

# Independent Jersey Care Inquiry

Day 32

November 26, 2014

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1 Wednesday, 26 November 2014

2 (2.20 pm)

3 THE CHAIR: Good afternoon, Mr Livingston.

4 MR LIVINGSTON: Good afternoon.

5 THE CHAIR: We are sitting slightly later this afternoon  
6 because we sat slightly later this morning, just so  
7 everyone appreciates why we are at this hour. But yes,  
8 Mr Livingston.

9 Witness 126 (evidence read into the record)

10 MR LIVINGSTON: Madam Chair, I'm now going to read in the  
11 evidence relating to witness 126. The documents for  
12 this are likely to be in your custom bundle for  
13 yesterday as it ran over slightly.

14 The first document I would like to turn to is WS132  
15 please. Madam Chair, this is a witness statement that  
16 the individual gave to the police in May 2008. I will  
17 take you through the statement summarising where  
18 necessary, as previously indicated, Madam Chair.

19 If we could turn to the next page, please  
20 {WS000132/2} . Madam Chair, you will note from  
21 paragraph 1 in the second sentence that he says that he  
22 was a resident at Haut de La Garenne Children's Home in  
23 Jersey between 1957 and December 1965. You will be  
24 familiar with the usual formalities contained in the  
25 rest of the paragraph.

1 THE CHAIR: Yes, thank you.

2 MR LIVINGSTON: Madam Chair, at paragraph 2 he notes that he  
3 first went into Haut de la Garenne at the age of seven  
4 years in 1957 and as you will be aware from previous  
5 evidence, at that time it would have been Jersey Home  
6 for Boys. He notes that:

7 "I had previously asked for my personal file from  
8 the Jersey Archives and all I had back from them was one  
9 piece of paper that did not really tell me a lot about  
10 my days at the home."

11 Madam Chair, we do have more documents relating to  
12 his personal file now, which perhaps had not been seen  
13 at the time and I will take you to some of those  
14 subsequently.

15 Madam Chair, at paragraph 3 he notes:

16 "From what I have gathered, I went into the home  
17 because I stole money out of my mum's purse and because  
18 of this I was sent to the home. I had not been in  
19 trouble with the police before and my recollection is  
20 that the police dumped me at the home and I was placed  
21 into a dormitory with 30 or 40 other kids. I do not  
22 know if there was any other reason for me being in that  
23 home."

24 Madam Chair, at paragraph 4 he discusses members of  
25 his family who never went into Haut de la Garenne. Then

1 at paragraph 5 he says:

2 "When I went into the home I would describe myself  
3 as a normal seven year old and would defy your parents  
4 that sort of thing. But when you are put in the home  
5 you learned not to be defiant and even at that age  
6 I realised that if you stepped out of line then you soon  
7 got 'a belting'."

8 At paragraph 6 he says:

9 "When I went to the home in 1957 a Mr Maggs was the  
10 Superintendent in charge of the home and directly under  
11 him was a Mr Mallinson ..."

12 He goes on to say:

13 "At some stage, but I don't know when, but  
14 a Mr Tilbrook took over from Mr Maggs, as the  
15 Superintendent."

16 He then goes on to say that:

17 "When I was aged about 13-14 years old,  
18 [witness 491] arrived to start work."

19 I apologise, Madam Chair, in the previous sentence  
20 he says there was a "Mr" -- and it is blanked out, but  
21 that's witness number 494:

22 " ... who was also there when I first arrived and he  
23 left after a couple of years."

24 At paragraph 7 he talks about the layout of the home  
25 and then says that:

1            "[Witness 494] had a flat up by the junior dormitory  
2            and I remember that when I first arrived there and at  
3            the age of seven years, he used to come into the junior  
4            dormitory and take me by the hand. At the age of seven  
5            years I had not got a 'fucking clue' as to what was  
6            happening. He would then lead me to his room and took  
7            my pyjamas off and I would be naked. He then used to  
8            'play with me' and by this I mean that he used to take  
9            my penis with his hands and he used to masturbate me.  
10           He also used to get me to 'play with him' and by this  
11           I mean he used to get me to masturbate his penis. I can  
12           say that his penis was hard and that I used to see stuff  
13           coming out of his penis. I later realised that he was  
14           ejaculating.

15           "I cannot remember him ever saying anything to me as  
16           he was doing this and this went on for about a month to  
17           six weeks. This happened on a number of occasions and  
18           it was always at night. I can say that no other sexual  
19           assaults occurred such as anal or oral sex and he did  
20           not ask for this to happen. I did complain at the time  
21           to Mallinson and I think that he hit me and told me not  
22           to tell lies. As a result of this I did not mention the  
23           abuse to anyone else. However, shortly after telling  
24           Mallinson, the abuse by [witness 449] stopped but  
25           I don't know if this was connected but I think it was

1 because I had said something.

2 "I did not ask him to stop, because at the age of  
3 seven years you don't understand, do you. I do not know  
4 if any of the other boys in the dormitory saw him coming  
5 in and taking me out of the room and if they did they  
6 kept quiet about it. I never told any of the other boys  
7 what was going on. I don't know if any other boys were  
8 taken from their beds in a similar manner and were  
9 abused."

10 He goes on to say:

11 "I was also sexually abused by a man called  
12 [witness 264] ..."

13 About whom you heard evidence yesterday,  
14 Madam Chair:

15 " ... and the circumstances of this are that he was  
16 not a member of staff as far as I am aware. He and his  
17 wife used to visit the home and then after a period of  
18 time he used to visit on his own. He would visit about  
19 once a week and this was mainly on the weekends and the  
20 purpose of this visit was to take the boys out. The  
21 reason that I believe [264] mainly visited on the  
22 weekend because we were at school during the week.  
23 I don't know why he was allowed to take the children out  
24 and I am assuming that he must have had authority to  
25 take the boys out and this could only have come from

1           Tilbrook. I don't know if he was particularly friendly  
2           with any member of staff but if he was then it was kept  
3           out of sight. He would take no more than three children  
4           out at any one time to my knowledge and normally it  
5           appeared to be two children at a time."

6           Paragraph 11, Madam Chair, he goes on to describe  
7           the occupation and dress of 264 and says that:

8           "His wife used to say on a few occasions that he had  
9           gone away and I assumed that was in the course of his  
10          work."

11          At paragraph 12 he goes on to describe the car that  
12          witness 264 drove. At paragraph 13 he says:

13          "I was told that he had a speed boat that he kept at  
14          Gorey Harbour and he used to take the boys out in it.  
15          I never went out in it because I did not trust him.  
16          I cannot give you any more details about this boat."

17          At paragraph 14 he describes somewhere that was  
18          owned by witness 264's family and that he used to go  
19          there when there was two of them in the car.

20          At paragraph 15 he says:

21          "There was one occasion and I remember that it was  
22          a Friday, because I had been to the playing fields and  
23          I was waiting at a bus stop for a bus to go to Gorey.  
24          [Witness 264] came past in his car and picked me up. He  
25          was in the driver's seat and I was in the front

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1 passenger seat and we hadn't gone far. Then he learned  
2 over and placed his hand between my legs and I felt his  
3 hand touch my testicles over my clothes. There was no  
4 way that this was an accident as the car was automatic  
5 so he wasn't changing gear and there was no seatbelt to  
6 fasten and I then punched him on the jaw and got out of  
7 the car. The abuse only happened on this one occasion.

8 "That was the last time that I got into his car and  
9 it was the only time that I got into the car when there  
10 was no other child with me. I never told anyone about  
11 this because there was no point and there was no one to  
12 tell and you kept things to yourself."

13 Madam Chair, at paragraph 17 he describes leaving  
14 Haut de la Garenne aged 15 and a half and joining  
15 the Army for a short period before returning to Jersey.  
16 He describes doing some work at witness 264's house and  
17 that witness 264 then offered to help him set up his own  
18 business.

19 At paragraph 18 he says:

20 "I do not know if any of the other boys were also  
21 sexually abused by [264] as you kept things to  
22 yourself."

23 Madam Chair, in paragraphs 19 to 20 he describes how  
24 he has since spoken to witness number 195 and that he  
25 believes that witness 264 also abused witness 195 and



1           that 195 went out on 264's boat with him, but he doesn't  
2           know what happened.

3           Moving on to paragraph 21, please {WS000132/6} . He  
4           says:

5           "I was never sexually abused by any other member of  
6           staff at Haut de la Garenne, although I did suffer  
7           physical and mental abuse at the hands of another member  
8           of staff, who was [491].

9           "The first time that I met [491] was when he and his  
10          wife went to an interview for a job at the home. I was  
11          with [338, a fellow resident] and we were playing  
12          football in the playroom and he said to kick the ball to  
13          him so we did and the ball hit [491] in-between the  
14          legs. When [491] got the job then he took every  
15          opportunity to be abusive to us at every chance that he  
16          got."

