

<p>1 Friday, 2 October 2020 2 (10.30 am) 3 THE CHAIR: Good morning, everyone, and welcome to Day 10 of 4 this public hearing. 5 Ms Hill? 6 MS HILL: Good morning, chair and panel. We are hearing 7 this morning, please, from Gregor McGill from the Crown 8 Prosecution Service. 9 MR GREGOR MCGILL ( affirmed) 10 Examination by MS HILL 11 MS HILL: Good morning, Mr McGill. 12 <b>A. Good morning, Ms Hill.</b> 13 Q. You are Gregor McGill. You are providing evidence on 14 behalf of the Crown Prosecution Service. I think you've 15 been director of legal services at the Crown Prosecution 16 Service since January of 2016; is that right? 17 <b>A. That's correct.</b> 18 Q. You have given a bit more background about your 19 professional history, which we will come to, but can 20 I adduce, please, formally, you have given witness 21 statement CPS004918, that's a witness statement dated 22 19 March of this year, and you have also more recently 23 given CPS005004, a statement dated 28 September 2020. 24 Are those statements true, to the best of your knowledge 25 and belief, Mr McGill?</p> <p style="text-align: center;">Page 1</p>	<p>1 <b>A. Yes, they are. I have given two statements. I don't</b> 2 <b>know about your references, but I agree with you, I have</b> 3 <b>given two statements and they are true, to my knowledge</b> 4 <b>and belief.</b> 5 Q. I hope I have them correct. I'm sure I will be told if 6 I haven't. Chair, with your permission, I will adduce 7 those statements in full, please. 8 Mr McGill, can I begin by having a bit of further 9 information about your background which you set out at 10 paragraph 2 of your statement ending 4918. Tell us a 11 little bit about your background before your current 12 role as director of legal services? 13 <b>A. I qualified as a solicitor in 1987. I worked in private</b> 14 <b>practice for four years, including a stint in the</b> 15 <b>United States. I joined the Crown Prosecution Service</b> 16 <b>in 1991 as a Crown Prosecutor. I became a Senior Crown</b> 17 <b>Prosecutor -- I became qualified to carry out</b> 18 <b>Crown Court trials as a solicitor -- a High Court</b> 19 <b>solicitor advocate in 1998. I became a Branch Crown</b> 20 <b>Prosecutor in 1991.</b> 21 <b>I left the CPS in 2002 to join Her Majesty's Customs</b> 22 <b>and Excise. I became a senior civil servant in</b> 23 <b>2005/2006. I set up the Serious Organised Crime</b> 24 <b>Division at the Revenue and Customs Prosecutions Office</b> 25 <b>in 2006.</b></p> <p style="text-align: center;">Page 2</p>
<p>1 <b>I came back into the CPS when RCPO and the CPS</b> 2 <b>merged in 2009/2010 and became head of the Fraud</b> 3 <b>Prosecution Division at the CPS.</b> 4 <b>In 2010, I joined CPS London as a legal director</b> 5 <b>and, in 2012, I was appointed head of the Organised</b> 6 <b>Crime Division at the CPS, where I stayed until the end</b> 7 <b>of 2015 and then I took up my current role.</b> 8 <b>I have been in the CPS on and off with HM Customs</b> 9 <b>and Excise -- I've effectively been a prosecutor for</b> 10 <b>nearly 30 years.</b> 11 Q. Thank you. Can we just bring up briefly, please, 12 CPS004918_001, paragraphs 2 to 5, Danny. In fact, 13 scroll in on paragraphs 3 to 4. I'm sure the chair and 14 panel are aware, the CPS is the government department 15 responsible for prosecuting criminal cases investigated 16 by the police and other law enforcement agencies in 17 England and Wales. The CPS's responsibilities are set 18 out at section 4 there: advising the police and other 19 law enforcement agencies on cases for possible 20 prosecution; reviewing cases submitted by the police; 21 determining any charges in all but minor cases; 22 preparing cases for court; and presenting cases at 23 court. 24 Is that an accurate summary, Mr McGill? 25 <b>A. It is, yes, particularly reviewing cases submitted by</b></p> <p style="text-align: center;">Page 3</p>	<p>1 <b>the police.</b> 2 Q. Can I take that down, please, and ask you some 3 questions, first of all, about our first theme, which, 4 as you know, is the issue of profiling of child sexual 5 exploitation and the disruption of offenders. You were 6 asked to consider some evidence provided to the inquiry 7 about the concepts, if you like, that we are looking at 8 of both child sexual abuse and child sexual 9 exploitation. In particular, can I bring up 10 INQ005150_002-004, paragraphs 2.1 to 2.10. You were 11 asked, I think, to reflect on this evidence provided 12 about the distinction between child sexual abuse and 13 child sexual exploitation and the extent to which the 14 CPS's approach changes. Can you help us with that? 15 Forgive me, this is Dr Helen Beckett's evidence that you 16 were asked to look at. 17 <b>A. Yes. I suppose our position has always been that we</b> 18 <b>view child sexual exploitation as a form of child abuse</b> 19 <b>and our guidance on child sexual exploitation is in our</b> 20 <b>child abuse guidance. We take our definition of what</b> 21 <b>child sexual exploitation is from the Working Together</b> 22 <b>to Safeguard Children report, which is government</b> 23 <b>guidance, and I think it is a Department of Education</b> 24 <b>guidance. So that's how we have defined it in our</b> 25 <b>child abuse legal guidance.</b></p> <p style="text-align: center;">Page 4</p>

1 I suppose, generally, Ms Hill, what we see is, we  
 2 see child sexual abuse as a form of child abuse, and  
 3 we --  
 4 Q. Child sexual exploitation, you mean?  
 5 A. Sorry, child sexual exploitation as a form of  
 6 child abuse. We encourage our lawyers not to get too  
 7 involved in the nomenclature of what things are called,  
 8 but to look at the allegations that are put before them,  
 9 consider the evidence, consider the law and then apply  
 10 the Code for Crown Prosecutors and take a rounded view  
 11 of the evidence. Rather than worrying about how it is  
 12 named, it's about what the evidence tells you and what  
 13 the harm caused is.  
 14 So prosecutors have to deal with the reality of  
 15 the evidence that they're presented with, rather than  
 16 thinking about -- and I don't mean this in any  
 17 disparaging way -- any academic debate about what you  
 18 might call things.  
 19 Q. Can I ask you some questions about the way in which the  
 20 CPS records cases. Can I bring up, please, your first  
 21 statement, CPS004918\_008, paragraphs 36 to 39. You were  
 22 asked to provide a summary by the inquiry of any or all  
 23 cases for offences related to child sexual exploitation  
 24 by organised networks where the decision was made  
 25 after March 2017 in respect of our six geographical

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1 of child abuse. So we have determined that that gives  
 2 us enough information about this area of offending, and  
 3 we don't see -- we haven't seen the need to drill down  
 4 with any more granularity, I think is the phrase that is  
 5 used, into the specifics of the offending. We record  
 6 how many cases of child sexual abuse there are because  
 7 they're flagged.  
 8 Q. What about the same question, Mr McGill, in relation to  
 9 recording by reference to the organised networks  
 10 element?  
 11 A. Well, of course, for us, the most important thing is, we  
 12 prosecute individuals, and we have to record our  
 13 decisions made against each individual defendant, and we  
 14 need to search by defendants. We don't search by  
 15 categories of crime because we have to ensure that we  
 16 are applying the Code Test against each individual  
 17 defendant, so it's important that we have determined  
 18 that we need to be able to drill down into the  
 19 circumstances of each individual defendant, rather than  
 20 through our categories of crime, because that's our core  
 21 function within the criminal justice system.  
 22 Q. Does the COMPASS system, though, record when there are  
 23 co-defendants on an indictment or a charge?  
 24 A. Yes, it should do.  
 25 Q. So if there is an offence of child sexual abuse, it

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1 areas.  
 2 Scroll in, please, on 37. You say:  
 3 "The format of our case management system [which  
 4 I think we will hear is called the CPS COMPASS system]  
 5 means it is not possible to conduct meaningful searches  
 6 to identify cases that fall within this categorisation."  
 7 You go on to describe what data fields the COMPASS  
 8 system has. At the end of 38, you say:  
 9 "It is not possible to search specifically for cases  
 10 of 'sexual exploitation' or 'organised networks', nor is  
 11 it possible to search for cases within specific  
 12 localities."  
 13 You nevertheless, I think, made some enquiries on  
 14 a slightly more informal basis with certain Senior or  
 15 Chief Crown Prosecutors and the Rape and Serious Sexual  
 16 Offences Complex Casework Unit. You identified,  
 17 I think, two cases that we see at the end of  
 18 paragraph 39, Operation Blisland and Operation X-Ray.  
 19 Help us with this: is it feasible or would it be  
 20 helpful, for the CPS to record cases by reference to  
 21 "sexual exploitation" or "organised networks"?  
 22 A. I think I would just develop my answer that I gave you  
 23 to the last question, Ms Hill. The way that we see  
 24 child sexual exploitation is a form of child sexual  
 25 abuse and, of course, we do record -- we flag all cases

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1 should be possible to see whether that person is being  
 2 charged or prosecuted with somebody else?  
 3 A. It should be. Of course, any computer system is only as  
 4 reliable as the information that's put into it. But  
 5 there should be an ability to be able to see  
 6 co-defendants if you go into our COMPASS system.  
 7 Q. A separate question is about the ethnicity and gender of  
 8 victims, because, as you know, that's part of our wider  
 9 issues to do with empathy and concern, but it's also  
 10 partly around profiling. So the question is whether it  
 11 would be feasible and/or helpful to break down the  
 12 recording of cases prosecuted according to the ethnicity  
 13 and gender of the victim?  
 14 A. I'm not sure it would be feasible. I think we have to  
 15 understand the way the system works, and I've said this  
 16 in other strands, of course. The police investigate  
 17 crime, we prosecute crime. They do the investigation.  
 18 They send papers through to us. We are dependent for  
 19 that sort of information on the basis of whether the  
 20 police have recorded it, and we could only record what  
 21 we were sent by the police. We have no power to go out  
 22 and obtain that information ourselves.  
 23 And, of course, it is not mandatory, on behalf of  
 24 any victim or witness, to provide that information. It  
 25 is entirely voluntary.

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<p>1 <b>So in answer to your question, I don't think it is</b>                  2 <b>feasible, personally.</b>                  3 Q. A separate topic, please. You have given some evidence                  4 about the use of sexual risk orders. Can I just bring                  5 up briefly, please, CPS004918_002, paragraphs 8 to 9.                  6 You have indicated there, broadly, as you gave evidence                  7 in the Children Outside the UK strand, about the                  8 operation of the Sexual Risk Orders regime. You have                  9 talked about the evidential burden and the standard of                  10 proof, and so on, and you have talked, I think, about                  11 initiatives within the CPS to ensure that the police are                  12 aware of these options. Is there anything else about                  13 that topic that you would like to say?                  14 <b>A. No. I suppose, other than this, Ms Hill -- again, it</b>                  15 <b>goes into what I said before: we have to be very clear</b>                  16 <b>that we don't blur the responsibilities of the police,</b>                  17 <b>who investigate crime, and the CPS, who prosecute it.</b>                  18 <b>I suppose what I would say here is, I can readily agree</b>                  19 <b>that if we are asked to make a decision in respect of</b>                  20 <b>making a charging decision on a case that the police</b>                  21 <b>send us, if we conclude that there isn't sufficient</b>                  22 <b>evidence, there is nothing wrong with prosecutors</b>                  23 <b>reminding police officers that they have their own</b>                  24 <b>disruptive powers that they can consider in exercising</b>                  25 <b>their safeguarding responsibilities.</b></p> <p style="text-align: center;">Page 9</p>	<p>1 <b>But what must be understood is that they are</b>                  2 <b>entirely operationally independent of us, and whilst we</b>                  3 <b>can provide that advice, they're under no obligation to</b>                  4 <b>follow it.</b>                  5 Q. You were asked on the topics list to reflect on the                  6 issue of how often there are prosecutions for breaches                  7 of a sexual risk order and abduction offences after                  8 a child abduction warning notice has been issued. Do                  9 you have a view on how often those prosecutions are                  10 brought and what their efficacy is as a disruptive tool?                  11 <b>A. I don't have the numbers because, as I said, I don't</b>                  12 <b>think we can drill down effectively into those numbers.</b>                  13 <b>What I would say is that I think disruption is an</b>                  14 <b>essential part of a toolbox of any investigator or</b>                  15 <b>prosecutor, and, of course, our safeguarding function,</b>                  16 <b>if I can characterise it as such, is by the proper</b>                  17 <b>exercise of the Code for Crown Prosecutors, either it be</b>                  18 <b>under the Full Code Test or the Threshold Test.</b>                  19 <b>But if we can't launch a prosecution, then of course</b>                  20 <b>we must consider whether there are other ways of</b>                  21 <b>safeguarding victims and people affected by crime, and</b>                  22 <b>so I think disruptive tools like Sexual Risk Orders,</b>                  23 <b>like child abduction warning notices, should be</b>                  24 <b>considered by investigators and prosecutors as effective</b>                  25 <b>tools to safeguard.</b></p> <p style="text-align: center;">Page 10</p>
<p>1 Q. Can I ask you to look again, please, at the witness                  2 statement from Lawrence English at CPS004976_004-005.                  3 Mr English, as you know, has provided a witness                  4 statement. I'm sure you know he's the unit head for the                  5 CPS West Midlands Rape and Serious Sexual Offences Unit.                  6 <b>A. Yes.</b>                  7 Q. At paragraph (d)(i) on internal page 4, he makes the                  8 point that, of course, breach of a CAWN is not, itself,                  9 an offence. I think the prosecution that would need to                  10 follow, if somebody had breached a CAWN, would be for                  11 the substantive offence of abducting a child on                  12 a further occasion. He talks about cases being referred                  13 to the CPS in that scenario. Do you think that suggests                  14 a lack of understanding by the police of how the CAWN                  15 regime operates, ie, that some police appear to have                  16 thought that breaching a CAWN is itself a criminal                  17 offence?                  18 <b>A. Well, I'm sure that's possible, Ms Hill. I don't know.</b>                  19 <b>But what I do understand is that, of course, police</b>                  20 <b>officers are investigators and they're not lawyers, and</b>                  21 <b>there's no -- not a necessity for them to understand the</b>                  22 <b>law like perhaps prosecutors and lawyers do. It is</b>                  23 <b>precisely possible that that could happen. That's where</b>                  24 <b>I think investigators and prosecutors working together</b>                  25 <b>from an early stage and the CPS providing early</b></p> <p style="text-align: center;">Page 11</p>	<p>1 <b>investigative advice and assisting police officers from</b>                  2 <b>the early stage can add real value to the building of</b>                  3 <b>strong cases, and if cases can't be built, the</b>                  4 <b>safeguarding of vulnerable victims and witnesses.</b>                  5 Q. While we are in this statement, can you just look down,                  6 please, at the remainder of paragraph (d)(i). He makes                  7 the point that the value of serving a CAWN in legal                  8 terms is that, if there is then a further offence, it                  9 makes it much more difficult for the suspect to say that                  10 there was not an awareness of the age of the child. So                  11 is that where you would see the legal or forensic value                  12 of a CAWN?                  13 <b>A. Indeed. Look, it's conclusive proof that the person is</b>                  14 <b>put on notice that the child effectively is under 16.</b>                  15 <b>Of course, that's where I think prosecutors and police</b>                  16 <b>officers working together add real value, because a lot</b>                  17 <b>of the time it's coming up with a strategy to deal with</b>                  18 <b>the offending, and sometimes you have to think ahead,</b>                  19 <b>you have to strategise and think, "Okay, we are going to</b>                  20 <b>do this now, but if this doesn't work, what are our next</b>                  21 <b>steps, what's our plan B going to be?" A CAWN is an</b>                  22 <b>effective way of thinking, "If we do have to prosecute</b>                  23 <b>later on and we make a charging decision, we get</b>                  24 <b>sufficient evidence, that argument about the substantive</b>                  25 <b>age of the child is effectively dealt with by the</b></p> <p style="text-align: center;">Page 12</p>

