

Structure of Inquiry

A statutory inquiry led by a panel of 3, comprising as Chair a serving or retired Judge at the level of the High Court or above, an expert and an individual who is qualified to champion the interests of survivors of abuse.

The Secretary of State shall choose the panel members but shall involve survivors of abuse, in particular in relation to the choice of their panel champion.

Draft Terms of Reference

Purpose

- A. To consider the extent to which State and non-State institutions have failed in their duty of care to protect children from sexual abuse and sexual exploitation, within and outside the home and in institutional settings;
- B. to consider the extent to which those failings have since been addressed;
- C. to identify further action needed to address any failings identified; and
- D. to publish a report with recommendations.

In relation to (A) above the Inquiry should include in its consideration:-

- what systems were in place in which relevant institutions to ensure prevention, identification, reporting, referral, investigation, treatment and follow up of incidents of child sexual abuse and exploitation (including ongoing control of perpetrators) and the adequacy / effectiveness of the systems and procedures then in place;
- any failure of the duty of care by reference to each relevant institution in the prevention, identification, reporting, referral, investigation, treatment and follow up of incidents of child sexual abuse and exploitation (including ongoing control of perpetrators);

- the extent to which there are or have been systemic failures within institutions and how these systemic failures arose;
- what, if any, institutional responses were given to allegations and incidents of child sexual abuse and the appropriateness of such responses.

In relation to B the Inquiry should include in its consideration:-

- How, if at all, have the systems in place which failed children changed over time;
- To what extent, if at all, have those changes remedied and/ or resolved the systemic failures identified;
- what institutions should do better encourage the reporting of incidents or risks of child sexual abuse and exploitation and ongoing control of perpetrators.

In relation to C the Inquiry should include in its consideration:-

- what impediments currently exist;
- what should institutions do to eliminate or reduce impediments that currently exist, if such be the case, to:-
 - i) identifying those who have been abused or who are at risk of abuse;
 - ii) enabling those who have been abused or who are at risk of abuse to report the abuse or risk of abuse or exploitation;
 - iii) ongoing control of perpetrators;
- what should institutions do to eliminate or substantially reduce impediments that currently exist, if such be the case, to institutions working together effectively to identify and protect those who have suffered or who are at risk of suffering child sexual abuse or exploitation and to continue to control perpetrators;

- what should institutions do to better respond to reports or information about allegations, incidents or risks of child sexual abuse or exploitation;
- what should institutions do to address or alleviate the impact of sexual abuse or exploitation including, in particular, ensuring justice for victims through the provision of redress by institutions, processes of referral for investigations and prosecution and through support services;
- what should institutions do to limit, ameliorate and/or protect victims from being further affected from the prosecution of and management of perpetrators of child sexual abuse or exploitation.

Objectives

To make recommendations to inform the development of strategies, policy, legislative, administrative and structural reform with the ultimate aim of improving the response of institutions to all forms of child sexual abuse in all contexts.

Scope

- The Inquiry should consider all the information which is available in the form of the various published and unpublished reviews, court cases, investigations, including Serious Case Reviews etc which have so far concluded;
- The Inquiry should direct a comprehensive search of all documents relevant to the remit of the inquiry whether held by the institutions under investigation or another;
- The Inquiry should take evidence, both written and oral, from those concerned, including survivors of child sexual abuse and exploitation, to the extent that is necessary to inform the main objective of the Inquiry. There shall be a presumption that all hearings are held in

public save for where a witness could reasonably justify declining to appear in public;

- The inquiry should disclose where appropriate and in line with security and data protection protocols any documents which were considered as part of the Inquiry;
- State and non-State institutions. Such institutions will, for example, include:-
 - Government departments, Parliament and Ministers;
 - Police and prosecution authorities;
 - schools, including private and state funded boarding and day schools;
 - Local Authorities, including care homes, foster homes, children services;
 - health services;
 - prisons/secure estates;
 - churches and other religious denominations and organisations;
 - political parties;
 - the Armed Services;
 - cultural, educational, sporting and other like institutions which provide services and support for children;
- The Inquiry will cover the United Kingdom. Should the enquiry panel identify any material relating to the devolved administrations it will be passed to the relevant authorities;
- The Inquiry will consider these matters from 1945 to the present. However the Inquiry may be presented with evidence that would lead it to conclude that this timeframe should be extended further;
- The Inquiry will not address allegations relating to events in the Overseas Territories or Crown Dependencies. However any such allegations received by the panel will be referred to the relevant law enforcement bodies in those jurisdictions;

- For the purpose of this Inquiry "child" means anyone under the age of 18. However the Inquiry will consider abuse of individuals over the age of 18 if that abuse started when the individual was minor;
- The Inquiry should include those abused as children in all contexts i.e. both within and without the home and within institutional settings.

Principles

- The Inquiry will have full access to all the material it needs unless there is a statutory impediment to doing so;
- Any allegation of child abuse received by the Inquiry will be referred to the police;
- All personal and sensitive information will be appropriately protected and will be made available only to those who need to see it;
- It is not part of the Inquiry's function to determine civil or criminal liability of named individuals or organisations. This should not however inhibit the Inquiry from making findings of fact relevant to its terms of reference.

Additional

In addition to a statutory inquiry, it is considered that the government should set up a permanent child sexual abuse champion, with powers including the power to

- respond to individual concerns relating to child abuse, including by making referrals;
- monitor and hold to account institutions in connection with child protection;
- make recommendations to institutions and government;
- be a central point of information and resources for survivors of child sexual abuse;

- investigate on an ongoing basis child sexual abuse issues arising from court cases, serious case reviews, inquiries and similar procedures which point to systemic institutional failures and report on them.