

<p>1 Wednesday, 15 January 2020 2 (10.30 am) 3 Welcome and opening remarks by THE CHAIR 4 THE CHAIR: Good morning, everyone. I am Alexis Jay, and 5 I'm the chair of this inquiry. Sitting with me are the 6 other panel members of the inquiry: Ivor Frank, 7 Drusilla Sharpling and Professor Sir Malcolm Evans. 8 On behalf of the inquiry, I welcome you all to this, 9 the fifth preliminary hearing in the investigation into 10 allegations of child sexual abuse linked to Lambeth. 11 This is one of 15 investigations currently being 12 conducted by this inquiry. 13 Our task in each investigation is to examine the 14 extent to which public and private institutions in 15 England and Wales have failed to protect children from 16 sexual abuse in the past, and to make meaningful 17 recommendations to keep children safe today and in the 18 future. 19 In this investigation, the inquiry will consider the 20 experience of victims and survivors and examine the 21 scale and nature of the abuse that may have taken place 22 under the care of the relevant authorities. We will 23 investigate whether there were child protection failures 24 by the council, the police and other public authorities. 25 We will examine the extent to which particular</p> <p style="text-align: center;">Page 1</p>	<p>1 vulnerabilities of any children who were subject to 2 sexual abuse put them at risk and whether this may have 3 shaped how public authorities responded to them. 4 The purpose of this fifth preliminary hearing is to 5 provide an update on the investigation and to hear any 6 other applications or submissions from core participants 7 to the investigation. The structure of the hearing is 8 set out in the hearing agenda. 9 Before we hear from counsel, some points on timing. 10 If it appears that the hearing will last the full 11 morning, we will take a 15-minute break at around 12 11.45 am. If this hearing has not concluded before 13 1.00 pm, we will take a break for lunch. Directions 14 arising from the hearing will be published on the 15 inquiry's website shortly after the hearing, as will the 16 hearing transcript. 17 I will now invite the lead counsel to the inquiry, 18 Rachel Langdale QC, to provide us with further 19 background and an update to the investigation. Please 20 go ahead, Ms Langdale. 21 Opening statement by MS LANGDALE 22 MS LANGDALE: Good morning. My name is Rachel Langdale and 23 I appear as leading counsel in this investigation 24 together with Clair Dobbin and Ruth Kennedy. This is 25 the fifth preliminary hearing in the Lambeth</p> <p style="text-align: center;">Page 2</p>
<p>1 investigation and the purpose of the hearing today is to 2 update you with the progress of this investigation and 3 core participant applications. May I first introduce 4 the representatives of the parties before you. LA-A25, 5 represented by Richard Scorer. LA-A61, 103, 115, 154, 6 155 and 156 represented by Charles Derham. LA99 and 147 7 represented by Samuel Barker. LA-A131, represented by 8 Stephen Simblet. LA-A24 and Ms Anna Tapsell, 9 represented by Ms Aswini Weeraratne QC. LA-A221, 222, 10 138, 139, 141, 142, 143 and 144 represented by 11 Malcolm Johnson. 12 LA-A109 and 243 represented by David Greenwood. 13 Lambeth Council represented by Alex Verdan QC. The 14 Metropolitan Police Service represented by Sam Leek QC. 15 The Crown Prosecution Service represented today by 16 Sean Larkin QC. Dr Nigel Goldie and Mr Stephen Whaley 17 represented by Christopher Jacobs and David Enright. 18 And the Department for Education represented by 19 Cathryn McGahey QC. 20 Since the last preliminary hearing, a number of 21 people have been awarded core participant status and two 22 applications have been refused designation. They are as 23 follows. 24 Firstly, Stephen Whaley, granted. Represented by 25 Howe &amp; Co. Stephen Whaley was an elected member of</p> <p style="text-align: center;">Page 3</p>	<p>1 the council from 1986 to 1994. During his tenure, he 2 was the chair of the Social Services Committee between 3 1990 and 1991 and leader of the council from 1991 to 4 1994. He took part in key decisions about the running 5 of social services and the management of children's 6 homes. He also commissioned the Appleby Report. 7 LA-A138: granted. LA-A138 is represented by 8 Hudgell Solicitors. LA-A138 lived at Shirley Oaks in 9 the 1960s and 1970s. He states that he experienced 10 sexual abuse by a staff member and peer-on-peer sexual 11 abuse by two different children who were also at 12 Shirley Oaks. In addition, he says he experienced 13 physical, emotional and racial abuse by staff members. 14 LA-A147: granted. LA-A147 is represented by 15 Hugh James Solicitors. LA-A147 lived at various care 16 homes operated by Lambeth Council in the early 2000s. 17 It is alleged that whilst in Lambeth's care and under 18 18 years of age, she was sexually and physically abused. 19 Although she was not placed at a case study home, 20 LA-A147 is able to provide insight as a child under the 21 care of Lambeth Council in the early 2000s. 22 LA-A138: granted. LA-A139 is represented by 23 Hudgell Solicitors. LA-A139 lived at various care homes 24 operated by Lambeth Council in the 1980s and 1990s. It 25 is alleged that whilst there, and again under 18 years</p> <p style="text-align: center;">Page 4</p>

