

<p>1 Tuesday, 26 March 2019 2 (10.00 am) 3 THE CHAIR: Good morning, everyone. Welcome to Day 12 of 4 this public hearing. 5 Mr Henderson. 6 MR HENDERSON: Thank you, chair. Our first witness for 7 today is Mr Jeremy Clarke. 8 MR JEREMY CHARLES CLARKE (sworn) 9 Examination by MR HENDERSON 10 MR HENDERSON: Do take a seat, Mr Clarke. Help yourself to 11 some water and make yourself comfortable. Could you 12 tell us your full name, please? 13 <b>A. Jeremy Charles Clarke.</b> 14 Q. Thank you. Mr Clarke, could you just tell us, very 15 briefly, your professional background and your current 16 role? 17 <b>A. Sure. I would just like, before I do that, to put on</b> 18 <b>record my thanks to Keith Mitchell, my trustee, who you</b> 19 <b>haven't called, but who has been supporting me and has</b> 20 <b>helped me put together the evidence statement. So</b> 21 <b>I just want to put that on record.</b> 22 <b>So my current role at the trust is to be in charge</b> 23 <b>of clinical governance. I'm a registered counsellor and</b> 24 <b>a fellow of the British Association of Counselling and</b> 25 <b>Psychotherapy. I'm also involved in research. I have</b></p> <p style="text-align: center;">Page 1</p>	<p>1 <b>a research associate position at the LSE and</b> 2 <b>Durham University on a project working with</b> 3 <b>Nancy Cartwright, and Eileen Munro and various other</b> 4 <b>interdisciplinary professionals.</b> 5 Q. The trust that you mention is the Albany Trust? 6 <b>A. That's right.</b> 7 Q. We are going to have a look at a lot of information 8 about the trust. When did you become a trustee, 9 Mr Clarke? 10 <b>A. In 2010.</b> 11 Q. And how long had you been involved in the Albany Trust 12 before that point? 13 <b>A. So roughly about 30 years I have been involved now. So</b> 14 <b>I think I go back to late 1987 when I joined the trust</b> 15 <b>as a volunteer. So half its life.</b> 16 Q. What kind of activities have you been involved with 17 until you became a trustee in that -- 18 <b>A. I was doing on a research degree at Birkbeck and I got</b> 19 <b>involved with the trust originally to do some research.</b> 20 <b>There was a very interesting research project to do with</b> 21 <b>the social care needs of people with HIV and AIDS that</b> 22 <b>was led by York University and, whilst I was involved</b> 23 <b>with the trust as a volunteer, I became an honorary</b> 24 <b>therapist to do the trust's own training, and then, in</b> 25 <b>the first sort of decade or so, I became, and</b></p> <p style="text-align: center;">Page 2</p>
<p>1 <b>subsequently, the training director myself, the clinical</b> 2 <b>director, and I then focused a bit on my NHS work and</b> 3 <b>subsequently became a national adviser to NHS England.</b> 4 <b>So in the second decade, I wasn't so involved with</b> 5 <b>the trust and it's then in the past ten years or so that</b> 6 <b>I've been a trustee.</b> 7 <b>Really, I suppose, the -- the progression has been</b> 8 <b>from sort of research and help on that side of the trust</b> 9 <b>to training and the clinical work in terms of my direct</b> 10 <b>involvement with clients.</b> 11 Q. Thank you. 12 As you have mentioned, you and Mr Keith Mitchell, 13 the other trustee, have provided a very helpful and full 14 witness statement to the inquiry. If we could bring 15 that up, please. It's at tab 1 of your bundle, 16 Mr Clarke. But if we could bring it up on screen, it's 17 INQ003988. 18 Chair, I would invite you to adduce this in full. 19 Mr Clarke, can you just tell us -- you have sort of 20 hinted at it quite a bit, but what is the Albany Trust 21 about? What is its functions and its role and its 22 mission? 23 <b>A. So it was set up really in response to the</b> 24 <b>Wolfenden Inquiry, and the findings of the</b> 25 <b>Wolfenden Inquiry that homosexuality should not be dealt</b></p> <p style="text-align: center;">Page 3</p>	<p>1 <b>with primarily by the criminal law, and the opportunity,</b> 2 <b>therefore, for an organisation that was really aiming to</b> 3 <b>provide counselling support and pastoral support to</b> 4 <b>a huge amount of unmet need, since no organisation</b> 5 <b>publicly existed at that time for homosexual people who</b> 6 <b>previously had been criminalised.</b> 7 <b>That, I think, was its kind of primary mission. It</b> 8 <b>was of course the sister charity, if you like, to the</b> 9 <b>Homosexual Law Reform Society.</b> 10 Q. Tell us about that. 11 <b>A. That was also the key focus of the activities in those</b> 12 <b>first ten years or so, to actually find a way to</b> 13 <b>persuade the government to implement Wolfenden's</b> 14 <b>recommendations.</b> 15 Q. You say the first ten years. Tell us when the 16 Albany Trust was formed? 17 <b>A. 1958.</b> 18 Q. And the homosexual law reform, when was that? 19 <b>A. So Albany Trust was formed at the same time as the</b> 20 <b>Homosexual Law Reform Society. The moving figure was</b> 21 <b>a figure called Tony Dyson, who was a lecturer at</b> 22 <b>Bangor University. The Albany Trust trustees were</b> 23 <b>a group of people who had an interest in the field of</b> 24 <b>psychotherapy, sexology. Kenneth Walker, who was</b> 25 <b>a surgeon and had written books on sexology, was the</b></p> <p style="text-align: center;">Page 4</p>

<p>1 chair at that time. <b>Jacquetta Hawkes, who was an</b>                  2 <b>author, the wife of JB Priestley, was one of the</b>                  3 <b>trustees.</b>                  4 <b>So they were not so directly involved in the law</b>                  5 <b>reform work. They were more really keen on trying to</b>                  6 <b>provide some sort of organisation that would meet the</b>                  7 <b>needs of people coming forward who would be attracted by</b>                  8 <b>the idea of an organisation that existed for them.</b>                  9 Q. Then after 1967 and the decriminalisation of same sex                  10 sexual activity, how did the aims change?                  11 <b>A. Well, as I say, the Albany Trust's aims really from the</b>                  12 <b>start were focused on counselling. I think after the</b>                  13 <b>decriminalisation and with a degree then of involvement</b>                  14 <b>with government itself, the Albany Trust was really the</b>                  15 <b>only organisation supported to try to meet a whole range</b>                  16 <b>of different needs.</b>                  17 <b>So you can see, really, the efforts of the trust at</b>                  18 <b>that time is to start to build some kind of network of</b>                  19 <b>expertise, both within London and different</b>                  20 <b>organisations within London, and then outside in the</b>                  21 <b>regions, to do two things, I think.</b>                  22 <b>One, to sort of tackle the stigma that still</b>                  23 <b>existed, considerable stigma around homosexuality, and</b>                  24 <b>therefore to sort of educate, as it were, mainstream</b>                  25 <b>services about how to better meet the needs of that</b></p> <p style="text-align: center;">Page 5</p>	<p>1 <b>population group.</b>                  2 <b>Two, to provide, as it were, specialist expertise</b>                  3 <b>and train up people who could then begin to continue</b>                  4 <b>that work themselves in some way, as well as to actually</b>                  5 <b>meet the counselling needs of individuals. There was</b>                  6 <b>a steady stream of individuals constantly coming through</b>                  7 <b>to the trust for individual help.</b>                  8 Q. Thank you. Now, obviously, Mr Clarke, you weren't                  9 involved -- you said until 1987?                  10 <b>A. Yes.</b>                  11 Q. The period of time that we're particularly interested                  12 in, for the purposes of this inquiry, are the late '70s                  13 and the early '80s.                  14 <b>A. Yes.</b>                  15 Q. So you don't have first-hand evidence. Can I ask you                  16 whether you knew three people who are all sadly deceased                  17 now, but whose names will come up as we will see in the                  18 documents.                  19 The first is, did you know Antony Wright, much                  20 better known, I think, as Antony Grey?                  21 <b>A. Yes. I knew Antony quite well.</b>                  22 Q. Tell us what his role in the Albany Trust was?                  23 <b>A. So he had been involved on and off with Albany in</b>                  24 <b>various positions for about 15 of those first 30 years.</b>                  25 <b>By the time that I got involved, he'd been out of the</b></p> <p style="text-align: center;">Page 6</p>
<p>1 <b>Albany Trust for about ten years. And really, I think</b>                  2 <b>this episode that we're going to talk about was an</b>                  3 <b>episode where Antony resigned after and there was a lot</b>                  4 <b>of bad feeling left, I think, between him and the</b>                  5 <b>counsellors, but I can say a bit more about that later</b>                  6 <b>on.</b>                  7 <b>Antony was a remarkable man and he had been the</b>                  8 <b>mainstay, I think, both of the law reform campaign -- so</b>                  9 <b>he'd put an enormous amount of work into the lobbying</b>                  10 <b>work, very professionally, and was credited, I think,</b>                  11 <b>with being the single figure who had brought that to</b>                  12 <b>fruition.</b>                  13 <b>He, himself, then also undertook training and work</b>                  14 <b>in the counselling field, and was one of the founding</b>                  15 <b>figures of the British Association of Counselling and</b>                  16 <b>Psychotherapy, though he was himself legally trained</b>                  17 <b>before that. And I'm not sure that the transition to</b>                  18 <b>being a counsellor was something that he then went on to</b>                  19 <b>do full-time afterwards.</b>                  20 Q. Did you ever have conversations with Mr Grey about the                  21 relationship between the Albany Trust and PIE, the                  22 Paedophile Information Exchange? Did you ever talk to                  23 him about that?                  24 <b>A. I did indeed, and when I took on responsibility, I was</b>                  25 <b>quite concerned to try to, as far as possible, get to</b></p> <p style="text-align: center;">Page 7</p>	<p>1 <b>the bottom of what that had been, because I arrived as</b>                  2 <b>a volunteer with this kind of shadow, even ten years</b>                  3 <b>later, that was hanging over the counselling team. They</b>                  4 <b>were quite traumatised, I think, by the events of the</b>                  5 <b>late 1970s and felt very bruised, I think, by what had</b>                  6 <b>happened.</b>                  7 <b>So there wasn't much communication between the</b>                  8 <b>counselling team, led by Michael Butler, who had been</b>                  9 <b>involved with the Samaritans, and Antony Grey, who it</b>                  10 <b>was felt had sort of got the trust into all this</b>                  11 <b>trouble, as it were, and was unfairly, I think, being</b>                  12 <b>then sort of blamed, really, for what had happened.</b>                  13 <b>Part of what I wanted to do was (a) get to the</b>                  14 <b>bottom of what had actually happened when I took on the</b>                  15 <b>positions of responsibility, and learn from that, but</b>                  16 <b>(b) also to mend some of those bridges, which is</b>                  17 <b>thankfully what we did. We got Antony to talk to our</b>                  18 <b>40th anniversary, and he then got a bit back involved</b>                  19 <b>again.</b>                  20 Q. We will hear more about that in a moment.                  21 Can I ask you about two other individuals as well?                  22 Rodney Bennett England, who became the chair of the                  23 Albany Trust after Antony moved on. Did you know him?                  24 <b>A. So I never met Rodney, and I was always told Rodney's</b>                  25 <b>health was not good. He never came to a single meeting.</b></p> <p style="text-align: center;">Page 8</p>

<p>1 <b>Michael Butler, who was really the kind of lead person,</b>                  2 <b>would be in communication with Rodney and see Rodney</b>                  3 <b>from time to time, but none of the rest of us ever met</b>                  4 <b>Rodney.</b>                  5 Q. That's fine.                  6 Then thirdly and finally, Clifford Hindley. Did you                  7 know him?                  8 <b>A. I did, and thank you for asking me about Clifford,</b>                  9 <b>because I also wanted to put on record that</b>                  10 <b>Clifford Hindley, the picture I have of</b>                  11 <b>Clifford Hindley – I knew him for about ten years;</b>                  12 <b>again, from the late 1980s to the late 1990s – I knew</b>                  13 <b>him personally as a very kind, very respectable, rather</b>                  14 <b>conservative person. He was very proud of his job that</b>                  15 <b>he'd done as a civil servant. He was particularly proud</b>                  16 <b>of the support that he had been able to give to the</b>                  17 <b>Albany Trust.</b>                  18 Q. And what was that? What was his relationship with the                  19 Albany Trust?                  20 <b>A. Simply that he had managed to help, as it were, steer</b>                  21 <b>the applications for funding through to success and the</b>                  22 <b>funding grants that Albany Trust got.</b>                  23 Q. That's funding from the Home Office which we will look                  24 at in just a moment?                  25 <b>A. Yes. And the other project that he was proud of was</b></p> <p style="text-align: center;">Page 9</p>	<p>1 <b>that he had managed to help the Gay Bereavement Project</b>                  2 <b>to establish itself as a charity, and I'm not sure</b>                  3 <b>whether they got funding from the VSU or not, but he'd</b>                  4 <b>certainly had some involvement helping get them</b>                  5 <b>established.</b>                  6 Q. Do you know, did he know Antony Grey, in the sense that                  7 they were moving in the same sort of circles?                  8 <b>A. Well, they knew each other professionally and they knew</b>                  9 <b>each other in those roles.</b>                  10 <b>They were both figures about probably the same age,</b>                  11 <b>I would think, and they had a sort of style of</b>                  12 <b>formality, respectability, courtesy. They would not</b>                  13 <b>have known each other, I think, in sort of informal ways</b>                  14 <b>or personally, I think because their roles, at that time</b>                  15 <b>when they knew each other, were professional ones:</b>                  16 <b>Antony on behalf of the trust and Clifford on behalf of</b>                  17 <b>the VSU.</b>                  18 Q. Thank you. Well, that takes us rather neatly to the                  19 next topic I want to ask you about which is funding from                  20 the Home Office Voluntary Services Unit, the VSU, to the                  21 Albany Trust.                  22 Can we have a look at tab 8 in your bundle. For the                  23 screen it's LSE003159. You will see here we have                  24 a report from the Albany Trust to the Voluntary Services                  25 Unit, describing the activities that had been done in</p> <p style="text-align: center;">Page 10</p>
<p>1 the year 1974/1975 under a grant made by the VSU.                  2 We can see paragraph 1 there, if we just zoom in:                  3 "The VSU made a grant to the Albany Trust of                  4 GBP10,000 a year for each of the years 1974/75 and                  5 1975/76."                  6 Then we have got a short account of the work that                  7 was done.                  8 Can we turn over to page 3. If we could zoom in on                  9 the latter third of the page, first of all we'll see                  10 down the bottom of the page, paragraph 7, there was an                  11 application to renew the grant, and we'll see in                  12 a minute that it was renewed.                  13 But also, do you see under the (ii) there, under the                  14 heading "Paedophiles", it looks like there is -- very                  15 much the VSU is made aware that part of the                  16 Albany Trust's work using the grant was with                  17 paedophiles.                  18 <b>A. Yes.</b>                  19 Q. We'll look in a moment at what exactly they knew about                  20 that.                  21 If we turn over the page again to page 4, just down                  22 the bottom under "Projected income", would you agree                  23 with me, it looks there that the GBP10,000 grant per                  24 year from the VSU was actually quite a considerable                  25 chunk of the Albany Trust's income at that time?</p> <p style="text-align: center;">Page 11</p>	<p>1 <b>A. Mm-hm.</b>                  2 Q. As we saw, there was an application made for a further                  3 grant for 1976/1977, and it turns out that that grant                  4 was also given. So if we could go -- if you turn over                  5 the page, Mr Clarke, in your bundle to tab 9, but if we                  6 bring it up on the screen, it's HOM001420. We'll see                  7 here a letter asking for a further three-year grant, and                  8 if we turn over the page to page 2 -- sorry, this is                  9 slightly difficult to read, Mr Clarke. It might be                  10 easier to look at it on the screen.                  11 Again, if we just look at the bottom of this, this                  12 is another report from the Albany Trust saying what                  13 they've done with the money and, if we look at the                  14 bottom of the screen, under 3(c), there's another                  15 reference to work with paedophiles. So none of this is                  16 hidden. They tell the VSU they held meetings with                  17 paedophiles?                  18 <b>A. Yes.</b>                  19 Q. Finally, if we turn to tab 10 in your bundle, and that                  20 is HOM001422, we'll see here this is a list of all the                  21 grants that were affirmed for that following year, and                  22 for the three years after, 1978 to 1979, and if we turn                  23 over the page to page 2, three lines down from the top                  24 we see that the Albany Trust was given the grant that                  25 they asked for. In fact, slightly more this time,</p> <p style="text-align: center;">Page 12</p>

<p>1 GBP15,000 a year?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. So we have there a fairly basic fact. It seems the</p> <p>4 Albany Trust, as you've said, under Clifford Hindley</p> <p>5 granted GBP10,000 a year initially and then GBP15,000</p> <p>6 a year in the late 1970s by the VSU. And entirely open</p> <p>7 with the VSU about some of that work involving meeting</p> <p>8 with paedophiles?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. So let's have a look now at what those meetings involved</p> <p>11 and what the relationship was between the trust and</p> <p>12 paedophile groups.</p> <p>13 Can we start, Mr Clarke, just by way of background,</p> <p>14 with the chronology of the history of the Paedophile</p> <p>15 Information Exchange.</p> <p>16 If you turn to tab 38 in your bundle, and for the</p> <p>17 screen it's OHY006463.</p> <p>18 If we could turn to page 2 of that, please.</p> <p>19 Now, Mr Clarke, just to be absolutely clear, this is</p> <p>20 not a document from the Albany Trust.</p> <p>21 <b>A. No.</b></p> <p>22 Q. This is actually, I think, a document produced by PIE</p> <p>23 itself, and so it's nothing to do with the Albany Trust,</p> <p>24 and I appreciate as well that you can't give any</p> <p>25 first-hand knowledge of this.</p> <p style="text-align: center;">Page 13</p>	<p>1 I have simply brought it up because it gives us</p> <p>2 quite a handy chronology to hang the other events on.</p> <p>3 So if we just go through it very quickly, we'll see,</p> <p>4 right at the top, PIE was founded in 1974, originally in</p> <p>5 Scotland by a man named Michael Hanson. It incorporated</p> <p>6 a group called PAL, the Paedophile Action for</p> <p>7 Liberation, at some point in 1975. It seems that,</p> <p>8 actually, that might have taken some time, because we've</p> <p>9 seen documents to show it doesn't actually have a formal</p> <p>10 merger until about 1977.</p> <p>11 In November 1975, we see that PIE made a speech to</p> <p>12 the CHE. Can you help us with what that might be?</p> <p>13 <b>A. Campaign for Homosexual Equality.</b></p> <p>14 Q. On the recommendation of Mind, which is a mental health</p> <p>15 organisation, still exists, it composed and submitted an</p> <p>16 evidence on the law relating to, and penalties for,</p> <p>17 certain sexual offences involving children to the</p> <p>18 Home Office Criminal Law Revision Committee. That seems</p> <p>19 to be the first sort of public impact that PIE had, and</p> <p>20 we'll look at that a little later.</p> <p>21 Then we see there's a period from 1975 until about</p> <p>22 1978 -- that's what we're going to focus on -- when</p> <p>23 there seem to be some interactions with the</p> <p>24 Albany Trust.</p> <p>25 In particular, do you see, Mr Clarke, on May 1978,</p> <p style="text-align: center;">Page 14</p>
<p>1 right down the bottom on the screen there, we see Antony</p> <p>2 saying:</p> <p>3 "PIE publishes its booklet 'Paedophilia: Some</p> <p>4 Questions and Answers' (initially compiled with the aid</p> <p>5 of the Albany Trust)."</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. Copies are sent to every member of both Houses of</p> <p>8 Parliament, to the media and to other prominent</p> <p>9 individuals.</p> <p>10 Then the next key event is, if we turn over the page</p> <p>11 to page 3, 1981, there is a trial, a criminal</p> <p>12 prosecution brought against several members of the PIE</p> <p>13 Executive Committee, and Tom O'Carroll, who was the</p> <p>14 former chairperson in March 1981, was convicted and</p> <p>15 sentenced?</p> <p>16 <b>A. Mm-hm.</b></p> <p>17 Q. We know that PIE continued for a couple of years after</p> <p>18 that, until 1983, when there was a further criminal</p> <p>19 prosecution. And it was finally wound up in about 1983.</p> <p>20 Chair, I would invite you to adduce a document -- we</p> <p>21 don't need to bring it up on screen, but LSE001442 is</p> <p>22 the final edition of PIE's newsletter, and it describes</p> <p>23 the winding up of PIE in 1983.</p> <p>24 So that's the broad chronology, Mr Clarke.</p> <p>25 Now, am I right -- from your discussions with</p> <p style="text-align: center;">Page 15</p>	<p>1 Mr Grey and others, am I right that the key period,</p> <p>2 really, as far as the Albany Trust was concerned, is the</p> <p>3 late 1970s?</p> <p>4 <b>A. No, it would be more accurate to say it was a period of</b></p> <p>5 <b>two years from late 1975 to early 1977. And as far as</b></p> <p>6 <b>I can establish, there wasn't really anything beyond</b></p> <p>7 <b>that period where there was any active involvement</b></p> <p>8 <b>between Albany Trust and PIE.</b></p> <p>9 Q. Fine. That's very helpful. Let's look at that period</p> <p>10 then.</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. We will have a look and see what happened.</p> <p>13 So the first contact that the Albany Trust seems to</p> <p>14 have had with PIE, as you say, was in about late 1975.</p> <p>15 I think we do have what looks like the first contact</p> <p>16 being made. If you turn to tab 15 of your bundle, and</p> <p>17 LSE000026 for the screen.</p> <p>18 We can see here a letter to Keith Hose, who I think,</p> <p>19 Mr Clarke, was one of the PIE executives; is that right?</p> <p>20 <b>A. Became the chair, yes.</b></p> <p>21 Q. 9 September 1975. It's -- we don't actually have</p> <p>22 a signature on this copy, but it's managing trustee.</p> <p>23 I think that would have been Antony Grey at this point?</p> <p>24 <b>A. That's right.</b></p> <p>25 Q. He says:</p> <p style="text-align: center;">Page 16</p>

<p>1 "Dear Keith, it was good meeting you at the 2 weekend." 3 Any idea what that was? 4 <b>A. That -- this was the event that was held by Mind, 5 a conference on the needs of sexual minorities that 6 Keith Hose had spoken at and spoken up on behalf of 7 himself as a representative of a stigmatised minority 8 group that nobody was willing to provide any help for. 9 So this was the first time that Antony had met 10 Keith Hose, and Sir Harold Haywood, who had just become 11 chair, had also attended that event. So this was the 12 prompt, as it were, for the work that they then decided 13 to do together.</b> 14 Q. That's very helpful. Thank you. 15 So it looks like Antony Grey then -- he says: 16 "I greatly admired your courage in standing up there 17 and saying what you did." 18 And he is offering to have a meeting and discuss 19 what can be done? 20 <b>A. That's right.</b> 21 Q. So then that meeting does take place, and we can see, if 22 you turn to tab 12 in your bundle, Mr Clarke, some of 23 the invitations to that meeting. For the screen, it's 24 LSE003236. There's a whole series of these, but just as 25 two examples, here is an invitation, December 1975,</p> <p style="text-align: center;">Page 17</p>	<p>1 inviting Dr d'Orban to a meeting for -- to discuss 2 a supportive group for paedophiliacs, as they're being 3 called, on 7 January 1976. 4 I just wanted to ask you of what your understanding 5 of what the aims at this stage were, both from your 6 discussions with Mr Grey and from the documents. 7 So we see here that what seems to be suggested is 8 that the aim of the meeting, if we look in the middle of 9 the letter, is, "to find out how far it would be 10 possible to help relieve some of the social and other 11 pressures which they [that's the paedophile group] feel 12 bearing down upon them." 13 Any thoughts what the sort of aim seems to be? 14 <b>A. So Dr d'Orban was one of a number of different 15 professionals working in the statutory services who had 16 two sort of needs, as it were.</b> 17 <b>One was for people who had already been convicted of 18 offences, but were really looking for help in terms of 19 rehabilitation, and could get a certain amount of help 20 from statutory services, but were also then looking for 21 ongoing help, other more kind of social support type or 22 possibly some kind of counselling type for those sorts 23 of clients.</b> 24 <b>The other need, which I think was a more difficult 25 one to address, was for people who might talk to</b></p> <p style="text-align: center;">Page 18</p>
<p>1 <b>a psychiatrist such as Dr d'Orban about the fact that 2 they were worried about having sexual attraction towards 3 children and young people. They hadn't committed any 4 offences. They were desperately worried about possibly 5 committing offences and these feelings and what it all 6 meant, and where could they get help to talk about that 7 sort of problem in a safe way without feeling as though 8 they were going to then be reported to the police or get 9 into trouble, how could they address that for themselves 10 psychologically?</b> 11 Q. So a series of meetings are set up to address those two 12 issues that you've described. 13 If you have a look at your statement, back at tab 1, 14 if you want to refer to it, and we will just look at how 15 you summarise what these meetings involved before we 16 look at the contemporaneous documents. 17 Do you have that? 18 <b>A. I do.</b> 19 Q. Great. Paragraph 6. It's on page 2. We will see there 20 we've got -- there are minutes of four of these meetings 21 in the archives of the Albany Trust, which are now held 22 at the LSE. We will look at some of those. 23 You say, as you mentioned already: 24 "The minutes of these meetings also make it clear 25 that a working group was convened to draft a pamphlet on</p> <p style="text-align: center;">Page 19</p>	<p>1 the subject of paedophilia for potential publication by 2 Albany Trust, though this would be subject to approval 3 by the trustees, and that Albany Trust was recommended 4 by [another volunteer, not Antony Grey, on that working 5 group]." 6 You then say: 7 "Correspondence between members of PIE and PAL who 8 had been involved in this work and Antony Grey on behalf 9 of Albany Trust indicates that these meetings ceased in 10 November 1976 when Albany Trustees withdrew support for 11 the publication." 12 Can you give us a little bit more detail about that? 13 What's your understanding of what happened in relation 14 to the pamphlet? 15 <b>A. Just to clarify, there were clearly two projects.</b> 16 Q. Exactly. 17 <b>A. The first project was the one that I mentioned really in 18 response to sort of Dr d'Orban's kind of request, what 19 sort of support, what sort of counselling, some kind of 20 facilitated support group might work for this group of 21 people. So that was one project that they wanted to 22 explore.</b> 23 <b>This other project was the sort of thing that 24 Albany Trust did within its remit of public education. 25 So it had, for example, a pamphlet called</b></p> <p style="text-align: center;">Page 20</p>

<p>1 <b>"Homosexuality: Questions and Answers". It produced</b>                  2 <b>a pamphlet, "Transvestism: Questions and Answers".</b>                  3 <b>This was then thought might be useful,</b>                  4 <b>"Paedophilia: Questions and Answers". Interestingly,</b>                  5 <b>the first thing they decide is that that's not a format</b>                  6 <b>and not a publication -- a format for that kind of</b>                  7 <b>publication that would be suitable.</b>                  8 <b>But at any rate, some sort of public education that</b>                  9 <b>would not only talk about the legal position, but also</b>                  10 <b>talk about the social position and the various kind of</b>                  11 <b>social pressures and difficulties that paedophiles</b>                  12 <b>experienced, as well as with the aim of dispelling some</b>                  13 <b>of the myths around paedophilia that they felt it would</b>                  14 <b>be important for the public to try to improve the</b>                  15 <b>general attitude towards paedophiles.</b>                  16 Q. If we turn over the page, in fact, in your statement to                  17 paragraph 7, you also address the first of those two                  18 projects that you described to us as well. So the                  19 discussion of some kind of form of counselling or                  20 support network as well --                  21 <b>A. Yes.</b>                  22 Q. -- for either child sexual offenders or those who were                  23 struggling with those feelings and wanted to get help.                  24 I understand that you have contacted Mind?                  25 <b>A. Yes.</b></p> <p style="text-align: center;">Page 21</p>	<p>1 Q. Who, as we saw, were briefly involved in this as well,                  2 and they've conducted a search and can't find anything                  3 in their own archives about this; is that right?                  4 <b>A. Not about that original event. It's clear that</b>                  5 <b>Antony Grey's approach was to try to both involve expert</b>                  6 <b>professionals from the sort of statutory sector, as it</b>                  7 <b>were, NHS professionals, and then a range of</b>                  8 <b>organisations, Mind, CHE -- the Campaign for Homosexual</b>                  9 <b>Equality -- Friend, which had just been set up. The</b>                  10 <b>sorts of organisations that might perform this kind of</b>                  11 <b>counselling support or be able to perform -- provide</b>                  12 <b>a network of that sort of support, and at least could</b>                  13 <b>contribute to the notion of exploring that project and</b>                  14 <b>whether it was viable or not.</b>                  15 Q. If we go down to paragraphs 8 and 9 of your statement,                  16 you summarise the two forms of project there?                  17 <b>A. Yes.</b>                  18 Q. In paragraph 8. Then paragraph 9 you say:                  19 "Albany was already involved in providing individual                  20 counselling to people seeking help for their sexual                  21 feelings for children and young people and it continued                  22 with this work."                  23 <b>A. Yes.</b>                  24 Q. Can you tell us about that? It sounds like this                  25 actually fitted into existing activities that the trust</p> <p style="text-align: center;">Page 22</p>
<p>1 was doing; is that right?                  2 <b>A. Well, as I say, right from the outset, Albany had</b>                  3 <b>a steady stream of individuals coming for help because</b>                  4 <b>there was no other organisation that they could turn to.</b>                  5 <b>And amongst that there were relatively small number --</b>                  6 <b>most of them would be isolated gay men, just wanting</b>                  7 <b>help for coming to terms with their sexuality, feeling</b>                  8 <b>ashamed, feeling it was wrong, that kind of thing.</b>                  9 <b>But amongst them there would also be people, members</b>                  10 <b>of the clergy, members of other professions, coming</b>                  11 <b>along, who were worried about paedophile feelings.</b>                  12 <b>So that group were a proportion of the client group</b>                  13 <b>right from the start.</b>                  14 <b>Now, there was a project, this NACRO project, which</b>                  15 <b>I don't know very much about, that pre-exists these</b>                  16 <b>meetings with PIE, where clearly the Home Office was</b>                  17 <b>involved in funding some work around the rehabilitation</b>                  18 <b>of offenders. So the only clinic, I think, that existed</b>                  19 <b>at that time was the Portman Clinic, a NHS clinic, and</b>                  20 <b>I think the NACRO project was then supposed to be</b>                  21 <b>looking at providing employment rehabilitation and other</b>                  22 <b>sorts of things for this group, and Albany Trust was</b>                  23 <b>interested in seeing how they could help with that.</b>                  24 Q. Is this the kind of work that the Albany Trust still                  25 does now, or is that something that has dropped away?</p> <p style="text-align: center;">Page 23</p>	<p>1 <b>A. The Albany Trust primarily provides a low-cost clinic</b>                  2 <b>for, effectively, long-term counselling, which you can't</b>                  3 <b>get on the NHS, I'm sad to say. This kind of client</b>                  4 <b>group would -- well, I know that at the moment we don't</b>                  5 <b>have any people with these issues on our caseload.</b>                  6 <b>It would have always formed a very small part of our</b>                  7 <b>caseload. Most of our caseload is people interested in</b>                  8 <b>coming to terms with their own sexuality, trying to</b>                  9 <b>establish themselves in relationships, some couple</b>                  10 <b>counselling for gay couples. And, of course, a large</b>                  11 <b>proportion of people who themselves have been affected</b>                  12 <b>by sexual abuse and experience of sexual abuse and</b>                  13 <b>having to deal with that.</b>                  14 <b>But from time to time we would have been</b>                  15 <b>contacted -- so there are not any on our caseload at the</b>                  16 <b>moment -- by people who are worried about problems of</b>                  17 <b>attraction to young people.</b>                  18 Q. That would be dealt with presumably, they would still be                  19 offered counselling, if it was appropriate?                  20 <b>A. We would go about it in a different way now, but we</b>                  21 <b>would seek to offer that if we felt that there was the</b>                  22 <b>right safeguarding processes in place as well.</b>                  23 Q. Thank you. Well, let's look now at some of the                  24 documents from the time.                  25 We don't have, unfortunately, a record of that first</p> <p style="text-align: center;">Page 24</p>