17          At paragraph 23 he goes on to say that [491] came to  
18          Haut de la Garenne when he was aged 13 to 14 and he had  
19          moved into the senior group at this point:

20          "At night sometime between 10 and 11 o'clock when  
21          some of the boys, including me, used to talk and if  
22          [419] heard any noise then he would come downstairs and  
23          into our dormitory. He would make us get out of the bed  
24          first and there were about 20 beds in there. He would  
25          then tip up every one of the beds and the mattress and

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1 bedclothes would go everywhere. He would then force us  
2 to make the beds again and if he wasn't happy with this  
3 he would then tip them up again ..."

4 And force him to make it again. He says that this  
5 could happen up to three times a night and would happen  
6 at least once a week. He says that specifically:

7 "This happened to me on a number of occasions and  
8 I also witnessed it happening to other children in the  
9 same dormitory."

10 In paragraph 24 he says that if they did not do it  
11 properly they would be forced to wire wool and polish  
12 the corridor until witness 491 came back:

13 "Sometimes he would not come back until the morning  
14 and we would be left there all night. If another member  
15 of staff came and told us to go to bed then we knew that  
16 he would make our lives hell in the morning."

17 Then he says:

18 "This happened to me on a number of occasions and  
19 I also witnessed it happening to other children in the  
20 same dormitory and this happened about two or three  
21 times a week."

22 Madam Chair, he goes on to say that:

23 "If [491] thought that we were swearing then he  
24 would ask us what we said and if he wasn't happy with  
25 the answer then he used to make us stand in the

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1           downstairs toilet all day. This would happen at least  
2           once a week or once a fortnight, it depended. This  
3           happened to me on a number of occasions and I also  
4           witnessed it happening to other children in the same  
5           dormitory."

6           At paragraph 25a, Madam Chair, he goes on to say:

7           "[491] used to give us 'backhanders' with his hand  
8           on the back of our heads and this would hurt but I was  
9           not able to say if it left any marks. I believe that he  
10          did this because he felt like it, or things hadn't gone  
11          his way. If [491] had an argument with his wife then  
12          the treatment would be even worse. He also used to  
13          throw things at you, such as ash trays, books, snooker  
14          balls, slippers or whatever was to hand. These would  
15          hurt and sometimes these would leave lumps and bruises  
16          and depending on whether you were walking to him or away  
17          from him then it would depend where you would be hit on  
18          your body ..."

19          He goes on to say that it used to mainly happen in  
20          the TV room as that's where the snooker was, that it  
21          happened to him on a number of occasions and he also  
22          witnessed it happening to other children. Again he  
23          says:

24          "But we never said anything as you had to go through  
25          Tilbrook first as he was the boss and there was no

1 point."

2 At 26 he says:

3 "I went to Tilbrook on three or four occasions and  
4 complained about my treatment by [491] and all he said  
5 was to go away but not in those words. So I knew that  
6 there was no point in reporting anything as it was  
7 a waste of time so I stopped.

8 "[Witness 491] used to verbally abuse me and would  
9 say things to me like 'French bastard' and 'Your mum's  
10 a whore'.

11 "[491] also used to abuse us when we were in the  
12 showers. If he had had a bad day then he would get  
13 a damp towel and 'whack' you with it. The reason he  
14 used the damp towel was because it hurt more than the  
15 dry towel and by 'whack' I mean that he used to flick  
16 you with the end of the towel all over your body. This  
17 would be all over your body, on your legs, backside, the  
18 top of your body and a couple of times I was hit in the  
19 testicles. This hurt and would leave 'welt' marks and  
20 redness. This happened to me on a number of occasions  
21 and I also witnessed it happening to other children in  
22 the same dormitory. I saw injures on other boys but we  
23 never reported it. This used to make me 'pissed off'  
24 and angry and you wanted to hurt him but if you did you  
25 would just be in more deep trouble.

1            "All the boys spoke about what they would like to do  
2            to [491] and I said that I wanted to knife him and the  
3            other boys had the same opinion. I would have done so  
4            if I thought that I could have got away with it. There  
5            were a lot of big boys in the senior group who wanted to  
6            get him, however they never did. After I left the home  
7            I never saw [491] again but if I did have then I would  
8            have stabbed him. I think that one of his biggest fears  
9            was to bump into one of us in the street once we had  
10           left the home."

11           Madam Chair, at paragraph 30 he talks about joining  
12           the Army and how he intentionally wanted to be  
13           discharged. Despite succeeding he then goes on to say:

14           "However I joined back up in 1971 and stayed in  
15           the Army for nine years."

16           At paragraph 31 he says:

17           "At some stage when I was in the Army the first  
18           time, I received a call from my mother to say that  
19           a friend of mine called [witness 493] had hung himself.  
20           My mother said that it was due to an impending court  
21           case and his family would not go to court to support him  
22           but I don't think that this was the case. I have felt  
23           very guilty over the years that I was not there to  
24           'protect him'. I believe that he was being abused in  
25           the home and that was why he did it, however I had not

1           been told this or witnessed this because 'they were too  
2           crafty' but this is my belief. I could not say who was  
3           abusing him as the staff just came and went so you  
4           couldn't keep track of them. The staff who stayed there  
5           were Mallinson and [491].

6           Madam Chair, at paragraph 32 he notes that he  
7           received the cane in school for punishment and that was  
8           usually three canes on each hand. He says:

9           "However, in the Haut de la Garenne home, you would  
10          receive six canes on each hand and then six on the  
11          buttocks. The punishment was meted out by Tilbrook and  
12          whoever sent you up there for the punishment would also  
13          be present when you were caned and this would be either  
14          [491] or Mallinson. However, if Tilbrook was away then  
15          the punishments were given to Mallinson or [491] to  
16          carry out. The punishments were done in such a way that  
17          I believe that they enjoyed it and it was different from  
18          the punishment that you got at school. Looking back at  
19          this form of punishment I could have killed him and he  
20          doesn't know how close he came to getting killed. It  
21          was a pleasure to him to cane a child.

22          "Tilbrook was a 'sadistic bastard' and he didn't  
23          just pick on anyone, he picked on everyone. It was his  
24          role to dish out the punishment and the code of  
25          punishment at Haut de la Garenne seemed to be to 'beat

1 the crap out of you'. If they dished out punishment  
2 like that nowadays then you would be locked up for it.  
3 I would say that we were treated like 'shit' at the home  
4 and everything was done the way they wanted it done, you  
5 couldn't do anything that you wanted to do. By 'they'  
6 I mean the staff that worked there."

7 At paragraph 34 he talks about being aware of the  
8 detention rooms, but notes that he was never put in  
9 them. He does talk about two brothers, including  
10 witness 62, who he describes as a 'bit backward' and  
11 says that he knew they were placed in there but didn't  
12 know what happened to them afterwards. He says:

13 "It was sufficient to know that I did not want to go  
14 in there as I thought that I wouldn't get out."

15 At paragraph 35 he talks about the media interest in  
16 Haut de la Garenne and says that he has tried not to  
17 watch it. He goes on to say:

18 "I have been asked by DC Robinson about the cellars  
19 at the home and I have not seen much about them on the  
20 news. I don't know where they came from as I never went  
21 into them and I never saw the cells that they are on  
22 about, but we used to play under the floorboards. The  
23 room was on the left-hand side wing as you are looking  
24 at the front of the house and under the play area and  
25 the floorboards had been cut into a square and could be

1           lifted up, but I don't know who cut them. The only  
2           reason that you would cut the floorboards like that are  
3           as an inspection hatch. There were no steps or light  
4           down under these floorboards and we used to use torches  
5           to see down there."

6           He talks about playing in there with others and  
7           says:

8           "There was always graffiti around the building and  
9           you got into trouble if you got caught writing graffiti.  
10          I don't know if there was any graffiti in the area under  
11          the floorboards but I certainly didn't write any. I do  
12          not know anybody called [witness 301]. This area under  
13          the floorboards was the width of the wing. If you got  
14          caught down there by the staff then you were dragged out  
15          and you were up for a 'hiding'."

16          He talks about it being a game and says:

17          "... we always used to come up covered as 'black as  
18          the ace of spades'."

19          Madam Chair, at paragraph 36 he lists others he  
20          remembers from his dormitory and moving on to  
21          paragraph 37 he notes that he is sure of the identity of  
22          his abusers: witness 491, witness 264 and witness 494.

23          Madam Chair, he goes on to describe at paragraph 38  
24          the impact that this has had on him. He says:

25          "My experience at Haut de la Garenne has affected



1           how I deal with my own children. They may have got  
2           a slap on the leg but being sent to bed and not being  
3           allowed to watch television had more effect. I would  
4           not discipline my children in the way that I was  
5           disciplined because the treatment at Haut de la Garenne  
6           was cruel and barbaric. The impact of my time at  
7           Haut de la Garenne has made me very distant from people  
8           and although I have acquaintances I only have three what  
9           I call close friends. The experience of this place is  
10          always there and you try and put it to the back of your  
11          mind and get on with your life and I feel that there was  
12          never anyone there to give me any help."