<p>1 <b>service of the CAWN". So it is, I think, a very useful</b>                  2 <b>tool.</b>                  3 Q. Can I bring up, please, the evidence from Jon Wedger                  4 that's already been adduced before the chair and panel.                  5 This is INQ004929_030, paragraph 186, please, where, as                  6 I'm sure you know, Mr McGill, from his background, he'd                  7 served in the Metropolitan Police for many years,                  8 including serving in the Criminal Investigation                  9 Department, and has given evidence about a particular                  10 issue at 186. If we can just scroll in on that                  11 paragraph. Mr Wedger points out there that he                  12 discovered during the course of his work that a criminal                  13 offence is committed -- I will bring up the reference                  14 again. INQ004929_030, paragraph 186.                  15 He discovered that it was a criminal offence to                  16 remove a child from care and came to the understanding                  17 that he could arrest a suspected abuser for that                  18 criminal offence.                  19 To what extent do you think that is well understood                  20 by other police officers or, indeed, the CPS?                  21 <b>A. I can't understand. I have to say, Ms Hill, I haven't</b>                  22 <b>seen many -- in my experience, I haven't seen many cases</b>                  23 <b>involving that offence. What I would say is, it's</b>                  24 <b>a very good example of where police officers and</b>                  25 <b>prosecutors working together could add real value, and</b></p> <p style="text-align: center;">Page 13</p>	<p>1 <b>I think prosecutors should be alive to the fact that</b>                  2 <b>there's an awful lot of experience in police officers.</b>                  3 <b>They have an awful lot of knowledge about the law and,</b>                  4 <b>working together, we can, I think, work very effectively</b>                  5 <b>together.</b>                  6 <b>I can't answer how many police officers would have</b>                  7 <b>knowledge of that. What I can say is, in my experience,</b>                  8 <b>I didn't come across that offence very often, or indeed</b>                  9 <b>at all.</b>                  10 Q. The inquiry has heard a lot of evidence about the risks                  11 of children in care homes and the risk of them being                  12 taken from care homes by potential abusers, and in his                  13 witness statement -- continue, please, at paragraph 201,                  14 internal pages _032 to _033. At 201 to 202, Mr Wedger                  15 identifies a particular example where he says he became                  16 aware, at 201, of a person living in a particular area.                  17 He was picking up a girl in care in the children's home                  18 and taking her to a brothel. This was a person ciphered                  19 as CS-F209.                  20 Going to the next paragraph, Mr Wedger indicates                  21 that he researched the man, found that he was difficult                  22 to locate but did find an outstanding court warrant for                  23 him, managed to locate him and arrest him and believed                  24 he was on his way to pick up a girl from the care home                  25 and there was evidence on his phone that he was</p> <p style="text-align: center;">Page 14</p>
<p>1 communicating with the girl and planning to have her                  2 picked up. Ultimately, he was detained in police                  3 custody and bailed regarding the child abuse matter.                  4 So that sort of scenario is, sadly, not an uncommon                  5 one, is it?                  6 <b>A. I would agree, it appears to be, from what we have seen</b>                  7 <b>through the evidence that's been adduced through this</b>                  8 <b>inquiry and otherwise, yes, a relatively common</b>                  9 <b>scenario, yes.</b>                  10 Q. So might there be room for further education around that                  11 offence, as described by Mr Wedger?                  12 <b>A. I think there's always room for investigators,</b>                  13 <b>prosecutors, anyone involved in criminal justice, for</b>                  14 <b>further education, and it's always useful, I think, to</b>                  15 <b>learn from the experience of others. I think anything</b>                  16 <b>that helps a wider understanding of the tools that are</b>                  17 <b>available to investigators, prosecutors, judges, anyone</b>                  18 <b>involved in this area of law, is something to be</b>                  19 <b>encouraged.</b>                  20 Q. Finally on this topic, can I ask you to look back at                  21 Mr English's evidence and bring up, please,                  22 CPS004976_003 and it is paragraph (ii) towards the top                  23 of the page, please. The one that begins "Cases where                  24 the police have sought". Mr English says this:                  25 "Cases where the police have sought to disrupt</p> <p style="text-align: center;">Page 15</p>	<p>1 suspected CSE offenders (through arrest or other                  2 tactics) are very rarely referred to the CPS, since, by                  3 their nature, arrests to disrupt are unlikely to lead to                  4 the case passing the evidential aspect of                  5 the Full Code Test. Were such a case to result in                  6 a charge, I would fully anticipate the disruptive tactic                  7 to be brought to the prosecutor's attention."                  8 Do you agree with that broad summary?                  9 <b>A. Yes. I think that must be right, Ms Hill, because,</b>                  10 <b>actually, the police come to us, effectively, in two</b>                  11 <b>situations. They come to us for early investigative</b>                  12 <b>advice where we may help them with aspects of their</b>                  13 <b>investigations that they require some criminal law</b>                  14 <b>advice on, or they will come to us for what is known as</b>                  15 <b>a charging decision. But for them to come to us for</b>                  16 <b>a charging decision, they already have to have made</b>                  17 <b>their decision -- their judgment that the case</b>                  18 <b>effectively, in their submission, meets the evidential</b>                  19 <b>stage of the Full Code Test.</b>                  20 <b>By its very nature, if they're looking at</b>                  21 <b>a disruptive tactic, they must already have concluded</b>                  22 <b>that they don't have sufficient evidence to do that.</b>                  23 Q. Moving on, please, Danny, if I may, into Mr English's                  24 statement and go back, please, to internal page _005 and                  25 scroll in on the (ii) through to (iv) at the top of</p> <p style="text-align: center;">Page 16</p>

<p>1 the page. This is a separate topic, Mr McGill. This is  2 about the challenges that can arise in mounting  3 a prosecution involving the evidence of a child, and  4 I will come to deal separately with the support measures  5 the CPS has in place for children giving evidence. But  6 one of the points Mr English has raised at (ii) through  7 to (iv) here is that, if the child giving evidence is  8 a looked-after child, often they are displaying  9 behaviour that can lead to concerns about their  10 credibility or they're presented in a way that leads to  11 those concerns. He says:  12 "In my experience, it's essential to identify all  13 such issues and confront them 'head on', in seeking to  14 build a case where the prosecution theory is that such  15 a victim was targeted because they were particularly  16 vulnerable and less likely to be believed. If a case  17 can be built from that angle, such 'credibility issues'  18 lose a great deal of their undermining impact.  19 "(iii) such cases are particularly complex and it is  20 essential that myths and stereotypes are scrupulously  21 avoided and not allowed to influence decision making."  22 He references the RASSO 2025 strategy to improve  23 outcomes. Do you want to just comment on the evidence  24 Mr English has given here and tell us a little bit more  25 about the review that he's describing?</p> <p style="text-align: center;">Page 17</p>	<p>1 <b>A. Paragraphs (ii) and (iii), I don't think I can add</b>  2 <b>anything more to what Mr English said other than I think</b>  3 <b>he's entirely right. I do think that prosecutors -- and</b>  4 <b>our guidance encourages prosecutors to approach cases</b>  5 <b>and make decisions based on their merits. That's what</b>  6 <b>the Code for Crown Prosecutors requires us to do.</b>  7 <b>You can't go into it thinking that, just because</b>  8 <b>people may have had issues in their past lives,</b>  9 <b>including, perhaps, criminal convictions, that doesn't</b>  10 <b>necessarily mean that they're not telling the truth and</b>  11 <b>they're not credible witnesses in the case in which they</b>  12 <b>are providing evidence.</b>  13 <b>So prosecutors, I think, have to look behind what</b>  14 <b>the bald facts of, perhaps, criminal convictions or</b>  15 <b>credibility issues may be and, instead of focusing on</b>  16 <b>those, look at the case and look at building a strong</b>  17 <b>case based on the merits of the case, rather than on the</b>  18 <b>difficulties that there might be.</b>  19 <b>I fully agree with Mr English that you deal with</b>  20 <b>those matters head-on, and, in fact, in some</b>  21 <b>circumstances, where you are looking at a vulnerable</b>  22 <b>person who may have been targeted because of that</b>  23 <b>vulnerability, the mere fact that they have criminal</b>  24 <b>convictions can actually be strong evidence to suggest</b>  25 <b>that targeting and that vulnerability, because we do</b></p> <p style="text-align: center;">Page 18</p>
<p>1 <b>know that organised criminal groups, and individuals,</b>  2 <b>target vulnerable people and get them involved in</b>  3 <b>criminality to suck them in to the offending. So it can</b>  4 <b>be a powerful piece of prosecution evidence enabling you</b>  5 <b>to prove the coercion and control that has taken place.</b>  6 <b>So I agree with him.</b>  7 <b>In respect of the guidance, yes, I think we are</b>  8 <b>reviewing our guidance -- the RASSO 2025 sexual offence</b>  9 <b>guidance. That's going out for consultation at the</b>  10 <b>moment, and it's giving further guidance to our</b>  11 <b>prosecutors building on our current guidance about how</b>  12 <b>prosecutors should approach this type of offending, and</b>  13 <b>it's about not looking in tram lines, thinking outside,</b>  14 <b>looking at the merits of the case and building strong</b>  15 <b>cases in partnership with the police and other</b>  16 <b>stakeholders.</b>  17 Q. Can I bring up, please, some very recently obtained  18 evidence that I know has only been obtained literally in  19 the last few days. The evidence that's been received  20 from Dr Ella Cockbain. I would like to bring up the  21 relevant paragraph, please. It is on your topics list.  22 It is paragraph 18. INQ006279_008-009. Just focus in  23 on the totality of paragraph 18.  24 This, as you know, is a research paper in which  25 Dr Cockbain is talking about a series of issues, but --</p> <p style="text-align: center;">Page 19</p>	<p>1 forgive me, that's the wrong URN. Can I bring up,  2 please, INQ006279_008. We seem to be having some  3 problems bringing up the document. I think there may be  4 a difficulty with the document.  5 Take that down, Danny, until such time as you can  6 bring the right document up. It looks like we have got  7 some technical problems here.  8 I think, perhaps, the best thing to do is to just  9 not worry about that document for now and perhaps  10 just -- can we somehow stop the screen sharing, please,  11 Danny, while those problems are resolved?  12 I will deal with the question in a different way.  13 Mr McGill, as you know, Dr Cockbain has provided some  14 evidence very recently, and I will just summarise the  15 two parts of it that were in that paragraph. The  16 theme --  17 <b>A. Sorry, Ms Hill, you cut out for a while and I didn't</b>  18 <b>hear part of what you said. I'm very sorry.</b>  19 Q. I'm so sorry. I will repeat it. Dr Cockbain has given  20 evidence in which she has described research interviews  21 that she carried out for her 2018 book, which is called  22 "Offender and victim networks in human trafficking".  23 The theme that she brings out at paragraph 18 is  24 relevant to the questioning I have just asked you,  25 because she says that, from her research interviews,</p> <p style="text-align: center;">Page 20</p>