<p>1 meeting in January 1976 that we saw the invitation to.                  2 But we do have one in February, 18 February 1976. If                  3 you turn to tab 4, and for the screen, it's LSE000038.                  4 We can see, at the top of the page,                  5 "Albany Trust: Paedophilia", a meeting held at                  6 31 Clapham Road on 18 February 1976.                  7 Just looking at the list of who was there,                  8 am I right that Antony Grey and Harold Haywood are the                  9 Albany Trust representatives? Is there anyone else                  10 there from the trust?                  11 <b>A. Not that I recognise as part of the trust, no.</b>                  12 Q. Keith Hose is the name, as we have already said, of the                  13 member of the Paedophile Information Exchange Executive.                  14 Is there anyone else there that you're aware of was                  15 involved with PIE?                  16 <b>A. So Fay Hutchinson was employed by Brook Advisory Centres</b>                  17 <b>that were an organisation that dealt with --</b>                  18 Q. The sexual health clinic; yes?                  19 <b>A. -- young people and sexual health, yes.</b>                  20 <b>Warren Middleton was the editor of the PIE magazine</b>                  21 <b>later on, so I presume he was there as a representative</b>                  22 <b>of PIE.</b>                  23 <b>John Holmstrom -- this is what it says in</b>                  24 <b>Tom O'Carroll's evidence, so that's where I picked it up</b>                  25 <b>from -- was the volunteer the Albany who --</b></p> <p style="text-align: center;">Page 25</p>	<p>1 Q. Who was involved in the pamphlet?                  2 <b>A. -- was involved in the drafting of the pamphlet.</b>                  3 Q. Thank you.                  4 We see there, in the first substantive paragraph:                  5 "Discussion centred on the need to build up                  6 a supportive group for those in need of help, and                  7 producing the pamphlet would inform professional people,                  8 parents and the general public of the facts and issues                  9 involved."                  10 That is what we have described?                  11 <b>A. Yes.</b>                  12 Q. Can I just pick up on the next couple of paragraphs                  13 because they seem to give us a slightly different                  14 flavour of what was intended.                  15 The first of these says:                  16 "The need to work towards greater awareness of the                  17 sexuality of children was emphasised. Until this was                  18 accepted as valid, any sexual activities in which                  19 children engaged would continue to be regarded as child                  20 molestation or corruption. The legal position relating                  21 to consent, while ostensibly protective, was felt to                  22 make potential victims not only of adult paedophiles,                  23 but also of nearly all children when they engaged in                  24 sexual experimentation and were found out in doing so.                  25 Public opinion, and especially medical opinion, was felt</p> <p style="text-align: center;">Page 26</p>
<p>1 to be crucial on this issue. It needed to be emphasised                  2 that there were more positive ways of protecting                  3 children in their period of sexual development than                  4 through the criminal law."                  5 Now, that starts to sound a little bit more like                  6 there might be sympathy for argument that children                  7 engaging in sexual activity with adults could be valid.                  8 Is that right or am I reading that wrong?                  9 <b>A. I think you're reading that wrong.</b>                  10 <b>I think there were definitely was sympathy for the</b>                  11 <b>idea that, inadvertently, some young people could</b>                  12 <b>effectively become criminalised by the law as it then</b>                  13 <b>stood.</b>                  14 <b>Now, the particular kind of, as it were, egregious</b>                  15 <b>kind of inequality that was felt by Antony Grey and the</b>                  16 <b>Homosexual Law Reform Society was the age of consent for</b>                  17 <b>homosexuals, that was --</b>                  18 Q. Which was still 21, and 16 for heterosexuals?                  19 <b>A. -- at 21, and 16 for heterosexuals. So in effect, any</b>                  20 <b>adolescents who were actually sexually active could find</b>                  21 <b>themselves on the sex offenders register, and that was</b>                  22 <b>the kind of focus really, I think, of what was wrong</b>                  23 <b>with the law.</b>                  24 <b>There was a general thought though, following the</b>                  25 <b>sort of Wolfenden principle, that the function of the</b></p> <p style="text-align: center;">Page 27</p>	<p>1 <b>law should be primarily protective, rather than</b>                  2 <b>punitive; so that any children involved in sexual</b>                  3 <b>experimentation of some kind should not be being dealt</b>                  4 <b>with through the mechanism of the law. There should be</b>                  5 <b>means found through social work, Children's Act, to</b>                  6 <b>protect children in different ways and through better</b>                  7 <b>education, to protect themselves in different ways, but</b>                  8 <b>that the law was probably the wrong tool when it came to</b>                  9 <b>children.</b>                  10 Q. Right. Then can we look at the next paragraph as well.                  11 There was going to be two meetings held to consider both                  12 of those aspects of the project, the supportive help and                  13 the booklet. Then it says this in relation to the                  14 booklet:                  15 "It was felt that this should be framed so that the                  16 public could identify with it in terms of their own                  17 growth experience. Case histories of positive relations                  18 and also of those which had been destroyed by legal and                  19 social interference should be included."                  20 Again, that seems to be saying that there's such                  21 a thing as sort of positive adult child sexual                  22 relationships, and ones which have been destroyed --                  23 that seems to be suggested to be a bad thing -- by legal                  24 interference. Again, am I reading that wrong or is                  25 there a hint of sympathy here?</p> <p style="text-align: center;">Page 28</p>

<p>1 <b>A. These would be certainly the points of view being</b>                  2 <b>expressed by the representatives of PIE being put</b>                  3 <b>forward. So that's what the meeting is recording.</b>                  4 <b>Clearly, what the idea was, was that since, you</b>                  5 <b>know, there are relationships where there are big age</b>                  6 <b>gaps that people will be familiar with, it ought to be</b>                  7 <b>possible to persuade people that those sorts of age gaps</b>                  8 <b>could also exist for young people under the age of</b>                  9 <b>consent as well as older people.</b>                  10 <b>I don't think that is something that either Antony</b>                  11 <b>or certainly the Albany Trust would have agreed with,</b>                  12 <b>but that would have been the view that was being put</b>                  13 <b>forward there by the people at that -- some of the</b>                  14 <b>people at that meeting.</b>                  15 <b>And I suppose the other thing to say in terms of the</b>                  16 <b>context is that there would be an attempt to try to</b>                  17 <b>create a less judgmental stance towards this group of</b>                  18 <b>people. So that if you're going to provide anything of</b>                  19 <b>any help, both in terms of public education, as well as</b>                  20 <b>in terms of actual interventions, counselling</b>                  21 <b>interventions, trying to approach that from</b>                  22 <b>a non-judgmental stance would be the best way to do</b>                  23 <b>that.</b>                  24 <b>But I agree with you, I think that it's -- it's</b>                  25 <b>really suggesting a sort of -- something that starts to</b></p> <p style="text-align: center;">Page 29</p>	<p>1 <b>sound like propaganda for the campaign of the Paedophile</b>                  2 <b>Information Exchange, and which, when it comes to it,</b>                  3 <b>the Albany trustees are simply not willing to go along</b>                  4 <b>with.</b>                  5 Q. Let's see how it develops. The next one we see is, if                  6 you turn the tab to tab 6, and for the screen, it's                  7 LSE000040.                  8 This is March 1976. This one is fairly                  9 straightforward. We see some of the same people                  10 attending. It's a discussion of support being                  11 necessary. So legal, psychological, psychiatric and                  12 social work, and some of the points you have mentioned                  13 already, Mr Clarke.                  14 PAL, which is the Paedophile Action for Liberation,                  15 want to run a group where people can talk freely and                  16 openly about their attitudes and experience.                  17 So we see a link there not just with PIE but PAL in                  18 this case?                  19 <b>A. Yes.</b>                  20 Q. Then Mr Haywood saying it was intended to provide                  21 ongoing interpretive and supporting help, the                  22 Albany Trust would endeavour to provide suitable                  23 participants if requested, and they would welcome                  24 referrals for individual counselling.                  25 Now, that's something we are going to pick up on in</p> <p style="text-align: center;">Page 30</p>
<p>1 a second, but it looks like here there's now the start                  2 of a link where individuals are being referred to and                  3 from the two organisations?                  4 <b>A. Yes.</b>                  5 Q. So PIE referring to the Albany Trust or PAL, and then                  6 the Albany Trust referring back to PIE; is that right?                  7 <b>A. Yes. It does develop in that direction, yes.</b>                  8 Q. Then if we turn over the page to page 2 --                  9 <b>A. I suppose just the point to make there is that PAL make</b>                  10 <b>it clear this is something they're going to do in any</b>                  11 <b>case. They're going to set up their own group in any</b>                  12 <b>case.</b>                  13 <b>I think what --</b>                  14 Q. But Mr Haywood is saying that the Albany Trust would                  15 endeavour to provide help, isn't he?                  16 <b>A. Mr Haywood is wanting to indicate that if that group is</b>                  17 <b>really about being -- providing support or</b>                  18 <b>co-counselling -- is a phrase he uses in another</b>                  19 <b>document -- then that would be somebody the Albany Trust</b>                  20 <b>would want to work with, if it's that sort of group.</b>                  21 <b>Likewise, if, then, people are going to be referred</b>                  22 <b>back, as it were, for individual counselling to the</b>                  23 <b>trust, that is something that the trust would be</b>                  24 <b>interested in.</b>                  25 Q. Then if we turn over the page to page 2, this is the</p> <p style="text-align: center;">Page 31</p>	<p>1 April meeting, and this one is to discuss the pamphlet?                  2 <b>A. Yes.</b>                  3 Q. As you have already mentioned, they decided question and                  4 answer probably wasn't suitable for this topic.                  5 Let's just look at the topics that are considered.                  6 So under the heading "Possible topics":                  7 "Nature of sexuality;                  8 "Definitions: what is a paedophile?                  9 "Children's development: is there a latency period?"                  10 Do you know what that refers to?                  11 <b>A. It's a psychoanalytic term in terms of childhood</b>                  12 <b>development that, after the Oedipus complex -- age 4 or</b>                  13 <b>5 was the standard theory at that time -- children grow</b>                  14 <b>through a latency period where sexuality isn't so much</b>                  15 <b>a concern until it then emerges again in adolescence.</b>                  16 <b>So it's this period between about the age of 4 or 5</b>                  17 <b>until, then, the onset of puberty, where children aren't</b>                  18 <b>really thinking about sex or involved in sexuality very</b>                  19 <b>much.</b>                  20 Q. Then we get the next few suggested topics:                  21 "Children's rights and autonomy of choice.                  22 "What is meaningful consent?                  23 "Common reactions to, and myths about, paedophilia.                  24 "Its actual effects.                  25 "Some interviews with older and younger partners in</p> <p style="text-align: center;">Page 32</p>



<p>1 paedophile relationships.                  2 "Confusion of paedophilia with child molesting.                  3 "Primitive attitudes to sex offenders."                  4 Again, Mr Clarke, that's starting to sound a bit                  5 more, is it not, like part of the aim of this pamphlet                  6 might be to excuse or justify sexual activity between                  7 adults and children; do you agree with me?                  8 <b>A. Certainly the sentence "interviews with older and                  9 younger partners in paedophile relationships" suggests                  10 that.</b>                  11 Q. Similarly, the "Confusion of paedophilia with child                  12 molesting"?                  13 <b>A. And wanting to make a case that paedophilia is something                  14 different because it's consensual, as opposed to                  15 assault, child molesting, sexual abuse, is wanting to                  16 make a differentiation about that.</b>                  17 Q. Agreed.                  18 <b>A. So I agree with you, and I think this was a tension                  19 that, in the end, prevented the project from coming to                  20 fruition, that there is an attempt now going on here to                  21 begin to advocate for the views of the Paedophile                  22 Information Exchange about these kinds of relationships.                  23 I think it's worth just saying that the                  24 Albany Trust's own booklet on homosexuality had                  25 a section on paedophilia within it. So they already</b></p> <p style="text-align: center;">Page 33</p>	<p>1 <b>had, as it were, their own publication --</b>                  2 Q. Covering the topic?                  3 <b>A. -- that covered the topic, and it states very clearly                  4 there that this is -- although this is a minority of                  5 individuals, this is a minority who need psychiatric                  6 help and are breaking the law.</b>                  7 Q. Let's see, as you said, what happens after this. It                  8 seems to raise some tensions. So if we turn to tab 11                  9 in your bundle.                  10 <b>A. Yes.</b>                  11 Q. For the screen, it's LSE002515. We can see the minutes                  12 here of one of the Albany Trustee meetings in                  13 January 1977.                  14 If we go down right to the bottom of the page, under                  15 the heading "Paedophiles", we see this:                  16 "Harold Haywood reported that there had been                  17 a meeting the preceding Friday and had agreed to                  18 recommend that the trust should not publish the document                  19 the paedophile group had prepared. Whilst recognising                  20 the hard work which had gone into it, it was not felt                  21 that the document would advance the understanding and                  22 acceptance of paedophiles, and it might adversely affect                  23 the Albany Trust."                  24 Then there's general agreement and also agreement                  25 that there might be a publication of its own pamphlet,</p> <p style="text-align: center;">Page 34</p>
<p>1 rather than with the help of PIE?                  2 <b>A. Yes.</b>                  3 Q. Now, I just want to pick up on the reasons given here                  4 for why the document wasn't proceeded with, because the                  5 impression you have given us, Mr Clarke, is that there                  6 was a real sort of worry that this was starting to                  7 become propaganda for PIE, but actually, that's not the                  8 reasons given here, is it? The reasons given here are                  9 that the document would not advance understanding and                  10 acceptance of paedophiles?                  11 <b>A. Mm-hm.</b>                  12 Q. So there doesn't seem to be concerns about PIE and its                  13 aims. It just seems to be they don't think it's going                  14 to encourage acceptance of them; is that fair?                  15 <b>A. Not quite. The trustees had discussed this at a meeting                  16 at the end of November and the trustees, or several of                  17 the trustees, had said "This document is completely out                  18 of the question". This was the first time the trustees,                  19 who hadn't been involved with this work, had seen the                  20 product, as it were, of this work --</b>                  21 Q. Yes.                  22 <b>A. -- circulated.</b>                  23 Q. Because up to this point, it had just been Antony Grey                  24 and John Holmstrom?                  25 <b>A. Yes. Harold Haywood had then asked the subcommittee --</b></p> <p style="text-align: center;">Page 35</p>	<p>1 <b>deferred this discussion -- and, of course, by this time                  2 as well, you should bear in mind that Mary Whitehouse                  3 was already --</b>                  4 Q. We noticed, in fact -- we are going to come to the                  5 Mary Whitehouse allegations, but right down the bottom                  6 there, Ms Whitehouse had already made her speech about                  7 this.                  8 <b>A. That's right, but Harold Haywood had then clearly sort                  9 of deferred, as it were, a decision by the trustees                  10 about this by the time they'd all clearly sort of read                  11 it and considered it to the January meeting. The                  12 January subcommittee had clearly met. They recommended                  13 to the trustees that they shouldn't publish it.</b>                  14 <b>I think what he is talking about there is that the                  15 original remit of the project was to explore                  16 a publication that would advance the understanding and                  17 acceptance of paedophiles and that that had then not                  18 been possible.</b>                  19 <b>That remit, he would have seen and the trustees                  20 would have approved of, as the original remit for the                  21 project and, as I say, that would have been about really                  22 trying to educate the public as to what the actual law                  23 was, dispel some of the myths around paedophilia, and                  24 try to promote the idea that a different climate that                  25 was less punitive would actually be a more protective</b></p> <p style="text-align: center;">Page 36</p>

<p>1 <b>climate for children and young people as well as</b>                  2 <b>paedophiles themselves where they could actually more</b>                  3 <b>openly access help than was the case at the time.</b>                  4 Q. Thank you, Mr Clarke. That's very helpful in terms of                  5 clarifying.                  6 How do you know that? Because what we see in this                  7 document isn't just understanding. It's got the word                  8 "acceptance" in it, which seems to be a lot stronger.                  9 Is this understanding you've got of what's happened from                  10 discussions with Mr Grey or how have you understood it                  11 in that way?                  12 <b>A. Well, the trust's whole remit, it's written into its</b>                  13 <b>trust deed is about understanding and acceptance of</b>                  14 <b>sexual difference, and as I say, the original population</b>                  15 <b>group that was focused on was homosexuals. But it was</b>                  16 <b>never just a gay organisation. It was about sexual</b>                  17 <b>diversity and other sexual minorities as well.</b>                  18 <b>So promoting social understanding and acceptance was</b>                  19 <b>a phrase that was constantly used in Albany documents.</b>                  20 <b>It would be used in its questions and answer pamphlet.</b>                  21 <b>That was the sort of ethos, as it were.</b>                  22 Q. So you're reading these minutes through the prism of the                  23 purposes of the trust?                  24 <b>A. Yes.</b>                  25 Q. All right. We see then that there's even more concern</p> <p style="text-align: center;">Page 37</p>	<p>1 later in 1977. So if you turn back to tab 9 and if we                  2 look at HOM001420, page 11 within that document. First                  3 of all, page 8 within that document. So tab 9, page 8.                  4 Meeting on 4 October 1977. If we turn over the page                  5 to page 9, do you see there, down the bottom, number 15,                  6 Mr Clarke, "PIE controversy"?                  7 It seems that there's been some media attention by                  8 this point about PIE. It was felt therefore that                  9 nothing useful could be achieved by continuing to work                  10 with them.                  11 <b>A. That's right.</b>                  12 Q. Although it says the trust would continue to offer help,                  13 advice and information. Do you see that?                  14 <b>A. Yes.</b>                  15 Q. Then if we turn over the page to page 10, there's                  16 another meeting the next month, 15 November 1977, if we                  17 look at the top right-hand corner. In this set of                  18 minutes, over the page on page 11, in the middle in the                  19 highlighted paragraph, there's reference to the VSU                  20 grants, and then this rather interesting sentence:                  21 "The chairman reported he and the honorary treasurer                  22 had invited the new VSU director Clifford Hindley and                  23 Mr I Gerrish to a meeting earlier that morning. It had                  24 been a helpful meeting, although it was clear there was                  25 some Home Office disquiet about the way we assist sexual</p> <p style="text-align: center;">Page 38</p>
<p>1 minorities."                  2 Do you see that?                  3 <b>A. Yes.</b>                  4 Q. Do you think that might be a reference to the PIE                  5 controversy or is there anything else that could be?                  6 <b>A. No, absolutely, that was directly a reference to it.</b>                  7 <b>I think the Home Office and Clifford Hindley must have</b>                  8 <b>felt alarmed at both the Mary Whitehouse allegations,</b>                  9 <b>whether there was any substance to them, the direction</b>                  10 <b>of the work had gone, and whether they had been, as it</b>                  11 <b>were, fully sighted on how that work had evolved. It's</b>                  12 <b>clear from what you've shown us earlier on that they</b>                  13 <b>were sighted at the outset of the work and they were</b>                  14 <b>sighted on the aims of the work, but the fact that, as</b>                  15 <b>you have taken us through it, it then starts to veer off</b>                  16 <b>in this other direction, or appears to veer off in this</b>                  17 <b>other direction, towards the aims of PIE as</b>                  18 <b>a campaigning organisation, would have been something</b>                  19 <b>that Clifford Hindley would have been very concerned</b>                  20 <b>about, and obviously questions were being asked in</b>                  21 <b>Parliament and by other people --</b>                  22 Q. We will come to that in just a moment.                  23 Just before we come to that final major topic, which                  24 is the questions about whether public funds were being                  25 used for PIE through this mechanism, could I just take</p> <p style="text-align: center;">Page 39</p>	<p>1 you to a few documents that seem to show that, despite                  2 what happened here in 1977, and the sort of drawing                  3 back, there's actually continuing interaction with PIE.                  4 So firstly, could we look at LSE003101, and that is                  5 tab 18 for you, Mr Clarke.                  6 Now, this document is actually dated -- if we turn                  7 over the page, we would see it's dated February 1977.                  8 So this is only when the initial concerns were starting                  9 to be felt, rather than the more significant concerns by                  10 the end of the year.                  11 But can we see here this is an information sheet                  12 provided by the Albany Trust to, I assume, individuals                  13 who got in touch looking for help; is that right?                  14 <b>A. Yes.</b>                  15 Q. Down the bottom, right down at the bottom of the first                  16 page, we see Paedophile Information Exchange and PAL                  17 being referred to. So it does look like, at least in                  18 early 1977, people were being referred to PIE or PAL; is                  19 that right?                  20 <b>A. I would doubt it in terms of the actual practice at that</b>                  21 <b>stage, but certainly the leaflet had not been updated by</b>                  22 <b>that time.</b>                  23 <b>So in early 1977, the decision has been taken not to</b>                  24 <b>proceed with the publication, though possibly to</b>                  25 <b>postpone that, and Albany itself do its own publication</b></p> <p style="text-align: center;">Page 40</p>

<p>1 <b>later on. By the end of 1977, I think all those</b>  2 <b>trustees resign.</b>  3 Q. I see. Over this issue?  4 <b>A. Over this issue, I think. And so does Antony Grey. And</b>  5 <b>I think the regret at what had happened and the extent</b>  6 <b>of the attack on Albany Trust and the damage to its</b>  7 <b>reputation was such that most of those individuals,</b>  8 <b>during 1977, decided then to -- that they were</b>  9 <b>responsible for something that they -- they didn't agree</b>  10 <b>with.</b>  11 Q. Let me just check that with you, Mr Clarke, because you  12 say, by the year 1977, there's a real concern about this  13 and pulling back?  14 <b>A. Yes.</b>  15 Q. But have a look at tab 16. This is LSE000027.  16 <b>A. Yes.</b>  17 Q. Here we have a letter to the Albany Trust from an  18 individual dated 25 November 1978. So a whole year on.  19 It says "A few weeks ago" -- second paragraph there:  20 "A few weeks ago I wrote to PIE ... I wanted to know  21 a bit more about them. I also wanted to join."  22 Then if we go over the page, it says:  23 "I wrote to the head person, Tom O'Carroll."  24 Then it's clear that this individual isn't just  25 someone who is struggling with feelings of sexual</p> <p style="text-align: center;">Page 41</p>	<p>1 attraction to children. He has actually engaged in  2 sexual activity with 14-year-olds.  3 Now, let's look and see what is done with that  4 letter.  5 <b>A. This is written from prison, is it?</b>  6 Q. It's written from prison, exactly.  7 If we have a look at the next tab, Mr Clarke, so  8 tab 17, and if we look at LSE000029, and look at the top  9 right-hand corner, it says "4 January 1979". This is  10 a letter from PIE back to the Albany Trust saying:  11 "You sent us on a letter recently."  12 It looks like that gentleman has been passed on to  13 PIE by the Albany Trust in 1978, doesn't it?  14 <b>A. Yes, and I would think that that did continue until PIE</b>  15 <b>itself was either closed down or ceased to provide its</b>  16 <b>own kind of support services, in that a differentiation</b>  17 <b>was being made here about individuals seeking help, not</b>  18 <b>seeking to join a network where they could continue to</b>  19 <b>commit offences, but seeking some sort of rehabilitation</b>  20 <b>help.</b>  21 <b>So as you've already seen, there was a NACRO project</b>  22 <b>that preceded the work with PIE. That would have</b>  23 <b>continued also in existence. The work in terms of</b>  24 <b>individual counselling would have continued.</b>  25 <b>Precisely at what point the administrative structure</b></p> <p style="text-align: center;">Page 42</p>
<p>1 <b>and the counsellors decided that PIE was not a safe</b>  2 <b>organisation to be referring people through to at all,</b>  3 <b>I don't know. At some point that would have been the</b>  4 <b>decision.</b>  5 Q. But it doesn't seem to have happened by the end of 1977?  6 <b>A. No.</b>  7 Q. Let me just --  8 <b>A. And I -- I wouldn't know actually whether, in terms of</b>  9 <b>its function in that respect, PIE was a responsible</b>  10 <b>organisation. At least the --</b>  11 Q. Should there not have been some doubts about it?  12 <b>A. Well, in terms of safeguarding and the kind of approach</b>  13 <b>that would be taken now, that would be really quite</b>  14 <b>different. But, I mean, I think, just to set this in</b>  15 <b>the context of what people were trying to organise at</b>  16 <b>that time, bear in mind that organisations like</b>  17 <b>Gay Switchboard that were setting up were on a model of</b>  18 <b>kind of guided self-help through experts by experience,</b>  19 <b>gay people themselves. There was a huge suspicion</b>  20 <b>amongst sexual minorities and gay people in particular</b>  21 <b>of psychiatry, of the medical profession, that had up</b>  22 <b>until fairly -- well, still was in fact trying to cure</b>  23 <b>people --</b>  24 Q. Cure them, medicalise it, yes.  25 <b>A. -- of their homosexuality.</b></p> <p style="text-align: center;">Page 43</p>	<p>1 <b>So the effort here, as with Switchboard, as with</b>  2 <b>Friend, would be to try to set up some sort of self-help</b>  3 <b>group, support group, and the fact that it appears</b>  4 <b>there's a sort of at least conscientious effort to reply</b>  5 <b>to letters, to function as a responsible organisation,</b>  6 <b>means that a judgment has been made that -- at least in</b>  7 <b>that respect, PIE are an organisation that could become</b>  8 <b>part of this network of support organisations.</b>  9 <b>You may say that was a misjudgment, but clearly, at</b>  10 <b>that time, that was the case.</b>  11 Q. That was what they decided, yes.  12 <b>A. Yes.</b>  13 Q. Can I just take you as well to tab 32 in the bundle, and  14 for the screen, it's LSE001910.  15 Because this seems to suggest that there is a little  16 bit more assistance being given to PIE than just  17 continuing to pass on individuals for counselling or  18 support. If we have a look, top right-hand corner,  19 17 April 1978. So again, this is some time after the  20 initial concerns. But we see here a letter to  21 Antony Grey:  22 "I was pleased to see you the other day."  23 This is from Tom O'Carroll:  24 "Only regret that I had to dash off without having  25 a chance to talk to you after the meeting. Allow me,</p> <p style="text-align: center;">Page 44</p>

<p>1        however, to thank you very much for your support at the 2        NCCL AGM and in relation to NUPE, et cetera." 3        Now, NCCL is the National Council for Civil 4        Liberties? 5        <b>A. Yes.</b> 6        Q. NUPE, can you help us with that? 7        <b>A. National Union of Public Employees, was it?</b> 8        Q. So it's a trade union? 9        <b>A. Yes.</b> 10       Q. So it looks here that Mr Grey is still providing 11       assistance or support to PIE in terms of them engaging 12       with other organisations, isn't it? 13       <b>A. Well, Antony Grey had left the trust by this time. So</b> 14       <b>he clearly has formed a relationship with Tom O'Carroll</b> 15       <b>through their mutual involvement in the National Council</b> 16       <b>for Civil Liberties.</b> 17       <b>There appears to be something to do with working on</b> 18       <b>a publication together or a book.</b> 19       Q. Indeed, yes. Are you able to help us with -- given -- 20       <b>A. I don't think that's got anything to do with</b> 21       <b>Albany Trust.</b> 22       Q. I understand that. But given what you've told us about 23       how concerned the Albany Trust was and the fact that 24       Antony Grey and the other trustees resigned over this 25       controversy in 1977, why would it be that there's still</p> <p style="text-align: center;">Page 45</p>	<p>1        what seems to be quite a friendly relationship with PIE, 2        even after that, in 1978? 3        <b>A. I think what they were concerned about was the mistake</b> 4        <b>involved in getting involved with PIE as an organisation</b> 5        <b>whose campaigning aims the Albany Trust never agreed</b> 6        <b>with, and the scandal that had then blown up had damaged</b> 7        <b>the work of the Albany Trust, the reputation of the</b> 8        <b>Albany Trust, and its work with its clients.</b> 9        <b>So that's kind of clear.</b> 10       <b>I think Antony Grey himself felt that there was</b> 11       <b>a great, great injustice, a great deal of unfairness in</b> 12       <b>the way that Tom O'Carroll, other people, had been dealt</b> 13       <b>with, that it was far too harsh, it was taking</b> 14       <b>a sledgehammer to crack a nut, as it were.</b> 15       <b>So I think Antony's own views would have been that,</b> 16       <b>although he was naive to get involved, and he took</b> 17       <b>responsibility by resigning from the trust because it</b> 18       <b>impacted on the trust, he would have felt that the</b> 19       <b>attitude of Mary Whitehouse and other people to</b> 20       <b>paedophiles was creating a moral panic that was</b> 21       <b>unjustified.</b> 22       Q. All right. Let's have a look at those allegations then 23       by Mary Whitehouse that we have seen and referred to. 24       <b>A. Sorry, just on that point, of course, whilst it's no</b> 25       <b>purpose of mine to be defending characters who I've had</b></p> <p style="text-align: center;">Page 46</p>
<p>1        <b>no involvement with whatsoever myself, my understanding</b> 2        <b>is that the convictions that the PIE members were</b> 3        <b>involved in were convictions for the corruption of</b> 4        <b>public morals.</b> 5        Q. Conspiracy to corrupt public morals, that's right. 6        <b>A. So there were never any actual convictions around</b> 7        <b>offences for children for those people who Albany had</b> 8        <b>been involved with. I fully understand that there are</b> 9        <b>lots of members of PIE who went to prison for child</b> 10       <b>sexual offences, but I don't think any of these</b> 11       <b>individuals were those individuals; is that right?</b> 12       Q. Well, Mr O'Carroll and others have actually been 13       convicted subsequently for those kinds of offences -- 14       <b>A. Of child sexual offences? Okay.</b> 15       Q. -- but the 1979/1981 criminal proceedings that you are 16       referring to, yes, were to do with conspiracy to corrupt 17       public morals. 18       <b>A. Yes.</b> 19       Q. Let me take you to Mrs Whitehouse. If you turn to 20       tab 25, and it's LSE003058 for the screen. 21       We have here the text of a speech that was made by 22       Mrs Mary Whitehouse, the General Secretary of the 23       National Viewers' and Listeners' Association, and quite 24       a prominent public figure in her time, on Wednesday, 25       24 November 1976.</p> <p style="text-align: center;">Page 47</p>	<p>1        The key paragraph that is of relevance to the 2        Albany Trust is at page 4. That central paragraph 3        beginning "One constantly". Now, Mrs Whitehouse, in 4        this speech in 1976, made several allegations about the 5        Albany Trust and its work, but, really, the one we're 6        interested in is the last sentence, which says this: 7        "Furthermore, the support given by this organisation 8        [that's the Albany Trust] to paedophile groups means 9        that we are all subsidising and supporting, at least 10       indirectly, a cause which seeks to normalise sexual 11       attraction and activity between adult males and little 12       girls." 13       Now, I understand entirely that some of the other 14       things that Mrs Whitehouse says were not entirely 15       accurate and the trust took real umbrage at them and 16       we'll see some of the response in a moment. 17       But would you agree with me that, actually, that one 18       sentence there is perhaps, with a bit of a rhetorical 19       flourish, accurate as at late 1976? 20       <b>A. Not at all.</b> 21       Q. Why not? 22       <b>A. I don't think the Albany Trust ever supported --</b> 23       <b>subsidised or supported, directly or indirectly, any</b> 24       <b>organisation which sought to normalise sexual attraction</b> 25       <b>and activity between adult males and little girls.</b></p> <p style="text-align: center;">Page 48</p>

