

*Independent Inquiry, on behalf of the Governing Body of Victoria College and the Education Committee of the States of Jersey, by Stephen Sharp, former Chief Education Officer of Buckinghamshire*

*1.1.1 Suspensions or allegations of child abuse made to you and including those by close relatives, friends or neighbours, by children or parents, or anonymously should be regarded as serious and must be brought by you immediately to the attention of either the Social Services or the Police for investigation. The protection of the child must in all cases override requests from third parties for information to be kept confidential*

B83 The Guide for Named Persons says

*Any allegation of abuse, of whatever nature, involving a member of staff must be reported to the Head immediately. The child protection procedure states quite clearly that such allegations be investigated in the same way as any other suspicions or allegations of abuse. This has been emphasised by the Children Act 1989. However, once a head becomes aware of an allegation against a member of staff he or she should immediately inform [name] at County Offices. After careful consideration of the information received the Head would then be advised regarding suspension of the staff member.*

B84 I have quoted the Lincolnshire advice because Mrs Hydes introduced it to support her view, both in 1992 and now, that the Headmaster acted correctly. It clearly does not support that view; rather, it contradicts it.

B85 The Headmaster should have referred the allegation to the Children's Service. He should not have carried out his own investigation. He should have acted immediately, not ten days later. The investigation was entirely inappropriate.

**The answer to Question 3 in the Attorney General's letter is that the action taken by Mr Hydes in response to the Victim 5 complaint was not sufficient and it was not appropriate for him to consider the complaint without the help of any outside agency.**

B86 This is the most important conclusion of my Inquiry. The best interests and wishes of the abused young person were not given paramount consideration.

B87 The Attorney General's Question 4 asks whether it was "appropriate for Mr Hydes to allow Jervis-Dykes to take pupils away on trips, *in loco parentis*, following that complaint". Again, the answer is that it was **not appropriate**.

B88 If the complaint had been correctly referred to the child protection team, it is most likely that Mr Jervis-Dykes would have been suspended and perhaps arrested in 1992. Notwithstanding the view taken by the Headmaster, there were other grounds for restricting Mr Jervis-Dykes' activities. The previous month, a cleaner at the College had been imprisoned for indecent assault. This might have made some people regard any subsequent allegation about anyone extremely seriously. Only in the previous week, and after the disclosure, the Youth Officer had raised questions

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about safety. More importantly, in the account given in writing to the Headmaster by Mr Jervis-Dykes of the incident with Victim 5, he wrote

*We had sailed the yacht down from St Raphael earlier that day and had all gone ashore for a few drinks and a meal. The details of the specific evening's events are difficult to recall but I think we all ended back on board quite late, all well-fed and watered, as this was the last night of the expedition. Perhaps some of us had a little too much wine, or perhaps a beer or a cider or two too many.....  
... I am always perhaps over-concerned when the lads may have had a little too much to drink, that no-one is going to vomit in their sleep and choke or that those sleeping on deck, in particular, are warm.....*

- B89 The boys were mainly in Year 11. One had his sixteenth birthday during the trip. Here in November 1992 was a clear admission of overseeing inappropriate behaviour. The Headmaster did not pick it up. In fact, it was only when I pointed it out him last month that he noticed it and realised its significance.
- B90 The Attorney General's fifth question relates to the excessive consumption of alcohol on these school trips. I take this to mean the trips organised by Mr Jervis-Dykes, although I have commented in Part 1 more generally on the question of alcohol on trips. Excessive use of alcohol also features in accounts of the July 1995 trip and I will comment on that trip in more detail later in this report. Question 5 asks whether the level of supervision by masters present on these trips is to be considered as adequate. I will answer that question further on.

#### January 1994

- B91 The reprimand to Mr Jervis-Dykes for allowing pupils to watch an erotic programme on television at his home is dated 11 January 1994. It is signed by the Headmaster and Mr. Le Breton. The date is discussed in the Police Report, because two boys present stated that the incident had been much earlier, perhaps in 1991 or 1992. My enquiries, including asking the Headmaster for his appointment diary, have satisfied me that the incident occurred in January 1994.
- B92 The parent who complained states that he wrote a strongly-worded letter to the Headmaster complaining not only about the TV programme but also about the fact that Mr Jervis-Dykes had earlier that evening spent over £100 buying the boys food and drink. His letter threatened to take up the matter with Mr. Grady if the College did not deal with it satisfactorily. When he got no reply, he went to see the Headmaster. The Headmaster states that he received no letter.
- B93 The reprimand states

*"Following a complaint yesterday evening from Mr [ ], I spoke to Mr Jervis-Dykes today in the presence of the Vice Principal. I told Mr Jervis-Dykes that it had*