<p>1 of age, she was sexually and physically abused. The                  2 homes that she says she resided in or visited include                  3 homes chosen as case studies, such as Southvale and                  4 Angell Road.                  5 LA-A141: granted. LA-A141 is represented by                  6 Hudgell Solicitors. LA-A141 lived at various care homes                  7 operated by Lambeth Council in the 1980s, namely                  8 Lorn Road, Southvale Assessment Centre and Tivoli Road                  9 Children's Home. LA-A141 states that he experienced                  10 several incidents of sexual abuse, including some                  11 perpetrated by staff members at these homes.                  12 LA-A142: granted. LA-A142 is represented by                  13 Hudgell Solicitors. LA-A142 lived at two care homes                  14 operated by Lambeth Council in the 1980s. LA-A142                  15 states that she was subjected to an incident of sexual                  16 abuse perpetrated by an unknown male staff member at                  17 Garrads Road and an incident of sexual abuse involving                  18 rape, perpetrated by an unknown male and aided by an                  19 unknown staff member, at a hostel for girls. Both                  20 incidents occurred in 1982. Her representatives submit                  21 that her case also raises important questions regarding                  22 record keeping and placement of children.                  23 LA-A143: granted. LA-A143 is represented by                  24 Hudgell Solicitors. LA-A143 lived at Angell Road,                  25 a care home operated by Lambeth Council in the late</p> <p style="text-align: center;">Page 5</p>	<p>1 1980s and early 1990s. It is alleged that whilst in                  2 Lambeth's care, and under 18 years of age, he was                  3 sexually abused by a foster carer with whom he had been                  4 placed by Lambeth Council and at a private residential                  5 care home that he had been placed in by Lambeth Council.                  6 LA-A144: granted. LA-A144 is represented by                  7 Hudgell Solicitors. Whilst in the care of foster                  8 carers, LA-A144 was subjected to sexual abuse by                  9 a foster carer and by another individual associated with                  10 the foster carer. That abuse occurred between 1986 and                  11 1989. LA-A144 also says that she experienced physical                  12 and emotional abuse at Tivoli Road Children's Home and                  13 in several other foster placements.                  14 LA-A154: granted. LA-A154 is represented by                  15 Verisona Law. LA-A154 explains that in the 1970s she                  16 was a resident at Shirley Oaks. She explains that she                  17 feared that she "may have been drugged and sexually                  18 abused" during the night whilst resident at                  19 Shirley Oaks. She provides further detail which                  20 explains the reasons for this fear.                  21 LA-A155: granted. LA-A155 is represented by                  22 Verisona Law. He was a resident at Shirley Oaks in the                  23 1970s and fears he may have been sexually abused in                  24 conjunction with the use of sedative drugs.                  25 LA-A156: granted. LA-A156 is represented by</p> <p style="text-align: center;">Page 6</p>
<p>1 Verisona Law. She was a resident in Shirley Oaks and                  2 recalls being sexually abused in the Shirley Oaks                  3 grounds by an unknown male.                  4 LA-A221: granted. LA-A221 is represented by                  5 Hudgell Solicitors. LA-A221 was subjected to prolonged                  6 sexual abuse by a female care worker whilst resident at                  7 Shirley Oaks in the 1960s and 1970s.                  8 LA-A222: granted. LA-A222 is represented by                  9 Hudgell Solicitors. LA-A222 was subjected to sexual                  10 abuse by a teacher at Shirley Oaks Residential School in                  11 the 1950s. He was also subjected to peer-on-peer sexual                  12 abuse by another child who was also at Shirley Oaks.                  13 LA-A243: granted. LA-A243 is represented by                  14 Switalskis Solicitors. LA-A243 was subjected to child                  15 sexual abuse while she was in Lambeth Council's care.                  16 LA-A243 also spent time in Shirley Oaks and Southvale.                  17 LA-A109: granted. LA-A109 is also related by                  18 Switalskis Solicitors. LA-A109 was subjected to child                  19 sexual abuse at a number of care homes, including at                  20 Highland Road and Angell Road.                  21 LA-A223: provisionally refused. LA-A223 explains                  22 that he suffered physical and emotional abuse at the                  23 hands of the house father at Shirley Oaks between 1954                  24 and 1957. However, he states that he did not suffer                  25 sexual abuse. LA-A223 has been invited to renew his</p> <p style="text-align: center;">Page 7</p>	<p>1 application orally today and Mr Johnson will do so on                  2 his behalf at the conclusion of this investigation                  3 update.                  4 LA-G1: refused. LA-G1 worked as an administrative                  5 assistant for Lambeth Council during the early 1990s and                  6 when she was a vulnerable adult. She says that she                  7 witnessed abuse of children committed by Lambeth Council                  8 officials and employees.                  9 Since the last preliminary hearing, the following                  10 complainant core participants were granted core                  11 participant status in the investigation and subsequently                  12 applied to the chair to be de-designated.                  13 LA-A136. LA-A136 lived at various care homes                  14 operated by Lambeth Council in the 1980s and 1990s. It                  15 is alleged that, whilst there, and under 18 years of                  16 age, she was sexually and physically abused by a number                  17 of people, including Steven Forrest and Michael Carroll                  18 at Angell Road.                  19 LA-A137. LA-A137 lived at various care homes                  20 operated by Lambeth Council in the 1980s and 1990s. It                  21 is alleged that whilst there, and under 18 years of age,                  22 he was sexually and physically abused by a number of                  23 people, including Michael Carroll at Angell Road.                  24 The chair has considered both applications for                  25 de-designation and LA-A136 and LA-A137 have both been</p> <p style="text-align: center;">Page 8</p>

