



Learning the lessons: Operation Pallial

Children's Commissioner for Wales
January 2015

Acknowledgments

With thanks to the survivors who gave their time and spoke so honestly. Their experience is an intensely personal one and this report hopefully goes some way towards repaying the trust they have shown. Learning the lessons and acting on their experience will hopefully help future investigations involving adult survivors of childhood sexual and physical abuse.

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Foreword by Keith Towler, Children's Commissioner for Wales

December 2014

Earlier this year I was asked by Keith Bristow, Director General of the National Crime Agency (NCA), to coordinate and publish a report looking at how agencies, including the police, local authorities, the NCA and Victim Support, have worked together to support complainants involved with Operation Pallial. These agencies, along with myself as the Children's Commissioner for Wales, form part of Operation Pallial's Strategic Coordinating Group.

This report will attempt for the first time to identify any emerging lessons that any future operation could learn from and examine the implications of Operation Pallial on children and young people in care settings today.

A key element of this work will be to hear the voices of complainants and reflect on their views.

Introduction

In November 2012, an independent investigation was set up to examine specific allegations of past child abuse in north Wales. Keith Bristow, Director General of the National Crime Agency, was asked by the Chief Constable of North Wales Police to lead Operation Pallial. Mr Bristow became 'Gold Commander', and took overall responsibility for the strategic direction, proportionality and integrity of the investigation.

To assist in the delivery of his strategic intentions, the Gold Commander invited individuals with professional expertise in specific areas to sit as members and contribute to the business of a Strategic Coordinating Group (SCG). This group, comprising representatives of North Wales Police, Crown Prosecution Service (CPS), local authorities, Operation Pallial, independent community representatives, Victim Support, NSPCC Cymru/Wales and the Children's Commissioner for Wales, have met regularly over the course of the investigation.

Here members examine the legacy of the SCG's work as part of Operation Pallial, reviewing learning points from the work each partner has contributed to the investigation and identifying areas of good practice and recommendations for practice development.

Origins of Operation Pallial and the Strategic Coordinating Group (SCG)

On 2 November 2012, the BBC's current affairs programme Newsnight broadcast an interview with Mr Steven Messham, which included allegations made by him that he was abused as a child whilst in the north Wales care system and that the Waterhouse Enquiry had failed to uncover the full extent of abuse in the 1970s and 1980s.

Following the broadcast of his interview and the ensuing intense public interest, North Wales Police, the NSPCC, the Children's Commissioner for Wales, NHS, the Child Exploitation and Online Protection Centre (CEOP) and other public and voluntary services began to receive multiple complaints of child abuse that took place previously in the north Wales care system.

The Home Secretary, Theresa May MP, summarised these past events in a statement to the House of Commons on 6 November 2012:

"In 1991, North Wales Police conducted an investigation into allegations that, throughout the 1970s and 1980s, children in homes that were managed and supervised by Clwyd County Council were sexually and physically abused. The result of the police investigation was eight prosecutions and seven convictions of former case workers... a report produced by Clwyd Council's own enquiry was never published because so much of its content was considered by lawyers to be defamatory."

In 1995, the then Secretary of State for Wales... appointed a QC to examine all the relevant documents and recommended whether there should be a public enquiry. The recommendation was that there should not be a public enquiry but an examination of the work of private care homes and the social service departments in Gwynedd and Clwyd Councils.

This work revealed not only shortcomings in the protection of vulnerable children, but the shortcomings had persisted even after the police investigation and subsequent prosecutions. In 1996... the Secretary of State for Wales, invited Sir Ronald Waterhouse to lead an enquiry into the abuse of children in care in the Gwynedd and Clwyd Council areas. In 2000, the enquiry's report 'Lost in Care', made 72 recommendations for changes to the way in which children in care were protected by councils, social services and the police... Last Friday, a victim of sexual abuse at one of the homes named in the report – Mr Steve Messham – alleged that the enquiry did not look at abuse outside the care homes, and he renewed allegations against the police and several individuals."

The Director General of the National Crime Agency, Keith Bristow, was asked by the Chief Constable of North Wales Police to lead, direct and control the investigation and to enable the Serious Organised Crime Agency to host it.

Operation Pallial's Terms of Reference were as follows:

Phase 1: Examine specific, recent allegations made in relation to historic abuse in care in north Wales:

- i. Assess any information recently received in relation to abuse allegations
- ii. Review the historic police investigations into such matters
- iii. In light of the above, to provide the Chief Constable of North Wales Police, copied to the Home Secretary, an initial report, by end of April 2013, identifying and making recommendations for consequential action and further directions to deliver the terms of reference.

Phase 2: If the need is identified, investigate those allegations and where necessary take appropriate action.

On 29 April 2013, Mark Polin, Chief Constable of North Wales Police, asked Keith Bristow to continue an independent investigation into recent allegations of past child abuse. A total of 35 people (accurate as of 1 December 2014) have now been arrested or interviewed under caution by National Crime Agency officers*. Of these a total of 12 people are due to stand trial in 2015, a total of 13 people (including John Allen who was sentenced to life imprisonment on 1 December 2014) have been charged and the remaining 22 are on bail while investigations continue.

The number of people coming forward to report past allegations of abuse in the care system in north Wales continues to increase. Up to 1 December 2014, a total of 287 people have reported one or more allegations to Operation Pallial.

In order to assist in the delivery of Operation Pallial's strategic intentions, Keith Bristow, as Gold Commander, invited individuals with professional expertise in specific areas to sit as members and contribute to the business of a Strategic Coordinating Group. The Terms of Reference for the Strategic Coordinating Groups are as follows:

Aim: Assist the Gold Commander to deliver an effective investigative response through the provision of support, advice and analysis.

Members will, where appropriate:

- Agree to operate in a collaborative manner demonstrating sensitivity for the view of others;
- Actively contribute to the business of the Strategic Coordinating Group
- Share professional knowledge and expertise
- Accept responsibility for the management of thematic strategies
- Identify critical factors together with possible remedies, which will remove, mitigate or manage potential risk
- Inform and assist with the thematic review / analysis of operational strategies.

* The National Crime Agency (NCA) is a law-enforcement agency with officers, rather than a police force with police officers

Learning the lessons: A Survivors' Perspective

A key part of learning the lessons from Operation Pallial is to hear from survivors who have had direct experience of engaging with the process. To that end Keith Towler, the Children's Commissioner for Wales, talked to four people who contacted Operation Pallial and went through the whole process, from making contact, being interviewed, receiving support and giving evidence in court. Whilst this may not be a fully representative view from survivors, listening and acting on the experience of these adult survivors of child physical and sexual abuse provides telling advice and their experience of engaging with Operation Pallial provides strong messages for anyone planning or conducting similar enquiries.

The discussions centred on 13 pre-prepared questions that shaped each of the interviews. The four people who agreed to talk were initially approached by officers from Operation Pallial and given the questions in advance:

1. How did you become aware of Operation Pallial and what motivated you to contact them?
2. What were you expecting to happen when you made contact with Operation Pallial?
3. What actually happened when you made contact?
4. How did you feel the police handled your case?
5. Did you feel supported during the process?
6. If so, who supported you and how were you supported?
7. If you didn't feel supported, what support could have helped to make the process easier for you?
8. Are you receiving any on-going support?
9. Did you feel that people were listening to you during the process?
10. Were people keeping you informed of progress and next steps?
11. What was your experience of the court case?
12. What were your main frustrations, if any, during the process?
13. If someone had to go through the same process as you, what improvements could be made to make it easier for survivors?

The discussions that took place were open, honest and considered. Some key themes emerged and what follows is a summary of the issues identified. It was agreed beforehand that any quotes used would be anonymised.

Motivation to Contact Operation Pallial

Reporting by the broadcast media of the existence of Operation Pallial motivated people to make contact. Some spoke of a reluctance to do so at first having had experience of previous contact with the police that was negative. Some were aware of social media discussions that were largely sceptical that Operation Pallial would be any more successful than what went before. The main motivation, regardless of any misgivings, was the hope that justice would be done once and for all and that the police would be true to their stated ambition of pursuing every line of enquiry.