<p>1 police participants did not suggest that they did not 2 believe victims of CSE, but, rather, that there was 3 a concern that the victims were not, or would not be, 4 credible in the eyes of the CPS and jurors, and she 5 quotes from interviews. She says that the police, on 6 one operation, told her that they had put so many 7 charges forward to the CPS that had been discontinued 8 that they had all but given up putting cases forward. 9 Do you want to respond to that evidence? 10 <b>A. Well, Ms Hill, as you know, I haven't seen that 11 evidence. That evidence came in late. I haven't seen 12 the statement. 13 In the limited amount of time that I have had to 14 make enquiries about that, and from what you have 15 already told me, there is no data there, there is 16 nothing to identify how I would make any enquiries about 17 what was said there. 18 It seems to be anecdotal evidence from police, and 19 I can't rebut that because I don't know what cases 20 they're talking about, I don't know what evidence they 21 have got. It's so vague as to be almost impossible for 22 me to be able to comment on. 23 I would say that I don't understand what point is 24 being made there, but what I will do, if it helps, is, 25 I will read the statement and comment in a further</b></p> <p style="text-align: center;">Page 21</p>	<p>1 <b>statement, if that would help the inquiry, but there is 2 the caveat that I'm not sure what I can say because 3 there is a lack of any real tangible data or evidence 4 that I can go to to rebut what is said there.</b> 5 Q. I think we understand anyway, Mr McGill, that there are 6 various topics you're going to address in a further 7 statement, so we would grateful for you to address that. 8 We appreciate that you were only -- or your lawyers were 9 only provided with this statement I think on Wednesday. 10 But we would be grateful for you to address that, not 11 least because the remainder of paragraph 18 goes on to 12 quote Dr Cockbain's interviews with prosecutors. So at 13 the remainder of paragraph 18 she comments: 14 "Somewhat ironically, the prosecutors I interviewed 15 were less likely than the police participants to say 16 that a change in organisational culture was needed. 17 Those prosecutors who did argue for a change described 18 approaches to assessing victim credibility in the CPS as 19 all too often being cynical, paternalistic and black and 20 white." 21 For both of those propositions she quotes her own 22 research. Do you want to comment, even generally, now, 23 on that second point about what is being said from her 24 interviews with prosecutors? 25 <b>A. I don't think I can because I haven't seen the statement</b></p> <p style="text-align: center;">Page 22</p>
<p>1 <b>and I don't know what prosecutors she talked to. So, 2 again, I'm in some difficulty in commenting on that. 3 There is no specificity there as to who she spoke to and 4 in what circumstances. 5 As I said, I will read the statement and come back 6 with what comments I have got in a further statement, if 7 that would be helpful to the inquiry.</b> 8 Q. Perhaps you can deal with it in a very general way in 9 this way: is there any organisational reluctance to 10 prosecute these cases that you have identified within 11 the CPS? 12 <b>A. No, not at all. I think it has to be remembered that 13 these cases are looked at by specialist prosecutors. 14 They're specially trained prosecutors who understand 15 this offending. They are in separate units, either in 16 our complex casework units or in our rape and serious 17 sexual offences units. They're all specially trained, 18 they're all specially trained in myths and stereotypes, 19 they're specialists in criminal gang prosecutions and 20 often the rape and serious sexual offences prosecutions. 21 They're very committed. They want to prosecute people 22 and will always prosecute people if our legal test is 23 met, and that is what I always say. 24 If the two stages of the Full Code Test of the Code 25 for Crown Prosecutors is met, the CPS will prosecute.</b></p> <p style="text-align: center;">Page 23</p>	<p>1 <b>But where it is not met, it would be unlawful for us to 2 do so.</b> 3 Q. Do you think there is any basis for concern that, 4 whether or not there is that sort of organisational 5 culture, police consider that there might be? Do you 6 see what I'm putting to you? The question is, really, 7 is there any basis for concern that the police might not 8 be referring cases to the CPS because they perceive 9 there to be a reluctance to prosecute them? 10 <b>A. I suppose -- I'm not going to say too much in relation 11 to this. You have seen my second statement. It refers 12 to the judicial review proceedings. There is a section 13 in my second statement that deals with referrals from 14 the police, and you will see --</b> 15 Q. Do you want to bring that up, Mr McGill? Do you want to 16 refer to that? 17 <b>A. I don't want to say too much about it. You're asking me 18 in general terms. I don't want to say too much about 19 what's going to be the subject of evidence before the 20 Court of Appeal in the JR. I think that would be 21 improper to do so. But I was asked by the inquiry to 22 make a statement, and you may want to look at the 23 paragraph that deals with referrals from the police 24 because we are told that referrals from the police in 25 this type of offending are down. Yes, they are, but</b></p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 they are down across the board, and, interestingly,</p> <p>2 they're also down in those cases where they can charge</p> <p>3 themselves, where they require no evidence from the</p> <p>4 police.</p> <p>5 So I think any claim by the police that they're not</p> <p>6 referring cases to us because they think that we will</p> <p>7 not charge them needs to be seen in the context of, they</p> <p>8 are reducing the cases they send to us that they can</p> <p>9 charge themselves where there is no input from the CPS,</p> <p>10 and I think any such claims by the police have to be</p> <p>11 seen in that context.</p> <p>12 Q. Just for the note, to assist generally, Mr McGill, can</p> <p>13 I just indicate that you have given evidence about that</p> <p>14 issue in your second statement at CPS005004_002-003,</p> <p>15 paragraphs 7 through to 11, where you talk about the</p> <p>16 concern, that I think you agree is a valid concern,</p> <p>17 about the growing gap between the number of rape</p> <p>18 offences reported, the number of cases going to court,</p> <p>19 and you talk a little bit more about the decline in the</p> <p>20 number of cases charged by the CPS and the police.</p> <p>21 That's where your evidence is about that. We may come</p> <p>22 back to that.</p> <p>23 Different topic, please. INQ005150_010,</p> <p>24 paragraph 5.3. This is the evidence again from</p> <p>25 Dr Beckett that you were asked to look at, Mr McGill.</p> <p style="text-align: center;">Page 25</p>	<p>1 It is a comment that is made in bullet points, but if we</p> <p>2 can scroll in, please, on the bullet point that begins</p> <p>3 "Criminal justice responses", the second one.</p> <p>4 This is, to put it into context for you -- the</p> <p>5 beginning of this paragraph says this:</p> <p>6 "Particular issues with the system that we are</p> <p>7 currently working on ..."</p> <p>8 This is in the context of the heading "Responding to</p> <p>9 identified harm". She says this:</p> <p>10 "Particular issues within the system that we are</p> <p>11 currently working on in addition to those previously</p> <p>12 outlined and that we wish to highlight are ..."</p> <p>13 And a series of initiatives. Then she says this:</p> <p>14 "Criminal justice responses to (organised networked)</p> <p>15 CSE: this is perhaps the most frequently identified</p> <p>16 source of dissatisfaction with institutional</p> <p>17 responses ... both by children and young people</p> <p>18 themselves and those who care for/work with them. ...</p> <p>19 our research repeatedly shows this to be lacking [ie,</p> <p>20 empathy, concern and respect] in how children and young</p> <p>21 people describe their experiences in the criminal</p> <p>22 justice system. ... the issue of consistency is critical</p> <p>23 here ... we have seen examples of improving and</p> <p>24 promising practice ... and officers who do clearly</p> <p>25 demonstrate [that] ... the absence of the same is</p> <p style="text-align: center;">Page 26</p>
<p>1 equally observable in others and we continue to observe</p> <p>2 a gap between policy/guidance and practice [as</p> <p>3 illustrated by academics]."</p> <p>4 Do you understand the broad point she's making</p> <p>5 there, which is that, whatever efforts have been made to</p> <p>6 ensure the empathetic and respectful treatment of</p> <p>7 children, there is frequent dissatisfaction on the</p> <p>8 ground?</p> <p>9 A. I've given evidence in other strands other what changes</p> <p>10 there have been -- have been made in the criminal</p> <p>11 justice system over the last 20/30 years, and I think</p> <p>12 some of the changes have been ground breaking. In the</p> <p>13 Lambeth strand, I talked about the use of</p> <p>14 intermediaries, and I also talked about section 28 and</p> <p>15 the use of ground rules hearings. I think those are</p> <p>16 potentially revolutionary in the way that we deal with</p> <p>17 vulnerable witnesses, of which children are, of course,</p> <p>18 one.</p> <p>19 I do think, though, that we have to truly understand</p> <p>20 the system in which we are working, and we have to</p> <p>21 understand that the criminal justice system is, at its</p> <p>22 heart, an adversarial system, and I suppose -- I don't</p> <p>23 say this to dismiss concerns, but an adversarial system,</p> <p>24 which the criminal justice system is, is bound to leave</p> <p>25 some people who experience it somewhat bruised because</p> <p style="text-align: center;">Page 27</p>	<p>1 it is, by its very nature, adversarial and can be quite</p> <p>2 a brutal system because you're dealing with difficult</p> <p>3 subjects but you're also dealing with the guilt or</p> <p>4 innocence of accused people.</p> <p>5 So cases are strongly contested and</p> <p>6 cross-examination can be quite fierce because the stakes</p> <p>7 are quite high for everyone in the system.</p> <p>8 So I suppose I accept that we have made significant</p> <p>9 efforts to make the system easier, better, more humane,</p> <p>10 more empathetic for vulnerable victims within it, but in</p> <p>11 any adversarial system, sometimes it's going to feel</p> <p>12 quite brutal for those who experience it.</p> <p>13 Q. I think while we are on this topic, can I bring up the</p> <p>14 detailed evidence you have provided already, Mr McGill,</p> <p>15 about this issue. It is CPS004918_002-004. I don't</p> <p>16 know if we can bring up all those pages.</p> <p>17 In these passages in your witness evidence, you</p> <p>18 summarise the various initiatives that have taken place</p> <p>19 to ensure that children in particular are treated with</p> <p>20 empathy, concern and respect. You talk about the</p> <p>21 commitments to support victims and witnesses, the</p> <p>22 guidelines for the care and treatment of victims and</p> <p>23 witnesses, the documentation around safeguarding</p> <p>24 children as victims and witnesses, and guidance about</p> <p>25 speaking to witnesses at court.</p> <p style="text-align: center;">Page 28</p>

<p>1 I will just formally adduce, if not bring up, your  2 broad commitment to supporting victims and witnesses at  3 CPS004441, documents about the care of victims and  4 witnesses is CPS004438. There is a specific document  5 about safeguarding children which you reference,  6 I think -- scroll in, please, Danny, at paragraph 15 of  7 this witness statement:  8 "This requires prosecutors to consider the position  9 of child victims and consider what can be done ... to  10 safeguard the child [including applying for special  11 measures]."  12 Go up in the document to paragraph 13. You also  13 reference the Code of Practice for Victims, or the  14 Victims' Code, that's CPS002851, which we also have, and  15 then, finally, I think, you have given specific guidance  16 on prosecuting cases of child sexual abuse, and that,  17 I think, is at CPS004443. Perhaps we could bring up  18 that document and just give the chair and panel a sense  19 of what is in there.  20 This talks about ways to support victims before  21 giving evidence. Over the page, it references  22 independent sexual violence advisors, support given in  23 attending court. And then further talks about how to  24 keep victims and witnesses informed. Is that right?  25 <b>A. Yes, I think that's right, Ms Hill. It is</b></p> <p style="text-align: center;">Page 29</p>	<p>1 <b>essentially -- it is a very detailed guidance dealing</b>  2 <b>with a number of topics, but it's essentially trying to</b>  3 <b>give a step-by-step guidance as to the sort of things</b>  4 <b>a prosecutor should consider throughout the life of</b>  5 <b>a case, if that makes sense.</b>  6 Q. I think, in fairness to you, Mr McGill, that's quite  7 a short document, there's a much longer one, the  8 safeguarding document, CPS004921, that is a bit more  9 comprehensive and goes through even the earlier stages  10 of the investigation about ABE interviews and things  11 like that. If we can just bring up CPS004921, that  12 talks about Working Together; on page 2, it talks about  13 achieving best evidence; it talks about practical issues  14 about applying the Code Test in these cases; and then,  15 I think, goes on to talk about the trial process?  16 <b>A. I think that's right, Ms Hill. The purpose of these --</b>  17 <b>they have got to be read -- they might be separate</b>  18 <b>pieces of advice, but they have got to be read together</b>  19 <b>because they help a prosecutor go through the whole</b>  20 <b>process, if that makes sense.</b>  21 Q. It does. I think we have already looked at Mr English's  22 evidence on this topic. Is there anything else you wish  23 to say about this perceived, or potentially perceived,  24 gap between all of that guidance and how it's  25 experienced on the ground by children? Is there</p> <p style="text-align: center;">Page 30</p>
<p>1 anything else you wish to say on that topic?  2 <b>A. No. I suppose all I would say is that there are two</b>  3 <b>statements from Rachael Scott and Lawrence English, two</b>  4 <b>senior, experienced, on-the-ground prosecutors, who</b>  5 <b>I think give very good evidence about what they are</b>  6 <b>doing with local stakeholders, the police, third-sector</b>  7 <b>people, to improve the experience of children,</b>  8 <b>vulnerable witnesses generally, through the criminal</b>  9 <b>justice system. The only thing I would say as well is</b>  10 <b>in my statement at paragraph 18, Ms Hill, the use of</b>  11 <b>special measures over the last 15/20 years has, I think,</b>  12 <b>been really important in improving the experience of</b>  13 <b>people who go through the court process, and in</b>  14 <b>paragraph 18 it sets out some of the measures that can</b>  15 <b>be put in place that have been put in place by the Youth</b>  16 <b>Justice and Criminal Evidence Act 1999, which I think,</b>  17 <b>as they have slowly come in to the system, and</b>  18 <b>section 28 is now coming into the system, I think really</b>  19 <b>will improve the real-time experience of victims and</b>  20 <b>witnesses as they go through the system.</b>  21 <b>But I do have to repeat what I said earlier on: the</b>  22 <b>criminal justice system is an adversarial system, and</b>  23 <b>you're never going to be able to take that bruising</b>  24 <b>element out of it. You can mitigate it, but it is</b>  25 <b>always going to be there.</b></p> <p style="text-align: center;">Page 31</p>	<p>1 Q. Just help us with the section 28 issue, please, just  2 help the chair and panel with that?  3 <b>A. It is something that we have talked about before. In</b>  4 <b>fact, I think Mr Frank has asked me questions about it</b>  5 <b>before. It is to do essentially -- I will summarise in</b>  6 <b>very simple terms. It is about the pre-recording of</b>  7 <b>cross-examination of very vulnerable witnesses, and</b>  8 <b>ground rules hearings whereby judges will agree with</b>  9 <b>counsel as to the questions that can be asked, how they</b>  10 <b>can be asked and specifically why they can be asked.</b>  11 <b>That can take place some time before the full trial</b>  12 <b>takes place to relieve the trauma, as far as possible,</b>  13 <b>of the child or the young witness so that they don't</b>  14 <b>have to wait for months to give evidence. It can be</b>  15 <b>done in advance of the hearing so that they can give</b>  16 <b>their evidence and then go on, as much as they can, to</b>  17 <b>receive the help and support to deal with what has</b>  18 <b>happened to them, if that summarises it sufficiently for</b>  19 <b>you.</b>  20 Q. I think it is partly also, is it not, to ensure that if  21 children do actually give evidence in a trial  22 environment, it is to the minimum? I mean, that's  23 a summary of it, but it's to limit the amount of  24 evidence that they need to give?  25 <b>A. All the advocates are specially trained, judges will</b></p> <p style="text-align: center;">Page 32</p>



1 **sometimes remove their wigs, the advocates will remove**  
 2 **their wigs. It's supposed to be a less-intimidating way**  
 3 **for children and young people to give their evidence.**  
 4 Q. Just going back a little bit in time, Mr McGill, I think  
 5 you were asked to review some evidence provided to the  
 6 inquiry by Nazir Afzal, who, as you know, was a Chief  
 7 Crown Prosecutor in the north-west of England, from 2011  
 8 to 2015. He describes at INQ005997\_002, paragraphs 4  
 9 to 7, how he found the environment of child sexual abuse  
 10 and particularly child sexual exploitation in 2008 to  
 11 2009. He goes on to say how it was very different to  
 12 what we now know and talks about concerns about  
 13 credibility in that time. He describes how that seemed  
 14 to affect decision making. Do you want to comment on  
 15 what he says at 4 to 7?  
 16 **A. In broad terms, I think he's right. I think the way**  
 17 **that we approached this type of offending, sexual**  
 18 **offending generally, before this was different, and we**  
 19 **changed our approach under the directorship of**  
 20 **Keir Starmer QC when he was a Director of Public**  
 21 **Prosecutions, between 2008 and 2013.**  
 22 **I do think that we have changed the way we look at**  
 23 **this. Our guidance has reflected the way that we look**  
 24 **at this. And I have given evidence about that change in**  
 25 **previous strands. So in broad terms, I would agree with**

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1 **how she had been treated and dealt with by the criminal**  
 2 **group.**  
 3 **These are sometimes, Ms Hill, really difficult**  
 4 **decisions, sometimes amongst the most finely-balanced**  
 5 **decisions that prosecutors have to make, because they**  
 6 **have to determine whether a person should be dealt with**  
 7 **as a perpetrator of crime or as a victim of crime, but**  
 8 **sometimes the allegations that they're asked to consider**  
 9 **involve young people committing serious crimes,**  
 10 **punishable with significant periods of imprisonment,**  
 11 **which also can affect other individuals and the**  
 12 **communities in which other citizens live.**  
 13 **So prosecutors have to balance the competing rights**  
 14 **of the rights of a victim and the rights of society at**  
 15 **large as to where the balance of those interests lie in**  
 16 **deciding whether a person should be a victim or should**  
 17 **be prosecuted in the public interest, and those can be**  
 18 **very difficult decisions.**  
 19 Q. Again, Mr Afzal has commented on this, INQ005997\_006,  
 20 paragraphs 33 to 34. He's talked about how, very often,  
 21 offenders would ensure children were involved in  
 22 low-level criminality, such as shoplifting and  
 23 possession of cannabis. This would then become a tool  
 24 that would be used to ensure they did not speak up, but  
 25 he says that the authorities often looked at the victims

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1 **Nazir on this.**  
 2 Q. A related topic is about the issues that arise when  
 3 a child commits a criminal offence in circumstances  
 4 where that child has been pressured to commit that or is  
 5 otherwise vulnerable to that. Can I ask you to look,  
 6 please, at CPS004977. I think that's witness evidence  
 7 from Rachael Scott, another prosecutor from the  
 8 south-west. Can we scroll in, please, at CPS004977,  
 9 internal paragraph 6, where she talks a little bit about  
 10 this issue there. Can we bring up paragraph 6 and see  
 11 what she describes there. She references a particular  
 12 example then of what happened, I think, in the initial  
 13 stages of Operation Brooke. Do you want to just comment  
 14 on what she says there at paragraph 6?  
 15 **A. Well, I think there she's talking about providing**  
 16 **evidence -- providing early investigative advice to the**  
 17 **police who were looking at a young person as a potential**  
 18 **suspect, that she advised them that they should look at**  
 19 **her as a victim, and that would have been a decision,**  
 20 **I suspect -- I haven't spoken to her about this because**  
 21 **it would have been improper for me to do so. I suspect**  
 22 **it's because she reviewed the evidence in the round and**  
 23 **came to a judgment that, looking at all the evidence in**  
 24 **the case, that particular individual should be treated**  
 25 **as a victim on the basis of what had happened to her and**

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1 and said, "You are criminals" and so the predators were  
 2 able to control the victims. He goes on to comment on  
 3 the fact that they had previous convictions then often  
 4 being perceived as a reason why they wouldn't be  
 5 believed, I think perhaps implying that the perpetrators  
 6 would appreciate that. Do you share that summary of  
 7 the problems or the difficulties that this issue raises  
 8 even today?  
 9 **A. I think, actually, that Nazir is talking about what**  
 10 **previously happened, if I can put it that way. I think**  
 11 **our guidance now ensures that prosecutors take a more**  
 12 **nuanced --**  
 13 Q. There are two issues he's talking about: the situation  
 14 with what perpetrators might do and then concerns about  
 15 how that's responded to. The situation about what  
 16 perpetrators might do is still common today. Would you  
 17 agree?  
 18 **A. I think that's right. The typology, if that is**  
 19 **a word -- it is a word we use, whether it is a proper**  
 20 **English word, I don't know. But the typology of this**  
 21 **type of offending indicates there is a corruption**  
 22 **element of organised criminal groups to target**  
 23 **vulnerable people, to bring them into the offending.**  
 24 **That is absolutely correct. We see that -- I know it's**  
 25 **a slightly different form of exploitation, but we see**

