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| <p>1 Friday, 29 March 2019 2 (10.00 am) 3 THE CHAIR: Good morning, everyone, and welcome to the final 4 day of this public hearing. Ms Beattie? 5 Witness statements adduced by MS BEATTIE 6 MS BEATTIE: Good morning, chair. Before we turn to closing 7 submissions, there is some further evidence that we 8 would invite you to adduce. The first is the second 9 witness statement of Gary Richardson, a detective 10 superintendent British Transport Police, dated 11 13 March 2019. This concerns email correspondence 12 received by the British Transport Police from 13 North Wales Police in 2017 about Peter Morrison being 14 taken off a train at Crewe Railway Station. The British 15 Transport Police did not take any further action in 16 relation to this. 17 The exhibit to that statement shows that email 18 correspondence between North Wales Police and the BTP, 19 and the references are OHY007098 for the statement, and 20 for the exhibit, OHY007099. 21 The next is a supplementary witness statement of 22 Liz Reason, Chair of the Executive of the Green Party of 23 England and Wales, dated 21 March 2019. Chair, you will 24 recall that Ms Reason gave evidence to the inquiry on 25 Thursday, 14 March, and this statement deals with</p> <p style="text-align: center;">Page 1</p> | <p>1 various matters that arose during Ms Reason's evidence. 2 That is GNP001006. 3 We invite you to adduce the witness statement of 4 Christopher Horne, dated March 2019. Mr Horne describes 5 how, during the 1972 by-election, there was talk that 6 Cyril Smith had committed sexual offences with young 7 boys. Mr Horne, who was a supporter of the Conservative 8 Party candidate, David Trippier, says the local police 9 took action to ensure that this information was not 10 disseminated, including by a police visit to the 11 Conservative Party campaign office where the police said 12 that any mention of Cyril Smith's predilection for young 13 boys would be treated as a criminal offence and lead to 14 an order to stay out of the by-election. That reference 15 is INQ004206. 16 The next is a witness statement from 17 Sir David Trippier, dated 19 March 2019. As already 18 mentioned, David Trippier was a Conservative MP and 19 previously an elected member of Rochdale Council who got 20 to know Cyril Smith well. He was the Conservative Party 21 candidate in the 1972 by-election. He says that during 22 the campaign, it was widely known among all the 23 political parties that there were allegations of 24 a sexual nature involving Cyril Smith and young boys, 25 that allegations had been investigated by the police and</p> <p style="text-align: center;">Page 2</p> |
| <p>1 a decision had been taken not to take any further 2 action. That is INQ004207. 3 The witness statement of Peter Batey, dated 4 25 March 2019. Mr Batey worked as Sir Edward Heath's 5 private secretary from the summer of 1982 6 to February 1986, based on the parliamentary estate. He 7 describes his recollection that Mr Heath received 8 a letter from the Paedophile Information Exchange 9 inviting Mr Heath to attend a PIE meeting. Heath said, 10 "We don't want anything to do with them". He doesn't 11 recall any meeting with PIE ever appearing in Mr Heath's 12 diary during his time as his private secretary. That is 13 INQ004216. 14 Next is the witness statement of Commander 15 Neil Jerome, dated 8 February, about the searches that 16 were undertaken on records held by the 17 Metropolitan Police Service Special Branch, which is 18 OHY007085. 19 Finally, the second witness statement of 20 Ian Lucas MP, dated 25 March 2019. Mr Lucas denies 21 having a direct conversation with Jane Lee or being 22 involved in any coverup by political parties in Chester. 23 He says he has no knowledge of any pact, as described in 24 the evidence of Grahame Nicholls. That is LAB000070. 25 Chair, that is the evidence that we invite you to</p> <p style="text-align: center;">Page 3</p> | <p>1 adduce, and that concludes, chair, the evidence in this 2 investigation, and I would invite you to turn to closing 3 submissions. 4 THE CHAIR: Thank you, Ms Beattie. Mr Scorer? 5 Closing statement by MR SCORER 6 MR SCORER: Chair and panel, in my opening, I addressed you 7 on several issues. The Liberal Party's knowledge of 8 allegations against Cyril Smith and its response to 9 them; safeguarding in political parties generally; the 10 question of whether state agencies may have covered up 11 abuse by Smith or others; and the DPP's handling of 12 the Smith file in 1970. I intend to address you now on 13 those same issues in the light of the evidence we have 14 heard and then finish with some general observations 15 about these hearings and the lessons from them. 16 Starting with the Liberal Party's knowledge of 17 allegations against Smith and its response, we heard 18 from Baroness Brinton. The thrust of her evidence about 19 the early 1970s was essentially twofold. Firstly, that 20 the Liberal Party in the early 1970s was highly 21 decentralised and that the national party organisation 22 and HQ had little or no involvement in the selection of 23 parliamentary candidates. Secondly, that the lack of 24 salience of the allegations against Smith in the 1970 25 General Election and the 1972 by-election indicates that</p> <p style="text-align: center;">Page 4</p> |

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| <p>1 these allegations were not really on anyone's radar. 2 The aim of her evidence was clearly to minimise the 3 involvement of the national Liberal Party in 4 Cyril Smith's early parliamentary career and to suggest 5 that the allegations against him were not well known, 6 either in the national Liberal Party or more widely. 7 We say that Baroness Brinton's evidence on these 8 points needs to be treated with a degree of caution and 9 in some respects is simply wrong. Baroness Brinton 10 herself joined the Liberal Party in 1973, but, as she 11 confirmed, her real involvement in the party only came 12 much later. 13 In preparing her statement, Baroness Brinton sought 14 assistance from two colleagues: Sir Nick Harvey and 15 Lord Newby. Nick Harvey was born in 1961 and did not 16 become involved in Liberal politics until the 1980s. 17 Lord Newby came into the Liberal Democrats via the 18 Social Democratic Party and had no involvement in the 19 old Liberal Party. So none of them have direct 20 knowledge or experience of events in 1970 and 1972. 21 Baroness Brinton is no doubt right to say that the 22 Liberal Party at this time was highly decentralised. 23 However, in her oral evidence Baroness Brinton went 24 further and asserted that Jeremy Thorpe, the then party 25 leader, had no involvement in Smith's selection because,</p> <p style="text-align: center;">Page 5</p> | <p>1 as she put it, at that point he was almost entirely 2 focused on the House of Commons rather than on the 3 workings of the party. 4 We say this is not only pure supposition on her 5 part, but that the historical record indicates the 6 opposite. The leading biography of Jeremy Thorpe 7 published in 2014 identifies that from the early 1960s 8 onwards before he became leader in 1967, Jeremy Thorpe 9 was heavily involved along with Ted Wheeler in the 10 Liberal Party's winnable seats strategy, the strategy 11 whereby resources would be heavily targeted on winnable 12 parliamentary seats. 13 In particular, Thorpe's biographer notes that 14 a separate bank account was opened to finance the 15 winnable seats strategy and that, from the early 1960s 16 onwards, this bank account was under the personal 17 control of Jeremy Thorpe himself as opposed to the 18 Liberal Party organisation. 19 This bank account, which is described by his 20 biographer as having been maintained on a semi-secret 21 basis to avoid other political parties learning of 22 the strategy, remained under Thorpe's personal control 23 when he became leader, and the biographer notes that it 24 was still under his personal control in the late 1970s. 25 We know this because, when the police started</p> <p style="text-align: center;">Page 6</p> |
| <p>1 investigating the Scott affair in the late 1970s, they 2 examined the bank account to check whether funds from it 3 might have been misused in connection with Scott, but 4 they discovered that they hadn't been. 5 Given that Thorpe retained personal control of 6 the financing of the winnable seats strategy, it seems 7 very likely that he would have paid close attention to 8 the selection of candidates in the seats which formed 9 part of the strategy, of which Rochdale was one. 10 In any case, both Michael Steed and 11 Michael Meadowcroft recall significant rumours that 12 Thorpe was involved in Smith's selection in 1970. Steed 13 says it was widely believed at the time that Thorpe had 14 fixed it. The presence in Rochdale of Ted Wheeler, who 15 was Thorpe's chief lieutenant on the winnable seats 16 strategy suggests that too. 17 Also, the idea that Liberal Party leaders did not 18 become closely involved in the selection of 19 parliamentary candidates was rather undermined by 20 Des Wilson's evidence. He told us that when the 21 liberals were selecting a candidate to stand at the Hove 22 by-election in 1973 he was phoned up by David Steel and 23 in effect offered the candidacy, even though he was not 24 a Liberal Party member at the time. Again, this 25 suggests a much higher degree of national party</p> <p style="text-align: center;">Page 7</p> | <p>1 influence over local candidate selection than 2 Baroness Brinton acknowledges in her evidence. 3 Finally, we also know from Cyril Smith's own 4 autobiography that Jeremy Thorpe was instrumental in 5 persuading him to stand at the Rochdale by-election in 6 1972. He says this in terms and we will file the 7 relevant excerpt with the inquiry. 8 Baroness Brinton suggested that if the allegations 9 against Smith had been widely known about in 1970 and 10 1972, they would have been used against him by his 11 political opponents. Again, we suggest that this 12 exposes Baroness Brinton's lack of familiarity with the 13 relevant history. In the 1970 election, Cyril Smith's 14 main opponent was Jack McCann, the Labour member of 15 parliament. Although Baroness Brinton was right to say 16 that there has been a long tradition of hatred between 17 the Labour and Liberal Parties in Rochdale, a tradition 18 which continues to this day, she was clearly unaware 19 that the one exception to that was the 1970 20 General Election and the reason why it was an exception 21 to the general rule was because McCann and Smith were 22 close personal friends, something which Smith confirms 23 in his autobiography. 24 Indeed, as noted in the Rochdale hearing, it was 25 suggested at the time that McCann was one of</p> <p style="text-align: center;">Page 8</p> |

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| <p>1 the politicians who might have intervened with the DPP 2 on Smith's behalf. This was obviously an unusual 3 situation, in that McCann was friends with Smith, even 4 though they were political opponents, but that was the 5 situation, and the record shows it. 6 Incidentally, this is also a point which 7 Baroness Brinton would have registered if she had read 8 the Rochdale Alternative Paper article because it is 9 referred to in there, so it may be that, like 10 Lord Steel, she didn't read that article in advance of 11 the hearing. 12 As regards the 1972 by-election, the inquiry has 13 adduced the statements which I obtained from 14 Sir David Trippier and Christopher Horne. Sir David, 15 who was the conservative candidate at that by-election, 16 confirms that it was widely known amongst all the 17 political parties at the by-election that there were 18 allegations against Cyril Smith involving indecency with 19 boys. He explains in his statement that the 20 Conservative and Labour parties felt unable to pursue 21 the matter because their understanding was that the 22 police had investigated and decided to take no further 23 action and making any allegation would, therefore, incur 24 the risk of legal action for slander. 25 Sir David has confirmed in his statement that it was</p> <p style="text-align: center;">Page 9</p> | <p>1 only when we spoke to me that he became aware that in 2 fact Lancashire Police had recommended the prosecution 3 of Cyril Smith in 1970. His understanding in 1972, when 4 he was the Conservative candidate, was that the 5 allegations had been investigated by the police and that 6 they had decided on no further action. He explains 7 that, on that basis, the subject was considered taboo, 8 but it was definitely widely known about. 9 In fact, Baroness Brinton did acknowledge in her 10 evidence that in 1972 the Rochdale Alternative Paper 11 approached the Liberal agent in the by-election with the 12 story. 13 So, all of this supports Dominic Carman's suggestion 14 that by the time we get to 1979, these allegations 15 against Smith had been known about at national 16 Liberal Party level for many years. Indeed, when you 17 consider the Liberal Party press statement on 18 22 April 1979, this also confirms institutional 19 knowledge on the part of the Liberal Party at 20 Westminster of the allegations against Smith before the 21 Rochdale Alternative Paper article was published. 22 The Liberal Party press statement suggesting that 23 Smith had "just spanked a few bare bottoms" could only 24 have been issued if there had been some prior knowledge 25 on the part of the Liberal Party that such allegations</p> <p style="text-align: center;">Page 10</p> |
| <p>1 had been made against Smith. 2 As I said in my opening, this is at odds with 3 David Steel's claim that he only found out about the 4 allegations for the first time in 1979. So we say that 5 the reality is that the national Liberal Party was fixed 6 with full knowledge of these allegations from 1970 7 onwards, but simply took no action to investigate them. 8 We then turn to the evidence of Lord Steel. He told 9 the inquiry that in 1979 he put the allegations in the 10 Private Eye story to Smith and that Smith confirmed that 11 the story was correct. He confirmed to the inquiry 12 under oath that his understanding was that the 13 allegations against Smith were true. The day after 14 giving his evidence to this inquiry, having unleashed 15 something of a furor, and also facing the prospect of 16 suspension from the party, Lord Steel sought to 17 "clarify" his evidence, to "walk it back", as the saying 18 goes. He tried to suggest that when he told the inquiry 19 that Smith had told him that the Private Eye story was 20 correct, what he really meant was that it was correct 21 that the allegations had been made. In other words, 22 Lord Steel attempted to add a qualifier to the phrase, 23 "Smith told me that the account was correct". 24 However, the simple fact is that his evidence to the 25 inquiry contained no such qualification and he also told</p> <p style="text-align: center;">Page 11</p> | <p>1 the inquiry that he understood the allegations against 2 Smith to be true. In any case, the explanation for his 3 inaction that Lord Steel gave, both in his written 4 witness statement to the inquiry and in his oral 5 evidence was not that he didn't believe the report or 6 that he wasn't sure whether it was true. His 7 explanation for his inaction was that Cyril Smith was 8 a member of a different party at the time and indeed 9 hadn't been an MP when these events occurred. On that 10 basis, he claimed that he didn't have any locus to act. 11 So that explanation from Lord Steel of his inaction 12 only makes sense if he thought the allegations were 13 true. If he didn't think they were true or just didn't 14 know, he would have given a different explanation for 15 his inaction. 16 We note that Lord Steel has said various things on 17 this issue over the years, some of them contradictory. 18 At one point in 2014, he seems to have been quoted by 19 the BBC as saying that he knew nothing at all about the 20 allegations in 1979. However, his evidence to this 21 inquiry is the only time he's given evidence on this 22 subject under oath. It is also the only time that he 23 has been exposed to the systematic and searching 24 questioning on this subject that he underwent from 25 Mr Altman. So we say that it can be the only account</p> <p style="text-align: center;">Page 12</p> |

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| <p>1 that you can rely on. We also say that Lord Steel's 2 evidence entirely validated Des Wilson's analysis. 3 Steel just didn't want to confront Smith and buried his 4 head in the sand, as he continues to do, a complete 5 abdication of responsible leadership. 6 Chair, given Lord Steel's evidence, we urge you to 7 do several things in your report. We urge you to 8 condemn Lord Steel's inaction itself, which we say was 9 completely unacceptable and unconscionable, and indeed 10 very likely permitted Smith to commit further abuse, 11 given that Smith's access to Knowl View School in the 12 1980s arose by dint of his status as a member of 13 parliament. 14 Secondly, we urge you to condemn in clear terms 15 Lord Steel's attitude when he came to this inquiry. Far 16 from recognising the consequences of his inaction, he 17 was completely unrepentant. He did not apologise. 18 There was no evidence of him learning the lessons from 19 his failure. 20 On the contrary, he made it clear that he would 21 behave in exactly the same way now, in the face of 22 the same information. The claim that he had no locus to 23 act on something which predated Smith's time as an MP is 24 clearly ludicrous. Would he seriously say that about 25 any other crime that Smith might have committed?</p> <p style="text-align: center;">Page 13</p> | <p>1 Thirdly, we urge you to condemn his attempt to 2 renege on what he said to this inquiry two weeks ago by 3 suggesting that the storm had been whipped up by what he 4 called "sensationalist press headlines". We checked the 5 press headlines the following day and they were 6 headlines which simply quoted his own words to the 7 inquiry. 8 We say, chair, that all of these things need to be 9 condemned in the strongest possible terms and anything 10 less than that would make a mockery of this inquiry, and 11 indeed would give the green light to other politicians 12 and senior leaders in society to ignore abuse should 13 they be presented with clear evidence of it in the 14 future. 15 I then turn to the Liberal Party inquiry in 2012. 16 Baroness Brinton suggested that her party had attempted 17 to examine these events comprehensively. The conclusion 18 reached by the 2012 Liberal Democrat internal inquiry 19 was seemingly that "no evidence was found to suggest the 20 party was aware of the allegations against Cyril Smith 21 or acted in any way inappropriately". This is 22 self-evidently absurd. Given what we know, only a total 23 sham of an inquiry could have reached such a conclusion. 24 This inquiry was anything but comprehensive. At the end 25 of his evidence, Des Wilson was asked whether he had</p> <p style="text-align: center;">Page 14</p> |
| <p>1 been contacted by the Party inquiry in 2012. He 2 confirmed that he hadn't been. This is extraordinary. 3 You would think that the very first category of 4 witnesses who would be contacted for a proper party 5 inquiry would be former presidents of the party, 6 particularly those who had been active in the party for 7 many decades. They would be the obvious people to have 8 institutional knowledge of how Cyril Smith was dealt 9 with over the years. It wouldn't have been difficult to 10 contact Wilson, but the Liberal Democrats failed to do 11 so. Nor did they make any attempt to examine 12 Lord Steel's own explanation for his inaction. There 13 was no systematic questioning of the kind we heard here. 14 Therefore, we say that this so-called inquiry in 15 2012 was effectively no inquiry at all. The simple fact 16 is that the Liberal Party and their successor party, the 17 Liberal Democrats, failed the victims of Cyril Smith 18 over many decades and they deserve to be called out for 19 it. I have been asked by my clients to put on record 20 their anger and disgust not only at Lord Steel's 21 attitude, but at the failure of the Liberal Democrats to 22 truly acknowledge the party's failings in this regard, 23 other than Des Wilson, of course, the one honourable 24 exception. 25 For my clients, the clock can't be rolled back, the</p> <p style="text-align: center;">Page 15</p> | <p>1 abuse they experienced cannot be erased from their 2 lives, but they hoped, at least, for contrition, for an 3 acknowledgement of failure and a sense of lessons truly 4 being learned by the Liberal Democrats; sadly, our 5 clients see none of those things. 6 This leads me on to the safeguarding arrangements of 7 political parties today. Everything we have heard in 8 this inquiry, whether in relation to the 9 Liberal Democrats or any other party, suggests that 10 safeguarding at Westminster has a long way to go across 11 all parties. I made the point in our opening that it is 12 one thing to have a safeguarding policy, it is quite 13 another to embed that policy in party culture so that 14 MPs, party officials and party activists understand it 15 and clearly abide by it. 16 Perhaps the clearest example of that in this hearing 17 was the evidence of Nick Brown, current Labour 18 Chief Whip and one of Labour's most experienced 19 parliamentarians. He commented that if confronted with 20 an allegation of child abuse, he would make his own 21 assessment of the credibility of the allegation before 22 deciding whether to pass it on for investigation. In so 23 doing, he rather confirmed his own ignorance of 24 the fundamental principle of safeguarding, that an 25 allegation should be examined by an independent person</p> <p style="text-align: center;">Page 16</p> |