13                 Madam Chair, that's the end of this witness  
14          statement and I am now going to move on to a small  
15          selection of records for the witness. The first is at  
16          WD261, page 2. {WD000621/2}

17                 Madam Chair, you will be very familiar with this  
18          document. Although it is fairly difficult to read you  
19          might note there that the reason for care that's written  
20          is, "Recommended by Chef de Police because the boy had  
21          been stealing."Madam Chair, our impression is that the  
22          Chef de Police was a member of the Honorary Police.

23                 You will note below that under "Siblings" it  
24          includes witness 195 about whom you heard evidence  
25          yesterday. At the bottom it gives a brief outline of

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1 his movements whilst in care. It says went into the  
2 Jersey Home for Boys in 1958, returned to parents in  
3 1959, admitted to Haut de la Garenne, as it was known at  
4 that point, in 1960 and he was then at  
5 Haut de la Garenne until January 1966, apart from  
6 a brief spell in hospital. As you will have noted  
7 before, he then joined the Army until 1969 when he spent  
8 another week at Haut de la Garenne on remand.

9 Madam Chair, the next document I'm not going to take  
10 you to but just for your reference is WD642 {WD000642} ,  
11 which contains the application for admission to the  
12 Jersey Home for Boys.

13 Also, Madam Chair, for your records, WD636  
14 {WD000636} is a letter which shows that witness 126's  
15 parents requested that he return home from  
16 Haut de la Garenne and this is what happened and that's  
17 from October 1959.

18 If I can then take you to WD635, please {WD000635} .  
19 Madam Chair, this is a note from the Child Care Officer,  
20 Mr Harquail from November 1960 and you will note in the  
21 second paragraph, about halfway down, the note says  
22 that:

23 "[The parents] informed me that they had both  
24 decided that they wanted to place the boy at  
25 Haut de la Garenne before he gets into further serious

1 trouble, and that they have tried very hard to control  
2 the boy, but that it has had no effect at all.  
3 I promised them that I would call on them Friday,  
4 4th November."

5 If we can move to WD634 {WD0000634} please.  
6 Madam Chair, this is a document I have selected because  
7 it is an example of the process that was followed before  
8 voluntary admission to Haut de la Garenne. You will  
9 notice from the second paragraph that the  
10 Child Care Officer called for witness 126 and then took  
11 him to the Town Hall for a medical exam before admitting  
12 him straight to Haut de la Garenne. I ask you to read  
13 the rest of the document later on, please.

14 If we can move on to WD633, please {WD000633} .  
15 Madam Chair, this is another application for admission.  
16 The reason I draw it to your attention is that on the  
17 second line you will note that it says "Reason for  
18 application" and although it is redacted I can read it  
19 says "Psychiatric recommendation following difficulties  
20 at home". Madam Chair, we are not in possession of any  
21 psychiatric recommendation. Of course that doesn't mean  
22 that one doesn't exist, but it was not in the file and  
23 you may wish to bear that in mind in considering that  
24 against the note of the Child Care Officer that  
25 I previously referred you to.

1           If we can go to WD631, please {WD000631} . Madam,  
2           this is a note from Colin Tilbrook to the parents of  
3           witness 126 and you will note it says:

4           "As [126] was being unkind to another boy in the  
5           bedroom last night I told him he would not go home this  
6           weekend."

7           You may wish to consider, Madam Chair, that  
8           Mr Tilbrook wrote to parents to notify them about this  
9           and that we do not know if this was the only punishment  
10          for this.

11          Madam Chair, I don't need to get it up on screen,  
12          but at witness document 630 {WD000630} there is  
13          a similar document which also refers, a year later, to  
14          Mr Tilbrook writing to 126's parents noting that he  
15          would not be allowed to go home due to "silly  
16          behaviour".

17          THE CHAIR: This is 1962 now?

18          MR LIVINGSTON: Yes, June 1962.

19          If we can go to WD629, please {WD000629} .  
20          Madam Chair, this is a note from the Child Care Officer  
21          from December 1962 and the note shows the  
22          Child Care Officer, who I believe from the signature is  
23          Charles Smith, although that's my reading of the  
24          signature -- and you will note that the  
25          Child Care Officer agrees with witness 126's mother that

1 the witness should be punished for misbehaviour.

2 Madam Chair, you may wish to consider whether these  
3 documents show a degree of cooperation between the home,  
4 the Children's Services and witness 126's parents in how  
5 best to deal with him.

6 If we can move to WD627 {WD000627} , please.

7 Madam Chair, this is an unsigned note but we presume, as  
8 it says "Superintendent", that it is from  
9 Colin Tilbrook, in December 1964, noting that  
10 witness 126 had been found stealing. At the last  
11 paragraph he asks rhetorically:

12 "Why is he stealing from his parents? Is there  
13 something seriously wrong in the family relationships in  
14 spite of the superficially warm family atmosphere?"

15 Madam Chair, if we can go to WD625, please  
16 {WD000625} . This is again a note from Colin Tilbrook,  
17 this time dated May 1965, and you will note that it says  
18 that:

19 "[Witness 126] is becoming more and more convinced  
20 that he is not really wanted at home and recently  
21 expressed the opinion ... that the only reason he was  
22 staying on at school and then joining the Army was  
23 because he had nowhere else to live. More recently his  
24 parents have been entertaining relatives and [126] is  
25 quite upset that they could not have him home because

1 'there was not enough room'. [Witness 126] says he  
2 could have slept on the settee as he has before."

3 You may wish, Madam Chair, to consider this document  
4 in the light of the witness' statement to the police  
5 that he saw the Army as a way out from  
6 Haut de la Garenne.

7 Madam Chair, if we can go to WD640, please, and to  
8 page 31 first {WD000640/31} . Madam Chair, this is  
9 a note from Mr Tilbrook dated August 1965 and it  
10 mentions that 126's parents had telephoned:

11 " ... asking if she could see me urgently."

12 It goes on -- and I ask you to read this  
13 carefully -- to note that witness 126 had been found  
14 with another man, an older man.

15 If we can go on to the next page, please  
16 {WD000640/32} . The Superintendent says at the bottom:

17 "[Witness 126] said he was enjoying his holiday  
18 during the day time but was bored in the evenings. This  
19 episode further underlines the emotional barrenness that  
20 [witness 126] faces in this home. I think that perhaps  
21 a short break from home may in many ways be quite a good  
22 thing - one remembers that last year he spent most of  
23 the time at St Aubin's Fort when he should have been at  
24 home."

25 Madam Chair, if we can go back to page 30

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1           {WD000640/30} . Madam Chair, this is a note from  
2           Charles Smith, who was the assistant Child Care Officer  
3           at the time and if you go to the bottom entry dated  
4           6 August 1965 he says that he:

5           "Called at [this address] this evening, following on  
6           Mr Tilbrook's report on [126] and the fact that he had  
7           been returned to Haut de la Garenne.

8           "Spoke with [the parents] who seemed quite worried  
9           about what might have happened to [126] but they seemed  
10          to have had difficulty in getting anything out of him.  
11          The only significant thing that they told me was that in  
12          reply to their question asking him the name of the man  
13          with whom he had been [126] had refused to do this,  
14          saying that it would only get the man into trouble."

15          At the bottom it says:

16          "I felt that [the parents] were well aware of the  
17          dangers of [126] visiting an older man, but they were at  
18          a loss to know how to deal with the situation."

19          Madam Chair, you may wish to consider how this  
20          incident was dealt with by Mr Tilbrook and the  
21          Child Care Officer and whether the investigation that he  
22          notes into this record was sufficient.

23          If we can please turn to WD624 {WD000624} . Members  
24          of the Panel, you note that this is a case conference  
25          that's undated. You will be familiar with these

1 documents. However, I would briefly like to draw your  
2 attention to the second paragraph where witness 126 is  
3 described by Mr Tilbrook as "rather unreliable", "often  
4 dishonest" and a "fluent liar as well as bullying and  
5 ill-tempered". Members of the Panel, you may wish to  
6 consider this note against witness 126's evidence that  
7 he confided in Mr Tilbrook about being abused but was  
8 not believed.

9 If we can go to WD643, please {WD000643} .  
10 Madam Chair, this is a note from Mr Thomson, who was  
11 126's Child Care Officer at the time. If we look at the  
12 bottom half of the page Mr Thomson notes that:

13 " ... [126] had committed a further offence, and we  
14 had a general discussion as to what was the best course  
15 of action. I informed Mr Smith verbally of what I had  
16 seen of [126]."

17 It goes on to note:

18 "[126] is determined to gain his discharge from  
19 the Army, and is prepared to commit offences wilfully to  
20 gain his end. The Army, for their part, seem equally  
21 determined to force [126] to buy his discharge, or  
22 alternatively to exact their price through military  
23 punishment, etc before discharging him. [126],  
24 therefore, has been cunning enough to commit only civil  
25 offences, and these of a trivial nature. Obviously, he



1 hopes by this to get the best of both worlds; his  
2 discharge from the Army without financial or other  
3 penalties, and the minimum of sanctions imposed by the  
4 civil authorities."

5 Going over to the next page, please, Mr Thomson asks  
6 the views of Mr Tilbrook and a Probation Officer. He  
7 says:

8 "An ideal solution would be for him to do  
9 three months in a detention centre, but again this is  
10 not possible. This seems to leave one of three courses:

11 "1) A financial penalty.