In one case a survivor wanted to be sure that their previous complaint was known to Operation Pallial. Another told of speaking out for the first time about what had happened and was motivated to do so to help and in the hope that lessons would be learned. Whilst another said that he was already being supported by social services about surviving abuse but *“they didn’t realise the full implications or scale which is why I wanted to talk to the police.”*

One survivor who had experience of a previous investigation said, *“My expectations were limited as I felt the chances of a re-prosecution might be challenging. However, I made the further complaint because I felt it was important as many witnesses as possible came forward to support the police investigation.”* The same person said they had no real expectation of Operation Pallial and has been *“Amazed they have achieved a court case and conviction and I thank the police and the CPS for that.”* Another said *“I just want to thank Pallial for taking me seriously.”*

Interviews with Operation Pallial Officers

Initial phone calls to officers and the way they listened at that point, made practical arrangements for formal interviews to take place and took time in those conversations, were largely a positive first contact.

Email contact which gave an automated response initially with a statement and links to emotional support services was not well received. Some of the information in the list of support organisations was subsequently found to be out of date and that was upsetting.

At police interview stage survivors said that they did feel the officers were being sensitive to their needs. One person referred to being contacted by a police officer who was geographically close to them and who accompanied them to the interview which was done with video recording, *"I was nervous at first but it was helpful to be talked through what would happen and they took their time with me. It felt like they were being sensitive to my needs."* Another said, *"I didn't feel interrogated. It wasn't intimidating at all. They were really good and let me talk at my own pace."*

The support needs at interview included one man requesting that he be interviewed by a female officer, *"I found it easier to talk to a female about the abuse I suffered from a man. Talking to a woman suited me and they understood that."* Another was interviewed by local police officers *"on behalf of Pallial."*

Some of the survivors said that they felt the officers were very thorough. Words like patient, considerate, safe, compassionate and sensitive were used. One referred to officers being open to talking about emotions. *"They handled my emotions, gave me time to compose myself. I didn't feel pressure. They gave me all the time I needed to say what I wanted."*

One spoke about the speed of the response when he phoned in. *"They came to my home straight away and took me for interview and then brought me home. I knew they were taking me seriously and that felt good to be honest."* Another said he expected the same as before at previous interviews by the police *"but this was different, this was good and they listened to me. It was daunting, don't get me wrong, I have trouble with being anti-authority but this time I was able to tell them the main things that happened to me."*

One had a less positive experience. This included being asked to sign forms to release medical records and then not being told what was extracted as evidence. This was seen as an *"invasion of my privacy and was always in the back of my mind. What did they know and how were they going to use it?"*

It is very clear that the survivors had no reason to doubt that the police investigation was carried out to high professional standards. The police were seen as being clearly focussed on gathering evidence. Nevertheless one person felt they were *"framed as a numpty! A cog in the wheel of justice. There is an unconscious bias that lies at the centre of this."* The others though had a much more positive experience, with one saying: *"They have been great and worked hard at keeping in touch. It's not easy for me to trust but they couldn't have done more."*

Trusted Relationships

Those that have been through previous, largely negative experiences, of police interviews unrelated to Operation Pallial, also spoke about the importance of trust. Although some spoke positively about building trusting relationships with Operation Pallial officers, that included both police and social workers, one did not. Where police officers from the locality close to the survivor were involved that helped the person being supported. *"It just felt like there was someone close by if I needed them."*

Ultimately some felt that they had to place their trust in the police to be true to their word in securing a conviction. *"And to be fair they have delivered that result."* It was clear to some of the survivors that they were being listened to but they also understood why officers *"did not give away what they thought"* during interviews. One said he felt that *"It's going to get sorted now. It's not another Waterhouse. This is serious."*

One survivor made it clear that police officers and social workers did not establish a trusting relationship. He referred to having an expectation that the team of officers would be highly trained in dealing with adults who had suffered sexual exploitation as a child and with care leavers. As a survivor, being convinced you are being handled by suitably experienced officers *"... adds a complex dimension around identity and trust... as my confidence in Pallial's understanding decreased it became clear in my view by challenging officers around support practice I was seen as difficult. I felt if I asked questions or challenged anything I was treated like an ungrateful victim and in effect sent to a place of silence."* The same survivor said *"This ... meant my relationship was at best polite. This made the whole process much more challenging leading to at times to me feeling suicidal."*

Each survivor spoke about the importance of building trust and that *"feeling as comfortable as possible at difficult times is really important."*

Counselling and Support

All the survivors spoke about the importance of good support. It took many forms and each survivor said they knew what would work for them.

Whilst all survivors were spoken to personally and referred on for support, one survivor went to his local GP and was funded through the *“self-directed scheme”* to access a clinical psychologist and counselling service. Importantly, Operation Pallial recognised that support having made sure to ask if he was properly supported. At one point *“Victim Support contacted me but I pointed out that I had support”*.

Another said that he didn't ask for counselling at first but *“They (Pallial social worker) kept calling and asked if I was OK. Then they put me in touch with counselling local to me. That helped and was good.”* Another, with funding from social services locally, had already been seeing a counsellor for three years and that support continues.

There was recognition by some of the survivors that the period immediately after the formal interview by the police was a difficult time. It is the period where the recall of the abuse and the emotional impact can be at its most intense. One shared that *“I felt like I was cracking up and my family were really worried.”* Recognising that this period is one where individuals and family members may need support is important. The hardest thing sometimes was dealing with agencies *“who are supposed to make you feel safe.”* Good support happens when professional people *“see you as a human being and that means talking to you on the same level, treating you with respect and listening and responding as one person to another.”*

For one survivor, after a discussion with Pallial social workers, *“I felt there was nowhere to go.”* He has made his own arrangements to access counselling and has funded it himself. All the suggestions made to him by Pallial were local and too well known to him. *“I felt uncomfortable with the thought of going to people who knew me”*. This was never acknowledged or discussed by officers from Pallial. In common with others he is receiving on-going counselling but although he was told that a social worker would call to check he was OK, at the time of this interview that had not yet happened.

The same survivor reflected that he was made to feel like a whistle blower and contacted the office of the Children’s Commissioner for Wales about his psychological support needs. *“This only after hitting a brick wall.”* He had made some suggestions to Pallial social workers about his own *“wrap around”* support and how others could be supported. He was invited to send in his thoughts and did so but is yet to receive any response. At one point the same survivor asked if he could contact the Strategic Co-ordinating Group for Pallial to air his concerns and was told to *“go and read the interim report.”* He explained that when survivors become angry and upset it is for a reason and is often triggered by professionals who use *“silencing behaviours.”* Good police officers tried to enhance the experience of giving evidence, he explained, but also felt it was *“frankly ridiculous that I had to come to the Commissioner.”*

Part of the decision making for some survivors about approaching Operation Pallial happened *“when there was, and still is, no escape in the media about child abuse. From Saville to Rotherham and with Pallial it never ends. Every time there is a report it takes me back to me, and I have to deal with it, over and over again. It never stops.”*

The importance of partners, family and good friends can’t be understated but counselling is also at the heart of surviving the day to day reality of living and coping with the abuse that happened.

Some spoke about the importance of protecting their own children from the implications of living with a parent who might be identified as having being abused as a child. Maintaining anonymity as much as possible is important not just because of their own work and

social relationships but also to protect family members. One spoke about their children being embarrassed, upset and bullied and asked Pallial officers to be sensitive to that by not visiting the house. Something officers were sensitive to and were quick to make alternative contact arrangements.

For one survivor, there is a strong feeling that suitably trained Independent Sexual Violence Advocates, who could liaise with the survivor to assist the professional assessment of needs *“would have helped to build a transparent trusted relationship”*. On that basis a jointly agreed action plan could have been agreed to finance the delivery of emotional support using specialist professionals and counselling services.

Now that the criminal justice process is over for these survivors their support needs continue. One spoke about returning to the GP after the court case and has a prescription to aid sleep and has on-going counselling support needs that he was pleased to say will be met. All the survivors interviewed confirmed they have arrangements in place for on-going counselling or are clear that *“The door is open if I need more support.”* Another referred to *“...having more work to do in the New Year and I feel ready and open to talk some more.”*

Survivors spoke about being the experts in their own support needs, *“No support is unacceptable but too much can be overwhelming”*. Getting professionals to recognise that individuals can help to identify their own needs is important. *“All they (professionals) have got to do is listen more.”*

Communication between Pallial and Survivors

Once a survivor has given their interview to the police there is then a gap to manage. *"You are left wondering what is going on"* said one, and whilst they all recognised that the Pallial Team were dealing with a complex situation which was bigger than their own part in it, it was difficult to cope with the anxiety about wondering what would happen next. Some were not shy in asking what was happening. Some had feelings of frustration and powerlessness whilst others felt the contact was appropriate and helpful.

