



Hints and Allegations

Child Protection in Organised Settings:

The Lessons from Penn State

Questions re Jimmy Savile and UK Institutional Abuse

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Introduction

This Report is published as a spate of revelations about the late Sir Jimmy Savile relating to abuse in institutions in the UK have come to light.

The simple premise of this report is to argue for a wide-ranging inquiry set up by the Government to examine the whole question of such abuse in UK institutions.

Various separate inquiries are now underway in various institutions, such as the BBC, NHS Trusts etc. We would argue that the extent of abuse, the possible inter-connectedness, the need for totally independent scrutiny, and the need also to avoid internal cover-up, demands such an approach.

There are long-standing questions concerning aspects of abuse in institutions not yet satisfactorily answered and where they may be major discoveries to be made concerning historic abuse.

The **Sandusky** case from the United States broke last year, uncovering abuse within one of that country's most trusted and respected sports institutions. The lessons emerging from there can inform consideration of events here, in that there is commonality in the shape of failure to investigate reports.

Jan Cosgrove is the National Secretary of **Fair Play for Children** a UK organisation dedicated to the principles of Article 31 ('The Right to Play, Rest and Recreation') of the *UN Convention on the Rights of the Child*, and its associated articles including protection from exploitation and abuse. He has worked in children's play, and other areas of youth, community and children's work since 1969. He 1994 he pioneered what was to become the first umbrella body dealing with criminal convictions

within a pilot financed by the Home Office, 8 years before the setting up of the Criminal Records Bureau.

Jerry Sandusky and Penn State University

To understand the impact of the 2012 case involving Assistant Coach Jerry Sandusky at the *Pennsylvania State University*, it's necessary to appreciate the role of University Football in the United States.

We may in the UK appreciate it as far as e.g. support for soccer teams here, but it goes rather deeper than that even. The University Football scene is one which reflects considerably on what is meant by phrases such as "All American", it surely enshrines an image of dependable masculinity, of sound principles and practices, of character building in the young, it has almost a hallowed ring to it. So when child abuse is suggested and then found within such a setting, it is all the more shocking.

Amongst US football campuses, surely Penn State occupied a singular position, it has been regarded as the doyen of such institutions, this was the standard to emulate.

So the breaking of the Sandusky allegations was all that much more shocking and unbelievable. From the awful details of the *Grand Jury* indictment to the trial and beyond, the foundations of trust and assuredness on which Penn State was built have collapsed. It has emerged with not only Sandusky convicted on 45 counts of gross abuse against boys and Penn State fined \$60 million by the national authority and stripped of honours etc, it has revealed a shocking history of failure to react to reports, to investigate and to take action.

So hallowed was its reputation that it seemed unthinkable to tarnish its image, not to mention income, with such unsavoury matters. So, abuse went unchecked, there was cover-up and collusion, as a report belatedly commissioned by Penn State itself has revealed.

This current Report will list various press stories at the end, but the facts are easily read on the internet without detailed rehearsal here. Other abuse scandals are either in the public domain or emerging – for example, the role of Catholic Bishops in cover-ups, for which one has now been convicted by a US Court, or the allegations about the *Boy*

Scouts of America, some hundreds of cases blocked from public scrutiny until now. Other sporting institutions are also revealing hidden histories.

Denial and cover-up

Penn State was clearly deficient by the standards set out above, worse than that, reports made about Sandusky, concerns raised about his behaviour, as raised by other staff, were not only ignored but suppressed.

There were not in place procedures where either a child and/or a worker could raise concerns/complaints with a wholly independent person, there was no advice to children as to what they must do if such situations arose. It was unthinkable that this could happen, therefore it could not happen, therefore it DID not happen.

That is the betrayal, and as this has all come to light, individuals have seen their reputations destroyed, people have lost jobs, arrests made not only of Sandusky for the offences but also of others for colluding in the cover-up. The NCAA, the Uni Football Governing Body, has imposed incredibly stringent penalties on Penn State, and its reputation at the pinnacle of this US sport is tarnished for good.

The NCAA has delivered the clearest warning that cover-ups of this kind are not acceptable in any way, shape or form. A culture of putting the institution's good name and image before the welfare of children has led to a situation where Sandusky could continue his career of assaulting boys without check. There are those now complaining that the punishment has been too severe, a point one might well suggest they discuss with the increasing number of boys and men coming forward, even Sandusky's own adopted son. More is likely to come.

Additionally, some US States are adopting new legislation mandating coaches etc to report abuse concerns and allegations to the law.

Jimmy Savile and UK Institutional Abuse

This report is penned as a welter of allegations surface concerning the behaviour of the late Jimmy Savile emerge, raising huge questions about the role of major institutions that are now embroiled in debate and questions about who knew, what procedures were in place, and why none of this came to light.

The BBC, 2 major NHS trust hospitals are involved at least, a number of UK Police Forces, there are allegations linked to the Jersey children's home allegations, and the police now report that this could be a case involving one man in a very large number of abuses of children.

