

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

The answer to the Attorney General's eighth question is that Mr. Baker did refuse to make a statement and that this refusal was not appropriate.

B126 Equally, the statement that declining to make a statement for the time being does not constitute a refusal seems sophistry.

B127 Before leaving the questions referring directly to Mr Baker, I now return to the fifth question about drinking and levels of supervision. As mentioned earlier, there is evidence of drinking, especially on CCF trips, and of this being raised with the Headmaster. Mr Baker accompanied Mr Jervis-Dykes on five trips over nine years. These included three in the list of those known to the Education Department (June 1994, July 1994 and July 1995) and one in 1992 to Guernsey when beer was taken on board one of the three yachts. Mr Baker has given me statements of his firm stance about drinking on trips by boys and staff and how he spelt out the rules before and during trips. In respect of the trip to Greece in 1995, he asserts that there was only one incident of excessive drinking, when he reprimanded a boy and took him back to the boat. He denies excessive drinking by himself and Mr Jervis-Dykes and says they followed a practice of one "duty officer" taking responsibility in the evenings. He says he was not aware of the incident when Victim 6 was tied to the guardrail when drunk and left there overnight. The two yachts were normally moored alongside each other. It is very unlikely therefore that Mr Baker would not be aware, at least next morning, when the boys would have discussed the incident. The evidence from boys on the trip is clear that excessive drinking by boys and staff took place. All this casts doubt on the completeness and candour of Mr Baker's statements to me.

In summary, on Question 5, where "these trips" is a reference to the trips involving Mr Jervis-Dykes, there is clear evidence that the supervision by masters on trips was not adequate.

B128 Mr Rotherham has taught at Victoria College since 1985. He has held posts of Head of Religious Education, Head of Geography and, since September 1995, Head of the Sixth Form. In this capacity he is, with the two Vice Principals, one of the group of four most senior staff at the College. He is an officer in the RAF Section of the College CCF, and has been in charge of that Section for several years.

B129 Mr Rotherham's involvement in the Jervis-Dykes investigation is set out in paragraphs 34-43 of the Police Report. He received the disclosure from Victim 8 in November 1992, the circumstances of which I have already described.

B130 In May 1996, Mr Rotherham attended a Middle Management course organised by the States Personnel department at L'Horizon Hotel. It lasted from Monday to Friday, 20-24 May. Another Head of Department from the College also attended, as did Detective Sergeant Faudemer. At the time, the police had just begun investigating the behaviour of Mr Jervis-Dykes, acting on information received. He

was not arrested until 5 June. DS Faudemer decided to approach Mr Rotherham for any information he might have about Mr Jervis-Dykes.

B131 There are different recollections of when the approach was made. The Headmaster says that by the second day Mr Rotherham expressed such strong feelings of harassment that he felt he could not continue with the course. DS Faudemer recalls not approaching Mr Rotherham at all on the first day, but approaching him at coffee breaks thereafter. Mr Rotherham thinks that he mentioned the approaches to the Headmaster on the Thursday when he and his colleague returned to the College after the course for a staff meeting. Mr Rotherham also states that he found the course useful and never had any thought of withdrawing from it, not least because he wanted the certificate of attendance at the end.

B132 Mr Rotherham did not give DS Faudemer any information - in fact, he withheld the information he had. He states that he mentioned the matter to the Headmaster in terms to indicate that the policeman wanted to know about [Victim 5] and that he requested the Headmaster to telephone him to give the information and at the same time "get him off my back". Mr Rotherham says that even if he used the word "harassment" he does not regard his experience as harassment. He did however feel still under the instruction from 1992 not to mention the 1992 incident.

B133 It would have been preferable for DS Faudemer to arrange to follow up his enquiries by making an appointment with Mr Rotherham outside the course. Also, the Headmaster should have told DS Faudemer about the 1992 incident.

B134 Subsequently, on 2 July 1996, Mr Rotherham went to Rouge Bouillon and informed PC Cornelisson of the 1992 disclosure. According to the Police Report, he said he had no other information about other pupils. Paragraphs 40-43 set out the police record of the ensuing discussion of whether one or more other boys had disclosed to Mr Rotherham, including Victim 8, and the lack of progress made in pursuing this line of enquiry. (The Police Report seems to conflate information from the interview on 2 July 1996 with aspects of the occasion when Mr Rotherham was asked to make a statement in September 1998.) The police account portrays Mr Rotherham's memory as at least somewhat shaky. In my meetings with him there have been several occasions when he only remembered things when prompted. At other moments, when presented with information I have received from others, he had no recollection but was willing to accept that their accounts were truthful. This is the case with information from both colleagues and former pupils. The nub of paragraphs 40-43 is that the police had reason to believe that at some stage, perhaps as early as 1991, Mr Rotherham had information about other incidents with Mr Jervis-Dykes and was perhaps thinking of taking action to bring it to the attention of the Headmaster or the authorities. This would have reflected great credit on him. However, Mr Rotherham is adamant that this is not the case.

