STATEMENT BY MR NICHOLAS BLAKE QC TO THE DEECUT & BEYOND GROUP ON 7th JUNE 2005

In December I was asked to urgently review the circumstances surrounding the four deaths at Deepcut and to report.

I decided that the appropriate course was to interpret the circumstances surrounding those deaths broadly, and to examine any available material that may point to factors that contributed to those deaths, in particular the allegations summarised in the schedule to the 5th Surrey Police Report.

The centre piece of the review was therefore to be an examination of the material obtained by the Surrey police in the course of their re-investigation into the deaths prompted by the death of Private Collinson.

It appeared to me that the Deepcut deaths had a number of common features:

- Each of the young people who died was a Phase II trainee at the RLC awaiting either trade training or a posting at completion of the training.
- Three of the four young people were 17-18 at the time of the death.
- Each death involved the use of firearms assigned for the tedious task of guard duty at the garrison.
- The first two deaths at least occurred shortly after the formation of the RLC, and shortly after the army had introduced changes to the training regime for young people and its policies as to the admission of women into the field army.
- Each of the deaths occurred when the ratio of supervisory staff to trainees was very low, that is to say that there were very few staff per trainee compared with field regiments or other military training establishments.
- The Boards of Inquiry into the first two deaths, and the Surrey Police inquiries revealed material raising serious issues of discipline and duty of care and it was uncertain how much had changed by the time of the second two deaths.
- The schedule to the Surrey police report revealed allegations of abuse of power and bullying by some members of the training staff at Deepcut, particularly for the period around 1995. It was uncertain whether there was substance in these allegations, and if so whether bullying had been tolerated, encouraged or condoned by the army and if not what steps had been taken to prevent its repetition.

I am aware that apart from Deepcut there are other deaths of concern of soldiers at Catterick barracks and elsewhere including deaths in the field army.
My terms of reference did not extend to reviewing the circumstances of those other deaths, indeed there would have been great difficulty in deciding what I had to review, in the absence of comparable police material. It nevertheless seemed possible that relatives with information as to the other deaths could assist me by pointing defects in the procedures, standing orders, or the law generally that may have contributed to the Deepcut deaths.

I do not have the time, resources, the powers or the authority of terms of reference to conduct a police investigation into these other deaths. Any expression of interest I may have on these matters should not be understood as a willingness to investigate these deaths on behalf of the relatives concerned. I am anxious not to raise hopes that I would be unable to meet.

In March I launched the Review’s website and made a public appeal for any further witnesses to come forward. Advertisements were placed in magazines of interest to service personnel. I did receive a limited amount of further information as to the background at DC. I understand the site has had over 11,000 hits. I intend to place this statement and any other information as to the review’s activities on the website as and when it is possible to do so.

Even reviewing the core material of the police investigation has proved problematic for a number of reasons. I should particularly mention two:

- the outstanding inquest in respect of Private Collinson for which no date or review has yet been fixed;
- confidentiality agreements made with the police when statements were given and the need for cooperation.

I have had to discuss ways of addressing these concerns. I have had access to most of the material relating to the 1995 events.

Further there have been prolonged discussions about the impact of the Data Protection Act on the review, and how to access other material. Some problems remain, and if family members of soldiers who died receive requests for consent for my access to their personnel and medical records, that may indicate the nature of the problems concerned. If families are willing to assist me then a speedy and positive reply will be of benefit. These and other problems represent genuine difficulties in combining the dictates of privacy with the needs of the Review.

All this has delayed the working of the review, and means that I will not be able to report by the end of July as I had hoped and envisaged.

I am conscious of the need to move speedily. I have no desire to contribute to the sufferings of families by prolonging any opportunity for closure and conclusion that this Review may create. At the same time, I know the families and all others concerned would want me to be as through and effective as I can within the powers and resources available to me.
I still hope if certain outstanding questions can be resolved within the next 14 days or so to be able to complete my inquiries and interviews in July/August and to write a report in the autumn. It is not possible to be more precise than that at present.

What are the questions I am asking myself?

I am conscious that I am not a public inquiry but that the families have called for one. The principal question I am considering therefore, is whether a convincing case can be made for holding a public inquiry now, if so into what and why and with what prospects of reaching an improved understanding of these deaths?

For the Deepcut deaths themselves, into which three inquests have been held so far, this question involves consideration of whether any fresh evidence has come to light that might have led to a different cause of death being assigned? If not is there any reasonable prospect of new material arising in the future that may explain these deaths?

As to the wider issues surrounding those deaths, it seems to me that the following questions may arise:

1. Are the procedures available to investigate non-combat deaths in the army adequate to ensure a fair and effective investigation in accordance with contemporary standards and legitimate expectations and if not why not and what could reasonably be done to improve matters?

2. Is there sufficient sensitivity, experience and a protective regime in place to justify the recruitment into the army of young people under 18, if not, why not and what can be done about it?

3. Are there measures in place to deter abuse by members of staff of whatever kind, and were they in place in 1995? Was such abuse a factor in the 1995 or 2001/2002 deaths and if so does it remain unabated today?

4. Should any of these deaths have been foreseen or could they reasonably have been expected to have been prevented by measures taken by the army?

In the light of the inquests, the Surrey police inquiry, the House of Commons Defence Committee duty of care report, the Adult Learning Inspectorate report and whatever my own Review can achieve, there would be a considerable onus on whoever proposed it to explain why a public inquiry would now be in the public interest and what new information would it be likely to generate in answer to any of these questions?

I shall be meeting with some of the Deepcut families shortly for a second time to invite them to contribute to this question. I will need to discuss with the Collinson family how best to proceed in the light of the deferred inquest.

I will have to examine how far my Review with the limitations as to its scope and powers can answer all or any of these questions for itself, and if so how best to do so.
For the families of soldiers who died outside Deepcut, outside the RLC, outside Phase II training and perhaps even outside the UK, my review may only have tangential impact given the features I have identified above. There are one or two deaths outside the Deepcut four that I am seeking to make inquiries about at present, but I do not know where they may lead.

In principal it seems to me that the inquest system should be the primary means of inquiry into any non-combat deaths occurring in the British army, certainly in respect of those deaths occurring after October 2000. I am aware that effective access to the inquest system is sometimes a problem for families who do not have the funds to secure representation. In this respect members of this group may want to consider the terms of the consultation announced today by the DCA into relaxing the rules on legal representation at inquests that raise an Article 2 ECHR question.

I am willing to receive written representations on any of the issues that relate to or may inform the questions outlined above. Families of those who died outside Deepcut may want into consider whether they can assist me with evidence that procedures to investigate, deter or prevent abuse are not working. I stress however I cannot investigate individual cases.

Thank you for the opportunity of explaining my review and how you may be able to assist it.

Nicholas Blake QC