12 "2) Probation.

13 "3) Approved school."

14 Madam Chair, you may wish to consider the role of  
15 the Children's Services and Mr Tilbrook in determining  
16 penalties such as those set out.

17 Finally with regard to this witness, Madam Chair, if  
18 we can go to WD639 {WD000639} . This is again an  
19 undated note from Mr Tilbrook which says:

20 "Mr Smith telephoned and informed me about the boy  
21 ordered to be detained in custody. Agreed to place him  
22 in detention room."

23 Madam Chair, you may consider whether this is likely  
24 to accord with the entry in his case entry saying that  
25 he returned to Haut de la Garenne on remand in 1969.

1           Madam Chair, that completes the evidence for  
2           witness 126.

3           Witness 338 (evidence read into the record)

4           If I can move on to the evidence of witness 338,  
5           please. The first document is WD857 {WD000857} .

6           Madam Chair, you will note that this is a witness  
7           statement given by witness 338, given in a foreign  
8           country and then translated into English and this was  
9           in February 2010.

10          If we can go over the page, please {WD000857/2} .  
11          At the top of page 2, Madam Chair, he talks about his  
12          family and his professional situation and starting at  
13          the bottom third he goes on to answer some questions.  
14          The first question is:

15                 "Have you actually stayed at children's home  
16                 Haut de la Garenne on the Island of Jersey? If yes, at  
17                 what time and why?"

18          He goes on to say that he stayed at the home from  
19          1955 to 1965 and does not know the exact reason, but  
20          thinks from what his mother had told him that his father  
21          had left them. He says that at the age of two and  
22          a half he was placed at the residential nursery in  
23          St Helier and at the age of five he considers that he  
24          would have been put automatically at Haut de la Garenne.

25          He says that at the home he was taught up to the age

1 of eight and afterwards the teaching was from the  
2 outside, at the primary school in St Martin's, until he  
3 was 11 years old when he went to St Helier Boys School.

4 Moving on to the next page the question is:

5 "Have you any information to give us on the facts?"

6 He says:

7 "No, I have got nothing specific to say."

8 And is then asked:

9 "Have you been the victim of sexual abuse whilst you  
10 were at the home Haut de la Garenne?"

11 He says "No". The question then is:

12 "Do you know [witness 264]?"

13 He answers "Yes". The question:

14 "What can you tell me about this person?"

15 He goes on to say that:

16 "[Witness 264] wasn't part of the staff. He was  
17 part of a number of people who came to the home to look  
18 after us. In the home every staff had 12 children to  
19 look after. The staff had too many children to look  
20 after and therefore used people from outside to help  
21 them out. Amongst them was [witness 264]. These people  
22 did not live at the home, they came to take the children  
23 out for the day. It was in my case. Every time we went  
24 out with these people we were told in advance, either an  
25 hour or two before. The first time I went out with

1 [witness 264] I wasn't told in advance. The staff at  
2 the home told me 'Go and get dressed to go out' which  
3 I did straight away and it's at that time I met  
4 [witness 264]. I remember this person only from the age  
5 of 14 when I met him for the first time."

6 He is then asked whether witness 264 came to fetch  
7 him on particular days and answers:

8 "I think it was mostly at weekends or during  
9 holidays. I do remember going to his place for a few  
10 days but I must say that I always slept every night at  
11 the home."

12 Over to the next page, please. He is then asked:

13 "Apart from [witness 264] was there other people who  
14 took you out during the day?"

15 He answers "No". The next question is:

16 "What do you think of this person?"

17 Presumably meaning witness 264. He answers:

18 "He was Father Christmas for us. When we went out  
19 with him he was offering everything that we wanted. He  
20 had a [certain] car, to us it was a dream. We never saw  
21 our parents. The home staff wasn't doing very much for  
22 us and if someone like [246] came to take us we were  
23 very happy. That was the first side of his personality.  
24 The second he was very coaxing with us. This behaviour  
25 embarrassed me and I kept my distance with him, be it in

1 public or in private. On the other hand my brother was  
2 more at ease with him. I must say I am not very  
3 affectionate and I do not like these situations on the  
4 whole. So the fact that I kept my distances with him  
5 wasn't because of him but rather my own temperament.  
6 But I can tell you that my behaviour towards him was  
7 motivated by the fact that some children had been out  
8 with him when they were coming back to the home I could  
9 hear them say in the dormitory something like 'That  
10 slut. He tried to touch my thighs'. I don't know who  
11 exactly was talking because it was night and the lights  
12 were out. My bed was in the middle of the dormitory.  
13 What I can say also, when I left the home I was guided  
14 to a job on the farm because I liked animals. The home  
15 found me a job on the farm [where somebody lived]. One  
16 day I went to see my brother and [264's] wife. I went  
17 to their place ... [264] had bought me [something].  
18 During the visit my brother informed me that  
19 [witness 264] wanted to adopt us. I refused this  
20 adoption because I had my own life. When I was ready to  
21 leave on the evening (it was dark) I realised one of my  
22 tyres was flat. [Witness 264] at that moment offered to  
23 take me back which I accepted. He brought me back in  
24 his [car]. I was sitting in the front passenger seat.  
25 During the journey he asked me to come on his knee.

1 I immediately refused, I sat as far as possible from  
2 him. He insisted, trying to put his hand on my thigh."

3 Witness 338 is then asked:

4 "Do you know for what reason he asked you to get on  
5 his lap. Was it to offer you to drive the car?"

6 He answers:

7 "Yes, it was to drive the car, but all the children  
8 coming back from his place talked every time that when  
9 something happened to him it always started when he  
10 offered them to drive the car. In fact I heard a few  
11 children in the dormitory saying that they had driven  
12 [264's] car on his lap and during this time he had his  
13 hand under their short to touch genitals."

14 The next question is:

15 "Do you know who were the victims of these actions?"

16 He answers "No". He goes on to be asked:

17 "How many children complained about [264's]  
18 actions?"

19 And again he answers that he doesn't know but says  
20 "several". He is asked:

21 "Do you know a victim of sexual aggression during  
22 your stay at Haut de la Garenne?"

23 He answers "No".

24 Madam Chair, there is then a few questions from  
25 investigators of the States of Jersey Police and he is

1           asked questions about 264's vehicle and what he  
2           remembers about it. He is then asked:

3                    "When you went out with [264] were you alone or with  
4           somebody?"

5                    He answers:

6                    "I never went out alone with this man. There was  
7           always [264] and sometimes other boys of which [265 and  
8           another] were two of them."

9                    He is then asked which other children went out with  
10          264. He says:

11                   "I can't tell you exactly but after personal  
12          analysis from my professional experience I think he  
13          chose amongst the children the candid ones obviously,  
14          naive. Those who refused nothing."

15                   If we can go to the next page, please. He is then  
16          asked how 264 was dressed during the outings and he  
17          describes that he was well dressed. He is then asked  
18          where did he go with 264 and he says he went to the  
19          beach, golf, or a hotel and he says that when taken to  
20          a hotel he was taken by the private entrance so that he  
21          could have an ice-cream and a drink. He says that every  
22          time he was with his brother. He says:

23                    "I remember also going with my brother and [264] to  
24          another house which was next to [this place] and it  
25          belonged to [264]. I remember my brother went to live

1 in that house."

2 He is then asked:

3 "Would you be willing to go to Jersey court to  
4 testify?"

5 And the answer is:

6 "I don't know if I wish to see these people again.  
7 For me I have put a cross on this part of my life. If  
8 I can testify it would be anonymously. I would accept  
9 to come."

10 That's the end of that statement, Madam Chair.

11 If I can just take you to three or four documents  
12 briefly.

13 THE CHAIR: Yes indeed, Mr Livingston.

14 MR LIVINGSTON: The first is WD650 {WD000650} .

15 Madam Chair, you will note he was born in 1950 and the  
16 formal reason for care entered is that he was "rejected  
17 by mother". You will note in the middle of the page  
18 that one of his siblings was witness 284 and in the  
19 brief history it says went to Westaway Crèche aged  
20 one month before going to Haut de la Garenne in 1956,  
21 aged one. At that time, Madam Chair, of course it would  
22 have been Jersey Home for Boys. At the bottom you can  
23 see that he left Haut de la Garenne in 1965, when he  
24 would have been aged 15, to take up residential  
25 employment.



1           Madam Chair, if we can go to WD859, page 2  
2           {WD000859/2} . Madam Chair, this is a report compiled  
3           by the States of Jersey Police on witness 264's visits  
4           with children and on this page 2, in the third paragraph  
5           from the bottom, you note it says:

6           "[Witness 338] saw [witness 264] for day visits on  
7           19 occasions, 16 of which were in the company of other  
8           residents. He also spent four weekends with [264] and  
9           another resident between April and July 1965."

10          Madam Chair, you heard evidence yesterday about how  
11          these records were compiled from Social Services  
12          records, including visitor logs. We haven't been able  
13          to identify visitor logs for this witness, but presume  
14          that the police had them at the time of compiling it  
15          this document.