<p>1 formally de-designated as complainant core participants 2 in the Lambeth investigation. 3 Rule 9 requests, by way of update, have been made of 4 the designated core participants and we anticipate 5 receiving their draft statements shortly. As indicated 6 at the last preliminary hearing, the inquiry remains 7 acutely aware that victims and survivors of child sexual 8 abuse are likely to have an individual and ongoing 9 response to their abuse, and the inquiry handles the 10 material and evidence that it receives with the utmost 11 sensitivity and importance. Where victims or survivors 12 do not seek to participate directly in this 13 investigation, for whatever reason, we seek to emphasise 14 that the Lambeth investigation will not lose sight of 15 the fact that victims of child sexual abuse remain at 16 the core of this investigation. The investigation will 17 not only examine institutional failings of the past, but 18 it is committed to a careful evaluation of how children 19 might be made safer in the future. With the assistance 20 of expert evidence, the Lambeth investigation will 21 explore how cogent allegations can be obtained from 22 children -- including especially vulnerable children 23 with complex needs -- and how victims of abuse can, and 24 should, be heard. 25 Before leaving the position of complainant core</p> <p style="text-align: center;">Page 9</p>	<p>1 participants, I should make it clear that the 2 investigation team is aware that the issue of redress 3 and the effectiveness or otherwise of the ongoing 4 Lambeth redress scheme in particular is very important 5 to those individuals who were victims of child sexual 6 abuse whilst under the care of Lambeth Council. 7 The Lambeth investigation, this investigation, will 8 not be examining the Lambeth Redress Scheme. There are 9 a number of reasons for this. First, such examination 10 is not within the focus of this investigation, which was 11 determined by the inquiry following submissions from 12 core participants and counsel to the inquiry. The focus 13 of this investigation will be exposing to full public 14 scrutiny the evidence surrounding Lambeth's response to 15 child sexual abuse at the time the sexual abuse within 16 care homes was taking place. The response of other 17 institutions, including the MPS, will be examined 18 likewise. The inquiry is undertaking its investigative 19 work and preparing for the hearing next July in the 20 light of that focus. 21 Second, and in any event, whilst the Lambeth Redress 22 Scheme is ongoing and individual cases are being 23 examined by lawyers for all parties, the inquiry does 24 not consider it appropriate to examine individual cases 25 in parallel or the running of the scheme as a whole as</p> <p style="text-align: center;">Page 10</p>
<p>1 part of this Lambeth investigation. 2 Third, and most significant of all, redress schemes 3 are being considered during part 2 of the Accountability 4 and Reparations investigation, which held hearings 5 in November 2019 and is holding a further hearing on 6 5 February 2020. During that investigation, the inquiry 7 has received written and oral evidence on the advantages 8 and disadvantages of various schemes in the UK and 9 elsewhere, including the Lambeth Redress Scheme. Whilst 10 the Accountability and Reparations Investigation has 11 not, and will not, be conducting a detailed examination 12 of the operation of any particular redress scheme within 13 its investigation, its remit does encompass the 14 implementation of Civil Procedure Rules and their impact 15 upon victims, and consideration of alternative routes 16 for compensation than those currently available within 17 those Civil Procedure Rules. 18 If I may turn now, chair, to an investigation update 19 and requests that have been made from institutions. 20 Lambeth Council, firstly. Following a rule 9 request 21 and meetings with Lambeth Council, the inquiry has now 22 been provided with a comprehensive corporate witness 23 statement that exceeds 300 pages and has over 24 250 exhibits. The statement and majority of 25 the exhibits have now been disclosed to core</p> <p style="text-align: center;">Page 11</p>	<p>1 participants. 2 In addition to this corporate witness statement, the 3 inquiry is in the process of making specific rule 9 4 requests of Lambeth Council for detailed statements in 5 relation to the particular case study homes. 6 The Metropolitan Police Service. In order to meet 7 the scope of its investigation, the inquiry considers 8 that it is necessary to obtain evidence from the MPS in 9 respect of its approach to investigations and responses 10 to child sexual abuse within Lambeth. 11 The MPS have been asked to provide a general 12 corporate witness statement which addresses a number of 13 issues that are relevant to the matters under 14 investigation. It has been asked to set out its 15 structure and organisation and the policies and 16 procedures that were in place throughout the time 17 periods that the investigation is examining. It has 18 also been asked about training requirements for officers 19 investigating allegations of sexual abuse, and whether 20 training was monitored, and, if so, how. There are 21 a number of subsidiary topics that it has also been 22 asked to address. 23 The MPS has also been asked to produce a witness 24 statement which summarises the investigations carried 25 out into allegations of child sexual abuse made by</p> <p style="text-align: center;">Page 12</p>

<p>1 children within the care of Lambeth Council from the                  2 1960s to date. The inquiry anticipates being able to                  3 produce a summary document which follows these                  4 allegations and investigations from the point where they                  5 are made, whether to a Lambeth employee or officer, to                  6 the point where they are concluded. Of course, such                  7 a document will be highly sensitive and redactions will                  8 need to be carefully considered before it is disclosed.                  9 We are in the process of drafting specific rule 9                  10 requests to the MPS regarding specific perpetrators                  11 across the case study homes, including convicted                  12 perpetrators Michael John Carroll, Les Paul,                  13 Patrick Grant, Philip Temple and William Hook. Rule 9                  14 requests are also be made of the MPS in respect of                  15 alleged perpetrators who were not convicted. Other                  16 relevant institutions, such as the CPS, will also be                  17 sent rule 9 requests relating to particular alleged or                  18 convicted perpetrators.                  19 Other local authorities.                  20 Requests have been made for information from three                  21 local authorities for information relevant to the                  22 matters under investigation. The inquiry has also                  23 obtained evidence from individuals who were employed by                  24 these local authorities in relation to Michael Carroll's                  25 application to foster children.</p> <p style="text-align: center;">Page 13</p>	<p>1 Social Services Inspectorate.                  2 The investigation has reviewed historic                  3 Social Services Inspectorate records relating to Lambeth                  4 Children's Homes and the Social Services Department.                  5 This has given the investigation a clearer insight into                  6 the inspectorate's relationship with Lambeth and the                  7 inspectorate's relationship with its sponsoring                  8 government ministers during the periods under                  9 investigation. This will enable the investigation to                  10 consider, for example, the role which government                  11 ministers played surrounding the oversight of Lambeth                  12 over time.                  13 Freemasons.                  14 The inquiry has received a draft witness statement                  15 from the Freemasons and, once it has been reviewed,                  16 finalised and processed through the inquiry's redaction                  17 procedures, it will be disclosed to core participants.                  18 The CPS.                  19 As I have said, following completion or continuation                  20 of individual case study reviews, rule 9 requests will                  21 be made to the CPS.                  22 The IOPC.                  23 There are a number of ongoing investigations being                  24 carried out by the IOPC that are relevant to this                  25 investigation. As and when these have concluded, the</p> <p style="text-align: center;">Page 14</p>
<p>1 inquiry anticipates receiving witness evidence from the                  2 IOPC and disclosing the reports, where relevant, to core                  3 participants and subject to our usual redaction                  4 procedures.                  5 Social Work England.                  6 The investigation has made a rule 9 request of                  7 Social Work England, the recently established regulatory                  8 body for social workers, with a view to examining                  9 professional standards and expectations surrounding                  10 social workers over the time periods which this                  11 investigation is examining.                  12 Requests for statements from individuals.                  13 The type of witness that the investigation is                  14 approaching for a witness statement essentially falls                  15 into one of three categories. The first category                  16 includes those witnesses who are able to provide                  17 evidence that goes to specific and relevant events                  18 related to the case studies. These witnesses are                  19 intended to provide a foundation for examining, in                  20 closer detail, decision making related to individual                  21 children or to employees in the case study homes.                  22 The second category of witness involves those                  23 individuals who had management responsibility during                  24 relevant periods. Some of these witnesses have been                  25 asked about the part they played in respect of specific</p> <p style="text-align: center;">Page 15</p>	<p>1 incidents and decisions at Lambeth Council and have been                  2 asked to account for the role they played for the                  3 duration of their office.                  4 The third category of witness the investigation has                  5 approached involves those who have not played a direct                  6 role in events, or have played only a minor role, but                  7 may nonetheless be able to throw light on the culture                  8 within Lambeth during the periods under investigation.                  9 Witness evidence overall will be obtained on an                  10 ongoing basis and will be disclosed to core participants                  11 on an ongoing basis once it has been through the                  12 inquiry's internal redaction procedures. Clearly,                  13 substantial documentary review has been, and still is,                  14 required before meaningful rule 9 requests can be made                  15 and individual statement makers and those responding on                  16 behalf of institutions need time to respond and consider                  17 them. In terms of considering which witness evidence                  18 will be called, plainly that is premature at this stage,                  19 as the Lambeth investigation is very much ongoing.                  20 Case study update.                  21 On 12 November 2018, chair, you determined that the                  22 case studies in the Lambeth hearing should encompass                  23 five institutions: Southvale Assessment Centre;                  24 Shirley Oaks; Angell Road; Ivy House; and                  25 Monkton Street. Those institutions will enable the</p> <p style="text-align: center;">Page 16</p>