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| <p>1 with safeguarding knowledge and expertise. 2 A decision on credibility shouldn't be made by 3 a Chief Whip who has no safeguarding expertise and who 4 may well have a pre-existing relationship with the 5 person being complained about. So we suggest here you 6 have an illustration of the depth of the problem at 7 Westminster. The Labour Party policy looks great on 8 paper, ticks all the boxes, but the Chief Whip, who is 9 actually more likely than anyone to be in receipt of an 10 allegation, doesn't entirely understand the policy or 11 the philosophy behind it. 12 This is actually in a political party which, in its 13 public policy platform, is officially committed to 14 mandatory reporting. So, clearly, in your report you 15 will need to do much more than simply recommend that 16 every party has a state-of-the-art safeguarding policy. 17 You need to look at how compliance with that can be made 18 mandatory, and it seems to us that that will inevitably 19 necessitate an element of sanction for failure to 20 comply. 21 I then move on to the subject of state coverup. You 22 heard various evidence suggesting that state agencies 23 had in some way covered up the abuse of children. 24 I focus on those allegations relating to Cyril Smith. 25 Robert Glen gave evidence that in early 1978 he was an</p> <p style="text-align: center;">Page 17</p> | <p>1 inspector at the Clubs Office when one of his teams 2 presented him with evidence which merited the obtaining 3 of an arrest warrant for Smith. Glen stated it was 4 quite clear there was good evidence to suggest 5 Cyril Smith was involved in obscenities with young boys. 6 Glen gave compelling evidence that his superior, Chief 7 Superintendent Diver, closed down the operation on the 8 basis that it was "far too political in nature and would 9 cause political upheaval if we went through with the 10 arrest of Smith". We say that Glen was 11 a straightforward and plainly honest witness who gave 12 clear testimony to the inquiry. The motive for Diver 13 shutting down the operation may have been personal 14 rather than orders from higher up. On what we know, 15 either explanation seems possible. 16 Glen's evidence of an inquiry being shut down was 17 corroborated by Holmes, who clearly recalled it too. 18 Holmes, we say, was an exceptionally compelling and 19 impressive witness with an impressive recall of events 20 and the surrounding context. He said, "The name 21 Cyril Smith was not news, it was expected. We 22 anticipated that he may be seen. I didn't speak to 23 Bob Glen about any of this at the time, but I had close 24 ongoing squad relationships with Dick Griffin and 25 Pete Lamb, who were the most frustrated officers because</p> <p style="text-align: center;">Page 18</p> |
| <p>1 they were the ones who had done all the work and had 2 been stopped". When asked if he meant that he actually 3 knew about what Glen was telling the inquiry, that he 4 knew that either Griffin or Lamb had been the sergeants 5 working on a covert investigation into Cyril Smith which 6 had been shut down by Diver and that he knew that at the 7 time, Holmes was unequivocal in answering "Yes". 8 So we say that both Holmes and Glen were persuasive 9 witnesses whose evidence on this matter the inquiry 10 should accept. 11 I will come to the IOPC in a moment, but it follows 12 that the conclusion of Operation Beech, that Glen's 13 allegations are not corroborated, is clearly wrong. 14 Of course, earlier this week, Bryan Collins told us 15 that allegations about Smith and rent boys were 16 widespread in the force at this time. 17 Holmes also gave detailed and compelling evidence on 18 a second operation in the summer of 1978 confirming 19 Glen's evidence that officers in the Clubs Office took 20 part in covert surveillance and intelligence gathering 21 in contrast to what Parry told the IOPC and 22 Operation Beech. He spoke of a surveillance operation 23 he undertook with Sinclair in the summer of 1978 24 focusing around Roddam Twiss. He explained that this 25 operation was based on reliable informant evidence and</p> <p style="text-align: center;">Page 19</p> | <p>1 he recounted that the operation was terminated after 2 Sinclair, rather unwisely, in his view, spoke to 3 a superior officer in the Clubs Office about extending 4 the operation. 5 Sinclair and Holmes were quickly reallocated to 6 another inquiry. Holmes concluded that their covert 7 surveillance operation into Twiss could have been 8 stopped for any one of three reasons: one, that very 9 senior officers were actually criminally involved 10 themselves with the homosexual vice world; secondly, 11 corruption in the sense of receiving money to terminate 12 enquiries, although Holmes himself didn't feel this was 13 likely; thirdly, the possibility that an investigation 14 exposing a person of prominence would have been 15 unwelcome to an ambitious senior officer with 16 aspirations to rise further. We say again that Holmes' 17 analysis was compelling and clearly based on a deep 18 knowledge and detailed recall of police operations at 19 the time and the surrounding context going back to the 20 Playland investigations of the early 1970s. 21 His highly credible evidence was referenced in the 22 Operation Conifer briefing paper but has not yet been 23 properly investigated by the IOPC in a separate 24 investigation. It is clear to us the IOPC should now 25 fully investigate his allegations.</p> <p style="text-align: center;">Page 20</p> |

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| <p>1 Finally, Holmes made interesting points about the 2 organised abuse of so-called rent boys in the 1970s. He 3 identified that much of the offending was perpetrated by 4 what he called "the upper echelons of society", a term 5 he explained embraced the wealthy and aristocracy much 6 more than politicians at Westminster, who, he indicated, 7 were not the main element. Holmes' point here is 8 supported by the ban on Roddam Twiss entering the Palace 9 of Westminster. 10 Secondly, Holmes explained that after the Playland 11 trials in the first half of the 1970s, there was 12 a change in the modus operandi of sex offenders from the 13 upper echelons of society. Rather than risk being 14 caught kerb crawling for rent boys directly, offenders 15 shifted to using middlemen as procurers to reduce the 16 risk of detection. At first blush, that might seem 17 inconsistent with a person of prominence, such as Smith, 18 being under surveillance for kerb crawling. Surely, if 19 Holmes is right, he would have used a middleman to do 20 his procuring? However, we say the Smith case in fact 21 illustrates Holmes' point rather well. Smith was 22 precisely the sort of person who, by reason of his 23 northern, working-class background, was unlikely to have 24 had access to the upper echelons of society and the 25 procurers they used and so would have had to continue to</p> <p style="text-align: center;">Page 21</p> | <p>1 do the procuring himself. 2 Additionally, we heard evidence from another former 3 Metropolitan Police officer, Howard Groves. This 4 related to a slightly later point in time, the early 5 1980s. Again, Groves was clearly a diligent and 6 committed officer and an entirely honest witness. There 7 is no reason to doubt his recollection that at the 8 commencement of his involvement in Operation Circus, he 9 was given to understand at a briefing or a meeting by 10 a superior that any operation which ensnared 11 a high-profile public figure would be closed down. In 12 a sense, the specifics of precisely how and when this 13 was said, whether it was in a formal or informal 14 setting, make little difference because it was never 15 acted on. But the important point is that it was 16 clearly implied, and so is evidence of the culture of 17 deference in operation at that time. 18 I then turn to the issue of Smith and the DPP and 19 whether Smith was protected from prosecution in 1970 by 20 the intervention of a politician, or politicians, with 21 the DPP, as was rumoured at the time, with Roy Jenkins' 22 name being mentioned. I set out in my opening the 23 timing and sequence of events in 1970 with Smith being 24 selected as Liberal candidate on 2 March before the 25 DPP's decision had been made, but with Smith having</p> <p style="text-align: center;">Page 22</p> |
| <p>1 previously made clear that he would not seek candidacy 2 if prosecuted and that this strongly suggests that the 3 DPP's decision was preordained. 4 In this hearing, we heard some further evidence, 5 both specific and general, relevant to this issue. 6 Lord Jopling told us about his conversation many years 7 ago with Sir John Cobb QC about Sir John being 8 instructed by the DPP to advise on offences, possible 9 offences, committed by Smith. 10 Lord Jopling was unsure whether this happened around 11 1970 or a bit later. We say that even if Jopling's 12 recollection is correct, it is highly unlikely this 13 could have related to the Lancashire Police 14 investigation. As counsel identified earlier this week, 15 the papers were sent to the DPP on 13 March 1970, 16 a Friday, and presumably received and acknowledged by 17 the DPP on Monday, 16 March. The letter back from the 18 DPP containing the recommendation against prosecution 19 was sent on Thursday, 19 March. The letter from 20 Mr Hutchison, the lawyer at the DPP's Office, makes no 21 reference to any opinion of counsel. It must be highly 22 unlikely that any opinion of leading counsel, especially 23 a leading counsel this eminent, would not be referred to 24 in the letter if it had been obtained on this occasion. 25 Also, the window in which counsel's opinion would</p> <p style="text-align: center;">Page 23</p> | <p>1 have been obtained was clearly too short for this to 2 happen. The file being received by the DPP on the 3 Monday -- this was in the pre-email age -- the file 4 numbering some 80 pages and, as stated, the 5 recommendation against prosecution being sent back on 6 the Thursday, it is virtually inconceivable that an 7 opinion could have been obtained from leading counsel in 8 that very short window. So we submit that, whatever was 9 being referred to in the conversation recalled by 10 Jopling, it cannot have been this instance. 11 This raises the obvious concern that there may have 12 been a separate police investigation on which the DPP 13 obtained counsel's opinion, but we say it clearly wasn't 14 this one. 15 We heard other evidence in this hearing which 16 reinforces the likelihood that political pressure on the 17 DPP would have been effective. We heard from 18 Lord Taverne. Although his evidence concerned the 19 stance of the police and the then Home Secretary, 20 Roy Jenkins, towards prosecution of consensual adult 21 homosexual activity, Lord Taverne's evidence was highly 22 illuminating about the culture of the time. When 23 Jenkins met with the Met Commissioner to discuss police 24 policy in regard to cottaging and Jenkins asked the 25 police to stop pursuing offenders, the commissioner</p> <p style="text-align: center;">Page 24</p> |

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| <p>1 responded by pointing out the constitutional impropriety 2 of the Home Secretary instructing him on how to deploy 3 his officers. However, the notable point is that, 4 despite his objections, the commissioner still acceded 5 to the Home Secretary's demand, in any event. 6 The commissioner did what his political master 7 wanted him to do, even if he felt the demand was 8 constitutionally wrong. That's the first point. 9 Second, we learnt that, even before the meeting, the 10 commissioner had already unilaterally decided not to 11 uphold the law on cottaging around Westminster. The 12 commissioner seemingly did this of his own volition. He 13 didn't even need to be told to do it. As Lord Taverne 14 explained, his reason for doing it was to avoid 15 embarrassment to politicians. So this wasn't a case of 16 the commissioner deciding not to prosecute because 17 society regarded the law as outmoded or because the law 18 was about to change anyway. That's not the reason he 19 gave. The commissioner said that the reason for not 20 upholding the law around Westminster was that it would 21 be "embarrassing to MPs and peers". We say that's 22 a very illuminating statement about the culture of 23 deference at the time. 24 In fact, chair, there is also evidence from other 25 sources of Jenkins behaving in that sort of way. The</p> <p style="text-align: center;">Page 25</p> | <p>1 book "A Very English Scandal" describes an incident in 2 1975 or 1976 when the Jeremy Thorpe scandal was becoming 3 public and Norman Scott was causing the Liberal Party 4 increasing problems. The Chief Whip of 5 the Liberal Party at that point was Cyril Smith and 6 Roy Jenkins was in his second stint as Home Secretary. 7 The book describes how Cyril Smith went to see 8 Roy Jenkins to ask for help and Jenkins offered to 9 assist by drawing the attention of the police to Scott's 10 mental health problems. 11 So here we have Jenkins using his power to help 12 a fellow politician in difficulty and, interestingly, we 13 also have Smith clearly seeing Jenkins as somebody who 14 would be willing to assist. 15 Lord Taverne also confirmed that regular discussions 16 would take place between the Home Office and the DPP. 17 Whilst the conversation described by Taverne was between 18 the Home Secretary and the Met Commissioner, there is no 19 reason to think that the culture of deference and 20 political influence on display would have been any 21 different in any other part of the system. Indeed, 22 there is other evidence from this period demonstrating 23 the DPP's deference and susceptibility to political 24 pressure. In 1975, a young barrister called 25 Geoffrey Robertson wrote a book "Reluctant Judas". This</p> <p style="text-align: center;">Page 26</p> |
| <p>1 detailed how the then DPP had approved an arrangement 2 whereby a witness in a terrorist trial committed perjury 3 in order to protect an IRA informant. The arrangement 4 was sanctioned by the DPP whilst being unknown to the 5 trial judge and to counsel. 6 In other words, quite simply, the DPP allowed 7 a trial to be rigged in order to serve wider political 8 purposes. 9 So clear evidence from that period of the DPP giving 10 way to political pressure. 11 We also got a flavour from Mr Naunton of the culture 12 of the DPP in those days, with the Hayman case being 13 carved up in a private chat between Sir David Napley and 14 the director himself. As one article put it, a man 15 being exempted from due process of law because he was 16 well known. 17 Mr Naunton's only beef about this seems to be that, 18 as the file handler, he would have preferred to be 19 present to take a note. He told us that he would never 20 have dreamed of asking for an explanation. As he put 21 it, "It would have been impertinent for me to question 22 the decision". 23 So, on the question of Smith and the DPP, although 24 it is impossible, clearly, to be certain whether 25 a senior politician interceded on Smith's behalf, two</p> <p style="text-align: center;">Page 27</p> | <p>1 things are clear: the sequence of events is strong 2 circumstantial evidence of an intervention. Secondly, 3 the culture of the time, as laid bare by Taverne and 4 Naunton, was such that any senior politician who sought 5 to intervene with the DPP was unlikely to be 6 disregarded. He would be pushing at an open door. Even 7 more so when we see the dismissive attitudes towards 8 child sex offending within the DPP as illustrated by the 9 Montagu and, indeed, Hayman cases. 10 So whilst we have no direct evidence that somebody 11 intervened with the DPP, I submit that we have strong 12 circumstantial evidence and evidence of the culture of 13 the time suggesting that it was likely to be successful, 14 and I invite you to reflect that in your report. 15 Chair, against the background of that evidence for 16 widespread culture of deference, I want to finish with 17 a few observations about the approach of the IOPC. As 18 noted in their overview report, the IOPC has a statutory 19 duty to secure and maintain public confidence in the 20 police complaints system in England and Wales. Their 21 reports need to be judged through this prism. On the 22 culture of deference, you have heard in this inquiry 23 countless examples from the police and DPP and others of 24 a culture of deference to prominent persons and the 25 higher echelons. I have touched on some of them here</p> <p style="text-align: center;">Page 28</p> |

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| <p>1 and I scarcely need to list them all.</p> <p>2 However, in the face of that overwhelming evidence,</p> <p>3 in their oral evidence to the inquiry earlier this week,</p> <p>4 Mr Mahaffey and Ms Roper denied there had been</p> <p>5 a significant culture of deference in the force both</p> <p>6 towards superiors and those of public prominence.</p> <p>7 Ms Roper stated that she did not recognise that culture</p> <p>8 of deference. I want to be clear that we certainly do</p> <p>9 not question in any way the professionalism of either</p> <p>10 Ms Roper or Mr Mahaffey, but we do say that their</p> <p>11 failure to acknowledge the overwhelming evidence of that</p> <p>12 culture is a cause for concern.</p> <p>13 Ms Roper dismissed the evidence of Hoodless given in</p> <p>14 Operation Jordana as being not symptomatic of</p> <p>15 the culture of deference within the police force because</p> <p>16 it happened in a pub. But that surely ignores precisely</p> <p>17 what we learnt from the Macpherson Report, that canteen</p> <p>18 culture can be as important in shaping the culture of an</p> <p>19 organisation as official top-down orders. The pub</p> <p>20 conversation reflects the culture of the force and it</p> <p>21 clearly reflected the culture of deference within this</p> <p>22 force to people of prominence.</p> <p>23 In her evidence, Ms Roper also seemed to try to say</p> <p>24 simultaneously that nothing was wrong in the past, that</p> <p>25 all was well, but yet there had been huge improvements;</p> <p style="text-align: center;">Page 29</p> | <p>1 lots of change and things were different now. We submit</p> <p>2 it has to be one thing or the other: either there was</p> <p>3 a problem in the past, which has now been tackled, or</p> <p>4 there wasn't and therefore no improvements were needed.</p> <p>5 We say this matters because policing and the</p> <p>6 investigation of police misconduct cannot command public</p> <p>7 confidence without honest and critical reflection about</p> <p>8 where things have gone wrong in the past. Indeed, not</p> <p>9 only did both officers fail to acknowledge the culture</p> <p>10 of deference which plainly existed during the period</p> <p>11 under examination, but they also gave evidence which</p> <p>12 suggests that they may themselves, however unwittingly,</p> <p>13 be continuing to operate within a continuing culture of</p> <p>14 deference today.</p> <p>15 Ms Roper spoke of a need to take a more "holistic</p> <p>16 approach" to the arrest of persons of prominence and to</p> <p>17 be mindful of the impact that such an investigation</p> <p>18 could have. It wasn't entirely clear what this meant or</p> <p>19 what tests would be applied. But we say the equality</p> <p>20 before the law requires that if the threshold for arrest</p> <p>21 is met, then the suspect could be arrested, however</p> <p>22 prominent he or she is. So their evidence on that point</p> <p>23 did leave a nagging concern that, to this day, persons</p> <p>24 of public prominence may be treated differently to</p> <p>25 others, and that cannot be right.</p> <p style="text-align: center;">Page 30</p> |
| <p>1 We say that a further issue with the IOPC is</p> <p>2 a failure to systematically draw together the relevant</p> <p>3 investigations to identify common themes and concerns.</p> <p>4 The risk is that individual IOPC investigations are</p> <p>5 conducted in a slightly siloed fashion with insufficient</p> <p>6 analysis of how some of the investigations may relate to</p> <p>7 each other. An example of this is that in</p> <p>8 Operation Osier there was a failure to recognise that</p> <p>9 Hoodless, in Operation Jordana, was at least in part</p> <p>10 corroborating what Groves was saying about the operation</p> <p>11 being shut down if persons of prominence were found. It</p> <p>12 seems that the two officers were talking of different</p> <p>13 conversations that had been had about this: Groves in</p> <p>14 a team meeting and Hoodless in a pub with colleagues.</p> <p>15 But it seems clear that this was evidence of the culture</p> <p>16 at the time which should have been joined up and</p> <p>17 properly commented on within the report, rather than</p> <p>18 Groves' allegations being dismissed as uncorroborated.</p> <p>19 Mr Mahaffey acknowledged in oral evidence that the</p> <p>20 conclusion reached within the IOPC report that Groves'</p> <p>21 allegations cannot be given any provenance must now be</p> <p>22 revised, given the evidence of Hoodless, which wasn't</p> <p>23 adequately analysed and taken into account when</p> <p>24 conclusions were drawn.</p> <p>25 Similarly, there is a failure on the part of</p> <p style="text-align: center;">Page 31</p> | <p>1 the IOPC to identify the corroboration that Paul Holmes</p> <p>2 has now provided to this inquiry in respect of Glen's</p> <p>3 allegations. If the IOPC had opened up an investigation</p> <p>4 into his claims and interviewed him thoroughly about his</p> <p>5 time at the Clubs Office, no doubt he would have told</p> <p>6 them what he said in oral evidence here.</p> <p>7 We identified earlier some further work which we</p> <p>8 think the IOPC needs to do on this and other matters.</p> <p>9 In terms of recommendations for the future in</p> <p>10 relation to the IOPC, we suggest four. Firstly, part of</p> <p>11 the reason why the quality of Holmes' evidence may have</p> <p>12 been overlooked may have been because he was interviewed</p> <p>13 over the phone rather than face to face. In this</p> <p>14 context, this was clearly a false economy and this</p> <p>15 mistake should be avoided in the future.</p> <p>16 Secondly, the IOPC should attempt to make a more</p> <p>17 rounded and reflective assessment of the credibility of</p> <p>18 witnesses that they have interviewed.</p> <p>19 Thirdly, the IOPC has the power to compel serving</p> <p>20 police officers to attend witness interviews in</p> <p>21 specified circumstances. Given the apparent reluctance</p> <p>22 of some retired officers to assist with these</p> <p>23 investigations, we suggest that this power be extended</p> <p>24 to former officers in certain investigations where</p> <p>25 serious allegations are being made.</p> <p style="text-align: center;">Page 32</p> |

