex and are compounded by the following:

- a. Poverty and low wages among the indigenous population.
- b. A lack of adequate resources such as social housing.
- c. Difficulties in transport and communications, as parts of the island are hard to access.
- d. Inadequate health services.

- e. Limited education and provision for training.
- f. A small, relatively isolated community where inter-marriage between the islanders is immediately evident from the limited number of surnames on the electoral register. Names such as Thomas, Yon, Williams, Henry, Benjamin, Fowler, Peters and Leo are common.

Comparison with UK social services

5.16 The system for the delivery of social care in the UK is split between Children's Services and Adult Services.

5.17 Children's and Adult Services were combined in the UK until 2006/07, when they split into two distinct departments.

5.18 Local authorities in the UK follow statutory and practice guidance laid down by the Children Acts of 1989 and 2004; the Children and Families Act 2014; and *Working Together to Safeguard Children 2013*, revised in 2015 (*Working Together*). The legislation for safeguarding adults has recently been strengthened with the passing of the Care Act 2014.

5.19 All UK local authorities are required to have in place a Local Safeguarding Board for Children and Adults, which has an independent chair. Local authorities must have a system in place to receive referrals related to the abuse of children and adults by professionals. The central point of contact is the Local Authority Designated Officer.

5.20 In the UK, the Disclosure and Barring Service (incorporating the former Criminal Records Bureau and Independent Safeguarding Authority) checks for previous convictions and assesses the suitability of those wishing to work with children and vulnerable adults.

5.21 A structure is set down in *Working Together* outlining the steps required to ensure that agencies work together to investigate safeguarding concerns and setting out the actions required to promote the best interests of children and protect them from significant harm.

5.22 More recently in the UK, Multi Agency Safeguarding Hubs (MASHs) have been established and continue to be established in all local authorities to deal with safeguarding referrals related to children. Each MASH will usually have at least one representative from Children's Services, the police, and the education and health services.

5.23 In the UK, most local authority case files are kept in electronic form and information concerning children subject to Child Protection or Child in Need Plans is collated on a database.

5.24 In Chapter 15, we compare the provision of social services on St Helena with current UK standards.

The 34 previous reports on child welfare

5.25 The Terms of Reference of this Inquiry require that we consider the Review of Child Safety prepared by the Lucy Faithfull Foundation in 2013. The Inquiry has unearthed a further 34 separate reports written in the 15-year period prior to the Lucy Faithfull Foundation report, addressing the same or related issues. This begs the question as to why so many reports covering the same or similar ground were produced. The answer

can only be that either the recommendations were not implemented, or that they were implemented but were subsequently abandoned. The responsibility for this must lie with the administration of the St Helena Government and the Foreign and Commonwealth Office.

5.26 Reports that the Inquiry Panel has been able to consider include:

- 1998: *Working Together* by Mike Evans
- 1998: *The Employment and Social Services Department Business Plan 1999–2002*
- 1999: *Raising the Standards by Raising the Profile* by Mike Evans
- 2000: *Where There's a Will There's a Way* by Mike Evans
- 2000: *Report of a Visit to St Helena* by a DFID Social Development Advisor
- 2001: *Social Development Advisor Visit – Report* by a DFID Social Development Advisor
- 2002: *St Helena Social Development Report* by a DFID Social Development Advisor
- 2002: *Field Visit to St Helena* by a DFID Social Development Advisor
- 2002: *Child Protection in the Overseas Territories* by a DFID Social Development Advisor
- 2003: *Child Protection in the Overseas Territories: A Way Forward* by a Social Work Manager/Trainer
- 2005: *St Helena Visiting Psychologist Report* by a Visiting Psychologist
- 2006: *Child Protection Programme: October to December 2005* by a consultant
- 2006: *St Helena Visiting Psychiatrist Report* by a Visiting Psychiatrist
- 2006: *Child Protection in St Helena* by a consultant
- 2006: *Child Protection Programme Mission Report* by Viv Neary
- 2007: *Child Protection Programme Report on Mission to St Helena 6–20 January 2007* by Viv Neary
- 2007: *Child Protection Programme Review of the Systems and Structures of St Helena Social Services Division* by Viv Neary
- 2007: *Psychiatric Consultancy Final Report* by a Visiting Psychiatrist
- 2007: *Strategic Review of Health and Social Services* by three consultants
- 2008: *Report on the Visit of the Southern Oceans Police Advisor to St Helena* by the Southern Oceans Law Enforcement Advisor
- 2009: *Safeguarding Children in the Overseas Territories: Report of the Inception Visit April/May 2009* by Viv Neary
- 2010: *The Need for Sexual Abuse Risk Assessment Expertise on St Helena* by a former Public Solicitor
- 2010: *The Need for Expert Prosecution* by a social worker
- 2010: *The Need for External Expertise in Relation to the Forthcoming Trials and Their Expected Aftermath* by Viv Neary
- 2010: *Child Safeguarding and Child Sexual Abuse on St Helena: Options for Further Intervention* by a DFID Social Development Advisor

- 2010: *Safeguarding Children in the Overseas Territories: Quarterly Report April to June 2010* by John Warwick and Viv Neary
- 2010: *Safeguarding Children in the Overseas Territories: Quarterly Report October to December 2010* by John Warwick and Viv Neary
- 2011: *Barnardo's Report Regarding the Outcome of the Delivery of Safeguarding Children* by Julie Dugdale
- 2011: *Development Assistance Planning Mission Aide Memoire* by a former Governor and Suzanne Adcock
- 2012: *Safeguarding Children in the Overseas Territories: Visit Report 21 to 29 February 2012* by Viv Neary
- 2012: *Development Assistance Planning Mission Aide Memoire* by Mark Capes and Suzanne Adcock
- 2012: *Social Work Trainer's Final Report* by a social worker
- 2012: *Report in Respect of Work Undertaken by Interim Social Services Trainer, June to September 2012* by a consultant
- 2012: *The Need for a Manager of Child and Family Services* by the Policy Development Officer in Safeguarding.

5.27 A full table of these reports, including a summary of their contents and recommendations, can be found at Appendix 2.

5.28 What became clear, as the Inquiry progressed, was that many of the findings of the earlier reports were repeated in later reports. There was a refrain in subsequent reports that previous recommendations had not been acted upon.

5.29 Findings which were made several times over the years included:

- a. An absence of qualified social workers.
- b. A lack of resources.
- c. The rights of children and disabled people were neglected.
- d. There were staff shortages at Barn View.
- e. Social work did not enjoy a high status on the island and was considered to be a "Cinderella" in relation to other services, in particular health.
- f. Although some reports suggested that child abuse was no more prevalent than in the UK, underage sexual relations were regarded as a problem. The issue of adult males having sexual relations with underage girls was raised in no fewer than nine of the above reports.

5.30 On 27 March 2012 Viv Neary, who was engaged in the Safeguarding Children in the Overseas Territories (SCOT) Programme, wrote an email to the Governor, Mark Capes. I have transcribed large passages of this email in order to illustrate that the Governor was made aware in March 2012 of significant problems with child welfare which had been outstanding since 2006. The plea for action from Mr Neary could not have been clearer. He made it obvious that these problems needed to be addressed.

5.31 Although Governor Capes cannot be held responsible for his predecessor's failure to act, he must be deemed accountable for inaction under his watch. It is precisely the matters that were raised by Mr Neary which were later picked up by the Lucy Faithfull Foundation report and which are now the subject of this further Inquiry. Mr Neary said this to Governor Capes: *"When we met during my visit to St Helena in February, you expressed surprise when I said that by far the most important issue regarding the safeguarding and protection of Children and Young People on St Helena was the prevalence and tolerance of sexual relations between younger females and older men. In connection with this I attach two reports: (1). My inception report in 2009. (2). The recent report of the independent trainer from Barnardo's regarding the significant number of teachers and educational support staff, police officers and social workers. Para 2 refers. The Chief of Police and Attorney General will be able to give you details of the considerable number of disclosures and investigations leading to Supreme Court and Magistrates Court cases in March 2010. These are much greater than would have been expected in a UK community of a similar size. I trust these reports will cause you to give serious consideration to a problem that has been consistently brought to my attention since I first visited St Helena in 2006...I also attach the report from my recent visit which is also the last in the current SCOT Programme. I have taken the opportunity to raise concerns at the paucity of options available for children and young people who are unable to live with their own family and who enter the public care. 'The Family Centre' is a small residential unit in which the staffing and the accommodation are below the acceptable standard. When that is not available or feasible, all that remains is secure accommodation at the CBU. Accommodating children in this way is damaging and unsuitable and could well be open to successful legal challenge. The recruitment and support of a small number of foster carers and a new Residential unit should be high priorities for [the St Helena Government]. Not only does Government have a responsibility to do the best for the most damaged and vulnerable children and young people in the community but research suggests that not to do so is a false economy, resulting in greater expenditure on adult services such as mental health, policing, custody and welfare benefits. I am sorry to focus on the negatives. In general it seems to me that most children and young people on St Helena are happy, healthy and well cared for but as the SCOT Programme is coming to an end this may well be my last opportunity to raise these significant concerns regarding a vulnerable minority."*

5.32 Viv Neary reflects the Inquiry's view that the St Helena Government has repeatedly and inexcusably failed to address issues relating to child welfare which were drawn to its attention on numerous occasions.

5.33 Many of the reports listed above highlighted the lack of qualified social workers as being a major concern. A similar situation existed in the UK in the 1960s and 1970s. St Helena appears to have been left behind.

5.34 Today, all social workers in the UK are required to have a recognised qualification. Support staff employed in Children's Services, such as Child in Need Workers and Assistant Social Workers, would rarely be left alone to manage a caseload where there were children at risk of abuse. Neither would support staff be expected to deal unsupervised with cases involving children who were looked after by the local authority.

5.35 It cannot be right that such a state of affairs has been allowed to exist on St Helena. It is unfair on the social care staff, who are blamed for failures to comply with professional

standards; and it is unfair on the recipients of such care, who are entitled to be dealt with according to these standards.

Overview of cases reviewed on St Helena

5.36 As I have stated, the Inquiry Panel was given access to all Social Services files. We undertook a detailed investigation into a representative selection of 16 case files, which included both current and past cases managed by Social Services. In particular:

- a. A small number of the cases inspected involved long-running welfare problems spread over many years. For example, the Adult O case had been opened and closed numerous times since the first referral to the department in 1988.
- b. Other case files included much more recent referrals, received since May 2014. These cases arose after Claire Gannon and Martin Warsama's departure and were managed by Samantha Dunn, who arrived on the island to work in the department in May 2014.
- c. All of the cases referenced in Claire Gannon's document *SCR's [sic] Review of 10 cases* were reviewed. (In fact the document referred to nine cases, despite its title.)
- d. Two closed cases were also reviewed because of concerns raised by either Samantha Dunn or the Policy Development Officer in Safeguarding.
- e. A further four open cases were reviewed, as these raised concerns directly relevant to the Inquiry's Terms of Reference. These included the Child F and Adult M cases, both of which are so unsettling that they are considered in some detail in Chapters 8 and 12.

5.37 The cases reviewed shared one or more of the following features:

- a. Sexual and physical abuse of children.
- b. Domestic violence.
- c. Women with multiple partners.
- d. Large families (for example, Adult O came from a family of a large number of children; she herself had several children by different fathers).
- e. Intra-familial abuse by father/uncle/brother.
- f. 
- g. 
- h. One child was being abused whilst living with her grandparents by an elderly neighbour.
- i. A small number of vulnerable adults with learning difficulties have been raped and abused. These include those who were resident at care homes for the disabled, such as Adult H, who was raped at the Challenging Behaviour Unit.
- j. An allegation of abuse by a teacher.
- k. Rape by an airport construction worker.

5.38 When we considered the safeguarding referrals made to Social Services, it was apparent that this type of abuse was by no means unique to St Helena. Such abuse is prevalent in the UK.

5.39 Given the small and isolated population of St Helena, it is to be expected that families will inter-marry, creating complex family relationships. The result can be confusing for professionals working with families, as many St Helenians share the same surname. It is to the credit of the Senior Social Worker, Samantha Dunn (whose actions we will consider below), that she has instigated a system of placing a simple pictorial genogram on every case file, which immediately identifies family members and their relationships. The St Helenians are well aware that their close-knit community can lead to employees in Social Services or the police, for example, being asked to investigate their own relations. It is for this reason that several interviewees welcomed expatriate employees being brought to the island in order to avoid conflicts of interest.

5.40 In recent years in the UK, there has been a significant increase in the reporting of domestic violence to the police. This is not the case on St Helena. Investigation into case files on St Helena demonstrated a lack of qualified staff, training and awareness of what constitutes abuse.

5.41 Other issues that we considered were:

- a. Had there been a wide culture of sexual promiscuity, we would have expected to see a disproportionate incidence of sexually transmitted diseases (STDs). Recorded incidences of STDs since 2012 have been provided by the St Helena Government. There were no incidences of syphilis or gonorrhoea and 11 cases of chlamydia. HIV/Aids was recorded on the island for the first time in 2014 (four cases), one of which was the result of a rape by an overseas worker temporarily employed on the construction of the airport.
- b. If underage sex were ubiquitous, we would also have expected to see a disproportionate level of teenage pregnancy for those aged under 16. This was not so: figures provided to us show that there was one underage pregnancy in 2010, two each in 2011 and 2012, none in 2013 and two in 2014.
- c. We considered the consumption of alcohol. There was some evidence of alcohol-related illnesses; however, when asked about instances of foetal alcohol syndrome, Samantha Dunn said: *“I’ve never come across it.”*
- d. The majority of interviewees (both St Helenians and UK workers with families on the island) were asked if they feared for the safety of their children on the island. They did not. The only factor which some respondents said gave cause for concern was the arrival of temporary workers engaged in the construction of the airport.

Summary of findings

5.42 When considering the incidents of child and adult abuse on St Helena, the Inquiry Panel found the following:

- a. Those referred to Social Services were often living in poverty (a situation not uncommon with referrals in the UK).
- b. The standard of government housing is well below that of social/council housing in the UK.

- c. There were very small communities which, despite St Helena being such a compact island, were relatively isolated because of the lack of public transport and the spread of houses over the rugged terrain.
- d. There were clearly identifiable pockets of deprivation, such as Longwood, Cow Path and Ladder Hill. Such social clusters may also be found in the UK, where certain areas and housing estates generate the majority of referrals to local Children's Services.
- e. The standard of healthcare, including primary and community health, is well below that of the UK.
- f. Nurseries/children's centres were either non-existent or totally inadequate.
- g. Residential care services and facilities for vulnerable and elderly people were well below the standard of those available in the UK.
- h. St Helena faces a particular problem in that there are few well-paid employment openings on the island, which leads to high levels of emigration. Parents frequently leave the island to pursue careers overseas, entrusting their children to the care of others.

5.43 Detailed analysis of the case files revealed the following:

- a. There were 100 open Social Services case files, some of which had been open for many years. Of these, two cases were subject to child protection planning; they involved six children considered to be at risk of sexual abuse. There were 50 children considered to be in need and seven children subject to court orders.
- b. The files indicated that there were a limited number of victims and a limited number of perpetrators of sexual abuse. This corresponded with the Inquiry Panel's inspection of all police files from the past six years.
- c. The small number of families who were already known to Social Services frequently presented with problems, often involving intra-familial sexual abuse.
- d. These families were resident in the more isolated parts of the island, where poverty was rife.
- e. In the light of sweeping allegations tarnishing the whole island of St Helena with an image of rampant child abuse and paedophilia, the Inquiry Panel wishes to say emphatically that this was not found to be the case. We found no evidence of:
 - i. Child sexual exploitation in the form of grooming of females by exploitative gangs (as uncovered in the UK in places such as Rochdale, Rotherham and Oxford).
 - ii. Cases of child fatalities resulting from neglect or torture (such as the "Baby P" case in the UK).
- f. However, the Inquiry did find three very disturbing cases, all of which are indicative of the type of problems faced by St Helena Social Services. They are:
 - i. Child F
 - ii. Child L
 - iii. Adult M.

- g. These three cases are dealt with in detail in Chapters 8, 9 and 12, for the additional reason that they provide examples of professional mismanagement by Senior Social Services Manager Claire Gannon, who arrived on St Helena in February 2013, and Social Work Trainer Martin Warsama, who arrived in September of the same year.

Chapter 6

Recruitment of Claire Gannon and Martin Warsama

Recruitment of Claire Gannon

6.1 Two months after the March 2012 email from Viv Neary to Governor Mark Capes, in which Mr Neary warned the Governor about a number of safeguarding issues including the need for trained staff, the only qualified social worker on St Helena left her post, having started in October 2009. A number of unqualified care workers remained to deal with the existing social services cases, leaving those requiring social care without any expert assistance. It was not until June 2013 that the St Helena Government started advertising for qualified personnel to work on St Helena and it was not until February 2013 that the post was filled: a period of nine months had elapsed since the last qualified social worker had left the island.

6.2 Given the fact that Governor Capes had been specifically warned by Mr Neary that the Social Services Department needed support, it is surprising that no immediate handover was arranged following the departure of the qualified social worker.

6.3 A newly created post of Senior Social Services Manager on St Helena was advertised and Claire Gannon applied for the position. The Terms of Reference for the role indicated that the successful candidate had responsibilities:

- a. To ensure that children's and adults' safeguarding was a corporate and universal priority.
- b. To manage the Social Services teams, and to review strategies, policies and plans as appropriate.
- c. To mentor the permanent Social Services Managers.
- d. To provide care, support and professional advice within the Social Services Department as required.

It was suggested that experience of safeguarding children and vulnerable young people was desirable, as was experience of working with vulnerable adults.

6.4 Claire Gannon was successful in her application and signed a contract of employment with the St Helena Government on 20 September 2012. Her intended start date was January 2013.

6.5 The Inquiry Panel has been provided with Claire Gannon's application form for her post on St Helena. On close examination, it was clear that she had not been involved in casework

or given evidence in any proceedings since 2004. As other witnesses were to testify to the Inquiry, it was apparent that Ms Gannon had not been involved in front-line social work for some considerable time.

6.6 At no stage during the recruitment process was Claire Gannon asked whether she had been involved in any dispute with her previous employer. In her application to the St Helena Government, she gave the reason for leaving her previous employment at Doncaster Metropolitan Borough Council as *“to progress my career”*.

6.7 From documentation provided to the Inquiry Panel by Doncaster Metropolitan Borough Council, it is clear that:

- a. Claire Gannon commenced a grievance procedure on 19 November 2012 with Doncaster Metropolitan Borough Council at a time when she should have been working the three months’ notice required to enable her to start work in January 2013 on St Helena. She claimed in her grievance that she had not been offered any of the posts that she had applied for and that *“redeployment policies and procedures had been breached”*. Ms Gannon further complained that her application for redundancy had been refused and that she had been unfairly treated.
- b. A grievance hearing took place on 7 December 2012 and her claim was rejected on 21 December. Until this date, Ms Gannon had given no indication to her employers that she had accepted a post on St Helena.
- c. On 31 December 2012, Ms Gannon received a letter from Doncaster Metropolitan Borough Council asking her what her plans were. On 30 January 2013, Ms Gannon submitted her resignation. She gave the reason that the local authority had not adhered to its own policies and procedures. She complained that she had been downgraded and was left with a shortfall of £8,000.
- d. The following day, Ms Gannon’s line manager wrote to her saying: *“It has been brought to my attention that you have posted messages on Facebook that you are now living in St Helena and have published details of your travel to St Helena. I am also told that you have left a message at the Denaby office that you have tendered your resignation. To date, I have received no notification that you have resigned your post with Doncaster Council. The current situation is that I await a further fitness for work note from your Doctor as your previous note expired on the 30th January 2013. In the light of the information received, I have made arrangements with payroll to stop your pay with effect from the 31st January 2013.”*

6.8 Claire Gannon was asked by the Inquiry Panel about the correspondence with Doncaster Metropolitan Borough Council. She denied that she was involved in a grievance procedure; she said that she had taken voluntary redundancy, and that she resigned because her son had been involved in an accident in December 2012. She accepted that she should have given three months’ notice to Doncaster Metropolitan Borough Council. Initially, she said that she had left her employment on good terms but then accepted that this was not the case. She maintained that her peers knew that she was leaving her post but accepted that management would not have known this until after she had left the UK.

6.9 Claire Gannon was also asked what the *“fitness to work note”* from her doctor referred to and how long she had been off work due to sickness. She told the Inquiry Panel on 8 June 2015 that she was unable to remember but she would check this with her doctor and

provide an answer. No further information about this has been provided to the Inquiry by Ms Gannon.

6.10 Having considered the correspondence and heard evidence from Claire Gannon, the Inquiry Panel was sure that Claire Gannon had been disingenuous in her dealings with Doncaster Metropolitan Borough Council. Exactly the same conclusion was reached in considering the circumstances in which Claire Gannon left St Helena in 2014.

6.11 The Inquiry has considered in detail the manner in which Claire Gannon conducted herself on St Helena professionally and whether she fulfilled the Terms of Reference of her employment. The evidence suggests the following:

- a. That Ms Gannon had neither the knowledge nor the experience to perform the job that she was employed to undertake on St Helena.
- b. That Ms Gannon failed to manage the Social Services team or mentor the social care workers.
- c. That Ms Gannon failed to ensure that Social Services files were kept in an orderly form.
- d. The Inquiry Panel has seen no evidence of any written strategies or policy plans prepared by Claire Gannon.
- e. That during her period of 18 months on the island, Ms Gannon only presented one written document to the St Helena Government. Instead of furthering any investigation or action plan, the document was deployed for the single purpose of supporting her own demand for a salary increase.
- f. That Ms Gannon conducted herself in an important adoption case on St Helena in a manner which demonstrated a disregard for good practice and a limited knowledge of procedures.
- g. That during the course of the adoption hearing Ms Gannon obstructed and misled the Supreme Court.
- h. That Ms Gannon's lack of appreciation of safeguarding and multi-agency working almost jeopardised an important criminal investigation.
- i. That Ms Gannon allowed her personal antipathy towards the St Helena Police Service to eclipse her professional duty to those in her care.
- j. That Ms Gannon failed to intervene to protect a critically disabled and vulnerable young person housed at Barn View Residential Unit.
- k. That Ms Gannon was neither professional nor candid in the circumstances in which she left St Helena.
- l. That Ms Gannon supplied information to the *Daily Mail* newspaper which was false or misleading in order to support a claim for unfair dismissal against the Foreign and Commonwealth Office (FCO) and the Department for International Development (DFID).
- m. That Ms Gannon breached client confidentiality in that she released the Lucy Faithfull Foundation report into the public domain and thus enabled a victim of rape to be identified.

- n. That Ms Gannon further breached client confidentiality by supplying the name of a vulnerable adult and victim of abuse to the media in the UK in order to support a media campaign against the St Helena Government.
- o. That Ms Gannon made allegations in her Particulars of Claim for the Employment Tribunal which were false, misleading or untrue.

6.12 These conclusions have been reached after considering all of the evidence but in particular the specific cases which we describe in detail in Chapters 8–10.

6.13 Claire Gannon gave evidence to the Inquiry Panel on 27 February 2015, before the Panel's visit to St Helena. On that occasion, she admitted supplying the information to the *Daily Mail* which was published in July 2014. Ms Gannon also admitted leaking the Lucy Faithfull Foundation report and instructing her employment solicitor to post it on the Equal Justice website.

6.14 Following the Inquiry Panel's visit to St Helena, Ms Gannon was asked to attend to answer further questions. On 8 June, Ms Gannon attended the Inquiry Panel with her solicitor. She was asked a series of questions on the following subjects:

- a. Her qualifications and experience.
- b. The circumstances of her departure from Doncaster Metropolitan Borough Council.
- c. Her conduct during the Child F adoption case.

6.15 At 6pm on 8 June, Ms Gannon asked to terminate the interview and promised to return the following day. The Inquiry Panel arranged to accommodate her in London overnight. The following day, Ms Gannon failed to attend. Several attempts were made to rearrange the appointment.

6.16 On 29 June, Ms Gannon attended the Inquiry Panel with her solicitor. [REDACTED]

[REDACTED] After an hour, Claire Gannon terminated the interview and told the Panel that she would provide a written statement. As a result of the above chronology, the Inquiry Panel was unable to ask Ms Gannon about a number of topics relevant to the Inquiry, in particular:

- a. Her interference in the Jeromy Cairns Wicks police investigation.
- b. Her neglect of Adult M.
- c. Her involvement with the media, which pre-dated her letter of resignation to the St Helena Government.

6.17 On 8 September 2015, Claire Gannon's solicitor provided the Inquiry Panel with a 61-page witness statement and eight appendices, all of which we considered with care and have taken into account in preparing this report. In paragraph 262 she said: *"I have become increasingly concerned that the Wass Inquiry is biased and seeking to negatively investigate the whistle blowers and their character / credibility, rather than the actual unlawful activities by the FCO, DFID, the Governor, the deputy Governor, the Chiefs of Police, and others."*

6.18 Ms Gannon claimed to have received information that: *"Ms Wass is conflicted having acted for DFID on a significant and controversial case...I ask that my complaint that*

Ms Wass QC was apparently conflicted, and has acted in a biased manner towards me, be recorded in the final report.”

6.19 Accordingly we record Ms Gannon’s allegations. However, I make it plain that I have never acted for DFID, and have never been instructed or remunerated by DFID. The suggestion that Ms Gannon has made is untrue and without foundation.

6.20 Before leaving the topic of Ms Gannon’s recruitment, the Inquiry Panel has been told by the UK Representative of St Helena Government that the St Helena Government now routinely insists that all front-facing staff undertake psychometric testing before being allowed to take up posts. The Assistant Chief Secretary confirmed that the recruitment process was now more robust and investigated a prospective candidate’s past employment record.

6.21 Claire Gannon’s past history at Doncaster Metropolitan Borough Council had not been properly investigated and she was not suited to the post to which she was appointed. The responsibility for the failings in her recruitment lies with the St Helena Government. However, her subsequent conduct could not have been predicted.

Recruitment of Martin Warsama

6.22 Similar problems in the recruitment process gave rise to the appointment of Martin Warsama. These failings were compounded by the fact that Claire Gannon was on the panel that interviewed him and additionally she gave him a favourable reference which was misleading and untrue.

6.23 In February 2013, the post of Social Services Trainer for St Helena was advertised in the UK. The personal requirements for the post included: *“Must be able to work in a small community; must be a good communicator.”* Investigations by the Inquiry Panel revealed that Martin Warsama did not possess either of these two qualities.

6.24 The UK Representative of St Helena Government, who was responsible for recruitment on behalf of the St Helena Government, told the Inquiry Panel that the post had been advertised on three previous occasions without success. She said that *“the Government was not in a position of great strength”*. On the fourth round of recruitment, Martin Warsama applied for the post. As with Claire Gannon’s application, there were no checks done on Mr Warsama’s qualifications nor any questions asked about what appeared to be gaps in his employment history. Claire Gannon sat on the panel which interviewed Mr Warsama for the position. She also provided a reference in support of his application. There is no indication in the interview panel notes that Claire Gannon had a conflict of interest or any recognition that it would not be appropriate for her to be involved in the final decision to appoint Martin Warsama.

6.25 Ms Gannon’s reference for Martin Warsama said this: *“I have known Martin as a colleague and more recently as his line manager for approximately 10 years. During this time, I have found him to be confident and competent in all the roles that he has held. Martin has always presented as a helpful, considerate person who strives to achieve the best outcome for service users...Martin is flexible and very open to new ideas and new models of working. He works well as part of a team...he has a balanced approach... excellent communication skills and able to be assertive without being officious. Martin is able to present both written and verbal information in a clear and concise manner.”*

6.26 Martin Warsama was offered the post of Social Services Trainer on 22 March 2013. He signed his contract on 5 July 2013 and took up post on St Helena in September 2013. In addition to his salary, Martin Warsama also claimed a Cost of Living Allowance (COLA) for his partner and two children, who he said would be joining him on St Helena. Despite the fact that he never brought his partner and children to St Helena, Mr Warsama nonetheless received the augmented COLA of £919.50 for part of August and all of September 2013. When the St Helena Government sought to recoup the difference, a dispute arose during which Mr Warsama blamed the St Helena Government for the overpayment. It was the first of many confrontations that Martin Warsama had in relation to his employment on St Helena.

6.27 Evidence placed before the Inquiry Panel demonstrated that Martin Warsama had been no stranger to confrontations with his employer in the past. In December 2000, Mr Warsama had been suspended from his job at Doncaster Metropolitan Borough Council for leaking information to the *Yorkshire Post*.

6.28 The Terms of Reference for the post of Social Services Trainer indicated that the principal responsibilities were:

- a. *“To work under the supervision of the Senior Social Services Manager, alongside the Social Services Team, to support the development of Social Services in St Helena. This will focus heavily on technical support to design and deliver targeted training programmes to develop social work and social care competencies. The training programmes will reflect target competencies against appropriate UK competency frameworks, as appropriate, and will include teaching plans, aids and support materials.*
- b. *To work closely with and specifically mentor the Social Care Manager and develop a 2 year training programme for the SCM, outlining key social work and social care competency objectives over that period...*
- c. *To develop and implement training programmes for other staff including the Social Care Officers and staff at the Family Centre.*
- d. *To review, coordinate and further develop training procedures currently provided through distance learning courses in the UK.*
- e. *To monitor and support all staff who are engaged in social services training.*
- f. *To quality review and/or develop training protocols to support multi-agency work with Police, Health, Education and Voluntary Agencies to address the major issues affecting community life. This will include training strategies to help partners improve their ability to deal with domestic violence, alcohol abuse and under age sexual activity by older men.*
- g. *To provide specific training to the Police and Social Care Officers who are involved in interviewing witnesses of abuse and to do this jointly with the police trainer according to guidance given in ‘Achieving Best Evidence’.*
- h. *To support and monitor implementation of the Welfare of Children Ordinance and associated policies. The post holder will develop a robust register and database for children; develop learning materials for the promotion of health and wellbeing in children and young people; provide guidance on the effective care of children and young people in hospital; and develop a charter for the protection of children and young people, in participation with this target group.*

- i. *To undertake caseload support and professional advice with the Social Services section as required. The Social Services Development Manager, as he/she is not carrying a caseload, should act as the independent Chair of all Child Protection Conferences (Initial and Review) and of any Looked After Child Reviews.*

6.29 It is evident from reviewing the documents relating to Martin Warsama's professional practice on St Helena that he did not fulfil the above requirements. He later admitted as much in his evidence to the Inquiry Panel.

6.30 When Mr Warsama gave evidence to the Inquiry in February 2015, he said: *"There weren't any systems...initially I started reviewing cases, but I weren't looking to review what happened, I wanted to know how they organised themselves. I found there wasn't a referral system. Someone might not get a service or told go somewhere else. If I knew them I would talk to them. There didn't seem to be a recording system. There were lots of files but no system. Just a jamboree of information. Some were in better order than others."*

6.31 Mr Warsama did nothing to rectify this situation, despite being employed to do so. The Inquiry Panel was able to undertake a detailed review of case files and to hear evidence from social care staff. Having done so, it was difficult to ascertain exactly what Martin Warsama *did* whilst in post. It was apparent from the evidence of Senior Social Worker Samantha Dunn (who arrived on St Helena in May 2014 after both Ms Gannon and Mr Warsama had left the island) that no training of staff had been conducted by Mr Warsama prior to her arrival.

6.32 Other witnesses who gave evidence to the Inquiry made it plain that they found Martin Warsama extremely difficult, if not impossible, to work with.

6.33 We cite examples of how witnesses found him:

- a. Detective Constable Veronica Judd: *"Personally or professionally he was one of the most aggressive, rude men I've ever had the misfortune to meet. He was extremely intimidating."*
- b. One St Helena Government employee described Martin Warsama as *"rude"*. She said he made derogatory remarks about St Helena, saying he would not bring his wife there.
- c. Another St Helena Government employee, who worked at the Health Department, described him as *"arrogant"*.
- d. The Public Solicitor at the time: *"A chippy bloke who hated everyone."*
- e. The Director of Health and Social Services said that Martin Warsama came to St Helena as a trainer but never did any training. His manner and ability to interact with people were *"not good"*. He was abrasive towards others at a Multi Agency Public Protection Arrangements meeting and went on to accuse others of bullying him.
- f. Detective Sergeant Keith Pritchard: *"He wanted to score points in meetings. He alienated everyone. He was rude and aggressive."*
- g. The Offender Manager: *"He liked to put people down, name calling. He was unprofessional. He was racist to ex-pats."*
- h. The Solicitor General at the time: *"I am not aware if he did anything."*

- i. Detective Chief Inspector Pam Trevillion: *"I don't know what he did here for 6 months. He never trained anyone."*

6.34 Witnesses from the Social Care Directorate explained how Mr Warsama interacted with others in the department. The Policy Development Officer in Safeguarding told the Inquiry Panel that Martin Warsama fell out with one Social Care Officer within a very short time of his arrival: *"There was such fragmentation in the team. [This Social Care Officer], who is very proper, had started to take note of Martin's smoke breaks and noted things like nine smoke breaks. That he came into the office at 10 and left at 2pm. He was never contactable."* The Policy Development Officer in Safeguarding said that staff had *"no idea what Martin Warsama was doing. He lived in Half Tree Hollow. On one occasion he was meant to meet [the Director of Health and Social Services] at 9.30. I had to call his house and he was still in bed. Martin's attitude was 'nobody will tell me what to do'."* The Policy Development Officer in Safeguarding explained in her evidence that she never saw Martin Warsama write anything on files or produce any documents. There came a point at which she said that she felt threatened by Mr Warsama. *"He was the only person for 18 years who invaded my personal space, came right into my face and shouted. He was just so aggressive."* The Policy Development Officer in Safeguarding said that: *"He was meant to be a social work trainer. Meant to train staff. We immediately discovered that Martin was one of the most horrid people I've ever met...he was one of the nastiest people I've come across. One of the most incompetent social workers or trainers or managers that I've ever met. He was lazy, incompetent, and horrible...He was rude to everybody. I can't describe him any better sorry."*

6.35 Another Social Care Officer gave evidence to the Inquiry Panel on 24 March 2015. Brought up on St Helena, she explained that she had gained a scholarship from the St Helena Government to take a degree in sociology and psychology at Portsmouth University. She returned to the island in October 2013 and started employment as a Social Care Officer. She was based at Brick House, where Martin Warsama was supposed to be in charge.

6.36 This Social Care Officer described the character and performance of Martin Warsama in some detail. We include her observations in order to present a rounded picture of him as perceived by one of his colleagues.

Performance of Claire Gannon and Martin Warsama

6.37 The Social Care Officer was critical of the fact that Martin Warsama and Claire Gannon would take several cigarette breaks each day, lasting up to an hour each. This complaint was repeated by the Policy Development Officer in Safeguarding. The Social Care Officer described how she initially had some difficulty in undertaking her job, as she had no previous experience. She looked to Claire Gannon and Martin Warsama for guidance, but this never materialised. She gave an example of one occasion when Martin Warsama was supposed to attend a client meeting with her. By 10am, when the client arrived, Mr Warsama had still not turned up for work. When the Social Care Officer was asked to write reports, including a social inquiry report for court, she would seek guidance from Martin Warsama but none was ever given. She told the Inquiry Panel that she did not know what Martin Warsama did at Brick House. She stated that: *"Up till the month he was leaving he would come and go as he pleased. He would come in late in the mornings or even after lunch. He would come in wearing jeans, flip-flops and a hat. Most people are presentable in the office."* The Social Care Officer said that Mr Warsama would leave the office before

other staff. She gave evidence that she received no professional supervision from either Claire Gannon or Martin Warsama. As an unqualified Social Care Officer she should have been closely supervised by Martin Warsama and given guidance and nurturing to ensure that she was making appropriate case decisions and was coping with the demands of the job. No evidence was found of any review, scrutiny or audit by Martin Warsama of any of the work detailed on case files. The importance of regular, reflective supervision for all social workers, but especially those who are unqualified or newly qualified, is recognised as the cornerstone of good social work practice.

6.38 The complaints that were made to the Inquiry Panel by this Social Care Officer that she received no mentoring from Claire Gannon are even more surprising when we consider that the St Helena Government paid for Claire Gannon to undertake teacher training in social work at Sheffield Hallam University, which necessitated her absence from St Helena between 21 August and 30 October. Having completed the course, Claire Gannon did nothing on St Helena to ensure that the unqualified Social Care Officers in the Social Services Department received tuition to gain a social work qualification. Had Claire Gannon provided the training and supervision which the St Helena Government paid for her to deliver, it would have prepared these Social Care Officers to make a successful application for a place on a social work qualification course. As it was, this did not happen until Samantha Dunn arrived on St Helena in May 2014 and saw the potential of one of the Social Care Officers. It was Samantha Dunn who encouraged this Social Care Officer to make her application and who mentored her to enable her application to be successful.

6.39 From all the evidence that the Inquiry has considered, it is clear that there were very few signs of staff management or training whilst Martin Warsama and Claire Gannon were in post.

6.40 Both Martin Warsama and Claire Gannon complained to the Inquiry about the inadequately trained, illiterate and semi-literate staff they had to manage in the Social Services Department. Yet the Policy Development Officer in Safeguarding had a doctorate in social policy from Bristol University and was tasked with putting together strategic documents for Claire Gannon. She was keen to be mentored by Claire Gannon so that she could take over her responsibilities when Claire Gannon's contract ended. Ms Gannon did nothing to train, assist or mentor the Policy Development Officer in Safeguarding to enable her to undertake the role of her deputy.

6.41 Given the fractious situation that had developed between Martin Warsama and the Policy Development Officer in Safeguarding, Claire Gannon as the Senior Social Services Manager should have intervened to ensure that the relationship between the two of them did not break down irretrievably. There is no evidence to suggest that Ms Gannon took any action to rectify this situation or that she performed any managerial function.

6.42 By the time Senior Social Worker Samantha Dunn arrived to take up the post in May 2014, there were few social care staff remaining, no systems were in place, case files were in chaos and multi-agency working had been undermined because of mistrust between the police and Social Services. The Inquiry Panel considers that Claire Gannon and Martin Warsama were responsible for this state of affairs. In order to deal with this situation, Ms Dunn took upon herself the responsibility of dealing with the legacy of Claire Gannon and Martin Warsama following their departure from St Helena.

6.43 Martin Warsama gave evidence to the Inquiry Panel on 27 February 2015. He was invited to attend after the Inquiry Panel returned from St Helena. Several appointments were arranged at his convenience, all of which were cancelled by him. At one point he suggested that he was unable to attend for medical reasons. When asked to provide supporting evidence he failed to do so. On 17 September 2015, the Inquiry Panel received an email from Mr Warsama, setting out his position. The Inquiry Panel has considered every aspect of his response, and it does not alter our conclusions.

6.44 The Inquiry Panel has tried to understand how it was that Claire Gannon and Martin Warsama were allowed to operate on St Helena, given their obvious lack of ability and industry. The answer may be that neither of the Directors of Health and Social Welfare during the relevant period had any social work qualifications. They would not have been aware of the required standards of social work practice and consequently were unable to monitor Claire Gannon's performance. From interviewing the Directors of Health and Social Welfare, it was clear that they put their trust in Claire Gannon and what they saw as her gilt-edged credentials. This meant that Claire Gannon's line managers were ill equipped to call her to account.

6.45 Left to their own devices, rather than focusing on current services, which would have required considerable skill and understanding, Ms Gannon and Mr Warsama expended their energy considering historical cases, in particular the cases of Jeromy Cairns Wicks, Child L and Adult L. The only current case that appeared to occupy their time was the Child F adoption case, dealt with in Chapter 8. The Inquiry has made an in-depth analysis of the cases of Jeromy Cairns Wicks, Child L and Child F. The findings are set out in full in Chapters 8–10 in order to justify our criticism of both Claire Gannon and Martin Warsama.

Conclusion

6.46 With no qualified social worker in post for nine months, it is understandable that the Social Services Department was likely to be in a state of disarray. One of the reasons for the creation of the new post of Senior Social Services Manager was the recognition that someone with management and organisational skills was required.

6.47 The disarray that Ms Gannon complained of, and used as an excuse for her failings, must be contrasted with the performance of her successor, Samantha Dunn. Ms Dunn was able to rationalise the files, identify the problems and get to grips with her job within weeks of her arrival on St Helena. This demonstrates that Ms Gannon lacked the necessary skills and experience for the job she had undertaken.

6.48 Martin Warsama was recruited as a Social Services Trainer on the recommendation and with the support of Claire Gannon. He was to prove incompetent, lazy and divisive.

6.49 The recruitment process should not have allowed Claire Gannon, with a clear conflict of interest, to play any role in his engagement. The fact that she was able to do so reveals a flaw in the employment practices on St Helena.

Chapter 7

The Lucy Faithfull Foundation report

Introduction

7.1 Following the allegations made to a UK MP by former Police Constable Michael Anderson in November 2012 (outlined in Chapter 4), the Foreign and Commonwealth Office (FCO) and the Department for International Development (DFID) commissioned two independent reports. The first report was that of the Southern Oceans Law Enforcement Advisor. The second was that of the Lucy Faithfull Foundation, compiled by Michael Sheath and Adrian Todd. The Lucy Faithfull Foundation is a British charity, registered in 1992, which is engaged in the prevention of child sexual abuse. In a due diligence assessment provided to DFID, dated 3 December 2013, the Lucy Faithfull Foundation states: “*LFF have substantial governance and control systems in place.*” Michael Sheath had been a salaried employee of the Lucy Faithfull Foundation since 1997. Mr Sheath trained generically as a social worker with a probation specialism. Adrian Todd is a former police officer from West Mercia who became a sessional worker for the St Helena report.

7.2 The Senior Social Development Advisor for DFID told the Inquiry Panel that the contract between DFID and the Lucy Faithfull Foundation was signed in December 2012. She said that both Michael Sheath and Adrian Todd were under a duty not to divulge the contents of the report to third parties. She believed that both men had signed the Official Secrets Act in the past. The recipients of the Lucy Faithfull Foundation report were to be limited to Her Majesty’s Governments (including the Governor of St Helena), DFID and the FCO. It was never intended that the report would be made public. Reports dealing with social services material inevitably contain personal and sensitive information. Contributors are entitled to expect that such material will be handled in a way that protects their confidentiality. So it was with the Lucy Faithfull Foundation report on St Helena.

7.3 By the time Michael Sheath and Adrian Todd had arrived on St Helena in May 2013, Claire Gannon had been employed as the Senior Social Services Manager on the island for three months. It was well documented that she had already found herself in dispute with the St Helena Police Service. We detail the genesis of this dispute in Chapter 10, where we deal with the Jeromy Cairns Wicks investigation. It is important to bear this dispute in mind when considering the influence that Claire Gannon had on the compilation of the Lucy Faithfull Foundation report.

Involvement of Claire Gannon

7.4 Michael Sheath told the Inquiry Panel of the assistance that Claire Gannon gave him during the Lucy Faithfull Foundation visit to St Helena. He told the Panel that Ms Gannon had given him access to confidential Social Services files, which he was able to take to the bed and breakfast where he and Adrian Todd were staying. When the Inquiry Panel visited St Helena, once the Attorney General had agreed that we could inspect the Social Services files, great care was taken to ensure that the material was handled in a formal and secure environment. Claire Gannon admitted to the Inquiry Panel that the case files that she handed over to Michael Sheath and Adrian Todd contained sensitive information and that she ought not to have simply handed them over to them to take away unsupervised. This disregard for client confidentiality has been demonstrated by Claire Gannon on several other occasions, one of which involved her giving the name and contact details of a Social Services client to Channel 4. This information was confidential.

7.5 Mr Sheath was asked by the Inquiry Panel to describe the Social Services files he was given. He said: *“The files were a shambles. I mean everybody accepted that. It was just a great big pile of cardboard paper and paper clips all shoved in... We asked Miss Gannon to sort out the cases that... she thought illustrated the problems the island was facing. Claire Gannon... said that the quality of the [social care workers] was so poor that she kept having to intervene and run the cases herself.”* The Inquiry Panel has found no evidence of any cases that Claire Gannon *“sorted out”*. On the contrary, in cases where she was under a duty to supervise untrained social care workers, the Inquiry Panel found that she failed to do so.

7.6 Michael Sheath told the Inquiry Panel that, when he visited St Helena, he interviewed Claire Gannon three times during the first week of his visit. In the second week of his visit, she drove him to the Challenging Behaviour Unit, to Barn View and to the victim interview suite at Piccolo Hill. Ms Gannon provided a great deal of information to Mr Sheath about what she *claimed* she had been doing since her arrival on the island. When Mr Sheath was pressed as to what evidence he had seen to support this assertion, he accepted that he never actually saw any evidence of Claire Gannon’s industry, but rather took her word for it.

7.7 The Lucy Faithfull Foundation report was very quick to be critical of many aspects of St Helenian society: particular criticism was directed at the police force, with which Claire Gannon was in dispute. Claire Gannon, by contrast, was given a glowing reference in the report. The opening paragraph of the chapter on social services on St Helena states: *“It was very clear that there had been a significant improvement in the operational efficiency of Social Services on St Helena in the weeks following the arrival of the new Senior Manager.”* This assessment of Claire Gannon’s contribution to the operational efficiency of Social Services was not shared by any of the witnesses we interviewed, nor indeed by Claire Gannon herself, who accepted that she made no contribution to the files, or to policies or assessments, blaming this omission on lack of resources. Likewise, the suggestion in the same chapter of the Lucy Faithfull Foundation report that *“the new Senior Social Services Manager... has put in train a number of important initiatives to improve matters”* is something we found to be unsupported by evidence.

7.8 The one aspect of Social Services that was severely criticised by the Lucy Faithfull Foundation report was the residential provision for those with learning disabilities. The report said this: *“St Helena contains two residential institutions whose operational shortcomings are shameful and potentially a source of embarrassment to the British Government. These are the*

'Challenging Behaviour Unit' and 'Barn View'...a sixteen year old girl with multiple disabilities, who was being bottle fed and was screaming...there was no sense of any therapeutic regime being in place...the institution appeared to function as a dumping ground of sorts with there being little sense of purpose save a form of warehousing." Mr Sheath was asked about *"the sixteen year old girl who was screaming"*, whom the Inquiry Panel has identified as Adult M. Michael Sheath gave evidence to the Inquiry Panel, saying: *"I have worked with learning disabled children and some children scream. I've never seen anything like it."*

7.9 The partiality of the Lucy Faithfull Foundation report in favour of Claire Gannon is unmistakable. What Michael Sheath failed to say in the report was that it was Claire Gannon who was responsible for the running of the Challenging Behaviour Unit and Barn View. If ever there was criticism due, it was that Adult M was neglected by Claire Gannon, a qualified social worker whose duty it was to ensure that the vulnerable were properly cared for. Yet not a word of responsibility is laid at Claire Gannon's door by Mr Sheath and Mr Todd for the fact that this vulnerable 16 year old was living in conditions of shocking neglect as a consequence of Claire Gannon's omissions.

7.10 Neither can the authors of the report themselves escape responsibility. The Lucy Faithfull Foundation report made a mere passing reference to the case of Adult M, who was identified as a 16-year-old girl *"screaming"* in Barn View. The Inquiry Panel was surprised that neither Michael Sheath nor Adrian Todd, as representatives of a charity specialising in child safety, did anything to bring this case to the attention of the authorities, other than in the descriptive terms contained in their report. When the Inquiry Panel became aware of Adult M's case, the matter was raised with the Governor, the Assistant Chief Secretary and the Chief Justice, and we were told that emergency medical assistance was arriving on St Helena on 6 April 2015. As we will see in Chapter 12, Adult M had been appallingly neglected in Barn View for almost 15 years. This medical assistance was long overdue.

7.11 The Lucy Faithfull Foundation report suffered from many failings and was made considerably worse by the distortions of fact provided by Claire Gannon which it incorporated. The report provided the foundation for the *Daily Mail* press coverage.

7.12 There is no doubt that the Lucy Faithfull Foundation report was heavily biased in favour of Claire Gannon and heavily biased against those whom she regarded as working against her, such as the police. In coming to that conclusion, we had the additional advantage of seeing the email traffic that passed between Michael Sheath and Claire Gannon after he returned to the UK but before he had completed the report. There were a total of 47 items in Ms Gannon's inbox from Mr Sheath. There were 130 items sent by her to him. Whilst there was communication between Ms Gannon and Mr Todd, there were considerably fewer examples of this.

7.13 A chain of emails sent on 10 June 2013 read as follows:

- a. **Gannon to Sheath:** *"Hi Mike, will you please look over this and add anything that you think I may have missed or anything else you may think of?"* Claire Gannon had sent Mr Sheath a response to a police report on Jeromy Cairns Wicks that she was in the process of drafting. Ms Gannon had been told by the police that a potentially critical witness, Adult D, was not strong enough to make a statement as she had recently suffered a personal tragedy.
- b. **Sheath to Gannon:** *"Claire, I added one line. You're dealing with this fine, you're spot on about the difference between a crime that can be proved and a safeguarding issue."*

This is why we have LADOs [Local Authority Designated Officers]. On the [Adult D] point: there's nothing traumatised about her, we met her for our newspaper interview and she was completely competent and compos mentis about the safeguarding issue for girls...I think there's been a deliberate attempt not to engage with her. The thing is, how great a police officer is JCW? And why persist in employing him with all this oddness surrounding him. I think the DCI has been steered away from looking into this by Keith, possibly because he thinks it social work bollocks, possibly because he's been told to. Carry on! Mike."

7.14 This email chain clearly demonstrates that Michael Sheath was aligning himself with Claire Gannon in her battles with the police. Mr Sheath had been engaged to prepare an independent report on St Helena, not to involve himself in partisan disputes.

7.15 As an additional criticism of Mr Sheath's approach, we question his judgement in making the assessment of Adult D. To suggest that "*there's nothing traumatised about her*" indicated a woeful lack of understanding of the nature of victim trauma. We find this disappointing from someone who purports to have expertise in child safety.

7.16 The email chain carried on and it became clear that Mr Sheath was involving Claire Gannon in the drafting of the Lucy Faithfull Foundation report itself:

- a. **Sheath to Gannon:** "*I'm just giving the Lay Advocate a good kicking, albeit in writing!*"
- b. **Gannon to Sheath:** "*Is it [Adult V] by any chance?*"
- c. **Sheath to Gannon:** "*Can't possibly comment. Wink, Wink, thumbs up, lol etc...I'm now giving Rat View and the CBU a right shoeing, which I'm sure you approve of. Could you give me a steer on their purpose? I'm about to say they're a stain on the nation and they should be burnt down, and I'm going to recommend an inspection by CSCI or whatever the bugger's called. It would help if I could say what the exact purpose of each unit is (apart from dumping people, which I'm sure is part of it) My point is that lots of people we met were embarrassed by the existence of these places but that they'd done, in Poirot's terms, 'five fifths of fuck all' about it. You're off the hook, obviously, as you give a toss, clearly."*

7.17 The partisan approach that Mr Sheath has taken in favour of Claire Gannon is clear. As we have said, it was Claire Gannon who was responsible for Barn View and the Challenging Behaviour Unit and did nothing during her time on St Helena to assist any of the residents. We will deal with this in more detail when we consider the case of Adult M in Chapter 12.

7.18 It was also apparent from this email chain that Michael Sheath was not only telling Claire Gannon what he would be saying in his report, but was also showing her passages of it for her approval:

- a. **Gannon to Sheath:** "*Thanks, Mike. Just read your report so far. It is really hard hitting, straight talking and bang on. Really looking forward to the changes that this will bring to St Helena residents."*
- b. **Sheath to Gannon:** "*Mind you, Foxy's [Adrian Todd] done five fifths of fuck all so far. He's more of a man of action. He's seeing a retired Police Officer from there this week and I'm seeing one too, so we're getting all the info on police attitudes. It looks like Peter's [Coll] been enjoying the view whilst his senior officers do knacker apart from bully people. Not a bad job for the money..."*

c. **Gannon to Sheath:** *“We will look forward to reading that chapter.”*

7.19 Michael Sheath was hinting that he was intending to make disparaging remarks against the police, which he hoped would be met with Claire Gannon’s approval.

7.20 It is important to remind the reader at this juncture that the Lucy Faithfull Foundation report was intended as a “Review of Child Safety”. It was not intended to be a review of policing on St Helena. That exercise had already been conducted in the report of the Southern Oceans Law Enforcement Advisor.

7.21 DFID set out the Terms of Reference for the Lucy Faithfull Foundation report on 1 May 2013. These include, but were not restricted to:

- a. *“Reviewing the measures that had been put in place to improve child safety in the previous five years;*
- b. *Assessing attitudes to child safeguarding and child protection;*
- c. *Assessing the police and public prosecution process and attitudes to dealing with sexual offences from an operational perspective, including...police response practices;*
- d. *Assessing public prosecution processes and attitudes and their relationship with the police force;*
- e. *Assessing the effectiveness of offender monitoring;*
- f. *Assessing the overall risk to child safeguarding on the island and making recommendations for risk management.”*

7.22 The Terms of Reference did *not* appear to target or request *“Specific Suggestions and Complaints about Saint Helena Police Officers”*. Nevertheless, under this heading the compilers of the report, Michael Sheath and Adrian Todd, devoted 10 pages to an excoriating attack on five named officers.

7.23 The report that emerged from the Lucy Faithfull Foundation was biased and distorted. Sweeping and unsubstantiated allegations were made against named police officers. Rumour was repeated as fact and none of the targets of this irresponsible reporting were ever given the opportunity to respond to the accusations made against them.

7.24 Michael Sheath gave evidence to the Inquiry Panel. He said that Claire Gannon had been critical of the police and had told him about an incident in which the Deputy Chief of Police, Jeff Ellick, had threatened another man with a machete. This tale had entered St Helenian folklore and had been one of the suggestions made by Michael Anderson, dealt with in Chapter 4. It was investigated by Northumbria Police and found to be apocryphal. Mr Sheath said in evidence: *“Frankly, everybody knew about it.”* Mr Sheath was pressed by the Inquiry as to whether he had sought to verify the story before putting it in a formal report to DFID. He said: *“We felt it was outside our remit.”* That being so, he should not have included it in the report.

7.25 A second nebulous allegation was made against Deputy Chief of Police Jeff Ellick: *“It was reported that Jeff Ellick is believed to have been involved in sexual activities with underage females.”* Mr Sheath was unable to justify why such a serious allegation of criminality had found its way into the Lucy Faithfull Foundation report without any

supporting evidence. Mr Sheath told us that he had been a probation officer from 1988 until 1997. He said that he had given evidence in court on about 60 occasions. The Inquiry Panel would have expected that, in the light of such experience, he had the capacity to distinguish between providing evidence and merely repeating unsubstantiated rumour.

7.26 Adrian Todd, the co-writer of the Lucy Faithfull Foundation report, also gave evidence to the Inquiry Panel. Mr Todd had served as a police officer with West Mercia Police, having reached the rank of Detective Inspector (DI) before his retirement in 2011. He said that his work as DI involved the preparation of police reports and required an understanding of the difference between evidence and rumour. In the light of his professed understanding of that difference, Mr Todd was asked about some of the allegations against named officers that were made in the Lucy Faithfull Foundation report. Mr Todd agreed that the chapter which made allegations against the five named officers was anecdotal. He justified its inclusion in the report on the basis that: *“We weren’t there to do an investigation into the police.”* The Inquiry Panel did not understand how including unsubstantiated rumours alleging serious misconduct on the part of named individuals could be justified on the basis that the report was not *“an investigation into the police”*.

7.27 Mr Todd was asked about the allegations made against the Deputy Chief of Police, Jeff Ellick, namely that *“it was reported that Jeff Ellick is believed to have been involved in sexual activities with underage females”*. Mr Todd told the Inquiry Panel that one person (who was neither female nor underage) had given him that information.

7.28 What the Inquiry Panel found still more unfair was that none of the officers who were maligned in the Lucy Faithfull Foundation report were given an opportunity to confirm, explain or deny the serious suggestions contained in the report. Mr Todd went on to say: *“I could not go to Jeff Ellick and confront him with things. That would be wrong.”* Mr Todd acknowledged that there was an ongoing dispute between Claire Gannon and the police: *“I mean we picked up very quickly there was a tension...between Claire Gannon and people within the police, particularly with Sergeant Pritchard...and with Peter Coll and Jeff Ellick.”*

7.29 It is fundamental police procedure that when a person is accused of a criminal offence, they are interviewed and given an opportunity to answer the allegations made against them. Neither Michael Sheath nor Adrian Todd appeared to contemplate carrying out this rudimentary procedure to prevent unfairness.

7.30 The cavalier approach that Michael Sheath and Adrian Todd took in their descriptions of officers of the St Helena Police Service had serious consequences. The FCO and DFID gave the report credence. On 22 August 2013 the Desk Officer for the Overseas Territories at the FCO briefed Mark Simmons MP on the Lucy Faithfull Foundation report, saying: *“Their report raises concerns about the efficacy, competency and integrity of the police force, including the behaviour and conduct of some named officers...With such serious findings, the FCO, the Governor and DFID recognised the need for a robust response... There is an immediate requirement to assess the need to take legal and or disciplinary action against the named officers in the report...we have identified a professional police standards investigator (a Chief Superintendent from Northumbria Police) to lead the...work.”*

Substance of the report

7.31 Returning to the content of the Lucy Faithfull Foundation report, the Panel found much of the content to be anecdotal: *“A number of individuals we spoke to were most*

anxious to impress upon us the notion that St Helena was a place that held disturbing secrets.”

7.32 Whilst it is perfectly permissible for the authors of a report to present their impressions in that report, these should always be supported by evidence.

7.33 The Inquiry Panel investigated several assertions made in the Lucy Faithfull Foundation report and found them to be without evidential foundation. We cite two examples below.

7.34 The first example is as follows: *“The older generation of women spoke of the prevalence of ‘downing’ in their adolescence, which was essentially a form of rape by another name where girls walking to and from school through the countryside would be waylaid and have their underclothes removed before being sexually assaulted.”* The sensational suggestion that the rape of adolescent girls was almost routine was understandably reported in the press after the report was leaked. When the Inquiry Panel was on St Helena, we raised the subject of “downing” with every St Helenian woman we interviewed, in order to obtain their first-hand experiences. Most said that they had not heard of the verb until they had read it in the *Daily Mail* (which took the Lucy Faithfull Foundation report as its source material). The women who gave evidence to the Inquiry said that there was an expression used some years ago when a boy wanted to engage in sexual activity: he would say “go down with you”. This might involve any sort of sexual activity and was by no means “another name for rape” as suggested by the report. Of the dozens of women who gave evidence to us, two made allegations of historical rape, which occurred in the countryside. Both are being investigated. Neither victim referred to this as “downing” and neither was under any illusion that it was acceptable cultural behaviour.

7.35 The Inquiry Panel questioned both Michael Sheath and Adrian Todd and was able to ascertain the source of this information about “downing”. Michael Sheath said this: *“That was at a dinner at our hosts’ home. It was an informal occasion. [The UK Representative of St Helena Government] was there...Coral Yon, [a St Helena Government employee] and Marlene Yon...It was discussed about the old days...all the women said it...they would be pushed in the bushes...by one of the older boys and a variety of things would happen including just having their knickers down to rape.”* Mr Sheath made it plain that none of the women at the dinner said that it had happened to them. The Inquiry Panel heard evidence from the UK Representative of St Helena Government and asked for her recollection of this occasion. She remembered a dinner at Colin and Marlene Yon’s at which Michael Sheath and Adrian Todd were guests. She said that the St Helena Government employee was not there, and categorically denied that there was any conversation about “downing”. She said she never used the word in the sense of rape. She repeated what we had heard from other witnesses such as the St Helena Government employee herself, who said that when children were growing up, the boys might say “I’ll down with you”, but this did not refer to rape as she understood it.

7.36 A second example of an assertion made in the Lucy Faithfull Foundation report, which we found no evidence to substantiate, relates to prostitution. Paragraph 6.2.1 of the report states: *“It was felt there was low level and casual form of prostitution operating at certain levels, with sex with women and teenage girls being traded for food and consumer goods, and boys being targeted by men in cars for cash.”* From the 145 people who

were interviewed, we heard no direct evidence of prostitution on St Helena or food being exchanged for sexual favours.

7.37 All the statements made to the Inquiry Panel concerning sexual abuse were based on Social Services files, police files or the first-hand experience of victims. Direct evidence gathered by the Inquiry led to the conclusion that, whilst there is sexual abuse on the island, it is of a specific type. It mainly occurs within the families of those living in remote and deprived parts of the island. A separate type of sexual offending relates to the culture of older men engaging in sexual relationships with post-adolescent girls. As we have said in other parts of this report, we were able to see that some relationships which began when the female partner was under 16 continued long term and resulted in marriage. This is very different from the “grooming” of underage girls by gangs that has been widely publicised in the UK.

7.38 Given the lurid headlines that were published in the *Daily Mail*, the Inquiry Panel asked witnesses how safe they felt the island was as a place to bring up children. These witnesses included expatriate workers with young families, who had no reason to remain on the island if they considered it an unsafe environment for their children. Most, if not all, expressed the view that St Helena compared favourably with the UK as a place for children and young people.

7.39 The Lucy Faithfull Foundation had been engaged and funded by DFID to present an independent and impartial view of child safety on St Helena.

7.40 It is not only the emails previously cited that demonstrate the partisan approach of Michael Sheath. The close association between Mr Sheath and Claire Gannon continued. In August, Claire Gannon asked Mr Sheath to send her a reference for her application to train as an Independent Practice Assessor at Sheffield Hallam University. Mr Sheath provided a glowing reference. He said of Ms Gannon: *“I recently undertook an independent inspection of safeguarding provisions on St Helena, where Ms Gannon works as a senior Social Services Manager... The fact that the provision in Social Services was so well regarded in the inspection was primarily as a result of Ms Gannon’s efforts. It would be impossible to understate the difficulties she has encountered in terms of institutional lethargy and low-level indifference to matters relating to child welfare and the provision for learning disabled individuals in St Helena. I was able to observe Ms Gannon’s management style at close quarters, and she is a very capable energiser of staff... She has a calm and engaging manner...”*

7.41 As part of the chain of emails where Ms Gannon asks for the reference, she made an inquiry into the Lucy Faithfull Foundation report: *“What’s happening? Just heard that the police have put an advert out for a specialist Sgt re Child Protection (in response to your report). Yet myself and the Director have still not received it!”*

- a. **Sheath to Gannon:** *“I might end up sending you the original report but if you show it to anyone else I will get the sack and then I will kill you.”*
- b. **Gannon to Sheath:** *“Thanks, Mike, you have my word.”*

Deployment of the report by Claire Gannon and Martin Warsama

7.42 As it transpired, Claire Gannon's promise to Michael Sheath was worth very little, as she later instructed Equal Justice Solicitors to post the entire Lucy Faithfull Foundation report on their website. By the time this occurred, many of the allegations against those officers named in the report had been investigated by Northumbria Police and found to be untrue.

7.43 What was unconscionable about Claire Gannon's conduct in leaking the report was the fact that it identified a rape victim who had spoken to Michael Sheath and Adrian Todd in confidence. We took evidence from this witness, who remains devastated by the breach of trust.

7.44 When giving evidence to the Inquiry, Michael Sheath said that his faith in Claire Gannon had been severely misplaced, and that the publication of the Lucy Faithfull Foundation report had been a complete betrayal. He accepted that his assessment of her as trustworthy had been totally wrong. Mr Sheath said this: *"I think it is absolutely appalling. It has caused nothing but harm to a number of individuals in the report, to good people who spoke to us in faith, in confidence. What [Claire Gannon] did was use the report as a crutch to say, 'it's not just me thinking this, this report, this Foundation thinks this too'. And she used it as ammunition and she should not have done that... She gave it to [Equal Justice Solicitors]. As I understand it she got some sort of agent, like that guy, he's in jail... like Max Clifford, but not Max Clifford... who was hawking it around the press. Without question, I should not have sent it to her. I've apologised for it to DFID, and the Foreign Office and I've apologised to this Inquiry for it. It was stupid."*

7.45 As Mr Sheath acknowledged, the Lucy Faithfull Foundation report has caused serious harm to the people of St Helena. Without the report, whose anecdotal assertions had the appearance of validity, it is unlikely that Claire Gannon and Martin Warsama's damaging allegations would ever have entered the public arena.

Recommendations of the Lucy Faithfull Foundation

7.46 One of the Terms of Reference for this Inquiry is: *"A review of St Helena Government and the St Helena authorities' response to the recommendations of the independent police reports, the Lucy Faithfull Foundation report, and others, relating to allegations following the letter of November 2012."*

7.47 One of the difficulties that the Inquiry Panel found in addressing the response to the recommendations of the Lucy Faithfull Foundation report was that many of the recommendations were misconceived. We use the example of the recommendation put forward that the right to trial by jury should be removed for crimes covered by sexual offences legislation. The report says this: *"The Reviewers express no faith in the jury system on St Helena, since the community appears extremely reluctant to convict alleged perpetrators of sexual abuses unless the perpetrator himself is hated by the Community. The Reviewers recommend that the jury system should not be used in sexual abuse cases."*

7.48 When Adrian Todd was interviewed by the Inquiry Panel, it was clear that he had no idea how many jury trials had taken place on St Helena since 2007 or what the results had

been. He expressed surprise when he was provided with the information that there had only been three and that one had resulted in a conviction of the defendant. Mr Todd said: *“I mean we haven’t got data to be honest but we were told that once a year a judge would come over...two judges for a month and would hold trials...They’d swear a hundred jury members and then they would select the jury from there so we took that a little bit on face value really.”* The Inquiry Panel considered this to be yet another example of the Lucy Faithfull Foundation report straying well outwith its Terms of Reference. Such a radical step should never be considered without the type of legal and factual analysis that was conducted by Chief Justice Ekins in his review of 2009, which we address in Chapter 18. Neither Michael Sheath nor Adrian Todd had any legal background, and had no business making such a far-reaching recommendation.

7.49 The Inquiry Panel has been told by the Chief of Police, Trevor Botting, that because the Lucy Faithfull Foundation recommendations were so broad, this has resulted in resources being spent on matters of secondary priority. For example, the recommendation of *“the introduction of body worn cameras for police officers attending domestic violence calls”* has been implemented. Mr Botting told us that in his view the cameras had not been necessary and were rarely used.

Conclusion

7.50 Despite the grave misgivings that the Inquiry Panel has about the substance and integrity of the Lucy Faithfull Foundation report, and some of the specific recommendations that were made, we have considered the following overall recommendations:

- a. The adoption of *Working Together to Safeguard Children, 2013* (now replaced by *Working Together to Safeguard Children, 2015*).
- b. A LADO arrangement.
- c. Links with the UK for support of social services and offender management.
- d. Multi-agency training in safeguarding.
- e. Auditing of multi-agency case files.
- f. The introduction of a Multi Agency Risk Assessment Conference system for high-risk domestic violence victims.
- g. A refuge for women who are victims of domestic violence.
- h. Funds to provide the Safeguarding Children Board with resources to support community education.
- i. Twinning with Safeguarding Boards in the UK.

7.51 These are generic recommendations, which could be applied to many child safety reviews. To the extent that they are sensible and in line with current thinking, the Inquiry Panel endorses them.

Chapter 8

The case of Child F

Introduction

8.1 The Inquiry Panel has reached critical conclusions about the competence and performance of both Claire Gannon and Martin Warsama on St Helena. These conclusions were drawn after considering in detail a number of cases which they handled, in particular:

- a. The case of Child F.
- b. The case of Child L.
- c. The case of Jeromy Cairns Wicks.
- d. The allegation of assault by a teacher.
- e. The case of Adult M.

The case of Child F

8.2 In March 2013, Adult P gave birth to her fourth child, Child F. Child F became the subject of a contentious adoption hearing which was not concluded until March 2014. Throughout the period of the adoption proceedings, Claire Gannon held the position of Senior Social Services Manager. The case provides a dreadful illumination of the manner in which both Claire Gannon and Martin Warsama conducted themselves on St Helena.

8.3 When the judgment in the case was delivered in March 2014, the Chief Justice concluded that Claire Gannon had obstructed and misled the court and that Martin Warsama had been untruthful. So concerned was the Chief Justice that he recommended that their conduct be reviewed by Independent Counsel in order to consider possible charges of perjury.

Background

8.4 The Child F case was the first time formal adoption proceedings had been heard on St Helena in living memory. As the Chief Justice said in his judgment in the case: *“For many decades it has been quite normal for parents to place their children for extended periods running into years with members of the extended family whilst parents work overseas. When the parents return, so too do the children to the parents. Those arrangements, almost invariably informal or at least semi-informal, have worked over generations of St Helenians and to many St Helenians appear entirely normal...As of March 2013, there appears to have*

been no formalised or sophisticated system for fostering on St Helena...This is the first case of its kind that I have encountered on St Helena."

8.5 Statistics provided to the Inquiry Panel from all three primary schools on St Helena suggested that, of the 132 children attending primary school, three had both parents working overseas; 86 were being cared for by only one parent; and 20 children were living with guardians. The significance of the case of Child F was that it was the first time (as far as any of those involved in the case were aware) that a baby was removed from its parents as a result of an intervention by the courts on St Helena. The case required expert handling on the part of Social Services.

8.6 Claire Gannon was the only qualified social worker on the island from February 2013. Ms Gannon had indicated in the employment history provided as part of her application for her post on St Helena that she had dealt with adoption cases between 2000 and 2001.

8.7 Dealing with the facts of the case: Adult P (Child F's mother) was born in 1987 in the UK. Adult P has mild learning difficulties. Her verbal and non-verbal learning skills were assessed as being within the first centile of the population. She started a relationship with Adult Q, a St Helenian, in 2005, when he was resident in the UK. The couple had three children, who were all born in Bristol. The relationship between the mother and father was violent, the mother being the principal victim.

8.8 In November 2008, Interim Care Orders were made in the UK in relation to all three children. The middle child was put in the care of his paternal uncle, who was living in Bristol. The other two children were placed in foster care. On 21 December 2009, a Special Guardianship Order was made in favour of the children's paternal grandmother, who lived on St Helena.

8.9 In April 2010, Adult P and Adult Q travelled to St Helena with the intention of residing there permanently. They married in 2011. In mid 2012, Adult P became pregnant with her fourth child. She was 24 years old.

8.10 Given the history of Adult P's three other children, it was inevitable that Social Services would become involved. Claire Gannon had not yet arrived on island and an unqualified Social Care Officer had conducted Adult P's case. (Claire Gannon became this Social Care Officer's line manager from February 2013.)

8.11 Prior to the arrival of Claire Gannon, Social Services took the view that Adult P should be assessed at the Family Centre on St Helena, with a view to mother and baby remaining together. Following her arrival on 1 February 2013, Claire Gannon felt that the threshold for removing the baby from her mother had been crossed. The idea of a parental assessment at the Family Centre was abandoned. Social Services decided that Child F would remain with her mother for 10 days after the birth and thereafter be placed into foster care under an Interim Care Order.

8.12 Child F was born in March 2013 by Caesarean section. During the Caesarean procedure, without her prior knowledge or consent, Adult P was sterilised by the doctor who was looking after her. This is a shocking allegation which, if true, would constitute a serious criminal offence. The Inquiry Panel did not investigate this further as we were told by the Public Solicitor, who represented Adult P's interests, that Adult P had been promised that the matter was being investigated. The Inquiry Panel was disturbed to hear that the Public

Solicitor was still waiting for this matter to be resolved two years later. We recommend that the St Helena Attorney General, in conjunction with the St Helena Police Service, review the case.

8.13 Both Child F and Adult P stayed in hospital for 10 days. Adult P gave evidence before the Inquiry on 31 March 2015. She told us that while she was in hospital she was left in a room on her own. Nurses attended her for a few days after the birth but then left her to cope with her baby by herself.

8.14 Adult P was a vulnerable adult who was about to be separated from her newborn baby. She had just been sterilised and was alone in a hospital environment. It was Claire Gannon's responsibility to ensure that Adult P was provided with adequate care and support. It is clear from what followed that not only had Ms Gannon failed to do this, but also that she appeared to go out of her way to make Adult P's life more difficult than it needed to be.

Fostering of Child F

8.15 By the time that St Helena Social Services were trying to identify suitable foster carers for Child F, a year had passed since Viv Neary had warned Governor Mark Capes: *"The recruitment and support of a small number of foster carers and a new Residential unit should be high priorities for [the St Helena Government]."* Yet by March 2013 there was still no system in place for fostering children who were unable to live with their parents.

8.16 Ten days after her birth, as a temporary measure, Child F was placed in the foster care of the Solicitor General of St Helena and his wife. Adult P was given thrice-weekly contact visits. On 1 June 2013, the Solicitor General returned to the UK and Child F was placed with other short-term carers.

8.17 On 7 June 2013, Child F was placed in the foster care of Adults A and B, UK citizens who were living on St Helena while Adult B was contracted to work for a local company. Adults A and B had a son of their own, Child H, who was five years old at the time.

8.18 In the UK, any family that embarks on a fostering commitment will be thoroughly assessed prior to any placement and thereafter provided with support. Claire Gannon, as the only qualified social worker on the island, did nothing to prepare Adults A and B for the commitment they would be making in fostering Child F. In fact, the contact that Claire Gannon did have with Adults A and B led them into a false sense of security when it came to the contentious adoption hearing that was to take place in November 2013 and March 2014.