16          Finally, Madam Chair, if we can move to WD858  
17          {WD000858} . Madam Chair, I am just going to read very  
18          briefly from this. This is an officer's report about  
19          witness 338's residential employment on a farm and it  
20          details a conversation with witness 242 who lived on the  
21          working farm whilst 338 was there. At paragraph 2 it  
22          notes that witness 242 was about eight years old and  
23          witness 338 about 15 to 17 years old when he came to  
24          work at the farm.

25          At paragraph 3, Madam Chair, it notes:

1            "[Witness 338] told him that people came into their  
2 rooms at night and took the young ones. They were  
3 dragged down the corridor screaming and if they resisted  
4 were never seen again."

5            It goes on to say:

6            "[Witness 242] could not understand this and asked  
7 why nothing was done. [338] replied if you said  
8 anything that the same would happen to you."

9            Members of the Panel, you may note that witness 338  
10 did not raise these issues when interviewed by the  
11 police and that of course they are hearsay. However,  
12 you may wish to consider whether this was because he was  
13 solely asked by the police about witness 264, or for  
14 some other reason.

15            Finally, Madam Chair, if I can have the document  
16 WD1215, please {WD001215} . Madam Chair, this is a case  
17 history for witness 284 who I identified as  
18 witness 338's sibling and the brief thing to draw your  
19 attention to, although it is entirely redacted, is that  
20 in September 1965 it notes that he was discharged to  
21 witness 264 and his wife. And in December 1967, he  
22 "Returned home to mother". Madam Chair, you may wish to  
23 consider whether this accords with 338's account that  
24 his brother was fostered by 264, but he refused.

25            Members of the Panel, that concludes the reading in

1 of these two witnesses. I believe there are some  
2 further documents to be read in by Ms Jerram, if that  
3 can be done later this afternoon.

4 THE CHAIR: I think therefore we will rise. We will take  
5 a break now to give the stenographer a break and we will  
6 be back in between 10 and 15 minutes.

7 MR LIVINGSTON: I am grateful.

8 (3.12 pm)

9 (A short break)

10 (3.28 pm)

11 Witness 184 (evidence read into the record)

12 THE CHAIR: Yes, Ms Jerram.

13 MS JERRAM: Good afternoon, Members of the Panel. We now  
14 resume with two witnesses who give evidence in respect  
15 of witness 491, the employee about whom you have already  
16 heard some evidence and if I may start, please, with the  
17 evidence of witness 184, beginning with a States of  
18 Jersey Police statement at WS000135. This is the first  
19 of two statements. If we could move on to the second  
20 page, please {WS000135/2} .

21 This starts with confirmation that this is a person  
22 who is now married with two grown-up children, who went  
23 into Haut de la Garenne in 1968 at the age of ten,  
24 leaving in 1972 and was sent there by the Court. It  
25 details in paragraph 5 some absconding and the witness

1 states that:

2 "... I would run away from the home because of the  
3 way we were being treated. The only time that I can  
4 recall getting in trouble ... was when I ran away ..."

5 He goes on to say in paragraph 6 that he remembers  
6 that Mr Tilbrook was the "head man" along with  
7 witness 491 and Mr Williams. He says:

8 "They ran the place with an iron glove."

9 He goes on to recount that:

10 "My early years in the home were horrific, it felt  
11 like torture and I cried all night. It was a completely  
12 different culture to that of being at my parent's home."

13 At paragraph 8 you will see an allegation there that  
14 there was at night, it would appear, a practice of  
15 shining the torch in his eyes and he cannot say if the  
16 torch was used to frighten the kids or to ensure that no  
17 one had run away.

18 He then describes the home as being very territorial  
19 and you had to look after yourself. He goes on in  
20 paragraphs 10 and 11 to deal with sexual abuse and he  
21 says that he was never sexually abused in the home, but  
22 he has been a victim of sexual abuse which was dealt  
23 with by the Magistrates Court and that, Members of the  
24 Panel, is [REDACTED] or Mr Jarrett and he goes on to  
25 deal with that over the page.

1 He says:

2 "My abuse with Jarrett was that of mutual  
3 masturbation."

4 At paragraph 11 he recounts an accident which  
5 happened involving witness 491 where it would appear, as  
6 a result of horseplay, that he was injured at the  
7 swimming pool with that individual and it says that:

8 "He was clearly showing off in front of my parents,  
9 who were not impressed."

10 Then from paragraph 12 he says that:

11 "... as I got older I started to run away on  
12 a regular basis, it was my only escape. Once caught,  
13 Mr Tilbrook would get the cane out and give me a good  
14 caning. He would start off caning the back of the legs,  
15 hitting me violently and as I was trying to protect  
16 myself by cowering, I would end up on the floor and he  
17 would continue hitting me on my back, my arms, anywhere  
18 that he could hit."

19 Members of the Panel, you would no doubt wish to  
20 contrast that with the rules on corporal punishment that  
21 you were taken to yesterday.

22 He also describes how he was caned at school and he  
23 says that he was hit with a medium cane more often than  
24 not. He says that:

25 "He would hit me anywhere between four and nine

1 times."

2 What isn't entirely clear from that paragraph is  
3 whether the witness is talking about being caned at  
4 school or Haut de la Garenne.

5 He then in the subsequent paragraph talks about his  
6 experiences of running away and he says that:

7 "Having run away and having been caught by the  
8 police they would return me to the home. I would tell  
9 the police officers that I didn't want to go back to  
10 the home. When I arrived Mr Tilbrook or [491] would  
11 tell the police officers that they will deal with me by  
12 getting me washed and fed, well bollocks, it was  
13 straight down to the office to get a good caning and  
14 then into the detention room.

15 "It seemed that I was always in the detention room,  
16 mainly the one on the right-hand side of the main  
17 building when looking from the road. There was also  
18 a second detention room at the back, next to the garage  
19 over looking the field. There was a bed and mattress  
20 only in these rooms along with a blanket."

21 And no doubt you will wish to compare that  
22 description of the location with that provided by other  
23 witnesses.

24 It goes on to say that:

25 "I would be told by the staff that they didn't want

---

1 to see the curtain move as this was their way of  
2 punishment, isolating me from the outside world.  
3 I never touched the curtain as I didn't want to give  
4 them another excuse to give me a good hiding. This was  
5 another part of their mental cruelty toward me and the  
6 other kids and their way of saying that 'We are the  
7 adults, do what you are told'. Another punishment would  
8 be that I lost my visiting rights if I stepped out of  
9 line."

10 Then 18:

11 "I was never given the cane outside of the office,  
12 only slaps punches and being grabbed and pushed. The  
13 beatings I received were generally because I had run  
14 away."

15 He goes on to describe witness 491 as:

16 "... a right shit. He had satisfaction in punching  
17 and kicking me and the other boys and he liked putting  
18 my arms behind my back and frogmarching me around.  
19 Occasionally I deserved it but not in the way that they  
20 dished out the punishment."

21 Then at paragraph 21 he describes 491 hitting him  
22 and other children with a wet towel:

23 "He thought it was funny but I didn't see the funny  
24 side. As a punishment I was given the occasional cold  
25 bath."

1           He then goes on to describe the conduct of  
2           Mr Williams and he says that he would:

3           " ... have a good go as well; he would do a lot of  
4           pushing and slapping people around the head when he was  
5           telling us to move. He was very aggressive and he swore  
6           a lot. He liked throwing items such as cups, ash trays,  
7           his cigarette lighter or anything that could be thrown.  
8           If he missed whoever he was throwing the object at, you  
9           could hear the sound of it smashing against the wall or  
10          whatever it struck."

11          Then over the page {WS000135/5} he recounts the  
12          treatment of Gordon Wateridge and he says that:

13          "Mr Wateridge was the number one bully; he came to  
14          the home after Mr Williams had left. He would regularly  
15          punch me in the arms, not playful punches; basically he  
16          was showing his authority. Everyone was either punched  
17          or pushed by him. He was very military in the way that  
18          he ran the place, we always had to be on time, we also  
19          had to clean our shoes using spit and polish and our  
20          clothes had to be clean and tidy."

21          And in relation to that description, Members of the  
22          Panel, you might recall yesterday the reference that was  
23          provided for Mr Wateridge and the descriptions of him  
24          running the school in a military like fashion.

25          Then as far as allegations of sexual abuse are



1           concerned, from paragraph 27 he describes Mr Wateridge  
2           being:

3           "... very flirty with the girls; he was always  
4           standing in the corridor near their showers."

5           And:

6           "When in the snooker room he was very close to the  
7           girls, too friendly, he was always sniffing around them,  
8           but he never had much time for us lads. He always had  
9           his arms around the girls, either over their shoulders  
10          or around their waist. I would say that it was friendly  
11          and on occasions overly friendly, which made me believe  
12          he was getting sexual satisfaction from it.

13          "He was always on the couch with the girls with his  
14          arms around them with his hand dangling down and resting  
15          above their breasts. I never actually saw him touch the  
16          girls' breasts."

