

## **Medomsley Detention Centre (MDC) Special Investigation:**

### **Terms of Reference**

#### **Definitions**

For the purposes of these Terms of Reference:

**“Abuse”** refers to any sexual or physical abuse, but may also refer more broadly to the type of regime employed at MDC.

**“Authorities”** refers to relevant public bodies and their employees, including the police, probation, the prison service, health and social care services, inspectorates, charities, local government and central government.

#### **Purpose**

The Secretary of State for Justice has commissioned the Prisons and Probation Ombudsman (PPO) to carry out an investigation into what the Authorities knew about the abuse that took place at MDC between 1961 and 1987, whether there were opportunities for the Authorities to have taken action or intervened at that time, and what actions (if any) were taken by the Authorities in such instances.

MDC was a detention facility open between 1961 and 1987 that held boys and young men aged 17-21. Former inmates have since reported being subjected to abuse while detained at MDC. Police investigations since the 1990s have led to eight former members of staff being convicted of physical and sexual assault, and misconduct in a public office.

The PPO is not commissioned to re-investigate the facts of the abuse at MDC, nor to re-investigate individual incidents.

### **Scope of Investigation**

1. To obtain the documentary evidence held by Durham Police (or any other police force) as part of their criminal investigations.
2. To gather any evidence held by Government departments, including but not limited to, the Ministry of Justice (MoJ) and Home Office.
3. To review the evidence available to establish where staff within the establishment were aware of the abuse at MDC, when and what action (if any) they took.
4. To review the evidence available to establish whether any of the Authorities were aware of the abuse at MDC, when and what action (if any) they took.
5. To establish a timeline of what was known by whom about the abuse at MDC at the time and what if any, action was taken and when it was taken.
6. To establish whether government and/or operational policy at the time played a role in the abuse at MDC.

### **Investigation**

The PPO may defer all or part of the investigation if, or, when the police are conducting a criminal investigation in parallel. The decision to defer will be made in discussion with the police force.

Though it may now be difficult to trace surviving former members of staff and officials, the PPO may need to engage with or interview former staff

or officials where this is deemed beneficial to the investigation. Formal statements may be requested from individuals as required. The Secretary of State for Justice will, if requested, aid the PPO in contacting officials and encouraging their participation in the investigation.

The PPO may also request information and/or documents from the Authorities. The Secretary of State for Justice expects all relevant authorities to ensure that the Ombudsman has unfettered access to all relevant material, held both in hard copy and electronically, that is required for the purposes of this investigation. This includes classified material, physical and mental health information, and information originating from or held by other organisations (e.g. contractors (or their sub-contractors) providing services to or on behalf of the Authorities. All material will be managed in accordance with PPO policy and the relevant information legislation. Should the PPO not be initially granted access by any authority to any information that the PPO reasonably requires to undertake its investigation, the Secretary of State for Justice will support the PPO in overcoming any issues or barriers.

The Ombudsman will consider representations as to the necessity of particular material being provided, the means by which it is provided and any sensitivity connected with future publication, but the final decision rests with the Ombudsman who will define the material required based on the needs of the investigation.

As part of the investigation, the PPO will set out their victim/family liaison strategy which will explain how the PPO will engage with victims and families during the investigation.

## **Output of the Investigation**

The PPO will carry out an investigation covering the areas identified at points 1-6 above. Following the investigation, the PPO will prepare and publish a written report of their findings.

An interim report, and a draft of the final report, will be provided to key stakeholders (including the Secretary of State for Justice) prior to publication. The content of the report is solely at the discretion of the PPO. The PPO will consider responses to factual accuracy checks, but will exercise their own discretion on what, if any, changes to make.

The PPO can only base their report on the evidence available as part of the investigation.

If during the investigation the PPO identify any gaps in the evidence or any missed opportunities, they will highlight them in the written report.

## **Media engagement**

The PPO's press officer will handle media engagement relating to its running of the investigation and publication of the final report. It will be for the PPO to determine the extent of any media engagement, including any press releases or statements. The PPO's press officer will inform the MoJ and Home Office before issuing any press releases or statements.

## **Timescale**

It is expected, on the basis of current information, that the PPO will make its best endeavours to complete the investigation and produce its report within 18 months or fewer from the start of the investigation. However, an extension may be agreed with the MoJ subject to the complexity of the work and the amount of evidence for review.

The PPO will confirm the start date for the investigation with the MoJ based on the PPO's resourcing needs and the timescales required for recruitment.

### **Resources**

Funding for the Investigation will be provided by the Ministry of Justice. This will cover all staffing costs reasonably necessary for the PPO to undertake the investigation. Appropriate staff will be appointed by the PPO to carry out and support this work.

The Ministry of Justice will also:

- Reimburse the PPO for any legal advice and representation they obtain as part this investigation.
- Provide or fund the provision of specialist IT document management software reasonably required for the investigation.
- Fund the provision of any additional / specialist wellbeing support that may be required for staff dealing with distressing material as part of this investigation.