8.19 As far as Adult P was concerned, prior to July 2013 Social Services had arranged that she was driven to and from her own home at Half Tree Hollow to the home of Adults A and B for contact visits. On 17 July the arrangements were altered, necessitating that Adult P *presented herself* at the Social Services premises at Brick House in Jamestown. According to the evidence of the Public Solicitor who looked after Adult P's interests, this alteration in transport arrangements had been at Claire Gannon's suggestion, introduced *"to show commitment"*. Adult P found the new arrangements difficult. To travel to Jamestown from her home at Half Tree Hollow involved a bus journey, which Adult P found disturbing. The arrangements also made it difficult for Adult P to get to work on time. During one particular week, Adult P missed contact altogether. Adult P was later to tell the Supreme Court: *"I feel like I am being punished. I feel that Social Services don't want me to do well."*

8.20 Julia Cheetham QC is a barrister of 25 years' call with extensive experience in public law and family work. She has been working in the Overseas Territories for approximately two and a half years. Ms Cheetham was originally instructed in August 2013 to provide assistance to the Attorney General of St Helena in respect of the Child F case. Ms Cheetham told the Inquiry Panel that the decision to change Adult P's transport arrangements was "*certainly not something that would be done with a parent with learning difficulties*".

8.21 Claire Gannon owed a duty of care to Adult P, who was a vulnerable adult. The only intervention made by Claire Gannon had the effect of undermining rather than assisting Adult P.

8.22 By August 2013, it was clear that Adult P would have problems in caring for Child F herself. Adult P's husband, Adult Q, was now estranged from her and wanted nothing to do with the baby. Accordingly, Adults A and B were in a favourable position in terms of suitability for adoption.

Arrival of Adult I

8.23 In August 2013, Adult Q's uncle, Adult I, returned to St Helena on holiday from the Falkland Islands, where he and his partner were the proprietors of a public house. Adult I was 40 years old and his partner 32. They had no children of their own. It was during this August visit that Adult I learned of Child F's existence for the first time. In September, Adult I approached Social Services, indicating his interest in caring for Child F together with his partner. A parenting assessment needed to be undertaken as to his suitability to care for Child F.

8.24 It rapidly became clear that Claire Gannon was opposed to the possibility of Adult I caring for Child F. In an email from Claire Gannon to a Social Care Officer dated 1 September 2013 (at which time Claire Gannon was in the UK for training), she said: "*Hi...will you please discuss this with Martin [Warsama] who arrives tomorrow. This report concludes our own findings that we outline in our assessment, therefore the Care Plan remains that it would be in [Child F's] best interests to be placed for adoption, this will be the case even if the parenting assessment is positive.*"

8.25 On 9 September 2013, Claire Gannon again wrote to the Social Care Officer by email, saying: "*Under no circumstances will we consider moving [Child F] again.*"

8.26 On 17 September 2013, the Social Care Officer, no doubt mindful of Claire Gannon's views, undertook an initial assessment of Adult I. She assessed Adult I as "*unsuitable*" to care for Child F. Adult I gave evidence to the Inquiry Panel. He told us that when he first approached the Social Welfare Department, they made an appointment for him to be assessed. On the date of the appointment, Adult I told us that no one from Social Services showed up to see him. He attended Social Services on a second occasion (17 September), when he saw the Social Care Officer. He said he found this meeting negative and the Social Care Officer was unreceptive to his approach. Consequently, when he attended a third meeting on 24 September 2013, he took with him Councillor Derek Thomas to act as a friend.

8.27 The assessment on 24 September was conducted by the Social Care Officer and Martin Warsama together. Mr Warsama later suggested that Adult I had no real commitment

to caring for Child F. Adult I in turn described Mr Warsama to the Inquiry as “*offensive and vicious*”. We will address the competence of Martin Warsama later in this chapter. However, it is right to say that Adult I’s description of Mr Warsama as “*offensive and vicious*” was shared almost universally by every witness who gave evidence to the Inquiry by way of tape-recorded interview. The Chief Justice was later to say of him: “*I was generally unimpressed by the manner in which Mr Warsama gave his evidence. He was unnecessarily and unhelpfully combative and aggressive when answering questions...I merely observe that if his manner during the interview he conducted with [Adult I] remotely resembled his demeanour in court, then it is an added testament to [Adult I’s] commitment that he did not desist immediately in his attempts to care for [Child F].*”

8.28 Adult I was able to have five contact visits with Child F while she was in the care of Adults A and B. On 1 October 2013, Adult A wrote to Claire Gannon and the Social Care Officer by email: “*I really truly could not understand why [Adult P] would want this man [Adult I] around her on contact times with [Child F] and then on top of that to learn that she had agreed to him coming on all future contacts was not just alarming but incomprehensible...I do not like this man being near [Child F].*”

8.29 On 18 October 2013, the Social Care Officer filed a care plan indicating Social Services’ support for Child F to be adopted by Adults A and B. As the Social Care Officer’s line manager, Claire Gannon must have approved this case plan.

8.30 Despite the negative reception from Social Services, Adult I extended his time on St Helena in order to await the arrival of the Supreme Court in November 2013. The Inquiry has considered further evidence of hostility being directed to the family from Claire Gannon and Martin Warsama. For example, on 1 November, Adult Q made a complaint that Martin Warsama, who he said had been drinking, had approached him outside the court and told him that he wanted Child F to be adopted by her current carers.

The case file

8.31 Any social services file needs to be kept in a clear and orderly fashion so that those who need to consult the file are fully apprised of the history and issues involved in the case. Where there is a court hearing, a properly maintained file is essential as it enables the parties to inspect the assessments and decision-making that have taken place.

8.32 Julia Cheetham QC represented the Department for Health and Social Welfare during the Child F adoption case, which was heard at the Supreme Court of St Helena. In advance of the court hearing, Ms Cheetham was presented with what purported to be the case file in the Child F case. Ms Cheetham described it as “*hopeless*”. She said this to the Inquiry Panel: “*This appeared to me to be a random selection of documents and quite worryingly, sometimes when there were what purported to be minutes of meetings and so on, some of them had different minutes with the same dates and things like that.*” Ms Cheetham said that she would have expected there to have been a proper assessment of Adults A and B: “*A certain minimum standard that you would have expected to have been complied with.*” This was the responsibility of Social Services. It was apparent to Ms Cheetham that Claire Gannon did not know what she was doing. Ms Cheetham said that on two occasions she was asked by Ms Gannon where they could find an outline for a care plan; where they would find a template for a care plan; and where they would find a template for a social work

statement. Ms Cheetham said of Claire Gannon and Martin Warsama: *“It was clear to me that neither of them had done front line...social work for a long time.”*

8.33 When Ms Gannon gave evidence to the Inquiry on 8 June 2015, she was asked to respond to Julia Cheetham’s description of the Child F file. Ms Gannon agreed, saying: *“We never got...I never had the resources.”* By the time of the Child F adoption hearing in November 2013, Claire Gannon had been in post for nine months. The Inquiry Panel has seen no evidence that she made any contribution to any filing system or prepared a single document by that date. Ms Gannon agreed that she never did anything to sort out and index case files or assist others in doing so.

Adoption case on St Helena

8.34 On 5 November, the Supreme Court sitting on St Helena heard the case for the adoption of Child F. Claire Gannon, a Social Care Officer, Martin Warsama and Adult I all gave evidence.

8.35 The Chief Justice told the Inquiry Panel that he found Adult I to be an impressive witness: *“Considered, reflective, grounded, reliable and steady.”* At the conclusion of the hearing, the Chief Justice adjourned the hearing until March 2014 so that Adult I and his partner, Adult W, could be assessed by an independent social worker. In the interim period, Child F was allowed to remain with Adults A and B, who were due to return to the UK as Adult B’s contract with Enterprise St Helena had come to an end. Adults A and B travelled to Cape Town on the *Royal Mail Ship St Helena* in the company of the Governor and his wife. Adult A and the Governor’s wife were close friends. This close relationship was later to cause a potentially serious interruption to the court proceedings.

Legal framework

8.36 It is important to make clear at this juncture the legal framework for adoption. The application for a Care Order is governed by the St Helena Welfare of Children Ordinance 2008. Section 3[5] provides that particular regard is to be had to the importance of promoting as far as practicable the upbringing of a child by his/her family. The leading authorities are: *Re B [a child] 2013 UKSC 33* and *Re B-S [children] 2013 EWCA Civ 1146*. It is clear from the jurisprudence that, although the child’s interests are paramount, these interests include being brought up by his/her natural family. Accordingly, once Adult I had emerged as a member of Child F’s extended family who was prepared to care for her, provided he was assessed as suitable the default position would be to order that Child F resided with him and his partner.

8.37 In the period between the November 2013 hearing and the March 2014 hearing, Ms Cheetham was communicating with the then Solicitor General on St Helena and copying Claire Gannon into the emails. Ms Cheetham outlined the test for adoption that would be applied by the court, saying: *“You really need to read [the case of] BS...”* Ms Cheetham later heard that Claire Gannon had made enquiries of a social worker in Yorkshire and asked about a case *“called BY or BC or something”*. Ms Cheetham was reinforced in her view that Claire Gannon did not know what she was doing.

Adoption hearing on Ascension Island

8.38 The adjourned hearing of the Child F case resumed at the Supreme Court between 17 and 24 March 2014. The court convened on Ascension Island for reasons of convenience. This involved Claire Gannon having to undertake the three-day journey from St Helena to Ascension.

8.39 On the first day of the hearing (Monday 17 March 2014) the court requested sight of the Social Services file. Claire Gannon explained that she had not brought it with her. The court was assured that it would be emailed to Ascension.

8.40 One of the purposes of the adjournment of the case in November 2013 was in order that an assessment could be conducted on Adult I and his partner. An independent social worker had by the time of the resumed hearing visited the Falkland Islands and prepared an assessment on Adult I and Adult W. The social worker's opinion was that the couple had all the qualities necessary to provide Child F with a stable, secure and loving environment. The enquiries she made on the Falkland Islands of referees, family members and the police produced equally positive outcomes. The social worker concluded: *"I have found no evidence to suggest anything other than the couple are suitable to be Special Guardians for a child."*

8.41 On 18 March 2014, Claire Gannon gave evidence to the Supreme Court. She repeated her assessment that Adult P would not be able to care for Child F. On the possibility of Adult I and his partner caring for Child F, Ms Gannon said in evidence that *even given the independent social worker's positive assessment*, she felt unable to support the placement with Adult I because it was now too late. She suggested that to remove Child F from Adults A and B at this stage would present too great a risk. This assertion was in direct conflict with the assessment of Child F by Dr Bryn Williams. Dr Williams suggested that *"there is every possibility that...[Child F] would be able to transfer her maturing attachment behaviour to her new carers"*. Ms Gannon also said in her evidence that were Adult I to return to St Helena, Child F would be exposed to risk from Adult I's family. Throughout her evidence to the court, Ms Gannon continued to advocate the cause of Adults A and B to adopt the baby. The position taken by Ms Gannon in evidence was contrary to all the expert assessments that had taken place and contrary to the legal approach that should be taken by the court in adoption proceedings.

8.42 When Claire Gannon completed her application form for the post of Team Manager in Doncaster, some years before, she described herself in the following terms: *"During my time in Wakefield I have supervised a vast number of Section 47 enquiries, some of which have led to the instigation of legal proceedings. Giving written and verbal evidence in court is a task, which I am competent in and I am aware of the need to produce balanced reports/views, which highlight positives as well as negatives. Providing support to those involved in child abuse cases; court proceedings; demands a balanced use of authority and understanding...I have an excellent understanding of the Children Act 1989 and the principles underpinning it."*

8.43 The Inquiry Panel was unanimously of the view that Claire Gannon did not understand the rudimentary principles governing adoption law.

8.44 The Chief Justice, in his Addendum Judgment in the case, said this: *"The email of the 1st September 2013 suggests a clear failure by [Claire Gannon] to act objectively in [Child F's]*

interests...I am satisfied that this lack of objectivity was deliberate...in the sense that [Claire Gannon and Martin Warsama] felt duty bound to do all they could to ensure that [Child F] remained with [Adults A and B] irrespective of [Child F's] best interests. I have no doubt that [Adult I and his partner] were badly treated by [Claire Gannon and Martin Warsama] both in the way in which the so-called assessment of [Adult I] was undertaken and subsequently in that they made no meaningful attempt to keep in contact with him. There is little doubt that [Adult I] feels (not without justification) that [Claire Gannon and Martin Warsama] were quite deliberately trying to obstruct their endeavours to care for [Child F] by trying to ensure that [Child F] remained with [Adults A and B]...I am quite satisfied that this was indeed the case."

8.45 Adults A and B presented a statement to the court. They made it clear that they only ever agreed to become foster carers for Child F on the basis that the arrangement would in due course become permanent.

8.46 After the conclusion of Claire Gannon's evidence, events took an unexpected turn. On the evening of 19 March 2014, Claire Gannon received information from Adult B suggesting that Adult I was the father of a 16-year-old girl still living on St Helena. The source of his information was an email from the Governor's wife to her friend Adult A. The Governor's wife made this disclosure, effectively repeating gossip from staff at Plantation House (behaviour which the Chief Justice was to describe as "unwise").

8.47 According to Julia Cheetham QC, Claire Gannon and Martin Warsama were both insistent that Ms Cheetham should apply to the court to recall Adult I to give evidence so that this allegation could be put to him. The rationale behind this decision could only have been to discredit Adult I as a witness and as a responsible father, making it less likely that he would be granted the care of Child F.

8.48 An affidavit was presented to the court on 21 March 2014 from Martin Warsama. He said that he had spoken to the mother of the 16-year-old child the previous day. She had confirmed that Adult I was the father of the child. The adoption case was adjourned in order that the woman could be found and a statement taken from her. It transpired that the woman had mental health difficulties and had been diagnosed as paranoid schizophrenic. As Julia Cheetham said: "*We then went through the undignified process of calling this poor woman.*" The result of this was that the woman in question made it clear that she did *not* suggest that Adult I was the father of her child, nor had she any recollection of suggesting that he was.

8.49 Julia Cheetham QC outlined her impression of the attitude demonstrated during the adoption case: "*I think there is an element within some of the ex-pat community that probably thought this was a very charming thing that was happening, that this baby was being rescued from its awful family and she was being paraded around on that basis.*"

8.50 By Friday 21 March, a number of documents from the case file had been received, very few of which were relevant to the period between November 2013 and March 2014, the period over which the case had been adjourned. The Chief Justice ordered that Martin Warsama file an affidavit verifying that the *entire file* was now in the possession of Ms Cheetham, or otherwise identifying the documents which had yet to be disclosed.

8.51 On Saturday 21 March, the court received an affidavit from Mr Warsama deposing that *all the documents relevant to Child F* had been disclosed. As it transpired, this was not true.

8.52 On Sunday 23 March 2014, the court was convened at short notice at the request of Julia Cheetham QC. Ms Cheetham had found emails in her possession which ought to have formed part of the Social Services file and which ought to have been disclosed. Ms Cheetham had come into possession of these emails during a conference she had in early March with Adults A and B and was unaware of their significance at the time they were given to her.

8.53 Ms Cheetham asked the Chief Justice to make an order prohibiting Ms Gannon from communicating with any member of the St Helena Government or with Adults A and B until he had delivered judgment. The Chief Justice was also asked to make an order preserving the integrity of the email accounts of Claire Gannon, Martin Warsama and the Social Care Officer. The emails to which Ms Cheetham had been referring were sent between Adults A and B and Claire Gannon in the run-up to the resumed adoption hearing. The significant emails were as follows.

8.54 On 6 March 2014, Adult B wrote to Claire Gannon and Martin Warsama, saying: *“There is also the other issue of [Child F’s] family. They are not caring, pleasant or stable. We do not want a lifelong commitment of them constantly in our lives. We have to particularly think of this for [Child H’s] sake. He is innocent in all of this and we will not accept his life being impacted or tainted by them.”*

8.55 On the same day, Claire Gannon wrote an email saying that Adults A and B would promote contact and send an update on Child F’s life on her birthday and at Christmas to her family, including the siblings in the UK. Adult B responded to that email saying: *“That sounds good. We are aware that in the 21st century, that adoption is better open but we would want to manage it. We would not want mum, dad or grandma to get drunk, as they do, phone us up and say [Child F] or [Child H] answer the phone and be exposed to that. If the family had a different track record and we had different experiences of them on St Helena we would have a different outlook.”*

8.56 All of the email contact between Claire Gannon and Adults A and B suggested that Claire Gannon was doing her best to distort the outcome of the proceedings in order to ensure that Child F would remain in the care of Adults A and B. Claire Gannon’s evidence was that the adoption proposed for Child F would be an *open* adoption and that Adults A and B would actively encourage Child F to maintain contact with her family. Ms Gannon had given this evidence on oath: *“[Adults A and B] have always and will continue to facilitate and promote contact with the birth family and have also said that they will bring [Child F] back to St Helena when she reaches the age where she is able to further explore the country where she was born.”*

8.57 The Chief Justice concluded that, in the light of Claire Gannon’s evidence, she had obstructed and misled the court in its judicial process in determining the best interests of Child F.

8.58 He further concluded that the contents of Martin Warsama’s affidavit, which failed to disclose the email traffic with Adults A and B (which was addressed to both him and Claire Gannon), were untrue. The Chief Justice said that the approach of Claire Gannon and Martin Warsama had been to promote the cause of Adults A and B exclusively and to ignore or suppress any information which might have suggested that Child F’s best interests lay elsewhere. So concerned was the Chief Justice that he recommended a review of the case by Independent Counsel.

8.59 Following the review by Independent Counsel, a police investigation was launched into Claire Gannon and Martin Warsama, with a view to a prosecution for perjury and misconduct in public office. At the conclusion of the investigation the Crown Prosecution Service found that there was insufficient evidence to prosecute either Claire Gannon or Martin Warsama.

Adults A and B

8.60 In the UK Child F would have been represented by a Children's Guardian employed by the Children and Family Court Advisory and Support Service (CAFCASS). The Children's Guardian is an experienced children's social worker who is there to advise the court on "what is in the best interests of the child". In the Child F adoption hearing the child was represented by a lay advocate, who would not have the same knowledge of childcare/ adoption proceedings as a Children's Guardian.

8.61 Whilst we recognise that the placement of Child F in a foster home as part of care proceedings was the first on the island and that the recruitment of foster carers proved difficult, Adults A and B had no preparation before they fostered Child F. They had little if any support whilst looking after her on St Helena, nor seemingly when they returned to the UK. Foster carers in the UK have a fostering social worker to support and work specifically with them. In the case of Adults A and B this did not happen. They received no training or preparation whatsoever before Child F was placed with them and none during her placement to prepare them for adoption. This was a transracial adoption and as such Adults A and B should have had additional preparation during her placement. As part of the adoption proceedings they should have been assessed as adopters by an experienced adoption social worker. This did not happen and is a reflection of the lack of knowledge on the part of Claire Gannon and Martin Warsama of fostering and adoption regulations.

8.62 As prospective adopters, Adults A and B should have been legally represented from the beginning and made party to the proceedings. This could be seen to be an oversight of the judge, and Claire Gannon and Martin Warsama.

8.63 Following the decision of the judge that Child F should not remain with Adults A and B, they should have received support from the St Helena Government (via their local Children's Services Fostering and Adoption Team) to help them come to terms with their loss. Instead, they have been left confused, distressed and angry about the way in which they were treated. This is very poor practice and is a reflection of the way in which the whole case has been handled by Claire Gannon and the St Helena Government.

Conclusion

8.64 The Child F case has been addressed in some detail in this report as it provides a good illustration of repeated instances of incompetence by both Claire Gannon and Martin Warsama. In particular:

- a. Claire Gannon failed to safeguard Adult P's interests after she was sterilised without her consent.
- b. Claire Gannon failed to show Adult P the care and support that should be expected of a Senior Social Services Manager to a vulnerable adult with learning difficulties who had just been separated from her baby.

- c. Claire Gannon failed to ensure that Adults A and B were prepared for dealing with fostering and possible adoption.
- d. Claire Gannon failed to ensure that the records of the Child F file were kept in proper order by any of the untrained social workers whom she was supposed to be managing.
- e. Claire Gannon and Martin Warsama demonstrated hostility to Adult I and his partner and made assessments of him which were contrary to all the independent evidence.
- f. Claire Gannon and Martin Warsama behaved in a manner which fell far below their professional standards by engaging in unseemly altercations outside court during the adoption hearing in November 2013.
- g. Claire Gannon was at least negligent and at worst deliberately obstructive in failing to bring the case file to the resumed adoption hearing on Ascension Island in March 2014.
- h. Claire Gannon gave evidence on oath expressing what purported to be a professional opinion which was contrary to all the expert evidence and contrary to all adoption principles.
- i. Claire Gannon and Martin Warsama both attempted to manipulate a vulnerable adult by calling her as a witness to say that Adult I was the father of her child. This was done with the sole purpose of furthering what they saw as “*their cause*” of enabling Child F to be adopted by Adults A and B.

8.65 The Child F case is by no means an isolated example of mismanagement by Claire Gannon and Martin Warsama. During the following chapters, we will analyse other cases where Claire Gannon and Martin Warsama both demonstrated a lack of professionalism to the detriment of those whose interests they were engaged to represent.

Chapter 9

The case of Child L

Chapter 9 has been part redacted further to paragraph 3.12 of the Information Protocol and on a ground identified in paragraph 4 of that protocol (“Prejudicing the course or outcome of any contemplated or ongoing criminal investigation or other legal proceedings, the administration of justice or the prevention or detection of crime”). The full report will be published in due course.

Introduction

9.1 Before dealing with the facts of the Child L case, it is necessary to consider how the case was deployed by Claire Gannon and Martin Warsama to advance their various causes. The first time the case was cited by them was in a document sent on 26 November 2013 to the Chief Secretary of the St Helena Government. Prior to that date, there is no evidence that Claire Gannon had prepared a *single written document* in the course of her employment. As someone who was in a managerial role, she was expected to produce templates for care plans, strategy documents and the like. The document was headed “*Serious Case Reviews: Review of 10 Case Files*” and contained reference to the Child L case. In her evidence to the Inquiry, Ms Gannon told the Inquiry Panel that it was in fact Martin Warsama who had prepared the document, and she who had sent it as an email attachment.

9.2 The Inquiry Panel was puzzled by the purpose of this document. It was never used to progress any investigation or safeguard the interests of any child. The Head of the Governor’s Office was made aware of the document in June 2014, by which time both Claire Gannon and Martin Warsama had left St Helena. He wrote an email to the Foreign and Commonwealth Office saying: “*Until last week, the Chief of Police and Director of Health and Social Welfare had never seen [the Serious Case Reviews document] and nor had I. It seems to have been pulled together to help [the Chief Secretary] make a case for additional resources (which was successful) rather than a request for an investigation.*” The Head of the Governor’s Office was correct in saying that the document was never sent to the Chief of Police or to the Director of Health and Social Welfare. Neither the Director of Health and Social Welfare at the time, nor Trevor Botting, Chief of Police, had received the document at the time of its creation or been asked to act upon it. Its sole purpose appeared to be to provide leverage for a pay demand.

9.3 The Chief Secretary told the Inquiry Panel that Claire Gannon and Martin Warsama came to see him in November 2013, having sent him the document *Serious Case Reviews: Review of 10 Case Files*, the penultimate paragraph of which heralded some of the

hyperbolic allegations that were later to surface as part of their employment case. The document states: *“The above cases serve as evidence that no child or adult safeguarding procedures were followed as per section 57 of the Welfare of Children Ordinance and the Working Together to Safeguard Children Regulations of March 2013 – whether this was due to ignorance, incompetence, protection [of] other professionals or even more sinister reasons has yet to be determined.”*

9.4 The Chief Secretary told the Inquiry Panel that Claire Gannon and Martin Warsama were the only two qualified social workers on St Helena at the time, and the Government could not afford to lose them. He told us that Ms Gannon and Mr Warsama *“had us over a barrel”*. As no appraisals had been conducted on Ms Gannon’s performance, the Chief Secretary would not have been aware of her incompetence. At the meeting, she spoke for both of them. She said that she and Mr Warsama had been comparing salaries in the UK with those for their jobs on St Helena. Ms Gannon said that if they were not given a pay increase, they would leave. Clearly, given the allegations that were made in the *Serious Case Reviews* document, the Chief Secretary was keen that they should remain in post. Claire Gannon and Martin Warsama were making demands for a 12% increase in salary. Claire Gannon had been in post for nine months by that stage and Martin Warsama for two months. In addition to the pay increase, Ms Gannon and Mr Warsama made demands for a second return journey to the UK. The standard allowance for expatriate workers was for one journey back per year. The Inquiry Panel was told that no other expatriate worker had ever been awarded this privilege. The Chief Secretary was responsible for the expatriate budget and agreed to all the demands made by Ms Gannon and Mr Warsama.

9.5



9.6 Because Child L was used as a vehicle through which to make serious allegations of misconduct by Claire Gannon and Martin Warsama, I must address the facts in considerable detail. It is necessary to consider the chronology, covering allegations of historical abuse as well as current concerns.

Chapter 10

The case of Jeromy Cairns Wicks

Introduction

10.1 The case of Child F provided a clear example of both Claire Gannon and Martin Warsama's ignorance of good practice and procedure; and their willingness to bend the rules to further their own agenda, even if it meant misleading a court.

The case of Jeromy Cairns Wicks demonstrated that Claire Gannon did not understand the demarcation between her role and that of the police; it demonstrated that she did not understand safeguarding; and it demonstrated that she allowed her personal feud with the police to overshadow her duty as a professional.

10.2 When Detective Constable Veronica Judd gave evidence to the Inquiry Panel, she said that Claire Gannon was unable to distinguish between evidence and suspicion. Ms Judd told us: *"There were so many times (well one in particular), when that could have absolutely destroyed any evidence that we could have gathered."* Ms Judd was referring to the police investigation into Jeromy Cairns Wicks.

10.3 Jeromy Cairns Wicks was an officer in the St Helena Police Service until the date of his arrest on 1 July 2013 following the execution of a search warrant at his home address. In the period leading up to Mr Cairns Wicks' arrest, the police had been provided with a series of accusations made against him by Adult EE.

10.4 On Tuesday 16 April 2013, Adult EE approached DC Veronica Judd and Detective Sergeant Keith Pritchard asking for a formal meeting to discuss a variety of matters of concern. The two officers met her for a period of an hour, during which she made a series of allegations, some of the allegations being against Mr Cairns Wicks. She told the police during this meeting that she had first raised her concerns in respect of Mr Cairns Wicks in 2010 with the Chief of Police, Peter Coll. We deal with this complaint at the conclusion of this chapter.

10.5 As a result of speaking to DS Pritchard and DC Judd in 2013, Adult EE was asked to commit her allegations to paper so that they could be properly dealt with. Two days later, she handed a five-page document to DC Judd. The document made 17 separate allegations. Some of the allegations were intangible and unsupported by evidence: for example, she suggested that a named individual had been stealing her soiled underwear. When pressed, she said that she had been given this information by a member of her staff

but was unable to say by whom. In a separate allegation, Adult EE accused the same named individual of committing acts of bestiality with a pig on Ascension Island, which had resulted in his deportation to St Helena. Investigation on Ascension Island found no records to support this allegation. Adult EE also made an allegation against an unnamed butcher who she said would masturbate with one hand whilst holding a cow's liver in the other. There was no suggestion that this was done in the presence of others and the police informed her that this behaviour, even if true, did not amount to a criminal offence.

10.6 In respect of the allegations that *could* be investigated by the police, a number of alleged victims and perpetrators were interviewed:

- a. An adult woman, Adult Z, was said by Adult EE to have been raped at the age of eight by Jeromy Cairns Wicks. When questioned, Adult Z denied this but accepted that she had "*made a grave error of judgment*" at the age of 17. Adult Z made no allegations of any sexual assault. No criminal offence was disclosed.
- b. Adult EE alleged that Adult Y (husband of Adult Z) received unsolicited pornographic images of children by email from Jeromy Cairns Wicks. When spoken to by the police, Adult Y denied that this had been the case. No criminal offence was disclosed.
- c. Adult EE alleged that Adult Y's 14-year-old daughter was plied with alcohol by a local drunk whilst sitting on a bench at the entrance to Castle Gardens. Adult Y told the police that he had witnessed the entire incident from his offices across the road. He went to challenge the man, who ran away. No alcohol was seen or supplied. No criminal offence was disclosed.
- d. Adult EE alleged that an employee of hers, Adult AA, had been told by Child G that he was being sexually abused by Jeromy Cairns Wicks. Adult AA was spoken to by the police and denied ever saying such a thing.

10.7 Although much of what Adult EE had said to the police was not substantiated, a number of her accusations focused on Jeromy Cairns Wicks. Given that Jeromy Cairns Wicks was a serving police officer at the time, the investigation into him required sensitive and discreet handling in order not to alert him to the fact that he was under investigation. DS Pritchard and DC Judd both started the investigation into Mr Cairns Wicks. They had been provided with premises at 3, Main Street as the centre of their investigations. Accordingly, they were able to make their enquiries away from the central police station.

10.8 On 3 May, Detective Chief Inspector Pam Trevillion from Dorset Police was appointed as the Senior Investigating Officer in the Jeromy Cairns Wicks case to oversee the investigation remotely from the UK.

10.9 Officers Pritchard and Judd made it clear to Adult EE from the outset that they would be investigating her allegations and they requested that she did not discuss them with anyone else for fear of compromising their enquiries. No sooner had that request been made than Veronica Judd saw Adult EE in conversation with Claire Gannon.

10.10 On 19 April 2013, Claire Gannon approached DS Pritchard and DC Judd in their offices on Main Street. Veronica Judd described Ms Gannon as being "*in an absolute state of hyper anxiety*". DS Pritchard told Ms Gannon that the police were investigating the allegations. Ms Gannon told the officers that Mr Cairns Wicks should be suspended immediately. She also made it plain that she wanted to be involved in the investigation herself. Claire Gannon was told that this was a police investigation and that the matter

ought to be treated carefully in order that evidence was not lost or destroyed. According to the evidence of Veronica Judd, Claire Gannon then took matters into her own hands and insisted on a meeting with the Governor in order to complain about the way in which the police investigation was being handled. The Governor, Mark Capes, was off island at the time and the Chief Secretary chaired the meeting.

10.11 The Inquiry Panel has been provided with email traffic between the Chief Secretary and others for this period. This indicates that Ms Gannon attended a meeting on 25 April 2013 on the subject of the Cairns Wicks investigation with the Chief Secretary, the Solicitor General and the Director of Health and Social Welfare. DC Judd and DS Pritchard were present. On 26 April 2013, the Solicitor General set out the chronology as he saw it in an email to the Chief Secretary. *“We were initially made aware of a police investigation of the allegations by Claire Gannon. We were informed that the 2 officers involved had taken it upon themselves to keep a tight lid on the investigation which at one level was understandable given the allegation against the most senior police officer on island [Chief of Police Peter Coll]. However, in order to ensure that the allegations were undertaken in an appropriate manner, you called a meeting of the 2 officers together with myself, Claire Gannon and [the Director of Health and Social Welfare...on the 25.4.2013. It was obvious that the two officers involved were less than happy that they had been asked to explain their investigations but nonetheless it was explained to them our concerns and opinions were exchanged openly in the meeting...A further meeting was arranged for the following day. [On the 26.4.2013 the same group met again. The officers by this time had spoken to [Adult EE’s] informants. Both informants stated that the statements made by [Adult EE] were incorrect. Both stated that they had never spoken to [Adult EE] about the matters she quoted. There is always difficulties when such allegations are made by third parties in approaching the ‘victims’ who even if genuine victims may be distressed that the allegations have come out and if the allegations are not genuine then there is a serious danger of creating many other problems for all those involved...I believe that in all the circumstances the investigation has been conducted and continues to be conducted in an appropriate and sensitive manner. [The officers will now in an informal manner approach both the alleged victims (one of the officers knows this person and it has been left to her to use her discretion in how to approach him). A decision has been taken at this stage not to approach the sergeant or suspend him. [Our state of knowledge at this time I believe indicates that this is the correct approach.”*

10.12 Both DS Pritchard and DC Judd gave evidence to the Inquiry Panel indicating their concern at Claire Gannon’s interference. From the perspective of the investigation, it was critical that matters were handled in such a way that Jeromy Cairns Wicks was not alerted to the fact that he was under suspicion. This is a rudimentary precaution in any case where evidence could be destroyed or potential witnesses deterred from speaking out.

10.13 Claire Gannon, as Senior Social Services Manager, could have no role in such a police investigation. Neither were the police under any obligation to inform Claire Gannon of the state of the investigation as it unfolded. This was a state of affairs which Ms Gannon did not appear to accept. The tension which was created during and following Adult EE’s complaints created a rift between Claire Gannon and the police, which was never healed. By the time of the Lucy Faithfull Foundation visit to St Helena in May 2013, the feud between Claire Gannon and the St Helena Police Service was well under way.

State of the evidence in June 2013

10.14 On 5 June 2013, DCI Pam Trevillion submitted her report on Adult EE's allegations involving Jeromy Cairns Wicks. What Ms Trevillion said in the report was this: *"The allegations were originally made by [Adult EE]...they were numerous in nature and as I understand it included a number of complaints against a variety of individuals, which have been reviewed/investigated by Keith Pritchard under my direction. This is not a definitive list but the allegations focus on those that are relevant to JCW [Jeromy Cairns Wicks] or [Adult Y] and his family. Investigations into the other matters have concluded and have been found to be without substance or have appropriately been investigated and prosecuted."* DCI Trevillion then listed the various allegations relating to Adults Y and Z and Adult AA. As far as the police investigation on St Helena was concerned, DS Pritchard and DC Judd spoke to Jeromy Cairns Wicks' children, neither of whom made allegations against their father. This fact was dealt with in DCI Trevillion's report. Child D did, however, suggest to the police that they speak to another possible witness, Adult D. At the time of writing her report, on 5 June 2013, DCI Trevillion said: *"Investigations of any possible indecent offences against the [potential victim, Adult D]. Extensive efforts have been made to speak with [Adult D] about this to establish if there are any criminal complaints forthcoming. Unfortunately this has been unachievable to date in any meaningful way. This is due to the fact that [Adult D] suffered [a personal tragedy] earlier this year and is still grieving. To prevent discussions with police, [Adult D] actually disconnected the phone when she was due to meet the team. We must maintain a victim focused approach in respect of all criminal allegations and therefore enquiries should continue but these can only be conducted in the fullness of time. To date, there are no substantiated criminal allegations against JCW."*

10.15 Claire Gannon was invited to comment on the report of DCI Trevillion. She did so after having consulted Michael Sheath, one of the authors of the Lucy Faithfull Foundation report. The emails that passed between them are set out in Chapter 7. Claire Gannon made her annotations on the body of DCI Trevillion's report on 10 June 2013. Claire Gannon said this: *"I am extremely concerned about the manner in which this investigation was carried out. Although Social Services were eventually involved in the Strategy Meetings under the auspices of the Acting Governor, I believe that Social Services were deterred from conducting any joint visits with police colleagues, in spite of the fact that this was a very sensitive case with historic family issues that are always difficult to unravel. Social Services should have been a key player in gaining the confidence of individuals and the family would have been assured that they didn't have to lodge a criminal complaint but they could have disclosed under the safeguarding agenda...It would seem that the outcome of the police interviews have been far from conclusive in terms of the information that has been disclosed, yet this investigation appears to have been disproved on the grounds of 'not enough evidence to pursue a criminal prosecution', however, whether it is most probably that such allegations are true remains to be seen and requires a more thorough multi agency investigation."* This contribution to DCI Trevillion's report demonstrates Claire Gannon's ignorance of her role within a police investigation. She appeared to consider that she should be part of the police team. There is no obligation on the police to inform or engage Social Services in relation to any adult victim who is capable of making their own decisions. Had the alleged victims in this case wished to have the support of Social Services throughout the investigation process, then clearly their wishes should have been acceded to. However, there is no information to suggest that this was the case. Hundreds of historical investigations like this take place in the UK every year and Social Services are not involved as a matter of course in every one. Veronica Judd gave evidence to the Inquiry

Panel on 26 May 2015, saying of Claire Gannon: *“She did not understand her role, she did not understand what the police role was, and she didn’t understand what safeguarding was, and what the different agencies’ responsibilities were with that and she panicked.”*

The roles of DC Judd and DS Pritchard

10.16 In terms of the development of the investigation, Adult D, knowing that the police wanted to speak to her, did eventually approach DC Veronica Judd. Over time, DC Judd was able to gain Adult D’s trust. It was not until 27 June that Adult D signed a two-page witness statement outlining allegations against Jeromy Cairns Wicks. Adult D indicated that she had been sexually abused by him for a significant time but she would not say how. She made it plain that she did not feel strong enough to make any formal allegation against him. Adult D was insistent that her identity was not disclosed. Accordingly, the police agreed that they would respect her decision and kept her identity secret. Adult D did tell the police that she and a friend of hers had been photographed by Jeromy Cairns Wicks when they were children. This disclosure enabled the police to pursue investigations independently of Adult D’s evidence, namely to search the home address of Jeromy Cairns Wicks for indecent images of children.

10.17 On 1 July, DC Judd successfully applied for a search warrant for Jeromy Cairns Wicks’ home address, Market Street, Jamestown. The Chief Magistrate who granted the warrant was told that the information had come from a confidential informant. When Jeromy Cairns Wicks’ premises were searched, Mr Cairns Wicks was found to be in possession of an unlicensed firearm. He was arrested for that offence. He resigned from his job as a police officer. His computer was seized and taken by DS Keith Pritchard to Sussex Police for forensic examination.

The role of Claire Gannon

10.18 Claire Gannon had played no part whatsoever in the apprehension and detection of Jeromy Cairns Wicks. It was Adult EE who had generated the investigation. It was only because Adult EE told Claire Gannon about her suspicions that the latter even knew that Jeromy Cairns Wicks was being investigated by the police. Ms Gannon only learned of the arrest of Jeromy Cairns Wicks after it had been made public. DS Pritchard informed DCI Pam Trevillion of Jeromy Cairns Wicks’ arrest by email on 16 July. He wrote: *“Claire Gannon went mental when she found out what we had done without her knowledge. We ended up having a meeting with her, her boss, us and Peter Coll. It didn’t go well.”* The meeting referred to took place on 4 July. Claire Gannon demanded to know the identity of the informant in the case. DC Judd had promised Adult D that her identity would be protected. There was no operational reason to reveal her identity to Claire Gannon. The Chief of Police asked Claire Gannon why she needed to know the identity of the informant and when Claire Gannon did not provide a justifiable reason, Mr Coll suggested that she was *“just being nosey”*. Ms Gannon did not appear to appreciate the necessity of protecting the identity of informants who only engage with the police on the understanding that their anonymity is protected.

10.19 This remark by Mr Coll was later the subject of a formal complaint by Claire Gannon. In an email dated 26 July 2013 in which the Foreign and Commonwealth Office was updated on the position, the Southern Oceans Law Enforcement Advisor wrote: *“Veronica [Judd] expressed concerns that pressure had been brought to bear by Claire Gannon Social*

Services for police to disclose the identity of the informant. Meetings had been held where she'd been asked to provide valid reasons to have the information. The only grounds she's provided were that it would allow her to close the file. This was not seen as reasonable and police steadfastly refused to disclose the information requested. This decision had been confirmed by email to Social Services."

Conviction of Jeromy Cairns Wicks

10.20 On 11 July 2013, Jeromy Cairns Wicks appeared before the Jamestown Magistrates' Court and pleaded guilty to eight counts of possessing firearms and ammunition without a licence. He was sentenced to a period of six months' imprisonment. Investigation into the computers seized from the home address of Jeromy Cairns Wicks on 1 July 2013 revealed a large number of indecent images of children. Mr Cairns Wicks was rearrested in prison on 1 October 2013 and charged with offences of possessing indecent images of children. On 24 October, he appeared before the court and pleaded guilty to nine charges. On 8 November, he was sentenced to a period of 15 months' imprisonment.

10.21 On hearing of the sentence of 15 months, Adult D indicated to DC Veronica Judd that she would now be willing to give evidence against Jeromy Cairns Wicks. Adult D made a statement by way of a visually recorded interview. On 19 November 2013, Jeromy Cairns Wicks was charged with 28 offences against Adult D which occurred between the ages of four and 19. He pleaded guilty on 22 November and was sentenced to 11 years' imprisonment.

10.22 The above chronology is detailed in full because the Jeromy Cairns Wicks case forms an important part of the allegations made by Claire Gannon in her Particulars of Claim prepared for the Employment Tribunal in July 2014, which we will consider in Chapter 14.

10.23 Claire Gannon and Martin Warsama were to allege in legal proceedings that it was Northumbria Police who investigated Police Sergeant Jeromy Cairns Wicks and it was Northumbria Police who were responsible for Mr Cairns Wicks' conviction on charges of sexual assault. This is incorrect.

10.24 However, Northumbria Police did investigate Chief of Police Peter Coll for failing to heed a warning in 2010 that Jeromy Cairns Wicks, who then worked for Social Services, was a danger to children. Adult EE, who had generated the investigation into Jeromy Cairns Wicks in 2013, had raised her concerns with Mr Coll in 2010. On hearing Adult EE's concerns, Mr Coll went on to employ Mr Cairns Wicks in the St Helena Police Service, telling her: *"It's better to have him where we can keep an eye on him. We will put him in a back room where he can do no harm."* Mr Coll told Northumbria Police that following the meeting with Adult EE he went to speak to Mr Cairns Wicks' line manager in Social Services. She told Mr Coll that she had never had concerns about Mr Cairns Wicks.

10.25 The Northumbria Police report concluded: *"Whatever the exact terms of the warnings and misgivings confided to Chief of Police Peter Coll and whatever his verbal responses were, they clearly should have merited proper investigation and inquiry. Aside from some conversations of a cursory nature, Chief of Police Coll neither carried out professionally diligent inquiries into the matter nor caused them to be carried out and in fact went on to employ Jeromy Cairns Wicks as a police officer and subsequently promoted him to the rank of Sergeant...the Investigators conclude that, on more than the balance of probabilities, in fact to a standard of beyond reasonable doubt, Chief of Police Coll*

would have had a case to answer under the police disciplinary ordinance of St Helena for the disciplinary offence of 'Neglect of Duty'. Since the Chief of Police is now retired, no proceedings for disciplinary offence are either possible or justified."

10.26 The Inquiry Panel considered that the findings of the Northumbria Police report should have been made public. This is particularly so in the following respects:

- a. The conclusions in respect of former Police Constable Michael Anderson, dealt with in Chapter 4.
- b. The conclusions in respect of former Deputy Chief of Police Jeff Ellick, dealt with in Chapter 7.
- c. The conclusions in respect of former Chief of Police Peter Coll, dealt with above.

10.27 In the UK, police forces have recently implemented changes to the Police Conduct Regulations 2012, allowing disciplinary hearings to be held in public. Such hearings assist public confidence in ensuring total transparency and would have put a stop to the inaccurate information that has circulated about the report itself.

Conclusion

10.28 The case of Jeromy Cairns Wicks demonstrated that:

- a. In 2010, the investigation into allegations made by Adult EE about Jeromy Cairns Wicks was inadequately conducted by Chief of Police Peter Coll.
- b. This provided a sharp contrast with the investigation conducted by DS Pritchard and DC Judd in 2013.
- c. Claire Gannon's contribution to the investigation was to provide a hindrance and to potentially jeopardise a sensitive investigation into a serving police officer in a small, tight-knit community.

Chapter 11

Allegation of assault by a teacher

Introduction

11.1 In their Particulars of Claim for the Employment Tribunal, both Claire Gannon and Martin Warsama suggested that there was a conspiracy amongst Freemasons on St Helena to protect each other's criminal conduct. I will outline the facts of the case in relation to the allegation of assault by a teacher in detail as it has been relied on by Ms Gannon and Mr Warsama to suggest that such a conspiracy exists.

Background

11.2 On 30 January 2014, a pupil at Prince Andrew Secondary School on St Helena made an allegation of assault against a teacher. The facts of the case were as follows: the complainant was asked to attend the school building after a minor infringement of school rules and thereafter became disobedient. The teacher took hold of the boy's arm and dragged him, causing a small abrasion to the arm, which was later photographed. The teacher said that the boy had refused to move when asked. He said he placed the flat of his hand on the arm of the pupil when the pupil moved it in the opposite direction. The allegation of assault was made by the boy's father on behalf of his son.

11.3 Detective Sergeant Keith Pritchard, who led the criminal investigation into this case, later told Claire Gannon that the scratch on the boy's arm had been photographed and a written statement was taken from the boy and his father. The teacher was invited to attend the police station for an interview under caution, which he did. At the conclusion of the interview, he was informed that the matter would be reviewed by the Solicitor General and a decision would be communicated to him in due course.

11.4 On 18 February 2014, Claire Gannon wrote to the Director of Education and the Chief of Police, Trevor Botting, saying: *"Please can we meet urgently to discuss this incident relating to the above child. We became aware of the case yesterday and I would like to discuss the safeguarding issues. I would appreciate a meeting this afternoon, sorry I know you are both busy."*

11.5 The Director of Education responded that day, saying: *"Claire, very happy to meet... [the teacher] was removed from duty until the process was complete. I have met with him twice since and am writing a report for the safeguarding board on lessons learned. I met with [the boy's father] also. I will bring my briefing note to the meeting."*

11.6 The Chief of Police responded to Claire Gannon that same day, saying: *“I am unable to meet today unfortunately. I can do tomorrow at 14.00 or Thursday at 8.00 or 12.00. I am slightly confused as to why you want a strategy meeting. Working Together 2013 states ‘Whenever there is reasonable cause to suspect that a child is suffering or is likely to suffer significant harm there should be a strategy meeting involving a local authority.’ The criminal offence has been investigated and [the Director of Education] managed the organisational issues within his directorate...It would be a good idea to get together to see what lessons could be learned as we develop our process.”*

11.7 On 19 February 2014, Claire Gannon wrote to Michael Sheath of the Lucy Faithfull Foundation, saying: *“Hi Mike, I had a meeting with the C of Police and Director of Education. [The teacher] was placed back in school yesterday. The allegations made by the child have been investigated by the police and no further action is being taken. So although police and education feel that case is closed, I’m concerned that the child has unexplained injuries that he claims are caused by [the teacher] and the joint investigation did not take place. What do you think I should do? The Director of Education said that I don’t trust him and the meeting got heated.”*

11.8 On 24 February 2014, Claire Gannon wrote again to Michael Sheath, saying: *“I met with the Gov to discuss a few issues...Anyway didn’t feel I could discuss any issues as he said that he’s taking any staff misbehaviour seriously so think Martin will be gone soon. Anyway, just wanted to ask you not to inform [the Foreign and Commonwealth Office] of our discussions as I can’t afford to have a disciplinary on my CV without another job to go to.”*

11.9 On 25 February 2014, Claire Gannon wrote to Michael Sheath: *“I tried to discuss [the teacher] assault too with the governor but he told me twice he was aware. Am feeling stronger and am going to push the...case with [the Head of the Governor’s Office]. Thanks as always for your support. You’ve no idea how much it helps, Claire.”*

11.10 Claire Gannon was to suggest that Trevor Botting, the Chief of Police, and the Director of Education had *“sorted the case out between them”* as Freemasons and had deliberately kept Social Services out of the picture. The Inquiry Panel has found no evidence to support this suggestion. Trevor Botting was specifically asked if he was or had ever been a Freemason and said not.

11.11 Having said that, although Trevor Botting and the Director of Education appeared to take the case seriously, they did not follow correct safeguarding procedures. Technically, a strategy meeting with representatives from police, education and Social Services should have been convened in order to fully explore the allegations. However, having considered the state of the evidence in the case, the Inquiry Panel is of the view that, had such a strategy meeting been convened, the outcome of the case would have been no different.

Chapter 12:

The case of Adult M

Introduction

12.1 The case of the severely disabled Adult M was never cited by Claire Gannon or Martin Warsama in their Particulars of Claim. Yet the Inquiry Panel has concluded that Adult M's case was one of the most serious cases of institutional neglect we have ever encountered. The Inquiry Panel met Adult M in March 2015, when she turned 19. She had spent most of her life at Barn View Residential Unit, where she was left to be cared for by two unqualified staff. From February 2013, Claire Gannon had overall responsibility for Barn View. As we have seen from the previous chapter, Claire Gannon went out of her way to draw the Governor's attention to the case of the alleged assault by a teacher, yet she made no complaint about Adult M's appalling neglect to the Governor or anyone in the St Helena Government.

History

12.2 Adult M was born in 1996 with severe disabilities. She has never been and will never be capable of independent living. Adult M suffers from a severe genetic neuro-degenerative disorder, leukodystrophy, which belongs to a group of disorders characterised by degeneration of the white matter in the brain. Her exact diagnosis is unclear, although she has been diagnosed with spastic quadriplegia in all four limbs. She has been in this state since birth. Her condition is characterised by spasms, which are caused by disease affecting the nerve fibres of the corticospinal tract. She has an arched spine and disjoined arms. She lies on her back in bed. She is unable to feed herself and needs to remain supine for much of the time because the position of her lower limbs (which splay outwards at 90 degrees at the knees) makes it almost impossible for her to be in an upright position. Adult M has a profound learning disability and is unable to communicate anything other than her very basic needs. She also has epilepsy, finds feeding and swallowing difficult, is incontinent and suffers from a dermatological condition. She has visual problems, although her hearing is thought to be within the normal range.

12.3 Adult M's mother, Adult DD, has a degree of mental impairment, which remains undiagnosed. Adult DD had a second child, Child K, born in 1988, who suffered from similar disabilities to Adult M. Adult DD made a statement about her children's background. She said this: *"In 2000, [my daughter] was 4 and [Child K] was 12 years old. They both lived with me. It was hard. I went to see the then Public Solicitor and asked him to help me as [Adult M] was screaming out and I knew she was in pain. Her legs could not straighten and I knew she was suffering."* Adult DD described how both children were taken to Cape Town

in 2000 for surgery: “[Adult M] had two operations on her stomach, spine and hip. Both [Child K] and [Adult M] had special wheelchairs made for them so they could sit up properly. I was told they would be assessed again a few years later. This did not happen. I don’t understand what was wrong with the children exactly, other than they were born with their disabilities...In 2001, [Adult M] began to spend more time at Barn View. I didn’t have much money and I struggled. [Adult M] was able to have respite there. [Adult M] did not move into Barn View full time until 2005. [Adult M] was visited by a physiotherapist at home and then at Barn View. I don’t remember her ever seeing a doctor over those many years. In 2007, I was feeling unwell with depression and [Child K] started spending more time at Barn View also. In 2010, [Child K] moved into Barn View where he stayed until he died of pneumonia in 2012. Nothing else really happened for [Adult M] until October [2014]. I was promised in 2000 that [Adult M] would be cared for over the years by doctors and that she would need to be measured again for a special wheelchair. I was told that she had such complicated problems the doctors would keep a careful eye on her. That did not happen. It was as if [Adult M] had been forgotten all those years. I would go to Barn View every day, I don’t have transport and it was hard for me to get there from Ladder Hill. [Adult M] was in quite a dark cold room at Barn View, she lay every day in a hospital bed. Her buggy which was adapted in Cape Town when she was four no longer fitted her and she had bed sores from lying all the time. Sometimes she would be carried into the day room into a cot in the corner and she would lie there. I would talk to her and hold her. She had a radio in her room but nothing else over the many years...[Adult M]...cannot speak and she would often scream out. I believed she was in pain many times. Years went by and I don’t think she saw a doctor. [Adult M] was fed three times a day, the food had to be made like liquid. [Adult M] looks like a young child, she is so thin, tiny, she looks like she doesn’t eat enough. I have looked at pictures of her when she was very young and she looked healthy and well fed, now she looks thin and I’m not sure she has had enough to eat. When [Child K] was alive and when both children were younger they would have a hot meal in the middle of the day at Barn View, but until October of this year she would only have a small sandwich, dissolved with a bit of hot water in the day and a bottle of coffee. She seemed to be just wasting away. I think she weighs about 14 kilos.”

Adult M’s situation from 2012

12.4 The Director of Health and Social Welfare told the Inquiry Panel that in 2012 Barn View was brought under the umbrella of social care, rather than medical care. In 2012, a Head of Care for Barn View and the Challenging Behaviour Unit was appointed. She was a St Helenian who had worked in the UK as a health administrator until the age of retirement and then returned to St Helena. It was the unanimous view of the Inquiry Panel that she did not possess the required qualifications or clinical experience for such a responsible position. In April 2013, she was appointed Head of Care for Learning Disabilities. Her line manager was Claire Gannon. The Head of Care told us that, during her time in Barn View, there were six residents, possibly one respite visitor and two staff. She said that when she first visited Barn View, she went with the manager at the time. She saw both Adult M and Child K. By the time she went to work at Barn View, Child K had died. She was given immediate responsibility for caring for Adult M.

12.5 The Head of Care described Barn View as being infested with flies. She told the Inquiry Panel that she had to engage a serving prisoner to install a “fly door”, and that the building smelt of urine. She said that there were staff shortages, low pay and a lack of resources: “All those things made the job difficult.” Staff were untrained and there was a shortage of suitable medication and medical equipment. The only local medical centre,

the Longwood Clinic, had closed in 2011 and thereafter there were no regular doctors' visits. Vulnerable, severely disabled and seriously ill residents were expected to be taken to the hospital in order to be seen. Given Adult M's delicate physical state and the fact that getting from Barn View to the hospital involved a difficult journey across the island, arrangements should have been made for doctors to visit Barn View, not the other way round.

12.6 The Head of Care said that Adult M did not have a proper care plan. Most significantly, she described Adult M's condition as "*constant*" from the time she first started working in Barn View in April 2013 until September 2014, when Adult M was assessed by the Senior Adult Social Worker. His findings were as follows:

- a. *"[Adult M] is not getting the support identified in assessment;*
- b. *[Adult M] has recently had a hospital admission due to swelling of her left leg and her skin looking cracked and broken. Dr Shrub further stated [Adult M] presents with some discomfort of her left buttock area;*
- c. *[Adult M] is appearing in a lot of pain and expressing this frequently by opening her mouth as wide as she can and groaning, sometimes screaming;*
- d. *[Adult M] is currently not eating much, she appears thin in presentation, in the past she has been tube fed, no records of how this decision was reached are known;*
- e. *[Adult M's] last wheelchair assessment was when she was 4 years old, it is no longer fit for purpose which is a restriction on her liberty."*

12.7 The Senior Adult Social Worker said this: *"[Adult M] is one of the most vulnerable people on island, she is now in a critical juncture of her life. She required the correct support in order for her to have the best chance of moving forward positively. [Adult M's] condition is extremely complex and her needs are not able to be met on island without specialist support and regular reviewing of this support."*

12.8 The significance of Adult M's condition being constant between April 2013 and September 2014 is that Claire Gannon would, or *should*, have been able to make the assessment that was made by the Senior Adult Social Worker in 2014. Claire Gannon was directly responsible for Barn View and made a point of showing the establishment to Michael Sheath and Adrian Todd when the Lucy Faithfull Foundation visit took place in May 2013. It is clear from the Lucy Faithfull Foundation report that Adult M's catastrophic medical condition was obvious to anyone who saw her. In Chapter 5 of the Lucy Faithfull Foundation report, Adult M is identified as *"a sixteen year old girl with multiple disabilities who was being bottle fed and was screaming"*. Michael Sheath told the Inquiry Panel in respect of Adult M: *"I have never seen anything like it."* Yet the Lucy Faithfull Foundation did nothing to draw the plight of this vulnerable young girl to the attention of the authorities, either on St Helena or in the UK.

12.9 Until the appointment of the Senior Adult Social Worker in September 2014, there is very little by way of documentation in Social Services files concerning Adult M. Over the 10-year period when Adult M was resident at Barn View, there is no evidence of care reviews or care plans. After Adult M returned from Cape Town, where she had medical treatment in 2000, there is a paucity of any medical records relating to her.

12.10 Claire Gannon and Martin Warsama did nothing to ameliorate Adult M's physical suffering whilst she was at Barn View. Claire Gannon had appointed a Head of Care for

Learning Disabilities, which included responsibility for Barn View. It was well documented that the latter was totally out of her depth and had no clinical training to meet the demands of the post.

12.11 When Claire Gannon and Martin Warsama prepared their report *Serious Case Reviews: Review of 10 Case Files*, Adult M's case was not mentioned.

12.12 Adult M was found to be suffering from a severe fungal skin infection when she was assessed in September 2014. This was clearly something that had been a chronic condition and needed urgent medical attention. Yet the condition was left unattended and was so severe in September 2014 that at first sight social care staff suspected it to be gangrene.

Responsibility of the St Helena Government

12.13 The Inquiry Panel considers that the appalling state of neglect that was allowed to occur in Barn View and the Challenging Behaviour Unit was unacceptable by any standards. Conditions in the prison in Jamestown were considerably more humane. Yet the St Helena Government prioritised the welfare of the prisoners over and above that of the residents of Barn View.

12.14 The Head of Care for Barn View and the Challenging Behaviour Unit gave evidence to the Inquiry that Governor Mark Capes visited Barn View at Christmas time in order to take the residents a cake. Governor Mark Capes acknowledged that he visited Barn View before Christmas 2011. He told the Inquiry: *"What impressed me was the level of care and the atmosphere of the place then was very very good."* This description was contradicted by the wealth of evidence that was presented to the Inquiry on the subject, including by nursing staff and Adult M's own mother. The Policy Development Officer in charge of safeguarding prepared a report for the St Helena Government in 2012 called *The Need for a Manager of Child and Family Services*. The report states that Barn View and the Challenging Behaviour Unit were unstimulating and often unsafe. It describes some rooms as being *"akin to those of solitary confinement in prison films: stark, cold and despairing"*. This description accords entirely with the opinion of the Inquiry Panel on seeing Barn View and its sister care home, the Challenging Behaviour Unit. In those circumstances, we found it difficult to comprehend how the Governor formed such a favourable impression of the institution.

12.15 In support of the account of the Governor's impression of Barn View, he provided us with an email that he wrote to the Manager of Barn View, dated January 2012: *"My visit to Barn View just before Christmas was such an emotional experience. On the one hand I was so very upset to see and learn about the young cerebral palsy patients in particular and on the other to see how well you are caring for them, your patience, your strength and your professional concern. On the way back to my office after that visit I remembered you had mentioned that there were special cushions and other things that would help the cerebral palsy patients and I am so pleased that we can help even in this small way. Also I hope a new wheelchair will improve the quality of life of the young man you mentioned. I was in a wheelchair for a few months following an accident and so I do understand what it means to be able to get out and about. I also recall clearly how some people spoke to the person pushing my wheelchair, rather than to me directly. They obviously thought I could not speak or understand just because I was in a wheelchair. Best wishes and thank you and your colleagues so much for all that you do, Mark."* Governor Capes brought this email to our attention on two separate occasions: first, immediately before his interview by the

Inquiry Panel and, second, in written submissions presented to the Inquiry after we had left St Helena. For this reason, we have included the email in this report. However, the contents do not justify the neglect of Adult M.

12.16 As Governor of St Helena, Mark Capes was ultimately responsible for the welfare and safety of its citizens. It was he who had direct access to those in the UK who could provide emergency funding for people who were neglected. The Inquiry Panel is unable to accept the Governor's assessment that *"the level of care and the atmosphere of the place then was very very good"*. The preponderance of evidence is that there were food shortages and staff shortages, and the conditions were unhygienic. The responsibility for these failings lies with the Governor.

Medical intervention

12.17 This report outlines in detail the medical intervention made in respect of Adult M because it demonstrates her complex medical requirements, which, having been ignored since she was four years old, had become critical by 2014.

12.18 In September 2014 a new Senior Adult Social Worker arrived on St Helena. He was allocated Adult M's case and he first visited her on 9 September 2014. He immediately expressed concerns about the level and quality of care Adult M was receiving and started preparing a Social Care Needs Assessment.

12.19 On 21 September 2014, Adult M was admitted to hospital after appearing to be in pain. She had last received medical treatment *14 years earlier* in Cape Town. The Senior Adult Social Worker visited her and his notes record that he *"found her to be in considerable discomfort, she was often crying with her mouth open wide and her eyes closed"*. In discussions with an Occupational Therapist and Dr Shrub of Jamestown Hospital, he stated that *"it appeared that the pain was coming from [Adult M's] left hip"*.

12.20 On 22 September 2015, Adult M was discharged back to Barn View. On the following day, the Senior Adult Social Worker saw her in order to continue the Social Care Needs Assessment, which he had started on 9 September. At that stage he said that he *"began to become very concerned about [Adult M's] physical condition, she appeared to have lost some weight, her swallowing reflex appeared reduced and at times it appeared she wasn't taking on much food or fluid and she often appeared in some pain. I was also concerned about her skin integrity and how this was being managed."*

12.21 On 25 September, the Social Care Needs Assessment was emailed to Samantha Dunn, who had assumed the role of Acting Social Services Manager. Ms Dunn's concerns were so significant that she requested an urgent response from the Assistant Chief Secretary. This is something that Claire Gannon should have done 18 months earlier. Samantha Dunn also requested that the Senior Adult Social Worker complete a Risk Assessment in relation to Adult M's situation and address the risks of *not* providing appropriate support for her.

12.22 On 29 September 2014, Adult M was readmitted to hospital after appearing to be in pain once again at Barn View. She was discharged on 1 October 2014.

12.23 In his statement for the subsequent legal proceedings, the Senior Adult Social Worker stated: *"A planning meeting was attempted on 1 October 2014 at Jamestown"*

Hospital with myself, Ms Samantha Dunn (Acting Services Manager), [the Senior Medical Officer] and [the Head of Care for Barn View and the Challenging Behaviour Unit]. This meeting was frequently interrupted as [the Senior Medical Officer] had other urgent medical priorities. However, a care plan was put together but not agreed as [the Senior Medical Officer] was unable to agree due to other urgent medical priorities.”

12.24 On visiting Adult M at Barn View on 2 October 2014, Samantha Dunn and a social worker found Adult M to have mucus in her throat; there was no suction machine to remove it. There was also no staff nurse available to support or care for Adult M at that time. Samantha Dunn raised her concerns about Adult M having been discharged from hospital with the Assistant Chief Secretary. Adult M was then readmitted to hospital.

12.25 On 6 October, a physiotherapist produced an assessment of Adult M’s needs. On the same day, a planning meeting was held, which was chaired by the Head of the Governor’s Office. Also in attendance were Samantha Dunn, the Director of Health and Social Welfare, the Assistant Chief Secretary, the Senior Medical Officer, the Head of Care for Barn View and the Challenging Behaviour Unit and the Senior Adult Social Worker. It was agreed in this meeting that a care planning approach would be taken to establish whether Adult M’s needs could be met on St Helena. Meanwhile the Director of Health and Social Welfare stated that Adult M’s situation would be discussed at a Medical Committee meeting on 8 October 2014.

12.26 On 9 October, a safeguarding meeting was held. On 14 October, the Director of Health and Social Welfare sent an email to the Senior Adult Social Worker stating that *“the Committee did not agree that sending [Adult M] away for medical treatment was justified”*. The email said that this decision could be reviewed if Adult M’s medical condition changed significantly.

12.27 On 15 October 2014, a further care plan meeting was held prior to Adult M’s discharge back to Barn View on 17 October.

12.28 On 21 October 2014, the Senior Adult Social Worker visited Adult M at Barn View, where she appeared to be stable and staff said she was settled.

12.29 On 28 October, following a care planning review meeting, he was present when the dressing on Adult M’s left leg was changed by a Staff Nurse. Her skin condition had significantly deteriorated: *“Her leg had become further covered by what appeared to be black, callused scabbing. I took 2 photographs of [Adult M’s] leg in order to get medical advice. On 29 October 2014 I was visited by [the Assistant Chief Secretary] were [sic] I showed him the pictures I had taken. [The Assistant Chief Secretary] was deeply concerned and spoke with [the Director of Public Health] It was requested that [Adult M] returned to hospital for her leg to be treated urgently.”* Following her readmission to Jamestown Hospital, Social Services made an application to the Supreme Court for a protection order on Adult M’s behalf.

12.30 An emergency call was made to Chief Justice Ekins during October 2014 and he was apprised of Adult M’s situation. The Chief Justice told the Inquiry Panel that he was *“appalled”* and immediately placed Adult M under the jurisdiction of the Supreme Court.

12.31 Adult M remained in hospital under a protection order, with Adult DD undertaking most of her daughter’s care. Regular safeguarding meetings were convened by Social

Services and, following the Senior Adult Social Worker's departure from St Helena, the Social Care Officer became the allocated caseworker.

12.32 On 6 April 2015, a specialist team of experts from the UK visited Adult M in hospital to assess her medical needs. A thorough assessment was undertaken, the conclusions of which included: *"[Adult M] is extremely thin and malnourished, with no underlying subcutaneous fat, and there is an urgent need to build up her weight, particularly if she is to undergo surgery.*

- a. *It is imperative that the nutritional content, texture, amount and techniques of safe and effective oral feeding are optimised now.*
- b. *The outstanding need at present is for decisions to be made over the bilateral above-knee amputations which are clearly clinically indicated.*
- c. *Closely linked to these decisions is the need to increase [Adult M's] weight to lessen her pre, intra and post-operative vulnerability.*
- d. *[Adult M's] deformed lower legs are at present useless to her, making nursing very difficult, prevent appropriate sitting and thereby compromising her swallowing ability and the quality of her life in many ways.*
- e. *Attempts to sit [Adult M] up in bed produce more pressure on the medical aspect of her knees and the open wounds on the left, causing pain and perpetuating the sores.*
- f. *Above the knee amputation would remove,*
 - *The open wounds.*
 - *The pain and increase the tone which these cause.*
 - *Their potential for infection.*
- g. *Amputation would enable [Adult M] to be seated in an appropriate wheelchair. This in turn would:*
 - *Improve her sitting posture.*
 - *Facilitate her feeding and improve her nutrition.*
 - *Allow her elbows to extend, improving her ability to engage in activities using her hands.*
 - *Allow her to get out and about and enlarge her horizons.*
 - *Maximise her opportunities to engage and communicate with other people.*
 - *Possibly enable a computer-assisted eye-gaze communications system to be set up.*
 - *Her ability to use her arms and hands means that it may be possible for some form of assistive technology. She may also be able to use eye-gaze technology if it is available to her.*
 - *She should be able to be accommodated in an appropriate environment away from hospital, provided that her care/nursing needs are identified and met in full.*
 - *It will be important for [Adult DD] to have ready access to her daughter."*

12.33 On 23 April 2015, Chief Justice Ekins delivered judgment in the Adult M case, dealing with her emergency medical care. Adult M has now been brought to the UK.

Conclusion

12.34 Responsibility for the dreadful neglect of Adult M lies with St Helena Social Services, the St Helena Health and Social Welfare Directorate, the St Helena Government and the Governor himself, who was aware of Adult M's situation and the condition of Barn View after his visit at Christmas 2011.

12.35 Social Services relied on untrained staff who were not adequately supervised. Claire Gannon was not the first trained social worker who failed to address the situation at Barn View. However, from February 2013 Barn View came under her responsibility. Claire Gannon appointed the Head of Care for Barn View and the Challenging Behaviour Unit, a woman with no experience in caring for the medically unwell and physically disabled.

12.36 Those working in the St Helena health service had been aware of Adult M's complex medical requirements. In 2000, she had been taken to Cape Town for treatment. Upon her return, she appears to have been completely ignored. The closure of the Longwood Clinic created further problems for her care.

12.37 The Inquiry Panel heard conflicting evidence about the condition of Barn View: it had been described by the Head of Care for Barn View and the Challenging Behaviour Unit, Adult DD, the Policy Development Officer in Safeguarding and Michael Sheath in graphic detail, with rooms *“akin to those of solitary confinement in prison films: stark, cold and despairing”*. They variously reported conditions as being flyblown, smelling of urine, dark, damp, and lacking medical resources and equipment: *“There was no sense of any therapeutic regime being in place or any purposeful activities...The physical state of the building and the furnishings were poor...the institution appeared to function as a dumping ground of sorts with there being little sense of purpose save a form of warehousing.”*

12.38 Governor Capes, who is ultimately responsible for the running of St Helena, described Barn View to the Inquiry Panel saying *“the level of care and the atmosphere of the place then was very very good”*.

12.39 It was not until September 2014 that the Senior Adult Social Worker and Samantha Dunn forced the St Helena Government to take action.

12.40 The Head of Care for Barn View and the Challenging Behaviour Unit and a carer, who both had day-to-day responsibility for Adult M, have been suspended and face disciplinary action. No one else on St Helena has been held to account. The Inquiry Panel was universally of the view that the Head of Care for Barn View and the Challenging Behaviour Unit and the carer have been treated as scapegoats for the neglect and failures of the St Helena Government. Both gave evidence to the Inquiry Panel. Both were untrained, unsupervised and unsupported. They were essentially decent lay individuals who had been put in a position with which they were ill equipped to deal. To hold them responsible for the neglect of Adult M is unfair and unacceptable.

Chapter 13: Termination of Claire Gannon and Martin Warsama's employment

Introduction

13.1 At no stage during their time on St Helena was either Claire Gannon or Martin Warsama subject to any staff appraisals. The first time their conduct was scrutinised and evaluated was in the judgment of the Chief Justice in the Child F adoption case in March 2014, in which Claire Gannon was accused of wilfully misleading and obstructing the court and Martin Warsama was accused of deliberately withholding documents.

13.2 In the normal course of events, on reading the judgment which was so critical of Ms Gannon and Mr Warsama, one would have expected them to have both been suspended pending further inquiry. This did not happen. Martin Warsama's employment only came to an end after serious complaints were made about his conduct; and Claire Gannon was only suspended after the extent of her involvement with Michael Sheath and the Lucy Faithfull Foundation report was exposed.

13.3 Evidence demonstrates that both Claire Gannon and Martin Warsama were shown considerable leeway by the St Helena Government and both were aware that they had a strong bargaining position.

Position of Claire Gannon and Martin Warsama

13.4 Knowing how difficult it had been to recruit social services staff from the UK, the overriding priority of the Director of Health and Social Welfare and the St Helena Government was to retain the services of Claire Gannon and Martin Warsama. This situation strengthened the latter's negotiating position. In November 2013, as we have considered earlier in Chapter 9, both Ms Gannon and Mr Warsama were awarded a 12% pay increase, having demanded the same of the Chief Secretary. Additionally, Claire Gannon arranged for Martin Warsama to be promoted to Service Manager. Mr Warsama was also granted annual leave to return to the UK for Christmas 2013 when he was not entitled to it. He had not completed his probationary period. The decision to grant Mr Warsama home leave was initially questioned by the St Helena Government Human Resources Department but Claire Gannon intervened to support him.

13.5 On 24 October 2013, Human Resources sent an email to Claire Gannon, saying: *“I have now received feedback on your request for Martin Warsama to take his midterm leave early, which has been given approval (on a one off basis). Before you proceed with changing/arranging bookings we would need to have the following:*

- a. *An assessment from you that on current performance Martin will pass his probation;*
- b. *Agreement from Martin that if he terminates his post early he will have to pay back the cost of his leave travel.”*

13.6 On 25 October 2013, Claire Gannon responded: *“With regards to Martins [sic] performance, he will pass his probation as his practice and competence is excellent, I have no concerns at all about his ability to fulfil his role. Martin is aware that he will be liable for re-paying travel costs and eave [sic] [leave] if he leaves his post early.”* Following this glowing testimonial of Mr Warsama’s performance, his request for Christmas home leave was granted.

13.7 A summary of Mr Warsama’s conduct and lack of industry is addressed in Chapter 6. With that in mind, Claire Gannon’s assessment of him on 25 October was entirely untruthful.

Termination of Martin Warsama’s employment

13.8 The catalyst for the termination of Martin Warsama’s contract of employment was a complaint by Trevor Botting about his behaviour towards police officers. On 10 March 2013, Trevor Botting wrote an email to the Director of Health and Social Welfare which made two specific allegations of unprofessional conduct on the part of Martin Warsama. The first related to a remark made to a visiting police officer from the UK. The second occurred at the Standard Pub in Jamestown when Mr Warsama was making loud and public criticisms of Detective Sergeant Keith Pritchard and Detective Constable Veronica Judd, referring to the latter as *“fat arse”* and stating that he hated both officers with a passion. Martin Warsama later denied making any of the alleged comments.

13.9 On 14 March 2014, Mr Warsama wrote to the Director of Health and Social Welfare and copied Michael Sheath into the email: *“I made it clear yesterday about my feelings of total harassment from St Helena Police yesterday and again that I feel this harassment as [sic] got worse since the current chief of police arrived, I also note that the chief of police has not bothered to include in his emails the issues raised to him regards to this harassment and that he was going to ‘pull that officer in’.”* Mr Warsama continued the email by detailing how he had been harassed by police officers, and how they had intimidated him and accused him of being drunk and misusing drugs.

13.10 Michael Sheath replied directly to Martin Warsama and copied his (Mr Sheath’s) own reply on 18 March to the Head of the Governor’s Office with the following covering email: *“Last week, Friday, Martin Warsama sent me an email where he claimed that in his conversations with Mr Botting’s PA, that the police were planning to plant drugs on him and on Claire Gannon, in order to discredit them.”* The Head of the Governor’s Office responded to Michael Sheath the following day, telling him that he was already aware of the allegations and had discussed them with Mr Warsama.

13.11 In fact, the Head of the Governor’s Office had met Martin Warsama for the first time four days previously, on 14 March 2014. By this time, Martin Warsama was on an

extended period of probation. The Head of the Governor's Office had prepared a detailed contemporaneous note of their discussion, which reads as follows:

- a. *"Was being harassed by the police who wanted him off the Island. He did not feel safe.*
- b. *He had numerous examples of incidents where they had approached him out of hours and intimidated him.*
- c. *He did not understand why they had taken such a dislike to him.*
- d. *He had serious concerns about their knowledge of safeguarding issues (e.g. section 17 and section 47 of the Children's Act [sic]).*
- e. *He had a lot of experience of multi-agency working and had never had an issue in the past."*

13.12 The Head of the Governor's Office had stressed during the meeting of 14 March 2014 that if Martin Warsama had any complaints it was important that he submitted these to the Director of Health and Social Welfare *"so that they could be looked at in the normal way"*. Martin Warsama responded by saying that he had done this. In fact, this was not true.