17          Then he goes to on to describe Mr Wateridge always  
18          patting the girls' thighs and he says now that as an  
19          adult he would say those actions were inappropriate.

20          Then from paragraph 32 he describes a particular  
21          incident when he interrupted Mr Wateridge in the snooker  
22          room lying on top of a girl and he is certain by the  
23          size of the person that it was definitely a child and  
24          not a member of staff, but he is not entirely clear who  
25          that child was, although he does give a description of

1 the colour of hair.

2 He goes on to say:

3 "I seem to recall that it was a Saturday because  
4 I had been punished, my privileges had been stopped and  
5 there was nowhere else for me to go except the snooker,  
6 chill room. I remember Mr Wateridge saying to me,  
7 sharply, to 'get out' as soon as I entered the room ..."

8 Then at paragraph 34 he describes that:

9 "Mr Wateridge was standing about two feet in front  
10 of me with his body bent over the girl, who was lying  
11 with her back on the playing surface with her legs  
12 dangling over the side of the table. His hands were on  
13 either side of the girl and as far as I can remember  
14 they were both fully clothed."

15 Then from paragraph 35 there are some descriptions  
16 of the personal effects of all of this and the fact that  
17 this particular individual ended up being a very  
18 aggressive person as a result of the treatment he had  
19 received.

20 Then if we could go over the page, please  
21 {WS000135/7} , he then describes the type of child who  
22 might end up being bullied at the home. He says:

23 "All the kids were different. You had the ones who  
24 would say yes sir, no sir, and they never got thumped.  
25 Then there was my type, along with [two other families]

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1           who received most of the bullying. If we didn't do as  
2           we were told we were punished with certain people being  
3           treated differently. There was the detention room which  
4           was not always used for the children who run away - if  
5           the staff felt like it, they would put the unruly  
6           children into these rooms to diffuse the situation, so  
7           that the staff could have an easy time."

8           At 37 he describes Morag Kidd, later to become  
9           Morag Jordan, who he says was sound with him.

10          At paragraph 38 it says as follows:

11          "Another person that I can remember is a man called  
12          [witness 264] who was tall and slim. He was always in  
13          casual clothes and appeared scruffy to me and this was  
14          mainly due to him wearing a raincoat which had a belt."

15          Then he goes on to describe a car that was owned by  
16          this individual:

17          " ... which he used to take the kids out on  
18          Saturdays and Sundays."

19          Members of the Panel, it is not clear from that  
20          paragraph whether he is talking here about a visitor to  
21          the home, or a member of staff and just to assist you in  
22          relation to that could we have on screen, please,  
23          {WD001181} , which was in yesterday's custom bundle.  
24          You may recall this document from yesterday. It is the  
25          list of residential staff and turnover between 1961 and

1           1967. Six lines down you will see an entry for somebody  
2           who failed his probationary period. That is somebody  
3           who shares a surname with witness 264 and one of his  
4           first initials and there is a difference in the second  
5           initial and at the moment it is not clear whether  
6           witness 264 was for a period employed at the home but  
7           failed his probationary period and further  
8           investigations are underway in that regard.

9           Going on then in the statement, please, to  
10          paragraph 39: {WS000135/7}

11          "I seem to remember that it was the younger kids  
12          that he took out and there never seemed to be a full car  
13          when he did this. He may have been on the board of  
14          directors and the reason I say this, is that people that  
15          seemed to be in authority were coming and going from  
16          the home on a daily basis.

17          "The first cellar that the police found on the side  
18          of the building overlooking the field (east wing) was  
19          where I was allowed to breed gerbils and where pigeons  
20          were also kept."

21          Then over the page to 43 he confirms that in  
22          relation to the physical punishment he received:

23          "They did it in a way that left no marks or bruises,  
24          no broken noses or black eyes where they could be  
25          questioned. On these occasions it was their way of

1           inflicting mental and physical abuse.

2           "I knew not to question the abuse because it was  
3           made clear to me that if I complained, I would receive  
4           further punishment including being put in the detention  
5           room. They ruled with fear."

6           Then finally he says:

7           "My memories of living in the home have been  
8           concealed, put to the back of my mind, although these  
9           memories have never gone away."

10          That is the first statement. The second statement  
11          is at WS000136 {WS000136} and you will see, Members of  
12          the Panel, that this is a second statement and it is  
13          dated 30 April of 2008. If we could go straight on the  
14          second page. {WS000136/2}

15          The first page of that in fact is simply  
16          a repetition I would say of the first statement, so if  
17          we could go over to the next page, please, just a couple  
18          of short points to pick up from this particular  
19          statement. In paragraph 7 the witness says:

20          "My time in the Army ... was nothing compared to my  
21          time at Haut de la Garenne."

22          And he confirms again that the range of punishments  
23          was canings, thumping, kicks and slaps and incarceration  
24          in the cells.

25          Then from paragraph 10 he is commenting here on

1 absconding and running away from the home and he says  
2 that:

3 "... when I got caught, I used to say to the police  
4 officers 'don't take me back up there please' cause  
5 I knew what was going to happen when I got back up  
6 there. When I got back up there the police would take  
7 me back and depending on who was on duty at the time,  
8 which was usually Tilbrook, I would be received at  
9 the home and the police would leave, the door would be  
10 closed, then it was to the office.

11 "Tilbrook was the one who used to discipline me but  
12 there was always another member of staff present at the  
13 same time."

14 Again you will wish to cross-refer that to the  
15 corporal punishment regulations that we looked at  
16 yesterday.

17 "The cane would then be out and 'whack'. He would  
18 either have [491] there or one of the other members of  
19 staff. Then I would be manhandled down to the cells ...  
20 I would be locked up in there for a number of days and  
21 the days varied ... there was a glass window and some  
22 sort of curtains and they used to say don't touch the  
23 curtains.

24 "I think that was a worse punishment because you  
25 wanted to look out but you weren't allowed to touch

1           these curtains. You were afraid and you also used to  
2           hear things up that corridor. It was a small corridor  
3           that led to the two cells, with a cell on each side.  
4           I heard things, I heard other people screaming,  
5           literally screaming. On one occasion I recognised the  
6           voice of [another boy] and I heard him screaming and  
7           I was under no illusions that he was 'getting  
8           a hiding'."

9           Then towards the bottom of the page he describes  
10          again witness 491. It says:

11                 "I never knew if he was in the Army or something  
12                 like that, but believe me he acted like he had been or  
13                 in some other institution ... he ran that place like  
14                 a prison."

15           Then over the page, please, at 17 {WS000136/5} he  
16           describes how witness 491 would slap him with the palm  
17           of his hand and also with what he described as his  
18           backhanders, which means the back of his hand:

19                 "I would say that this was 90% of the time mainly  
20                 across the head, the rest of the time it was around the  
21                 back or the arms. It wasn't a tap, it was a slap."

22           Then in the next paragraph towards the end, he says:

23                 "I cannot put a time on how many times that he  
24                 slapped me around the head as there was just too many.  
25                 If you said twice a week and I was there for four years

1           then pick a number. That was also happening to other  
2           people as well as to me."

3           Then, please, if we could go over the page to  
4           paragraph 23 {WS000136/6} . In relation to detention in  
5           the cells he confirms there that the most time he ever  
6           spent in the cell was three days.

7           Then he goes on to describe further physical abuse  
8           by witness 491 saying that:

9           "[419] also used to kick me and this was mainly in  
10          the arse and this was like a warning to hurry you up and  
11          make you move. This hurt especially when you were  
12          kicked in the coccyx ..."

13          He returns to the issue of detention cells in  
14          paragraph 26 and he talks about the toilet facilities,  
15          saying there was a pot in the cell:

16          " ... I am 80% sure that there was a bell in the  
17          cell that you could ring if you wanted to be let out to  
18          go to the toilet but it had to be a good reason for  
19          ringing the bell as you didn't want to piss the staff  
20          off and this would be a bad mistake."

21          Again you may wish to contrast that with the  
22          regulations that you heard about in relation to the use  
23          of the detention cells.

24          At paragraph 27 he says that:

25          "There was no washing facility in the cell but there



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1           was one just down the corridor outside. In relation to  
2           a change of clothes, the idea of the staff was that you  
3           were not getting them dirty, you weren't going out or  
4           doing anything and when you were in there you took your  
5           clothes off. When you were in there you just sat there  
6           day in and day out. You were there for corporal  
7           punishment."

8           Then further on on this page he describes again the  
9           incidents with the showers and being flicked with towels  
10          and picking up the story at paragraph 32 he confirms  
11          that he never showed his injuries to other members of  
12          staff:

13          " ... you would never grass on another member of  
14          staff. This was because they were all together and if  
15          you rock the boat up there then you are very much on  
16          your own basically. There is no one else up there to  
17          protect you and people were too scared to say anything."

18          At 34 he says:

19          "... I did not see witness 491 physically abuse any  
20          of the females at the home as it was always the boys  
21          that he physically abused."

