

**Report of: Leader of the Council**

<b>Executive</b>	<b>Date: 28 September 2017</b>	<b>Ward(s): All</b>
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## **SUBJECT: Independent investigation into non-recent abuse in Islington Care Homes**

### **1. Synopsis**

- 1.1 Islington Council publicly acknowledged in the early 1990s that some children in Islington care homes had been subject to abuse in the 1980s and early 1990s. The Council was understandably horrified and has apologised for its failings both during the 1990s and again, most recently in May 2017. In the early 1990s, the Council commissioned a report that was delivered in 1995 (the “White Report”), and followed all its recommendations.
- 1.2 In May 2017 new allegations came to light about Sandy Marks, who was a member of Social Services Committee between 1983 and 1991, and Chair of the Committee from 1991 to 1995. Sandy Marks denies these allegations.
- 1.3 Following these allegations, the Council commissioned a QC, supported by a barrister, to advise on whether these new allegations compromised the validity of the White Report. Their advice is that an independent investigation is required to examine specific questions in relation to Sandy Marks.
- 1.4 This report recommends that the Executive agrees to follow the advice from the QC and barrister, formally endorses the statement given by the Leader in May this year, and approves an apology on behalf of the Council.

### **2. Recommendations**

- 2.1 To endorse the statement by the Leader from May 2017, and an apology to victims of child abuse in Islington care homes for the council’s past failings (see paragraphs 3.12 and 3.13).
- 2.2 To agree to an independent investigation of the new evidence relating to Sandy Marks, adhering to the terms of reference set out in paragraph 3.20.

- 2.3 To delegate the selection of the lead investigator to the Director of Law and Governance, in consultation with the Leader of the Council.

### **3. Background**

#### **3.1 The White Report**

3.2 Serious allegations about child care practices in children's homes in Islington were made, principally by the Evening Standard, in 1992 and 1993. At the Council's request, the allegations were investigated by Ian A White CBE MSc (then Director of Social Services for Oxfordshire County Council) and Kate Hart MSc CQSW (Principal Officer of Oxfordshire County Council). They completed their *Report of the Inquiry into the management of child care in the London Borough of Islington* (the "White Report") in May 1995. A redacted summary of the White Report is attached as Appendix One.

3.3 The Evening Standard articles asserted that *"children in care were working as prostitutes and using Children's Homes to entertain customers, that children were seduced into drugs, homosexuality and prostitution, that some children were sexually abused, gang raped, knifed and that fears of an organised child sex ring were dismissed by management and not properly investigated ... that Children's Homes had been out of control at times with lapses in security and discipline as a result of low staff levels and poor management"*.

3.4 The comprehensive terms of reference for the White Report were, in summary, that the inquiry team should:

- identify and list all allegations of misconduct by staff and of inappropriate treatment, including neglect and abuse, of children accommodated by the Council, including specific allegations by the London Evening Standard Newspaper in November 1992 and December 1993
- check this list against reports on similar issues previously provided to the Council and identify which allegations have yet to be fully and independently reviewed
- collate information in respect of each allegation and advise as to what should happen, for example whether it should be referred to the police, or investigated internally
- review an earlier investigation concerning missing files
- advise generally on the state of practice in the Council's Social Services child care provision.

3.5 The inquiry team interviewed over 30 people, including Islington Council officers and ex-officers, the press, authors of previous investigations, police officers, Department of Health / Social Services Inspectorate officials and three Islington Councillors, including Sandy Marks, who was then Chair of Social Services.

3.6 The report made a number of recommendations. Its comprehensive and often critical conclusions covered fundamental strategic decisions, management arrangements, the range and extent of abuse, personnel issues, administration and the Council's previously slow response to reports. It is hard-hitting, comprehensive and impartial.

3.7 The Council today is a very different organisation. Following an inspection in April 2017 Ofsted concluded that Islington Council's Children's Services are Good with Outstanding Leadership, Management and Governance. This reflects the Council's commitment to ensuring that protecting children from harm is our top priority.

#### **3.8 New Evidence**

3.9 In May and June 2017 a series of articles appeared in the Islington Gazette concerning historic allegations of the sort investigated in the White Report, and stories of survivors of non-recent abuse in Islington children's homes. Included within these articles were a number of allegations about Sandy Marks. These are referred to in detail in Appendix Two. Sandy Marks denies the allegations, and specifically denies that she had any involvement with Fallen Angels, the International Gay Association or any similar group.