The survivors did say that they also received update telephone calls from time to time from Pallial officers and that this was helpful. But one said *"My instinct told me the officers mostly saw it as an imposed chore and failed to understand the importance, not just of the information, but the sense of respect delivered by sharing with compassion and insight."* He went on to comment that this is *"A powerful gift in support of the survivors' recovery if done well but not done well causes harm."*

Each survivor welcomed contact before Pallial released information to the media or when they knew there was likely to be significant broadcast media coverage.

Social and Broadcast Media

Although most were aware of various social media outlets that voiced views about Operation Pallial, or other issues concerning adult survivors of childhood abuse, their own engagement was informed by their state of mind. *"You can choose to look at that stuff or not but I'm not sure it helps. You need to be ready for it because it doesn't let you go, you get hooked in."* Others referred to managing their own recovery and that social media can damage that when irresponsible things are said online, *"I can't absorb their anger and emotions, I'm trying to deal with my own."* While another spoke of finding comfort in sharing thoughts on social media *"It's nice to realise you are not alone. Writing a blog and talking on Twitter has helped me a lot."*

Experience of broadcast media and watching reports about Operation Pallial varied. Some found responsible reporting helpful whilst others were grateful to know that programmes were about to be broadcast so they could ignore them. All said it was difficult to read, watch or listen to any reports about child abuse without it being *"a constant reminder"*. They said that family support was helpful in coping with this and that talking about it in counselling assisted in finding different ways to manage their feelings.

Some spoke about receiving un-solicited approaches from broadcast media organisations. *“They are fishing all the time. They say we can have total anonymity but they need to leave us alone.”* One spoke about offers of money to speak out which they ignored but there was some anger that things like this happened. *“You just manage it. Tell them to get lost. But it doesn’t help to target you when you are vulnerable. Some people might take the money if they need it and that’s not right. They (journalists) just walk all over you.”*

One broadcast media outlet received some praise, *“He (journalist) asked but in a good way. He listened to me before the interview and was as good as his word when I said there were things I didn’t want to talk about.”*

One survivor said that he didn’t realise there were reporting restrictions until the Judge told him in court. He would have liked to have known that before because he has constantly worried about media contact. His suggestion for improvement on this extended to placing on-going restrictions on the media preventing approaches to survivors for at least six weeks after a court case unless a survivor wants to instigate contact. He also felt that Operation Pallial could have perhaps acted as an agent for survivors.

Court Experience

The investigation team has a duty to offer survivors the opportunity to read their statement to the Court in person. Two of the survivors questioned for this report had court experience in relation to Operation Pallial. Both said it was very professional within the court room. But both spoke about receiving very little information beforehand and raised some practical issues that arose. It wasn’t clear in advance, for example, what hotel and travel arrangements would be made. One referred to taking the week off work, making childcare arrangements, and having to travel back for the sentencing.

On expenses it was felt that the form was complicated *“and I had to ask for it. I feel I’m probably out of pocket.”* One survivor said that anyone with financial difficulties or no ability to meet costs upfront may have struggled to attend.

One survivor was complimentary about the hotel that was arranged, but had to get an upgrade from a single to a double so his wife could support him. They had to stay for two nights. He assumes that the hotel was booked by the National Crime Agency or Operation Pallial police officers as the hotelier *“...kept asking were we on a special mission. This, whilst amusing, could have become stressful.”* The hotel was quite remote but was clean and friendly. It did not offer lunch so without a car that could have been difficult.

In preparation for appearing in court both said they received very little practical information and could have done with something that explained the court process, the layout of the building and what to expect. *“This sounds pretty basic but anything that lessens anxiety is helpful.”*

Both said the court building was not ideal and had concerns about maintaining anonymity outside the court room. Examples were given of names being shouted out in the waiting area, and ushers and witness support volunteers approaching with lists of names that could easily be read. These things just added to making the court experience a stressful one. For example, one survivor said *"Whilst I was waiting to enter the court in a side room. I heard the witness before me chatting to the police outside. I then heard my name given loudly by the witness support person to someone outside the room. At which point the other witness shouted 'is he here, where is he?' The next thing I knew he came almost running into the room. Behind him he was dragging the witness support worker who was attempting to stop him. Only when Pallial officers arrived was he gently ushered out. You couldn't make it up!"*

In the courtroom one survivor said that he thought he would be OK seeing the accused in the dock but when he got in there and gave his evidence he was grateful he did not have to make eye contact. *"The screen was good and made me focus on the Judge. The Judge was sensitive and made me feel comfortable."* He went on to say that giving evidence *"... drained me. It was dramatic for me but it helped not having to look at him."*

There were mixed views about witness support in the court building. One survivor reported that he was grateful for the support, *"They spent time with me, got me lunch, they talked to me and we had a good rapport, they even sat with me when I watched my own evidence video but importantly they just kept telling me what was going on while I was waiting."* The feeling was that the building might not be great but that people did everything they could to make the experience as easy as possible.

The other survivor felt that the *"witness support service was one of the most disempowering experiences I've ever seen. At no stage was I actually asked if I wanted them to support me."* He went on to describe how the witness support volunteer just didn't recognise he might be happier on his own. *"I can only describe it as a 'there there' approach where the worker seemed to distract me with stories about their life. I felt like I was counselling them."* As a survivor of sexual abuse the last thing he wanted was to be supported by a person who *"began to talk about women who had experienced domestic abuse and how he couldn't understand why they didn't leave. Not much hope then for male or female child sexual abuse victim understanding then I thought!"*

Both survivors felt that the Judge, Operation Pallial officers, defence and the Crown Prosecution Service spoke to them as adults and with respect.

Closure of Process

Two of the survivors said that they had not had any closure letter following the court sentence being issued. *"I've had no contact, no letter telling me it's done."* The court case was a complex one with many charges and they would have found it helpful to have received a letter explaining all the charges and how the sentence addressed each of them. One said *"I don't really know the detail. I know he got life but I want to know the detail. It's really important for me to know this. I'm OK but I'm left confused about my personal position."*

One survivor said that coming to terms with the court case bringing things to a conclusion was *"...unreal, it's still sinking in."* He spoke of an anti-climax and the fact that for him *"It has taken 42 years to get to this point. I didn't feel like punching my fist in the air."* His family and children keep him busy and he *"wants to get on with things and live my life."*

Two of the survivors have been told that their abuser had died. One commented that he had no strong feelings about that, *"I didn't do this to get back at anyone. I just wanted to come to terms with what happened."* He said that he is pleased that his story was heard so that things could change for children today. One of the important lessons for him was that when he was abused as a child he didn't want to tell his mother and father. When the abuse was happening *"I felt I couldn't talk to anyone. I was in their hands. I was frightened and scared. There was no one I could talk to at the time."*

The other survivor echoed these points and said *"I wasn't a good kid but I didn't deserve what they did to me. No one listened to me and now I still struggle with anyone in authority. I'm better about this now but it's still not easy for me."* He went on to say *"The important thing now is that children in care today and in the future are protected. It's about their future, their protection and safety."*

But both said that they wanted a letter confirming that had their abuser lived the police and CPS would have moved to prosecution.

Operation Pallial's witness strategy

To support witnesses, officers implemented a robust witness strategy. Some of the measures included:

- Tailoring special measures in respect of each witness' requirements to give evidence
- Visiting witnesses prior to the trial to enable them to view their video interviews and transcripts
- Taking witnesses to a secure area within the Crown Court, where they waited to give their evidence away from the public area. They were escorted to and from Court by a representative of Witness Services
- Lead Counsel introduced themselves to witnesses prior to give evidence to seek to reassure them.
- Any associated costs for witnesses to attend court were met by the investigation team.
- Hotel accommodation was booked and costs met by the Crown Prosecution Service in consultation with the investigation team.
- Follow-up calls were made by the dedicated Social Worker to each witness to respond to any potential safeguarding risks.

Learning points

This report does not pretend to provide a detailed analysis of the survivor experience based on these four initial interviews. Some clear learning points have emerged however from the experience those survivors have shared. These include:

Initial Contact

Good public information contained within a strong communication plan equips survivors with the information they need to make initial contact.

Initial phone calls between police officers and survivors are important and set the tone for building an on-going trusted relationship.

Initial contact emails that receive automated responses must contain accurate information. Ideally all emails received should be answered the same day and certainly within 24 hours by an officer who identifies themselves and offers telephone contact.

