

## **Terms of Reference for the Investigation into Allegations Surrounding Child Safety Issues in St Helena and Ascension Island**

1.1 These terms of reference have been determined by Ms Sasha Wass QC and agreed by the Secretary of State for Foreign and Commonwealth Affairs.

### **2. BACKGROUND**

2.1 The constitutional relationship between the UK and the Overseas Territories (OTs) includes the UK's obligations under the UN Charter, "*to promote to the utmost... the well-being of the inhabitants of these territories*", including the development of self-government; political, economic, social and educational advancement; just treatment; and protection against abuses.

2.2 As the White Paper of June 2012 makes clear, the UK Government has responsibilities to the people of the Territories to ensure their good governance. Those living in the Territories have a right to expect the same standards of governance as in the UK, including in the areas of human rights, rule of law and integrity in public life.

2.3 There is a particular responsibility for Territory Governments to ensure the safeguarding of children, for which the UK provides practical assistance and support. There are substantial challenges: relatively small and isolated island societies will have limited capacity to provide a full complement of public services. Small-island communities, where people know each other and many are related, can also give rise to insular attitudes that undermine international standards such as those promoted through the United Nations Convention on the Rights of the Child (UNCRC).

2.4 DFID and FCO have been supporting child safeguarding initiatives in the OT's for the last nine years, most recently through the Safeguarding Children in the Overseas Territories (SCOT) programme (2013-2016), which followed on from an earlier SCOT programme (2009-2013) and a regional Child Protection Programme (CPP, 2005-2008). Although tangible progress was made in earlier programmes to raise awareness and build capacity, the new programme will focus on gaining a deeper understanding of the problem including how to detect, prevent and address child abuse. Much political will has been built across the OTs evident in the 2012 Joint Ministerial Council (JMC) Communiqué that committed OT Governments "*to improve strategies to ensure the safeguarding of children, based on a strong belief in zero tolerance to child abuse in whatever form it comes*".

2.5 The SCOT programme operated in St Helena, with some limited support provided to Ascension. The programme helped encourage revised and updated legislation to protect children, established professional protocols and procedures for those involved in child services, improved the provision of training for St Helena officials, and helped to promote local ownership of the safeguarding agenda.

2.6 On Ascension Island, where there is no permanent population, the provision of such services is less advanced. Nevertheless there is a Child Safeguarding Board comprised of the Administrator and representatives that deal with health, education and the police. There are a few professionals on island with some distance support provided by St Helena.

2.7 Through the recent and current SCOT programmes, support has been provided to St Helena through a Lucy Faithfull Foundation review (2013) and technical expertise to take forward a robust child safeguarding action plan arising from review recommendations.

## Recent History

2.8 In November 2012, the FCO received anonymous allegations in relation to St Helena and Ascension that sexual offenses against children were not being properly investigated or prosecuted and that the Saint Helena Police Service (SHPS) in particular was failing in its duty to children and vulnerable adults. A number of separate investigations were undertaken, including in response to further allegations. On the basis of recommendations made by the investigations, the St. Helena authorities responded with action plans to address the deficiencies identified. Relations between St Helena's Social Services and the SHPS remained difficult however, leading to a breakdown in the professional relationship between the two organisations.

2.9 In March 2014, St Helena's Chief Justice expressed concern about the conduct of St Helena Government (SHG) officials during an adoption case in Ascension and recommended an independent barrister-led review into whether any wrong-doing had been committed. A number of officials were subsequently suspended pending a police investigation.

2.10 In July, the FCO received a letter of resignation from the suspended Senior Social Work Manager alleging detriment for whistle-blowing. In a separate document prepared for an Employment Tribunal, the former employee made a substantial number of separate allegations relating to specific child safety incidents on St Helena and Ascension, the response of the local government authorities, and the role of the FCO and DFID. A separate but similar document from another former employee of Social Services echoed these allegations.

2.11 In response, the then Secretary of State for Foreign and Commonwealth Affairs agreed to establish an independent panel of experts to investigate these allegations and any related matters which the panel thought pertinent.

## **3. PURPOSE**

3.1 Given the serious nature of these allegations FCO and DFID Ministers have commissioned an independent expert inquiry to undertake a multi-disciplinary investigation into the allegations raised and to provide an assessment of their veracity in order to assess the existence of any systemic failings that require addressing. The panel is invited to examine any other issues that may emerge as part of their investigation, and to make recommendations on actions to be taken in response to their assessment.

## **4. SCOPE OF WORK**

4.1 The Investigation Panel will be headed by Ms. Sasha Wass QC, who will be supported by a multi-disciplinary team of experts.

4.2 The scope of the Panel's work will be conditioned by their assessment of the allegations made and by any other such related issues as come to the Panel's attention. This will include, though will not be restricted to:

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

b) an assessment of the role of the FCO and DFID in responding to these emerging concerns;

c) an appraisal of the response of the St Helena authorities, including the Department of Health and Social Welfare and SHPS, to the specific child safety incidents detailed in the allegations, and whether further investigation, including criminal investigation, is required;

d) a review of the historic and current relationship between Social Services and the SHPS, and the implications for child safety;

e) an assessment of the treatment of, and support given to, employees and others who bring child safety concerns to the authorities' attention ("whistle-blowers");

f) an assessment of how SHG and its authorities handles child and vulnerable adult sexual abuse cases in general;

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

4.3 The Panel will have access to all relevant papers from the FCO, DFID and SHG and its authorities. It will also be able to request the opportunity to interview current and former officials, and other relevant persons, and to take oral and written submissions as evidence. The Panel will be expected to visit St Helena as part of this process.

4.4 The Panel will be cognisant of the potential for criminal proceedings arising from these or related matters. They will be conscious of the importance not to cut across existing criminal investigations and employment tribunal cases, but will also make recommendations where they believe further criminal enquiries should be made.

## **5. OUTPUT**

5.1 Ms Wass will produce an initial assessment of the allegations, with a proposal to structure the process of the inquiry, including recommendations for the composition of the Panel. This outline of process and a timeline for completion will be submitted to Ministers by March 2015 with a final report by summer 2015.

5.2 The Panel will periodically update Ministers on their progress, as required.

5.3 The Panel will produce a public report of its findings, a draft of which will be shared with the principal parties for fact checking before publication. In the event of recommendations for further criminal investigation, these will be contained in a confidential annex for the St Helena authorities and HMG.