Fair Play for Children already has launched a **Number Ten Petition** calling for a national Inquiry following the statement by the UK Home Secretary that there would only be internal BBC and NHS inquiries. Given the wide ranging nature of the allegations and the serious questions raised, we would argue this is wholly inadequate. The Petition can be accessed:

<http://epetitions.direct.gov.uk/petitions/40450>

Independent Inquiry into Institutional Child Abuse after Jimmy Savile revelations

Responsible department: Department of Health

We demand an independent and wide-ranging public Inquiry, under a reputable individual, be established to look into the subject of institutional involvement in child abuse, to include recent revelations about Sir Jimmy Savile, the BBC, Stoke Mandeville and Broadmoor NHS Hospitals, links to Jersey, and all other institutions in the United Kingdom, and to make recommendations for changes in law, child protection vetting and

barring, local police intelligence, mandatory reporting and any other related aspects.

Sign this petition

Also, we have submitted Freedom of Information Requests to a number of UK Police Forces along the following lines:

Without asking for specific details has your Force ever recorded local police intelligence about the late Sir Jimmy Savile re allegations of child abuse and was any of this ever disclosed under the terms of the Police Act 1997 or in any other circumstances?

What is becoming clear is that there have been major shortfalls in protecting children from abuse in such settings:

- An individual has been allowed over decades to abuse dozens of children;
- This was known or suspected by a large number of people;
- He was given unprecedented access to opportunities for abuse without check or restriction;
- Concerns were not shared or progressed in any consistent, serious or proper manner;
- His celebrity status and his volunteer role appear to have blinded people to basic requirements;
- There has to be a question, as at Penn State, as to whether there were concerns about the 'good name' of institutions that may have been placed before the welfare of children;
- Some children felt unable to complain because they felt they would not be believed;
- There is also the question - in what other institutional settings have such events and attitudes occurred and possibly on this 'industrial scale'?
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In 2006 the UK Parliament passed, with All-Party support in both Houses, the **Safeguarding Vulnerable Groups Act**, in the wake of

the **Bichard Report** into the Soham Murders tragedy. That in turn followed the **Cullen Report** into Dunblane.. The latter led to the creation of the Criminal Records Bureau, the former the Vetting and Barring Scheme and the Independent Safeguarding Authority.

Within 4 years, the current Coalition Government called a halt to the latter's full implementation, set up reviews and created the **Protection of Freedoms Act 2012** as a result. Fair Play has serious reservations about aspects of this Act as it relates to the regulation of children's activities. We feel that it has retrograde aspects especially the loosening of the regime concerning those who are supervised in such work, and in restrictions of information held by the police and barring information. The 2012 Act was by no means supported on all-party grounds, ***and indeed we regret hugely that the two Coalition parties made political issue around the previous 2006 Act.***

One of the keystones of both Liberal Democrat and Conservative arguments was that the previous Labour Government had gone too far and that the balance between civil liberties and child protection needed to be redressed in favour of the former, and thus the Vetting and Barring Scheme would be scaled back to 'commonsense levels'.

We have argued elsewhere, and will not repeat here, our considered objections to the new system, which has some good points, but we do believe this current case reveals a major flaw in the approach adopted by Government. Also, child protection is a human right.

That is, in its quest to promote Big Society Volunteering it has lowered the threshold for safety too greatly. Time and again, they argued that 'draconian' measures would put people off and used very suspect reports provided by people such as the Manifesto Group whose actions in undermining confidence in child protection through the media and lobbying this author believes to have caused great harm.

The whole period around this debate was peppered with 'outraged authors' complaining they would have to have V&B clearance, and pay

£64, to be able to go into schools and talk about their work. *One wonders why they and the media found it so inconvenient to check facts, that self-employed people such as they were not covered by mandatory requirement to be cleared against barring lists.* They were able to do so on a voluntary basis, a provision removed from the 2012 Act.

One wonders what those abused by Savile might now say to such people, given that Savile clearly relied on the fact that his public status protected him from question, and he indeed used this with a 9 year old boy allegedly as he assaulted the child – he was 'King Jimmy' no one would believe the child. Or the young Broadmoor patient who said that she couldn't make a complaint because she would have been punished.

Nice People Don't Need Checking

The whole edifice of that 'nice people don't need checking' argument has come crashing to the ground. I encountered it many times before CRBs came in. "Oh no, we don't need to do that, all our volunteers are very middle class you know". "We live in a small village, everyone knows everyone". Chillingly, after the first instance of Fair Play finding out that a playworker engaged with children had a conviction for sexual assault on a 10 year old four years previously in another area (this was in 1985 before CRB, ISA, voluntary groups could not get checks, it wasn't legal) – the man had given background that he volunteered with an organisation which enabled disadvantaged children to have camping weekends away and this man accompanied them.

So, four years later when I discovered a contact for that organisation I phoned their Hon Secretary, a charming lady who was able to tell me, yes he still does volunteer for us, life and soul And I had to tell her what was known. *Rattlesnake in lucky dip syndrome* – not welcome news.

It has also been clear to me that in Government thinking, 'volunteer' has meant only the person applying to work at the time. It did not encompass all those who would be his colleagues, employed, volunteer, trustee etc. That situation above made me realise how traumatic such a discovery can be, and this was emphasised in 1997/8 when Fair Play was part of VOCS, a Home Office funded national pilot which trialled police checks, including 'soft intel' (properly 'local police intelligence' LPI).