<p>1 <b>Albany Trust's own publications made it very, very clear</b>  2 <b>that it had absolutely no confusion about the law, about</b>  3 <b>breaking the law, about what sort of support could be</b>  4 <b>provided to people who were breaking the law, but no</b>  5 <b>part of its brief was to campaign for, or try to</b>  6 <b>persuade, any changes in the law of the kind that PIE</b>  7 <b>were advocating for.</b>  8 Q. I understand that entirely, but what Mrs Whitehouse was  9 saying was something somewhat less than that, wasn't  10 she? She was saying the support given means that,  11 indirectly, paedophile groups are being assisted or  12 supported in what they are trying to achieve?  13 <b>A. I don't agree with that, no. The support given means</b>  14 <b>that paedophile groups are being brought into a form of</b>  15 <b>working that will seek to socially rehabilitate</b>  16 <b>individual paedophiles and integrate people back into</b>  17 <b>society if they've committed offences.</b>  18 <b>That kind of project, that kind of work, was part of</b>  19 <b>Albany's charitable remit that pre-existed these</b>  20 <b>meetings with PIE and the NACRO project. That was</b>  21 <b>always part of the Albany Trust's work. That's very</b>  22 <b>distinct from --</b>  23 Q. Supporting the campaign?  24 <b>A. -- giving any support or credence to the claims that</b>  25 <b>sexual activity between adult males and little girls is</b></p> <p style="text-align: center;">Page 49</p>	<p>1 <b>normal, and, as I'm sure you will show us, in the</b>  2 <b>response to these allegations --</b>  3 Q. We are just about to come to it?  4 <b>A. -- that is what Antony Grey and Rodney Bennett England</b>  5 <b>point out.</b>  6 Q. Let's just look at that, before we break.  7 So there was a bit of a media furore about this, as  8 I understand --  9 <b>A. Sorry, chair, would you mind if I take my jacket off?</b>  10 Q. There was a bit of a media furore at the time?  11 <b>A. Yes.</b>  12 Q. There's a response given to Mrs Whitehouse, and we've  13 got that at tab 27 of your bundle. It's LSE002694.  14 We see there the response, December 1976.  15 If we actually turn over the page, that's where the  16 bit that we're interested in is addressed?  17 <b>A. Yes.</b>  18 Q. The paragraph beginning, "Fifthly".  19 <b>A. Yes.</b>  20 Q. Here the allegation is repeated. Then we get the  21 response, and the response is this:  22 "The Albany Trust does not give support (financial  23 or otherwise) to paedophile groups; nor does it promote  24 or encourage any person or group in seeking to  25 normalise -- whatever that may mean -- sexual attraction</p> <p style="text-align: center;">Page 50</p>
<p>1 and activity between adult males and little girls, or  2 for that matter [of same sex activity]."  3 Now, here, there's an attempt to distinguish between  4 the two things, as you have just done, and that does  5 seem to be the response that the Albany Trust  6 consistently takes. But would you agree with me, just  7 given everything we've seen, that actually it's  8 potentially a little bit strong to say the Albany Trust  9 does not give support, financial or otherwise, to  10 paedophile groups? Because, as we had seen, up until  11 1976, there was quite a lot of interaction with PIE and  12 PAL. There were meetings with them, and there was the  13 suggestion there might be co-working on a pamphlet.  14 So while it's quite right to say there was no  15 promotion or encouragement of normalising sexual  16 relationships with children, actually, it was  17 potentially a little bit misleading to say there was no  18 support at all being given to paedophile groups, wasn't  19 it?  20 <b>A. Not at all.</b>  21 Q. Why not?  22 <b>A. The support given to individual paedophiles was to try</b>  23 <b>to rehabilitate them and enable them to manage and deal</b>  24 <b>with their problems.</b>  25 <b>That was clearly part of Albany Trust's remit. That</b></p> <p style="text-align: center;">Page 51</p>	<p>1 <b>was part of its counselling work throughout.</b>  2 <b>The support given to paedophile groups, as we've</b>  3 <b>seen, was in the form of two exploratory projects, one</b>  4 <b>of which was about providing some sort of group</b>  5 <b>counselling support, which in the end was not followed</b>  6 <b>through with, and the other of which was the abortive</b>  7 <b>publication.</b>  8 <b>The fact that that abortive publication was never</b>  9 <b>going to be approved by the trustees and was never</b>  10 <b>promised to be approved by the trustees is not</b>  11 <b>an indication that PIE's aims and PIE's wish to see</b>  12 <b>sexual activity between adults and little children as</b>  13 <b>normalised was something the Albany Trust ever</b>  14 <b>subscribed to, and it would never have subscribed to</b>  15 <b>that. That was always going to be a tension in that</b>  16 <b>working group.</b>  17 <b>I'm not sure why it got as far as it got without</b>  18 <b>that working group being advised, "This is not something</b>  19 <b>the trust is ever going to agree to".</b>  20 <b>If you read the trust's own pamphlets, they're very</b>  21 <b>clear about the position of paedophilia or what it calls</b>  22 <b>pederasty as a disorder, and as something that people</b>  23 <b>are suffering from. I mean, of course they talk about</b>  24 <b>it also in terms of sympathy for the tragedy that these</b>  25 <b>individuals are suffering from and the need for help,</b></p> <p style="text-align: center;">Page 52</p>

<p>1 <b>but they're very clear that -- about the position of the</b>                  2 <b>law and the position of the trust in relation to these</b>                  3 <b>activities.</b>                  4 MR HENDERSON: Thank you. I'm conscious of the time, chair.                  5 Would you like to take the break there? I've got about                  6 20 minutes more, Mr Clarke. So we'll come back after                  7 the break.                  8 THE CHAIR: Thank you. We'll return just after 11.30.                  9 (11.16 am)                  10 (A short break)                  11 (11.32 am)                  12 MR HENDERSON: Thank you, chair.                  13 Hello again, Mr Clarke. We finished by looking at                  14 the Mary Whitehouse allegations made in 1976. But the                  15 controversy didn't quite end there, unfortunately, it                  16 blew up again in 1977, and that was because of                  17 a parliamentary question.                  18 Can I invite you to have a look at page -- tab 23,                  19 and for the screen it's HOM001468. Thank you very much.                  20 If we could zoom in on the last two paragraphs                  21 there. On 15 December 1977, Sir Bernard Braine asked                  22 a question to the Home Office. It was in these terms:                  23 "Is the minister aware that there is evidence --                  24 which I can supply to him if he has not seen it -- that                  25 both these trusts ..."</p> <p style="text-align: center;">Page 53</p>	<p>1 That, by the way, is a reference to the Albany Trust                  2 and the Princesdale Trust:                  3 "... have given encouragement and publicity to the                  4 Paedophile Information Exchange, an organisation which                  5 exists as openly dedicated to the sexual corruption of                  6 children? Before paying any balance of grants, or                  7 before renewing any such grants, will the minister                  8 obtain assurances that public money is not being used to                  9 help a disgusting organisation which most people would                  10 regard as having criminal objectives?"                  11 The response from the Home Office was this:                  12 "When I met a delegation led by the honourable                  13 gentleman ... I did such research. I am satisfied that                  14 no public money is being used for any propaganda                  15 purposes on behalf of such an organisation, as the                  16 honorary gentleman mentions."                  17 That was quite a careful answer, wasn't it? It does                  18 not quite answer the question as put. Would you agree                  19 with me the reason for that is because there were some                  20 links between the Albany Trust and PIE which the                  21 Home Office were aware of, but they weren't links                  22 furthering the objectives or the aims of PIE. They                  23 weren't propaganda, as the minister said. Is that                  24 a fair summary of what was being said here?                  25 <b>A. That's -- it's a politician who is answering. So yes,</b></p> <p style="text-align: center;">Page 54</p>
<p>1 <b>that's a fair -- and I think that's an accurate answer</b>                  2 <b>in terms of what the intentions of the trust had been in</b>                  3 <b>informing, at the outset of this project, what the aims</b>                  4 <b>of the project were and what the people involved in the</b>                  5 <b>project tried to continue to steer the project towards.</b>                  6 <b>The fact that it had this tension within it that did</b>                  7 <b>start, as we've seen, to veer towards these kind of</b>                  8 <b>propaganda statements in the draft publication meant</b>                  9 <b>that that part of the project was never going to come to</b>                  10 <b>fruition, but on the part of Albany Trust, I think, it's</b>                  11 <b>fair to say that the Home Office was made aware of what</b>                  12 <b>it was doing, what it was doing was aiming to provide</b>                  13 <b>some kind of support and public education, but it was</b>                  14 <b>certainly not aiming to get involved in any propaganda</b>                  15 <b>on behalf of PIE.</b>                  16 Q. In fact, Antony Grey replied personally to                  17 Sir Bernard Braine, giving a bit more detail.                  18 <b>A. Yes.</b>                  19 Q. We can have a look at that. That's LSE003081, and it's                  20 tab 29 in your bundle, Mr Clarke.                  21 <b>A. Yes.</b>                  22 Q. So a couple of months later, February 1978, Mr Grey                  23 writes quite a comprehensive letter, although he makes                  24 clear that at this point he's no longer director of the                  25 Albany Trust, as we've discussed. He goes through</p> <p style="text-align: center;">Page 55</p>	<p>1 various things in quite a lot of detail along the lines                  2 that you've described.                  3 If we turn over the page to page 2, paragraph 7 is                  4 perhaps worth noting where he makes very clear his own                  5 position:                  6 "I do not approve of paedophile practices. I do not                  7 favour the social acceptance of paedophilia ..."                  8 But paragraph 9, he says this:                  9 "May I state categorically yet again that under my                  10 directorship the Albany Trust gave NO support, financial                  11 or any other, to PIE, who are in fact regarded ... as an                  12 extremely wrong-headed and misguided group of people."                  13 Then if you look further down, he explains there's                  14 been meetings to talk about paedophilia with a variety                  15 of people, including some members of PIE. Then towards                  16 the end of that paragraph, he says:                  17 "But there is no link and no collusion between the                  18 Albany Trust and PIE, whatever Mrs Whitehouse and others                  19 may choose to say to the contrary."                  20 Now, he's given a very detailed response here, but                  21 would you agree with me that's a bit strong? We've seen                  22 there has been a link. There has been quite a strong                  23 link, in fact, on the two projects that we've been                  24 looking at.                  25 <b>A. Not for the purposes of promoting PIE there hasn't. Not</b></p> <p style="text-align: center;">Page 56</p>

<p>1 <b>for the purposes of promoting PIE's campaigns to reduce</b>                  2 <b>the -- insofar as PIE was -- was presenting itself as an</b>                  3 <b>organisation that would provide some kind of legal</b>                  4 <b>support, access to expert legal advice, co-counselling,</b>                  5 <b>those sorts of activities, then clearly there was a link</b>                  6 <b>and, as we've seen, people were then -- it was suggested</b>                  7 <b>that people could be referred between both PAL and PIE</b>                  8 <b>and the Albany Trust for the purposes of that kind of</b>                  9 <b>support.</b>                  10 <b>For the allegations being made by Bernard Braine</b>                  11 <b>that the two organisations are pursuing the same kinds</b>                  12 <b>of aims, they are not. And there is no organisational</b>                  13 <b>link between the Albany Trust and PIE in any case</b>                  14 <b>because with regard to anything to do with law reform,</b>                  15 <b>that was the remit of the Sexual Law Reform Society</b>                  16 <b>which was separate to the Albany Trust.</b>                  17 <b>So any involvement that Antony Grey did have with</b>                  18 <b>Tom O'Carroll, with the Criminal Law Review Commission,</b>                  19 <b>the paper that --</b>                  20 Q. Which we will look at in just a moment, yes.                  21 A. -- you've got, which you'll look at later on, would have                  22 been wearing his hat, as he points out at the start of                  23 that letter, of the secretary of the Sexual Law Reform                  24 Society, which was a separate matter to the Albany Trust                  25 and what the trustees were involved in.</p> <p style="text-align: center;">Page 57</p>	<p>1 Q. Yes. I accept all that, Mr Clarke. The point I just                  2 wanted to make, or ask you to think about, is, those are                  3 very important but quite fine distinctions. What is                  4 being said here to the MP is quite a categorical blanket                  5 denial, isn't it? No support, no link, no collusion.                  6 Would you not agree with me that that's probably                  7 a little bit too strong, given what we've seen?                  8 A. No, I think if the allegation is to do with funding, and                  9 to do with support for the aims of PIE, Antony Grey is                  10 quite right to point out that there is simply no link in                  11 terms of either funding or in terms of support for PIE                  12 insofar as its aims as an organisation were to remove                  13 the age of consent.                  14 So no, I don't accept that that is -- but, you know,                  15 I'm not a lawyer, Mr Henderson. So these -- you say                  16 these are fine distinctions that are being made.                  17 Antony Grey was trained as a lawyer. I assume he                  18 is writing this letter very carefully in response to                  19 Bernard Braine and partly to assist Clifford Hindley in                  20 the Home Office and the minister.                  21 So he's wanting to make these distinctions and at                  22 the same time be very clear that neither the                  23 Albany Trust nor the Home Office have colluded in any                  24 way with the Paedophile Information Exchange.                  25 Your criticism is that he's overstating the fact</p> <p style="text-align: center;">Page 58</p>
<p>1 <b>that there is no link at all, because, clearly, within</b>                  2 <b>the realm of Albany Trust's remit around support and</b>                  3 <b>counselling for individuals, there is a link.</b>                  4 Q. Let me just pick up on your reference there to the                  5 Home Office being concerned.                  6 Could you turn to tab 30, just the next tab. It's                  7 LSE001781. There's letter here from Mr Hindley to                  8 Rodney Bennett England, who was the chair of the trust                  9 by that point.                  10 A. Yes.                  11 Q. Following on from Sir Bernard Braine's question -- and                  12 you see there's obviously been a reasonably good                  13 response given already. The minister has given the                  14 response.                  15 But then there's a request here for a little bit                  16 more information about two things. One is Mr Grey's                  17 comments on the age of consent, which, as you have said,                  18 were actually made under a different hat, as it were,                  19 when he was at the Sexual Law Reform Trust. But also                  20 this reference to the Speijer Report, can you just help                  21 us with that? What was the concern about that, and was                  22 any action taken by the VSU to follow up on these                  23 concerns?                  24 A. I don't know about follow-up action by the VSU, but what                  25 this is referring to is that the Speijer Report had been</p> <p style="text-align: center;">Page 59</p>	<p>1 translated by the Sexual Law Reform Society back in                  2 1970. That was, as it were, the Dutch equivalent of the                  3 Wolfenden Committee that was considering the position,                  4 the legal position, around the age of consent and                  5 whether to reduce the age of consent or equalise the age                  6 of consent for homosexuals and heterosexuals. So that                  7 was something that the Dutch Government had commissioned                  8 and was produced by its own sort of committee.                  9 Because it was a good report and it was a helpful                  10 report from the point of view of the Homosexual Law                  11 Reform Society, Antony Grey had organised for that to be                  12 translated into English.                  13 So, as I say, as far back as 1970.                  14 Q. What was the link with PIE? Is this correct, the                  15 Albany Trust provided copies of that report to PIE?                  16 A. Certainly that's what Rodney Bennett England states,                  17 that a copy had been provided to a representative of PIE                  18 of that report or that they had obtained that report via                  19 their meetings at the Albany Trust at some point, and                  20 they had then made their own copies of that report.                  21 So that's about reducing the age of consent to 16,                  22 and it's a relevant document, as it were, for people who                  23 are then interested in making submissions to the                  24 Criminal Law Revision Committee about reform of the age                  25 of consent, which is something the Home Office itself</p> <p style="text-align: center;">Page 60</p>

<p>1 <b>was also --</b></p> <p>2 Q. Looking at?</p> <p>3 <b>A. -- involved in.</b></p> <p>4 Q. That's the final topic we are going to come to in just</p> <p>5 a moment. But just before we do that, to finish off</p> <p>6 this question of funding and allegations of links</p> <p>7 between PIE and the Albany Trust and funding links,</p> <p>8 can I take you to the statement of Tim Hulbert, who</p> <p>9 I think you heard give evidence yesterday. It's at</p> <p>10 tab 2 of your bundle. The reference is INQ003974, and</p> <p>11 if we could look at subpage 18. Paragraph 68 is the key</p> <p>12 point he makes.</p> <p>13 Now, as you will have heard yesterday, Mr Hulbert's</p> <p>14 main allegation is that he believed there was funding</p> <p>15 being given to PIE through the WRVS, and that was his</p> <p>16 main evidence yesterday. But he's also commented on</p> <p>17 what he thinks the links are between the Albany Trust,</p> <p>18 who obviously were funded by the VSU, and PIE, and the</p> <p>19 VSU's knowledge of those.</p> <p>20 I just wanted to run through these as a sort of</p> <p>21 summary of where we think we've got to.</p> <p>22 First of all, he says:</p> <p>23 "The VSU were aware of the Albany Trust working with</p> <p>24 paedophiles, while the trust was in receipt of public</p> <p>25 funds."</p> <p style="text-align: center;">Page 61</p>	<p>1 That's correct, isn't it, as we have seen?</p> <p>2 <b>A. It is.</b></p> <p>3 Q. They were well aware of that.</p> <p>4 Secondly:</p> <p>5 "The VSU were also aware that the Albany Trust was</p> <p>6 intending to use those public funds to publish</p> <p>7 information about paedophiles."</p> <p>8 Again, that's broadly correct, isn't it, but what</p> <p>9 we've seen is that actually that pamphlet never went</p> <p>10 ahead, for the reasons we've looked at?</p> <p>11 <b>A. That is right.</b></p> <p>12 Q. Thirdly, he says:</p> <p>13 "The Albany Trust director, Antony Grey,</p> <p>14 corresponded with PIE and PAL, allegedly offered to</p> <p>15 speak at a PAL meeting, and attended numerous PIE</p> <p>16 meetings while the trust were in receipt of public</p> <p>17 funds."</p> <p>18 Again, that's accurate, isn't it?</p> <p>19 <b>A. Antony Grey went up and down the country, mostly</b></p> <p>20 <b>speaking to women's organisations, but all sorts of</b></p> <p>21 <b>organisations in his role as the trust director, yes.</b></p> <p>22 Q. Fourthly:</p> <p>23 "The Albany Trust provided PIE with copies of the</p> <p>24 translation of the Speijer Report which PIE then</p> <p>25 distributed to its members."</p> <p style="text-align: center;">Page 62</p>
<p>1 That's what we have just talked about. That's</p> <p>2 broadly accurate, isn't it?</p> <p>3 <b>A. It's slightly overstating it.</b></p> <p>4 Q. But there was at least a copy given and PIE did then do</p> <p>5 something with it?</p> <p>6 <b>A. Rodney Bennett England concedes that PIE obtained a copy</b></p> <p>7 <b>and they must have obtained that from the Albany Trust.</b></p> <p>8 Q. Then finally:</p> <p>9 "The VSU were aware of Antony Grey's involvement</p> <p>10 with PIE through regular contact with him, and as it had</p> <p>11 been raised with them by an MP [Sir Bernard Braine] in</p> <p>12 writing to Clifford Hindley, the then head of the VSU."</p> <p>13 That's accurate, isn't it?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. So where we seem to get to is that, whilst it's true</p> <p>16 that no Albany Trust funds were ever given to PIE or</p> <p>17 used to further PIE's campaigning aims, it is true as</p> <p>18 well that there were links between the Albany Trust and</p> <p>19 PIE of the kind that are summarised there and as we have</p> <p>20 been discussing this morning?</p> <p>21 <b>A. It's true that there was involvement, yes.</b></p> <p>22 Q. Thank you. Now, I said we would finally come to --</p> <p>23 <b>A. I'm not sure what you're trying to make of that.</b></p> <p>24 Q. Just a summary.</p> <p>25 <b>A. The involvement is from the aim of the Albany Trust, as</b></p> <p style="text-align: center;">Page 63</p>	<p>1 <b>I say, to try to bring the Paedophile Information</b></p> <p>2 <b>Exchange and PAL into some sort of professional network,</b></p> <p>3 <b>working arrangement, with organisations like the</b></p> <p>4 <b>Albany Trust, like Mind, like Friend, that were</b></p> <p>5 <b>concerned about helping individuals who were isolated</b></p> <p>6 <b>and who were at risk to themselves and other people, so</b></p> <p>7 <b>that they could get effective help.</b></p> <p>8 <b>If anything, that is, as it were, moving those</b></p> <p>9 <b>organisations away from their campaigning aims and more</b></p> <p>10 <b>towards their kind of social support aims, if you take</b></p> <p>11 <b>those two distinct activities, and that was the</b></p> <p>12 <b>differentiation that was always made, that the</b></p> <p>13 <b>Albany Trust differentiates between its role as an</b></p> <p>14 <b>organisation providing counselling and support and then</b></p> <p>15 <b>a separate role which is really to do with sexual law</b></p> <p>16 <b>reform, that the Albany Trust wasn't directly involved</b></p> <p>17 <b>in.</b></p> <p>18 Q. Let's just look at what PIE's efforts were to lobby for</p> <p>19 change in the law, and what links at all the trust --</p> <p>20 the Albany Trust had with that.</p> <p>21 The first thing that we've seen is that there was</p> <p>22 a pamphlet produced by PIE even after the Albany Trust</p> <p>23 pulled out of that project. It was distributed to</p> <p>24 parliamentarians.</p> <p>25 We have a copy of that pamphlet behind tab 14. If</p> <p style="text-align: center;">Page 64</p>



<p>1 we bring it up on screen, it's LSE000435.                  2 Chair, I would invite you to adduce this in its                  3 entirety so that it can be looked at in full.                  4 But if we just turn over the page to page 2, the aim                  5 of this pamphlet -- the second paragraph there:                  6 "In the belief that knowledge dispels prejudice,                  7 this booklet sets out to answer the commonest questions                  8 and suppositions about paedophilia and to argue that                  9 those involved represent no special threat to society,                  10 but, on the contrary, are often a force for social                  11 good."                  12 If one looks through the pamphlet, we'll find that                  13 it is very much trying to suggest that sexual relations                  14 between adults and children can be not only acceptable,                  15 but a very good thing, with no harm to the child.                  16 That was produced by PIE and sent round to all the                  17 MPs and peers in 1978. There's a copy of that held in                  18 the Albany Trust archives. Why is that, given that                  19 there was no actual involvement in the final publication                  20 of this by the trust?                  21 <b>A. There's a copy of all sorts of material held in the</b>                  22 <b>Albany Trust's archives because they are archives. So</b>                  23 <b>any documents -- I mean, the Albany Trust was, as you've</b>                  24 <b>already seen, involved initially in the drafting of this</b>                  25 <b>pamphlet. So it would have retained those -- those</b></p> <p style="text-align: center;">Page 65</p>	<p>1 <b>copies in any case.</b>                  2 <b>Are you asking whether it was sent these copies by</b>                  3 <b>PIE themselves?</b>                  4 Q. Yes, exactly. How did it get out there, basically?                  5 <b>A. I imagine that it would have been sent, along with all</b>                  6 <b>the MPs, a copy of this publication by whoever was the</b>                  7 <b>chair of PIE at that stage, and so it would have put it</b>                  8 <b>on file, yes.</b>                  9 Q. Thank you.                  10 Then finally, we have the submission made by PIE to                  11 the Criminal Law Revision Committee?                  12 <b>A. Yes.</b>                  13 Q. This is something that a copy of the submission was                  14 requested by Mr Grey. We can find a copy of it at                  15 tab 40.                  16 <b>A. Yes.</b>                  17 Q. It's LSE000760. Again, chair, I would invite you to                  18 adduce this in full.                  19 But if we just turn over the page to the first                  20 substantive page, page 2, up at the top there, what this                  21 paper was proposing:                  22 "This paper proposes the abolition of ages of                  23 consent and the removal of consensual sexual activity at                  24 all ages from the criminal law."                  25 Again, just help us. You have explained all the way</p> <p style="text-align: center;">Page 66</p>
<p>1 through that the trust wasn't supporting PIE's lobbying                  2 activities. But why was it, then, that the trust did                  3 seek a copy of what PIE were saying to the Criminal Law                  4 Revision Committee?                  5 <b>A. So this is going back to 1975.</b>                  6 Q. Yes.                  7 <b>A. And at the outset of that series of meetings that was</b>                  8 <b>planned for 1976, Antony Grey is trying to gather</b>                  9 <b>together material that he would then circulate to the</b>                  10 <b>people attending those meetings. So I think, in fact,</b>                  11 <b>it's at the second meeting in 1976 that he requests</b>                  12 <b>copies of this document to be circulated to -- I can't</b>                  13 <b>remember who was attending that meeting, but the</b>                  14 <b>professionals as well as the representatives from</b>                  15 <b>different organisations and including PIE that were</b>                  16 <b>there, so that they would know the background</b>                  17 <b>information as to what it was that PIE had been arguing</b>                  18 <b>and was advocating, and this was really to see whether</b>                  19 <b>there was the possibility for a co-produced publication,</b>                  20 <b>because, if this is where PIE is coming from, clearly</b>                  21 <b>there's going to be quite a difficulty --</b>                  22 Q. I was going to say, should it not have rung some alarm                  23 bells that PIE were asking for the abolition of all --                  24 of any age of consent and the legalisation of sex with                  25 children?</p> <p style="text-align: center;">Page 67</p>	<p>1 <b>A. Antony Grey was not a person who was easily alarmed. He</b>                  2 <b>was the sort of person who would be encouraging</b>                  3 <b>organisations of all sorts and kinds to submit, in what</b>                  4 <b>he would see as a very professional way, all kinds of</b>                  5 <b>ideas and proposals to the criminal law, and he would</b>                  6 <b>have been interested to see and to test them on, "Well,</b>                  7 <b>how would you possibly implement this?". He would also</b>                  8 <b>have been interested to see whether, then, the</b>                  9 <b>professionals involved would have pointed out, "Well,</b>                  10 <b>but this is going to involve harm to children", and that</b>                  11 <b>sort of dialogue, I think, would have been Antony Grey's</b>                  12 <b>view, would have helped shape some sort of much more</b>                  13 <b>realistic view about what kind of arguments can be put</b>                  14 <b>forward on behalf of paedophiles, on behalf of support</b>                  15 <b>for paedophiles, and what kinds of changes you could</b>                  16 <b>advocate in the law so that there wasn't quite the same</b>                  17 <b>punitive approach as had been the case.</b>                  18 <b>There also is an overlap, if you like, between his</b>                  19 <b>submission, the sexual law reform submission, around</b>                  20 <b>adjusting the age of consent --</b>                  21 Q. He suggested taking it down to 14?                  22 <b>A. Taking it down to 14, and replacing it with an age of</b>                  23 <b>protection between 14 and 18.</b>                  24 <b>So I think there is an interest. I don't think it</b>                  25 <b>would have rung alarm bells, but I think it would have</b></p> <p style="text-align: center;">Page 68</p>