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<p>1 that in county lines offending. We see that a lot. So,                  2 yes, as a general point, I would agree with that,                  3 Ms Hill, yes.                  4 Do you want me to move on to the second part?                  5 Q. Yes, please do.                  6 A. In respect of the criminal convictions, I think                  7 previously that approach was taken. There was                  8 a tendency to -- for prosecutors to focus on the victim                  9 and look for problems with the victim's account. Our                  10 guidance since 2010/2011 has made prosecutors look at                  11 this in a different way, and has told them to look at                  12 the merits of the case and look beyond that evidence and                  13 see the context of the offending and to really                  14 understand what's going on. As I said earlier on,                  15 actually, in targeting certain types of offending, the                  16 fact that they may have produce convictions is -- I will                  17 use the word with a small C -- corroborative of what the                  18 young person is saying. They have been put in                  19 a position where they have had to commit crime.                  20 So I think that we encourage our prosecutors now not                  21 to focus too much on whether someone has previous                  22 convictions, because it is a myth and a stereotype that,                  23 if you have got previous convictions, you have                  24 previously committed criminal acts, you're not telling                  25 the truth about what you are saying now.</p> <p style="text-align: center;">Page 37</p>	<p>1 The difficulty that comes with this type of                  2 offending sometimes, though, is, as the offending gets                  3 much more serious, the public interest in prosecuting                  4 that offending becomes more compelling, and these                  5 decisions -- where it's a small amount of cannabis or                  6 a small amount of shoplifting, those decisions are                  7 relatively easy to look at. But where you've got young                  8 people, on the face of it, committing serious offences,                  9 regularly committing class A drugs, regularly                  10 transporting firearms, regularly involving other people                  11 in sexual abuse, for prosecutors, then, seeking the                  12 appropriate balance between whether someone is a victim,                  13 which they could be, or a perpetrator becomes a much                  14 more finely-balanced decision, and of course we know you                  15 can be both a victim of crime and a perpetrator of                  16 crime, and that's where the prosecutor having to                  17 determine where the balance of the public interest lies                  18 in prosecuting is among some of the most difficult and                  19 finely-balanced decision making that my prosecutors have                  20 to make.                  21 Q. Can I just ask you to comment on one further bit of                  22 evidence on this. I think for the note we can see that                  23 this issue is raised in the Children's Commissioner's                  24 report from 2012 on child exploitation in gangs and                  25 groups, DFE003095_050. Also, we have had some evidence</p> <p style="text-align: center;">Page 38</p>
<p>1 from the HMICFRS, from Katherine Riley, at                  2 HIC000032_007. It's the bullet point at the top of                  3 the page, please, where she's saying there, Mr McGill,                  4 that where there are situations where children are                  5 suspected perpetrators of sexual offences, neither the                  6 reasons for their harmful sexual behaviour nor the risks                  7 they pose to other children are as fully considered as                  8 they should be. In many forces, staff have told us that                  9 they have either not received any specific training to                  10 carry out these types of investigations -- so this is                  11 a slightly different point, or perhaps a not unrelated                  12 point, about when children themselves are suspected of                  13 harmful sexual behaviour offending. Do you feel able to                  14 comment on the assertion there about the level of                  15 understanding in police forces about that?                  16 A. I can't really comment about that, other than to say                  17 that may be the case in police forces but all our                  18 prosecutors who look at this type of sexual behaviour                  19 have been trained, and they do understand the context of                  20 what this offending -- how this offending is taking                  21 place. They're specially trained, they're in specialist                  22 units. They are trained in myths and stereotypes. They                  23 understand how this behaviour occurs. So whilst I can't                  24 comment on the specifics of what the police training may                  25 be, I can say that our training has addressed this.</p> <p style="text-align: center;">Page 39</p>	<p>1 That's not to say that we can't -- we don't need to                  2 refresh that training. You constantly need to remind                  3 people that this is very difficult decision making, and                  4 the decisions that are being asked to make, as I said,                  5 are amongst some of the most finely balanced that we                  6 have to make and are difficult. We have given them                  7 guidance as to how they should approach that decision                  8 making and they have all been trained in it.                  9 Q. Finally on this, can you assist with two specific                  10 further points. We have heard some evidence yesterday,                  11 Mr McGill, about the Modern Slavery Act, section 45,                  12 which, as you know, is a statutory defence that is                  13 available in certain scenarios. There's been some work                  14 around the CPS's response to the Modern Slavery Act by                  15 the HMCPSI. That report says that there is no data on                  16 the number of occasions when the defence has been used                  17 or instances where it might have been used and was not                  18 considered. Again, it is a question about data. Does                  19 the CPS now gather data on occasions when section 45 has                  20 been deployed? That report I think was                  21 from December 2017. So does the CPS now gather data                  22 about the use of section 45?                  23 A. Ms Hill, I simply don't know the answer to that                  24 question. I can find out and assist the inquiry with an                  25 answer to that question in my written statement, if that</p> <p style="text-align: center;">Page 40</p>

1 **would help.**  
2 Q. If that can also address whether, if that data is  
3 collected, it is disaggregated for CSE cases and by race  
4 and gender, we would be grateful?  
5 **A. I can certainly do that. I'll endeavour to do that and**  
6 **deal with it in the statement.**  
7 Q. Finally on this, perhaps, before we have our break, can  
8 I bring up DHP000453\_016, paragraph 59. I'm sure you're  
9 familiar with this document, Mr McGill. This is the CPS  
10 guidelines on prosecutors prosecuting cases of CSE in  
11 full. Can we just scroll in, please, on paragraph 59.  
12 Does this reflect the guidance given to prosecutors that  
13 you referred to in answer to the previous questions?  
14 **A. It does, yes. I think it is a 2018 document, Ms Hill.**  
15 MS HILL: Chair, I do have some further questions for  
16 Mr McGill. I think I'm not going to finish those in  
17 anything more than about another 15 minutes, so would it  
18 be appropriate to go to our mid-morning break?  
19 THE CHAIR: Yes. We will return at 11.50 am.  
20 MS HILL: Thank you, chair.  
21 (11.35 am)  
22 (A short break)  
23 (11.53 am)  
24 THE CHAIR: Ms Hill?  
25 MS HILL: Mr McGill, I would like to move on to the topic of

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1 **material and all the evidence and information that they**  
2 **need to make a proper decision on whether a person,**  
3 **a young person, a vulnerable person, should be**  
4 **considered for prosecution or not. I've looked at what**  
5 **you have said. I have reflected. I have discussed with**  
6 **colleagues. We are currently redrafting our rape legal**  
7 **guidance, which is due to go out for consultation, and**  
8 **if I could read you what it is proposed to say -- it is**  
9 **a very short paragraph, if that is okay, which is what**  
10 **our new guidance would say.**  
11 **It is going to say:**  
12 **"Prosecutors should consider whether the victim**  
13 **whose evidence they are considering demonstrates any of**  
14 **these factors."**  
15 **And it is the factors that you have referred to,**  
16 **Ms Hill:**  
17 **"Whilst the absence of any of these characteristics**  
18 **does not mean that an allegation of exploitation is**  
19 **unlikely to be true, their presence may assist the**  
20 **prosecutor in forming an overall view of the case."**  
21 **So I think that reminds prosecutors of the point**  
22 **that you are making. Vulnerabilities are useful to**  
23 **point out, but the absence of them doesn't mean that the**  
24 **young person isn't a victim of trafficking. Does that**  
25 **answer your question?**

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1 risk assessment and protection from harm. This relates  
2 to the guidelines on prosecution of cases of child  
3 sexual abuse. You have been asked -- if you can look,  
4 please, at your topics list, you have been asked to  
5 address whether or not the guidelines sufficiently  
6 recognise the vulnerabilities of these children and,  
7 indeed, whether it properly refers to, or whether it  
8 omits, the caveat from the source document. The quote  
9 in particular is this:  
10 "Any child displaying several vulnerabilities from  
11 the above list should be considered to be at high risk  
12 of sexual exploitation. However, it is important to  
13 note that children without those pre-existing  
14 vulnerabilities can still be sexually exploited.  
15 Therefore, any child showing risk indicators in the  
16 second list, but none of the vulnerabilities in the  
17 first, should also be considered a potential victim."  
18 You were asked to comment on the extent to which the  
19 guidelines properly reflect that. Perhaps we can just  
20 bring up DHP000453\_015-016, paragraph 57, please, Danny.  
21 Can you bring up internal paragraph 57. That's it,  
22 thank you.  
23 Do you understand what's being suggested?  
24 **A. I do, Ms Hill. I suppose I'd answer it this way:**  
25 **I think it's important that prosecutors have all the**

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1 Q. It does, thank you. Just for the note, the source  
2 document that I think is referred to is the report from  
3 2012 that I have already mentioned, the Office of  
4 the Children's Commissioner Inquiry (overspeaking) --  
5 **A. Yes, it is the Children's Commissioner (overspeaking) --**  
6 **Q. -- gangs, and the note for that is DFE003095\_115.**  
7 Taking, then, two more topics quite shortly, if  
8 I may, Mr McGill. That's the issue of male victims and  
9 children with disability, because in your witness  
10 statement -- we can bring it up, please, CPS004918,  
11 Danny, internal paragraphs 20 to 24 on pages \_004 to  
12 \_005. Mr McGill, you have set out in those paragraphs  
13 there various observations about, firstly, male victims,  
14 and you talk there about the guidelines which we have  
15 already talked about, CPS004443 recognising that boys or  
16 girls can be sexually abused and exploited, encouraging  
17 prosecutors to challenge myths and stereotypes, and then  
18 you've referred to the Violence Against Women and Girls  
19 Strategy. We will perhaps bring that up briefly if we  
20 can, CPS000923. That runs from 2017 to 2020.  
21 Then related to that is the CPS public statement on  
22 male victims. If I could bring up then, please,  
23 CPS004920. Is there anything in particular you would  
24 like to say about the commitments to male victims  
25 document? If I can bring up CPS004920\_001. Just for

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1 the note, this does a series of things, this document,  
 2 Mr McGill. Scroll in, please, Danny, on the CPS  
 3 commitments to male victims.  
 4 **A. I suppose --**  
 5 Q. Forgive me, let me just adduce the rest of the document,  
 6 if I may. It sets out at the foot of page 1  
 7 a recognition of the particular barriers to male victims  
 8 reporting crimes. Can we scroll in, please, on the top  
 9 of page \_002. Then it summarises in the next section  
 10 particular types and patterns and context of male abuse.  
 11 Then, in the summary at the end of this document, it  
 12 talks about how progress against those commitments will  
 13 be monitored.  
 14 I don't know what the date for this document was.  
 15 I'm sure I should know. Can you help us with that,  
 16 Mr McGill?  
 17 **A. I can't -- the exact date, no, I can't. I can find out**  
 18 **for you.**  
 19 Q. Forgive me. You may have already told us in your  
 20 witness statement. I'm sorry it is not at my  
 21 fingertips. Is there anything else on that topic you  
 22 would like to say about male victims?  
 23 **A. I suppose just in general terms, Ms Hill. We are as**  
 24 **committed to providing justice for male victims as**  
 25 **female victims, and, as much as possible, we are gender**

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1 if a criminal act is -- I'm going to get the phrasing  
 2 slightly wrong. If there is a link with disability,  
 3 there can be an increase in sentence. Is that broadly  
 4 right?  
 5 **A. That's right. The CPS has a public policy statement on**  
 6 **disability hate crime and hate crime generally.**  
 7 **Prosecutors will bring any evidence to the sentencing**  
 8 **court that suggests that the crime may have been**  
 9 **motivated by hate of the disability, and there is**  
 10 **a statutory route to uplifting that sentence under**  
 11 **section 146 of the Criminal Justice Act 2003 where the**  
 12 **judge is able to increase that sentence if it is said to**  
 13 **be motivated or guided by hate.**  
 14 **Judges should give an uplift, or consider giving an**  
 15 **uplift, for that type of behaviour and of course you've**  
 16 **mentioned the sentencing guidance -- Sentencing Council**  
 17 **guidance on this which reminds judges of that and, of**  
 18 **course, on the Sentencing Council, I think there is**  
 19 **someone from Victim Support who sits there. So this has**  
 20 **been formulated by senior judges along with stakeholders**  
 21 **to reflect the seriousness of this type of offending.**  
 22 Q. I think, for completeness, you very recently provided  
 23 the most up-to-date information about that. We have got  
 24 the note. We don't need to bring it up. But you have  
 25 given us information about -- I think it's section 146

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1 **neutral in the way that we approach these cases, because**  
 2 **they are looked at by the same prosecutors, they are**  
 3 **looked at -- they are specially trained, and they will**  
 4 **approach cases involving male victims in exactly the**  
 5 **same way as they will approach cases involving female**  
 6 **victims.**  
 7 Q. As far as children with a disability are concerned, can  
 8 I bring up CPS004918\_005, paragraphs 22 to 24, please,  
 9 Danny.  
 10 You have talked there about guidance that recognises  
 11 that disabled children may be particularly vulnerable to  
 12 being targeted. You have specific guidance on  
 13 disability hate crime and crimes against disabled  
 14 people. I don't need to bring those up. I'm sorry,  
 15 I just need to be a bit slower, I think, as I'm sure is  
 16 generally the case, but specifically at the moment while  
 17 the transcript is down.  
 18 I'm sorry, Danny, can I just scroll in on  
 19 CPS004918\_005, paragraphs 22 through to 24.  
 20 You have quoted there, Mr McGill, the disability  
 21 hate crime guidance. I don't need to bring that up but  
 22 that document, if the panel wish to look at it, is  
 23 INQ005639. You have also mentioned the seriousness  
 24 guidelines that are provided, I think, by the Sentencing  
 25 Council, and I think there is a recognition there that

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1 of the Criminal Justice Act 2003 about aggravation  
 2 related to disability or, indeed, sexual orientation or  
 3 transgender identity. We don't need to bring it up, but  
 4 it's CPS005005\_003-004. I think that's the extract on  
 5 the aggravated factors from Blackstones that was very  
 6 recently provided, the sentencing guidelines that  
 7 I think are now the most up-to-date ones.  
 8 Is there anything else in relation to our theme of  
 9 children with a disability who are sexually exploited by  
 10 networks that you'd like to say?  
 11 **A. No, other than we, like the rest of society, have noted**  
 12 **that crimes motivated by hatred of disability are**  
 13 **abhorrent and it's reflected in our public guidance and**  
 14 **in our legal guidance and we encourage our prosecutor,**  
 15 **wherever it's evident, that we bring it to the attention**  
 16 **of the court and it is dealt with appropriately.**  
 17 Q. Is it fair to assume that the previous evidence you've  
 18 given about special measures generally and about  
 19 recognising the vulnerability of victims will be looked  
 20 at bearing in mind a child's disability? Do you think  
 21 that's fair?  
 22 **A. Indeed. I said earlier on that I think the use of**  
 23 **intermediaries that have come into force under the**  
 24 **various legislation that have been in force since**  
 25 **I think about 2007 have been a game changer in allowing**

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1 us to get the best evidence from vulnerable victims,  
 2 vulnerable complainants, to enable them to properly  
 3 communicate their story to the court, so what has  
 4 happened to them can be properly dealt with within the  
 5 criminal process.

6 I think that really is so important in the way that  
 7 these offences have been approached by both prosecutors  
 8 and investigators, and I think as well, talking about  
 9 what we spoke about earlier on, I think that was  
 10 reflected by Dr Beckett in the evidence that she gave  
 11 earlier on to the inquiry, and, yes, we accept that we  
 12 are still – we have still got things to do but I think  
 13 Dr Beckett accepted that, actually, the experience of  
 14 people in the criminal justice system, she'd observed  
 15 some very good examples of investigators and prosecutors  
 16 improving their performance in this area, and I think  
 17 that's as a result of a number of the initiatives that  
 18 have come in that have enabled us to properly support  
 19 and help victims, vulnerable victims, through this  
 20 quite -- this very difficult process.