13.13 The Inquiry Panel considered in detail the allegations of misconduct and harassment that Mr Warsama made against Trevor Botting and other police officers. No evidence has been found to support any of these grave allegations.

13.14 As well as investigating complaints made by Mr Warsama that he was a *victim* of harassment, the Inquiry Panel has considered complaints *about* Mr Warsama made by Social Services staff, describing him as a bully engaged in sexist and offensive behaviour towards female staff. These allegations in particular caused the Head of the Governor's Office, on behalf of the St Helena Government, to insist that Martin Warsama step down from his post.

13.15 On 3 April 2014, a meeting was convened by the St Helena Government to address the employment of Claire Gannon and Martin Warsama. It was attended by the Attorney General, the Human Resources Director, the Chief Secretary and the Director of Health and Social Welfare. Following the meeting, the Head of the Governor's Office circulated an email on 4 April 2014 to those who attended the meeting which stated in respect of Martin Warsama: *"There was agreement all round that Martin's time on the island was up. That was the correct decision but the Governor was concerned that the proper processes had been followed and recorded. The AG confirmed that we had followed the letter of local labour law of not confirming his probation...We must also be prepared to take Martin's threats to go public very seriously. He had already contacted various people outside of SHG (Lucy Faithfull, DFID and the FCO that we know about). His threats to whistle-blow go back months...There was some discussion around Martin's claims that [the Director of Health and Social Welfare] had not endorsed the failure of his probation. [The Director of Health and Social Welfare] said this was not the case and that he had made it clear to Martin that he was leaving because of his performance and inability to work with others. He had notes of this."*

13.16 In an email dated 8 April 2014 to the Head of the Governor's Office, the Director of Health and Social Welfare set out very clearly the case against Martin Warsama. The email, headed *"Questions from London"*, was sent following a meeting that the Director of Health and Social Welfare had with Claire Gannon.

- a. *“Who is responsible for taking the decision on his probation? I stated to her that the problems with MW and the Police meant that essential working together could not work and that, having discussed this with key parties, I made the decision to not continue with his contract after the end of the probation period of MW.*
- b. *Who took the decision to ‘fail’ his probation? Me, in consultation with others.*
- c. *On what basis did they do so, and with whom did they consult before reaching this decision? Lack of being able to work harmoniously with the Police and negative impact on the ability to safeguard, consulted with HOGO [Head of the Governor’s Office], CS [Chief Secretary], Director of HR, Chief of Police and I believe HOGO had discussed this with the Governor too.*
- d. *Is there any merit to CG’s claim that she had already ‘passed’ Warsama, and that [the Director of Health and Social Welfare] agreed with that decision? [The Director of Health and Social Welfare] discussed with CG. CG agreed that she had not ‘passed’ the probation period of MW but she would have done, no paper work done to that effect and no decision made by [the Director of Health and Social Welfare]. CG stated that the extension of MW probation period was due to him having leave mid-tour, not in relation to her discussions with him regarding his poor verbal/non-verbal communication of which she had made no record.*
- e. *What are the reasons given to Warsama for the termination of his contract? If these relate to aspects of his performance, is there a record of these concerns being raised with him earlier? I informed MW (26/3/14) (record sent previously) that his contract would not be continued beyond his probation period as I felt the breakdown in communication and trust between MW and the Police was too great to rectify and safeguarding/multi-agency working had been negatively impacted.”*

13.17 It is clear from the notes of the interchange between the Director of Health and Social Welfare and Claire Gannon that Ms Gannon was willing to support Martin Warsama’s performance, despite concerns being raised by members of staff in her own department. These criticisms are set out in Chapter 6.

13.18 An analysis of Martin Warsama’s conduct on St Helena has led the Inquiry Panel to the unanimous conclusion that he contributed significantly to the continuing dysfunction which then existed within the Social Services Department. Instead of working to ensure better outcomes for children and vulnerable people, Mr Warsama created discord and fear amongst all those whose paths he crossed.

13.19 Martin Warsama’s appointment with the St Helena Government was not confirmed beyond his extended probationary period, which ended on 15 April 2014. He finally left the island on 16 May 2014.

Termination of Claire Gannon’s employment

13.20 As far as Claire Gannon’s performance was concerned, the St Helena Government took a very different approach to her from that taken to Martin Warsama. It is evident that up to the point of her departure from St Helena on 30 April 2014 and prior to the discovery of her involvement in writing/contributing to the Lucy Faithfull Foundation report, and the leaking of the report and other documents, the Director of Health and Social Welfare and the Head of the Governor’s Office were sympathetic to Claire Gannon and went to considerable efforts to retain her services, even after the highly critical judgment in the Child F case.

13.21 In an email dated 4 April 2014, the Head of the Governor's Office states: *"The Governor said that following a recommendation from the [Chief Justice], he had asked for an independent review of the 'adoption' case papers, which would be undertaken by an independent barrister in the UK. He reminded everyone that the adoption case was a family court matter and therefore confidential. [Claire Gannon] was one of those in the spot light but it was important to note that this was currently a review (not an investigation) and that nothing had been proven. In the meantime, he was concerned that as she would be under a good deal of pressure, it was important we supported her. It was agreed that: A letter should be sent to Claire explaining what was happening. (Action – [Director of Health and Social Welfare] to send before she departs Ascension). Support would be available to her on her return to St Helena on Monday. (Action – [Director of Health and Social Welfare] and BG [Barbara George] to provide). [The Director of Health and Social Welfare] had already been providing this from here. It was made clear to Claire that she was not suspended and would return to work as normal so that she could take over case files from Martin Warsama. Anything needed from her computer should be gathered/copied now, before her return, so that she had IT access when she returned to work. Papers relevant to the review and in cabinets should be retrieved as soon as she returned to the office. Following that, she should be allowed to get on with her work. As before, Claire had direct access to the CS [Chief Secretary] if she had any concerns and an early meeting would be arranged where the support on offer would be reinforced. (Action – CS) If needed, counselling would also be offered. (Action – BG/[the Director of Health and Social Welfare] to consider)."*

13.22 Following the Child F adoption case, Claire Gannon returned to St Helena, arriving at 9.30am on 7 April 2014. She wrote a series of emails to the Senior Social Development Advisor for the Department for International Development (DFID): *"I have been considering everything for the last few weeks and feel that my position here is no longer tenable. I am absolutely exhausted with trying to do the right thing in challenging and changing the culture of corruption that runs through the island and impacts on the safety and health and wellbeing of not only the communities but also of the professionals who come out here drivesuch [sic] changes...I would appreciate your assistance in negotiation of a severance package, including a barrister, should I need one in future...It is with great sadness that I write this as I have never given up on anything before...I do not feel as if I have any alternative but to go."*

13.23 On 8 April 2014, the Director of Health and Social Welfare met with Claire Gannon. Following the meeting, he sent an email to the Head of the Governor's Office, saying: *"The case – she is very upset about how the Ascension case has been handled, especially the performance of our barrister and that, as her reputation is at stake she has employed a barrister to represent her. I stated that the independent review was, in my mind, a review and that she is not being suspended whilst the review takes place but will continue working and taking cases from MW. I said that I would support her as best I can and that I am contactable 24/7 but the CS has also offered his support and I recommended that she seeks an appointment to see him. She stated that she cannot see how she can continue to work here – I said that I really wanted her to stay and would do all I could to support her but that, whatever her final decision, I would continue to offer any support."*

13.24 The Chief Secretary met with Claire Gannon on 16 April 2014. He sent an email to the Director of Health and Social Welfare and Barbara George on 17 April setting out the content of the meeting, which stated that: *"She described how stressed she was by the case in Ascension, and that she felt she had lost credibility in the community and needed to*

get away from the island. She described two options: 1) To leave the role. 2) To go back to the UK for CBT [cognitive behavioural therapy]/counselling and then return. She wanted to do either of the two options in May. I asked what was her preferred option. She said that she didn't know and wanted to understand what was possible before making the decision. I said I would go away and seek the views from Director of HR and [the Director of Health and Social Welfare] about this, and try and get back to her by close of play Thursday. Grateful for your urgent views?"

13.25 The Director of Health and Social Welfare replied to the Chief Secretary within an hour of receiving his email, stating that: *"Option 1 – I cannot afford for her to leave SH as [the Policy Development Officer in Safeguarding] is off sick and does not have the skills or experience to manage...we do not know the date of the incoming social worker, Samantha, who is not a social work manager. Claire is robust and hardworking and I really want to retain her if at all possible. Option 2 – CG can get CBT/counselling here and perhaps some time out, a couple of weeks, could be of use to re-charge her batteries. If she were to go back to the UK she would, and has already said this in front of Barbara and I, find it difficult to return (or she may not come back)."*

13.26 This response by the Director of Health and Social Welfare to the possibility of Claire Gannon leaving St Helena demonstrated his limited experience of professional social work practice and management of social care staff. Claire Gannon's behaviour in the Child F case raised sufficient concerns for her to be suspended from her post and for disciplinary proceedings to be instigated. The Director of Health and Social Welfare appeared more concerned to keep her in post than to recognise that the way in which the Child F case had been handled was totally unacceptable. This was not only due to Ms Gannon's lack of knowledge of care and adoption proceedings, but also because of her questionable honesty and professional integrity.

13.27 Instead of instigating such proceedings, the St Helena Government did its utmost to persuade Claire Gannon to stay on island. It was only after she departed for the UK, on 30 April 2014, ostensibly to go on leave, that further evidence came to light about Claire Gannon's actions concerning the Child F case and her dealings with Michael Sheath and the Lucy Faithfull Foundation.

13.28 On 25 April 2014, a meeting took place on St Helena to discuss the outcome of the Child F adoption case and the impending publication of the judgment. The meeting was chaired by the Head of the Governor's Office. Attending the meeting were the Solicitor General, the Director of Health and Social Welfare, Claire Gannon and Martin Warsama (who was still on island). Minutes of the meeting stated that *"it was at times a prickly meeting and Claire got very upset"*. The Solicitor General suggested that any publication of the Chief Justice's judgment should take place after the advice from Queen's Counsel on the perjury charges was received. The subject of Claire Gannon's welfare was discussed and it was decided that Ms Gannon should be offered a trip back to the UK for CBT. It was understood that Claire Gannon's departure was to be temporary and none of those attending the meeting (other than Claire Gannon and possibly Martin Warsama) had any idea that she was in negotiations with DFID in respect of a severance package. The Head of the Governor's Office sent a note of the meeting in an email to the Senior Social Development Advisor for DFID, saying: *"Since I arrived here in early February, between them, Martin and Claire have accused everyone from the Governor down of being against them. It seems that if anyone has a different view, they are at best incompetent or at worst corrupt. SHG employees here*

are seriously questioning why they have been allowed to get away with this for so long. They are starting to ask what actions we (as their employers) will take to protect them against the things said by Martin and Claire.”

13.29 The Senior Social Development Advisor for DFID wrote to the Head of the Governor’s Office on the evening of 25 April: *“I’ve just had a conversation with Claire. I had no idea that she was leaving the island next week to seek counselling in the UK and with a view to potentially returning at some point.”* It was clear to the Inquiry Panel that Claire Gannon was demonstrating the same disingenuous behaviour to her employers on St Helena that she had shown to her previous employers at Doncaster Metropolitan Borough Council. Ms Gannon had told the Senior Social Development Advisor for DFID (based in London) that she wanted to leave her post and was negotiating a severance package; at the same time she was telling the St Helena Government that she wanted support and an extended leave of absence due to stress. The Inquiry Panel would have expected better liaison between DFID and the St Helena Government.

13.30 Ms Gannon left St Helena for the last time on 30 April 2014. The judgment of the Chief Justice and its addendum were provided to the Head of the Governor’s Office on 7 May and he forwarded a copy to the Senior Social Development Advisor for DFID. Martin Warsama remained on island and communicated with Ms Gannon in the UK by email.

13.31 On 9 May at 4.22pm, Mr Warsama wrote an email to Ms Gannon which was barely coherent, complaining about the St Helena Police Service. The email was copied to Michael Sheath and the Senior Social Development Advisor for DFID. The Senior Social Development Advisor for DFID forwarded it to the St Helena Government, saying: *“I was very surprised to find this in my inbox after our meeting. Clearly Martin can’t write but he is determined in his follow up and self belief in his opinions.”* Meanwhile, Michael Sheath told the Senior Social Development Advisor for DFID on 12 May 2014 that he was intending to meet Claire Gannon in Sheffield the following day.

13.32 On 14 May 2014 at 10.31am, the Head of the Governor’s Office was able to send to the Senior Social Development Advisor for DFID the emails which were retrieved from Claire Gannon and Martin Warsama’s computers, in particular those involving Michael Sheath in which he sent the Lucy Faithfull Foundation report to Claire Gannon. These are set out in Chapter 7. On the same day, the Senior Social Development Advisor for DFID responded: *“I had a brief discussion with Mike to appraise him of the situation. In that regard, he has been informed of the e-mails, reprimanded for the inappropriate content and for sharing draft reports with Claire Gannon. Interestingly, Mike’s response was muted. He accepts the blame and apologises unreservedly.”*

13.33 On 16 May 2014, Martin Warsama departed from St Helena.

13.34 On 22 May, the St Helena Government received the advice from Queen’s Counsel on potential criminal charges arising out of Claire Gannon and Martin Warsama’s conduct during the adoption case. A police investigation named Operation Ladder was established to investigate potential charges of perjury. The Senior Investigating Officer was Detective Chief Inspector Pam Trevillion, who had taken up a two-year post on St Helena. Merseyside Police conducted the UK side of the investigation.

13.35 On 13 June, Claire Gannon was suspended on full pay. On 27 June 2014, DC Veronica Judd obtained a warrant from the Chief Magistrate to search Claire Gannon’s

home address on the basis that there were “reasonable grounds to suspect Claire Gannon has committed the offence of [perjury] and there are reasonable grounds for believing that there is material on the premises which is likely to be of substantial value to the investigation”.

13.36 After the search warrant had been executed, Samantha Dunn wrote an email to one of her colleagues in Social Services, saying: “I had a visit from the police today. They had a search warrant and have taken a number of files/document/computer of M Warsama and [a Social Care Officer]. I believe it is fair to say that they were shocked at the state of files including important documents, which had not been filed correctly. One of them was a cold case, which was reviewed to see if any prosecution was possible and it appears not all information was shared with police. This is a serious issue that a child has been significantly let down through what I see is extremely poor record keeping.”

13.37 On 8 July, Claire Gannon was due to return to St Helena. Instead, on that same date, she tendered her letter of resignation, not to anyone on St Helena but to Peter Hayes in the Foreign and Commonwealth Office (FCO). In the letter she said this: “I have whistle blown to the Chief of Police, the Chief Secretary, the Governor, Dfid and the FCO about the widespread child abuse and endemic police corruption on the island... Since I have whistle blown, I have been subjected to ongoing harassment and detriment. My social work colleague, Martin Warsama has also been threatened, falsely imprisoned and has whistle blown about an attempt by the Chief of Police to frame him... we have both been falsely accused of perjury due to the corruption on the island which affects the police the CPS and civil servants. Yesterday, I was informed that someone has broken into the house I rent on the island and opening up all of my packed belongings... I would ask that the burglary be investigated by an external police officer.”

13.38 Although Claire Gannon’s resignation letter was dated 8 July 2014, the Inquiry Panel has seen evidence to suggest that she was intending to leave her job on St Helena well before that date. She made contact with an organisation called Whistleblowers.co.uk as early as May 2014. Just as Ms Gannon had waited until she was actually travelling to St Helena before notifying her previous employers of her resignation, there is clear evidence that Claire Gannon was intending to leave her job on St Helena well before drafting her resignation letter on 8 July 2014. In each case, Ms Gannon left her employment without notice and whilst involved in grievance procedures.

Conclusion

13.39 The detailed analysis of the departure of Claire Gannon and Martin Warsama has exposed flaws in the management of the Social Services Department, the St Helena Government and DFID. None of them had undertaken an informed appraisal of the people whom they had engaged to perform such important and sensitive roles.

13.40 This case has also revealed that an unqualified senior manager is not able to properly oversee the Social Services Department. This unfortunately led to Claire Gannon and Martin Warsama not being properly supervised. Had they been, these failings would have been exposed earlier.

13.41 Finally, the recruitment process needs to respond more rapidly when staff replacement is required. There should be no gaps in critical posts. A handover period between senior members of staff ought to be allowed for.

Chapter 14

Employment Tribunal allegations

Introduction

14.1 We have seen that, by May 2014, Claire Gannon and Martin Warsama had both been the subject of grave criticism by the Chief Justice and were facing a criminal investigation for perjury.

14.2 We can only speculate that, by suggesting that they had been dismissed for “whistleblowing”, Ms Gannon and Mr Warsama had hoped to deflect attention from their own incompetence and misconduct.

The Employment Tribunal

14.3 On 10 July, Claire Gannon and Martin Warsama brought claims before the Employment Tribunal against the Department for International Development (DFID) and the Foreign and Commonwealth Office (FCO). Their claims were in respect of:

- a. Discrimination
- b. Detriment as a result of whistleblowing
- c. Unfair dismissal.

14.4 The criteria for “whistleblowing” in the legal sense are set out in Chapter 4, in dealing with the position of former Police Constable Michael Anderson. The Inquiry Panel considered that Michael Anderson revealed information out of a genuine desire to draw attention to matters of public concern, and therefore he could properly be described as a whistleblower.

14.5 In the case of Claire Gannon and Martin Warsama, we find a completely different situation. Both Ms Gannon and Mr Warsama had performed poorly in their jobs. Both had been, or were engaged, in disputes with other employees on the island; both were involved to various degrees with evidential problems in the adoption case; and both had left their employment *before* making allegations. In direct contrast to Michael Anderson, Ms Gannon and Mr Warsama appear to have been motivated by revenge, self-justification and possible personal gain. In the case of Claire Gannon, she went further and also leaked a confidential report which resulted in the exposure of sensitive information about a rape victim. Additionally, she provided the name of Adult F to a journalist at Channel 4, presumably in the hope that this would support her cause. At best, this was reckless and unprofessional. At worst it was in breach of the law.

14.6 In their employment case, Claire Gannon and Martin Warsama were both represented by Equal Justice Solicitors, who drafted their Particulars of Claim (the legal document filed with the court, which sets out the details of a claimant's case). The Particulars of Claim in respect of each of them are almost identical. When she gave evidence on 8 June 2015, Claire Gannon told the Inquiry Panel that she had instructed Equal Justice Solicitors to publish the Particulars of Claim on their website. She had also instructed them to publish on their website the confidential Lucy Faithfull Foundation report, which Michael Sheath had sent her in August 2013.

14.7 The Employment Tribunal hearing took place in November 2014, and both Claire Gannon and Martin Warsama gave evidence. Their claims were rejected by Judge Snelson on 30 January 2015 on jurisdictional grounds. During the course of his ruling, Judge Snelson said this: *"The grounds of claim were described mildly by counsel for the Respondents as having a 'narrative style'. I would be less forgiving, especially as both Claimants have at all material times been represented by very experienced employment law practitioners. These pleadings are presented in sensational, not to say tabloid language and are littered with inappropriate comments and opinion apparently intended for a readership other than the parties and the Tribunal. They wholly lack the detachment and moderation of expression which professional lawyers should bring to any form of litigation, regardless of the subject matter...It was hard to avoid the impression that the aim was to get into evidence newsworthy material of interest to the media. If that was the impression, it was improper."* The Inquiry Panel has given Equal Justice Solicitors the opportunity to comment on the manner of the drafting (without seeking to breach legal professional privilege in any way). However, they did not reply to the invitation to speak to the Inquiry.

14.8 The Inquiry Panel agrees with Judge Snelson in his assessment of the content and purpose of the Particulars of Claim. The Inquiry Panel would go further and has concluded that the substantive allegations made by Ms Gannon and Mr Warsama are unfounded and untrue, and amount to a malicious and vindictive attack on St Helena, its Government and its people.

14.9 Each allegation made by Ms Gannon and Mr Warsama is summarised below, with our observations. For ease of reference, the paragraph numbers in brackets refer to the Particulars of Claim submitted by Claire Gannon.

The case of Child F

14.10 Claire Gannon made the following observations about the Child F adoption case: *"[Paragraph 182]: I worked on an adoption case. I attended the final hearing on Ascension Island...[194]: Meanwhile the adoption case collapsed at trial. My own legal rep attacked me in court on the day before the Judgement, saying that I had withheld and/or perjured evidence. The intention was to damage me and set me up for a perjury or misconduct wrap, even though the lawyer knew it would be damaging to our case...[195]: the barrister, with the support of [the then Solicitor General] misled the judge into thinking that something untoward had happened by calling for a special sitting and given the judge the entirely false impression that the e mails were not on the file and had been withheld by me...[196]: Naturally, on being told by my barrister that effectively I had misled the court...the judge naturally injuncted me to stop me discussing the case and recommended that independent counsel investigate whether or not I had perjured myself."*

14.11 Claire Gannon gave evidence before the Inquiry Panel on 8 June 2015 and was asked a number of questions about the Child F case. We have dealt with the parts of her evidence relating to the care for Adult P and the adoption process in the paragraphs above. However, as far as the court hearings were concerned, Ms Gannon said this:

- a. That when she travelled to the court hearing on Ascension Island, she had left the case file behind.
- b. That the emails (between herself and Adults A and B) which were disclosed to the Chief Justice by Julia Cheetham QC had not been on the case file as sent over to Ascension by Martin Warsama.
- c. That she ought to have put the emails on the file and she *“should have been more organised...we haven’t sorted that filing system out”*.
- d. That Julia Cheetham was right to bring the court’s attention to those emails. A barrister’s overriding duty is to the court.

14.12 In the light of those answers, Claire Gannon was asked to justify the assertions she made in her Particulars of Claim: *“My own legal rep attacked me in court on the day before the Judgement, saying that I had withheld and/or perjured evidence. The intention was to damage me and set me up for a perjury or misconduct wrap.”* Claire Gannon’s only explanation to the Inquiry Panel was that her life had collapsed at the time and that was how she felt.

[REDACTED]

14.13

[REDACTED]

14.14

[REDACTED]

The case of Jeromy Cairns Wicks

14.15 Claire Gannon made the following observations about Jeromy Cairns Wicks: *“[Paragraph 48]: In March and April 2013, I started to uncover various serious incidents involving police officers. These included allegations of rape and child abuse by PS Cairns Wicks...[50]: I received information from a concerned Islander who said that PS Cairns Wicks had raped a child. I was horrified. The informant said that the rape had been reported to the police but it had been ignored by them...[52]: I met with the police and demanded that we had a strategy meeting the following week about this matter...[56]: On discovery of the child rape and the police corruption, I naturally whistle-blew the illegal activities to the Chief Secretary...who was at that time the acting Governor...[57]: To his credit, the Chief Secretary convened a strategy meeting and further to that appointed a senior UK police officer DCI Pam Trevillion (Dorset Police) to oversee the investigation into those allegations... [72]: Throughout April and May 2013, I continued to have strategy meetings about PS Cairns Wicks but the police refuse to interview the alleged victim. [74]: I note too that PS Pritchard did most of the investigatory work for DCI Trevillion. He was clearly biased against us and in favour of no action being taken against connected [sic] sexual offenders...[102]: The Chief Secretary forwarded the report of DCI Trevillion and asked for my feedback...[103]: The report by DCI Trevillion is appalling. I note in passing that she was later to be given a senior role on the island in May 2014. I assume that this was her reward for shutting down the allegations against the child rapist PS Cairns Wicks...[115]: On the 4th July, I was called to a meeting with Peter Coll. He advised me that PS Cairns Wicks had been arrested. However, this was not for raping a child or other sexual offences but for possession of firearms with no licence... [119]: Ironically, therefore, the paedophile PC Cairns Wicks was found guilty regarding minor firearms offences and sentenced to 6 months in prison...[130]: In October 2013 was the arrival of the Northumbria police who had been tasked in the wake of the LFF report to investigate local police...[131]: I was interviewed by them and gave a detailed account of the police harassment and obstruction used against me...[132]: Unlike DCI Trevillion, the Northumbria Police were professional and unbiased...[133]: They immediately began a further investigation into PS Cairns Wicks. Shortly afterwards, he was finally charged with sex abuse and then with the rape of [Adult D]. The evidence that DS Pritchard and DCI Trevillion had failed to find, because they had not looked of it, was damning and easy to uncover...[144]: I would add that throughout the PS Cairns Wicks investigation, the LFF and I tried to contact DCI Trevillion. However, she did not return our calls. She knows what she did. In practice, she should be suspended and probably arrested. However, instead, in May 2014, she was appointed as DCI and given child protection as her remit.”*

14.16 As a result of evidence presented to the Inquiry Panel, our observations are as follows:

- a. That Claire Gannon played no productive part in the apprehension of Jeromy Cairns Wicks.

- b. Any part she did play was to put at risk the sensitive nature of the investigation and to jeopardise the relationship of trust that was being built up between Detective Constable (DC) Veronica Judd and Adult D.
- c. Far from seeking to cover matters up, both DS Pritchard and DC Judd conducted a successful police inquiry in difficult circumstances.
- d. The allegations made against DCI Trevillion are without merit. The initial report by DCI Trevillion, dated 5 June 2013, was drafted *before* Adult D agreed to give evidence against Jeromy Cairns Wicks. DCI Trevillion made it plain in the report what information she had obtained thus far in the inquiry. She specifically stated: *“In summary, at this time, there are no substantiated criminal complaints against JCW.”* That was an accurate statement of the evidence as it existed at the time.
- e. The investigation, arrest and conviction of Jeromy Cairns Wicks were the result of DC Judd’s delicate interaction with the victim in the case. Her police work was at all times supported by DS Pritchard. The suggestion that the latter was intent on suppressing the investigation is wholly without merit.
- f. Northumbria Police, who visited St Helena in October 2013, played no part whatsoever in investigating Jeromy Cairns Wicks.

14.17 The Inquiry Panel had hoped to ask Claire Gannon about the truth and accuracy of the allegations that she made in respect of the Jeromy Cairns Wicks investigation. However, having given evidence for the period of one hour on the morning of 29 June 2015, Ms Gannon left the interview and refused to be interviewed further by the Inquiry.

Freemasons

14.18 Claire Gannon also made an allegation during the course of her Particulars of Claim that the corruption on the island was partly related to the presence of Freemasons. She stated: *“[Paragraph 251]: I am concerned about the extent to which practising masons are involved in both the child abuse and the local corruption. I was unaware of the power and influence of the freemasons internationally until very recently. [256]: The Saint Helena Lodge is based at the Masonic Hall in Napoleon Street in Jamestown. It is one of the few lodges that report directly to Great Queen Street. Hence, within that secret organisation, the illegal activities of the lodge members are the direct responsibility of their Grand Master HRH Duke of Kent...[257]: My rented accommodation on the island was based opposite the Masonic Hall, so I was privy to many of the islanders visiting the Hall, including many senior police officers...[258]: The corruption and paedophilia on the island is therefore protected by the police the local power headed by the FCO’s Governor...It is small wonder that a UK whistleblower would be targeted, victimised, harassed and virtually criminalised, given the powerful vested interests there and in the UK.”*

14.19 The Inquiry Panel routinely asked every (male) contributor on St Helena who gave evidence whether they were or ever had been a Freemason. All those who were asked answered the question. Those who answered in the affirmative included:

- a. Keith Pritchard
- b. Jeromy Cairns Wicks.

14.20 Had the Inquiry Panel found *any* evidence that DS Pritchard protected the activities of Jeromy Cairns Wicks, this might have been a significant finding. However, in the absence

of any evidence to support the allegation – and indeed, all the evidence led us to the opposite conclusion – we have found nothing to support the bold assertions made by Claire Gannon in respect of Freemasons.

Allegation of assault by a teacher

14.21 Claire Gannon said this: “[Paragraph 167]: In March 2014, I was alerted by a member of public that [a teacher at] a secondary school had assaulted a 13 year old leaving the child with bruising. The incident occurred a month earlier. [168]: I met with Mr Botting and the Head of Education...said to be another freemason, to discuss this criminal assault on a child. They responded that they had sorted it between them and did not need to involve social services.”

14.22 The Inquiry Panel has been able to consider how that allegation of assault was dealt with by the police. It is recognised in Chapter 11 that a strategy meeting *should* have been convened. However, the Inquiry Panel has concluded that the outcome of the case would have been the same if not similar in the UK. Whether or not the Director of Education was a Freemason had no bearing on the case. The evidence was weak and the pupil had conducted himself in a way which the Attorney General considered brought the pupil’s credibility into question.

The Lucy Faithfull Foundation report

14.23 In her Particulars of Claim, Claire Gannon placed reliance on the Lucy Faithfull Foundation report. Ms Gannon said at paragraph 87: “I was interviewed by the reviewers and informed them of the above matters. [89]: The LFF found that the police of the island were corrupt. They also found that child protection was not working and sexual abuse was not being investigated by the police.” Verbatim passages were quoted from the report which make unsupported accusations against certain officers; we have addressed this issue in Chapter 7. This lends support to the view that the Lucy Faithfull Foundation report was far from independent and was heavily influenced by the views and opinions of Claire Gannon.

14.24 In Chapter 7, Michael Sheath’s observations on Claire Gannon’s conduct are set out. This assessment of Ms Gannon’s motives by Mr Sheath is endorsed by the Inquiry Panel: “What [Claire Gannon] did was use the report as a crutch to say, ‘it’s not just me thinking this, this report, this Foundation thinks this too’. And she used it as ammunition and she should not have done that...She gave it to [Equal Justice Solicitors]. As I understand it she got some sort of agent, like that guy, he’s in jail...like Max Clifford, but not Max Clifford... who was hawking it around the press. Without question, I should not have sent it to her. I’ve apologised for it to DFID, and the Foreign Office and I’ve apologised to this Inquiry for it. It was stupid.”

14.25 Other than the fact that much of the material contained in the Lucy Faithfull Foundation report has been proved to be incorrect (particularly in relation to the allegations made against named police officers), the publication of the report has caused serious harm to at least one victim of sexual abuse who is identifiable, although not specifically named in the report. The Inquiry Panel was approached by this person when we visited the island and the devastation caused to them has been considerable. We have been driven to the conclusion that Claire Gannon and Martin Warsama, in leaking this document, must have regarded the wellbeing of a victim of sexual assault as secondary to their own desire to make capital following their departure from their employment on St Helena.

Involvement with the media

14.26 When Ms Gannon gave evidence to the Inquiry Panel on 27 February 2015, she said that after she had left St Helena, she had engaged a publicist called Jonathan Hartley to work on her behalf. She admitted that she had been in contact with journalists from the *Daily Mail*, the *Daily Telegraph* and Channel 4.

14.27 In May 2014, Claire Gannon and Martin Warsama approached Whistleblowers.co.uk, which contacted the *Daily Mail* with the Gannon/Warsama story and the leaked Lucy Faithfull Foundation report. In July 2014, three articles were published in the *Daily Mail*.

14.28 Whistleblowers.co.uk stated on their website: *“In May [of 2014], two very nervous whistleblowers asking for help in exposing a cover up of endemic child abuse on the remote British Island of St Helena...The Daily Mail newspaper agreed to investigate the claim based on their testimony and evidence of an independent charity report that had never been published outlining the abuse and...everyone worked hard to help the Daily Mail stand up the story.”*

14.29 In July 2014, the *Daily Mail* published three articles, on the 15th, 16th and 24th of the month. As stated on the Whistleblowers.co.uk website, the *Daily Mail* *“agreed to investigate the claim based on their [Ms Gannon and Mr Warsama’s] testimony and evidence of an independent charity report that had never been published”*. This is clearly a reference to the Lucy Faithfull Foundation report, which was leaked on the Equal Justice website on the instruction of Ms Gannon and Mr Warsama. It was not unreasonable for the *Daily Mail* to rely on a report from the Lucy Faithfull Foundation, a renowned charity, believing that it provided independent support for the allegations made by Ms Gannon and Mr Warsama. They could not have known that the report was distorted, inaccurate and directly influenced by Claire Gannon. This unfortunate state of affairs unwittingly led the *Daily Mail* to present a jaundiced and wholly incorrect picture of life on St Helena.

14.30 The following quotations appear in the *Daily Mail* articles:

- *“Paedophilia has become normal, it was the routine.”*
- *“She said she had raised 20 serious sexual abuse cases to the police during her 14 months on the island which had not been investigated when they were reported previously.”*
- *The Lucy Faithfull Report...was full of praise for the Social Service Manager.”*

14.31 Before leaving the subject of Claire Gannon’s interaction with the media, we address a matter that was brought to the Inquiry’s attention by Social Services on St Helena, suggesting that Claire Gannon had provided confidential information about a client to Channel 4. Senior Social Worker Samantha Dunn told us that on 11 November 2014 she had received an email from one of the staff at Brick House. It read: *“I have just undertaken a visit to [Adult F] to discuss the family meeting planned for this afternoon. During our discussion, [Adult F] informed me that she had been contacted by a reporter from Channel 4 news [Keme Nzerem] three/four weeks ago. [He] told her that he had been given her contact details by Claire Gannon. [Adult F] then showed me a letter from Keme Nzerem dated the 20.10.2014 which confirmed his telephone conversation with [Adult F] on the same date. Clearly I am concerned about the breach in confidentiality and Data Protection as I know you will be.”* The Inquiry Panel considers the actions of Claire Gannon in passing on such information to be in contravention of her professional code of conduct and of itself worthy of investigation by her regulatory body.

Summary and conclusion

14.32 Claire Gannon and Martin Warsama only brought actions for “*detriment as a result of whistleblowing*” after they had left their employment on St Helena.

14.33 The court documents prepared by their solicitor seemed designed to attract publicity and give weight to their claims. Judge Snelson, who rejected their claims, appears to have formed a similar view.

14.34 On analysis, the content of the allegations has been found to be spurious and without foundation.

Chapter 15

Aftermath

Introduction

15.1 By the time Claire Gannon and Martin Warsama had left St Helena, relations between Social Services and the St Helena Police Service were at breaking point. As the Head of the Governor's Office recorded in an email to the Senior Social Development Advisor from the Department for International Development (DFID): *"Martin and Claire have accused everyone from the Governor down of being against them."* Martin Warsama had suggested that the police were planning on planting drugs on him and Ms Gannon; and Mr Warsama made a series of other accusations of harassment against the police that we have found no evidence to support.

15.2 When the Policy Development Officer in Safeguarding gave evidence to the Inquiry Panel, she said: *"It took two of the most incompetent people that I have ever met to go to the papers and exaggerate, for St Helena to give social services the resources it needed."*

15.3 The DFID budget for St Helena was increased from April 2015, with £1.2 million being ring-fenced for the provision of safeguarding that financial year.

15.4 In case it is suggested that all improvements on St Helena were in direct response to the adverse publicity generated by Claire Gannon and Martin Warsama, it is important to note that real changes started to occur in the Social Services Department in May 2014, two months before the lurid accounts about St Helena were published.

Change of personnel

15.5 On 28 May 2014, Samantha Dunn arrived on St Helena to take up the post of Senior Social Worker for Children and Families. She was a graduate of Staffordshire University and had a background of social work experience in Southampton working for the Children and Family Court Advisory and Support Service (CAFCASS).

15.6 The change of personnel produced an immediate improvement. On 7 June 2014, the Head of the Governor's Office wrote to Michael Sheath in respect of the recommendations of the Lucy Faithfull Foundation report: *"Following recent changes in staff, the dynamics between the police and social services is extraordinary. With [the Policy Development Officer in Safeguarding] and now Samantha [Dunn] in social services and Pam [Trevillion] in the police, we are seeing genuine cooperation and progress. They are meeting regularly to discuss, review and progress current cases. They are genuinely working together."*

15.7 Samantha Dunn arrived on St Helena and within weeks had identified how to address the matters which Claire Gannon had neglected for the previous 18 months.

15.8 Ms Dunn described the chaos which met her when she arrived at the headquarters of Social Services: *"[The Policy Development Officer in Safeguarding] gave me an 'induction package', an A4 sheet with visits she'd arranged for me. I went straight into the first meeting with [the Director of Health and Social Welfare] and was told to get on with it. That was it. It was a shock. There were no policies or procedures at all that I could find. There was no list of open cases. No list of child minders, private fostering, children in need. Anything to tell me what direction to go in. The filing was terrible...Piles of papers...Different filing cabinets in different locations for different things. No central organisation. You couldn't tell how many open cases there were. Information like that just wasn't there. I wasn't clear what boundaries around service were, other than I was told I would be given couple of weeks where I wasn't on out of hours duty and [the Policy Development Officer in Safeguarding] would cover."*

15.9 Both Claire Gannon and Martin Warsama had complained to the Inquiry Panel that the state of record keeping at Brick House had been chaotic. However, they had been employed to manage and train social care workers. This would have involved addressing the shambolic filing system that had been in place.

15.10 On 9 June 2014, within 10 days of her arrival, Samantha Dunn had written a progress report for the St Helena Government which documented an initial review of the services at Brick House. The report noted the following:

- a. A Social Care Officer was the only other member of staff in the office. She had been in post for six months and had not received any formal training or supervision.
- b. There was no assessment template for child protection procedures. Of the files reviewed, none contained adequate assessments, none sufficiently incorporated risk assessments and many had been held or referred over a number of years with few if any assessment records at all.
- c. Most of the cases had been held by unqualified workers.
- d. Child protection planning was unsafe, with no robust plans in place for the four children then currently deemed to be at risk.
- e. The police appeared to be making considerable progress in sentencing offenders, but this was beginning to have a direct knock-on effect on the service. As these offenders were now coming back into the community, there was a need to ensure that child protection was in place.
- f. Historical case conferences involving risk and child protection planning had been chaired by unqualified workers. The Children Act 1989 in the UK provided statutory guidance. There was a corresponding Ordinance on St Helena, but it lacked the necessary guidance.
- g. The register of children at risk had been "misplaced" for a period of months with no back-up record. In 2004, the Child Protection Register in the UK had been replaced by child protection planning. Staff on St Helena were not familiar with how to complete a comprehensive child protection investigation or initial assessments. Samantha Dunn could find no processes on case management.

- h. Samantha Dunn expected there to be a significant increase in cases that would need to be reassessed. She had not found one case which demonstrated a robust assessment of children's needs.
- i. There was no comprehensive list of open cases at Brick House. The filing cabinet was not organised and the staff had no direction in managing information.
- j. Due to case management issues and a lack of training on basic safeguarding and recording, there were a number of immediate training needs, including: case recording; how to complete a home visit; addressing child protection; and assessing significant harm. Samantha Dunn's intention was to call a weekly team meeting for at least a month to provide immediate guidance and to discuss concerns.

15.11 Ms Dunn then set out an action plan, which included:

- a. Creating an electronic Child Protection Register, which could be monitored and reviewed.
- b. Preparing a case review on all files.
- c. Tracking referrals, which were required to be supervised by Samantha Dunn as the single point of contact.
- d. Working towards all cases being listed electronically, so they could be tracked.
- e. Scheduling weekly team meetings.
- f. Preparing a standard assessment template for section 57 investigations, including Achieving Best Evidence interviews.

15.12 Within 10 days, Ms Dunn had reviewed all the open cases and a significant number of closed cases. In addition, she added pictorial genograms and chronologies to the files, enabling the identification of risk of harm to children.

15.13 She began chairing child protection conferences and putting child protection plans in place. These are the basic requirements of a functioning Social Services Department.

15.14 Ms Dunn identified the lack of trained staff to deal with complex cases of child sexual abuse, which had previously been dealt with by unqualified social care officers.

15.15 Ms Dunn improved the working relationship between the police and Social Services: *"I have worked closely with the Police since my arrival. I have had a high level of support from Pam Trevillion and her team. This has enable[d] cases to be joint worked swiftly and joint interviews, investigations and sharing information to be effective towards improving safeguarding. I am unaware of why past difficulties existed, but believe we have a good working relationship with the Police currently."*

Barn View and the Challenging Behaviour Unit

15.16 Samantha Dunn put in place a strategy to deal with the unsuitable conditions at Barn View Residential Unit and the Challenging Behaviour Unit.

15.17 Unlike Claire Gannon, Samantha Dunn engaged the support of the Assistant Chief Secretary of the St Helena Government. A second Senior Social Worker was brought to St Helena. His professional conduct is in stark contrast to that of Ms Gannon and Mr Warsama. He undertook assessments of the needs of vulnerable and disabled

people at Barn View and the Challenging Behaviour Unit. It was this Senior Social Worker who recognised the appalling neglect of Adult M at Barn View and ensured that she was provided with the medical attention she urgently needed.

15.18 Ms Dunn, in describing the Challenging Behaviour Unit to the Inquiry, said: *“It is about as bad as it gets. It’s like places I read about when I studied social work. Not just the physical environment, but the staff, the uniforms, having nurses uniforms, people that don’t engage, just aimlessly walking around. It was a shock. The physical environment was a shock. To see people sleeping in outside cells is shock enough. I knew the unit was moving but it was quite a shock.”*

15.19 The Inquiry Panel visited the Challenging Behaviour Unit in March 2015 and endorsed Ms Dunn’s description. During our time on St Helena, all the residents from the Challenging Behaviour Unit were moved to the new purpose-built unit at Ebony View. This was a huge improvement in the facilities and the quality of life for the residents.

Current position

15.20 In Chapter 5, we set out the system for the delivery of social care in the UK.

15.21 The current situation on St Helena is as follows:

- a. Safeguarding training is being delivered to the police, educational bodies and members of the Safeguarding Children Board. As is clear in Chapters 3 and 16, there is still some way to go, but the training is ongoing.
- b. Significantly more qualified social workers have been recruited.
- c. The Directorate of Health and Social Welfare has been split. A Director of Safeguarding has been appointed.
- d. Preventative work is being undertaken with groups of women who are subject to or at risk of domestic violence. It has been announced that the Safeguarding Directorate has signed an agreement with the United Nations for the sum of \$150,000 US to develop a safe haven for women who are fleeing domestic violence on St Helena.
- e. “Keep Safe Work” is being undertaken with children to raise awareness of how to protect themselves from abuse. This includes the distribution of books on the subject for school children to take home.
- f. An arrangement is in place for cases to be considered by a Local Authority Designated Officer remotely from the UK as the central point of contact for all referrals relating to the alleged abuse of children by professionals.
- g. Multi Agency Public Protection Arrangements (MAPPA) meetings are well attended and joint work with the police on cases of abuse is professional and efficient.
- h. Therapy sessions are being provided by qualified social workers for children who have suffered the trauma of abuse.
- i. The need to consider adult safeguarding and the conditions at Barn View are being strategically addressed.

Chapter 16

Schools

Introduction

16.1 The St Helena Government's website informs us that the Directorate of Education has adapted the UK National Curriculum for local use in its primary and secondary schools and also runs adult vocational education and special needs programmes. Evening classes are offered on a variety of subjects, and distance learning and online correspondence courses are encouraged. There is also the opportunity for a number of students to study abroad, but this is dependent on individuals meeting the required criteria and the number of scholarships on offer at any one time. More recently, with improvements in St Helena's telecommunications, the island's high school students at Prince Andrew School receive tutoring sessions via video conferencing. The directorate also recruits, trains and supports local and international teachers and instructors, as well as running the public and mobile library service. There is also a Life Long Learning Department.

16.2 The hierarchy and responsibility for education on St Helena is ordered as follows:

- a. The Governor.
- b. The Chief Secretary.
- c. The Director of Education; the directorate employs 148 staff.
- d. The directorate is overseen by the elected Education Committee, comprising five members drawn from the Legislative Council.

16.3 There are currently three primary schools and one secondary school on St Helena. There are no facilities for tertiary education apart from the Life Long Learning Department.

16.4 When the Inquiry Panel visited St Helena, we wanted to see first hand how safeguarding was understood, taught and practised in each of St Helena's schools. Members of the Panel visited all four schools: Pilling, St Paul's and Hartford primary schools and Prince Andrew Secondary School. We were able to observe pupils in the classrooms and speak to the teaching staff.

16.5 Safeguarding in schools has assumed enormous importance in the UK in the 21st century as a means of preventing and detecting physical and sexual abuse.

16.6 Children are capable of being observed outside of parental control for the first time when they attend school. Pre-school observation of a child's health, demeanour and

behaviour occurs infrequently during visits by doctors and nursing staff. Schools provide the first real opportunity to assess a child's welfare in the round.

16.7 Professionals and trained staff can scrutinise their charges and often identify the first signs of abuse and neglect. A child who is malnourished will appear listless and thin; a child who is sexually abused might show signs of disruptive and aggressive behaviour and demonstrate a knowledge of or interest in sexual activity that is inappropriate for their age. The younger the child, the more suspicious references to sexual activity will become.

16.8 Additionally, as children go through puberty and become aware of their own sexuality, difficulties emerge that require the pastoral care of professionals.

16.9 It was with these matters in mind that the Inquiry Panel visited all four of the schools on St Helena.

16.10 In addition, the Inquiry Panel interviewed:

- a. The current Director of Education.
- b. The Assistant Director of Education for Primary Schools.
- c. The Assistant Director of Education for Prince Andrew Secondary School.
- d. The Head Teacher of Prince Andrew Secondary School.
- e. The Child Protection Officer at Prince Andrew Secondary School.

We also heard from a variety of teachers and pupils in the classrooms that we visited.

16.11 The Inquiry Panel also looked at the 34 previous reports tasked with investigating child protection on St Helena to see whether their observations and recommendations in respect of schooling and education had been satisfactorily acted upon.

16.12 The Inquiry Panel also compared safeguarding practices currently applied on St Helena with best practice in the UK.

Recommendations of the Barnardo's report

16.13 In 2011, Julie Dugdale from the charity Barnardo's visited St Helena in order to advise and report on the delivery of training programmes. Her findings were:

- a. *"It was reported by the large majority of participants during the training that they had never received basic child protection training. All staff working in agencies with children and young people should receive basic induction training programme on recognising and responding to child abuse concerns. This should include sharing information on local procedures and should be carried out within six months of employment.*
- b. *It is recommended that whole school training on child abuse and promoting the welfare of children should take place on at least a 3 yearly basis.*
- c. *It was reported during the training that staff in schools were not aware of the child protection policy or procedures. Up to date child protection procedures should be placed in all schools and all staff made aware of their existence. It is recommended that each member of staff should be asked to read and sign the procedure to when they have read and understand what is expected of them [sic].*

- d. *It is recommended that the child protection procures [sic] in school should make it clear who is the designated lead and their responsibility if [sic] to report the matter to social services within the same day. The procedures need to make clear the expectation that matters are referred to the designated lead in school and then in turn to social services. A significant number of people on the training were not clear about the procedures and thought referrals should be made to the line manager in education only. Whilst it is important to report internally, it is crucial that matters are referred to social services at the earliest opportunity.”*

16.14 The Barnardo’s report made it plain that good practice requires that regular training is given; that formal written procedures are in place in all schools; that all staff are made to read and confirm that they understand the procedures; and that, when a response to a problem is required, a formal procedure is in place to involve social services.

Safeguarding in schools on St Helena

16.15 The Current Director of Education had been in place on the island for only two weeks when the Inquiry Panel visited St Helena. She had arrived on St Helena from the Cayman Islands, where she had been Chief of the Education Directorate for eight years. Her initial assessment of schooling on St Helena exposed a noticeable gap in the training qualifications among the staff.

16.16 With regard to safeguarding, the Director of Education said: *“It does appear to me that there has been considerably more training and awareness in recent months and an attempt to formalise this kind of work.”* This remark echoed the Inquiry’s own findings that there were no formal procedures yet in existence.

16.17 The implication of the Director of Education’s evidence is clearly that there was a deficiency in the kind of formalised training recommended by the Barnardo’s report written four years previously. We were, however, able to assess the position by taking evidence from the two Assistant Directors of Education, both of whom were St Helenians and both of whom had been in place for considerably longer than the Director of Education. The two Assistant Directors confirmed that the Barnardo’s recommendations had not been implemented.

Primary schooling

16.18 The three primary schools on St Helena are attended by approximately 350 children. Each of the primary schools is of a similar size and covers eight years of education (Nursery, Reception and Years 1 to 6) in preparation for secondary school when the child reaches the age of 11.

16.19 The Assistant Director of Education for Primary Schools was a St Helenian and had been a primary school teacher at Pilling School between 1987 and 2006. In 2006, she took on the role of teacher trainer until 2014 when she was appointed to her current post. She holds a Masters Degree in Professional Development as well as a local teaching qualification.

16.20 In each of the primary schools, the pastoral care of each pupil is the responsibility of the class teacher. If a problem becomes apparent, that would be referred to the head of the school.

16.21 Any teacher who encountered a pupil showing signs of disturbed behaviour would complete a referral form to the Special Educational Needs team. The Assistant Director of Education for Primary Schools provided the Inquiry with examples from her direct experience. She said that there had been several cases of children diagnosed with attention deficit hyperactivity disorder (ADHD). On another occasion, a child had attended school with a bruise. She was keen to detail how a concern such as this was observed and then rapidly acted upon: the matter was brought to the attention of the Head Teacher, the parents were called in and the matter was investigated.

16.22 The Assistant Director of Education for Primary Schools also cited the case of a girl aged 13 who at the age of five had disclosed that she was being sexually abused. (This would have occurred in around 2007.) The Head Teacher at that time had notified the police but the Assistant Director of Education for Primary Schools was not able to say whether Social Services were informed or what the eventual outcome was. There were no formal safeguarding policies in place at the time that this event occurred (that is to say in 2007).

16.23 The examples cited by the Assistant Director of Education for Primary Schools did not suggest to the Inquiry Panel that there was endemic abuse on St Helena. It indicated that the school staff were alive to the issue of sexual abuse in children and they acted expeditiously on any such signs or concerns that a child in their care might be at risk. However, it was clear that the staff lacked the guidance provided by formal safeguarding procedures, and there was no formal record keeping of such issues, of the inter-agency responses or of their outcomes.

16.24 The Assistant Director of Education for Primary Schools said that understanding of how to deal with such issues had progressed since 2007. Nowadays, she told us, “*Safeguarding has become an issue*”. When pressed on this, she said she *thought* that procedures were in place but were not necessarily written. She told us that teachers at the primary school are instructed *verbally* on how to deal with safeguarding matters but that these instructions are not contained in any staff handbooks.

16.25 This evidence suggested to the Inquiry Panel that the recommendations of the Barnardo’s report had *not* been followed in any of the primary schools on St Helena. There did not appear to be any formal training; there were no written procedures; and staff were not monitored as to their understanding of procedures.

16.26



16.27



16.28 We are not school inspectors but the Inquiry Panel’s overall impression of all three primary schools was favourable. Each establishment appeared well managed and the pupils seemed happy, well behaved and well cared for. The only caveat was that we heard evidence from some expatriate professionals that their children had disclosed instances of racial bullying.

16.29 Returning to the evidence of the Assistant Director of Education for Primary Schools, we were able to draw upon her first-hand experience both as a child and later as a teacher. Despite the fact that she had spent her life on St Helena, she had never heard the expression “*downing*” until she read it in the newspapers in 2014. Neither was she aware of any of her school friends being attacked on the way to and from school. She told us that she disagreed with reports (in the *Daily Mail*) that she had read in the summer of 2014 which suggested that sexual abuse was either endemic or indeed commonplace on St Helena.

Secondary schooling

16.30 Prince Andrew School is the only secondary school on St Helena. It has approximately 250 pupils and class sizes vary from 20 to 30 until the age of 16. There are 25 students who have stayed at school to take A-level examinations, a figure that the Inquiry Panel found disappointingly low.

16.31 Statistics provided to us by the St Helena Government indicated that the rise in GCSE pass levels had been notable, increasing from 19% in 2012 to 49% in 2014. However, even with this improvement, the level of academic achievement was significantly below that of the UK.

16.32 The Assistant Director of Education for Prince Andrew was a St Helenian and after leaving school had received a student scholarship which allowed her to qualify as a teacher in the UK. As with the Assistant Director of Education for Primary Schools, the Assistant Director of Education for Prince Andrew was able to give evidence not only in the capacity of a witness working in education but also in relation to her childhood experiences on St Helena.

16.33 The Assistant Director of Education for Prince Andrew gave evidence to the Inquiry Panel and explained the post-school scholarship programme which enabled the brightest pupils to travel abroad. Regrettably only a limited number of pupils had been able to take advantage of the scheme each year, although it was hoped that, with more funding, this could be increased to cover scholarships for up to six pupils or, better still, all those with the requisite qualifications. The Inquiry Panel has since been informed that the Scholarships Committee has approved seven students as qualified for overseas studies commencing in 2016.

16.34 The percentage of pupils being offered higher education was something the Inquiry Panel considered to be disappointingly low. Many people we spoke to raised criticisms and made observations about the need to employ “*expats*”. This situation will only ever be drawn to a close if St Helenians are offered the opportunity of developing their own children to a sufficient standard to enable them to apply for specialist posts on the island.

16.35 As far as pastoral care at Prince Andrew School was concerned, the Assistant Director of Education for Prince Andrew said that each year group had a designated person who held responsibility for the welfare of the pupils in that year. There was also an overall Child Protection Officer.

16.36 The Child Protection Officer told the Inquiry Panel that there was a written policy on how to deal with referrals, which had been updated in September 2014.

16.37 As far as safeguarding issues were concerned, the Child Protection Officer said that sexual abuse was rare. A more widespread problem was caused by pupils having one or both parents working off island. Low wages and poor employment opportunities had led to a culture of St Helenians travelling abroad (primarily to Ascension Island or the Falkland Islands) to obtain better-paid work. During their absence, their children would be left with members of the extended family or with informal foster parents. The result was that a significant proportion of children were not brought up by their own parents. The Child Protection Officer's estimate was that 25% of the pupils at Prince Andrew School had both parents working overseas. The potentially adverse consequences of this situation are obvious and an increased safeguarding awareness is the only practical way of dealing with it.

16.38 The Child Protection Officer said that she trained staff to look for signs of neglect or abuse, providing a list of bullet points covering issues such as changes in behaviour and fluctuations in attendance and academic performance. A refresher course is conducted annually. She said: *"The Staff are generally very good, forward concerns to me. Then we keep an eye on the child and monitor them."*

16.39 The Child Protection Officer was asked about teenage pregnancies. She said that these occurred on average once a year and that the school allows the pregnant student to seek advice on a confidential basis; the advice given was to involve either the pupil's parents or Social Services.

16.40 The Child Protection Officer did not consider that sexual abuse was commonplace, although she did recognise that there was a culture of younger girls associating with older teenage boys and men. No issues of prostitution had been brought up in any meetings with Social Services or the police.

16.41 The Inquiry Panel visited Prince Andrew School. We were able to interview the Head Teacher and see several pupils who presented as appropriately behaved adolescents.

16.42 The school had facilities to deal with those with learning difficulties. We attended the class of one pupil with severe learning difficulties and were given a tour of the facilities in place for him: he was provided with one-to-one tuition and had the use of a sensory room when he became distressed.

16.43 The Head Teacher explained that facilities were available for pupils at Prince Andrew School whose academic level was not strong but who might choose to do an apprenticeship after leaving school. The Inquiry Panel was shown around the school workshop. This was not merely an area in which pupils could learn wood and metal work. Rather it was like a virtual building site with skills such as bricklaying and construction work being taught to what appeared to be a high standard.

Extra-curricular activity: New Horizons

16.44 St Helena provides extra-curricular activities for children and young people, including Guides and Scouts.

16.45 The Inquiry Panel was particularly impressed by New Horizons, which is a secular youth club based in Jamestown. The organisation was founded in 2003 and is financed by the St Helena Government. Nick Stephens, who gave evidence to the Inquiry Panel

on 25 March 2015, has been running the organisation since April 2006. He was born and brought up in the UK and married a St Helenian. He has lived on St Helena since 2005.

16.46 The club, which was originally set up for 11 to 18 year olds, provides discussion events every Friday, during which young people are encouraged to address topics such as sexual health; smoking; alcohol and drug abuse; sexual exploitation; and, more recently, cyber bullying. Mr Stephens described himself as being fully alert to issues and potential dangers facing young people. He told us that he had a good working relationship with the police.

16.47 New Horizons has now broadened its reach and includes primary school children.

16.48 Mr Stephens also discussed his experience and views on schooling on the island. He said: *“They are making the right steps for safeguarding. Kids now know right and wrong. They know it is wrong for someone to speak to them inappropriately. That has only happened in the last 4 or 5 years.”*

16.49 Mr Stephens said that his own perception was that St Helena was a less dangerous place for children and young people than the UK.

Lucy Faithfull Foundation report

16.50 One of the Terms of Reference for this Inquiry was to conduct *“a review of Saint Helena Government and the St Helena authorities’ response to the recommendations of... the Lucy Faithfull Foundation report”*.

16.51 We have already made an assessment of the Lucy Faithfull Foundation report in Chapter 7. The Inquiry Panel has already expressed grave concerns about the independence of the report and the involvement in its drafting of Claire Gannon. In an email to Claire Gannon dated 11 June 2013, Michael Sheath, one of the two authors of the Lucy Faithfull Foundation report, said: *“I’m half way through education today. It’s not very exciting as it is all pretty good.”*

16.52 The executive summary of the report says at E.4: *“The Review is highly complementary of the educational provision on St Helena, especially in terms [of] the efforts that have been made to improve and develop services for the vulnerable and at risk children as well as the attempts to improve aspiration.”*

16.53 Chapter 1 of the report says at 1.2.12: *“A number of commentators reported the traditional poor educational outcome on St Helena and we became aware that the standard of literacy in the police officers, some social workers and other professionals was quite poor. There appears to be a new impetus on island in terms of the demand to improve the standards and ambition and our clear sense was that this was bearing fruit. Children on St Helena expressed perfectly ordinary ambitions about their future careers and confidence in the system to enable them to attain those goals. We deal with this matter in greater detail in the chapter dealing with education.”* The Inquiry Panel has considered each of the several versions of the Lucy Faithfull Foundation report that exist. There was no specific chapter dealing with education.

16.54 However, the recommendations of the report include two items under the heading *“Education”*:

- a. That financial support is provided for students studying at university in the UK.
- b. That the Director of Education on St Helena should have overall control of educational provision on Ascension Island.

16.55 The Inquiry agrees with these two recommendations. Neither has been implemented to date.

Procedures in the UK

16.56 In the UK, every school is expected to have the following in place:

- a. Safeguarding children policy and procedures, which *all* teaching staff, including teaching assistants, should be aware of before taking up teaching duties and responsibilities. These should include such issues as: what to do if there are concerns that a child may be subject to abuse or neglect; who to contact in the school about such concerns; how to make a referral to the local authority; and the conduct expected between teacher and pupil. For example, there should be no use of personal mobile telephones or personal email contact between teacher and pupil. All school contact should be undertaken online via the school intranet or using the designated school telephone number.
- b. Safeguarding children training. Most schools have an annual inset day which includes a session devoted to safeguarding children. This should cover all aspects of safeguarding children, including child sexual exploitation. Additionally, teachers and those working in education are able to access safeguarding training via the local Safeguarding Children Board.
- c. All schools are required to have a designated Child Protection Officer. This person is usually the Head or Deputy Head Teacher or a senior teacher of equivalent standing.
- d. Risk assessment processes for school trips should be in place, particularly for residential trips, to ensure that children are safe.

16.57 As far as recruitment is concerned, following the murder of the two Soham schoolgirls, Jessica Chapman and Holly Wells, by school caretaker Ian Huntley, all schools were required to participate in safer recruitment training. Those in “regulated activities” need to undergo Disclosure and Barring Service (DBS) checks. It is also considered to be best practice to challenge any gaps in application forms and written references. As well as front-line staff, school governors need to be aware of safeguarding principles.

16.58 Procedures are expected to be in place for ensuring that parents and others who volunteer in schools are suitable to work with children. DBS checks should be undertaken where appropriate and, in the event of this not being possible, a risk assessment should be performed in order to ensure that children are not left unsupervised with volunteers or parent helpers who have not had a DBS check.

16.59 Where a child is considered to be at risk of harm or neglect, teachers and head teachers will be invited to attend Child Protection Case Conferences and Core Group Meetings. These are held regularly in order to discuss how a child is progressing if he or she is subject to a Child Protection Plan. If a child dies or suffers serious abuse, the school will be invited to contribute to a Serious Case Review.

Assessment of safeguarding on St Helena

16.60 Having heard evidence in respect of both primary and secondary education, the Inquiry Panel has established that the procedures to deal with safeguarding within schools fall short of the standard expected in the UK.

16.61 In particular, we found:

- a. That policy and procedures are not properly in place; in the primary schools there is no written procedure at all.
- b. Training, to the extent that it exists, is informal in all schools.
- c. There is, however, a Child Protection Officer in place in both primary and secondary schools.
- d. There is no system of preparation for risk assessments.

16.62 There were examples of cases where disclosures of sexual abuse had been dealt with appropriately and referred to Social Services. However, the schools ought to have had formal and structured procedures in place.

Recommendations

16.63 The Inquiry Panel prefaces these recommendations with the observation that many of them have been detailed in previous reports commissioned by the St Helena Government or the Department for International Development. We can see no reason or justification as to why these reports have not been acted upon. Such expensive reports appear to have been commissioned and then forgotten. The fault for this failure must ultimately lie with the St Helena Government.

16.64 We recommend that the Barnardo's Report of 2011 in respect of education is implemented. In particular:

- a. *“All staff working in agencies with children and young people should receive basic induction training programme on recognising and responding to child abuse concerns. This should include sharing information on local procedures and should be carried out within six months of employment.*
- b. *Whole school training on child abuse and promoting the welfare of children should take place on at least a 3 yearly basis.*
- c. *Up to date child protection procedures should be placed in schools and all staff made aware of their existence. Each member of staff should be asked to read and sign the procedure to confirm that they have understood their duties and obligations.*
- d. *Child protection procedures in school should make it clear who is the designated lead and their responsibility to report the matter to social services within the same day.”*

16.65 We recommend that failure to report signs of abuse or neglect should be a disciplinary matter.

16.66 It is outwith our Terms of Reference to make formal recommendations in the following regards, but we invite these matters to be considered:

- a. That class sizes at Prince Andrew School are too large in some circumstances and are brought in line with the UK.
- b. That young people compulsorily remain in training or education until the age of 18, in line with the UK.
- c. That the existing system of scholarships for training and education in the UK is expanded. It is only through a system of training to a level commensurate with the UK that St Helena can achieve meaningful independence and eradicate the two-tier society which divides St Helenians from overseas workers. This may have cost implications in the short term but in the long term it would reduce the dependence of St Helena on expatriate UK contract workers.

Chapter 17

Health

Introduction

17.1 The Inquiry has considered how children with disabilities were provided for on St Helena by reference to the case of Adult M. Our findings are addressed in Chapter 12.

17.2 This chapter will address general aspects of healthcare on St Helena and the inter-relationship with childcare and safeguarding.

17.3 We wanted to see how the medical profession was able to deal with risks to children. We considered whether health professionals had received safeguarding training, and how referrals to and from the police and other agencies worked. Confidentiality and the sharing of information were said to be problem areas.

17.4 There are numerous difficulties in the provision of medical services in small, remote and isolated communities. With a population of 4,000 in a location approximately 1,000 miles from the nearest land mass, St Helena is always going to have problems providing the range and standard of healthcare that is achievable in the UK.

17.5 The responsibility for healthcare on St Helena is ordered as follows:

- a. The Governor
- b. The Chief Secretary
- c. The Director of Health.

17.6 The St Helena Government website states: *“The General Hospital provides a broad spectrum of services and has a range of equipment to help with diagnosis and treatment. The service is necessarily limited by the range of the specialist skills of the doctors and other clinical staff without access to increasingly ‘high-tech’ expensive diagnostic equipment that is readily available in more sophisticated health care systems. The specialist skills and requirement for expensive technical support to operate and maintain such equipment means that it will not be possible to provide this on St Helena. Any patient who requires specialist tests, treatment or care not available on the Island is referred to a specialist in our partner hospitals in either South Africa or the UK. Initially, this may be a telephone or email referral to the specialist but we are looking to develop the potential for ‘telemedicine’ where a real time conversation with the specialist would be possible, which may include the patient where this would be appropriate. Arrangements for patients who need to travel off the Island for treatment are always made taking all relevant factors into consideration...We must therefore*

be realistic about what level of sophistication can be achieved, when worldwide medicine is becoming more specialised and reliant on expensive and complex new technologies that can never realistically be provided on St Helena.”

Health Directorate

17.7 St Helena’s Director of Health (at the time of the Inquiry Panel’s visit) is from the UK and his background is in the military, where he worked as an intensive care nurse. When he arrived on St Helena in 2013, he took over as Director of Health and Social Welfare. In October 2014, the two departments separated and he retained the Directorship of Health. Social Services are now part of the Directorate of Safeguarding.

17.8 The Director of Health described the health service on St Helena as “*disastrous*” when he arrived on island. He told the Inquiry Panel that the service had been allowed to decline for about a decade. There were no defibrillators or ventilators. The Director of Health told us that he drew this failing to the attention of everyone in government. He told the Inquiry Panel that the Governor did not get involved in the health service on a daily basis but that he raised issues with the Chief Secretary, who in turn could escalate matters to the Governor.

17.9 The Director of Health told us that he highlighted the problem of a lack of basic life-saving equipment with the Public Health Committee and was able to obtain extra funding and support. His first task was to prioritise this service so that lives could be saved using equipment routinely available in UK hospitals.

17.10 The Director of Health told the Inquiry Panel that, since he had addressed these shortcomings, there had been huge changes in the health service.

17.11 Although the general standard of healthcare on St Helena fell below that of the UK, the Director of Health told the Inquiry Panel that there were pockets of excellence in the St Helena health service. Pathology and food and water testing were outstanding. He told the Inquiry Panel that radiology and X-ray diagnostics were actually far better than in the NHS in the UK.

17.12 The Director of Health stated that the difficulty in running the health service on St Helena was that the size of the island did not justify full-time practitioners in certain specialisms. For example, St Helena did not have a paediatrician resident on island, as their full-time services could not be justified within the budgetary limits. The Director of Health said he would rather be able to call on such a specialist as and when required.

17.13 Because of the limited capacity to deal with complex medical problems on St Helena, a system has developed whereby patients requiring such treatment are sent to either the UK or more commonly to South Africa. The Inquiry Panel was told that £1.3 million annually was allocated for such overseas treatment; this funded approximately 140 patients each year.

17.14 The brave decision by the UK Government in 2010 finally to address the isolation of St Helena – 70 years after an airport was first proposed by the South African Air Force – has been controversial. Whatever the arguments about the viability of a thriving tourist industry, the benefits in terms of medical assistance are indisputable.

St Helena General Hospital

17.15 The Inquiry Panel visited the General Hospital. Although the standard of hygiene appeared to be good, the equipment was poor.

17.16 We were able to see the operating theatre where the only surgeon on the island would perform operations. Government statistics provided to the Inquiry Panel suggested that 13 operations were carried out each month in the hospital and there were 11 overseas referrals. We were told that the operating table had been donated by the previous surgeon, who was Swedish and had brought it with him when he came to St Helena.

17.17 A nurse had come to St Helena from the UK three months prior to our visit in March 2015. Her background was in accident and emergency work. Prior to her arrival on St Helena, the post she filled had been vacant for a year and a half.

17.18 She told the Inquiry Panel about the lack of amenities in the hospital. The hospital had limited washing facilities. The bedpan washer had not worked for three years and neither had the dishwasher.

17.19 She told us that not one single nurse in the hospital was trained beyond basic life support, which involved nothing more sophisticated than performing cardiopulmonary resuscitation.

17.20 On a positive note, she said that the cleaning staff were good and there had been no post-operative infections that she knew of.

17.21 The nurse complained that the St Helena Government was expecting to move the hospital from the 1970s to the 21st century with a single year's budget.

17.22 She told the Inquiry Panel that there were not normally many children in the hospital. However, on her first day on island, an unconscious child was brought in as an emergency. The child appeared well fed with no signs of injury. She told us that there was no paediatric nurse on island and she and the only other qualified nurse at the hospital spent seven hours attempting to save the child's life. Their attempts were in vain. She was concerned that no one appeared to be in overall control of the safeguarding aspects of the case. She expressed general concerns about safeguarding protocols, which we address below.

Primary care

17.23 Primary care on St Helena is provided in the outpatients' department of St Helena General Hospital. There are also several local clinics, which is where most patients come into contact with the medical service.

17.24 Government statistics indicated that there were approximately 1,184 outpatient appointments per month. This included 84 emergency outpatient consultations, of which 16 related to children.

17.25 The Inquiry Panel was made aware during our visit to St Helena that, due to staff shortages and the need for community nurses regularly to cover shifts in the hospital, district clinics had been closed and visits to care homes discontinued. The Inquiry Panel was particularly concerned by this development and its effects on the vulnerable residents of Barn View and the Challenging Behaviour Unit (we address this issue in Chapter 12).

17.26 When Governor Mark Capes was asked about the closure of the Longwood Clinic, which was responsible for the residents of Barn View, he said: *“I can’t say to you how many visits doctors would make to Barn View. I don’t know when it closed.”* In such a small administration and given the importance of the clinic to the local community, this admission is unfortunate.

17.27 The significance of the cessation of visits to Barn View by staff at the Longwood Clinic is demonstrated by the appalling neglect suffered by Adult M, who was effectively bypassed by St Helena’s health service between the ages of four and 18.

Psychiatric healthcare

17.28 A Community Psychiatric Nurse on St Helena was born in the UK and brought up in Australia. He visited St Helena in 1994, where he met the woman he later married. They have a son aged 10. In 2003, he and his wife came to live on St Helena.

17.29 He said that, when he arrived on island, his role was to run the psychiatric unit.

17.30 He suggested that the hospital would not survive an audit. He said: *“I asked to come and see you because I think it’s important that people realise what happens when you run an island on the cheap.”* He observed that, although safeguarding is now getting significant funding, this is not happening in the health service.

17.31 He was very critical of the division between St Helenians and expatriate workers from the UK, who earn considerably more than locals. He referred to a *“Colonial Style Government. Ultimately the Governor is the headmaster.”*

17.32 On general matters, he described St Helena as a very safe community in which to bring up children. However, he was aware of situations where a girl of 15 would have a boyfriend of 19 or 20 and her family would accept this. He was asked about the term *“downing”* and told us that his wife, who was brought up on St Helena, did not recognise the term.

Safeguarding

17.33 The Director of Health was on the Safeguarding Children Board. He told the Inquiry Panel that, of the staff working in the hospital, 5% had been trained to level 2 (the Director of Health had undertaken level 2 training himself). Five members of staff had undertaken level 3 training. Samantha Dunn from Social Services and Dave Honan from the St Helena Police Service were running level 3 training programmes.

17.34 One of the nurses was on the Safeguarding Training Committee. She had been trained to level 3 safeguarding.

17.35 She did not consider that the hospital staff had adequate training in safeguarding. She told the Inquiry Panel that level 2 training was available online but that very few St Helenians used email, which made it inaccessible. Additionally, she did not consider that online learning was a substitute for personal tuition. She told the Inquiry Panel that the hospital staff were *“so eager to learn”* but that training was not in place. She said: *“People don’t ask. It stems from Colonial times. They do what they are asked to do.”*

17.36 The difficulty that the Director of Health identified was that the hospital was staffed by doctors from a number of countries where the understanding of safeguarding issues was undeveloped. The nurse observed that, over the previous two and a half years, there had been 26 different doctors working at the hospital. She had been given critical accounts of the competence of 23 of them.

17.37 As far as future progress was concerned, the Community Psychiatric Nurse was optimistic about the newly formed Safeguarding Directorate. He said: *“We now have a functioning police service and a functioning social service. There was none of this before.”*

Procedures in the UK

17.38 The following safeguarding procedures are in place in the UK:

- a. All those working in healthcare are required to undertake safeguarding training; this varies from level 1 upwards depending on the worker’s role in the organisation.
- b. Each hospital and community health provider has a named nurse and named doctor for safeguarding children. Some also have a named GP, but not always, as this role presents recruitment difficulties.
- c. In addition to these named professionals, each Clinical Commissioning Group has a designated doctor (a consultant paediatrician) and a designated (senior) nurse for safeguarding children.
- d. Each health organisation, whether primary or secondary, should have safeguarding policies and procedures which professionals should be aware of and follow. Training is delivered by the named and designated professionals.
- e. All health professionals require a Disclosure and Barring Service check as they are considered to be in “regulated activity” (that is to say, working with children and vulnerable people). The same safe recruitment processes used by schools, as described in Chapter 16, should also be followed.
- f. The designated professionals are always members of the local Safeguarding Children Board and are involved in all its activities, including the commissioning of serious case reviews.

Procedures on St Helena

17.39 It is clear from the evidence that has been given to the Inquiry Panel that the current level of safeguarding training falls woefully short of the standard in the UK. Although the island has a Director of Health, the overall responsibility for this failing must lie with the St Helena Government and, ultimately, the Governor.

Recommendations

17.40 The inadequate health facilities need to be addressed. In 2015, it is unacceptable for a hospital to be without hot water, bedpan washers, a structured safeguarding procedure and nurses adequately trained in advanced life support.

17.41 We recommend that all staff working within the St Helena health service receive safeguarding training as a matter of priority.

17.42 We recommend that the St Helena Safeguarding Children Board explore the possibility of establishing a link with UK-based designated health professionals who can provide expert advice.

17.43 Written policies and procedures should be available at all healthcare centres. Staff should be told to read these, and to certify in writing that they have done so and that they understand the contents and the consequences of not following them.