22          And he says that he can't remember the names of the  
23          boys abused.

24          Then at 39 over the page {WS000136/8} he expands on  
25          his description of being given cold baths. He says:

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1            "I would like to add that I was also given cold  
2            baths and showers. This was if you were not down to the  
3            bathrooms quick enough or you were messing about, then  
4            [491] and the others would run a cold bath."

5            Those included Wateridge, Williams and Tilbrook:

6            "It wasn't a pain as such but it was uncomfortable  
7            and it wasn't nice, but I would rather have the cold  
8            bath than some of the other things that went on up  
9            there ... it was a form of punishment throughout."

10           Then in relation to the cellar he says that:

11           " ... there was a metal gate in the side of the  
12           building on the left-hand side that led to under the  
13           building and is known as the cellar. The gate has now  
14           been removed and the area bricked up. I got hold of  
15           a torch and shined it through the metal gates but all  
16           I could see was the wall. Because of the shape of the  
17           room I could not see if there was any bath that has been  
18           referred to by others in the media. I do seem to  
19           remember there being a trap door in the floor of one of  
20           the rooms but I never opened it up or looked down it and  
21           I do not know of anyone who has been. This trap door  
22           was situated above the first cellar that the police  
23           opened up when they started searching  
24           Haut de la Garenne."

25           In relation to other documents, Members of the

1 Panel, you will recall yesterday -- and I just read into  
2 the record the reference, at {WD001216} -- a report on  
3 the use of detention rooms between 1966 and 1968 and  
4 this is to confirm for the record that witness 184 is  
5 not mentioned anywhere in that document between 1966 and  
6 1968.

7 The first document -- actually just before I take  
8 you to another document, if I can just highlight again  
9 by way of reference, {WD001236} is the application for  
10 admission into care on 11 July 1969, and two days before  
11 that at {WD001235} , we have a report from  
12 a psychologist recommending that the witness be taken  
13 into care.

14 The reason I bring that to your particular attention  
15 is that you may take the view, perusing through that  
16 document, that the threshold for admission into care was  
17 low in relation to this child. In particular it says in  
18 the second paragraph that he was a "likeable, gay and  
19 apparently carefree little boy" and it goes on to talk  
20 about "unsatisfactory domestic circumstances" in the  
21 second main paragraph, and then in the final paragraph  
22 of the report, this being a report from Dr Hollywood,  
23 who is the psychologist you have heard about before,  
24 a recommendation that in his opinion the child's:

25 " ... best interests would be served by placing him

1 in a stable and sympathetic environment in which the  
2 implications of stealing or any misbehaviour would be  
3 more clearly brought home to him. At present one feels  
4 (without any definite proof, I may add), that in his  
5 present cultural milieu his behaviour, if not approved,  
6 is certainly not seen as a great cause for concern. If  
7 he were placed at Haut de la Garenne he would have  
8 a much better chance to mature in personality and  
9 identity with the values of the children's home and of  
10 society generally. If things remain as they are at  
11 present one could confidently anticipate even more  
12 difficulties with the advent of adolescence."

13 PROFESSOR CAMERON: I wonder, Chair, if for the sake of the  
14 record we should clarify that in terms of this witness  
15 being likeable, gay and apparently carefree, that given  
16 the date of the letter we would not in this case  
17 interpret "gay" as referring to his sexuality.

18 MS JERRAM: No and it is a letter dated 9 July 1969. Thank  
19 you for that.

20 This was a child who in fact was by order of the  
21 Royal Court regarded to be a child in need of protection  
22 under the 1935 Loi and simply for the record again, that  
23 reference is {WD001231} .

24 But if we could go, please, to WD001243 {WD001243} ,  
25 this is a document which sheds some light on the role of

1           the police in referring children to the Children's  
2           Office. It is not very obvious from this single page,  
3           but this is a report by the police which sets out some  
4           of the views of the officer and the recommendation of  
5           the police officer was that the child should be directed  
6           to Haut de la Garenne and it says at 6:

7                     "Miss Coulson stated that if the matter could be  
8                     left with the Children's Office enquiries would be made  
9                     to see if [184] could be placed at Haut de la Garenne."

10                    And again this gives some indication, you will see  
11                    at paragraph 9, of the involvement of the Centenier, in  
12                    this case Centenier Morris, and it refers to some of the  
13                    offences of stealing which were referred to in the  
14                    previous document.

15                    Again without needing to take you to the document,  
16                    WD1233 {WD001233} clarifies that this was a child,  
17                    whilst apparently taken into care because he was out of  
18                    the control of his parents, but also because his parents  
19                    effectively had too many children and were not able to  
20                    cope.

21                    The document WD1232 {WD001232} confirms admission to  
22                    Haut de la Garenne on 11 July 1969.

23                    This was a child who, as a result of absconding but  
24                    also for larceny, was before the Parish Hall Inquiry and  
25                    again, for the record, you may be interested, Members of

1 the Panel, to view {WD001241} , where you see that  
2 resulting from a Parish Hall Inquiry weekend visits were  
3 stopped to punish this child for larceny.

4 Then if we could have on screen, please, {WD001239}  
5 You will recall in the police statement that the witness  
6 made an allegation of sexual abuse by somebody other  
7 than someone at the home, [REDACTED] Mr Jarrett, and  
8 this was how the matter was dealt with by the  
9 Superintendent. You will see this is a memo dated  
10 9 May 1972 and what it sets out here is that two  
11 children at the home were both making allegations  
12 against the same Mr Jarrett and the Superintendent  
13 believed that there was a prima facie case for further  
14 investigation and he telephoned Mr Smith, the  
15 Children's Officer, at his home first thing the  
16 following day and he outlined the nature of the matter  
17 to him:

18 "The matter was subsequently discussed at  
19 considerable length and in-depth at the Children's  
20 Office with Mr Smith ... and it was decided that the  
21 proper course of action in the interests of all the  
22 parties concerned was to notify the police. It was  
23 agreed that a CID officer who was known to us might  
24 handle the matter with sufficient tact and I was  
25 authorised by Mr Smith to contact him from Mr Smith's

1 office. Detective Constable D Watkins came up  
2 immediately to Mr Smith's office and in the presence of  
3 Mr Smith and [another] I outlined the nature of the  
4 complaint. Detective Constable Watkins assured me that  
5 he could investigate the matter with the utmost tact and  
6 that he could telephone [a name blanked out] and have  
7 a talk to him at the police headquarters. In the event  
8 Detective Constable Watkins decided that [this is  
9 Jarrett] had a previous conviction ... he would take  
10 statements from the boys."

11 Just pausing there, that appears to have been  
12 a significant factor in the decision to take this  
13 particular case further:

14 "He later charged Jarrett who was arrested and  
15 brought before the Police Courts Magistrate on Thursday  
16 and remanded. Detective Constable Watkins informed me  
17 that the boys would not be required to give evidence."

18 Then at the bottom of the page it says this:

19 "I would not like to see that this isolated  
20 incident, serious although it may be, should make it  
21 necessary for the parents of any of the children's  
22 school friends to be subjected to any kind of prior  
23 investigation."

24 And that, Members of the Panel, is a reference to  
25 the fact that Jarrett was the father of a friend of the

1 witness.

2 Again although I don't need to take you to it,  
3 {WD001250} sets out a list of convictions for Jarrett,  
4 including the matters which you have just seen before  
5 you.

6 The final document I'm going to take you to in  
7 relation to this witness is a States of Jersey Police  
8 document {WD001252} . You will see from the heading of  
9 this that this is a "Allegations matrix" against the  
10 suspect 491 and 184 is the witness that we have just  
11 been dealing with and the allegation, as you will see,  
12 is common assault and that's punches on the arm back and  
13 chest causing injury and also kicks to the buttocks and  
14 so forth.

15 Then a further potential allegation of indecent or  
16 common assault dealing with the flicking with wet towels  
17 whilst naked in the shower.

18 You will see how this is set out here. There are  
19 then boxes for the current evidence, potential evidence,  
20 aggravating factors and what is described as a "total  
21 score" and in fact there are no total scores given here.

22 This is, as I say, witness 184 and if we could just  
23 scroll through the document relatively quickly, we then  
24 move on to witness 126 who sets out a series of  
25 allegations. Members of the Panel, I'm not proposing to



1 take you through each page of this, but suffice to say  
2 you may find this a useful document because it refers to  
3 no fewer than 15 separate alleged victims and provides  
4 a useful summary of the allegations against witness 491.  
5 So that's where I leave the evidence of witness 184 and  
6 I turn now to witness 340.

7           Could we have on screen please {WS000143} , this is  
8 being a States of Jersey Police statement dated  
9 9 July 2008. Over the page, please {WS000143/2} . The  
10 witness confirms that she was born in 1949 and has one  
11 sibling. She describes her early upbringing in  
12 paragraph 3 saying that she had a very strict upbringing  
13 in which her mother used to hit her a lot. She says:

14           "I think she was suffering from postnatal depression  
15 but it wasn't recognised in those days. I started  
16 playing up at school due to my poor home life so  
17 teachers started noticing that something was wrong and  
18 Social Services eventually became involved."

