

## **‘This is not just about history...’ Addressing the disconnect in historic (non-recent) child abuse investigations**

### **Key Practitioner Messages**

- Historic (non recent) child abuse investigations need to consider the effects of investigative processes on victims and survivors
- Such investigations include those undertaken by the police and by the Independent Inquiry into Child Sexual Abuse (IICSA)
- Victim and survivor accounts need to be taken seriously and investigated thoroughly in order for them not to feel let down by, and disconnected from, criminal justice and IICSA processes

### **Key Words**

Child abuse; Emotional abuse; Psychological abuse; Rights; Reporting

This short report considers progress to date on the Independent Inquiry into Child Sexual Abuse (IICSA) drawing on evidence from the inquiry itself, from press reports and from the author's personal experience of reporting historic abuse to the police and to the IICSA's Truth Project.

In response to the then chancellor George Osborne's announcement in 2014 that the UK government would set up an independent inquiry into the handling of historic child abuse cases, then shadow home secretary, Yvette Cooper, made a statement that highlighted,

‘this is not just about history, this is about the need for proper strong systems of child protection for the future, so that we get both justice for victims in the past but also a system that is strong enough to protect young people going forward.’

*(The Guardian, 2014).*

The government held good to its promise and set up the Independent Inquiry into Child Sexual Abuse (IICSA) in 2014, announced by then home secretary, Theresa May. Its objectives would not only be to investigate claims of a cover-up of an alleged paedophile ring said to have operated in Westminster in the 1980s, but also to investigate broader institutional failures. Today, the IICSA aims to, ‘examine the extent to which institutions and organisations in England and Wales have taken seriously their responsibility to protect children’, and to examine allegations of child sexual abuse involving ‘well known people’, that is, those in the media, politics, and other areas of public life (see [www.iicsa.org.uk](http://www.iicsa.org.uk)). Its remit also includes collating testimonies from child abuse victims and survivors through its Truth Project (via private interviews and in writing) (IICSA,

2017). But for the victims/survivors of abuse, it is at this intersection – between holding to account both public and private institutions over child abuse, and listening to and believing victims – where a disconnect occurs, that is, between past and present; between the abuse itself and the reporting process; and between expectation and outcomes of the investigative process.

### **A 'legacy' of failures**

In August last year, after Theresa May launched the 'new-look' inquiry in 2015 with new statutory powers, its chair, Dame Lowell Goddard, resigned. In her resignation statement Goddard cited family reasons for going but perhaps more tellingly, the fact that the inquiry was 'not an easy task, let alone one of the magnitude of this'; She added, 'Compounding the many difficulties was its legacy of failure which has been very hard to shake off' (BBC News, 2016a). And it is some legacy. In its first year, the IICSA saw two of its Chairs, Baroness Butler-Sloss and Dame Fiona Woolf, step down over questions about their links to key establishment figures prominent in the 1980s. Since 2014, a number of lawyers supporting the inquiry have also either resigned or been dismissed.

Historic or non-recent child abuse has been at the centre of public, political and media debate since allegations against TV presenter and DJ Jimmy Savile emerged in 2011. This led to the setting up of Operation Yewtree in 2012 (and, down the line, to the IICSA), now just one of many separate similar operations currently being run by police forces across the country. Indeed, such is the scale of the problem that there is now a central hub – Operation Hydrant – to oversee all of these separate police investigations.

Without a doubt, some of these have been successful in bringing to justice well known figures and ‘celebrities’ such as Rolf Harris, Stuart Hall and Paul Gadd (Gary Glitter). But other investigations have failed to establish the extent of child abuse allegations said to have been committed and subsequently covered up at Westminster, at Dolphin Square in Pimlico (Operation Midland), Elm Guest House in London (Operation Athabasca), and others, some of which have closed and others still being investigated by the police, a number of them linked to prominent public and political figures. At the same time, the police themselves are also under scrutiny as part of the IICSA – the Independent Police Complaints Commission is currently investigating 187 claims of police and establishment cover-ups

involving 18 forces (The Independent, 2016).