Installation of effective reporting portals for survivors to make initial complaints provides the initial professional response and reassurance many survivors are seeking and reduces the chances of survivors being missed. National agencies such as the Office of the Children's Commissioner for Wales, NSPCC, CEOP, Victim Support and the enquiry team itself are good options.

Interview Stage

Where a UK wide police operation is in place it can be very helpful for survivors to receive support from a police officer who is local to them.

At formal interview stage it is important to understand what support the survivor needs. For example, having male and female police officers available to conduct interviews; making appropriate travel arrangements, allowing supporters to accompany those being interviewed, checking on childcare and carer responsibilities and allowing as much time as the survivor needs in interview to say what they want to say.

Building Trust

Building trust between survivors and the police and social work team is critical. Being as open and honest as possible within the confines of confidentiality and process integrity. Survivors welcome being treated with respect where professionals engage on a human level and listen and respond as one person to another.

Where a survivor challenges the police and social work team, or is in danger of being characterised as difficult, it can be helpful to have an intermediary in place to mediate if required. Coordination with the safeguarding providers and other monitoring (e.g. social media) may highlight particular risks that require a specific police or multi agency response. As such, effective, individual survivor and suspect management plans are critical.

Risk assessments could also be completed on each survivor, witness and suspect as they became known to the operation. The risk management plans often involved safeguarding agencies and police forces where they now reside and should offer clarity around the responsibilities of the different agencies in supporting survivors.

Counselling and Support

As a result of the significant positive impact the dedicated social worker had on Operation Pallial, consideration should be given to appointing dedicated social worker (s) to any future investigative team to assist them to understand survivor handling issues, to access the right safeguarding responses and health-related records and information records. If the investigation is related to past abuse when the survivor (s) were children, then a specialist in child abuse investigation is essential. In the case of Operation Pallial, trained CEOP (Child Exploitation and Online Protection Centre) were deployed as well as those with skill sets of working with adult survivors and adult mental health. Arrangements were also made for the counselling staff to receive specialist training in pre-trial therapy to ensure support was appropriately provided throughout the enquiry.

Survivor contact and management is key to a successful investigation. Consistency in who maintains contact is crucial in gaining survivor trust and confidence that, in turn, directly affects the quality of any investigations and the success of prosecutions. Accuracy and brevity in initial recording what a person says is key, so as not to confuse suspects with survivors and minimise any disclosure issues that might subsequently arise.

Safeguarding management has been a real strength of this investigation. Where the survivors reside within a different social service area, it is vital that there is a single coordinator to ensure local buy-in and effective safeguarding is delivered wherever it is required.

Consideration should be given to staffing the police and social work team with officers who are trained and experienced in dealing with adult survivors of childhood sexual and physical abuse. Independent Sexual Violence Advocates could also assist in the preparation and oversight of a needs assessment.

It is important to make provision for the short and long term funding of individual counselling for survivors.

The idea of a 'direct payment' to an individual, to 'buy in' their own private individual counselling arrangement, should not be discounted if agreement can't be reached about referral to a specific counselling service.

It is important to recognise that counselling for some survivors may extend well beyond the duration of the investigation and will need to be appropriately resourced. Consideration must be made around the impact of this resource level of supporting such a large-scale enquiry on a limited number of organisations who provide specialist counselling, at a time when there's considerable demand generally.

After the formal police interview and again after giving evidence in court, it is important to check in with the survivor at home in case there are any additional support needs.

Where survivors have concern about the impact of the investigation on their children and family members every effort should be made to mitigate impact. It might be appropriate, for example, in discussion with the survivor to agree contact with school and other agencies to safeguard children's well-being.

Communication between Investigative Team and Survivors

Maintaining meaningful contact following interview with updates on investigation progress is helpful but needs to be done in a considered way. Consideration should be given to making sure the same trusted officer contacts an individual survivor with updates and information as the investigation proceeds.

Social and Broadcast Media

Survivors engagement with social media, for example Twitter and Facebook, whilst cathartic for some can add pressure and be an unwelcome intrusion for others. It might be helpful for investigative teams to provide advice about the use of social media particularly where messages that are posted could compromise the integrity of the investigation or any subsequent court case.

Giving survivors advance information about relevant media releases and broadcast programmes or news articles is good practice and allows for preparation before release or broadcast.

Responsible news journalism and broadcast media can be helpful for survivors when it is clearly in the public interest, provides a balanced and accurate picture and respects anonymity where requested.

Information should be made available to survivors and witnesses about the reporting restrictions that exist after first police interview and again before a court case begins.

Some broadcast media organisations need to act more responsibly when making unsolicited approaches to survivors, must respect anonymity and the right to refuse a comment when asked. Repeated contacts and financial incentives to talk are unhelpful and add stress to someone who is already in a vulnerable position.

Consideration should be given to the investigative team acting as agents for survivors with news and media organisations when a court case concludes.

Court Experience

It is important to make sure that information is provided beforehand about all the practical arrangements in attending court. This to include travel options, hotel bookings, what expenses are payable and any help with childcare costs or carer arrangements.

Witness care units are usually responsible for providing survivors with information about what to expect at court and what help and assistance they may need. This survivor right is outlined with many others in a UK Government 'Victims' Code' (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/341367/adult-victims-code-leaflet.pdf)

To ensure continuity of communication with witnesses, Operation Pallial decided to by-pass the witness care units and handled witness care themselves. For any future investigation, it would be helpful if information about the Victims' Code is shared with all survivors, whether via the witness care units or the investigation itself.

It would also be helpful to provide written information about what to expect when you attend court, that witness support is available if needed, a description of the physical layout of the building and the courtroom, how anonymity will be protected in the building, what reporting restrictions exist and contact details for questions or advice.

Every effort should be made in the court building to protect the identity of survivors and witnesses. The practice of shouting out names in the public waiting areas and being shown lists of names to identify yourself should be stopped and replaced with a more compassionate approach.

Training for witness support volunteers should include asking witnesses who attend what level of support they require so no assumptions are made about what is needed.

In the courtroom the practice of using a screen to shield the survivor or witness from seeing the accused is appreciated and assists the person giving evidence.

It is worth noting that the way proceedings were conducted in the court room by the Judge, the defence, the CPS and by Pallial officers was considered to be both respectful and professional.

The CPS should consider simplifying the guidance notes which accompany the expenses forms issued to witnesses.

Closure of Process

Consideration should be given to writing to survivors and witnesses when a court case concludes with the detail of the individual charges and how each was dealt with. From the survivor perspective, this is an important part of understanding the personal implications, how your evidence was used and assists in coming to terms with closure.

For those whose evidence relates to an abuser who has since died, and where the police and CPS recognise that the matter would have progressed to charges being made had the offender lived, survivors need confirmation of that preferably in writing. This is important to aid recovery and to receive recognition from someone in authority that the abuser had a case to answer. For survivors this is acknowledgement that they have been believed.

Whilst the need for justice to be done and to have your voice listened to and taken seriously is important for survivors, so too is the desire to ensure that the lessons that can be learned are applied to protect children today and other adult survivors. There is a task here for Strategic Co-ordinating Groups, or Gold Command, to further evaluate the survivor experience, to draw out practice implications and to disseminate those to agencies, inspectorates and governments (local, devolved administrations and UK).

Voice

An additional issue emerged from the interviews and it centred on the experience of speaking out as a child. Most felt that they couldn't speak out when they were being abused because they were scared and fearful, or too ashamed to speak to their family at the time. One survivor spoke of the way children *"are encouraged not to tell"*. This raises the need to make sure that independent professional advocates are made known and are available to talk to children and young people in care today (see 'Missing Voices' reports by the Children's Commissioner for Wales on www.childcomwales.org.uk).

The second point that emerges is that when as children these survivors did speak to a professional or care worker they were ignored or no action was taken. With hindsight those survivors recognise that the culture of the institution probably prevented people from doing the right thing. This raises a concern about whistleblowing and the rather negative connotations that surround blowing the whistle on your employer or colleague. If we are to achieve a more positive culture of listening and acting on concerns then we must centre our practice on listening and acting on what children raise and support practitioners who want to do the right thing. This extends to protecting children, young people and vulnerable adults and to those who act in their best interest. We must develop a more responsible and positive culture around whistleblowing and champion, rather than punish, those who act to protect children, young people and vulnerable adults.

Learning the lessons: Communications

Communications Plans

Operation Pallial ensured that comprehensive communication and engagement strategies were in place at the very outset of the investigation. These were designed, developed and managed by a dedicated, experienced, strategic communications advisor capable of delivering both operational and organisational guidance and support. The strategic communications advisor also acted as a coordinator for communications and engagement matters involving partner agencies and organisations associated with the investigation.