19           Members of the Panel, that may interest you by way  
20 of evidence because, certainly from my reading, that is  
21 one of the view instances where we have heard about  
22 a child coming into the care of the Department through  
23 the alarm being raised by the school.

24           The witness goes on to say that Mrs Nightingale was  
25 the Child Care Officer at the time:

1           " ... and she made the decision to remove me from my  
2           parental home into the Haut de la Garenne care home.  
3           I think the decision was made for my protection but  
4           unfortunately I ended up being taken from one situation  
5           of abuse to another.

6           "I remember my first day at HDLG as the  
7           Child Care Officer told me I was going to a holiday camp  
8           for a couple of weeks; it was her way of getting me to  
9           the home without a fuss. The date was 15th October 1959  
10          and I was nine years old."

11          She, like other witnesses, describes going through  
12          the main doors of the home and her feelings about that  
13          and she says that:

14          "There were children in the lounge and you could  
15          tell that certain residents were in charge, they 'ruled  
16          the roost' so to speak."

17          This witness, like others, confirms that the home  
18          was split into groups consisting of juniors,  
19          intermediates and seniors and she describes starting off  
20          in the junior group and that a man named Mr Maggs was in  
21          charge of the home at the time. She says that:

22          "Mr Tilbrook took over from Mr Maggs at some  
23          stage ..."

24          And then a couple, witness 491 and witness 225,  
25          became house parents:

1           " ... and they were generally okay except for a few  
2 incidents at night which I will go into later in my  
3 statement."

4           At paragraph 9 and paragraph 10 {WS000143/3} the  
5 witness describes some other staff members and children  
6 at the home and goes on in paragraph 11 to talk about  
7 the routine at the home saying that:

8           "The routine at the home was to get up at about  
9 0700 hours and have a shower before breakfast at  
10 0740 hours. If you were late for any reason you'd have  
11 to see the Matron and forego eating that morning.  
12 Breakfast would be eaten in the dining room with the  
13 rest of the kids and it was like being at boot camp.  
14 After breakfast we would be taken to school and then  
15 return home later that afternoon.

16           "The afternoons consisted of doing chores, cleaning  
17 our school shoes in the boot room, watching TV or doing  
18 some other activity. On occasions we would be locked in  
19 the lounge for up to 20-30 minutes without knowing  
20 why ... we would often be made to watch the news in the  
21 evening and if we messed around/didn't pay attention,  
22 we'd be locked in the boot room to clean all the shoes."

23           Then at 14 onwards it describes events at night time  
24 and the witness confirms that there would be inspections  
25 carried out by witness 225:

1            "She would check our hands and ears to make sure  
2            they were clean. Sometimes we would be stood naked so  
3            there was no privacy and other times we would be dressed  
4            in a vest and knickers. If there was any trouble then  
5            [witness 491] would attend as well. These inspections  
6            were okay although a little strict.

7            "Night times at the home were scary as things would  
8            happen which prevented us sleeping. I never personally  
9            wet the bed but I remember other children doing so.

10           "At night I would hear lots of shouting and  
11           screaming coming from other parts of the home, doors  
12           would bang and I'd hear heavy footsteps in the corridors  
13           outside ... my dormitory was situated on the first floor  
14           on the left-hand side of the building as you walked  
15           through the main front doors.

16           "A clear memory I have is of being woken up on  
17           repeated nights by staff members coming into the room  
18           and tipping us out of bed. The beds we had were like  
19           hospital beds made of iron with mattresses on top and  
20           sheets covering them. Staff would come in, tip us out  
21           of bed to mess up the bedding and then demand us to  
22           remake the beds. This action would be repeated again  
23           and again until they decided to leave the room;  
24           sometimes it went on for hours. I've lost count of the  
25           in many of times this happened as it became such

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1 a regular occurrence, perhaps as much as three times  
2 a week all the way through my junior and intermediate  
3 years; it stopped when I was in the senior group. The  
4 bed tipping was done by Mr Tilbrook [and witness 500]  
5 [and also witnesses 225 and 491] ... if they didn't tip  
6 you out of the bed physically, they would shout at you  
7 to get up then strip the bedding from the mattress  
8 whilst you stood and watched."

9 Then at paragraph 18 she says that:

10 "Nights were horrible at Haut de la Garenne as you  
11 would just lay awake in bed waiting for something to  
12 happen, I was always nervous and didn't sleep properly.  
13 Doors to the dormitories were locked and the windows  
14 were sealed."

15 This witness then describes a particular punishment  
16 of being locked in the bathroom if she didn't eat her  
17 dinner and she says that if she refused to eat  
18 a particular meal on a Friday night then she would be:

19 "... locked in the bathroom for the weekend with the  
20 plate of food on the floor. My bed would be placed in  
21 the bathroom and all the taps would be taken out so  
22 I couldn't injure myself. The light cord would be tied  
23 up high so I couldn't reach it and I would be left in  
24 the dark. This bathroom was next to my dorm room so my  
25 room mates would speak to me through the door; one girl

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1 (whose name I couldn't tell you) once passed me some  
2 paper and a pen through a gap in the door as I wanted to  
3 write to the Child Care Officer and report what was  
4 happening to me. I wrote the note and slid it back  
5 under the door but the girl got caught by someone so my  
6 letter never reached the intended person. I don't know  
7 which member of staff caught the girl and took the note  
8 off her."

9 She describes in the next paragraph that that  
10 particular punishment was only ever given to her on  
11 a weekend, not during the school week and she can't  
12 remember how many times it happened.

13 Then, please, over the page at paragraph 23  
14 {WS000143/6} . This is a particular incident when this  
15 witness became injured and she went to see witness 500  
16 who was acting as Matron at that time and she describes  
17 being given stitches to the head by witness 500 and it  
18 says this:

19 "[Witness 500] sat me down on a wooden crate and  
20 looked at my injury before cutting away some of the hair  
21 covering it. [Witness 500] then told the other woman to  
22 hold me whilst she got a needle and thread with which to  
23 stitch my head. The other woman held my arms against my  
24 body and pushed my head back against a wall as I was  
25 struggling to get away, I didn't want [witness 500] to

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1 carry out something that should have been done at  
2 a hospital. [Witness 500] started to stitch up the  
3 wound and I remember it hurting a lot, it was made worse  
4 by my struggling. Eventually I stopped moving and  
5 [witness 500] got on with it."

6 Then she describes her face being swollen for  
7 a couple of days and the stitches being removed about  
8 a week later by witness 500.

9 At paragraph 24 she describes having a car accident  
10 many years later and this same cut split open again  
11 reminding her of that incident.

12 She confirms in paragraph 25 that she never suffered  
13 any sexual or serious physical abuse, but the abuse she  
14 suffered from was psychological. She can't recall any  
15 specific incidents involving other children, but there  
16 were a lot of children walking around with small  
17 injuries and many that wet the bed. She says:

18 "I tried to protect the younger ones as I got older;  
19 if they wet the bed I would tell them to remove the  
20 sheets and replace them with someone else's dry sheets  
21 but they always got found out."

22 Then going over the page at paragraph 28, she like  
23 many others was a child who absconded from the home and  
24 she describes there running away from the home and in  
25 fact being seen by her father and then Mr Tilbrook came

1 and collected her and she had her privileges taken away  
2 for a month.

3 Then on to paragraph 30 she says that she followed  
4 the news fanatically after the news broke in the media:

5 "I remember the cellars as I went down into one  
6 a few times to mess around; there was nothing in it but  
7 a bit of rubbish. I don't remember any kids being taken  
8 into them or the cement bath that has been shown on the  
9 news."

10 Then she, like others, goes on to give an account of  
11 the implications and the effects on her of the abuse  
12 that she says she suffered from.

13 The final statement for this witness is WS000144.  
14 Just one point to raise here on page 2 {WS000144/2}  
15 paragraph 5. She says in this statement that actually  
16 she liked witness 491 and 225: "they were all right".  
17 That's paragraph 5.

18 The only additional document I am going to take you  
19 to is WD000651 {WD000651} and again I'm bringing this to  
20 your attention in relation to the threshold or admission  
21 into care. This is I believe the case history you will  
22 see the reason for care is given as:

23 "Child in need of observation. Petty pilfering;  
24 rude and cheeky."

25 Members of the Panel, it will be for you to



1 consider, along with other cases, what the threshold was  
2 in relation to the admission to care and whether that  
3 was appropriate by reference to the standards of the  
4 time.

5 Otherwise, simply again for the record, there is  
6 a record of witness 491's replies to the allegations  
7 made by witness 340 at {WD000863} and in summary he  
8 denies the allegations made by this witness.

9 Members of the Panel, that concludes the reading in  
10 for today and we resume in private session at 10 o'clock  
11 tomorrow morning.

12 THE CHAIR: With our next witness.

13 MS JERRAM: Yes.

14 THE CHAIR: Thank you very much. So until 10 o'clock  
15 tomorrow morning.

16 MS JERRAM: Thank you, Madam Chair.

17 THE CHAIR: Thank you, Ms Jerram.

18 (4.20 pm)

19 (The Inquiry adjourned until 10.00 am on Thursday,  
20 27 November 2014)

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