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| <p>1 Fourthly, as alluded to by Mr Frank, we clearly need 2 new regulations regarding the retention and destruction 3 of police files and documents. 4 Chair, I will now bring this to a close. We have 5 a number of observations regarding both the Don Hale 6 evidence and the events of 1976 relating to 7 Andre Thorne. Because of time constraints, we will set 8 out the detail of that in our written submissions. 9 However, we suggest that a common thread linking 10 those two subjects can be expressed in the words of 11 Gyles Brandreth: "mystery makes for mischief". 12 Conspiracy theories fester in the dark. In our view, 13 the conspiracy theory advanced by Don Hale lacks 14 credence when his claims are examined against the 15 historical record. But for that to happen, the 16 historical record has to be open and transparent for all 17 to see. 18 We will make a number of suggestions about how you 19 might approach that in your report. 20 Chair, in our opening submissions, I said that 21 during the course of this three-week investigation we 22 would go where the evidence takes us. In 2014, when 23 this inquiry was established, rumours of VIP paedophile 24 rings were at their height. Some of the headlines from 25 that period were lurid, sensationalist and highly</p> <p style="text-align: center;">Page 33</p> | <p>1 questionable. Through this inquiry, some of those 2 conspiracy theories have been exposed as the fictions 3 that they always were, but that does not mean there is 4 nothing to see here. Indeed, what has replaced the more 5 fantastical conspiracy theories during the course of 6 this inquiry is perhaps less salacious for the media, 7 but we say far more concerning. From Cyril Smith to 8 Peter Hayman to Viscount Montagu, these hearings have 9 uncovered real and compelling evidence of men evading 10 justice because of their power and social status. There 11 has been evidence of coverup, of more favourable 12 treatment and of deals being done. 13 The evidence has demonstrated a real culture of 14 deference to people of public prominence and a failure 15 by political parties to grasp even the basic elements of 16 safeguarding. 17 As we said at the beginning, political parties and 18 state bodies have failed to treat the welfare and 19 safeguarding of children as even a factor to be 20 considered. Welfare of children has been a distant 21 concern. 22 We hope, chair, that the cultural change we called 23 for at the start of this inquiry has at least begun 24 through the process of these three weeks of hearings and 25 will now be driven through from top to bottom. Thank</p> <p style="text-align: center;">Page 34</p> |
| <p>1 you. 2 THE CHAIR: Thank you, Mr Scorer. Mr Price? 3 Closing statement by MR PRICE 4 MR PRICE: Madam chair, members of the panel, as you know, 5 I represent Ms Esther Baker, a core participant in this 6 strand who has attended much of this hearing. As 7 I noted at the outset, the value of this strand of 8 the inquiry to Ms Baker and other survivors is 9 potentially very significant. In her opening remarks 10 through me, Ms Baker made the point that, whilst anyone 11 accused of child sexual abuse has a lot to lose, those 12 in power have the most of all, and she pointed out the 13 other unique or unusual features belonging to powerful 14 men at the heart of the government: wealth, ready access 15 to legal resources, pre-existing relationships with the 16 national media and those in power and, of course, power 17 itself. 18 She suggested that the combination of these factors 19 creates an atmosphere of extraordinary hostility for 20 complainants. What is apparent following the evidence 21 heard at this hearing is that this hostility extends 22 also to whistleblowers. 23 At the outset, Ms Baker indicated that she would be 24 seeking to focus in particular on the following three 25 issues: the political parties' HR and Whip functions;</p> <p style="text-align: center;">Page 35</p> | <p>1 treatment of survivors; and the issue that the wider 2 criminal justice system has a practice, mostly implicit, 3 of treating powerful people differently when it comes to 4 accusations of child sexual abuse. 5 In relation to the first point, Ms Baker has serious 6 reservations about the evidence given to the inquiry by 7 the Liberal Democrats, and whether it accurately accords 8 with her own personal experience. That is an issue she 9 has now taken up in writing, and we understand that the 10 Liberal Democrats will be seeking to correct the 11 position with the inquiry in due course. 12 The latter of Ms Baker's three points, that the 13 wider criminal justice system treats powerful people 14 differently when it comes to accusations of child sexual 15 abuse, has cropped up over and over again in the 16 evidence heard throughout the last few weeks. The panel 17 will recall in particular the following: Howard Groves 18 spoke of the culture of deference in the police force 19 that he believed worked directly against good 20 safeguarding practice. Whether explicit or implicit, he 21 was clear: if he and his colleagues encountered people 22 of public prominence, any enquiry upon which they'd 23 embarked was to cease. That was his understanding. 24 That was his practice. 25 Robert Glen's evidence was that he knew it would</p> <p style="text-align: center;">Page 36</p> |

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| <p>1 cause what he described as "political upheaval", if he 2 had gone ahead and arrested Cyril Smith. According to 3 him, there was ample evidence to support a warrant, but 4 it would never have got past his superior officer. This 5 is supported by the evidence of Glen's commander, as 6 given to the Beech investigation. Because the 7 investigation into Smith related to an MP, even he, the 8 commander, believed he didn't have the authority to make 9 relevant decisions.</p> <p>10 As it was put by Mr Foulston in his evidence to the 11 inquiry, the system was protecting the man and not 12 investigating him. For anyone who has ever found 13 themselves confronted by the establishment, we all know 14 that the man in Mr Foulston's sentence isn't just 15 a particular person of public prominence, but the 16 embodiment of that establishment.</p> <p>17 The system was protecting the man and not 18 investigating him.</p> <p>19 As explained by Mr Holmes, the approach taken back 20 then was that it was unlikely that any of the victims 21 would talk to the police because the approach of 22 the police was always sceptical. Sex workers, as he 23 described them -- and this included the young boys and 24 girls who hung around in Piccadilly -- were treated as 25 second-class citizens whose word was worth little or</p> <p style="text-align: center;">Page 37</p> | <p>1 nothing. Victims want to be believed, he said, but 2 cases were often closed if there was not enough evidence 3 other than their word. Alcohol abuse and proven lies 4 about extraneous matters all conspired to destroy the 5 credibility of such witnesses and ensure that they would 6 never be believed.</p> <p>7 As he asked rhetorically, "How could I tell them it 8 would all be okay if they gave us a statement?".</p> <p>9 Mr Holmes provided a further insight into the subtle 10 insidiousness of the attitude amongst police to 11 investigating people of public prominence. "If you are 12 ambitious", he said, "you don't need this". We heard 13 that it would be career ending.</p> <p>14 Bryan Collins was quite clear as to how 15 Sir Peter Hayman had avoided prosecution where his 16 correspondent Wardell had been tried and convicted. 17 Wardell was a bus inspector. He didn't have 18 Sir David Napley representing him. Yet Wardell was 19 prosecuted for and convicted for exactly the same 20 material that Hayman had only been cautioned for.</p> <p>21 It would be easy to assume that these kinds of 22 attitudes and working environments can be explained away 23 by the generation gap. The stories we heard about the 24 scene in Soho and the manner in which it was policed in 25 the '70s and '80s call to mind what we might have</p> <p style="text-align: center;">Page 38</p> |
| <p>1 assumed were fictional and somewhat over-the-top 2 accounts of the period in books, film and television. 3 The almost comical vernacular imparts to those episodes 4 a kind of detachment which masks the ghastly reality. 5 We heard stories of 10- and 11-year-old "street rats", 6 boys who were, we were told, prostituting themselves in 7 the "meat rack" around Leicester Square. We heard how 8 the vice squad were permitted to run their own 9 investigations, even using their personal vehicles, in 10 that area and how corruption was at one time pervasive.</p> <p>11 But these are not purely historical events. They 12 are within the living memory of most of those now making 13 the same decisions today. In Ms Baker's experience, the 14 attitudes that prevailed then persist today and the 15 damage that was done certainly lives on in those many 16 victims who have survived that era into adulthood.</p> <p>17 What we have heard confirms in our submission that 18 there was sufficient evidence to bring to justice, at 19 the very least, Cyril Smith, Peter Hayman, 20 Peter Morrison and Victor Montagu. As any good 21 policeman will tell you, the value of such high-profile 22 convictions would have had a knock-on effect beyond the 23 narrow circumstances of their own offending or potential 24 future offending and is likely to have deterred further 25 offending by others in a similar position to them,</p> <p style="text-align: center;">Page 39</p> | <p>1 sending a strong signal that such offending would be 2 punished quickly and decisively. Those opportunities 3 were lost.</p> <p>4 As we said in opening, the report now has the 5 potential to demonstrate to Ms Baker and those in her 6 position that the system and processes in which they 7 have been caught up really does care about them more 8 than it cares about protecting the man, the powerful 9 institutions, and the men who have traditionally run 10 them. Thank you.</p> <p>11 THE CHAIR: Thank you, Mr Price. Mr Wagner?</p> <p>12 Closing statement by MR WAGNER</p> <p>13 MR WAGNER: Thank you. Chair and panel, I appear for 14 Harvey Proctor, who sits in this hearing room today. 15 I am led by Jeffrey Robertson QC and instructed by 16 Mark Stephens CBE of Howard Kennedy Solicitors. 17 I convey Mr Robertson's regret that he cannot be here 18 today, as a result of a longstanding commitment. 19 However, we have prepared these final remarks together 20 and he fully endorses them.</p> <p>21 We opened by saying that sometimes there is smoke 22 without fire. In the case of the hideous allegations 23 against Harvey Proctor, there never was a fire. There 24 was, instead, a belching smoke machine. We have now had 25 three weeks of hearings with evidence from politicians,</p> <p style="text-align: center;">Page 40</p> |

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| <p>1 police, the Secret Intelligence Services, public 2 servants and others. Where has this left us? Behind 3 the smoke there is no credible evidence to support any 4 allegation against Harvey Proctor. The evidence to this 5 inquiry has cleared him completely. There is no 6 evidence of any Westminster paedophile network. The 7 evidence to the inquiry confirmed it never existed. The 8 police, Independent Office for Police Conduct, and MI5 9 have all considered these issues in at least 10 72 independent investigations. Their evidence to this 11 inquiry was, without any reservation, that there was no 12 corroboration for the allegations against Mr Proctor or 13 of any Westminster paedophile network.</p> <p>14 We have three closing submissions to make in 15 summary. First, as chair and panel of this inquiry, 16 your report should clearly exonerate Mr Proctor. Based 17 on the overwhelming evidence which the inquiry has now 18 heard, no other conclusion is open to you, and you have 19 a moral duty to say so.</p> <p>20 Secondly, the inquiry must, for both principled and 21 practical reasons, carry out a further investigation 22 into the treatment of Harvey Proctor and other people of 23 public prominence by the Metropolitan Police and 24 Operation Midland, a Westminster investigation part 2.</p> <p>25 Thirdly, the inquiry should make recommendations to</p> <p style="text-align: center;">Page 41</p> | <p>1 ensure that such treatment is never repeated and that an 2 effective investigation must mean an investigation that 3 is fair. I will now expand on those three points.</p> <p>4 Our first submission is that, in its report, the 5 inquiry should clear Harvey Proctor of the heinous 6 allegations that have surfaced in public from time to 7 time that he was part of an alleged Westminster 8 paedophile network in the course of which he tortured or 9 even killed small boys. He is grateful to the inquiry 10 for commissioning investigations and calling evidence 11 which exonerates him and indeed proves there was no such 12 thing as a Westminster paedophile network.</p> <p>13 Regrettably, in the moral panic which ensued after 14 Jimmy Savile's crimes came to light, malicious 15 conspiracy theories against Harvey Proctor and others 16 were given far more credence than they deserved. He 17 suffered, and still suffers, grave reputational and 18 grievous material damage, as well as personal pain and 19 suffering as a result. We do not for a moment seek to 20 minimise the important of unearthing historic child 21 sexual abuse and bringing perpetrators to justice. 22 Indeed, we argue that this purpose is best served by 23 a system that rejects, at an early stage, false 24 allegations and focuses on those that can be 25 corroborated. But it is an uncomfortable truth for this</p> <p style="text-align: center;">Page 42</p> |
| <p>1 inquiry that the public and political outcry which led 2 to it being established involved senior politicians, the 3 Metropolitan Police and certain journalists, including 4 the now defunct Exaro news agency, giving credence to 5 malicious and false allegations.</p> <p>6 They all behaved irresponsibly and, in the case of 7 senior police officers, negligently. The allegations 8 were so incredible that any reasonable person would have 9 at least treated them with extreme caution. Instead, 10 a small group of self-promoting politicians, including 11 Zac Goldsmith, John Mann, Simon Danczuk and Tom Watson, 12 amplified the allegations and used their considerable 13 political clout to give them status and believability, 14 and when, in 2012, Mr Watson raised the issue in Prime 15 Minister's Questions, he became a vehicle for conspiracy 16 theorists and a patsy for fake news.</p> <p>17 The evidence which the inquiry has heard over three 18 weeks points in one direction: the allegations against 19 Harvey Proctor relating to the Elm Guest House, child 20 sexual abuse and murder have no foundation. They are 21 wholly false.</p> <p>22 As Sir Richard Henriques declared in his report, the 23 Elm Guest House is equally fantastical. There was no 24 VIP paedophile network at Westminster and, a fortiori, 25 no coverup of any such network.</p> <p style="text-align: center;">Page 43</p> | <p>1 (Outburst from the public gallery)</p> <p>2 MR WAGNER: Chair, on Day 2 of your hearings, Chris Mahaffey 3 of the Independent Office for Police Conduct confirmed 4 that in 36 of 37 of their investigations, no evidence 5 has been obtained to support allegations of police 6 misconduct. The only potential misconduct identified 7 has nothing to do with the issues involving 8 Harvey Proctor. No police misconduct has been 9 identified in relation to any cases involving the Elm 10 Guest House. No matters have been referred to 11 disciplinary or criminal proceedings.</p> <p>12 On Day 4, Commander Neil Jerome of the MPS gave an 13 overview of 11 separate investigations which relate to 14 Elm Guest House. He confirmed no single Elm Guest House 15 list was ever found during police investigations while 16 the guesthouse still existed in the 1980s. The 17 so-called guest list only emerged in very recent years 18 from Chris Fay and Mary Moss. Commander Jerome said it 19 is certainly very clear that evidentially the list has 20 no value and how it's been created is certainly dubious.</p> <p>21 In his second statement to this inquiry, 22 Commander Jerome said, "I am content that there is no 23 evidence of a Westminster paedophile network or of any 24 attempts to cover up or suppress the existence of such 25 a network". I will deal briefly with Chris Fay. He</p> <p style="text-align: center;">Page 44</p> |

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| <p>1 claimed that a number of prominent people attended the 2 Elm Guest House, including Harvey Proctor. But he never 3 produced any evidence to back those claims up. The 4 inquiry should accept the conclusions of investigating 5 officers, such as DCI Paul Settle, that Chris Fay, who 6 dragged Harvey Proctor's name through the mud, is wholly 7 unreliable.</p> <p>8 In 2012, Fay had just been released from prison. He 9 had been convicted in the previous year of defrauding 10 pensioners. The BBC website said at the time that he 11 was part of an Olympic property fraud gang. The 12 sentencing judge called it an "outrageous and elaborate 13 fraud which hit those who could ill afford to lose 14 money".</p> <p>15 The scam was widely reported and evidence of Fay's 16 involvement easily available by a simple Google search. 17 It is extraordinary that Tom Watson and others gave Fay 18 any credence at all, let alone believed him, as they 19 appear to have done. As a senior politician, he had 20 research assistants and it is astonishing that they did 21 not warn him of Fay's criminal record. DCI Settle said 22 in his statement to this inquiry that he found Fay's 23 behaviour to be duplicitous. Commander Jerome said 24 there was no evidence he was able to provide to back his 25 claims up.</p> <p style="text-align: center;">Page 45</p> | <p>1 There was, he said, no corroboration, and there were 2 significant inconsistencies in accounts given to the 3 police. In conclusion, Commander Jerome said, and 4 I quote, "The conclusions are that the credibility of 5 Chris Fay is called into question, that there is 6 evidence that does not prove his claims. There is 7 absolutely no substance to those at all and the overall 8 conclusion is that there is no evidence to substantiate 9 any of Mr Fay's claims". It doesn't get any clearer 10 than that.</p> <p>11 On Day 6, the MI5 witness confirmed that "no 12 material was found to indicate either the existence of 13 a Westminster paedophile network or any attempts to 14 cover up or suppress information about the existence of 15 such a network". So the evidence exonerating 16 Harvey Proctor is impressive and compelling, as is the 17 evidence that Chris Fay is a conspiracy theorist, 18 a dishonest criminal, a fantasist and a liar. The 19 inquiry should make both of these points clear in its 20 report.</p> <p>21 You should deal the same way with the allegations of 22 Anthony Gilberthorpe against Harvey Proctor. Your 23 investigations show that Gilberthorpe is a deeply 24 malicious man, harbouring hatred towards the party that 25 rejected him. He was a drunkard and a bankrupt,</p> <p style="text-align: center;">Page 46</p> |
| <p>1 desperately in need of money. He wanted £40,000 to put 2 his name to these libels and was offered £12,000. We do 3 not know what he finally received from the 4 Sunday Mirror. Despite extensive investigation, there 5 is no confirmation of his fantasy allegations.</p> <p>6 Harvey Proctor's name was added by these defamers 7 because, as we explained in the opening, he was fined in 8 1987 for indecency in circumstances which would not have 9 been a crime a few years later. His case was widely and 10 sensationally publicised, which is why these liars think 11 they can give credibility to those lists by adding his 12 name.</p> <p>13 One of the key purposes of a public inquiry is to 14 put paid to public concerns and scurrilous rumours, and 15 you, in your report, will be judged about how you do 16 that by, amongst others, clearing Harvey Proctor. If 17 you did so, you would merely, but importantly, be 18 confirming the evidence you have heard from senior 19 officers and, indeed, the evidence you have, although it 20 has not been published, of Sir Richard Henriques, who 21 said in his report:</p> <p>22 "As part of this process, I have interviewed or 23 corresponded with several innocent persons accused of 24 grave criminal offences. Harvey Proctor must stand 25 first in line, having been accused of the murder of</p> <p style="text-align: center;">Page 47</p> | <p>1 three children in addition to a catalogue of the gravest 2 sexual offences. He is, in my judgment, an innocent 3 man".</p> <p>4 Of course you have been advised by your counsel you 5 should not make findings in respect of this issue. If, 6 by this, it is meant to deter you from commenting that 7 Harvey Proctor is innocent, then, as we said in opening, 8 it is the wrong advice and you are not obliged to accept 9 it. You must act according to your own sense of 10 morality and good conscience. You have heard the 11 evidence gathered at great public expense, and if you 12 accept it, the public will expect you to say that there 13 is no Westminster paedophile ring and you should endorse 14 the conclusions of Mr Justice Henriques: Harvey Proctor, 15 the only living victim of this hideous smear campaign, 16 is an innocent man.</p> <p>17 I will move on to my second submission. There may 18 be no fire behind the smoke, but in Harvey Proctor's 19 case there is a burning injustice. The inquiry must not 20 conclude its work without addressing it. The 21 presumption of innocence is at the heart of our criminal 22 justice system. It is described as the golden thread 23 which runs through our common law. It is a central 24 feature of article 6 of the European Convention on Human 25 Rights, the right to a fair trial. In Harvey Proctor's</p> <p style="text-align: center;">Page 48</p> |

