

Written evidence from Alexis Jay (STI0026)

To whom it may concern

I am aware that the Secretary to the IICSA and the Lead Counsel to the IICSA have already given evidence in person to the House of Lords Inquiry

Relevant professional background

I am a professional social worker with 30 years 'experience of local government, culminating in being a director of social services. Other relevant experience includes being invited by the Scottish Government to set up the first inspection organisation of social work in Scotland. This included creating the structure and methodology for the new organisation, the programming of inspections, independent moderation of judgements made and an appeals process. It separately involved the carrying out of inquiries and investigations at the direction of Scottish Ministers. I continued to lead investigative, evidence-based activity beyond this role, most notably in Northern Ireland, and in Rotherham on the subject of child sexual exploitation in the borough over 16 years, before becoming a panel member, and then chair of the independent Inquiry into Child Sexual Abuse, from 2016 - 2023.

1. The right Chair.

There is a consistent view that the most appropriate persons to lead a public inquiry are judges, because of their knowledge of the law and their understanding of impartiality, fairness and objectivity. This is often the strong and understandable desire of victim representatives.

Nevertheless, in some instances where specialist knowledge is beneficial, and where direct experience of the subject matter and wider context is important and adds value, there should be greater scope for non-judicial chairs to be appointed. I had no shortage of expert legal advice in my role as Chair, and there were no judicial reviews, apart from one which was attempted and failed at the first hurdle. On the other hand, I had detailed professional knowledge of the subject matter and many of the institutional settings which we examined, along with an understanding of methodology and triangulation of evidence.

In public inquiries where there are many victims, particularly children and vulnerable adults who may have suffered significant trauma, a sensitive, empathetic approach is necessary, whilst maintaining impartiality and objectivity.

1.2 The removal or replacement of a Chair

There are various reasons why the removal or replacement of the Chair of a public inquiry may be necessary, including illness or resignation, but the 2005 Act makes no provision for how this should be done, or what action might be

taken in advance to facilitate the process for replacement, should it become necessary.

For those public inquiries which involve a Panel to assist the Chair, there could be scope for the appointment of a Vice Chair, or in some circumstances, possibly Joint Chairs, but there is no provision in the Act for either of these options. In practice, the need to replace a Chair can lead to a lengthy process, and significant disruption, and even discredit to the public inquiry itself.

2. The Panel

For those public inquiries with a wide-ranging scope in time and complexity of subject matter, I would strongly recommend a panel to assist the chair. However able she/he might be, the sheer volume of evidence, often of a very diverse nature, needs to be approached from a range of perspectives and experience. Omniscience is unlikely to be vested entirely in a single person. It is, of course, important to clarify at the outset which decisions in law are solely the responsibility of the chair, and which decisions must involve the chair and panel.

3.1. Inquiry Activities

Whilst the central focus of any public inquiry will be the investigation activity and public hearings, other activities may also be appropriate. In my Inquiry, its temporal scope spanned decades, and the range of institutions to be considered was significant. To assist with understanding the context and subject matter, activities other than public hearings were organised. These included seminars, research, victim and survivor engagement, and the Truth Project.

The outputs of these various activities often challenged legal professionals in respect of what constituted evidence, and indeed what a public inquiry was there to do.

3.1.a. Seminars

Seminars on certain themes, such as redress and mandatory reporting, were organised in the initial stages of the Inquiry's life and prior to the start of the public hearings. They were attended by the Chair and Panel, primarily to listen and not question, other than for factual clarification. The seminars were usually led by a barrister and involved experts, academics and others with a range of views.

3.1.b The Truth Project

The Truth Project was a unique feature of this public inquiry, where trained facilitators listened to victims and survivors who gave their accounts of childhood sexual abuse on a confidential basis. Over 6200 people came forward voluntarily to share their experiences. By far the majority did so in person, although with the onset of Covid, some took up the alternative of sharing a written account, or a telephone meeting. If the person concerned was agreeable, their anonymised data was analysed, and published online on a regular basis. Victims and survivors were always asked for their ideas for keeping children safer in the future. The whole process has provided a unique dataset which will inform academic and public policy perspectives on child sexual abuse for years to come.