Junior and Youth Soccer

A junior football league in Bristol joined Fair Play for Children and put 50 refs and coaches up for checking, 49 came back clear, but one, **David Lawrence**, had a serious LPI profile which was sent to me by the Deputy Chief Constable for Avon & Somerset and copied to Mr Lawrence. This was new ground, no precedents, I made the league aware there was a problem to as far an extent as I was allowed, they sought advice from me as to what to do. I adopted the principle of the UN Convention on the Rights of the Child, and the Children Act 1989, that the child's welfare is 'a primary' concern.

So, though this was not proven, but also not hearsay I have to insist, their best approach was to restrict his involvement, at any level, until he and A&S Police could come to an agreement. Around 2 years on, after some years of failed attempts, enough children had stayed the course with their allegations to bring him to trial on 12 specimen charges, of which 9 were carried through and proven. He was given a jail term. By November 2002 he had been released. By March 2003 he had become involved in another junior league where CRB checks (in from May 2002) were not yet in place. It took the FA and others a court order to remove him.

He then went on trial again for offences committed on a football trip to the Isle of Man in 1975 – please note the period of time, 13-14 years at

least. How many victims? **A question of significance as we shall see later.**

That case taught us at Fair Play a large lesson, that those who commit such crimes in institutional settings will seek access to children through virtually any means possible and that unguarded institutional settings are especially at risk from their attention.

Now pre-employment/voluntary checks are only part of this, this is a commonplace. **But it makes 'common sense' that those who want to work with children should be checked to see if they have a record, or there is LPI or they are BARRED.** The issue of 'secondary access' arises here too – Lawrence may have made contact via his coaching, for example, but he had a shop which gained notoriety for his suspected activities.

Still in junior/youth soccer, we can examine the better known case of **Barry Bennell**, successful youth scout and coach for various clubs such as Crewe Alexandra and Manchester City. His multiple abuse regime came to notice, again on a trip, this time to the US, when his occupation of the same bedrooms as boys raised questions, he was prosecuted there. As he was being released and returning to the UK, **Channel 4** ran a '*Dispatches*' programme on his activities. He was prosecuted here for serial abuse. A very charismatic man, he ran his home like a luxurious youth club according to local press reports of the trial in Cheshire. He used boys he'd already recruited to get intended victims into bed, plied with drink, presents and promises of advancement. When the Chairman of Manchester City was interviewed for the programme, he was nonplussed: "Football is such a manly game".

This is the time and place to reveal Fair Play's dealings with English Football at this time. We had a very sympathetic meeting with **Brendon Batson** at the *Professional Footballers Association*, also with **Football Premiership** people, but the main approach, for a conference aimed at junior leagues and other potential co-operation was with the **English FA**. ***This is where we met obstruction to a degree we***

have never understood. The issue of child protection had (probably but lately) been allotted to a Mr Pickerin. Initial emails to the FA were not returned, but eventually we made contact. *Again, rattlesnake in lucky dip situation.* Why? To this day I am not at all sure.

We told Mr P that we were organising a day conference for junior leagues, and also that we had access to VOCS which had revealed the David Lawrence business – it has to be recalled that CRB was only a glimmer at that time and did not open for business until May 2002. This was earlier by some years. The offer was that we could give the FA access to clearances across all English Police Force areas.

The applications for the Conference to be held at Leicester City's stadium simply did not come in as we expected. So the next development was a bombshell. I had a call from a senior figure in London's FA and the London Playing Fields Association, also a founder Member of Fair Play for Children, the well-respected **Captain David Forbes** who was puzzled as to why he had and many others had a mailing from Mr Pickerin warning them away from us and our Conference, apparently because we were 'unknown'. Complaints to **David Davis**, then at the FA, came to nothing, we were stonewalled.

We rescheduled it and junior leagues attended, perhaps some 60 people and it was made clear to me they had come under pressure. Why?

I do ask myself whether we could have helped in a positive manner then and would it have prevented abuse. The FA seems to me to have a need to explain itself, as it never has.

This is not to say that there have not been improvements though when Lawrence was found in that league in March 2003, its CRB scheme was not yet in operation even though CRB had been open since May 2002 – Fair Play launched its CRB Service, carrying all the experience of its involvement with VOCS since 1994, in May 2002. [VOCS closed just before then.] Governing bodies of major sports have taken these matters on board, working with the NSPCC in many cases.

It also needs to be said here and now that questions relating to **Gary Speed** might need to be probed by such an Inquiry as we are now calling for. His death remains unexplained, rumours about The Sun and expose abound, **Levenson** appears not to have raised it, **and there is the ONE fact, that he was one of those young footballers who were under the tutelage of Mr Bennell.**

Footnote: the whereabouts of people such as Mr Bennell exercises public concern, quite naturally. In researching the basis for this report I recalled undertaking a Google search re Mr Bennell a couple of years back, and spotted a Facebook Page in that name. It didn't say anything about him except that he was enthusiastic about soccer, not so much the stars of the game, but the young as they developed in the game. Same person? Same interests? Same risk?