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| <p>1 case, that principle was turned on its head. 2 Harvey Proctor has faced the most hideous allegations 3 imaginable, of child abuse and child murder. He was 4 treated as guilty until proven innocent. The 5 Metropolitan Police gave the press enough information to 6 identify him and then said publicly, without 7 corroboration or proper investigation, that the 8 incredible and false allegations against him were, and 9 I quote, "credible and true". 10 Harvey Proctor was subsequently exonerated in 11 Sir Richard Henriques' report and in the fulsome apology 12 from the Metropolitan Police and now in the 13 incontrovertible evidence which is before this inquiry. 14 Nonetheless, the burning injustice remains, and we are 15 sure that it burns in other families and relatives of 16 publicly prominent people whose names have been 17 blackened. 18 What should the inquiry do about it? The current 19 answer appears to be: not very much. Although he 20 accepted the issues were important, Mr Altman QC also 21 said in his opening that there were principled reasons 22 not to address in the Westminster investigation problems 23 in the way cases of child sexual abuse are dealt with by 24 the criminal justice system. He said that they are, and 25 I quote, "remote from the central purpose of this</p> <p style="text-align: center;">Page 49</p> | <p>1 inquiry". 2 With respect, this is the wrong approach. It is 3 essential that the inquiry considers and makes 4 recommendations about the failings, particularly by the 5 police, in Mr Proctor's case. The inquiry's terms of 6 reference include considering "whether state and 7 non-state institutions failed to identify such abuse 8 and/or whether there was otherwise an inappropriate 9 institutional response to allegations of child sexual 10 abuse". It is right, of course, that the inquiry's 11 central focus has to be on the endemic failure over 12 decades to identify and prevent child sexual abuse. 13 However, it must be the case that Mr Proctor's treatment 14 by the police was an inappropriate institutional 15 response, to put it mildly. 16 There are three principal reasons, we say, to 17 enquire into the Metropolitan Police's actions in 18 Harvey Proctor's case. Firstly, if the police fail in 19 an investigation, particularly one of huge public 20 interest, or are seen to be taken in by false 21 allegations, they will reduce public confidence in their 22 activities. This will deter people from coming forward 23 with true allegations and cooperating with 24 investigations in future. 25 Secondly, failures cost money and resources which</p> <p style="text-align: center;">Page 50</p> |
| <p>1 are necessarily drawn away from important investigations 2 into child sexual abuse. Police specialists in child 3 sexual abuse, as you have heard, are a limited resource 4 and should only be working on investigations which are 5 based on plausible allegations which can be 6 corroborated. 7 Thirdly, the inquiry can, by investigating this 8 issue, make a useful and powerful contribution to the 9 question of how police behave towards suspects in child 10 sexual abuse cases. This is of profound interest and 11 importance not just to those suspected of child abuse, 12 but also to the genuine victims. 13 This leads me to my third and final submission, 14 chair and panel, namely, that this inquiry should make 15 recommendations to ensure that what has happened to 16 Harvey Proctor is unlikely to happen to anyone else. In 17 this regard, we respectfully make the following 18 suggestions. 19 The inquiry should hold a Westminster investigation 20 part 2. You have rightly steered clear of the issues 21 around Operation Midland because of Carl Beech's 22 forthcoming trial. However, you must return to the 23 issue once the legal proceedings are concluded. 24 Mr Altman QC rightly identified that there are important 25 issues over the police treatment of suspects, but also</p> <p style="text-align: center;">Page 51</p> | <p>1 said they were generic rather than being specific to 2 Westminster. It may be that the inquiry considers these 3 issues under a separate investigation, rather than 4 a Westminster part 2, but it must consider them 5 nonetheless. 6 In the further investigation, the inquiry should 7 also consider the recommendations made by 8 Sir Richard Henriques. We submit that it should approve 9 them. We respectfully suggest the following 10 recommendations as a starting point: anonymisation of 11 suspects. There should be real anonymisation of 12 suspects of historical child sexual abuse before arrest. 13 This means stopping the police practice of giving 14 information which does not name a suspect but in effect 15 reveals their identity, such as in Harvey Proctor's 16 case, where his age and location were revealed when his 17 house was being searched, allowing the press to 18 accurately guess his identity. Anonymisation before 19 charge should also be considered. 20 Police leaks. Every effort should be made to 21 minimise leaks of information by the police. 22 Sir Richard Henriques recommended examining current 23 systems and increasing sanctions, and we agree with that 24 recommendation. 25 Search warrants. There should be transcripts of</p> <p style="text-align: center;">Page 52</p> |

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| <p>1 applications for search warrants, and they should only 2 be granted in cases of historical child sexual abuse by 3 district judges and not by lay justices. 4 Complaints. Complaints to the police should be 5 treated with the utmost seriousness and be investigated 6 thoroughly. However, there should be no automatic 7 belief of complainants, as this leads to errors, such as 8 were made in Harvey Proctor's case, where the 9 allegations against him were publicly described by the 10 police as "credible and true" before they could be 11 corroborated. They never were. People should be called 12 complainants until there is a confirmation by the 13 criminal justice process that they are victims. 14 Support for victims of false allegations. In 15 exceptional cases where suspects have been falsely 16 accused of a crime, they should be treated as victims of 17 crime and should be offered support and liaison 18 compatible with the gravity of the allegations made. 19 We have a final suggestion which was not considered 20 by Sir Richard Henriques. Much of the impetus for 21 Tom Watson and the conspiracy theorist who approached 22 him came from the fake news on the internet, namely, as 23 you have heard, the Elm guest list in which 24 Harvey Proctor featured alongside other prominent 25 people. You have heard from DCI Settle how this list of</p> <p style="text-align: center;">Page 53</p> | <p>1 lies has no evidential value, but there it is, 2 incredibly, still up on the internet on several sites. 3 You can Google it in an instant. Is there any way, 4 short of ordering Google to remove it, that you can 5 provide an antidote to this poison? We have an idea, 6 and it is not an original one. It was developed by the 7 Court of Appeal in the case of Loutchansky in the 8 context of libel in newspapers. Instead of removing a 9 libellous article from a website, a court can order that 10 an explanation should be added to it, so that, when 11 downloaded again, the recipient would automatically and 12 immediately be apprised of its falsity. We suggest this 13 would be a proportionate and principled approach which 14 you should take, recommending that Google and other 15 providers add to the list appearing on its sites words 16 to the effect of, "This list of purported VIP guests has 17 been investigated by police and found by the IICSA to 18 have been fabricated by criminals and fantasists. There 19 is no evidence to suggest that any of these persons ever 20 attended the Elm Guest House". It may be your 21 recommendation will be ignored by Google, in which event 22 parliament may look into giving statutory powers to 23 public inquiries to correct internet records. We would 24 be happy to provide further written submissions on 25 recommendations should the inquiry consider this useful.</p> <p style="text-align: center;">Page 54</p> |
| <p>1 In conclusion, Mr Harvey Proctor wishes the inquiry 2 well in its important remaining work. He thanks the 3 chair for making him a core participant, for giving him 4 the opportunity to place on record his innocence of all 5 these false allegations that have besieged him for the 6 last four years. He commends all authoritative bodies 7 that have investigated and agreed his innocence. He now 8 places his highest trust in the chair and panel that 9 they will confirm his complete innocence unequivocally 10 in their final report. 11 THE CHAIR: Thank you, Mr Wagner. We will now take our 12 mid-morning break and return at 11.25 am. 13 (11.11 am) 14 (A short break) 15 (11.29 am) 16 THE CHAIR: Mr Stein? 17 Closing statement by MR STEIN 18 MR STEIN: Thank you, chair. Chair, as you're aware, 19 Tim Hulbert's evidence concerns two days of his working 20 life as a dedicated public servant with 35 years in 21 senior positions within Social Services. 22 Between 1971 and 1977, Mr Hulbert was employed as 23 a principal officer for community services with the 24 Leicestershire Social Services Department, and then 25 later, in 1977, Mr Hulbert moved to the Home Office, the</p> <p style="text-align: center;">Page 55</p> | <p>1 Voluntary Services Unit, the VSU. He was there as 2 a consultant with a Civil Service rank equivalent to 3 a principal. 4 When Mr Hulbert worked at the VSU, he was shown 5 a document by Alan Davies which set out a potential for 6 future grant renewal of Home Office funds to various 7 voluntary groups. One of those entries showed 8 Home Office funds going to the Paedophile Information 9 Exchange, PIE. That was set out in an internal 10 accounting record that related to the funding of 11 the Women's Royal Voluntary Service, the WRVS, now the 12 RVS. 13 Mr Hulbert and Mr Davies joked about whether it 14 could be that the WRVS was having a national bake-up. 15 That was a joke, as described in the cross-examination 16 by Mr Altman, that was akin to gallows humour. They 17 were, in fact, both shocked and horrified. 18 Mr Hulbert knew from the press what PIE was and that 19 it campaigned for the acceptance of paedophilia as 20 a normal activity. So Mr Hulbert told Mr Davies that he 21 would take it up with Clifford Hindley. 22 Clifford Hindley was Mr Hulbert's direct line manager. 23 Clifford Hindley's rank was as an assistant and, in 24 turn, Mr Hindley reported to the Undersecretary, 25 Geoffrey de Doney.</p> <p style="text-align: center;">Page 56</p> |

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| <p>1 Mr Hindley's role was as head of unit -- deciding 2 policy, recommending grants and, as an example, he was 3 responsible for the oversight of grants to the WRVS and 4 also for the Albany Trust. He negotiated those grants 5 personally. 6 Mr Hulbert went to see Clifford Hindley and said 7 something like, "Clifford, what the hell are we doing 8 funding this outfit?" Mr Hulbert explained to 9 Mr Hindley it was illogical to be helping organisations 10 in conjunction with the Department of Health that were 11 promoting child protection and at the same time to fund 12 an organisation which was campaigning to remove 13 safeguards for children. Now, Mr Hindley's response 14 doesn't bear any other examination than as an 15 explanation that PIE was being funded, and he said these 16 three important things to Mr Hulbert: that PIE, the 17 Paedophile Information Exchange, was a bona fide 18 campaigning organisation even if its objectives appeared 19 to be objectionable; two, that it was funded at the 20 request of Special Branch, and you will recall the small 21 uncertainty in Mr Hulbert's mind as to whether it is 22 Special Branch or Security Services. Mr Hindley 23 explained it was therefore useful to identify people 24 with paedophile inclinations. And, three, that, as this 25 was an extension of a grant, it did not require the</p> <p style="text-align: center;">Page 57</p> | <p>1 input of a consultant. 2 There is no room for mistake here or for confusion 3 or for any misunderstanding: the funding was for the 4 Paedophile Information Exchange and Mr Hulbert was told 5 to back off, and so he did. He has regretted that since 6 this time so many years ago, and he thinks, on 7 reflection, that if Ms Hartley-Brewer, Callaghan's 8 political adviser, had still been in post at that time 9 that he may have gone to her. 10 Thereafter, Mr Hulbert continued to work within the 11 VSU until moving on to become the Deputy Director of 12 Social Services for Hereford and Worcester County 13 Council at the end of 1991, and he stayed in that post 14 for eight years, until he was appointed as the Director 15 of Social Services for Bedfordshire County Council. 16 Mr Hulbert's career has had many professional 17 achievements. These have included the setting up of 18 the first independent neighbourhood advice centre. We 19 know all of these now to be called "one-stop shops". 20 That was back in 1969. He pioneered model contracts 21 with voluntary organisations and set out the basis for 22 what became a more wide franchising of local authority 23 care homes. 24 So we know that Mr Hulbert is someone that has 25 worked steadily and properly in the public interest.</p> <p style="text-align: center;">Page 58</p> |
| <p>1 Mr Hulbert's career was serious and considerable. He 2 had serious and weighty responsibilities for the people 3 under his care and the staff that worked with him and 4 for him. He is not a frivolous man. He is not 5 a lightweight. And he must be taken seriously. 6 There is, and there can be, no suggestion that 7 Mr Hulbert was, or is, a publicity seeker or has any 8 ulterior motive which could explain his recollection, 9 other than the fact that it is true. 10 So how did his account come out at all? It was in 11 1994, when Mr Hulbert was the Director of Social 12 Services in Bedfordshire, that he was dealing with 13 a problem of suspected abuse of children by staff in 14 a children's home called Oxendon House. The 15 Bedfordshire County Council established an independent 16 inquiry and appointed Barbara Kahan, a well-known 17 childcare consultant, to assist Mr Hulbert. Ms Kahan 18 advised Mr Hulbert to speak to the head of the Obscene 19 Publications Squad, Superintendent Mike Haynes, to 20 establish whether any of the Oxendon staff members were 21 known as, or suspected as, abusers. It was first of 22 all, then, in a conversation with Superintendent Haynes 23 in 1994 that Mr Hulbert told him of his experiences at 24 the VSU regarding the funding of the Paedophile 25 Information Exchange.</p> <p style="text-align: center;">Page 59</p> | <p>1 But in 1994, the BBC screened a programme titled 2 "The Secret Life of a Paedophile". Now, Mr Hulbert was 3 surprised, as he had not known that Ms Kahan was known 4 in that programme to have worked with Mr Righton, who 5 was by then a known paedophile but who had also been 6 a senior Social Services adviser. 7 After the programme, Mr Hulbert called the BBC and 8 left a message. I ask that this be put on the screen, 9 please. It now has the Relativity reference PMK000233. 10 This message is, as we can see on the screen, to the 11 effect that, when Mr Hulbert was a consultant at the 12 Voluntary Service Unit, he had seen evidence that PIE 13 had been receiving Home Office funding. I read from 14 this: 15 "'PIE was funded by the Home Office', says 16 Tim Hulbert, now Beds CC director. 17 "'Clifford Hindley, head of Voluntary Service Unit 18 of Home Office, was involved ..." 19 And then, it seems, a certain attempt to set out 20 where he might be found. 21 There was no acknowledgement of this call to the 22 BBC -- we can take the document off the screen, 23 please -- and it was not, therefore, until 2013 that 24 Mr Hulbert was called by David Tombs, the retired 25 Director of Social Services for Hereford and Worcester.</p> <p style="text-align: center;">Page 60</p> |

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| <p>1 Mr Hulbert had been Mr Tombs' deputy. Mr Tombs said 2 he'd been called by Peter McKelvie, who wanted to 3 contact Mr Hulbert about a phone call that Mr Hulbert 4 had made to the BBC in 1994, and we believe that the 5 document we have just seen on the screen is the other 6 side of that call, in other words, the message that was 7 left at the BBC.</p> <p>8 We learnt that Mr McKelvie told Mr Hulbert he had 9 come across a note of this call, likely to be the one we 10 have just looked at, referring to the Home Office 11 funding of PIE. Now, Mr McKelvie had come across this 12 note when he was helping David Perrin, the producer of 13 "The Secret Life of a Paedophile", clear up some old 14 papers. So that's how -- that's the chain of events 15 that led to Mr Hulbert's account and recollection coming 16 out.</p> <p>17 Mr McKelvie asked Mr Hulbert whether he'd be 18 prepared to speak to the police, Operation Fernbridge, 19 and Mr Hulbert agreed. But he told Mr McKelvie that he 20 wished to remain anonymous at that time.</p> <p>21 Now, on 20 November 2013, Mr Hulbert spoke to 22 DI Settle and then two officers were sent to 23 Mr Hulbert's home to interview him. As you will recall 24 from Mr Hulbert's evidence, this wasn't a satisfactory 25 interview and Mr Hulbert wasn't satisfied with the</p> <p style="text-align: center;">Page 61</p> | <p>1 statement produced as a result.</p> <p>2 So we have the 2013 statement from Mr Hulbert, the 3 2014 statement, a later one drafted by Mr Hulbert, and 4 the subsequent inquiry, IICSA inquiry, statement. These 5 statements have been the subject of the -- how can I put 6 it? -- non-cross-examination cross-examination by 7 Mr Altman. That lengthy examination demonstrated, we 8 suggest, that Mr Hulbert's accounts were consistent in 9 every material particular, and we challenge anyone to 10 say that Mr Hulbert was not an impressive and credible 11 witness.</p> <p>12 Now, there was a time when we used to have a system 13 of what were called old-style committals in criminal 14 law. What the defence lawyers would do with old-style 15 committals would be to use that system to compel victims 16 of sexual abuse and complainants to give their accounts 17 on oath before magistrates. There were unpleasant 18 reasons for this.</p> <p>19 One of the unpleasant reasons was to get another, 20 and very probably slightly different, account to be used 21 at a later trial. This is because, when people give 22 multiple statements, there will naturally be some 23 differences.</p> <p>24 You will recall that Mr Hulbert said at the end of 25 his evidence that, although he is not a survivor, he now</p> <p style="text-align: center;">Page 62</p> |
| <p>1 knows a little of what it feels like to be required to 2 endlessly give their account time and time again.</p> <p>3 These sorts of multiple accounts become the meat and 4 drink of cross-examination for lawyers like Mr Altman 5 and myself. We have, between us, over 60 years of 6 experience of putting what are often small differences 7 between accounts to witnesses in an attempt to shake 8 credibility. But what we have seen from Mr Hulbert is 9 that he has time and time and time again explained that 10 he saw a document that showed an application for a grant 11 renewal for money to be sent to PIE for a three-year 12 period to follow the original grant between what must be 13 1977 to 1980.</p> <p>14 Now, that, as we know, is the only period of time 15 that the Home Office records are missing. Parliamentary 16 records fail to record it. And, of course, there are no 17 WRVS, now the RVS, accounts to assist. But that's not 18 all we know about this.</p> <p>19 In 2016, Mr Hulbert and Mr Davies exchanged emails, 20 and they spoke on the telephone on or around 21 23 June 2016. Can we have up on the screen, please, 22 INQ003974_012. This is in fact Mr Hulbert's statement, 23 but as a matter of convenience it contains the email he 24 sent. In the email, as you have it on the screen, 25 Mr Hulbert says this, reflecting on the telephone call</p> <p style="text-align: center;">Page 63</p> | <p>1 he had with Mr Davies:</p> <p>2 "In particular, it was your spontaneous response to 3 my mentioning that I clearly remember a reference to 4 'WRVS (PIE)' I think on the quarterly reference sheet on 5 grants for renewal. I have always regarded this as the 6 most bizarre part of my recollection and have wondered 7 from time to time if my memory was playing tricks. When 8 you said you remembered that too, it hit me like 9 a sledgehammer, because for the first time in this whole 10 sorry saga, I had confirmation that my recollection was 11 shared. Indeed, after two inquiries found no evidence 12 to corroborate what I know to be true, without any 13 prompting you provided a key. I hope you don't mind, 14 but I immediately passed this on to the inquiry lawyer 15 who is gathering the evidence together for this part of 16 the Goddard Inquiry and he may get in touch."</p> <p>17 Let me then show you the response from Mr Davies, 18 INQ003974_014. So same document, but page 14. At the 19 top of that page, you see it there:</p> <p>20 "I hope this is of some use, but let me assure you 21 that your memory is still very accurate."</p> <p>22 Let us just pause ourselves and reflect on what this 23 email exchange means. You have it very clearly set out 24 in the email from Mr Hulbert what he recalled not long 25 after the conversation that he had with Mr Davies. Is</p> <p style="text-align: center;">Page 64</p> |

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| <p>1 he a fantasist? You have seen him. No, he isn't. Is 2 he someone that seems to have a predilection with making 3 things up? No, that doesn't fit him either. Did he 4 have some hold over Mr Davies that would compel 5 Mr Davies to make this sort of response? No, that 6 doesn't seem to fit either. So what do we have? The 7 only sensible interpretation of this email exchange is 8 that it is exactly as it says within the emails: 9 a conversation that was recorded by Mr Hulbert when 10 matters were still fresh in his recollection of what had 11 passed between the two, a discussion about what they had 12 seen together back so many years ago at the VSU. 13 Now, at some point, it may be said, perhaps by the 14 Home Office, that Mr Hulbert is mistaken, he's got it 15 wrong somehow. Think about that with great care. Is 16 this someone that could possibly have made this up, 17 could possibly be mistaken about this? Does that make 18 any sense to you as against what you know is this man's 19 steady and serious work for so many years in the public 20 interest? That suggestion, if it is to be made at any 21 later stage, cannot be right, we suggest. Mr Hulbert is 22 exactly as he appears to be: a serious man from 23 a serious career who has done his best as a public 24 servant to help people and not to lead people astray. 25 So Mr Hulbert was aware from his conversation and</p> <p style="text-align: center;">Page 65</p> | <p>1 the email exchange with Mr Davies that Mr Davies had 2 information that could assist this inquiry and, 3 therefore, Mr Hulbert contacted the inquiry to ask that 4 someone contact him, as his concern was that Mr Davies 5 was quite ill and elderly. And we have a statement from 6 Mr Davies dated 19 May. I won't ask for it to go on the 7 screen. I will just read out one part. Mr Davies said 8 this: 9 "I do, however, have a vague recollection, possibly 10 in early '79, when a general conversation was about WRVS 11 funding when someone used the expression 'PIE'. 12 I cannot be sure but I think it was Tim Hulbert. I only 13 remember because of the acronym, as it wasn't something 14 I recognised." 15 He said in that statement, "I never gave it another 16 thought". Of course Mr Hulbert has been surprised by 17 the content of this statement as it is so utterly 18 contradicted by the telephone and email exchange he had 19 had with Mr Davies. 20 Of course, Mr Hulbert can't explain why Mr Davies 21 didn't tell the police or IICSA the truth. Was he 22 worried about his pension? Was he confused? Was it his 23 health? But even Mr Altman QC has had to accept that 24 Mr Davies' recollection to the connection between 25 a conversation about WRVS funding and PIE provides some</p> <p style="text-align: center;">Page 66</p> |
| <p>1 support for Mr Hulbert's account. 2 We now know that the Wanless and Whittam review -- 3 Mr Wanless and Mr Whittam QC's review -- failed to 4 interview Alan Davies. We suggest this was a serious 5 failure by that review and it was one of the reasons why 6 we were pressing -- and probably being annoying -- why 7 we were pressing this inquiry to ask Mr Wanless or 8 Mr Whittam to come forward and answer questions. In 9 their place, Mr Box appeared before you, clearly doing 10 his best from his recollection of what the documents 11 were saying. But Mr Altman QC, we suggest, quickly 12 demonstrated that Mr Box was the wrong witness. 13 As Mr Box said in his statement, his duties were the 14 duties of anybody assisting reviewers in this regard, 15 they included photocopying -- indeed, he referred to 16 literally making the tea. He had no decision-making 17 functions whatsoever. 18 Mrs May, when at the Home Office, wrote to 19 Mr Watson MP specifically about Mr Hulbert's claims on 20 25 March, and said that the Wanless and Whittam inquiry 21 did not have statutory powers that this inquiry, your 22 inquiry, chair, will do, and she said, Mrs May said, 23 that she was determined to get to the truth. Well, 24 sadly, we suggest this inquiry has missed an opportunity 25 in failing to call Mr Wanless and Mr Whittam QC.</p> <p style="text-align: center;">Page 67</p> | <p>1 You know, chair and panel members, from all of your 2 work, that the ability to accept the single account of 3 a credible witness is part of the law that has now been 4 accepted, in particular in relation to complainants of 5 sexual matters. The need for a jury to be warned about 6 convicting a person on the uncorroborated evidence of 7 that individual was abrogated -- that's the word within 8 the Criminal Justice and Public Order Act 1994. This 9 warning to courts to look for corroboration was 10 seriously insulting and had been an obstruction to, 11 rather than a guarantee of, justice in the past. But in 12 this case, not only do we have the support and the 13 evidence that we have examined regarding Mr Davies, but 14 there is also a wealth of background evidence that 15 provides further support to Mr Hulbert's account. 16 Mr Altman QC, in his opening on 4 March, said: 17 "Searches have been conducted in Metropolitan Police 18 Special Branch records, also in the records of 19 Special Branch offices throughout the country. None of 20 those searches have thrown up any documents which 21 suggest that PIE may have been funded by the VSU, 22 whether at the request of Special Branch or at all". 23 However, he went on to say this: 24 "It seems that there was a Special Branch file 25 opened on PIE in July 1978 that was destroyed in 1999 in</p> <p style="text-align: center;">Page 68</p> |