21 Q. Our next theme is that of partnership working on child  
 22 sexual exploitation. I'd like to ask you some questions  
 23 just briefly about that. You have given some evidence  
 24 on this broad topic at CPS004918, internal  
 25 paragraphs 25, I think, through to 36. But, Danny, can

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1 disclosure from certain third parties; it could be about  
 2 evidence relating to the deployment of a covert  
 3 technique.

4 It's very open ended, and it will be targeted to the  
 5 particular circumstances of a case and what assistance  
 6 the police require from the CPS.

7 But I do need to make this point very clear, and  
 8 I have made it previously when I have given evidence  
 9 before the tribunal: the police don't have to come and  
 10 seek early investigative advice. They are operationally  
 11 independent. So we have got no power to march into  
 12 police stations and demand that they see us and for us  
 13 to give them the advice. We give it if it is required  
 14 and asked for, and, of course, we can't direct the  
 15 police. We can provide them with advice. They don't  
 16 have to take it. They are operationally independent,  
 17 and they can seek to ignore our advice.

18 Having said that, it would be a bold investigator  
 19 who, seeking advice from a prosecutor, received that  
 20 advice and decided to ignore it, because that would be,  
 21 I think, a difficult situation for the investigator to  
 22 be in, because they may find it difficult, after then,  
 23 if they have done something that they shouldn't have  
 24 done, to get a positive charging decision.

25 So it's there as a resource.

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1 we bring up, please, CPS004918\_006, paragraph 30,  
 2 because one element, Mr McGill, of partnership working,  
 3 as far as the CPS are concerned, is that of early  
 4 investigative advice, which is just very simply where  
 5 the police and the CPS liaise at an early stage in  
 6 a case in order to understand the legal elements a bit  
 7 more carefully. Just tell us a little bit for the  
 8 panel's note about what EIA is?

9 A. Well, it's a system whereby -- we need to, again, go  
 10 back to what the various responsibilities of everyone in  
 11 the criminal justice system is. The police investigate.  
 12 They are entirely operationally independent of the CPS  
 13 and the CPS are independent of them. Indeed, the CPS  
 14 are independent of everyone. But what we do do is  
 15 provide advice to the police as they start an  
 16 investigation or as they go into an investigation. If  
 17 they decided that they are looking at criminal offences  
 18 and they are looking at -- to seek to build a case to  
 19 prosecute, we will provide advice to them, and the  
 20 advice will be bespoke to what they require.

21 So it could be advice about the ABE interview; it  
 22 could be advice about what we talked about earlier on,  
 23 should they treat an individual as a victim or as  
 24 a witness; it could be about forensic evidence; it could  
 25 be about disclosure, whether they should go and seek

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1 I see it as a very important part of our service to  
 2 the police. I accept that I think that there's more  
 3 that needs to be done in that. In fact, that was made  
 4 clear by the inspectorate report of 2019.

5 Q. Just pause there, Mr McGill. Can we scroll in on  
 6 CPS004918\_007. This is your witness statement,  
 7 Mr McGill. Danny, can we scroll in on internal  
 8 page \_007, footnote 2. Mr McGill, you fairly summarise  
 9 the findings of the HMCPSI 2019 rape inspection, which  
 10 we have. We don't need to bring it up. But it is  
 11 INQ005625\_059-061. That finding was that EIA was  
 12 underused and not effective and was being confused with  
 13 gate keeping and police supervision.

14 Just before you answer any question on this, can  
 15 I also bring up, please, again, the evidence from  
 16 Mr English, which is at CPS004976\_009 internal  
 17 paragraph 7(a) where he says that very few cases are  
 18 referred to the CPS by Warwickshire Police. When such  
 19 cases are referred, EIA is generally not the preferred  
 20 option, and there appears to be a lack of understanding  
 21 of the purpose of EIA and the process by which to access  
 22 it.

23 So the question is what the CPS is doing to address  
 24 the criticisms in the rape inspection from 2019 and  
 25 perhaps the evidence that is of a similar nature from

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1 this prosecutor?

2 **A. Ms Hill, I suppose I would answer that question like**

3 **this: we have accepted the findings of the inspectorate.**

4 **What we are doing, we are working closely with our**

5 **police partners as a result of the RASSO 2025 strategy**

6 **to work with senior police officers and police officers**

7 **on the ground to ensure that the benefit and what we can**

8 **do with early investigative advice is both understood by**

9 **the police at a senior level and also by police officers**

10 **at an operational level.**

11 **As I said earlier on, it is entirely optional for**

12 **the police to seek that advice and previously it was**

13 **mandatory for them to seek that advice but they didn't**

14 **always do so.**

15 **What we have accepted is that we have got to work in**

16 **partnership together to make the case to make sure that**

17 **officers understand the benefit that EIA can bring to**

18 **their investigations and that advice is sought at the**

19 **earliest available time so that we can build strong**

20 **cases that we can eventually take through to prosecution**

21 **or identify those cases that we are not able to pursue**

22 **but we may be able to use some safeguarding options to**

23 **protect vulnerable witnesses.**

24 **So we accept that more needs to be done. We also**

25 **accept that, actually, we have to work with our police**

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1 a number of people. We work with third-sector groups,

2 we work with the police, we work with the Bar. All our

3 advocates are properly trained in advocacy and the

4 vulnerable. So we work across the whole sector to try

5 to improve the service that we provide to both victims,

6 witnesses, but to the criminal justice system generally,

7 to improve the performance in these cases.

8 **Q. A few more questions for you, Mr McGill. One of**

9 **the issues that you know was considered by the 2019**

10 **inspection was this issue around the apparent growing**

11 **gap between the number of rape offences reported and the**

12 **number of cases going to court. Do you want to just**

13 **give us a brief summary of what you feel able to say**

14 **about the judicial review proceedings that you have been**

15 **already alluding to?**

16 **A. Yes. I think the Director of Public Prosecutions,**

17 **Max Hill QC, has been very clear that we share the**

18 **concern of the growing gap between the number of**

19 **allegations made and the number of cases prosecuted.**

20 **Where we disagree with a number of groups is that the**

21 **reason for that can be attributed to any change of**

22 **approach by the CPS. We simply don't accept that and we**

23 **are robustly and strongly defending the allegations that**

24 **are made against us in that respect.**

25 **What I can say is, where we are presented with**

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1 **colleagues. It is a joint responsibility to try to**

2 **improve the everyday experience of early investigative**

3 **advice and, generally, investigative advice throughout**

4 **the life of a case. Because you might get early**

5 **investigative advice, but you might -- and I have done**

6 **this on a number of occasions -- have provided advice to**

7 **the police along a long-running police investigation**

8 **over many months, sometimes years, and making the case**

9 **that the value that can be added by doing that I think**

10 **is a joint responsibility for us and our police**

11 **partners.**

12 **Q. Before we leave that topic, can I just make a note that**

13 **there's further evidence on this from the other Crown**

14 **Prosecutor, Ms Scott, at CPS004977, internal**

15 **paragraphs 4, 12 to 13 and 48 to 52.**

16 **I don't need to bring it up, but on the issue of**

17 **partnership working, is this right, Mr McGill, that the**

18 **CPS has provided to the inquiry a document with**

19 **reference INQ005626, which is a report on violence**

20 **against women and girls from 2018 to 2019 that to some**

21 **degree sets out the extent to which the CPS is working**

22 **with other agencies to tackle this particular threat?**

23 **A. Well, indeed. We were talking about early investigative**

24 **advice earlier. The police were our main partners on**

25 **that. But across the whole strategy we work with**

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1 **evidence that satisfies the evidential stage and the**

2 **public interest stage of the Full Code Test, we will**

3 **always prosecute.**

4 **Q. The panel can read it, but the suggestion has been about**

5 **whether or not there's been a move away from the**

6 **merits-based approach. Your witness statement at**

7 **CPS005004\_001 through to \_003 provides further detail,**

8 **does it, on that judicial review?**

9 **A. It does.**

10 **Q. Can I ask you then some questions, please, about the**

11 **issue of budget cuts, whether or not specialist officer**

12 **resource has been reduced and whether or not there are**

13 **particular pressures caused by that.**

14 **Can I bring up, please, INQ005997, internal**

15 **paragraphs 38 to 39. This is, again, Mr Afzal's**

16 **evidence. Can I have INQ005997\_006-007, paragraphs 38**

17 **to 39. Just respond, if you could, Mr McGill, to what's**

18 **said in those paragraphs.**

19 **A. Ms Hill, I have to be very careful what I say here**

20 **because I am a civil servant and a senior civil servant**

21 **and nothing I say should be seen as being in any way**

22 **critical of any government policy. Civil servants apply**

23 **government guidance and we have to live within the**

24 **budgets that we are given.**

25 **Mr Afzal, as an ex-civil servant, has a -- more**

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<p>1 licence to say what he has to say.</p> <p>2 I can agree that, since 2010, all of</p> <p>3 the public-sector public services, have been subject to</p> <p>4 significant budget cuts. The CPS has received a budget</p> <p>5 cut of some 28 per cent in that time. Whilst recently</p> <p>6 we have had an extra £85 million given to us by the</p> <p>7 government, we have lost a significant part of our</p> <p>8 budget over the preceding ten years.</p> <p>9 It is true to say that we have lost a lot of staff.</p> <p>10 In 2010, we had somewhere between 8,500 and 9,000 staff</p> <p>11 and up to recently we had somewhere between 5,000 and</p> <p>12 5,500 staff. For a period of years we couldn't recruit</p> <p>13 as people left, and often the people that left were our</p> <p>14 most experienced staff.</p> <p>15 So, yes, of course austerity and budget cuts have</p> <p>16 had an effect on what we have been able to do. We have</p> <p>17 had to prioritise the work that we have done and what we</p> <p>18 have tried to do is focus our resource on front-line</p> <p>19 prosecuting. We have done that as much as we can, but</p> <p>20 we have lost an awful lot of experience over the years.</p> <p>21 But in this type of offending, what we have tried to</p> <p>22 do is build up specialisms. We set up RASSO units and</p> <p>23 we specially trained those prosecutors in there. They</p> <p>24 are experts in what they do. They prosecute these cases</p> <p>25 and we have tried to mitigate the effect of any budget</p> <p style="text-align: center;">Page 57</p>	<p>1 cuts and the effect of austerity by ensuring that these</p> <p>2 cases are looked at by experts who properly understand</p> <p>3 this type of offending and can make objective,</p> <p>4 impartial, proper prosecution decisions in this area.</p> <p>5 It has been a challenge. I have been a civil</p> <p>6 servant for 30 years and the last 10 years have probably</p> <p>7 been the most challenging of my career.</p> <p>8 But we have to work within the resources that we are</p> <p>9 given and we have tried to mitigate the effect of any</p> <p>10 austerity by ensuring that we focus on our front-line</p> <p>11 duty, which is the proper application of</p> <p>12 the Full Code Test.</p> <p>13 Q. Two further questions for you, Mr McGill. One relates</p> <p>14 to, again, going back to this issue of the disparity</p> <p>15 between the number of cases reported and the number of</p> <p>16 cases charged. Can I ask you to look at the evidence</p> <p>17 provided by the Centre for Women's Justice from</p> <p>18 Harriet Wistrich, INQ005168. For the note, her evidence</p> <p>19 on this issue is paragraphs 99 to 106, but specifically,</p> <p>20 Danny, if we could scroll in on paragraph 104 on</p> <p>21 page _028.</p> <p>22 This is what Ms Wistrich says. It is page _028,</p> <p>23 paragraph 104. That the work that they have done to</p> <p>24 collate evidence shows that less than 1.5 per cent of</p> <p>25 reported rapes are being charged.</p> <p style="text-align: center;">Page 58</p>
<p>1 The question that is raised in relation to this</p> <p>2 issue -- you will be familiar with that evidence,</p> <p>3 Mr McGill. We can perhaps take it down.</p> <p>4 I think you gave evidence in the Lambeth strand of</p> <p>5 this investigation -- of this inquiry that the CPS is</p> <p>6 more successful in prosecuting these cases than we have</p> <p>7 ever been, and the question put to you is whether that</p> <p>8 evidence needs reflection, in light of the material</p> <p>9 provided in Ms Wistrich's statement. Do you want to</p> <p>10 respond to that?</p> <p>11 A. I said on a number of occasions that the CPS is demand</p> <p>12 led, and we can only make decisions on the cases that</p> <p>13 are sent to us.</p> <p>14 There was some work done in London by the London</p> <p>15 Victims Commissioner that showed that, of</p> <p>16 the 100 per cent of cases that were referred to the</p> <p>17 Metropolitan Police, 86 per cent of those cases didn't</p> <p>18 come anywhere near the CPS. They were stopped by the</p> <p>19 police of their own volition.</p> <p>20 Of the cases that were sent to the CPS, we</p> <p>21 prosecuted about half of them. So I think there has to</p> <p>22 be -- these figures have to be put in their proper</p> <p>23 perspective, and we have to go back again to understand</p> <p>24 it, what the roles of everybody in the system is.</p> <p>25 The police investigate crime. They are under no</p> <p style="text-align: center;">Page 59</p>	<p>1 obligation to send cases to the CPS. They are</p> <p>2 operationally independent and they can make decisions</p> <p>3 not to. As I said, in the independent report carried</p> <p>4 out in London, 86 per cent of those cases they didn't</p> <p>5 refer. They made their own decision not to refer.</p> <p>6 I repeat what I said earlier on about cases not</p> <p>7 being referred. The police may indicate, as the report</p> <p>8 that I haven't seen has alluded to, that they are not</p> <p>9 sending them to the CPS because they feel that we won't</p> <p>10 charge them.</p> <p>11 Well, that may be what the police say. My statement</p> <p>12 gives indications of the fall in referral cases across</p> <p>13 the whole of the cases that the police refer to the CPS,</p> <p>14 and particularly the cases that they can charge</p> <p>15 themselves which they don't need the authority of</p> <p>16 the CPS to charge, those cases have fallen by a similar</p> <p>17 amount to those cases that they refer to us.</p> <p>18 In respect of what I said in the Lambeth strand,</p> <p>19 I absolutely and utterly stand by everything that</p> <p>20 I said. The report of the inspectorate in 2015 to 2016</p> <p>21 indicated that, when they did their review then,</p> <p>22 10 per cent of the cases that were charged by the CPS</p> <p>23 did not meet the tests set out in the Code for Crown</p> <p>24 Prosecutors. That meant, in 10 per cent of cases, we</p> <p>25 had made an unlawful decision. We had charged not in</p> <p style="text-align: center;">Page 60</p>

1 accordance with our Code.

2 That is a matter of very real concern generally, but

3 it is also a case that, in each of those cases, that is

4 a potential miscarriage of justice. We are charging

5 people where there is insufficient evidence to do so.

6 What the CPS has to do is to make sure that it

7 maintains that particular balance in what's been

8 referred to as the triangulation of rights. We have to

9 have an eye on the rights of the victim, the rights of

10 the suspect, but also the public interest, and,

11 actually, what we have got to do is make sure that we

12 are making our decisions in accordance with the Code for

13 Crown Prosecutors. That is our legal duty and we have

14 to make sure that we are properly carrying out that

15 legal duty.

16 So 10 per cent were not charged in accordance with

17 the Code in 2016. When they came back and looked at our

18 decision making in 2019, they found that we were

19 98 per cent Code compliant. That indicates that our

20 legal decision making was much better and much more in

21 accordance with our legal duty, and they also indicated

22 that they found no evidence of any risk aversion in our

23 legal decision making.