Jersey and allegations re Haut de la Garenne children's home

That abuse took place at the above is now beyond doubt, but the scale and extent, and its links to the mainland of the UK, need thorough review and exposure. Jimmy Savile was said to be implicated, there are very serious questions relating to the treatment of senior Police Officers, a Minister of the Jersey Government and much else. Also concerning alleged links and trafficking with e.g. some London Boroughs, an issue which has arisen before in terms of abuse in children's homes elsewhere.

An Inquiry such as we call for cannot avoid the Jersey Connection no matter what its diplomatic status. There is also the ongoing case of the barring of the journalist **Leah McGrath Goodman**, barred from Jersey when she tried to investigate that scandal. This link gives access to a Guardian story, BBC Radio Jersey interviews etc, and there are, again, questions raised which must be answered:

<http://voiceforchildren.blogspot.co.uk/2012/07/leah-mcgrath-goodman-banned-from-uk-and.html>

We were put onto this story by an MP from the UK Parliament, **John Hemmings**, and recently received an email from Leah via **Trevor Pitman** on Jersey:

This message is from Trevor Pitman, Deputy of the States of Jersey who started the petition "@ukhomeoffice: Restore the visa of banned journalist Leah McGrath Goodman #FreeJersey," which you signed on [Change.org](https://www.change.org).

Jersey Update from Leah McGrath Goodman:

It has been just over a month and the island of Jersey is keenly aware of the progress of this petition...so please keep it coming. It is having immense impact. I am with all of you in spirit, although as yet I am still not allowed back in the UK...

Right now, several UK newspapers and media outlets are in touch amid the Jimmy Savile scandal, as revelations emerge daily of his abusing children at the very same Jersey orphanage I am investigating -- Haut de la Garenne.

This lends a great deal of credence the victims' (previously ignored) testimonies of appalling crimes committed at Haut de la Garenne against children across decades by the rich and privileged -- islanders as well as visitors such as Savile.

One reporter for a major London daily told me, "We have been asking ourselves for days why the press did nothing about this...Now that I hear your story about how you were kicked out of the country for investigating it, I know." Jersey's police has stated that it received complaints of Savile's acts against children but did not charge him due to "insufficient evidence." (It remains to be seen what evidence would be sufficient on an island that has no sex offenders registry.)

By not stopping Savile, the authorities effectively stepped aside and allowed him to continue preying on children until his death. The UK now likes to refer to these matters as "in the past" or "historic" or "it happened in a different era."

Really? In Jersey, people accused of horrific crimes against children are still enjoying high-ranking government posts in health and education -- in other words, close to defenseless children. We know their names and we know what they did according to their accusers. But they have never been charged.

Why? In Jersey, if the Attorney General does not agree to apprehend a person, the police cannot apprehend him. There is no appealing that decision. Neat, huh?

Regarding my plight, Jersey Immigration has stated I am quite welcome to return to the island, provided I get a non-existent "Writer's visa." Yes, this visa does not exist. This week, they finally admitted there is no form for such a visa. We are still awaiting a coherent answer as to what they now advise me to do.

While it is hard to believe any of these things could happen in a Western democracy -- let alone on an island that answers to the Queen -- what might be even harder to believe is that so many people have been trampled so many times in trying to effect lasting change, the vast majority of them have given up. After what I have seen, I don't blame them.

But the truth must come out. Help us keep the pressure on and pass this along to a few more people, if you have a chance. Those of you from Jersey, hang in there. For those of you from elsewhere, this is a beautiful island with truly amazing people. It does not deserve anything less than safety for its children -- and the truth.

How Prevalent is Institutional Abuse?

That question remains largely unanswered and even unasked. During 2000, the Daily Telegraph ran a story estimating there might be 250,000 paedophiles in the UK but no clarity as to distribution, domestic or other: <http://www.telegraph.co.uk/news/uknews/1379946/UK-has-250000-paedophiles-says-police-study.html>

In more recent times, perhaps it has become less 'fashionable' to speculate, in a climate where the Manifesto Club and 'spiked' have led the campaign that "the whole thing has gone too far, innocent people are suffering". The latter may be the case as regards false allegation, but that cannot justify return to an era when so much abuse occurred, unknown let alone unchecked, based so often on the same attitude as seems to lie behind the current Prime Minister's and Government's approach.

We published a projection based on the analysis that only 7% of abusers come from a professional background. We looked at the usual claims, that most abusers come from domestic situations or from people they know such as neighbours. That statement undoubtedly is true, but it masks what seems to us to be the main issue, **how many victims?**

Our analysis is given here:

<http://www.fairplayforchildren.org/pdf/1291866015.pdf>

and a critique by **Richard Fletcher**:

<http://www.fairplayforchildren.org/pdf/1292155602.pdf>

[we're not proud, we can learn]

Based on the latter figures, professional category offenders (6.3% of offenders) with a victim rate of 20 as against other offenders with a victim rate of 2 over a period of years would account for 53.6% of child victims.

Sandusky at Penn State multiple victims, Bennell and Lawrence in English junior soccer likewise. Now police and the NSPCC reveal that the potential number of child victims could make him one of the most offending on record.

Savile presented as the almost idealised kind of volunteering, the big-hearted, generous public persona. Masking what? Hiding how many

silent victims? Just the type for any Prime Minister to want to help showcase the good cause of volunteering.