17.44 We also recommend that a proper procedure is put in place to monitor the health of the residents of Barn View, the newly opened Ebony View and the other residential establishments housing the vulnerable.

Chapter 18

The criminal justice system

Introduction

18.1 Criticism has been made that sex offenders on St Helena and Ascension Island have been treated leniently by the criminal justice system. Accordingly, the Inquiry Panel addressed this issue. The Panel interviewed the Chief Magistrate and the Chief Justice and made visits to the Magistrates' Court and the prison, as well as taking a detailed look at the Police Service (dealt with in Chapter 3).

The courts

18.2 Most of the British Overseas Territories share a common four-tiered system of judicial authority. The ultimate appellate is Her Majesty in Council; that is, Her Majesty The Queen advised by the Judicial Committee of the Privy Council. In each Territory, below the final level of appeal, is a Court of Appeal. Below that a Supreme Court is the court of unlimited civil and criminal jurisdiction. The lower court of the judicial system is typically a Magistrates' Court.

18.3 The Court House in Jamestown hosts both the Magistrates' Court and the Supreme Court of St Helena.

18.4 The Chief Magistrate presides over the Magistrates' Court, which deals with day-to-day court business.

18.5 The Chief Justice presides over the Supreme Court, which convenes on St Helena every November.

18.6 Appeal from the Supreme Court currently lies to the Court of Appeal, which usually sits on The Strand in the UK. A Court of Appeal of St Helena is soon to be introduced. Once the airport becomes operational, it is intended that the Court of Appeal will sit on St Helena itself.

The Chief Justice

18.7 Chief Justice Charles Ekins, who presides over the Supreme Court of St Helena, gave evidence to the Inquiry Panel. He was a practising barrister, having been called to the Bar of England and Wales in 1980. He was appointed a part-time judge in 1993, and in 1998 left the UK to take up the position of Attorney General in the British Overseas Territory of Montserrat. In 2004, he became Acting Chief Justice in the Turks and Caicos Islands and,

since 2007, he has held the post of Chief Justice of St Helena, Ascension Island and Tristan da Cunha. (He explained to the Panel that he did not believe that a Chief Justice had ever been to Tristan da Cunha. The only known Supreme Court case on that island had reached settlement before coming to court.)

18.8 As Chief Justice of St Helena, Chief Justice Ekins presides over all higher tier criminal cases. In addition, he is obliged to review all sentences passed in the St Helena Magistrates' Court. He was thus in the ideal position to provide evidence to the Inquiry Panel as to the level of sentencing imposed in respect of all criminal offences since 2007.

18.9 We were told that the workload of the Supreme Court had increased substantially since 2007. At that time, the Chief Justice would visit St Helena once a year. This has now been increased to two visits and it has often been necessary for the court to sit for long hours and on Saturdays due to the increase in court business. This includes an increase in family as well as criminal work.

Jury trials

18.10 The Chief Justice told the Inquiry Panel that on St Helena, in a criminal case, the defendant has a right to ask for trial by judge alone. This relates to cases which are committed to the Supreme Court for trial. Once a defendant has been sent for trial by the Magistrates' Court, it is solely a matter for that defendant whether he should be tried by a jury or not. The prosecution has no right to dispense with a jury.

18.11 A jury panel on St Helena comprises eight jurors. Any resident between the ages of 21 and 60 is eligible to sit on a jury. Verdicts must be unanimous and jurors cannot be separated once they have started their deliberations. The Chief Justice told us that, between 2007 and 2010, there were no jury trials at all. Since then, he had presided over three jury trials: the case of Adult R, which resulted in an acquittal; the case of Cyril Leo, which resulted in a conviction; and a third case involving Adult S, also resulting in an acquittal.

18.12 The Chief Justice had also presided over three judge-alone trials since his appointment: one on Ascension and two on St Helena. He proffered the perception of local prejudice as a reason for a defendant applying for trial by judge alone. One example he gave was a trial involving an allegation of rape made by a 13-year-old St Helenian girl against a South African airport construction worker. That case had in fact resulted in an acquittal after the complainant refused to give evidence. There had been no application to admit her pre-recorded interview as evidence in chief as it contained a number of contradictions. The Chief Justice indicated that, had such an application been made by the prosecution to admit the interview under the hearsay rules, he would have disallowed it for that reason.

18.13 The Chief Justice told the Inquiry Panel that he was supportive of jury trials in principle. He said that, in the criminal cases he had presided over in the UK, he very rarely disagreed with the verdict of a jury. However, he suggested that there was a case for jury trials being abolished on St Helena *in some circumstances*.

18.14 In 2009, Chief Justice Ekins was asked to prepare a report for the Foreign and Commonwealth Office: *The Difficulties of Selecting Impartial Juries in Criminal and Civil Trials in the Overseas Territories*. He concluded in that report that: "*In St Helena and its dependencies...the potential pool of jurors may in any event now have fallen below the*

critical mass referred to and where a powerful, prominent or popular defendant is charged with a criminal offence then it is unlikely that a truly impartial jury could be empanelled.”

18.15 Chief Justice Ekins recommended that, as well as a defendant having the right to select a judge-only trial, the prosecution should be given that right. He suggested using the model of the 2003 Criminal Justice Act. Under section 44 of the Act, which is in force in the UK, trial on indictment can take place without a jury on the application of the prosecution, if two conditions are satisfied:

- a. There is evidence of a real and present danger that jury tampering would take place.
- b. Notwithstanding any steps which might reasonably be taken to prevent jury tampering, the likelihood that it would take place would be so substantial as to make it necessary in the interests of justice for the trial to be conducted without a jury.

18.16 Chief Justice Ekins suggested adding an alternative requirement for jury trials on St Helena: *“The selection of an impartial jury was likely to be so difficult as to render it in the interests of justice that the case be tried by judge alone.”*

18.17 The Inquiry Panel considered that the approach of the Chief Justice was well reasoned and allowed the fundamental right of trial by jury to remain as the default position. We have addressed the Lucy Faithfull Foundation’s draconian and ill-thought-out recommendation to dispense with a jury in all sexual offences trials in Chapter 7.

18.18 The Inquiry Panel heard evidence from the Solicitor General at the time of our visit to St Helena. She had qualified as a solicitor in Scotland and arrived on St Helena in June 2011 to take up the post of Crown Counsel. She was appointed Solicitor General in 2014. She had been involved in two of the three jury trials heard on St Helena since 2007. She was very supportive of jury trials, although she suggested that jurors should be allowed to separate after starting their deliberations, as has been the case in the UK for many years now. It used to be the case in the UK that jurors had to remain in each other’s company after they had retired and before they had reached a verdict. This remains the position on St Helena. She suggested that the current arrangements were damaging to the system. She used the example of one case in which the jury rapidly returned verdicts after being told they might have to be sent to a hotel overnight. We recommend that jurors should be allowed to separate, as in the UK.

Magistrates’ Court

18.19 The Inquiry Panel attended the St Helena Magistrates’ Court on 19 March 2015 as observers. The Chief Magistrate presided over the court. He had been a criminal practitioner in Peterhead in north-east Scotland before coming to St Helena in June 2012. On arrival on St Helena, he had been briefed by Governor Mark Capes and later by Chief Justice Charles Ekins. He had been told of the problem of unlawful sexual intercourse involving underage girls.

18.20 Of the 13 defendants who appeared on the court list on 19 March, five were accused of driving offences. There were two cases of domestic violence, a variety of cases of assault and criminal damage, and one defendant faced a charge of worrying sheep. Two cases related to sexual offending, both involving masturbation and no identifiable victim.

18.21 The St Helena Magistrates' Court has power to pass sentences of up to five years' imprisonment and/or impose fines of up to £20,000.

18.22 The Inquiry Panel found that the St Helena Magistrates' Court was well run and efficient, presided over by a Chief Magistrate who delivered reasoned judgments and passed appropriate sentences.

Sentencing

18.23 The Chief Justice is obliged to review any sentence of more than six months. He has the right to alter the sentence (either by increasing or reducing it), whether or not it is the subject of an appeal. Chief Justice Ekins told the Inquiry Panel that he has rarely had to interfere with a sentence: since 2007, he has increased one sentence and reduced two. It has *not* been his experience that sentences passed by the Magistrates' Court were disproportionately lenient. He was trained under the Criminal Justice Act 2003 and is familiar with the sentencing guidelines operational in the UK. Chief Justice Ekins told the Inquiry Panel that he was not bound by the UK sentencing guidelines but followed them unless local circumstances suggested otherwise. The Chief Magistrate made the same observation.

18.24 Chief Justice Ekins said that on St Helena he had observed that there was a culture of older men becoming sexually involved with girls of 15 or 16. Consequently, he himself had issued specific guidelines to the Magistrates' Court in relation to passing sentence for offences of unlawful sexual intercourse. He hoped that such sentences acted as a deterrent and encouraged the police to take cases of this type seriously.

18.25 The Chief Magistrate was able to provide the Inquiry Panel with a table of all the sentences passed in the St Helena Magistrates' Court and Supreme Court between 2012 and 2014. The Inquiry Panel was able to consider each case of sexual offending.

18.26 The document provided by the Chief Magistrate, *Table of Sentencing for Sexual Offences 2012–2014*, suggested that there were in fact only 12 defendants convicted and sentenced for sexual offences between 2012 and 2014. One defendant, Dane Wade – referred to by former Police Constable (PC) Michael Anderson – had originally been sentenced to a community order but that had been appealed by the Crown and a sentence of 18 months' imprisonment had been substituted. All other defendants listed in the Chief Magistrate's document had received sentences of imprisonment. The shortest sentence was 18 months' imprisonment and the longest 11 years. The Chief Magistrate had never known of a caution being imposed for a sexual offence.

18.27 Having considered each of the sentences passed between 2012 and 2014, the Inquiry Panel considers that the cases were disposed of in a manner commensurate with the gravity of the offences and there was no merit in any suggestion that sexual offences are not treated seriously by the criminal justice system on the island.

18.28 The cases in question were prosecuted by Crown Counsel; the defendants were represented either by the Public Solicitor or a lay advocate.

18.29 The then Solicitor General (previously Crown Counsel) told the Inquiry Panel that the sexual offences which came before the courts were predominantly familial. She stated that there were three specific (extended) family groups who were responsible for almost all the sexual offending on the island. It is exactly this type of information that should form the

subject of targeted police intelligence and should be conveyed to new police recruits on arrival on the island.

18.30 The Public Solicitor at the time gave evidence to the Inquiry Panel on 19 March 2015. She was a solicitor who had been in private practice in London before arriving on St Helena in 2011. She said that the criminal work in the Magistrates' Court mainly comprised driving cases (including drink driving) and sexual offences. Offences of dishonesty were rare. Of the sexual offences, she agreed with the then Solicitor General that most were intra-familial, involving repeat offenders.

Access to justice

18.31 The Public Solicitor at the time was able to explain to the Inquiry Panel the system of lay advocates. Lay advocates are not employed, but receive a stipend of £350 per month. She was responsible for supervising them. Lay advocates are able to deal with the full range of court cases, although she said that all serious sexual cases would be referred to her. In the most serious cases of all, she would be able to instruct Counsel from the Bar of England and Wales – as would the Crown.

18.32 Chief Justice Ekins told us: *"I frankly think on Saint Helena we have access to justice which is just about unparalleled. If anyone wishes to hold the Government to account they can instruct the Public Solicitor free of charge. There is a small contribution but it only kicks in at a relatively generous level. A Lay Advocate would be free of charge. They are not legally qualified but they can seek the advice of the Public Solicitor free of charge. The case will be responded to by the Attorney General's chambers. Win or lose, there are no costs. I will not follow the English model of costs following the event. The model I have adopted is more common in employment tribunals. I will only make an order for costs if the losing party has acted unreasonably."*

18.33 The Inquiry Panel endorses the sentiments of the Chief Justice that St Helenians have a system in place which allows them to be represented in court at public expense in a manner that safeguards their interests, whether they are defendants or victims.

Anomalies in jurisdiction

18.34 One of the complaints made in the document prepared by PC Michael Anderson was that the case of Dane Wade had not been dealt with in a competent manner. We address this in Chapter 4.

18.35 Suffice to say here that the Inquiry Panel was disappointed that the valid point of concern raised by PC Anderson in 2012 had still not been addressed by the St Helena Government at the time of writing this report.

18.36 Chief Justice Ekins said that, in general, he had not encountered jurisdictional problems. There had been difficulties that arose from time to time, as Ascension Island did not have a probation officer or even a social worker.

18.37 The Chief Justice gave an example of a case recently heard on Ascension Island that involved a 28-year-old man with no previous convictions. In the UK, given the facts of the case, a court would want the assistance of a probation report before passing sentence. The court on Ascension Island likewise wanted a probation report to be prepared, only to be

told that the Chief of Police, Trevor Botting, had considerable reservations about asking the St Helenian probation officer to prepare a report. A report was eventually prepared on a one-off basis. The probation programme came out of the Chief of Police's St Helena budget.

18.38 In practical terms, the Chief Justice told the Inquiry Panel that about 30 court cases per year were heard on Ascension Island, most of which were traffic-related. There might be a case once every three years where the court would consider something other than a fine or a driving ban.

Jamestown Prison

18.39 The prison on St Helena is situated in Jamestown, adjacent to the police station, and is approximately 180 years old. Its maximum capacity is 14 and, at the time of the Inquiry Panel's visit in March 2015, it housed 10 inmates.

18.40 The Inquiry Panel visited the prison on two occasions. We were given a guided tour around all parts of the prison, with access to any prisoner who wished to speak to us. We conducted interviews with five prisoners, including Jeromy Cairns Wicks.

18.41 We were able to speak to Victoria Kellett, the only trained probation officer on island. Ms Kellett is a probation officer from the UK who has been on St Helena since October 2013. She agreed with the assessment of the Solicitor General and the Public Solicitor that the majority of the sexual offences she dealt with were intra-familial. She also observed that there was an acceptance among St Helenians of underage sex, and suggested that many St Helenians were surprised when they were informed of the legal age of consent.

18.42 Ms Kellett worked for long hours in the prison and also in preparing court reports; she said she would welcome the prospect of a second UK probation officer on island.

18.43 Of the 10 inmates serving sentences, one was serving a sentence for drug offences, two were serving sentences for offences of violence, and the remainder were serving sentences for sexual offences.

18.44 The prison itself is small. Cells accommodate up to four prisoners; there is a large association room accessible to all inmates but very little outside recreational space. We were able to inspect the prison kitchen, which catered for all the prisoners' dietary requirements.

18.45 The problem of there being no secure outside space resulted in prisoners being allowed out of the prison grounds, providing they are supervised.

18.46 We have addressed in Chapter 2 the plans that are under way to expand the prison and move it to the site of the Challenging Behaviour Unit at Sundale. The result is that local residents, children and the vulnerable are all concerned that they will be at risk from prisoners who are allowed outside the prison confines without supervision.

Chapter 19

Ascension Island

Introduction

19.1 The Terms of Reference include “*the Investigation into Allegations Surrounding Child Safety Issues in St Helena and Ascension Island*”. Although the focus of the Inquiry was on St Helena, there were a small number of cases either crossing the jurisdiction between the two islands or which were specifically referred to in other reports which we investigated. We address those matters here.

19.2 For those unfamiliar with Ascension Island we offer a brief overview and attempt to provide some appreciation of the difficulties faced in its administration.

19.3 We will describe the review that the Inquiry Panel conducted of police and Social Services files.

19.4 We will also address the criticisms of Ascension Island made by former Police Constable Michael Anderson in his letter sent to Mark Hoban MP in October 2012.

Ascension Island: size and composition

19.5 As we explained in Chapter 1, Ascension Island, St Helena and Tristan da Cunha constitute a single British Overseas Territory. They share the same Governor, the same Chief of Police and the same Attorney General. The Governor is assisted in carrying out his duties on Ascension Island by the Administrator, who at the time of writing was Marc Holland.

19.6 Ascension is accessible by air, the United States Government having originally built Wideawake Airfield on the island during the Second World War. At one time, a NASA tracking station was established on the island for the space shuttle. The island is currently used by the British Armed Forces as a staging post for the Falkland Islands, as a mid-Atlantic base by the US Air Force, as an Atlantic relay station by the BBC and by the private telecommunications company Sure South Atlantic.

19.7 Ascension Island covers an area of 90km² and lies 1,125km north-west of St Helena. The population is approximately 850, with 75% of the workforce coming from St Helena.

19.8 The island has no permanent population. Those living and working on the island have no right of abode and can be deported summarily on the orders of the Administrator.

19.9 Because Ascension is considered to have no permanent population, the island is not eligible for any financial assistance from the Department for International Development (DFID).

19.10 The “temporary” inhabitants consist of British and American Air Force personnel, Government officials, contract employees of the various organisations established on the island and their families. The administrative centre is Georgetown.

19.11 In 1999, the late Robin Cook’s “ethical foreign policy” promised to establish democratic institutions and a legal right to own property on Ascension. Many St Helenians had long roots on the island, having lived there since the 1920s, and some of their children had been born on the island. In 2000 a right to abode was considered the way forward. In 2001, the St Helenians on the island were encouraged to establish businesses and buy privatised government assets, and they also prepared to buy the properties they were living in. A seven-member council was elected in 2002, and a right to abode and tenure timetable was agreed.

19.12 A new council was elected in 2005 to be suddenly confronted by the then Foreign Secretary Jack Straw’s U-turn and the decision that there would be no right of abode after all.

19.13 Despite the longevity of habitation of some islanders and others having been born on the island, the official position now is that there is no indigenous population. Those living and working on the island are now considered to be expatriates. The ultimate responsibility for family and childcare on Ascension is thus somewhat unclear.

19.14 The 1988 Constitution was replaced in 2009, limiting the Governor’s powers and creating a bill of rights and an independent judiciary. The Island Council is now consulted by the Administrator for advice on the administration of the island.

19.15 The current legal situation is contradictory and confused. On the one hand the island is clearly a military base and on the other it has a small resident civilian (some born and bred) population. The civilians have their own school, privately run and owned businesses, and a civilian police force. The island is under the authority of the Governor based on St Helena and yet has its own Administrator and separate legal system. There is also a quite separate RAF base under the control of a Wing Commander and an American Base Commander controlling the use of the runway as well as small sections of the island.

19.16 Children born on the island are expected to either take up work or leave the island at the age of 18 and return to St Helena.

19.17 Supplies of food and other produce and materials are delivered by the *Royal Mail Ship St Helena* (RMS), which sails between Ascension Island and St Helena and Cape Town. As a consequence of the decision to create an airport on St Helena, the RMS has been scheduled to end its services in July 2016. At the time of writing, no alternative method of travel back between Ascension Island and St Helena for the resident St Helenians or their families, let alone arrangements to replace the RMS cargo supplies of food and provisions, has been finally decided. This is an extraordinary oversight by those who planned the airport on St Helena and who are responsible for the welfare of the families on Ascension.

Military base or residential island?

19.18 When considering child welfare on the island, the first difficulty is to identify the nature of the society: is it a military base or a civilian society? The longevity of some residents inhabiting Ascension, and even being born and educated there under its own legal jurisdiction with an elected council, would, at first blush, seem to indicate that it is an autonomous society, as the late Robin Cook proposed that it should be. However, without the military there would be no economic justification for being on the island. There are no resources, industry or agriculture and little in the way of tourist attractions beyond the turtle egg laying season and deep sea fishing. If the military did not use Ascension as a stepping-stone to the Falkland Islands the small economy would wither away. The Americans provide for their own very small workforce.

19.19 We conclude that, while Ascension has a civilian population with a degree of autonomy, in reality it is merely an adjunct to the military base on the island. Once this has been determined the hybrid and uncertain situation of the civilians becomes clear. The inhabitants are there solely because of the military. If the military departed, the island's civilians would have no future on Ascension as they are not in a position to become, and are never likely to be, self-reliant. While not all occupations on Ascension are directly linked to the military, they are funded indirectly by, and are dependent upon, the military economy.

19.20 It follows from this that there is an argument for the military taking responsibility for elements of the welfare of the expatriates living on Ascension, while continuing to accept that the civilians are responsible for managing their own lives on the island. In practical terms the military ought to ensure that the expatriates are properly and adequately provisioned. At the time of our visit the source of fresh food for the inhabitants was the hold of the RMS. This inevitably meant that fresh food available to the civilians ran out between the cyclical visits of the supply ship, whereas the NAAFI was restocked with fresh produce twice weekly by flights from Brize Norton. Ascension islanders and their children were not allowed access to this supply of fresh food.

19.21 With the departure of the RMS both travel to and from St Helena and the supply of provisions to the workforce on Ascension will need to be restructured to reflect this reality. The current hybrid system serves no one well and leads to divided and insecure families, with children treated as irritants to be removed at the age of 16 or sent off the island if they present healthcare or other medical or social problems. We cite the example below of a case where this state of affairs has led to a draconian decision having been taken in relation to a vulnerable 16 year old.

Policing on Ascension Island

19.22 Ascension Island is policed by the St Helena Police Service. Officers on Ascension are known as the Ascension Island Detachment.

19.23 The most senior police officer on the island at the time of the Inquiry Panel's visit was Inspector Alex Hughes, a retired UK officer who had been in post for approximately five weeks. He was the fifth police inspector to be in charge of the island in less than three years. The Inquiry Panel was universally impressed by his commitment to improving community policing on Ascension Island.

19.24 Apart from such a small contingent being a significant barrier to providing a fully rounded police service, Inspector Hughes highlighted to the Inquiry Panel the lack of training and extremely limited experience of officers.

19.25 With regard to training, it was evident to Inspector Hughes that ongoing training had been seriously lacking for some considerable time. It was apparent from our investigations on St Helena that Achieving Best Evidence and joint agency safeguarding training had only recently been initiated on St Helena itself. As far as Ascension Island was concerned, staff had only benefited from these courses within weeks of the Inquiry Panel's arrival in March 2015.

19.26 Inspector Hughes was asked about police files relating to allegations of sexual offences occurring on Ascension Island. He stated that, in the short period since his arrival and in preparation for the visit by the Inquiry Panel, he had managed to review files relating to the period from 2010. He commented that the files "*were not kept as they are in the UK*" and that their format was poor. Those of the Inquiry Panel who inspected the files endorse that analysis.

19.27 The Inquiry Panel found that the files demonstrated a lack of consistency in how the law was being applied by the police. There were instances of good practice in some cases, for example where the police had decided to pursue a prosecution even when a victim had requested discontinuance. There were, however, other instances which showed a lack of understanding of safeguarding, for example where a 13-year-old boy was arrested and cautioned after engaging in mutual sexual touching with a 14-year-old girl in a swimming pool, when no action was taken against the girl.

19.28 The Inquiry Panel concluded that the standard of record keeping by the police fell below that which should be expected.

19.29 As for investigation equipment, unsurprisingly, there were no facilities on island for DNA testing or forensic analysis.

19.30 Inspector Hughes stated that in his view alcohol-related crime was the main problem on the island, particularly drinking and driving offences. A number of other witnesses confirmed this to be the case. Given that there are so few leisure facilities on the island the social focus of the community's leisure time around the handful of bars and clubs is not surprising.

19.31 As a result of the attention given to the bars on Ascension by the Lucy Faithfull Foundation report, and the accusations made by former Police Constable Michael Anderson, we deal below with the question of the licensing laws which were enacted on Ascension Island on 18 June 2013.

Social services

19.32 At the time of the visit by the Inquiry Panel, there was one part-time social worker on Ascension Island. This was fortuitous rather than planned. The social worker had been qualified since 2007, having worked in the UK for Waltham Forest Children's Services dealing with child protection and assessment cases. She had arrived on the island in 2012 with her husband, who had been appointed as Head Teacher of Two Boats School. When her expertise became known she had somewhat reluctantly taken up the role of social

worker. Prior to her appointment, there had never been a qualified social worker based on Ascension.

19.33 A total of 16 referrals had been made to Social Services in the period between January 2012 and March 2015. Four referrals did not necessitate the opening of a case file and no further action was taken; of the 12 cases where files were opened, two concerned domestic violence and both of those involved the police.

19.34 The Inquiry Panel found that the vast majority of the case files were well documented and indicated a good knowledge of social work policy and procedures by the social worker. However, there were a very small number of instances of a lack of information being recorded, particularly on those referrals where no further action was taken.

19.35 It was apparent to the Inquiry Panel that the social worker behaved with discretion and professionalism in carrying out her tasks. Inevitably, within such a small, confined community, some islanders treated her with suspicion, not only because of the potentially intrusive nature of her part-time job but also as a result of her position as the Head Teacher's wife. It is an unenviable role.

19.36 From the cases reviewed, it was apparent that there was scope for a more proactive approach to engage families and the community as a whole. The Inquiry Panel considered that establishing a full-time social work post would benefit the community. For example, there was a need for someone to work with teenagers, some of whom had eating disorders or self-harmed. A full-time social worker post would also allow increased engagement with councillors to promote safeguarding children initiatives, as well as working with the community generally to develop activities for young people (including screening DVD films). In such a small and isolated community, group work with childminders and young people alike would help to decrease the isolation of young teenagers and allow for discreet supervision of their interaction with older male workers on the island.

19.37 We discussed our views with Administrator Marc Holland and he was in favour of the appointment of a full-time social worker after the current social worker's planned departure from Ascension Island later in 2015. In August 2015, we learned that Mr Holland had created and filled the post of an Ascension Island social worker who would also perform the task of preparing court (probation) reports.

Safeguarding of children

19.38 The Inquiry Panel cites below the example of a case which illustrates the unsatisfactory state of affairs that exists on Ascension as a result of the ambivalence in the right of abode.

19.39 The case concerns Child B. She was a young girl who lived on Ascension Island with her grandparents. Child B's mother lived on St Helena. Her father, with whom she had no contact, lived in the UK.

19.40 When Child B was 15 years and 10 months old, she fainted at school. She was taken to hospital and found to be 12 weeks pregnant as a result of a relationship with an older boyfriend. Social Services became involved; that is to say, the social worker dealt with the case. She did so appropriately and sympathetically.

19.41 As no terminations are conducted on Ascension Island, Child B decided to go to the UK in order that she could have a termination there. The social worker made a referral to Children’s Services. Once Child B reached the UK, she changed her mind and decided to keep the baby. Subsequently, Child B expressed a wish to return to Ascension Island to complete her education. Child B’s grandparents indicated that they wished to apply to become Child B’s legal guardians. The Ascension Safeguarding Children Board met to discuss the case. It was decided that it was *inappropriate* for Child B to return to Ascension. Consequently she was not able to finish her education. The social worker was informed by the Public Solicitor that, as Child B was now 16 years old, her grandparents could not become her legal guardians. The Administrator at the time, Colin Wells, decided under the Entry Control Ordinance that Child B would not be granted leave to remain on Ascension with residence status. He stated: *“I am not sure we can prevent her going to St Helena. It is where she is from and has ‘belonger’ status there.”*

19.42 The case demonstrated good social work decision-making and practice on the part of the social worker. It also demonstrated the draconian powers of the Administrator, at that time Colin Wells. When David Blunt, the Head Teacher, was interviewed, he expressed the view that, had Child B been allowed to have a termination on Ascension, she could have completed her GCSEs; she had been expected to do well in the examinations.

19.43 This case illustrates the difficulties faced by those responsible for safeguarding on Ascension which arise as a result of the anomalous legal position. It also illustrates that Ascension Island is not equipped to deal with young people or the safeguarding issues that they face. On a military base in the UK outside resources could have been called upon and the life outcome for Child B would have been likely to have been better.

Schooling on Ascension

19.44 The Inquiry Panel met with David Blunt, Head Teacher, and two of the teaching staff.

19.45 The Head Teacher showed a clear commitment to the students and staff at the school and expressed his regret at having to leave the school in July 2015. He impressed the Panel with his knowledge of and concern for all of the students and detailed the improvements which had occurred since his appointment. These included the provision of pastoral care and personal, social and health education (PSHE) lessons, as well as raising awareness amongst the staff of safeguarding children.

19.46 He spoke candidly about the challenges he faced concerning staff and members of the community as the Head Teacher of a small school in an extremely remote setting.

19.47 David Blunt wanted the Panel to note that, following an Ofsted inspection in November 2014, the school received a “good” evaluation, which had been achieved as a result of the hard work of all the staff. He felt that the school had not been appropriately represented in the Lucy Faithfull Foundation report. He further wished to refute the perception given in that report that his wife had compromised her position as the island social worker by discussing confidential matters in the presence of their children.

19.48 The Inquiry Panel met with the Senior Teacher from Two Boats Primary School, who informed us that the school had 65 children aged 3–11 years. PSHE lessons began in Year 5. She had not come across evidence of inappropriate sexualised behaviour amongst any of the children and explained that all of the staff had undertaken safeguarding

training. There was a school Safeguarding Policy, which all staff had to read, and then sign and date to state that they had done so, before taking up post. There were three teachers who were designated Child Protection Officers who met regularly.

19.49 In comparing her experience of working in the UK for many years and her time at Two Boats School, the Senior Teacher felt that the Ascension children were far more polite and “*watched out for each other*”.

19.50 We also met with the Senior Teacher at Two Boats Senior School, where there are 26 children. She spoke of her concerns for a small number of students aged 15 who associated with older people (16–17 year olds) and some students who self-harmed. She described children on Ascension as being well mannered and very accepting of help and advice from teachers. Parents cared about their children’s welfare and would get in touch if there were any concerns. Last year there had been one teenage pregnancy.

19.51 This Senior Teacher felt that there was a good relationship with the Local Safeguarding Children Board, of which the Head Teacher was a member, and considered that he represented the school appropriately. David Blunt had also delivered safeguarding training to the staff.

19.52 The Inquiry Panel met with a group of students in Year 10 and 11 at Two Boats School. The meeting was an opportunity for this group of young people, aged 15 and 16, to share their views of life on Ascension Island with the Panel. The students were very polite and willingly engaged in discussion with Panel members. They spoke about life at school and on the island. Because the number of students in the two senior years was so small (eight in number) they all knew each other and appeared to get on well together, both in and out of school.

19.53 Some students had been on Ascension for most of their lives, whilst others had only lived there for one or two years. They all agreed that there was no bullying amongst their age group and spoke of being able to talk to all of the teachers (with the exception of one teacher) if they had any problems or concerns.

19.54 PSHE lessons were held every week in school. Some students found certain topics embarrassing. Only one student said they knew of a relationship involving an older man and a young girl, but this had happened in the UK, before their arrival on Ascension. Whilst the group spoke of meeting older people in bars, this was in the context of friendships and not personal relationships. When asked about the people who worked on the airbase, they said that they did have contact with them on the beaches, in the Two Boats Club and everywhere on the island. They stated that “*they act like normal people, except they work on the bases*”.

19.55 They spoke of being close to each other as a result of out-of-school social activities, such as going to the beach, playing skittles and messaging on Facebook. All the students we met had access to the internet and to limited television channels. They also spoke of the change in social activities since the Children in Bars Ordinance was introduced, saying that their parents rarely went out in the evening and that there was now a lack of atmosphere in the clubs on the island.

19.56 Several of them spoke of leaving Ascension to explore the world when they were 18, and others spoke of the difficulty of being with the same small group of friends.

19.57 The students impressed the Panel as a group of mature young people, and in their openness and willingness to share their views of life on Ascension Island.

Allegations made by former Police Constable Michael Anderson

19.58 Police Constable Michael Anderson was an officer working on Ascension Island attachment in October 2012 when he wrote the document *Is There Corruption in the Territories?* which his wife sent to the Hampshire MP Mark Hoban. The document contained a number of allegations. The case of Michael Anderson is addressed in Chapter 4.

19.59 In summary, Mr Anderson raised two important failings which he found to exist on Ascension Island. The first of these was the jurisdictional problem which arose when a defendant (Dane Wade), who was sentenced in the Ascension Island Magistrates' Court and then deported to St Helena, was immune from sanction when he breached that order on St Helena.

19.60 The Inquiry Panel was most disappointed to learn that this anomaly has still not been addressed.

19.61 The second failing observed by Michael Anderson was the presence of children in bars on Ascension Island. At the time of his complaint, there were no licensing laws in existence on Ascension Island.

19.62 On 18 June 2013, the Sale of Alcohol and Access to Bars (Children and Young Persons) Ordinance of 2013 was passed and licensing laws on Ascension Island were brought into line with those on St Helena.

19.63 The Inquiry Panel was told by Administrator Marc Holland that the licensing laws are followed, despite being unpopular with the majority of Ascension Island residents and indeed the Island Council.

The effect of St Helena Airport

19.64 At the time of writing this report, St Helena Airport is due to open in early 2016 and the RMS is due to be decommissioned in June 2016. This development will affect both St Helena and Ascension Island and we address the subject here.

19.65 St Helena has struggled to be self-sufficient since it was first inhabited in 1502. Various projects have been tried, including silkworm breeding, whale fishing, mackerel canning, cinchona plantations, flax production, rope and twine production, philately marketing, lily bulb exportation and also coffee, dairy and brewery projects. Only flax was successful in balancing the books and that lasted for only one year. The latest hope is that tourism can lead the island towards self-sufficiency and, to this end, DFID has invested £250 million in the airport project. It is hoped that, despite the lack of an accessible beach and the usual tourist facilities, the beauty of the rugged interior combined with a potentially large speculative hotel investment will attract 30,000 tourists a year to the island.

19.66 The viability of the airport scheme is not the concern of this Inquiry; however, the effect of it on childcare and families on Ascension Island had not been resolved at the time of our visit to the islands.

19.67 The airport will have one positive effect on child healthcare as far as St Helenians are concerned as the severely ill will now be able to be flown to South Africa for treatment rather than wait for the RMS's return. However, family unity and the consequences of absentee parents do not appear to have been considered.

19.68 The problems which were drawn to our attention while the Panel was on Ascension and which will have adverse effects on family life were these:

- a. The length of the runway at St Helena Airport is not sufficient to land planes from the UK without refuelling, which it was felt would make return flights by Ascension islanders via Brize Norton and Heathrow/Gatwick longer and possibly more expensive.
- b. At the time of our visit there was no plan to run an air or sea shuttle service between St Helena and Ascension Island as Wideawake is a military airfield controlled by the US.
- c. As far as we are aware at the time of writing, the only flight route that has been secured is one between St Helena and Johannesburg.

19.69 At the time we visited the islands several parents expressed their concerns about the lack of consultation and consideration of the connections which would replace the RMS when the ship was decommissioned.

19.70 The Inquiry Panel was of the opinion that the rights and responsibilities of the residents on Ascension and their children had not adequately been taken into consideration when the airport plan for St Helena was settled upon. Despite the fact that the St Helenians have family connections with Cape Town as a result of the long-established link created by the RMS, the current plan for the new airport on St Helena is for a weekly flight connection to Johannesburg. Distance and flight crew restrictions, compounded by American ownership of the landing strip on Ascension and their reluctance to allow private flights, mean that flights cannot viably continue from St Helena to Ascension other than at substantial extra cost. With the planned scrapping of the RMS service, separate arrangements for the St Helenians to return the 800 miles back to St Helena will be required.

19.71 The failure to consider the children and families of those either living on Ascension or living on St Helena and working on Ascension when the airport decision was reached has created inevitable stress and concern on both islands.

19.72 We found it surprising that the St Helena Government had not been more proactive in finding a solution. The Administrator on Ascension was so concerned about this oversight that he had taken it upon himself to try and make arrangements for a small connecting flight to shuttle between Ascension and St Helena directly. The legal, contractual and military complexity of using the American airbase, let alone obtaining the funding for such a shuttle, was unresolved at the time of our visit.

19.73 Yet again, the Inquiry Panel is of the view that the lack of consideration given to the 850 or so inhabitants on Ascension and the effects on their families further reinforces the unfortunate impression we gained of a residual and outdated colonial approach to the island's inhabitants. It would seem that, when they were asked to vote on the airport, no one was aware of the lack of consideration given to this issue. The costs and transfers, as well as the time involved in moving between the two islands, may well deter St Helenians from

seeking employment on Ascension. This is likely to result in either increased unemployment on St Helena or increased emigration with further pressures on childcare. Optimistically, there will be alternative employment if the anticipated tourism industry takes off and the St Helenians are retrained to work in the five-star tourist industry that is envisaged. In the meantime, pressures on family cohesion and the protection of children with absentee parents will require careful monitoring. On 9 October 2015, the Ascension Island Government and St Helena Government selected Comair Ltd as the preferred bidder for the provision of a monthly air service between St Helena and Ascension. The Inquiry Panel hopes that such an air link can be finalised at a cost which is affordable for the St Helenians resident on Ascension Island.

Conclusions

19.74 The Panel was universally impressed by Administrator Holland's knowledge and his hands-on approach to all areas. From discussions with other employees on Ascension it was apparent that he took an active and direct interest in all aspects of island life. Enforcing some laws and regulations in such a small community was unlikely to endear him to all the islanders, some of whom could not understand why children were henceforth to be banned from the bars after 9pm while others resented paying taxes for fishing. Mr Holland's response was to involve himself in the issues and to explain and persuade rather than to ignore or dictate.

19.75 One of the problems for families living on an isolated military base is the presence of young men with time on their hands and not enough structured social entertainment. There were many concerns about the interaction between American civilian workers and single military men with children, to which Mr Holland was alert. Since the Inquiry Panel's departure from the island, Mr Holland has been able to effect a solution which addresses the contractors on the island, requiring them to provide a "certificate of good conduct". This system has already identified one or two contractors with non-declared criminal records. However, this system cannot be extended to cover tourists or business travellers. Mr Holland remains alert to the risk and continues to work to find a solution.

19.76 Mr Holland has provided the Inquiry Panel with an update on the problems on Ascension Island that remain outstanding:

- a. The air link between St Helena and Ascension Island has not been finally resolved. Marc Holland has been told that 20% of the existing St Helenian workforce proposes to return to live in St Helena if no direct link is provided.
- b. The infrastructure of the island is crumbling.
- c. Food supplies remain an issue.
- d. Although DFID money is available for St Helena, Ascension Island remains ineligible for such support.

19.77 The Administrator's post on Ascension is not an easy one as the role is circumscribed by its subservience to the Governor on St Helena, and restricted by its relationship with the British military and the American base, each with their own security requirements. The office holder also has to balance the interests of the civilian population who, in many instances, regard themselves as inhabitants as opposed to expatriates. The incumbent, Marc Holland, operated a refreshing and modern hands-on management approach as opposed to following a more distant, arm's-length style which the powerful

position might tempt less able men to follow. The result was evident in his awareness and administration of the many small problems encountered in such an isolated and small community, enabling him to deal with issues before they grew out of proportion.

Appendix 1

St Helena: a brief overview

“Loyal and unshakable” – settlers, soldiers and slaves

- St Helena, located at 15°55'59"S, 5°42'0"W, is the fifth most remote inhabited island in the world. The most remote is its sister island, Tristan da Cunha, which is found 2,000km (1,250 miles) to the south.
- The island was formed during two volcanic periods between 14 and 7 million years ago. The extinct volcano rises 818m (2,684 ft) above sea level on a huge cone 20 times larger than Mount Etna, and sits in over 3,000m (10,000 ft) of water on the Mid-Atlantic Ridge.
- The nearest continent, Africa, lies 1,900km (1,200 miles) away to the east, with South America some 3,000km (1,800 miles) west.
- The island is very small, being 121km² (47 square miles). It is a similar size to the Isle of Bute in Scotland.
- The topography is varied, with vertiginous cliffs up to 500m (1,600 ft) high riven by steep V-shaped valleys. From the sea the island appears barren, but inland it is a cornucopia of endemic biodiversity with over 400 unique plants and invertebrates although, sadly, human intervention has destroyed all but 1% of the native vegetation. The rugged terrain conceals a hinterland with a mixture of pasture, arable land and cloud forest, fringed with barren desert cut into by deep rocky ravines.
- The climate is tropical but mild as it benefits from the prevailing south-east trade winds and the Benguela Current flowing from the south, which combine to bring changeable weather with a seasonal temperature range of 20–32°C. The central area is wetter and generally 5 to 6°C cooler.
- The island (then uninhabited) was discovered by the Portuguese in 1502 and christened “Santa Helena”. Strategically located on the trade route from Europe to Asia, it was also frequented by Dutch and British seafarers. The British took control in 1659 following a charter granted by Oliver Cromwell to the East India Company to govern the island. Excluding a brief interlude of five months after an invasion by the Dutch East India Company in 1672/73, St Helena has been a British Territory. In 1869 the Suez Canal opened, greatly reducing passing trade.
- Napoleon, St Helena’s most famous resident, was imprisoned on the island from 1815 to 1821 and, amongst many ailments, it is speculated that he suffered from the sailor’s diseases of gonorrhoea and syphilis. Perhaps there was some truth in this: in 1867 Dr James Barry, Principal Medical Officer on the island, reported a high prevalence of

sexually transmitted diseases in the civilian population as destitute females resorted to prostitution.

- There are some 4,000 English-speaking inhabitants permanently resident on the island. The islanders come from a melting pot of European, East Indian, Asian, Madagascan, Chinese and African descent. The mixed races reflect the ebb and flow of trade during St Helena's heyday as a seafarers' watering hole.
- St Helena governs its domestic affairs under a written constitution, with ultimate legislative and executive authority residing in the British Crown.
- The best websites for more detailed information are:
 - <http://sainthelena.island.info/>
 - <http://www.sainthelena.gov.sh/>
 - <http://sthelenatourism.com/>

Appendix 2

Reports summary

Report title	Author	Date	Relevant findings	Relevant recommendations
<i>Working Together</i>	Mike Evans	April 1998	Social Services needs to record more of its activities. Need for closer working relationship between police and Social Services. Half Tree Hollow interview suite completely inappropriate for interviewing children and young people. Lack of any police checks on staff working with children and young people. No care proceedings in legislation. Social work assessments potentially dangerous. Lady Wood Children's Home amounts to systemic abuse.	Social workers must be involved in all investigations of child sexual abuse. More appropriate interviewing environment to be set up. Establish Child Protection Committee. Distance learning with placements in UK Social Services for social work staff. Urgent positive action to resolve situation with children's home.
<i>Employment and Social Services Department Business Plan 1999-2002</i>		25.11.1998	No back-up for Social Services skills, few written procedures.	Plans to construct sheltered accommodation.
<i>Raising the Standards by Raising the Profile</i>	Mike Evans	May 1999	Very serious concerns about the current approach to children at risk. Quality of management of families of children in need or at risk of abuse is low. Entire social work workforce is unqualified and operating in a social work procedural and policy vacuum. Poor inter-departmental communication.	Formal process for registering childminders. Cross-referencing of Childcare Ordinance with UK Children Act 1989. Good practice guidelines for returning children from care. Development of child assessment and community resource centre. Establish multi-disciplinary planning group for community and family services. National Institute for Social Work involvement in raising standards and profile of Social Services. ASPIRE framework and formal filing system should be developed for social work team. Secondment of operational social work manager from UK plus appointment of two newly qualified social workers.

Report title	Author	Date	Relevant findings	Relevant recommendations
<i>Where There's a Will There's a Way</i>	Mike Evans	May 2000	Many of previous recommendations not acted upon. Social Services Directorate had not improved and was in some ways worse. Previous reports had not been circulated.	Guidance to be given on importance of appointing professionally qualified social work manager. Social work division to be placed under management of health as temporary measure. Develop probation specialism within social work division. Team of at least three social workers to be established, with one administrator. Introduce Children Act. Develop Child Protection Group.
<i>Report of a Visit to St Helena by DFID Overseas Territories Unit Social Development Advisor</i>	DFID Social Development Advisor	July 2000	Until recently, child abuse has been a low priority for the St Helena Government. Impressions are that incidence is no worse than in the UK. Underage sexual relations regarded as significant problem. Social Services particularly problematic and weak. Has had a reactive rather than proactive approach. Two social workers have received little training and lack experience – unable to cope with workload. Some basic social work practices not followed. Significant strengthening of Social Services is urgent. Little evidence of joined-up thinking in policy-making. Lack of expertise in dealing with child abuse in Social Services, police, education and health. Urgent need to review penalties for underage sexual intercourse cases. Mike Evans' reports not implemented or brought to attention of Governor.	Recommendations of Mike Evans should be implemented, including up-to-date legislation based on UK Children Act. Police, education and Social Services should become fully acquainted with guidelines for dealing with child abuse cases. Police should investigate why so few underage sexual intercourse cases reach court. Criminal justice to hold workshop for magistrates. Urgent need to employ experienced expatriate social worker. Introduce case conferences and case files for all clients of Social Services, not just victims of child abuse.
<i>Social Development Adviser Visit – Report</i>	DFID Social Development Advisor	July 2001	Attitude to democratic process characterised by cynicism and apathy. Confidence in public services undermined by perceived lack of confidentiality. Dramatic improvement in child protection.	Third social worker by September 2001. Fourth social worker by 2003/04. Social work manager should develop programme to effectively maintain confidentiality. Funding proposal to train social work staff and establish social work division. More proactive approach to sexual offenders required. Establish serious sexual offenders register. Further training for magistrates on sentencing for underage sex and domestic violence.

Report title	Author	Date	Relevant findings	Relevant recommendations
<i>St Helena Social Development Report</i>	DFID Social Development Advisor	January 2002	Social work manager performing extremely well in difficult and severely under-resourced circumstances.	Recruit local counterpart to social work manager. Identify funding for training of all members of Social Services team. Reform of Children Act.
<i>Field Visit to St Helena</i>	DFID Social Development Advisor	March 2002	Rights of children and disabled relatively neglected. Characteristic feeling among locals is lack of confidence about expressing feelings and upholding rights. Cases of child abuse and underage sexual intercourse given very light sentences.	No specific recommendations.
<i>Child Protection in the Overseas Territories</i>	DFID Social Development Advisor	December 2002	Child abuse allegations referred to in successive social development reports. Sexual relations between older men and young girls appear to be common on St Helena and accepted as the norm.	No specific recommendations.
<i>Child Protection in the Overseas Territories: A Way Forward</i>	Social Work Manager/Trainer	12.04.2003	No mechanism to monitor and restrict known or suspected offenders. Underage sex perceived as commonplace. High numbers of absent parents; inadequate levels of supervision. Remedial intervention dominates. Social workers struggle to keep up with everyday demands.	Equal or more attention to be given to prevention and early intervention. Clearer definition of sexual abuse. Improve legislation relating to children. Substantial investment in preventative and proactive approaches.
<i>St Helena Visiting Psychologist Report</i>	Visiting Psychologist	November 2005	Barn View – there is a positive ethos and good programme of social and occupational therapy, but this is often compromised by staff shortages.	Variety of recommendations relating to mental health provision on St Helena.
<i>Child Protection Programme Quarterly Report Oct-Dec 2005</i>	Consultant	14.1.2006	Social work manager on year-long management training course in UK. Social work department without team manager; no trained social workers and vacancies in department. Large number of absent parents working abroad. Poor history of departments working together. Inadequate staffing. Lack of trained workers to undertake child protection; unclear whether child protection procedures are being followed. History of underage sex and inadequate legal measures.	Action plan developed.

Report title	Author	Date	Relevant findings	Relevant recommendations
<i>St Helena Visiting Psychiatrist Report</i>	Visiting Psychiatrist	09.03.2006	Lack of specialist child and adolescent services.	Start youth counselling service within social work department. Appointment of mentor for leader of child protection team. Counselling training for social workers and mental health team.
<i>Child Protection in Saint Helena</i>	Consultant	August 2006	Limited resources to meet the needs of children with disabilities. Lack of any trained social workers a concern. Medical services tend to dominate department's planning and resources.	Services for children with disabilities to be reviewed and strengthened. Appropriate child protection training for senior social worker. Secondment of trained social worker for a year. Training in child protection for social work team. Contract for online and telephone case management advice.
<i>Child Protection Programme Mission Report</i>	Viv Neary	November 2006	Very little progress made on implementation of National Action Plan. Child Protection Strategy Group has not met for several months. No progress on enacting draft Child Care Bill. Social work does not enjoy a high status on St Helena. May continue to be treated as "poor relation" of other departments. Existing legislation not in line with modern practice. Legal responses to underage sexual intercourse often inadequate and inconsistent. Systems, policies and procedures to protect children are in place but not used or understood.	Enact Child Care Bill in 2007. CPP coordinator to draft training courses and assist with functional and structural review of social work provision. Funding of temporary social work post for Ascension Island. New St Helena child protection procedures to be written. St Helena Government to review and strengthen recruitment procedures to safeguard children. National Action Plan based on recommendations created.
<i>Child Protection Programme Report on Mission to St Helena 6–20 January 2007</i>	Viv Neary	January 2007	Absence of the most basic systems and safeguards in relation to work with children and families. Not one qualified social worker and a dearth of management and expertise. No extra allocation of resources to Social Services in new budget for 2007–10. The current resources of the social work division are deployed in such a vague, amorphous way that it would be impossible to say they were inadequate. Social work is a "Cinderella" service, in danger of being the poor relation to health in terms of resources and practice models.	Case for bringing children's services under one directorate. Up-to-date legislation important. Educate elected representatives and senior managers of St Helena Government about importance of social work. Bringing in experienced and qualified practitioner/manager for a temporary period to work alongside existing staff would be effective.

Report title	Author	Date	Relevant findings	Relevant recommendations
<i>Child Protection Programme Review of the Systems and Structures of the St Helena Social Services Division</i>	Viv Neary	February 2007	Social work division's approach to work is almost completely without formal systems and structures. Not possible to say whether effective or busy. No evidence of inter-agency working. In children and families work deficiencies are unsafe and unacceptable, leaving children at risk.	Written procedures and protocols for supervision of social workers to be put in place immediately. Supervision at least once a month. Uniform referrals. Differentiation between active, non-active and closed cases. Structured service delivery system. Improved case records methodology. Consider redirecting resources from Family Centre to foster care.
<i>Psychiatric Consultancy Final Report</i>	Visiting Psychiatrist	13.07.2007	Lack of expertise in child protection. Lack of adequate staffing in intellectual disabilities.	Lack of expertise in child protection work to be addressed as matter of urgency.
<i>Strategic Review of Health and Social Services</i>	Three consultants	July 2007	Wide range of strategies and plans defined in recent times, but many have been implemented only in part or not at all. Resource constraints are main impediment to change. Management, staffing and performance of social work division a concern, especially in relation to protection of children. Little evidence that meaningful social work assessments are being carried out. No qualified social work practitioners.	Emphasis of next three to five years should be on implementation of existing strategies rather than development of new ones. Social work division should provide more specialist leadership and ownership where children deemed at risk of significant harm. Systems within childcare need to be strengthened, and expertise improved within social work role. Give consideration to creation of "children's service" encompassing social work and education. Experienced, qualified social work childcare practitioner should be appointed. Set up parental skills facilitators group.
<i>Report on the Visit of the Southern Oceans Police Advisor to St Helena</i>	Southern Oceans Law Enforcement Advisor	March 2008	Imbalance in favour of management. Weak strategic development. Significant gaps in skills and training, including crime investigation. Scope for improvement in interview facilities and facilities for detention of adults and juveniles.	Greater devolution of Chief of Police's responsibilities. Introduction of sex offender register. Introduction of Multi Agency Public Protection Arrangements (MAPPA). Creation of methods to receive, record and analyse intelligence. Establish a police public complaints procedure. Ensure all staff submit domestic violence and juvenile forms. Common Assessment Framework training for all staff in public and voluntary sector who have regular contact with children.

Report title	Author	Date	Relevant findings	Relevant recommendations
<i>Safeguarding Children in the Overseas Territories: Report of Inception Visit April/May 2009</i>	Viv Neary	May 2009	Child protection has higher profile than in 2006/07. National Action Plan not progressed. Advisory Group has not met since January 07. Concern about young females having sexual relationships with older men.	Unified Children and Young People's Directorate. Revision of safeguarding and child protection procedures, including MAPPA, Twin Social Services with UK childcare team.
<i>The Need for Sexual Abuse Risk Assessment Expertise on St Helena</i>	A former Public Solicitor	5.3.10	Exceptional number of alleged sexual abuse offences before Supreme Court. Number of offences charged and investigated but falling short of the prosecution criteria is alarming in relation to population size. Incarcerating paedophiles together is the worst possible scenario in terms of managing future risk.	Identify funding to bring out forensic psychiatrist specialising in assessing risk of sexual reoffending and risk management.
<i>The Need for Expert Prosecution</i>	A Social Worker	7.3.10	Rising tide of anger against young victims. Attitude in some parts of community that casual sex between adult males and underage females is acceptable.	Identify funding for someone with experience in this field to prosecute cases with the vigour they deserve.
<i>The Need for External Expertise in Relation to the Forthcoming Trials and Their Expected Aftermath</i>	Viv Neary	8.3.10	Prosecution of disproportionately large number of individuals for sexual offences. Seems to be symptomatic of a broader underlying attitude to sexual activity between young females and older males. Overly lenient sentencing in past.	Cases should be prosecuted by someone with considerable experience and expertise in the field. Professional support from UK to Glenn Mohammed in providing programme of work for convicted abusers.
<i>Child Safeguarding and Child Sexual Abuse in St Helena: Options for Further Intervention</i>	DFID Social Development Advisor	28.3.10	Increase in number of cases of child sexual abuse being reported through social work division and police.	Investigation training; Terms of Reference for senior magistrate; training on working with children and young people; engage service provider for risk assessment and treatment of offenders; progress "no means no" campaign.
<i>Safeguarding Children in the Overseas Territories: Quarterly Report April-June 2010</i>	John Warwick, Viv Neary	June 2010	Way in which current spate of sexual abuse cases has been dealt with has been cause of some rifts between professionals. Safeguarding Children Board needs to be more assertive. A faction forming that has expressed opinion that police did not pursue cases of sexual abuse with appropriate vigour.	No specific recommendations.

Report title	Author	Date	Relevant findings	Relevant recommendations
<i>Safeguarding Children in the Overseas Territories: Quarterly Report October–December 2010</i>	John Warwick, Viv Neary	December 2010	Social work team strengthened by new manager and two social work assistants. UK qualified manager/trainer will leave in 2012; the major challenge is to ensure that the high professional standards and knowledge levels she has enabled are maintained.	No specific recommendations.
<i>Report Regarding the Outcome of the Delivery of Safeguarding Children and Young People Training on St Helena</i>	Julie Dugdale	4.3.2011	Participants referred to culture among former generation whereby adults accepted older men being involved with younger girls. Children described as sexualised at a young age.	All staff working with children and young people should take part in a basic training programme. Specialist training for social workers and police every three years. Child protection procedures in place in all schools.
<i>Development Assistance Planning Mission Aide Memoire</i>	A former Governor, Suzanne Adcock	24.5.2011	St Helena is the beneficiary of a number of DFID-funded regional programmes, including child safeguarding, building human rights, and sexual and reproductive health. St Helena Government the first Overseas Territory to produce booklet on human rights and responsibilities. New budget for sheltered accommodation.	No specific recommendations.
<i>Safeguarding Children in the Overseas Territories Visit Report: 21 to 29 February 2012</i>	Viv Neary	February 2012	Full-time UK social worker leaves May 2012. Difficulty in recruiting and retaining suitable St Helenians for the social work team. Great majority have not undergone basic foundation level safeguarding and child protection training. One of the main issues for welfare of children is resources. Family Centre would not reach basic standards required in UK. Challenging Behaviour Unit (CBU) highly unsuitable for children in public care. St Helena Government is failing in its responsibility to provide adequate resources for the most damaged, vulnerable and needy children and young people.	Consensus on St Helena is for further funding of full-time UK qualified mentor/skills development worker. Questionable whether highest priority should be staff development. Targeted investment in developing a fostering service and a residential unit that meets minimum standards should be priority.

Report title	Author	Date	Relevant findings	Relevant recommendations
<i>Development Assistance Planning Mission Aide Memoire</i>	Mark Capes, Suzanne Adcock	February 2012	Provision for disabled people fragmented, with responsibility split between St Helena Government departments and civil society groups. DFID and St Helena Government share deep concerns over infrastructure. Going into 2012/13, St Helena Government will still be holding around £4 million surplus funds.	No specific recommendations.
<i>Social Work Trainer's Final Report</i>	A Social Worker	May 2012	Issue of older men targeting younger girls has been raised for many years. Difficult to get hard facts. Achieving Best Evidence interview suites unsuitable. CBU at Sundale totally unsatisfactory. Social Services has become a "Cinderella" service compared with health. Concerns around children living with someone other than birth parent unfounded.	Raise profile of Social Services. Children's Champion to take political lead on children's services. Develop support for children with disabilities.
<i>Report in Respect of Work Undertaken by Interim Social Services Trainer, June to September 2012</i>	Consultant	September 2012	Social work team enthusiastic, motivated and keen to learn.	Development of social work qualifying programme on island. Permanence policy for looked-after children. Establishment of adoption panel or equivalent. Cultivation of foster care. Supervision of staff and meetings of Safeguarding Board should not be cancelled without rescheduling.
<i>The Need for a Manager of Child and Family Services</i>	Policy Development Officer in Safeguarding	2012	Barn View and CBU unstimulating and often unsafe. Some rooms akin to those of solitary confinement in prison films: stark, cold and despairing. No concerted or holistic attempt to structure social services for children and families.	Appoint Manager of Child and Family Services and Senior Social Services Manager. Restructure Social Services Directorate.

Report authors

Suzanne Adcock: DFID Programme Manager; Viv Neary: SCOT Consultant; John Warwick: SCOT Consultant; Mark Capes: Governor; Mike Evans: Consultant; Julie Dugdale: Barnardo's Trainer.

Appendix 3

Constitutional and jurisdictional issues

1. Introduction
2. The British Overseas Territories
3. Constitutional arrangements for the British Overseas Territories
 - 3.1 Overseas Territories' Constitutions
 - 3.2 The position of the Crown
 - 3.3 The office of Governor
 - 3.4 The executive functions of a Governor
 - 3.5 Legislative authority
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4. Constitutional arrangements for St Helena, Ascension Island and Tristan da Cunha
 - 4.1 Constitution
 - 4.2 The position of the Governor
 - 4.3 The position of the Administrator (Ascension Island)
 - 4.4 The position of the Administrator (Tristan da Cunha)
 - 4.5 The Legislative, Executive and Island Councils
 - 4.6 Courts and jurisdiction
5. Governance and legal issues at the heart of the Inquiry
 - 5.1 Use of executive power by the Governor of St Helena, Ascension Island and Tristan da Cunha
 - 5.2 The Foreign and Commonwealth Office, St Helena Government and disclosure to the Inquiry
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1. Introduction

1. The following presents a summary to the Inquiry by the Inquiry Solicitor of the key constitutional structures of the Territories of St Helena and Ascension. Considerable assistance was provided by the definitive textbook *British Overseas Territories Law* by Ian Hendry and Susan Dickson (Hart Publishing, 2011) as well as an analysis of key legislation and case law.
2. This appendix also considers in context a number of observations on incidents described in the main body of the report relating to the use of the Governor's executive powers and also disclosure to the Inquiry. There is an analysis too of jurisdictional issues relating to the prosecution of sex offenders which have caused concern to the Inquiry.
3. St Helena, Ascension and Tristan da Cunha now constitute a single British Overseas Territory under that name.¹ The constitutional arrangements are found in the St Helena, Ascension and Tristan da Cunha Constitution Order 2009, SI 2009 No. 1751 ("the Constitution Order"). This Order in Council was made on 8 July 2009. The Constitution of the Territory ("the 2009 Constitution") is attached as a Schedule to the Constitution Order. This single territorial grouping, which until 2009 was known as "St Helena and Dependencies", consists of the South Atlantic islands of St Helena, Ascension and, in the Tristan da Cunha Group, Tristan da Cunha, Gough Island, Nightingale Island and Inaccessible Island.
4. The territorial grouping of St Helena, Ascension and Tristan da Cunha is one of the 14 British Overseas Territories. These are Territories under Crown sovereignty and are listed in Schedule 6 of the British Nationality Act 1981 (as amended by the British Overseas Territories Act 2002). To assist the analysis, St Helena and Ascension are described in this chapter with reference to other Territories.
5. St Helena has an area of 121km² and lies 1,900km from the west coast of Africa and 3,000km from South America. The population is 4,084 (2008 Census). The administrative centre is Jamestown.² The island is not currently accessible by air and instead relies upon the *Royal Mail Ship St Helena*, both for the transport of individuals and for the shipping of supplies to the island. An airport is currently under construction and is expected to open in mid 2016.
6. Ascension covers an area of 90km², and lies 1,125km north-west of St Helena. Its population is about 850, around 75% of them from St Helena, although there are no permanent residents. The inhabitants consist of British and American air force personnel, government officials/employees, contract employees of the organisations established on the island and their families. They have no permanent right of abode. The administrative centre is Georgetown. Ascension can be reached by air and is linked to the UK by the "South Atlantic Airbridge" operated by the Royal Air Force (the United States Government having built Wideawake Airfield on the island during the Second World War).

1. Preamble, para (J) of the 2009 Constitution states: "*Mindful of the fact that, while separate territories, St Helena, Ascension and Tristan da Cunha form a single territorial group under the Crown.*" The islands are listed as a single British Overseas Territory in the British Nationality Act 1981, Schedule 6.

2. Much of the information in paragraphs 5 to 7 is derived from *British Overseas Territories Law*, Hendry and Dickson, *op cit* at p. 332 ff.

7. Tristan da Cunha has an area of 98km² and lies 2,000km south of St Helena and 2,400km west of Cape Town, South Africa. Its only link to the outside world is by sea, and passage out is infrequent. The population is 246 (as of 2009). The only settlement is Edinburgh of the Seven Seas. The neighbouring islands of Nightingale and Inaccessible are uninhabited. A small team of South African meteorologists live on Gough Island.

8. As with the other 13 British Overseas Territories, St Helena, Ascension and Tristan da Cunha is no longer classified as a “Dependent Territory” of the United Kingdom of Great Britain and Northern Ireland. The concept of a British Dependent Territory was found originally in the British Nationality Act 1981. It was replaced by the introduction of a constitutional unit of a British Overseas Territory in the British Overseas Territories Act 2002. The 2002 Act therefore marked the formal transition from the use of the description “Dependent Territory” to “British Overseas Territory”. It is notable that the British Overseas Territories Act 2002 did not expunge the term “colony”, which continues to be found in several enactments passed or made before 2002.³ All 14 British Overseas Territories fall within this definition and are therefore (unless the contrary intention appears in any particular enactment) within the meaning of references to “colony” in existing United Kingdom legislation.

2. The British Overseas Territories

9. Each British Overseas Territory is constitutionally separate and “distinct” from the United Kingdom. In terms of British statute law, “the United Kingdom” is defined in the Interpretation Act 1978 as Great Britain and Northern Ireland. This plainly excludes the British Overseas Territories. Consequently, as each British Overseas Territory is a constitutional unit separate from the others and from the United Kingdom, each Territory has a government separate from the Government of the United Kingdom. As each of the British Overseas Territories is nonetheless part of the dominions of Her Majesty The Queen, the government of each Territory is Her Majesty’s Government in right of the particular Territory.⁴ That government is headed by Her Majesty’s representative in or for the Territory, who is generally the Governor or an equivalent.⁵

10. The United Kingdom Government is commonly referred to as “Her Majesty’s Government” (or “HMG”) to distinguish it from the government of a Territory.⁶

11. In the less populated British Overseas Territories, executive power is exercised on Her Majesty’s behalf largely by the Governor (or equivalent office holder). In Territories with permanent populations, the Governor is advised by an elected executive body, variously

3. The term “colony” remains defined in Schedule 1 to the Interpretation Act 1978 as follows: “‘Colony’ means any part of Her Majesty’s dominions outside the British Islands except (a) countries having fully responsible status within the commonwealth; (b) territories for whom external relations a country other than the United Kingdom is responsible; (c) associated state; and where parts of such dominions are under both central and local legislature, all parts under the central legislature are deemed for the purposes of this definition to be one colony.”

4. See *British Overseas Territories Law*, Hendry and Dickson, *op cit* at p. 9.

5. It is notable that the Governor of St Helena has been appointed as the Governor of Ascension and Tristan da Cunha as well. However, separate appointments have been made for resident Administrators on Ascension and Tristan da Cunha. The Constitution of the Islands defines the relationship between Governor and Administrator.

6. That is arguably inaccurate, because the government of each Territory is a government of a Territory in right of Her Majesty, and therefore entitled to the same description. The convention has been adopted to name a British Overseas Territory’s government as “Her Majesty’s Government in the Territory”, in practice “Her Majesty’s Government of Gibraltar”, for example.

called a Cabinet, Executive Council, Council of Ministers or Island Council.⁷ In the larger Territories this body itself exercises direct executive power, or gives binding advice to the Governor, on a wide range of matters.

12. Each Territory has its own Legislature, which enacts the great majority of laws for the Territory. In the less populated Territories the Governor (or equivalent) is the Legislature.⁸ In nine Territories there is an elected legislative body which debates and passes Bills and submits them for assent by The Queen or the Governor on her behalf.⁹ Laws may also be made for the Territories by United Kingdom Acts of Parliament, or by Order in Council made by Her Majesty on the advice of United Kingdom ministers.

13. Each Territory has its own judicial system, with its own system of courts.¹⁰ In some cases superior courts are shared and the Supreme Court and the Court of Appeal of St Helena are also the superior courts for Ascension and Tristan da Cunha. Final appeal from all Territories lies with the Judicial Committee of the Privy Council. Each Territory has its own laws, largely consisting of its own statute book of local enactments, which is distinct from that of the United Kingdom (or any part of it), although some United Kingdom laws form part of a Territory's corpus of law.

14. Human rights protection is extensively defined in the Constitutions of the Territories.¹¹ These Constitutions detail the fundamental rights and freedoms of the individual and allow for enforcement by the courts.¹² The European Convention on Human Rights has been extended to all British Overseas Territories except the British Antarctic Territory, the British Indian Ocean Territory and Pitcairn.

15. The defence and security of the Territories remains the responsibility of the United Kingdom. Defence and security are key constitutional responsibilities of the Governor. The substantially populated Territories have their own police forces for the maintenance of security and public order. Whilst these forces enjoy operational independence, constitutional responsibility sits with the Governor.

16. The majority of the inhabitants of the Overseas Territories are British Overseas Territories citizens, by virtue of the British Nationality Act 1981 as amended by the British Overseas Territories Act 2002. In addition, most of those who are British Overseas Territories citizens are also British citizens, by virtue of the British Overseas Territories Act 2002. British Citizenship confers a right of abode in the United Kingdom, whereas British Overseas Territory Citizenship by itself does not.

7. *British Overseas Territories Law*, Hendry and Dickson, *op cit* at p. 10. The relevant term in relation to St Helena is the "Executive Council". In relation to Ascension the Administrator is advised by the Island Council.

8. This applies for Ascension and Tristan da Cunha. However, the Governor must consult the local Island Council before legislating for Ascension and/or Tristan da Cunha.

9. This applies to St Helena.

10. *British Overseas Territories Law*, Hendry and Dickson, *op cit* at p. 10.

11. See Part 2 of each of the three Chapters in the Constitution of St Helena, Ascension and Tristan da Cunha (in the Schedule to the Constitution Order 2009). The relevant part of the Constitution, for each component part of the Territory, sets a number of fundamental rights and freedoms of the individual akin to rights enjoyed in the UK under the Human Rights Act 1998.

12. The exceptions are the British Antarctic Territory, the British Indian Ocean Territory, South Georgia and South Sandwich Islands, and the Sovereign Base Areas.

3. Constitutional arrangements for the British Overseas Territories

3.1 Overseas Territories' Constitutions

17. Each British Overseas Territory has a distinct written Constitution. Whilst many of the Constitutions share a common structure, each is designed to suit local circumstances.¹³

18. The Constitution of each Territory is contained in an Order in Council; thus it is formally made by Her Majesty The Queen, by and with the advice of her Privy Council, acting on the recommendation of United Kingdom ministers, acting on her behalf in right of the Territory.

19. The Constitutions of 12 of the British Overseas Territories are made under powers granted by Acts of the United Kingdom Parliament. The British Settlements Acts of 1887 and 1945 provide the statutory legal basis for the Constitutions of the following Territories: Ascension, the British Antarctic Territory, the Falkland Islands, Pitcairn, South Georgia and the South Sandwich Islands, and Tristan da Cunha. Ascension and Tristan da Cunha are administered singularly as a common territorial group with St Helena, so a single Constitution governs all three, made under both the St Helena Act 1833 and the British Settlements Acts 1887 and 1945. The main constituent powers in the British Settlements Acts for the Territories listed above are set out in sections 2 and 5 of the 1887 Act. This allows for “*Her Majesty the Queen in Council*” to make such laws and institutions, and constitute such courts and offices and attendant provisions and regulations, as “*shall appear to Her Majesty in Council to be necessary for the peace, good order and good government of Her Majesty’s subjects*”.

20. In addition, as amended by the 1945 Act, section 3 of the 1887 Act provides for Her Majesty The Queen to delegate to any specified person(s) or authority within the Settlement all or any of such powers as are conferred by the relevant Act on Her Majesty in Council.

21. The current Constitution established under the St Helena Act and the British Settlements Acts is set out in the Constitution Order 2009, repealing and replacing the previous Constitution Orders.¹⁴ The statutory legal basis for the Constitution of St Helena is section 112 of the St Helena Act 1833, and for Ascension and Tristan da Cunha it is the British Settlements Acts 1887 and 1945. All sections of the original St Helena Act have been repealed except for section 112, which vests the Territory of St Helena in the Crown.¹⁵

22. By virtue of the St Helena Act 1833, St Helena’s Constitution Orders are not required to be laid before the United Kingdom Parliament.¹⁶ Consequently the statutory powers of the United Kingdom Parliament to control and scrutinise Orders in Council providing such Constitution appear limited.¹⁷

13. See generally *British Overseas Territories Law*, Hendry and Dickson, *op cit* at p. 14 *ff*.

14. Article 3 of the Constitution Order 2009 revoked the St Helena Constitution Order 1988 and the St Helena Constitution Order 1989.

15. This Act was originally called the Government of India Act 1833.

16. See generally *British Overseas Territories Law*, Hendry and Dickson, *op cit* at p. 20.

17. However, since 2002 political arrangements have operated whereby Constitution Orders have been sent in draft by the Foreign and Commonwealth Office to the House of Commons Foreign Affairs Committee, where possible, at least 28 sitting days before they are submitted to Her Majesty in Council. This political arrangement allows oversight by a House of Commons Committee.

23. Despite the apparent limited statutory oversight of St Helena's Constitution by the United Kingdom Parliament, the most fundamental principle of the relationship between any British Overseas Territory and the United Kingdom is the supremacy of Parliament. So, as a matter of constitutional law, Parliament has unlimited power to legislate for the Overseas Territories.¹⁸ Parliament retains the power to alter constitutional arrangements by legislation in the future if it so wishes.

24. A few Acts of Parliament are relevant to the constitutional position of one or more of the British Overseas Territories. The Colonial Laws Validity Act 1865 clarifies the extent of the powers vested in the Territories' Legislatures. The Judicial Committee Acts 1833 and 1844 provide statutory authority for final appeals to Her Majesty in Council from the Territories. The British Nationality Act 1981 and the British Overseas Territories Act 2002 make provision for the citizenship of people connected with the Territories. The Human Rights Act 1998 does not extend to the Territories as part of their law. Human rights protection, though, is provided in each Territory's law by the Constitution. Consequently the power of Parliament to legislate for the British Overseas Territories results in there being a hierarchy of laws enforced in each Territory. Acts of Parliament and Statutory Instruments made under them that extend to that Territory are at the apex. However, the local Legislatures of the British Overseas Territories have very considerable independence. Legislation is not invalid for inconsistency with the law of England, except to the extent that it is repugnant to any Act or subordinate legislation that extends to the Territory in question, which includes the Territory's own Constitution.¹⁹

3.2 The position of the Crown

25. The Crown is the Sovereign of both the United Kingdom and the British Overseas Territories. It follows that the United Kingdom and those Territories form part of one undivided realm. This renders the British Overseas Territories distinct from other States of which the Queen is monarch (such as Canada and Australia). This is the position for international law purposes, the Territories having no sovereignty of their own (explaining why, for example, the Territories are not separate members of the Commonwealth). Territories cannot be separate members of other international organisations except with the authority of the United Kingdom. As a result of the constitutional principle of the supremacy of Her Majesty The Queen in Parliament, Parliament may legislate for both the United Kingdom and the Territories as it wishes, and in doing so may weigh the interests of the United Kingdom and the Territories as it pleases.²⁰

26. The Constitutions of all Overseas Territories reserve certain executive powers to Her Majesty or to the Secretary of State on her behalf. The exercise of those powers is by constitutional convention a matter for United Kingdom ministers, since Her Majesty will act on their advice. Those ministers retain certain responsibilities in respect of the government of any British Overseas Territory.²¹ They are entitled to exercise their powers taking into

18. See *Madzimbamuto v Lardner-Burke and George* [1969] 1 AC 645 (PC), at p. 722.

19. This is the effect of sections 2 and 3 of the Colonial Laws of Validity Act 1865.

20. See generally *British Overseas Territories Law*, Hendry and Dickson, *op cit* at p. 23 *ff*. In the case of *Bancoult v Secretary of State for Foreign and Commonwealth Affairs No (2)* [2008] UKHL 61, the House of Lords confirmed that this principle applies when the Crown exercises legislative power in relation to an Overseas Territory. In this case the House of Lords reviewed the exercise of the prerogative of the Crown on the advice of ministers and (determining on the basis of an undivided realm) ruled that the Crown was entitled to prefer the interests of the United Kingdom. It consequently rejected the reasoning of the Divisional Court, which held that the British Indian Ocean Territory Constitution Order was invalid because it was not in the interest of the Chagossians.