<p>1 inquiry to examine the experiences of children within                  2 the care of Lambeth Council, including the experiences                  3 of those who were especially vulnerable and where                  4 communication was difficult. They will also enable                  5 examination of the approach of individuals who had                  6 responsibilities for the institutions under                  7 consideration, and assessment of institutional responses                  8 to child sexual abuse of children under the care of                  9 Lambeth Council.</p> <p>10 The review of documents provided by Lambeth Council                  11 relating to the case study homes is significantly                  12 advanced and almost complete. To date, the                  13 investigation has received 236,135 pages of                  14 documentation from various different sources and is                  15 nearing the end of the process of reviewing the                  16 documents for relevance. It is not, however, possible                  17 at this stage to estimate the number of pages that will                  18 be disclosed during the investigation as a whole. In                  19 line with other investigations, however, it is likely to                  20 be significantly lower than the number of pages                  21 received.</p> <p>22 The investigation continues to look for any links                  23 between proven and alleged perpetrators, together with                  24 perpetrators at other homes. Or where children were                  25 abused by more than one known perpetrator at the same</p> <p style="text-align: center;">Page 17</p>	<p>1 or, in some instances, different homes.</p> <p>2 It is vital that the experiences of children within                  3 the care of Lambeth Council are at the centre of this                  4 investigation and hearing, and the inquiry will receive                  5 evidence about their experiences in a number of                  6 different ways. Some complainant core participants will                  7 give oral evidence; others may have prepared statements                  8 to be read into the evidence. In a few cases, there                  9 will be detailed follow-up of the experience and                  10 movement of a child in the care of Lambeth through                  11 witness evidence. In order to demonstrate the nature of                  12 the neglect of children in care, the inquiry will                  13 prepare pen portraits of children where the review of                  14 documentation reveals, amongst other issues, long-term                  15 drift, abuse and neglect, poor recruitment and                  16 management practices, corporate knowledge of alleged                  17 abuse, a culture of disbelief, lack of support given to                  18 children who did make disclosures of abuse, and failures                  19 to investigate adequately, or at all, allegations of                  20 abuse.</p> <p>21 Expert evidence.</p> <p>22 As part of the Lambeth investigation, the inquiry                  23 has instructed Dr Emily Phibbs, clinical psychologist,                  24 who has particular expertise in the assessment of                  25 vulnerable witnesses, achieving best evidence with</p> <p style="text-align: center;">Page 18</p>
<p>1 children and vulnerable witnesses, and the use of                  2 intermediaries. Her CV has been provided to core                  3 participants. The inquiry has asked Dr Phibbs to set                  4 out challenges that may be faced by children, including                  5 those with complex needs or who have specific                  6 communication difficulties, surrounding reporting child                  7 sexual abuse particularly within a residential care                  8 setting. Dr Phibbs has been asked to set out best                  9 practice for individuals or first responders where                  10 sexual abuse is suspected and/or where words, gestures                  11 or comments lead to suspicions of sexual abuse. With                  12 the assistance of this evidence, the inquiry will be in                  13 a position to consider how cogent allegations of abuse                  14 can be made and how children, especially with complex                  15 needs, can be heard.</p> <p>16 It is apparent that within Monkton Street Children's                  17 Home, suspicions of abuse led to the forensic                  18 examination of a number of children. The investigation                  19 seeks to explore best practice in respect of                  20 the forensic examination of victims and complainants of                  21 abuse and to consider what was done at Monkton Street.                  22 In order to assist with this, the investigation has also                  23 made rule 9 requests of the Royal College of Paediatrics                  24 and Child Health and the Faculty of Forensic and Legal                  25 Medicine surrounding forensic examinations of children</p> <p style="text-align: center;">Page 19</p>	<p>1 who may have been subject to sexual abuse. Further                  2 requests will be made of other relevant institutions in                  3 the coming weeks.</p> <p>4 Disclosure. As all involved will be aware, the                  5 process of onward disclosure to core participants will                  6 take place using Relativity, the inquiry's electronic                  7 document management system. Core participants will be                  8 able to access disclosed documents on the Relativity                  9 system, provided they have given the inquiry                  10 a confidentiality undertaking. Such documents are held                  11 by core participants in confidence unless or until they                  12 are referred to in a hearing or admitted into evidence,                  13 at which stage copies of the documents will usually be                  14 posted on the inquiry website.</p> <p>15 The Lambeth oral hearing will take place                  16 in July 2020. The inquiry on 18 December 2019 disclosed                  17 the Lambeth corporate witness statement to core                  18 participants. As I have already mentioned, this exceeds                  19 300 pages and makes reference to over 250 exhibits, some                  20 of which are lengthy reports. This substantial body of                  21 documentation, with all but a couple of exhibits where                  22 there are outstanding issues of redaction, has been                  23 reviewed and redacted by the inquiry and made available                  24 to core participants.</p> <p>25 Statements produced in response to rule 9 requests,</p> <p style="text-align: center;">Page 20</p>