It also enabled the Inquiry to reach many more victims and survivors than those involved in the public hearings alone would have done. As with the reference below to virtual hearings, a great deal should be learned and retained from the Truth Project about the engagement of victims and survivors in public inquiries.

3.1.c Research

My Inquiry included a dedicated research team. This was helpful in providing or commissioning literature reviews and relevant background material which assisted with establishment of the facts. I would not, however, recommend the inclusion of primary research in any future public inquiry, as we did in IICSA. It is potentially dangerous to introduce new, untested and uncomparing research conclusions, if its purpose was to cover any gaps in existing research. Further, a public inquiry is likely to have limited funding available for primary research, inevitably leading to restrictions in the scale of its sample size.

Skilled data analysts were an extremely useful resource in many different ways, including the interrogation of statistical and financial data over years.

3.1.d Victim and Survivor Engagement

In the first year of IICSA, the Victim and Survivor Consultative Panel (VSCP) was formed. This panel existed throughout the duration of the Inquiry, with a membership of seven persons who were appointed via an open call for applications.

Nearly 1800 people joined the Inquiry's Victims and Survivors Forum, which operated online, and acted as a sounding board and focus on relevant issues, which did not include reference to the content of public hearings. Despite the large numbers involved, it is important to recognise that victims are a

disparate group who will want different things from a public inquiry, and there should be no presumption about a single focus or a single interest.

The Inquiry's Final Report comprised two parts. The first part - 'Victims and Survivors Voices' - used the words of those who had been sexually abused as children and how it had affected their lives. Some of the content was therefore explicit.

4. Timescale and Publication

An important early decision for most public inquiries is whether to plan for the publication of reports throughout its duration, or only at the end. This will depend on a range of factors, which may not always be fully understood at the starting point. These include the temporal scope of the Inquiry, for example. In my inquiry, it was described as being 'in living memory'. This was an important decision, included in its remit, in order not to exclude those victims whose childhood sexual abuse may have occurred as far back as the nineteen twenties and thirties. It also took account of the well evidenced impact that these crimes could have on every aspect of the victim's life, and the high expectations of many victims concerning the outcomes of the public inquiry.

5. Remote or virtual public hearings

My Inquiry set out a programme of investigations and public hearings with a timescale ending in December 2020. In March 2020, Covid intervened, and it was necessary to rethink the remaining programme. We were the first public inquiry to adopt remote public hearings, whilst complying with all of the legal requirements of the Act. The Secretary to the Inquiry and the Solicitor to the Inquiry took the leading roles in setting up this process, and there is much to learn from how it was done. Principally, it allowed us to adhere to the timescale which had been made public some time before Covid. It would be important that this learning was captured for future reference should such an eventuality, or similar, occur again.

6. Oversight and Follow up to recommendations

The lack of provision in the Act for follow up to recommendations made by public inquiries is often cited as the major weaknesses of the present process. I agree. In the case of my Inquiry, not only did it mean no structured accountability, but the expectations of victims, survivors and other interested parties had been raised with the nature of the recommendations made, and the initial positive government response from the then Home Secretary.

In my inquiry, we had already taken our own steps to increase public accountability for recommendations made. As we had determined to publish individual reports including recommendations, as we proceeded with the public

hearings, I took the decision that we should follow up recommendations made in each report.

This involved making contact with the organisations we required to implement recommendations every six months, to report on progress, which we considered a reasonable time to have taken some form of action. This was then publicly reported on the Inquiry website. This meant there was some degree of accountability during the Inquiry's lifetime. We also published a progress report on the final position as at December 2022. The final, twentieth report, made 20 recommendations, which were repeated from earlier reports since we had concluded the responses to these recommendations were inadequate.

Several months after we published the Final Report, the government published its response. As a Chair and Panel, we were dissatisfied and disappointed with this response, as were many organisations and individuals who had expected it to be much clearer in its commitment to implementation, including timescales.

I suggested to government that a small, independent group, possibly including myself and victim and survivor representation, should continue the process we initiated in the Inquiry, to monitor and publicly report on progress made on the implementation of all the recommendations set out in the course of the public inquiry. I received no response, and latterly raised this again with the present Home Secretary, who said he would consider it.

Alexis Jay

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