21. See *British Overseas Territories Law*, Hendry and Dickson, *op cit* at p. 24.

account the interests not only of the Territory in question but also the United Kingdom and its other Overseas Territories.²²

27. Through the mechanism of the retention of legislative and executive powers and, where considered necessary or expedient, the exercise of those powers in the interest of the United Kingdom, or the United Kingdom and its Overseas Territories as a whole, the United Kingdom maintains ultimate control over the British Overseas Territories, for which the United Kingdom Government is responsible in international law. Even though the United Kingdom and the British Overseas Territories form part of an undivided realm, the Crown can and does act in different capacities in relation to the various parts of that realm. Consequently the various Constitutions of the British Overseas Territories have established separate governments of Her Majesty in those Territories. Each of those governments is a separate constitutional entity (distinct from each other and from the United Kingdom Government).²³

28. Each British Overseas Territory therefore has a government distinct from the United Kingdom Government established pursuant to the Orders in Council creating a distinct Constitution for each Territory. Each Territory has its own legislative and executive authorities separate from those in the United Kingdom, together with its own courts, laws, public services and public funds. This situation is not altered by the fact that some aspects of the governance of those Territories may, on occasion, be susceptible to direction from Her Majesty's Government in London.

29. In the judicial sphere, the formal relationship between the British Overseas Territories and the United Kingdom manifests itself in the fact that the Territories have their final court of appeal with Her Majesty in Council, in the form of the Judicial Committee of the Privy Council. The Judicial Committee of the Privy Council formally advises Her Majesty The Queen as to the judgment to be delivered. It is notable that whilst decisions of the Privy Council are binding for the British Overseas Territories, decisions of other courts of the United Kingdom (including the Supreme Court) are of persuasive authority only.

3.3 The office of Governor

30. In each British Overseas Territory, Her Majesty is represented by a Governor or other officer administering the government of the Territory.²⁴

31. The title of the office of Governor is common to the majority of Territories.²⁵

32. The Governor of Ascension and Tristan da Cunha is the same person as the Governor of St Helena. He or she resides on St Helena.

22. Halsbury's Laws of England, Volume 13, *Commonwealth* at para 806; Bancoult 2 *supra* per Lord Hoffmann at para 49.

23. This important constitutional distinction was confirmed by the Court of Appeal in *R v Secretary of State for Foreign and Commonwealth Affairs ex parte Indian Association of Alberta* [1982] QB 892. The principle was reiterated in *R (Quark Fishing Ltd) v Secretary of State for Foreign and Commonwealth Affairs* [2005] UKHL 57 [2006] 1 AC 529 (HL). In that case, the question before the House of Lords was whether the claimant could sue for damages under the Human Rights Act 1998 in respect of conduct in relation to a British Overseas Territory. The majority of the House of Lords held that the Secretary of State's instruction which the claimant impugned had been given by the Crown in right of the Government of South Georgia and the South Sandwich Islands, not the Crown in right of the United Kingdom. The Secretary of State was not in that capacity acting as a UK public authority for the purposes of the Human Rights Act 1998 and no liability under that Act arose.

24. See generally *British Overseas Territories Law*, Hendry and Dickson, *op cit* at p. 35 *ff*.

25. This is the case in Anguilla, Bermuda, the Cayman Islands, the Falkland Islands, Gibraltar, Montserrat, Pitcairn, St Helena, Ascension and Tristan da Cunha, the Turks and Caicos Islands and the Virgin Islands.

33. With regards to Ascension Island and Tristan da Cunha, the Governor of St Helena is assisted in his or her duties by his or her Administrator.

34. As the Queen's representative, the Governor of a British Overseas Territory is appointed by Her Majesty. Typically the appointment is made by Royal Commission and appointments are, by constitutional convention, made by Her Majesty on the advice of her United Kingdom ministers. Appointments are at Her Majesty's pleasure. The removal of a Governor is constitutionally a matter requiring the advice of United Kingdom ministers.

35. According to Hendry and Dickson, the Governor of a Territory is the single and supreme authority responsible to Her Majesty, and is entitled by virtue of the Commission of Appointment and the Order in Council constituting the office to the obedience, aid and assistance of all civil and military officers in the Territory.²⁶

36. To describe the Governor as the Head of State of the British Overseas Territory is incorrect. Her Majesty The Queen is Head of State in the United Kingdom and the British Overseas Territories. The Governor can be accurately described as the Head of the Government of the Territory. But he or she is not the elected head of that government. In those British Overseas Territories which have an elected Legislature, it will be the Chief Minister (or an equivalent office holder) who is the elected head of the government.

37. Constitutionally the Governor has only one position, as representative of the Queen in right of the Territory concerned. But the Governor's role in practice is two-fold. The Governor heads the government of a Territory but is appointed on the advice of, and reports to, the Secretary of State. The Governor has responsibility for ensuring good government in the Territory, but at the same time must equally represent and explain the views of the Territory, its government and its people to the UK Government.

38. Consequently, despite (1) the appointment of the Governor on the advice of UK ministers (and the practical likelihood of his or her being an employee of Her Majesty's Government); and (2) the responsibility that the Governor has to report to ministers in London, no Governor is an officer of the United Kingdom Government. The Governor is the senior officer of the government of that Territory.

39. The Governor is expressly empowered in most British Overseas Territories' Constitutions to exercise executive authority in the Territory on behalf of Her Majesty. In those Territories with elected governments, the Governor will not formally be a member of the legislative body, but will chair the local Cabinet or Executive Council of Ministers.²⁷

40. No Governor has any judicial function in the Overseas Territories. Governors may have powers to make judicial appointments and may play a role in the suspension and removal of persons holding judicial office.

41. The authority of the Governor of a Territory is not inherent or without recognised limits. It is expressly limited to that conferred by the Constitution of the Territory, or to that which is otherwise conferred by the Crown, by Acts of Parliament or by other laws. The constitutional

26. *British Overseas Territories Law*, Hendry and Dickson, *op cit* at p. 36–37. The authors cite in support Colonial Regulation 105; Halsbury's Laws of England, Volume 13, *Commonwealth* 5th Edition (2009) at para 816.

27. This applies to Anguilla, the Cayman Islands, the Falkland Islands, Montserrat, St Helena and the Virgin Islands. In relation to St Helena, Ascension and Tristan da Cunha, see section 41(1) of the 2009 Constitution.

instruments of the relevant Territory define the authority and functions of the office of Governor.²⁸

42. These instruments usually confirm that the Governor's functions derive from three sources only: (1) the Constitution itself; (2) any other law; and (3) by assignment from Her Majesty. Reference to "any other law" allows local legislation in force to confer various functions on the Governor, as do other laws such as certain Acts of Parliament and Orders in Council that extend to the relevant British Overseas Territories. By exercise of the Royal Prerogative, other residual functions may be assigned to the Governor by Her Majesty, or, in constitutional practice, by a UK minister acting in her name.²⁹

43. The Governor will also be required to adhere to any instructions that are given to him or her by or on behalf of Her Majesty. These may take the form of Royal Instructions, issued by Her Majesty in exercise of the Royal Prerogative; or they may be instructions given by Her Majesty through the Secretary of State pursuant to the Constitution for the Territory.³⁰

44. By means of instructions to the Governor given by the Secretary of State, a United Kingdom minister, on behalf of Her Majesty, the United Kingdom Government may exercise a degree of executive control over the governments of Overseas Territories. The Secretary of State thereby acts both as an agent of Her Majesty in her capacity as Queen of the British Overseas Territory (and forms part of the constitutional structure of governance in that Territory), and at the same time as a minister in the United Kingdom Government, acting on her behalf.

3.4 The executive functions of a Governor

45. The constitutional arrangements of the majority of British Overseas Territories provide expressly that the executive authority of the Territory vests in Her Majesty and that this authority may be exercised on behalf of Her Majesty by the Governor.³¹

46. The exercise of a Governor's authority is subject to the Constitution itself. Each Constitution specifies the functions that the Governor must exercise: (a) after consultation with, or in accordance with the advice of, elected local ministers or the local Cabinet or Executive Council (where such exists);³² (b) after consultation with, or in accordance with the advice and recommendation of, some other person or body; (c) on instructions from

28. Section 26(4) of the 2009 Constitution states that "*The Governor shall have such functions as are conferred or imposed on him or her by this Constitution or any other law and such other functions as Her Majesty may from time to time be pleased to assign to him or her through a Secretary of State, and, subject to the provisions of this Constitution and of any other law by which any such functions are conferred or imposed, shall do and execute all things that belong to his or her office according to such instructions, if any, as Her Majesty may from time to time see fit to give him or her through a Secretary of State; but no court shall enquire whether or not he or she has complied with any such instructions*".

29. The typical exercise of a residual power pursuant to Royal Prerogative would be the recommendation of honours for local people on behalf of The Queen.

30. The legal nature of instructions given by a Secretary of State was considered by the House of Lords in *R (Quark Fishing Ltd) v Secretary of State for Foreign and Commonwealth Affairs* [2005] UKHL 57 [2006] 1 AC 529 (HL). The decision confirms that instructions given to a Governor (or equivalent officer administering the Government of an Overseas Territory) are given on behalf of Her Majesty in right of the Government of the Territory itself, and are not themselves the acts of the United Kingdom Government.

31. See *British Overseas Territories Law*, Hendry and Dickson, *op cit* at p. 43. With respect to St Helena, section 34(1) of the 2009 Constitution vests executive authority in Her Majesty. Section 34(2) states that, subject to the Constitution, "*the executive authority of St Helena shall be exercised on behalf of Her Majesty by the Governor, either directly or through officers subordinate to him or her*".

32. See, for example, section 43(1) of the 2009 Constitution, read subject to the provisos set out in subsection (2).

Her Majesty, or on instructions or with the approval of a Secretary of State; or (d) in his or her discretion or judgement, that is to say without reference to any other local person or body, but still subject to instructions from or on behalf of Her Majesty.³³

47. The Constitutions of some British Overseas Territories provide significant exceptions to the general duty to consult with local executive bodies.³⁴

48. Defined aspects of executive government, in those British Overseas Territories with elected governments, are reserved solely to the Governor and are described as “special responsibilities”. The standard subjects that fall into this category are external affairs, defence, internal security, including the police, and the appointment, discipline and removal of public officers.³⁵

49. Governance by a staffed public service, its effectiveness and good administration is a key special responsibility of the Governor of a Territory.³⁶

50. The main executive function of the Governor in the legislative field is the power to prorogue or dissolve the legislative body itself.³⁷

51. In relation to the legislative field more generally, the Governor may also have the power of assent in relation to Bills passed by the elected legislative body of the Territory. There is some variance in British Overseas Territories without an elected legislative body and/or indeed subsidiary bodies. Some Governors in those circumstances have legislative powers of their own.³⁸

52. In all Overseas Territories the Governor has considerable powers in the event of an emergency.

53. No Governor has any judicial function in the Overseas Territories but as the Queen’s representative the Governor is given powers to make judicial appointments, either on instructions from Her Majesty, or acting in accordance with the recommendation of specified other bodies, according to the level of judge being appointed.³⁹

33. See section on “controls over executive government”.

34. With respect to St Helena, the Governor is not obliged to consult the Executive Council or act upon their advice in any of the detailed situations addressed in section 43(2) to section 43(10) of the 2009 Constitution. Among others, this may include circumstances where:

- it is a matter for which the Governor has a “special responsibility”;
- the Governor considers that the matter is too urgent to obtain the advice of the Council or too unimportant to require the Council’s advice (although the Governor is required as soon as practicable to communicate to the Council the measures adopted and the reason for those measures);
- the Governor considers that the advice involves an inconsistency with one or more of the partnership values.

35. With respect to St Helena, section 44(1) of the 2009 Constitution sets out the Governor’s special responsibilities, which include additionally the administration of justice, finance and shipping.

36. With respect to St Helena, section 44(1)(d) provides the Governor with responsibility for the appointment of any person to any office in the St Helena Public Service and the subsequent suspension, termination of employment, dismissal or retirement of any such officer and/or the taking of disciplinary action in respect of such officer as well as the setting of terms and conditions of employment (including salary scales, allowances, leave pay, passages or pensions).

37. *British Overseas Territories Law*, Hendry and Dickson, *op cit* at p. 44.

38. It is notable that for Ascension and Tristan da Cunha, the Governor has a *legislative* power to make laws for the peace, order and good governance of the islands but must first consult the Island Council in each case (see sections 151 and 216 of the 2009 Constitution).

39. See, for example, section 90 of the 2009 Constitution.

54. The Constitutions of the British Overseas Territories make provision for Acting Governors in situations where the office of Governor is vacant or where the Governor is for any reason unable to perform his or her functions. In the larger Territories, there is a separate office of Deputy Governor and the Constitutions of those Territories usually provide that the Deputy Governor is first in line to act as Governor when an Acting Governor is needed.⁴⁰

55. The Governor is not immune from judicial process. The acts of a Governor or those performing his or her functions through the office of Governor are in principle subject to judicial review in the courts of the Territory in the usual way. A standard exception is the question as to whether or not a Governor has acted in accordance with instructions from Her Majesty.⁴¹

56. As for civil liability, the Governor may be sued in the courts of the British Overseas Territory in private law litigation. The Governor may also be sued in respect of an official act which is tortious or *ultra vires* both in the Territory itself (under the law of the Territory) and in England if the act is tortious in England and not justifiable under the law of the British Overseas Territory.

3.5 Legislative authority

57. The Westminster Parliament is the supreme legislative authority of the United Kingdom and of all Territories under UK sovereignty. Parliament has unlimited power to enact laws for all British Overseas Territories. This can be done either by the Act of Parliament making provision for its territorial application to extend to the British Overseas Territories, or by Acts of Parliament conferring power to make subordinate legislation for the British Overseas Territories. This power is usually conferred on Her Majesty to legislate by Order in Council.

58. There is no requirement for Parliament to seek or obtain the consent of a Territory before it legislates for it. Nor is there any obligation of prior consultation, although in practice consultation is normally undertaken where practicable.⁴²

59. Orders in Council are made by Her Majesty upon the advice of the Privy Council. Where the Orders in Council make laws for a British Overseas Territory, they are normally made under powers conferred by an Act of Parliament. In these cases Orders in Council are subordinate legislation. Where Orders in Council are made by exercise of the Royal Prerogative, they are primary legislation in the sense that they are not subordinate to any other legal power.⁴³

60. In addition to the power to legislate for a specific purpose, there is also a general power to legislate by Order in Council for all of the Overseas Territories (except Bermuda).⁴⁴

40. With reference to St Helena, section 27 of the Constitution allows the appointment, through instructions given by the Secretary of State, of an Acting Governor. Additionally, section 28 empowers the Governor to appoint a Deputy (“the Governor’s Deputy”) to discharge his or her functions during temporary absences and illness. The power to appoint an Acting Governor cannot be exercised when there is a subsisting appointment of a Governor’s Deputy, pursuant to section 27(4) of the 2009 Constitution.

41. On St Helena, section 26(4) of the 2009 Constitution states that no court shall enquire whether or not the Governor has complied with any such instruction provided by Her Majesty.

42. *British Overseas Territories Law*, Hendry and Dickson, *op cit* at p. 57.

43. Unlike Acts of Parliament, the exercise of the Royal Prerogative to make legislation is subject to judicial review. See *R (Bancoult) v Secretary of State for Foreign and Commonwealth Affairs No (2) supra*.

44. The power to legislate for St Helena is conferred by statute: see section 112 of the St Helena Act 1833, which provides that St Helena “shall be governed by such orders as His Majesty in Council shall from time to time issue in their behalf”. A residual power to legislate has been reserved by Article 14 of the Constitution Order 2009.

61. There is no limit to the power of Parliament to enact legislation for any of the British Overseas Territories.⁴⁵ The power to legislate for a Territory by Order in Council conferred by statute is restricted by the terms of the enabling provision of the statute. Nonetheless, the usual formulation of the power is one to legislate by Order in Council for the “peace, order and good government” of a Territory. That is very wide in scope. It has been held that such words confer plenary law-making powers. They are not words of limitation and a resultant law made pursuant to such a power will not be reviewed by a court to determine whether or not the law in fact made meets those objectives.⁴⁶

62. Each British Overseas Territory has its own Legislature and these are established by the Constitution of the Territory. The majority of the statutory law made in British Overseas Territories is the product of their own, local Legislatures. In those Overseas Territories with low population numbers, the constitutional arrangements may provide that the Governor (or an official equivalent) is the Legislature.⁴⁷

63. In contrast, for more extensively populated British Overseas Territories there are often local, elected legislative bodies. They operate under a wide variety of names but are constitutionally equivalent. For example, in the Falkland Islands, Montserrat and the Cayman Islands, the Legislature is termed the Legislative Assembly. In St Helena the term employed is the Legislative Council.

64. The composition of these local Legislatures can vary.⁴⁸ The composition and procedures of the local Legislature are established by the Constitution applicable in the British Overseas Territory. Certain legislative powers may also be reserved to the Governor, who may be instructed to exercise those powers by instructions from Her Majesty or by a Secretary of State on her behalf.

3.6 Controls over executive government

65. The United Kingdom Parliament has power to exercise ultimate control over executive government in the British Overseas Territories by means of enacting legislation that is extended to it. As mentioned above, this may be by an Act of Parliament or by Order in Council. The means of control may vary from Territory to Territory and it is a matter of the individual Constitution in issue.

66. In the more sparsely populated Territories, the Governor (or his or her equivalent, such as his or her Administrator) has wide executive power and may be instructed as to the exercise of that power by ministers in London.

45. See *Madzimbamuto v Lardner-Burke and George* [1969] 1 AC 645 (PC) at p. 722.

46. See the speech of Lord Hoffmann in *R (Bancoult) v Secretary of State for Foreign and Commonwealth Affairs No (2)*, paragraph 50.

47. The Legislature of Ascension and of Tristan da Cunha is the Governor of St Helena, who may legislate for the peace, order and good government of the Territories after consultation with the Island Council of Ascension or of Tristan da Cunha respectively. See sections 151 and 216 of the 2009 Constitution.

48. On St Helena, it consists of Her Majesty and the Legislative Council. Section 47 of the 2009 Constitution provides that “*there shall be a Legislature for St Helena consisting of Her Majesty and the Legislative Council*”. No equivalent provision exists for Ascension or Tristan da Cunha.

67. Nonetheless, even in Territories with a larger populace and a ministerial committee system of government, the Secretary of State in London may still provide instructions to the Governor as to the exercise of the more limited powers vested in him or her.⁴⁹

68. In practice, the use of instructions to a Governor to avoid consulting the local executive body or to override advice given to the Governor by that body is infrequent.⁵⁰

69. The matters in which Governors are given special responsibility by their Constitutions are those which are considered to have a particular importance or sensitivity to the United Kingdom Government. The Constitutions consequently give Governors power to act against the advice of a local executive body in cases involving such matters.⁵¹ In Territories with an elected legislative body,⁵² local political control lies in the answerability of local ministers to that body and ultimately public opinion. A successful vote of no confidence can lead to the dissolution of that body.⁵³

70. The courts of each Territory can exercise judicial control over the functions of executive government. The Constitution of each Territory makes any failure of executive government to comply with the fundamental rights and provisions of the Constitution enforceable by an aggrieved person in the courts of that Territory.⁵⁴

71. A number of Territories establish the office of a Complaints Commissioner or Ombudsman. In Territories where there is no such permanent appointment⁵⁵ the Constitution enables the Governor to appoint such an officer from time to time. These appointments enjoy security of tenure and constitutional independence from the Governor and the Executive.

3.7 Public service

72. The governments of all Territories are aided and supported in their administration by a local public service of officials. The Constitutions of British Overseas Territories frequently define the “public service” as including not only the civil service but also the police and prison services. All such officers are termed “public officers” and are servants of the Crown in right of the Territory only. They are subject ultimately to the authority of the Governor, as Her Majesty’s representative in the Territory. The relevant Constitutions often vest in the Governor the power to appoint such officers, to exercise disciplinary control and also the ability to remove them from office. In the discharge of these powers, the Governor may, as in any other sphere, receive instructions from London. In some Constitutions, the

49. In relation to St Helena, section 43(2) of the 2009 Constitution sets out an exception to the duty for the Governor to consult the Executive Council when acting under instructions given to him or her by Her Majesty acting through a Secretary of State.

50. It is expressed that the power to do so may mainly be held as a deterrent. Local public opinion operates as a check against the undue exercise of such power.

51. For St Helena, see section 43(3) of the 2009 Constitution.

52. Including St Helena.

53. On St Helena, there are no local ministers, but the members of the Executive Council are elected by the elected members of the legislative body from among their number for a specified term. They may be removed during that term by virtue of resolution (see sections 36 and 37(1) of the 2009 Constitution) or indeed may fail to secure re-election.

54. On St Helena, for example, section 24 of the 2009 Constitution provides for enforcement of the human rights protections found in the first part of the Constitution. Executive acts in the United Kingdom in relation to the Territories (such as the making by Her Majesty of an Order in Council or the giving of instructions by a Secretary of State) are judicially reviewable by the United Kingdom courts on the usual public law basis. Following the Quark case, *supra*, such acts are not reviewable on the ground of incompatibility with the Human Rights Act 1998.

55. This applies to St Helena.

powers are delegated to others or are subject to particular appointments of public service commissioners. The Governor can also be assisted by a local advisory body.⁵⁶

73. The power of appointment, discipline and removal may be delegated to ensure the efficacy of administration. Some constitutional protection is given to officers whose independence is crucial, such as the Auditor and the Attorney General.⁵⁷

74. In many Territories there are General Orders issued by the Governor or the local government regulating the public service and setting out conditions of service.⁵⁸

3.8 The judiciary

75. Most of the British Overseas Territories share a common four-tiered system of judicial authority. The ultimate appellate court is Her Majesty in Council; that is, Her Majesty advised by the Judicial Committee of the Privy Council. In each Territory, below the final level of appeal, there is a Court of Appeal. Below that, a Supreme Court is the court of unlimited civil and criminal jurisdiction. The lowest court in the judicial system of a British Overseas Territory is typically a Magistrates' Court.

4. Constitutional arrangements for St Helena, Ascension Island and Tristan da Cunha

4.1 Constitution

76. St Helena, Ascension and Tristan da Cunha now constitute a single British Overseas Territory and share a common Constitution (the 2009 Constitution), which is set out as a Schedule to the St Helena, Ascension and Tristan da Cunha Constitution Order 2009.⁵⁹

77. Whilst the St Helena Act 1833 does not require St Helena's Constitution Orders to be placed before the United Kingdom Parliament, there was a process of negotiation between the representatives of the British Government and the St Helena Legislative Council and the Ascension and Tristan da Cunha Island Councils prior to the formal adoption of the 2009 Constitution.⁶⁰

78. The component parts of the Territory share a common Governor, Attorney General, Supreme Court and Court of Appeal. Whilst there is singularity in the trinity of Territories in respect of key appointments, the Constitution makes separate provision for the Government of each part.⁶¹

56. See sections 95, 163 and 226 of the 2009 Constitution for the relevant provisions in St Helena, Ascension and Tristan da Cunha respectively.

57. See section 46(11)–(13) of the 2009 Constitution.

58. The 2009 Constitution requires a Governor to approve such Codes of Management determining the terms and conditions of employment of officers of the public service of each of the islands.

59. SI 2009/1751.

60. *British Overseas Territories Law*, Hendry and Dickson, *op cit* at p. 333–334.

61. Chapter 1 deals with St Helena, Chapter 2 with Ascension Island and Chapter 3 with Tristan da Cunha. Each component part of the Territory has a separate chapter, although the chapters share a similar structure. There is the prelude of “partnership values” (good governance and the rule of law, for example) and the partnership of each island with the United Kingdom predicated on those values is established. Following that each chapter sets out a charter of fundamental rights and freedoms applicable on the island which are enforceable by the superior courts.

4.2 The position of the Governor

79. The three parts of the Territory share the same Governor. The Governor exercises executive authority on the three islands on behalf of Her Majesty, in whom executive authority vests.⁶² Section 36(2) of the 2009 Constitution establishes that “*the executive authority of St Helena shall be exercised on behalf of Her Majesty by the Governor, either directly or through officers subordinate to him or her*”. On St Helena, the Governor is advised by an Executive Council.⁶³ This Council consists of five members elected by the elected members of the Legislative Council, as well as three *ex officio* members, namely the Chief Secretary, the Financial Secretary and the Attorney General. These public service members are non-voting. Subject to stated exceptions⁶⁴ and with the reservation of Ascension and Tristan da Cunha matters, there is a requirement placed on the Governor both to consult and to act in accordance with the Executive Council’s advice when exercising his or her functions under the Constitution. Section 43(1) phrases the general requirement as follows: “*The Governor, in the exercise of all functions conferred on him or her by this Constitution and any other law, shall obtain, and act in accordance with, the advice of the Executive Council.*”

80. The defined circumstances in which the Governor will not be required either to consult and/or to act in accordance with the advice of the Executive Council typically concern those areas where the Governor has special responsibility for defence, external affairs, internal security (including the police and prisons), the administration of justice, finance, defined public service matters and also shipping. The Constitution provides that the Governor may in those circumstances, and subject to a number of procedural safeguards or other procedural requirements, not comply with the general requirement set out in section 43(1) of the 2009 Constitution.

4.3 The position of the Administrator (Ascension Island)

81. Ascension and St Helena share the same Governor, through whom the executive power vested in the Crown is exercised.⁶⁵ That executive power is also exercised on Ascension with the assistance of the resident Administrator.⁶⁶ The Administrator is advised by an elected Island Council.⁶⁷ A common appointment between Ascension and St Helena is an Attorney General who is resident on St Helena.⁶⁸ However, the Attorney General is assisted by Crown Counsel resident on Ascension.⁶⁹

4.4 The position of the Administrator (Tristan da Cunha)

82. As on Ascension Island, on Tristan da Cunha the Governor (resident on St Helena) exercises executive power on behalf of Her Majesty⁷⁰ with the assistance of a resident Administrator⁷¹ and also an elected Island Council.⁷²

62. Section 34 of the 2009 Constitution.

63. Section 35 of the 2009 Constitution.

64. Set out in sections 43 and 44 of the 2009 Constitution.

65. Section 148 of the 2009 Constitution.

66. Section 147 of the 2009 Constitution.

67. Formed pursuant to section 149 of the 2009 Constitution.

68. Section 150 of the 2009 Constitution.

69. Section 150(4) of the 2009 Constitution.

70. Section 213 of the 2009 Constitution.

71. Section 212 of the 2009 Constitution.

72. Section 214 of the 2009 Constitution.

4.5 The Legislative, Executive and Island Councils

83. In common with many other British Overseas Territories, St Helena has its own Legislature, established by the Constitution. Section 47 of the 2009 Constitution provides for the Legislature for St Helena. It states that “*there shall be a Legislature for St Helena consisting of Her Majesty and the Legislative Council*”. Pursuant to section 60 of the 2009 Constitution, it is the Legislature (as defined) which may make laws for the peace, order and good government of St Helena, subject to the terms of the Constitution. The equivalent legislative power in respect of Ascension and Tristan da Cunha resides exclusively in the Governor.

84. As stated, on St Helena the Governor is Her Majesty’s representative. In addition, the 2009 Constitution makes provision for a separate Legislative Council to be established.⁷³ The Legislative Council consists of a speaker and a deputy speaker,⁷⁴ along with 12 elected members, as well as the Chief Secretary, the Financial Secretary and the Attorney General. The three public service appointments are non-voting *ex officio* members. All questions proposed for decision in the Legislative Council shall be determined by a majority of the votes of the elected members present and voting.⁷⁵ The Governor has no voting role in relation to the Legislative Council, but may attend meetings of the Legislative Council and address it.⁷⁶

85. The Governor is advised by and generally acts in accordance with the advice of the Executive Council when acting executively. Assistance is provided to the Legislative Council and the Governor when he or she acts in a legislative capacity by a number of Council Committees (which are committees of the Legislative Council).⁷⁷ Each Committee is chaired by an elected member of the Legislative Council. The Governor with the advice of the Executive Council decides the number of Council Committees and their functions.⁷⁸

86. Section 73 of the 2009 Constitution provides that, subject to the Constitution and to the Standing Orders of the Legislative Council, any member of the Legislative Council may introduce any Bill or propose any motion for debate in, or may present any petition to, the Council. The relevant measure shall then be debated and disposed of according to the Standing Orders of the Council. Pursuant to section 73(2), an exception is made for certain taxation and revenue raising measures.

87. Bills passed by the Legislative Council nonetheless require the assent of Her Majesty or the Governor to become law.⁷⁹ The Governor has discretion to provide his or her assent to a Bill but can equally reserve it for the signification of Her Majesty’s pleasure (typically where he or she has not been authorised by a Secretary of State to assent to it). Any law to which a Governor has assented may be disallowed by Her Majesty through her Secretary of State.⁸⁰ The Governor has no reserved legislative power. A Bill assented to by the Governor shall become law on the date of assent. A Bill which is reserved for the signification of

73. Section 48 of the 2009 Constitution.

74. Section 55 of the 2009 Constitution.

75. Section 67(1) of the 2009 Constitution.

76. Section 65 of the 2009 Constitution.

77. Section 56 of the 2009 Constitution.

78. Sections 58 and 59 of the 2009 Constitution.

79. Section 74 of the 2009 Constitution.

80. Section 75 of the 2009 Constitution.

Her Majesty's pleasure shall become law on the date on which the Governor's proclamation signifying the giving of that assent is published in the *Gazette*.⁸¹

88. On Ascension Island, the Governor may make similar laws for the peace, order and good government of Ascension after consultation with the Island Council.⁸² The Governor is not obliged to act in accordance with the Council's advice, but in any case where the Governor acts contrary to the advice of the Council any member of the Council shall have the right to submit his or her views on the matter to a Secretary of State.⁸³ Any law enacted by the Governor may be disallowed by Her Majesty through her Secretary of State.⁸⁴

89. On Tristan da Cunha, the Island Council discharges a similar function.⁸⁵ Section 216(1) of the 2009 Constitution establishes that the Governor, acting after consultation with the Island Council, may make laws for the peace, order and good government of Tristan da Cunha. Again, the Governor is not obliged to act in accordance with the Council's advice and, in any case where the Governor does not do so, a Council Member has the right to submit his or her views on the matter to a Secretary of State.⁸⁶

90. Article 14 of the Constitution Order 2009 also reserves a more general "full" legislative power for Her Majesty in Council to make laws from time to time for the peace, order and good government of St Helena, Ascension and Tristan da Cunha, including laws amending or revoking this Order or the Schedule which contains the Constitution.

4.6 Courts and jurisdiction

91. The Constitution establishes a Supreme Court of St Helena.⁸⁷ This consists of a Chief Justice and such number (if any) of other judges as may be prescribed by law.⁸⁸

92. Appeals from the Supreme Court are to the Court of Appeal, which is composed of a President and two or more Judges of Appeal.⁸⁹

93. The Constitution provides that these courts are also the Supreme Court and the Court of Appeal respectively for the islands of Ascension and Tristan da Cunha.⁹⁰ Provision is made for these courts to sit within or outside the islands. The final appeal from the Court of Appeal is to the Judicial Committee of the Privy Council in London. Each island has its own separate magistrates' court. The Magistrates' Court on St Helena is staffed by the Chief Magistrate and two lay magistrates. On Ascension it is staffed by lay magistrates and on Tristan da Cunha the Administrator sits as a magistrate.

81. Section 74(4) and (5) of the 2009 Constitution.

82. Section 151 of the 2009 Constitution.

83. Section 151(2) of the 2009 Constitution.

84. Section 152(1) of the 2009 Constitution.

85. Section 214 of the 2009 Constitution.

86. Section 216(2) of the 2009 Constitution.

87. Section 80(1) of the 2009 Constitution.

88. Section 84(1) of the 2009 Constitution.

89. Section 86(2) of the 2009 Constitution.

90. Sections 153(1) and 218(1) respectively.

5. Governance and legal issues at the heart of the Inquiry

5.1 Use of executive power by the Governor of St Helena, Ascension Island and Tristan da Cunha

94. The constitutional arrangements of St Helena, in keeping with those for the majority of the Overseas Territories, provide expressly that the executive authority of St Helena vests in Her Majesty. This authority may be exercised on behalf of Her Majesty by the Governor. This gives the Governor of an Overseas Territory such as St Helena a significant role in executive matters. The Governor nonetheless must usually obtain and act in accordance with the advice given by the Executive Council, save in certain demarcated areas.⁹¹ One of the demarcated areas where the Governor may decide not to follow the advice given by the Executive Council concerns any case which, in the Governor's judgement, involves a matter for which he or she is responsible under section 44. Section 44 of the 2009 Constitution sets out the "special responsibilities" which devolve to the Governor alone. Special responsibilities include the business of the Government of St Helena, including the general direction and policy control of any department of government with respect to, *inter alia*, internal security, including the police, and the administration of justice.

95. Equally, the Governor is not required to obtain and act in accordance with the advice of the Executive Council when he or she is discharging any function pursuant to instructions from Her Majesty through a Secretary of State.⁹²

96. During the course of the Inquiry's visit to St Helena, a witness raised a local concern on the island. This concern arises in the context of the use of the Governor's executive power. The relocation of the island's prison from Jamestown to the site of Sundale House at Half Tree Hollow is a contentious local political issue. In particular, the prison is being moved from the administrative centre of the capital to a residential area. A witness to the Inquiry stated in interview that there was a lack of proper consultation over the move and that the Governor had acted without reference to public opinion. Around 170 objections had been lodged with the St Helena Government, many focusing on the perceived lack of security for 60 homes that fall within the immediate area.

97. The prison move also featured in the Governor's evidence to the Inquiry Panel. During the course of his interview, the Governor acknowledged his ability to act otherwise than in accordance with the advice of the Executive Council on a matter falling within his "special responsibility". In addition, the Governor considered that equally, if the matter in question was outside of his reserved powers, he could still in certain areas decline to follow the advice of the Executive Council and refer the matter to the Secretary of State in London for direction or instruction.

98. The Governor noted that during the initial planning and scoping process for the new prison it became apparent that there would be considerable resistance from Councillors (assumed to be both Legislative Council members and also the elected members of the Executive Council). The Governor stated that the view of those Councillors was that the existing Jamestown Prison was adequate and that there would be resistance to the spending of St Helena Government money to ameliorate the perceived difficulties of the current prison building in Jamestown. The Governor noted that the Legislative Council,

91. Section 43(1) of the 2009 Constitution.

92. Section 43(2)(a) of the 2009 Constitution.

when resistance became apparent, was dissolved by the Governor⁹³ in advance of the expiration of its natural term.⁹⁴

99. The Governor stated that in the intervening period before the election of a new Council he was able to persuade new Councillors that the plans for the prison at Half Tree Hollow “were the right thing to do”.

100. The Inquiry considers that this is a practical demonstration of the considerable executive power that the Governor of St Helena, Ascension and Tristan da Cunha can exercise. The Constitution establishes the Executive, Legislative and Island Councils (depending on which part of the Territory is in issue) but the Governor has the constitutional freedom in a number of areas not to follow the advice of those bodies and may deploy a number of powers to take executive action according to either the view of the Governor or indeed the view of the Secretary of State in London.

101. The Inquiry makes no determination as to whether the Governor’s actions in relation to the prison move were within the scope of his powers (i.e. *intra vires*). That would be a matter for the local courts on St Helena alone to consider. The Inquiry was, however, impressed by the strength of conviction expressed to it in interviews that there had been a lack of engagement with the local community. At the very least there was a perception of the Governor acting without acknowledgment of the opinion of local people. Better communication might have resolved an issue surrounding the use of the Governor’s executive power.

5.2 The Foreign and Commonwealth Office, St Helena Government and disclosure to the Inquiry

102. The Inquiry was created as a non-statutory inquiry by the Foreign Secretary of the United Kingdom Government, acting in that capacity. Personal assurance was given by the Governor of St Helena to the Chair of the Inquiry in December 2014 that the Governor and the Government of St Helena would cooperate unconditionally with the Inquiry.

103. Following that meeting, the Attorney General of St Helena wrote to the Chair of the Inquiry on 19 January 2015 indicating that, pursuant to her construction of United Kingdom data protection legislation as applied on St Helena, certain difficulties would arise in relation to data protection issues. The Attorney General went on to make suggestions as to how the Inquiry could resolve those difficulties.

104. The Attorney General confirmed that her approach had been agreed with the Governor. Although she raised the prospect of making an application to the St Helena courts and ultimately took independent advice to assist her in relation to the issue, she also, at times, suggested that these were matters for the Inquiry team to resolve, if necessary on application to the court. Ultimately the matter was satisfactorily resolved through the combined action of the Governor and the Attorney General, but it was a matter of some regret to the Inquiry team that these issues were not addressed and resolved by the St Helena authorities earlier than was the case. The Inquiry team was of the view that these were matters for the local authorities to resolve expeditiously, not least in the light of the

93. Section 76 of the 2009 Constitution confers a discretionary power on the Governor to do so.

94. Section 76(2) of the 2009 Constitution provides for the dissolution of the Legislative Council by the Governor at the expiration of four years from the date when the Council first meets following its last dissolution, unless it has been dissolved sooner.

Governor's December 2014 assurances. It should also be noted, however, that the Attorney General has indicated that a request by her for funding in order to pursue independent advice in relation to these matters was initially refused by the Foreign and Commonwealth Office and that this contributed to the delay which occurred.

105. In the event, the issues remained unresolved until 2 March 2015 when, shortly before the Inquiry's planned visit to St Helena and Ascension, the Attorney General of St Helena made the necessary applications for disclosure herself.

106. The delay in the resolution of these issues required the Inquiry to expend additional time and resources in its initial planning stages.

5.3 Jurisdictional issues relating to the prosecution of sex offenders

107. The St Helena, Ascension and Tristan da Cunha 2009 Constitution makes specific provision for the administration of justice in all three constituent parts of the Territory. As stated above, the Constitution establishes a Supreme Court of St Helena. Its superior appellate court is the Court of Appeal (the final appeal from the Court of Appeal is to the Judicial Committee of the Privy Council in London). The Constitution provides that the Supreme Court and the Court of Appeal of St Helena are also those of Ascension and Tristan da Cunha, and provision is made for these courts to sit within or outside the individual islands.⁹⁵

108. The three constituent parts of the Territory are intrinsically linked. As well as sharing a Governor, St Helena, Ascension and Tristan da Cunha share superior and higher courts. Additionally the Chief Law Officer, the Attorney General of St Helena, is also the Attorney General of Ascension and Tristan da Cunha.⁹⁶

109. St Helena and Ascension share a common criminal procedure established by the Criminal Procedure Ordinance *cap* 23, applicable both on St Helena and on Ascension.⁹⁷

110. Criminal proceedings are instigated by the Attorney General under the powers which are specified in section 56 of the Criminal Procedure Ordinance and additionally as a result of the constitutional position of the Attorney General on St Helena and the other parts of the Territory. The administration of justice is assisted by other shared legislation. The Juries Ordinance (St Helena) applies on Ascension subject to amendments relating to the Administrator and selection of a jury pool.⁹⁸ The Inquiry was informed that it is possible to have a trial by jury on Ascension in relation to offences which took place on Ascension.

111. The Chief Magistrate is appointed as Chief Magistrate of the constituent parts of the Territory.⁹⁹ St Helena and Ascension share a Chief Magistrate. Pursuant to section 23 of the Magistrates Court Ordinance *cap* A19, for Ascension the Magistrate may sit in any such place as is necessary for the dispatch of his or her judicial business. Equally, the Attorney

95. See sections 153(1) and 218 respectively of the 2009 Constitution.

96. See section 46 of the 2009 Constitution. The Attorney General institutes all criminal proceedings. The Attorney General of St Helena is also the Attorney General of Ascension by virtue of section 150 of the 2009 Constitution Order and is the Attorney General of Tristan da Cunha by virtue of section 215 of the same.

97. It applies in Ascension by virtue of Ordinance AI 1976.

98. St Helena Law (Application) Ordinance, *cap* A1 – Appendix at p. 479 of the *Revised Edition of St Helena Laws 2007*.

99. St Helena – Magistrates Court Ordinance section 7; Ascension – Magistrates Court Ordinance *cap* A19 section 7.

General may institute proceedings for any offence on St Helena or on Ascension and these proceedings may be heard either in the Supreme Court or the Magistrates' Court.¹⁰⁰

112. There have been instances brought to the attention of the Inquiry which demonstrate that there has been a lack of connection between the constituent parts of the Territory and the overlapping jurisdiction that is exercised.

113. The case of Dane Wade highlights an apparent problem between the jurisdictions of St Helena and Ascension Island. On 8 August 2012 Dane Wade appeared before Ascension Magistrates' Court where he pleaded guilty to two offences of sexual activity. He was sentenced by the court to a two-year probation order. The defendant was sentenced in the knowledge that he would immediately travel to St Helena and it was assumed that responsibility for the supervision of the probation order would devolve to St Helena's Offender Management Service (which would agree to supervise the order).

114. The defendant arrived on St Helena a few days after the imposition of the order and within a short space of time had breached it. On 28 September 2012 the St Helena Offender Management Service initiated breach proceedings against the defendant. The Magistrate for Ascension, as he was entitled to do, considered the question of whether the Ascension Magistrates' Court was competent to pass a probation order to be supervised in its entirety and exclusively on St Helena, and also whether the Ascension Magistrates' Court was competent to determine whether the defendant's conduct on St Helena was capable of amounting to a breach of that order (and if deciding such a breach, to impose an appropriate sanction).

115. Due to the issues raised, the matter was adjourned and the Magistrate invited Crown Counsel and the Public Solicitor to assist in answering the questions posed. The matter was finally heard on 25 October 2012 when the Magistrate ruled that the Ascension Magistrates' Court did not have the jurisdiction to make a probation order which required the defendant to submit to the supervision of the St Helena Offender Management Service.

116. The judgment of the Magistrate was that the Ascension Magistrates' Court jurisdiction was limited. He could not lawfully direct that the probation order made on Ascension would apply on St Helena.

117. The matter was referred to the Chief Justice. The Chief Justice's review concluded that the Magistrate had jurisdiction to hear the proceedings and that there was nothing inherently unlawful about the probation order imposed. However, enforcement could only occur on St Helena by virtue of section 76 of the Criminal Procedure Ordinance *cap* 23 and arrangements would have to be made to return the defendant to Ascension Island.

118. This review's conclusions are considered open to an element of doubt by the current Attorney General. Her view is that, if she were invited to make submissions, the territorial limits of a probation order in Ascension remain limited to breaches in Ascension for the reasons advanced by the Chief Magistrate in his original decision in *R v Wade*. The Chief Magistrate's suggestion of an urgent statutory review has not been actioned. His suggestions would entail legislative amendment, which would require engaging both the Ascension Island Council and the Legislative Council on St Helena to invite them to consider amendment of the Ordinances to give effect to the change. It is clear that there is uncertainty and a lacuna which requires immediately addressing.

100. Section 46(4) of the Constitution Order 2009.

119. Equally, there has been an issue as to the sharing of probation resources between St Helena and Ascension Island, despite their interdependency and clear constitutional links.

120. As has been indicated elsewhere in the Inquiry Report, the Chief Justice drew to the attention of the Inquiry Panel an incident when he was sitting on Ascension Island and wanted the assistance of a probation officer. The only probation officer was based on St Helena and the Chief of Police, Trevor Botting, said he was unable to provide the assistance of this probation officer to prepare the report for a case on Ascension Island. The requested clarification of the current situation in relation to the sharing of probation resources has recently been given by Trevor Botting. His response outlines the practical and pragmatic difficulties in the sharing of probation resources, identifying the two core areas of probation work, pre-sentence and post-sentence, and detailing the necessity of having a probation officer *in situ* on Ascension Island. This reply demonstrates the need for “face-to-face” pre-sentencing report work and specifically that, following sentencing, the supervision of community sentences cannot be undertaken remotely. As is clear from the report there are real practical difficulties with the transportation links between St Helena and Ascension, and the situation might worsen with the decommissioning of the *RMS St Helena* (although the current expectation is for a regular air link). Ascension Island arguably needs sufficient resources to engage its own fully qualified probation officer.

121. Additionally, the response reflects the jurisdictional anomaly between the two constituent parts of the single Territory highlighted in the *R v Wade* case.

Appendix 4

Dramatis personae

Appendix 4 has been part redacted further to paragraph 3.12 of the Information Protocol and on a ground identified in paragraph 4 of that protocol (“Prejudicing the course or outcome of any contemplated or ongoing criminal investigation or other legal proceedings, the administration of justice or the prevention or detection of crime”). The full report will be published in due course.

Anderson, Michael – Police Constable, Ascension Island

Blunt, David – Head Teacher, Ascension Island

Botting, Trevor – Chief of Police, St Helena Police Service

Cairns Wicks, Jeromy – former police officer, now prisoner, St Helena

Capes, Mark – Governor of St Helena

Cheetham, Julia – QC instructed by Department of Health and Social Welfare in Child F case

Coll, Peter – Chief of Police, St Helena Police Service

Cook, Robin – UK Foreign Secretary 1997–2001

Dunn, Samantha – Senior Social Worker, St Helena Social Services

Ekins, Charles – Chief Justice of St Helena and Ascension Island

Ellick, Jeff – Deputy Chief of Police, St Helena Police Service

Gannon, Claire – Senior Social Services Manager, St Helena Social Services

George, Barbara – Director of Human Resources, St Helena Government

[REDACTED]

Hartley, Jonathan – Publicist employed by Claire Gannon

Hayes, Peter – Director, Overseas Territories Directorate, Foreign and Commonwealth Office

Hoban, Mark – MP for Fareham, Hampshire

Holland, Marc – Administrator, Ascension Island

Honan, Dave – Detective Constable

Hughes, Alex – Police Inspector, Ascension Island

Judd, Veronica – Detective Constable, St Helena Police Service

Kellett, Victoria – Probation Officer, St Helena

Leo, Cyril – Resident, St Helena

Lowe, Hudson – Governor of St Helena 1816–21

Murray, Moira – Safeguarding Consultant, Wass Inquiry Panel

Neary, Viv – Child Protection Coordinator for British Overseas Territories, Foreign and Commonwealth Office

[REDACTED]

Nzerem, Keme – Journalist, Channel 4

Pritchard, Keith – Detective Sergeant, St Helena Police Service

Roberts, Clarence – Police Sergeant, Ascension Island

Sheath, Michael – Lucy Faithfull Foundation Employee

Snelson, J – Employment Tribunal Judge for Gannon and Warsama v FCO and DFID

Stephens, Nick – Head of New Horizons Youth Group, St Helena

Straw, Jack – UK Foreign Secretary 2001–06

Thomas, Derek – Councillor, St Helena

Todd, Adrian – Sessional worker for Lucy Faithfull Foundation

Trevillion, Pam – Detective Chief Inspector, Crime, St Helena Police Service

Vinson, Robert – Detective Superintendent, Kent and Essex Police, Wass Inquiry Panel

Wade, Dane – Resident, St Helena, convicted of sexual assault

Warsama, Martin – Social Work Trainer, St Helena Social Services

Wells, Colin – Administrator, Ascension Island

Welsh, Colin – Safeguarding Consultant, Wass Inquiry Panel

Williams, Bryn – Expert witness in Child F case

Yon, Coral – St Helena Government Employee

Yon, Marlene – Resident, St Helena

Appendix 5

Government submissions on St Helena to ministers

Appendix 5 has been part redacted further to paragraph 3.12 of the Information Protocol on a ground identified in paragraph 4 of that protocol (“Breaching the principle of legal professional privilege; Breaching the Data Protection Act 1998”) and on grounds of relevance.

Government submissions on Saint Helena to Ministers

Date	Author	FCO/DFID	Type	Subject
12.11.09	[REDACTED]	DFID	Minute	Safeguarding and Sexual Abuse
08.11.12	[REDACTED]	FCO	Memorandum	Anderson allegations
29.11.12	[REDACTED]	DFID	Information note	Safeguarding in OTs
11.12.12	[REDACTED]	FCO	Submission	Anderson investigation
13.12.12	[REDACTED]	FCO	Submission	Anderson investigation
14.3.13	[REDACTED]	FCO	Information note	Sexual Crime
19.3.13	[REDACTED]	DFID	Submission	SCOT Programme
05.2013	[REDACTED]	FCO	Information note	Child Protection on AI
17.05.13	[REDACTED]	FCO	Submission	Child Protection on AI
02.07.13	[REDACTED]	DFID	Information note	Child Safeguarding Review
22.08.13	[REDACTED]	FCO	Information note	LFF and Jeremy Cairns-Wicks
19.02.14	[REDACTED]	FCO	Information note	Launch of new safeguarding project
23.04.14	[REDACTED]	DFID	Information note	Safeguarding-HMG risks and responsibilities
24.04.14	[REDACTED]	DFID	Information note	Safeguarding-HMG risks and responsibilities
08.05.14	[REDACTED]	FCO	Information note	Adoption case
21.05.14	[REDACTED]	FCO	Information note	HIV and [REDACTED] advice
30.05.14	[REDACTED]	FCO	Information note	[REDACTED] advice
30.05.14	[REDACTED]	FCO	Information note	[REDACTED] advice (with [REDACTED])

Date	Author	FCO/DFID	Type	Subject
06.06.14	[REDACTED]	FCO	Memorandum	Adoption case next steps
11.06.14	[REDACTED]	FCO	Memorandum	Adoption case next steps
09.07.14	[REDACTED]	FCO	Submission	ET claims and Inquiry
10.07.14	[REDACTED]	FCO	Submission	ET claims and Inquiry
11.07.14	[REDACTED]	DFID	Information note	ET claims and Inquiry
17.07.14	[REDACTED]	DFID	Information note	ET claims and Inquiry
07.2014	[REDACTED]	FCO	Handling Plan	SH Handling and Communication Plan
08.2014	[REDACTED]	FCO	Submission	Inquiry
01.09.14	[REDACTED]	DFID	Information note	Inquiry
11.09.14	[REDACTED]	FCO	Submission	inquiry
08.10.14	[REDACTED]	DFID	Submission	Inquiry funding
03.11.14	[REDACTED]	FCO	Submission	Inquiry funding
03.11.14	[REDACTED]	FCO	Submission	Inquiry funding
11.2014	[REDACTED]	Note	Note	Media handling Inquiry
12.2014	[REDACTED]	FCO	Note	Meeting with Lawson Henry

Minute

NOT PROTECTIVELY MARKED

To: [REDACTED]
From: [REDACTED]
Ext: [REDACTED]
Date: 12 November 2009
CC: [REDACTED]

Child Safeguarding and Child Sexual Abuse - St Helena

1. Three of our regional projects have returned from visits to St Helena with concerns around child safeguarding, specifically child sexual abuse. Projects reporting concerns are: Safeguarding Children in the Overseas Territories; Taking action against HIV and Aids in the UK Overseas Territories; and Building Human Rights Capacity in the Overseas Territories. Concerns have been raised around 3 broad areas: i) the prevalence of child sexual abuse; ii) the sentencing of convicted offenders and the sentencing guidelines provided by the Chief Justice; and iii) the institutional weaknesses within the justice sector.
 2. All concerns around prevalence rates of child sexual abuse are hearsay and there is some debate within St Helena as to the actual prevalence rates with views at both ends of the spectrum. As far as DFID has been made aware the majority of specific incidents reported via a third person to project partners are alleged to have taken place at least 5-10 years ago. One current case has been reported but was already being handled through the appropriate channels within the Social Work Division in St Helena. Despite this there is anecdotal evidence that child sexual abuse may be a significant and on-going issue in St Helena.
 3. This note details work that DFID is currently supporting within the area of child safeguarding. It then goes on to list possible gaps and options for further intervention.
- Current DFID Support**
4. DFID is currently supporting St Helena through a number of channels to ensure that children on the island are safeguarded. These are listed below:

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Health and Social Services Development Strategy (3 year project, project cost £1.95m)

5. This project is overseeing the restructure and significant institutional strengthening of Health and Social Services in St Helena. A Core component of which is the Social Work Division. The division, takes a St Helena Government lead on children and young people.
 6. The indicator on children within the development strategy is: *Organisational arrangements, processes and procedures in place to safeguard children and legislation is effective*. By 2010/11 the indicator for this output requires 100% child welfare cases reported to go through the set procedures.
 7. We have provided support through this project in the form of funding for a Senior Social Worker with a background in children and young people to lead the reform of the Social Work Division. This person arrived on the island at the beginning of November 2009. Key responsibilities include the review, development and implementation of interagency policies and procedures to support the Welfare of Children Ordinance (WOCC) and mentoring/ capacity building of colleagues within the Social Work Division. It is worth noting that we have also arranged for this social worker to provide support to Ascension Island (maximum of 20% of the post-holder's time). The intention is that the support offered will demonstrate to Ascension the value that a social worker could bring to the island and convince them of the need to prioritise social welfare within their budgetary allocations. In addition, St Helena has developed a programme of work on young people. DFID has advised that this be moved from the social policy planner to the senior social worker to lead and embed within the Social Work Division. This has been included in the social worker's job description.
 8. **Safeguarding Children in the Overseas Territories (SCOT)** (2-3 year project, project cost £283,760)
This project currently has 5 participating Territories, St Helena is one of them along with Ascension, TCI, Anguilla and Montserrat. The project purpose is to ensure that: *Decision-makers and practitioners are able to design and implement robust policies and institutional arrangements to ensure that boys, girls and young people are safeguarded in the Overseas Territories*. A key focus of this project is ensuring an interagency approach to child safeguarding so that all relevant sectors including health, social work, education and police are able to work together around shared procedures.
 9. The SCOT project is heading up a reception during this year's OTCC on Child Safeguarding to which OTCC participants are invited and at which leaders in the field of Child Safeguarding will be invited to speak. The SCOT team have also been invited to speak at the OTCC itself on child safeguarding. It is intended that this will contribute to national debates within the Territories on improving efforts around interagency working to enable children to be better safeguarded. It is anticipated that St Helena will be represented at both these events.
- Budget Support**
10. One of DFID's 10 outcomes and accompanying indicators (or FLITs - Frontloading Initial Triggers) guiding disbursement of our performance tranche within DFID's direct budget support for 2009-10 in St Helena focuses specifically on child safeguarding. The FLIT has been agreed with SHG as follows:

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Police Independence
 16. The new chief of police will go some way to addressing the concerns around independence of the police and therefore their ability to be impartial, particularly important in sexual abuse cases. The capacity of the police ought to be reviewed regularly.

Magistrate independence and capacity building
 17. Weaknesses within the court system remain; the AG has referred a number of cases up to the Chief Justice for a review of sentencing. Magistrates continue to provide light sentencing of convicted offenders; often a light fine rather than custodial sentence. This is leading to the situation where someone convicted of growing cannabis has received a more severe sentence than another convicted of sexual abuse of a minor. There are obviously mitigating circumstances that need to be taken into account but the light sentencing around sexual abuse cases would warrant an independent review, possibly led by the Ministry of Justice. Sentencing advice from the Chief Justice reads 'Magistrates will bear in mind the need to start at a relatively low point, so that incremental steps are available in the event of re-offending'. Whilst the context must be born in mind, it would be worth seeking a second opinion on this sentencing advice. I recommend exploring options for a sentencing review with the Ministry of Justice.

18. The Magistrates' capacity to handle sensitive cases and provide appropriate sentencing decisions needs to be strengthened. We ought to consider following a model that has been successful in the Falkland Islands. The Falklands employ a District Judge (what were known as Stipendiary Magistrates) to mentor, train and take on some caseload within the magistrate's court. I recommend we consider the appointment of a District Judge in St Helena for the medium term to help strengthen the system and build capacity as well as ensure a level of independence within the judiciary.

Understanding prevalence rates
 19. We have funded the University of Huddersfield to undertake research in a sample of OTs in the Caribbean around the perceptions and opinions of people towards child sexual abuse. This has been successful in starting national dialogues on the issue. I recommend we consider asking if the University of Huddersfield would expand this to St Helena and other South Atlantic Territories. This needs to be considered carefully and a judgement taken as to how far this research would contribute to or detract from work already underway and the development of a national debate on child safeguarding.

¹ Taken from a review from the Chief Justice, Supreme Court, Martin CJ, 3,6 June 2005

Outcome + Lead Officer	Indicator	Baseline	Milestone 1	Milestone 2	Target (March 2010)	Assumptions
Children able to grow up in a safe and nurturing environment (CAHSSO)	At least 80% of SWD child caseload followed new intake procedures (measurement period August to January 2009)	Polices and procedures exist but are not implemented (March 2009)	Social work Division's Team leader/Social Worker recruited and in post and in post (July 2009)	Child safeguarding policies and procedures implemented (March 2010)	SHG can recruit a suitably qualified Social Worker/ Team leader promptly	SWD establish sound data collection case lead management systems

11. We have worked closely with St Helena to produce the Welfare of Children Ordinance (drafted under a previous phase of DFID's child safeguarding project) – this has now been passed by ExCo though not yet enacted – we must maintain pressure to ensure this legislation is enacted and the work of the Social Work Division in leading the development of shared procedures enables the legislation to be appropriately implemented. Enactment of the legislation is critical to the achievement of this FLIT.

Tackling HIV and Aids in the UK Overseas Territories (2-3 year project, project cost £283,760)

12. The project purpose is to establish National Sexual and Reproductive Health and Rights (SRHR) and Aids programmes in Overseas Territories that reach their universal access targets. This project has undertaken health and lifestyle surveys with young people in the schools in St Helena. The findings of these will be built on when developing the national health and care strategies on SRHR and Aids. The project is currently in discussions with DFID as to how far they should get involved in relating issues surrounding child safeguarding. This discussion has not yet been concluded.

United Nations Convention on the Rights of the Child (UNCRC)

13. The UNCRC has been extended to St Helena along with all UK Overseas Territories (with the exception of Gibraltar) and St Helena reported against this in the last UK reporting round. Support was provided through the previous phase of DFID's child safeguarding project on UNCRC monitoring and reporting.

Gaps and recommendations for further intervention

14. Whilst there is a considerable amount of support from HMG going into St Helena to improve child safeguarding arrangements gaps persist.

Training on handling Sexual Abuse Cases

15. We are not currently addressing the institutional weaknesses within the Judiciary. The HIV and Aids project came back to us with a suggestion for training for the judiciary in handling sexual abuse cases, specifically how to deal appropriately with witnesses/ victims. I recommend we pursue possible training for the judiciary with the project partners.



Foreign & Commonwealth Office

Overseas Territories Directorate
Southern Oceans
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Tel: [redacted]
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Memorandum

From [redacted]
To PS Mr. Simmonds
Date 8 November 2012
cc: see below

SUBJECT: ST HELENA AND ASCENSION: ALLEGATIONS OF CHILD ABUSE AND POLICE CORRUPTION

1. You asked for advice on allegations received by the Minister via Mark Hoban MP on policing and child protection issues in Ascension and St Helena. Though made anonymously, these allegations appear to come from Mick Anderson, a British police officer working for the St Helena Police Service on Ascension.
2. The allegations are both general and specific. The general thesis is that rule of law on both Ascension and St Helena is compromised by interference from important on-island personages, and that child abuse is endemic and insufficiently tackled for fear of admitting the problem. A number of particular incidents, on St Helena and Ascension, are advanced as evidence of this.
3. I have spoken with the Governor today and have also had a response from our Administrator on Ascension. The Governor has initiated an immediate investigation to establish some of the facts detailed in the allegations which will report back early next week. But we can already confirm, from our own knowledge of the incidents cited, that a number of the allegations contain significant errors or untruths.
4. In common with many small and remote communities, there has historically been a child protection issue on St Helena and Ascension. But HM/G and the Territory Governments have invested much time, effort and resources into tackling this. Both Ascension and St Helena participated in the 'Safeguarding Children in the Overseas Territories' (SCOT) project which ran from 2009 to 2012. The project was designed to improve policy making, implementation and professional practice with regard to the protection of children. I have seen first-hand how the project has strengthened inter-agency collaboration in St Helena, and led to the set up of Children's Safety Boards in both islands. Ascension and St Helena have also introduced Welfare of Children legislation, and Ascension has recently contracted its first permanent island-based social worker. Our own assessment is that structures and protection measures on St Helena are effective but that more work remains to be done on Ascension, though this is in hand.
5. We will rigorously interrogate these allegations, however unfair or unfounded we might initially assess them. It is important not only that we take them seriously, but that we are seen to do so too, if challenged. I have therefore agreed with the Governor that we will also look to commission two separate, independent reviews of both policing issues in the St Helena Police Services and of the effectiveness of the current child protection

measures on the two islands. This will help us not only to establish whether there are further systemic issues to be tackled, but also help us to draw a line definitively under the issue. We will explore with DFID colleagues how best to take these reviews forward quickly.

6. There is no indication that these allegations have gone further than Mr. Hoban but it is possible that the originator may seek a wider audience for them, including in the media. We do not underestimate the sensitivities surrounding child protection issues, especially in the current climate. We are working up detailed lines with the St Helena Government, which will say:
 - We have been made aware of anonymous allegations around policing and child safety issues in St Helena and Ascension;
 - The UK, St Helena and Ascension Island Governments take such concerns extremely seriously;
 - The Governor has initiated a preliminary investigation into the detail of specific allegations of fact;
 - In the light of these conclusions, we will then consider whether to commission fuller and independent reviews of these policing and child protection issues.

7. We recommend sending the attached holding reply to Mr Hoban (Flag A).

[redacted] Deputy Director, Southern Oceans

cc: PS
PSP/US
SpAds
Robert Hamrigan
Peter Hayes, OTD
[redacted] Press and Digital Department
Governor, St Helena
Administrator, Ascension
DFID
[redacted]

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7 2200

FLAG A

Mr Mark Hoban MP
House of Commons
London
SW7A 0AA

xx November 2012

Thank you for recent correspondence bringing to my attention the information you received relating to public service conduct and child protection issues on St Helena and Ascension Island.

The UK Government takes child safety and good governance concerns in the Overseas Territories very seriously. My officials are already working with the Governor of St Helena to investigate the claims contained in the paper you received.

The UK and Territory Governments have invested much time and effort in recent years to improve child safety measures on St Helena and Ascension. Both islands participated in the HMG-funded 'Safeguarding Children in the Overseas Territories' (SCOT) project which ran from 2009 to 2012. The project was designed to improve policy making, implementation and professional practice with regard to the protection of children and has resulted in strengthened inter-agency collaboration in the Territories. This has led, amongst other measures, to the setting up of Children's Safety Boards on both islands. Ascension and St Helena have also introduced specific Welfare of Children legislation, and the Ascension Island Government has recently contracted its first permanent island-based social worker. So I believe we have made significant progress with this agenda, but I cannot over-estimate how seriously we take allegations of criminal activity or neglect.

I hope to be able to offer you a fuller response once our initial investigations are complete.

Mark Simmonds
Minister for the Overseas Territories

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Information Note

To: [redacted]
1) [redacted]
2) PSM/CoS
3) PS/SoS
From: [redacted]
Ext: [redacted]
Date: 29 November, 2012
CC: Beverly Warrington
Ian McKendry
OTD
Submissions List

Child Safeguarding in the Overseas Territories

1. The Report of the Children's Commissioner for England on Sexual Exploitation of Children was published last week. This note sets out the background to the UK Government's (UKG) work on child safeguarding in the Overseas Territories (OTs), particularly DFID's approach and plans.

Relationship with the UK

2. The UN Charter's obligations on the OTs mean that the UKG has the ultimate liability for, amongst other obligations in the OTs, protection against human rights abuses. This is a two-way responsibility. On the one hand, UKG expects Territory Governments to abide by the same basic standards of human rights as the UK and works to extend to the OTs those UN human rights conventions that the UK has ratified. On the other hand, UKG is responsible in international law for ensuring that the Territories comply with international human rights conventions that have been extended to them¹.

Child safeguarding in the OTs

3. Along with other core Conventions², the Convention on the Rights of the Child (CRC) has been extended to almost all Territories³. In addition, the DFID-FCO human rights programme has been working to prepare Territories for the extension of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW). These are both important conventions in relation to child safeguarding. The CRC draws together the rights of the child in one international legally binding instrument, which

¹ Assistance has been provided through a joint DFID-FCO funded project: Building Human Rights in the British Overseas Territories. The programme ended in 2012 and is undergoing review.
² The European Convention on Human Rights (ECHR), the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on Elimination of all forms of Racial Discrimination, the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment.
³ Gibraltar is the exception.

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serves as an international standard against which countries' progress on child rights can be measured. It contains specific clauses which have direct relevance to the protection of children from abuse, exploitation and neglect. The CEDAW complements the CRC, especially in the promotion and protection of the human rights of girls and women and in the prevention of discrimination on the basis of gender.

4. Since 2007 the UK and OT governments have been required to submit a joint report to the UNCRC Committee setting out the action they have undertaken to give effect to the provisions of the CRC. Whereas the same standards should apply in all of the OTs to which the CRC has been extended, in practice there are severe challenges in meeting the gap between the obligations now placed on those Territories and the provision of adequate legislative and service delivery frameworks to meet these commitments.

5. Such challenges include limited capacity affecting the potential to provide appropriate and adequate services; lack of inter-agency cooperation; outdated legislation that constrains the ability of officials to robustly pursue child safeguarding measures; diseconomies of scale that necessitates hard prioritisation of services; small-island relations where people know each other well. Many of these challenges reinforce each other and can often have the effect of diluting the transparency and accountability of government regulations and procedures. The sum effect is that international standards set by the CRC and CEDAW can be undermined in the OTs. In these circumstances, child safeguarding efforts can be severely compromised.

DFID Approach

6. Whilst FCO has the UKG lead on human rights, DFID has clear responsibilities in this area. DFID has been supporting child safeguarding initiatives in the OTs since at least 2005. Our approach to date focuses on prevention – ensuring that OTs are aware of their legislative obligations – and, where evidence exists of wrongdoing, e.g. in Pitcairn, action against perpetrators. We have helped to ensure prosecution of offenders who were brought to trial in 2004 in Pitcairn on child sexual offences and we continue to support critical safeguarding measures on the island.

7. The regional Child Protection Programme (2005-2008) focused on awareness raising to combat child abuse and technical assistance to support CRC reporting. During this period OTD also developed a Framework for a Child Protection Strategy in the Overseas Territories. This drew more directly on the provisions of the CRC recommending clearer commitment through institutional improvements aimed at supporting political commitments, advocating stronger ties between the Territory Governments and UKG, focusing on support for national assessments, and planning for child safeguarding in each of the OTs. This resulted in the Safeguarding Children in the Overseas Territories (SCOT) programme (2009-2013) which moved the focus from "protection" to "safeguarding" in order to provide a sharper focus on preventing child sexual abuse. We have also stepped up efforts in OTs to improve multi-agency working amongst Territories' public services, bearing in mind the capacity constraints that most OTs face. This means that technical assistance is an important feature of DFID support in this area.

child safeguarding(ail). Recent allegations about St Helena and Ascension were raised by public servants. DFID and FCO are also aware that Territories all need more help to comply legally and institutionally with the CRC.

11. The SCOT programme is ending in March 2013. DFID and FCO are now reviewing the impact and lessons overall of this programme. Risk assessments of child safeguarding in Montserrat and St Helena/Ascension will be completed before March 2013, due to recent concerns and allegations raised in these Territories. DFID and FCO will continue to work closely in determining appropriate follow-up to these assessments. We will update Ministers when a successor to the current SCOT programme is finalised so that they know what future plans are in this area.

8. The SCOT project has developed a regional approach covering both the aided Territories⁴ (St Helena/Ascension, Montserrat and Pitcairn) as well as some of the non-aided Territories (Anguilla, TCI, BVI). DFID's funding remains focused on the aided Territories. DFID continues to support Pitcairn work in this area outside the SCOT programme commitments.

9. Looking ahead, the rationale for a regional approach to tackling this problem remains strong:-

- There is an obligation upon UKG to help all Territories to comply with international conventions in this area. There is a clear reputational risk for UKG if we do not act the Committee on the Rights of the Child makes it clear that (i) the international responsibility for the implementation of CRC is that of the United Kingdom and not that of the individual territories and that (ii) the UK would need to give consideration to what programmes it intends to adopt in order to discharge its international responsibilities under CRC.

- There are few funding options available to the OTs beyond UKG support. Working regionally supports a more cost-effective way of providing regional technical assistance rather than targeting individual Territories. UNICEF has included some OTs in their own regional Caribbean work but this has been extremely limited and they ultimately look to UKG for such funding support.

- Working regionally, especially in the Caribbean, provides several benefits:

- The potential for collaboration between the Territories can be more effective in raising awareness and in encouraging a regional response (e.g. working with the Organisation of Eastern Caribbean States, OECS).
- Ensuring that Territories that are not officially ODA-eligible but for which the UK remains legally responsible in terms of their compliance with international human rights commitments, are also included in efforts to tackle these problems. TCI and Anguilla are examples. DFID's funding remains focused on the aided Territories, however.
- More effective cross-border responses to child trafficking and or child pornography, or in other areas where a joint, cross-Territory response is called for. Supporting more reluctant Territories to buy into effective follow-up especially where there are regional leaders who can encourage others to act.

10. DFID and the FCO agree that specific risks remain in some Territories, including Pitcairn, Montserrat, St Helena, Ascension Island, Anguilla and TCI. Some of these are historical (Pitcairn); some relate to allegations that there is some evidence of child sexual exploitation, as noted in successive US State Department Reports on the Worst Forms of Child Labour (Anguilla, Montserrat); some relate to specific allegations arising from professionals on the islands and/or consultants⁵ who have worked on human rights and

⁴ The 2012 Development Act clearly notes that "the Secretary of State can provide any person or body with development assistance in a case where the requirement of section 1(1) [continues to reduction in poverty] is not met, if the assistance is provided to one or more of ... the British Overseas Territories".

⁵ Including (i) consultants from the child safeguarding and human rights programmes; and (ii) those jointly funded by DFID and UNICEF to produce the report *Child Sexual Abuse in the Eastern Caribbean, Adèle Jones and Eva Tredman-Jennett, 2009*.



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Overseas Territories Directorate
Southern Oceans
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Tel: [REDACTED]
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To: Minister Mark Simmonds
From: [REDACTED] Deputy Director, OTD
Date: 11 December 2012
cc: see end of submission

SUBJECT: ST HELENA AND ASCENSION: ALLEGATIONS OF CHILD ABUSE AND POLICE CORRUPTION

1. Mark Hoban MP recently forwarded on an anonymous letter he received which contained both general and specific allegations relating to public service and child protection issues on St Helena and Ascension Island. An initial investigation into these claims has been completed and assessed that the allegations were false.
2. The thrust of the allegations was that the rule of law on both Ascension and St Helena is compromised by interference or indifference from important on-island personages, and that child abuse is endemic and insufficiently tackled for fear of admitting the problem. The author, who we believe to be Mick Anderson, a British police officer working for the St Helena Police Service on Ascension, used specific incidences to advance his argument. He has since resigned and has left the island.
3. An initial investigation into these claims has been completed and assessed that there is no evidence to substantiate these allegations. However, given their seriousness, we are following the initial investigation up with two separate and independent reviews.
4. The first will investigate the claims further and undertake an independent multi-agency child safeguarding risk assessment across both St Helena and Ascension Island in order to provide robust evidence on the current situation and recommendations to strengthen the response to child safeguarding.
5. The second review will focus on wider policing on St Helena and Ascension Island. The review will be conducted by an independent police expert who is familiar with St Helena and the Overseas Territories more widely and will report on the current situation, providing recommendations for the future.
6. These two reviews will help us establish whether there are further systemic issues to be tackled, providing recommendations so that we – and the inhabitants

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of those Islands – can continue to have full confidence that these issues are being properly dealt with.

7. There is no indication that these allegations have gone further than Mr. Hoban, but we do not underestimate the sensitivities surrounding child protection issues, especially in the current climate.
 8. We recommend sending the attached reply to Mr Hoban (FLAG A)
- Separately, another investigation involving independent UK based police officers has just been completed on Ascension Island following a complaint regarding serving officers. The investigation is an operational police matter. It is expected that a disciplinary hearing will follow in relation to one of the officers, which may lead to his dismissal. Notwithstanding these pressures, there remains sufficient resource in the Ascension Island police detachment.

[REDACTED] Deputy Director, Southern Oceans

Number of attachments:

cc: PUS
PS/PUS
SpAds
Robert Hannigan
Peter Hayes, OTD
[REDACTED] Press and Digital Department
Governor, St Helena
Administrator, Ascension
DFID
[REDACTED]

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FLAG A

Mr Mark Hoban MP
House of Commons
London
SW1A 0AA

xx December 2012

Thank you for recent correspondence bringing to my attention the information you received relating to public service conduct and child protection issues on St Helena and Ascension Island. My officials have been working with the Governor of St Helena to investigate the claims contained in the paper you received.

We take any such allegations extremely seriously. An initial investigation into the veracity of these claims has been completed and has assessed that there is no evidence to substantiate these allegations. However, given their seriousness, we are following this up with two separate and independent reviews. As I know has been discussed with your office, the police have also held an investigation into the conduct of the individual thought to have made the allegations, who has since resigned his position and has returned to the UK.

The first review will investigate the claims further and undertake an independent multi-agency child safeguarding risk assessment across both St Helena and Ascension Island in order to provide robust evidence on the current situation and recommendations to strengthen the response to child safeguarding.

The second review will focus on wider policing on St Helena and Ascension Island. The review will be conducted by an independent police expert who is familiar with St Helena and the Overseas Territories more widely and will report on the current situation, providing recommendations for the future.

Both these reviews will help us establish whether there are further systemic issues to be tackled, providing recommendations so that we – and the inhabitants of those Islands – can continue to have full confidence that these issues are being properly dealt with.