1 particularly corporate statements, are likely to make  
2 reference to large numbers of documents. It will be  
3 a priority of the inquiry that once such statements are  
4 received, they and any exhibited documents will be  
5 reviewed, redacted and disclosed to core participants on  
6 a rolling basis in advance of the oral hearings.

7 In addition to documents which are exhibited to  
8 statements, the inquiry is also engaged in the ongoing  
9 review of the documentation that has been provided to  
10 it. The core documentation identified as being relevant  
11 to the issues with which the inquiry is concerned will  
12 be compiled, redacted and disclosed on an ongoing basis  
13 alongside the disclosure of statements. A substantial  
14 task has been undertaken by counsel to the inquiry to  
15 review and undertake searches of this pool of documents  
16 in order to identify the core documents. The approach  
17 of the inquiry has at all times been to ensure that the  
18 review and disclosure process is both sufficiently  
19 comprehensive to allow proper investigations of  
20 the issues with which the inquiry is charged, whilst  
21 remaining proportionate in terms of the cost to the  
22 public purse.

23 The factual background matrix within Lambeth is  
24 complex, and, as we indicated at the last preliminary  
25 hearing, drawing it together in chronological form will

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1 opportunity for core participants to make any  
2 submissions they wish to make. Mr Johnson, of course,  
3 the first, seeks to renew the application on behalf of  
4 A223, and I am aware, and I think I am correct in  
5 saying, it is Mr Simblet and Ms Weereratne QC who seek  
6 to make submissions and Mr Chris Jacobs seeks to make  
7 observations as well.

8 THE CHAIR: Thank you. Mr Johnson?

9 MR JOHNSON: Madam chair, has the panel had the opportunity  
10 to read the submissions which I filed yesterday?

11 THE CHAIR: Yes.

12 MR JOHNSON: In that case, madam, I will take you through  
13 these very briefly, if I may.

Submissions by MR JOHNSON

15 MR JOHNSON: This application relates to LA-A223. The first  
16 thing that I will say, madam chair, is that I am acutely  
17 aware that this is, of course, an inquiry that deals  
18 with sexual abuse and that the inquiry will be concerned  
19 not to set any kind of precedent.

20 With that in mind, this is my submission as to why  
21 LA-A223 should be the exception. LA-A223 is the younger  
22 brother, by two years, of LA-A222, who has been granted  
23 core participant status, and he does allege sexual abuse  
24 by another child and a teacher at Shirley Oaks. Now,  
25 both brothers were admitted at the same time, in 1953,

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1 hopefully be of assistance to everyone. As explained  
2 above, there are still a number of documents to be  
3 reviewed by the investigation team. Until this has been  
4 completed, any chronology would be incomplete and  
5 subject potentially to substantial amendments. It would  
6 then need to go through the inquiry's internal redaction  
7 procedures each time it was updated before it could be  
8 disclosed to core participants. This would not be  
9 a proportionate use of the inquiry's resources.  
10 Consequently, it will be disclosed to core participants  
11 once in final form and as soon as we are in a position  
12 to do so.

13 The public hearing timetable and witnesses.

14 The public hearing will commence on Monday,  
15 29 June 2020 and will run until Friday, 31 July 2020.  
16 There will be a one-week hearing break from Monday,  
17 13 July to 17 July 2020 and Thursday 30 July 2020 will  
18 be a non-sitting day to allow core participant legal  
19 teams to prepare their closing statements.

20 Details about the format of the hearing are to be  
21 set out in a separate procedural note, which will be  
22 circulated close to the public hearing. We will also  
23 provide a draft witness timetable in due course, upon  
24 which comments will be sought.

25 Chair, following this update, there is now an

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1 and they were both there for four years. But bear in  
2 mind, of course, that LA-A223 was between the ages of 4  
3 and 7. Therefore, whilst he has a memory of a physical  
4 and emotional abuse -- quite good, I have to say, for  
5 a 4- to 7-year-old -- he said to me in his own words,  
6 "I don't actually know whether I was sexually abused or  
7 not because I was so young. I can remember the physical  
8 and emotional abuse, but I can't say. But, what I can  
9 say is that I was exposed to sexual abuse, I was exposed  
10 to the risk of sexual abuse". That was the point that  
11 he made. And that is our primary point here.

12 He says that what the panel should do is, it should  
13 bear in mind that he was exposed to that risk, and if  
14 I could take the panel back to what Mr Emmerson QC  
15 said -- this was some time ago -- he said that part of  
16 what the panel, or part of what the inquiry was going to  
17 do was to say, to what extent did Lambeth put children  
18 at risk of sexual abuse by its recruitment practices and  
19 by its management of children's homes? So that's my  
20 primary point, madam chair.