Operation Pallial communication and engagement strategies were shared with partner agencies for consultation and feedback and have been kept under constant review at meetings of the inter-agency Strategic Coordinating Group (SCG). This has ensured, wherever possible, that Operation Pallial communication and engagement needs are aligned with those of other partners and, at the very least, are progressed taking into full consideration the views of partners. All Pallial communication and engagement activity has been progressed in a transparent and open manner.

In designing its communications and engagement approach, Pallial has carefully considered the potential impact of its independent investigation on the reputation of North Wales Police and on the confidence of previous and new survivors of sexual abuse.

The communications strategy for phase one had six strategic communications objectives set at the commencement of the operation. These were, in summary:

- To identify stakeholders and develop an engagement strategy and activity plan.
- To agree a communications protocol with stakeholders to share information.
- To agree a communications protocol with the Macur Review (a separate Judge-led enquiry into related matters).
- To liaise with other investigations and forces as appropriate.
- To develop a process for managing Freedom of Information (FoI) requests.
- To develop communication and engagement contingency plans, including specific arrest communication strategies and regularly review communication needs in light of developing organisational or operational needs.

The strategies were developed to meet all current and likely future requirements from phase one (scoping, and the publication of a Public Report on Progress) and phase two, the investigation.

Activity is being further refined, in partnership, to manage communications relating to criminal charges, court cases and completed investigations that do not result in a criminal justice outcome, e.g. a case where there is no prosecution due to the fact that the suspect has since died.

A number of specific objectives were set to support phase two of Operation Pallial – the investigation phase. These were, in summary, to ensure that communications and engagement activity:

- Facilitated the effective conduct of the investigation.
- Maintained the integrity of the investigation.
- Responded to inaccurate reporting or speculation (internal or external).
- Protected the integrity of Operation Pallial and the reputation of the workforce and those leading the investigation.
- Informed stakeholders and obtained their support, engagement and understanding for the investigation and associated communications strategy.
- Assisted the management of stakeholder relationships.
- Contributed, where possible, to the maintenance of confidence in the policing of North Wales, (both workforce and public, including survivors).
- Reassured members of the public and stakeholders that the investigation is being conducted thoroughly, independently and in a professional and proportionate manner.
- Ensured that the workforce of North Wales Police remain informed about the nature of the investigation and its progress.
- Generated public confidence and encouraged survivors and witnesses to come forward with information about past abuse or current abuse.
- Demonstrated that a professional and effective working relationship exists between all parties involved in the investigation through the implementation of a shared communications strategy.

A set of 'key messages', constantly refreshed, were agreed and used by all parties to the investigation in order to support the above objectives. These key messages ensured that all audiences had a clear understanding of the investigation, e.g. the fact that it was being managed independently of North Wales Police and that it was an investigation into allegations of abuse in the care system in North Wales, not just particular care homes.

To ensure that the Terms of Reference and the role of the SCG were visible and accessible, additional information was published in the Public Report on Progress and also on the National Crime Agency website. This has been a useful public point of reference for those who have subsequently questioned what Pallial is and is not responsible for investigating. It also demonstrates the openness and transparency that the investigation has sought to maintain, within operational limits, throughout the investigation.

Stakeholder engagement and 'victim focus'

A stakeholder engagement plan to identify and prioritise key audiences and methods of communication was developed and agreed at the SCG.

The investigation has maintained a clear 'victim focus' in its communications at all stages. It has ensured, whenever possible that victims have been informed of key operational activity and key public reports before this information has entered the public domain. An example of this was the Public Report on Progress in April 2013. Officers and staff in the Incident Room made personal contact with all current complainants (survivors) at the time to inform them that a report was going to be published and covered by the media. Special arrangements were made to ensure that victims could view the report before other audiences were able to do so, if they so wanted.

In addition to being updated regularly about the progress of investigations relating to their allegations, survivors have also been told about other publicity before it happened, for example a programme on Pallial on BBC Wales.

While the investigation cannot inform all survivors of arrests and every development, they remain the primary stakeholder group and their needs are discussed at every meeting of the SCG, which is attended by the Children's Commissioner for Wales, representatives of charities working with survivors and children and a local community representative.

Local and national stakeholders have also been provided with advance information about arrests and charges and more detailed briefing notes have also been shared on a regular basis.

Operation Pallial has briefed North Wales MP's, members of the Welsh Government and has answered questions from the Home Affairs Select Committee. The Home Office and Welsh Office have also been kept fully up to date with progress.

The operation has also ensured close liaison with other investigations and other forces, particularly in relation to the arrest and/or charge of suspects located across the UK, not least to ensure that local community impact and risk assessments are conducted and any local media coverage is factual and well informed.

Media strategy

The media strategy for Operation Pallial has been designed to ensure that an appropriate flow of factual information is available to the public to demonstrate activity and progress; delivered in a manner that does not unnecessarily raise the profile of the investigation.

Media engagement has been delivered on a collective rather than one to one basis to ensure all organisations are being provided with equal access and information. No significant issues have arisen by adopting this approach to date and feedback from journalists is that Pallial is communicating in a clear and consistent manner, albeit journalists would always like additional information or exclusive access for themselves.

When the operation assisted with a television programme, it ensured that all new factual information was available to all media prior to the programme being broadcast, thereby ensuring that the strategic consistent approach was maintained.

The investigation became aware at an early stage, as a result of feedback from survivors, that media coverage that repeatedly used images of one former children's home in North Wales, was causing distress; either because survivors had lived there, or conversely because their case had no link whatsoever to the home in question. This feedback was shared with media organisations and almost all have desisted from using images of the home in question in subsequent reporting. Survivors have commented positively about this response to their concerns by the investigation.

Pallial has also been conscious of only communicating about child abuse within its own terms of reference and has not allowed itself to be drawn into the wider debate about the investigation of child abuse, either within Wales or elsewhere. This is to ensure, as far as is possible, that the remit of the investigation remains clear. However, the investigation has sought to share best practice and lessons learned with other law enforcement agencies and partners and has subjected itself to independent review, including its approach to communications and engagement.

Additional media support to survivors

A number of survivors have spoken out publicly and have been affected personally as a result of doing so. Media advice and guidance to survivors and witnesses has been offered by the investigation team and has been taken up on one occasion to date.

There is nothing Pallial can or should do to prevent survivors speaking to the media, if they make an informed decision to do so, but often survivors make an instant decision that they later regret. Anonymity, once removed, cannot be replaced and survivors need to be counselled on the impact publicity may have on them, their friends and family as well as any future legal case.

Key Issues

Operation Pallial has had to address a number of communication issues, some specific to the investigation and some the subject of national debate. A notable example is the ongoing national debate about when information, including personal information, about individuals arrested for sexual offences should be disclosed by the police.

Many journalists feel that individuals arrested should be named by the police, proactively, at the time they are arrested. Aside from their professional interest in having information issued immediately and by an official body, thereby providing qualified privilege to their reporting, journalists argue that it is always in the public interest and can assist with encouraging other survivors to come forward.

Many survivors of sexual offences also wish the names of alleged perpetrators to be made public as soon as possible. This issue has been discussed by the SCG on more than one occasion. Operation Pallial operates in accordance with police service national guidance, but has gone further, by deciding to assess communications relating to each arrest on a case by case basis. In this way, the investigation will consider whether or not there is a policing purpose in naming any specific person upon arrest and make an informed decision whether to do so.

Where it has decided not to name upon arrest, Pallial has named when individuals have either been charged with offences or after they have answered a summons to appear at court. Partners were consulted on this issue and endorsed the approach taken.

Future issues that will need to be addressed include the manner in which those who have made allegations against deceased suspects are updated, including any public statement about the offence(s) and suspect(s). Public statements, some naming suspects, have been made in cases elsewhere in the country and the views of individuals and agencies will need to be carefully considered when this point is reached.

Diversity

Wales has two official languages – English and Welsh. The need to comply with legislation for key communications to be delivered in Welsh as well as English was agreed by the SCG at an early stage.

Social Media

Operation Pallial is aware of open source social media commentary on the investigation, particularly on Twitter, but has taken a conscious decision, supported by partners, not to ‘intrude’ on conversations in such space.

Social media does allow survivors and witnesses to share experiences, express strong personal opinions and support each other. Discussion often reflects current online news reporting, in addition to coverage on TV, radio and in print.