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*been reported to me that he had entertained some sixth form boys at his residence last Friday night, and shown an erotic channel TV programme. I told Mr Jervis-Dykes that if on any occasion he has boys at his home he must not produce any erotic material (films, books, etc). Otherwise he would have to be asked to resign.*

*"Mr Jervis-Dykes accepted that he had shown the Adult Channel programme on Miss Wet T-Shirt competition, and accepted that this was "soft porn" and that parents would take offence at this.*

*"He apologised and assured me that there would be no such recurrence."*

- B94 The Attorney General's first two questions (The order of his questions follows the Police Report's preferred chronology) are whether the action taken by the Headmaster was sufficient and in particular was it appropriate for him to consider the complaint without the assistance of any outside agency; and, whether it was appropriate for the Headmaster to allow Mr Jervis-Dykes to take pupils away on trips, *in loco parentis*, following that complaint.
- B95 Assuming that the date is accurate, the reprimand refers to a complaint on a Monday evening (perhaps at the Monday evening "clinic" which the Headmaster used to hold for parents to raise matters of concern) about an event the previous Friday being dealt with on the Tuesday. The Headmaster's diary contains an appointment with the parent two days later on the Thursday. This might have been to inform the parent of his action. On this interpretation of the sequence of events, the complaint was dealt with without delay. However, the parent does not think the complaint was satisfactorily handled.
- B96 In addition to the details of the actual complaint, there are several things the Headmaster should have borne in mind in deciding how to deal with the complaint. The most important is the allegation which was brought to the Headmaster's attention in November 1992 and which I have analysed above. Other factors which could be considered relevant are the concerns raised by the Assistant Director and Youth Officer in November 1993, especially the reference to drinking, and the accident on a yacht trip in July 1993 which had been arranged by Mr Jervis-Dykes and was not authorised.
- B97 In view of what had had happened in November 1992 alone, the Headmaster should have contacted an outside agency. He should have regarded the TV incident not just as something which would offend parents but as potentially related to the abuse of young people, having heard what Victim 5 had said in 1992. He obviously regarded it as serious enough to give an oral warning, record it and keep it for over two years.
- B98 The action taken by the Headmaster was not only in my view insufficient, it was also deficient in itself. The Headmaster regards the reprimand as constituting a first

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and final warning in a disciplinary sense. However, no investigation was carried out, for example by interviewing the pupils, no opportunity seems to have been given to Mr Jervis-Dykes to prepare for the meeting or be accompanied by a professional friend, and no record of the reprimand was given to Mr Jervis-Dykes. He only found out that a record of the reprimand had been made some four years later from a social worker.

B99 It does not appear that any action was taken after January 1994 to restrict or monitor Mr Jervis-Dykes' activities. From February 1994, when the College started submitting proposals for CCF sailing trips to the Education Department for approval, some thirteen trips led by Mr Jervis-Dykes were put forward, including some where no other teacher was included. In the light of the July/November 1992 events and the January 1994 warning, it would have been appropriate to prevent or at least restrict and monitor trips led by Mr Jervis-Dykes.

**The answer to the Attorney General's first two questions is therefore "No" in both cases.**

B100 November 1992 and January 1994 are two examples of handling complaints from pupils or parents. During my investigation a number of parents have told me of being dissatisfied with the College's handling of complaints.

B101 When the Validated Self Evaluation Evaluation (VSSE) of the College was undertaken in 1998, the parental questionnaire revealed a comparatively high level of dissatisfaction with the way complaints are handled. A system has been set up since by which the secretaries log complaints by letter or telephone. This falls short of a thorough, well promulgated complaints procedure which can be known to staff and parents. Accordingly

**I recommend that the Governing Body oversees the development of a complaints procedure, consulting the Director of Education as appropriate.**

**May - July 1996 and September-December 1998**

B102 The Police Report contains many references to this period which included the attempt by D Sgt Faudemer to get information from Mr Rotherham, the arrest and suspension of Mr Jervis-Dykes, the recording of statements from several victims and the viewing of video and other photographic material by the Headmaster and Mr Baker. The period in 1998 includes the police requests to Mr Rotherham and Mr Baker for statements.

B103 I have set out above my reconstruction of the sequence of events. The aim of this part of the report is to answer questions 5-11 in the letter of the Attorney General to the Chairman of Governors. Of these seven questions, one relates to overall

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supervision of trips, three to Mr Baker, two to the Headmaster and one to Mr Rotherham.

B104 Mr Baker is an Old Victorian, a parent of a former pupil at the College and has taught at the College since 1981. He has held posts of Head of Computing, Head of Junior School and, since 1997, Vice Principal. In 1993/4, he was seconded to work as a project officer in the Education Department. One of his tasks there was to revise the Schools Memoranda handbook. He has been an officer in the CCF since 1986, specialising in dinghy sailing, but occasionally joining yacht sailing trips with Mr Jervis-Dykes (five trips over nine years).