21 The second point that I wish to make really elides  
22 into the first one, but it is about culture. I act for  
23 some 70 applicants in the redress scheme, and so I have  
24 had the opportunity to see accounts of children's homes  
25 and what went on in them, all the way from the 1950s up

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<p>1 to the very early 1990s. What is chilling about this                  2 particular case is that the culture that existed in                  3 Shirley Oaks in the 1950s seems to be precisely the same                  4 as that that existed in Angell Road, and that was                  5 a culture of abuse.                  6 As the chair will be aware, sexual abuse is very                  7 often accompanied by physical and emotional abuse, but                  8 that culture, madam chair, I say, went over past 1965                  9 when ownership of the home passed to Lambeth from London                  10 County Council and went forward, and so all of those                  11 children who were at Shirley Oaks who then went into                  12 other homes, or were placed in other homes, experienced                  13 the same culture.                  14 Now, my client can talk about that culture because                  15 it was the same culture that allowed sexual abuse to                  16 flourish. That is our point.                  17 So, madam chair, that completes my submissions.                  18 I have nothing else to add. Thank you.                  19 THE CHAIR: Thank you, Mr Johnson. Mr Simblet?                  20 Submissions by MR SIMBLET                  21 MR SIMBLET: Good morning, madam. There are three topics                  22 that I would like to mention with you briefly, please.                  23 First, disclosure. Secondly, evidence from victims and                  24 survivors, who, as Ms Langdale has rightly reminded you,                  25 should be at the centre of this process. And, thirdly,</p> <p style="text-align: center;">Page 25</p>	<p>1 what has been said about the redress scheme.                  2 Taking disclosure first, this is a repeated theme in                  3 submissions that have been made by me and by the                  4 solicitors instructing me at various phases of this                  5 inquiry and, indeed, I hope you have seen the written                  6 submissions that we filed that are dated 13 January.                  7 Disclosure is, in this phase, as with all others,                  8 a massive task, especially with the degree of redactions                  9 and so on that Ms Langdale has told us about, and it                  10 needs to be progressed very soon, because the                  11 alternative is, as unfortunately has crept into some of                  12 the other phases, that where disclosure and redaction                  13 are delayed, the progress of the obtaining of                  14 the evidence at the final phases is disrupted. That                  15 happened in the Nottinghamshire phase, where there were                  16 various times when the inquiry was delayed because                  17 redactions were being made or documents were being                  18 swapped around and so on. So I remind everybody at this                  19 stage, six months before we need to be ready for it,                  20 that actually disclosure needs to be treated with the                  21 utmost urgency.                  22 The update letter that we received shortly before                  23 Christmas reported that there had already been a delay                  24 to the corporate statement from the Metropolitan Police                  25 Service. In terms of the parameters of that document</p> <p style="text-align: center;">Page 26</p>
<p>1 and what Ms Langdale has told us about it and the sort                  2 of subtypes of document that it is likely to generate,                  3 that's going to be a very important piece of material                  4 and, therefore, those with responsibility for producing                  5 it will need a strong reminder, if I may invite you to                  6 give that, of the importance of this task.                  7 Secondly, evidence from victims and survivors. We                  8 put in, in our written submissions, some of the problems                  9 that had been created in the obtaining of a witness                  10 statement, for example, from our clients by the presence                  11 of actual and/or potential police enquiries, and I, in                  12 the document, pointed out some of the dangers that there                  13 might be if, in fact, what had been recently                  14 communicated as the instruction, namely, that victims                  15 and survivors should not submit statements that they'd                  16 been expecting to submit, was to pertain.                  17 Now, factually, what has been said in paragraphs 8                  18 and 9 of our written submissions is entirely correct,                  19 but practically there is a solution to it that was                  20 circulated yesterday by the inquiry solicitors in an                  21 email at 10.47, and I have spoken to Ms Leek QC who                  22 represents the Metropolitan Police in this inquiry and,                  23 in broad terms, the approach in my paragraphs 13(a) to                  24 (c) would seem to be similar to that which the Met would                  25 suggest is legitimate, namely, that there is</p> <p style="text-align: center;">Page 27</p>	<p>1 a difference between the submitting of evidence to you                  2 and to this inquiry and the potential for that to be                  3 disclosed in the criminal proceedings and the process of                  4 the evidence being admitted and considered in the public                  5 domain.                  6 If you recall, and I have given an example of this                  7 in my paragraph 13(c) of the submissions, there was one                  8 witness in the Nottinghamshire phase who, it was                  9 realised, was giving evidence about something that could                  10 impact on a potential prosecution, and his evidence was                  11 edited and given at a later stage in those proceedings                  12 to take account of the need to keep out of his evidence                  13 matters that may turn out to be sub judice.                  14 So, importantly, the process for victims and                  15 survivors to give evidence should not be held back by                  16 the presence of police enquiries, but it appears that                  17 there is a legitimate and practical way through that.                  18 Just for future benefit and future thought on this                  19 topic, it did, in fact -- the communications that we had                  20 from the inquiry did, in fact, have a material effect on                  21 LA-A131. He would have been due to meet with his                  22 solicitor this afternoon to supply some further evidence                  23 for a witness statement. That appointment was cancelled                  24 because the inquiry then didn't want that process to be                  25 pursued, and it has not been possible to rearrange it.</p> <p style="text-align: center;">Page 28</p>