<p>1 <b>signalled to Antony that there was likely not to be</b>                  2 <b>a meeting of minds on some of the issues here. And then</b>                  3 <b>whether a joint publication was ever going to be able to</b>                  4 <b>come to fruition was probably unlikely.</b>                  5 Q. One final document to ask you about, if I may,                  6 Mr Clarke, and that is the latest in the chronology, you                  7 will find it at tab 36. It's HOM000806.                  8 <b>A. Yes.</b>                  9 Q. This is a briefing for a meeting between the Home                  10 Secretary, which at the time was Leon Brittan, and                  11 Geoffrey Dickens MP to discuss the Paedophile                  12 Information Exchange. 22 November 1983.                  13 The reason this is at all relevant to the                  14 Albany Trust, Mr Clarke, is, if you turn over to page 2,                  15 and you look under "Latest developments", you will see                  16 here:                  17 "... PIE has recently produced another edition of                  18 the magazine 'Minor problems' (a copy of which has been                  19 forwarded to the Home Office by the Albany Trust who                  20 received it unsolicited)."                  21 Then it goes on to describe what's going to be done                  22 about that.                  23 You see in the middle of that:                  24 "The trust has made it clear that it wishes to have                  25 no contact of any kind with PIE nor receive its</p> <p style="text-align: center;">Page 69</p>	<p>1 publications."                  2 So it looks that, by 1983, the trust was really very                  3 worried about PIE, but was still receiving unsolicited                  4 correspondence and passing it on to the Home Office?                  5 <b>A. Yes.</b>                  6 Q. Is that fair?                  7 <b>A. Yes.</b>                  8 Q. Thank you. Chair, I would invite you just to adduce as                  9 well -- there's a note of that meeting with                  10 Geoffrey Dickens that then happened. No need to bring                  11 it up, but it's HOM000811.                  12 <b>A. Just to comment that, from what I can see, what happens</b>                  13 <b>by this time, Antony Grey, as I said at the start, had</b>                  14 <b>left the Albany. It was really primarily Michael Butler</b>                  15 <b>and a team of counsellors that were then running the</b>                  16 <b>Albany Trust, and they really felt that Albany had been</b>                  17 <b>badly burned by this whole episode.</b>                  18 Q. Yes.                  19 <b>A. None of those, I think, individuals, counsellors, would</b>                  20 <b>have wanted to have worked with PIE in the first place</b>                  21 <b>and felt that it was a serious mistake to get involved</b>                  22 <b>with that kind of organisation, and they took the view</b>                  23 <b>that this is really a completely inappropriate</b>                  24 <b>organisation to be working with from the point of view</b>                  25 <b>of a counselling organisation, which was their primary</b></p> <p style="text-align: center;">Page 70</p>
<p>1 <b>concern.</b>                  2 <b>So I think that reflects the position of</b>                  3 <b>Michael Butler and the team of counsellors --</b>                  4 Q. By 1983, yes.                  5 <b>A. -- yes.</b>                  6 Q. That's the final question I wanted to ask you,                  7 Mr Clarke. If you come back to your witness                  8 statement --                  9 <b>A. Yes.</b>                  10 Q. -- back in tab 1, and paragraphs 17 and 23 --                  11 <b>A. Yes.</b>                  12 Q. -- you address sort of the trust's current view on this                  13 past relationship and link between PIE and the                  14 Albany Trust. With the benefit of hindsight, how do you                  15 think the trust should have responded to PIE?                  16 <b>A. I think I have tried to set the context in which the</b>                  17 <b>trustees and Antony Grey felt there was a legitimate</b>                  18 <b>need, unmet need, for individuals who really didn't have</b>                  19 <b>anywhere to turn to for help prior to committing</b>                  20 <b>offences. It was already involved with a project,</b>                  21 <b>cooperating with NACRO for people who had committed</b>                  22 <b>offences and rehabilitation, but this group of people,</b>                  23 <b>who were worried before they'd committed offences, was</b>                  24 <b>not really served at all.</b>                  25 <b>Now -- and your inquiry obviously is going to have</b></p> <p style="text-align: center;">Page 71</p>	<p>1 <b>to address that particular problem about, where do</b>                  2 <b>people go to for help before they've committed offences,</b>                  3 <b>when they're worried about these sorts of issues? And</b>                  4 <b>there really are very few places for them to seek help.</b>                  5 <b>But now the first question that any such</b>                  6 <b>organisation would be asking would be to do with</b>                  7 <b>safeguarding, and the risk to children and vulnerable</b>                  8 <b>people posed by those individuals, and that would be</b>                  9 <b>part of what you would need to do. You would need to do</b>                  10 <b>some kind of risk assessment process. You would need</b>                  11 <b>to, if you were offering help, make sure that you had</b>                  12 <b>links with the right organisations, if those risks</b>                  13 <b>became difficult to manage. So you would set it up in</b>                  14 <b>a very different way.</b>                  15 <b>At that time, it's clear that the sort of informal</b>                  16 <b>links that you've pointed to, the referral links</b>                  17 <b>backwards and forwards between the organisations, didn't</b>                  18 <b>really have those proper checks in place.</b>                  19 <b>So there was no way of Albany Trust knowing what it</b>                  20 <b>was exposing people to by getting involved in those</b>                  21 <b>organisations. That's something that we would</b>                  22 <b>obviously -- that's something that was a mistake at the</b>                  23 <b>time, and that's something we would not do now.</b>                  24 <b>I think the other point to make about that -- and</b>                  25 <b>I will just read out paragraph 23 for the benefit of the</b></p> <p style="text-align: center;">Page 72</p>

1 chair and the panel about our position now, if that's  
 2 okay, but the other point to make, I think, is that  
 3 you've highlighted this tension all the way through  
 4 between an organisation that is campaigning to change  
 5 the law and campaigning to do something that, for the  
 6 vast majority of people, is completely unacceptable, by  
 7 removing the age of consent, and this other work to do  
 8 with support and befriending and providing support for  
 9 people, and that tension just didn't sit. You can't do  
 10 those two things in conjunction with one another.

11 In order to provide, in a responsible way, support,  
 12 that needs to be done in a safe place, away from the  
 13 kind of campaigning work that you've been talking about  
 14 that's going on, and that publication started to veer  
 15 towards. So those two things needed to be more  
 16 separated than they were. In terms of what our position  
 17 is now, I'll just read that paragraph:

18 "We, the current trustees of the Albany Trust,  
 19 personally, and on behalf of the trust, are able to  
 20 state unequivocally that we do not support PIE or any  
 21 similar body. We are well aware of the damage that  
 22 sexual abuse causes and we fully support justice for  
 23 survivors of sexual abuse. Indeed, our own counselling  
 24 work at the Albany Trust includes helping many such  
 25 victims of childhood sexual abuse whom we have supported

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1 A. PIE's interests? Oh, PIE's interest in terms of  
 2 dispelling myths was to promote its own myth, which was  
 3 that no harm comes to children from sexual activity with  
 4 adults, which is something the Albany Trust -- as I say,  
 5 when you look at the Albany Trust's own publications,  
 6 they're very clear on the harm that is caused and the  
 7 legal position and the need for psychiatric help for  
 8 this group of people, but PIE was obviously attempting  
 9 to put forward a point of view that Albany Trust would  
 10 never have supported.

11 THE CHAIR: Did they ever discuss with you the potential  
 12 harm to children that was involved?

13 A. PIE?

14 THE CHAIR: Yes. That children were victims.

15 A. Well, of course, I'm talking second-hand knowledge at  
 16 this stage. That's a good question.

17 Maurice Yaffe, who was one of the professionals  
 18 involved, who was the head of psychology at Guy's,  
 19 Fay Hutchinson, one or two of the other professionals  
 20 that Antony Grey tried to involve in the work, clearly  
 21 were trying to put forward the view that relationships  
 22 with children are harmful. And they state that in some  
 23 of their correspondence with Antony Grey. So they would  
 24 have been, I assume, talking about that in the meetings  
 25 and putting forward that point of view.

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1 over the years in their personal recovery and we  
 2 continue to do so today."

3 As I say, we go about that in a different way than  
 4 was -- happened at the time, and we no longer have any  
 5 activities to do with law reform or campaigning of that  
 6 kind. We're focused on meeting the needs of individuals  
 7 who need help with counselling.

8 MR HENDERSON: Thank you very much, Mr Clarke. I don't have  
 9 any further questions. I don't know if the panel have.

10 Questions by THE PANEL

11 THE CHAIR: Thank you, Mr Henderson. Just one question,  
 12 Mr Clarke.

13 Going back to the proposed pamphlet that we talked  
 14 about at some length, you said it was intended in part  
 15 to address the kind of myths that were in the public  
 16 perception about paedophilia.

17 Could you explain what some of those myths might be?  
 18 Could you enlighten us?

19 A. I think the primary myth that would have been in the  
 20 minds of the Albany Trust would have been that all  
 21 homosexuals are paedophiles; the way in which it was  
 22 conflated, that anybody who was, as it were, not normal  
 23 sexually was therefore interested in children. That  
 24 would be the primary myth.

25 THE CHAIR: What about PIE's interests?

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1 Trying to differentiate between what they thought of  
 2 as the child within the person that needed help -- this  
 3 was, as they saw it, the sort of paedophile's problem --  
 4 the child within the person is what needed help, the  
 5 relationship with children was actually not a way of  
 6 getting that help and was actually contrary to getting  
 7 that help.

8 Now, I hope that that viewpoint was put across to  
 9 those people attending those meetings. Whether it had  
 10 any impact at all, I can't say.

11 THE CHAIR: Just one final point. You may not be able to  
 12 answer, but was there any acknowledgment that you were,  
 13 or they were, discussing criminal activity?

14 A. Yes. I think part of the publication was to set out the  
 15 law as it was, so to be very clear about what the  
 16 criminal activities were and what -- where the current  
 17 legal position was.

18 So in some ways, it was making very clear that these  
 19 were offences, sexual offences, as the law existed.  
 20 That was part of, of course, PIE's saying that this  
 21 is -- this should be removed, this should be changed,  
 22 but nevertheless this is the situation as it is.

23 THE CHAIR: Thank you, Mr Clarke. We have no further  
 24 questions. Thank you.

25 A. Would you mind? I did put on record that my thanks to

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<p>1 <b>Keith Mitchell. I would also like to put on record my</b>  2 <b>thanks to the legal team here, who have not only been</b>  3 <b>incredibly thorough, but also particularly helpful in</b>  4 <b>the process of us trying to deal with putting evidence</b>  5 <b>forward to the committee.</b>  6 <b>So I would like to thank them, and of course to wish</b>  7 <b>you very well in what is a very important, but</b>  8 <b>difficult, task that you've got.</b>  9 THE CHAIR: Thank you very much.  10 (The witness withdrew)  11 PROFESSOR JUNE THOBURN (sworn)  12 Examination by MS BEATTIE  13 MS BEATTIE: Could you state your full name, please?  14 <b>A. June Thoburn.</b>  15 Q. Is it right that you're an Emeritus Professor of Social  16 Work at the University of East Anglia?  17 <b>A. That's correct.</b>  18 Q. Just a few points about your background and experience.  19 Are you also a member of that university's centre for  20 research on children and families?  21 <b>A. I am.</b>  22 Q. You're a qualified and experienced social worker, having  23 practised in child and family social work in England and  24 Canada?  25 <b>A. Yes.</b></p> <p style="text-align: center;">Page 77</p>	<p>1 Q. And among your particular interests are cross-agency and  2 interprofessional aspects of practice with vulnerable  3 children and families?  4 <b>A. Yes.</b>  5 Q. You've been instructed by the inquiry to review the  6 adequacy of existing safeguarding and child protection  7 policies and procedures which are in place within  8 political parties, government departments and the Palace  9 of Westminster; is that right?  10 <b>A. That's correct.</b>  11 Q. You've provided a report to the inquiry; is that right?  12 <b>A. That is correct.</b>  13 Q. Could we bring that up, please? It's INQ004088.  14 Professor Thoburn, is this the report that you  15 provided?  16 <b>A. It is.</b>  17 Q. I think, for your reference, you will see it on the  18 screen, any pages I take you to. It's also at tab 1 of  19 your bundle and of the bundles that others have.  20 <b>A. Thank you.</b>  21 Q. Chair, can I invite you to adduce this document in full,  22 please.  23 Professor Thoburn, this runs to some 64 pages; is  24 that right?  25 <b>A. It is.</b></p> <p style="text-align: center;">Page 78</p>
<p>1 Q. I don't think or have time to go through all of it, but  2 I'm going to highlight some particular points and then  3 come on to your recommendations.  4 Before I do, can I just make a couple of very minor  5 corrections? At page 25 of the report, and I don't  6 think we need to bring up the page, but there's  7 a reference to a witness statement from Mr Glyn Williams  8 of the Home Office who has provided a witness statement  9 on external functions; is that right, Professor Thoburn?  10 <b>A. Yes.</b>  11 Q. I think we've -- you've given the wrong job title here.  12 He is, in fact, Director-General Borders, Immigration  13 and Citizenship Systems Policy and Strategy Group?  14 <b>A. Yes.</b>  15 Q. Are you happy to correct that?  16 <b>A. Yes, I'd like to change that. Yes, please.</b>  17 Q. For everyone's benefit, I'll just correct the URN there  18 as well. It should be HOM003122.  19 At page 47, at paragraph 192, again, there's an  20 incorrect URN reference for the Green Party safeguarding  21 policy, which should be GNP001005 rather than the URN  22 that appears there. Are you happy to make that  23 correction?  24 <b>A. Yes, I'm happy to make that correction.</b>  25 Q. I'm grateful.</p> <p style="text-align: center;">Page 79</p>	<p>1 Another preliminary matter. You've commented on  2 political party safeguarding policies in your report;  3 yes?  4 <b>A. I have.</b>  5 Q. Since your report, the Labour Party has revised its  6 policy and provided a further witness statement and new  7 documentation; is that right?  8 <b>A. Indeed.</b>  9 Q. So when we look at the section of your report on the  10 Labour Party, that's commenting on policies which have  11 since been superseded?  12 <b>A. Indeed, yes.</b>  13 Q. I'll come on in due course to ask you your comments on  14 those new policies.  15 Is it right, Professor Thoburn, that for the  16 purposes of this review, you have looked at policies  17 from -- I think it's 21 government departments, ten  18 political parties, and the Palace of Westminster?  19 <b>A. Indeed.</b>  20 Q. We can see the general and specific questions that you  21 are asked as part of this exercise in annex 2 to your  22 report; is that right?  23 <b>A. That's correct, yes.</b>  24 Q. If we could go, please, to page 6 of the report, so  25 that's INQ004088_006.</p> <p style="text-align: center;">Page 80</p>

<p>1 This is the section, Professor Thoburn, of your                  2 report where you describe the task that you've                  3 undertaken. In paragraph 11, do you explain that you                  4 are looking at those employees and others whose duties                  5 don't necessarily bring them into contact with children                  6 on a regular basis, but they may have some contact,                  7 being Westminster departmental employees; is that right?                  8 <b>A. Yes.</b>                  9 Q. And then some will come into contact with the generality                  10 of children, I think you use the phrase, often as part                  11 of government agencies or arm's length bodies; is that                  12 right?                  13 <b>A. That's correct, yes.</b>                  14 Q. But you're not, in this report, dealing with those                  15 employees who have much more specific child protection                  16 responsibilities or duties under children legislation?                  17 <b>A. That is correct, yes.</b>                  18 Q. There is extensive legislation and guidance for those                  19 professionals, but that's --                  20 <b>A. Indeed --</b>                  21 Q. -- something separate?                  22 <b>A. -- I didn't want to confuse the issue of the detailed</b>                  23 <b>guidance for those specific professionals.</b>                  24 Q. If we could turn to page 9 of your report, please. In                  25 this section you address what, in your view, are the key</p> <p style="text-align: center;">Page 81</p>	<p>1 elements of best practice for safeguarding and child                  2 protection policies and practices; is that right?                  3 <b>A. Yes.</b>                  4 Q. You refer there to the document Working Together to                  5 Safeguard Children. I'm sure the panel will be very                  6 familiar with that, but just for everyone else's                  7 benefit, is that statutory guidance produced by the                  8 Department of Education?                  9 <b>A. Yes.</b>                  10 Q. You describe that as generally accepted opinion on                  11 safeguarding practice; is that right?                  12 <b>A. Indeed.</b>                  13 Q. And you say that anyone who has managerial or direct                  14 responsibility for children should be aware of this,                  15 even if they are not directly bound to consider it by                  16 legislation?                  17 <b>A. Mm-hm.</b>                  18 Q. Is it a principle of Working Together that -- it's                  19 a phrase used in that document -- "safeguarding is                  20 everyone's business"?                  21 <b>A. That is an important proviso, yes, statement.</b>                  22 Q. How do you see that applying to the organisations that                  23 you've looked at for the purposes of this report?                  24 <b>A. I think any civil servant, any public servant, has</b>                  25 <b>a duty to safeguard children, and whether you're</b></p> <p style="text-align: center;">Page 82</p>
<p>1 <b>a receptionist or a frontline social worker, you should</b>                  2 <b>be mindful of that duty because you could -- any civil</b>                  3 <b>servant could encounter information that might be</b>                  4 <b>relevant to safeguarding children. Some every day and</b>                  5 <b>some maybe not at all, but they should be mindful of</b>                  6 <b>that obligation.</b>                  7 Q. So that's, in your view, a more general obligation than                  8 the more specific statutory duties that would apply to                  9 particular organisations such as local authorities, the                  10 NHS or police?                  11 <b>A. Yes.</b>                  12 Q. Under the children -- various pieces of children                  13 legislation and Working Together?                  14 <b>A. Indeed. It's by virtue of their powers, their powers to</b>                  15 <b>give services, to withhold services. Civil servants and</b>                  16 <b>members of political parties are special people in terms</b>                  17 <b>of protecting children.</b>                  18 Q. One other preliminary point in relation to                  19 Working Together. I think you explain that because of                  20 the time and the period of the policies which were                  21 provided to the inquiry, you've had in mind the 2015                  22 version; is that right?                  23 <b>A. Yes, that's correct.</b>                  24 Q. It has been superseded by 2018?                  25 <b>A. But very little change, in fact.</b></p> <p style="text-align: center;">Page 83</p>	<p>1 Q. Your recommendations are informed by the 2018, which is                  2 the current version?                  3 <b>A. Indeed, yes.</b>                  4 Q. At the bottom of that page, we see your paragraph 24,                  5 where you start to set out what you consider to be that                  6 best practice. If we can just go over the page,                  7 starting at paragraph (a), thank you.                  8 Here in this paragraph, you refer to your                  9 expectation that all government departments would have                  10 an overarching statement having regard to the importance                  11 of safeguarding children, and you refer to the phrase                  12 that this should be part of the public service mindset.                  13 Is that what you were just describing?                  14 <b>A. Yes, yes, that's right.</b>                  15 Q. You go on in that paragraph to explain that that's                  16 because, even though people may not be working directly                  17 with children, they may be in a position to notice                  18 and/or react to the possibility of maltreatment, and                  19 I think you go on to emphasise that there is a position                  20 of trust and power that public servants, or those whom                  21 they contract with, have in the eyes of children.                  22 <b>A. I think that is correct, yes.</b>                  23 Q. Would it be fair to say that that public service mindset                  24 and recognition of that position of trust and power is                  25 part of a cultural change that you consider should be</p> <p style="text-align: center;">Page 84</p>

<p>1 forthcoming in relation to the approach to safeguarding 2 and child protection? 3 <b>A. I would like to think that it's always there, but it may 4 be that it ought -- there ought to be ways of it being 5 brought to mind, if you like, at various points in 6 people's careers.</b> 7 Q. You say that all governments should have an overarching 8 statement. Just please explain for us why it is that 9 this should be emphasised in the form of an overarching 10 statement, in your view? 11 <b>A. I make the distinction between a statement and a set of 12 procedures and guidelines, and that every department 13 should have a statement as a reminder that children are 14 especially vulnerable, and maybe it wasn't thought 15 necessary in the past. We have the Nolan principles 16 about general conduct, but maybe now that we know so 17 much, and we do know about the vulnerability of 18 children, particularly with their online safety, then 19 I think that statement should be upfront so that, when 20 anybody starts a career as a civil servant, or becomes 21 a contractor for a public service, they should be 22 reminded of their duties, and the potential -- their 23 potential, however small, to safeguard children. 24 So a statement, a clear statement, saying, "This is 25 your duty", I think, would be very helpful to have</b></p> <p style="text-align: center;">Page 85</p>	<p>1 <b>there. It hasn't -- some departments have it now. Some 2 don't. But I think they should all have it.</b> 3 Q. I think we'll come on to look at one or two examples 4 where you thought there was a strong statement to that 5 effect in the material that you saw from government 6 departments; is that right? 7 <b>A. Yes, that's right.</b> 8 Q. At paragraph (b) of that page, you refer to the detailed 9 policies and procedures, which I think you have just 10 explained -- 11 <b>A. The differences, yes.</b> 12 Q. -- is something different from the overarching statement 13 as you see it. And I just want to cover a few of the 14 points in this paragraph. 15 You say that the nature of those policies and 16 procedures will depend on the functions of the 17 government department concerned? 18 <b>A. Indeed.</b> 19 Q. Is that right? 20 <b>A. Yes.</b> 21 Q. Is that because some will have more contact with 22 children and be engaging more arm's length bodies and 23 agencies that have contact with children than others? 24 <b>A. Indeed.</b> 25 Q. I think you say in the second sentence starting at the</p> <p style="text-align: center;">Page 86</p>
<p>1 end of the fifth line of that paragraph: 2 "It is the role/access to children of the individual 3 employee and not whether they are a volunteer, an 4 elected member or an employee that should determine the 5 policies [that apply to them]"; is that right? 6 <b>A. That is correct, yes.</b> 7 Q. So consistent with that, we could expect different types 8 of policies and level of detail for different 9 departments; is that right? 10 <b>A. Yes.</b> 11 Q. But you would like to see all departments have that 12 overarching statement? 13 <b>A. Yes.</b> 14 Q. Then at paragraph 25, starting at the bottom of that 15 page, you set out what you consider to be good practice 16 on child protection and safeguarding applicable to all 17 government departments and political parties; is that 18 right? 19 <b>A. Yes.</b> 20 Q. That covers a range of different types of policies, for 21 example, employment policies, and then, if we go over 22 the page, in -- I think it's a total of nine 23 subparagraphs here, you refer to induction and training 24 policies, human resources policies, and a number of 25 other types of policies; is that right?</p> <p style="text-align: center;">Page 87</p>	<p>1 <b>A. Yes.</b> 2 Q. Then, depending on the functions of a government 3 department, you would expect some to have much more 4 specific safeguarding policies and procedures; is that 5 correct? 6 <b>A. Indeed.</b> 7 Q. Do we see that starting at the next page, at 8 paragraph 27 of your report? 9 <b>A. Yes.</b> 10 Q. I think you make 16 points there of what you would 11 expect to see in a specific safeguarding or child 12 protection policy; is that right? 13 <b>A. That is correct, yes.</b> 14 Q. In the interests of time, I'm not going to go through 15 all of them, but again, do we see at 27(a) your 16 recommendation that it starts with an overarching 17 statement? 18 <b>A. Yes.</b> 19 Q. Just to pick out a couple of others, at 27(h) you would 20 want to see guidance on recognising signs and symptoms 21 of child abuse? 22 <b>A. Yes, and the whole range. I was asked to look generally 23 at safeguarding but then specifically at sexual abuse as 24 part of that, and one would want -- I would want to see 25 the sorts of modern-day ways in which children can be</b></p> <p style="text-align: center;">Page 88</p>

<p>1 <b>sexually assaulted, which is -- it's changing by the</b>  2 <b>minute. So these procedures need to be regularly</b>  3 <b>updated.</b>  4 Q. Is that what you're getting at when you refer there to  5 exploitation and online abuse as well as --  6 <b>A. Indeed.</b>  7 Q. -- sexual abuse?  8 Then also in that list at subparagraph (l) on the  9 next page, you refer to specific procedures to be  10 followed if a member of staff becomes aware that a child  11 may be suffering or at risk of suffering harm; is that  12 right?  13 <b>A. Yes.</b>  14 Q. Links -- the next one "Links to other departmental  15 guidance", for example, whistleblowing policies, and we  16 will come back to the relevance of that.  17 At subparagraph (o) there, how to contact local  18 authority safeguarding services and police in cases of  19 emergency and examples of circumstances when these  20 should be contacted.  21 Can you just explain that a little bit more, about  22 how you would envisage that might come about if one is  23 considering a departmental employee who may be a civil  24 servant at Westminster?  25 <b>A. It is sort of simpler if we're talking about the</b></p> <p style="text-align: center;">Page 89</p>	<p>1 <b>Department of Transport, for example, and cycle</b>  2 <b>proficiency testing or driving tests. People like this,</b>  3 <b>they will be based in a particular part of the country</b>  4 <b>and they should know what their local authority's</b>  5 <b>safeguarding phone number and email is.</b>  6 <b>I was not at all sure what -- how that would apply</b>  7 <b>to the Westminster department. I'm presuming it would</b>  8 <b>be Westminster Children's Services. But whoever it is,</b>  9 <b>people should know wherever they're based who they</b>  10 <b>should contact if they are concerned about abuse to</b>  11 <b>a child, basically.</b>  12 Q. So that is, as you foresee it, a departmental employee  13 who may be physically located in Westminster, being able  14 to make contact with the relevant -- an appropriate  15 local authority who would have specific child protection  16 responsibilities under the children legislation and  17 Working Together, and able to take safeguarding matters  18 forward?  19 <b>A. Yes. Particularly if it were urgent. I would expect</b>  20 <b>everybody to have somebody to talk to first to check out</b>  21 <b>exactly what they were hearing about. But occasionally,</b>  22 <b>there might be something very urgently needing to be</b>  23 <b>done. So the managers in departmental -- in departments</b>  24 <b>ought to make sure that they know who to contact in the</b>  25 <b>urgency, basically.</b></p> <p style="text-align: center;">Page 90</p>
<p>1 <b>And the police, of course. They probably think</b>  2 <b>about the police, but they may not think about their</b>  3 <b>local children's services.</b>  4 Q. Were links to those local children's services something  5 that you saw in the departmental policies that you  6 looked at?  7 <b>A. Indeed. In some and not others, yes.</b>  8 Q. So again, would that be something that you would want to  9 see consistent across Whitehall?  10 <b>A. I do want to see that consistently across Whitehall,</b>  11 <b>yes.</b>  12 Q. At paragraph 28 of the report, you say:  13 "Whether or not a separate safeguarding children  14 policy is considered necessary, the following policy  15 documents and guidance should alert employees to the  16 need to be vigilant with respect to children's special  17 vulnerabilities, including vulnerability to sexual  18 misconduct."  19 You list a range of types of policies there such as  20 recruitment and security and pre-employment checks,  21 policies regarding official contact with children,  22 including work experience, whistleblowing, complaints,  23 data protection and confidentiality, personal conduct  24 policies, and data management, and online security  25 policies.</p> <p style="text-align: center;">Page 91</p>	<p>1 So is it right that that's a list of policies that  2 are much broader than the specific --  3 <b>A. Absolutely --</b>  4 Q. -- child protection safeguarding policy?  5 <b>A. -- but most of the departments I looked at did, in</b>  6 <b>fact -- well, not so much hide away their safeguarding</b>  7 <b>policies, but they were to be found, if they were to be</b>  8 <b>found anywhere, in one of those policies. But there was</b>  9 <b>potential for cases getting lost between them, which is</b>  10 <b>why I'm saying that, for most departments, you do need</b>  11 <b>a very specific safeguarding policy, but crossing over</b>  12 <b>in particular to the whistleblowing policies.</b>  13 Q. So you would want to see these policies alerting  14 employees in the way that you describe --  15 <b>A. Yes.</b>  16 Q. -- and then probably cross-referring to that specific  17 child protection and safeguarding policy which would  18 have the greater level of detail?  19 <b>A. To make sure that children don't fall through the gaps</b>  20 <b>between policies. Is it discipline or is it conduct?</b>  21 Q. Can I ask you a few more questions, please, about  22 whistleblowing and the relevance of whistleblowing  23 policies to this area.  24 It might be thought not immediately apparent that if  25 there's going to be a specific child protection and</p> <p style="text-align: center;">Page 92</p>

<p>1 safeguarding policy, how the whistleblowing policy 2 becomes relevant. 3 I just want to unpick that a bit. 4 Before I ask you some questions about that, could we 5 bring up, please, the Working Together 2015 document, 6 which is at tab 3 of the bundles, and it's HOM002602. 7 Thank you, if we could go to page 53 of the 8 document, actually, if we could start at page 52 so we 9 can see what section we're in. 10 Professor Thoburn, is this chapter 2 of 11 Working Together 2015? 12 <b>A. Yes.</b> 13 Q. If we then do go over the next page, this is setting out 14 specific organisational responsibilities which, as you 15 have explained, wouldn't necessarily directly apply to 16 Westminster departments, but I just want to draw out at 17 paragraph 4 here, it says: 18 "These organisations should have in place 19 arrangements that reflect the importance of safeguarding 20 and promoting the welfare of children, including ..." 21 If we look at the fourth bullet point there: 22 "... clear whistleblowing procedures, which reflect 23 the principles in Sir Robert Francis's Freedom to Speak 24 Up review and are suitably referenced in staff training 25 and codes of conduct, and a culture that enables issues</p> <p style="text-align: center;">Page 93</p>	<p>1 about safeguarding and promoting the welfare of children 2 to be addressed." 3 Is that right? 4 <b>A. Yes.</b> 5 Q. So does that mean that Working Together is itself 6 recognising the relevance of whistleblowing procedures 7 to child protection? 8 <b>A. Indeed. Indeed. If I could say that some departments 9 actually say that whistleblowing isn't only about what 10 your colleague does or might do badly in respect of 11 their job, but, as a whistleblower, you might hear 12 something which might be about what happened in their 13 personal life or -- and some departmental procedures are 14 very specific that whatever -- whatever you hear from 15 where, wherever it might be, if it concerns -- if it 16 concerns you that a child may be significantly harmed, 17 you may well use the whistleblowing policy. If that's 18 the wrong place to go to, someone will tell you what the 19 right place is. 20 In other words, some people think whistleblowing is 21 just about how your colleague does their job, and some 22 of the departmental policies broaden it out much more.</b> 23 Q. In that respect, could we please go back to your report 24 then, which is INQ004088, and go to page 19. 25 <b>A. Mm-hm.</b></p> <p style="text-align: center;">Page 94</p>
<p>1 Q. Professor Thoburn, is this -- we don't need to go back 2 to the previous page, but is this the section of your 3 report dealing with the Cabinet Office? 4 <b>A. Yes.</b> 5 Q. If we look at paragraph 51, you say there that I think 6 it was the interim human resources director, 7 Mervyn Thomas, who provided the witness statement for 8 the Cabinet Office; is that right? 9 <b>A. That's correct, yes.</b> 10 Q. And that that had been explicit that any concerns of 11 wrongdoing, both inside and outside of work, that could 12 relate to child protection, are covered as part of the 13 whistleblowing policy and procedures. 14 <b>A. Yes, and I would like to see that followed through in 15 all departments. So it's explicit who is being referred 16 to where the source of information might be.</b> 17 Q. We'll come on to your list of recommendations, but is it 18 one of your recommendations that whistleblowing policies 19 should be renamed "reporting concerns and whistleblowing 20 policies and procedures", precisely to make that clear? 21 <b>A. Yes, I think so.</b> 22 Q. And that, within that documentation, there should be 23 a discrete safeguarding children paragraph to flag that 24 up as something for people to be alert to even if they 25 may not normally be in contact with children?</p> <p style="text-align: center;">Page 95</p>	<p>1 <b>A. Indeed. It's a belt-and-braces approach.</b> 2 Q. I think if we could just bring up, please, INQ003850, 3 Professor Thoburn, I'm just taking you now to tab 8 of 4 the bundle. 5 <b>A. Mm-hm.</b> 6 Q. We'll come on to the Palace of Westminster, but just to 7 finish off the whistleblowing point, this is Houses of 8 Parliament guidance regarding safeguarding children and 9 vulnerable adults -- is that right? -- 10 <b>A. Yes.</b> 11 Q. -- that you looked at for the purposes of your report. 12 If we can go to 007 within that, please, in the 13 bottom half of the page, do we see a reference to 14 whistleblowing here? 15 <b>A. Yes.</b> 16 Q. At the end of the second paragraph: 17 "This is particularly important where the welfare of 18 children may be at risk. This means that adults should 19 report any behaviour by colleagues that raises concern 20 regardless of source." 21 <b>A. Yes. That sort of wording that I think is really 22 important.</b> 23 Q. You deal in your report with how people should respond 24 to disclosure of sexual abuse, and if we can go back to 25 your report, please, INQ004088_014.</p> <p style="text-align: center;">Page 96</p>



