



northern ireland commissioner
for children and young people

Bichard Inquiry report and Sir Chris Kelly
Serious Case Review into Ian Huntley:
issues arising for vetting and child
protection in Northern Ireland

Prepared by Northern Ireland Commissioner for
Children and Young People

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1. Introduction

Between August 1995 and July 1999, Ian Huntley came to the attention of the police or social services on 11 separate occasions. One of these was a burglary and 9 were in relation to allegations of sexual offences of which 5 were known to social services. He was neither cautioned nor convicted in respect to any of the incidents.

In his vetting check for a position of a caretaker at Soham College, substantive failures were highlighted in respect to all aspects of the process. These included the gathering and use of intelligence, information exchange within and between the police and social services and process and structural problems in managing the vetting process.

This paper sets out some of the key issues arising in the Bichard report with an analysis of possible implications in Northern Ireland. The Annex contains relevant elements from the Serious Case Review commissioned by North East Lincolnshire ACPC and Chaired by Sir Chris Kelly with similar implications.

2. Investigative Failures of Police at Humberside.

The report highlighted significant failures of Police at Humberside both in terms of investigation and in intelligence gathering, record review and deletion. The report highlights deficiencies which include:

- An inability to identify offender's behaviour patterns over time.
- Data for crime intelligence systems was either not inputted correctly, in such a way as to be searchable or was inappropriately deleted.
- Failures in reviewing and assessing the nature of information held.
- Misunderstandings in relation to the Data Protection Act; and
- Inadequate guidance or training for Police Officers.

These were compounded by the types of data fields in which information had to be recorded, some of the deficiencies of these and IT systems.

Bichard comments: ***"The failure to discern and record Huntley's behaviour pattern had a serious consequence. It meant that police decisions were taken in isolation, uninformed by the history of Huntley's previous contacts with the police"*** (Para 2.80)

Issues for Northern Ireland

- *How is information collated, assessed and recorded on the PSNI Integrated Criminal Records System (ICIS)?*

- *What processes govern the gathering of intelligence in relation to child abusers and those unsuitable to work with children and how does this currently find its way onto ICIS?*
- *What forms are used?*
- *What procedures govern the review and deletion of material held on ICIS?*
- *What quality control, monitoring and audit systems are in place within PSNI?*
- *The need to index and cross-reference PSNI manual records to computer systems. (see Para 2.76.17)*
- *Cross-over issues with MASRAM and arrangements to manage dangerous offenders.*

3. Cambridgeshire's Constabulary vetting check

The local Criminal Records Bureau of Cambridgeshire Constabulary held responsibility for inputting and providing information data for the Force. A number of difficulties were noted at the time which included staff shortages, training and workload. Bichard criticised Cambridgeshire's systems for processing and checking intelligence. He stated that there were loopholes in the process generating a lack of audit trail. It also relied on a fax system for foreign police force checks. Variations in the work patterns and individual systems used by staff to process left gaps and there was no quality assurance mechanism and safety net to ensure all processes had been completed. The report records the comments of staff in evidence: "Miss Lightley described it, with the benefit of hindsight, as a very poor system" Para 1.316.

In respect to Ian Huntley, the Inquiry suggested that the only information that would have been revealed from a correct search of PNC was in relation to burglary "lie on file" case and that it would have been unlikely to have been passed on given application of Home Office guidance. The Inquiry concluded in paragraph 1.364 that had a fax been sent by Cambridgeshire to Humberside police Huntley's convictions would not be picked up because of failures in Humberside's systems.

Issues for Northern Ireland

- *What is the process operated by Criminal Records PSNI in processing vetting checks?*
- *What is the staffing complement in PSNI Criminal Records, and what training is given?*
- *What systems are in place to audit and quality assure vetting checks?*
- *How are "foreign" police checks processed by PSNI?*

4. Failure of Social Services to investigate cases and share information with the police.

The Inquiry report highlighted failures of social services to share information with the police and a lax attitude in both social services and the police to the investigation of under age sex in the context of an emerging pattern (Para 2.144-2.144.7). An implicit criticism of social services was the failure to record information on actual or suspected child abusers. Information sharing between social service and the police was found to be flawed (paragraph 2.46).

Issues for Northern Ireland

- *Operation of SOSKARE and limited ability of social services to store data on those who pose a risk to children.*
- *Operation of the Joint Protocol for all cases where a crime is thought to have been committed.*
- *The operation and adequacy of single agency investigations under the protocol and the need to ensure the use of ICIS as an intelligence tool in making decisions about investigation strategy.*
- *Monitoring decisions to operate or not the Joint Protocol;*
- *The sole dependence on PSNI (ICIS) systems as a regional system for holding information on those who pose a risk to children.*
- *Lack of guidance in regional procedures in dealing with cases involving under age sex.*
- *Implications of sections of the Sexual Offences Act not applying to Northern Ireland in relation to the creation of a context for prosecution of offences in relation to under age sex.*
- *Should SOSKARE be cross-referenced in any vetting check?*
- *Should social services keep a record of those who are deemed to be a risk to children? In order to build up patterns of abusive behaviour by adults?*
- *The absence of a protocol between PSNI and child protection agencies governing the exchange of information.*
- *Is there a training need within social services about importance and use of intelligence exchange with the police?*

5. Ian Huntley's interview at Soham College.

Ian Huntley applied for a job at Soham College under the name of Ian Nixon. The interview did not comply with DfES practice and the college accepted "open references". Questions were not asked of referees about

suitability to work with children. Gaps were evidenced in his employment history, by the use of years and not date. He took up employment on the same day as the request for police checks were made.