A study in the United States makes instructive, if not chilling reading:

Self-Reported Sex Crimes of Nonincarcerated Paraphiliacs

^G

ENE G. ABEL Emory University School of Medicine

JUDITH V. BECKER Columbia University

MARY MITTELMAN Columbia University

JERRY CUNNINGHAM-RATHNER Columbia University

JOANNE L. ROULEAU Emory University

WILLIAM D. MURPHY University of Tennessee Center for Health Sciences

Abstract

This article will present data gathered by the authors through structured clinical interviews of 561 paraphiliacs regarding demographic characteristics, frequency and variety of deviant sexual acts, and number and characteristics of victims. Results show that nonincarcerated sex offenders (1) are well educated and socioeconomically diverse; (2) report an average number of crimes and victims that is substantially higher than that represented in the current literature; and (3) sexually molest young boys with an incidence that is five times greater than the molestation of young girls. The relevance of these findings is discussed.

The above study is quoted in **The sexual abuse of boys in organized male-sport** [M Harthill,

[http://www.academia.edu/423356/The Sexual Abuse of Boys In Organized Male Sports](http://www.academia.edu/423356/The_Sexual_Abuse_of_Boys_In_Organized_Male_Sports)

“whilst in a study where researchers focused on the testimony of *non*-incarcerated perpetrators, it was found that 153 male subjects targeting extra-familial males, had sexually abused 22,981 individuals, an average of 150.2 people per abuser (Abel et al., 1987).”

That may seem an incredible estimate, is it repeated elsewhere? The Savile case an isolated one, he had such special levels of access? It's

worth pointing out that one of the issues often raised by those who have opposed vetting and barring is that CRB checks etc only cover where abuse is known. **As if this makes it justifiable not to do all possible to prevent those who are known from having access.** Time and again, it has been stressed that these pre-employment checks form a part of good child protection policy and practice, they are not a substitute for this. Claims have been made that CRBs make employers etc lazy one laid to rest by a Fair Play survey where it was revealed that of over 200 groups using Fair Play's CRB service, 51% stated their child protection practices had improved since starting to use CRB, the remainder bar one said there had been no change.

One report apparently listed serial paedophiles and their abuse rate, and it ranged from some 20-30 right up to one case, a Roman Catholic priest where a total of 2000 victims was identified.

That churches have their record of institutional abuse is known with major scandals for the **Catholic Church in the US and Ireland**, plus a recent report on behalf of the **Archbishop of Canterbury** concerning the **Diocese of Chichester**.

In other areas, in the US, **Boys Scouts of America** is embroiled in a growing revelation about covered-up abuse over decades involving thousands of adults and many more children.

Conclusions

1. There is a clear case for a wide-ranging independent Inquiry to be set up in the UK to examine institutional abuse
2. This needs to examine, without interference or obstruction, all issues arising from the Jimmy Savile allegations, links to Jersey, church-based matters, sex trafficking within the UK between/from institutions, football and other sports settings, care institutions etc.
3. Whatever changes that are required to existing legislation concerning disclosure, barring, local police intelligence and, most importantly, duty to report should be the subject of clear recommendations.
4. There should be the most serious examination of need for laws on mandatory reporting of allegations and founded suspicion, and suitable and vigorous penalties for both failure to report and for abuse of that duty.
5. Examination of the statutory requirement for relevant organisations to both adopt adequate child protection policies and practices and background checking procedures should be included.
6. Relevant organisations should include statutory bodies, commercial and third sector organisations, sports and arts/cultural bodies, youth organisations, broadcasting, media and entertainment bodies where substantial access to children is possible and where secondary access is a feature.
7. The Inquiry should commission research to enable better understanding of the prevalence of institutional child abuse, the reason why and extent of children not being willing to report such abuse, and the mechanisms for enabling this and supporting children

who wish to or who do report.

8. To examine the roles of the national offices of Children's Commissioners with regard to matters covered by this Inquiry and subsequent report and recommendations.

Beyond all this is the need to recognise that institutional settings present a constant challenge in that it seems almost inevitable that where such institutions are lax about such matters, abuse will take a hold, based on the reality that such people will seek access to children were such conditions apply, knowing that access is enabled and detection obstructed so much more easily. No institutions are immune to the risk of such situations, no matter how 'established' or famous or well-regarded. As we are seeing, such institutions that are now discovering they have a legacy of abuse are finding there are and will be serious consequences for their futures, in terms of reputation and standing, public trust, and not least, financial and other penalty.

This palls against the damage done to so many children and to the adults whom they become. For them, there is a life-time burden and the fact that the bringing into the light of day what happened to them may seriously affect those institutions in the future is no more than it should be.

I recall a call from a man at the time of David Lawrence's trial in the Isle of Man. He and his brother has gone on that trip, his brother was aged 9 and was a victim of Lawrence. It is not easy to put out of my mind the anguish he expressed about the damage done to his brother, then in his 30s – unable to form relationships, damaged family life, and so much more.

It is for such people, when they are children, that all that has to be done must be done to prevent such institutional abuse from occurring in the future.