<p>1 You were asked questions as part of your 2 instructions about best practice in responding to 3 a child who has disclosed sexual abuse; is that right? 4 <b>A. I was.</b> 5 Q. I think you explain there that there is very detailed 6 guidance provided to child protection 7 specialists/professionals on that, which you haven't 8 dealt with, and again that's because that's a very 9 specialised area; is that right? 10 <b>A. Indeed.</b> 11 Q. But clearly, disclosure of sexual abuse may arise and be 12 made to departmental employees or party officials or 13 members or at the Palace of Westminster, and so you have 14 commented on how you think that should be dealt with, 15 and I just wanted to bring up some of the examples of 16 good practice that you've highlighted at paragraph 35; 17 is that right? 18 <b>A. Yes.</b> 19 Q. Did you find some examples of good practice in the 20 documentation? 21 <b>A. Yes, and I have pulled out some of them. There were 22 others. But two or three of them had these little -- we 23 were trying to work out, it's mnemonics, but little 24 ditties, if you like: reassure, report, record. But 25 that has to -- that is -- how do you reassure? So that</b></p> <p style="text-align: center;">Page 97</p>	<p>1 <b>is followed in that particular one with the dos and 2 don'ts, which says, "When you are reassuring, you do 3 this, but you don't do that". You don't start 4 interrogating somebody, but you do reassure.</b> 5 <b>So those -- I thought those were rather good. Some 6 of them had Venn diagrams as to how you follow through 7 and what sort of circumstances. But I think sort of -- 8 I could see it in a procedure in a little box, singing 9 out a way of remembering that -- probably "recognise, 10 respond, report and record" is probably even fuller, but 11 that doesn't have "reassure" in it.</b> 12 Q. If we can just bring up a couple of those examples, 13 please, the first one that you refer to there is the 14 Liberal Democrat example, and that's at your tab 4. 15 It's LDP000024. So that's their safeguarding under 18s 16 and vulnerable adults policy. 17 If we just go to _009, Professor Thoburn, there are 18 quite a few different page numbers on this document. If 19 you can see, it's page 8? 20 <b>A. I've got it.</b> 21 Q. Where it's written out, "page 8". 22 At the bottom, does it start: 23 "Responding appropriately to a disclosure. The key 24 is to reassure, report and record." 25 Do I understand you're not entirely sure about the</p> <p style="text-align: center;">Page 98</p>
<p>1 word "reassure", but it may be a matter for debate as to 2 which exact words are best to use in this way? 3 <b>A. It's because, if you're going to do shorthand, you 4 always have to say what you actually mean. But it's -- 5 I think it's a good way of having it in people's minds 6 that then they go and think, "How do I reassure?"</b> 7 <b>So I was happy -- I wouldn't want that on its own, 8 but with the dos and don'ts, it helps --</b> 9 Q. We can see that if we go to the next page, please. So 10 at the very top, there's a little bit more explanation 11 about what is meant by "reassure, report, record"; is 12 that right, at the top? 13 <b>A. Yes.</b> 14 Q. Then that's followed by really quite a detailed list of 15 dos and don'ts for the remainder of that page and over 16 to the next page; is that correct? 17 <b>A. Yes.</b> 18 Q. You thought that those lists were clear and appropriate; 19 is that right? 20 <b>A. Yes. I didn't go through them all. I didn't edit them, 21 as it were, in my own terms, but each department should 22 have its own dos and don'ts, which might be broadly the 23 same as that.</b> 24 <b>If you're a driving instructor, it might be 25 different from if you're a driving test tester, it might</b></p> <p style="text-align: center;">Page 99</p>	<p>1 <b>be different from when you've a -- if you are a work and 2 pensions person talking about benefits.</b> 3 Q. Do we see at the bottom of the bullet points there, so 4 just above the heading "Acting on an allegation", this 5 statement: 6 "It is important to remember that the person who 7 first encounters a case of alleged abuse is not 8 responsible for deciding whether the abuse has occurred. 9 That is a task for the professional safeguarding 10 agencies, following a referral." 11 <b>A. Yes.</b> 12 Q. Is that an important -- 13 <b>A. That's very important. Hence the need, if you're out in 14 deepest Norfolk, to know who you need to go to. Or your 15 manager needs to know.</b> 16 Q. It's not for you to decide one way or the other about 17 the case itself. The important thing is the referral? 18 <b>A. If you have a safeguarding manager as part of your 19 department, then they're obviously your first port of 20 call.</b> 21 Q. Could we go to the next example, please, which is the 22 one you highlight from the Scottish National Party, and 23 that's SNP000003. 24 I actually wanted to go -- before we get to the text 25 box reminders, I want to go to the second page of the</p> <p style="text-align: center;">Page 100</p>

<p>1 document, please, and to the section "acting in 2 a position of trust". If we could highlight that, 3 including that -- yes, thank you. 4 Does this make the point about party members, 5 officials, being in that position of trust vis-a-vis 6 children that you were mentioning before? 7 <b>A. Absolutely.</b> 8 Q. Again, is it this kind of bold text box that you thought 9 was helpful? 10 <b>A. Indeed, yes.</b> 11 Q. If we go over -- because it makes clear that you must 12 report it immediately, "Do not wait to report"; is that 13 right? 14 <b>A. Absolutely, yes.</b> 15 Q. And can we go to the final page of that document, 16 please, which is, I think, page 6. 17 Again, here, do we see another list of these 18 reminders -- 19 <b>A. Yes.</b> 20 Q. In this case: recognise, respond, report, record? 21 <b>A. Yes.</b> 22 Q. That's what you consider to be helpful? 23 <b>A. Indeed. As I say, I'm not specifically endorsing the</b> 24 <b>actual wording, but just as an example of how any party</b> 25 <b>or government department should reflect on what is the</b></p> <p style="text-align: center;">Page 101</p>	<p>1 <b>best way to do this.</b> 2 Q. Just to go to one further example, which is actually 3 from a government department. Those two were from 4 parties, it's from the Department for Business and 5 Industrial Strategy, and it's HOM002792. It's at tab 7 6 of your bundle, Professor Thoburn. 7 <b>A. Mm-hm.</b> 8 Q. This is that department's safeguarding policy; is that 9 right? 10 <b>A. Yes, that is.</b> 11 Q. It states that it applies to all staff, and any agency 12 contractors, students or anyone working on behalf of the 13 department; is that right? 14 <b>A. Yes.</b> 15 Q. And could we go, please, to page 4 of that document and 16 the very bottom section, "Raising concerns". 17 You highlight in your report that final sentence: 18 "If anyone is concerned that a young person or 19 vulnerable adult is at risk of being abused or 20 neglected, they should not ignore their suspicions and 21 should not assume that someone else will act to protect 22 that person." 23 Would you just like to comment on that and why 24 you've highlighted that, please? 25 <b>A. Again, it's making sure that children don't fall between</b></p> <p style="text-align: center;">Page 102</p>
<p>1 <b>various possible avenues for protecting them, basically.</b> 2 <b>Again, it's something I pulled out and I did see</b> 3 <b>examples in most departments of that sort of sensible</b> 4 <b>statement, basically.</b> 5 Q. Thank you. Could we go back, please, to your report 6 now. So back to INQ004088, and to page 17, please. 7 So is this the section of your report where you look 8 at government departments? 9 <b>A. Yes, it is.</b> 10 Q. I think, starting at paragraph 43 there, you explain 11 that you've attempted to group government departments in 12 relation to that different level of contact and 13 responsibility for children that you were explaining 14 earlier; is that right? 15 <b>A. Yes. I'm not suggesting it's the only way to group</b> 16 <b>departments, but it made sense to me. I had a lot of</b> 17 <b>material to go through, and grouping them in that way --</b> 18 <b>because I didn't want to suggest that everybody did the</b> 19 <b>same thing, and they have very different</b> 20 <b>responsibilities. So yes, that's the way I chose to do</b> 21 <b>it.</b> 22 Q. Again, you set out the different types. Some will deal 23 with the generality of children and some will deal more 24 specifically with children who might be vulnerable or at 25 risk. And some might deal more with, for example,</p> <p style="text-align: center;">Page 103</p>	<p>1 families overseas such as the Ministry of Defence; is 2 that right? 3 <b>A. Yes.</b> 4 Q. And some will -- or maybe all might have contact with 5 children or young people as work experience students or 6 visiting the department or coming into contact with 7 agencies; is that right? 8 <b>A. Yes.</b> 9 Q. Could you just, please, summarise your overall 10 conclusions in relation to -- as I said, I think it's 21 11 government departments' policies that you looked at. 12 <b>A. Every department had something to commend it. Some of</b> 13 <b>them had really very detailed policies that I would have</b> 14 <b>difficulty finding any -- any lacuna in, and others had</b> 15 <b>quite a way to go.</b> 16 <b>I did note that several of them were working on</b> 17 <b>their policies and procedures, and made a point of</b> 18 <b>saying that.</b> 19 <b>I was looking particularly at whether policies were</b> 20 <b>updated and regularly reviewed, because I think every</b> 21 <b>department should have a way of checking that they're up</b> 22 <b>to date and not all of them did. Some had good</b> 23 <b>policies, but they were out of date. Some had good</b> 24 <b>policies but it wasn't clear how anybody would know</b> 25 <b>about them. So that's why I did look at websites, for</b></p> <p style="text-align: center;">Page 104</p>

<p>1 <b>instance, in political parties, to check that word about</b>  2 <b>whatever the policy was out and about there, basically.</b>  3 <b>But overall, I think I conclude that there is work</b>  4 <b>to be done.</b>  5 Q. Do you make any particular conclusions about who it is  6 that should be doing that work or leading that work?  7 <b>A. I'm not one for wasting people's time. So I think if</b>  8 <b>the Cabinet Office or -- I plump for the Cabinet Office</b>  9 <b>because they have overall responsibility for the Civil</b>  10 <b>Service -- could really produce a model safeguarding</b>  11 <b>statement, I don't see any point in every single</b>  12 <b>21 departments writing their own safeguarding statement,</b>  13 <b>or indeed model processes and procedures, what should be</b>  14 <b>contained in processes and procedures, but then each</b>  15 <b>individual department would need to look at those and</b>  16 <b>see how they relate to their own situation.</b>  17 <b>I got the sense that work is being undertaken, but</b>  18 <b>more really does have to be done.</b>  19 Q. I think, is it right that it's the Attorney General's  20 Office, the Department for Health and the MoD all  21 referred to ongoing work being done on their  22 safeguarding and child protection policies; is that  23 right?  24 <b>A. Yes.</b>  25 Q. I think you foresee that the most efficient thing would</p> <p style="text-align: center;">Page 105</p>	<p>1 be for there to be a cross-departmental review, rather  2 than different departments doing it separately?  3 <b>A. Absolutely, that would make a great deal of sense.</b>  4 Q. We'll come back shortly to your overall conclusions and  5 recommendations, which obviously encompass departments  6 and political parties, but if I can turn now, please, to  7 political parties, and that starts at page 45 of your  8 report. INQ004088.  9 You make a few points at paragraph 172 of your  10 report about the differences, as you see it, between  11 political parties as organisations and government  12 departments. Can you just explain that a bit more,  13 please?  14 <b>A. They are essentially volunteers. They have small staff</b>  15 <b>groups, some bigger than others, but they rely very</b>  16 <b>heavily on party members who are essentially volunteers,</b>  17 <b>and, therefore, their sorts of guidance and policies</b>  18 <b>that you need with respect to volunteers have to be</b>  19 <b>different from those with respect to employees. They</b>  20 <b>have to cover the same ground, but maybe you need to be</b>  21 <b>even more vigilant when people move in and out, and you</b>  22 <b>can't hold over them the normal employee disciplinary</b>  23 <b>procedures.</b>  24 Q. Is it your view that every political party needs to have  25 a safeguarding policy?</p> <p style="text-align: center;">Page 106</p>
<p>1 <b>A. Yes, a statement and a policy. Policy and procedures.</b>  2 Q. Again, I think you say as part of your overall  3 conclusions that there was considerable variation in  4 what you saw across departments, Palace of Westminster  5 and political parties. Was there that variation also in  6 what you reviewed for political parties?  7 <b>A. Yes. Some had very little indeed. Others were --</b>  8 <b>I might comment about the Labour Party because I was</b>  9 <b>given -- they were in the process of writing their</b>  10 <b>policies. Their policies were there before, but they</b>  11 <b>were a bit all over the place, as it were, and the</b>  12 <b>latest submission put it all together in a more helpful</b>  13 <b>way.</b>  14 Q. Okay. So you've reviewed the witness statement of --  15 I think it's Jennie Formby --  16 <b>A. That's right.</b>  17 Q. -- and the policies that she's provided?  18 <b>A. Which I got rather later than --</b>  19 Q. So what are your comments on those policies?  20 <b>A. They have sought the advice of in this case the NSPCC.</b>  21 <b>There are several voluntary organisations that could be</b>  22 <b>helpful, and particularly they've worked on training and</b>  23 <b>DBS checks for different members. Also they have</b>  24 <b>appointed -- I think it's 16 safeguarding managers as</b>  25 <b>well as an overarching safeguarding manager.</b></p> <p style="text-align: center;">Page 107</p>	<p>1 <b>So that really did look a very much fuller way of</b>  2 <b>approaching it than their original -- their original</b>  3 <b>documentation was extensive, but not codified as now</b>  4 <b>they have codified it.</b>  5 <b>I think particularly around training, I would expect</b>  6 <b>all political parties to think very carefully about what</b>  7 <b>training is needed by whom on safeguarding and also DBS</b>  8 <b>checks.</b>  9 Q. You're aware, I think, that Nick Brown MP has given  10 evidence to the inquiry and he's the current Chief Whip  11 of the Labour Party. He was asked about a comment in  12 his witness statement about that if an allegation of  13 criminal conduct against a Member of Parliament came to  14 his attention, he would advise them to contact the  15 relevant authorities, including of course the police,  16 and he went on to explain that he would expect the  17 person reporting the matter to report it themselves. He  18 also referred to looking at the strength of the evidence  19 and how serious it was and making an assessment of the  20 credibility of the matter.  21 I wanted to ask you -- I think you have had a look  22 at that evidence; is that right?  23 <b>A. Yes, I did, yes.</b>  24 Q. Do you have any comments about whether that kind of  25 approach is consistent with the safeguarding best</p> <p style="text-align: center;">Page 108</p>

<p>1 practice that you've described in your report?</p> <p>2 <b>A. I was right, he didn't refer to the safeguarding manager</b></p> <p>3 <b>that he -- the Labour Party's policy makes it absolutely</b></p> <p>4 <b>clear that it applies to every MP, every volunteer,</b></p> <p>5 <b>every party member, and since he has somebody called</b></p> <p>6 <b>a safeguarding manager and a safeguarding team, I would</b></p> <p>7 <b>have expected him to say, well, I will get in touch with</b></p> <p>8 <b>them to check out whether I'm doing the right thing.</b></p> <p>9 Q. So would it be in your view then essential for that</p> <p>10 referral to that safeguarding officer to be made, rather</p> <p>11 than someone receiving the information making their own</p> <p>12 assessment of credibility of an allegation?</p> <p>13 <b>A. I think it is always wise to consult people who</b></p> <p>14 <b>themselves will have had specialist training.</b></p> <p>15 Q. Is that something that you understand was required by</p> <p>16 the previous Labour Party policy already?</p> <p>17 <b>A. I wouldn't say it was required. It was -- in fact,</b></p> <p>18 <b>I didn't read anything in the policy very specific to</b></p> <p>19 <b>the Whips' Office. I would expect that members of the</b></p> <p>20 <b>Whips' Office would come under MPs, and I'm not sure</b></p> <p>21 <b>how -- I was impressed that the policy itself is on the</b></p> <p>22 <b>website, and very clearly on the website, but I didn't</b></p> <p>23 <b>see anything -- and also there was a note that it had</b></p> <p>24 <b>gone to every local party. But it didn't actually say,</b></p> <p>25 <b>as I recall, and I might have got -- I might have</b></p> <p style="text-align: center;">Page 109</p>	<p>1 <b>forgotten this. It didn't actually say exactly how it</b></p> <p>2 <b>was sent out to all the MPs.</b></p> <p>3 <b>It is quite a recent policy. I'm not quite sure</b></p> <p>4 <b>exactly when they sent this policy out to all their MPs.</b></p> <p>5 Q. But it would be binding for MPs and members of the</p> <p>6 Labour Party?</p> <p>7 <b>A. There's always an element of discretion. If something</b></p> <p>8 <b>happens and you have to act quickly, then you do go to</b></p> <p>9 <b>the police or what have you. But yes, I would think it</b></p> <p>10 <b>would be binding on all -- every member of the party.</b></p> <p>11 <b>It is very clear that it refers to every member of the</b></p> <p>12 <b>party.</b></p> <p>13 Q. Can I ask you, please, also about how political parties</p> <p>14 should deal with or respond to individuals who are</p> <p>15 thought to have failed to respond appropriately to</p> <p>16 safeguarding concerns in the past.</p> <p>17 For a start, is that something that you would expect</p> <p>18 to be covered by a child protection or safeguarding</p> <p>19 policy or is that a matter for a disciplinary policy of</p> <p>20 a party or other procedures?</p> <p>21 <b>A. A crossover between the two. I would have thought the</b></p> <p>22 <b>people responsible for discipline in the party would</b></p> <p>23 <b>consult their safeguarding major responsibilities,</b></p> <p>24 <b>basically. It's always good to check things out.</b></p> <p>25 Q. So how would you expect a political party to deal with</p> <p style="text-align: center;">Page 110</p>
<p>1 someone who was thought to have not responded</p> <p>2 appropriately to safeguarding concerns?</p> <p>3 <b>A. I would expect a senior member of the executive of that</b></p> <p>4 <b>party to talk with that person, get the details, and</b></p> <p>5 <b>refer them to their party.</b></p> <p>6 <b>I have to say, we've talked about the Labour Party,</b></p> <p>7 <b>but actually its policies were rather better than</b></p> <p>8 <b>several of the others, basically. Some of them really</b></p> <p>9 <b>have got a long way to go.</b></p> <p>10 Q. Would you expect that someone in that position would</p> <p>11 undertake extra training or have any other steps taken</p> <p>12 in relation to them?</p> <p>13 <b>A. I think it would be very much a matter of training, yes,</b></p> <p>14 <b>and I've said about training. There ought to be careful</b></p> <p>15 <b>consideration as to whether training is online. Online</b></p> <p>16 <b>is okay for some people, but not -- certainly not good</b></p> <p>17 <b>enough for people in positions of responsibility, and</b></p> <p>18 <b>I would have suggested that possibly a day,</b></p> <p>19 <b>a group-based training, if you like, not just online,</b></p> <p>20 <b>would be the way to handle any sort of issues that verge</b></p> <p>21 <b>on the disciplinary. I think that verged on the</b></p> <p>22 <b>disciplinary.</b></p> <p>23 <b>I didn't actually see anywhere reference to what</b></p> <p>24 <b>a party should do in those circumstances. In the light</b></p> <p>25 <b>of what you have discovered, I think it would be good if</b></p> <p style="text-align: center;">Page 111</p>	<p>1 <b>their procedures did cover that particular eventuality.</b></p> <p>2 MS BEATTIE: Chair, I'm mindful of the time. I don't have a</p> <p>3 lot left for Professor Thoburn. With your leave it</p> <p>4 might be wise, as we have another witness who needs to</p> <p>5 start at 2.00, for me just to finish if that's</p> <p>6 agreeable. I'm grateful.</p> <p>7 THE CHAIR: Be brief.</p> <p>8 MS BEATTIE: Professor Thoburn, you address also</p> <p>9 specifically the Palace of Westminster in your report.</p> <p>10 I think that's at page 42 of your report.</p> <p>11 Just to be clear, that's in effect the sort of</p> <p>12 physical precinct of Westminster, including the Houses</p> <p>13 of Parliament; is that right?</p> <p>14 <b>A. It is.</b></p> <p>15 Q. What were your overall views of the safeguarding</p> <p>16 policies and procedures you saw from the Palace of</p> <p>17 Westminster?</p> <p>18 <b>A. I thought they were comprehensive. I particularly liked</b></p> <p>19 <b>at paragraph 169 their list of headings. I thought</b></p> <p>20 <b>other departments might copy those, actually.</b></p> <p>21 <b>Generally, I thought that it's -- again they have</b></p> <p>22 <b>consulted, I think it was -- maybe -- I can't -- yes,</b></p> <p>23 <b>Barnardos they've been in touch with to assist with</b></p> <p>24 <b>that.</b></p> <p>25 <b>They were good on training, they were clear about</b></p> <p style="text-align: center;">Page 112</p>

<p>1 <b>who needed what sort of training, and good on</b>                  2 <b>definitions.</b>                  3 Q. Thank you. If we can turn now to your conclusions and                  4 recommendations. I think your conclusions start at                  5 page 56 of your report. I think we've covered some of                  6 these points already.                  7 Essentially, there's considerable variation in what                  8 you saw; is that right?                  9 <b>A. Indeed.</b>                  10 Q. And you didn't consider that anyone met what you regard                  11 as all the requirements for child safeguarding policies                  12 and procedures necessary; is that correct?                  13 <b>A. That is correct, yes.</b>                  14 Q. In essence you've been giving homework to everyone?                  15 <b>A. Indeed. Nobody got an "outstanding". Some of them were</b>                  16 <b>"outstanding minus 1".</b>                  17 Q. Can we look, please, at the recommendations you make                  18 which start at page 57. There are 13 in total; is that                  19 right?                  20 <b>A. Yes.</b>                  21 Q. You've already alluded, I think, to the first one, which                  22 is that you consider that a cross-departmental review                  23 should be undertaken; is that right?                  24 <b>A. Indeed.</b>                  25 Q. In the second recommendation you refer to the importance</p> <p style="text-align: center;">Page 113</p>	<p>1 of child safeguarding needing a higher profile.                  2 Given developments in this area, some might be                  3 surprised that that is still needed, but you still                  4 consider that a higher profile is needed for child                  5 protection?                  6 <b>A. I think it is still needed that people don't necessarily</b>                  7 <b>taking a job as a public servant assume that they're</b>                  8 <b>going to come across safeguarding issues. It's good to</b>                  9 <b>be -- induction, I think, is really important.</b>                  10 Q. I think you make a reference to induction and refresher                  11 training at paragraph 4. Just to understand that, is                  12 that your recommendation that the safeguarding statement                  13 be part of induction and refresher training essentially                  14 for all employees of the bodies that you've looked at?                  15 <b>A. Absolutely, and party members, political party members.</b>                  16 Q. You say at paragraph 5:                  17 "All political parties and most government                  18 departments should have a specific child safeguarding                  19 policy and procedures document."                  20 <b>A. Yes.</b>                  21 Q. Is it right that some of the political parties that you                  22 looked at didn't yet have one?                  23 <b>A. It is.</b>                  24 Q. Then again at paragraph 6 you refer to general Civil                  25 Service templates for that kind of statement and those</p> <p style="text-align: center;">Page 114</p>
<p>1 policies. Is that what you have suggested in your view                  2 the Cabinet Office would be best to take a lead on?                  3 <b>A. I think so, yes.</b>                  4 Q. You go on to refer to, again, there being                  5 cross-departmental agreement about training and what                  6 needs to be done in that respect, and recruitment                  7 induction policies having a section on safe recruitment,                  8 DBS checks and safeguarding training; is that right?                  9 <b>A. Indeed, yes.</b>                  10 Q. Also, appropriate reference to the local authority                  11 designated officer; is that correct?                  12 <b>A. Indeed.</b>                  13 Q. You say at recommendation 9 that government departments                  14 should make it clear which of their policies and                  15 procedures relevant to child safeguarding are applicable                  16 to employees in government agencies, arm's length bodies                  17 and agencies contracted to provide services. Could you                  18 just explain a little bit about why that's important?                  19 <b>A. I think that's a very important point because so many of</b>                  20 <b>the government departments do have -- some of them seem</b>                  21 <b>to have several ALBs. I was helpfully provided with</b>                  22 <b>a list of them. They are actually carrying out some</b>                  23 <b>major roles with children, and therefore either they</b>                  24 <b>should be accountable to the departmental safeguarding</b>                  25 <b>procedures or the department should make sure that they</b></p> <p style="text-align: center;">Page 115</p>	<p>1 <b>have their own safeguarding procedures, and that --</b>                  2 <b>again that a child doesn't fall down between the two.</b>                  3 Q. Recommendation 10 I think we've already dealt with.                  4 That's your recommendation about whistleblowing                  5 procedures and policies incorporating safeguarding; is                  6 that right?                  7 <b>A. Yes.</b>                  8 Q. And recommendation 11, does this go back to your view                  9 that even policy and procedure documents which aren't                  10 specifically on child protection should refer to child                  11 abuse?                  12 <b>A. Indeed, and make the link across, basically, and have</b>                  13 <b>the electronic links to whoever the key people are.</b>                  14 Q. Finally, 12 and 13. I think you've already said all                  15 relevant policies and procedures should be dated and                  16 have a review schedule and that you found that some did                  17 not do that, and at 13 there should be a record of                  18 reports of child maltreatment made to a department or                  19 political party safeguarding or nominated officer; is                  20 that right?                  21 <b>A. It is.</b>                  22 Q. Did you see that some departments had quite detailed                  23 policies about keeping records of reports of concerns?                  24 <b>A. Yes, and others didn't.</b>                  25 MS BEATTIE: Professor Thoburn, those are all the questions</p> <p style="text-align: center;">Page 116</p>

<p>1 I have for you. I'll see if the panel has any 2 questions. 3 THE CHAIR: No, we have no questions. Thank you, 4 Professor Thoburn. 5 MS BEATTIE: Thank you. 6 Chair, I think I'm going to invite you to return in 7 one hour. 8 THE CHAIR: We will return at 2 o'clock. Thank you. 9 (1.07 pm) 10 (The short adjournment) 11 (2.00 pm) 12 THE CHAIR: Please sit. 13 MR ALTMAN: Chair, the next witness is the SIS, Secret 14 Intelligence Service, witness. 15 SIS WITNESS (affirmed) 16 Examination by MR ALTMAN 17 MR ALTMAN: First of all, please, can you confirm that you 18 are employed by the Secret Intelligence Service, MI6? 19 <b>A. I am, yes.</b> 20 Q. Are you authorised to make -- having made a statement on 21 their behalf, a corporate statement, are you also 22 authorised to give evidence on behalf of the Service? 23 <b>A. I am, yes.</b> 24 Q. Can you tell us a little something about your role 25 within SIS, please?</p> <p style="text-align: center;">Page 117</p>	<p>1 <b>A. Certainly. So in my current role, I oversee the teams</b> 2 <b>that manage the compliance policies and activities for</b> 3 <b>the Secret Intelligence Service operations. So ensuring</b> 4 <b>that all of our operations are conducted in compliance</b> 5 <b>with the law and other relevant policy guidelines.</b> 6 <b>I also manage our relationship with oversight bodies who</b> 7 <b>then inspect us for our operations and how we -- to</b> 8 <b>confirm that we comply with the law, and I have</b> 9 <b>responsibility in that role for providing evidence at</b> 10 <b>inquiries and cases such as this.</b> 11 Q. Thank you very much. You made a statement to the 12 inquiry; is that correct? 13 <b>A. I did, yes.</b> 14 Q. It's dated 14 January 2019. Is that right? 15 <b>A. That's right, yes.</b> 16 Q. Our inquiry reference is INQ003831, and I'm going to ask 17 to adduce it in full and perhaps we can have it ready on 18 the screen because I'll be referring to certain 19 paragraphs of it. 20 Now, you told us about yourself. Can you tell us 21 just a little about the role of SIS, please? 22 <b>A. Certainly. The role of SIS is set out in the</b> 23 <b>Intelligence Services Act 1994, and this provides</b> 24 <b>Her Majesty's Government with a covert capability to</b> 25 <b>gather intelligence and commit other acts in support of</b></p> <p style="text-align: center;">Page 118</p>
<p>1 <b>its requirement, in support of national security and</b> 2 <b>economic wellbeing of the United Kingdom and to</b> 3 <b>investigate serious and organised crime.</b> 4 Q. Thank you very much. Let me now ask you about searches 5 which were undertaken by SIS in response to inquiry 6 requests and perhaps we can put up on the screen your 7 statement. Have you got the statement in front of you? 8 <b>A. I do, yes.</b> 9 Q. Can you confirm, and I'm looking at paragraph 3, that on 10 6 July of 2015 the then Cabinet Secretary, 11 Sir Jeremy Heywood, wrote to government departments and 12 agencies in relation to this inquiry, and did the letter 13 enclose correspondence from the then inquiry chair of 14 23 June 2015 requiring public bodies to satisfy 15 themselves that they were complying with file retention 16 or non-destruction requirements of the inquiry? 17 <b>A. That's all correct, yes.</b> 18 Q. As a response to that letter, did SIS itself publish 19 a notice to inform its staff that SIS would be 20 cooperating with the inquiry? 21 <b>A. We did, yes.</b> 22 Q. And were steps taken by staff to preserve all records of 23 potential relevance to this inquiry? 24 <b>A. They were.</b> 25 Q. By reference to your paragraph 5, on 15 July, the</p> <p style="text-align: center;">Page 119</p>	<p>1 following year, 2016, did SIS receive correspondence 2 from this inquiry to request material of potential 3 relevance to allegations of historic child sexual abuse 4 by people of prominence associated with Westminster? 5 <b>A. We did, yes.</b> 6 Q. Was a list of recommended search terms associated with 7 this investigation, the Westminster investigation, 8 provided to SIS? 9 <b>A. It was.</b> 10 Q. And you can confirm that the list contained details of 11 12 organisations and establishments, seven historic 12 investigations and inquiries, and the name of 62 13 individuals associated with Westminster which, or who, 14 were of interest to the inquiry; is that right? 15 <b>A. That is correct, yes.</b> 16 Q. You say at your paragraph 6 that you are personally 17 satisfied that the searches carried out by SIS 18 disclosure officers constituted a reasonable and 19 proportionate search for material of potential relevance 20 to this inquiry's investigation; is that correct? 21 <b>A. That's correct.</b> 22 Q. Have members of the inquiry team been to SIS's premises 23 to review the search results and examine relevant 24 documents? 25 <b>A. They have.</b></p> <p style="text-align: center;">Page 120</p>

