

John O'Brien  
Director Safeguarding  
The Home Office  
2, Marsham Street  
London  
SW1P 4DF



7th February 2015

Dear Mr O'Brien,

### Terms of Reference + Scope of Inquiry

Following the meeting with the Home Secretary on Wednesday 4<sup>th</sup> February and shortly before her Child Sexual Abuse inquiry statement to the House of Commons, I raised the matter to Terms of Reference and Scope of the inquiry agreed that I would write to you with recommendations of those experienced abusees and interested parties who coalesce around MandateNow. You wished to receive this by Monday 9<sup>th</sup> February.

### Scope

We hope to see an Inquiry into the actions and inactions of institutions, officers, employees and elected officials: state, religious and other charitable organisations, with regard to how they failed to protect children from sexual abuse and exploitation from January 1946 to the present.

Institutions to include:

- State and Independent Schools (day and boarding)
- State, independent and charity run care homes /reform schools/orphanages
- Cathedral Schools and Music schools
- Youth offender institutions
- Hospitals
- Armed services institutions
- Sports Institutions linked to National Sports Bodies <sup>1</sup>
- All Church institutions, including those run by Dioceses, Districts, religious orders and other Christian charities (Barnardos, NCH et al), the Conference of Bishops, House of Bishops, Conference and Religious Orders, and to cover the actions of those Bishops, Archbishops, Cardinals, Presidents and other church leaders in House of Lords. All

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<sup>1</sup> Included the National Governing Bodies of Sports in England + Wales -

national churches: Catholic, Church of England, Church in Wales, Methodist, United Reform Church and Baptist, and independent congregations.

- All other faith institutions: Temples, mosques, synagogues, madrasas, schools, religious training colleges
- Scouts/Guides/Brownies/Cubs/Woodcraft/Cadet Corps/Boys Brigade/All national child and youth groups
- Local Governments, Social services, Police Forces/Services, Regional, specialist and national crime agencies, Secret services, criminal justice services, the CPS, DPP, Judiciary and both houses of parliament and civil service, the Government and the Royal family.
- Political parties at both local and national level, including the Whips' offices of all parties with representation in the House of Commons during the period in question.

### **Terms of Reference**

To inquire into the nature, extent and prevalence of child sexual abuse perpetrated by officers, employees and/or elected members of any of the above institutions within or beyond those institutions.

To inquire into the nature, extent and causes of the institutional failures to respond appropriately adequately or at all to reported cases or other evidence of child abuse whether perpetrated within institutions or beyond institutions.

In the course of these inquiries to identify persons who may have been responsible for the abuse of children and/or the aiding, abetting and covering up of abuse of children and perverting the course of justice, resulting in the denial of access to justice for the victims.

To forward to the designated police task force for further criminal investigation all relevant information concerning those who may have committed criminal offences in relation to the abuse of children and/or the aiding, abetting and covering up of the abuse of children and perverting the course of justice.

To inquire into the nature of and the extent to which cultural, institutional and social dynamics and factors adversely influenced the responses of officers, employees, elected officials and others within and beyond any and all of the above institutions, to reported and known cases of child abuse.

To inquire into the effectiveness of current safeguarding legislation and specific institutional procedures in light of the findings of the Inquiry

Having made sufficient inquiries to establish knowledge of patterns of failure to protect children, to make recommendations as to the following:

- Changes to safeguarding legislation to make it more effective in light of the findings of the Inquiry (including *de minimus* Mandatory Reporting for those in Regulated Activities)<sup>2</sup>
- Changes to internal 'self' evaluation of incidents arising both within and outside a Regulated Activity attended by a child, which results in inexperienced and conflicted employees deciding whether or not an incident 'should' be referred to the Local Authority/social services for independent assessment.
- Sanctions to be applied to the Chairs and executive officers of Regulated Activities who fail to return 'referrals' and to the DISCLOSURE AND BARRING SERVICE.
- Changes to require (safeguarding) inspectorates of Regulated Activities including Ofsted, Independent Schools Inspectorate, School Inspection Service, Bridge, and the Care Quality Commission, which should receive 'automatic transmission' of referrals from the Disclosure and Barring Service, to inspect against these referrals and police notifications, and to report upon them in an acceptable format, within their inspection reports, irrespective of when the reported incident occurred (since there can be a significant delay between an incident and its reporting).
- Changes to police and CPS procedures to improve understanding of the nature of the offences committed which involve the abuse of power.
- Changes to criminal justice system to reconsider the way in which these cases are prosecuted. Reference over the Human Rights commission.
- Changes to criminal law to provide an effective redress for wrongs suffered by child abuse. The law needs to reflect the nature of the offence which is an abuse of power.

Also the Chair's board of 'assessors' (panel) to determine whether a Truth and Reconciliation Commission needs to be established with a Redress board for all victims of child abuse perpetrated within or beyond the above institutions by officers, employees and elected members of those Institutions and for those victims of child abuse failed by officers, employees and elected members of the above institutions.

There is a need to consider how survivor and witness testimony will be heard by the inquiry. The Australian model has identified institutions which have housed perpetrators, and invited testimony from those who have been abused in these settings. Evidence is provided either privately or in public with contemporaneous internet broadcast. The latter is a positive initiative that we hope is provided by the inquiry.

Can thought please be given to reaching out to abusees in mental health institutions,

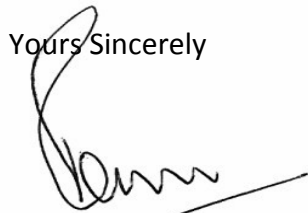
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<sup>2</sup> Regulated Activities are defined in SAFEGUARDING VULNERABLE GROUPS ACT 2006.

hostels, homeless provision, prisons, drug and alcohol rehabilitation centres, and those on probation and others who might now be residing overseas? Voices of all people who have been abused in the specified institutions need to be heard.

There is one final matter. A wealth of vital data will be gathered during the inquiry that can inform the design of future child protection in England. This should be used to commission research on such matters as: factors inhibiting or facilitating the reporting of suspected abuse. The reason inquiries exist in England, Wales, Scotland, Northern Ireland, Jersey, and St Helena, is in part because people failed to report suspected and known abuses. One of the most difficult tasks for any adult working in a Regulated Activity is to report a concern. Presently there is a dearth of research in this realm with the Royal Commission in conjunction with Queensland University of Technology is making inroads into this critically important area.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Tom Perry', written over a horizontal line.

Tom Perry - Founder MandateNow

In conjunction with: *Signed by others who coalesce around Mandate Now*