

The Macur Review – frequently asked questions

What is the Macur Review?

The independent Macur Review was established to examine the conduct and remit of Sir Ronald Waterhouse's inquiry into the abuse of children in care in the Gwynedd and Clwyd Council areas. The Review's Terms of Reference are:

“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.

Why has the decision been taken to have a review now, and by whom?

The Review was established following a statement by the Secretary of State for Justice, the Rt Hon Chris Grayling MP, on 8 November 2012, and in response to renewed concerns expressed.

I have heard about an investigation called Operation Pallial. Is that the same as the Macur Review?

No. Operation Pallial is a separate police investigation running in parallel with the Macur Review. It is investigating new allegations of historic child abuse, some from victims previously known about and some from victims who have only recently come forward for the first time. However, the Macur Review and Operation Pallial have agreed to work closely together on matters of mutual interest.

Who picked Lady Justice Macur and why?

Lady Justice Macur was appointed by the Secretary of State for Justice. She was a judge in the Family Division of the High Court before being sworn in as Lady Justice of Court of Appeal.

How will the Review be conducted?

The Review will have two main parts. The first will involve an examination of the Waterhouse Inquiry's documents. The second will be concerned with receiving new information from anyone who believes they have relevant information and wishes to get in contact with us.

What information have you received to date and how have you sought it?

We published an Issues Paper on 8 January 2013 that set out some questions about issues that we were particularly interested in. From the start, we wanted to take an inclusive approach and make it as easy as possible for people with information relevant to our Terms of Reference to contact us, which they could do through a freefone telephone number, by email, or by letter. We welcomed responses in both English and Welsh. We also held a public meeting in Wrexham to provide an opportunity for people to meet the Judge and her team and provide any information that they wished to give. Lady Justice Macur has also held a programme of meetings with individuals and organisations with information relevant to her Terms of Reference.

If I've been interviewed by the Police as part of Operational Pallial will I need to speak or write to you separately if I want my views heard by the Macur Review?

Even if you have already spoken to officers in Operation Pallial, we too would like to hear from you if you have information relevant to our Review.

Can I respond to the Review if I took part in the original Waterhouse Inquiry?

Yes.

Could people respond on behalf of someone else who was unable to respond to the Review themselves?

Although we would prefer people having relevant information to contact us themselves, we recognised that there may be some situations where they were unable to do so. In these circumstances, and provided they have agreed, we permitted people to respond on someone else's behalf, but required them to explain clearly why they were not able to respond personally.

Could people respond to the Review anonymously?

Yes, if they wished to do so. However, because difficulties would arise if further clarification of anything said anonymously were needed, we asked respondents to provide us with their name and contact details in confidence. The issues paper also made clear that the Review may not be able to regard anonymous statements as being wholly reliable.

In relation to what you say about confidentiality in the Issues Paper, what do you mean when you say that 'standard form language on emails is not sufficient'?

Many email systems automatically add a disclaimer at the end of an email to say that its contents are confidential. This is not sufficient for us to regard it as the writer actually having asked us to treat the information provided as private and confidential. If you wish it to be treated that way, you must say so clearly in the body of the email itself and explain why.

Will the report be made public?

The Review's Terms of Reference require Lady Justice Macur to provide her report to the Government. Whether the report will then be made available publically will be solely a matter for the Government to decide.

When will the report be published?

Lady Justice Macur wants to publish her report as soon as possible. However, she wants to ensure that the Review is as thorough as possible and so it is not possible at this stage to give a firm date for publication.

Will I be informed ahead of the report's publication whether any of the information I provided will identify me despite my requesting that it be treated confidentially?

The Review will not identify individuals who have provided us with information if they have indicated in their submission to us that they wished it to be treated as private and confidential. But you should bear in mind that the same information might be available to the Review from a different source who has not asked for it to be treated confidentially.

Can I put in a Freedom of Information Request relating to the Review?

The Review is not subject to the Freedom of Information Act 2000.

What will happen to all the information gathered by the Review? Will the Judge be making recommendations? Will there be criminal proceedings?

During the course of the Review information that has been provided to us will be held in confidence and seen only by the Judge and members of the Review Team. It may be necessary on occasions to disclose information provided by one party to another so that a response can be made, but information which has been provided in confidence will not normally be disclosed without the provider's agreement. When the Review is complete, any information received is liable to be published unless the person who provided it asked us to treat it as confidential or if it would be unlawful to make it public.

As stated in her Terms of Reference, the Judge will be making recommendations to the Secretary of State for Justice and the Secretary of State for Wales. But under the terms of her remit she cannot establish civil or criminal liability on the part of any person, nor order any financial settlement. It will be for the Government to decide what action should be taken in light of the Judge's findings and recommendations. It is possible that criminal proceedings may arise from the separate Operation Pallial police investigation.

Is there an independent organisation I can speak to about the abuse I suffered?

There are several organisations that can help those who were abused as children. Because everybody's circumstances are different, we can't recommend a particular one. But as a starting point, the NSPCC, can be contacted on 0808 800 5000; and the Children's Commissioner for Wales can be contacted on 01792 765600