

# Issues Paper

8 January 2013

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## Introduction

1. The Macur Review is an Independent Review, chaired by Mrs Justice Macur and required by our Terms of Reference

‘To review the scope of the Waterhouse Inquiry, and whether any specific allegations of child abuse falling within the terms of reference were not investigated by the Inquiry, and to make recommendations to the Secretary of State for Justice and the Secretary of State for Wales.’

## Background

2. The Terms of Reference of the Waterhouse Inquiry announced on 17 June 1996 were:
  - (a) To inquire into the abuse of children in care in the former county council areas of Gwynedd and Clwyd since 1974;
  - (b) To examine whether the agencies and authorities responsible for such care, through the placement of children or through the regulation or management of the facilities, could have prevented the abuse or detected its occurrence at an earlier stage;
  - (c) To examine the response of the relevant authorities and agencies to allegations and complaints of abuse made either by children in care, children formerly in care or any other persons, excluding scrutiny of whether to prosecute named individuals;
  - (d) In the light of this examination, to consider whether the relevant caring and investigative agencies discharged their functions appropriately and, in the case of the caring agencies, whether they are doing so now; and to report its findings and make recommendations to the Secretary of State for Wales.
3. The Inquiry delivered its report “Lost in Care” on 16 February 2000.

## Evidence and Information for the Macur Review

4. We have been provided with evidence obtained, and large volumes of material relating to, the original Inquiry. We are working hard to ensure that all documents that would or should have been available to the Inquiry or now may inform our Review are provided to us.
5. We would also very much like to hear from anyone with information relating to the remit of our Review. We have set out below some questions of interest to us.

## Questions on which we seek your views

6.
  - i. Were the terms of reference for the Waterhouse Inquiry sufficiently wide to address all matters of legitimate public interest and/or disquiet concerning allegations of continuing abuse of children in care and the nature of child care procedures and practice in North Wales?
  - ii. Was any undue restriction placed upon the terms of reference to prevent a full inquiry or examination of the evidence in order to protect any individual or organisation?
  - iii. If not, did the Tribunal appear to restrict the terms of reference to avoid investigation or examination of relevant evidence?
  - iv. Was any pressure brought to bear upon those participating in the Inquiry whether as members of the Tribunal, its staff, legal teams, witnesses or contributors to deflect, deter or conceal evidence of relevance to the Waterhouse Inquiry?
  - iv. Were witnesses prevented or discouraged otherwise from giving relevant oral evidence or making statements? If so, by whom and/or in what circumstances.
  - v. Were all relevant witnesses invited to furnish statements and/or be heard by the Inquiry? If not, why not?

- vi. Were witnesses given adequate support (e.g. legal advice, advocacy or counselling) to facilitate giving evidence to the Inquiry?
  - vii. Were the arrangements made for the Inquiry, including but not limited to, notice of the Inquiry and its proceedings, witness interviewing, location of Tribunal headquarters, configuration of hearing chamber, oral evidence taking, conducive to encourage the participation of relevant witnesses.
7. We will not draw any conclusions until all the evidence available to us is considered.

## We hope to hear from you soon

8. We look forward to hearing your views on these and any related issues you think are raised by our Terms of Reference. We would like to receive your views as soon as possible and in any event by 29 March 2013. Unless you specifically request otherwise, all responses will be made public.
9. All submissions should be sent to the email or postal addresses below. Please indicate whether you would object to being contacted by a member of the Review if further clarification of your response appears necessary:

[enquiries@macurreview.gsi.gov.uk](mailto:enquiries@macurreview.gsi.gov.uk)

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10. Anyone who would prefer to make their submissions by telephone can do so by using our dedicated Freephone telephone number, with automatic recording, at 0800 313 4139.

## Alternative formats

11. If you require this information in an alternative language or format or have general enquiries about the Macur Review, please contact us by email at [enquiries@macurreview.gsi.gov.uk](mailto:enquiries@macurreview.gsi.gov.uk) or telephone us at 020 7071 5770.

## Confidentiality

All written representations and evidence provided to the Macur Review will, unless publication is unlawful, be made public unless specifically requested otherwise. If you would like any of the information provided in your response to be treated confidentially, please indicate this clearly in a covering note or e-mail (confidentiality language included in the body of any submitted documents, or in standard form language on e-mails, is not sufficient), identifying the relevant information and explaining why you regard the information you have provided as confidential. Note that even where such requests are made, the Macur Review cannot guarantee that confidentiality will be maintained in all circumstances, in particular if disclosure should be required by law. If you have any particular concerns about confidentiality that you would like to discuss, please contact the Macur Review at [enquiries@macurreview.gsi.gov.uk](mailto:enquiries@macurreview.gsi.gov.uk).

The Macur Review is not subject to the requirements of the Freedom of Information Act 2000. However once the Macur Review has completed its work its papers are likely to be passed to the Government. In these circumstances information formerly held by the Macur Review may then be subject to the requirements of that legislation.

Members of the Macur Review are data controllers within the meaning of the Data Protection Act 1998. Any personal data provided will be held and processed by the Chair and Secretariat only for the purposes of the Review's work, and in accordance with the Data Protection Act 1998. Once the Macur Review has completed its work then any personal data held is likely to be passed to the Government for the purpose of public record-keeping.



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