At an early stage the investigation did seek the assistance of one regular ‘blogger’ to cascade a factual update to the online community from the Senior Investigating Officer, in order to put the investigation into context and provide some reassurance. This contribution was generally well received.

Freedom of Information

A number of public bodies with an interest in the events leading to this investigation have received Freedom of Information Act 2000 (FOI) requests. The Association of Chief Police Officers (ACPO) Central Referrals Unit (CRU) has taken responsibility for assisting Operation Pallial and its stakeholders in relation to these requests.

The CRU has given advice to organisations that have received FOI requests relating to or linked to this investigation. However, the decision whether or not to publish the requested material rests entirely with the agency holding that material. The Act provides for some circumstances where publication can be refused, for example where it is judged it may harm a criminal investigation or lead to the identification of an individual who is entitled to anonymity.

The National Crime Agency is not covered by the Freedom of Information Act but has maintained a stance of providing as much information as appropriate, taking into consideration the needs of survivors, the investigation and the criminal justice process.

Summary

Communication and engagement is actively managed on a daily basis and regularly reviewed and discussed at SCG meetings and, to date, all activity has been delivered in a consensual manner across agencies and charities as a result.

As the impact on survivors of publicity can be considerable and long-lasting, the care and focus being maintained on this aspect of the operation is noted and welcome.

Learning points

An effective communications strategy should be initiated at the very beginning of the enquiry. This should incorporate: scope or Terms of Reference of the enquiry, structure as to how communications will be delivered, strategic communications objectives, key external and internal messages to be delivered, media release plans, managing media / public interest on social media, community impact assessment, Freedom of Information policy, branding, specific media plans for arrests / anniversaries, how survivors can make contacts, instructions to those agencies to whom survivors have been directed, agreed protocols for the transfer of information from agencies to the enquiry, stakeholder strategy and establishing dedicated phone lines and emails.

Survivors themselves identified a number of learning points in relation to communications (see chapter 1 for more information), including:

- Giving survivors advance information about relevant media releases and broadcast programmes or news articles is good practice and allows for preparation before release or broadcast.
- Investigative teams to provide advice about the use of social media particularly where messages that are posted could compromise the integrity of the investigation or any subsequent court case.

Investigators have also told us that from an operational perspective, a unified use of the HOLMES system is required – a tool used to record information in large major enquiries. This will enable the investigation team to accurately record and prioritise information.

Learning the lessons: Survivor Support and Transition

Background

For the first 6 months of the enquiry, there was a dedicated team of CEOP (Child Exploitation and Online Protection Centre) social workers and a suitably experienced Social Care Manager was seconded from their post in Conwy County Borough Council to Operation Pallial from the start of December 2012. The post has been jointly funded by the six North Wales local authorities. These experienced practitioners had extensive experience of working with children who had been exploited, children in care and adults survivors of abuse.

The safeguarding role included arranging and providing support to the adult survivors of child abuse in North Wales and to act as a link between Local Authorities and Operation Pallial to facilitate the access of child care records.

It is widely believed this post has been critical in ensuring cross-agency working, sharing the expertise of the social services departments, forging an understanding of police work and how survivors may best be supported.

Counselling and Support

From the outset, professionals have recognised the potential issues in relation to providing the support survivors need, when they need it, and the perception of being seen to 'coach' survivors who are due to give evidence. Pre-trial therapy was commissioned from a local counselling provider, jointly funded by the six local authorities, to the large cluster of survivors who came forward who still reside in north Wales.

Another area of concern has been that witnesses may give a different account to their counsellor than they did when giving their statement to the investigative team. This is often because survivors feel more at ease with a counsellor and may go into more detail. These inconsistencies could be used by the defence to suggest these witnesses are not telling the truth. Operation Pallial has managed this situation by ensuring counsellors involved take detailed notes of what's being said and those notes have been disclosed, where necessary, to avoid any damage to the case as a result of the counselling support.

Operation Pallial officers and the dedicated social worker have spent time building up trust with survivors and there has been no restriction on the dedicated time each person has received. A number of survivors make contact on a regular basis and have been assisted where possible with other issues, including health services or housing solutions.

For survivors residing outside the north Wales area, arrangements for support have been made for these individuals in their local areas. The expertise and local knowledge of the Victim Support Service has been invaluable in sourcing some of these arrangements.

A number of complex cases have been directly supported, where survivors are not ready yet to accept counselling or support from local services.

In supporting individuals, with their consent, it has been important to link with GP's, Mental Health and Substance Misuse Services.

Operation Pallial's aspiration has been to ensure that survivors have and will continue to receive the same and appropriate levels of care and support wherever they now reside in the UK. However, this will be challenging given the variation in care provision available across the UK.

In addition to the support offered to survivors, investigators of Operation Pallial have had personal access to occupational health professionals throughout this enquiry.

The Enquiry Team and Transition

The enquiry team has endeavoured to provide the complainants with some continuity from the outset in terms of the frequency and who makes contact with them. Each complainant will be contacted at least every 6 weeks, preferably by the same team member. This is despite the challenges faced by the enquiry of retaining staff and that staff training in dealing with survivors with such needs has not gone much beyond the evidence gathering process.

Obviously, at some point, the investigation that arose from each complainant's allegation(s) will be complete with each facing a different outcome:

- The allegation(s) made have a statutory time limit for instituting proceedings attached to them (for example common assault, and some sexual offences) and these have been exceeded. The complainants, who will probably already be aware of this, will be formally notified by letter from the Senior Investigating Officer (SIO), and preferably delivered by hand by a Pallial officer.
- All allegations are recorded as crimes. Cases where the alleged assailant is deceased and the investigation team have secured agreement to record the offence(s) under 'National Crime Recording Standard 5 – offender has died'. The complainant will receive a hand delivered letter from the SIO that sets the detail out and indicates that there is prima facie evidence to pass a threshold test and had the assailant been alive, representations would have been made to the Crown Prosecution Service (CPS) to prosecute the individual. It is hoped that this will give the complainant some solace.

If agreement is not reached to record the allegations as above, most likely because it is considered there is insufficient evidence, then the complainant will be told why.

- Following an investigation, the Senior Investigating Officer may conclude that there is insufficient evidence to take the matter forward. The grounds for this will be recorded and the complainants informed of this by a Pallial team member.
- CPS decides that no further action will be taken after a case file has been submitted by the investigation team. This decision will have been made by applying the Prosecutors Code. This tests the sufficiency of the evidence and then whether a prosecution would be in the public interest. This decision will be communicated by letter from the CPS. Pallial officers will give the complainant prior notice that they will be receiving this letter in order to prepare them for news that may be difficult for them.
- A prosecution is conducted and a conclusion reached. A complainant will have necessarily been involved throughout this process, whether as the complainant of an offence charged or as a witness in another prosecution. In some cases there will be more than one complainant and the court decision and outcomes may be different for each. It is recognised that this may cause some complainants difficulty, for example, if the court decisions suggest they may not have been believed whilst others had, because their assailant was acquitted

of offending against them but convicted of offences against others. Without a jury narrative that explains their rationale for the decisions they make, this could potentially be very damaging to some complainants. It is hoped that for those who see their assailant convicted, there will be some closure.

Clearly, due to number of potential outcomes and timings, the investigation team's contact with some complainants will continue for some time and will be concluding at different points. As a survivor focused investigation, it is intended that each case from an investigative point of view will be finalised in a way that best serves the interest of the complainant and tailored to their specific needs. The close liaison between the enquiry team and the support services that is already in place will ensure that the transition from investigation to longer term support if it is needed is as seamless as possible. It is of course recognised that for the complainant and those providing safeguarding and other on-going support services, the matter may not ever be fully finalised.

Enquiry staff

Aside from the complainants, there are several other issues in relation to transition which merit attention. The first is in relation to Pallial's investigating officers. It has been the practice since the outset that when officers return to their force the Senior Investigating Officer sends a letter to their Force and line manager explaining the challenging and often distressing nature of the work they have been involved in and asking that their welfare be monitored during their reintegration. To date there have been no reported issues arising from an officer's return to force and this should be considered as best practice.

Strategic Coordinating Group (SCG)

It's believed the SCG has played a critical role in robustly challenging Operation Pallial. Members have also provided useful community oversight and reassurance to the enquiry. It is intended to keep the SCG running until the investigative effort has been fully run down and closed.

Information systems

The enquiry was conducted using HOLMES and all of the material and evidence collected will be stored and be available to any other related enquiry's in the future. There is also the possibility that complainants will consider civil litigation in the future and request access to material held by the enquiry to assist them. If the enquiry has finished by then, this will be a matter for North Wales Police to manage.

