



Government Legal Department

IICSA

By email: solicitors@iicsa.org.uk

31 March 2020

Litigation Group
102 Petty France
Westminster
SW1H 9GL

DX 123243 Westminster www.gov.uk/gld
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Your ref:

Our ref:

Dear Amy

Re: IICSA – Child Protection in Religious Organisations and Settings

I write in relation to the note from the STI.

As you are aware, in this strand the Home Office applied for core participant status on behalf of the Government as a whole. These submissions are therefore made on behalf of the Home Office (HO), Department for Education (DfE), Ministry of Housing, Communities and Local Government (MHCLG), Department for Digital, Culture, Media and Sport (DCMS) and the Ministry of Justice (MoJ). Government departments are grateful for the opportunity to comment on the Inquiry's proposals. All are fully committed to this investigation but have significant concerns about the practicality of proceeding in the current circumstances for the reasons set out below in response to the Inquiry's specific questions.

I address each of the questions raised in paragraph 9 in turn.

9a – Departments have no objection in principle to proceeding by way of a virtual hearing in the current circumstances.

9b – Departments do not anticipate any difficulty with the witnesses being provided with IT equipment; as officials are now working remotely and do not typically have access to secure printers, it would also be extremely helpful if the Inquiry were also able to provide each witness with a hard copy of the witness bundle. Departments do not currently have enough information to be able to assess whether there will

Emma Robinson - Head of Division

Elizabeth Mackie / Lorna Robertson - Deputy Directors, Team Leaders Litigation B4



be any practical difficulties with legal representatives and other members of the team downloading a virtual hearing application. Once we are provided with more information on the software that would need to be downloaded, we would need to discuss with our IT departments the practicalities involved in doing this and whether it would be compatible with Government secure systems.

9c – Departments are very keen for this investigation to progress and have provided the Inquiry with as much assistance as possible to date. As things stand, the MoJ witness, Matthew Gould, expects to be able to accommodate a virtual hearing in any of the specified months, subject to any emerging developments in the response to Covid-19. However several of the other departments who have been called to give oral evidence in this investigation (DfE, DCMS and MHCLG) are all now focussed on responding to Covid-19 and their witnesses will not be in a position to do the necessary preparation to give the Inquiry the kind of evidence that it requires in April, May or June. The position of those departments is as follows:

- DCMS has reprioritised existing work so that, in addition to maintaining its essential and statutory services, it can prioritise handling of Covid-19 to support our citizens, sectors, and public bodies. The Office for Civil Society (OCS) has therefore restructured to respond with a Covid-19 Volunteering and Civil Society structure. The DCMS witness, David Knott, remains an OCS Director focussed entirely on his responsibilities to support the voluntary, charities and social enterprise sector with their response to Covid-19 until the crisis is over, after which DCMS should be in a position to proceed in assisting the Inquiry.
- DfE is prioritising responding to issues associated with the Covid-19 pandemic. This work is taking top priority and is involving policy officials, lawyers and Ministers, all of whom are now devoting their attention to dealing with immediate business critical issues in relation to education, safeguarding and children’s welfare, including those with vulnerabilities. The DfE witness, Director of School Quality and Safeguarding Directorate Kate Dixon, has taken the lead Director role on Covid-19 Schools and is full time on this priority issue for the foreseeable future.
- MHCLG is also directing all its efforts and resources to responding to the urgent issues connected with the pandemic. In her role as Director, Integration and Communities, the MHCLG witness, Penelope Hobman, has considerable and wide-ranging responsibilities, providing oversight and sign-off for several Covid-19 workstreams including, but not limited to, managing deaths, supporting vulnerable people, voluntary community sector funding and support, faith practices and monitoring community tensions.

The availability of Counsel would also need to be considered if this matter is to be re-listed for a new date at short notice. Counsel has other commitments that are still going ahead in the current environment.

For these reasons the majority of departments’ preference would be for the hearing as a whole to be postponed until the current crisis abates.

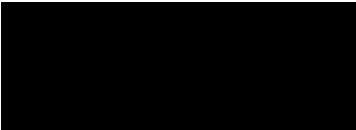
9d – Departments are concerned about the risks involved in livestreaming without a delay. They do not foresee any sensitivity in relation to their own evidence but are concerned about risks more widely, particularly in relation to the protection of victims’ identities. They note that it has been necessary for broadcasting to be stopped on occasions in previous hearings when material has been inadvertently disclosed so this is not a theoretical risk. If the time delay was necessary in the past to protect those entitled to anonymity, then it is difficult to see why it would not still be necessary now. Departments note that the Inquiry proposes to take “additional steps” to reduce the risk of “inadvertent slips” but it is not clear what those steps are or how effective they would be. Taking remedial action after the event, for example by issuing a restriction order, would merely limit the

damage, especially as livestreaming can be recorded, as well as viewed internationally (where restriction orders could not be enforced).

Departments agree that Inquiry hearings generally have to be accessible to the public but, if the Inquiry does decide to proceed remotely, wonders whether it would be acceptable, in these unusual times, to record the proceedings and put the recording online at the end of each session. While section 18 of the 2005 Act requires the Chair to take reasonable steps to ensure that the public has access to simultaneous transmission, that obligation is subject to the right of the Chair to issue a restriction notice. Departments respectfully invite the Chair to consider issuing a restriction notice in the public interest under section 19, saying that, in order to protect identities, transmission would be delayed.

Please do not hesitate to contact me if you require any further information.

Yours sincerely

A black rectangular redaction box covering the signature of Daniel Rapport.

Daniel Rapport
For the Treasury Solicitor

A large black rectangular redaction box covering contact information for Daniel Rapport.