

P-04-523 Protect the elderly and vulnerable in care homes -
Correspondence form the petitioner to the Clerking team,
01.12.2013

Hi Sian

Thanks for the reminder. I just want to give you the full picture from the Justice for Jasmine viewpoint so that you do not duplicate any effort at the Assembly.

Our group sent a letter to the First Minister at the end of September 2013 seeking a Public Inquiry into the circumstances behind the collapsed police operation called Jasmine. It is still being considered and our Chairperson will be seeing the First Minister on Wednesday at 11.00 for an update. We have commissioned a website(soon to be published) and started a petition (both e-petition and a paper version) with a view to showing how much public support there is for our request. We now have over 3,000 signatures in support.

I am attaching a copy of the letter to the First Minister but have removed the family stories referred to at the end of the letter. This will give all the information you require plus the knowledge that we do have widespread public support shown by the fact that we have been able to collect over 3,000 signatures in support in a matter of weeks.

Notwithstanding the response we have had from the First Minister it is our intention to continue to press for a Public Inquiry.

Kind regards

Kelvyn Morris

Secretary

Justice for Jasmine Group

JUSTICE for JASMINE

Rt Hon Carwyn Jones AC/AM,
Welsh Government,
Cardiff Bay,
Cardiff
CF99 1NA

September 2013

Dear First Minister,

Re: Operation Jasmine

I refer to your letter of the 1st July 2013, addresses to Sarah Rochira, Older people's Commissioner for Wales, a copy of which has been passed to the relatives of the individuals whose cases were investigated as part of the abortive Police and HSE investigation.

Some of the families have now formed themselves into a constituted body called "*JUSTICE for JASMINE*" and it is on behalf of Justice for Jasmine that I now write to you.

We have read with interest the measures that have been instigated supposedly to ensure that there is no repetition of the circumstances that took place which formed the basis of Operation Jasmine. The lengthy and detailed points referred to in your letter relating to strengthening and safeguarding the protection of vulnerable people particularly for those in residential care are welcomed. We note that these include:-

- Guidance on adult protection *In Safe Hands* has undertaken a comprehensive independent review;
- The publishing of new, all Wales adult protection procedures for use by the four local authority-led Adult Protection Boards
- The introduction of a modernised programme by the CSSIW into the wellbeing of care home residents;
- The comprehensive 106 "lessons learnt" report which has been used to strengthen adult protection in the Caerphilly area.

Also those implemented by Welsh Government:-

- Statutory Guidance – Escalating Concerns with, and Closures of, Care Homes for adults introduced in 2009;
- The findings of the Dignity in Care Programme;
- The White Paper "Sustainability Social Services";
- Social Services and Wellbeing (Wales) Bill

- The Regulation & Inspection of Social Care and Support Services White Paper.

It is our contention that the amount of change to policies and procedures, initiated both during and after the investigation by Gwent Police and the HSE was being carried out, and proposed for the future, demonstrate (a welcome but regrettably extremely belated) recognition and acceptance of the grave omissions and failings made by all the agencies both local, statutory or otherwise, that were charged with the safety, standards and governance of those responsible for the wellbeing of elderly residents admitted to the residential homes investigated by Operation Jasmine.

It is these failings that *JUSTICE for JASMINE* will be seeking to have uncovered, for unless they are identified, there cannot be any satisfaction or reassurance that the changes, made or proposed, have gone or will go, far enough to remedy the shortcomings which allowed the terrible abuse and neglect to occur and to continue over many years.

It is perhaps opportune to remind ourselves of the key facts and scale of the abuse and neglect suffered by members of our families and which formed the basis of the Operation Jasmine investigation :-

- 6 care homes investigated in Caerphilly County Borough and Blaenau Gwent County Borough
- Of 74 suspects, 52 were arrested and 20 charged;
- 75 police officers and staff worked on the case;
- 103 alleged victims, 63 were at different points in the investigation considered as victims;
- 4,126 statements taken;
- 10,534 exhibits;
- 49,222 pieces of documentation weighing approximately 12.5 metric tonnes;
- £15 million total spend on Operation Jasmine - £8.5 million Home Office and £3.1 million Gwent Police;
- Health & Safety Executive an additional £3.5 million spend.
- 6 test cases considered to go before the Courts.

The level and scale of the alleged abuse is staggering. It is beyond belief that the scale of neglect remained undiscovered by the appropriate agencies and authorities for so long. There was, without doubt, therefore, a considerable, and in our view, inexcusable dereliction of duty by one or more of the agencies and authorities responsible, which requires a full and proper Inquiry. Only then will it be possible to identify the precise deficiencies in the system, so that targeted measures can be introduced to ensure that these tragic events cannot ever re-occur.