24 In fact, they found the case that they wouldn't have

25 prosecuted that we would have prosecuted -- that we did

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1 to what is required, and prosecutors have to seek to

2 build the strongest case that they can build, and it is

3 very important that all these questions are asked early

4 on in an investigation, because the nightmare scenario

5 is that matters come out later on, particularly when

6 vulnerable victims may be being cross-examined in

7 a Crown Court setting.

8 So prosecutors are obliged to ask questions, ask the

9 police whether they have considered certain things.

10 Yes, of course I am concerned if there is a finding that

11 we are being asked -- we are asking for disproportionate

12 amounts of information, and that is something that we

13 are looking at and working with police colleagues. But

14 this is a matter where perhaps we may need to do better.

15 I accept that we are not perfect, but, as an

16 organisation, we accept where we can do better and work

17 to improve and we are working with our police colleagues

18 in RASSO 2025 to improve the service that we bring.

19 Q. Related to this issue is obtaining telephone evidence.

20 You will be aware that the NPCC guidance on this has

21 recently changed, with the agreement of the CPS and the

22 College of Policing. There have been questions in this

23 inquiry about whether children may be unwilling to hand

24 over their telephones for fear that they will be denied

25 access to it for some time.

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1 end up prosecuting. So the criticism that they made was

2 that we probably prosecuted a case that they thought we

3 shouldn't have done.

4 So I stand by what I said, that I think our decision

5 making is better in this type of case than it's ever

6 been. That is not to say that there's not more to do.

7 We have indicated earlier investigative advice, we are

8 working with police colleagues on that, and I have

9 indicated that the director shares the concern at the

10 drop in cases that have been referred generally from the

11 allegations that have been made through to prosecution.

12 But what we say on that is that that's a matter

13 affecting the whole of the system, and it requires

14 a whole-system approach with everyone improving what

15 they do in that, and it can't be made just a matter of

16 the CPS decision making. That is far too narrow, and

17 the problems affecting the system are much wider than

18 that, and that is what is being argued out in the

19 judicial review.

20 Q. I think that inspection report also raised questions

21 about whether or not prosecutors were making

22 disproportionate and unnecessary requests for additional

23 information, in the context of cases that had not been

24 prosecuted. Do you accept those concerns or criticisms?

25 A. I think that -- often it is a judgment call, Ms Hill, as

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1 In your view, did the previous guidance hamper

2 prosecutions in CSE cases, such that the guidance --

3 such that changes to the guidance was merited?

4 A. It's a very difficult question for me to answer. What

5 I would say is, it is vitally important that

6 investigators and prosecutors follow all reasonable

7 lines of enquiry. If investigators and prosecutors do

8 not follow those reasonable lines of enquiry, there is

9 a very real possibility of miscarriages of justice. We

10 have disclosure responsibilities that we have a duty to

11 fulfil.

12 Again, it is a balance. Investigators and

13 prosecutors have to make sure they get that right

14 balance. The way people lead their lives now is often

15 on smartphones, tablets, and everything is there. But

16 they are valid and proper areas of concern and enquiry

17 by investigators and prosecutors who have to disclose

18 their -- have a legal duty to disclose and carry out

19 their disclosure responsibilities.

20 What is important, and we have provided guidance to

21 prosecutors, is that they ensure that any lines of

22 enquiry that they ask the police to carry out are

23 reasonable, and that the police are proportionate in

24 what they do.

25 Again, this is an area where sometimes there will be

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1 **disagreement as to what is proportionate and what is**  
2 **reasonable. It is a matter of judgment and, ultimately,**  
3 **if we can't satisfy our disclosure responsibilities, we**  
4 **can't prosecute, and if we can't prosecute, we can't**  
5 **seek justice. So in answering whether the previous**  
6 **forms were disproportionate, they were police forms.**  
7 **I'm not going to say whether they were disproportionate,**  
8 **or not proportionate. What I can say is there have been**  
9 **further discussions and I think we have reached an**  
10 **agreement for a national form which will enable us**  
11 **jointly to move forward. I think that's a very real**  
12 **improvement and, rather than saying whether the previous**  
13 **forms were proportionate or disproportionate, I would**  
14 **rather focus on where we are now, that we have an agreed**  
15 **form on which we can move forward to more successfully**  
16 **prosecute this type of offending.**  
17 **That's not to say that's going to satisfy anyone in**  
18 **every single case, but it is a start.**  
19 Q. Finally, Mr McGill, my final question for you, we have  
20 referenced the December 2019 HMCPSI report a few times.  
21 I think you may be aware that in February of this year  
22 it was reported, I think, in the Guardian newspaper that  
23 the CPS have conducted an internal review that was  
24 reported to have exposed its failings in rape cases, but  
25 that it did not share that review with the inspectors.

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1 MS SHARPLING: I see. I'm thinking about the issues of  
2 implementation of new policy guidance. What is the role  
3 of the local area in implementing the policy guidance?  
4 You have talked a lot about national training and  
5 national work, but what happens locally? How does it  
6 get embedded in the psyche of the prosecutor?  
7 A. Well, madam, I suppose we have recently -- we have -- in  
8 this area, we have got a VAWG team and we've recently  
9 set up a strategy and policy directorate and we've got  
10 a central legal training team. So we aim to do it  
11 essentially by training all our prosecutors so that they  
12 are aware of recent developments in the law and recent  
13 developments in policy and ensuring that they take that  
14 back to their everyday work.  
15 Of course they are managed by specially trained  
16 managers who manage the units in which they are in, they  
17 have development discussions. We have area performance  
18 review where we are able to look at performance and what  
19 is going on. So it is a sort of process whereby we try  
20 to provide them with the information and ensure at  
21 a local level that local managers ensure that it's being  
22 followed.  
23 We of course have an IQA system, our individual  
24 quality assessment system, whereby local managers are  
25 able to dip sample performance and dip sample the

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1 According to the guardian report, the inspectorate  
2 indicated that it was unaware of the existence of this  
3 report. Are you able to comment on that press  
4 reporting?  
5 A. Not with any degree of specificity, but I can -- if the  
6 inquiry would find it useful, I will find out what the  
7 exact position is in respect of that and include it in  
8 my statement.  
9 MS HILL: I think, given that the panel has been referred to  
10 that report several times, we would be grateful for  
11 that.  
12 Chair, those are all my questions for Mr McGill.  
13 THE CHAIR: Thank you very much. I have no questions.  
14 Ms Sharpling?  
15 Questions from THE PANEL  
16 MS SHARPLING: Thank you, chair. Thank you, Mr McGill. I'm  
17 going to get back to some practical matters, if I might.  
18 Am I right in thinking that in your role you're not  
19 operationally responsible for any of the cases dealt  
20 with at local level?  
21 A. Operationally responsible, no. Ultimately responsible,  
22 yes.  
23 MS SHARPLING: Who is operationally responsible?  
24 A. Operationally responsible, at a local level, would  
25 ultimately be the Chief Crown Prosecutor.

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1 **quality of lawyers' files, and that's fed through to the**  
2 **local case work committee, which is chaired by the local**  
3 **Chief Crown Prosecutor, who pulls together all the data**  
4 **and can challenge and interrogate the data and**  
5 **performance to see what the issues are and bring in**  
6 **strategies if things need to be changed. So there's the**  
7 **external sort of national look at performance, but they**  
8 **do their own internal quality assessment and performance**  
9 **as well.**  
10 MS SHARPLING: Is that information particular to the area or  
11 is it made available to you? Does it have a national  
12 face to it?  
13 A. Yes. They do a lot of -- certainly on VAWG work, they  
14 produce a lot of returns --  
15 MS SHARPLING: Sorry, could you not use the acronyms,  
16 Mr McGill.  
17 A. Violence against women and girls, the separate team,  
18 they report to that team on a regular basis. Of course,  
19 the data is available nationally, and it's precisely  
20 that data that I use when I go in to do performance  
21 reviews with the areas which I manage.  
22 MS SHARPLING: I see.  
23 Staying with the local level, if I may, you talked  
24 about senior managers in RASSOs. Is there any  
25 discussion or meeting with senior detectives,

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1 for example, to discuss trends in the prosecution of  
 2 child sexual abuse, to have a lessons learnt session or  
 3 try and understand the respective data, which will be  
 4 counting different things in different organisations, to  
 5 come to some mutual understanding about what is going  
 6 on?  
 7 **A. Yes, there is. I think Lawrence English talks about it**  
 8 **in his statement. He talks a bit about the local**  
 9 **prosecution team performance meetings that occur with**  
 10 **local forces.**  
 11 **Of course, at a national level -- I can deal with it**  
 12 **in stages. At a national level, we meet the -- and the**  
 13 **director meets the National Police Chiefs Council leads**  
 14 **on this, and of course recently we made a decision to**  
 15 **bring RASSO work in to our national disclosure**  
 16 **improvement plan system of governance, so it is all**  
 17 **going to come and be a national focus. That's**  
 18 **replicated at the local level.**  
 19 **So all our Chief Crown Prosecutors have regular**  
 20 **liaison with their local chief constables. Our Deputy**  
 21 **Chief Crown Prosecutors have local liaison with**  
 22 **Assistant Chief Crown Prosecutors and, drilling down,**  
 23 **our Senior District Crown Prosecutors and District Crown**  
 24 **Prosecutors meet at an operational level to talk about**  
 25 **the particular performance in relation to particular**

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1 **A. But that doesn't stop us working in partnership,**  
 2 **I think, to jointly improve.**  
 3 MS SHARPLING: Has any consideration been given to issuing  
 4 joint guidance with the police on such matters to inform  
 5 understanding of that partnership and how best to deal  
 6 with the cases of child sexual exploitation, which of  
 7 course is the subject of this investigation?  
 8 **A. Of course all our guidance is publicly available.**  
 9 MS SHARPLING: I understand that.  
 10 **A. I do know that police officers use it, and we have**  
 11 **trained police officers in this type of offending and**  
 12 **generally. We talked about resource implications. It's**  
 13 **fair to say that, since austerity, we have had to be**  
 14 **very clear about what we are resourced to do and how**  
 15 **much resource we have got to do things outside of our**  
 16 **core operational business.**  
 17 **I'm not aware of joint guidance, but there is a lot**  
 18 **of work that we are doing in the disclosure field and**  
 19 **case management field that is jointly badged between us**  
 20 **and the National Police Chiefs Council.**  
 21 **So, yes, there is, and disclosure, of course, is**  
 22 **a key part of the challenges in this case, and we are**  
 23 **bringing RASSO and child sexual exploitation into that**  
 24 **governance structure which will mean, going forward, we**  
 25 **are speaking more with one voice.**

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1 **areas of prosecution, including rape.**  
 2 **So there's a whole system going down through the**  
 3 **process where us and our local police colleagues analyse**  
 4 **the data and see what trends are coming through.**  
 5 **Lessons learned, I think, is a very important thing.**  
 6 **When I was head of the Organised Crime Division, if**  
 7 **there was what we called an adverse outcome, we would**  
 8 **call it in for a case panel with the police, and we do**  
 9 **a lessons learned: what went wrong; what happened; what**  
 10 **could we do differently? And I know that takes place in**  
 11 **local areas, they have local case management panels,**  
 12 **sometimes chaired by the chief, sometimes chaired by the**  
 13 **deputy chief, where they analyse the decision making.**  
 14 **Sometimes they bring the police in and talk about that.**  
 15 MS SHARPLING: What I'm really getting at by these  
 16 questions, Mr McGill, is trying to understand whether  
 17 the CPS and the police service have arrived at a mutual  
 18 understanding of the level of prosecutions and the level  
 19 of attrition rate on which they can both agree?  
 20 **A. I think that's challenging, madam, because we have**  
 21 **different operational parameters and, as you know, the**  
 22 **police and the CPS do not always agree about the reasons**  
 23 **for certain matters, and sometimes we have to agree to**  
 24 **disagree.**  
 25 MS SHARPLING: I see.

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1 MS SHARPLING: A last question from me: on a very granular  
 2 point, do you receive any feedback from local areas as  
 3 to forensic delays? I have asked the other witnesses  
 4 about the processing of mobile phone data, for example.  
 5 Mobile phones can be critical to the feeling of  
 6 well-being for a child, and having it removed for long  
 7 periods of time would damage that and may result in  
 8 their non-cooperation. Have you had any particular  
 9 feedback about forensic delays locally?  
 10 **A. Yes, madam. I can't give you numbers, but I regularly**  
 11 **speak with my Chief Crown Prosecutors; I speak with**  
 12 **them, generally, on a weekly basis at the moment. I get**  
 13 **regular feedback about the levels of delay that there is**  
 14 **in processing this type of data, and it is causing**  
 15 **significant delays in the criminal justice system.**  
 16 **It is a worry for us and it is a worry for our**  
 17 **police colleagues, but there are a limited amount of**  
 18 **operators, forensic providers, who can provide support**  
 19 **in these services. So there is a significant feedback**  
 20 **to me that there are delays, which are going to be made**  
 21 **worse, of course, by the delays caused by the COVID**  
 22 **pandemic.**  
 23 MS SHARPLING: If you could include a paragraph enlarging,  
 24 if you can, on these delays that you have received in  
 25 terms of feedback in your next statement, that would be