3.10 Sandy Marks was elected to the Council in 1982, joined the Social Services Committee in 1983,

became Chair of Social Services Committee in 1991, ceased to be Chair of the Social Services Committee in 1995 and became Mayor of Islington in 1996. She was therefore on the Social Services Committee during the period that the allegations of abuse that ultimately formed the subject of the White Report were made. The first of the earlier reports considered in the White Report was made in 1989, and she was still Chair of the Social Services Committee when the White Report itself was commissioned. Her period as a Councillor ended in 1998.

### 3.11 **Apology to survivors and response to the allegations**

- 3.12 As soon as the Islington Gazette contacted the Council with the information regarding Sandy Marks, the current Leader of the Council Richard Watts issued a clear statement:

*I'm shocked and concerned at the information as presented by the Islington Gazette. Support for paedophilia is abhorrent.*

*This information raises new questions about the council's response to the allegations in the 1990s. I have instructed that we will appoint an independent QC to examine the issues, and provide advice on the best action to take. They will be free to pursue any line of inquiry, and we will be bound by their recommendations. We will also present their report to the Independent Inquiry into Child Sexual Abuse. On behalf of Islington Council, I'm extremely sorry for the council's past failure to protect vulnerable children. I know that those who were abused continue to suffer today.*

*The council today is a very different organisation, and protecting children from harm is our top priority. We will always take new information, allegations or evidence extremely seriously and we encourage survivors to take evidence of abuse to the police so that those responsible can be brought to justice.*

- 3.13 Building on this, it is recommended that the Executive formally endorses the statement made by the Leader for the Council's past failure, and agrees to issue the following apology on behalf of the Council:

*Islington Council is extremely sorry for its failure to protect vulnerable children in its care in the past. This is the biggest failing in the Council's history.*

*The Council today is a very different organisation, and protecting children from harm is our top priority.*

*However, we recognise that those who were abused continue to suffer today. This is a heartfelt apology in recognition of the scale of the hurt that was caused and continues to be felt.*

*We will work with survivors to improve support to people affected, and with the Police to encourage them to pursue any new evidence of abuse.*

- 3.14 The Council quickly appointed James Goudie QC, assisted by Holly Stout, Barrister (Goudie and Stout), to review whether, in essence, there was evidence that the Islington Gazette's information could reasonably be said to call in question the White Report. They were free to pursue any line of inquiry, and the Council agreed to be bound by their recommendations. Their advice to the Council is attached as Appendix Two.

### 3.15 **Outcome of the QC review**

- 3.16 The conclusion of the QC review was that the new information about Sandy Marks can reasonably be said to call in question the integrity of the White Report in certain limited respects. They concluded that while there is clearly dispute about the precise nature and scope of her involvement in and organisation called Fallen Angels Collective and other pro-paedophile groups, the evidence of her name as a contact for the group in the 1980 International Gay Association conference papers **indicates that she had some (not insignificant) involvement with the Fallen Angels.**

- 3.17 Secondly, Sandy Marks was one of three Councillors interviewed by the White Inquiry team. On the basis of those interviews, the White Report recorded, apparently as a finding of fact, that "*When the Evening Standard articles were first published, Members told us that they had no prior knowledge of the state of management in Islington Social Service Department ...*". Goudie and Stout concluded that, had

the Inquiry team been in possession of the new information about Sandy Marks set out in the Islington Gazette, it is unlikely that they would have accepted this assertion at face value, and may have wished to question her more carefully on:

- her own involvement in Fallen Angels, and possibly other pro-paedophile groups
- what, if any, impact that involvement had on the way she carried out her duties on the Social Services Committee, whether as Committee member as Chair
- what she knew about the “*state of management*” of Islington Social Services Department (as it is referred to in the White Report), including in particular whether she had been aware of any abuse allegations prior to the Evening Standard’s story in 1992
- whether in her dealings with Fallen Angels, and possibly other paedophile groups, Ms Marks had become aware of anything relevant to the allegations of “*organised abuse*” that that were the subject of the White Report.