Appendix

Lessons that can be learned

First Lessons

What is crystal clear is the Penn State lacked credible child protection procedures re reporting. What do you do if a superior appears not to have taken your report seriously and the person whom you have reported is carrying on as if nothing has happened? In that case, an employee reported he had seen Sandusky in a shower having anal sex with a 10 year old boy. Yet the report made by the observer was sat on.

Lesson 1: Have a pro forma report form re observation or suspicion of abuse/grooming for completion and handing to a designated child protection officer who must sign and give a dated receipt to the person reporting. Also clear procedure as to how the officer should process such reports with a stated duty to bring it to the immediate attention of responsible authorities beyond the organisation – e.g. law enforcement, child welfare etc

Ensure that the officer has a duty to inform the person reporting of what action has been taken, in writing, within a set period of days. Also, to instruct the person reporting that if this is not received, s/he is to make another report and to deposit it with a law enforcement agency in the area.

This will be part of a child protection policy issued to all employees and volunteers and which will be the subject of induction and regular training/ renewal for all working and managing.

Lesson 2: Ensure there is a thorough child protection assessment of suitability to work with children at recruitment stage involving background checks. The extent of such checks

available through state sources vary by country and widely so. The UK system is perhaps the most extensive and thorough. Even here, such checks have to be treated with due respect – they can only tell what is known or suspected, they cannot reveal what is not yet known about a person.

Recent changes to the UK vetting and barring system also will reduce what can be or may be released about a person – for example, if they are deemed to be supervised, then the fact that they are barred from working with children will not be shown on the disclosure certificate issued by the national disclosure agency. There is to be statutory guidance issued on definitions of supervision, but this will not include, for example, probationary periods where supervision is undertaken for a fixed period.

Whatever the definition, any system that relies on protecting children who attend a regulated facility has to deal with the fact that no such setting operates isolated from the outside world. A person may come to the regulated setting to work, if/when he is checked this may at least assure the employer that nothing is known of the person which would exclude them from such contact with children, but there is always the case that nothing yet may be known about the person.

The new regulations brought in by the Protection of Freedoms Act 2012 make a distinction about those who are deemed to be supervised, in such a case the employer will not have the fact that the person is barred disclosed on the CRB certificate, which means that there could be circumstances where a barred person might be working alongside colleagues unaware of that status, and working with children also oblivious of that fact.

During the Parliamentary debate of the Bill, Fair Play introduced the concept of ***secondary access***, that is a person may gain the trust of a child within a regulated setting, but may be able to exploit that trust beyond there. Many Peers took this up, but the Home Office and its Ministers remained obdurate that the issues were not connected. Even

the most cursory examination of the logic of that stance reveals it to be blinked and dangerously short-sighted.

Where does grooming begin? In such a situation, it will be within the regulated setting because that is where the intent is formed. Given that grooming (in effect evidence of intent) is an offence in itself, the Home Office stance is insupportable.

Recent FoI correspondence with the Department throws even more doubt on the soundness of their logic, and employers may well have cause to be sceptical about advice from that direction. For example, Fair Play has been told, in all seriousness, that someone who is supervised is not barred, even if they are. There is no thought given then to the situation where the person applies for a job that is not supervised and where a barring check will have to be made – surely they cannot be suggesting that the person will then be barred again? That correspondence continues.

What is Supervision?

The Act makes reference to the necessity to take everything relevant to children's safety into account in making a decision as to what constitutes a supervised post – except 'secondary access' we are told by the Government. In the Lords, questions on this matter led the Minister to explain that, for example, where a sports coach was running several sessions simultaneously in adjacent pitches, the assistant coaches on adjacent pitches might be described as being supervised, but those further away, especially if not in adequate sight contact, would not. No mention of e.g. sound, of what might be said by coaches even one pitch away. It's understood that initial government thinking centred on line of sight but this appears to have retreated.

Supervision will be affected if the person supervising has his/her own separate duties at the same time. On the pitches as above, is s/he overseeing a match directly? In a youth centre, is s/he having to be engaged e.g. in administrative matters whilst staff are attending to their duties in perhaps more than one room?

This leads to those managing activities to have to devise procedures which will take account of such variables as premises, access, staffing ratios, supervision/scrutiny. **For that reason, Fair Play recommends that all managements of such facilities should devise a Child Protection Audit Regime grounded in explicit written form, probably as part of the Child Protection Policy of the activity.**

This will involve an initial inspection of any proposed facility, to assess child protection issues and requirements, it is a form of risk assessment. It will take on board a number of aspects:

- **The location and access** – how do children have to arrive there, is it an evening activity, lighting etc – are there special issues re children with disabilities, learning requirements etc?
- **The number of rooms/venues/pitches**, how they relate to one another, the issues around regular inspection.
- **What activities will be taking place in these venues**, how many children might be there at any time, how many adults? What are the arrangements for unannounced inspection visits to situations where there may be one staff member/volunteer and one or two children at any time? How does one deal with counselling sessions where privacy and one-to-one may be required? (One suggestion was CCTV where logs could be made and stored and only accessed if concerns were raised later. CCTV is no longer out of reach on cost grounds for most organisations.)
- **How does one monitor child-worker interaction with the 'secondary access' issue in mind?** This is neither an idle question nor at all easily addressed. Many groups already have protocols about contact with children beyond the activity setting, ranging from 'never speak' etc which is almost impossible to enforce, to making reports of all significant occasions.

