

INDEPENDENT INQUIRY INTO CHILD SEXUAL ABUSE

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Tuesday 23rd June 2015

Subject: Notice of retention/non-destruction of documents relating to the Independent Inquiry into Child Sexual Abuse

Dear Andy Marsh,

As you are aware, on 12 March 2015, the Home Secretary established the Independent Inquiry into Child Sexual Abuse to consider whether public bodies – and other non-state institutions – have taken seriously their duty of care to protect children from sexual abuse. I write to you now in my position as Chair of the Inquiry on the issue of information and records held by your organisation, and those organisations for which you are responsible, or which are affiliated to your organisation.

The Terms of Reference for the Inquiry (appended) are extremely broad. As such, it is not yet clear exactly what files, records and documents we will be requesting from your organisations. This will become clearer as the work of the Inquiry progresses. In the meantime we must ensure that no line of investigation is curtailed by the premature destruction of files or records that later become required as evidence.

Accordingly, I have set out in an appendix to this letter a list of categories of document that should be retained pending further requests from the Inquiry. I would be grateful if you could ensure a thorough search of all your paper files, all digital records, and all other information – however held – to ensure that everything of potential relevance to the Inquiry is retained.

Please circulate this letter and its appendices to all parts of your organisation, to those bodies for which you are responsible, or which are affiliated to your organisation. It is of particular importance that your Safeguarding Boards and units dealing specifically with CSA/CSE receive and act upon this request.

I thank you for your continued assistance in this matter.

Yours sincerely



Lowell Goddard
Chair, Independent Inquiry into Child Sexual Abuse

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Appendix 1: Categories of document for retention

Your organisation is asked to retain any and all documents; correspondence; notes; emails and all other information – however held – which contain or may contain content pertaining directly or indirectly to the sexual abuse of children or to child protection and care. For the purposes of this appendix, the word “children” relates to any person under the age of 18.

Such information may include, but is not limited to, the following:

- a. Any material, including reports; reviews; briefings; minutes; notes and correspondence in relation to allegations (substantiated or not) of individuals, organisations, institutions, public bodies or otherwise who may have been involved in, or have knowledge of, child sexual abuse, or child sexual exploitation;
- b. Any material, including reports; reviews; briefings; minutes; notes and correspondence in relation to allegations (substantiated or not) of individuals having engaged in sexual activity with, or having a sexual interest in, children;
- c. Any material, including reports; reviews; briefings; minutes; notes and correspondence in relation to institutional failures to protect children from sexual abuse or other exploitation;
- d. Any material relevant to statutory responsibilities for the care of children in public or private care;
- e. Any material relevant to the development of policy on child protection;
- f. Any material relevant to the development of legislation on child protection;
- g. Any material relating to the determination of the award of Honours to persons who are now demonstrated to have had a sexual interest in children or are suspected of having had such an interest.

It is not possible to produce a definitive list under (g). Accordingly we invite you to ensure that no documentation relating to the award of Honours to any person is destroyed pending the outcome of the Independent Inquiry.

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Appendix 2: Terms of reference

Terms of Reference

Purpose

1. 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 exploitation; to consider the extent to which those failings have since been addressed; to identify further action needed to address any failings identified; to consider the steps which it is necessary for State and non-State institutions to take in order to protect children from such abuse in future; and to publish a report with recommendations.
2. In doing so to:
 - a. Consider all the information which is available from the various published and unpublished reviews, court cases, and investigations which have so far concluded;
 - b. Consider the experience of survivors of child sexual abuse; providing opportunities for them to bear witness to the Inquiry, having regard to the need to provide appropriate support in doing so;
 - c. Consider whether State and non-State institutions failed to identify such abuse and/or whether there was otherwise an inappropriate institutional response to allegations of child sexual abuse and/or whether there were ineffective child protection procedures in place;
 - d. Advise on any further action needed to address any institutional protection gaps within current child protection systems on the basis of the findings and lessons learnt from this inquiry;
 - e. Disclose, where appropriate and in line with security and data protection protocols, any documents which were considered as part of the inquiry;
 - f. Liaise with ongoing inquiries, including those currently being conducted in Northern Ireland and Scotland, with a view to (a) ensuring that relevant information is shared, and (b) identifying any State or non-State institutions with child protection obligations that currently fall outside the scope of the present Inquiry and those being conducted in the devolved jurisdictions;
 - g. Produce regular reports, and an interim report by the end of 2018; and
 - h. Conduct the work of the Inquiry as transparent a manner as possible, consistent with the effective investigation of the matters falling within the

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terms of reference, and having regard to all the relevant duties of confidentiality.

Scope

3. State and non-State institutions. Such institutions will, for example, include:
 - a. Government departments, the Cabinet Office, Parliament and Ministers;
 - b. Police, prosecuting authorities, schools including private and state-funded boarding and day schools, specialist education (such as music tuition), Local Authorities (including care homes and children's services), health services, and prisons/secure estates;
 - c. Churches and other religious denominations and organisations;
 - d. Political Parties; and
 - e. The Armed Services.
4. The Inquiry will cover England and Wales. Should the Inquiry identify any material relating to the devolved administrations, it will be passed to the relevant authorities;
5. The Inquiry will not address allegations relating to events in the Overseas Territories or Crown Dependencies. However, any such allegations received by the Inquiry will be referred to the relevant law enforcement bodies in those jurisdictions;
6. For the purposes of this Inquiry "child" means anyone under the age of 18. However, the panel will consider abuse of individuals over the age of 18, if that abuse started when the individual was a minor.

Principles

7. The Inquiry will have full access to all the material it seeks.
8. Any allegation of child abuse received by the Inquiry will be referred to the Police;
9. All personal and sensitive information will be appropriately protected; and will be made available only to those who need to see it; and
10. 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 reaching findings of fact relevant to its terms of reference.