

Our Ref: MI/EG/O'C0024-1
Your Ref:

23 November 2020

Janet Finch Saunders MS
Chair Petitions Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

Please reply to:

46-48 Cardiff Road
Llandaff
Cardiff
CF5 2DT

Dear Sirs

**Our client: Kevin O'Connell
Caldey Island**

We have had sight of the Deputy Minister's letter of the 5th November last to the committee. The Deputy Ministers letter puts emphasis on the fact that the police state;

there is insufficient information to prove that persons in authority failed to act to safeguard O'Connell, prevent offences, or that they concealed offences committed at Caldey Island

This logic is fundamentally flawed for two reasons;

- the test of proof in criminal law is a very high one and the criminal process is adversarial. This is entirely different to the test of evidence and purpose of an inquiry which is, of course, inquisitorial
- As stated on a number of occasions to the Welsh Government – but constantly ignored – the police are perceived as potentially part of the problem and a key element of any inquiry.

The Deputy Minister's other principal reason for denying an inquiry is equally flawed in logic. The Deputy Minister now acknowledges that she was wrong – as a matter of fact – in her previous letter to the committee, and that the IICSA inquiry will not deal with Caldey. The minister goes on to say that the IICSA inquiry essentially answers issues that a Caldey Inquiry would raise. This is, with respect, a tautological argument that cannot stand

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scrutiny. Previously the minister argued (wrongly, as now accepted) that there should be no Caldey inquiry as IICSA were bound to consider Caldey. IICSA though declined to consider Caldey, yet the Minister now relies of the potential IICSA outcome as a reason for not having an inquiry in respect of Caldey. As put forward in my previous correspondence, the fact that the IICSA have treated Caldey as a separate, bespoke, issue should fortify the reason for a separate bespoke Caldey inquiry.

With every submission the Welsh Governments position becomes more untenable and its reasoning exposed as fundamentally flawed.

Our clients are very disappointed that the Welsh Governments two formal responses to the committee have been shown to be, firstly, inaccurate and subsequently illogical. This only furthers strength and relevance of the victims call for a full independent inquiry.

Yours faithfully

Watkins and Gunn

Watkins and Gunn

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