Mark Simmonds
Minister for the Overseas Territories

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Foreign & Commonwealth Office

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Overseas Territories Directorate
Southern Downs
Room KZ23
King Charles Street
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Tel: [REDACTED]
www.ota.gov.uk

To: Minister Mark Simmonds
From: Desk Officer for St Helena and Ascension, OTD
Date: 13 December 2012
cc: see end of submission

SUBJECT: ST HELENA AND ASCENSION: ALLEGATIONS OF CHILD ABUSE AND POLICE CORRUPTION

1. Mark Hoban MP recently forwarded on an anonymous letter he received which contained both general and specific allegations relating to public service and child protection issues on St Helena and Ascension Island. An initial investigation into these claims has been completed and assessed that the allegations were false.
2. The thrust of the allegations was that the rule of law on both Ascension and St Helena is compromised by interference or indifference from important on-island personages, and that child abuse is endemic and insufficiently tackled for fear of admitting the problem. The author, who we believe to be Mick Anderson, a British police officer working for the St Helena Police Service on Ascension, used specific incidences to advance his argument. He has since resigned and has left the island.
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of those islands – can continue to have full confidence that these issues are being properly dealt with.

- 7. There is no indication that these allegations have gone further than Mr. Hoban, but we do not underestimate the sensitivities surrounding child protection issues, especially in the current climate.
- 8. We recommend sending the attached reply to Mr Hoban (FLAG A)
- 9. Separately, another investigation involving independent UK based police officers has just been completed on Ascension Island following a complaint regarding serving officers. The investigation is an operational police matter. It is expected that a disciplinary hearing will follow in relation to one of the officers, which may lead to his dismissal. Notwithstanding these pressures, there remains sufficient resource in the Ascension Island police detachment.

██████████ Desk Officer for St Helena and Ascension Island

Number of attachments: 1

- cc: PUS
- PS/PUS
- SpAds
- Robert Hannigan
- Peter Hayes, OTD
- ██████████ Press and Digital Department
- Governor, St Helena
- Administrator, Ascension
- ██████████ DFID

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Foreign & Commonwealth Office

Overseas Territories Directorate
Room X220
King Charles Street
Tel: [redacted]
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To: PS/Mr. Simmonds
From: [redacted]
Date: 14 March 2013
cc: see end

SUBJECT: SEXUAL CRIME ON ST HELENA

1. The Minister might welcome an update on the issue of sexual crime on St Helena. In November 2012, a series of anonymous allegations were made to Mark Hoban MP relating to child abuse, sexual offences and police integrity on St Helena. An initial investigation into these allegations assessed there to be no evidence to substantiate the claims.
2. The St Helena Government (SHG) along with Governor, DFID and the FCO took these allegations extremely seriously. A UK police advisor, commissioned by the FCO, has just visited St Helena, tasked with providing an additional, independent investigation into the veracity of the November allegations along with an analysis of policing on the island more generally. A full report is expected shortly. In April, a multi-disciplinary team of child protection experts will also visit the territory to provide assessment of the current situation.
3. Recent events have highlighted the necessity of carrying out such work. Two St Helenian men have been recently charged and held in custody over serious sexually violent crimes. A third man is also being investigated for serious sexual offences, but has not yet been charged. New evidence has also surfaced, as a result of the above arrests, which has prompted two further offshoot investigations.
4. Coming soon after the November allegations, these arrests are concerning. An initial assessment does not judge the cases to be linked, or part of an abuse network, though, but police are remaining vigilant nonetheless. More positively, that so many victims are now coming forward with evidence of abuse suggests a growing confidence in the systems that SHG have set up.

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5. There is a risk that the recent arrests will attract adverse media coverage, which could be damaging to St Helena's reputation as a future business and holiday destination. SHG and the FCO are updating press lines.
6. The police and child safety reviews should both highlight the risks facing St Helena and provide solutions for mitigating them. In discussion with experts, officials will consider whether additional short-term resource should be directed at St Helena.

[redacted]
Desk Officer for St Helena and Ascension Island
Overseas Territories Directorate.
Ext [redacted]

cc: PS
PS/PUS
PS/SpAds
Robert Hannigan,
Peter Hayes, Director-OTD
[redacted] Head FSOD
[redacted] Press Office

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Department for International Development

Submission

To: 1. Ian McKendry

2. [Redacted]

From: [Redacted] Overseas Territories Dept

Division: [Redacted]

Ext: [Redacted]

Date: 19th March 2013

CC: [Redacted]

OTD

15/03/13

Request for In Principle Approval: New Regional Programme for Child Safeguarding in the Overseas Territories

Issue

1. Whether to approve the development of a new regional programme that will seek to provide £2.5m over five years to support child safeguarding in the Overseas Territories. The attached Information Note (Flag B) provides further background and the rationale for DFID's support to date. Annex A provides an overview of the proposed new programme.

Recommendation

2. You should provide *in principle* approval for a new regional programme, building on the previous projects DFID has supported, given the demonstrable and continuing need in this area.

Background

3. Between 2005-2008 DFID invested £1m in a regional Child Protection project, followed by an investment of £484,856 in the subsequent regional Safeguarding Children in the Overseas Territories (SCOT) project (2009-2013). Both of these projects focussed in various ways upon improving the political will and the capacity of OT governments to implement measures to protect and safeguard children.

4. The SCOT project ends in June 2013 and, despite progress, existing evidence suggests a continuing need to address persistent challenges in this area. This includes the need to build on the SCOT project progress that shifted the focus from child "protection" to "safeguarding", stepping up efforts to improve multi-agency work to prevent and combat child abuse. Specific risks remain in some Territories, including Pitcairn, Montserrat, St Helena, Ascension Island, Anguilla and TCI. Some of these are historical (Pitcairn); others relate to continuing and in some cases an increasing number of allegations about child abuse¹.

¹ The SCOT programme has been subject to internal and external review. Furthermore, OTD is in receipt of information from FCO and OT governments that illustrates the contribution and nature of the risks.
² Successive US State Department Reports on the Worst Forms of Child Labour highlight concerns in Montserrat and Anguilla, meanwhile professionals have raised concerns in Montserrat, Anguilla, St Helena, Ascension Island and the Falkland Islands.

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5. Historically, DFID's support to child safeguarding in the Territories has been regionally focussed to take advantage of perceived cost-effectiveness, including the potential for cross Territory learning and cross Territory responses. Territories benefiting from these projects include Anguilla, Bermuda, BVI, the Cayman Islands, Montserrat, Turks and Caicos Islands, St Helena, Tristan da Cunha, the Falkland Islands² and Ascension Island. Given the extenuating circumstances surrounding child safeguarding on Pitcairn, DFID support is provided directly. However, the SCOT programme has provided some important review and distance support to Pitcairn.

6. In view of the benefits of regional programming it is recommended that the next project is also regional in approach, focussing primarily on the aided OTs (Montserrat, St Helena, Pitcairn and Anguilla) with extension to those OTs that are willing to move this agenda forward and can demonstrate a need for involvement. There are few funding options available to the OTs beyond UKG support and the proposed project provides a significant opportunity to them to move this agenda forward⁴.

7. Addressing Violence against Women and Girls (VAWG) is one of DFID's top priorities, illustrated under the strategic vision in support of women and gender equality. It includes the goal of scaling up DFID's ambition to tackle violence against women and girls, build an evidence base to support this delivery, alongside sharing best practice, improving data and lobbying efforts to advance this work internationally. The proposed intervention will directly support DFID's work in this area, improve the Territories capacity to manage and deliver child safeguarding policy and services, improve the outcome for girls and boys in the Territories, and help to manage HMG's reputational risk in the area of child sexual abuse in the OTs.

8. The Overseas Territories' Joint Ministerial Council Communiqué (November, 2012) included the pledge that OT governments would work together on several priorities including "strategies to ensure the safeguarding of children, based on a strong belief in zero tolerance to child abuse in whatever form it comes". This is an opportunity to hold OT governments to account on this pledge and to support them in realising it.

9. The FCO's OTD strongly supports a new child safeguarding initiative, to follow on from the SCOT programme. FCO colleagues would work with DFID to finalise a Business Case for the new programme and would fully participate in project management and monitoring.

10. An outline of the proposed project approach is appended (Annex A), and will be further developed if there is an *in principle* agreement to proceed.

[Redacted]

SSDA, OTD

³ There is renewed interest from the Falklands. The Chief Councillor raised the issue at the FCO hosted Joint Ministerial Council for the OTs (November 2012) and welcomed future support due to perceived risks.

⁴ An exception has been some support from UNICEF - where Caribbean OTs have occasionally been included in their regional work. Generally, however, UNICEF look to UKG for funding support.

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ANNEX I

Overview of proposed Regional Child Safeguarding Project in the Overseas Territories

It is anticipated that the project will focus on the aided OTs (Montserrat, St Helena, Pitcairn and Anguilla) and those other OTs where there are demonstrable child safeguarding risks and where there is potential to improve the situation.

Call-Down Support	UNICEF MoU to improve evidence base	Capacity building (contract or accountable grant)
<p>£800,000</p> <p>An accountable grant would be established with a preferred organisation (Lucy Faithful Foundation) who can provide expert technical support and training to HMG, and those OTs specified by HMG, to strengthen the response to child safeguarding in the OTs. The scope of work is determined by the day to day requirements of HMG, will often be highly confidential (requiring security clearance) and will include specialist advice to DFID/FCC staff on situations that arise, particularly with regard to the situation in Pitcairn, St Helena and Montserrat, though not excluding the potential to work on other OTs. The main technical support will be specialist advice on a range of issues e.g. operational child safeguarding; legal issues (drawing on UK frameworks); training requirements; resources and sources. Technical support will also include direct monthly mentoring support and advice to the Pitcairn, Montserrat and St Helena social workers. The provider will also source experts to undertake any review work as required. It is also anticipated that</p>	<p>£800,000</p> <p>A number of initiatives are on the table for discussion. Of major interest is collaboration in the following areas:</p> <ol style="list-style-type: none"> 1. Multi-indicator Cluster Surveys (MICS) in the COTS which will improve data and evidence on the situation of women and children. 2. Legal focus on laws protecting children. 3. Juvenile justice: e.g. law-age of criminality, detention, court system sentencing. 4. Monitoring & evaluation; and improving the evidence base e.g. reporting and supporting child victims of violence, abuse and neglect; research on migration to the COTS; review of birth registration systems to determine reforms to meet regional goal of free, universal & timely birth registration; strengthening national M&E systems. 	<p>£900,000</p> <p>A contract would be tendered for work to provide capacity building expertise, working directly with governments to improve child safeguarding policy and practice. Direct support to operational units to improve protocols and to strengthen multi-agency working would be a key part of this contract.</p> <ol style="list-style-type: none"> 2. A challenge fund is envisaged that would be managed and monitored by the contracted agency. This would provide support for government and NGOs working to strengthen child safeguarding in the OTs.

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<p>LFF's skills in supporting the criminal justice response to child safeguarding (police practices, courts practices etc) will be drawn down as required.</p>	
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Foreign &
Commonwealth
Office

To: PS/ Mr. Simmonds

From: [REDACTED]

Date: x May 2013

cc: see end

[REDACTED]
Overseas Territories Directorate
Robin KZZO
King Charles Street

Tel: [REDACTED]
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SUBJECT: CHILD PROTECTION ON ASCENSION ISLAND

1. The Minister might welcome an update on measures being taken to improve child protection on Ascension Island. The allegations of systemic child abuse in November 2012, along with recent criminal cases, have focused minds on the issue of child protection. Recent visits by child protection and policing experts have highlighted the need for additional measures to protect vulnerable children.
2. These measures aim to tackle the issue both broadly and specifically. A social worker has been recruited to address specific cases, a programme of good parenting education is being devised and children at school are receiving awareness sessions to help prevent cases of future abuse. These measures have been lauded by child protection experts and have been generally well received on Island.
3. More formal measures are also being pursued in legislation to restrict the presence of children in bars. Whilst conducting a recent review, child protection experts witnessed very young children in the bars and nightclubs – some of whom were left to sleep outside the premises. Noisy, drunken, aggressive and sexually charged environments are no place for children. Recent investigations into inappropriate sexual activity of children aged 13-15 have also uncovered evidence of grooming at these establishments. Given this, it is essential that this legislation be enacted, both to protect vulnerable children and, more broadly, to ensure that HMG's responsibilities for good governance on Ascension Island are discharged.
4. The latter issue has been locally sensitive. The Ascension Island bars and clubs are as much community centres as they are places to drink alcohol. Whilst most accept that having children in bars unchecked all night is not right, there is disagreement on time-limits. A small, self-interested and vocal minority have capitalised on this disagreement and have been successful in lobbying the Island Council for retention of the status quo. Despite much consultation and

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discussion, the Island Council are now unwilling to endorse the draft legislation to the Governor.

5. Constitutionally, the Governor is free to discount the advice of the Island Council where it is not deemed to be appropriate. This is such an instance, yet overriding the advice of the Council would not be without consequences. In disregarding the views of the Council, we would serve to undermine the body's political authority and further corrode confidence in its ability to affect change. This could make it harder to recruit high calibre candidates and more challenging to encourage voters to participate actively in the political process.
6. The risk of not acting, however, significantly outweighs this. Should the current situation be allowed to continue, the UK Government would face a serious reputational risk. Action is needed. Child Protection experts, along with the Island Safeguarding Children's Board and the FCO all view the legislation and early findings essential for safeguarding vulnerable children. If the Minister is content, the Governor will move to ensure our responsibilities for good governance on Ascension Island are met through enacting the legislation.

[REDACTED]
Desk Officer for St Helena and Ascension Island
Overseas Territories Directorate.

Ext: [REDACTED]

cc: PS
PS/PUS
PS/SpAds
Robert Hannigan,
Peter Hayes, Director OTD
[REDACTED] Head FSOD
[REDACTED] Press Office

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Foreign & Commonwealth Office

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Room K220
King Charles Street

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To: PS/ Mr. Simmonds
From: [REDACTED]
Date: 17 May 2013
cc: see end

SUBJECT: CHILD PROTECTION ON ASCENSION ISLAND

1. The Minister might welcome an update on measures being taken to improve child protection on Ascension Island. The allegations of systemic child abuse in November 2012, along with recent criminal cases, have focused minds on the issue of child protection. Recent visits by child protection and policing experts have broadly endorsed the procedures that Ascension has in place but have also highlighted the need for additional measures to protect vulnerable children.
2. These measures aim to tackle the issue both broadly and specifically. A social worker has been recruited to address specific cases, a programme of good parenting education is being devised and children at school are receiving awareness sessions to help prevent cases of future abuse. These measures have been welcomed by child protection experts and have been generally well received on Island.
3. More formal measures are also being pursued in legislation to restrict the presence of children in bars and nightclubs. The lack of relevant legislation on Ascension means children can remain in these establishments until very late into the evening and night, and this has become a societal norm on island. Whilst conducting a recent review, child protection experts witnessed very young children in the bars and nightclubs – some of whom were left to sleep on the floor or in prams/cots inside the premises. Noisy, drunken, aggressive and sexually charged environments are clearly inappropriate places for children. Recent investigations into inappropriate sexual activity of children aged 13-15 have also uncovered evidence of initial grooming at these establishments. Given this, the Governor and Administrator judge it is essential that this legislation be enacted restricting late access to these establishments for children, both to protect vulnerable young people and, more broadly, to ensure that HMG's responsibilities for good governance on Ascension Island are discharged.

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4. The licensing issue has been locally sensitive, however. The Ascension Island bars and clubs are as much community centres as they are places to drink alcohol. Whilst most accept that having children in bars unchecked all night is not right, there is disagreement on time-limits. A small, self-interested and vocal minority have capitalised on this disagreement and have been successful in lobbying the Island Council for retention of the status quo. Despite much consultation and discussion, the Island Council appear unwilling to endorse the proposed legislation to the Governor.

5. Constitutionally, the Governor is free to discount the advice of the Island Council where it is not deemed to be in the interests of the Island. He believes that this is one such an instance. Overriding the advice of the Council would not be without local political consequences, however, and we risk undermining the body's political authority. This could make it harder to attract high calibre candidates for future elections and further encourage popular apathy actively in the political process.

6. The Governor and we judge however that the significant reputational risks of not acting outweigh these considerations. Child Protection experts, along with the Island Safeguarding Children's Board and the FCO, all view the proposed legislation as an essential child protection measure and we would be open to serious criticism if we failed to prioritise the safeguarding of vulnerable children over the Council's political sensibilities.

7. This is not in the first instance a decision for Ministers, as the Constitution makes clear. So this is not a submission requiring a decision. It remains open to the Council to petition the Secretary of State directly once this legislation is enacted against their advice. The Minister may wish to pre-empt this with a public statement, for local use, endorsing the Governor's action and expressing the Government's clear commitment to measures that protect children. We will offer separate advice on this point in due course.

Desk Officer for St Helena and Ascension Island
Overseas Territories Directorate.

Ext: [redacted]

cc: PS
PS/PUS
PS/SpAus
Robert Hammigan,
Peter Hayes, Director OTD
[redacted] Head FSOD

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Press Office



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Department for International Development

Information note

To: 1. [REDACTED] (agreed xx.xx.13)
 2. PS/MoS
 4. PS/SoS

From: Overseas Territories Dept
 EXT: [REDACTED]
 Date: 2nd July 2013
 CC: Ian McKendry
 Beverly Warrington
 [REDACTED]

St Helena Year
 Submissions List

Child Safeguarding in St Helena and Ascension Island

1. The Child Safeguarding Review (CSR) for Ascension and St Helena islands has recently issued. This note sets out the key issues and next steps.

Background

2. Following a series of anonymous allegations made to Mark Hoban MP relating to child sexual abuse, sexual offences and police integrity on Ascension Island and St Helena several investigations were taken forward by the FCO that found evidence patchy and non-combated¹ (see Flag A, FCO Information Note to PS-Mir Simmonds). DFID subsequently supported the FCO through funding the CSR, providing independent child safeguarding expert analysis.
3. Note that DFID has been historically aware of and is engaged in child safeguarding concerns in the Overseas Territories. We have had regional projects to strengthen child safeguarding in the OTs since 2005, with a third regional project currently under development. We have recently built on the experience and information gained from these projects, identifying risks and needs, to significantly boost technical support to child safeguarding efforts in Montserrat and St Helena².

Review Findings

4. There are credible allegations of child sexual exploitation on St Helena and Ascension. The reviewers allude to a persistent culture of sexual abuse of teenage girls underpinned by early grooming. There are also generic problems related to (i)

¹ In March 2013 the FCO commissioned a UK police advisor to investigate the November 2012 allegations and a general analysis of policing, whilst the Island Immigration Officer was also tasked with an internal review for St Helena Government.
² Our TC lands (i) new senior social work and child safeguarding expert advisory posts in Montserrat; and (ii) a senior social work manager to strengthen the multi-agency child safeguarding system, a probation officer to strengthen sex abuse offender management, and a social work trainer to raise capacity in St Helena. We have also strengthened child safeguarding skills in other policy job descriptions where we provide TC to St Helena (Chief of Police, Island Inspector).

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care of alleged victims before, during and after investigations; (ii) failures in policing including capacity of local staff, alleged low level corruption and lack of due diligence; (iii) weaknesses in social services (acute on Ascension).

5. On a more positive note the review did find progress in areas where DFID support has been provided, especially with regard to the creation and functioning of Local Child Safeguarding Boards (LCBs) on both islands, efforts to improve multi-agency capacity in St Helena, alongside efforts to improve social services and policing in St Helena, albeit with a need to strengthen all of these.

Review Recommendations

6. The reviewers offer a raft of recommendations to strengthen child safeguarding on St Helena and Ascension, largely related to strengthening multi-agency safeguarding (police, social services, health, education, civil society) but largely focussed on the police and social services as areas where capacity needs to be built, performance management needs to be reinforced (including disciplinary action in the police), procedures need to be strengthened, resources (funds) need to be allocated and political leadership needs to be robust.
7. A key recommendation for the FCO to take forward is for an independent review by Her Majesty's Inspector of Constabulary (HMIC) due to the nature of individual allegations against the police which will require sensitive but robust handling. This is a critical step in managing risk and liability for HMG and should illustrate that HMG does take seriously the credibility of the police, including policing of child safeguarding.

Issues and Risks

8. Managing the press and/or POs as a result of the review. We should acknowledge the need to continue and improve our efforts to strengthen child safeguarding flagging (i) our past regional project support in this area; (ii) the development of a new regional project; (iii) the technical support we are currently providing to St Helena (as in footnote 2); (iv) our plans to follow-up on review recommendations.
9. This review will potentially result in an increase in sexual abuse disclosures. This is a normal pattern where the profile of sex abuse is raised. The response is as in paragraph 8 above.
10. We are likely to face pressure to spend ODA funds on Ascension. We do not provide budget aid or technical cooperation funding for posts on Ascension as this is an OT with a non-resident population³. It is for the FCO to determine the way forward in dealing with the safeguarding and social welfare problems. We can provide some generic support to Ascension through the new regional project but we cannot provide substantive aid.

³ There is no right of abode. A contract of employment is normally required to stay on the island, apart from tourists and official visitors. Children born on the island automatically have St Helena status. The island population services the needs of the US Air Force, the RAF and other employers (Cable and Wireless, the BBC and the Composite Signals Organisation). An island council was formed in 2002. The Governor of St Helena, Ascension and Tristan da Cunha has ultimate responsibility for Ascension's good governance, security and foreign relations.

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11. Currently, any problems related to significant social care risks on Ascension are dealt with by the individual or family having to leave the island. Child abuse tends to be unreported in any context but on Ascension the likelihood of non-disclosure is heightened by the threat to family residency. There could be adverse publicity and FCOs related to this. We would maintain our line (as in para 10) and refer enquirers to the FCO for further information.

Next Steps

11. We will review all of the recommendations with the FCO. We will reflag with them the areas where we already provide support. We will consider areas of responsibility (FCO/DFID/St Helena Government) and determine what support DFID could provide through technical capacity for St Helena and future regional project work that would cover both islands.

11. We will flag with the St Helena Government those areas that they should be able to cover through the budget and we will review this situation prior to and during the next budget aid mission. We are clear that public service sectors can and should address a number of the review recommendations and that SHG should adequately resource these. We will address any perceived weaknesses in public sector child safeguarding support with the St Helena Governor and Chief Secretary. We are aware that this could put pressure on the annual budget settlement. This will be vigorously monitored.

12. We will robustly defend DFID's position on Ascension island; the FCO is responsible for good governance on the island and we are unable to provide more than general support under regional project work. We advise the FCO to work with on-island employers and the military to adequately address child safeguarding and social welfare needs.

13. Where serious allegations have been made against serving police officers we would expect the FCO to lead and pursue any disciplinary action required and follow-up with improved performance management.

14. We will update you on progress as we move forward.

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To: PS/Mr. Simmonds
From: [REDACTED] OTD
Date: 22 August 2013
cc: see end

SUBJECT: SEXUAL CRIME AND POLICING ON ST HELENA

1. The Minister might welcome an update on the issue of sexual crime and policing on St Helena.
2. In November 2012, a series of anonymous allegations were made to Mark Hoban MP relating to child abuse, sexual offences and police integrity on St Helena. In response to these allegations, a UK police advisor was commissioned by the FCO to visit St Helena to provide an independent investigation into the allegations along with an analysis of policing on the island more generally. In April, a child protection expert and a former police officer also visited the territory to provide assessment of the current child protection and policing situation.
3. Whilst both visit reports indicate areas for improvement, the April child protection report – known as The Sheath Report – is the most detailed and concerning. The authors researched historical case files and interviewed a large number of Saints and ex-pats. Their report raises concerns about the efficacy, competency and integrity of the police force, including the behaviour and conduct of some named officers. Whilst there are real problems in recruiting and retaining high quality police officers on St Helena (and it would be unrealistic to expect the force to meet UK policing standards), the allegations in the report, if true, paint a y troubling picture of policing standards and public confidence in the police.
4. With such serious findings, the FCO, the Governor and DFID recognised the need for a robust response. This response has three prongs. Firstly, there is an immediate requirement to assess the need to take legal and/or disciplinary action against the named officers in the report. Secondly, there should be a full root and branch review of policing structures, procedures, and pay and performance management. And thirdly, we are considering whether a police ombudsman or complaints mechanism can be set up to boost public trust in the police.

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5. We have identified a professional police standards investigator (a Chief Superintendent from Northumbria Police) to lead the first body of work. He and a small team will travel to Saint Helena in the near future. The second and third tranches of work will be undertaken once this immediate investigation of serving officers has been completed and any resultant actions, such as dismissals, concluded.
6. The Sheath Report also focused on child protection matters on St Helena. The report recognised progress made in this area and highlighted where improvements to social services and other areas could be made. It provided a comprehensive list of recommendations that DFID, the FCO and SHG will implement in the coming months.
7. Recent events have highlighted the necessity of the work being done to improve policing and child protection matters on Island. A St Helenian police officer recently dismissed from the force for the illegal possession of firearms and now serving a prison sentence, has been found in possession of child pornography. Equipment seized from his home is being examined by forensic computer experts in the UK. So far, the images found appear to have been sourced from the internet rather than taken of local children. The officer concerned was noted in the Sheath Report to be an alleged sex offender.
8. The news of this latest offence, when it emerges, could further dent an already bruised perception of the police on island. We are co-ordinating SHG press lines with our own, should they be needed.

██████████
Desk Officer for St Helena and Ascension Island
Overseas Territories Directorate.
EXT: ██████████

cc: PS
PS/PUS
PS/SpAds
Peter Hayes, Director OTD
Martin Longden, Head FSOD
██████████
Press Office

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Desk Officer
Strategy and Coordination Section
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To: 1. APS/ Mr Simmonds
From: [REDACTED] Overseas Territories Directorate
Date: 19 February 2014
cc: see end of information note

SUBJECT: Launch of a new child safeguarding project in the Territories

SUMMARY

- DFID has agreed a new child safeguarding project for Pitcairn, Montserrat and St Helena. This is scheduled to be launched at the end of this month in partnership with UNICEF and the Lucy Faithful Foundation (LFF), and builds upon earlier work to tackle child safeguarding concerns across the Territories.
- The project will focus on increasing capacity in participating Territory governments to address child safeguarding, and will work to:
 - Strengthen government, legal, policy and intuitional commitments to child protection and child rights
 - Build capacity in Territories (government and community) to prevent, protect and respond to child abuse
 - Build the evidence base on child safeguarding issues in the Territories, so that there is greater understanding of the problem and the interventions that will be required.
- DFID are unable to continue support for non aided territories. But there will be an opportunity for other Territories to participate in parts of the project on a self-funding basis. We suggest the Minister might wish to mention this opportunity in his letter to Territory leaders regarding the 2014 Overseas Territories Joint Ministerial Council, advice about which will follow separately.

DETAIL

- The 2012 Overseas Territories White Paper identified strengthening child safeguarding as a priority for the Overseas Territories. The White Paper said that 'all Territories needed to ensure that proper measures are put in place to protect

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children and to help prevent child abuse'. Child safeguarding was identified as a priority because of systemic abuse of children in Pitcairn and evidence of abuse in other territories including the Falkland Islands, Montserrat and St Helena. Territory leaders discussed the issue at the 2012 JMC and agreed a strong 'work Communiqué' commitment that UK and Territory governments would 'work together to improve strategies to ensure the safeguarding of children, based on a strong belief in zero tolerance to child abuse in whatever form it comes'.

- DFID has supported child safeguarding initiatives in the Territories since 2005 on a regional (territory-wide) basis, focusing on Territories with the greatest needs. The Safeguarding Children in the Overseas Territories (SCOT) project (2009-2013) followed on from a regional Child Protection Project (CPP, 2005-2008), both of which focussed on (i) improving awareness and political appetite to tackle serious child protection issues; and (ii) building capacity in OT government agencies to promote best practice in child safeguarding policy and practice. DFID considers that there has been tangible progress in the last few years, but much remains to be done and will require a long term commitment with progress highly dependent upon political will and changing cultural norms that tolerate violent and discriminatory behaviour. We have encouraged DFID to continue territory-wide support but the majority of the next project will cover only those Territories that are eligible for Overseas Development Assistance – Montserrat, Pitcairn and St Helena (almost all DFID resources are committed to the 0.7% aid target under which development assistance has to be spent in territories listed by the OECD Development Assistance Committee (DAC) as eligible for Official Development Aid (ODA)). There will however be scope for non-ODA eligible Territories to buy into the project once it gets underway and we are encouraging them to consider doing so. We have asked Governors to bring this opportunity to the attention of Territory governments so we can ascertain the level of interest and help to build a package of support to help meet their needs. We will also continue to explore with them and colleagues from DfE and MoJ what additional sources of advice and support we can offer Territories.

- The latest project will be jointly managed with DFID and delivered through UNICEF and the Lucy Faithfull Foundation as third party entities. It supports our shared objective to maintain the momentum on work on women and girls with a focus on tackling violent abuse and sexual exploitation of girls and boys, building an enabling environment that will address harmful social norms, engage greater political commitment and improve front-line responses to prevent, protect and respond to child abuse. It will also incorporate recommendations made in recent child safeguarding risk assessments DFID conducted in St Helena, Ascension Island and Pitcairn.
- The formal project launch is due to take place in Montserrat on 28 February and the project is scheduled to last for up to three years with a possible extension for

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a further two years. DFID will provide up to £1.8 million for the first three years and subject to the successful outcome of a review to be carried out in the third year, a further £1.2m may be made available. The project will support the aided territories (Montserrat, St Helena/Tristan and Pitcairn), with the exception of the UNICEF-funded component which will be for Montserrat, TCI, Anguilla and BVI in order to bring them further into UNICEF's existing four-year (2012-2016) Multi-Country Programme (Multi-CPAP) for Eastern Caribbean countries and Territories.

Assessment

8. This will be the third child safeguarding project in the Overseas Territories since 2005. Assessing risks and progress is difficult. The FCO does not have the skills and capacity to do this. Child safeguarding is a complex area, dependent on many actors including a range of government services, non-government organisations and families themselves, and involves both child development and child protection action. Tackling child safeguarding effectively in the Territories is likely to be continue to be a challenge given their relative size (they are small island communities), geographical spread and capacity constraints. External support such as the type offered by DFID and third party providers UNICEF and the Lucy Faithfull Foundation can monitor progress, build the necessary levels of support required to address child abuse, and help Territory governments design, develop and implement robust child safeguarding policies and practice.

9. In the past, some of the more affluent Territory governments have paid for external support to help them to develop capacity. For example, the Falkland Islands paid for CPS support for child abuse prosecutions. However, there is a risk that some of the non-ODA eligible Territories will be unable and/or unwilling to fund external support such as that offered by this project. In these circumstances there may continue to be unaddressed child safeguarding concerns. There may be limited scope for Governors to fund from Jubilee Fund allocations the participation by Territory officials responsible for child protection in workshops organised by the DFID project. Most Governors had £50,000 devolved budget in 2013-14, although it is not clear what it will be this year. The Overseas Territories Directorate programme budget allocation has been cut significantly from £7m to £4.75m.

Background to UNICEF and the Lucy Faithfull Foundation

10. UNICEF is a key partner for DFID on children's issues globally and currently has a four-year (2012-2016) Multi-Country Programme (Multi-CPAP) in place for the Eastern Caribbean Area. The goal of the Multi-CPAP is to 'contribute to

realisation of the rights of all girls and boys in the Eastern Caribbean area by ensuring accurate and current data on their situation, fostering an enabling, child-friendly and protective environment, reducing the vulnerabilities of girls and boys and their families to social, environmental and economic risks and enhancing their participation'. UNICEF's programme, which covers 12 countries (including four Territories - Anguilla, the British Virgin Islands, Montserrat and the Turks and Caicos Islands), is guided by a human rights-based approach. It is therefore proposed that UNICEF complement their existing work strand with a multi-sectoral strategy to enhance children's rights more generally as part of their component of our child safeguarding project.

11. The Lucy Faithfull Foundation (LFF) is the only UK-wide child protection charity dedicated solely to reducing the risk of children being sexually abused. They have worked with the FCO and DFID in recent years, undertaking the bi-annual Child Safeguarding Reviews on Pitcairn, as well as similar work on St Helena, Ascension and the Falkland Islands. LFF plans to build on their existing work with a longer term arrangement to support child safeguarding activities and initiatives in the Territories.

PARLIAMENT, MEDIA AND PUBLIC COMMUNICATIONS

12. Child safeguarding issues in the Overseas Territories has attracted attention from Parliament, media and NGOs in the past. It is possible therefore that interest may be expressed in this project. As a result we will continue to work closely with colleagues in DFID and Press Office as the project is rolled-out.

Overseas Territories Directorate

cc:

Desk Officers, Overseas Territories Directorate
Governors' Offices, British Overseas Territories



Department for International Development

015 000 0000

Information note

To
1) Laure Beauflis (agreed, xdate)
2) PS/MoS
3) PS/SafS

From
Division AsCOT/OTD
Ext
Date 23rd April 2014
CC
Submissions List

Child Safeguarding on St Helena: HMG risks and responsibilities

Issue

1. Potential HMG reputational risks have arisen in St Helena regarding processes and procedures to manage child safeguarding. These risks could undermine our support for "reasonable assistance needs" interventions and negatively affect potential tourism development. They include:
 - (i) Possible disciplinary action against DFID funded TC officers arising from St Helena Government's (SHG) management of a recent adoption case.
 - (ii) Possible whistle blowing by DFID funded TC officers regarding a backlog of child abuse cases and perceived reluctance of police to investigate.
 - (iii) Capacity on island to effectively manage DFID funded TC.
 - (iv) Possible damage to HMG's relationship with the Lucy Faithful Foundation to whom we recently issued an accountable grant to strengthen child safeguarding practice in the OTs.

We are working closely with the FCO and the St Helena Government (SHG) to manage potential risks and liabilities.

2. DFID provides funding directly to SHG to enable them to contract TC officers under SHG terms and conditions. Whilst DFID therefore has no direct duty of care, we are concerned about possible weaknesses in human resource practices on island that may render DFID susceptible to reputational risk and undermine VFM.

Background

3. Several DFID/FCO reviews during 2013 and 2014 into the ability of SHG to manage child safeguarding concerns found a dysfunctional relationship between the police and social services departments. Firm actions have been taken to address these problems and indeed much progress has been made in reinvestigating the child safeguarding board with a new Deputy Governor as Chair, developing a robust Child Safeguarding Action Plan that is beginning to be implemented; and strengthening

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DFID's TC funding to both the police and social services departments. Despite this progress the following issues have arisen that may result in adverse publicity in the UK

Possible disciplinary action against DFID funded TC officers arising from a recent adoption case

4. The fostering of [redacted] in early march 2013 on St Helena by [redacted] by the St Helena Chief Justice on Ascension Island in March 2014. [redacted] lost the case and [redacted] was awarded to the care of her uncle and his partner on the Falklands.

5. The Chief Justice also recommended an independent review of the adoption case papers due to his concerns about due process by social services. As a result SHG seized the computers of the TC officers concerned, handing them over to the police for onward transmission of the relevant contents to a UK barrister. The TC officers have not been suspended pending the outcome of the review which could result in criminal charges. DFID and FCO officials have urged SHG to ensure that a clear and transparent process is followed and that the TC officers are aware of their rights and responsibilities during this period. We will inform you of the outcome and implications of the review in due course.

6. In the meantime [redacted] who lost the adoption case, have written to William Hague to plead their case. We understand that the child has now been handed over in the UK and arrangements are being made by lawyers and UK social workers to oversee her onward travel to the Falklands. Following further legal advice it seems that [redacted] will not take the matter any further. FCO officials are drafting a response to [redacted] We will inform you of any further public interest in this case.

Possible whistle blowing by DFID funded TC officers regarding a backlog of child abuse cases and perceived reluctance of police to investigate.

7. The situation is further complicated by complaints made by the TC officers involved in the adoption case about the integrity of child safeguarding procedures on St Helena. These were raised before the results of the adoption case were known and include allegations from the TC officers that the police continue to ignore due process in child safeguarding cases. SHG will address all concerns through the newly convened Child Safeguarding Board in the coming months. We will initiate a second child safeguarding review in 12-18 months once SHG have had a chance to implement the new child safeguarding action plan.

8. The complaints included allegations of police harassment and police misconduct by one of the TC officers. SHG have concluded that there is no case to answer. The TC officer has failed his probation on grounds of unprofessional behaviour and will shortly leave the island. It is possible that he will carry out his threat to whistle-blow in the UK at which time HMG may have to deal with press interest. We have asked for and been assured by SHG that due process has been followed in these cases. However, we note that the Human Resource Department has not been involved to date. We will look closely at management of disciplinary issues in St Helena in our pending review of TC protocols.

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Capacity on island to manage DFID funded TC

9. Given all of the above we are concerned about the capacity on island to manage the significant TC investment we make each year in St Helena (£7m in 2014). We will be reviewing SHG's terms and conditions, under which DFID funded TC officers operate, and also our TC protocol with SHG. We expect to complete this by end June 2014 and put recommendations into effect immediately thereafter.

Potential damage to HMG's relationship with the Lucy Faithful Foundation (LFF)

10. We have been informed by SHG that the trawl of one of the TC officer's computers uncovered correspondence with the LFF which SHG describe as damaging to HMG's relationship with the LFF. Although LFF are tasked with providing confidential advice to SHG staff on child safeguarding matters under our recent accountable grant, SHG say that this correspondence undermines SHG's efforts to improve police and social services relationships. At worst this could completely undermine the professional integrity of the LFF, representing a reputational risk to HMG and jeopardising the integrity of the new DFID child safeguarding project for the OTs. We will first review the correspondence with the FCO in the next two weeks and inform you of the action we propose to take with LFF.

Senior Social Development Adviser
Overseas Territories Department

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Department for International Development

Information note

4467261

To 1) [redacted] (agreed, 29/4)
 2) PSMoS
 From [redacted] ASCOT/OID
 Division [redacted]
 Ext. [redacted]
 Date 24 April 2014
 CC [redacted]
 Submissions List

Child Safeguarding on St Helena: HMG risks and responsibilities

Issue

1. Potential reputational risks have arisen for HMG in St Helena with regard to processes and procedures for managing child safeguarding. Although these risks relate largely to actions taken by individuals contracted by the Government of St Helena (SHG), DFID funds support the posts they occupy on island. As such they have the potential to undermine our support for child safeguarding and have a negative effect on tourism development. They include:
 - (i) possible disciplinary action against DFID funded Technical Cooperation (TC) officers¹ arising from the management of a recent adoption case.
 - (ii) Possible whistle blowing by DFID funded TC officers regarding perceived reluctance of St Helena police to investigate child abuse cases.
 - (iii) Possible risks to DFID's child safeguarding project for the Overseas Territories with the Lucy Faithful Foundation (LFF).
- We are working closely with FCO and SHG to manage the potential risks and liabilities.

Background

2. DFID has been investing in child safeguarding on St Helena since 2004. Earlier project work in St Helena raised awareness of child abuse issues and successfully increased the political will to address the issue. As in the UK, building strong child safeguarding systems is a lengthy and complex business. In 2013, a DFID funded child abuse risk assessment identified a dysfunctional relationship between the St Helena police and social services departments.
3. These findings elicited renewed political commitment from SHG. DFID has backed that up with support for the development of a comprehensive child safeguarding

¹ Experts, usually from the UK, contracted by SHG to fill line management positions in the civil service on the island, in the absence of suitably qualified locals who could fill the role. DFID's Budget Aid settlement includes a ring-fenced budget, negotiated annually with SHG, to meet the costs of an agreed number of these TC posts. Without access to TC officers SHG would carry significant capacity gaps.

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action plan. Implementation of the action plan has just begun, overseen by a reinstituted Child Safeguarding Board (CSB) which has been strengthened through appointment of the Deputy Governor as Chair. Despite this progress the following issues have arisen that may result in adverse publicity in the UK.

Possible disciplinary action against DFID funded TC officers arising from a recent adoption case

4. [redacted] (a returned, [redacted] from St Helena. The St Helena Chief Justice found in their attempt to adopt [redacted] relatives living on the Falklands. We understand that arrangements favour of [redacted] are now being made by lawyers and UK social workers to oversee [redacted] onward travel to the Falklands. In the meantime, [redacted] have written to the Foreign Secretary to plead their case. FCO officials are drafting a response to [redacted]. We will inform you of any public interest in this case.

5. The Chief Justice expressed serious concerns about management of the adoption case papers by St Helena Social Services and recommended that this be independently reviewed. The computers of two Social Services TC officers involved have been handed to the St Helena police so that any relevant content can be sent to a UK barrister. The outcome of the review, still pending, could result in criminal charges for the TC officers. DFID and FCO officials have urged SHG to ensure that a transparent process is followed and the TC officers are kept fully aware of their rights and responsibilities. We will inform you of the outcome when this review is complete.

Possible whistle blowing by DFID funded TC officers regarding a backlog of child abuse cases and perceived reluctance of police to investigate.

6. The TC officers involved in the adoption case had previously complained about the integrity of child safeguarding procedures on St Helena. The complaints involved allegations of police harassment and police misconduct – including ignoring due process in child safeguarding cases. One of the TC officers concerned has since failed their probation on grounds of unprofessional behaviour and will shortly leave the island. He has threatened to 'whistle-blow' in the UK about child safeguarding on St Helena and this may generate some media interest.

7. After a short investigation, SHG concluded that the allegations made by the TC officers are unfounded. SHG has assured us that due process has been followed in these cases and that the newly convened Child Safeguarding Board will oversee a further improvement in child safeguarding practice in coming months. DFID will initiate a second child safeguarding review in 12-18 months time once SHG has had a chance to implement the new child safeguarding action plan.

Potential risk to DFID's child safeguarding project with the LFF

8. We have been informed by SHG that the trawl of one of the TC officer's computers uncovered correspondence which has damaged LFF's credibility with SHG and, as a result, could undermine implementation of DFID's child safeguarding project. DFID officials will review the correspondence in the next two weeks and thereafter inform you of any risks and action we propose to take with LFF.

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Reputational risk to DFID

9. At this point it is not clear that all or any of the above mentioned risks will materialise. DFID officials will, in any case, help manage these risks and support the advancement of child safeguarding in St Helena. We continue to work closely with FCO and SHG colleagues to strengthen child safeguarding policy and procedures. TC expertise has been procured to improve front line services and deliver the new child safeguarding action plan. Should we need defensive press lines, we will be able to draw on the considerable work we have undertaken already on child safeguarding in St Helena and our continued investment in this area.

Effective management of DFID funded TC

10. DFID provides funding directly to SHG to enable them to contract TC officers under SHG terms and conditions. Whilst DFID has no direct duty of care, we are concerned about possible weaknesses in human resource practices on island that may expose DFID to reputational risk and undermine value for money. Moreover, we are concerned about the capacity on island to manage the significant TC investment we make each year in St Helena (up to £7m in 2014). In the light of the above, we will review our TC protocol with SHG, the terms and conditions under which DFID funded TC officers operate, and the management of disciplinary issues involving TC appointees on St Helena. We expect to complete this by end June 2014. We also plan to support the use of TC-funds to appoint a new Director of Human Resources to take forward review recommendations.

Senior Social Development Adviser
Overseas Territories Department

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Commonwealth
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Overseas Territories Directorate
2013A
Old Admiralty Building
Tel: [REDACTED]
www.fco.gov.uk

To: PS/Mr. Simmonds
From: [REDACTED]
Date: 8 May 2014
cc: see end

SUBJECT: SOCIAL SERVICES ON ST HELENA

1. The Minister will want to be aware of recent developments relating to two senior officials in the St Helena social services department which have the potential to create reputational and operational risks to St Helena Government (SHG) and HMG. Both posts are DFID funded through the technical cooperation budget.
2. The concern relates to the handling of a locally controversial adoption case, the first of its kind on the island, where the adoption of a young Saint girl by [REDACTED] was successfully challenged by her family. In his judgement, the St Helena Chief Justice raised concerns that the social services manager and her deputy may have deliberately failed to disclose all relevant papers to the court to influence the decision. The Chief Justice recommended to the Governor that the case be reviewed by an independent barrister, which is now underway. The review and recommendations are expected in the next few weeks.
3. The social services manager has not been suspended from duties, but has taken up the offer of UK based vocational counselling supported by the St Helena Government. She has now left the island and is due to return in July. The deputy leaves the island next week, having failed his probation through poor performance and conduct issues unrelated to the adoption case. SHG and DFID are therefore focused on finding temporary cover to ensure the island has the technical expertise needed to fulfil its child safeguarding obligations. A newly recruited UK trained social worker is due to travel out to the island at the end of May.
4. Of course there is the possibility that the two individuals may seek to 'whistle-blow' on SHG's handling of the adoption review, their own personal treatment or, more broadly, about general child safeguarding practices on the island and the efficacy of the police. Should this happen we would deploy agreed public lines which make it absolutely clear that both SHG and HMG take its child safeguarding responsibilities extremely seriously. Significant resources have been allocated to support child safeguarding and strengthen the police force and SHG continue to work with safeguarding experts to further improve processes and procedures.

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5. OTD and the Governor's Office will continue to monitor this situation closely and report any developments to the Minister in due course.

[REDACTED]
Desk Officer for St Helena and Ascension Island
Overseas Territories Directorate.
Ext: [REDACTED]

cc: PS
PS/PUUS
PS/SpAds
Robert Hannigan,
Peter Hayes, Director OTD
[REDACTED] Head FSOD
Press Office

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Commonwealth
Office

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4492304 21/05/2014

Overseas Territories Directorate
2134
Old Admiralty Building
Tel: [REDACTED]
www.hco.gov.uk

To: PS/Mr. Simmonds
From: [REDACTED]
Date: 21 May 2014
cc: see end

SUBJECT: PUBLIC HEALTH ON ST HELENA

1. The Minister will want to be aware of an emerging public health issue on St Helena that has the potential to pose serious financial, legal and reputation risks to the St Helena Government (SHG) and HMG.
2. A patient recently diagnosed with HIV underwent an endoscopy last August. At the time, procedures at the hospital for sterilising the equipment were poor. These were picked up by the new Senior Medical Officer who also arrived in August. Steps were taken to improve things and by October, the SMO was satisfied that the systems in place were satisfactory, mirroring UK best practice. Hospital records have shown that in the intervening period, 30 people were potentially exposed to the virus. A UK microbiologist has advised SHG that the risk of cross contamination of this sort is extremely low, but that to be safe, the exposed patients should be screened. The clinical team are aware of the sensitivities involved in doing this and are taking steps to ensure the patients are well supported emotionally.
3. The testing will take place in the next week, with results known shortly thereafter. Whilst the risks to public health are very low, HIV is an emotive topic on the island. Serious questions are likely to be asked about why it took the arrival of a new SMO to discover that basic hygiene measures were not being followed and, more broadly, about the overall quality of healthcare on St Helena. There are concerns that this was not an isolated incident of poor practice. SHG officials are currently working with DFID Health Advisors to develop a strong communications handling plan and have commissioned an investigation into the incident and a review into wider practices within the hospital. Reactive press lines have been drafted and shared with the FCC.
4. In the unlikely event that cross-contamination has occurred, the St Helena Government (and HMG by extension) could face significant legal and financial challenges, as patients seek recompense. Little can be done now to mitigate these longer term risks. SHG's immediate responsibility is to ensure that this matter is dealt with swiftly, professionally and transparently, ensuring that the hospital's practices and procedures are reviewed thoroughly.
5. OTD and the Governor's Office will continue to monitor this situation closely and report any developments to the Minister in due course.
6. Separately, the Minister will want to be aware that the independent review conducted by the UK barrister on the St Helena adoption case (submission dated 8th May attached Flag A) has been

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completed, with some concerning findings. Officials are working with legal advisors to determine the best course of action. Further briefing on this matter will follow.

Desk Officer for St Helena and Ascension Island
Overseas Territories Directorate
Ext [REDACTED]

cc: PS
PS/PUS
PS/SpAds
Sarah Macintosh,
Peter Hayes, Director-OTD
[REDACTED] Head FSOD
Press Office

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Foreign &
Commonwealth
Office

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Overseas Territories Directorate
27104
Old Admiralty Building
Tel: [REDACTED]
www.fco.gov.uk

To: PS/Mr. Simmonds
From: [REDACTED]
Date: 30 May 2014
cc: see end

SUBJECT: LEGAL REVIEW OF ADOPTION CASE ON ST HELENA

1. The Minister will want to be aware of the findings of a recent legal review of a controversial adoption case on St Helena.
2. On the advice of the St Helena Chief Justice, the Governor commissioned a UK based QC to review the handling of a locally controversial adoption case, where the adoption of a young Saint girl by a former Flag A) [REDACTED] was successfully challenged by her family (submission dated 8th May attached Flag A). The QC has now submitted his report.
3. The QC has reported systematic failures around the handling of the adoption case, by both the Senior Social Work Manager, Claire Gannon, and former Social Work Service Manager, Martin Warsama, of St Helena Government Social Services and has also seriously criticised the Attorney General, Frank Wastell.
4. The QC considered that the actions of the social services' team were potentially criminal, which may result in charges of perjury and misconduct in public office following further investigation. Neither Warsama nor Gannon are currently on St Helena. Warsama left the Island permanently after failing his probation period due to poor performance and is therefore no longer an SHG employee and Gannon, whilst still a SHG employee, is in the UK receiving occupational counselling.
5. The Attorney General's actions, whilst not thought to be criminal (although this will need to be investigated further), were found to be deeply unprofessional and would certainly be considered of sufficient severity as grounds for serious disciplinary action. Wastell tendered his resignation last week which was accepted by the Governor and is due to leave the Island at the end of July. Should there be sufficient evidence of misconduct to warrant suspending Wastell as he serves his notice, there would be resource implications for the provision of effective legal services in the interim period. Regardless of the outcome, Wastell should be considered as conflicted on the adoption case which prohibits him from providing legal services in this particular instance should a criminal case against Gannon and Warsama go forward. Options are available to fill the gap, including the potential for short term technical consultancy support should SHG prioritise this within their current DFID funded allocation and calling for legal support from another South Atlantic Overseas Territory. We will encourage SHG to consider carefully these options to maintain effective legal services cover.
6. [REDACTED] officials and the Governor's office on the correct handling. The key priorities are ensuring that the suggestion of criminal behaviour is dealt with swiftly

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and by the appropriate authority, that the individuals concerned are managed carefully and in accordance with their SHG employment terms and conditions, and, lastly, that SHG develop a robust public and media handling plan. But these are serious allegations, which ask difficult questions of the St Helena Government and the conduct of senior officials.

7. OTD and Legal Advisers will meet with the author of the review next week and engage the Chief Justice for further advice on handling an investigation. We will then draw up an action plan, and update the Minister accordingly.

██████████
Desk Officer for St Helena and Ascension Island
Overseas Territories Directorate.

Ext: ██████████

cc: PS
PS/PLUS
PS/SpAds
Sarah Macintosh,
Peter Hayes, Director OTD
██████████ Head FSCD
Governor, St Helena
Press Office

[Field Code Changed]

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- 7. OTD and Legal Advisers will meet with the author of the review next week and engage the Chief Justice for further advice on handling an investigation. We will then draw up an action plan, and update the Minister accordingly.

██████████
 Desk Officer for St Helena and Ascension Island
 Overseas Territories Directorate.
 Ext: ██████████

- cc: PS
- PS/PLUS
- PS/SpAds
- Sarah Macintosh,
- Peter Hayes, Director OTD
- ██████████ Head FSOD
- Governor St Helena
- Press Office

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Memorandum

To PS Simmonds
From [REDACTED]
Date 06 June 2014
Pages 1

ST HELENA: LEGAL REVIEW OF ADOPTION CASE – NEXT STEPS

1. Ministers will welcome an update following my note of 30 May (ANNEX A) regarding findings from a legal review conducted by an independent QC of a controversial adoption case on St Helena. Officials have now received considered legal advice on next steps and have outlined a plan of action for Ministerial review and approval.
2. Serious systematic failures around the handling of the adoption case, by both the Senior Social Work Manager, Claire Gannon, and former Social Work Service Manager, Martin Warsama, of St Helena Government Social Services require vigorous and urgent investigation. Additionally, it will be necessary to also investigate the conduct of the Attorney General, Frank Wastell, to determine whether to commence disciplinary proceedings. To this end, several issues and next steps are considered in this note.
3. More broadly, this case suggests a wider failure of Saint Helena Government (SHG) to properly grip child safeguarding issues in a meaningful and coordinated way. Whilst there is a risk that HMG may be criticised for 'overreading' in response to this case, Ministers will be mindful of previous inquiries into misconduct of St Helena Police Service (SHPS) officers and the recommendations from the Lucy Faithful Foundation report into child safeguarding needing to be taken forward. Given the gravity of the wider implications of this particular matter, OTD believes strongly that a robust inquiry, led by SHPS, but heavily supported by UK police officers, is the appropriate approach in the interests of HMG demonstrating its commitment to good governance and protection of contingent liabilities.

Police Investigation

4. The primary aim of any investigation will be to ensure a robust and transparent inquiry which will withstand external scrutiny both in St Helena and the UK by legal experts and the wider media. To achieve this it is the view of officials that the more distance and independence the investigation can achieve from SHG the better. This argues for external police officers from the UK being closely involved, providing support and

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specialist child protection expertise to bolster local police capabilities and capacity. However, handling the SHPS will be crucial to ensuring proper cooperation is provided and that a sense of local 'ownership' of the investigation is achieved. We therefore recommend:

- i. The Chief of SHPS retains overall leadership and operational control of the investigation, designating the Detective Chief Inspector as Senior Investigating Officer (SIO). We will engage the ACPO child protection lead (Simon Bailey, Chief Constable of Norfolk Police) to provide senior level support and guidance to the Chief of SHPS to ensure that the investigation is conducted in a forthright manner.
- ii. Utilising existing relationships between SHPS and UK police forces (e.g Northumbria Police were involved in the previous Coll investigation) to second officers of equal rank to the SIO to support investigatory activity in the UK and provide further support on island. The Governor can appoint any seconded officers to the SHPS under St Helena law.
- iii. Seconded police officers will carry out all UK based enquiries with legal support from their force legal advisors and if necessary with help from St Helena AG chambers on issues of local St Helena law. These officers should report to SHPS Chief of Police but also provide a line of reporting to Northumbria police and the FCO. We will discuss the mechanics of this with the force in due course.

Criminal Proceedings

5. On the basis that following the police investigation criminal charges are brought against suspects, we will need to ensure that the police receive sufficient prosecution advice from a proper authority.

In normal circumstances the usual candidates for the role would be the AG, the Solicitor General or the Crown Counsel on island. However, the current AG (Wastell) is a suspect of the investigation and has resigned, the Solicitor General has previous involvement in the case and the Crown Counsel has only newly arrived. The Solicitor General on Ascension is not considered to be sufficiently removed from the AG's Chambers on St Helena to be appropriate. Officials therefore recommend the following:

- i. The Governor appoints a new Crown Prosecutor (as this is currently the AG) who we suggest should be the current Solicitor General (pending the appointment of a new AG). This is for all cases not just this one.
- ii. FCO make enquiries with the CPS as to who might be an appropriate prosecutor for this case.
- iii. The Crown Prosecutor will then designate the identified CPS prosecutor to act as the prosecutor in this particular case, which is permissible under St Helena law.

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Employment Issues – Next Steps

6. Further to the commencement of a criminal investigation into the activities of the three suspects, SHG (and the FCO) will need to consider their employment circumstances and any disciplinary action. Taking each individual in turn,

a. Marin Warsama is no longer employed by SHG so there are no employment issues to consider. However we need to consider whether the FCO/SHG should as his former employer to inform him that his conduct has been referred to the police. We would be guided by the investigating police force as to whether this would risk compromising any criminal case.

b. Claire Gannon is still currently employed by SHG and is in the UK on annual leave. We consider there are sufficient grounds to suspend her from current employment pending both the police investigation and possible disciplinary procedures.

c. Frank Wastell has resigned as St Helena Attorney General resulting in a question as to whether disciplinary proceedings against him are now needed.

Furthermore, given Wastell's position of considerable authority, HMG would seem remiss in not holding him to a high standard of professional conduct in this case. However, given local sensitivities regarding Wastell's position in St Helena society (long record of service, highly respected locally) and considering his state of mind, outright suspension may not be the optimal solution. We therefore recommend that the Governor outlines the serious allegations of professional misconduct outlined in the QC review (a letter is at ANNEX C) and asks the AG to step down until his resignation comes into effect (end of July) to allow disciplinary procedures to commence. His conduct will also be referred to the police, allowing the criminal investigation to take into account his actions in this case.

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Others Issues

7. The Governor is obliged to inform SHPS of the concerns outlined in the QC review (but not to hand it over as this legal advice was given in confidence to the FCO and Governor. The Governor will write to the Chief Justice informing him that on his recommendation a review was commissioned, has been received and its recommendations are being taken forward.

8. Once the police and Chief Justice have been informed it will be necessary to consult with the relevant professional body to ascertain at what stage the fact that criminal investigations into Gannon and Warsama has started should be formally reported to them and enquire as to the level of detail the body requires when allegations of impropriety/professional misconduct have been made.

Timing

9. An outline timeline for the above actions is as follows;

w/c 9 June	Letters to Gannon, Wastell and Chief Justice to be sent UK police officers to be identified and approached CPS prosecutor identified Governor designates SG as interim AG and as Crown Prosecutor
w/c 16 June	Governor formally reports matters to the St Helena police Governor appoints seconded officers – investigation begins
w/c 23 June	CPS prosecutor authorised as St Helena prosecutor

Resources

10. There are implications for the effective provision of justice on St Helena following the AG standing down and the Solicitor General being off the island on annual leave until 27 July. This leaves the newly appointed Crown Counsel to cover all the work of the AG's chambers. We recommend that the Ascension Island Government Administrator instructs the AIG Solicitor General to support some of this work, aided by FCO Legal Advisors.

11. There is an issue of access to legal aid for the three suspects, particularly those still employed by SHG. The SHG Code of Practice states that the Attorney General will, on behalf of SHG, 'accept responsibility for the defence of any employee against whom legal proceedings are threatened or instituted in respect of liabilities incurred in good faith in the execution of their duties'. Strict interpretations of 'good faith' in this case aside, SHG may be required to provide legal aid to Gannon and Wastell as per the terms of their employment.

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Implications

12. This will be difficult for SHG both in terms of handling logistically and for wider relationships on the island. That operational control is retained by SHPS is important, however it will be very difficult to set the SHPS up to investigate Social Services (and for that matter the Attorney General) without some lasting damage to professional relationships, with a detrimental effect on their future cooperation. Equally, support from external police officers may be viewed by SHPS as a critical comment on their abilities and integrity rather than providing the specialist expertise which they require.

13. We anticipate that Gannon or Warsama may publicly attribute any prosecution of their actions to a vendetta by SHPS, and that they will paint the police as complicit in presenting risks to children. Given the difficult relations between social services and the police the injection of independent expertise would give demonstrable objectivity and rigour and would also serve to undermine arguments that Warsama in particular is likely to make. This will be particularly important if Gannon or Warsama are subsequently tried by a local jury.

14. There is also a risk that Wastell uses the fact of his de-facto suspension to criticise the FCC for perceived past failings in the effective administration of justice on St Helena. His past role as Solicitor-General has allowed him access to sensitive information regarding previous policy and judicial decisions which he may either leak to the media or utilise as an element of his defence during disciplinary or even criminal proceedings.

15. In light of this, defensive press lines will be required following the three suspects being notified of the outcome of the QC review and the commencement of criminal proceedings. It will be important to stress that SHG and HMG consider the protection of children and the proper rule of law to be vital on St Helena, hence the considered and effective response from both governments to what are serious and concerning allegations of wrong doing.

Acting Deputy Head,
Falklands & Southern Oceans Department

Ms PS SCSFA, PS PLUS, Sarah Machinagh, Peter Hayes (DFID),
(DFID), Governor St Helena, (DFID St Helena Rep), Legal Advisors



Foreign &
Commonwealth
Office

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Falklands & Southern Oceans
Dept
27/33 Old Admiralty Building
London
Tel: [REDACTED]
Fax: [REDACTED]
www/fco.gov.uk

Memorandum

To PS Slimmoids
From [REDACTED]
Date 11 June 2014
Pages 5

ST HELENA: LEGAL REVIEW OF ADOPTION CASE – NEXT STEPS

1. Ministers will welcome an update following my note of 30 May (Annex A) regarding findings from a legal review conducted by an independent QC of a controversial adoption case on St Helena. Officials have now received considered legal advice and have consulted further with the QC and DFID social development advisors on next steps.
2. Serious systematic failures around the handling of the adoption case, by the Senior Social Work Manager, Claire Gannon, former Social Work Service Manager, Martin Warsana, of St Helena Government Social Services and the Attorney General, Frank Westell, require vigorous and urgent investigation. It will be necessary to investigate the conduct of all three to determine whether disciplinary and criminal proceedings are appropriate. The QC review highlighted instances of serious professional misconduct, potential evidence of a conspiracy to wilfully mislead a court and the submission of testimony which was known to be false.
3. More broadly, this case suggests a wider failure of Saint Helena Government (SHG) to properly grip child safeguarding issues adequately. Whilst there is a risk that HMG may be criticised for 'overreacting' in our response, Ministers will be mindful of previous inquiries into misconduct of St Helena Police Service (SHPS) officers, most recently the investigation into former SHPS officer Peter Coll, and suspicions of conspiracy in that case. In addition, the recommendations from the Lucy Faithful Foundation report into child safeguarding, which highlighted serious failings on St Helena (in particular relation to the Jeremy Cairns-Wicks case), need to be taken forward with some urgency which arguably cannot be effectively achieved under present circumstances.
4. Therefore, given the gravity of the wider implications of this particular matter, OTD believes that a robust inquiry, led by the new Chief of St Helena Police (Trevor Botting) and new Detective Chief Inspector (Pam Trevellick) who both have previous child protection experience in the UK, heavily supported by other UK police officers, is the right approach in the interests of HMG demonstrating its commitment to good governance and protection of contingent liabilities. Furthermore, an investigation

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'owned' by the Chief of St Helena Police but supported by the UK offers provides SHG with the opportunity to instigate further reform of policing practices on the Island.

Police Investigation

5. The primary aim of any investigation will be to ensure a robust and transparent inquiry which will withstand external scrutiny both in St Helena and the UK by legal experts and the wider media. To achieve this it is the view of officials that the more distance and independence the investigation can achieve from SHG the better. This argues for external police officers from the UK being closely involved, providing support and specialist child protection expertise to bolster local police capabilities and capacity. However, handling the SHPS will be crucial to ensuring proper cooperation is provided and that a sense of local 'ownership' of the investigation is achieved whilst ensuring a proper degree of police impartiality. We therefore intend that:

- i. The Chief of SHPS retains overall leadership and operational control of the investigation, designating the Detective Chief Inspector as Senior Investigating Officer (SIO). We will engage the ACPO child protection lead (Simon Bailey, Chief Constable of Norfolk Police) to provide senior level support and guidance to the Chief of SHPS to ensure that the investigation is conducted in a forthright manner.
- ii. Utilising existing relationships between SHPS and UK police forces (e.g. Northumbria Police were involved in the previous 'Coll' investigation) to second officers of equal rank to the SIO to support investigatory activity in the UK and provide further support on Island. The Governor can appoint any seconded officers to the SHPS under St Helena law.
- iii. Seconded police officers will carry out all UK based enquiries with legal support from their force legal advisors and if necessary with help from St Helena AG chambers on issues of local St Helena law. These officers should report to SHPS Chief of Police but also provide a line of reporting to Northumbria police and the FCC. We will discuss the mechanics of this with the force in due course.

Criminal Proceedings

- 6. On the basis that following the police investigation criminal charges are brought against suspects, we will need to ensure that the police receive sufficient prosecution advice [REDACTED]. The current AG (Wastell) is a suspect of the investigation and has resigned, the Solicitor General has previous involvement in the case and the Crown Counsel has only recently arrived. The Solicitor General on Ascension is not considered to be sufficiently removed from the AG's Chambers on St Helena to be appropriate. Officials therefore intend that:

- i. The Governor appoints a new Crown Prosecutor (as this is currently the AG) who we suggest should be the current Solicitor General (pending the appointment of a new AG). This is for all cases not just this one.
- ii. FCO make enquiries with the CPS as to who might be an appropriate prosecutor for this case.
- iii. The Crown Prosecutor will then designate the identified CPS prosecutor to act as the prosecutor in this particular case, which is permissible under St Helena law.

Employment Issues -- Next Steps

7. Further to the commencement of a criminal investigation into the activities of the three suspects, SHG (and the FCO) will need to consider their employment circumstances and any disciplinary action. Taking each individual in turn;

a. Martin Warsama is no longer employed by SHG so there are no employment issues to consider. However we need to consider whether the FCO/SHG should as his former employer to inform him that his conduct has been referred to the police. We would be guided by the investigating police force as to whether this would risk compromising any criminal

b. Claire Gannon is still currently employed by SHG and is in the UK on annual leave. We consider there are sufficient grounds to suspend her from current employment pending both the police investigation and possible disciplinary procedures.

c. Frank Wastell has resigned as St Helena Attorney General as of end July 2014 resulting in a question as to whether disciplinary proceedings against him are

in light of this advice, we have considered asking Frank to step down (gardening leave) until the end of July pending the outcome of disciplinary action. However, given Frank's important position as AG and the seriousness of the QC review assessment of his performance we recommend that the Governor suspends the AG until his resignation comes into effect and

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[REDACTED] his conduct will also be referred to the police, allowing the criminal investigation to take into account his actions in this case.

Others Issues

- 8. The Governor is obliged to inform SHPS of the concerns outlined in the QC review (but not to hand it over as this legal advice was given in confidence to the FCO and Governor. The Governor will write to the Chief Justice informing him that on his recommendation a review was commissioned, has been received and its recommendations are being taken forward.
- 9. Once the police and Chief Justice have been informed it will be necessary to consult with the relevant professional body to ascertain at what stage the fact that criminal investigations into Gannon and Warsama has started should be formally reported to them and enquire as to the level of detail the body requires when allegations of impropriety/professional misconduct have been made.

Timing

- 10. An outline timeline for the above actions is as follows;

w/c 9 June	Letters to Gannon, Westell and Chief Justice to be sent UK police officers to be identified and approached CPS prosecutor identified Governor designates SG as interim AG and as Crown Prosecutor
w/c 16 June	Governor formally reports matters to the St Helena police Governor appoints seconded officers – investigation begins
w/c 23 June	CPS prosecutor authorised as St Helena prosecutor

Resources

- 11. There are implications for the effective provision of justice on St Helena following the AG standing down and the Solicitor General being off the island on annual leave until 27 July. This leaves the newly appointed Crown Counsel to cover all the work of the AG's chambers. We recommend that the Ascension Island Government Administrator instructs the AIG Solicitor General to support some of this work, aided by FCO Legal Advisors.
- 12. There is an issue of access to legal aid for the three suspects, particularly those still employed by SHG. The SHG Code of Practice states that the Attorney General will, on behalf of SHG, 'accept responsibility for the defence of any employee against whom legal proceedings are threatened or instituted in respect of liabilities incurred in good faith in the execution of their duties'. Strict interpretations of 'good faith' in this case

aside, SHG may be required to provide legal aid to Gannon and Wastell as per the terms of their employment.

Implications

13. This will be difficult for SHG both in terms of handling logistically and for wider relationships on the Island. That operational control is retained by SHPS is important, however it will be very difficult to set the SHPS up to investigate Social Services (and for that matter the Attorney General) without some lasting damage to professional relationships, with a detrimental effect on their future cooperation. Equally, support from external police officers may be viewed by SHPS as a critical comment on their abilities and integrity rather than providing the specialist expertise which they require.

14. We anticipate that Gannon or Warsama may publicly attribute any prosecution of their actions to a vendetta by SHPS, and that they will paint the police as complicit in presenting risks to children. Given the difficult relations between social services and the police the injection of independent expertise would give demonstrable objectivity and rigour and would also serve to undermine arguments that Warsama in particular is likely to make. This will be particularly important if Gannon or Warsama are subsequently tried by a local jury.

15. [REDACTED] Given Wastell's position of considerable authority, HMG would seem remiss in not holding him to a high standard of professional conduct in this case. There is a risk that Wastell uses the fact of his suspension to criticise the FCO for perceived past failings in the effective administration of justice on St Helena. His past role as Solicitor-General has allowed him access to sensitive information regarding previous policy and judicial decisions which he may either leak to the media or utilise as an element of his defence during disciplinary or even criminal proceedings.

16. In view of the above, defensive press lines will be required following the three suspects being notified of the outcome of the QC review and the commencement of criminal proceedings. It will be important to stress that SHG and HMG consider the protection of children and the proper rule of law to be vital on St Helena, hence the considered and effective response from both governments to what are serious and concerning allegations of wrong doing.

[REDACTED] Acting Deputy Head,
Falklands & Southern Oceans Department
Ex [REDACTED]

Cc. PS SOSFA, PS PUS, Sarah Macintosh, Peter Hayes, [REDACTED] (DFID), [REDACTED] (DFID St Helena Rep), Legal Advisors
(DFID), Governor St Helena, [REDACTED]



Foreign &
Commonwealth
Office

To: 1. PS/Simmonds
2. PS/Foreign Secretary
3. PUS

From: [REDACTED] OTD
Date: 09 July 2014

SUBJECT: ALLEGATIONS OF CONSPIRACY OF CHILD ABUSE AND CONSTRUCTIVE DISMISSAL CASE ON ST HELENA (FCO AND DFID).

Issue

The FCO and DFID have been named as respondents in two Employment Tribunal claims from two social workers who used to work on St Helena. The first claim alleges discrimination and a detriment as a result of whistle blowing. The second alleges unfair dismissal and discrimination. These two people have also alleged a conspiracy to cover up child abuse and sexual assault on St Helena by the FCO, DFID, the Government of St Helena and the St Helena police force. Both people are currently subject to a criminal investigation for perjury.

Recommendation/s

We ask that Ministers agree:

1. That we seek a senior current or former civil servant (not from the FCO or DFID), or senior expert such as a QC, to lead a full investigation into the events on St Helena by a multidisciplinary team of independent experts. They would be tasked with investigating the specific allegations from the two former social workers.
2. That the independent team of experts work with the Police on St Helena and Social Services in a root and branch reform of their organisations, recognising there will be some significant resource implications for HMG, so that the child protection machinery in St Helena is made fit for purpose.
3. That OTD seek resource to create a role specifically dedicated to cross OT child protection work, to not only deal with the current allegations but to make sure that the systems and processes are fit for purpose and properly enacted across the OTs in the future. We have current concerns about child safeguarding in other OTs including Pitcairn, Ascension, the Falklands, and Montserrat.

Timing

Urgent – we need to act quickly. The court documents are essentially public and we believe the media might already have them. The Daily Mail has been interested in St Helena for some time.

Comment

I agree with this submission.

Peter Hayes, Director OTD

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Background

1. Claire Gannon, a former social worker on St Helena has launched a tribunal claim on 9 July 2014 against the FCO and DFID alleging a detriment as a result of whistle blowing and discrimination. She has also alleged that there is widespread child abuse organised by Free Masons on St Helena and a conspiracy to hide this child abuse by the HMG and the Government of St Helena. Martin Warsama, her former social work colleague on St Helena, has said he will claim unfair dismissal and discrimination with the same allegations of child abuse and conspiracy to cover it up. We are yet to receive his tribunal claim.
 2. Warsama and Gannon were employed by the Government of St Helena and were dismissed and suspended respectively. Independent legal inquiries by a QC concluded they should be formally investigated for perjury for evidence they gave in a St Helena adoption case and the Attorney General on St Helena and Claire Gannon were suspended. Martin Warsama had already been dismissed within his probationary period. As the claimants were recruited by the Government of St Helena, and as such are not employees of DFID or the FCO, we believe that the UK courts do not have jurisdiction to hear the claims and will seek to have them struck out at a preliminary hearing set for 28 August.
 3. The basis for the claims would appear to be under the Employment Rights Acts for detriment as a result of whistle-blowing (although it is not clear exactly what the detriment complained of was or that these were acts of the FCO) and also for race discrimination under the Equality Act related to this. A date of 28 August has been set for a preliminary hearing. We have instructed Treasury Solicitors to defend the claims. They will join up with their team working with DFID. The claimants have instructed a company called Equal Justice to act on their behalf (who represented the whistle blowing social worker in the 'Baby P' case).
 4. There is a however a broader issue, which has been long in gestation. It is that the social services operation in St Helena has been dysfunctional and that in certain cases, St Helena Police Service has proven incompetent (sometime due to a lack of resources and expertise) and, in the case of some individuals, corrupt. This has prevented the St Helena authorities from dealing effectively with child abusers, including those within their own ranks. This has created a raft of troubling historical allegations. There have been prosecutions of sex offenders over the last few years which has helped sent a message.
 5. Annex A is a chronology of events and reports into allegations so far, which started in 2012.
- Argument**
6. Given the serious and likely high profile nature of these allegations, we need to respond in a way that offers reassurance without giving credence to the claims. The safety of children and vulnerable adults in St Helena remains our top priority. Allegations that these cases were not investigated properly in the first place because of a 'cover up' or a culture of child abuse need to be dealt with and in accordance with best practice. While we have no evidence that anyone from HMG has been involved in a conspiracy to cover up child abuse on St Helena, we need to make sure definitively that we have acted in the best interests of the children on the island and sought to protect them from abuse. Given the historic organisational failures on island, we cannot rule out the prospect that some further unsettling allegations may be proven in due course.
 7. Whenever allegations of failures in child safety have been made previously, HMG has responded to ensure that proper investigations have been undertaken. There have been two independent reviews in the last year by a child protection NGO (The Lucy Faithfull Foundation, LFF) and an independent police force - Northumbria. These have laid the foundation for progress, which is slowly being made. We have brought in additional police services from the UK and supported the creation of a child safeguarding board by the government of St Helena.