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| <p>1 accordance with their standard destruction criteria." 2 The crucial reference in that is the date, isn't 3 it -- obviously also the fact a Special Branch file was 4 destroyed. 1978. This is the very period of time that 5 we are talking about that Mr Hulbert was told by 6 Mr Hindley that Special Branch was interested in and 7 therefore wanted to keep an eye on paedophiles within 8 the Paedophile Information Exchange. The timing fits. 9 During the course of evidence before you, chair, 10 from the anonymous Security Services witness on 11 11 March, we were told that MI5 "was interested in PIE 12 in the context of its countersubversion, originally 13 a proportion of founding members of PIE were active on 14 the subversive left wing and MI5 were interested in PIE 15 being a possible vehicle for subversive activity". 16 Let's reflect on what was going on at this time in our 17 history. This was at the peak of trade union activity. 18 Union membership in the '70s, going towards the end, 19 passing the 13 million mark. Trade union legislation 20 passed or being considered to regulate civic disruption. 21 The Labour Party was in the hands of the left. 22 Margaret Thatcher came in at this time seeking to bear 23 down on union activities and steer the country away from 24 the left. It was not only a time of industrial 25 conflict, economic decline and political extremism, but</p> <p style="text-align: center;">Page 69</p> | <p>1 a period of violence. So of course left-wing subversive 2 organisations were under the eye of the state. 3 But this was also the time when PIE was infiltrating 4 the NCCL, the National Council for Civil Liberties, had 5 contact with and, it seems, if I recall correctly, 6 shared an address with Release, and was in contact with 7 the Albany Trust. PIE was seen by some, as 8 Clifford Hindley said to Mr Hulbert, to be a legitimate 9 campaigning organisation. That was, in essence, the 10 attitude of the Albany Trust. 11 Each time we look and learn a bit more, some other 12 material services -- most recently, we have had 13 correspondence from the Security Service MI5, and that 14 says -- I won't ask for this to go on the screen, I will 15 read out the quote, but so you have the reference, it is 16 HOM003243. I will just read out the quote. That says 17 that MI5 did have a file on PIE, but it never actively 18 investigated PIE. What it was essentially doing was 19 collating information that came to it from a variety of 20 sources, some of it open source, in order that there was 21 a corporate record relating to the organisation. So the 22 file may have contained reports from Special Branch, but 23 none of them have been selected for examination at this 24 inquiry by the inquiry's legal team. It goes on to say 25 it's now been looked at and apparently the author of</p> <p style="text-align: center;">Page 70</p> |
| <p>1 this document, written by MI5 legal advisers, as it says 2 on this letter dated 18 March, has nothing to do with 3 the inquiry's business. 4 But does that adequately deal with the evidence that 5 MI5 was interested in PIE in relation to subversive 6 activities? We ask you to consider that question. 7 Of course we also know that it was during this 8 period that the Obscene Publications Squad were pursuing 9 their own investigations into PIE because of 10 Peter Hayman, as described by Mr Collins, the 11 long-serving sergeant in the Obscene Publications Squad. 12 But that's not all the evidence that relates to PIE. 13 The account adduced by Mr Clarke from the Albany Trust 14 shows how close the Albany Trust was to PIE at this 15 crucial time. This is the same Albany Trust which was 16 receiving funding from the VSU, funding controlled by 17 Mr Clifford Hindley, who knew and worked alongside 18 Antony Grey at the Albany Trust as explained by 19 Mr Clarke in his evidence. 20 Now, Mr Grey, from the evidence, gone through by 21 Mr Altman, has been shown to be a clear supporter of PIE 22 members in relation to some of their goals. Mr Clarke 23 explained that, from 1975 to 1977, he thought that that 24 was the strongest possible time for the link between the 25 Albany Trust and PIE. That was the time, which would</p> <p style="text-align: center;">Page 71</p> | <p>1 have been just before the first grant in 1977, because 2 what Mr Hulbert saw was a potential renewal of this. In 3 other words, that period of time, as explained by 4 Mr Clarke, was three years before Mr Hulbert saw the 5 documents which suggested the renewal. 6 Then we had the examination of Mr Clarke, going 7 through the various documents, which showed a timeline 8 that fitted the first grant from the VSU. As at that 9 time, the Albany Trust was giving a warm reception to 10 the idea, such as, "a greater awareness of the sexuality 11 of children", and there's also the reference to making 12 children potential victims, not only adult paedophiles. 13 Now, Mr Clarke suggested that the Albany Trust had 14 sought to withdraw from its level of contact with PIE, 15 but we know that that in fact continued, and Mr Grey, 16 even though he had left the Albany Trust, continued his 17 own engagement with PIE. 18 Mr Clarke described Mr Grey and Mr Hindley in this 19 way: he obviously accepted that they knew each other. 20 In his evidence on 26 March, he described them as being 21 figures of about the same age with a similar sort of 22 style of formality, respectability and courtesy. 23 It will be a matter for the inquiry -- for you, 24 chair, and your panel members -- to make what it wants 25 of the published works of Mr Hindley. The inquiry now</p> <p style="text-align: center;">Page 72</p> |

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| <p>1 has that material, and it is from his writings, which 2 can only be regarded as sympathetic to pederasty, that 3 we read you the quote as follows. This is from 4 Mr Hindley's published works: 5 "What I hope I have demonstrated, however, is an 6 interest on his part [in reference to the person he was 7 talking about in history] in right sexual relationships 8 between older and younger men and boys." 9 I will read that again. Hindley is saying "right 10 sexual relationships between older and younger men and 11 boys". Later on, he put it a different way. He refers 12 to -- again a quote: 13 "It embraces love of body and love of mind in which 14 the older respects the younger partner and what he 15 offers." 16 You will need to consider that evidence, as much as 17 the other evidence, in this particular part of this 18 inquiry. So what does all this lead to? Well, the 19 fundamental purpose of a public inquiry is to rebuild 20 and restore public confidence. Lord Laming, who carried 21 out the Victoria Climbié Inquiry told the British Select 22 Committee on Public Administration that there can be 23 little doubt that inquiries matter greatly to the 24 public, especially those directly affected by the events 25 under investigation. Now, for the government, the</p> <p style="text-align: center;">Page 73</p> | <p>1 primary purpose of an inquiry is to prevent recurrence. 2 It is also their view that the main aim is to learn 3 lessons, not apportion blame. They believe that 4 inquiries have helped to restore public confidence 5 through a thorough investigation of the facts and timely 6 and effective recommendations to prevent recurrence of 7 the matters causing concern. Many inquiries have helped 8 to bring about valuable and welcomed improvement in 9 public services. 10 So a fundamental purpose for this inquiry is to seek 11 to rebuild public confidence in our political, police 12 and security institutions. 13 Chair, it is vital that you and your panel consider 14 whether this investigation will achieve the restoration 15 of public confidence in those institutions and, if you 16 conclude that it does not, then you must take urgent 17 steps to remedy this. 18 Chair, we say that you should find, and should 19 report, that Mr Hulbert told the truth; and find that he 20 did see evidence that the Home Office, or persons 21 working within the Home Office, had provided, or had 22 intended to provide, substantial funding to the 23 Paedophile Information Exchange. You will, we suggest, 24 find that because the Home Office review found it to be 25 credible, as set out in a letter from your legal team on</p> <p style="text-align: center;">Page 74</p> |
| <p>1 9 March, having analysed the Wanless and Whittam review. 2 Your legal team said it this way: 3 "We do not read the Wanless and Whittam report as 4 suggesting anything other than Mr Hulbert had truthfully 5 relayed his memory of the events in question." 6 Most of all, you will make this finding because you 7 personally observed Mr Hulbert give his evidence over 8 many hours under the careful examination of 9 Mr Altman QC, an extremely seasoned prosecutor. 10 Mr Hulbert's evidence could not be shaken, 11 undermined or disturbed in any material way because it 12 was, and is, true, and we suggest you should say so in 13 your report. 14 But we recognise that leaves you and your panel in 15 a difficult conundrum. Whereas we believe you will find 16 that the Home Office or persons working with the 17 Home Office did, or intended to, fund PIE, there is no 18 corroboration that money, a money trail, as an 19 example -- because, of course, records have 20 disappeared -- and there is no concluding part of 21 the chain of evidence. So what do you do? 22 What we suggest that you consider doing is this: you 23 should be considering the question of what happens when 24 a credible whistleblower comes forward and believably, 25 credibly and truthfully says, "I have seen a danger to</p> <p style="text-align: center;">Page 75</p> | <p>1 children", in circumstances where there may not be much 2 else by way of supporting evidence. 3 Now, if a man of the standing and credibility of 4 Mr Hulbert is ignored, then far fewer Tim Hulberts will 5 come forward in future and children will suffer as 6 a consequence. We suggest that this goes to the heart 7 of what you are about and what your investigations 8 within IICSA are trying to do, and that is to establish 9 the best possible system to protect children now and 10 into the future. 11 As a result, although we suggest you must find that 12 Mr Hulbert saw what he saw, what is more important is 13 how that has been handled in the various reviews and 14 this public inquiry. Whether a whistleblower is 15 speaking from within a current institution or talking 16 about events or evidence connected to child sexual abuse 17 from the past, we need to understand, as it has been 18 said repeatedly, that deference, fear, self-protection, 19 loyalty, doing what you are told within organisations 20 are all factors that play their part. 21 Now, time does not allow us to fully develop our 22 proposals on encouraging handling and protecting 23 whistleblowers. We will do that in our written 24 submissions. 25 Can we summarise in this way: employment legislation</p> <p style="text-align: center;">Page 76</p> |

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| <p>1 does not currently provide whistleblowing employees with 2 some protection against retaliation, and what little it 3 does provide is inadequate. It simply allows 4 a dismissed employee to bring a claim against the 5 employer for unfair dismissal. That is not enough. 6 There must be a proactive structure in place to protect 7 whistleblowers from the moment they make their 8 disclosure. It is vitally important that whistleblowers 9 know that they will be protected. 10 Now, that clarity may be provided by mandating 11 organisations' responsibility for the protection of 12 children being required to produce a whistleblowing 13 policy, and policies such as that must guarantee the 14 whistleblower's protection. Restricting an 15 organisation, as an example, and stopping it from 16 relying on contractual gagging clauses or guaranteeing 17 anonymity where requested by the whistleblower, it must 18 make and mandate that the organisation response to 19 disclosures including compulsory investigation and/or 20 outside reporting, must be dealt with properly and 21 formally and provide feedback to the whistleblower on 22 the consequences of, and the ongoing nature of, 23 the investigation of their disclosure. 24 You may think that the establishment of a watchdog 25 in this area to act as an oversight body for disclosures</p> <p style="text-align: center;">Page 77</p> | <p>1 and for whistleblowers would be of assistance. So we 2 support the introduction of mandatory reporting. This 3 would have the benefit of protecting whistleblowers. 4 The law must provide, or must require, professionals 5 with responsibility for children, including civil 6 servants, to make a disclosure of any reasonable 7 suspicion that a child is at risk of abuse. Currently, 8 the legislation, in dealing with whistleblowers within 9 the intelligence services in the military has an 10 exception. That needs to be thought of and looked at 11 with care. Obviously, there is a difficulty when 12 dealing with such institutions as the intelligence 13 services and the military, but it needs to be looked at 14 with care in order to establish that the need for 15 protection is the protection of children and nothing 16 else. 17 Chair, we suggest that you will find that Mr Hulbert 18 told the truth and then go on to grapple with the 19 consequences of that finding by making recommendations 20 as regards whistleblowers that will ensure that other 21 Tim Hulberts come forward in the future. Thank you. 22 THE CHAIR: Thank you. Ms Leek? 23 Closing statement by MS LEEK 24 MS LEEK: Chair, members of the panel, I make this brief 25 closing submission on behalf of the Commissioner and the</p> <p style="text-align: center;">Page 78</p> |
| <p>1 officers who have been here during the course of 2 the hearing. During the course of this investigation, 3 the inquiry has heard evidence about allegations of 4 wrongdoing by police officers and others connected with 5 allegations of child sexual abuse by persons of public 6 prominence connected to Westminster. 7 I remind you that the allegations were into police 8 misconduct and not into the underlying allegations of 9 criminals, as suggested by Harvey Proctor's counsel. 10 Those allegations of misconduct have been investigated 11 by the Metropolitan Police Service either locally or 12 managed by the Independent Office for Police Conduct. 13 Chris Mahaffey described the process in place between 14 Operation Winter Key and the IOPC as being 15 "collaborative but intrusive and challenging". We also 16 invite you to note Mr Mahaffey's evidence on Day 2 that 17 the investigators made every effort to interview 18 everybody named by the person making the initial 19 allegation. 20 Operation Winter Key followed the evidence of 21 potential police misconduct wherever it took them. 22 Chair, you and the panel can, and should, have every 23 confidence in the processes adopted. As Commander Roper 24 put it, investigators explored every allegation that was 25 brought to the MPS, even if the allegation provided very</p> <p style="text-align: center;">Page 79</p> | <p>1 little information about the alleged wrongdoing. We 2 invite you to consider the 17 matters which were 3 investigated by the Metropolitan Police Service and the 4 very low threshold that has been applied. 5 Commander Roper, together with other officers from 6 Operation Winter Key, has been present throughout the 7 three weeks of evidence. She and they and we have paid 8 particular attention to the evidence of those former 9 police officers who gave evidence about their 10 experiences and, in particular, their accounts that 11 investigations were stopped prematurely. 12 As she and Mr Mahaffey explained in the witness box 13 this week, the Metropolitan Police Service and the IOPC 14 will now review the evidence that has emerged during the 15 course of this inquiry, as she promised, and consider 16 whether there are further lines of enquiry to be 17 explored and whether, for example, Operation Beech 18 should now be revisited. 19 The Metropolitan Police Service has invited, and 20 indeed welcomed, critical examination of its involvement 21 with the matters connected to this inquiry's 22 investigation. What can be said now, and we invite you 23 to find, is that insofar as any person or organisation 24 is inclined to suggest that the IOPC and/or the 25 Metropolitan Police Service has whitewashed the</p> <p style="text-align: center;">Page 80</p> |

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| <p>1 allegations made, any such suggestion can, and should, 2 be rejected. Such a suggestion is wholly without 3 evidential foundation and plainly wrong. 4 May I turn briefly to emerging themes. Earlier this 5 week, Commander Roper, along with Mr Mahaffey, gave 6 evidence about the overarching themes which emerged from 7 the first weeks of evidence. One of these themes was 8 whether officers historically showed undue deference to 9 more service officers or to members of 10 the establishment. You will recall Commander Roper's 11 evidence to you on this. She was clearly unable to 12 comment personally on the culture of the '60s, '70s and 13 '80s, save by reference to the evidence provided to 14 Operation Winter Key. 15 Chair, Mr Scorer said that Catherine Roper denied 16 that there had been a significant culture of deference. 17 In fact, if my recollection serves me, she was extremely 18 careful to comment only on the evidence that she had 19 seen and heard, as is entirely befitting, you may 20 consider, for an officer in her position. 21 However, she was able to give evidence about how the 22 culture within the Metropolitan Police Service now 23 encourages -- indeed, requires -- officers to challenge 24 inappropriate behaviour by their senior officers. From 25 the evidence given by former officers and by</p> <p style="text-align: center;">Page 81</p> | <p>1 Commander Roper, it is absolutely clear that the 2 internal communications and the hierarchical structure 3 and ways in which teams worked within the 4 Metropolitan Police Service were a world away then from 5 how they operate today. 6 As for deference to people of public prominence, the 7 Metropolitan Police Service has no intention to be 8 defensive. However, we would also caution against 9 inferring a police-wide culture from the evidence you 10 have heard concerning Neil Diver and one or two other 11 senior officers who may have had vested interests and 12 who have not been able to account for their actions. 13 Chair, Mr Scorer created an entire scenario around 14 a snippet of conversation, including the Prime Minister 15 and the Commissioner. We ask you only to make findings 16 on the evidence that you have actually heard. 17 Chair, one of the striking issues which has been 18 drawn out from the various IOPC and Metropolitan Police 19 Service investigations, their closing reports and the 20 evidence heard in this inquiry, is how a lack of 21 communication might have fostered and engendered 22 concerns that inappropriate action was taken. This 23 lesson has not been lost on the Metropolitan Police 24 Service, and a more comprehensive regime of debriefing 25 officers involved in major inquiries now exists.</p> <p style="text-align: center;">Page 82</p> |
| <p>1 It is likely that improvements can still be made in 2 this area, however, and consideration will be given to 3 those. 4 The inquiry heard evidence from Don Hale. We do not 5 propose to address the substance of Mr Hale's evidence, 6 namely, whether members of Special Branch attended his 7 offices and seized a dossier, provided to him by 8 Dame Barbara Castle, listing the names of individuals 9 connected to PIE. This matter has been examined during 10 Operation Hawthorn, an IOPC-managed investigation. 11 Having listened very carefully to Mr Hale's evidence, we 12 do not, however, see any basis to doubt the conclusion 13 of the Operation Hawthorn closing report. You may 14 conclude, Mr Hale's account having been exposed to 15 forensic scrutiny for the first time, that there are 16 serious questions over the fundamental accuracy of his 17 account. 18 In evidence, Mr Hale made a number of very serious 19 allegations about the process adopted in taking his 20 statements in 2014 and again in 2017. He criticised 21 both the MPS and the IOPC for the way in which 22 Operation Hawthorn was conducted and the conclusions 23 reached. We take those allegations seriously and 24 will consider, with the IOPC, whether a further 25 investigation is warranted. We will keep the inquiry</p> <p style="text-align: center;">Page 83</p> | <p>1 updated. However, at this stage, we seek to make only 2 a few brief observations. 3 First, you will recall that Mr Hale raised concerns 4 that manuscript amendments and deletions made to his 5 2014 statement were not reflected in the typed version 6 provided to the inquiry. The manuscript copy was 7 located and disclosed. There are no material 8 differences between the two. The only differences are 9 minor typographical errors. Mr Hale was invited to 10 review the manuscript version alongside the typed 11 version. We have recently seen his response. Any 12 criticism is plainly ill-founded. 13 Second, you will recall that Mr Hale objected to the 14 noninclusion of relevant information contained within 15 46 emails passing between himself and a police constable 16 attached to Operation Winter Key. The emails are, in 17 the main, of little relevance. Most concern practical 18 arrangements to meet and take Mr Hale's statement. What 19 is clear from those emails is this: a copy of the typed 20 2014 statement was provided to Mr Hale at his request: 21 Mr Hale was asked to, and did, sign two further 22 statements. They were sent as editable documents. 23 Those statements were examined during the course of his 24 evidence. He signed both of them. 25 The panel will be familiar with the declarations</p> <p style="text-align: center;">Page 84</p> |