B105 In July 1995, Mr Baker skippered the second yacht in Greece on a trip led by Mr Jervis-Dykes. His son also took part in that trip as a member of the crew on the boat skippered by Mr Jervis-Dykes.

B106 On 13 June 1996, Mr Baker wrote the letter to the police which I have quoted in full earlier. As a result, he was invited to Police HQ to see if he could help the police enquiries. This took place on 19 June. On 5 June the seizure of photographs and videos included some which were obviously of the July 1995 trip and included shots of Mr Baker on board the yacht which he skippered.

B107 It is clear from the content and tone of Mr Baker's letter of 13 June that he believed Mr Dykes to be innocent and any allegations to be malicious rumour. He has told me whom he had in mind when he wrote it. In a statement to me he wrote

*My reference to College training being pulled down by others is because there were a number of occasions when Mr Dykes met with criticism over minor details of seamanship. Mr Dykes felt that there was a sense that others might watch us within the educational establishment in an over-zealous way.*

B108 It is of course a large step in the imagination from criticism of safety afloat to making a malicious report to the Police.

B109 At Rouge Bouillon, Mr Baker was shown excerpts from two videos, one 8mm and one VHS, and several albums of photographs. Present were PC Anton Cornelisson, who wrote the later Police Report, and D Sgt Pryke. I am afraid that in order to understand the disagreement between Mr Baker and the police it is necessary to give some details, some of which are unpleasant.

B110 I have seen the same video excerpts and an album of photographs labelled "Greece 1995", with captions written by Mr Jervis-Dykes under each photograph. The 8mm film is clearly of the Greek trip and has many shots which are also in the album. Mr Baker discussed it with PC Cornelisson who stopped it from time to time and with Mr Baker's help identified some of the boys in it. (It also includes shots of some dangerous skylarking with boys swinging on ropes from one side of the boat to the

*Independent Inquiry, on behalf of the Governing Body of Victoria College and the Education Committee of the States of Jersey, by Stephen Sharp, former Chief Education Officer of Buckinghamshire* other round the prow past the anchor.) It includes shots of a boy in white shorts listening to music on a Walkman and dancing while at the wheel and other shots of the boy lying down on deck. These shots zoom in and linger on the boy's groin. Anyone who knew him would have no difficulty at all in confirming his identity. There was also a shot of a blond boy with a crewcut asleep on a bunk in a cabin. The film then goes dark.

B111 The VHS video is not so obviously of the Greek trip. It begins with homosexual footage copied from a TV channel and then has edited into it a sequence on a boat with a boy asleep in a cabin. The feet and front of the legs of the cameraman are briefly visible. The boy appears to me to be the same boy as on the other video where he was wearing white shorts and, later asleep in a bunk. On this film he is wearing dark coloured boxer shorts for sleeping. The video then goes very dark. When viewing the film in a room with any light it is almost impossible to see anything on this sequence. The sound of people asleep and of water lapping is audible. There is then a sequence, lit by the camera's spotlight and not dark, of a hand masturbating a boy. The perpetrator seems to be the cameraman. At one point his arm and hand appear, with a gold signet ring visible. There are shots of the boy's abdomen and head, not perfectly visible as at one point the boy's hand is covering part of his face. His blond crewcut haircut is visible. There is then another dark sequence and eventually the film returns to the homosexual TV programme. (The dark passages were professionally enhanced for the police later in 1996 and show a number of boys sleeping.)

B112 The Police Report says that Mr Baker declined to identify the boy in the film. It does not say which film is being referred to here. In fact the Report refers to obscene films (plural) whereas Mr Baker saw only one obscene film. Mr Baker's statements to me are consistent with him having no difficulty identifying the boy in the first part of the 8mm film but not being sure that the boy at the end of that and in the VHS video was the same boy and therefore declining to identify him. He was also not willing or able to confirm that the footage on the VHS video was of the Greek trip 1995. The police were no doubt frustrated by this. A positive identification at that point might have enabled charges to be pressed sooner than they were.

B113 On his return to the College, Mr Baker reported the interview at Rouge Bouillon, and the police view of who the boy in the VHS film was, to the Headmaster who telephoned the police to arrange to see the films. The Headmaster was shown exactly what Mr Baker had seen and was also not certain of the identity of the boy in question.