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DFID continue to provide technical cooperation for funding social services and police posts in the St Helena Government and to fund access to specialist advice in child safeguarding policy and practice for LFF and others. But there are serious capacity issues on island, which will require further resource if the pace of improvement is to be increased.

Options

8. We recommend that:

- a) we launch a full investigation into the events on St Helena by a multidisciplinary team of independent experts, possibly headed by a QC or senior civil servant (not from DFID or FCO) and with support from social services and policing experts. They would be tasked with investigating the specific allegations from the two former social workers; and
 - b) that the independent team of experts work with the Police on St Helena and Social Services in a root and branch reform of their organisations, recognising there will be significant resource implications for HMG, so that the child protection machinery in St Helena is made fit for purposes; and
 - c) that OTD seek resource to create a role for an officer with child protection oversight across the OTs. This will help us to respond robustly not only to the current allegations, but to make sure best practice in child safeguarding is enacted in all the OTs. This officer would work with DFID, OT Governments and would draw upon external expertise.
- Alternatively,
- c) we do not establish an investigation involving external experts, and instead that FCO/DFID officials supervise on-island investigation by the St Helena authorities. This would be unlikely to stand up to public scrutiny but could be seen as less intrusive by elements within the St Helena government. This option is not recommended.

Agreement and/or dissent

9. Agreed by Director OTD, [REDACTED] Media Office, and The Governor of St Helena, DFID, FCO HR.

Risk

10. We have added child abuse to Top Risk Register (TRR).

11. Without an external investigation which involves a neutral officer from HMG we are unlikely to be able to lay these allegations of a cover up to rest, not adequately protect the children on St Helena. There would therefore remain a significant risk to the safety of the children and to our ability to build confidence in the police and social workers on St Helena.

12. We have press lines in place, which are agreed with DFID and have been [REDACTED] to make clear that child safeguarding is our top priority. We cannot go into detail because of the ongoing legal situation, but the sooner we can announce a thorough investigation and who that comprises the better.

Resources

13. There will be costs to the FCO in defending the employment tribunal claims show the employment tribunal should not name us as the first respondent and there will be costs for an

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investigation involving external people. The HMG officer who will hopefully accompany the investigation would also need to be funded.

Implementation and evaluation

14. If Ministers agree with the recommendations, HMG would receive a report of the investigation. If the report could lead to criminal proceedings (as the report from Northumbria police did), which would mean we would ask a QC to review the report and where criminal proceedings should be launched this would, of course, happen. We will work closely across HMG and with the Governor's office in St Helena to ensure the good governance of the island and the safety of its children.

[REDACTED]
Deputy Head of Falklands and Southern Oceans Dept
OTD

Cc list: PS/SpAds, PSPUS, Peter Hayes, [REDACTED]
[REDACTED] (OTD), XXXXXdfid boss.

Attachments list:

Annex A – Chronology of events since 2012 on St Helena
Annex B1 and Annex B2 – particulars of Claire Gannon's claims
Annex C – particulars of Martin Warsama's claims

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Foreign & Commonwealth Office

To: 1. PS/Immigration
2. PS/Foreign Secretary
3. PUS

From: [Redacted] OTD
Date: 10 July 2014

SUBJECT: ALLEGATIONS OF CONSPIRACY OF CHILD ABUSE AND CONSTRUCTIVE DISMISSAL CASE ON ST HELENA (FCO AND DFID).

Issue

The FCO and DFID have been named as respondents in two Employment Tribunal claims from two social workers who used to work on St Helena. The first claim alleges discrimination and a detriment as a result of whistle blowing. The second alleges unfair dismissal and discrimination. These two people have also alleged a conspiracy to cover up child abuse and sexual assault on St Helena by the FCO, DFID, the Government of St Helena and the St Helena police force. Both people are currently subject to a criminal investigation for perjury.

Recommendations

We ask that Ministers agree:

1. That we seek a senior current or former civil servant (not from the FCO or DFID), or senior expert such as a QC, to lead a full investigation into the events on St Helena by a multidisciplinary team of independent experts. They would be tasked with investigating the specific allegations from the two former social workers.
2. That the independent team of experts work with the Police on St Helena and Social Services in a root and branch reform of their organisations, recognising there will be some significant resource implications for HMG, so that the child protection machinery in St Helena is made fit for purpose.
3. That OTD seek resources to create a role specifically dedicated to cross OT child protection work, to not only deal with the current allegations but to make sure that the systems and processes are fit for purpose and properly enacted across the OTs in the future. We have current concerns about child safeguarding in other OTs including Pitcairn, Ascension, the Falklands, and Montserrat.

Timing

Urgent – we need to act quickly. The court documents are essentially public and we believe the media might already have them. The Daily Mail has been interested in St Helena for some time.

Comment

I agree with this submission.

Peter Hayes, Director OTD

Background

1. Claire Gannon, a former social worker on St Helena has launched a tribunal claim on 9 July 2014 against the FCO and DFID alleging a detriment as a result of whistle blowing and discrimination. She has also alleged that there is widespread child abuse organised by Free Masons on St Helena and a conspiracy to hide this child abuse by the HMG and the Government of St Helena. Martin Wasama, her former social work colleague on St Helena, has said he will claim unfair dismissal and discrimination with the same allegations of child abuse and conspiracy to cover it up. We are yet to receive his tribunal claim.
2. Wasama and Gannon were employed by the Government of St Helena and were dismissed and suspended respectively. Independent legal inquiries by a QC concluded they should be formally investigated for perjury for evidence they gave in a St Helena adoption case and the Attorney General on St Helena and Claire Gannon were suspended. Martin Wasama had already been dismissed within his probationary period. As the claimants were recruited by the Government of St Helena, and as such are not employees of DFID or the FCO, we believe that the UK courts do not have jurisdiction to hear the claims and will seek to have them struck out at a preliminary hearing set for 28 August.
3. The basis for the claims would appear to be under the Employment Rights Acts for detriment as a result of whistle-blowing (although it is not clear exactly what the detriment complained of was or that these were acts of the FCO) and also for race discrimination under the Equality Act related to this. A date of 28 August has been set for a preliminary hearing. We have instructed Treasury Solicitors to defend the claims. They will join up with their team working with DFID. The claimants have instructed a company called Equal Justice to act on their behalf (who represented the whistle blowing social worker in the 'Baby P' case).
4. There is a however a broader issue, which has been long in gestation. It is that the social services operation in St Helena has been dysfunctional and that in certain cases, St Helena Police Service has proven incompetent (sometime due to a lack of resources and expertise) and, in the case of some individuals, corrupt. This has prevented the St Helena authorities from dealing effectively with child abusers, including those within their own ranks. This has created a raft of troubling historical allegations. There have been prosecutions of sex offenders over the last few years which has helped sent a message.
5. Annex A is a chronology of events and reports into allegations so far, which started in 2012.

Argument

6. Given the serious and likely high profile nature of these allegations, we need to respond in a way that offers reassurance without giving credence to the claims. The safety of children and vulnerable adults in St Helena remains our top priority. Allegations that these cases were not investigated properly in the first place because of a 'cover up' or a culture of child abuse need to be dealt with and in accordance with best practice. While we have no evidence that anyone from HMG has been involved in a conspiracy to cover up child abuse on St Helena, we need to make sure definitively that we have acted in the best interests of the children on the island and sought to protect them from abuse. Given the historic organisational failures on island, we cannot rule out the prospect that some further unsettling allegations may be proven in due course.
7. Whenever allegations of failures in child safety have been made previously, HMG has responded to ensure that proper investigations have been undertaken. There have been two independent reviews in the last year by a child protection NGO (The Lucy Faithfull Foundation, LFF) and an independent police force - Northumbria. These have laid the foundation for progress, which is slowly being made. We have brought in additional police services from the UK and supported the creation of a child safeguarding board by the government of St Helena.

DFID continue to provide technical cooperation for funding social service and police posts in the St Helena Government and to fund access to specialist advice in child safeguarding policy and practice for LFF and others. But there are serious capacity issues on island, which will require further resource if the pace of improvement is to be increased.

Options

8. We recommend that:
- a) we launch a full investigation into the events on St Helena by a multidisciplinary team of independent experts, possibly headed by a QC or senior civil servant (not from DFID or FCO) and with support from social services and policing experts. They would be tasked with investigating the specific allegations from the two former social workers; and
 - b) that the independent team of experts work with the Police on St Helena and Social Services in a root and branch reform of their organisations, recognising there will be significant resource implications for HMG, so that the child protection machinery in St Helena is made fit for purposes; and
 - c) that OTD seek resource to create a role for an officer with child protection oversight across the OTs. This will help us to respond robustly not only to the current allegations, but to make sure best practice in child safeguarding is enacted in all the OTs. This officer would work with DFID, OT Governments and would draw upon external expertise.
- Alternatively,
- c) we do not establish an investigation involving external experts, and instead that FCO/DFID officials supervise on-island investigation by the St Helena authorities. This would be unlikely to stand up to public scrutiny but could be seen as less intrusive by elements within the St Helena government. This option is not recommended.

Agreement and/or dissent

9. Agreed by Director OTD, [REDACTED] Media Office, and The Governor of St Helena, DFID, FCO HR.

Risk

10. We have added child abuse to Top Risk Register (TRR).
11. Without an external investigation which involves a neutral officer from HMG we are unlikely to be able to lay these allegations of a cover up to rest, nor adequately protect the children on St Helena. There would therefore remain a significant risk to the safety of the children and to our ability to build confidence in the police and social workers on St Helena.
12. We have press lines in place, which are agreed with DFID and have been [REDACTED] to make clear that child safeguarding is our top priority. We cannot go into detail because of the ongoing legal situation, but the sooner we can announce a thorough investigation and who that comprises the better.

Resources

13. There will be costs to the FCO in defending the employment tribunal claims show the employment tribunal should not name us as the first respondent and there will be costs for an

investigation involving external people. The HMG officer who will hopefully accompany the investigation would also need to be funded.

Implementation and evaluation

14. If Ministers agree with the recommendations, HMG would receive a report of the investigation. If the report could lead to criminal proceedings (as the report from Northumbria police did), which would mean we would ask a QC to review the report and where criminal proceedings should be launched this would, of course, happen. We will work closely across HMG and with the Governor's office in St Helena to ensure the good governance of the island and the safety of its children.

[REDACTED] Deputy Head of Falklands and Southern Oceans Dept
OTD

Cc list: PS/SpAds, PS/PUS, Peter Hayes, [REDACTED] (Dir), XXXXDir@DSS.

Mark Capes, [REDACTED]

Attachments list

Annex A – Chronology of events since 2012 on St Helena
Annex B1 and Annex B2 – particulars of Claire Gannon's claims
Annex C – particulars of Martin Warsama's claims

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Q 4517073
11/07/2014



Department for International Development

Information note

To 1) [redacted] (agreed: 11/07/14) From [redacted] ASCOT/OTD
 2) PSMoS [redacted] Division
 Ex [redacted] 11th July 2014
 Date Mark Lowcock
 CC Keith Mackiggan
 Laune Beaufils
 Anthony Garnett
 [redacted]

Child Safeguarding on St Helena: Allegations of Conspiracy to Cover Up Child Abuse and Employment Tribunals against HMG (DFID and FCO)

Issue

- DFID and the FCO have been named as respondents in two Employment Tribunal claims from two social workers who were employed by the St Helena Government. The first claim alleges constructive dismissal, discrimination and a detriment as a result of whistle blowing. The second alleges unfair dismissal and discrimination. Within the claims the two former social workers also allege a conspiracy to cover up child abuse and sexual assault on St Helena by the FCO, DFID, the St Helena Government (SHG) and the St Helena Police Services (SHPS). Both people are currently subject to a criminal investigation with regard to their handling of a recent adoption case. These risks were highlighted in April 2014 (Flag C).
- The FCO has submitted the attached note and recommendations to Mr Simmonds on the matter (Flag A), including a chronology of events (Flag B). For your information I also attach the two Employment Tribunal Claims (Flags D and E), also sent to Mr Simmonds.

Action Taken

- We consulted with HR Direct earlier in the year about DFID's Duty of Care to individuals employed by OT governments through DFID's technical cooperation funds, as a result of issues pertaining to these two former social workers. HR Direct advised us that such contracts would normally fall under the jurisdiction of the OT Governments' employment legislation.

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- HR Direct is leading for DFID on the handling of these claims and [redacted]. It is anticipated that one Treasury lawyer will be appointed to represent both DFID and FCO. It is possible that DFID will ultimately be deemed to have no employment liability given that contracts are issued under the jurisdiction of St Helena law, with a reporting line through the Governor to the FCO.

- The Employment Tribunal claims name DFID and FCO staff in allegations of a cover up of sexual abuse on St Helena. Whilst there is no evidence of HMG staff being involved in such a conspiracy all parties will work to make sure that HMG acts decisively in the best interests of children on the island.

- We have consulted with the Counter Fraud and Whistle Blowing Unit (CFWBU). The CFWBU strongly endorsed the FCO's recommendation for a rigorous and independent investigation into the allegations made by the former social workers.

- Mr Simmonds' initial response has been to agree the recommendations in the attached submission. DFID also supports the FCO's recommendation for independent experts to investigate the specific allegations and for a root and branch reform of the police and social services on island. However, our advice is that these should be completely independent exercises in order to maintain the boundary between an independent investigation and implementation of subsequent reforms.

- We will continue to work closely with the FCO and with SHG to manage the potential risks and liabilities. We continue to support SHG to take forward their new child safeguarding action plan. This includes DFID advisory support and continued access to experts from the Lucy Faithful Foundation.

Information

- In November 2012 the FCO received anonymous allegations about the competence of the St Helena Police Service (SHPS) and the integrity of other officials in St Helena and Ascension related to the handling of sexual offences on both islands. The FCO commissioned several police investigations, following which DFID commissioned a child safeguarding risk assessment through the Lucy Faithful Foundation (April 2013). The Lucy Faithful team reported in July 2013, identifying a dysfunctional relationship between the St Helena police and the social services departments, and consequently a poor child safeguarding environment.

- SHG responded to the Lucy Faithful report by taking on board the recommendations, developing them into a comprehensive child safeguarding action plan. Implementation of the plan is actively overseen by a reinvigorated Child Safeguarding Board (CSB) under the auspices of the new Deputy Governor as Chair. Despite the challenges, especially the lack of capacity on island, there are clear signs of improvement. Sex abuse cases are being brought to trial and there have been a number of recent convictions.

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11. DFID will continue to support SHG in their endeavours to implement the action plan. To assist with capacity gaps DFID has supplemented the relatively new TC funding for a Senior Social Services Manager and a Detective Constable Inspector trained in child safeguarding, with an additional social worker and two police sexual offender managers. We will continue to engage in discussions on how best to improve capacity on island.
12. Despite signs of progress, the two former social workers continued to complain of poor police practice and latterly of police harassment. These claims were handled by SHG under their local employment procedures.
13. The former social workers (alongside other SHG members) are also currently subject to investigation with regard to their handling of a recent adoption case. This is on-going, with independent UK police support to the island. One of the social workers failed his probation earlier in the year. He is now claiming unfair dismissal. The other was suspended pending the outcome of the investigation into the adoption case. This week she tendered her resignation and is now claiming constructive dismissal.
14. The allegations of a sex abuse cover up are serious and likely to be high profile given the current concerns about child safeguarding in the UK context. DFID and the FCO Press Offices have been liaising on lines to take. We understand that the FCO will shortly inform No.10 given the profile of the pending government inquiry into historical abuse in the UK.
15. We consider child safeguarding to be a priority in the OTs and will actively support the FCO's response to these allegations. This includes advisory support and access to the Lucy Faithful Foundation's experts. A new independent investigation may well result in further unsettling findings but this action is necessary in order to ensure that all possible avenues are explored to improve the safeguarding of children and vulnerable adults on St Helena.


Senior Social Development Adviser
Overseas Territories Department

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Department for International Development

Information note

To 1) Joy Hutcheon (agreed, 18/7)
2) PS/SoS

From Overseas Territories Dept
Division
Ext
Date 17 July 2014
CC PSP/US
PS/MoS
PS/PermSec
Special Advisers
Keith Mackgagan
Laure Beauflis
James Helm
Anthony Garnett
Elise Gallagher

St Helena: Allegations of Conspiracy to Cover Up Child Abuse and Employment Tribunals against HMG (DFID and FCO)

Issue

1. The Secretary of State has asked for an update on what actions have been taken following allegations by two former St Helena Government (SHG) social work employees that DFID, FCO and SHG are involved in covering up child sex abuse on St Helena. The longer serving of the two social workers was employed by SHG in September 2012. Most of their allegations come from this period, although reference is also made to older cases.
2. FCO and DFID are also named as primary and secondary respondents in Employment Tribunal claims by both social workers (Flag A-II DFID Information Note), alleging that FCO and DFID are complicit in their unfair dismissal. DFID received notice of these claims on 3 July 2014.
3. The two social workers (the Claimants) are also currently subject to a criminal investigation with regard to their handling of a recent adoption case in St Helena. The presiding CC found that SHG's social services team may have been guilty of perjury and misconduct in public office. One of the Claimants was subsequently dismissed by SHG, having been judged to have failed their probationary period, the other was suspended following the adoption case hearing and has now resigned.

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4. On receipt of the QC's judgement on the adoption case in May 2014, FCO acted immediately to secure the services of Norfolk Police to assist SHG with an investigation aimed at determining if there is a criminal case to be brought against the Claimants. The outcome is unlikely to be known until January 2015. The Employment Tribunal claims contain allegations that this criminal investigation is an attempt to frame the social workers. We provided the Minister of State with a note on the developing situation and reputational risk to HMG in April 2014 (Flag C).

Background

5. DFID has been funding child safeguarding activities in the Overseas Territories since 2004, including on St Helena. The most recent of three projects began in 2014 and is known as the Safeguarding Children in the Overseas Territories (SCOT) Project, including St Helena. Through this project we contract the Lucy Faithful Foundation as one of the expert partners.
6. Tangible progress was made in earlier programmes to raise awareness of child safeguarding and much political will has been built across the OTs, evident in the 2012 Joint Ministerial Council (JMC) Communiqué that committed OI Governments to improve strategies to ensure the safeguarding of children, based on a strong belief in zero tolerance to child abuse in whatever form it comes. The new SCOT project focuses on gaining a deeper understanding of how to detect, prevent and address child abuse.
7. In St Helena these projects resulted in strengthened legislation to protect children, established professional protocols and procedures for those involved in child services, improved the provision of training for St Helena officials, and helped to promote local ownership of the safeguarding agenda. However, progress has been constrained by the lack of local capacity and resources.
8. In November 2012 the FCO received anonymous allegations about the competence of the St Helena Police Service (SHPS) and the integrity of other officials in St Helena and Aspension related to the handling of sexual offences on both islands. In response, FCO commissioned several police investigations into the allegations and FCO, SHG and DFID agreed jointly to commission a child safeguarding risk assessment. This was intended to investigate all operational aspects of multi-agency responsibility, policies and procedures. DFID advisers lead on drawing up jointly agreed Terms of Reference (ToRs) for the work.
9. The Lucy Faithful Foundation was contracted to carry out the risk assessment under DFID's SCOT project. In tackling such a complex problem the consultants were required to undertake a review of confidential material related to child assessments, police prosecution, offender risk management and cases that were not pursued through the courts. HMG and SHG officials were aware from the outset that this might lead to further uncomfortable revelations or allegations. It was never anticipated that highly personal detail – needed to make an assessment of the risks to children and vulnerable adults – would be made public.

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10. The ToRs required both a confidential report to HMG, with a comprehensive analysis, a clear set of recommendations and resource implications; and a public summary report with the main findings and recommendations for future action. We believe it is the first working draft of the confidential report that has been leaked to the Daily Mail.
11. The Lucy Faithful team reported in July 2013, identifying a dysfunctional relationship between the St Helena police and the social services departments, and consequently a poor child safeguarding environment. The draft confidential report was reviewed by FCO, DFID, SHG, and Ascension Island Government (also covered by the review). It included a separate (HMG 'Restricted' annex) that contained details of further allegations against named individuals. FCO drew on this to instigate an independent investigation by the Northumbria police which is still on-going. A third product from the investigation was eventually needed - a document for senior staff in SHG that gave more information than the public summary but less than the confidential report - to enable SHG departments to make an appropriate response.
12. The review was widely publicised on island before the consultants arrived to carry out the work. SHG issued press releases welcoming the review and emphasising the need to tackle child abuse. The main recommendations were subsequently released on island. Apart from those with which HMG did not agree (such as trial without jury), the recommendations have been fully incorporated into a comprehensive Child Safeguarding Action Plan.
13. In response to report, FCO and DFID have worked jointly to identify additional policing and social work resources required to bolster child safeguarding on St Helena. SHG has begun to implement the Child Safeguarding Action Plan, under the leadership of the new Deputy Governor and with support from DFID's SCOT project. Despite clear signs of progress, including an increased number of prosecutions, the two former social workers continued to complain of poor police practice and latterly of police harassment. These claims were handled by SHG under their local employment procedures.
- Action taken
14. FCO also responded immediately to the allegations, obtaining agreement from Mr Hague and Mr Simmonds for an independent investigation into the events on St Helena by a multi-disciplinary team of experts (Flag A1 FCO Submission, Flag B chronology of events). Members of this team are currently being identified and will be tasked with investigating the specific allegations made by the two former social workers. We will provide a time-line for this investigation as soon as this becomes clearer. FCO already anticipate the need for root and branch reform of St Helena child safeguarding practices. This will have significant resource implications for HMG.
15. DFID's Overseas Territories Department and Counter Fraud and Whistle Blowing Unit (CFWBU) endorsed FCO's action in taking forward a rigorous and independent investigation into the social workers' allegations.

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16. Local capacity on St Helena is weak given the human resource constraints of a small, remote island. DFID's Technical Cooperation funding allows SHG to recruit UK trained police and social workers without which child safeguarding systems would be even weaker. This support was strengthened in the wake of the aforementioned reviews. The new investigation may highlight the need for SHG to increase its use of international expertise to provide improved child protection with knock-on implications for DFID's TC budget.

Further considerations

Allegations made by the two former social workers

17. FCO are seeking to ensure that the new Foreign Secretary is quickly brought up to speed with these issues and is fully behind actions being pursued by FCO to investigate the allegations. Keith Mackiggan, OTD's Director and Peter Hayes (his FCO counterpart) have already spoken, ensuring that we are taking a joined-up, one-HMG approach. OTD staff will continue to engage with FCO counterparts to support HMG's overall response to this situation. DFID's SCOT project experts will continue to offer advice to FCO and DFID officials as necessary.
18. There may be increasing pressure upon DFID's technical cooperation budget to fill current and pending child safeguarding capacity gaps on St Helena. Budget constraints apart, at the appropriate time, DFID and SHG will explore how capacity constraints could be better bridged through technical cooperation support. DFID will also further explore with SHG ways in which the SCOT project could achieve more traction on improving child safeguarding systems, including access to other child safeguarding experts beyond the LFF.
19. The Department for Education provides HMG's lead on child safeguarding. FCO and DFID will explore the potential for support (technical and financial) from DfE and other government departments with expertise in child safeguarding.

Employment Tribunal Claims

20. Senior HR Advisers are leading for DFID on the handling of the Employment Tribunal claims and have acted swiftly to negotiate the services of Treasury Solicitors (Senior Lawyer) to represent both DFID and the FCO. The social workers are represented by Equal Justice (who represented the whistle blowing social worker in the 'Baby P' case).
21. [REDACTED] Both Claimants attempt to establish clear employment and reporting lines with DFID and FCO, and include references to named individuals in both departments. In DFID, two advisers are named. The Claimants attempt to illustrate an employment link with DFID. They also allege whistleblowing to DFID staff and cover-up by DFID staff. Statements in the Employment Tribunal claim include:
- "We were ... inspected and had to report to DFID. [The adviser] performed this task for DFID when she visited the island from the UK."

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- "On 28 March 2014, I whistle-blow to [the adviser] at DFID."
- "I immediately whistle-blow about these illegal activities [sic: claims of harassment, intimidation and criminal conspiracy] to the FCO and DFID."
- "Some of the detrimental decisions taken against me, and about which I complaint, were taken in the UK and/or by UK staff such as [FCO adviser, DFID adviser, SHG representative]."

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26. The preliminary hearing is set for the 28 August. The Treasury lawyer has applied for reporting restrictions to be imposed due to allegations of sexual impropriety made against named individuals and to protect the identity of named witnesses.

Costs

27. The costs of undertaking (i) an investigation into the adoption case handling; (ii) an investigation into the allegations made by the former social workers; and (iii) the Employment Tribunal, are unknown at this point. We are working up estimates. The adoption case will place significant pressure on SHG's recurrent budget and consequently upon DFID's budget aid settlement with SHG. The cost of the Employment Tribunal will depend very much upon which stage proceedings ultimately reach. A rough estimate of costs to submit initial responses to the Tribunal is £10-£15,000 with an additional £5,000-£10,000 for a preliminary hearing. If a full hearing is required then the costs could escalate to

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£140,000. If and how FCO and DFID, or other parts of HMG, share costs in all three areas is still to be determined.

Press and parliamentary interest

28. The allegations made by the former SHG social workers have been leaked to the Press. The Daily Mail has made several enquiries of both FCO and DFID, including Freedom of Information requests about the LFF and Northumbria police reviews and about DFID funding for the St Helena airport and budget aid. DFID has already provided the financial information requested. To date DFID has only issued one on the record line to the Daily Mail about the airport. The FCO has separately issued a series of lines to the Daily Mail by an FCO spokesman. These can be found at Flag F. As part of the handling plan mentioned below we are currently agreeing updated lines and who will lead going forward.

29. On 15 July the Daily Mail published an article that appeared online only, citing a report which "claims the British overseas territory of St Helena is rife with child sexual abuse, domestic violence and sexual exploitation" (Flag D).

30. Last night, the Daily Mail followed this up with another online only article (Flag E), re-emphasising sexual abuse and noting that DFID commissioned the Lucy Faithful Foundation report, highlighting that this made 28 recommendations, including removal of trial by jury and improvements for residential facilities for children and adults with disabilities. It has a section on the "remote island funded by the British taxpayer" with claims that 90% of public expenditure on St Helena is funded by the UK (this figure is incorrect) and quoting Andrew Mitchell on improving access to help the island's future financial sustainability. DFID and FCO Press Offices are in close communications on this issue and maintaining careful oversight of media interest. DFID press office is in the process of agreeing a handling plan with FCO press office. As part of this DFID has requested that

- FCO and DFID press offices agree all lines before deployment;
- FCO press office speaks to DFID press office before deploying any lines; and
- As the lead Department for Overseas Territories lines should be issued from an FCO spokesman unless it is a DFID specific query.

31. The draft handling plan also makes specific recommendations to the new Foreign Secretary that

- he write to the new chair (formerly Butler-Sloss) of the investigation into child abuse in Westminster be briefed to make him/her aware of the St Helena situation;
- he write to the Foreign Affairs Committee setting out what HMG is doing to address the allegations through an inquiry by an independent team of experts; and
- once the inquiry team has been confirmed, he set out, within legal parameters, HMG's support of the investigation.

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32. Other actions in the handling plan are for SHG to brief the St Helena media on the situation and what HMG is doing, and for FCO to brief the Cabinet Office and consider briefing the NSPCC.

33. Parliamentary interest has been triggered by the recent media coverage. FCO have received four questions to date asking what information FCO and the Governor of St Helena have received and what actions have been taken as a result. One question specifically asks what action has been taken to ensure that the opening of the airport will not result in a sex tourism industry.

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Acting Head
Overseas Territories Department

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ST HELENA ALLEGATIONS OF CHILD ABUSE AND COVER UP – HANDLING PLAN

Background

1. The FCO and DFID have been named as first and second respondents in Employment Tribunal claims from two former social workers employed by the St Helena Government. The claims allege discrimination and a detriment (i.e. harassment) as a result of whistle blowing, as well as constructive dismissal. In addition to a number of serious allegations about child safety incidents and corruption in the local police force, the two former employees of the St Helena Government (SHG) also alleged a conspiracy to cover up this abuse by the FCO, DFID, the Government of St Helena and the St Helena Police Service. Both people are currently subject to a criminal investigation for perjury. As neither individual were in the employ of HMG, we believe that a UK Employment Tribunal will not accept it has jurisdiction to hear the claims. We will seek to have them struck out at a preliminary hearing set for 22 September. HMG legal's representatives are also seeking to have reporting restrictions put in place which would prevent journalists from naming individuals implicated in these claims.
2. The social services operation in St Helena, and St Helena Police Service have both suffered from serious capacity constraints affecting the quality of services both can provide. Historically, this has prevented the St Helena authorities from responding effectively to child abuse concerns and dealing with child abusers, including those within their own ranks, resulting in a raft of troubling historical allegations. However, HMG has targeted resources at improving this situation and there have been several successful prosecutions of sex offenders over the last few years which has helped send a strong message locally that child abusers will face criminal prosecution and we judge that capacity is improving, albeit from a low base.
3. In response to these allegations, the then Foreign Secretary agreed that we should establish an independent group of experts to investigate these claims. We are now in the process of identifying a senior legal figure to head this inquiry (we will hopefully have an expression of interest on Monday 21 July which will then sent to Ministers for clearance), supported by a small multidisciplinary team, and drawing up comprehensive terms of reference. We are working with the Cabinet Office who are looking after the Westminster child abuse enquiry. The Counsellors of St Helena issued a press notice in response to the accusation, at Annex C.
4. Nevertheless, the fact of the allegations alone poses significant reputational risks for the FCO, DFID and SHG, especially in the current climate. The Daily Mail ran two stories online only on 15 and 16 July. It is likely the journalist was briefed by one of the former employees because the piece referred to a draft copy of one of the child safety reviews. The articles repeated a number of these general allegations but added that HMG was hiding the problem so as not to undermine support for tourism following our quarter of a billion pound airport construction project. In a similar vein the Daily Mail reports that there have been several claims that the airport could attract "sex tourism". The majority of these claims seem to be unsubstantiated except one which refers to comments made in the child safety review. There has also been coverage on the Daily Mirror's website and on a website called www.whistleblower.co.uk which claims to have a draft copy of the child safety review. These articles explicitly cited the social workers as the whistle blowers and referred to the SH police investigation which they are now subject to.

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COMMUNICATION PLAN:

Annex A: draft press lines
 Annex B: PO answers
 Annex C: St Helena Councilors press notice
 Annex D: Terms of Reference for the inquiry

Objectives

5. FCO communication objectives are:
- To demonstrate that we take all such allegations seriously, and that they will be investigated thoroughly and impartially;
 - To reiterate our long-standing commitment to child safeguarding in the Overseas Territories (and St Helena and Ascension in particular), recognising the challenges they face; and
 - To ensure that the media attention on St Helena and other partners does not damage our child safety agenda in the Overseas Territories or compromise potential criminal prosecutions.

Activity

6. Four Parliamentary Questions have been asked about St Helena by John Hermering MP, apparently in response to the stories in the Mail. Our answers (Annex B) will inform Parliament for the first time that we have received serious allegations and that we plan to appoint an independent senior legal figure to head an inquiry. It is likely that they will generate further media coverage, including but not restricted to the Daily Mail. DFID has also received a number of PQs. The majority of these focus on the airport. The next responses are due out on Monday 21 July.
7. Once the senior legal figure has accepted the commission, we should inform the UK and St Helena media and publish the Terms of Reference (Annex C). When the full team has been appointed, we should consider updating Parliament through a WMS, confirming the composition of the inquiry panel and reiterate our support for the investigation. The Governor will brief the St Helena media in parallel. Mr. Simmonds might also consider writing to the FAC, given their interest in the Overseas Territories. As the lead department for Overseas Territories it is appropriate that FCO leads on this issue in Whitehall including with the media, but working closely with DFID, the Cabinet Office and the Department for Education, ensuring there is a cross-departmental script of lines. Not least because of DFID's financial commitment to St Helena and the way this can be portrayed in the media, FCO press office should check and get agreement from DFID press office before issuing lines to media. Media lines and key messages will be attributed to an FCO spokesman unless there is a DFID specific query around funding.
8. We will also engage with child safety NGOs to ensure that they understand our response and the broader context, and are supportive of our actions. We will also ensure we inform the current independent review into UK historic child safety issues.

Key messages

9. Our key messages will be:
- We have a zero tolerance approach to child abuse, both in the UK and Overseas Territories. Though child safety issues are for Territory Governments in the first instance, the UK provides significant support and assistance and will not hesitate to hold local governments to account.
 - With UK support, St Helena and Ascension have made significant progress on safeguarding children. Where allegations of failures have been made in the past, we have been quick to investigate and ensure any lessons are learned.
 - The current allegations are disturbing, and we take them seriously. HMG and the St Helena Government are committed to providing every assistance to the independent inquiry so that the truth of these allegations can be definitively established.
- Media lines and key messages will be attributed to an FCO spokesman unless there is a DFID specific query around funding.

Risks

10. This will be unsettling for the island and there will be anger amongst 'Saints' that their island community is being judged on the basis of unfair and inaccurate media reporting. They may refuse to cooperate with the investigation which would impede efforts to establish the truth.
11. The Daily Mail may be encouraged by the fact of our inquiry to suggest that there are even more lurid allegations, including against SHG and FCO staff. We will need to recognise the pressures this, and the inquiry, is likely to generate for staff and ensure they are properly supported whilst co-operating fully with the inquiry.
12. The reputational risk to HMG will have to be managed carefully – it will be easy for critics to conflate these allegations of cover-up with those surrounding UK historic child abuse. We must therefore be transparent with the panel and ensure we are seen to do everything necessary to assist their investigation. However, we (FCO) are also confident that we are able to give a good account of how we have responded to such concerns previously, and we must be ready to deploy robust press lines which show we have taken action to improve child safety in St Helena and Ascension Island.

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ANNEX A: Press lines

HMG top line (to be issued from FCO spokesperson):

"Allegations have been made of sexual abuse and a subsequent cover up on St Helena. We take these allegations extremely seriously. Child safeguarding is an absolute priority wherever we operate. We are putting together a team of experts, who will be led by an independent, senior non-Government person (TO BE REPLACED WITH NAME WHEN KNOWN) to fully and transparently investigate the claims of a conspiracy to cover up child abuse on St Helena.

"HMG is determined to investigate these allegations and to protect the children of St Helena now and in the future."

On the employment tribunal:

"We have been named as the first respondent in an employment tribunal regarding two workers on St Helena. Due to the ongoing legal situation it would be inappropriate to comment further."

On allegations against individuals (FCO staff):

"We have been presented with allegations of a cover up of child sex abuse on St Helena in which Foreign Office staffed are named as conspirators to cover it up. They are not named as being involved in child abuse. Child safeguarding is an absolute priority wherever we operate. We will actively and immediately investigate these allegations."

Who is on the team of experts?

This will be decided upon by the lead of the panel. Name to be confirmed.

When will they report to HMG?

This will be determined by the lead of the panel depending on what they find.

What did you know and when?

Safeguarding children in St Helena is a critical priority for the St Helena Government and the UK. There have been a number of allegations in recent years about child safety and police corruption. In response there have been several investigations and reviews into St Helena – including from independent police forces and from child safety NGO. These have resulted in detailed action plans from the St Helena Government and police service to improve their ability to protect children.

Last week, we received further allegations of a conspiracy to cover up child abuse on St Helena from former employees of the St Helena Government. We take such allegations extremely seriously. In response, the then Secretary of State for Foreign and Commonwealth Affairs agreed to establish an independent panel of experts to investigate these specific allegations and related matters. We hope to be able to announce further details shortly.

What else have you done?

We have instructed Treasury solicitors to defend HMG through the Employment Tribunal cases. We are creating a new post within the Overseas Territories Directorate in the FCO to work alongside child safeguarding experts in DFID, the police and social services to focus on the St

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Helena situation, but also to make child safeguarding and domestic violence policy across the OTs consistent.

The FCO and DFID have been supporting child safeguarding initiatives in the OTs for the last nine years, most recently through the Safeguarding Children in the Overseas Territories (SCOT) programme (2013-2016), which followed on from an earlier SCOT programme (2009-2013) and a regional Child Protection Programme (CPP, 2005-2008).

In St Helena, the SCOT programme has helped encourage revised and updated legislation to protect children, established professional protocols and procedures for those involved in child services, improved the provision of training for St Helena officials, and helped to promote local ownership of the safeguarding agenda. Support has been provided to St Helena through reviews by the South Atlantic Police Advisor and an independent child safety charity (the Lucy Faithfull Foundation review 2013). Additionally the FCO has been working closely with a number of UK police forces (Hampshire, Sussex, Dorset, Northumbria and Norfolk) which have provided technical expertise to protect children and implement robust child safeguarding recommendations.

How will you hold SHG to account?

Although St Helena Government is primarily responsible for child safeguarding we will not hesitate to instruct the Governor, as Head of the St Helena Government, to take every and all steps necessary to ensure children's safety and justice for victims. We are confident that the St Helena Executive Council fully understand the importance of tackling this issue comprehensively.

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ANNEX B: PO Answers

What information his Department has received about allegations of child abuse and police corruption on St. Helena since May 2010; when that information was received; and what steps his Department took in response to that information.

Safeguarding children in St. Helena is a critical priority for the St. Helena Government and the UK. There have been a number of allegations in recent years about child safety and police corruption. In response, there have been several investigations and reviews into St. Helena – including from independent police forces and from child safety NGO. These have resulted in detailed action plans from the St. Helena Government and police service to improve their ability to protect children.

Last week, we received further allegations of a conspiracy to cover up child abuse on St. Helena from former employees of the St. Helena Government. We take such allegations extremely seriously. In response, the then Secretary of State for Foreign and Commonwealth Affairs agreed to establish an independent panel of experts to investigate these specific allegations and related matters. We hope to be able to announce further details shortly.

What information the Governor of St. Helena has received about allegations of child abuse and police corruption in that territory since May 2010; when that information was received; and what steps the Governor took in response to that information.

The Governor and the elected government of St. Helena take very seriously any allegations of child abuse and police corruption. All allegations are investigated and where evidence is available those responsible are dealt with according to the law. There have been numerous successful prosecutions over the period in question with substantial sentences awarded to those convicted of an offence.

What steps his Department has taken to tackle offences of child abuse on St. Helena.

Territory Governments have the principal responsibility for ensure the safeguarding of children in the Overseas Territories, for which the UK provides practical assistance and support. The FCO and DFID have been supporting child safeguarding initiatives in the OTs for the last nine years, most recently through the Safeguarding Children in the Overseas Territories (SCOT) programme (2013-2016), which followed on from an earlier SCOT programme (2009-2013) and a regional Child Protection Programme (CPP, 2005-2008). Although tangible progress was made in earlier programmes to raise awareness and build capacity, the new programme will focus on gaining a deeper understanding of the problem including how to detect, prevent and address child abuse.

In St. Helena, the SCOT programme has helped encourage revised and updated legislation to protect children, established professional protocols and procedures for those involved in child services, improved the provision of training for St. Helena officials, and helped to promote local ownership of the safeguarding agenda. Support has been provided to St. Helena through a Lucy Faithfull Foundation review (2013) and technical expertise to take forward a robust child safeguarding action plan arising from review recommendations.

The FCO have been working closely with the UK police who have investigated reports into child sex abuse of St. Helena and continue to do so.

What steps his Department is taking to ensure that the opening of the airport on St. Helena does not lead to the development of child sex tourism in that territory.

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ANNEX C: Press notice from the Councillors of St Helena issued 16 July

COUNCILLORS ON ST HELENA OUTRAGED BY UK NEWSPAPER ARTICLE

St Helena Island 'Falsely Portrayed'

St Helena's Executive Council (photo attached) - comprising Councillors Ian Rumrummy, Wilson Duncan, Christine Scipio-O'Dean, Lawson Henry and Brian Isaac - have reacted strongly to a story about St Helena in today's Daily Mail regarding child protection and sexual offences. Council believes that the article paints a totally untrue picture of the Island, much of it based on hearsay.

Executive Council said:

"Today's Daily Mail portrays a false and totally unbalanced image of St Helena, and has angered St. Helenians, both on Island and overseas. Those who live on St Helena recognise that there are issues around child protection and sexual crime, but also know that they live in a remarkably peaceful and safe community, a fact invariably noted by visitors to the Island.

"St Helena has the same issues as any other jurisdiction and has made strong progress over the past few years in dealing with and prosecuting sex offenders and improving child protection.

"The two reports cited by the Daily Mail in fact demonstrate a process of continual improvement. We investigate all sexual allegations and anyone found guilty faces the full force of the law. Numerous prosecutions of sex offenders over the past few years demonstrate this.

"The Council has every confidence in the Police force on the Island, which benefits from excellent leadership. We resent the insinuation in the newspaper that somehow the Police do not take sex offences seriously. Quite the opposite is the truth.

"Executive Councillors recognise the commitment of Legislative Council, St Helena Police, Social Services, the Governor, the FCO and all others involved, in taking child protection and sexual crime very seriously. All of us are working hard to improve safeguarding on St Helena, and are very disappointed in the obvious bias in today's newspaper story.

"And there has been no attempt to somehow cover up the findings of these reports. Their findings have been well publicised on the Island and Councillors have held public and media debates on these issues. To suggest that there is a reluctance to engage in issues around child safeguarding, somehow limited to a wish not to damage tourism, is absurd.

"Councillors and Government here welcome any objective and independent review of our current arrangements. Recommendations in both the reports cited have been implemented and are now well embedded on the Island. There is always more to do and we are not complacent, but the fact remains that child safeguarding provisions on St Helena are stronger now than they have ever been. The way cases are assembled, supervised and prosecuted has been reformed, as have training and professional standards. In addition, our various agencies here are now working closely together to review historic cases. It is a shame that this excellent work went unrecognised in the Daily Mail."

Councillor and Children's Champion Christine Scipio-O'Dean concluded:

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"We are all alarmed by the inflammatory and biased reporting in the article published today. We have taken great steps on St Helena to protect our children and vulnerable people against abuse of any kind. We know that there are concerns, as there are in any community, but solid progress has been made in improving our safeguarding capabilities. We know there is still more to do, and we will continue to strive for further improvements."

St Helena Executive Council

16 July 2014

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(26)

ANNEX D: Draft Terms of Reference for the Investigation into Allegations Surrounding Child Safety Issues in St Helena and Ascension Island

1. BACKGROUND

1.1 The constitutional relationship between the UK and the Overseas Territories (OTs) and the UK's obligations under the UN Charter, mean that the UK Government (UKG) has the ultimate liability for the UK OTs. Under the UN Charter the UKG is obliged "to promote to the utmost... the well-being of the inhabitants of these territories", including the development of self-government, political, economic, social and educational advancement, just treatment, and protection against abuses.

1.2 As the White Paper of June 2012 makes clear, the UK Government has responsibilities to the people of the Territories to ensure their good governance. Those living in the Territories have a right to expect the same standards of governance as in the UK, including in the areas of human rights, rule of law and integrity in public life.

1.3 There is a particular responsibility for Territory Governments to ensure the safeguarding of children, for which the UK provides practical assistance and support. There are substantial challenges: relatively small and isolated island societies will have limited capacity to provide a full complement of public services. Small-island communities, where people know each other and many are related, can also give rise to insular attitudes that undermine international standards such as those promoted through the United Nations Convention on the Rights of the Child (UNCRC).

1.4 FCO and DFID have been supporting child safeguarding initiatives in the OTs for the last nine years, most recently through the Safeguarding Children in the Overseas Territories (SCOT) programme (2013-2016), which followed on from an earlier SCOT programme (2009-2013) and a regional Child Protection Programme (CPP, 2005-2008). Although tangible progress was made in earlier programmes to raise awareness and build capacity, the new programme will focus on gaining a deeper understanding of the problem including how to detect, prevent and address child abuse. Much political will has been built across the OTs evident in the 2012 Joint Ministerial Council (JMC) Communiqué that committed OT Governments "to improve strategies to ensure the safeguarding of children, based on a strong belief in zero tolerance to child abuse in whatever form it comes".

1.5 The SCOT programme operated in St Helena, with some limited support provided to Ascension. The programme helped encourage revised and updated legislation to protect children, established professional protocols and procedures for those involved in child services, improved the provision of training for St Helena officials, and helped to promote local ownership of the safeguarding agenda.

1.6 On Ascension Island, where there is no permanent population, the provision of such services is less advanced. Nevertheless there is a Child Safeguarding Board comprised of the Administrator and representatives that deal with health, education and the police. There are a few professionals on island with some distance support provided by St Helena.

1.7 Through the recent and current SCOT programmes support has been provided to St Helena through a Lucy Faithfull Foundation review (2013) and technical expertise to take forward a robust child safeguarding action plan arising from review recommendations.

Recent History

1.7 In November 2012, the FCO received anonymous allegations in relation to St Helena and Ascension that sexual offenses against children were not being properly investigated or prosecuted and that the Saint Helena Police Service (SHPS) in particular was failing in its duty to children and vulnerable adults. A number of separate investigations were undertaken, including in response to further allegations. These are detailed in the attached chronology (Annex A). On the basis of recommendations made by the investigations, the St Helena authorities responded with action plans to address the deficiencies identified. Relations between St Helena's Social Services and the SHPS remained difficult however, leading to a breakdown in the professional relationship between the two organisations.

1.8 In March 2014, St Helena's Chief Justice expressed concern about the conduct of St Helena Government (SHG) officials during an adoption case in Ascension and recommended an independent barrister-led review into whether any wrong-doing had been committed. A number of officials were subsequently suspended pending a police investigation.

1.9 In July, the FCO received a letter of resignation from the suspended Senior Social Work Manager alleging constructive dismissal and detriment for whistle-blowing. In a separate document prepared for an Employment Tribunal, the former employee made a substantial number of separate allegations about child safety incidents on St Helena and Ascension, the response of the local government authorities, and the role of the FCO and DFID in covering these up. A separate but similar document from another former employee of Social Services echoed these allegations.

1.10 In response, the then Secretary of State for Foreign and Commonwealth Affairs agreed to establish an independent panel of experts to investigate these specific allegations and any related matters which the panel thought pertinent.

2. PURPOSE

2.1 Given the serious nature of these allegations FCO Ministers have commissioned a panel of independent experts to undertake a multi-disciplinary investigation into the specific allegations raised and to provide an assessment of their veracity. The panel is invited to examine any other issues that may emerge as part of their investigation, and to make recommendations on actions to be taken in response to their assessment.

3. SCOPE OF WORK

3.1 The Investigation Panel will be headed by xxx, supported by a multi-disciplinary team comprising xxx, xxx and xxx.

3.2 The scope of the Panel's work will be conditioned by the nature of the allegations made and by any other such related issues as come to the Panel's attention. This will include, though will not be restricted to:

- a) a review of SHG and the St Helena authorities' response to the recommendations of the independent police reports, the Lucy Faithfull Foundation report, and others, relating to allegations following the letter of November 2012;
- b) an assessment of the role of the FCO and DFID in responding to these emerging concerns;
- c) an appraisal of the response of the St Helena authorities, including the Department of Health and Social Welfare and SHPS, to the specific child safety incidents detailed in the allegations, and whether further investigation, including criminal investigation, is required;

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- d) a review of the historic and current relationship between Social Services and the SHPS, and the implications for child safety;
- e) an assessment of the treatment of Ms. Gannon and Mr. Warsaw by SHG, including allegations of harassment and lack of support;
- f) an assessment of how SHG and its authorities handles child and vulnerable adult sexual abuse cases in general.

3.3 The Panel will have access to all relevant papers from the FCO, DFID and SHG and its authorities. It will also be able to request the opportunity to interview current and former officials, and other relevant persons, and to take oral and written submissions as evidence.

3.4 The Panel will be cognisant of the potential for criminal proceedings arising from these or related matters. They will be conscious of the importance not to cut across existing criminal investigations, but will also make recommendations where they believe further criminal enquiries should be made.

4. OUTPUT

4.1 The Panel will submit an outline of process and a timeline for completion of the investigation for agreement with XXXX by dd/mm/2014.

4.2 The Panel will produce a public report of its findings, a draft of which will be shared with the principal parties for fact checking before publication. In the event of recommendations for further criminal investigation, these will be contained in a confidential annex for the St Helena authorities and HMG.



Foreign & Commonwealth Office

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To: 1. PS/Mr. Simmonds From: [redacted] OTD
2. PS Date: xx August 2014

SUBJECT: ST HELENA: CHILD SAFETY ALLEGATIONS

Issue

Whether to engage the services of a high profile QC to lead the independent inquiry into allegations by former St. Helena social workers of child abuse and cover ups, and on what basis. How to handle the inevitable public interest.

Recommendation/s

That Ministers agree:

1. To engage Ms Sasha Wass QC as head of the independent inquiry panel.
2. The attached draft Terms of Reference (TORs) for the inquiry (Annex A), agreed with Ms Wass.
3. To write to St Helena Councillors (Annex B) and the FAC (Annex C) to advise them of these developments, and of the publication of the agreed Terms of Reference.

Timing

Priority

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Background and Argument

1. [redacted] wrote to Mr. Simmonds on 18 July with handling advice, following allegations by former employees of St Helena social services relating to child abuse, police corruption and incompetence, and a cover-up by the St Helena Government (SHG), the FCO and DFID. The detail is reproduced at Annex D. Ministers subsequently agreed to the establishment of an independent inquiry to look into these allegations.
2. Officials have engaged Ms. Sasha Wass QC, a pre-eminent and high profile barrister with an expertise in child safety issues to establish whether she would be prepared to lead this inquiry. Ms. Wass has now confirmed that she is content to take this on. This is a very positive development. Ms Wass is well respected and high competent, and will give credibility to the inquiry as well as professional rigour. We recommend that Ministers commission her accordingly.
3. Because the FCO and DFID are named in the allegations, we judge it would not be appropriate for us to determine the inquiry's Terms of Reference (TORs). Officials have nevertheless suggested draft TORs to Ms. Wass, which she has now accepted (after some revisions) (Annex A). These TORs are broad in scope and will afford the inquiry panel the latitude to follow their lines of investigation as they emerge. We recommend that Ministers agree these.
4. Ms. Wass has indicated that her first task will be to make an initial assessment of the credibility of the allegations, based upon the documents provided by ourselves (including the separate police and other reports variously commissioned into child safety matters in St Helena) and those making the allegations. This will allow her to determine the inquiry's scope as well as the panel's composition (through she anticipates a small panel of inter-disciplinary experts, with expertise in policing and social work). Ms Wass also indicated that the panel would look to travel to St Helena later in the year to conduct interviews and explain the purpose of her work to the community. We agree this sounds sensible.
5. An independent inquiry along these lines will inevitably be expensive. Director CTD has agreed with his DFID counterpart that SHG's DFID-sourced budget will be used to cover the costs of this inquiry. £100k has been allocated in the first instance, though this is unlikely to prove sufficient and may need supplementing further. Given the serious reputational consequences to St Helena if these allegations are not definitively addressed, and in the context of a £250 million investment in an airport, we judge that HMG has little alternative.
6. We appreciate that, following some salacious media reporting by the Daily Mail and the subsequent publication of an early version of the Lucy Faithful Foundation report, many in the St Helena community are upset by these allegations, though the Governor and Council have continued to stress the advantage of a definitive inquiry into the issues raised. We therefore recommend that the Minister writes a letter to the Governor, which can subsequently be shared with the St Helena media. I attach a draft at Annex B.
7. Given the likely public interest in child safety issues (and particularly allegations of Whitehall cover-ups) we also recommend that Mr. Simmonds updates Parliament on the appointment of Ms Wass and the inquiry TORs. As Parliament is currently in recess, we recommend that this is best done through a short letter to the Chair of the Foreign Affairs Committee, which Media Office can then brief to the wires. I attach a draft at Annex C.

Agreement and/or dissent

8. OTD, [redacted] Media Office, PRD and Governor Jamestown agree.

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Risks

9. There are a number of risks:

- That the scope of the inquiry becomes unmanageable, or the costs rapidly escalate, as further allegations or revelations are made. To some extent, this is difficult to mitigate against, as we cannot directly manage the work of the inquiry – or the evidence they may uncover. But we consider that Ms. Wass is professional and will retain a focus on the key allegations, and are assured that if the panel uncovers evidence of potential criminal wrongdoing, this will be passed over to the police to investigate.
- That the inquiry is unable to secure the active co-operation of important witnesses, especially on St Helena. The unauthorized publication of the draft confidential Lucy Faithfull Report may have deterred some people from disclosing sensitive information. Ms Wass will mitigate this risk by visiting St Helena early in the inquiry and offering assurances of confidentiality. The Governor will also encourage SHG officials to co-operate fully.
- That the panel discovers significant child safety failures that bring into question the good governance of St Helena. This would have significant implications for our relationship with St Helena and the measures we might need to take to restore public confidence in SHG. But it is better, in the interests of justice and our reputation, that any such allegations are thoroughly examined, whatever the consequences.
- That the work of the inquiry becomes caught up in other ongoing legal proceedings, principally the employment tribunal action and the police investigation into allegations of perjury. Ms. Wass understands the need to avoid conflicting with the police investigation, which is largely into a separate matter. And we are confident that the Employment Tribunal proceedings are likely to fall at an early stage on matters of jurisdiction and contract.

Resources

10. £100k in the first instance for the services of Ms. Wass and the panel of experts, which is likely to rise substantially. Our response to the allegations has already absorbed significant time of staff in London and Jamestown.

Head, Falklands and Southern Oceans

cc: PS/PUS, PS/SpA&S, Sarah Macintosh, Peter Hayes (Director OTD), [REDACTED] (Head, FSOD), Legal Adviser, PRD, Media Office, Governor Jamestown, Administrator Ascension

Attachments list:

Annex A: Draft Terms of Reference, agreed with Ms. Wass
 Annex B: Draft letter from Mr. Simmonds to Governor, Jamestown
 Annex C: Draft letter from Mr. Simmonds to Chair, FAC
 Annex D: Minute from [REDACTED] 'Handling Plan', 18/07/14

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Annex B: Draft letter from Mr. Simmonds to Governor, Jamestown

Dear Governor,

As you and Councilors will know, following allegations of systematic child safety failures in Ascension and St Helena the former Secretary of State agreed that we should initiate an independent inquiry to establish the truth of these allegations and make recommendations as appropriate.

I am pleased to tell you that the Secretary of State and I have agreed that Ms. Sasha Wass QC should lead this inquiry. Ms. Wass is a very accomplished barrister with substantial professional experience of dealing with these kinds of issues. I am very confident that she will lead this inquiry with great rigour, fairness and sensitivity.

Child safety matters often require discretion and confidentiality. These issues self-evidently involve vulnerable people, whose privacy must be protected and confidences respected. I am absolutely certain that this inquiry will do that. But within those parameters it is also important that as much of this process is as transparent as possible. That is why I am publishing the Inquiry's Terms of Reference (TORs), agreed with Sasha Wass, so the full scope of the issues is clear to everyone. I attach the TORs to this letter accordingly.

I understand that Ms. Wass will conduct an initial review of the allegations contained in various documents, including the independent reports produced by others in response previously to specific concerns. We are also providing Sasha Wass with full disclosure of the FCO papers that relate to these allegations. Ms. Wass will then make a judgement about the scope of her investigations, including on the appointment of a team of independent experts to help her with this task. I also understand that Ms. Wass hopes to travel to St Helena as quickly as is practicable once this initial work is completed.

I know that these allegations, and the way they have been reported in the media, have caused deep upset to many people in St Helena and Ascension. This is understandable: we know from our own experience in the UK that these are dark, troubling and often painful matters. If I could say though just one thing to the people of St Helena and Ascension it would be this: you are not being judged. Like all of us, Saints care about their children deeply and want to see everything done to ensure they remain safe from harm. A society can be neither condemned for, nor defined by, the despicable actions of a small minority. But it is incumbent on all of us – families, authorities, and political leaders – to do all we can both to expose those who would harm our children and to be honest when those charged with their protection regrettably fail them. This is what the inquiry will do, and I hope that Councilors – and indeed everyone – will give Sasha Wass their support.

I know that people will have many questions about the detail of how the inquiry will work. I am sure Ms. Wass will want to answer these in due course, as the structure of the inquiry process is shaped. In the meantime I would ask for patience. This will not be quick. But it will be thorough. And the truth will out.

Yours sincerely,

Mark Simmonds

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Annex C: Draft letter from Mr. Simmonds to Chair, FAC

Dear Mr. Chairman,

I appreciate that the Foreign Affairs Committee takes a close interest in the UK's Overseas Territories. You will therefore be aware that serious allegations about the safety of children in St Helena and Ascension were recently made by former employees of the St Helena authorities.

We are bound to take such allegations extremely seriously. In response, I announced to the House of Commons on 21 July that the then Foreign Secretary had agreed to establish an independent inquiry to establish the truth of these allegations and make recommendations as appropriate.

I am pleased to let the Committee know that the Secretary of State and I have agreed that Ms. Sasha Wass QC should lead this inquiry. Ms. Wass is a very accomplished barrister with substantial professional experience of dealing with these kinds of issues. I am very confident that she will lead this inquiry with great rigour, fairness and sensitivity.

Child safety matters often require discretion and confidentiality. These issues self-evidently involve vulnerable people, whose privacy must be protected and confidences respected. I am absolutely certain that this inquiry will do that. But within those parameters it is also important that as much of this process is as transparent as possible. That is why I am publishing the inquiry's Terms of Reference (TORs), agreed with Sasha Wass, so the full scope of the issues is clear to everyone. I attach the TORs to this letter accordingly.

I understand that Ms. Wass will conduct an initial review of the allegations contained in various documents, including the independent reports produced by others in response previously to specific concerns. We are also providing Sasha Wass with full disclosure of the FCO papers that relate to these allegations. Ms. Wass will then make a judgement about the scope of her investigations, including on the appointment of a team of independent experts to help her with this task. I also understand that Ms. Wass hopes to travel to St Helena as quickly as is practicable once this initial work is completed.

This inquiry will not be quick. But it will be thorough. And I am confident that the truth will out.

Yours sincerely,

Mark Simmonds



Department for International Development

Information note

To 1. Debbie Palmer (Approved 4/9).
2. PS/SoS

From Overseas Territories Dept
Division
Ext
Date 1 September 2014
CC PS/Mos
PSP/US
PS/Permsec
Joy Hutchison
Beverley Warrington
James Helm
Anthony Garnett

St Helena Child Safeguarding allegations

Issue

1. Updating the Secretary of State on the allegations made by two former St Helena Government (SHG) social work employees that FCO, DFID and SHG are involved in covering up cases of child sex abuse on St Helena.
2. Seeking the Secretary of State's view on funding the inquiry.

Background

3. The FCO is leading on the independent inquiry into the allegations referred to above. FCO officials have submitted the attached update (Annex 1) to Minister Duddridge covering the three main concurrent activities: the inquiry into allegations surrounding child safety issues on St Helena and Ascension; the two employment tribunals against the FCO and DFID; and the investigation into the social workers' alleged perjury. The main developments are summarised below. It also includes the Terms of Reference for the investigation (Annex A to FCO's submission at Annex 1) and draft letters from Minister Duddridge to the Governor of St Helena announcing the appointment of Ms Wass to lead the investigation (Annex B to FCO's submission) and to the Chair of the Foreign Affairs Select Committee informing him of the Government's response to the allegations about the safety of children on St Helena and Ascension (Annex C to FCO's submission).

The investigation into Allegations Surrounding Child Safety Issues in St Helena and Ascension

4. FCO officials have asked Sasha Wass QC, a pre-eminent and high profile barrister with an expertise in child safety issues, to lead this inquiry. Her Terms of Reference include making an assessment of the role of SHG and of the FCO and DFID in responding to the emerging concerns ie. following the initial allegations made in November 2012. Ms Wass anticipates appointing a small interdisciplinary panel of experts to assist her. She plans to do this in January and for the full panel to visit the island in March.

Costs

5. It is not clear, at this stage, how long the inquiry will last or how much it will eventually cost. DFID and FCO officials have had initial discussions on how the costs should be met. In order to ensure funds are available to secure the services of Ms Wass now, DFID has provisionally agreed to transfer £100,000 from the St Helena Programme budget to FCO so that they can formally contract the panel members.

6. The forthcoming St Helena Child Safety inquiry is FCO led and as such as we suggest that FCO should meet costs above £100,000. These would be chargeable as ODA and could come from FCO's ODA allocation.

7. FCO's submission (Annex 1, paragraph 7) recommends that Mr Duddridge raises the issue of funding when he meets the Minister of State on 5 September (14.00). The closest historical precedent we have for division of costs between DFID and FCO comes from the action taken to address child abuse on Pitcairn (Operation Unique). The FCO met all costs of the sex abuse trial of Pitcairn men in 2004 including the subsequent construction of a prison and provision of prison guards. This is estimated to have cost around £7million in total.

8. Is the Secretary of State content with the approach proposed in paragraphs 5 and 6 above?

The Employment Tribunal

10. The Treasury Solicitors have applied to have the cases brought by the two social workers against FCO and DFID struck out on the grounds that the complainants were recruited, employed, managed and paid by SHG not HMG. The hearing at which this will be decided is likely to take place in October. FCO are confident that the case will be struck down. The contracts of the two social workers specifically state that each contract "shall be construed in accordance with the laws of St Helena and shall be subject to the exclusive jurisdiction of the St Helena courts".

The investigation into alleged perjury by the complainants

11. The allegations of perjury against the social workers related to the adoption case are being investigated by the Merseyside police. An independent barrister is also conducting a Legal Professional Privilege review of the Attorney General's computer. These enquiries must be handled as a separate case to the other two, mentioned above.

Response to the Secretary of State's queries

12. The SoS asked a number of questions on the previous submission (attached at Annex 2 for convenience) and these are answered below.

i) How will the new inquiry differ from the previous one?
There have been a number of inquiries into aspects of policing and overall provisions for child safeguarding on St Helena and Ascension following the initial allegations made to the FCO via Mark Hoban MP in November 2012. These allegations raised questions about the competence and integrity of the St Helena and Ascension Island Police in relation to the handling of sexual offences on both islands. The most far-reaching inquiry to date was that carried out by the Lucy Faithfull Foundation (LFF), contracted by DFID in early 2013. The Terms of Reference (ToR) for that inquiry are attached at Annex 2. It focused on reviewing the effectiveness of child safeguarding measures on both islands through undertaking an independent multi-agency child safeguarding risk assessment and was tasked with making recommendations to strengthen the St Helena and Ascension government responses to child safeguarding.

The new inquiry will focus on how SHG, the FCO and DFID responded to the initial allegations made in November 2012, and how they responded to the subsequent reports that were commissioned by HMG. The inquiry will also consider how the three parties responded to subsequent allegations made by the two social workers.

ii) How did DFID respond to the original whistle-blower allegations?

The original allegations were sent to the FCO by Mark Hoban MP on 7 November 2012. Our FCO counterparts submitted to their Minister on 8 November 2012, noting that the Governor had initiated an immediate local investigation to ascertain the facts and flagging their intention to work with DFID on the commissioning of two separate, independent reviews, one on policing and the other on the effectiveness of current child protection measures. Subsequently, the FCO contracted the Northumbria Police to review policing on St Helena and Ascension Island. DFID led on drafting the ToR for the Lucy Faithfull Foundation to carry out a review of the effectiveness of child safeguarding on both islands, under an existing contract with DFID for the provision of child safeguarding advice to the aided Territories. DFID staff then supported SHG in establishing a child safeguarding action plan based on the LFF recommendations and supported the strengthening of the social services and police departments through technical cooperation funding.

iii) What is the Lucy Faithfull Foundation's role now?

The LFF has worked with DFID and the FCO since 2009. They continue to be a DFID partner within the Safeguarding Children in the Overseas Territories (SCOT) project. For St Helena this means that SHG/FCO/DFID can call on the LFF's child safeguarding expertise. The LFF will have no role in the forthcoming inquiry except in explaining their review findings.

iv) Was the use of the LFF to review confidential material and to produce a report which would not be made public approved by the Minister of State and the FCO? FCO's Minister approved the course of action to go ahead with two independent reviews, one on policing issues and the other in relation to the effectiveness of child safeguarding. The ToR for the work were not shared with Ministers. From

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the outset; officials were of the view that some of the information would have to remain confidential, given the nature of the subject matter and the precedent of confidential child safeguarding reviews carried out on Pitcairn, also conducted by the LFF.

v) When if at all does liability for failings in Overseas Territories (OTs) become the responsibility of HMG?
There is no clear absolute demarcation of responsibilities between the UK and Overseas Territory Governments. HMG expects Territory Governments to abide by the same basic standards of human rights as the UK and works to extend to the OTs those UN human rights conventions that the UK has ratified. However, under UN Charter obligations on the OTs, HMG has the ultimate liability for ensuring that the Territories comply with international human rights conventions that have been extended to them. Child safeguarding falls under the Convention of the Rights of the Child (CRC). The Committee on the Rights of the Child is clear that (i) the international responsibility for the implementation of CRC is that of the UK Government and not that of the individual Territories and that (ii) the UK needs to give consideration to what programmes it intends to adopt in order to discharge its international responsibilities under the CRC.

Deputy Head

Overseas Territories Department

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Foreign & Commonwealth Office

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(Attachment)

To: 1. PS/IPS
2. PS/Mr. Duddridge

From: [Redacted] OTD
Date: 11 September 2014

SUBJECT: ST HELENA: CHILD SAFETY ALLEGATIONS – UPDATED

Issue

Whether to engage the services of a high profile QC to lead the independent inquiry into allegations by former St Helena social workers of child abuse and cover-ups, how to fund the inquiry, and how to handle the inevitable public interest.

Recommendations

That Ministers agree:

1. To engage Ms Sasha Wass QC as head of the independent inquiry panel.
2. The attached draft Terms of Reference (TORs) for the inquiry (Annex A), agreed with Ms Wass.
3. To place a WMS in the library of the House, to inform Parliament of the developments and the publication of the agreed Terms of Reference (Annex B).
3. To write to St Helena Councillors (Annex C) to advise them of these developments.
4. To decide, with Minister Swayne (DFID), how the inquiry should be funded.

Timing

Priority

Agreed by

Peter Hayes, Director OTD: "I agree. An independent review by a senior figure like Ms Wass is appropriate given the seriousness of the allegations. But we will need the Ministers support to persuade DFID to fund it."

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Background and Argument

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1. St Helena is an Overseas Territory with approximately 4000 inhabitants. The UK is responsible for good governance through the constitution, but the Government of St Helena is responsible for child protection and welfare and the police. In 2014/15, DFID will pay (just) less than 50 per cent of SHG's recurrent costs DFID is also building an airport on the island which will cost around £250m and should be ready in 2016.
2. On 10 July [Redacted] wrote to Mr. Stirrmonds on with handling advice, following allegations by former employees of St Helena social services relating to child abuse, police corruption and incompetence, and a cover-up by the St Helena Government (SHG), the FCO and DFID. The detail is reproduced at Annex E. Ministers subsequently agreed to the establishment of an independent inquiry to look into these allegations.
3. These allegations are serious and we must clearly ensure they are dealt with appropriately. They come in the context of a number of allegations about particular child safety risks and more general failures by the St Helena authorities. HMG has previously responded by commissioning an independent review by the child safety charity the Lucy Faithfull Foundation, and an external investigation by Northumbria Police, which found matters of concern for SHG to address. In this context, a QC-led inquiry remains appropriate, which will also help to bring these strands together.
4. It should also be noted however that the two social workers who have alleged this conspiracy of abuse are also bringing employment tribunal cases against the FCO and DFID, saying that they have suffered detriment as a result of being whistleblowers. Separately, they are being investigated by Merseyside police in conjunction with St Helena police for perjury after they allegedly lied on the stand about an adoption case on St Helena (the allegations of perjury predate their employment tribunal action).
5. Following guidance from Ministers, officials have engaged with Ms. Sasha Wass QC, a prominent and high profile barrister with an expertise in child safety issues to establish whether she would be prepared to lead this independent inquiry into child abuse on the island. Ms. Wass has now confirmed that she is content to take this on. This is a very positive development: Ms Wass is well respected and highly competent, and will give credibility to the inquiry as well as professional rigour. We recommend that Ministers commission her accordingly.
6. Because the FCO and DFID are named in the allegations, we judge it would not be appropriate for us formally to determine the inquiry's Terms of Reference (TORs). Nevertheless, officials have worked with Ms Wass to suggest draft TORs, which she has revised and accepted (Annex A). These TORs are broad in scope and will afford the inquiry panel the latitude to follow their lines of investigation as they emerge. We recommend that Ministers agree these.
7. Ms. Wass has indicated that her first task will be to make an initial assessment of the credibility of the allegations, based upon the documents provided by ourselves (including the separate police and other reports variously commissioned into child safety matters in St Helena) and those making the allegations. This will allow her to determine the inquiry's scope as well as the panel's composition (though she anticipates a small panel of interdisciplinary experts, with expertise in policing and social work). Ms Wass will appoint the panel in January and they will travel as a group to St Helena in March. They will conduct interviews and explain the purpose of the inquiry work to the community. We agree this sounds sensible. It is unfortunate that Ms. Wass has confirmed that, due to unavoidable commitments in the High Court, she will be unable to travel to St Helena until next year (the journey from Cape Town is five days by sea, and requires the lion's share of a full month to be set aside). However, she will be able to start the first phase of her enquiry, and the establishment of a credible process, will do much to mitigate some of the risks – even if we need to trade some rapidity for rigour.

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8. In the meantime, the St. Helena authorities have already taken measures to address a number of the allegations relating to specific cases and systemic issues (identified separately by the earlier Lucy Faithful Foundation and Northumbria Police Force reports). Comprehensive action plans are now in place to address these points, though there remain significant capacity constraints on island.

Resources

9. [REDACTED] But we are conscious of the need to ensure best value for money, and have negotiated a reasonable hourly rate for Ms. Wass' services. We have agreed that we will monitor costs closely, including through monthly billing, so they do not mount up unexpectedly. And we also envisage the inquiry progressing in two stages, with stage one comprising a review of the papers and preliminary assessment of the allegations. Once this is complete, we will have a better sense of what resource will be required for the main part of the enquiry (which will be determined by the duration of the work and the operational requirement to instruct additional experts).

10. Director OTD and his DFID counterpart have discussed the funding for this inquiry and DFID have said that the first £100k (to cover the initial stage of the inquiry) should come from the money they provide for SHG. But there are political and presentational challenges, on island and beyond, with this proposal. Senior officials will have further discussions, but we anticipate that the final decision on how to fund this inquiry, which could cost up to £1m, should be taken at Ministerial level. Given the serious reputational consequences to St. Helena if these allegations are not definitively addressed, and in the context of a £250 million investment in an airport, we judge that HMG has little alternative than to find the money. We recommend that Minister Duddridge and Minister Swayne discuss the final decision on how to pay for the inquiry, as even if the FCO contracts the QC we currently cannot agree to pay without Ministerial consent. This is reasonably urgent. Officials would welcome an oral briefing with Mr. Duddridge.

Public Handling

11. These allegations have attracted the interest of the Daily Mail, but otherwise they have not had widespread media coverage. Given the broader context, however, they remain toxic and it will be important for us to demonstrate that we are taking the allegations seriously and that HMG's response has been consistently appropriate throughout. The appointment of a high profile QC (Ms. Wass prosecuted the child abuser Rolf Harris recently) will not only form the centre-piece of our efforts to establish the veracity of these allegations but also demonstrate explicitly our determination to do so.
12. [REDACTED] This limits what we are able to say publicly about the allegations (which are also of course subject to the conventions of the Employment Tribunal system). Whilst Media Office have a script of lines [REDACTED] which they can use with journalists (on the record, as well as on background), we do not recommend any UK-facing communication activity beyond a Written Ministerial Statement to Parliament that will both announce the appointment of Ms. Wass and publish the inquiry's Terms of Reference (Annex B).

13. We believe we have a generally good story to tell in how we have responded to a number of related allegations about St. Helena and Ascension in recent years. Since late-2012, we commissioned reviews from the Lucy Faithful Foundation and Northumbria Police which have produced action plans for the St. Helena authorities. If Ministers are minded, we could:

- a) encourage SHG more transparently and proactively to explain the steps it has taken in response to these reviews;

b) more practically, explore with DFID what additional practical support HMG might provide to the Territory authorities (particularly social services and the police) to encourage reform and build capacity. (DFID officials are unlikely to welcome any invitation to increase their spending on St. Helena, however.)

14. We appreciate that, following some salacious media reporting by the Daily Mail and the subsequent publication online of an early version of the Lucy Faithful Foundation report, many in the St. Helena community are upset by these allegations, though the Governor and Council have continued to stress the advantage of a definitive inquiry into the issues raised. We also therefore recommend that the Minister writes a letter to the Governor, which will subsequently be shared with the St. Helena media. I attach a draft (Annex C).

Agreement and/or dissent

15. OTD, [REDACTED] Media Office, PRD and Governor Jamestown agree.

Risks

16. There are a number of risks:
- That the scope of the inquiry becomes unmanageable, or the costs rapidly escalate, as further allegations or revelations are made. To some extent, this is difficult to mitigate against, as we cannot directly manage the work of the inquiry – or the evidence they may uncover. But we are confident that Ms. Wass is professional and will retain a focus on the key allegations, and are assured that if the panel uncovers evidence of potential criminal wrongdoing, this will be passed over to the police to investigate.
 - That the panel discovers significant and systemic child safety failings that bring into question the good governance of St. Helena. This would have significant implications for our relationship with SHG and the measures we might need to take to restore public confidence in the Territory Government. But it is better, in the interests of justice and our reputation, that any such allegations are thoroughly examined, whatever the consequences.
 - That the inquiry is unable to secure the active co-operation of important witnesses, especially on St. Helena. The unauthorized publication of the draft confidential Lucy Faithful Report on the Equal Justice website may have deterred some people from disclosing sensitive information. Ms. Wass will mitigate this risk by visiting St. Helena early in the inquiry and offering assurances of confidentiality. The Governor will also encourage SHG officials to co-operate fully.
 - That the work of the inquiry becomes caught up in other ongoing legal proceedings, principally the employment tribunal action and the police investigation into allegations of perjury. Ms. Wass understands the need to avoid conflicting with the police investigation, which is largely into a separate matter. And we are confident that the Employment Tribunal proceedings are likely to fall at an early stage on matters of jurisdiction and contract.

