

EXPLANATION OF THE REDACTIONS TO THE JILLINGS REPORT

Background

In 1994 Clwyd County Council commissioned John Jillings, a former Director of Social Services, to lead an independent panel with the following terms of reference:-

"...to conduct an internal investigation for the County Council into the management of its Social Services Department from 1974 to date ... in the light [of] a number of incidents and convictions culminating in the conviction of Stephen Norris in November 1993 and further offences committed against children in the care of the County Council.

The panel will inquire into, consider and report to the County Council upon:

1. What went wrong; and
2. Why did this happen, how this position could have continued undetected for so long ..."

The Report was concluded and presented to Clwyd County Council in March 1996.

In April 1996 local government in Wales was reorganised. Whilst ownership of the report passed to the successor authorities, its content and recommendations relate to the period 1974 to 1993 under the abolished Clwyd County Council.

The independent panel was given unparalleled access to staff who spoke in confidence about their opinions. When complete the report as a whole was treated as confidential. Sir Ronald Waterhouse in his report, "Lost in Care", discussed in detail the difficulties faced by Clwyd County Council in publishing the report and concerns that existed about the failure to do so (see in particular chapter 32 paragraphs 43 onwards). Clwyd County Council was, amongst other things, concerned about the number of apparent factual inaccuracies within the report and the potential for these to be defamatory.

Clwyd County Council and its successors have always been very open in sharing the document with bodies that have a statutory remit to investigate and/or prevent abuse. At the time that the document was prepared copies were given to North Wales Police and the Welsh Office. More recently copies have been given to the Children's Commissioner, Welsh Government, Lady Justice Macur and, most importantly, all remaining originals have been handed to Operation Pallial.

Current Position

It is important to state what has not been removed. The full report does not name any suspected abuser who was unknown to the Police. So, no redaction covers up the name of a suspected abuser who has escaped investigation.

As a copy of the full report was given to the Police at the time of its creation and when Operation Pallial commenced, it is certain that they (the Police) were and are aware of anyone who is named within it as a suspected abuser.

A number of concerns remain about releasing the report more widely.

There is the historical concern about accuracy. None of the successor Authorities wishes to unfairly criticise or defame anyone. There is also the wish not to publish any information which might compromise Operation Pallial. Therefore, the Councils are issuing the report with some text blanked out (redacted).

The basis for redaction is twofold:

- i. Discussions with the officers involved in Operation Pallial about potential harm that details within the Report might cause to the investigation; and
- ii. Independent legal advice from Hempsons Solicitors.

Operation Pallial

Initially, whilst Operation Pallial was in its first phase, the Councils were asked not to disclose the Jillings Report for fear of the potential impact upon the investigation. The Councils agreed that they would not disclose at that time and committed to reviewing their decision after the interim report was published.

That report was published on 29 April and the Councils have, as promised, considered whether to disclose. Officers representing Operation Pallial have asked for some redactions of information from which it might be possible to identify particular complainants. So as to protect the privacy of those individuals, that information has been redacted. With those redactions the Police have agreed to publication of the report.

Legal Advice

The report can not be published in its entirety because it contains personal data and material that is considered defamatory.

Hempsons Solicitors were jointly instructed on behalf of all the successor Authorities to give advice on areas that could and lawfully should be redacted. The Councils have accepted the advice that they were given and asked Hempsons physically to carry out that redaction.

The following categories of information have been redacted:

- i. information identifying a living individual unless:
 - a) it related to a person convicted of a criminal offence
 - b) it was taken from the personnel file of a person who was not convicted of a criminal offence where the information is also in the Waterhouse report

- ii. advice to which legal professional privilege applies
- iii. The opinions of the independent panel into the correctness or otherwise of an individual's actions (or failures to act)
- iv. Information provided by individuals in relation to the independent panel's questions

Some of this information might be disclosable where the person to whom it relates has died. None of the Councils has any reliable way of identifying whether any persons named in the Jillings Report have died. The Councils have therefore assumed that all such persons are all still alive unless it is known for certain that they have died, for example because it is so stated in The Waterhouse Report.

As a result, the following sorts of information have been removed:

- 1) Accusations of criminal behaviour where a person who was known to the Police was either not charged or, if charged, not convicted of a criminal offence;
- 2) Legal advice relating to how the work of the independent panel should be conducted;
- 3) Criticisms of the actions of specific named individuals (rather than failings of the council as a whole or its procedures which remain)