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<p>1 most helpful.</p> <p>2 <b>A. I will endeavour to do that, madam.</b></p> <p>3 MS SHARPLING: Thank you very much. That is all I ask.</p> <p>4 THE CHAIR: Mr Frank?</p> <p>5 MR FRANK: Yes, please. First of all, thank you, Mr McGill,</p> <p>6 for returning to the subject of special measures, which</p> <p>7 you have already assisted us on in a previous strand of</p> <p>8 this inquiry, and you commented very positively a short</p> <p>9 while ago about the assistance that is now available</p> <p>10 through intermediaries.</p> <p>11 What I want to ask you is this: firstly, have you --</p> <p>12 we know there are a number of different special measures</p> <p>13 available, including pre-recorded cross-examination, and</p> <p>14 so forth.</p> <p>15 Is there a category or type of special measure that</p> <p>16 you are aware of has been sought, either by your counsel</p> <p>17 or by indeed an intermediary who can speak up for</p> <p>18 special measure needs, that has just not been available,</p> <p>19 that there is something that has been sought that is not</p> <p>20 on the list of special measures that could be provided</p> <p>21 and perhaps would be of assistance but no-one has yet</p> <p>22 actually made available? Because if that is the case,</p> <p>23 it would be really useful to know that, if it is a way</p> <p>24 of assisting witnesses to give their evidence. So</p> <p>25 that's my first question.</p> <p style="text-align: center;">Page 73</p>	<p>1 <b>A. Can I reflect on that and perhaps, having reflected on</b></p> <p>2 <b>it, as I answered to your colleague Ms Sharpling, put</b></p> <p>3 <b>a paragraph about that in a subsequent statement?</b></p> <p>4 MR FRANK: That would be helpful. Thank you.</p> <p>5 The second question is another aspect of the same</p> <p>6 issue, which is, you have already told us quite candidly</p> <p>7 about the effect of austerity. Of course, special</p> <p>8 measures are not inexpensive to implement. Are you</p> <p>9 aware that austerity has impacted in the way in which</p> <p>10 special measures are or are not sought, or are or are</p> <p>11 not granted by the presiding judge, because of course</p> <p>12 the ultimate decision is with the judge. Have you any</p> <p>13 information about the effect of austerity on that issue?</p> <p>14 <b>A. So I'm not aware of anything that has come to my</b></p> <p>15 <b>attention personally or what I have heard as a result of</b></p> <p>16 <b>my position in the CPS that would suggest that austerity</b></p> <p>17 <b>has formed any basis for any change in prosecutorial</b></p> <p>18 <b>desire to ask for these special measures, or, indeed,</b></p> <p>19 <b>judicial willingness to provide them. I have seen no</b></p> <p>20 <b>evidence of that.</b></p> <p>21 <b>In fact, as I said before, I think -- the judiciary</b></p> <p>22 <b>are one of the organisations that perhaps have moved</b></p> <p>23 <b>certainly more than people have given them credit for.</b></p> <p>24 <b>Section 28 and pre-recorded cross-examination and the</b></p> <p>25 <b>way that takes place now is so very different to some of</b></p> <p style="text-align: center;">Page 74</p>
<p>1 <b>the other experiences that we have heard young people</b></p> <p>2 <b>give not just in this strand but throughout strands in</b></p> <p>3 <b>the inquiry, so I'm not aware of any -- any situation</b></p> <p>4 <b>that has arisen that judges have used a lack of money as</b></p> <p>5 <b>a reason for not providing special measures.</b></p> <p>6 MR FRANK: I suppose my follow-up question on that would be</p> <p>7 this: are you aware of any resource that you could turn</p> <p>8 to to find out how many such applications were made, how</p> <p>9 many such were granted and how many such were turned</p> <p>10 down, possibly also including on what grounds? Is there</p> <p>11 a resource to which you could turn in order to find that</p> <p>12 out?</p> <p>13 <b>A. I'm not sure we keep that information. We make the</b></p> <p>14 <b>applications. Whether we record how many we make and</b></p> <p>15 <b>how many are refused, I simply don't know. Again, I can</b></p> <p>16 <b>seek to answer that question and include a paragraph in</b></p> <p>17 <b>any supplementary statement, if that would be helpful.</b></p> <p>18 MR FRANK: That would be helpful. Thank you very much,</p> <p>19 indeed. That's all I ask.</p> <p>20 THE CHAIR: Sir Malcolm?</p> <p>21 PROF SIR MALCOLM EVANS: Thank you. Just one point, really,</p> <p>22 that rather unites your last set of comments concerning</p> <p>23 partnership working with some of the comments you made</p> <p>24 at the start concerning, I suppose, definitions.</p> <p>25 If I am understanding you correctly, you were</p> <p style="text-align: center;">Page 75</p>	<p>1 explaining that, as far as the CPS is concerned,</p> <p>2 child sexual exploitation is seen as a form of</p> <p>3 child sexual abuse in the way that you approach the work</p> <p>4 based on the Working Together guidance.</p> <p>5 However, I think we have heard several times from</p> <p>6 police forces that they see the definitional issues</p> <p>7 around child sexual abuse, and particularly child sexual</p> <p>8 abuse in the context of organised criminal networks, as</p> <p>9 being a really important issue that defines their</p> <p>10 understanding of both the prevalence and how they go</p> <p>11 about, shall we say, engaging with the topic within</p> <p>12 their areas, and so we end up with a situation in which</p> <p>13 they are able to say that there is little child sexual</p> <p>14 abuse by organised networks, whilst accepting that there</p> <p>15 is quite a lot of child sexual abuse by fluid groups.</p> <p>16 Is there an important disjuncture here between the</p> <p>17 way in which the CPS is, shall we say, understanding</p> <p>18 child sexual abuse and the way that the police are doing</p> <p>19 it, and do you think they're right to make that</p> <p>20 distinction?</p> <p>21 <b>A. I think that's a very difficult question for me to</b></p> <p>22 <b>answer, sir. I suppose I go back to what I said right</b></p> <p>23 <b>at the beginning: prosecutors have to approach these</b></p> <p>24 <b>cases on the basis of the evidence that they are sent by</b></p> <p>25 <b>police officers, and, to a certain extent,</b></p> <p style="text-align: center;">Page 76</p>

1 to prosecutors, it doesn't really make any difference  
 2 what you call it; it's about how you're going to devise  
 3 a strategy for dealing with it, how you're going to have  
 4 a prosecution strategy to decide whether you're going to  
 5 charge the case, and, if you are going to charge the  
 6 case, how you're going to get it from the charge stage  
 7 to hopefully a successful conviction, if that's what the  
 8 evidence supports, at court. So that's why I said  
 9 I think I'm less worried about what you call it; I'm  
 10 just more interested in how we deal with it.

11 Whether there's a disconnect, I suppose all I can  
 12 say is, I can't answer for the police. But what we  
 13 encourage our prosecutors to do is to look at the  
 14 evidence they're given and come up with bespoke  
 15 strategies to deal with it and to understand the context  
 16 in which the offending has taken place and what the  
 17 drivers of the offending may be and to approach the  
 18 issues that we have discussed here today objectively and  
 19 impartially, free from myths and stereotypes.

20 Whether that is affected by what the police may  
 21 think, I can't really answer. We have to take a more  
 22 practical view, if I can put it that way, in how we  
 23 combat this type of offending.

24 Of course, our strategy and policy team do work  
 25 across Whitehall and do work across police forces to try

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1 THE CHAIR: Thank you. We have no further questions.  
 2 Ms Hill?

3 MS HILL: Chair, forgive me, there is one further rule 10  
 4 question which I omitted to explore with Mr McGill. It  
 5 is quite a short point, please.

6 You have been asked to consider evidence that's been  
 7 provided by both Margaret Oliver and Harriet Wistrich --  
 8 INQ004959, paragraphs 56, 81, 106 to 112 and Ms Wistrich  
 9 at INQ005158, paragraphs 73 to 76 -- about the issue of  
 10 whether -- sometimes the CPS has made tactical decisions  
 11 to place victims and survivors on an indictment to  
 12 enable their evidence to be adduced in court, and the  
 13 questions to you are about whether that approach is  
 14 appropriate, whether it's still used and the  
 15 implications of that for the anonymity of victims and  
 16 survivors. Can you comment briefly on that, Mr McGill?

17 A. I think sometimes this is caused by a misunderstanding  
 18 of actually what the law allows prosecutors to do in  
 19 these circumstances.

20 The case that we were talking about I think there is  
 21 specifically Operation Span, I think that Maggie Oliver  
 22 dealt with. I think we need to realise what the legal  
 23 document, the indictment, is about.

24 The allegation is, I think, from Maggie Oliver that  
 25 the CPS criminalised the young person by putting them in

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1 to come to some common understanding on this, and I know  
 2 that we are doing an awful lot of work with our police  
 3 colleagues at the moment in RASSO 2025 to deal with  
 4 this, and this may be some of the work we are doing  
 5 going forward.

6 Because I agree with you, in very general terms,  
 7 that where you have a joint understanding of what you're  
 8 dealing with with the police and the CPS, you're almost  
 9 guaranteed to get a better result, if that helps.

10 PROF SIR MALCOLM EVANS: Yes, indeed. Just to sum it up,  
 11 and I know you can't speak for the police, but I'm left  
 12 with the idea that perhaps you're hinting -- or there  
 13 may be a suggestion that the police are thinking  
 14 a little bit too much about the definitions of  
 15 the offences in these instances rather than the actual  
 16 nature of the offence itself, whereas your focus is more  
 17 on the nature of what has happened, rather than, if you  
 18 like, the categorisation of it for their purposes.

19 A. I think that's what I encourage my prosecutors to do, to  
 20 look at the issues they are confronted with and think  
 21 around and come up with a strategy for dealing with it.  
 22 As I have said -- I don't mean to be flippant when I say  
 23 this -- it doesn't really matter to me what it is  
 24 called; it is how we deal with it.

25 PROF SIR MALCOLM EVANS: Yes. Okay. Thank you very much.

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1 the particulars of the indictment. I don't accept that  
 2 there was any element of criminalisation there because  
 3 you have to remember what the offence was, and the  
 4 offence was an offence of conspiracy. Of course, all  
 5 acts in furtherance of a conspiracy are admissible to  
 6 prove that conspiracy, and so there was no element of  
 7 criminalisation of the young person there because the  
 8 indictment sets out at the top of the indictment who is  
 9 charged on that indictment, and the young person wasn't  
 10 charged. They were included in the particulars of  
 11 the indictment because they had carried out acts, but we  
 12 had made a decision that it wasn't in the public  
 13 interest to prosecute them. That doesn't stop us  
 14 putting them in the particulars of the indictment. It  
 15 is not criminalisation; we are legally entitled to do  
 16 that under the law relating to conspiracy.

17 And, of course, it goes to what we discussed earlier  
 18 on: prosecutors sometimes have to make very difficult  
 19 decisions. They have to balance those conflicting  
 20 rights, the rights of the suspect, the rights of  
 21 the complainant and the rights of the public, and in  
 22 Span, we were dealing with very serious criminality, and  
 23 there was a significant amount of public interest in  
 24 bringing those perpetrators of those serious offences to  
 25 justice and a decision had to be made.

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1       **So I don't accept that it was criminalisation. It**  
2       **was a proper, proportionate and reasonable response to**  
3       **the balance that we had to make in ensuring that these**  
4       **serious criminals were brought to justice.**  
5       Q. I think you are going to provide a further statement,  
6       Mr McGill, and we would be grateful, I think, if you  
7       would see if there is anything further that you wish to  
8       say about the example of Amber, in particular, who is  
9       mentioned in that evidence, in particular about whether  
10       or not she had been told she would not be named on the  
11       indictment, whether there was proper communication with  
12       her, and the issue around anonymity. If there is  
13       anything further you can say on that, we would be  
14       grateful if that went into your next statement, if that  
15       is all right, Mr McGill?  
16       **A. Thank you, Ms Hill. I will endeavour to do that.**  
17       MS HILL: Thank you very much.  
18               (The witness withdrew)  
19       MS HILL: Chair, those are all our questions for Mr McGill.  
20       We do still have a certain amount of evidence to hear  
21       today and to read today.  
22       We would suggest, chair, either that we proceed now,  
23       if you are willing, to read the timeline for  
24       Warwickshire -- that will take around 15 minutes -- or  
25       we rise and have a short lunch and then resume. Chair,

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1       2020.  
2       At age 15, CS-A146 was admitted to hospital with  
3       serious injuries suggestive of violent sexual assault.  
4       She was seen meeting several adult males in another town  
5       before the hospital visit. A complex strategy meeting  
6       was convened.  
7       At age 15, a few weeks later, the child was  
8       identified as a potential victim in a police  
9       multi-agency CSE operation. She required further  
10       medical treatment for injuries which were again  
11       suggestive of sexual assault.  
12       The police obtained two search warrants. The  
13       emerging police operation was discussed regularly at  
14       multi-agency meetings. Some reports noted that the  
15       child had been travelling to different towns and  
16       suggested that she had been sexually exploited by  
17       a number of adult males.  
18       At age 15, by the autumn of 2018, an examination of  
19       the suspects' phones was delayed due to a backlog of  
20       work for the police and the suspects' bail was extended.  
21       Aged 15, a multi-agency meeting recorded that CS-A146's  
22       needs at home were not being met, with neglect  
23       identified. She was referred to Barnardo's.  
24       At age 15, there was a concern that CS-A146's  
25       missing episodes were not being reported. Approximately

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1       it is matter for you what you would prefer to do.  
2       THE CHAIR: We will take Warwickshire just now and then have  
3       a short lunch.  
4       MS HILL: Thank you. I hand over, then, to Ms Benfield, who  
5       will read the Warwickshire timeline. It will take  
6       around 15 minutes.  
7       MS BENFIELD: Chair, these are the timelines of individual  
8       children cases in Warwickshire. The following timeline  
9       has been compiled by the inquiry's legal team from  
10       material disclosed to the inquiry, largely by the  
11       relevant local authority and police force. The timeline  
12       is not intended to be exhaustive but, rather, sets out  
13       relevant matters in relation to each child to  
14       contextualise the questions that have been put to the  
15       institutional witnesses. The timeline does not purport  
16       to express the child's own words, but, rather, what is  
17       known from disclosed material about their experiences of  
18       child sexual exploitation.  
19       Summary of timeline of WITNESS CS-A146 (read)  
20       MS BENFIELD: Chair, the first child is CS-A146. The  
21       evidence suggests that this child suffered from neglect  
22       in her home life, where her basic needs were not always  
23       met; that missing from home incidents were not always  
24       reported; and that she had been trafficked to different  
25       locations. This timeline extends from 2018 to early

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1       six months later, a multi-agency meeting recorded that  
2       CS-A146 had now had an ABE interview and a suspect had  
3       been bailed. In early 2020, no further action was taken  
4       on the relevant police operation.  
5       Summary of timeline of WITNESS CS-A216 (read)  
6       MS BENFIELD: The second child is CS-A216. CS-A216 was  
7       diagnosed with a neurodevelopmental disorder. The  
8       evidence suggests that she was moved around towns in her  
9       home area for the purposes of sexual exploitation and  
10       that a number of associated adult males abused her. The  
11       timeline spans the years 2016 to 2018.  
12       At age 13, CS-A216 had a missing episode. At  
13       age 14, she went missing after it was discovered that  
14       a 17-year-old male had been engaging in harmful sexual  
15       behaviour with her. He had been sending and receiving  
16       indecent images of the child by phone.  
17       At age 14, CS-A216 was permanently excluded by her  
18       school and was not in education. She was referred to  
19       CAMHS after an apparent serious self-harming incident.  
20       At age 15, in the months that followed, CS-A216 had  
21       numerous missing episodes, usually in the company of  
22       the same girl. It was reported that she was using  
23       cannabis and alcohol; that she may have had her drink  
24       spiked; that adult males had tried to get her to go to  
25       an address in a neighbouring town and to a hotel for

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<p>1 sexual purposes; and that she had been coerced by a male 2 who threatened her with a weapon. 3 Aged 15, CS-A216 disclosed during a CSE assessment 4 that older boys had engaged in harmful sexual behaviour 5 with her. Her life appeared to be chaotic whilst 6 missing, getting picked up by strangers in different 7 locations and being found at addresses with groups of 8 adult males. It appeared that she was being supplied 9 with alcohol and was very vulnerable to being sexually 10 abused when intoxicated. 11 At age 15, a strategy meeting recorded that CS-A216 12 had a neurodevelopmental disorder. She reported that an 13 adult male had asked her to perform sexual acts. 14 Various incidents were noted whilst she was missing from 15 home, suggesting that named adult males had groomed and 16 sexually exploited her. These included an account of 17 a male who picked her up in a car and later dropped her 18 at home. The police arrested two suspects. 19 Aged 15, a CSE risk assessment recorded that CS-A216 20 was at very high risk of CSE. Aged 15, CS-A216 was 21 allocated a CSE support worker and a child protection 22 conference was to be arranged. Her family were 23 considered to be protective of her, reporting to the 24 police when she was missing and providing the police 25 with relevant information about cars that they had seen</p> <p style="text-align: center;">Page 85</p>	<p>1 picking up the child. 2 Summary of timeline of WITNESS CS-A19 (read) 3 MS BENFIELD: Chair, the third child is CS-A19. The 4 evidence suggests that CS-A19 lived in a home where 5 there was alcohol misuse and domestic violence 6 throughout her childhood. She had special education. 7 There were periods when she was not in education and was 8 permanently excluded. She had additional learning needs 9 and had an education, health and care plan. 10 When she was 13, there were concerns about the risk 11 of child sexual exploitation, and later that she was 12 sexually exploited at house parties. This timeline 13 covers the period 2014 to 2018. 14 At age 13, the risk of sexual exploitation became 15 known to children's social care when it was reported 16 that she had arranged to meet a male in his 20s who had 17 been in contact with her online. A strategy meeting was 18 convened and took the decision that the threshold for 19 child protection was not met. 20 Aged 16, it was reported that CS-A19 had been raped. 21 A person was charged. The case was then discontinued, 22 but subsequently reinstated by the CPS as part of 23 a wider investigation. 24 At age 16, the child was referred to the MASH by 25 police. There were considered to be urgent safeguarding</p> <p style="text-align: center;">Page 86</p>
<p>1 concerns, including the risk of child sexual 2 exploitation. 3 At age 16, CS-A19 had a missing episode. The Return 4 Home Interview recorded that the child was attending an 5 address where adults supplied children with free drugs 6 and alcohol. She had disclosed that she had been raped 7 at this address earlier that year. 8 The author of the Return Home Interview noted that 9 the child had learning needs and had to have things 10 explained several times. The missing coordinator kept 11 in touch with the child until a CSE worker was 12 allocated. 13 At age 16, two multi-agency meetings were held to 14 consider the risk of sexual exploitation. CS-A19 was 15 graded as at medium risk of CSE. A named male was 16 identified as facilitating the attendance of children at 17 parties. 18 At age 16, a child in need assessment recommended 19 that CS-A19 should be supported to access education; 20 that her parent should be offered training to understand 21 CSE; and that the child should have a CSE worker. 22 At age 16, a CSE assessment noted that CS-A19 was 23 attending parties which were frequented by "risky 24 adults" and that there was domestic violence in the 25 family home. The child was believed to be using alcohol</p> <p style="text-align: center;">Page 87</p>	<p>1 and cannabis regularly, and was engaging with a CSE 2 worker and missing from home practitioner. The child 3 was described as having additional learning needs. 4 At age 17, a multi-agency discussion considered her 5 to be at medium risk of sexual exploitation. She was 6 considered as a victim in a police operation targeting 7 males supplying children with drugs and alcohol at 8 parties in order to sexually exploit them. The child 9 indicated that she did not wish to be supported by 10 a social worker, but did want the support of 11 a CSE worker. The case was kept open by children's 12 social care so that the CSE support could continue on 13 a voluntary basis. A police referral was received that 14 CS-A19 was pregnant. 15 At age 17, a multi-agency meeting was held in the 16 relevant police operation. CS-A19 was described as 17 "not engaging" and a referral to the national referral 18 mechanism was agreed. 19 Aged 17, a notification from the National Crime 20 Agency reported the decision in the NRM referral, which 21 concluded that CS-A19 was a victim of modern slavery. 22 At age 17, the person charged with rape of CS-A19 23 was acquitted at trial. The child was very upset by the 24 outcome of the trial and fearful of the repercussions of 25 giving evidence against the defendants. She was</p> <p style="text-align: center;">Page 88</p>