Other relevant, ongoing investigations

The enquiry Coordinator and the SIO attended a seminar involving all of the investigation teams across the UK currently involved in past abuse related enquiries in order to identify any crossovers and share best practise. They have also directly advised one force on an on-going investigation at the request of their Chief Constable.

Learning points

- Screening and welfare provision for staff: personnel involved in these investigations can be exposed to damaged and vulnerable people who they may not be fully trained to deal with and/or subjected to harrowing survivor accounts and other material. Ongoing and regular welfare screening and provision for staff is essential. This includes on their return to force and we established a 'return to force' protocol that ensures the officers' line managers were aware of the work they had been doing and continued to monitor them.
- Appoint a CPS lawyer to work alongside the investigative team, preferably in the same location.
- Staff selection and retention is a key challenge. UK law enforcement as a whole need to identify how they might resource these enquiries more effectively in the future.
- Establishment of a Strategic Coordination Group: the group acted in a GOLD capacity and members represented the key community, political, safeguarding and investigation elements of the enquiry. This proved to be a very valuable asset to the enquiry.
- The Strategic Coordinating Group (SCG) for Operation Pallial should consider undertaking a wider piece of work seeking the views of more survivors to help identify further learning points for future investigations.

Learning the Lessons: implications on children in present care settings in Wales

There are significant numbers of children and young people in care and a number of settings in which they are looked after:

- In 2013 there were 5770 children in the looked after system (Welsh Government statistics, 2013)
- In 2013 there were 125 registered children's homes (Welsh Government / CSSIW statistics, 2013)

It is important that in order to effectively protect and safeguard all children and young people who are looked after by the state that a robust framework of checks and balances are put in place to ensure that the abuses that Waterhouse uncovered are never repeated

Current safeguards for children in the care system

Each registered children's home is governed by legislative requirements contained within the Children's Homes Regulations (Wales) 2002 and the Children's Homes (Wales) (Miscellaneous Amendments) Regulations 2007. These two pieces of legislation contain very specific guidance about how children's homes are to be managed. They include a chapter on children's welfare, which includes a section on the protection of children that requires the registered owner of the home to prepare and implement a written policy which is intended to safeguard children accommodated in the home from abuse or neglect. It sets out the procedure to be followed in the event of any allegation of abuse or neglect. The regulations also include a section on the fitness of staff to work in the homes.

The regulations by themselves of course provide no guarantee that children will be safe, which is why they have been supported by a range of measures to ensure that the staff working in the homes are properly qualified, properly trained, properly vetted and properly supported.

The Care Council for Wales is the social care workforce regulator in Wales responsible for promoting and securing high standards across the social services and social care workforce. It has a leading role in making sure the workforce delivering social services in Wales is working to a high standard. This includes developing a confident and competent workforce in social services and childcare who can work effectively, make well-informed judgments, based on up to date evidence, in the best interests of the people they work with.

It has produced practice guidance for managers of units which sets out exactly what's expected of managers and is the cornerstone of good practice in Wales. The guidance includes a chapter on promoting the safeguarding of individuals.

The Care and Social Services Inspectorate for Wales are responsible for inspecting social care and social services to make sure that they are safe for the people who use them. They aim to provide independent assurance about the quality and availability of social care in Wales, safeguard adults and children making sure that their rights are protected, improve care by encouraging and promoting improvements in the safety, quality and availability of social care services, inform policy, standards and provide independent professional advice to the people developing policy, the public and social care sector.

Inspections of children's homes take place annually although targeted focused inspections will take place when concerns / information requires follow up action.

All professionals working with children and young people in Wales are also expected to work to the All Wales Child Protection procedures. The All Wales Child Protection Procedures 2008 combine the shared knowledge and experiences of Wales' 22 Local Safeguarding Children Boards (LSCBs) and provide a framework within which individual child protection referrals, actions, decisions and plans are made and carried out. They are an integral part of the agenda for safeguarding and promoting the welfare of children.

"The procedures are based on the fundamental principle that the protection of children from harm is the responsibility of all individuals and agencies working with children and their families and with adults who may pose a risk to children. The effective protection of children cannot be achieved by a single agency acting on its own. The procedures clarify how individuals and agencies should communicate and work together effectively in partnership in order to identify vulnerable children, keep them safe from abuse and neglect, and improve outcomes for them." (All Wales Child Protection Procedures 2008)

The procedures address a wide range of safeguarding issues, including new mediums in which abuse can occur, such as the internet, and they incorporate learning from research and practice from other parts of the world. The shared Welsh procedures have been achieved through the work of the All Wales Child Procedures Review Group which has been meeting on a regular basis since the production of the All Wales Procedures in 2002.

Specific support for children

One of the stark messages to come out of the Waterhouse report - the landmark report which focussed on widespread abuse in the care system - was the failure of adults to properly listen to children with dire consequences for those children and young people who were not listened to and who subsequently went on to be abused.

Children living within residential homes are supposed to be provided with a range of supports to allow them to express their views about the care they are receiving in addition to the contact they have with their Social Workers and key workers within the residential homes. All looked after children will have access to an Independent Reviewing Officer (IRO) and should have access to an independent visitor, and or an independent professional advocate. In accordance with The Adoption and Children Act 2002 section 118 an Independent Reviewing officer must be appointed to participate in statutory reviews to consider the care plan of children looked after by the Local Authority. IRO's chair and minute Looked After Children Review meetings, including making decisions and recommendations, and will monitor the effectiveness of the Local Authority's plan. The Independent Reviewing Officer will, where appropriate, meet with the child before the review to ascertain their wishes and feelings and will assist the child to take part in the review.

The role of Independent Visitor was created in the United Kingdom under the 1989 Children Act to befriend children and young people in care. The Act makes it a statutory requirement that children and young people who are looked after by Social Services and who have little or no contact with their birth parents, should be offered the chance to have an adult in their lives who can give them support and advice, and take an interest in their affairs.

In Wales each local authority also commissions an independent advocacy service for children and young people in the care system. Advocates are expected to ensure that the voice of the child or young person is heard in all decisions that are made about them, and to support children and young people to make complaints about any dissatisfactions they may have about the service being provided for them. They are independent of the local authority.

Children and young people can also contact the Children's Commissioner for Wales. Established by the Care Standards Act 2000 in direct response to the Waterhouse report, the Commissioner's principal aim is to safeguard and promote the rights and welfare of children in Wales. All the organisation's work is underpinned by the UN Convention on the Rights of the Child (UNCRC).

One key function of the office is its advice and support service. This is a free and confidential source of help and support for children and young people or those who care for them. The service responds to direct contact by children or their representatives and its main aim is to safeguard and promote the rights and welfare of children and young people in Wales, providing independent and impartial advice based on the UNCRC. The service is child-centred and solution-focused and as such seeks to resolve issues quickly and at the lowest formal level and to avoid escalation to the higher organisational levels wherever possible. The Commissioner has a range of powers that he can invoke if he considers that issues that he is raising are not being appropriately responded to.

In summary, there is wealth of regulation and good practice guidance that make residential care much safer for children and young people today than it was in 20 or 30 years ago but that does not mean that we should be complacent. During the past two years the Children's Commissioner for Wales has undertaken reviews into the provision of independent professional advocacy for looked after children, care leavers, and children in need arising from evidence presented to the Commissioner that indicated that many children and young people in care did not know that advocacy services existed or that they had an entitlement to advocacy. The office found that the voice of the child was still not being heard when it should be, and that the safeguards that should be in place to ensure that children and young people are listened to do not always work as effectively or as efficiently as they should.

Waterhouse Report - 14 years on

We have already referred to the significant changes that have been made to the child protection and safeguarding landscape in Wales, and the framework that is now in place to support and care for some of the most vulnerable children and young people. We are satisfied that children and young people are now much safer in care than they were at the time that Waterhouse reported, and that there is now in place a clear infrastructure of checks and balances that have been designed to prevent the widespread and sustained abuse that children and young people in North Wales care homes suffered in the 1970s and 80s. It is worth revisiting the main recommendations of Waterhouse and to look at the progress that has been made since Waterhouse, as well as to consider the further safeguards that need to be put in place to sustain this progress.