<p>1 So that's an example of how, when something is sent 2 around relatively late in the day, that can have adverse 3 effects, and also remember that those victims and 4 survivors who are likely to be called upon to supply 5 material to the inquiry are more vulnerable, more easily 6 put off their course in what is often a process of 7 supplying evidence of very great emotional intensity, 8 and so on. So they, of all people, need to have 9 a degree of certainty and structure and consideration 10 when it comes to appointments being offered and kept, 11 and so on. So things like being told not to supply your 12 evidence because we don't want to hear it at this stage 13 can have an unforeseen effect on the ability of somebody 14 to participate. So that is what we say about the giving 15 of evidence. We invite the inquiry, and we are putting 16 on the public record that what was sent around yesterday 17 as being the way forward in an email at 10.47 is 18 satisfactory to LA-A137 and his advisors. 19 If I can move very briefly to the topic of redress 20 schemes which Ms Langdale has said are not going to be 21 considered as part of this phase. As somebody who was 22 appearing as an advocate in the Accountability and 23 Reparations phase, and I drafted most of the written 24 submission bearing in mind the very limited time we have 25 to make oral closing submissions, one of the things</p> <p style="text-align: center;">Page 29</p>	<p>1 I had put in my submissions was that this would be 2 looked at in the Lambeth phase. So it may well be that 3 people dealing with the Accountability and Reparations 4 phase are under the same what would appear to be 5 misconception as I had been in terms of hoping that the 6 inquiry would at least consider some of the material 7 about the redress schemes. 8 If that is something that had already been decided 9 long in the past and it is something that I should have 10 been alert to, then I'm glad to have been corrected 11 about it now. But it may be that people who are core 12 participants in the A&amp;R phase and not core participants 13 in this phase ought to be informed that that is the 14 proposed course of the inquiry when it comes to Lambeth. 15 In other words, that the Lambeth Redress Scheme is not 16 going to be specifically focused on as a redress scheme 17 model or template. 18 That's all I needed to say, madam. Thank you. 19 THE CHAIR: Thank you, Mr Simblet. Ms Weereratne? 20 Submissions by MS WEERERATNE 21 MS WEERERATNE: Thank you, chair and panel. I have some 22 very brief submissions to make, and I act, of course, 23 for Ms Tapsell, who sits next to me this morning, and 24 also for LA-A24. So three brief points. We have made 25 some written submissions which raise again the</p> <p style="text-align: center;">Page 30</p>
<p>1 disclosure issue which Mr Simblet has already addressed 2 and all I wish to say, therefore, is that I completely 3 endorse what he has said and, whilst I understand it is 4 in the minds of the inquiry team, it cannot be 5 overemphasised how important it is for core participants 6 to have sight of material in good time before the 7 hearings. 8 Secondly, having read the written submissions of 9 other core participants that have been filed, I just 10 wish to add a couple of additional small points to those 11 made on behalf of Ms Tapsell in particular. 12 Broadly speaking, Ms Tapsell considers it of vital 13 importance that the hearing includes a focus on oral 14 evidence examining the role that corruption is likely to 15 have played in putting children at risk of sexual abuse 16 in Lambeth and, with this in mind, we would like to 17 bring to your attention that it would assist greatly to 18 have confirmation in advance of the thematic issues 19 which are, in fact, going to form the focus of that oral 20 evidence at these hearings. I say that because, 21 in November 2018, following your ruling at that time, 22 counsel to the inquiry had identified a list of core 23 issues and, as I understand it, that's the list of core 24 issues that are being examined. But my point relates to 25 what oral evidence is going to be called to underpin</p> <p style="text-align: center;">Page 31</p>	<p>1 those core issues, because we remain slightly anxious 2 that, with the time constraints, what will happen is, 3 there will be a slimming down of core issues on which 4 oral evidence will be heard. 5 Having heard the scope and the breadth of 6 the investigations and the disclosure that's yet to come 7 from Ms Langdale a moment ago, and also the focus on the 8 case studies and the individuals who will speak to those 9 case studies over the four-week hearing, that has 10 underlined our anxiety in that regard. 11 So what we would do is to invite the inquiry panel 12 to direct the provision of this list of thematic issues 13 and how they are to be investigated at the oral 14 hearings, whether through oral evidence or otherwise, at 15 the earliest opportunity, and I would propose no later 16 than the end of March 2020, to assist all core 17 participants in the preparation for the hearings and to 18 enable any further submissions that may be necessary on 19 those points. 20 Allied to that, we would also reiterate that 21 Ms Tapsell has provided, some time ago, probably in 22 about April 2018, a full list of witnesses who she says 23 are potential witnesses relevant to the issues that she 24 is anxious about in this part of the inquiry, and we 25 would echo submissions I think that Mr Jacobs is about</p> <p style="text-align: center;">Page 32</p>