<p>1 Q. Let me ask you this, please. In your paragraph 7, the 2 last few lines, have you said this: 3 "A summary of the cases identified by SIS is 4 included in this statement." 5 We will come to that in a moment: 6 "In relation to Westminster, no material was found 7 on the SIS record to indicate the existence of either 8 a 'paedophile ring' or attempts by Her Majesty's 9 Government to conceal information relating to the 10 existence of such a group." 11 <b>A. That is correct, yes.</b> 12 Q. Now, can I ask you then, please, going on to your 13 paragraph 10, on the second page of your statement, 14 describe, please, to the inquiry, if you would, the 15 circumstances, if any, in which the Service is likely to 16 hold documents associated with United Kingdom Government 17 officials, including politicians and senior civil 18 servants. 19 <b>A. Yes. So I would like to make it clear, first of all,</b> 20 <b>that SIS is not tasked directly with protecting security</b> 21 <b>within the UK. We cooperate very closely with our</b> 22 <b>colleagues in MI5 and also with the police and others in</b> 23 <b>that area. But because we don't have a direct</b> 24 <b>responsibility for that, the likelihood of us holding</b> 25 <b>records on UK politicians and other senior figures is</b></p> <p style="text-align: center;">Page 121</p>	<p>1 <b>significantly lower than that for our partners.</b> 2 <b>We do, of course, engage with UK politicians and</b> 3 <b>others, you know, government officials in the course of</b> 4 <b>our work, and so we would, in those circumstances, have</b> 5 <b>records of those meetings and details of contacts that</b> 6 <b>we've had with them. But none of that would be relevant</b> 7 <b>in this -- would carry material of relevance to this</b> 8 <b>inquiry.</b> 9 Q. Your paragraph 11, can we just deal with this in 10 passing? Can you confirm that SIS was not asked by the 11 inquiry to disclose any material relating to 12 Sir Maurice Oldfield, who was the head of SIS from 1973 13 to 1978? 14 <b>A. That is correct. We weren't asked to disclose any such</b> 15 <b>material.</b> 16 Q. But what you can confirm is that, in the early 1980s, he 17 was the subject of an independent investigation by MI5, 18 during which he revealed that he had homosexual 19 relationships in the 1940s and the 1950s, which he had 20 not declared during his security clearance, as was 21 required at the time? 22 <b>A. That is correct, yes.</b> 23 Q. Can I now please turn to something else? 24 This is SIS's records relating to allegations of 25 child sexual abuse or the risk of child sexual abuse,</p> <p style="text-align: center;">Page 122</p>
<p>1 and, first of all, the Service's approach prior to the 2 implementation of the current policy, which we'll come 3 to in a short while. 4 If we go, please, just skating over paragraphs 12 5 and 13, to your paragraph 14, under the heading 6 "Approach taken prior to the implementation of current 7 policy", do you say there that your searches found 8 a small number of references to child sexual abuse or 9 a potential risk of such abuse in the Service's 10 documentation, and the inquiry team reviewed all such 11 material, and those found to be relevant you set out 12 below, and we'll come to them, and then you deal first 13 of all with what you characterise as case 1, which 14 relates to Sir Peter Hayman. 15 Can you tell us about that, please? 16 <b>A. Yes. So this is a very brief reference to</b> 17 <b>Sir Peter Hayman, which we found during our searches.</b> 18 <b>Essentially, it was a cover sheet which was attached to</b> 19 <b>a press article giving an obituary for Sir Peter Hayman</b> 20 <b>and the obituary covered all aspects of Hayman's life,</b> 21 <b>including his involvement in a pornography case in 1978,</b> 22 <b>and also the allegation that he was involved for</b> 23 <b>a number of years as a member of the Paedophile</b> 24 <b>Information Exchange, PIE --</b> 25 Q. Can I just ask you -- pause there for a moment. Two</p> <p style="text-align: center;">Page 123</p>	<p>1 things. Can you confirm the document, which was a cover 2 sheet, was dated 1990? 3 <b>A. Yes, that is correct.</b> 4 Q. And the second thing I'm going to ask you to do is just 5 to slow down, because your evidence is being transcribed 6 and you're going just a little quickly. Would you mind 7 slowing down a bit, if you can? 8 With that in mind, take us to the next two points, 9 please, your point (b) and then (c) under the heading of 10 "Case 1". 11 <b>A. Of course. I apologise.</b> 12 <b>So the cover sheet dated 1990 covering the obituary</b> 13 <b>in our file simply had an annotation made on it by</b> 14 <b>an SIS officer, and this annotation read:</b> 15 <b>"An unpleasant and pompous man, used to like playing</b> 16 <b>Father Christmas in Ottawa so that he could dandle</b> 17 <b>children on his knee."</b> 18 <b>We believe this comment relates to the period that</b> 19 <b>Peter Hayman was High Commissioner in Ottawa in the</b> 20 <b>early 1970s, 1970 to 1974.</b> 21 <b>That is the only information that we found in our</b> 22 <b>searches relating to Sir Peter Hayman. We had nothing</b> 23 <b>else on our files that explained the context for that</b> 24 <b>comment or why it was made, or any detail supporting any</b> 25 <b>other aspects of allegations made against</b></p> <p style="text-align: center;">Page 124</p>

1 **Sir Peter Hayman.**  
2 Q. Thank you. By reference to your paragraph 15 you  
3 confirm that there was no formal policy in place to  
4 dictate the handling of child protection concerns before  
5 November 2015. Is that correct?  
6 **A. That is correct.**  
7 Q. We'll come to that in a moment, but searches identified  
8 two cases from before the implementation of that policy;  
9 which, you say in your paragraph 15, demonstrate that  
10 SIS was alive to its responsibilities to ensure that  
11 appropriate action was taken following receipt of  
12 credible information indicating that children are at  
13 risk of sexual abuse.  
14 So with that introduction, can you tell us about  
15 your case 2, please? And remember to keep it as slow as  
16 you can, please. Thank you.  
17 **A. So case 2 involves the discovery of pornographic**  
18 **material, including indecent photographs of children, on**  
19 **a computer used by SIS staff --**  
20 Q. And this was 2006?  
21 **A. -- (overspeaking). It happened in 2006, yes.**  
22 **When this material was then discovered, it was**  
23 **preserved and we conducted an internal investigation to**  
24 **find out which employee or employees might have been**  
25 **responsible for putting this material on to the**

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1 **A. So this is a more complex case, I think, in terms of the**  
2 **timespan and what happened. But here we had a SIS**  
3 **officer was asked to develop the relationship with a new**  
4 **contact. He found out that we believed that the contact**  
5 **was in possession of a cache of illegal images of**  
6 **children. He confronted the contact about this, but the**  
7 **contact denied forcefully that the images were his.**  
8 **We continued to investigate the cache of images and**  
9 **where they'd come from, and -- but we did not, at that**  
10 **stage, have any evidence to instigate a police**  
11 **investigation, and we considered whether and how to take**  
12 **it forward at that time, and we drafted a note to inform**  
13 **the seniors in Whitehall about the issue. But because**  
14 **we didn't have enough material at that time to take**  
15 **forward, nothing further happened at that time.**  
16 **The case continued to develop, and this was in the**  
17 **early 2000s again, early to mid 2000s. The case**  
18 **continued to develop, and we continued to investigate**  
19 **the case and the material that we had found and gathered**  
20 **more information about it, more evidence, and again**  
21 **confronted the contact. And this time -- in about**  
22 **June 2009, this was -- the contact admitted downloading**  
23 **the images, but said that he'd committed no physical**  
24 **abuse.**  
25 **We then escalated the case up, or our officer**

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1 **computer.**  
2 **We then passed the details of the material and the**  
3 **potential suspects to the police, the Child Protection**  
4 **Unit, and a police investigation followed.**  
5 **This confirmed that the images were illegal and it**  
6 **identified the SIS officer who was most likely to have**  
7 **been responsible for downloading them.**  
8 **That individual was then dismissed from SIS and he**  
9 **was charged with two counts of possessing indecent**  
10 **photographs of children on a workplace computer.**  
11 **We handed all of that material to the police and**  
12 **provided all the necessary access and support to the**  
13 **prosecution, including allowing -- making preparations**  
14 **to allow other SIS officers to be able to give evidence**  
15 **at the trial.**  
16 **Ultimately, the prosecutor decided to offer no**  
17 **evidence against the defendant following an abuse of**  
18 **process application. SIS was not involved in that**  
19 **decision. That was purely a decision made by the**  
20 **prosecutors at the time, and we actually wrote to the**  
21 **Crown Prosecution Service to explain -- to express our**  
22 **disappointment that that was the case. Our preference**  
23 **would have been to have seen the prosecution through.**  
24 Q. Thank you. Then finally, prior to November 2015,  
25 case 3.

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1 **escalated the case up to his line management chain to**  
2 **a more senior level to ensure that there was a good**  
3 **response to the allegations, and they continued to**  
4 **investigate the allegations that had been made and the**  
5 **material that was kept.**  
6 **The officer actually resigned then from SIS at about**  
7 **this time, and -- but before he resigned from SIS, he**  
8 **took the evidence from the cache of documents to the**  
9 **Child Exploitation and Online Protection Centre. That**  
10 **was done with the knowledge and blessing of the Service.**  
11 **It was a decision that we took that we should refer it**  
12 **up to the CEOP; and it was passed on to CEOP.**  
13 **Eventually, the referral to CEOP took -- CEOP**  
14 **eventually came back to us and said that they did not**  
15 **think there was sufficient evidence to prosecute this**  
16 **case, that would reach a conviction. So law enforcement**  
17 **took no further action against the contact and we,**  
18 **frankly, had ended our contact with the individual**  
19 **concerned at the time.**  
20 **The officer, who had resigned from the Service, was**  
21 **concerned, after he'd resigned, that the case had not**  
22 **been taken seriously enough by us. So he came back**  
23 **after he'd resigned to discuss the case further with**  
24 **staff in SIS and, at that stage, he was given**  
25 **an opportunity to review the documents and to confirm**

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1 that we had reported the case up. CEOP had been  
 2 involved and they had taken the decision not to do it  
 3 further. So I think then he was satisfied that  
 4 appropriate action had been taken. He did also  
 5 highlight that there was no policy at the time, child  
 6 protection policy at the time, and no guidelines for  
 7 managing such issues, but this had been addressed by the  
 8 time he came back in.

9 Q. So just -- thank you for that. Just going back to your  
 10 paragraphs 12 and 13, so the three cases we've just gone  
 11 through, they were dealt with at a time before SIS had  
 12 a child protection, for short, policy which first came  
 13 into being in November 2015; is that correct?

14 A. That is correct, yes.

15 Q. You say in the last sentence of paragraph 12 that SIS  
 16 records also show that occasions where a potential risk  
 17 to children from sexual abuse has been suspected are  
 18 rare. Is that because of the nature of SIS work and  
 19 operations?

20 A. Yes. Due to the nature of our work, we are -- first of  
 21 all, we are engaged largely overseas. So we don't have  
 22 a lot of contact with children in the UK. We don't have  
 23 children in our headquarters building as a regular -- as  
 24 a matter of course. So there is very limited contact  
 25 between SIS officers and children in the course of their

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1 go up on the screen, please, and I'm going to ask you  
 2 some questions about it, which is HOM003234. By all  
 3 means, keep your witness statement in front of you, if  
 4 it helps.

5 But I'll point out to you various passages within  
 6 the policy I would like a little help with, please.

7 First of all, if we go to the second page, we see  
 8 the policy is entitled "Child and Vulnerable Adult  
 9 Protection Policy". This is tab 3 for the chair and  
 10 panel.

11 Under the "Purpose and Definitions" head, does it  
 12 read this way:

13 "This policy sets out how to respond if, during the  
 14 course of your work for SIS, you receive credible  
 15 information, or otherwise develop reasonable grounds to  
 16 suspect, that a child or vulnerable adult is, or is  
 17 about to be, the subject of abusive conduct. It also  
 18 applies where SIS have reasonable grounds to suspect  
 19 that an agent or other contact is in possession of  
 20 indecent images of a child."

21 A. That is correct, yes.

22 Q. Then I'm going to deliberately skate over the next two  
 23 paragraphs. Do you then -- does the policy then set out  
 24 to whom it applies:

25 "The policy applies to, and should be followed by,

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1 work.

2 Similarly, overseas, it would be a rare occurrence  
 3 that we would be working with children, and I can think  
 4 of examples where we might choose to, but those  
 5 occurrences are very, very rare indeed and would require  
 6 considerable consideration before we actually engage  
 7 with children.

8 So all told, the opportunities for us to engage with  
 9 children are very limited in our work, and so the risks  
 10 that we would come across examples of -- of child sexual  
 11 abuse would be rare.

12 Q. Thank you.

13 Now, you will confirm, as you have already, that,  
 14 therefore, the first policy, formal policy SIS had was  
 15 November 2015, which was revised and updated until  
 16 recently to June 2018; is that right?

17 A. That's right, and it was revised again and updated in  
 18 January this year.

19 Q. Yes. The policy documents, which is annexed to your  
 20 witness statement, and is part of the inquiry reference  
 21 which I gave, that is the June 2018 version; is that  
 22 right?

23 A. That's correct.

24 Q. But we now have the January 2019 version which has  
 25 a separate reference, and I'm going to ask for that to

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1 SIS staff, secondees, contractors, and those working on  
 2 behalf of the Service."

3 A. That's correct, yes.

4 Q. Does it also state, finally, under that heading:

5 "The policy is without prejudice to the existing  
 6 policy, which is that, where staff have reasonable  
 7 grounds for suspecting that a completed UK criminal  
 8 offence has been committed, they must report the  
 9 criminal offence to an offence reporting contact."?

10 A. That's correct, yes.

11 Q. So does that suggest that outside this policy, SIS has  
 12 a number of other policies, including one on what to do  
 13 where they become aware of or suspect that somebody has  
 14 committed a criminal offence in this country, and what  
 15 to do about it?

16 A. Yes, we do.

17 Q. Now, under the next head, do we find the heading  
 18 "Abusive Conduct", and at the foot of the second page  
 19 does it read this way:

20 "We must be especially aware of the risks of abuse  
 21 in relation to children and vulnerable adults. During  
 22 the course of your work for SIS, in the United Kingdom  
 23 or overseas, you may become aware through intelligence  
 24 or other means that a child or vulnerable adult is, or  
 25 is about to become, the subject of abusive conduct.

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<p>1 This can include ..."</p> <p>2 Then there follows a non-exhaustive list:</p> <p>3 "Physical abuse, including cruel, inhuman or</p> <p>4 degrading treatment;</p> <p>5 "Psychological abuse, including emotional abuse,</p> <p>6 threats to harm, intimidation or coercion;</p> <p>7 "Child cruelty/neglect;</p> <p>8 "Sexual abuse;</p> <p>9 "The trafficking of children or vulnerable adults;</p> <p>10 and</p> <p>11 "The holding, circulation or production of indecent</p> <p>12 images of children."</p> <p>13 So that's the non-exhaustive list of what is meant</p> <p>14 by abusive conduct?</p> <p>15 <b>A. That's correct, yes, in our policy.</b></p> <p>16 Q. Just in order to confuse us, at the foot of the next</p> <p>17 part of that section, we have, "Paragraphs 12 to 21</p> <p>18 below set out in more detail how this should be done".</p> <p>19 Should that be there?</p> <p>20 <b>A. No, that shouldn't.</b></p> <p>21 Q. Then you have a heading "Statement of Intent". So does</p> <p>22 this, as it were, set out SIS's mission statement</p> <p>23 insofar as safeguarding is concerned?</p> <p>24 <b>A. Yes, it does.</b></p> <p>25 Q. "SIS do not exploit children or vulnerable adults for</p> <p style="text-align: center;">Page 133</p>	<p>1 operational purposes, nor tolerate their abuse by SIS</p> <p>2 staff, or those who work on our behalf or in our</p> <p>3 support, including SIS agents."</p> <p>4 Then, next paragraph:</p> <p>5 "SIS will always act within the law ..."</p> <p>6 Then you have two sections dealing with abusive</p> <p>7 conduct, that in the United Kingdom and that outside the</p> <p>8 Kingdom, and is it split because, depending on where</p> <p>9 such abusive conduct takes place, although the direction</p> <p>10 appears to be that the individual who becomes alive to</p> <p>11 this sort of behaviour should report it to a line</p> <p>12 manager, nevertheless much depends on the laws of the</p> <p>13 country about how it should be dealt with if it's</p> <p>14 outside the UK?</p> <p>15 <b>A. Yes. I think our -- our aim in writing -- splitting it</b></p> <p>16 <b>this way was to really be able to go into some more</b></p> <p>17 <b>detail on the main area of work, which is outside the</b></p> <p>18 <b>United Kingdom, and try and tackle questions about how</b></p> <p>19 <b>this policy would relate to the situation in overseas</b></p> <p>20 <b>countries where we were doing the bulk of our work.</b></p> <p>21 Q. Yes. So we have those two sections, and subject to what</p> <p>22 you just told us, the instruction is given what to do if</p> <p>23 suspicion about that kind of behaviour is met.</p> <p>24 Under the next head but one on page 4, does the</p> <p>25 policy then set out several practical examples, as well</p> <p style="text-align: center;">Page 134</p>
<p>1 as a Q&amp;A?</p> <p>2 <b>A. That's right, yes.</b></p> <p>3 Q. And there are just two parts by way of example I would</p> <p>4 like your help with. If you go to page 5 of the policy.</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. Just looking at the second heading:</p> <p>7 "What if I have reasonable grounds to suspect an SIS</p> <p>8 agent is engaging in abusive conduct?"</p> <p>9 Does the policy tell the individual you must</p> <p>10 immediately draw the information or intelligence to the</p> <p>11 attention of your line manager and they will then engage</p> <p>12 legal staff and the ethics counsellor as appropriate.</p> <p>13 The next head:</p> <p>14 "What if I have reasonable grounds to suspect that</p> <p>15 an agent, subject of interest, or other contact is in</p> <p>16 possession of illegal images of children?"</p> <p>17 Does the policy state:</p> <p>18 "The use of children to create indecent images will</p> <p>19 usually constitute a serious crime and inhuman or</p> <p>20 degrading treatment. The Child Sexual Exploitation and</p> <p>21 Online Protection Command of the National Crime Agency</p> <p>22 have also identified a link between possession of</p> <p>23 imagery and an escalation into direct sexual abuse of</p> <p>24 children. If an individual has an interest in illegal</p> <p>25 images of children, any children to whom they have</p> <p style="text-align: center;">Page 135</p>	<p>1 access could be at risk of such abuse. If you have</p> <p>2 reasonable grounds to suspect that any contact of the</p> <p>3 Service is in possession of illegal images of children,</p> <p>4 you should report this to line management and senior</p> <p>5 compliance officers. If our intelligence could help</p> <p>6 prevent such conduct, then we should bring it to the</p> <p>7 attention of the appropriate authorities, unless this</p> <p>8 would cause unacceptable damage to national security."</p> <p>9 So those are two examples of how the policy provides</p> <p>10 practical advice to those who have to apply it; is that</p> <p>11 right?</p> <p>12 <b>A. That's correct, yes.</b></p> <p>13 Q. Can we go back to your witness statement, please.</p> <p>14 INQ -- and for our purposes, INQ003831, at page 5.</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. Help us with paragraph 17:</p> <p>17 "The children and vulnerable adult policy doesn't</p> <p>18 form part of operational training provided by SIS.</p> <p>19 However, all members of SIS, including contractors and</p> <p>20 secondees, must complete mandatory legal training which</p> <p>21 requires regular requalification."</p> <p>22 What is the distinction that's being made there?</p> <p>23 <b>A. So the operational -- the operational training is to do</b></p> <p>24 <b>with the conduct of our operations, methodology,</b></p> <p>25 <b>techniques, that sort of material.</b></p> <p style="text-align: center;">Page 136</p>

<p>1 <b>So this sort of policy isn't generally trained</b>                  2 <b>specifically in such operational training. So we would</b>                  3 <b>reference it in those types of courses. We have</b>                  4 <b>separate training available which is mandatory for staff</b>                  5 <b>on the legal basis under which SIS operates, and the</b>                  6 <b>processes and the compliance guidance that we operate</b>                  7 <b>under. So that is -- this sort of policy is trained</b>                  8 <b>under that -- under that sort of training, rather than</b>                  9 <b>under direct operational training.</b>                  10 Q. And is it a one-off training for staff members or are                  11 there annual reviews and that sort of thing?                  12 <b>A. So the mandatory legal training is required to be</b>                  13 <b>requalified every two years with an online test, but</b>                  14 <b>there are other training courses where people, before</b>                  15 <b>they go on postings, for example, would undertake</b>                  16 <b>training in compliance processes and operational</b>                  17 <b>compliance where this policy would also be referenced.</b>                  18 <b>People when they -- sorry --</b>                  19 Q. Carry on, please.                  20 <b>A. And there will be other opportunities in people's</b>                  21 <b>careers when they take on specific roles and functions</b>                  22 <b>that -- they would undertake other non-operational but</b>                  23 <b>training on corporate issues, where these sorts of</b>                  24 <b>policies would be -- could be referenced.</b>                  25 Q. Thank you.</p> <p style="text-align: center;">Page 137</p>	<p>1 Now, finally, from my perspective, please, the                  2 fourth case which you set out under your paragraph 18,                  3 you say, demonstrates how the current policy operates,                  4 as it was recorded in February 2018.                  5 Now, that suggests that this case arose before the                  6 June 2018 revision and certainly long before the                  7 January 2019 revision. Is that how we should read it?                  8 <b>A. Yes, it is.</b>                  9 Q. Has the January 2019 policy made any substantial changes                  10 to the policy versions that went before or are they                  11 cosmetic only?                  12 <b>A. No, I can describe for you the two changes that were</b>                  13 <b>made, if that would be helpful.</b>                  14 Q. Yes, please.                  15 <b>A. So in the January version, the first practical example</b>                  16 <b>under the heading, "What if I have a requirement to</b>                  17 <b>recruit or otherwise to make operational use of a child</b>                  18 <b>or vulnerable adult", that is --</b>                  19 Q. Can you just pause there? We need to catch up. Which                  20 page are you on, please?                  21 <b>A. So the third page of the actual policy writing. So</b>                  22 <b>under -- the first practical example, Q&amp;A.</b>                  23 Q. I just need to bring that up on the screen so everybody                  24 can follow. So that is HOM003234. Page 3, I think you                  25 said?</p> <p style="text-align: center;">Page 138</p>
<p>1 <b>A. Yes.</b>                  2 Q. Yes. Tell us what that difference is.                  3 <b>A. So under that -- it's page 4, I think, of the actual --</b>                  4 <b>yes, sorry, page 4.</b>                  5 Q. Page 4.                  6 <b>A. Yes.</b>                  7 Q. So it's the first one under the practical examples, the                  8 first heading?                  9 <b>A. That's right.</b>                  10 Q. Yes.                  11 <b>A. So in the June 2018 policy, this -- the answer to this</b>                  12 <b>question basically ended after the second sentence,</b>                  13 <b>where it says, "You must engage compliance and legal</b>                  14 <b>staff before embarking on such an operation".</b>                  15 <b>That's where it ended in June 2018. In January, we</b>                  16 <b>added in wording to that, that example, to give more</b>                  17 <b>guidance on the level of staff that would be required to</b>                  18 <b>authorise operations where there might be children or</b>                  19 <b>vulnerable adults involved, and we also added in</b>                  20 <b>a second tier A to that answer which put it -- put</b>                  21 <b>the -- this policy in context of the RIPA, the</b>                  22 <b>Regulation of Investigatory Powers Act code of practice</b>                  23 <b>on covert intelligence sources. So we added in some</b>                  24 <b>wording to bring this RIPA requirement into this policy</b>                  25 <b>as well.</b></p> <p style="text-align: center;">Page 139</p>	<p>1 <b>That was the first change that we made in January on</b>                  2 <b>this policy.</b>                  3 Q. And the second --                  4 <b>A. The other change that we made --</b>                  5 Q. And the second one, please?                  6 <b>A. Sorry, the second change that we made was on page 6 of</b>                  7 <b>this policy. So we -- at the start of page 6 on this</b>                  8 <b>policy, there's a new question that we put in to add to</b>                  9 <b>these practical examples. The question that says:</b>                  10 <b>"What if I receive reporting from a contact or an</b>                  11 <b>agent that includes details of minors?"</b>                  12 <b>We added in a response there which reads:</b>                  13 <b>"This reporting needs to be handled sensitively and</b>                  14 <b>serious consideration should be given to whether it</b>                  15 <b>should be reported. Heads of relevant SIS teams should</b>                  16 <b>always be consulted before issuing any reporting which</b>                  17 <b>relates to minors. Please see reporting on minors for</b>                  18 <b>further details."</b>                  19 <b>And we have a separate policy on reporting on</b>                  20 <b>minors.</b>                  21 Q. All right, thank you for that.                  22 So back to your statement, please, at paragraph 18.                  23 Then, given what you've told us, presumably there was                  24 some differences -- I'm not going to ask you to go                  25 through them -- between the November 2015 policy and</p> <p style="text-align: center;">Page 140</p>

1 that which was the June 2018 version, since revised, as  
 2 we know, in January 2019.  
 3 But just give us an idea of case 4 and how the  
 4 policy as it was then worked in February 2018 to the  
 5 example you provide.  
 6 **A. So, yes, case 4, which was in February 2018, we became**  
 7 **aware that one of our contacts, a foreign contact we**  
 8 **had, we were in contact with overseas, was in possession**  
 9 **of a video clip which might show a child having sexual**  
 10 **contact with an animal.**  
 11 **The SIS officer who discovered this was aware of the**  
 12 **child and vulnerable adult protection policy, and then**  
 13 **applied that by reporting the issue up to line**  
 14 **management and compliance staff, and also making sure**  
 15 **that the material wasn't spread to other staff and**  
 16 **given -- allowed -- it wasn't given to other staff to**  
 17 **see.**  
 18 **The material was then reviewed and we -- we saw that**  
 19 **it showed a young boy, we thought around 10 years of**  
 20 **age, but we weren't sure, attempting to have some sort**  
 21 **of sexual relationships with a chicken. It appeared to**  
 22 **us that the boy was not under duress. There's no words**  
 23 **spoken, but there was a lot of laughter and -- including**  
 24 **from the boy involved in the act, and a friend of**  
 25 **a similar age who was watching. But it appeared to be**

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1 Q. Thank you. Then your paragraph 19, to end my questions  
 2 of you, you set out the core function of SIS, and how it  
 3 operates under a number of legal and policy frameworks  
 4 which ensure it doesn't exploit children or vulnerable  
 5 adults for operational purposes, nor tolerate their  
 6 abuse by anyone working in support of or on behalf of  
 7 the Service.  
 8 Stating, as you have before, that SIS is also  
 9 legally bound to protect national security, do you say,  
 10 skipping over to the final sentence, that in dealing  
 11 with suspected cases of child abuse or exploitation,  
 12 that the Service's guiding principle is that set out in  
 13 the UN Convention on the Rights of the Child and in the  
 14 Children Act, namely, the best interests of the child  
 15 should always prevail? Is that what underlies the  
 16 policy you've been telling us about?  
 17 **A. That is correct, and that is made clear in the policy**  
 18 **itself.**  
 19 MR ALTMAN: Yes.  
 20 Well, thank you very much. Those are, as I said,  
 21 all the questions I ask. There may be a question from  
 22 the chair or the panel, I don't know.  
 23 THE CHAIR: No, we have no questions. Thank you.  
 24 MR ALTMAN: There we are. None at all. Thank you very much  
 25 for your assistance.