B114 Mr Baker has told me that his experience of handling pastoral and disciplinary matters involving pupils has taught him to be cautious in identifying boys involved in incidents. The context of the interview was obviously one in which the police suspected that the perpetrator was Mr Jervis-Dykes. We have seen from his letter of 13 June that Mr Baker believed that Mr Jervis-Dykes was innocent when he wrote

it. Indeed, as we will see later, Mr Baker continued to believe Mr Jervis-Dykes innocent until he changed his plea to guilty in December 1998. The question is whether the only reason he did not identify the boy was the degree of uncertainty he felt and whether that degree was at all affected by a combination of shock at seeing the VHS film and his strong feeling at the time that Mr Jervis-Dykes was being unfairly accused. Mr Baker also knew that his son had been a member of the crew of Mr Jervis-Dykes' boat on the Greek trip. He did not at that time know what Victims 9 and 6 were to state about their experiences and the level of drinking on the trip.

**If the only reason for not identifying the boy in the VHS video was the degree of uncertainty, then it could have been appropriate not to identify the boy. The Attorney General's seventh question refers to a reluctance to assist with the identification. Mr Baker would say that he was willing to assist but could not be sure.**

B115 The visit to Rouge Bouillon on 19 June is also the occasion on which Mr Baker is alleged to have made the remark set out in paragraph 18 of the Police Report and which is the subject of the Attorney General's sixth question. **The short answer to the Attorney General's sixth question is that there are no circumstances in which these words could be considered appropriate. Mr Baker agrees. He is, however, adamant that he did not say them.**

B116 No written record of the alleged comment was made at the time. This is understandable since Mr Baker was present as a potential witness, not as a suspect. The police were focussing on the search for information about Mr Jervis-Dykes. They knew enough to be sure that Mr Baker could be very helpful to their enquiries.

B117 DI Faudemer recalls vividly that PC Cornelisson came out of the room to where DI Faudemer was working in the next office and said "You'll never believe what he's just said". He also says that the alleged comment was the subject of discussion among other members of the police child protection team.

B118 D Sgt Pryke was the third person in the room. He has not been contacted in recent months by the police for his account of the interview because he is seriously ill after surgery and chemotherapy to treat a brain tumour. Mr Baker had not contacted him until 8 June 1999 because as a friend and neighbour he was aware of his condition and in any case did not wish to involve him. However, on 8 June, after speaking to his professional association, Mr Baker spoke to D Sgt Pryke, with his wife's agreement. Mr. Baker has told me that D Sgt Pryke agrees with his version of events.

B119 The Attorney General's eighth question is about Mr Baker's decision not to make a statement when asked to in December 1998. Mr Jervis-Dykes had now been accused on a dozen counts.

B120 During his imprisonment from June 1998, a number of Mr Jervis-Dykes' colleagues at the College visited him. These included Mr Baker. Throughout this period, up to December 1998, Mr Jervis-Dykes was denying all the charges. As the case moved towards court proceedings, the police decided to take a statement from Mr Baker. The purpose of this, as set out in paragraphs 23 and 24 of the Police Report, was

*..to record a statement confirming the dates abroad, and to document a letter which Mr Baker authored and sent to Detective Sergeant Barrie Faudemer in the summer of 1996, following Jervis-Dykes' arrest. This had been identified as information which should accompany the prosecution file in the event that the case was remanded for trial before the Royal Court. The letter was in defence of Jervis-Dykes and to all intents and purposes warned the Police of carrying out a miscarriage of justice. I also intended to include in the statement Mr Baker's attendance at Rouge Bouillon Police Station in 1996 when he viewed a video of a boy being abused, now identified as Victim 9.*

In other words the statement was to confirm what had been said and written in June 1996.

B121 Since the interview on 19 June 1996, Mr Baker had not met the investigating officers. Paragraphs 23-33 of the Police Report refer to telephone conversations on 15 and 16 December, not meetings.

B122 Paragraph 26 states that Mr Baker expressed scepticism about the authenticity of the videos. Mr Baker does not deny this.

B123 The outcome of the conversations was that Mr Baker did not make a statement to the police. Mr Baker has stated to me, in a letter dated 4 June,

*I did not decline to assist. At all times I have been keen to help where I had the knowledge to do so. I was advised by advocates that making a statement or otherwise was entirely up to me and not an issue to be criticised. Because of my lack of knowledge of events I had nothing to add. If I had been interviewed by the Police I would have felt content to record that interview by means of a statement. No such request for an interview occurred. I was advised by my Headmaster not to make a statement for the time being. This does not constitute a refusal.*

B124 Mr Baker has also told me that the police intentions and the scope of the proposed statement were not made clear to him.

B125 I find it hard to believe this, or why Mr Baker would not comply with the police request, notwithstanding the fact that he was a friend of the accused. I understand from Mr Baker that he had written a statement, in the form of a character reference, for the defence lawyers. This need not have precluded him from making a statement of the kind the police sought.