<p>1 to make in relation to having confirmation of whether                  2 rule 9 letters have been written to those witnesses and,                  3 in fact, who has been approached by rule 9 witness                  4 letters on those issues so that we can then address any                  5 gaps in the evidence that we may say arise as a result                  6 of that.                  7 Beyond that, those are my submissions for now. As                  8 I have already stated, we do reserve our position in                  9 relation to applications that may arise following the                  10 process of disclosure. Thank you.                  11 THE CHAIR: Thank you. Mr Jacobs?                  12 Submissions by MR JACOBS                  13 MR JACOBS: Thank you, chair. I appear with Mr Enright on                  14 behalf of Dr Goldie and Stephen Whaley, who are core                  15 participants in this investigation.                  16 We rely on the written submissions dated                  17 7 January 2020 which I hope are before you. As the                  18 inquiry will be aware, and you have heard from counsel                  19 to the investigation, Dr Goldie is a former assistant                  20 director of corporate strategy and quality at Lambeth                  21 Council and was a senior council officer in charge of                  22 child protection from 1996 to 1999. My other core                  23 participant client was a Lambeth councillor from 1986                  24 until 1994 and chair of the Social Services Committee                  25 from 1990 to 1991 and leader of the council from 1991 to</p> <p style="text-align: center;">Page 33</p>	<p>1 1994. Therefore, our clients acted in different                  2 capacities and over different periods.                  3 In our written submissions, chair, we have raised                  4 four issues. Firstly, we have highlighted that there                  5 will be further submissions that will be made by                  6 Howe &amp; Co, if instructed to do so, in relation to the                  7 comprehensive Lambeth corporate statement, its exhibits                  8 and other evidence.                  9 Secondly, we have referred at paragraph 13 of our                  10 written submissions to 13 individuals and organisations                  11 which Dr Goldie has suggested that rule 9 requests                  12 should be made of. Dr Goldie called for this step to be                  13 made prior to, and at, the preliminary hearing of                  14 23 July 2019, and we would ask for an indication as to                  15 whether this has been done. We have other suggestions                  16 from our other core participant client, Mr Whaley.                  17 This, chair, is an important issue, and today we ask                  18 that a full list of those who have to date been issued                  19 with rule 9 statements is circulated within a week.                  20 This echoes the submission made on behalf of Ms Tapsell.                  21 Our clients have clear insight into which                  22 individuals or committees were responsible for                  23 particular institutional failings. We are anxious that                  24 there are not any significant gaps in the evidence.                  25 This proposal, as I have said, is broadly supported by</p> <p style="text-align: center;">Page 34</p>
<p>1 other core participants.                  2 Now, it may be that this amounts to a departure from                  3 the inquiry's usual practices. However, our request is                  4 consistent with the statement by the chair on                  5 7 September 2018 on granting core participant status to                  6 Dr Goldie that Dr Goldie will be able to assist with the                  7 investigation in helping to link up separate events.                  8 Chair, we say that disclosure of the list of those                  9 to whom rule 9 requests have been made, that disclosure                  10 will assist the core participants and will assist the                  11 investigation, and we submit that our request is not                  12 controversial and we would ask for a direction on this                  13 issue.                  14 Thirdly, in relation to the chronology, we have                  15 addressed you on the chronology and that issue has been                  16 raised by counsel to the investigation today. It is                  17 stated in the correspondence from STI of                  18 19 December 2019 that a chronology will be disclosed in                  19 the weeks leading up to the public hearings.                  20 Now, the development of this chronology has been                  21 a long-running issue. Chair, you will recall, I say                  22 again, that in granting Dr Goldie's core participant                  23 application, you noted that Dr Goldie may be able to                  24 assist this investigation in helping to link up separate                  25 events, ie, to assist in the development of</p> <p style="text-align: center;">Page 35</p>	<p>1 the chronology. There have been previous indications                  2 that a draft would be able to core participants last                  3 autumn. In October 2019, the timeline was then pushed                  4 over to this year and we have now been informed that the                  5 chronology will be available -- or will not be available                  6 until the weeks leading up to the hearing. Chair, we                  7 say this is simply too late.                  8 We have been reminded this morning that the                  9 chronology is a complex and substantial piece and we are                  10 sure that it is, but providing that chronology, this                  11 important document, at such a late stage will mean that                  12 it will be provided too late to properly assist our                  13 clients and other core participants, particularly                  14 vulnerable victim and survivor participants.                  15 A few weeks before the hearing will be too late for                  16 our clients to comment upon it, to suggest improvements                  17 or to make any proper use of that chronology, which will                  18 deal with complex events going back some decades.                  19 So, chair, we ask you to direct that the chronology                  20 is disclosed no later than 29 April, which is over two                  21 months from today. This date will allow core                  22 participants to receive and consider the chronology in                  23 sufficient time in advance of the hearing and provide                  24 sufficient time for the inquiry's legal team to conclude                  25 drafting it.</p> <p style="text-align: center;">Page 36</p>

1 Fourthly, chair, we wish to repeat a concern that  
2 was raised at the July 2019 preliminary hearing in  
3 relation to the availability of disclosure and access to  
4 the evidence portal. We have dealt with this point at  
5 paragraphs 30 to 31 of our written submissions and  
6 I don't propose to repeat what is said there, but refer  
7 you to it.

8 Chair, this investigation may conclude that  
9 Lambeth Council, in the 1990s, was bedevilled by the  
10 most serious budgetary issues, political paralysis and  
11 a chaotic and ineffective culture, all of which  
12 contributed to institutional failures to protect  
13 children. Our clients wish to assist the inquiry and  
14 have been forthright and candid in their witness  
15 statements. We have heard from counsel to the  
16 investigation this morning that the investigation will  
17 focus on a careful examination of how children might be  
18 made safer in the future: our clients endorse this  
19 approach and hope that the inquiry will focus on what  
20 lessons and guidance can be drawn from the Lambeth  
21 experience so that local government bodies are better  
22 equipped to protect children in the future. Thank you.

23 THE CHAIR: Thank you, Mr Jacobs.  
24 Ms Langdale, do you wish to respond?  
25

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1 might like to approach, based on whatever basis they  
2 arrive at that conclusion, and we invite that  
3 correspondence, and have received that correspondence,  
4 by core participants and will continue to receive such  
5 correspondence and comments from them as the inquiry  
6 investigation continues.

7 In the circumstances, chair, we would encourage that  
8 you don't make any directions at the moment, but you  
9 consider the observations made to you and, of course, we  
10 will be considering them as well, having been made today  
11 in writing and then orally. So nothing further to add.

12 THE CHAIR: Thank you. Thanks to everyone for your  
13 submissions on these important matters. We will  
14 consider them very carefully and get back to you as  
15 quickly as possible. Are there any other matters that  
16 anyone wishes to raise? No. Thank you very much for  
17 your attendance. This hearing is now concluded.  
18 (11.40 am)  
19 (The hearing concluded)  
20  
21  
22 I N D E X  
23  
24 Welcome and opening remarks by THE .....1  
25 CHAIR

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1 Submissions in reply by MS LANGDALE  
2 MS LANGDALE: Yes, chair, just briefly, if I may. I don't  
3 think I can say anything further about the disclosure  
4 process or the chronology process. I have said they are  
5 ongoing works, there are still documents to be reviewed  
6 that are relevant to both of those processes.

7 As far as the issues raised by Mr Simblet are  
8 concerned, I am sure he on behalf of his clients, the  
9 MPS and the inquiry we are all concerned that any  
10 ongoing criminal investigations or prosecutions should  
11 not be adversely affected in any way by our work and we  
12 are pleased that a solution, as highlighted by  
13 Mr Simblet and agreed between everybody, has been found  
14 to the important issue of his client being able to  
15 provide evidence to this inquiry without prejudicing any  
16 other investigation that is going on in parallel or may  
17 be going on. So we are pleased that that outcome has  
18 been arrived at.

19 As far, finally, as witnesses are concerned, it is  
20 of course for the inquiry to decide which witnesses to  
21 approach based on the evidence, and the inquiry has the  
22 unique advantage, or the inquiry team, of the huge  
23 amount of evidence at the moment that it has seen and  
24 digested, but of course we are very grateful to core  
25 participants who seek to suggest which witnesses we

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