3.18 The new allegations are described by Goudie and Stout as having a “*limited*” impact on the integrity of the White Report because they are unlikely to be issues that open up significant further lines of inquiry. As a ‘mere’ member of the Social Services Committee between 1983 and 1991, Sandy Marks is unlikely to have been in a position to have a significant impact on the Council’s handling of abuse allegations, or on any of the management issues that form the core of the White Report. As Chair, it is apparent that there was more scope for her to influence these matters, but there is nothing in the White Report that indicates that the reason why allegations were not investigated as they should have been was because of any action or inaction by Sandy Marks. Rather, the problems appear from the White Report to have been at other levels in the organisational structure.

### 3.19 **A New Independent Investigation**

3.20 Goudie and Stout recommend that a new independent investigation should look into the questions the White Report would have covered if the inquiry team had known about the recent allegations concerning Sandy Marks. Following their advice, the terms of reference should be:

- 1) Investigate the evidence as to:
  - a) The nature, extent and duration of Sandy Marks’s alleged involvement in Fallen Angels, and any other pro-paedophile groups;
  - b) What, if any, impact that alleged involvement had on the way she carried out her duties on the Social Services Committee, whether as Committee member between 1983 and 1991, or as Chair between 1991 and 1995;
  - c) What Ms Marks knew about the “*state of management*” of Islington Social Services Department (as it is referred to in the White Report), including in particular whether she had been aware of any abuse allegations prior to the Evening Standard’s story in 1992;
  - d) Whether in her alleged dealings with Fallen Angels, and possibly other paedophile groups, Ms Marks had become aware of anything relevant to the allegations of “*organised abuse*” that were the subject of the White Report.

And:-

- 2) Consider what difference, if any, the evidence in 1. above may have made to the White Report.

3.21 They also gave advice on which witnesses should be interviewed, although they state that it would be for the investigator to determine which documents or witnesses need to be considered.

3.22 Goudie and Stout have separately advised the Council that an individual, preferably a QC or retired judge, should be responsible for this investigation, provided she or he is properly supported with independent legal advice and administrative help.

3.23 The Executive is asked to agree to the proposed independent investigation, following the terms of reference advised by Goudie and Stout. The investigation should be carried out by a QC or retired judge, to be selected by the Director of Law and Governance in consultation with the Leader of the Council.

## **4. Implications**

### **Financial implications:**

- 4.1 It is estimated at this stage that the investigation will take approximately 6 weeks costing circa £30k per week, totalling £180k for the six week period. This figure includes approximate costs for the following:
- A QC or a retired judge
  - Legal support including an external barrister and solicitors
  - Administrative support
- 4.2 There may be further costs relating to council staff that may work on the investigation as well as costs for staff working on improving services for the survivors.
- 4.3 If the process takes longer than 6 weeks this cost would increase proportionately to the time spent on the investigation and could easily increase up to and in excess of £1m if the experience of other reviews is repeated. Such a level of spend would put a significant further strain on the Council's finances.
- 4.4 The spend to the end of July 2017 on this investigation is £8k relating to legal costs and document review. Further costs are likely be incurred for this work and are taken into account in the estimates above.

### **Legal Implications:**

- 4.5 The legal implications are set out in the Joint Opinion of Counsel at Appendix 2.

### **Environmental Implications**

- 4.6 None.

## **5. Reasons for the recommendations**

- 5.1 The original *Report of the Inquiry into the management of child care in the London Borough of Islington* by Ian A White CBE MSc and Kate Hart MSc CQSW, 1995 (the "White Report") was comprehensive and impartial. However, if the report authors had known of recent allegations against a former Chair of Social Services Committee the inquiry team would have wanted, in all likelihood, to question her on issues raised by those allegations.
- 5.2 It is therefore necessary to commission a further independent investigation into certain limited respects.
- 5.3 It is important to reassure people that the Council today is very different. Our social care services are viewed positively by Ofsted, and the safety of children is our top priority.
- 5.4 It is also important to acknowledge the fact that people are still suffering from the Council's past failings, and to apologise for them.

**Signed by:**

Date: 13 September 2017



Leader of the Council

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## **Appendices**

Appendix one – redacted summary of *Report of the Inquiry into the management of child care in the London Borough of Islington* Ian A White CBE MSc and Kate Hart MSc CQSW, 1995

Appendix two - In the matter of the White Report and the Islington Gazette and Sandy Marks, Joint Opinion, James Goudie QC and Holly Stout

**Background papers:** None.