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| <p>1 accompanying those statements. 2 Third, as to Mr Hale's criticism that the IOPC and 3 MPS proceeded on the erroneous basis that a cleaner was, 4 or may have been, present during the course of 5 the alleged raid on his office. We invite the inquiry 6 to note the contents of his signed 2014 statement. As 7 to the alleged errors in the closing report, we simply 8 point you to the text of the report itself. On any 9 objective reading, the report accurately reflects the 10 information provided by Mr Hale. 11 Whilst the MPS proposes to look into these matters 12 further, on the basis of what we have seen thus far, 13 there appears to be little basis for criticising the 14 police constable who took the statements. 15 Elm Guest House. Prior to this inquiry, volumes 16 have been written and published about the Elm Guest 17 House, much of which has concerned allegations of police 18 wrongdoing. However, as Commander Jerome explained in 19 his evidence, and as we set out in our opening 20 statement, there is currently insufficient evidence to 21 substantiate any allegation of misconduct in the way in 22 which officers dealt with allegations of child sexual 23 abuse. Nothing that has been heard over the past three 24 weeks casts any doubt upon that conclusion. 25 Chair, I do not wish to respond to Mr Proctor's</p> <p style="text-align: center;">Page 85</p> | <p>1 counsel's speech, save to say that you're invited by 2 Mr Wagner to find that Mr Proctor has been exonerated 3 and cleared. May I simply refer you to paragraph 7 of 4 your determination with regard to his application for 5 core participant status. Chair, you said this: 6 "The basis on which I grant this application is that 7 the inquiry will, in the course of investigating the 8 conduct of a number of historic police investigations, 9 hear evidence of allegations of sexual abuse that have 10 been made against Mr Proctor. This evidence will not 11 include the allegations made by Carl Beech that led to 12 Operation Midland, but will include, as Mr Proctor's 13 application anticipates, allegations connected with 14 Elm Guest House. I emphasise, as counsel to the inquiry 15 has made clear, at both of the preliminary hearings 16 referred to above, that in this investigation the 17 inquiry will not be seeking to establish the truth or 18 otherwise of allegations of this nature. But I do 19 accept that the fact that be these allegations will be 20 aired gives Mr Proctor a significant interest in the 21 investigation which justifies granting him core 22 participant status." 23 Chair, you then said this: 24 "I should add, for completeness, that Mr Proctor's 25 application asserts that he is entitled to CP status on</p> <p style="text-align: center;">Page 86</p> |
| <p>1 a number of other grounds. I do not find the other 2 grounds persuasive. For example, Mr Proctor asserts 3 that he has a significant interest in the matter to 4 which the inquiry relates, namely, the paedophile ring 5 in Westminster, Dolphin Square, of which he is alleged 6 to be a member." 7 You gave a number of other examples, and you went on 8 to say this: 9 "Counsel to the inquiry made it clear at 10 the October 2018 preliminary hearing, as recognised in 11 other sections of Mr Proctor's application, that the 12 Dolphin Square paedophile ring allegations made by 13 Carl Beech will not form part of the Westminster 14 investigation." 15 You then said, chair: 16 "For these reasons, the submissions that I have 17 cited above do not raise issues that fall within the 18 scope of the investigation and therefore do not take 19 Mr Proctor's application any further." 20 But, chair, what you have heard evidence in relation 21 to is allegations of police misconduct which I have 22 dealt with, not, as I have specified, allegations of 23 underlying criminality. 24 Chair, finally, may I briefly address one discrete 25 matter which was raised by Mr Frank during questions of</p> <p style="text-align: center;">Page 87</p> | <p>1 Mr Mahaffey and Commander Roper, and this concerns the 2 policies for the retention of data. This is not 3 a subject upon which the inquiry has invited evidence. 4 If it would assist, further information can be provided. 5 Alternatively, the inquiry may feel it appropriate to 6 address this in one of the other investigations in which 7 the Metropolitan Police Service is a core participant. 8 What I can say at this stage is that the policies 9 concerning the retention of data by the 10 Metropolitan Police Service and other police forces are 11 complex and subject to, amongst other things, statutory 12 guidance provided by the Secretary of State, the 13 Data Protection Acts of 1998 and 2018, and the GDPR. To 14 complicate matters further, chair, this is also an area 15 in which there has been a considerable amount of 16 litigation, including cases against the commissioner 17 which have gone to the Supreme Court and the European 18 Court of Human Rights. 19 Chair, on behalf of the Metropolitan Police Service, 20 we have sought to provide all possible assistance to 21 this inquiry. The Met has disclosed to you and your 22 team many thousands of pages of material. We hope that 23 the process of examining this material, including 24 through the careful questioning of witnesses in this 25 forensic environment, will contribute to the public</p> <p style="text-align: center;">Page 88</p> |

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| <p>1 understanding of what has happened in the past. 2 As an organisation, the Metropolitan Police Service 3 is committed to learning whatever lessons for the future 4 can be drawn from that history. Thank you. 5 THE CHAIR: Thank you, Ms Leek. Ms Skinner? 6 Closing statement by MS SKINNER 7 MS SKINNER: Chair, members of the panel, I make this brief 8 closing statement on behalf of the Independent Office 9 for Police Conduct, the IOPC. As you are aware, the 10 IOPC oversees the police complaints system in England 11 and Wales and has a statutory duty to secure and 12 maintain public confidence in it. The IOPC also 13 investigates death and serious injury cases and certain 14 conduct matters, a conduct matter being where 15 a complaint has not been received, but there is an 16 indication that a person serving with the police may 17 have committed a criminal offence or behaved in a manner 18 which would justify the bringing of disciplinary 19 proceedings. 20 The IOPC is, as its name suggests, independent; 21 independent of police, of government and of interest 22 groups. 23 Since January 2015, the IOPC has been responsible 24 for 37 investigations that broadly relate to allegations 25 of police misconduct associated with allegations of</p> <p style="text-align: center;">Page 89</p> | <p>1 child sexual abuse involving persons associated with 2 Westminster and which concern the Metropolitan Police 3 Service. 4 By the time that the inquiry came to hear evidence, 5 32 of those investigations had concluded and the 6 remainder were near finalisation. 7 Final or draft closing reports had been prepared for 8 each. On Day 2 of the inquiry, 5 March 2019, the 9 inquiry heard evidence from Chris Mahaffey, the lead 10 investigator at the IOPC, as to the extensive work that 11 has been undertaken in this regard by it in conjunction 12 with the Metropolitan Police Service's 13 Operation Winter Key. The inquiry has adduced into 14 evidence an overview report prepared by the IOPC. The 15 IOPC prepared this report in order to provide 16 a comprehensive explanation of the investigations, the 17 manner in which the IOPC and the MPS has progressed 18 them, the difficulties that have been encountered and 19 the general findings and themes emerging. 20 The IOPC produced this document in order to provide 21 the inquiry and the public with a detailed understanding 22 of its work in this regard. That report is now 23 available on both the inquiry and IOPC websites. 24 Mr Mahaffey provided evidence on a number of 25 the issues addressed in the overview report and provided</p> <p style="text-align: center;">Page 90</p> |
| <p>1 more detailed evidence in respect of several of 2 the investigations. As the inquiry is aware, almost all 3 of those investigations concluded that there was 4 insufficient evidence to support allegations of police 5 misconduct. The IOPC fully appreciates the frustration 6 that this will have caused to a number of people and 7 wishes to publicly reaffirm its commitment to ensuring 8 that allegations of police misconduct are dealt with 9 appropriately and fully in accordance with the statutory 10 scheme. Representatives of the IOPC have been in 11 attendance throughout the hearings of this strand of 12 the inquiry. They have listened carefully to the oral 13 evidence and have also been considering the disclosure 14 provided and the written evidence adduced. 15 The IOPC has, from the first, been keen to ensure 16 that its work is sensitive to that of the inquiry and 17 that it responds appropriately to any new evidence or 18 allegations that fall within its remit. 19 Now that the evidence has concluded, the IOPC will, 20 as Mr Mahaffey said earlier this week, conduct a review 21 of that evidence with a view to identifying potential 22 further lines of enquiry and determining whether any of 23 the investigations should be re-opened or new 24 investigations instigated. 25 The IOPC will, of course, keep the inquiry updated</p> <p style="text-align: center;">Page 91</p> | <p>1 as to its progress in this regard. 2 The IOPC notes the evidence that has been heard in 3 relation to changes and improvements that have been 4 made, both within the police -- for example, the 5 mechanisms of accountability -- and more widely across 6 our society. Whilst the IOPC is somewhat assured by 7 this evidence, it is also clear that there is no room 8 for complacency. The IOPC will endeavour to robustly 9 discharge its statutory duties in order to play its part 10 in ensuring that this progress is continued. 11 The IOPC will also reflect upon whether there are 12 any matters of organisational learning that it should 13 consider in respect of how it approached these 14 investigations. As an organisation, it continually 15 seeks to learn and improve and wishes to maximise this 16 opportunity to do so. This is particularly important 17 here, in view of the subject matter of this inquiry. 18 THE CHAIR: Thank you, Ms Skinner. Ms Johnson? 19 Closing statement by MS JOHNSON 20 MS JOHNSON: Chair, panel, you are scrutinising 21 prosecutorial decisions to determine whether there is 22 any evidence that there was an establishment coverup of 23 paedophilia. 24 In the 1970s, in serious or sensitive cases, the 25 decision to prosecute or not was made in the DPP's name.</p> <p style="text-align: center;">Page 92</p> |

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| <p>1 Although semi-detached from Westminster, the DPP was, 2 clearly, a member of the establishment, if what is meant 3 by that term is an elite holding positions of power. 4 As will be immediately obvious, the two cases which 5 the CPS were asked to address in this inquiry predate 6 the birth of the CPS in 1986. So we are here to assist 7 you with the decisions made by the DPP's Office insofar 8 as we can. 9 The role of the DPP began as a result of 10 the Prosecution of Offences Act 1879, and the 11 regulations set out the criteria for referring a case to 12 the DPP: any offence punishable with death; any case 13 referred by another government department; and any case 14 of importance or difficulty or which, for any other 15 reason, required his intervention. 16 In addition, there was a list of specific offences 17 which had to be referred to the DPP. Interestingly, it 18 did not include sexual offences against a child unless 19 it involved the communication of a venereal disease. 20 This, we suggest, provides a revealing insight into how 21 child abuse was regarded at that time and indeed 22 extending right into the 1970s. 23 In the Montagu and Hayman cases, the DPP was 24 involved because the case was of importance or 25 difficulty -- importance probably being the trigger for</p> <p style="text-align: center;">Page 93</p> | <p>1 referral -- and it was of note that Mr Collins told you 2 that all the obscene publication cases went to the DPP. 3 So Hayman's case would have landed on the DPP's desk, 4 irrespective of his position in society. 5 So let's examine those two cases, beginning with the 6 Montagu decision. Montagu was accused of indecently 7 assaulting a 10-year-old boy who lived with his family 8 on Lord Montagu's estate. The offences occurred between 9 1970 and 1972. The indecent assaults took place under 10 the guise of play fighting, during which Montagu kissed 11 and touched the boy's genitalia and placed the boy's 12 hand on his penis. 13 Now, the report which Mr Altman QC took you to in 14 short form, the report prepared by Detective Chief 15 Inspector Newman, is, we suggest, highly instructive. 16 He is not a member of the establishment. Nowhere in his 17 very full report does the word "abuse" appear. Instead, 18 the boy is believed to be, "in moral danger". The boy 19 is described as, "a simple lad, perhaps to be pitied". 20 The boy's mother is described as having an "animal-like 21 approach to life". Lord Montagu is spoken of very 22 highly as an employer and a friend, lonely, and his 23 interests in the boy deemed to be no more than fatherly. 24 That police report demonstrates the fundamentally 25 different approach to child sexual abuse in the 1970s.</p> <p style="text-align: center;">Page 94</p> |
| <p>1 In a society riddled with class distinction and 2 behaviour which was assessed on grounds of morality 3 rather than criminality, the real offending was lost. 4 Montagu was cautioned. The DPP's Office note of 5 the decision describes it as a borderline case. 6 Now, what seems to have tipped the balance was 7 Montagu's previous good character at the age of 66 and 8 that there was no fear of repetition with the boy in 9 question. So the decision to caution indicates that 10 there was sufficient evidence to prosecute, but one has 11 to infer that it was not considered in the public 12 interest to proceed. 13 That public interest, we suggest, is what is being 14 described as "borderline". 15 It appears that in 1972 there was no guidance in 16 relation to the public interest test or indeed the 17 criteria by which to administer cautions. The factors 18 which should be taken into account when assessing the 19 public interest test were only set out in writing in the 20 first edition of the Code for Crown Prosecutors in 1986. 21 So 14 years after the Montagu decision. That first 22 edition of the Code stated that, insofar as sexual 23 offences against children were concerned, "there will 24 seldom be any doubt that prosecution will be in the 25 public interest".</p> <p style="text-align: center;">Page 95</p> | <p>1 Now, as Mr McGill told you, there is no benchmark 2 available now to judge adequately the decision made in 3 Montagu's case at the time, and we suggest, given that, 4 one cannot go so far as to say that it was wrong. 5 However uncomfortable one might feel about it, it is 6 clear that in 1972, the discretion was wide and the 7 public interest concept was nowhere near as 8 sophisticated as it is now. 9 Today, there is no doubt that the case would be 10 prosecuted. There are various factors which would point 11 to prosecution: the age and vulnerability of 12 the complainant; the disparity in age; the abuse of 13 trust; the grooming; and the number of indecent 14 assaults. 15 Panel, it is interesting to note that the same 16 factors which tipped the balance away from prosecution 17 in 1972 would tip the balance towards prosecution today. 18 By way of example, the fact that Montagu was 19 66 years old and an excellent employer of the boy's 20 father tended against prosecution in 1972. But those 21 features would be seen as a gross abuse of trust today 22 and tend towards prosecution. 23 The Hayman decision. In 1978, as you know, the 24 police found volumes of obscene correspondence at a flat 25 occupied by Hayman and, in addition, a briefcase was</p> <p style="text-align: center;">Page 96</p> |

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| <p>1 left on a bus which contained further obscenities, and 2 that briefcase we know belonged to Hayman. There was no 3 evidence of any sexual offences against children, and, 4 insofar as we can tell, although one has to treat this 5 with a degree of caution, the photographs of children 6 were not indecent or obscene.</p> <p>7 It is clear that Hayman grotesquely described his 8 fantasies, but Mr Collins told you that he could not 9 charge Hayman with any sexual offence against a child. 10 So the suggestion made by Mr Scorer, that the DPP had 11 a dismissive attitude towards child abuse, needs, we 12 suggest, to be treated with a degree of caution.</p> <p>13 As you know, the police report written by Mr Collins 14 asked the DPP to consider a prosecution of Hayman and 15 others for offences against the Post Office Act.</p> <p>16 Jeremy Naunton was a lawyer working in the DPP's 17 Office, and he provided a note concerning the matter. 18 It was, necessarily, a provisional view, as Mr Naunton 19 did not have the authority to make a final decision as 20 to charge or not. On reading that note, again, it is 21 clear that the DPP's Office did consider whether any 22 substantive offences against children had been committed 23 and concluded that they had not.</p> <p>24 As to whether there should be a charge of sending 25 obscene material through the post, the DPP's Office bore</p> <p style="text-align: center;">Page 97</p> | <p>1 in mind that the offence was outdated, the section was 2 designed to protect Post Office employees, who, in this 3 instance, had not been harmed, and the material was 4 circulated amongst a group of like-minded adults and 5 there was no intention to make a financial gain.</p> <p>6 Now, you may conclude that the testimony of 7 Mr Naunton, as set against his contemporaneous note, was 8 inconsistent. For example, the note suggests 9 a disinclination to prosecute, whereas Mr Naunton told 10 you that he was progressing towards a prosecution. 11 Mr Naunton said that the public interest didn't come 12 into it and he was considering whether there was 13 sufficient evidence. But, clearly, there was sufficient 14 evidence because the DPP ultimately chose to offer 15 a caution.</p> <p>16 So we submit that, given the conflicting evidence, 17 the fact that you do not have the record of the DPP's 18 decision, and the lack of any policy or guidance 19 applicable at the time, again, it would be unsafe to 20 condemn the decision to caution outright.</p> <p>21 Having said that, there is no evidence that the 22 DPP's Office considered a possible prosecution of 23 publishing obscene material, contrary to section 1 of 24 the Obscene Publications Act 1959. Now, that offence 25 should have been considered. It's impossible to suggest</p> <p style="text-align: center;">Page 98</p> |
| <p>1 what the outcome may have been without sight of 2 the material generated by the investigation.</p> <p>3 One aspect which clearly does raise alarm bells is 4 the evidence that Sir David Napley went to see the DPP 5 about Hayman's mental health. Now, although his health 6 would be a material factor, any defence submissions 7 should always be in writing and, as you heard, with 8 accompanying evidence. One can imagine that 9 less-well-known solicitors with less-well-known clients 10 would not have been afforded the same access to the DPP. 11 Whether such meetings were usual or not in those days, 12 it is impossible to say, but, clearly, such a meeting is 13 to be decried.</p> <p>14 However, that meeting does not demonstrate 15 a coverup. A provisional decision had already been made 16 before the meeting occurred. The meeting is perhaps 17 indicative of the influence of the old boys' network. 18 That was perhaps what was underlying Mr Collins' 19 testimony about that. That would never be permitted to 20 happen today. The CPS will always ensure that proper 21 professional boundaries are kept and everything is 22 transparent.</p> <p>23 As the evidence stands now, it is unclear whether 24 Wardell and Sewell were prosecuted under the Post Office 25 Act. As you have heard, further enquiries are to be</p> <p style="text-align: center;">Page 99</p> | <p>1 made. As Mr McGill said in evidence, each case would be 2 looked at on its own facts, and so, at the moment, 3 whilst we await those further investigations, we suggest 4 that one cannot go so far as to say that there was one 5 rule for the prominent and another rule for the ordinary 6 man.</p> <p>7 Moreover, there is conflicting evidence about 8 whether there was a disagreement between the 9 Attorney General and the DPP concerning Hayman. On the 10 one hand, you have the Daily Mail "Beast of Berlin" 11 article that stated that DPP's aides were disgusted by 12 the decision not to prosecute; on the other hand, you 13 have Sir Thomas Hetherington's note in the 14 Cabinet Office files stating that there was no such 15 disagreement between him and the Attorney General. 16 Perhaps you cannot take that strand of evidence very 17 much further.</p> <p>18 Moreover, as to Hayman asserting to MI5 that he had 19 been given immunity from prosecution by the DPP, well, 20 there's no evidence of that and, as the MI5 witness told 21 you, it makes absolutely no logical sense. Of course, 22 that witness was a lawyer. You may conclude that Hayman 23 is not a reliable historian, particularly in his own 24 cause.</p> <p>25 In our submission, there is no evidence that these</p> <p style="text-align: center;">Page 100</p> |