The Waterhouse report contained 72 recommendations, including:

1. An independent Children's Commissioner for Wales should be appointed to ensure respect for children's rights and protection for whistle-blowers. The Commissioner should report to the Welsh Assembly.
2. Every social services authority should appoint a Children's Complaints Officer, who will see any child who complains; consult with managers on how to react; and ensure that children can complain to an independent outside organisation if they wish.
3. Every local authority should establish clear whistle-blowing procedures.

4. Failure by staff to report suspected abuse of a child by anyone else should become a disciplinary offence.
5. For their entire time in care, and for a period afterwards, every child should be given an individual social worker, who must visit them every eight weeks.
6. When children abscond from children's homes, police should ask them why they have run away and should not automatically return them.
7. There should be a national review of the pay, status and career development of residential childcare staff and field social workers to ensure sufficient candidates of an appropriate calibre.
8. Social services departments should be vigilant when recruiting staff and foster-parents.
9. An independent regulatory agency should be established for children's services in Wales.

Commissioner's office

The Children's Commissioner for Wales was established in 2001 with a legislative remit to safeguard and promote the rights and welfare of children and young people in Wales. The office is currently subject to an independent review of the role and functions of the Children's Commissioner. The review has been commissioned by Welsh Government with a view to making recommendations that will strengthen further the Commissioner's role and impact.

Complaints officers

Children's complaints officers were established in a number of local authority areas following the publication of the Waterhouse report but in recent years have fallen victim to the challenging economic climate and in a large number of local authorities have been combined with adult complaints officers. From August 2014 local authority Social Services departments are expected to follow new Welsh Government complaints guidance. The new guidance focuses on early local resolution and on tackling issues quickly and effectively and includes the following information in relation to children and young people:

"Well publicised and accessible material about the complaints procedure should be available free of charge in a variety of formats, including easy-read and specifically for children and young people. The Children's Commissioner for Wales can provide support in developing appropriate material."

"Children in need, looked after children and care leavers have a right to an independent advocate when making a complaint or representation."

"The Complaints Officer should have sufficient capacity, authority and independence to manage the complaints and representations process effectively, to deliver a child-centred service where appropriate and to contribute to service development".

"Under the Care Standards Act 2000 and the Children's Commissioner for Wales Regulations 2001, the Children's Commissioner can provide "assistance" to a relevant child in some cases which can include where the relevant child is making a complaint or representation to or in respect of a provider of regulated children's services in Wales. "Assistance" can include arranging for the representation and/or the giving of advice or assistance to any person".

It will be important to monitor the impact of these changes on children and young people and how easy or difficult they find it to raise concerns and make a complaint or representation. It would be a backward step if these changes resulted in fewer children feeling able to raise a concern or make a complaint and one that could compromise the important role that accessible complaints procedures can play in safeguarding and promoting the rights of children.

Currently there does not seem to be a system in place to monitor all complaints made by children and young people in Wales. No obvious, central agency or body collates analyses and publishes this information routinely although each local authority is required to produce an annual report specifying a range of information on all complaints about social services.

Whistleblowing procedures

The Children's Commissioner for Wales has the statutory authority under the Care Standards Act 2000 to review and monitor the arrangements which certain public bodies have in place to safeguard and promote the rights of children in response to dealing with complaints or representations. Whistleblowing procedures have been introduced in all 22 Local authorities. The Children's Commissioner for Wales office published "*Telling Concerns*" in 2004 a report into complaints, representations and whistleblowing procedures and arrangements in children's Social Services and as part of the fieldwork for that report obtained copies of all local authorities whistleblowing procedures.

Failure to report suspected abuse is not a disciplinary offence in all local authority areas. As part of the information gathering for "*Telling Concerns*" only 12 local authorities reported that failure to disclose child abuse was a disciplinary offence. No recent information is available to report whether this situation has improved since 2004 although the climate for holding professionals to account has significantly changed since "*Telling Concerns*". In light of recent child abuse scandals Sir Keir Starmer QC, the former director of public prosecutions, has publicly stated that the failure to report abuse by professionals should be a criminal offence. Whilst you can argue the pros and cons of such an approach it does highlight the fact that current child protection systems and their ability to effectively protect all children has been called into question.

The Welsh Government has recently announced there will be a legal obligation in Wales in 2016 to report any child or adult believed to be at risk of abuse or neglect. The new powers are being implemented as part of the Social Services and Well-being (Wales) Act 2014, which received Royal Assent on 1 May 2014, and forms the basis for a new statutory framework for care and support in Wales.

Children's regular access to a social worker

Children and young people do complain that they do not see enough of their Social Worker. At two events that the Children's Commissioner's office organised for children and young people in the care system in Wales in July and August of this year this was a common complaint from those children and young people attending. Diminishing resources and increased caseloads in Wales are unlikely to improve this situation which compromises the ability of Social Services to properly care for and safeguard all the children it is responsible for.

Children and young people who are placed in care settings by Social Services must be visited by their Social Worker during their first week in care and then every six weeks unless they are in a permanent placement when visits must be every three months. Children and young people must be seen on their own by their Social Worker who should report any concerns that they have to the child or young person's Independent Reviewing Officer.

Children absconding from children's homes

Practice in relation to police involvement with children who go missing from care is prescribed in Wales through the 'All Wales protocol on Missing Children' that was published in 2011. The protocol developed by the 'All Wales Child Protection Procedures' review group was endorsed by Welsh Government ministers and outlined how agencies including the police should work together. In June 2013 the Deputy Director legislation and Policy Division Social services directorate wrote on behalf of the Deputy Minister for Children to all local authority Chief Executive Officers and Chairs of Local Children's Safeguarding Boards reminding them about the protocol and urging them to follow the protocol, following reports that the protocol was not being implemented consistently across Wales.

Some Police force areas have been more innovative than others. The Missing Children's project in Gwent established with the help of lottery funding brings together public sector workers from a number of agencies in a missing children hub that seeks to intervene early to find out why children and young people go missing from home. Early indications are that the hub is having a positive impact on the number of children and young people who go missing.

Resourcing social services

Social Services recruitment procedures have significantly improved during the past 14 years for both Social care staff and Foster Carers. Much work has taken place over the intervening years to improve the recruitment, training, and quality of residential care staff. Enhanced Criminal Records checks are required for all staff working in residential settings and training requirements for managers and care staff have been introduced by the Care Council for Wales. It is probably fair to say that the pay and status of residential care staff has not been adequately addressed with the least experienced and qualified members of the social services staff group working intensively with the most challenging and difficult client group 24/7. That situation is unlikely to change and will impact upon the quality of staff that residential homes are able to attract.

Regulatory bodies

As previously mentioned the Care and Social Services Inspectorate for Wales (CSSIW) was established in April 2007, replacing the Care Standards Inspectorate for Wales. The main function of the CSSIW is the regulation and inspection of care homes and children's homes/schools.

Summary

Operation Pallial has provided the opportunity to reflect upon the changes there have been in childcare practice since the publication of Waterhouse's report 'Lost in Care' in 2000. Fourteen years later and much has improved for children and young people in care; they are safer, there has been an increase in understanding that the voice of children is critical to good practice and every looked after child is entitled to an advocate. But, with increasing numbers of children coming into care it is important that the improvements that have occurred during the past ten years are sustained and developed further.

Conclusion by Keith Towler, Children's Commissioner for Wales

Prior to Operation Pallial coming to being, I remember being questioned robustly by some organisations and the media about why I thought survivors' claims of abuse in care homes decades ago needed to be looked at again. I remember being criticised that this would undermine Waterhouse's work. But the fundamental point was lost – it wasn't about undermining a previous enquiry, but about listening to survivors' voices and for institutions to be able to learn from previous errors so that children and young people today can be kept safe when they're in care. I was adamant that any new enquiry or investigation should place the voice of survivors at the heart of its work.

When Operation Pallial began, it became evident from the outset that this was to be a survivor-led investigation. In December 2014, we saw the first conviction of Operation Pallial, when John Allen, the owner and manager of former children's homes in north Wales, was sentenced to life imprisonment for 33 serious sexual offences against 19 survivors. The voices of these survivors have finally been heard.

This short report is intended to look at the early processes established by Operation Pallial and highlight the lessons learnt. Critically, it draws from some of these survivors' experiences. My hope is that as Operation Pallial proceeds, we will be able to look at other key processes and identify some more emerging lessons for any future investigations.

I believe this work is timely. I'm writing this at a time when various enquiries are underway looking at past child abuse cases and new guidance is being issued on achieving best evidence in child abuse cases. My hope is that this report and the lessons highlighted within it will provide an insight into how one investigation has successfully managed a survivor-led enquiry.



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