Example: project trustee, well-known locally, has knock on door Sunday lunchtime, 3 lads from project want to see him 'urgently'.

What to do? Well, he invites them in and, because there is a project protocol, he calls a named project person immediately, and she attends within minutes. The boys disclose abuse on a younger sibling of one of them by another person. [The outcome summarised is that a report is made to a named social services contact in child protection the next working day.] If this seems unduly bureaucratic, the fact is this was how and when those teens decided to make their disclosure, to someone they trusted, and who had a protocol which 'fitted the bill' in terms of their protection. Having such protocols means they are there when needed, be that infrequently.

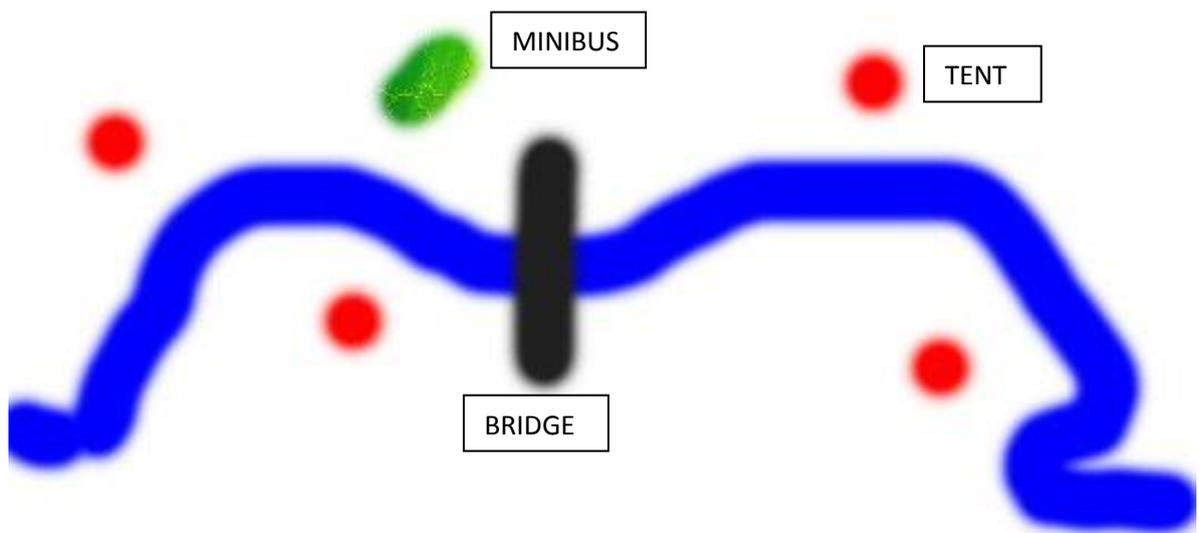
- **Staffing requirements and ratios.** Some activities are regulated, e.g. by Ofsted as regards child care and there will be set staffing ratios depending on the age range of the children. There are many other situations where this does not apply, although national bodies may produce guidelines etc. However, whether regulated or not, our view is that the sufficiency of staffing is another risk assessment requirement within the Audit, and a crucial one.

We move away from the niceties of what the Home Office might regard as adequate supervision to the practical issues of managing demand, overseeing activity for safety and behavioural requirements, monitoring staff and volunteers (even those deemed not to be 'supervised') and overall soundness of operation. These are aspects to be taken into account in determining staffing levels and ratios, and we recommend that no activity be started until all the aspects above have been examined and lessons included in the Audit design. This process also should surely be applied to existing activities – many will be able to be rated as wholly satisfactory, others may demand some phased changes, and only a few require more drastic action such as cessation until changes implemented. That would have to be a rare occurrence.

Example: This situation was described in a training session run

by the author involving workers from a wide range of activities. He invited each group to describe its operations on a sessional basis. What happened, where, how many kids, environment etc. This was not to catch anyone out but to share experience, perhaps the most useful source of knowledge and certainly as much a learning as a training process for me. So each group duly made its presentation, and similarities as well as differences emerged.

Perhaps the most telling was a Junior Angling Club where kids went on overnight fishing expeditions, with adults to supervise. They went by minibus, car etc to the site, in this case a river bank. I asked for this site to be drawn.



Describe the situation: after fishing had ceased, at a set time, each tent would consist of 1 adult helper and 3 children. Did the children all know each other and the adult? Yes to both. So what was the reasoning for this ratio of 1:3? It came about because it was calculated that no adult would risk anything given the presence of three children, it was too risky to attempt. What then, I asked, if an adult had already 'recruited' 2 of the children, had ensured they and the intended target were in the same tent as himself, and that he intended to use his status with the other two to press his attention on the third? (A tactic employed by

junior football coach/scout Barry Bennell to great effect during a period of several years of assaults on boys.)

The discussion was revealing, the angling club guys hadn't considered that, and realised that the closer the community, the more likely in some ways that such a situation might arise, precisely because the man would have had various opportunities perhaps to meet with children, and indeed that might have part-prompted his interest in helping at the junior club. Volunteers are always welcome, we have this almost as a mantra. Yes, most such people are there for the right reasons, but those who have the wrong reasons will look for access points.