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| <p>1 two prosecutorial decisions go anywhere near to 2 demonstrating improper interference in the process. 3 Some people may not like the decisions made, but that 4 does not prove improper interference. 5 As well as inquiries, you also have to be cultural 6 historians. What these two cases do demonstrate is an 7 approach to child sexual abuse and the public interest 8 test which are wholly discordant with our approach 9 today. By examining these two cases, we suggest you can 10 be confident about quite how far the law and the 11 prosecution authority have come. 12 In the 1970s, the interests of the victim were given 13 insufficient weight. Today, the interests of the victim 14 are given proper weight at all stages of the prosecution 15 process. 16 Mr Altman QC, in his opening remarks, asked whether 17 the decisions demonstrated undue deference. Deference 18 to whom? Deference to what? It was an age of 19 deference. But it was also an age when victims' rights 20 were not at the forefront of decision-makers' minds, and 21 we suggest it is impossible for you disentangle those 22 two elements. 23 Put another way, how can you safely conclude that 24 these decisions were taken because the accused were 25 members of the establishment? Or is it equally likely</p> <p style="text-align: center;">Page 101</p> | <p>1 that the decisions were taken because, at that time, 2 a defendant's interests were placed above those of 3 a victim's? Moreover, don't forget that after the 4 Hayman decision he was subsequently prosecuted for 5 importuning, which rather negates the idea of him being 6 protected by the DPP because he was a member of 7 the establishment. 8 So, in conclusion, it is submitted that the evidence 9 is incomplete and inconsistent, particularly in the 10 Hayman case, so that you cannot be satisfied that there 11 was either interference in the decision making or undue 12 deference to those in authority. But what you can be 13 satisfied upon is that the rights of child victims were 14 almost ignored in the 1970s and what you can further be 15 satisfied upon is that now both those cases would be 16 prosecuted because the rights of the victims are at the 17 forefront of prosecutorial decision making. Thank you. 18 THE CHAIR: Thank you, Ms Johnson. Mr Griffin? 19 Closing statement by MR GRIFFIN 20 MR GRIFFIN: Chair and panel, thank you for the opportunity 21 to address you now. I would like to make some headline 22 points, and we will follow those up with a written 23 closing in short order. 24 I would like to cover, over the next ten minutes or 25 so, the Home Office and other government departments,</p> <p style="text-align: center;">Page 102</p> |
| <p>1 how they have interacted with this investigation; the 2 PIE issue; and also the honours system and safeguarding. 3 The Home Office, and government more widely, have 4 been, and are, absolutely committed to assisting the 5 inquiry in this investigation. They have made 6 substantial disclosure to the inquiry for the purposes 7 of the investigation, and you have, by way of an 8 example, the liaison that the Home Office undertook to 9 get information from 21 central government departments 10 about their safeguarding policies to you so that 11 Professor Thoburn could consider them and provide her 12 conclusions. 13 You have had witness statements and heard evidence 14 from Home Office witnesses concerning the 15 Wanless/Whittam review and covering safeguarding and, if 16 you want to have an example of the extent to which this 17 inquiry has gone to get to the truth and the extent to 18 which government has cooperated in that task, you just 19 have to look at the fact that you have received 20 statements from MI5, MI6 and GCHQ, and you have heard 21 from witnesses from two of those locations. 22 Turning, first of all, to the issue of 23 the Paedophile Information Exchange, and one of the key 24 issues being considered by the inquiry in this 25 investigation in relation to PIE is the suggestion that</p> <p style="text-align: center;">Page 103</p> | <p>1 the organisation may have been funded by the government. 2 That suggestion was made by Mr Hulbert and it relates 3 specifically to the Home Office's Voluntary Services 4 Unit. Today, I would like to consider the suggestion 5 that has been put in this way: first of all, that the 6 VSU was funding PIE; secondly, that PIE may have been 7 funded through the VSU's payment to the WRVS; and, 8 thirdly, that this may have been in order to aid the 9 Security Services or Special Branch -- both terms have 10 been used by Mr Hulbert -- as part of an effort to 11 infiltrate PIE. This inquiry is the third occasion on 12 which at least certain aspects of that suggestion have 13 been considered, and the situation is that each review 14 has built on the work of the review that preceded it to 15 the extent now that we have an inquiry with greater 16 resources and greater time which has received even 17 further information about this issue. 18 The further information that has been received 19 covers various different areas, but they include about 20 the VSU and its funding, they include about the WRVS, 21 including its PIE schemes and funds, and that's an issue 22 that I will return to shortly, and about Special Branch 23 and the Security Service. 24 You have had the benefit of a further statement from 25 Mr Hulbert in which he has provided his most up-to-date</p> <p style="text-align: center;">Page 104</p> |

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| <p>1 thoughts about these matters, and perhaps most 2 importantly of all you have heard Mr Hulbert's oral 3 testimony under questioning by counsel to the inquiry, 4 Mr Altman. 5 So where has all of that taken us? The panel may 6 now think that it is possible to reach conclusions that 7 Mr Hulbert is genuine but mistaken in his various 8 recollections, and that the suggestion about funding via 9 WRVS can be ruled out as a reasonable possibility. 10 There are a number of relevant factors to consider, and 11 we will cover those in the written closing statement, 12 but some of them are these: first of all, the inherent 13 improbability of what Mr Hulbert has suggested. "It is 14 an odd and unnecessarily complex way to pursue a desire 15 to infiltrate PIE". That was the wording from the 16 Wanless/Whittam review. And it would indeed be strange 17 to use a cover organisation such as the WRVS and then 18 fail to conceal in accounting the reference to PIE. 19 There are real difficulties with Mr Hulbert's 20 evidence. The inconsistencies between his various 21 accounts, about which you have heard in detail, and the 22 improbable suggestion that his memory has improved over 23 time from hazy to certain in respect of some of the most 24 important aspects of what he has to tell you. 25 Following extensive checks, no evidence has emerged</p> <p style="text-align: center;">Page 105</p> | <p>1 to corroborate his suggestion. But there is, 2 unfortunately, strong evidence which undermines it. The 3 evidence of Alan Davies is a good case in point. 4 Mr Hulbert suggests in his most recent statement that 5 during their time in the VSU, Mr Davies pointed out an 6 entry on a sheet which read "WRVS" and then in brackets 7 the acronym "(PIE)". It was shown as a grant for 8 renewal in the sum of what Mr Hulbert thought was 9 £30,000, and yet Mr Davies' own statement to the police 10 in 2014 and to this inquiry in 2017, and so after the 11 email exchange between Mr Hulbert and Mr Davies that you 12 have heard about, do not support Mr Hulbert's 13 recollection. 14 Neither the Metropolitan Police Special Branch nor 15 regional Special Branch provide support for Mr Hulbert. 16 On the contrary, there is nothing to suggest they were 17 ever tasked in relation to PIE or sought government 18 funding to sustain PIE to aid their infiltration of it. 19 Similarly, you now have evidence from the 20 Security Service, and that is that it never actively 21 investigated PIE and it has recently confirmed that no 22 records have been found to suggest that Special Branch 23 liaised with or updated the Security Service about PIE. 24 I'd like to turn just to consider briefly the 25 contemporaneous documentation that you now have. We do</p> <p style="text-align: center;">Page 106</p> |
| <p>1 now have VSU funding figures for the WRVS throughout the 2 period of particular interest, from 1971/72 to 3 1979/80. In a couple of cases, they are estimates. In 4 fact, we have figures for years after that as well. 5 The evidence we have also about Mr Hindley is that 6 he took his responsibilities as head of unit for the VSU 7 seriously. The documents do not suggest that he would 8 have condoned the use of the WRVS to channel funds to 9 PIE. They demonstrate that he was in fact concerned 10 that the WRVS should properly be reviewed during the 11 time in question. You may recall some of 12 the questioning that counsel to the inquiry put to 13 Mr Hulbert about certain documents from the end of 1980. 14 There is one in particular which shows that in November, 15 so right at the end of the year, Mr Hindley had asked 16 Mr Hulbert to provide a note on the reasons for 17 conducting a WRVS review. Mr Hulbert provided that note 18 on 19 December 1980. 19 This was, on any of the versions of events that we 20 have heard about from Mr Hulbert, after he would have 21 seen the document showing "WRVS (PIE)". It is 22 significant that Mr Hindley is asking that a review be 23 conducted precisely on that organisation, WRVS. 24 We have the response from Mr Hulbert. He identified 25 six primary reasons and nine secondary reasons why</p> <p style="text-align: center;">Page 107</p> | <p>1 a review should be conducted. None of them had anything 2 to do with funding of PIE and none made any suggestion 3 of impropriety. 4 You've heard for the first time this morning from 5 Mr Hulbert's counsel about articles written by 6 Clifford Hindley. These are articles from the 1990s, 7 I understand, for journals such as The Musical 8 Quarterly, The Classical Quarterly, and similar types of 9 journal, and they cover issues such as Benjamin Britten. 10 They are utterly irrelevant to the issues you must 11 consider. 12 There is also no evidence to suggest that PIE 13 received funds from the VSU. On the contrary, the 14 evidence is that PIE was short of funds during the 15 period in question. 16 Given all of this, the panel may wish to consider 17 whether Mr Hulbert has in fact become confused over 18 time. And, on Mr Hulbert's own evidence, it's 15 years 19 that elapsed between his seeing the document and first 20 referring to it, and then about another decade between 21 the BBC phone message and interaction with reviews and 22 inquiries. 23 Given all of that, the possibility is that he has 24 become confused. 25 It may not be necessary for you to decide how the</p> <p style="text-align: center;">Page 108</p> |

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| <p>1 confusion has arisen, but documents now disclosed by the 2 RVS may provide an answer. 3 I am going to ask that a document be put up on the 4 screens, please. It is RVS000002_062. Could you 5 highlight or expand the title and the first paragraph, 6 please? 7 Here we can see a document from the late 1940s: 8 "WVS Pie Scheme, Northamptonshire. 9 "The WVS Rural Pie Scheme operated in 10 Northamptonshire from 1942 to 1945 ..." 11 It goes on to say that it resulted in a magnificent 12 profit of over £30,000. So what we have here is 13 a document that shows WVS -- the "Royal" hadn't been 14 added to the title yet -- in conjunction with the word 15 "pie", and it even mentions a figure of £30,000. 16 Now, Mr Hulbert suggests that he would not have seen 17 documents such as this or, indeed, other documents 18 concerning the WVS Pie Schemes and funds. That's 19 a matter you will have to consider. But it is possible, 20 I suggest, that some discussion within the VSU about the 21 WRVS during Mr Hulbert's time there, or something he 22 learnt later, may actually have been about WRVS pies and 23 not PIE. This may have led over the years to 24 Mr Hulbert's confusion. 25 As I have said, the panel may think it is now</p> <p style="text-align: center;">Page 109</p> | <p>1 possible to reach conclusions that Mr Hulbert is genuine 2 but mistaken, and that the PIE/WRVS suggestion could be 3 ruled out as a reasonable possibility. 4 I'd like to move on then to the honours system. The 5 investigation has considered concerns about honours 6 granted to individuals who have been accused of child 7 sexual abuse or where allegations of this nature were 8 made after the honour had been granted. The inquiry 9 heard detailed evidence about the honours system, past 10 and present, from Helen MacNamara, Director-General of 11 Propriety and Ethics in the Private Offices Group in the 12 Cabinet Office. 13 It is right to say that the spotlight on past events 14 has shown that, in certain cases, wrong decisions were 15 made and that processes were not sufficiently robust. 16 Changes have since been made. As you've heard, the 17 operation of the honours system is very different today 18 than it was during the period in the 1980s in particular 19 under consideration by the inquiry. However, it is 20 recognised that there will always be room for 21 improvement and the Cabinet Office welcomes the 22 inquiry's views and any recommendations it may wish to 23 make. 24 Safeguarding. The Home Office and other government 25 departments welcome to report of Professor June Thoburn</p> <p style="text-align: center;">Page 110</p> |
| <p>1 and the thoroughness with which she approached her task 2 of reviewing the safeguarding and child protection 3 policies and practices of 21 government departments. 4 Professor Thoburn found instances of good practice in 5 all government departments. She gave oral evidence that 6 every department had something to commend it. 7 But she also identified areas for improvement. 8 Government departments are grateful for the clear and 9 practical nature of Professor Thoburn's recommendations 10 as set out in her report and summarised in her oral 11 evidence. They are considering them carefully, as they 12 will of course any recommendations that the inquiry 13 makes in due course. 14 In conclusion, the Home Office and other government 15 departments and bodies remain committed to assisting the 16 inquiry to arrive at the truth in this investigation and 17 to provide it with the information it needs in order to 18 make recommendations for the future. They are engaged 19 with this process and await the panel's findings and 20 recommendations with interest. Thank you very much. 21 THE CHAIR: Thank you, Mr Griffin. We will now break for 22 lunch and return at 2.00 pm. 23 (1.00 pm) 24 (The short adjournment) 25 (2.00 pm)</p> <p style="text-align: center;">Page 111</p> | <p>1 THE CHAIR: Ms Grey? 2 Closing statement by MS GREY 3 MS GREY: Thank you, chair, and members of the panel. 4 I would like to make a few observations on behalf of 5 the Labour Party on the following topics. First, 6 Mr Peter Morrison MP; secondly, the role of the Whips; 7 and, thirdly, current practice and procedures on the 8 safeguarding of children. 9 Madam, given the time constraints, this will be 10 necessarily broad brush. We will file written 11 submissions with the evidential footwork, as it were, 12 the footnotes, to what I'm saying now. 13 Firstly, Mr Morrison. The suggested involvement of 14 the Labour Party or its members is, we think it would be 15 fair to say, on the margins or the outskirts of any 16 issues about Mr Morrison's sexual conduct or possible 17 criminal misconduct and how police or his party 18 responded. 19 I won't comment in these submissions on the proper 20 role of the police and the issue of whether or not there 21 should have been an investigation into the rumours that 22 you have heard of. But with regards to his party, to 23 put it at its most basic, Mr Morrison was a Conservative 24 Party MP and the first line of defence within 25 Westminster should have been the actions of his own</p> <p style="text-align: center;">Page 112</p> |

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| <p>1 party, assessing if he posed a risk to children and 2 taking action, if needed, if information on these issues 3 was brought to the party's attention. 4 Furthermore, there is no suggestion in this inquiry 5 that any Labour Party member or activist had any 6 first-hand or new information about Mr Morrison's 7 activities or any misconduct that was not already widely 8 known and, in particular, known to the police. It was 9 all second-hand rumour. 10 This isn't a case in which individuals knew 11 something new, but didn't share it. 12 Rumours had, it seems, circulated for the better 13 part of the 1980s. This is relevant, madam chair, to 14 any suggestion of an agreement if Mr Morrison stood down 15 in the late 1980s. 16 It seems that gossip was rife about Mr Morrison from 17 an early period in the 1980s. The evidence of 18 Ms Russell on this was confirmed by witnesses such as 19 Lord Armstrong and the Security Service witness heard by 20 you on 11 March. So well before the 1987 21 General Election, there were rumours related to sexual 22 misconduct on the part of Mr Morrison. 23 As a result, it is difficult to see what was truly 24 new in 1988, 1989, 1990, from the perspective of 25 political opponents, when the so-called agreement for</p> <p style="text-align: center;">Page 113</p> | <p>1 Mr Morrison to stand down is supposed to have been made. 2 Furthermore, the rumours were widespread through 3 Chester and were not confined to the political 4 community. Ms Russell's evidence on this was confirmed 5 by Gyles Brandreth MP when he campaigned as the new 6 prospective candidate from 1991 to 1992. So that is the 7 backdrop, madam, to a supposed agreement in 1988/1989, 8 or thereabouts, and as to whether such a suggestion is 9 a credible one. 10 Now, you heard, of course, firstly about 11 a discussion in a pub involving Ms Lee and also from 12 Mr Nicholls about what he said he had heard from 13 Ms Russell. A discussion in a pub after a local meeting 14 of the Gresford and Rossett Labour Party -- so in the 15 Wrexham but not the Chester constituency -- in 1989 or 16 1990, was recalled by Ms Lee, and Mr Lucas MP also 17 confirms that at a pub gathering a local journalist 18 stated that Mr Morrison had been arrested in the Crewe 19 Railway station for some sort of sexual offence, and 20 both agreed that the story was not subsequently reported 21 in the press. 22 Ms Lee says that she then learnt that an official 23 caution was given by the police -- at the hearing, 24 I think she said that it was probably a caution -- 25 apparently at the request of the Prime Minister's</p> <p style="text-align: center;">Page 114</p> |
| <p>1 Office, she said, and in return Peter Morrison would 2 stand down at the next General Election. 3 We note that this account of course involves the 4 Conservative Party and the Chief Constable of Cheshire, 5 but not the Labour Party. But there are a number of 6 puzzling features. There is the fact that there is no 7 evidence of such events in police files. A caution 8 should leave a trace. In addition, police cautions can 9 only be given, we understand, if the person in question 10 admits the offence. 11 Now, judging from the evidence about Mr Morrison 12 saying that he welcomed rumours being printed so that he 13 could sue and clear his name, this perhaps seems 14 unlikely. 15 Nor, we suggest, would it actually be wrong to print 16 details of police caution recently given to a public 17 figure. So why did the press agree to back off if this 18 had all happened? So this is all beginning to involve 19 a great deal of speculation. 20 Ms Lee, of course, also says that she spoke later to 21 Mr Lucas, now Mr Lucas MP, about this agreement and 22 about publicising it. She was told, she said, that he'd 23 already raised this with an unnamed figure higher up and 24 he'd been told that, "We just don't do that. For every 25 one they have got, we have got one".</p> <p style="text-align: center;">Page 115</p> | <p>1 You may think it surprising that if Jane Lee had 2 heard such a dramatic or worrying statement, she didn't 3 try to find out just who had told Mr Lucas such a thing 4 or follow it further. Taking her evidence at face 5 value, this was all, by her own account, very alarming 6 stuff, but she didn't seek to explore it further. 7 In addition, you have now two written statements 8 from Mr Lucas, which have been adduced in evidence, 9 emphatically denying that such a conversation ever took 10 place. It is important to place that squarely on the 11 record. He's plainly very upset by this allegation. 12 Your inquiry has chosen not to call Mr Lucas to test his 13 evidence, which would generally mean that you are 14 content with its contents and will accept them. We 15 submit that it would be wholly wrong not to do so, given 16 that you have not heard from him. 17 There is then, of course, the evidence of 18 Mr Nicholls, who spoke of being told by 19 Christine Russell of a deal between the local Tories, 20 the local press, the police and Labour, that if 21 Peter Morrison stood down, the matter would go no 22 further. Now, you heard from Mr Nicholls and the 23 statement of Ms Green was adduced. Neither she nor 24 Mr Nicholls can explain exactly who agreed to these two 25 things and there is also, again, great vagueness about</p> <p style="text-align: center;">Page 116</p> |