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1 **a video of two boys having some sort of play or other**  
 2 **activity.**  
 3 **We didn't have any data at all about, and we**  
 4 **couldn't find any data, on where or when the video was**  
 5 **recorded, who was responsible for recording the video**  
 6 **and the circumstances in which it was taken. All we had**  
 7 **was what we saw on the video.**  
 8 **The video was part of a popular social media**  
 9 **platform which the owner of the device on which we found**  
 10 **the video shared the media with other members of the**  
 11 **group, and there was no evidence that anybody that it**  
 12 **had been shared with had been involved in this**  
 13 **production, and there's no evidence that the individual**  
 14 **who owned the device on which we found the video was in**  
 15 **possession of any other material of a similar sort.**  
 16 **So we had very little information about it. All we**  
 17 **could judge was what we saw in the video.**  
 18 **So based on those findings, the SIS officers who saw**  
 19 **the video decided that it did not likely represent**  
 20 **a recording of child sexual abuse, and there was**  
 21 **insufficient information on the video to pursue it any**  
 22 **further.**  
 23 **We kept a record of what we'd done to investigate**  
 24 **the case, and we kept a copy of the video clip in case**  
 25 **in future it would be required by the police.**

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1 (The witness withdrew)  
 2 MR ALTMAN: We can cut the link.  
 3 Chair, I'm going to ask you to rise so that the  
 4 equipment and the live streaming can be resumed for the  
 5 next witnesses. So perhaps if you have your break now?  
 6 THE CHAIR: We'll take 15 minutes, thank you.  
 7 (2.44 pm)  
 8 (A short break)  
 9 (2.58 pm)  
 10 THE CHAIR: Mr O'Connor?  
 11 MR O'CONNOR: Chair, the final two witnesses for today are  
 12 Mr Mahaffey and Commander Roper, who are giving evidence  
 13 together.  
 14 As you will recall, chair, they've both already  
 15 given evidence in the first week of the hearing.  
 16 They've both already been sworn. So there's no need to  
 17 re-swear them.  
 18 MR CHRISTOPHER MAHAFFEY (recalled)  
 19 COMMANDER CATHERINE ROPER (recalled)  
 20 Examination by MR O'CONNOR  
 21 MR O'CONNOR: Mr Mahaffey, Commander Roper, I know that you  
 22 are aware of the purpose of this second evidence session  
 23 for you both. The plan had been for you to give  
 24 evidence at the end of the first week of the hearings,  
 25 but, for practical reasons, that wasn't possible, which

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<p>1 is why we're doing it now.</p> <p>2 The purpose of the exercise is for us to go back to</p> <p>3 some of the evidence that was heard during that first</p> <p>4 week, in part evidence that each of you gave on behalf</p> <p>5 of the IOPC and the Metropolitan Police respectively,</p> <p>6 and also some of the evidence from the officers who gave</p> <p>7 evidence. I'll be referring in due course to Mr Groves,</p> <p>8 Mr Foulston, Mr Sinclair and so on, and just to revisit</p> <p>9 some of the themes that emerged from that evidence and</p> <p>10 to ask you both about them.</p> <p>11 As I've said, I will try and ask one or other of you</p> <p>12 a question, and then give the other one an opportunity</p> <p>13 to say something, because, for the sake of the</p> <p>14 stenographer, we must try to avoid overspeaking each</p> <p>15 other.</p> <p>16 So the first theme that I want to ask you about is</p> <p>17 the general question of deference, and you will</p> <p>18 appreciate why that is an important issue for this</p> <p>19 inquiry to examine.</p> <p>20 During the course of that first week's evidence, the</p> <p>21 question of deference arose in two slightly different</p> <p>22 contexts, although I'll be asking you whether you think</p> <p>23 they may be linked.</p> <p>24 That is, first of all, deference within the police</p> <p>25 force, so in other words, deference paid by more junior</p> <p style="text-align: center;">Page 145</p>	<p>1 officers to more senior officers and, secondly,</p> <p>2 deference that the police force as a whole may have</p> <p>3 shown to those whom it was investigating. So the</p> <p>4 question is, one of the main questions for this inquiry</p> <p>5 is, were the police, as a whole, deferring to prominent</p> <p>6 suspects of crimes?</p> <p>7 Clearly we'll also -- the inquiry is also interested</p> <p>8 to hear your evidence about what the position was then</p> <p>9 and, if it's different, what the position is now.</p> <p>10 So starting, if I may, with the -- with that first</p> <p>11 type of deference, deference within the Police Service,</p> <p>12 if we can look just to set the scene at the IOPC report,</p> <p>13 which for the screen is IPC000830. It's in</p> <p>14 Mr Mahaffey's bundle, I think, behind tab 2 for those</p> <p>15 who have the papers, but we will be calling all the</p> <p>16 documents up on screen in any event.</p> <p>17 If we can look at page 19, please. Zoom in on</p> <p>18 paragraphs 71 to 73, please.</p> <p>19 Now, what is written here, we see that what is said</p> <p>20 is:</p> <p>21 "When considering such matters ..."</p> <p>22 And that was a question of instructions being given</p> <p>23 by senior officers to more junior officers:</p> <p>24 "... consideration should be accorded to the</p> <p>25 hierarchical structure of the Police Service which</p> <p style="text-align: center;">Page 146</p>
<p>1 continues into the present day."</p> <p>2 So what is being described is something that may</p> <p>3 have existed in the 1970s and 1980s but is said still to</p> <p>4 continue today:</p> <p>5 "The Police Service had, and has, a very clear</p> <p>6 structure of rank, and there are certain decisions which</p> <p>7 require authorisation from senior officers, such as</p> <p>8 search warrant applications and covert operations.</p> <p>9 Police officers, especially those at a more junior</p> <p>10 level, are limited as to the decisions they can make</p> <p>11 and, in the execution of their duties, they will often</p> <p>12 be following lawful orders provided by senior officers.</p> <p>13 Indeed, at the current time ..."</p> <p>14 There's a reference to the relevant statutory</p> <p>15 provision:</p> <p>16 "... one of the standards of professional</p> <p>17 behaviour ..."</p> <p>18 Or rather, following an order or instruction was one</p> <p>19 of the standards of professional behaviour, and</p> <p>20 a failure to follow such lawful orders could lead to</p> <p>21 disciplinary action being taken against an officer:</p> <p>22 "However, this is limited to lawful orders, and</p> <p>23 police officers are also required to challenge and</p> <p>24 report improper conduct."</p> <p>25 It goes on:</p> <p style="text-align: center;">Page 147</p>	<p>1 "This hierarchical structure was of course in place</p> <p>2 during the period to which these allegations relate</p> <p>3 (although the relevant legislation and standards applied</p> <p>4 differed). It may be speculated that a culture of</p> <p>5 deference was, if anything, more prominent at that time,</p> <p>6 although this has not been evidenced for the purpose of</p> <p>7 this report. In any event, it is possible that senior</p> <p>8 officers exercised their authority in order to prevent</p> <p>9 effective investigation, and that such instructions were</p> <p>10 followed by police officers. It is also unlikely to be</p> <p>11 considered surprising if junior police officers did not</p> <p>12 question the decisions of senior police officers when</p> <p>13 allegedly told not to pursue a certain line of enquiry</p> <p>14 or indeed a whole investigation at the time in</p> <p>15 question."</p> <p>16 Then the final paragraph refers to a slightly</p> <p>17 different point about more junior officers possibly not</p> <p>18 being aware of decisions being made about transferring</p> <p>19 investigations from one part of the Met to another.</p> <p>20 Now, so this report has made those points, and</p> <p>21 Mr Mahaffey, I took you to that -- those paragraphs, and</p> <p>22 you, I think, agreed in your evidence certainly that</p> <p>23 more junior officers on occasions didn't think it was</p> <p>24 their place to challenge or question any decision made</p> <p>25 by a senior officer as a general statement, back in the</p> <p style="text-align: center;">Page 148</p>

<p>1 1970s or 1980s, but you added that you thought the                  2 position had changed considerably. But you did say that                  3 it was a theme within many of these investigations, and                  4 indeed other officers -- for example, Mr Groves,                  5 Mr Sinclair -- gave evidence along the same lines.                  6 I think it was Mr Sinclair who described that if he'd                  7 challenged a senior officer, he would have been back in                  8 uniform the next day, speaking, as he was, as                  9 a detective.                  10 So that is a summary, if you like, of some of the                  11 evidence that we heard during that week.                  12 I'll come back to you, Mr Mahaffey, but                  13 Commander Roper, the starting question then                  14 is: historically, do you think that's right, the                  15 suggestion in some of these pieces of evidence that the                  16 inquiry heard, that there was, if you like, a culture of                  17 knowing your place, a culture of deference within the                  18 Metropolitan Police Service back in the 1970s and '80s?                  19 COMMANDER ROPER: I think, as the report identifies, we do                  20 exist in a hierarchical structure, and I do think --                  21 MR O'CONNOR: Just pause there. Do you want to pull the                  22 microphone around?                  23 COMMANDER ROPER: Is that better?                  24 MR O'CONNOR: I'm sure it is.                  25 COMMANDER ROPER: We do work within a hierarchical</p> <p style="text-align: center;">Page 149</p>	<p>1 structure, and I think officers, both then and now, are                  2 conscious of the fact we work in a rank organisation.                  3 However, I did welcome the observations by                  4 Mr Mahaffey that, actually, I think the culture has                  5 significantly changed since the 1970s and 1980s.                  6 I think it's changed in a number of respects. Not                  7 least because of the legal requirements that we now have                  8 within the organisation to report wrongdoing and to                  9 challenge, but also the culture of not simply accepting                  10 what one is being told in the organisation has changed                  11 very much.                  12 If I may give an example of that, if there is                  13 a particular operation that's happening, or a particular                  14 investigation, absolutely senior officers are required                  15 to give the authorisations, for example, if it's covert                  16 activity or a search warrant.                  17 All decisions, and all investigations, are now much                  18 more greatly recorded, be it in a decision log or within                  19 our crime investigation system, or in our intelligence                  20 systems.                  21 So all decisions will be recorded and will therefore                  22 be audible, will be tangible and be much more                  23 transparent.                  24 I think the organisation has also changed because it                  25 recognises the need to communicate with its teams much</p> <p style="text-align: center;">Page 150</p>
<p>1 more.                  2 So whereas -- and in the back of my head I'm                  3 thinking of Operation Larch as one of the examples                  4 actually. So whereas it's quite likely that a senior                  5 officer would have made a decision 20 or 30 years ago to                  6 redirect resources which is absolutely their right, if                  7 they felt there was a greater risk somewhere else or                  8 a greater importance somewhere else, it is quite likely                  9 that that decision would have been recorded and the                  10 rationale would have been recorded in their daybook,                  11 whereas now it will be recorded in four or five other                  12 ways, and it will be explained to the teams as to why                  13 they're being redirected, so therefore there's a much                  14 better culture of communication.                  15 I think that the Metropolitan Police has worked very                  16 hard, and indeed is still working, to ask junior                  17 officers to challenge, and to ask questions, and                  18 referring to the point of the lawful order to make sure                  19 actually what they're being asked to do is indeed                  20 lawful, and we are encouraged to do that much more.                  21 What that culture doesn't prevent against, though,                  22 and again referring to Operation Larch, is that that                  23 communication may not go outside that particular team.                  24 So it is still possible for a rumour to start and                  25 a thought as to why something may have changed direction</p> <p style="text-align: center;">Page 151</p>	<p>1 or stopped, because you wouldn't communicate with 40,000                  2 people. We would communicate with our teams and ask                  3 them to explain.                  4 But I think very much the culture has changed, both                  5 for legal reasons and also just because we recognise                  6 that communications is so much more important.                  7 MR O'CONNOR: Commander Roper, thank you. You talk of                  8 a much improved culture. Does it follow from that that                  9 you accept that the culture back at the time of a lot of                  10 the evidence -- that relates to a lot of the evidence                  11 that we've heard, was what -- clearly was not as good,                  12 would you accept that it was damaging, and that it led                  13 to on occasions mistakes being made?                  14 COMMANDER ROPER: What do you mean "mistakes"? Can I ask                  15 you to clarify what you mean by "mistakes", sorry?                  16 MR O'CONNOR: One example is the Operation Larch example,                  17 I think, that you've already given, whereby a reluctance                  18 to challenge or question on the part of junior officers                  19 may have led to people misunderstanding what was                  20 happening. To take that as an example, is that one of                  21 the things you had in mind?                  22 COMMANDER ROPER: Absolutely. I think taking -- the reason                  23 why I mentioned Operation Larch was that that was                  24 prompted by an individual not in any way involved in an                  25 operation hearing a rumour and worrying about it, and</p> <p style="text-align: center;">Page 152</p>

<p>1 bringing it to the fore. That's why I was particularly                  2 thinking of Operation Larch. But I do think the culture                  3 was probably more -- was more hierarchical, absolutely.                  4 I do think that the culture which encouraged challenge                  5 wasn't the same now. And I also think that the methods                  6 by which people can either overtly challenge or                  7 anonymously challenge any thoughts of wrongdoing or                  8 inappropriate behaviour, I described earlier in my                  9 evidence all the different ways that we can do that, and                  10 I think that also encourages people to challenge                  11 a decision.                  12 But also, because our recording methods are so much                  13 better, I think it steps away from a decision being kept                  14 in the daybook and no one else ever being informed of                  15 that decision.                  16 MR O'CONNOR: What about a slightly different factual                  17 scenario, which is the type of scenario described in                  18 Mr Glen's evidence and Mr Sinclair's evidence, for                  19 example, where, back in the 1970s or 1980s, junior                  20 officers felt that senior officers were making a wrong                  21 decision, for example, to bring to an end                  22 an investigation for the wrong reasons, but because of                  23 that internal culture of deference, didn't feel there                  24 was anything they could do about it? Do you accept that                  25 that type of problem existed in general terms in the</p> <p style="text-align: center;">Page 153</p>	<p>1 past?                  2 COMMANDER ROPER: Yes. So specifically on those examples,                  3 I think that that -- there are areas of concern that                  4 we've already acknowledged. But absolutely, I think                  5 that that lack of communication and that hierarchical                  6 structure could absolutely lead to that situation, yes.                  7 MR O'CONNOR: Mr Mahaffey, I haven't asked you about this                  8 yet. Of course I did ask you a few questions about this                  9 issue last time you gave evidence. Is there anything                  10 you want to add to that?                  11 MR MAHAFFEY: No, I don't think so.                  12 MR O'CONNOR: Let me move then -- that's the deference                  13 within the Metropolitan Police Service. I want to ask                  14 you now both about deference that may or may not have                  15 been shown by the Police Service to those whom it was                  16 investigating.                  17 We heard Lord Taverne give evidence about                  18 Operation Banway on his evidence, possibly the most                  19 stark example of an extremely senior police officer                  20 simply stating, accepting to the Home Secretary that                  21 they weren't investigating or they weren't monitoring                  22 certain areas of Westminster because they didn't want to                  23 catch MPs breaking the law.                  24 That was one example. One which may or may not have                  25 involved child sexual abuse. But there was other</p> <p style="text-align: center;">Page 154</p>
<p>1 evidence linked to Operation Jordana, for example, which                  2 certainly did cover that territory.                  3 Let's just look, if we can, please, at the                  4 Operation Jordana closing report. So for the screen,                  5 it's IPC000842. I think it's probably tab 10 in                  6 Mr Mahaffey's file for those who have it.                  7 It's internal page 15, please. This was a record                  8 of -- the account given by Mr Hoodless, which you will                  9 remember we heard some evidence about.                  10 So if we can go to -- it's the first top four                  11 paragraphs, I think.                  12 You will remember this, Mr Mahaffey and                  13 Commander Roper, perhaps. We probably -- we could                  14 perhaps just look at the italicised passage just under                  15 paragraph 71. There's no need to zoom in on it even                  16 more.                  17 This is the account that Mr Hoodless, who was, if                  18 you can recall, the inspector on Operation Circus, and                  19 I think he was described as the man who was in                  20 day-to-day control of the operation. He gave the                  21 account of having agreed with his team that they would                  22 not go for high-profile people, "because we were worried                  23 that we might have been shut down, as it might not have                  24 been in the public interest if we were to come up with                  25 politicians' names or people at Buckingham Palace, so we</p> <p style="text-align: center;">Page 155</p>	<p>1 didn't want to do it". He added a reason for that:                  2 "We were aware that we had a number of suspects to                  3 target and wanted to focus on what we called the 'street                  4 rats'.                  5 In other words, that was his point of concern. But,                  6 for completeness, he added that in fact they never did                  7 come across any high-profile suspects in                  8 Operation Jordana.                  9 So that was another example, perhaps, of a culture,                  10 like Lord Taverne described, of the Metropolitan Police                  11 not wanting to investigate high-profile suspects.                  12 Mr Holmes, you may recall, gave evidence. He was                  13 asked whether -- it was suggested to him that, for                  14 a young police officer, pursuing and establishing                  15 a criminal case against a senior politician would be                  16 a crowning moment of his career, and Mr Holmes said no,                  17 it's one thing to bring down Ronnie or Reggie Kray, but                  18 he described investigating a senior politician as being,                  19 in his words, "career stopping". So perhaps the same                  20 sort of evidence as we saw for Mr Hoodless there.                  21 Commander Roper, let me ask you first, then, what is                  22 your understanding of this theme, this theme of                  23 deference to senior politicians as it emerges from these                  24 various investigations that he we've been looking at?                  25 COMMANDER ROPER: Again, forgive me for clarifying the</p> <p style="text-align: center;">Page 156</p>

<p>1 question. Are you talking in reference to some of the                  2 evidence specifically we've heard of the investigations                  3 from years ago, or are you talking about my view of the                  4 culture now or --                  5 MR O'CONNOR: I would like, first of all, to hear what you                  6 think about the first point that you made, the                  7 investigations we have seen in the IOPC report and your                  8 own internal investigations.                  9 COMMANDER ROPER: So in terms of the evidence that we've                  10 heard and the investigations that obviously we have                  11 conducted, I don't recognise that culture of deference                  12 to people of prominence. And I think that the                  13 investigations haven't taken us evidentially to suggest,                  14 apart from a particular concern that we already raised                  15 in our opening statement, that we were not pursuing                  16 investigations against people of prominence.                  17 I totally accept the evidence that has been given                  18 during this process, and in terms of the reference you                  19 make to the Lord Taverne's evidence, that was                  20 a conversation that we have heard about entirely out of                  21 context or, rather, without context of what perhaps                  22 happened after that conversation, or what perhaps indeed                  23 was happening before that conversation. We don't know                  24 that an operation was necessarily happening, that an                  25 operation stopped or even if it was stopped as a result</p> <p style="text-align: center;">Page 157</p>	<p>1 of that conversation.                  2 What I would say is that we do not now, or then, in                  3 my view, do not step away from investigating prominent                  4 people, and I think without getting drawn on any                  5 particular case, there have been a range of examples                  6 where we have investigated people of prominence.                  7 What I do think is that now and then we would be                  8 mindful of the impact of an investigation about someone                  9 of prominence, particularly now, with social media, and                  10 with -- with all the different ways that it is so easy                  11 for the media to report on our investigations.                  12 I myself have been involved, particularly, for                  13 example, with a member of prominence in a community.                  14 I would consider the impact of that investigation                  15 process on the community, on the people that might be                  16 affected by it.                  17 So absolutely we consider the impact of our actions,                  18 but that doesn't change what we will do. We will                  19 probably just be mindful of the potential ripple effect.                  20 MR O'CONNOR: Thank you. I want to come back to that                  21 question of impact and how one considers investigating                  22 a person of prominence. That in fact chimes with                  23 something that Mr Mahaffey said in his evidence earlier                  24 in the hearings.                  25 Before we do so, I want -- just let me take you back</p> <p style="text-align: center;">Page 158</p>
<p>1 to what you said at the beginning of your answer.                  2 You said you didn't recognise this suggestion. Does                  3 that -- I take it you're not doubting the evidence that                  4 we've heard from the various officers who said that that                  5 was their understanding of the culture at the time?                  6 COMMANDER ROPER: No, absolutely not. I absolutely                  7 recognise the evidence that's been given. It's more                  8 that in relation to the investigations that we've                  9 conducted, either as directed by the IOPC or                  10 independently, we have found no evidence to suggest that                  11 that is in fact what has happened, apart from one                  12 particular area of concern that we acknowledged, that we                  13 would want to speak to a senior officer, that we                  14 acknowledged in our opening statement.                  15 So I don't doubt the evidence that's been given.                  16 I'm saying there's no wider evidence to support what is                  17 being suggested by some of the people over the last few                  18 weeks.                  19 MR O'CONNOR: I see. Let me just pursue that with you                  20 a little while.                  21 Do you think there might be a link between the                  22 internal deference that we were discussing a few minutes                  23 ago and you accepted that within the                  24 Metropolitan Police, junior officers back in the day                  25 were deferring to their more senior officers, and that</p> <p style="text-align: center;">Page 159</p>	<p>1 potentially caused its own problems?                  2 It would seem, wouldn't it, quite a small step to                  3 say that if that type of deference existed within the                  4 Metropolitan Police, then it would be unsurprising if                  5 those same officers were not also deferring to, for                  6 example, senior politicians or senior civil servants,                  7 and not wanting to pursue them for criminal offences in                  8 much the same way as they wouldn't want to upset their                  9 own senior officers?                  10 Do you think that follows or do you think there                  11 might be a link there or not?                  12 COMMANDER ROPER: I think there is a distinction between                  13 recognising that you work within a hierarchical                  14 structure and perhaps that culture not encouraging                  15 challenge.                  16 I don't think that that equates to a police officer                  17 not pursuing an allegation of criminal conduct against                  18 somebody.                  19 I have considered this situation -- this question of                  20 deference to the establishment, and what I would say is                  21 that now, if I'm contacted by a member of the                  22 establishment, it is quite likely that I will fast-track                  23 a reply. I know it's not quite the point you're making,                  24 but the reason I say that is because we recognise, and                  25 absolutely will have recognised then, that members of</p> <p style="text-align: center;">Page 160</p>



<p>1 the Westminster establishment are democratically elected                  2 or they work for somebody who is democratically elected.                  3 Therefore, normally, if they're bringing an issue to us,                  4 it's because somebody has reached a point of crisis and                  5 they're asking for help to deal with a particular issue.                  6 So it's quite likely that an answer to a question                  7 will be fast-tracked, but the output, what will actually                  8 happen as a result, will not change as a result of the                  9 fact that they are a member of that establishment.                  10 So coming back to your point, I think there is                  11 a very big difference between not wanting to challenge                  12 in the hierarchical organisation and allowing criminal                  13 activity to continue. Particularly of the sort that we                  14 have been talking about during this inquiry.                  15 So I don't -- I don't see that that's the same                  16 thing.                  17 MR O'CONNOR: Just let me push on you that a little bit.                  18 I know, and I'm sure -- we will all be mindful of                  19 the fact that this account that Mr Hoodless gave is only                  20 one example of what one officer said in one                  21 investigation and even in Operation Jordana, there were                  22 a large number of other officers who gave their                  23 accounts, many of which didn't tally with Mr Hoodless'.                  24 That said, first of all, the state of mind, if you                  25 like, that his observation captures is one, isn't it, of</p> <p style="text-align: center;">Page 161</p>	<p>1 a police officer, first of all, who doesn't want to                  2 upset people above him, who doesn't want to cause the                  3 difficulty that would be inherent in challenging or                  4 pursuing or investigating more senior people.                  5 To that extent, doesn't it seem to be a parallel, if                  6 you like, between not wanting to upset his senior                  7 officers, on the one hand, and not wanting to upset                  8 those who are ultimately above his senior officers,                  9 politicians, on the other?                  10 COMMANDER ROPER: So referring particularly to the paragraph                  11 in -- that's up on the screen, so the quote under                  12 paragraph 71.                  13 MR O'CONNOR: Yes.                  14 COMMANDER ROPER: I accept, absolutely, that there was                  15 a conversation about the operation and about how the                  16 operation would be conducted. Forgive me, I'm half                  17 reading and half looking at the same time.                  18 However, there was no -- from what I understand from                  19 this operation, there was no evidence to suggest that                  20 there were going to be high-profile people happening --                  21 happened upon as part of the investigation, and indeed                  22 none were.                  23 So -- I also accept that the context of where this                  24 conversation was happening was a fairly social context.                  25 It was in a pub, in a team social.</p> <p style="text-align: center;">Page 162</p>
<p>1 So what I'm unclear about is whether this was driven                  2 by anything other than conjecture and discussion in                  3 a social context, or whether this was driven by any                  4 particular piece of evidence that either they would come                  5 across somebody high profile or indeed a senior officer                  6 was directing them in that way. Once again, the type of                  7 criminality -- forgive me.                  8 MR O'CONNOR: Do go on?                  9 COMMANDER ROPER: Again, the type of criminality is about                  10 the abuse of children and of young people. So I still                  11 don't see that it's the same thing. I genuinely don't.                  12 But I do totally accept why you're asking me that                  13 question. But I think there is a distinction.                  14 MR O'CONNOR: I'm only going to ask you a little more about                  15 this, because of course we don't want to put too much                  16 weight on this one conversation, as you say.                  17 But your suggestion, as I understand it, is because                  18 this type of criminality is so important, so serious,                  19 then that would far outweigh any desire to -- not to                  20 upset more senior people; I think that's, in essence,                  21 what you're saying.                  22 COMMANDER ROPER: Absolutely.                  23 MR O'CONNOR: That comes with caveats as well. One of the                  24 things that Mr Hoodless seems to have been suggesting is                  25 it was precisely because they wanted to protect the</p> <p style="text-align: center;">Page 163</p>	<p>1 people he described, the children he described as the                  2 "street rats", and they wanted to do what they could for                  3 them, but they didn't want their investigation to be                  4 shut down as they thought it would be if they challenged                  5 prominent people.                  6 I appreciate, Commander Roper, that this was, as you                  7 say, just a record of a conversation in a pub. But                  8 might it not still capture the frame of mind, the mood,                  9 within the Metropolitan Police at the time?                  10 COMMANDER ROPER: It's terribly difficult for me to answer                  11 that because it's one person's explanation of what                  12 happened and, as you right quite rightly say, there are                  13 other people that have not agreed that this was                  14 a discussion or a thought process. It certainly didn't                  15 form part, from what I remember, of the formal briefings                  16 process around this operation.                  17 So this may have been the thought of this particular                  18 individual or this particular group of people. I can't                  19 dispute that. But I still maintain that I don't                  20 recognise it as an approach of the Metropolitan Police                  21 generally, and certainly I have seen no evidence in the                  22 investigations that either we've conducted, the                  23 Metropolitan Police independently or, indeed, on behalf                  24 of or working with the IOPC, working for the IOPC, that                  25 we haven't found any evidence to support that.</p> <p style="text-align: center;">Page 164</p>

1 MR O'CONNOR: All right. Let me move on. Thank you.  
 2 Mr Mahaffey, let me come back to you.  
 3 Commander Roper mentioned in the course of one of her  
 4 earlier answers something that she would not describe as  
 5 deference, but which is a consideration, was the way she  
 6 put it, if you are investigating a prominent person,  
 7 that you would want to take more care over it and make  
 8 sure that, if you like, you had all your Ts crossed and  
 9 Is dotted before you proceed and mindful of current  
 10 issues. She referred to social media and so on. I'm  
 11 sure we can all imagine the type of investigations she  
 12 was referring to.  
 13 You, Mr Mahaffey, in your evidence, in the first  
 14 week, made some very similar points about, if you  
 15 remember, it was Operation Beech?  
 16 MR MAHAFFEY: Yes.  
 17 MR O'CONNOR: And the evidence -- this was before Mr Glen  
 18 himself had given evidence, but the evidence in the  
 19 Operation Beech closing report about Mr Glen going to  
 20 see Mr Diver's superior officer and his reaction to this  
 21 whole episode.  
 22 I just wanted to come back to that idea about, if  
 23 the police are investigating more prominent suspects,  
 24 that there are more, if you like, procedures to go  
 25 through, more care to be taken, than there would be in

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1 this person is being treated differently because he is  
 2 an MP, and I think Commander Roper has touched on the  
 3 fact that there's much wider issues for a senior police  
 4 officer to consider the impact of carrying out such  
 5 actions. You have to be absolutely sure and make sure  
 6 that -- to cut to the chase, the evidence is there to  
 7 support any such application.  
 8 I'm not saying any sort of person who isn't an MP  
 9 would necessarily be treated hugely differently. There  
 10 would still have to be an assessment of the evidence  
 11 there before an officer was authorised to go and either  
 12 apply for a search warrant or whatever.  
 13 I just think there is a difference when you're  
 14 dealing with somebody in such a prominent position.  
 15 I do think that at senior officer level, you know, these  
 16 are decisions perhaps a more senior officer has to make,  
 17 and has to take account of a wider range of potential  
 18 outcomes.  
 19 MR O'CONNOR: Thank you. Let me ask you, Commander Roper,  
 20 I expect you would agree with what Mr Mahaffey said.  
 21 Let me take it up with you.  
 22 One can understand that process that Mr Mahaffey has  
 23 described, but is there a risk, do you think, that now  
 24 or in the past that type of process could develop into  
 25 an aversion on the part, perhaps, of more junior

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1 other cases.  
 2 You were very clear when you gave evidence,  
 3 Mr Mahaffey, that you didn't regard that as a species of  
 4 deference. But can you not see that it might be thought  
 5 that if there are more procedural hoops to jump through  
 6 before one can, for example, get an arrest warrant  
 7 against a prominent person than there would be against  
 8 someone who is less prominent, if one has to escalate  
 9 the matter to very senior officers before one can pursue  
 10 one person as opposed to another, that that can itself  
 11 amount to a sort of drag on the process and can lead to  
 12 perhaps a disinclination to pursue more senior people,  
 13 as opposed to unknown suspects?  
 14 MR MAHAFFEY: I think the difficulty, as is the case in many  
 15 of the investigations that we've carried out with  
 16 Operation Winter Key, is actually finding significant  
 17 corroborative evidence to support the claims being made,  
 18 first and foremost.  
 19 In my response, my earlier response, I think we were  
 20 talking about Mr Glen's approach to a senior officer  
 21 with an application to arrest an MP, and --  
 22 MR O'CONNOR: It was Cyril Smith, wasn't it?  
 23 MR MAHAFFEY: It was Cyril Smith.  
 24 I agree with Commander Roper's comments inasmuch as,  
 25 whilst you could look at it in two ways. You could say

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1 officers to bother with pursuing high-profile suspects?  
 2 COMMANDER ROPER: No, I don't think that that is the result  
 3 of the fact that, if we are dealing with somebody who is  
 4 of prominence, that we need to consider some of the  
 5 wider issues.  
 6 Just to touch on what I mean by the wider issues,  
 7 it's not that they would need to necessarily -- the same  
 8 processes need to be gone through, the same legal  
 9 processes, but we would be mindful of the impact on  
 10 a particular community, for example, or an impact on  
 11 witnesses or victims, or we would just be more mindful  
 12 of the more holistic issue of investigating somebody of  
 13 prominence, and I don't just mean of establishment  
 14 prominence, I mean of anybody.  
 15 But I don't think that it results in a culture where  
 16 people do not want to pursue that. I do think that  
 17 often senior officers will be involved in some of that  
 18 decision-making process, often to make sure that they  
 19 are thinking as broadly as possible to pick up any of  
 20 these peripheral issues to make sure that everybody is  
 21 supported appropriately. Often, as well, if we're  
 22 talking about a particular set of victims or there will  
 23 be other -- for example, we would need to work with the  
 24 local authority to make sure that other supporting  
 25 mechanisms would be there for a child who is found to be