[REDACTED] Head, Falklands and Southern Oceans

cc: PS/SP/ADS, Sarah Macintosh, Peter Hayes (Director: OTD), Legal Advisers, PRD, Governor Jamestown, Administrator Ascension, PS/PUS, [REDACTED]

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[Redacted]
Deborah Bromfield (DFID)
Beverley Warrington (DFID), [Redacted]

- Annex A: Draft Terms of Reference, agreed with Ms. Wass
- Annex B: Draft WMS
- Annex C: Draft letter from Mr. Duddridge to Governor, Jamestown
- Annex D: Email from [Redacted] to the PUS
- Annex E: Minute from [Redacted] 'Handling Plan', 10/07/14

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Annex A: Terms of Reference:

Terms of Reference for the Investigation into Allegations Surrounding Child Safety Issues in St Helena and Ascension Island

1.1 These terms of reference have been determined by Ms Sasha Wass QC and agreed by the Secretary of State for Foreign and Commonwealth Affairs.

2. BACKGROUND.

2.1 The constitutional relationship between the UK and the Overseas Territories (OTs) includes the UK's obligations under the UN Charter, "to promote to the utmost... the well-being of the inhabitants of these territories", including the development of self-government; political, economic, social and educational advancement; just treatment; and protection against abuses.

2.2 As the White Paper of June 2012 makes clear, the UK Government has responsibilities to the people of the Territories to ensure their good governance. Those living in the Territories have a right to expect the same standards of governance as in the UK, including in the areas of human rights, rule of law and integrity in public life.

2.3 There is a particular responsibility for Territory Governments to ensure the safeguarding of children, for which the UK provides practical assistance and support. There are substantial challenges; relatively small and isolated island societies will have limited capacity to provide a full complement of public services. Small-island communities, where people know each other and many are related, can also give rise to insular attitudes that undermine international standards such as those promoted through the United Nations Convention on the Rights of the Child (UNCRC).

2.4 DFID and FCO have been supporting child safeguarding initiatives in the OTs for the last nine years, most recently through the Safeguarding Children in the Overseas Territories (SCOT) programme (2013-2016), which followed on from an earlier SCOT programme (2009-2013) and a regional Child Protection Programme (CPP, 2005-2009). Although tangible progress was made in earlier programmes to raise awareness and build capacity, the new programme will focus on gaining a deeper understanding of the problem including how to detect, prevent and address child abuse. Much political will has been built across the OTs evident in the 2012 Joint Ministerial Council (JMC) Communiqué that committed OT Governments "to improve strategies to ensure the safeguarding of children, based on a strong belief in zero tolerance to child abuse in whatever form it comes".

2.5 The SCOT programme operated in St Helena, with some limited support provided to Ascension. The programme helped encourage revised and updated legislation to protect children, established professional protocols and procedures for those involved in child services, improved the provision of training for St Helena officials, and helped to promote local ownership of the safeguarding agenda.

2.6 On Ascension Island, where there is no permanent population, the provision of such services is less advanced. Nevertheless there is a Child Safeguarding Board comprised of the Administrator and representatives that deal with health, education and the police. There are a few professionals on island with some distance support provided by St Helena.

2.7 Through the recent and current SCOT programmes support has been provided to St Helena through a Lucy Faithful Foundation review (2013) and technical expertise to take forward a robust child safeguarding action plan arising from review recommendations.

Recent History

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2.8 In November 2012, the FCO received anonymous allegations in relation to St Helena and Ascension that sexual offenses against children were not being properly investigated or prosecuted and that the Saint Helena Police Service (SHPS) in particular was failing in its duty to children and vulnerable adults. A number of separate investigations were undertaken, including in response to further allegations. On the basis of recommendations made by the investigations, the St Helena authorities responded with action plans to address the deficiencies identified. Relations between St Helena's Social Services and the SHPS remained difficult however, leading to a breakdown in the professional relationship between the two organisations.

2.9 In March 2014, St Helena's Chief Justice expressed concern about the conduct of St Helena Government (SHG) officials during an adoption case in Ascension and recommended an independent barrister-led review into whether any wrong-doing had been committed. A number of officials were subsequently suspended pending a police investigation.

2.10 In July, the FCO received a letter of resignation from the suspended Senior Social Work Manager alleging detriment for whistle-blowing. In a separate document prepared for an Employment Tribunal, the former employee made a substantial number of separate allegations relating to specific child safety incidents on St Helena and Ascension, the response of the local government authorities, and the role of the FCO and DFID. A separate but similar document from another former employee of Social Services echoed these allegations.

2.11 In response, the then Secretary of State for Foreign and Commonwealth Affairs agreed to establish an independent panel of experts to investigate these allegations and any related matters which the panel thought pertinent.

3. PURPOSE

3.1 Given the serious nature of these allegations FCO and DFID Ministers have commissioned an independent expert inquiry to undertake a multi-disciplinary investigation into the allegations raised and to provide an assessment of their veracity in order to assess the existence of any systemic failings that require addressing. The panel is invited to examine any other issues that may emerge as part of their investigation, and to make recommendations on actions to be taken in response to their assessment.

4. SCOPE OF WORK

4.1 The Investigation Panel will be headed by Ms. Sasha Wass QC, who will be supported by a multi-disciplinary team of experts.

4.2 The scope of the Panel's work will be conditioned by their assessment of the allegations made and by any other such related issues as come to the Panel's attention. This will include, though will not be restricted to:

- a) a review of SHG and the St Helena authorities' response to the recommendations of the independent police reports, the Lucy Faithful Foundation report, and others, relating to allegations following the letter of November 2012;
- b) an assessment of the role of the FCO and DFID in responding to these emerging concerns;
- c) an appraisal of the response of the St Helena authorities, including the Department of Health and Social Welfare and SHPS, to the specific child safety incidents detailed in the allegations, and whether further investigation, including criminal investigation, is required;
- d) a review of the historic and current relationship between Social Services and the SHPS, and the implications for child safety.

e) an assessment of the treatment of, and support given to, employees and others who bring child safety concerns to the authorities' attention ('whistle-blowers');

f) an assessment of how SHG and its authorities handles child and vulnerable adult sexual abuse cases in general;

g) a review and assessment of other matters not envisaged at the initial stages of the inquiry but which, during the course of the inquiry, it appears prudent to include in scope.

4.3 The Panel will have access to all relevant papers from the FCO, DFID and SHG and its authorities. It will also be able to request the opportunity to interview current and former officials, and other relevant persons, and to take oral and written submissions as evidence. The Panel will be expected to visit St Helena as part of this process.

4.4 The Panel will be cognisant of the potential for criminal proceedings arising from these or related matters. They will be conscious of the importance not to cut across existing criminal investigations and employment tribunal cases, but will also make recommendations where they believe further criminal enquiries should be made.

5. OUTPUT

5.1 Ms Wass will produce an initial assessment of the allegations, with a proposal to structure the process of the inquiry, including recommendations for the composition of the Panel. This outline of process and a timeline for completion will be submitted to Ministers by March 2015 with a final report by summer 2015.

5.2 The Panel will periodically update Ministers on their progress, as required.

5.3 The Panel will produce a public report of its findings, a draft of which will be shared with the principal parties for fact checking before publication. In the event of recommendations for further criminal investigation, these will be contained in a confidential annex for the St Helena authorities and HMG.

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Annex B: Draft WIMS

The House may be aware that serious allegations have been made by former employees of the authorities of the British Overseas Territory of St Helena. These allegations involve claims relating to child abuse in the Territory, police corruption and incompetence, and a conspiracy by the St Helena Government (SHG), the FCO and DFID to cover these up.

We are bound to take such allegations extremely seriously. My predecessor, Mark Simmonds, announced to the House of Commons on 21 July that the then Foreign Secretary had agreed to establish an independent inquiry to establish the truth of these allegations and make recommendations as appropriate.

I am pleased to advise the House that the Secretary of State and I have agreed that Ms. Sasha Wass QC should lead this inquiry. Ms. Wass is a very accomplished barrister with substantial professional experience of dealing with these kinds of issues. I am confident that she will lead this inquiry with great rigour, fairness and sensitivity.

Child safety matters often require discretion and confidentiality. These issues self-evidently involve vulnerable people, whose privacy must be protected and confidences respected. I am certain that this inquiry will do that. But with that caveat, it is also important that as much of this process is as transparent as possible. That is why I am publishing the Inquiry's Terms of Reference (TORs), agreed with Sasha Wass, so the full scope of the issues is clear to everyone. A copy has been placed with the Library of the House.

I understand that Ms. Wass will conduct an initial review of the allegations contained in various documents, including the independent reports produced by others in response previously to specific concerns. We are also providing Sasha Wass with full disclosure of the UK papers that relate to these allegations. Ms. Wass will then make a judgement about the scope of her investigations, including on the appointment of a team of independent experts to help her with this task. I also understand that Ms. Wass will travel to St Helena once this initial phase of her work is completed.

Since allegations relating to child safety were first raised in late 2012, the British Government has been swift to ensure that they were investigated appropriately. We commissioned the respected Lucy Faithful Foundation to conduct an initial review, which was then followed by an investigation by Northumbria Police. Both reports made important recommendations, which the authorities on St Helena are working to implement with support from ourselves. And there have been arrests and convictions for child sex offenses.

More, however, needs to be done. This new inquiry will not be quick. But it will be thorough. And I am confident that the facts will be established.

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Annex C: Draft letter from Mr. Duddridge to Governor, Jamestown

Dear Governor,

As you and Councillors will know, following allegations of systematic child safety failures in Ascension and St Helena the former Secretary of State agreed that we should initiate an independent inquiry to establish the truth of these allegations and make recommendations as appropriate.

I am pleased to tell you that the Secretary of State and I have agreed that Ms. Sasha Wass QC should lead this inquiry. Ms. Wass is an accomplished barrister with substantial professional experience of dealing with these kinds of issues. I am very confident that she will lead this inquiry with great rigour, fairness and sensitivity.

Child safety matters often require discretion and confidentiality. These issues self-evidently involve vulnerable people, whose privacy must be protected and confidences respected. I am absolutely certain that this inquiry will do that. But with that caveat it is also important that as much of this process is as transparent as possible. That is why I am publishing the Inquiry's Terms of Reference (TORs), agreed with Sasha Wass, so the full scope of the issues is clear to everyone. I attach the TORs to this letter accordingly.

I understand that Ms. Wass will conduct an initial review of the allegations contained in various documents, including the independent reports produced by others in response previously to specific concerns. We are also providing Sasha Wass with full disclosure of the UK papers that relate to these allegations. I hope that the St Helena Government will do likewise. Ms. Wass will then make a judgement about the scope of her investigations, including on the appointment of a team of independent experts to help her with this task. I understand that Ms. Wass hopes to travel to St Helena once this initial phase of her work is completed, most likely early next year.

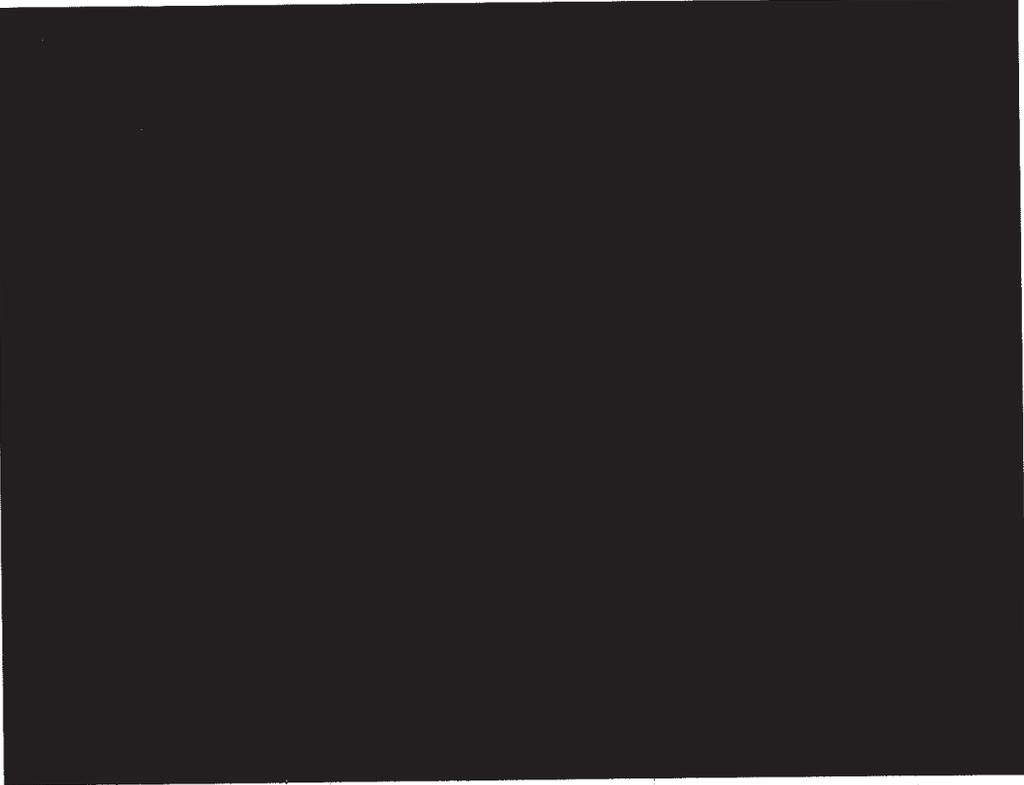
I know that these allegations, and the way they have been reported in the media, have caused deep upset to many people in St Helena and Ascension. This is understandable: we know from our own experience in the UK that these are dark, troubling and painful matters. But I hope that the people of St Helena and Ascension know that it is not they who are being judged. Like all of us, Saints care deeply about their children and want to see everything done to ensure they remain safe from harm. A society can be neither condemned for, nor defined by, the despicable actions of a small minority. But it is incumbent on all of us – families, authorities, and political leaders – to do all we can both to expose those who would harm our children and to be honest when those charged with their protection regrettably fail them. This is what the inquiry will do, and I hope that Councillors – and indeed everyone in the islands – will give Sasha Wass their active support.

I appreciate that people will have many questions about the detail of how the inquiry will work. I am sure Ms. Wass will want to answer these in due course, as the structure of the inquiry process is shaped. In the meantime I would ask for patience. This will not be quick. But it will be thorough. And the facts will be established.

Yours sincerely,

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Annex E: [redacted] handling plan for original allegations:

- To: 1. PS/Simmonds
- 2. PS/Foreign Secretary
- 3. PUS

From: [redacted] OTD
Date: 10 July 2014

SUBJECT: ALLEGATIONS OF CONSPIRACY OF CHILD ABUSE AND CONSTRUCTIVE DISMISSAL CASE ON ST HELENA (FCO AND DFID).

Issue

The FCO and DFID have been named as respondents in two Employment Tribunal claims from two social workers who used to work on St Helena. The first claim alleges discrimination and a detriment as a result of whistle blowing. The second alleges unfair dismissal and discrimination. These two people have also alleged a conspiracy to cover up child abuse and sexual assault on St Helena by the FCO, DFID, the Government of St Helena and the St Helena police force. Both people are currently subject to a criminal investigation for perjury.

Recommendations

We ask that Ministers agree:

1. That we seek a senior current or former civil servant (not from the FCO or DFID), or senior expert such as a QC, to lead a full investigation into the events on St Helena by a multidisciplinary team of independent experts. They would be tasked with investigating the specific allegations from the two former social workers.
2. That the independent team of experts work with the Police on St Helena and Social Services in a root and branch reform of their organisations, recognising there will be some significant resource implications for HMG, so that the child protection machinery in St Helena is made fit for purpose.
3. That OTD seek resource to create a role specifically dedicated to cross OT child protection work, to not only deal with the current allegations but to make sure that the systems and processes are fit for purpose and properly enacted across the OTs in the future. We have current concerns about child safeguarding in other OTs including Pitcairn, Ascension, the Falklands, and Montserrat.

Timing

Urgent – we need to act quickly. The court documents are essentially public and we believe the media might already have them. The Daily Mail has been interested in St Helena for some time.

Comment

I agree with this submission.

Peter Hayes, Director OTD

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Background

17. Claire Gannon, a former social worker on St Helena has launched a tribunal claim, on 9 July 2014 against the FCO and DFID alleging a detriment as a result of whistle blowing and discrimination. She has also alleged that there is widespread child abuse organised by Free Masons on St Helena and a conspiracy to hide this child abuse by the HMG and the Government of St Helena. Martin Warsama, her former social work colleague on St Helena, has said he will claim unfair dismissal and discrimination with the same allegations of child abuse and conspiracy to cover it up. We are yet to receive his tribunal claim.
18. Warsama and Gannon were employed by the Government of St Helena and were dismissed and suspended respectively. Independent legal inquiries by a QC concluded they should be formally investigated for perjury for evidence they gave in a St Helena adoption case and the Attorney General on St Helena and Claire Gannon were suspended. Martin Warsama had already been dismissed within his probationary period. As the claimants were recruited by the Government of St Helena, and as such are not employees of DFID or the FCO, we believe that the UK courts do not have jurisdiction to hear the claims and will seek to have them struck out at a preliminary hearing set for 28 August.
19. The basis for the claims would appear to be under the Employment Rights Acts for detriment as a result of whistle-blowing (although it is not clear exactly what the detriment complained of was or that these were acts of the FCO) and also for race discrimination under the Equality Act related to this. A date of 28 August has been set for a preliminary hearing. We have instructed Treasury Solicitors to defend the claims. They will join up with their team working with DFID. The claimants have instructed a company called Equal Justice to act on their behalf (who represented the whistle blowing social worker in the 'Baby P' case).
20. There is a however a broader issue, which has been long in gestation. It is that the social services operation in St Helena has been dysfunctional and that in certain cases, St Helena Police Service has proven incompetent (sometime due to a lack of resources and expertise) and, in the case of some individuals, corrupt. This has prevented the St Helena authorities from dealing effectively with child abusers, including those within their own ranks. This has created a raft of troubling historical allegations. There have been prosecutions of sex offenders over the last few years which has helped sent a message.
21. Annex A is a chronology of events and reports into allegations so far, which started in 2012.
- Argument
22. Given the serious and likely high profile nature of these allegations, we need to respond in a way that offers reassurance without giving credence to the claims. The safety of children and vulnerable adults in St Helena remains our top priority. Allegations that these cases were not investigated properly in the first place because of a 'cover up' or a culture of child abuse need to be dealt with and in accordance with best practice. While we have no evidence that anyone from HMG has been involved in a conspiracy to cover up child abuse on St Helena, we need to make sure definitively that we have acted in the best interests of the children on the island and sought to protect them from abuse. Given the historic organisational failures on island, we cannot rule out the prospect that some further unsettling allegations may be proven in due course.
23. Whenever allegations of failures in child safety have been made previously, HMG has responded to ensure that proper investigations have been undertaken. There have been two independent reviews in the last year by a child protection NGO (The Lucy Faithfull Foundation, LFF) and an independent police force - Northumbria. These have laid the foundation for progress, which is slowly being made. We have brought in additional police services from the UK and supported the creation of a child safeguarding board by the government of St Helena. DFID continue to provide technical cooperation for funding social service and police posts in

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the St Helena Government and to fund access to specialist advice in child safeguarding policy and practice for LFF and others. But there are serious capacity issues on island, which will require further resource if the pace of improvement is to be increased.

Options

24. We recommend that

- a) we launch a full investigation into the events on St Helena by a multidisciplinary team of independent experts, possibly headed by a QC or senior civil servant (not from DFID or FCO) and with support from social services and policing experts. They would be tasked with investigating the specific allegations from the two former social workers; and
- b) that the independent team of experts work with the Police on St Helena and Social Services in a root and branch reform of their organisations, recognising there will be significant resource implications for HMG, so that the child protection machinery in St Helena is made fit for purposes; and
- c) that OTD seek resource to create a role for an officer with child protection oversight across the OTs. This will help us to respond robustly not only to the current allegations, but to make sure best practice in child safeguarding is enacted in all the OTs. This officer would work with DFID, OT Governments and would draw upon external expertise.

Alternatively,

- c) we do not establish an investigation involving external experts, and instead that FCO/DFID officials supervise on-island investigation by the St Helena authorities. This would be unlikely to stand-up to public scrutiny but could be seen as less intrusive by elements within the St Helena government. This option is not recommended.

Agreement and/or dissent

25. Agreed by Director OTD, [REDACTED] Media Office, and The Governor of St Helena, DFID, FCO HR.

Risk

26. We have added child abuse to Top Risk Register (TRR).
27. Without an external investigation which involves a neutral officer from HMG we are unlikely to be able to lay these allegations of a cover up to rest, nor adequately protect the children on St Helena. There would therefore remain a significant risk to the safety of the children and to our ability to build confidence in the police and social workers on St Helena.
28. We have press lines in place, which are agreed with DFID and have been [REDACTED] to make clear that child safeguarding is our top priority. We cannot go into detail because of the ongoing legal situation, but the sooner we can announce a thorough investigation and who that comprises the better.

Resources

29. There will be costs to the FCO in defending the employment tribunal claims show the employment tribunal should not name us as the first respondent and there will be costs for an investigation involving external people. The HMG officer who will hopefully accompany the investigation would also need to be funded.

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Implementation and evaluation

30. If Ministers agree with the recommendations, HMIG would receive a report of the investigation. If the report could lead to criminal proceedings (as the report from Northumbria police did), which would mean we would ask a CC to review the report and where criminal proceedings should be launched this would, of course, happen. We will work closely across HMIG and with the Governor's office in St Helena to ensure the good governance of the island and the safety of its children.

[REDACTED]
Deputy Head of Falklands and Southern Oceans Dept
OTD

Cc list: PS/SpAds, PS/FUS, Peter Hayes,

[REDACTED]
Mark Capes,

[REDACTED]
(Dir), Kevin Wragg (WMD),

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Department for International Development

Submission to Ministers

To 1. [redacted] approved 21/10
 2. PS/MOS [redacted] Overseas Territories Dept
 Ext [redacted]
 3. PS/SoS [redacted] 8 October 2014
 CC Submissions list
 See end

Funding the independent inquiry into child safety issues on St Helena and Ascension, Islands

Issue

1. How to respond to the letter from Minister Duddridge, requesting that DFID funds the independent inquiry into child safety issues on St Helena and Ascension Islands.

Recommendation

2. The Minister of State replies to Mr Duddridge's letter, proposing that DFID and FCO share the costs of the Inquiry (Option 2 below). A draft reply to this effect is attached at Flag 4.

Communications and parliamentary handling

3. FCO has led the UK Government's response to allegations that the UK and St Helena Governments are involved in covering up cases of child sexual abuse on St Helena (update submission of 1 September attached for convenience at Flag 1). FCO has handled the media interest (particularly from the Daily Mail), announced the intention to hold an independent inquiry and drafted a Written Ministerial Statement (WMS) for parliament. Minister Duddridge wishes to include a clear statement on funding the inquiry in the planned WMS.

Timing

4. Routine

Information

5. Ministers have agreed to appoint Ms Sasha Wass QC, a pre-eminent and high profile barrister with expertise in child safety issues, to lead the inquiry. Ms Wass anticipates appointing a small interdisciplinary panel of experts to assist her. She is unable to visit St Helena until March next year. Before then she will make a preliminary assessment of the issues from available documentation.

Advice

6. We do not know how long the inquiry will last or how much it will eventually cost. Prior to discussions with Ms Wass, FCO officials held the view that funds were needed

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immediately so that she could be contracted as soon as possible. They were also adamant that they did not have the necessary funds available to do so, and asked that DFID meet the initial costs of the inquiry. In response, DFID officials provisionally agreed to make £100,000 available from the current St Helena Budget Aid settlement so that FCO could move quickly to formally contract Ms Wass. These funds have not yet been transferred to FCO.

7. Mr Duddridge has now written to the Minister of State asking that DFID meets the full cost of the inquiry (Flag 2). Options for how he might wish to respond are set out below.

Option 1: FCO pays the full costs. FCO lead on human rights issues and have an overall responsibility for good governance of St Helena through the Governor. There is also a clear precedent for FCO paying the costs of inquiries into child safety issues in ODA-eligible Overseas Territories. FCO met the costs of Operation Unique on Pitcairn - involving investigation, trial and imprisonment of local men for child abuse - estimated at around £7 million. It could, therefore, be argued that the costs of the St Helena inquiry should be met by FCO. A draft reply to this effect is attached at Flag 3.

8. FCO is likely to continue to resist this determinedly, arguing that it has no programme budget from which to meet these costs. FCO is also on track to exceed its ODA target for 2014, so has no incentive to use its ODA allocation to pay for the inquiry. If pressed, it is likely to seek to pass the costs on to the St Helena Government (Option 4 below). However, it could presumably make funds available for the Inquiry from its ODA allocation (£323m in 2014) in the new financial year.

9. If FCO continues to refuse to pay the full costs, further options include:

Option 2: DFID agrees to pay some of the costs. Ms Wass intends to visit the island with members of her panel in March 2015, implying that the majority of the costs of the inquiry will be incurred in 2015/16. Assuming FCO commits to allocating resources to meet inquiry costs incurred next financial year, DFID could agree to cover payments required before 1 April 2015. The funds would come from savings which Overseas Territories Department (OTD) would, of necessity, have to find from its 2014/15 Programme Budget.

DFID could make these funds available to FCO as a Public Expenditure System (PES) transfer in the January window. This would involve funds moving directly from the Treasury to FCO's bank account and has the advantage of allowing us to maintain, correctly, that FCO are meeting the costs of the inquiry. A draft reply proposing this cost sharing arrangement is attached at Flag 4.

Option 3: Alternatively DFID could agree, now, to meet the full costs of the Inquiry using the PES transfer system. The disadvantage of this option is that OTD would be required to deprioritise and postpone even more urgent work, making it difficult for us to honour, fully, our commitment to provide for the reasonable assistance needs of the aided-OTs. A draft reply agreeing that DFID will meet the costs of the Inquiry is attached at Flag 5.

Option 4: St Helena Government (SHG) pays. To do so, SHG would have to make savings in its recurrent expenditure or draw down on its Consolidated Fund. This is the account in which all its own revenues and other income, including

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payments from DFID, are deposited before being distributed to individual SHG Departments to fund their services.

The unaudited balance in the Consolidated Fund in March 2014 was £3.16m. An internal SHG 'rule' requires it to retain £1.25m in reserves to cover unexpected costs, such as unforeseen legal expenses. There are current unmet calls on the Consolidated Fund totalling around £400,000, including the legal costs of a child welfare case and the costs of a prisoner medical referral. Paying for the Child Safety Inquiry would, therefore, appear to be a legitimate call on the Fund.

The main advantage of SHG funding the Inquiry is, simply, that neither FCC nor DFID would then have to do so directly. However, DFID provides just under 50% of SHG's recurrent budget, through our Budget Aid settlements, to ensure the islander's reasonable assistance needs are met. Any decision by SHG to reduce its regular service provision to fund the Inquiry implies that DFID funds will, indirectly, contribute to the meeting around half these costs. It is also likely to result in a request from SHG for increased Budget Aid from DFID in the following year. DFID officials will negotiate the Budget Aid settlement for next year (and possibly the following two years) in Quarter 4 of this financial year.

The disadvantages of requiring SHG to fund the Inquiry include the risk that it will jeopardise plans to construct a new hotel in time for airport opening in early 2016. The UK Government has been urging SHG to address, urgently, the dearth of suitable tourist accommodation on the island, to prevent this constraining the growth in tourism revenues once flights to the island begin. Following months of discussion, SHG recently agreed to use all available reserves in the Consolidated Fund (up to £1.9m) to enable construction of a 30-room hotel in Jamestown ('1,2,3 on Main Street'). This agreement was hard-won, at the end of long and acrimonious discussion with Councilors and others about how best to improve the island's visitor accommodation offer.

Should SHG have to abandon plans for 1,2,3 on Main - the lowest cost hotel development option under consideration - in order to fund the Inquiry, its credibility on island would suffer, damaging rifts would be reopened between St Helena's law makers and the Executive, and there would be a significant loss of trust in the UK Government on island. There would be possible knock-on effects on the enthusiasm of airlines to provide an air service and on the costs to the UK Government supporting the service. The UK would also face criticism that it was undermining the broader aims of the airport project by derailing plans to improve the island's accommodation offer.

Should Ministers choose this option, we will work with FCC colleagues on a communications and handling plan to mitigate the expected adverse reaction from SHG, elected Councilors, the local private sector on St Helena and interested parliamentarians.

Deputy Head of OTD

CC

Beverley Warmington
St Helena Programme Team

OFFICIAL-SENSITIVE

FLAG 3

Thank you for your letter setting out the action you propose to take to establish the independent inquiry under Ms Sasha Wass QC and to inform parliament of its Terms of Reference. As you know, I am fully supportive of this approach.

On the issue of funding, DFID officials had indicated that they would support the use of up to £100,000 from their budgetary assistance to the St Helena Government as a stop gap measure on the understanding that Ms Wass would be available to start work immediately. In the event, this has not proved to be the case. I therefore think it more appropriate that FCO look first to its own ODA allocation to fund the resources needed to fund the inquiry. This would follow the precedent set when FCO met the full costs of the sex abuse trials of Pittcaim men in 2004.

OFFICIAL-SENSITIVE

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LRK

OFFICIAL-SENSITIVE

FLAG 4

Thank you for your letter setting out the action you propose to take to establish the independent inquiry under Ms Sasha Wass QC and to inform parliament of its Terms of Reference. As you know, I am fully supportive of this approach.

On the issue of funding, I suggest we agree to share the costs between our Departments. DFID will agree to meet the costs of the inquiry incurred in this financial year, up to a limit of half the estimated total cost, if FCO commit to meeting the inquiry costs incurred from the beginning of the new financial year.

My understanding is that FCO will hold any contracts and make the actual payments for costs incurred by those working on the inquiry. My preference is that DFID provides funds for FCO to do so this financial year through a Public Expenditure System transfer in January 2015. The use of this mechanism will allow FCO to state, correctly and appropriately, that it is meeting the costs of the inquiry.

OFFICIAL-SENSITIVE

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OFFICIAL-SENSITIVE

Sub for reply

FLAG 5

Thank you for your letter setting out the action you propose to take to establish the independent inquiry under Ms Sasha Wass QC and to inform parliament of its Terms of Reference. As you know, I am fully supportive of this approach.

On the issue of funding, I agree that DFID will meet the costs of the inquiry. My understanding is that FCO will hold any contracts and make the actual payments for costs incurred by those working on the inquiry. My preference is that DFID provides funds for FCO to do so through a Public Expenditure System transfer direct from the Treasury. The use of this mechanism will allow FCO to state, correctly and appropriately, that it is meeting the costs of the inquiry.

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Foreign &
Commonwealth
Office

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To: 1. PS PUS
2. PS

From: [REDACTED]
Date: 03 November 2014

SUBJECT: Payment for and announcement of St Helena child abuse inquiry

Issue

Announcing the DFID-funded inquiry into child abuse on St Helena.

Recommendations

1. That the Foreign Secretary issue a WMS announcing the QC and publishing the terms of reference for the inquiry on Thursday 20 November (Annex A and B).
2. That the Foreign Secretary writes to the Governor of St Helena announcing the QC and asking for the support of the Councilors (Annex C).

Timing

Urgent. The delay in announcing has been due to DFID's unwillingness to commit to funding. Now this is clear we need to ask PRD to lay the attached WMS in the House on 19 November for publication on 20 November.

Comment

[REDACTED] *Head of Falklands and Southern Oceans Department*

Agreed. DFID's reluctance to commit to funding has delayed the announcement of this investigation but we now need to move quickly to build confidence in the steps the Government is taking to tackle child abuse in the Overseas Territories

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Background

1. The former Foreign Secretary agreed to the formation of an inquiry into child abuse on St Helena, appointing a QC – Sasha Wass. Mr Duddridge wrote to Minister, Swayne in DFID to ask that DFID pay for the inquiry. We estimate this will cost no more than £1m (and hopefully far less). Today DFID has agreed to fund the costs of the inquiry.
2. The child abuse inquiry was formed when two former social workers from St Helena contacted solicitors with allegations that they had suffered a detriment as a result of whistleblowing about child abuse on St Helena. They alleged there was a conspiracy to cover up child abuse and because of previous problems on St Helena we saw good reason to have these allegations investigated thoroughly and independently.
3. We now need to inform Parliament and the Councilors of St Helena who is leading the inquiry and what the terms of reference are. We recommend this be announced through WMS. Media Office planners have suggested 20 November as it is crucial this occurs prior to the opening of the Employment Tribunal being brought against the FCO and DFID by the two social workers who have made allegations of a conspiracy to cover up child abuse (27 and 28 November).
4. The Draft of the WMS and the letter to Councilors are at Annexes A and C for clearance. The Terms of Reference at Annex B have been cleared already by the former Foreign Secretary.
5. Sasha Wass will act independently of Government. The inquiry does not have statutory status and Wass is unable to compel witnesses. We believe that although there is criticism on St Helena about the media coverage leading up to the inquiry and the behaviour of two social workers who, through their allegations have made the inquiry necessary, that we will find general support for the inquiry on island and it is essential it is thorough and impartial.

Argument

6. It is good that DFID have agreed to pay for the whole inquiry as they had previously asked the FCO to fund half the costs. This would have set an unhelpful precedent and could have passed contingent liabilities to the FCO. DFID fund half of St Helena's government cost (£30m) and are building an airport on St Helena for £250m.

Agreement and/or dissent

7. OTD, Media Office, [REDACTED] PRD

Media Handling

8. The QC will be free to choose her own media and has said that she would let us know in advance if she wishes to do any. We expect there to be strong media interest. She is likely to issue a statement confirming her appointment. We will not issue a proactive statement, but will refer to the WMS. We will ask if the QC would be interested in talking to the Times as we believe it would be sensible for her to strike up a relationship with a reputable reporter at a broadsheet, considering the sensationalist reporting by the Daily Mail earlier this year.
9. The Employment Tribunal will be covered by media who have expressed on-going interest. Channel 4 is coming to the Court. We have a good story to tell about action we have taken but it is likely that media coverage will focus on a conspiracy and will link it to the Westminster inquiry in terms of people in authority being untrustworthy. We are not able to talk about the Employment Tribunal as it is an ongoing case.

Resources

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10. OTD have appointed a new official (C5) to lead our response to child abuse allegations across the Territories, and this officer will provide administrative support to Sasha Wass as part of her work.

Implementation and evaluation

11. Review of the inquiry has been agreed with the PUS and monthly bills will be provided to the PUS and Minister Duddridge as per the PUS's request.

OTD

Cc list: PUS, Sarah Macintosh, Peter Hayes, [REDACTED] PS/SpAds, [REDACTED] PS
Mr Duddridge, Sarah Rees (PRU).

Attachments list:

Annex A: Draft WMS
Annex B: Terms of Reference
Annex C: Draft letter from the Foreign Secretary to the Government of St Helena

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Annex A: Draft WMS
St Helena Child Abuse Inquiry
The Foreign Secretary

The House may be aware that serious allegations have been made by former employees of the authorities of the British Overseas Territory of St Helena. These allegations involve claims relating to child abuse in the Territory, police corruption and incompetence, and a conspiracy by the St Helena Government (SHG), the FCC and DFID to cover these up.

We are bound to take such allegations extremely seriously. Mark Simmonds, announced to the House of Commons on 21 July the establishment of an independent inquiry to establish the truth of these allegations and make recommendations as appropriate.

I am pleased to advise the House that I have agreed that Ms. Sasha Wass QC should lead this inquiry. Ms. Wass is a very accomplished barrister with substantial professional experience of dealing with these kinds of issues. I am confident that she will lead this inquiry with great rigour, fairness and sensitivity.

Matters of child safety matters require discretion and confidentiality. The issues self-evidently involve vulnerable people, whose privacy must be protected and confidences respected. I am certain this inquiry will do that. But with that caveat, it is also important that as much of this process is as transparent as possible. That is why I am today publishing the Inquiry's Terms of Reference (TORs), agreed with Sasha Wass, so the full scope of the issues is clear to everyone.

I understand that Ms. Wass will conduct an initial review of the allegations contained in various documents, including the independent reports produced by others in response previously to specific concerns. We are also providing Sasha Wass with full disclosure of the UK papers that relate to these allegations. Ms. Wass will then make a judgement about the scope of her investigations, including on the appointment of a team of independent experts to help her with this task. I also understand that Ms. Wass will travel to St Helena once this initial phase of her work is completed.

Since allegations relating to child safety were first raised in late 2012, the British Government has been swift to ensure that they were investigated appropriately. We commissioned the respected Lucy Faithfull Foundation conduct an initial review, which was then followed by an investigation by Northumbria Police. Both reports made important recommendations, which the authorities on St Helena are working to implement with support from ourselves. And there have been arrests and convictions for child sex offenses.

More, however, needs to be done. This new inquiry will not be quick. But it will be thorough. And I am confident that the facts will be established.

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Annex B: Terms of Reference:

Terms of Reference for the Investigation into Allegations Surrounding Child Safety Issues in St Helena and Ascension Island

1.1 These terms of reference have been determined by Ms Sasha Wass QC and agreed by the Secretary of State for Foreign and Commonwealth Affairs.

2. BACKGROUND

2.1 The constitutional relationship between the UK and the Overseas Territories (OTs) includes the UK's obligations under the UN Charter, "to promote to the utmost... the well-being of the inhabitants of these territories", including the development of self-government, political, economic, social and educational advancement, just treatment, and protection against abuses.

2.2 As the White Paper of June 2012 makes clear, the UK Government has responsibilities to the people of the Territories to ensure their good governance. Those living in the Territories have a right to expect the same standards of governance as in the UK, including in the areas of human rights, rule of law and integrity in public life.

2.3 There is a particular responsibility for Territory Governments to ensure the safeguarding of children, for which the UK provides practical assistance and support. There are substantial challenges: relatively small and isolated island societies will have limited capacity to provide a full complement of public services. Small-island communities, where people know each other and many are related, can also give rise to insular attitudes that undermine international standards such as those promoted through the United Nations Convention on the Rights of the Child (UNCRC).

2.4 DFID and FCO have been supporting child safeguarding initiatives in the OTs for the last nine years, most recently through the Safeguarding Children in the Overseas Territories (SCOT) programme (2013-2016), which followed on from an earlier SCOT programme (2009-2013) and a regional Child Protection Programme (CPP, 2005-2009). Although tangible progress was made in earlier programmes to raise awareness and build capacity, the new programme will focus on gaining a deeper understanding of the problem including how to detect, prevent and address child abuse. Much political will has been built across the OTs evident in the 2012 Joint Ministerial Council (JMC) Communiqué that committed OT Governments "to improve strategies to ensure the safeguarding of children, based on a strong belief in zero tolerance to child abuse in whatever form it comes".

2.5 The SCOT programme operated in St Helena, with some limited support provided to Ascension. The programme helped encourage revised and updated legislation to protect children, established professional protocols and procedures for those involved in child services, improved the provision of training for St Helena officials, and helped to promote local ownership of the safeguarding agenda.

2.6 On Ascension Island, where there is no permanent population, the provision of such services is less advanced. Nevertheless there is a Child Safeguarding Board comprised of the Administrator and representatives that deal with health, education and the police. There are a few professionals on island with some distance support provided by St Helena.

2.7 Through the recent and current SCOT programmes, support has been provided to St Helena through a Lucy Faithfull Foundation review (2013) and technical expertise to take forward a robust child safeguarding action plan arising from review recommendations.

Recent History

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2.8 In November 2012, the FCO received anonymous allegations in relation to St Helena and Ascension that sexual offenses against children were not being properly investigated or prosecuted and that the Saint Helena Police Service (SHPS) in particular was failing in its duty to children and vulnerable adults. A number of separate investigations were undertaken, including in response to further allegations. On the basis of recommendations made by the investigations, the St Helena authorities responded with action plans to address the deficiencies identified. Relations between St Helena's Social Services and the SHPS remained difficult however, leading to a breakdown in the professional relationship between the two organisations.

2.9 In March 2014, St Helena's Chief Justice expressed concern about the conduct of St Helena Government (SHG) officials during an adoption case in Ascension and recommended an independent barrister-led review into whether any wrongdoing had been committed. A number of officials were subsequently suspended pending a police investigation.

2.10 In July, the FCO received a letter of resignation from the suspended Senior Social Work Manager alleging detriment for whistle-blowing. In a separate document prepared for an Employment Tribunal, the former employee made a substantial number of separate allegations relating to specific child safety incidents on St Helena and Ascension, the response of the local government authorities, and the role of the FCO and DFID. A separate but similar document from another former employee of Social Services echoed these allegations.

2.11 In response, the then Secretary of State for Foreign and Commonwealth Affairs agreed to establish an independent panel of experts to investigate these allegations and any related matters which the panel thought pertinent.

3. PURPOSE

3.1 Given the serious nature of these allegations FCO and DFID Ministers have commissioned an independent expert inquiry to undertake a multi-disciplinary investigation into the allegations raised and to provide an assessment of their veracity in order to assess the existence of any systemic failings that require addressing. The panel is invited to examine any other issues that may emerge as part of their investigation, and to make recommendations on actions to be taken in response to their assessment.

4. SCOPE OF WORK

4.1 The Investigation Panel will be headed by Ms. Sasha Wass QC, who will be supported by a multi-disciplinary team of experts.

4.2 The scope of the Panel's work will be conditioned by their assessment of the allegations made and by any other such related issues as come to the Panel's attention. This will include, though will not be restricted to:

- a) a review of SHG and the St Helena authorities' response to the recommendations of the independent police reports, the Lucy Faithfull Foundation report, and others, relating to allegations following the letter of November 2012;
- b) an assessment of the role of the FCO and DFID in responding to these emerging concerns;
- c) an appraisal of the response of the St Helena authorities, including the Department of Health and Social Welfare and SHPS, to the specific child safety incidents detailed in the allegations, and whether further investigation, including criminal investigation, is required;
- d) a review of the historic and current relationship between Social Services and the SHPS, and the implications for child safety.

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Annex C: Draft letter from The Foreign Secretary to Governor, Jamestown

Dear Governor,

As you and Councillors will know, following allegations of systematic child safety failures in Ascension and St Helena my predecessor agreed that we should initiate an independent inquiry to establish the truth of these allegations and make recommendations as appropriate.

I am pleased to tell you that I have agreed that Ms. Sasha Wass QC should lead the Inquiry. Ms. Wass is an accomplished barrister with substantial professional experience of dealing with these kinds of issues. I am very confident that she will lead this Inquiry with great rigour, fairness and sensitivity.

Matters of child safety require discretion and confidentiality. These issues self-evidently involve vulnerable people, whose privacy must be protected and confidences respected. I am absolutely certain that this Inquiry will do that. But with that caveat it is also important that as much of this process is as transparent as possible. That is why I am publishing the Inquiry's Terms of Reference (TORs), agreed with Sasha Wass, so the full scope of the issues is clear to everyone. I attach the TORs to this letter accordingly.

I understand that Ms. Wass will conduct an initial review of the allegations contained in various documents, including the independent reports produced by others in response previously to specific concerns. We are also providing Sasha Wass with full disclosure of the UK papers that relate to these allegations. I hope that the St Helena Government will do likewise. Ms. Wass will then make a judgement about the scope of her investigations, including on the appointment of a team of independent experts to help her with this task. I understand that Ms. Wass hopes to travel to St Helena once this initial phase of her work is completed, most likely early next year.

I know that these allegations, and the way they have been reported in the media, have caused deep upset to many people in St Helena and Ascension. This is understandable: we know from our own experience in the UK that these are dark, troubling and painful matters. But I hope that the people of St Helena and Ascension know that it is not they who are being judged. Like all of us, Saints care deeply about their children and want to see everything done to ensure they remain safe from harm. A society can be neither condemned for, nor defined by, the despicable actions of a small minority. But it is incumbent on all of us – families, authorities, and political leaders – to do all we can both to expose those who would harm our children and to be honest when those charged with their protection regrettably fail them. This is what the Inquiry will do, and I hope that Councillors – and indeed everyone in the islands – will give Sasha Wass their active support.

I appreciate that people will have many questions about the detail of how the Inquiry will work. I am sure Ms. Wass will want to answer these in due course, as the structure of the Inquiry process is shaped. In the meantime I would ask for patience. This will not be quick. But it will be thorough. And the facts will be established.

Yours sincerely,

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e) an assessment of the treatment of, and support given to, employees and others who bring child safety concerns to the authorities' attention ('whistle-blowers');

f) an assessment of how SHG and its authorities handles child and vulnerable adult sexual abuse cases in general;

g) a review and assessment of other matters not envisaged at the initial stages of the inquiry but which, during the course of the inquiry, it appears prudent to include in scope.

4.3 The Panel will have access to all relevant papers from the FCO, DFID and SHG and its authorities. It will also be able to request the opportunity to interview current and former officials, and other relevant persons, and to take oral and written submissions as evidence. The Panel will be expected to visit St Helena as part of this process.

4.4 The Panel will be cognisant of the potential for criminal proceedings arising from these or related matters. They will be conscious of the importance not to cut across existing criminal investigations and employment tribunal cases, but will also make recommendations where they believe further criminal enquiries should be made.

5. OUTPUT

5.1 Ms Wass will produce an initial assessment of the allegations, with a proposal to structure the process of the inquiry, including recommendations for the composition of the Panel. This outline of process and a timeline for completion will be submitted to Ministers by March 2015 with a final report by summer 2015.

5.2 The Panel will periodically update Ministers on their progress, as required.

5.3 The Panel will produce a public report of its findings, a draft of which will be shared with the principal parties for fact checking before publication. In the event of recommendations for further criminal investigation, these will be contained in a confidential annex for the St Helena authorities and HMG.



Foreign &
Commonwealth
Office

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To: 1. PS PUS
2. Foreign Secretary

From: [REDACTED]
Date: 03 November 2014

SUBJECT: Payment for and announcement of St Helena child abuse inquiry

Issue

DFID has agreed to pay £500k (half the estimated cost) of the inquiry into child abuse on St Helena. They have asked that the FCO pay the other half. We seek agreement for this and for the announcement of the QC leading the inquiry through a WMS.

Recommendations

As this issue is now urgent and we need to pay the QC appointed to lead the inquiry, OTD recommends that:

1. The FCO agrees to pay £500,000 towards the cost of the child abuse inquiry. Although this would appear to set an unhelpful precedent, we believe we have exhausted negotiations with DFID and the inquiry must begin.
2. That we issue a WMS announcing the QC and publishing the terms of reference for the inquiry in the name of the Foreign Secretary in Parliament on 18 November.
3. That we say HMG paid for the inquiry if asked, and do not differentiate between departments. We do not say the FCO paid for the whole inquiry.

Timing

Priority. We need to be able to pay the QC for her first month of work. The issue of child abuse is in the spotlight and we are receiving media interest. We wish to pay the WMS on 18 Nov but need agreement by 14 November with a cleared WMS for this to happen.

Comment

Peter Hayes, Director OTD commented:

"Agreed. It is frustrating that DFID is again seeking to shift its liabilities for the OTs towards FCO. Accepting their offer of 50% of the estimated costs sets an unhelpful precedent, but I agree that the higher priority is now to get on and announce the enquiry."

1.

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Background

1. Minister Simmonds and the former Foreign Secretary agreed to the formation of an inquiry into child abuse on St Helena. We appointed a QC - Sasha Wass. Minister Duddridge then received a submission on this issue and he wrote to Minister Swayne in DFID to ask for DFID to pay for the inquiry which we believe will cost approximately £1m. The final costs could be higher, and this is only an estimate.
2. DFID have declined, at Secretary of State level, to pay for the whole inquiry and have agreed to pay £500,000. DFID give £30m p.a. to St Helena and are building a new airport there for nearly £250m.
3. The FCO would therefore need to pay at least £500k towards the inquiry if the Foreign Secretary agrees. This sets an unhelpful precedent as it, in effect, shifts liabilities for the OTs further towards the FCO and away from DFID. DFID is also insisting that the money is transferred to the FCO from HMT in order to claim that the FCO is funding 100% of the inquiry.
4. When the payment is agreed we need to inform Parliament and the Councillors of St Helena of who is leading the inquiry and what the terms of reference are. We wish to do this through a WMS in the Foreign Secretary's name in the absence of Minister Duddridge. We will work with Media Office on a comms strategy.

Argument

5. OTD Director believes we should agree to pay half of the inquiry costs as we seem to have exhausted negotiations with DFID. We are concerned this sets a precedent, but with the media spotlight on child abuse and our desire to get the inquiry moving in order to help the vulnerable children we believe that paying this time is acceptable but not preferable. The letter from Minister Swayne is at Annex A.
6. DFID do not want their name or funding linked to this inquiry. Therefore we have not included anything about funding in the WMS. If asked, we propose that the FCO state that the inquiry is HMG funded but we do not propose we say the FCO funded it all, which is DFID's wish. Is the Foreign Secretary content with this approach?
7. The draft WMS is at Annex B for clearance.

Agreement and/or dissent

8. Director OTD, Media Office, [REDACTED] RMU

Risk

9. If we do not agree to pay for half the inquiry the work will be slowed down, possibly leaving children vulnerable, and we will not be able to pay the QC who has already started her work.

Resources

10. £500k. OTD have a potential underspend of £500k this year. This has arisen because the centre paid a bill which was meant to be paid by OTD and was built into our programme bid. RMU have agreed that this potential underspend can be used toward the work required on St Helena, it is possible that we will need to pay more than £500k as this is only an estimate.

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Implementation and evaluation

- 11. Review of the inquiry has been agreed with the PUS and monthly bills will be provided to the PUS and Minister Duddridge.

OTD

Cc list: Peter Hayes,

PS/SpAds,

J-S Duddridge.

Attachments list:

- Annex A: Letter from Minister Swayne to Minister Duddridge
- Annex B: Draft WMS

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Annex A: Letter from Minister Swayne to Minister Duddridge



 RECEIVED 31 OCT 2014

Department for International Development

James Duddridge
 Development Director
 10 King Charles Street
 Whitehall, London SW1A 2AH

Dear James

I refer to the letter dated 27th September 2014 regarding the request for the Department for International Development to fund the implementation of the 'Twinning' programme. As per the letter dated 27th September 2014, the Department for International Development has agreed to fund the implementation of the 'Twinning' programme. As per the letter dated 27th September 2014, the Department for International Development has agreed to fund the implementation of the 'Twinning' programme.

Yours truly,

 JAMES DUDDRIDGE

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Annex B: Draft WMS

St Helena Child Abuse Inquiry
The Foreign Secretary

The House may be aware that serious allegations have been made by former employees of the authorities of the British Overseas Territory of St Helena. These allegations involve claims relating to child abuse in the Territory, police corruption and incompetence, and a conspiracy by the St Helena Government (SHG), the FCO and DFID to cover these up.

We are bound to take such allegations extremely seriously. My former Minister, Mark Simmonds, announced to the House of Commons on 21 July that the then Foreign Secretary had agreed to establish an independent inquiry to establish the truth of these allegations and make recommendations as appropriate.

I am pleased to advise the House that the Secretary of State and I have agreed that Ms. Sasha Wass QC should lead this inquiry. Ms. Wass is a very accomplished barrister with substantial professional experience of dealing with these kinds of issues. I am confident that she will lead this inquiry with great rigour, fairness and sensitivity.

Child safety matters often require discretion and confidentiality. The issues self-evidently involve vulnerable people, whose privacy must be protected and confidences respected. I am certain that this inquiry will do that. But with that caveat, it is also important that as much of this process is as transparent as possible. That is why I am today publishing the Inquiry's Terms of Reference (TORs), agreed with Sasha Wass, so the full scope of the issues is clear to everyone.

I understand that Ms. Wass will conduct an initial review of the allegations contained in various documents, including the independent reports produced by others in response previously to specific concerns. We are also providing Sasha Wass with full disclosure of the UK papers that relate to these allegations. Ms. Wass will then make a judgement about the scope of her investigations, including on the appointment of a team of independent experts to help her with this task. I also understand that Ms. Wass will travel to St Helena once this initial phase of her work is completed.

Since allegations relating to child safety were first raised in late 2012, the British Government has been swift to ensure that they were investigated appropriately. We commissioned the respected Lucy Faithful Foundation to conduct an initial review, which was then followed by an investigation by Northumbria Police. Both reports made important recommendations, which the authorities on St Helena are working to implement with support from ourselves. And there have been arrests and convictions for child sex offenses.

More, however, needs to be done. This new inquiry will not be quick. But it will be thorough. And I am confident that the facts will be established.

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previously to specific concerns. We are also providing Sasha Wass with full disclosure of the UK papers that relate to these allegations. Ms. Wass will then make a judgement about the scope of her investigations, including on the appointment of a team of independent experts to help her with this task. I also understand that Ms. Wass will travel to St Helena once this initial phase of her work is completed.

Since allegations relating to child safety were first raised in late 2012, the British Government has been swift to ensure that they were investigated appropriately. We commissioned the respected Lucy Faithfull Foundation to conduct an initial review, which was then followed by an investigation by Northumbria Police. Both reports made important recommendations, which the authorities on St Helena are working to implement with support from ourselves. And there have been arrests and convictions for child sex offenses.

More, however, needs to be done. This new inquiry will not be quick. But it will be thorough. And I am confident that the facts will be established.

Top lines

We have today (Thursday 20 November 2014) announced to Parliament that Sasha Wass QC will be leading the independent inquiry into allegations of a conspiracy to cover up child abuse on St Helena. [Refer to WMS above.]

We take these worrying allegations extremely seriously. This inquiry will be thorough, independent and led by a renowned QC. The QC will travel to St Helena and will review documents in the UK. She will be able to ask to interview anyone.

Q&A

Is it a statutory inquiry?

No

Does the QC have powers to compel witnesses?

No

Then what's the point?

Serious allegations have been made about people both on and off St Helena about their role in an alleged conspiracy. We must allow a QC to investigate thoroughly. If individuals do not agree to speak with the QC, material can still be provided to the police if the QC deems it necessary. These people could be interviewed by the police if the QC believe vital information is being withheld. [On background: Most people who are involved have agreed to meet with the QC.]

When will the inquiry report?

It depends on the evidence collected and the processes, criminal or otherwise, which may come out of this inquiry. [On background: Our best estimate at the moment is Autumn 2015.]

Why do we care about St Helena?

St Helena is an Overseas Territory of the UK. The Governor, who is head of the St Helena Government, is an FCO employee and the Queen is St Helena's Head of State. St Helena's constitution means the Governor to have responsibility for good governance, which includes child safeguarding. We have an interest, of course, in making sure that the British Nationals of St Helena are protected under the law and are afforded the same standards of child safeguarding as the UK.

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Media handling and
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Media handling – St Helena Child Abuse Inquiry

Media coverage so far:

The story of child sex abuse allegations on St Helena first broke on 4 July 2014 in a local newspaper – the St Helena Independent.

Louise Eccles from the Daily Mail has been asking questions since mid-June, requesting various reports under FOI and contacting DfID, Northumbria police, St Helena government and a number of individuals. The Daily Mail online published three articles:

15 July – ‘A culture of sexual abuse of children’: Shocking report claims British overseas territory of St Helena is rife with child abuse, domestic violence and sexual exploitation

23 July (Press Association copy) – Probe into St Helena allegations

24 July – Probe launched by Foreign Office into allegations of child abuse on British territory of St Helena after claims were revealed by child protection charity

The Lucy Faithfull Foundation (child protection NGO) provided this statement to the Daily Mail:

Workers from the Lucy Faithfull Foundation visited St Helena last May, in order to conduct a review of the arrangements for child safeguarding on that island. They subsequently prepared a confidential report for DFID and the Foreign and Commonwealth Office. This was subsequently shared with the St Helena Government. The observations and recommendations made in the report were accepted, and an action plan is currently in place which workers from the Foundation are helping to implement.

Draft WMS: Foreign Secretary, 20 November 2014

The House may be aware that serious allegations have been made by former employees of the authorities of the British Overseas Territory of St Helena. These allegations involve claims relating to child abuse in the Territory, police corruption and incompetence, and a conspiracy by the St Helena Government (SHG), the FCO and DFID to cover these up.

We are bound to take such allegations extremely seriously. Mark Simmonds announced to the House of Commons on 21 July the establishment of an independent inquiry to establish the truth of these allegations and make recommendations as appropriate.

I am pleased to advise the House that I have agreed that Ms. Sasha Wass QC should lead this inquiry. Ms. Wass is a very accomplished barrister with substantial professional experience of dealing with these kinds of issues. I am confident that she will lead this inquiry with great rigour, fairness and sensitivity.

Matters of child safety matters require discretion and confidentiality. The issues self-evidently involve vulnerable people, whose privacy must be protected and confidences respected. I am certain this inquiry will do that. But with that caveat, it is also important that as much of this process is as transparent as possible. That is why I am today publishing the inquiry's Terms of Reference (TORs), agreed with Sasha Wass, so the full scope of the issues is clear to everyone.

I understand that Ms. Wass will conduct an initial review of the allegations contained in various documents, including the independent reports produced by others in response

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Media handling and
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What have you done so far to stop child abuse on St Helena?
Overseas Territory governments have the principal responsibility for safeguarding children in the Overseas Territories, for which the UK provides practical assistance and support as we should under the terms of the agreements with the FCO and DFID. The FCO and DFID have been supporting child safeguarding initiatives in the OTs for some time, most recently through the Safeguarding Children in the Overseas Territories (SCOT) programme (2013-2016).

[On background: This followed on from an earlier SCOT programme (2009-2013) and a regional Child Protection Programme (CPP, 2005-2008). Tangible progress was made in earlier programmes to raise awareness and build capacity. The current SCOT programme is focused on gaining a deeper understanding of the problem, including how to detect, prevent and address child abuse.]

In St Helena, the SCOT programme has helped encourage revised and updated legislation to protect children; established professional protocols and procedures for those involved in child services; improved the provision of training for St Helena officials; and helped to promote local ownership of the safeguarding agenda.

Support has been provided to St Helena through a Lucy Faithfull Foundation review (2013) and technical expertise to take forward a robust child safeguarding action plan arising from review recommendations.

The FCO have been working closely with the UK police who have investigated reports into child sex abuse of St Helena and continue to do so.

Who is funding this investigation and how much will it cost?

HMG is funding this inquiry. We do not yet know how much it will cost. On background, it is likely to be hundreds of thousands of pounds.

The FCO is administering the inquiry – the Child safeguarding and domestic violence policy officer will be running administration for Ms Wass.

Why has it taken four months to launch this inquiry (Mark Simmonds announced that an inquiry would be established on 21 July)? When will the investigation conclude – surely lots of children are at risk right now and have been for some time?

It takes time to find the right person to lead the inquiry and to be clear how we should fund it. Work has carried on on St Helena regardless – with a new Achieving Best Evidence suite opening, training continuing, more social workers arriving and links with Local Authorities being established. There is also a police training review taking place. Children who may be at risk are being monitored by social services. The active day to day work on the island is continuing while the inquiry begins.

What was the process for appointing the OC and did you consider others?

We consulted with the Propriety and Ethics Team in the Cabinet Office. Ms Wass's record in prosecuting child abusers and her up to date training meant she was the person recommended to us by the Cabinet Office and she was deemed to be suitable. We were pleased she was available. There was no one else suitable.

Who will the team of independent experts be and how/when will they be appointed?
Ms Wass will appoint experts as she sees fit.

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What progress has St. Helena made on the recommendations in the Lucy Faithfull and Northumbria Police reports? Are HMG satisfied with their progress and what support have you offered to help them meet these recommendations?

SHG has accepted and taken forward the majority of recommendations from the Lucy Faithfull Foundation and Northumbria Police reviews. Key to the success of this has been the significant improvement in the way the various agencies now work together. This has delivered tangible results in terms of case management, protection, investigations and successful prosecutions. Additional staff have been recruited to the police and social services. Training is underway for all employees of SHG and NGOs who work with children. Social services and Police procedures/policies have been reviewed. Further recommendations made to improve services have been accepted and are being taken forward.

Both DFID and the FCO have supported SHG to take these initiatives forward by providing funding for specialist posts, training, advice and equipment.

- Safeguarding Children's Board meeting regularly and reviewing Action Plan.
- Key agencies now working together effectively.
- Detective Chief Inspector and police sergeant specialising in safeguarding issues both in post. 2 constables arrive early 2015 to work with sex offenders in community.
- Social worker recruited for two years with another three here temporarily to assist. Social services structure reviewed and a new Safeguarding Directorate established from 1 December 2014. New manager arrives January 2015.
- A number of old cases reviewed and being actioned. More advice being sought from LFF needed on setting up 'Serious Case Reviews'.
- Multi Agency Public Protection Arrangement (MAPPA) and Multi Agency Safeguarding Hub (MASH) policies adopted with Multi Agency Risk Assessment Conferences being planned for early 2015.
- Awareness campaign underway with media and involvement.
- Training underway for SHG employees. Specialist training being delivered for front line staff early next year.
- Local Authority Designated Officer (LADO) in place. Lucy Faithfull Foundation providing advice to all agencies.
- Family centre for victims refurbished. Refuge for victims of domestic violence identified and funding sourced. Achieving Best Evidence suite now open.
- Community, policing adviser visited and recommendations now being adopted. Police training review underway. Police pay review completed and Market Forces Supplement (MFS) introduced; cadre review underway; Police Code of Ethics published and adopted; Professional standards procedures and Ordinance drafted.

Employment Tribunal

1. [Background, not for sharing: Claire Gannon and Martin Warsama were social workers on St Helena. They are claiming constructive dismissal and detriment as a result of whistleblowing and so have sued the FCO and DFID. We contend we were not their employers and that St Helena Government is their employer.]

Top line (agreed with Dfnd)

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"We have been named as the first respondent in an employment tribunal regarding two workers on St. Helena. Due to the ongoing legal situation it would be inappropriate to comment further."

2. [Background: The solicitors for the defendants have leaked a version of the Lucy Faithfull Foundation (Child safeguarding NGO) report on their website.]

Top line (agreed with Dfnd)

"The Lucy Faithfull Foundation made recommendations and produced a full and final version which, because of issues of victim confidentiality and child safeguarding, was not made public, although an executive summary was released. We will not be releasing this report as we take our responsibility towards victim confidentiality very seriously and want to ensure people feel able to speak out in future investigations without fear of publication."

"We are disappointed that Equal Justice has published a draft version of a report from the Lucy Faithfull Foundation, which is different from the final report."

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UK police investigation/reportsTop lines

- The Saint Helena Government, with the support of the UK, takes all aspects of policing very seriously. St Helena expects its police officers to have high standards of integrity and competence, especially where issues affecting the safety of children are concerned.
- The FCO commissioned Northumbria Police to undertake an independent and professional assessment of the St Helena Police Service, following anonymous allegations against specific police officers and broader issues about the efficacy of the Service.
- The report found no evidence of criminality by individual officers, but make a number of helpful recommendations about how the performance of the police could be improved. As a result, the St Helena Police Service is implementing these recommendations, under new leadership, and we will continue to support them in these efforts.
- The Governor and the UK will not hesitate to take action when low standards of policing and social services require it. Where allegations of inappropriate behaviour or ineffective performance are made, we will ensure they are investigated and action taken as necessary.

Merseyside Police Investigation

[Background, not for sharing: There is a separate investigation into an adoption on St Helena. This is being run by Merseyside Police. It also involves the two social workers involved in the employment tribunal.]

Q&A

- Q) Is Merseyside supporting St Helena police?
 A) Merseyside police is supporting St Helena police in a current investigation.

Q) In what role?

A) St Helena's Detective Chief Inspector is the Senior Investigating Officer in this case; Merseyside are providing investigation resources. This case is distinct from the QC led independent inquiry into a conspiracy to cover up child abuse on St Helena.

Q) Why?

A) This is a complex and sensitive investigation and St Helena Police has limited resources. There are a number of enquiries to be conducted within the UK. The assistance of Merseyside Police will ensure that there sufficient resources available to conduct an expeditious and thorough investigation.

Q) Why Merseyside?

A) A number of UK Police Forces were considered and Merseyside was identified as best placed to resource this enquiry.

Q) Why is St Helena police involved at all if the independence and expertise of Merseyside is needed?

A) This investigation relates to conduct connected to St Helena and therefore it is appropriate that St Helena Police have a lead role in this enquiry.

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- Q) Will Merseyside police be travelling to St Helena?
 A) It is quite likely that at some stage some Merseyside officers will travel to St Helena.

Q) How many Merseyside Police officers is the force sending to St Helena?

A) This will be determined as and when the operational need arises.

Q) What are the ranks of the officers who are going and how were the officers selected?

A) This will be determined as and when the operational need arises.

Q) How much will this deployment cost? Who will pay?

A) All costs incurred will be reimbursed by St Helena Government.

Q) How long is the investigation expected to last?

A) This is a complex enquiry that will be carried out as thoroughly but as quickly as possible.

PQ responses:

What information has the Department received about allegations of child abuse and police corruption on St Helena since May 2010: when that information was received; and what steps his Department took in response to that information.

Safeguarding children in St Helena is a critical priority for the St Helena Government and the UK. There have been a number of allegations in recent years about child safety and police corruption. In response there have been several investigations and reviews into St Helena – including from independent police forces and from child safety NGO. These have resulted in detailed action plans from the St Helena Government and police service to improve their ability to protect children.

Last week, we received further allegations of a conspiracy to cover up child abuse on St Helena from former employees of the St Helena Government. We take such allegations extremely seriously. In response, the then Secretary of State for Foreign and Commonwealth Affairs agreed to establish an independent panel of experts to investigate these specific allegations and related matters. We hope to be able to announce further details shortly.

What information the Governor of St Helena has received about allegations of child abuse and police corruption in that territory since May 2010: when that information was received; and what steps the Governor took in response to that information.

The Governor and the elected government of St Helena take very seriously any allegations of child abuse and police corruption. All allegations are investigated and where evidence is available those responsible are dealt with according to the law. There have been numerous successful prosecutions over the period in question with substantial sentences awarded to those convicted of an offence.

What steps his Department has taken to tackle offences of child abuse on St Helena. Territory Governments have the principal responsibility for ensure the safeguarding of children in the Overseas Territories, for which the UK provides practical assistance and support. The FCO and DFID have been supporting child safeguarding initiatives in the OTs for the last nine years, most recently through the Safeguarding Children in the Overseas Territories (SCOT) programme (2013-2016), which followed on from an earlier SCOT programme (2009-2013) and a regional Child Protection Programme (CPP, 2005-2008). Although tangible progress was made in earlier programmes to raise awareness and build capacity, the new programme will focus on gaining a deeper understanding of the problem including how to detect, prevent and address child abuse.

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In St Helena, the SCOT programme has helped encourage revised and updated legislation to protect children, established professional protocols and procedures for those involved in child services, improved the provision of training for St Helena officials, and helped to promote local ownership of the safeguarding agenda. Support has been provided to St Helena through a Lucy Faithfull Foundation review (2013) and technical expertise to take forward a robust child safeguarding action plan arising from review recommendations. The FCO have been working closely with the UK police who have investigated reports into child sex abuse of St Helena and continue to do so.

What steps his Department is taking to ensure that the opening of the airport on St Helena does not lead to the development of child sex tourism in that territory. (Transferred from Dfnd)

Safeguarding children in St Helena is a critical priority for the St Helena Government and the UK. Whilst Territory Governments have the principal responsibility for ensure the safeguarding of children in the Overseas Territories, the UK provides practical assistance and support. The FCO and DFID have been supporting child safeguarding initiatives in the OTs for the last nine years, most recently through the Safeguarding Children in the Overseas Territories (SCOT) programme (2013-2016), which followed on from an earlier SCOT programme (2009-2013) and a regional Child Protection Programme (CPP, 2005-2008). This new programme will focus on gaining a deeper understanding of the problem including how to detect, prevent and address child abuse.

Following recent further allegations relating to child abuse in St Helena, the then Secretary of State for Foreign and Commonwealth Affairs agreed to establish an independent panel of experts to investigate these specific allegations and related matters. In response to these allegations the island's Executive Council said: "We have taken great steps on St Helena to protect our children and vulnerable people against abuse of any kind. We know that there are concerns, as there are in any community, but solid progress has been made in improving our safeguarding capabilities. We know there is still more to do, and we will continue to strive for further improvements."

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Foreign &
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**SUBJECT: MINISTER'S BILATERAL WITH ST HELENA COUNCILLOR LAWSON HENRY: 1
DECEMBER 2014: 1110-1140**

OBJECTIVES

- Stress the importance of robust child safeguarding and policing procedures on St Helena and to support the work of the forthcoming inquiry.
- Encourage St Helena Government (SHG) to do all it can to further economic and social development to support the airport project.
- Stress the need for Councillors to provide strong political leadership and cohesion to lead St Helena through a period of transformational change.

STEER

Ensure Cllr Lawson is fully aware of our concerns about child safeguarding and police efficacy and understands the consequences if allegations are not definitively addressed.

Emphasise importance of current development opportunity for St Helena and need for necessary infrastructure to be in place for air access and future prosperity. Welcome progress made so far and urge further work to stimulate investment.

Cllr Lawson is calling on Mr Swayne, Minister of State, DFID, on Thursday 4 December when DFID-related matters can be addressed. He may raise extending privileges and immunities to the St Helena London office.

POINTS TO RAISE

- The current allegations of child abuse and police corruption are disturbing. HMG takes them seriously as it does the allegations made in UK. Recognise St Helena has made much progress, with UK support. Important that the inquiry receives fullest co-operation on island and allegations addressed definitively. Encourage Island Council to work with and support SHG and the Governor on further improving child safeguarding on St Helena.
- Airport will not in itself bring economic development. Recognise infrastructure projects underway and planned (£15m cargo wharf at Rupert's Bay, £3m hotel in Jamestown, £2m hospital refurbishment). Focus on tourism promotion and attracting investment for growth. Welcome Enterprise St Helena work and Executive Council decision to support the development of a hotel in Jamestown. Update on how St Helena is preparing for the major changes ahead?
- Strong leadership will be required through the period of impending change. Encourage greater engagement by officials and Councillors with the public. Interested to hear your views about how 'Saints' regard tourist development.

DEFENSIVE LINES

Request to extend privileges and immunities to St Helena London office

- Request currently being looked at by FCO legal experts. No objections in principle. Extended status was previously afforded to (6) other OTs in 2009.

Air and sea services between Ascension and St Helena post airport opening

- Responses to the tender for air services are currently being evaluated. There are important practical and funding questions that need to be looked at in respect of sea services after the RMS St Helena is decommissioned. Worthwhile addressing this with DFID.

Airbridge seating capacity for the RMS sailing flights

- Discussions are ongoing with MOD to explore where more flexibility can be found in the system.

Budgetary Aid Mission (only if asked)

- This falls within DFID's remit. We support their view that St Helena officials and elected members work closely with DFID officials to ensure St Helena Government is as efficient and effective as possible to take tough decisions on spending and ensures revenue growth continues.

Health surcharge for temporary migrants

- Surcharge affects those applying for a visa to stay in UK for 6 months or more. Has only impacted 2 British Overseas Territories Citizen passport holders in the last 2 years. Designed to ensure that everyone who benefits from the NHS makes a fair contribution. The cost is less than one third of average annual cost of healthcare for a working age person in UK.

GMC Re-validation

- Doctors can retain their registration and licence if they serve abroad but it means they have to follow a different procedure.

BACKGROUND

Child Safeguarding

There have been a number of allegations in recent years about child safety and police corruption. In response there have been several investigations and reviews by independent police forces and child safety experts, resulting in detailed action plans for SHG and the police service to improve their ability to protect children. In July 2014 further allegations were made by two former St Helena social workers to cover-up child abuse on the island. FCO Ministers subsequently agreed to establish an independent inquiry to conduct a full investigation. This will be led by Ms Sasha Wass QC, supported by a multi-disciplinary team of experts. They will report on their findings and make recommendations by the end of summer 2015. The two social workers who alleged the conspiracy of abuse brought employment tribunal cases against the FCO and DFID claiming discrimination and detriment as a result of whistleblowing. The hearing takes place on 27/28 November. Separately, both people are also currently subject to a criminal investigation for perjury.

Economic development

After years of decline, and whilst still fragile, the social and economic landscape is steadily improving. The island receives UK budgetary assistance amounting to approx £30 million per year, which covers over half of the island's overall budget. The aim is to reduce its dependency on UK aid once air access is in place. The £250m DFID-funded airport project is on budget and on schedule for completion in February 2016.

Counsellor Henry was elected in July 2013 and sits on the Executive Council. This Council will govern St Helena through the planned opening of the airport and its first 18 months of operation. The Governor has a high opinion of him. He is also the Chair of the Economic Development Committee (responsible for the Government's policies including on economic development, investment, tourism, agriculture, fisheries) and a Board Member of Enterprise St Helena, so has pivotal roles. Cllr Henry attended the Joint Ministerial Council (JMC) in 2013 for St Helena. In 2005 he was the first ever Councillor to represent Ascension at the JMC.

Born on St Helena, Cllr Henry relocated to Ascension Island in 1973 to work for the Pan American contractor and completed two tours for the US Air Force. He then served 21 years as a police officer

including 2 tours on Ascension as Chief of Police. He entered politics as a founding member of Ascension's first elected council in 2002 and played a key role in bringing about democratic reforms.

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Date: 21 November 2014