The result: the club decided to change its practice by increasing the number of adults to the number of tents plus 2 who would be based at the minibus and be peripatetic, able to walk the area, and visit the tents without warning. Not 100%, nothing ever is in this business. But an improvement. It required additional adult helpers, on that occasion 6 not 4.

A similar discussion with a German student working as a volunteer here over a summer – he was very dubious that the sort of checks and practices we have in the UK would be tolerated back home – “unconstitutional” even. He was a volunteer at a Bonn City Farm. The curriculum after school was organised in detail by the social pedagogues who ran the scheme and supervised the volunteers etc. I asked him, again, to draw the site, its features and buildings, and to say what happened, where, and with how many children/adults present etc. We soon arrived at a conclusion, which Kolya drew, that all sorts of things could be happening with impunity. He would discuss it with his social pedagogues when he went back for a break. On return he told me the reaction was as predicted – ah, the English have this paedophile problem, we don't in Germany, and, what, no organised curriculum? But ... after the session was over, one of them came up to him “Now, Kolya, about the English way of operating child protection

Publications

On the Fair Play web site: www.fairplayforchildren.org

Out with the Bathwater? [PDF] [click]

Fair Play for Children's submission to the UK Home Secretary on the future of vetting and barring schemes in the UK. It recommends emphasis on ensuring the exclusion of barred persons from access to children as opposed to being mainly a scheme for employers' safer recruitment practices. Sections on history of vetting and barring, rehabilitation of offenders, soft intelligence etc

Briefing on Third Reading of the Protection of

Freedoms Bill by Third Sector Coaliton [PDF] [click]

A briefing for Ministers and MPs re the Third Reading of the Protection of Freedoms Bill which includes major changes to the current CRB and Vetting & Barring Schemes. Fair Play is one of the ten organisations in this coalition.

Has the Baby gone down the Plug Hole?

[Website] [click]

Response from Jan Cosgrove to the 2 review reports into the future of vetting and barring in the UK. February 2011.

The Freeh Report on Penn State Scandal:

http://www.thefreehreportonpsu.com/REPORT_FINAL_071212.pdf

Child sex abuse inquiry damns Chichester church's local safeguarding:

<http://www.guardian.co.uk/society/2012/aug/31/child-sex-abuse-chichester-church>

Action needed to protect kids in sport from sex abuse
[18746389](#)

<http://www.bbc.co.uk/n>

Update on Number of Barrings Freedom of Information question submitted by James Vice-President Cambridge NASUWT

http://www.whatdotheyknow.com/request/update_on_number_of_barri

Press links

<http://chris-ukorg.org/2012/04/25/barry-bennell-rode-heath/>

<http://www.sovereignindependentuk.co.uk/2012/05/14/gary-speed/>

<http://www.dailymail.co.uk/news/article-2218517/Jimmy-Savile-pictured-surrounded-children-Jersey-care-home-192-suffered-abuse.html>

<http://www.bbc.co.uk/news/world-europe-jersey-19932105>

http://www.youtube.com/watch?v=XvV8FeU_yH0

Exposure - The Other Side of Jimmy Savile | 2012 | Full Documentary

<http://www.youtube.com/watch?v=6nHDZfSl36g&feature=related>

<http://www.huffingtonpost.com/huff-wires/20121007/us-penn-state-abuse-timeline/>

<http://www.dailymail.co.uk/news/article-2166079/Suspected-British-paedophile-25-arrested-America-posing-teenager-live-15-year-old-boy-mother.html>

<http://www.newsnet5.com/dpp/news/national/report-penn-st-disregarded-childrens-welfare-in-jerry-sandusky-scandal>

<http://www.nesn.com/2012/08/report-fbi-investigating-jerry-sandusky-pedophile-ring.html>

<http://deadspin.com/5946359/reminder-pennsylvanias-child-protective-services-failed-to-stop-jerry-sandusky-too>

<http://www.independent.co.uk/news/uk/crime/rugby-league-ref-held-in-child-sex-probe-7944156.html>

<http://www.guardian.co.uk/media/2012/oct/09/child-protection-laws-jimmy-savile>

<http://chicago.cbslocal.com/2012/07/13/child-abuse-expert-i-wish-i-had-been-wrong/>

<http://www.examiner.com/article/child-sex-abuse-aftermath-or-why-penn-state-should-never-play-football-again>

<http://www.bbc.co.uk/news/world-europe-jersey-18410905>

<http://www.bbc.co.uk/news/world-europe-jersey-17549575>

<http://www.bbc.co.uk/news/world-europe-jersey-17552971>

<http://www.bbc.co.uk/news/world-europe-jersey-17549575>

<http://www.telegraph.co.uk/news/uknews/law-and-order/9250256/Thousands-reported-to-vetting-agency-but-only-4-barred.html>

http://www.huffingtonpost.com/2012/10/19/jimmy-savile-inquiry-bbc-newsnight_n_1987930.html

Fair Play for Children exists to promote The Child's Right to Play based on Article 31 of the UN Convention on the Rights of the Child. It does so in the context of the interlinking of that Right with the other Rights in the Convention such as Being Consulted, Health, Identity, Child Care, Equality, Education, Protection from Exploitation, etc