B135 In September 1998, Mr Rotherham was asked to make a statement about the events of 1992 and 1996. He was uneasy about this, perhaps because it might bring him into conflict with the Headmaster's view of what had happened, and took advice. He states that he contacted his Union (NAS/UWT) at PC Cornelisson's suggestion. He also consulted his cousin PC Stephen Rotherham. The union representative in the College recalls referring Mr Rotherham to a teacher at another school, more senior in the union. He also recalls being asked for advice by Mr Rotherham in 1992 and 1996, but Mr Rotherham does not recall these conversations. The union advice in 1998 was to tell the truth and make a statement if requested. Mr Rotherham believes he received a message via his cousin that there was no need for a statement. This seems both inaccurate and irregular. PC Cornelisson was left with the clear impression that Mr Rotherham was not prepared to make a statement.

The answer to the Attorney General's eleventh question is that it was not appropriate for Mr Rotherham to withhold highly material information from an investigating police officer by falsely stating that he had not received any disclosure concerning the conduct of Mr Jervis-Dykes.

Based on the account I have set out of the events surrounding the Personnel course in May 1995, the answer to the Attorney General's tenth question is that it was not appropriate for Mr Hydes to regard the request made by DI Faudemer to Mr Rotherham for information as "harassment".

B136 The Attorney General's ninth question is about the Headmaster's advice to Mr Baker about making a statement. I have mentioned above the way in which Mr Baker reached his decision not to make a statement.

B137 The Headmaster has told me that he could not see why Mr Baker should object. He told Mr Baker that he must do what he thought was right. Mr Baker insisted that he had the right to make no formal statement. In fact, says the Headmaster, "I was not advising him one way or the other; he was advising me of his rights. At the time I could only feel baffled that he should be telling me this when it was a matter between him and the police. Having subsequently seen the allegations against him in this report, it would seem that his declining to make a formal statement could well have been based on his perception that he could be incriminating himself."

B138 Given the terms in which Mr Baker has described his decision not to make a statement at that time, the dominant contribution seems to have come from his contact with Mr Jervis-Dykes' defence advocates, with less contribution from his discussions with the Headmaster, who in any case did not give him firm advice.

The answer to the Attorney General's ninth question is that the Headmaster did not give clear advice on the matter.

PRINCIPAL CONCLUSIONS

- 1 The most serious mistake made by the College was the handling of the 1992 disclosure by a pupil of abuse by Mr Jervis-Dykes. The principal responsibility for this lies with the Headmaster, but he was not the only member of staff involved. He took advice from Mr. Le Breton, Mrs. Hydes and, somewhat casually, from Mr. Hamon. This would not have occurred if he had followed the correct procedure of automatic and immediate referral of the allegation. There was sufficient information available at the time about procedures in Jersey and the UK for this to be expected of him. The handling of the complaint was more consistent with protecting a member of staff and the College's reputation in the short term than safeguarding the best interests of the pupil. To some extent, the quality of Mr. Jervis-Dykes' teaching and his general contribution to College life was a factor in the failure to act effectively to stop his abuse of pupils. There had, however, been enough warning signs from 1984 onwards for the Headmaster and Mr. Le Breton to be jointly more vigilant and suspicious.
- 2 The handling of the parental complaint in January 1994 was also flawed. In the light of the earlier incidents, it should have been referred. The attempt at disciplining Mr Jervis-Dykes was incompetent.
- 3 In neither of these cases was advice sought from the Director of Education.
- 4 During the police investigation, although a great deal of assistance was given by the College, in important ways this did not result in full co-operation of the kind the police wanted, partly because of the belief in some quarters that Mr Jervis-Dykes was innocent.
- 5 The Governing Body has responsibility for the management and administration of the College. Governors will wish to consider my report in the light of their own knowledge and experience.

I recommend that the Governing Body considers my report and decides what action to take.

Stephen Sharp
Haddenham
Buckinghamshire
June 17 1999

APPENDIX

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Director of Education or Mr. R. Pirouet, Chairman of the Board of Governors Victoria College