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| <p>1 dates.</p> <p>2 Now, Christine Russell does acknowledge that there</p> <p>3 were rumours of an agreement. She also notes that she</p> <p>4 would have heard of Mr Morrison's plans to retire and</p> <p>5 reported that back to the constituency Labour Party as</p> <p>6 might be expected. But, crucially, she denies being</p> <p>7 party to any agreement or hearing that Labour was. And</p> <p>8 Gyles Brandreth MP also did not support the suggestion</p> <p>9 of an agreement. He didn't hear any whispers of it at</p> <p>10 the time he went to Chester, as Mr Morrison's successor,</p> <p>11 despite extensive local contacts and conversations with</p> <p>12 local key players.</p> <p>13 Overall, there is no evidence, we understand, from</p> <p>14 witnesses from the Conservative Party or the police to</p> <p>15 support this suggestion. There is also silence or</p> <p>16 absence of any evidence from members of the press to</p> <p>17 support the suggestion of a deal.</p> <p>18 Yet those three bodies were in fact the key players</p> <p>19 in any agreement.</p> <p>20 You may also wish, we suggest, to step back and look</p> <p>21 at some inherent plausibilities or the lack thereof,</p> <p>22 particularly with regards to the suggested involvement</p> <p>23 of the Labour Party. First, we have made the point that</p> <p>24 the rumours of sexual misconduct were not new rumours</p> <p>25 but old ones by '88 to 1990. It is very difficult to</p> <p style="text-align: center;">Page 117</p> | <p>1 see hard evidence of any further events since then which</p> <p>2 would have changed the electoral landscape since that</p> <p>3 date. So what had really changed to trigger any such</p> <p>4 agreement?</p> <p>5 Secondly, and perhaps more fundamentally, how did</p> <p>6 being a part of any such agreement make any sense from</p> <p>7 the Labour Party's perspective? Mr Nicholls couldn't</p> <p>8 really give a reason when he was asked, we suggest, and</p> <p>9 you have seen the reaction of Ms Russell. She said in</p> <p>10 her statement that it wouldn't have been in the</p> <p>11 electoral interests of the Labour Party to make a deal</p> <p>12 as "the rumour mill was doing an excellent job at</p> <p>13 eroding Conservative Party support in Chester". She</p> <p>14 said further in evidence that there wouldn't have been</p> <p>15 campaigning on rumours in any event, and, madam, we will</p> <p>16 set out in our written submission the evidence that I'm</p> <p>17 quoting about when she said that she gave evidence that</p> <p>18 she told activists that although they could talk about</p> <p>19 Mr Morrison's very right-wing political beliefs on the</p> <p>20 doorstep at any time, they weren't to go gossiping</p> <p>21 about the rumours with no evidence. It's all rumours</p> <p>22 and allegations.</p> <p>23 So if Mr Morrison continued as a candidate, there</p> <p>24 were real and perfectly valid, we would submit, reasons</p> <p>25 why a party wouldn't campaign or actively seek to make</p> <p style="text-align: center;">Page 118</p> |
| <p>1 political capital out of rumours such as these.</p> <p>2 If Mr Morrison stayed, those barriers existed. But</p> <p>3 if he decided to step down, why would the Labour Party</p> <p>4 be required to agree that they wouldn't campaign on</p> <p>5 these issues? He would be old news, and any rumours</p> <p>6 would simply lose their relevance.</p> <p>7 In other words, the Labour Party wasn't a sensible</p> <p>8 party to any agreement. What would it add? So we do</p> <p>9 say, madam, that fundamentally the tale of a deal with</p> <p>10 Labour doesn't make any sense.</p> <p>11 Madam, when judging events of so many years ago,</p> <p>12 when recollections, we accept, can honestly differ and</p> <p>13 be distorted by time, you need both to look for real and</p> <p>14 credible evidence and to apply a yardstick of</p> <p>15 commonsense. We submit that, on both grounds, the idea</p> <p>16 that unidentified members of the Labour Party would be</p> <p>17 party to an agreement with regards to Peter Morrison's</p> <p>18 political future is to be firmly rejected.</p> <p>19 If I could turn, then, to the Whips' Office, you</p> <p>20 have heard directly from Mr Nick Brown in evidence, and</p> <p>21 our first comment on that evidence is that, having heard</p> <p>22 it, we would submit that there is no basis upon which it</p> <p>23 could be said or concluded that the Labour Party Whips'</p> <p>24 Office has or ever had, since 1964, at least,</p> <p>25 a Black Book or that its Whips collected and then used</p> <p style="text-align: center;">Page 119</p> | <p>1 for party advantage evidence that any of its MPs were</p> <p>2 involved in the crime of child sexual abuse.</p> <p>3 Mr Brown's evidence was quite explicit on that</p> <p>4 point. He told the inquiry also that he'd said that</p> <p>5 only objective evidence was to be gathered by Whips, not</p> <p>6 subjective opinions or gossip. And he was pressed on</p> <p>7 that quite properly by the inquiry counsel and remained</p> <p>8 quite clear on the point. He added that the Whips in</p> <p>9 the Labour Party were not part of the establishment and,</p> <p>10 "I cannot envisage any of them being party to a coverup</p> <p>11 of a serious allegation of child abuse". He was equally</p> <p>12 clear that if he heard any stories were going to hit the</p> <p>13 press, all the Whips' Office could do would be to brace</p> <p>14 themselves. "There isn't any intervention I could make</p> <p>15 to prevent publication and nor do I think it would be</p> <p>16 a proper thing to do."</p> <p>17 Finally, Mr Brown gave evidence that if serious and</p> <p>18 credible evidence of criminal conduct was brought to him</p> <p>19 or the Whips' Office, he would either report the matter</p> <p>20 directly to the police or would advise the person</p> <p>21 reporting the matter to do so. He told the inquiry that</p> <p>22 he would report the matter himself. "If the evidence</p> <p>23 seemed, on the face of it, a subject for concern, then</p> <p>24 I would take it upon myself to do so", he said, and he</p> <p>25 had regular meetings with the police that would enable</p> <p style="text-align: center;">Page 120</p> |

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| <p>1 him to do that.</p> <p>2 He also made it clear that he hadn't actually had to</p> <p>3 deal with any issues related to child sexual abuse or</p> <p>4 had to address these issues.</p> <p>5 That, of course, takes me on to the evidence of</p> <p>6 Professor Thoburn and the safeguarding policies and</p> <p>7 procedures developed by the Labour Party. Now, we</p> <p>8 heard, of course, from Professor Thoburn on 26 March and</p> <p>9 she commented that the new policies submitted under</p> <p>10 cover of the witness statement of Ms Formby pulled all</p> <p>11 the previous work together in a more coherent fashion.</p> <p>12 She noted that the party had sought input from the NSPCC</p> <p>13 and had worked on training and DBS checks. They'd</p> <p>14 appointed 16 safeguarding officers. The safeguarding</p> <p>15 policy was very clear on the Labour Party website.</p> <p>16 Overall, she said the policies were now rather better</p> <p>17 than several of the others -- that is, political</p> <p>18 parties, in context -- "Some of them have a long way to</p> <p>19 go".</p> <p>20 Having heard her evidence, although the Labour Party</p> <p>21 will of course be checking the general recommendations</p> <p>22 made by Professor Thoburn against its policies to ensure</p> <p>23 full compliance, we have been encouraged by her</p> <p>24 comments. We submit that they did acknowledge the</p> <p>25 existence of appropriate policies backed by training,</p> <p style="text-align: center;">Page 121</p> | <p>1 audit and the appointment of safeguarding officers.</p> <p>2 Now, she was, of course, asked about the evidence of</p> <p>3 Mr Brown that I have already referred to, and she</p> <p>4 commented that she would have expected referral of any</p> <p>5 concerns to the safeguarding manager, and this is, of</p> <p>6 course, the issue that was picked up by Slater & Gordon</p> <p>7 in the submissions before you this morning.</p> <p>8 Now, we accept that this should have taken place, or</p> <p>9 would now take place, should now take place, given the</p> <p>10 policies in place and, furthermore, that such a referral</p> <p>11 would have led to rejection of attempts to triage or</p> <p>12 otherwise assess the allegations heard.</p> <p>13 But, madam, there is often, in many contexts,</p> <p>14 a potential gap between policies and their practical and</p> <p>15 full implementation, and that the evidence implies that</p> <p>16 there is still work to be done to embed knowledge of</p> <p>17 the policies into the party and its members is something</p> <p>18 we accept.</p> <p>19 We are certainly not complacent. However, we would</p> <p>20 also respectfully point out that Mr Brown was clear that</p> <p>21 he hadn't actually been faced with a situation which</p> <p>22 required him to exercise any sort of judgment with</p> <p>23 regards to allegations of sexual abuse, child sexual</p> <p>24 abuse, or to triage, still less to discard, any</p> <p>25 allegations. Considering such allegations might well,</p> <p style="text-align: center;">Page 122</p> |
| <p>1 of course, have been the very point at which policies</p> <p>2 were checked and advice sought.</p> <p>3 So the importance of this point, or the evidence</p> <p>4 that you heard, shouldn't, in our respectful submission,</p> <p>5 be exaggerated or, in particular, used to single out an</p> <p>6 individual who has not in fact let children down or</p> <p>7 actually failed to follow procedures in any way.</p> <p>8 We do accept that these safeguarding policies are</p> <p>9 relatively new, and so the fact that knowledge of them</p> <p>10 is not yet second nature isn't perhaps surprising.</p> <p>11 What you have in the statement of Jennie Formby is</p> <p>12 evidence not only of the development of policy, but also</p> <p>13 of the training that has been, and is still being,</p> <p>14 undertaken and also of the process of audited</p> <p>15 implementation that's been developed. Even if there's</p> <p>16 work to be done, the evidence before you, we submit,</p> <p>17 suggests strongly that we are a learning organisation</p> <p>18 with a commitment to getting this right and a strong</p> <p>19 commitment to building a safeguarding culture.</p> <p>20 Present here today beside me, and throughout the</p> <p>21 relevant parts of this module, has been the safeguarding</p> <p>22 manager for the Labour Party. We do take this</p> <p>23 incredibly seriously. And, I have to comment, in fact,</p> <p>24 madam, that we are the only political party that has</p> <p>25 taken the attitude of attending here, attending in</p> <p style="text-align: center;">Page 123</p> | <p>1 person and also applying to you to be allowed to</p> <p>2 participate as a core participant.</p> <p>3 It was also because of the desire to get this</p> <p>4 absolutely right and a lack of complacency that we</p> <p>5 explicitly asked for the comments of Professor Thoburn</p> <p>6 on the Labour Party policies, and we hope that her</p> <p>7 favourable judgment on that issue will not be lost, but</p> <p>8 recognise, by explicit acknowledgement, of what has</p> <p>9 been, I would submit, really quite excellent work by my</p> <p>10 clients.</p> <p>11 Madam, in conclusion, we hope that these comments</p> <p>12 will be useful to the inquiry. We wish to make it clear</p> <p>13 that we have been assisted by the inquiry's scrutiny of</p> <p>14 policies and practice on child safeguarding, and we wish</p> <p>15 you well, you and the members of your panel, in your</p> <p>16 task of completing this investigatory module. Thank you</p> <p>17 very much.</p> <p>18 THE CHAIR: Thank you, Ms Grey. Now I understand that</p> <p>19 Mr Wagner would wish to say a few words of</p> <p>20 clarification?</p> <p>21 MR WAGNER: Just very briefly. Thank you, chair, for giving</p> <p>22 me this opportunity. Earlier, a woman in the viewing</p> <p>23 gallery appeared to take offence at a particular section</p> <p>24 of my submissions, and I have not spoken to her, but</p> <p>25 I have reviewed the transcript, and I see that I missed</p> <p style="text-align: center;">Page 124</p> |

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| <p>1 out a word in that section which I intended to say, and 2 I'm grateful for the opportunity to correct the record, 3 if I may. I said: 4 "The Elm Guest House is equally fantastical", which 5 I didn't mean to say. What I meant to say was: 6 "The Elm Guest House list is equally fantastical." 7 Of course, the Elm Guest House existed. I do not 8 intend in any way to underplay events which occurred 9 there and which, as I said in my submissions, had 10 nothing to do with my client, Harvey Proctor. Thank 11 you. 12 THE CHAIR: Thank you, Mr Wagner. Ms Beattie? 13 Witness statements adduced by MS BEATTIE 14 MS BEATTIE: Thank you, chair. We invite you to adduce some 15 final documents. The first are two sets of documents 16 about Peter Hayman. The file about Peter Hayman 17 dated October 1980, CAB000043. And the second is the 18 file about Peter Hayman, dated October 1980 19 to March 1981, and that is CAB000071. 20 Next, there are several documents to help give 21 a complete picture in relation to the GB scoping report 22 which was referred to in the evidence of Commander Roper 23 on Day 2 of this hearing. They are MPS information held 24 on Tom O'Carroll which is OHY003725, pages 1 and 2 of 25 that document. The witness statement of GB dated</p> <p style="text-align: center;">Page 125</p> | <p>1 20 December 2016, OHY005577, the witness statement of GB 2 dated 26 July 2017, OHY005584, the Metropolitan Police 3 Operation Winter Key interview plan GB, OHY005576, and 4 documents provided by Operation Hydrant relating to GB, 5 OHY005586. 6 Chair, we invite you to adduce those documents. 7 THE CHAIR: Yes. Mr Altman? 8 Submissions by MR ALTMAN 9 MR ALTMAN: Chair, you will recall that just before this 10 investigation hearing commenced, one journalist made 11 public information that was confidential to the inquiry 12 and to its core participants. The solicitor to the 13 inquiry immediately took steps to investigate what had 14 happened. All those with access to the documents in 15 question -- inquiry staff, core participants and their 16 legal representatives -- were required to complete 17 a questionnaire. The questions concerned their access 18 to inquiry documentation and any contacts with the 19 journalist in question. 20 The investigation concluded that there was no 21 suspicious activity on inquiry IT systems in respect of 22 these documents. The documents had been disclosed to 23 core participants and their legal teams and were due to 24 be used during the inquiry hearing a few days later. 25 All core participants and their legal</p> <p style="text-align: center;">Page 126</p> |
| <p>1 representatives with access to these documents had 2 completed an undertaking by which they promised to keep 3 information disclosed by the inquiry confidential unless 4 and until it was made public by the inquiry during the 5 course of its hearings. Some had viewed the documents, 6 some had printed them, as they were entitled to. 7 During the course of the inquiry, there were yet 8 further breaches of confidence which led to the same 9 journalist publishing yet more information disclosed to 10 core participants before it was heard in evidence, and 11 this included the evidence of witnesses from MI5 and 12 from MI6, as well as others. Each further incident was 13 also investigated. 14 There was no public interest in the journalist 15 making this information public; simply gaining advantage 16 in publishing the information as a scoop. The 17 information was due to be made public by the inquiry 18 just a few days following publication. 19 We have not asked the journalist who it was who 20 provided him with this information while it was 21 confidential. As a journalist, he is entitled to 22 protect his sources, and doubtless would not reveal his 23 source if asked. It has not been possible to identify 24 the source of the leak or leaks of this confidential 25 information to the journalist.</p> <p style="text-align: center;">Page 127</p> | <p>1 Extensive examination of the inquiry's systems has 2 produced no evidence to suggest that this information 3 was leaked by anyone at the inquiry. Although we can't 4 exclude the possibility that someone at the inquiry 5 provided this information to him, it is very unlikely. 6 Doing so would breach their terms of engagement with the 7 inquiry and would result in the revocation of security 8 clearance, which is a prerequisite for their employment. 9 We conclude, therefore, that this information was 10 provided to the journalist by a core participant or 11 their legal representative. Legal professionals who 12 break an undertaking given to the inquiry risk 13 disciplinary proceedings by their regulator and being 14 struck off or disbarred, as the case may be. This 15 reflects the seriousness of breaching a promise of this 16 nature. 17 Core participants face fewer sanctions, although 18 breach of the inquiry's undertaking in the context of 19 this inquiry may amount to a criminal offence under 20 section 1(1) of the Sexual Offences (Amendment) Act 1992 21 where a person whose identity is protected by lifetime 22 anonymity is published. 23 Although it appears that no further steps can be 24 taken in relation to these particular incidents, I know 25 that you, chair, rightly take the matter very seriously.</p> <p style="text-align: center;">Page 128</p> |

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| <p>1 In your determination of 27 July 2017 in the Roman 2 Catholic Church investigation, you explained the 3 importance of the inquiry being able to provide 4 disclosure to core participants in circumstances of 5 confidentiality. Breach of that confidentiality has the 6 potential in future to affect all core participants, 7 whether complainant core participants or institutions. 8 Now that the hearings in the Westminster 9 investigation have been completed, you have asked the 10 solicitor to the inquiry to terminate the access of core 11 participants in this investigation to the body of 12 disclosed documents, and that will be done today. Going 13 forward, core participants will be entitled to request 14 access to documents on the provision of reasons, for 15 example, in order to prepare for making further 16 submissions in writing by April 12 or in order to 17 respond to rule 13 warnings. 18 Core participants will, like everyone else, continue 19 to have access to the documents and material adduced in 20 evidence posted on the inquiry website. 21 You have also asked that we give very serious 22 thought to the quantity of disclosure documentation 23 given and the means by which it is provided for future 24 investigations. 25 Finally, the solicitor to the inquiry is also</p> <p style="text-align: center;">Page 129</p> | <p>1 putting in place technical measures to make sure that 2 any information disclosed in breach of the undertaking 3 in future is traceable to its source. So that's all 4 I have to say at this juncture. Thank you, chair. 5 Closing remarks by THE CHAIR 6 THE CHAIR: Thank you, Mr Altman. As you have pointed out, 7 it is indeed a very serious matter when anyone breaches 8 their promise to the inquiry to hold information given 9 to them in confidence. It obstructs the inquiry's 10 ability to do its work to make recommendations to 11 protect children from sexual abuse in future, and anyone 12 considering breaching the inquiry's confidentiality 13 undertaking in future should be in no doubt that their 14 access to inquiry systems, any funding for 15 representation and all documentation will be withdrawn 16 immediately if they are identified as having broken 17 their promise. 18 Any such breach by a core participant personally is 19 also likely to lead to my withdrawing their core 20 participant status, so they will have no further role in 21 the inquiry. 22 Thank you all for the closing submissions you have 23 made today, and of course that concludes the public 24 hearings in the Westminster investigation. We are 25 grateful to all of the witnesses who have come to</p> <p style="text-align: center;">Page 130</p> |
| <p>1 testify before the inquiry during the hearings, and in 2 particular, of course, to those who have told us about 3 possible failures of many different kinds in the 4 institutional responses to child sexual abuse, and the 5 witnesses from political parties and political bodies 6 and, to all others from whom we have heard, our thanks. 7 We are also very grateful to all of those who have 8 gathered and sent evidence into the inquiry for the 9 purposes of this investigation, even in these last few 10 weeks. Your efforts in bringing information to the 11 inquiry's attention are very much appreciated and it 12 will all be considered. 13 Finally, we would like to extend our thanks to all 14 of the representatives here for their assistance and to 15 all of the inquiry staff for ensuring the smooth 16 progress of the hearings. We will now review all of 17 the material provided to us and prepare our 18 investigation report, which we are aiming to publish 19 early next year. 20 With that, I will draw these hearings to a close. 21 Thank you very much to everyone. 22 MR WAGNER: Madam chair, before you close, may I very 23 briefly say something in response to Mr Altman's 24 submission on the leak issue? It will only take 25 a minute.</p> <p style="text-align: center;">Page 131</p> | <p>1 THE CHAIR: Go ahead. 2 Submissions by MR WAGNER 3 MR WAGNER: Madam chair, we are grateful for the update by 4 Mr Altman about the leak investigation. However, we 5 remain deeply concerned about a particular separate 6 issue which we raised with the inquiry almost a month 7 ago. As you know, chair, we wrote to the inquiry on 8 4 March 2019 raising our concern that some of 9 the contents of an email which was sent by a member of 10 Harvey Proctor's legal team to the inquiry's legal team, 11 and only to the inquiry's legal team, appeared to have 12 been leaked to a journalist, the same journalist, we 13 think, that Mr Altman was referring to, who tweeted 14 about them a few days later. As you know, those tweets 15 appeared to quote directly from the email and revealed 16 a piece of information about Mr Proctor's legal team 17 which was not known outside the inquiry and Mr Proctor's 18 legal team at the time. We wrote to you about this on 19 4 March and raised the very worrying possibility that 20 the leak came directly from the inquiry team, as who 21 else could it have been? 22 We have subsequently duly filled in forms confirming 23 nobody in our legal team leaked the information and why 24 would we? We have heard nothing more. With great 25 respect to Mr Altman QC, his statement does not assuage</p> <p style="text-align: center;">Page 132</p> |

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| <p>1 our concerns and we submit that, in order to put paid to 2 Mr Proctor's concern and also safeguard the ability of 3 participants to continue to trust this inquiry and its 4 team, a full report on the leak should be published 5 publicly as soon as possible. Thank you. 6 THE CHAIR: Thank you, Mr Wagner. 7 MR ALTMAN: Chair, we note Mr Wagner's comments. They were 8 mentioned to us over the lunch break. They are part of 9 the ongoing review. Thank you. 10 THE CHAIR: Thank you very much. We will now rise. 11 (2.31 pm) 12 (The hearing concluded) 13 14 15 I N D E X 16 17 Witness statements adduced by MS1 18 BEATTIE 19 20 Closing statement by MR SCORER4 21 22 Closing statement by MR PRICE35 23 24 Closing statement by MR WAGNER40 25</p> <p style="text-align: center;">Page 133</p> | <p>1 Closing statement by MR STEIN55 2 3 Closing statement by MS LEEK78 4 5 Closing statement by MS SKINNER89 6 7 Closing statement by MS JOHNSON92 8 9 Closing statement by MR GRIFFIN102 10 11 Closing statement by MS GREY112 12 13 Witness statements adduced by MS125 14 BEATTIE 15 16 Submissions by MR ALTMAN126 17 18 Closing remarks by THE CHAIR130 19 20 Submissions by MR WAGNER132 21 22 23 24 25</p> <p style="text-align: center;">Page 134</p> |
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