The families of the 6 test cases had the privilege of meeting Kier Starmer QC the Director of Public Prosecutions and his team at Cardiff City Hall on the 5th July 2013. At that meeting a number of questions were forcibly placed before him as to the reasons why the CPS could not proceed with the investigation. This amounted, in essence, to evidential issues resulting from deficiencies in the law as it currently stands. The families are extremely grateful to Mr. Starmer, his team and those members of Gwent Police and the HSE for the efforts undertaken on their behalf. However, the families were, understandably, left bereft that the law, as it stands, is so deficient that it is, in our opinion, virtually impossible to bring a prosecution via the criminal courts in cases of abuse resulting from neglect similar to that sustained by the victims of Operation Jasmine.

You suggest in your letter that the families can perhaps obtain answers to their questions by other methods to achieve closure.

You do not say what other methods you have in mind, other than suggesting that we might take up an offer of a meeting made by the Chief Inspector of Gwent Police on the recent BBC *Week in Week Out* programme. With respect, we do not consider that any such meeting would be anywhere sufficient to address our specific concerns, or provide a satisfactory outcome as you suggest.

It is the firm view of Justice for Jasmine that only a Public Inquiry can bring about a situation in an open and transparent arena, whereby the numerous failings, which have resulted in such an iniquitous situation, can be adequately investigated. Justice for Jasmine does not agree that due to the case being left on file, that this would preclude the holding of a Public Inquiry. The Group challenges this claim and it was the view of the Director of Public Prosecution at the meeting held at the City Hall on the 5th July 2013, as well as of our own legal advisers, that such an Inquiry should not affect the stayed proceedings.

It is also noted that you suggest to the Older People's Commissioner for Wales, in your letter that *"The complexities including the non-devolved aspects of the case together with the overall costs, timescales and resourcing such an inquiry would command, need to be balanced against such action could indeed provide the desired outcome for effected families and the wider Public."*

We do not believe that just because the issues involved are complex this is a good reason for refusing to hold an Inquiry. On the contrary, this is all the more reason that the issues are given a thorough and transparent hearing so that they can be fully understood and learnt from. In addition, you do not say what "key aspects" of the case involve non-devolved areas. In any event, Justice for Jasmine is firmly of the opinion that the issue of non-devolved aspects to which you allude to can be easily accommodated if there is sufficient will to overcome them! We firmly believe that if there is genuine resolve to undertake a proper Inquiry, its terms of reference can be framed appropriately.

As to *"overall costs, time scales and resources"* (third from last paragraph of your letter), the families have failed to receive simple justice for those who actually suffered the pain, torment, and suffering derived from the unbelievable scale of neglect uncovered by Operation Jasmine. The question that we believe should be asked is, how can a free society not afford to make resources available to uncover how it was possible for such alleged abuse and neglect to take place on such a scale? This will ensure that failings are brought to light, that changes are implemented and go far enough, so that nothing of this nature happens again and that where change is needed, that such change is robust enough so that similar events can never take place again and if they do, then the families of those victims can obtain justice for their relatives.

To this end, we would respectfully request a meeting with your good self, so that we may be given the opportunity to convey to you, most earnestly, of our desire that nothing less than a Public Inquiry will be sufficient to establish the circumstances leading to the systemic failings which have resulted in such a large case of neglect of elderly residents in care homes.

Please could you also let us know as soon as possible what response you have had from your letter to the Secretary of State for the Home Department in relation to a Public Inquiry and, in any event, let us know as soon as possible when you will be in a position to make a fully informed decision as to whether you will call for a Public Inquiry.

Justice for Jasmine believes that the victims of Operation Jasmine have become anonymous.

We place before you in the attached, some of the victims of Operation Jasmine, so that they are not forgotten, when you consider our request. I would ask that you respect the family statements and not publish them.

We, the relatives of the victims, can never forget that these were our loved ones who, through no fault of their own, were placed in an environment which we considered to be a safe and caring environment. Sadly, that was not the case. What happened to them, how, and why, are the fundamental questions which require answers. Until we have those answers there can be no confidence that the clear and serious shortcomings in the present system for the protection of the elderly and vulnerable can, and will, be adequately addressed.

We await your reply.

Yours faithfully

Loraine Brannan

Chairperson – Justice for Jasmine