### **Disconnecting past from present**

Since Savile there have also been lengthy, drawn out police investigations into other well-known figures that have subsequently been abandoned or discredited, as well as recourse to a peculiar kind of epoch rhetoric that proposes what we think of as abuse now was not in fact abuse 'back then' (in the 1970s). In 2013, for example, Barrister Barbara Hewson, controversially, referred to the historic abuse investigations of well-known figures (such as Savile) as the 'persecution of old men', and went on to write that 'the manipulation of the rule of law by the Savile Inquisition – otherwise known as Operation Yewtree – and its attendant zealots poses a far graver threat to society than anything Jimmy Savile ever did' (Hewson, 2013).

A further example of this kind of 'different world' rhetoric evident in the press was a report in the *Daily Mirror* in 2015, in which singer Barbara Dickson claimed:

'There are probably a lot of cases which are inappropriately brought to court.

There was a climate of 'playful behaviour' on the part of men... It was the seventies. It was a different world then. There was no political correctness and there was lots of inappropriate behaviour.'

For the victims and survivors of child abuse, this kind of rhetoric only serves to disconnect past from present (sex crime from 'playfulness') and undermine the validity and seriousness of their experiences. As Victoria Browne has argued, we need to be critical of responses to historic abuse that suggest the past (in this case, the 1970s) is, 'a "foreign country": a world unrecognisable to us today, where sexual abuse and exploitation were just a standard part of life' (Browne, 2014, p. 13). Paying attention to the past is, she argues, vitally important because it makes visible the 'structures of inequality and damage that we live with in the present' (Love, 2007).

This, in effect, is what the IICSA should show us. But will it succeed in this? Without a doubt, the inquiry faces a considerable task – investigating allegations of abuse and the handling of abuse cases in local authority children's homes, in residential schools, in custodial institutions, in the Catholic and Anglican Church, as well as abuse committed by organised networks, online and so on.

## **Hampering progress**

Evidence to date has already revealed resistance from within some of these institutions that has either conflicted with, undermined, or purposefully hampered the investigation process. To give two examples, despite the Pope's vow to redress the legacy of child abuse in the Catholic Church in 2014, in the Vatican guide to priests published in 2016 it was stated that it was 'not necessarily' the responsibility of bishops to report suspects to the police (*The Guardian*, 2016).

In the UK, in March 2016, the Anglican Church was also under scrutiny from the IICSA when it considered whether the Church of England had interfered in the case of former Bishop of Lewes Peter Ball, who was jailed in 2015 for abusing young men between 1970 and 1990. And it transpires that there was a precedent for this kind of institutional 'interference' – a previous inquiry into child abuse by two church ministers led by judge and former chair of the IICSA Baroness Butler-Sloss in 2011 saw her being misled by senior figures in the Church, and required her to write a six-page addendum apologising for mistakes based on incorrect information

(Butler-Sloss, 2012).

### **The importance of victim/survivor perspectives**

Meanwhile, there are still victims/survivors who may want to tell their stories but are afraid of the consequences of reporting. Some of these people are already being supported by national organisations that work with and on behalf of victims/survivors of abuse. The National Association of People Abused in Childhood (NAPAC) is one such group – which has been working with the IICSA as part of the Victims and Survivors Consultative Panel. But from the outset, victims' and survivors' groups such as these have been clear that if they do not trust the integrity of the inquiry process they will boycott it and, without their support, it will fail.

Back in 2014, many of these groups stated that trust in the process started with the appointment of the chair of the inquiry, and with Goddard installed as new chair of the IICSA in March 2015, some survivor groups said that they had at last found someone they could trust (*The Independent*, 2015). But the legacy of failures that Goddard herself referred to in her resignation letter last year also has to include failures within the IICSA



itself: the parade of resignations at the top (including her own); the sheer size of the undertaking, which current chair, Alexis Jay, has said will not be scaled back; and the costs involved, which for 2015-2016 alone were over £14m. And in November 2015 there was also the loss of victims' data, which saw the IICSA appealing for victims/survivors who had submitted their accounts between 14 September and 2 October 2015 to resubmit information because it had been accidentally deleted due to a 'change in our website address' (IICSA, 2015).

Even under new leadership – and despite recent progress that has seen the first public hearings get underway and the publication of anonymised accounts from victims and survivors via the Truth Project – the inquiry is still being dogged with problems, including the resignation of a number of senior lawyers attached to the inquiry and, in November last year, the withdrawal of the largest survivor group attached to the inquiry. Members of the Shirley Oaks Survivors Association voted 'overwhelmingly' to withdraw, with one member describing the IICSA as a 'mangled attempt to get belated justice' for victims and referring to it as an 'unpalatable circus' (BBC News, 2016b).