Issues for Northern Ireland

- *Recruitment and selection procedures for all staff including ancillary staff in schools and colleges. Is documentary evidence sought; what guidance is available to employers on recruitment, application forms and in obtaining confirmation of references?*
- *What systems are in place for identity checking?*
- *Do employers check in detail the employment history and gaps of those appointed to posts that involve children?*
- *Do employers ensure that reference forms ask about the suitability of the person to work in a post with children?*
- *What is the equivalent in NI of Home Office Circular 47/93 and Choosing with Care Report? Is this widely circulated to employers?*
- *Is there any equivalent in DE to Recruitment and selection procedures published by Does on 10/9/98?*
- *What training guidance is offered to employers on the recruitment and selection of staff?*
- *Who monitors/audits and inspects recruitment and selection procedures and practices?*

6. Employment vetting and Police Check by the Registered Body EPM

Ian Huntley was checked by the registered body against POCA and List 99, neither of which he was on. He was also provided with a police check form which had been amended from the Home Office model to include proof of age documents. The college recalled that he provided a driving licence not a birth certificate, which would have picked up his change of name. The police check only began the day of Huntley's employment. EPM relied on the individual's honesty about previous addresses and did no independent checks on this. In evidence to the Inquiry there appeared to be confusion about what EPM would have done had Huntley's application form been returned with a trace.

Issues for Northern Ireland

- *What is the current practice and advice about starting posts in advance of a police check? For example is the position of a person*

who has never worked with children the same as someone who has track record and simply moving post.

- *What advice is provided by DHSSPS/PECS and DE regarding the need to carefully verify address information contained in an application and vetting check?*
- *Are employers encouraged to cross-check details on application form against police check form?*
- *What advice is given about ensuring that full details are checked on the application form, especially gaps in employment?*
- *What guidance is issued to employers in the use of both conviction and non-conviction data? See CRB document "Employing with conviction"*
- *Who monitors and inspects Agencies who carry out vetting checks on behalf of employers?*

7. Conclusion

Ian Huntley did not access Holly and Jessica through his employment at Soham College. Nevertheless Sir Michael Bichard's Inquiry into the many system failures highlights significant issues in the recruitment and selection of staff to work with children and young people. There are other implications which go beyond these, including: dealing with allegations of under age sex; assessment and management of sex offenders; training support and management of staff and audit and inspection arrangements. His report also raises substantial issues about the use of intelligence and information exchange between investigative agencies. Many of these issues will apply to Northern Ireland and there is a need to thoroughly review in the entirety our systems and practice benchmarked against the findings of the report.

ANNEX

Serious Case Management Review completed for North East Lincolnshire ACPC by Sir Christopher Kelly

At the time of the Bichard Inquiry, North East Lincolnshire ACPC established a serious case management review under the relevant sections in "Working Together to Safeguard Children, 1999". This was to examine how the statutory agencies discharged their functions in respect of Ian Huntley and the young women from North East Lincolnshire with whom he had a relationship or sexual involvement from Jan 1995- November 2001 and prior to his move to Soham.

The terms of reference set out in Annex1 of the Review Report include: a review of policies and practices in relation to responding to contacts and referrals about the girls (who were under 18 years) and their involvement with Ian Huntley; the way in which information was shared between ACPC member organisations and SSD; and how this was acted upon by SSD; and in particular, sharing of information between social services and the police.

For the purposes of the Commissioner's vetting review, this analysis only relates to the aspects of the above terms of reference relevant to vetting arrangements and obtaining information on those who are unsuitable to work with children. It should not be seen as an overview of all the practice and police matters arising from the review. The relevant paragraphs in the report are 76 to 220.

The review found that there were well established channels of communication between the police and social services and there existed a procedure (form 547) to record what had been agreed. However social services did not inform the police about a number of significant events including: allegations of under-age sex and significant information with regard to the activities of Ian Huntley. These failings were attributed to a number of factors around inexperience and supervision of staff as well as systems problems and were compounded by a lax attitude with regard to the perceived normality of under-age sexual relationships between 15-year-old girls and older men.

Sir Chris Kelly commented:

“The role of the police in maintaining intelligence about alleged perpetrators of child abuse is made much more difficult if all information about possible criminal offences is not passed on to them. It is difficult for social services simultaneously to argue that it is the police’s role and not theirs to track perpetrators and to deny them information relevant to that task”. Para 182

Sir Chris Kelly goes on to state that there may be occasions when judgment is required in certain circumstances when passing on information about unlawful sexual intercourse to the police vis-à-vis the best interests of a child. The review was of the opinion that the events in this case did not fall into these circumstances.

The review also examined the matter of making connections between each girl’s case and the same alleged perpetrator. (Para 208). It looked at social services’ electronic data systems, finding, in line with many other social services departments, that they are organised around the names of children, not those of possible perpetrators.

The review concludes:

- Any system based on individual memory is bound to fail;
- It must be the responsibility of the police to collect and manage information about offenders, both alleged and convicted. Social services are not equipped to do this;
- If the police are to do this they have to be given relevant information to put on their systems by other agencies;
- Other than in exceptional circumstances, all allegations of criminal offences against children should be passed by social services to police.

The review recommended:

All agencies particularly those in the learning and child care directorate, should give some thought to any information systems of intelligence they currently operate in support of the more structured police systems, in order to consider whether they could not be made more explicit and effective.

There is in our view a strong case for DfES to establish with all the stakeholders concerned a consensus on whether or not electronic records held by child care services should be constructed so as to be searchable for the names of alleged offenders, and to issue the appropriate guidance.

Issues for Northern Ireland

- The regional revision of ACPC procedures should consider producing guidance on the handling of cases that involve under age sex.
- Police and child protection agencies should examine the need for a formal information exchange protocol on those whose are thought to pose a risk to children.
- DHSSPS should consider conducting a feasibility study on the use of SOS CARE and successor community information systems in relation to capacity to be searchable in terms of the names of alleged offenders.