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<p>1 vulnerable or children who might be found to be                  2 vulnerable, for example. So sometimes there's just some                  3 wider issues that we need to consider, but I don't think                  4 it results in those investigations not being pursued.                  5 MR O'CONNOR: You're obviously much better placed to talk                  6 about how things are now than what they were like in the                  7 1980s, Commander Roper, but do you think the answer is                  8 the same for the 1980s? Do you think there's a chance                  9 that, at least in those days, it did operate as a drag,                  10 if you like, on the pursuit of more senior people or --                  11 COMMANDER ROPER: No, I don't think it did. I don't think                  12 it did, no.                  13 MR O'CONNOR: All right. Let me move on to another subject,                  14 which is the way in which victims of child sexual abuse                  15 were treated and are treated. It was another theme of                  16 the evidence from that first week.                  17 It operates on a number of different levels. First                  18 of all, there is, if you like, the frontline question of                  19 how vulnerable young people were treated on the streets                  20 by the officers who came across them.                  21 Much of the evidence we heard was about young people                  22 being found on the streets of the West End. Mr Holmes                  23 and Mr Sinclair, for example, gave evidence that efforts                  24 were made, back in, let's say, the 1980s by uniformed                  25 police and CID when they found these children on the</p> <p style="text-align: center;">Page 169</p>	<p>1 streets, to take care for them.                  2 The evidence was that they would be taken back to                  3 the police station and contact would be made, perhaps                  4 with families, perhaps with the Social Services,                  5 depending on the case.                  6 Now, clearly the position is completely different                  7 today in terms of all of the different -- all of the                  8 procedures that are in place, but as far as the accounts                  9 that those officers gave of what happened back in the                  10 1980s, is concerned, is there anything that either of                  11 you can add to what -- I'm thinking of the evidence that                  12 came up during the course of these particular                  13 investigations -- anything that you can add to that part                  14 of it, how the children were dealt with on the streets                  15 by the officers who first came across them? Perhaps                  16 Commander Roper, do you have anything you can add about                  17 that?                  18 COMMANDER ROPER: I'm not as familiar with those processes,                  19 you are quite right, of the 1970s and 1980s.                  20 I would agree with you that the world has changed in                  21 terms of how we manage all victims, actually, but                  22 particularly vulnerable victims and children, and our                  23 focus very much is on safeguarding and our processes now                  24 are codified. We work very closely with our local                  25 authorities and there is a whole range of documentation</p> <p style="text-align: center;">Page 170</p>
<p>1 and records that will be completed if a child is found                  2 who is believed to be vulnerable.                  3 But forgive me, I do not have much to add around the                  4 processes then.                  5 MR O'CONNOR: Mr Mahaffey, anything that you can say?                  6 MR MAHAFFEY: It's not been the focus of the IOPC during                  7 these investigations.                  8 MR O'CONNOR: Let me ask you about another stage on in the                  9 process. So I'm now not thinking about the way in which                  10 these children were treated immediately on having been                  11 found, but the way in which they were dealt with and by                  12 the criminal justice system.                  13 Mr Holmes, you may recall, when he gave evidence,                  14 had some fairly strong comments to make about that.                  15 For example, I'll just read a little short passage                  16 from his evidence. He said that let's be frank, sex                  17 workers in those days, male or female ..."                  18 From the context of his evidence, he included                  19 victims of child sexual abuse:                  20 "... were treated by the vast majority of police                  21 officers the country over as second-class citizens.                  22 What's more, if they ever did cross the line and become                  23 witnesses, the whole of the criminal justice system                  24 treated them as second-class witnesses."                  25 It may be that we see a particularly stark example</p> <p style="text-align: center;">Page 171</p>	<p>1 of this if we look at Operation Yvonne. If we can call                  2 up on the screen, please, the closing report, which is                  3 IPC000860. For those of you with Mr Mahaffey's bundle,                  4 I think it's behind tab 15 that we need to look.                  5 If we can go to page 4 of that, please, Mr Mahaffey,                  6 you will recall that Operation Yvonne was one of the Elm                  7 Guest House investigations, wasn't it?                  8 MR MAHAFFEY: Yes, it was.                  9 MR O'CONNOR: It was focusing on allegations made by an                  10 individual whom we have ciphered as WM-A8, and he in                  11 fact had worked inside Elm Guest House, and he made                  12 a number of complaints about things that had happened to                  13 him, both in Elm Guest House before the raid, and also                  14 afterwards, including he claimed to have been the victim                  15 of sexual assault in the police station after the raid,                  16 didn't he?                  17 MR MAHAFFEY: Yes.                  18 MR O'CONNOR: If we could -- if we have page 4, if we can                  19 just look at paragraph 18, we see there it's recorded                  20 that WM-A8 was born in 1965, therefore was aged 17 at                  21 the time of the police raid.                  22 There's details of his -- of what he, without                  23 dispute, had been doing at Elm Guest House before the                  24 raid.                  25 If we can go on, please, to the last page of the</p> <p style="text-align: center;">Page 172</p>

1 closing report, which is page 30, and we look at  
 2 paragraph 153, just before -- in fact we can see, it's  
 3 under the heading "Organisational Learning". This is  
 4 Mr Mahaffey, a section which appears, in fact, at the  
 5 end of all these closing reports, isn't it?  
 6 MR MAHAFFEY: It is, yes.  
 7 MR O'CONNOR: And the comment is made:  
 8 "In June 1982, WM-A8 was aged only 17 years and he  
 9 appears to have been treated purely as a suspect. Such  
 10 a witness would today be treated differently by police  
 11 in terms of him requiring an appropriate adult and the  
 12 need for engagement with police partner agencies as  
 13 required by more recent legislation."  
 14 Can you expand on that for us a little bit, please,  
 15 Mr Mahaffey?  
 16 MR MAHAFFEY: Clearly, at that time, being only 17,  
 17 homosexuality was still a criminal offence. And he has,  
 18 it appears from the information available, to have been  
 19 treated purely as a suspect with little consideration,  
 20 perhaps, being given to the fact he was a victim, and  
 21 perhaps little consideration being given to  
 22 safeguarding, as we know it now.  
 23 I think that's the problem, and again, throughout  
 24 a number of these investigations, it's actually finding  
 25 the evidence or -- to support the actions of police or

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1 criminality you may be investigating.  
 2 We absolutely recognise that historically we haven't  
 3 supported victims as we should have done. We were held  
 4 to a Victim Code of Conduct, which was introduced in  
 5 1974, I think, and since then it has continuously  
 6 improved and we have continuously reflected, and even  
 7 now, we work with the Victims' Commissioner to see how  
 8 we can improve and how we support victims, and how we  
 9 recognise supporting them.  
 10 Particularly for somebody of this age, we would  
 11 again work with our local authorities in our  
 12 multi-agency safeguarding hubs to provide them with  
 13 different types of support, to make sure that they  
 14 didn't feel that they were just being used in a process.  
 15 So I can accept how that would be -- would have been  
 16 the perception in 1982, but it is significantly  
 17 different now. But we aren't complacent in this, and we  
 18 are continually trying to learn. Certainly within the  
 19 Metropolitan Police Service, we have recognised the need  
 20 to look at safeguarding and vulnerability, and we have  
 21 a dedicated senior officer, head of profession for  
 22 safeguarding, and one of the things that they do is they  
 23 look at how we work with our victims and how we look  
 24 after our young people who find themselves involved in  
 25 criminality, be it as a suspect or a victim, or

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1 not on the day as has been a perennial difficulty, due  
 2 primarily to the passage of time. But I accept that  
 3 today, if such an investigation had resulted in this  
 4 outcome, a person like that would be treated very, very  
 5 differently.  
 6 MR O'CONNOR: Is it fair to see in the facts of what  
 7 happened to WM-A8 back in 1982 a sort of an echo of what  
 8 Mr Holmes was talking about, about people in his  
 9 situation, WM-A8's situation, back in those days, being  
 10 treated as second-class citizens by the criminal justice  
 11 system?  
 12 MR MAHAFFEY: I can see how you would think that.  
 13 MR O'CONNOR: Commander Roper, do you have anything to add  
 14 to that subject?  
 15 COMMANDER ROPER: I think that policing has learned  
 16 significantly over the last 30 or 40 years that actually  
 17 if somebody is a victim of crime or a witness, they need  
 18 to be supported. If they are a victim, they will need  
 19 a range of different support mechanisms, not just  
 20 procedural support mechanisms, and there is a wealth of  
 21 training now in terms of how we work with children and  
 22 with young people, with people with specific needs, with  
 23 our focus always being on safeguarding and  
 24 vulnerability, and there is -- there are different  
 25 levels of training, depending on what type of

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1 a witness, and how we can best support them to the  
 2 process.  
 3 MR O'CONNOR: Thank you. Let's just look at one other of  
 4 these investigations, which also raises questions as to  
 5 how victims were treated.  
 6 That's Operation Spruce. For the screen, can we  
 7 bring up IPC000850, please. For those of us with  
 8 Mr Mahaffey's bundle, it's behind tab 9.  
 9 Now, I think you will both recall operation Spruce  
 10 was the case about the complaint made by -- well, at the  
 11 time, a 15-year-old boy in Sussex who gave an account of  
 12 having been taken to London by a man in a car and raped,  
 13 possibly at Elm Guest House. He and his parents  
 14 described how the case had -- he'd been visited both by  
 15 local police and by the Metropolitan Police, and then  
 16 he'd been told a short time after that the matter had  
 17 been resolved, and that someone had been convicted, and  
 18 many years later he thought he recognised a picture of  
 19 Peter Morrison as having been the man who had attacked  
 20 him, and that was what generated Operation Spruce, and  
 21 it established that in fact it hadn't been  
 22 Peter Morrison who had been his attacker. It was  
 23 someone else.  
 24 That's a sort of sketch of the facts of  
 25 Operation Spruce.

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<p>1 But if we could go to page 7, please, internal                  2 page 7, this -- if we can just zoom in on the top two                  3 bullet points, please. This is the account given by, in                  4 fact, the father of the complainant about what had                  5 happened at the time that they initially made their                  6 report to the police. So first of all, it says the                  7 father recalled the investigation being transferred to                  8 the Metropolitan Police Service. That is from the                  9 Sussex Police, I think, who had initially received the                  10 complaint:                  11 "The following week, two officers from the MPS                  12 interviewed WM-A10 ..."                  13 That's the 15-year-old boy:                  14 "... at their home address. Neither parent was                  15 present when he was spoken to. At that time, no                  16 statements were taken from either parent."                  17 Then going on:                  18 "The father recalls, some time later, two different                  19 officers from the Metropolitan Police Service visiting                  20 his home address who informed him that they had                  21 identified the man responsible for [the boy's] assault,                  22 and the suspect had been convicted at a Chelsea court                  23 and had been sentenced to two years' imprisonment. The                  24 officers returned the boy's clothing, which he does not                  25 think were in evidence bags, they were just handed</p> <p style="text-align: center;">Page 177</p>	<p>1 back."                  2 That was a series of events which took place in                  3 1983, and again, presumably, that's not how things would                  4 be done these days.                  5 COMMANDER ROPER: No.                  6 MR O'CONNOR: First of all, the idea that a 15-year-old boy                  7 might be interviewed about an event like that without                  8 his parents or, by inference, anyone else being present,                  9 presumably, let me ask you, Commander Roper, that's not                  10 what would happen today?                  11 COMMANDER ROPER: Absolutely not. They would be accompanied                  12 by the parents or an appropriate adult. It could be                  13 a member of the family or, if somebody wasn't available                  14 who was over 18, then we would organise for an                  15 independent person to come and support the child.                  16 Depending on what type of allegation they were making,                  17 it means where they might be asked to make a statement                  18 or a victim statement, that might change to make sure                  19 that the child has more support.                  20 I think quite key here as well is the fact that                  21 there were different officers involved in the                  22 investigation. He was spoken to by two officers and                  23 then he was spoken to later by two different officers.                  24 And the Metropolitan Police has worked extremely hard to                  25 reduce that kind of experience for any victim, actually,</p> <p style="text-align: center;">Page 178</p>
<p>1 but particularly we're talking about children and young                  2 people here. Part of the recent re-organisation of the                  3 way that we deliver frontline policing within the                  4 Metropolitan Police Service has brought out -- this type                  5 of investigation, child abuse investigations or sexual                  6 crimes investigations, out to the front line, so                  7 a victim would have the right officer with the right                  8 skill set visiting them immediately, to stop different                  9 officers then visiting that victim and dealing with that                  10 victim, because we recognise that we need to support our                  11 victims much, much more.                  12 So absolutely, this is not what would happen now.                  13 MR O'CONNOR: Just following up the story, and looking at                  14 the second paragraph here, one of the things that                  15 emerges from it is that the family were told that the                  16 suspect had been convicted and sentenced to two years'                  17 imprisonment. We know from the way in which this matter                  18 was investigated that that was actually not true, and                  19 that he'd been sentenced to probation rather than                  20 imprisonment.                  21 But leaving that to one side, what also emerges is                  22 that the family don't appear to have had any contact                  23 with anyone, the police or anyone else, from the time                  24 that the boy's statement was taken to the police                  25 arriving and saying, "By the way, he's been convicted</p> <p style="text-align: center;">Page 179</p>	<p>1 it's all over".                  2 Would that be the way in which matters would be                  3 handled today?                  4 COMMANDER ROPER: Forgive me, is that directed to me?                  5 MR O'CONNOR: Yes.                  6 COMMANDER ROPER: No, it's entirely different now.                  7 I mentioned the Victims Codes of Conduct that we are                  8 required to work towards, and both victims and                  9 witnesses, there are time frames to be kept updated as                  10 to progression of an investigation. We will have                  11 specialist officers working with victims, witnesses,                  12 families, to make sure they are kept involved in the way                  13 an investigation is progressing, and certainly they will                  14 be supported through the entire process, and                  15 particularly at the conclusion of the process.                  16 This gives the impression that, as you quite rightly                  17 say, they were simply updated at the end and that was                  18 it, and that is absolutely -- we are required to give                  19 updates. We are required to involve witnesses and                  20 victims and families in the process.                  21 MR O'CONNOR: Just -- if we could just move forward within                  22 this closing report to page 11, please, if you just look                  23 at the -- if we can zoom in on paragraph 20, please, at                  24 the bottom of the page, we just see there that there's                  25 a record that in October 2016, officers met with</p> <p style="text-align: center;">Page 180</p>

<p>1 WM-A10 -- that's the 15-year-old boy as was, now clearly                  2 middle aged -- and his wife, and to talk about the case,                  3 the investigation.                  4 I assume these would have been -- this is, of                  5 course, one of the IOPC-managed investigations. So                  6 these would have been Winter Key officers, I assume.                  7 I just wanted to look at that paragraph to fix the                  8 date.                  9 Then if we could go over to the next page, please,                  10 and if we can zoom in on the last two bullet points,                  11 please, we see, don't we, that there's a series of                  12 questions and answers.                  13 One of the questions that WM-A10 asked was this                  14 point we've just been discussing:                  15 "How come my mum and dad didn't get asked to go to                  16 court?"                  17 The answer that was given, in 2016, was:                  18 "As Harrison had pleaded guilty, there would have                  19 been no reason for WM-A10 or his parents to attend                  20 court."                  21 Now, first of all, let me ask, perhaps Mr Mahaffey,                  22 was that a correct description of the -- is that, as it                  23 were, an answer that was correct, given the approach                  24 that would have been adopted in 1982? And do you think                  25 it's a correct answer, given the approach that would be</p> <p style="text-align: center;">Page 181</p>	<p>1 adopted now?                  2 MR MAHAFFEY: Firstly, putting it in the context of today,                  3 it's probably -- it doesn't fully address the question                  4 that's being asked.                  5 MR O'CONNOR: No.                  6 MR MAHAFFEY: The question is:                  7 "How come my mum and dad did not get asked to go to                  8 court?"                  9 You could understand why they weren't asked to go to                  10 court, because Harrison had pleaded guilty, but equally,                  11 I think, there's -- the answer could have been expanded                  12 on, and it could have been explained more fully than the                  13 few words there are there. Obviously, nowadays, the                  14 parents, the victim, would be fully updated all along                  15 the judicial path. So I don't think it's -- I don't                  16 think it addresses the question.                  17 MR O'CONNOR: In 2016, one might have expected the answer to                  18 have been, "They should have been".                  19 MR MAHAFFEY: Yes.                  20 MR O'CONNOR: Whereas it looks as though the answer was,                  21 "Well, that's not one of the things that went wrong in                  22 this case".                  23 MR MAHAFFEY: I think if you take it in its absolute rawest                  24 context, the question is, "Why didn't they get asked to                  25 go to court?"; they wouldn't have been asked to go to</p> <p style="text-align: center;">Page 182</p>
<p>1 court, but they should have been updated more fully.                  2 MR O'CONNOR: So perhaps the picture is as of -- in fact,                  3 I said 1982. I meant 1983. As of the way things were                  4 done in 1983, they wouldn't have been asked to go, but                  5 clearly, judged by current practices, they ought to have                  6 been and, if the same thing happened today, they would                  7 be. Is that a fair way of putting it?                  8 COMMANDER ROPER: Yes.                  9 MR O'CONNOR: Commander Roper, I don't know if you have                  10 anything to add, because I'm going to move on in                  11 a moment?                  12 COMMANDER ROPER: No, thank you.                  13 MR O'CONNOR: Let's move on to a different subject, which is                  14 the question of allegations that Mr Sinclair and                  15 Mr Holmes made. You'll recall that they made their                  16 allegations initially -- well, initially to the press,                  17 but then they made their allegations to Wiltshire                  18 Police.                  19 Just to remind us all, could we call up on screen,                  20 please -- this is not a document which is in your                  21 bundle, or I'm afraid, chair and panel, that you have it                  22 in your bundles at the moment.                  23 It's WTP000013. You may recall Superintendent Kirby                  24 from Wiltshire Police giving evidence about the way in                  25 which the Wiltshire Police had responded to these</p> <p style="text-align: center;">Page 183</p>	<p>1 allegations which, if you remember, were made just                  2 towards the very end of their own Operation Conifer.                  3 He gave evidence that he -- that they investigated                  4 those matters up to a point. I think he said in part to                  5 try and understand whether they actually were relevant                  6 to their own investigation or not.                  7 But once they'd established that they weren't, they                  8 prepared this document, and if we could perhaps just                  9 look at the top half of it, we can see it was dated                  10 February 2018. We see its title is "A Briefing Paper re                  11 Sinclair/Holmes, Twiss". Sinclair and Holmes being the                  12 officers, Twiss being one of the suspects.                  13 Later on in the document, I won't go to it, but                  14 Mr Kirby explained that this document had been sent to                  15 the Metropolitan Police. I think it was                  16 Inspector Setter who was named actually in the body of                  17 the report as -- and he was, I think, a Winter Key                  18 officer, was he not?                  19 So let me ask you, Commander Roper, that was                  20 February 2018. What happened to that document and what,                  21 if any, investigation did Operation Winter Key do into                  22 those allegations as of a year ago up to now?                  23 COMMANDER ROPER: So the document was received by now                  24 DCI Setter. And I'll just have to get more details in                  25 terms of what was done with the document at the time.</p> <p style="text-align: center;">Page 184</p>

<p>1 Forgive me for not knowing the answer to that.                  2 What I am able to say is that having listened to the                  3 evidence that was given, particularly in that first                  4 week, is that -- if I may acknowledge this, I'm just                  5 looking at my colleague -- is that we acknowledge there                  6 are further lines that need to be reviewed within the                  7 document that actually came in, in -- I think it was                  8 February 2018. Some of the other linked investigations                  9 which now, if we overlay them, having listened to the                  10 evidence over the last few weeks, we acknowledge that                  11 there is further review to happen.                  12 Forgive me for not knowing the answer to knowing                  13 exactly happened to that document when came in, in 2018,                  14 but we have agreed that there is further review to be                  15 had now.                  16 MR O'CONNOR: Just to take that a bit further, let's not                  17 worry about what happened from February 2018 for the                  18 moment, but it's right then, isn't it, that Mr Sinclair                  19 and Mr Holmes giving evidence to this inquiry, it became                  20 apparent that their evidence was potentially, at any                  21 rate, corroborating some of the evidence that Mr Glen                  22 had given in Operation Beech.                  23 So are you able to be more precise? Is there going                  24 to be a new investigation launched? Is Operation Beech                  25 going to be resurrected? Maybe Mr Mahaffey can answer</p> <p style="text-align: center;">Page 185</p>	<p>1 that?                  2 MR MAHAFFEY: Well, there's an absolute need for us, along                  3 with the Operation Winter Key team to review all the                  4 information that's come out during the time -- during                  5 this strand of the inquiry.                  6 I have discussed it with Commander Roper and I think                  7 after the hearing we will sit down and work out what the                  8 process is going to be, but I think this highlights                  9 a need for us to consider in detail all the issues that                  10 have arisen over the last few weeks, decide whether                  11 there are new lines of enquiry we need to pursue in                  12 relation to any of the investigations, and, as you've                  13 said, whether there's actually a need to re-open                  14 Operation Beech and look further at the information that                  15 has come in from Wiltshire and what the outcome of it                  16 is.                  17 So I think that's --                  18 COMMANDER ROPER: I would agree.                  19 MR MAHAFFEY: -- our position.                  20 MR O'CONNOR: Thank you.                  21 I'm going to then move on to one other subject, and                  22 that is the question of police resources.                  23 Can we call up -- I'm afraid this is another                  24 document which I don't think is in the chair and panel's                  25 bundles, but can we call up, please, HRP000001. This is</p> <p style="text-align: center;">Page 186</p>
<p>1 the witness statement of retired Chief Inspector Settle,                  2 and it's a document that I looked at, a few of the                  3 paragraphs of this document with Commander Jerome when                  4 he gave evidence. There is one paragraph that I want to                  5 ask, and I think this is really going to be a question                  6 for you, Commander Roper.                  7 If we can go to internal page 5, please, if we can                  8 zoom in on paragraph 22 and what we see of 23, this is                  9 the part of Mr Settle's account where he's describing --                  10 he's describing his investigation, isn't he, immediately                  11 following Tom Watson's parliamentary question?                  12 He refers to the fact that there was a Gold Group.                  13 Just tell us in two sentence what is a Gold Group is.                  14 COMMANDER ROPER: It's a meeting which is held by a senior                  15 officer to consider all elements of an investigation,                  16 particularly high-profile investigations.                  17 MR O'CONNOR: And it would have sat above Chief Inspector                  18 Settle when he was conducting this investigation?                  19 COMMANDER ROPER: Yes.                  20 MR O'CONNOR: It would have given him direction?                  21 COMMANDER ROPER: Yes.                  22 MR O'CONNOR: He refers, at paragraph 22, to the Gold Group                  23 having been run by Commander Spindler. He describes                  24 Commander Spindler as an experienced commander who                  25 understood the complexities of historical, high-profile,</p> <p style="text-align: center;">Page 187</p>	<p>1 and sensitive investigations.                  2 But then, if we look at paragraph 23, Mr Settle says                  3 that:                  4 "However, Mr Spindler moved to another post and his                  5 position was taken over by Commander Graeme McNulty. He                  6 was newly promoted to the post. I had known Mr McNulty                  7 for several years. At our first meeting, he said to me                  8 "Unless it's guns or gangs, I'm not interested. How                  9 long will it take to get this shit off my desk?" or                  10 words to that effect. I was quite simply stunned.                  11 After that, the Gold Groups became more sporadic, the                  12 support minimal, and any interaction critical of my                  13 actions rather than supportive of the investigation."                  14 Commander Roper, let me ask you two questions. I'll                  15 ask them both, and then you can give your answer.                  16 The first question is whether you have anything to                  17 say about the truth or accuracy of that account.                  18 Secondly, more broadly, can you tell us something                  19 about whether that -- the contents of that paragraph                  20 accurately describe the way in which the                  21 Metropolitan Police assess the value of historical child                  22 sexual abuse cases or deploy resources to them.                  23 COMMANDER ROPER: So in terms of the quote that is made,                  24 I have spoken to now DAC Graeme McNulty, and he                  25 completely refutes that that is what happened.</p> <p style="text-align: center;">Page 188</p>

<p>1 Absolutely says that that did not happen, that                  2 conversation -- or, rather, he did not say those things.                  3 I'm not saying that him and DCI Settle didn't have                  4 conversations about the investigation. Of course they                  5 would have done if he was chairing the Gold Group. But                  6 that he did not say that.                  7 Your second point, in terms of, is this the value                  8 that we address these type of investigations, I would                  9 entirely disagree with that suggestion also.                  10 The significant resources that have been placed in                  11 Operation Winter Key to look across the board -- not                  12 just my particular perspective of the professional                  13 standards elements, but also the historic -- the                  14 allegations of historic child sexual abuse. The                  15 resources have been significant. They have been taken                  16 from other operations in order to dedicate themselves to                  17 these investigations.                  18 Now, that's not to say that on occasions,                  19 particularly if you look at some of the tragedies that                  20 are happening across London in terms of knife crimes and                  21 murder at the moment, that sometimes we will then take                  22 resources and go and put it on to something that is                  23 particularly high risk, and yes, that has happened                  24 occasionally. But no, in terms of the resources                  25 dedicated, the Metropolitan Police is committed to this,</p> <p style="text-align: center;">Page 189</p>	<p>1 has committed significant resources, and is clearly                  2 demonstrating that we hold this type of investigation of                  3 incredibly important and high regard.                  4 MR O'CONNOR: Thank you. Just give me a moment, please.                  5 Mr Mahaffey, Commander Roper, thank you very much.                  6 Those are all the questions I have for you. The chair                  7 and panel may have some questions.                  8 THE CHAIR: Ms Sharpling?                  9 Questions by THE PANEL                  10 MS SHARPLING: Thank you. I think this question is directed                  11 at Ms Roper, but if not, Mr Mahaffey no doubt will                  12 intervene.                  13 Coming back to Inspector Hoodless and that quotation                  14 that we've all read now about what happened in the                  15 social occasion in the pub when he described "street                  16 rats", I think, as potentially victims and survivors of                  17 sexual abuse, as they might be described now.                  18 Just turning to the issue of deference, if that was                  19 the attitude towards somebody who might now be regarded                  20 as a victim, did it in effect stop any investigation                  21 into people of prominence because the evidence could not                  22 be relied on in a criminal justice context? So whether                  23 it's deference or not, it would have been avoided                  24 because of the way that the police referred to victims                  25 of crime?</p> <p style="text-align: center;">Page 190</p>
<p>1 COMMANDER ROPER: Shall I answer?                  2 MS SHARPLING: Ms Roper, if you can.                  3 COMMANDER ROPER: So I think the term "street rats" is                  4 awful, and absolutely is a terrible way to describe                  5 somebody who is a potential victim of this type of                  6 criminality, of child sexual abuse.                  7 But what I don't think happened is, even though that                  8 is a dreadful term to be used, I don't think that meant                  9 that the operations were not pursued, and that those                  10 people who were the suspects of such criminality weren't                  11 pursued regardless of whether they were prominent people                  12 or not.                  13 I think that the conversation that happened, and the                  14 quote that we've read, was -- were the officers actually                  15 saying they wanted to continue the investigation, and                  16 even though the language is awful, and it was presented                  17 in a terrible way, that they were actually trying to                  18 find those people who were taking advantage of the                  19 children and young people.                  20 I must stress again that these are not terms that we                  21 recognise in the Metropolitan Police Service. Our                  22 recognition of the vulnerability and the support that                  23 must be provided to people who are victims of child                  24 sexual exploitation, of abuse, we recognise that we must                  25 wrap around, they are victims and they must have every</p> <p style="text-align: center;">Page 191</p>	<p>1 sort of support afforded to them.                  2 But I think in terms of that investigation, no,                  3 I don't think it meant that they stepped away from                  4 pursuing against suspects. I just think it was an                  5 absolutely dreadful term that was used.                  6 THE CHAIR: Mr Frank?                  7 MR FRANK: I think my question is probably for you,                  8 Mr Mahaffey. It's just that you've twice this afternoon                  9 referred to what you call one of the difficulties in                  10 finding significant corroborative evidence in                  11 Winter Key, and you spoke of it as a perennial problem.                  12 You also, I think, if I can remind you of                  13 paragraph 40 of your witness statement, which produced                  14 Winter Key, referred to key documentations and records                  15 having been destroyed, an occurrence in 13 of the                  16 investigations. Do you remember that?                  17 MR MAHAFFEY: I do, yes.                  18 MR FRANK: Bearing in mind that we're not just                  19 a backward-looking enquiry, but forward-looking as well,                  20 the question I ask you is this: do you think that the                  21 document retention policy that is currently maintained                  22 in relation to the complaints that you receive is                  23 adequate for the kind of investigations that are                  24 required to be made these days? And I ask it in this                  25 context, that you, I think, produced a -- the evidence</p> <p style="text-align: center;">Page 192</p>



1 that the document retention policy, I think, was first  
 2 introduced in 1969, was adapted, I think, in 1982, and  
 3 again in 2000, so approximately 15-year intervals.  
 4 But we know that the volume of material that's  
 5 produced in investigations and the methods of storing it  
 6 changes much more rapidly than it ever used to. My  
 7 question is: do you think there's a case for reviewing  
 8 this document retention policy to make it adequate so  
 9 that, when investigations of this kind arise in the  
 10 future -- and there's no reason to suppose that they'll  
 11 get less, because all the evidence that we've seen shows  
 12 that this sort of offending is not decreasing, quite the  
 13 opposite.  
 14 Do you think there's anything to be said for  
 15 improving the document retention policy so that evidence  
 16 is not routinely destroyed, so that the investigations  
 17 are hampered in the way that these have been?  
 18 MR MAHAFFEY: Firstly, I think there's always a need to  
 19 continually review such policies to make sure that, you  
 20 know, you're up to speed.  
 21 But bringing things forward to now, I think there  
 22 has been such technological advantage in data storage,  
 23 particularly in scanning and securing documents on  
 24 servers and whatever, that -- hence the need to  
 25 continually review, to identify the best possible

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10.00 am)

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1 practice to make sure documents do not get destroyed.  
 2 I think we're talking about the 1970s and 1980s,  
 3 when there was a retention policy of -- a destruction  
 4 policy, not extending beyond seven years, is the figure  
 5 that comes to mind immediately. And that is just  
 6 obsolete, in my view.  
 7 MR FRANK: Do you know whether, in fact, the policy has been  
 8 reviewed since the protection of children from sexual  
 9 abuse was made a national policing priority?  
 10 MR MAHAFFEY: I don't, but I can certainly find out.  
 11 MR FRANK: My final question is this: in relation to the  
 12 retention of documents, do you know whether there is any  
 13 current plan for a review of the retention policy?  
 14 MR MAHAFFEY: I don't, I'm afraid, but again, it's something  
 15 I could find out.  
 16 MR FRANK: Bearing in mind the new requirements of the GDPR,  
 17 you may think it's actually an urgent priority.  
 18 MR MAHAFFEY: Absolutely.  
 19 MR FRANK: Thank you.  
 20 THE CHAIR: We have no further questions. Thank you.  
 21 MR O'CONNOR: Thank you, chair. That concludes the evidence  
 22 for today.  
 23 THE CHAIR: Thank you.  
 24 (4.10 pm)  
 25 (The hearing adjourned until Wednesday, 27 March 2019 at

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