For victims/survivors of abuse, crises and mistakes such as these only serve to generate a sense of disconnection from the investigative process. And I am one of them; someone with both a professional and personal interest in the IICSA's progress and in criminal justice investigative processes. As an academic and researcher I have spent years working with and advocating on behalf of vulnerable, marginalised groups in social policy and criminological research – those who so often are not given a voice or whose stories are simply shut down. And yet I have also experienced first-hand what it feels like to go through the process of reporting historic abuse both via the IICSA and through the criminal justice system.

Sadly, for me, reporting has been a largely disempowering and discouraging experience (a denial of 'voice'); one that has only served to undermine my trust in its ability to 'make visible' the injustice that occurred and the damage that it caused. In short, two years ago, I reported abuse at a primary school I attended in the 1970s, the perpetrator being a senior male teacher. But sadly, my experience of reporting to the police, and to a lesser extent to the IICSA's Truth Project, have been disappointing and mirror the kind of failings – in police investigations, in the inquiry

process itself – that have been reported in the press and elsewhere.

In my case these included a failure on the part of the police to take my allegations seriously (even to investigate in the right local authority); to communicate with me effectively throughout the process, if at all; to secure and keep safe my statement (which, I was eventually told had, ‘got lost in the system’); and to pursue the case to a satisfactory conclusion – one that at least would tell me whether the perpetrator was alive or dead.

Submitting my story to the IICSA Truth Project has also been a disheartening – and disconnecting – process, not least because of a lack of communication from the Truth Project team and, importantly, a lack of progression from reporting to interview (19 months); and evidence suggests that other victims/survivors may have had similar experiences. Last year, for example, a House of Commons Home Affairs Committee (2016) report on the IICSA stated that its ‘slow progress to date in engaging directly with survivors [is] a significant weakness in its work’ (2016, p. 10). To date, just 44 accounts have been published more than two years after the IICSA was set up. And yet evidence also shows that keeping delays to a minimum and providing effective ongoing support to victims/survivors are

crucial in ensuring their commitment to the process is maintained and that they feel believed. In their 2002 study of victims/survivors who took part in a large-scale investigation into historical abuse in residential institutions, for example, Colton and colleagues found that support throughout the process was critical, as was reducing the waiting time between disclosure and trial, and that, 'the single most important aspect of the investigation for survivors was that they were believed' (Colton *et al.*, 2002, p. 545).

In comparison, no doubt, to many of the other accounts of abuse reported to the police (and also to the IICSA's Truth Project), I realise that mine might seem trivial. But it was not (and still is not) trivial to me; nor was it trivial to all the other girls in my class at the time – and maybe the classes who came before and after us, though we will never know – who had the misfortune of encountering that teacher. But particularly to one girl whose image I can still see in my mind all these years later, crying, cringing, trying to hide her naked body – bright red with shame and fear – behind the classroom door from him; from that man, our teacher; trying to hide herself from his searching eyes and his reaching hands.

To you, the reader, those few lines set out as they are in the formal context of this journal, no doubt jar in your mind, like they simply do not fit, or feel somehow out of place here (they present, perhaps, an element of discord: a disconnection). But that is also how they feel to me and no doubt will continue to do so despite reporting to the inquiry. And that is why those running the IICSA and especially the Truth Project need to be sensitive to and understand victims' experiences, their feelings and their expectations, and know how to manage these and communicate with them effectively – if victims/survivors cannot place trust in, and feel connected to the process they are likely to feel let down regardless of the outcome.

### **Concluding comments**

With respect to future progress of the IICSA, engendering and re-establishing trust among victims/survivors also requires an understanding on both sides – those running the inquiry and the victims/survivors they are working with – that while it may bring to justice perpetrators of abuse who may think they are safe, it will not necessarily address or lessen the

trauma of the abuse itself. As Colton and colleagues (2002) found in their study of abuse survivors, for this to happen, other interventions are required – some of them long-term – that draw on the expertise of a range of health and social care specialists. However, at the very least, victims/survivors of abuse need to feel like ‘some kind of justice has been achieved’ (Colton *et al.*, 2002, p. 545) – that what happened to them is not ‘just about history’ – to feel engaged with the process and for the harm that has been done to be publicly acknowledged. For those who have followed the progress of the IICSA so far it may seem like there is still a long way to go.

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