<p>1 supported during the trial by the CSE worker, who                  2 continued to support her for a further three months.                  3 At age 17, CS-A19 gave birth to a child. That child                  4 became subject to the child in need processes.                  5 Following this, she continued to turn to the CSE team                  6 when she needed support.                  7 At age 17, a multi-agency case audit noted that                  8 "there was learning to be taken from the case as there                  9 were early indicators of CSE ... In retrospect, it is                  10 apparent that agencies could have considered the CSE                  11 push and pull factors to a much greater extent".                  12 Summary of timeline of WITNESS CS-A151 (read)                  13 MS BENFIELD: Chair, the fourth child is CS-A151 and the                  14 evidence suggests that CS-A151 was abused from the age                  15 of 13 when she first came to the attention of agencies                  16 in Warwickshire, although her home area was in                  17 a different local authority area. She was travelling to                  18 other areas with a 15-year-old child and both were                  19 sexually exploited. She was tracked by multi-agency                  20 meetings in Warwickshire for several months, and this                  21 timeline considers the period 2018 to 2020.                  22 At age 13, a multi-agency CSE discussion in                  23 Warwickshire was held. The previous month, CS-A151                  24 travelled with the other child to several places.                  25 Concerns were raised by a hospital which treated the</p> <p style="text-align: center;">Page 89</p>	<p>1 second child for internal injuries suggestive of violent                  2 sexual activity. There were no details of offences or                  3 names of the alleged perpetrators, but evidence was                  4 obtained showing the two children with several                  5 "clearly adult" males.                  6 Aged 13, she was a victim in a known police                  7 operation and was discussed in a multi-agency forum                  8 regarding alleged sexual offences against her. It was                  9 reported that CS-A151 had been supplied with alcohol and                  10 cannabis and an adult male had sexually exploited her.                  11 At age 13, a backlog in the examination of suspects'                  12 mobile phones was causing some delay in the                  13 investigations in the police operation.                  14 At age 14, a Warwickshire Police crime report                  15 recorded that CS-A151 was travelling to another city and                  16 had several missing episodes; also that she had been                  17 sexually abused on multiple occasions by many adult                  18 males. She was stated to be known to CSE teams in                  19 several other areas. She was a victim in                  20 a West Midlands Police operation in addition to the                  21 operation in Warwickshire, with many of the same victims                  22 and alleged perpetrators involved.                  23 In early 2020, the CPS lawyer advised that no                  24 further action was to be taken on the Warwickshire                  25 Police operation.</p> <p style="text-align: center;">Page 90</p>
<p>1 Summary of timeline of WITNESS CS-A300 (read)                  2 MS BENFIELD: Chair, the final child is CS-A300. CS-A300                  3 was a looked-after child who had a neurodevelopmental                  4 disorder. The evidence suggests that he had a high                  5 number of missing episodes and was groomed and sexually                  6 exploited by adult males. This timeline covers the                  7 period 2017 to 2018.                  8 At age 16, it was reported that CS-A300 had made                  9 two attempts on his life by overdosing. At age 16, he                  10 was discussed by a partnership meeting where it was                  11 recorded that a change of placement had been sought with                  12 appropriate support services. He had been missing on                  13 many occasions.                  14 CS-A300 had several episodes of going missing from                  15 his placement. It was reported that he was going to                  16 meet a male associate, and there were concerns that the                  17 associate had influence and control over CS-A300.                  18 At age 17, it was noted that he had been picked up                  19 by an older man. At age 17, a multi-agency strategy                  20 discussion was held. CS-A300 had called an ambulance.                  21 He disclosed to staff that he needed to get away from                  22 the same male associate. This person had been taking                  23 him to a flat where he had been sexually assaulted by                  24 two other adult males.                  25 One of the alleged perpetrators confronted the child</p> <p style="text-align: center;">Page 91</p>	<p>1 and his carer whilst they were in the ambulance.                  2 A suspect was arrested and released under investigation.                  3 The suspect's phone was seized, but the police                  4 anticipated a delay in obtaining results from its                  5 examination. The child's carer reported incidents that                  6 suggested the child was being stalked; also that the                  7 child was very embarrassed about being asked the details                  8 of sexual assaults by a female police officer.                  9 A move to supported accommodation was planned, and                  10 the carer confirmed at the meeting that she would remain                  11 in contact with CS-A300 and continue to support him.                  12 Chair, thank you, that concludes the timelines in                  13 relation to Warwickshire.                  14 THE CHAIR: Thank you, Ms Benfield. We will now take                  15 a shortened lunch break and return at 1.50 pm.                  16 (1.10 pm)                  17 (The short adjournment)                  18 (1.50 pm)                  19 THE CHAIR: Thank you, Mr Hughes. Ms Benfield?                  20 MS BENFIELD: Chair, thank you. We are now going to hear                  21 from Gill Gibbons of PACE.                  22 MS GILL GIBBONS (sworn)                  23 Examination by MS BENFIELD                  24 MS BENFIELD: Ms Gibbons, you have provided a 13-page                  25 witness statement, which is at INQ005228. Is that</p> <p style="text-align: center;">Page 92</p>

<p>1 statement true, to the best of your knowledge and 2 belief?</p> <p>3 <b>A. It is.</b></p> <p>4 Q. Chair, I would like to formally adduce the entirety of 5 the witness's evidence by publishing the statement in 6 full.</p> <p>7 Ms Gibbons, the chairman have a copy of your 8 statement and the whole of the statement will be 9 uploaded to the website. we won't be going through it 10 line by line, but I will take you to particular topics 11 and ask you questions related to those topics.</p> <p>12 Ms Gibbons, you have also helpfully provided us with 13 two exhibits which are reports published by PACE. For 14 the record, they are INQ005169 and INQ006275. 15 Similarly, chair, with your permission, I formally 16 adduce both of those exhibits in full.</p> <p>17 Ms Gibbons, I propose to broadly follow the order of 18 the topics list that you have been provided, but I may 19 not touch on every issue. If you have any difficulties 20 seeing or hearing me or anyone else, please just let us 21 know. Of course you have access to the hearing bundle 22 and, if it assists you to look at any documents, please 23 do feel free to do so.</p> <p>24 We will go from now for approximately 40 minutes, 25 but if you need a break, for any reason, before that</p> <p style="text-align: center;">Page 93</p>	<p>1 time, please just let me know.</p> <p>2 You are Gill Gibbons and you are chief executive of 3 PACE UK, which is Parents Against Child Exploitation; is 4 that correct?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. Thank you. Just in summary, PACE is a registered 7 charity, as I understand it. You have been operating 8 for 24 years. You work alongside parents and carers of 9 children who are, or are at risk of, being exploited by 10 perpetrators external to the family; is that a correct 11 summary?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. You summarise in your statement the work that PACE 14 undertakes. Danny, it may be helpful to bring up 15 INQ005228_001 and scroll in to paragraphs 1 and 2. In 16 summary, Ms Gibbons, you explain that you provide 17 a range of services which you describe in more detail 18 across pages 2 to 5 of your statement, but I hope a fair 19 summary is that you provide one-to-one telephone support 20 for parents, a range of networking and befriending to 21 provide support for parents, training and also a parent 22 liaison service. Is that broadly correct?</p> <p>23 <b>A. Yes, that's correct.</b></p> <p>24 Q. Could you describe to the chair and panel in a bit more 25 detail the commissioned parent liaison service that you</p> <p style="text-align: center;">Page 94</p>
<p>1 describe in your statement -- it is page 2, paragraphs 5 2 to 7. There is no need to bring it up, but just for the 3 record. Could you help us with a bit more detail on 4 that service?</p> <p>5 <b>A. Yes. That is where local commissioners, either the 6 local authority or the Police and Crime Commissioner, 7 pay for our involvement in the multi-agency team. So we 8 are -- we become a partner with the multi-agency team to 9 provide dedicated support to parents, so working with 10 parents on the one hand and then liaising backwards with 11 the multi-agency team. So we are like a conduit between 12 the parents and their family and the team. Do you want 13 me to give a bit more information than that? I can 14 carry on.</b></p> <p>15 Q. That's fine, Ms Gibbons. Just to take it briefly, 16 I think you're commissioned currently in seven areas. 17 Just for clarity, they aren't any of the geographical 18 areas we have been considering in this investigation?</p> <p>19 <b>A. No.</b></p> <p>20 Q. As I understand it, you work on the basis that you are 21 co-located within multi-agency teams but providing the 22 aspect of dedicated support for parents?</p> <p>23 <b>A. That's right, yes. They don't correspond, but, you 24 know, we get a lot of learning from our partnership 25 work.</b></p> <p style="text-align: center;">Page 95</p>	<p>1 Q. I will come back shortly to deal with partnership more 2 specifically, but the first theme I wanted to address is 3 our theme of empathy. We are considering empathy and 4 concern for child victims and also the use of 5 victim-blaming language. Ms Gibbons, in your 6 statement -- and, again, there is no need, Danny, to 7 bring it up, but it is internal page _008, 8 paragraph 26 -- you provide an example of a girl who 9 disclosed abuse to a teacher in school. The teacher 10 then told the child that what she described was like her 11 being a prostitute. You then go on to explain that this 12 led to the child's disengagement in education. You 13 obviously cite that as a specific and powerful example, 14 but I wondered how regularly, in your experience, do you 15 see this kind of language being used?</p> <p>16 <b>A. I think it's receding, it is not as (inaudible) as it 17 was, but I think in a way it's become more covert rather 18 than overt. So we have heard professionals tell us that 19 the child is attention seeking or they're prostituting 20 themselves, and the example you have just said is an 21 example of that. But I think the language is changing 22 a little because, of course, there's been a lot of 23 information about this through the media as a result of 24 all the, you know, trials that have occurred, and there 25 is a real push to get children to be recognised as</b></p> <p style="text-align: center;">Page 96</p>

24 (Pages 93 to 96)



<p>1 victims, not consenting to what is happening to them.</p> <p>2 But in terms of covert, we still hear examples of</p> <p>3 where, you know, we hear, "Why is this child out at</p> <p>4 midnight in the park?" Obviously, you know -- and then</p> <p>5 she got abused. There's an assumption that she has --</p> <p>6 you know, she is -- that she's there and she's asking</p> <p>7 for it, but, in fact, the abuse is only occurring</p> <p>8 because the perpetrators are also there in the park at</p> <p>9 that time, and so there's still an assumption that the</p> <p>10 child is at fault and, of course, you know, as we know,</p> <p>11 they would not be abused if the perpetrators weren't in</p> <p>12 existence. So I think it's kind of a subtle way of</p> <p>13 still blaming the children for what's happening to them.</p> <p>14 Q. One of your exhibits, INQ005169, which is</p> <p>15 your November 2019 report on parents' experiences of</p> <p>16 children's social care system when a child is being</p> <p>17 sexually exploited, deals with a number of experiences</p> <p>18 that parents have, but one of the key findings that's</p> <p>19 identified on page _006 is that parents themselves</p> <p>20 describe being blamed by Social Services, and you have,</p> <p>21 as one of your key findings, that parents describe being</p> <p>22 treated as inadequate parents or being seen in some way</p> <p>23 to blame for the child's exploitation. Can you assist</p> <p>24 us in how commonly you hear from parents that they feel</p> <p>25 themselves to blame?</p> <p style="text-align: center;">Page 97</p>	<p>1 A. I think this is far more common than the victim-blaming</p> <p>2 language that children are on the receiving end of.</p> <p>3 I think, because we are -- because we are a national</p> <p>4 service and we provide a national parent support service</p> <p>5 for parents, we are the go-to place for parents who have</p> <p>6 got complaints about social care or other professionals.</p> <p>7 So obviously I think we may get a more distorted view,</p> <p>8 but I'm afraid, again and again, we hear that parents</p> <p>9 are assumed to be the problem.</p> <p>10 You know, what parents want when they go to</p> <p>11 Social Services, often they are not known to services,</p> <p>12 a lot of the parents we are working with, and they</p> <p>13 expect to be listened to, to be understood and to be</p> <p>14 dealt with in an honest and respectful way so that they</p> <p>15 can actually start to feel that their experience of what</p> <p>16 they are going through -- because obviously parents</p> <p>17 themselves are very traumatised by what's going on.</p> <p>18 They expect to be dealt with respectfully. But what</p> <p>19 they find is, they may not be believed, they are being</p> <p>20 checked out, they are being blamed or there is an</p> <p>21 assumption that there's something wrong at home. "This</p> <p>22 doesn't happen to normal families. There is something</p> <p>23 going wrong with the family".</p> <p>24 Very quickly, parents are left in a stage where not</p> <p>25 only are they traumatised by what they are witnessing</p> <p style="text-align: center;">Page 98</p>
<p>1 with their child, but they're also going through</p> <p>2 a process of defending themselves and trying to work out</p> <p>3 how to manage the assumption that they are inadequate,</p> <p>4 that something they are doing is causing this to occur</p> <p>5 and it is very deeply distressing for them and they come</p> <p>6 to us very, very distressed by what's happening in the</p> <p>7 way they're treated.</p> <p>8 Q. I think in your regional safeguarding model report that</p> <p>9 I will come to in a moment, it is identified on internal</p> <p>10 page 2 of that report that families are often</p> <p>11 traumatised twice over, as you describe it, first, by</p> <p>12 the horror of witnessing their child suffering the</p> <p>13 impact of abuse on themselves and their family and</p> <p>14 secondly by the way they are treated by agencies.</p> <p>15 A. That's correct.</p> <p>16 Q. The relational safeguarding model I want to deal with</p> <p>17 now, as it fits within our theme of risk assessment.</p> <p>18 It's INQ006275. Tell me if this is a fair summary: as</p> <p>19 I understand it, it is a model you support of early</p> <p>20 intervention and a use of relational safeguarding models</p> <p>21 to work with families rather than the use of a standard</p> <p>22 child protection model. Is that broadly correct?</p> <p>23 A. That is correct, yes. It is an alternative to the child</p> <p>24 protection model.</p> <p>25 Q. Can you help us with how relational safeguarding relates</p> <p style="text-align: center;">Page 99</p>	<p>1 to contextual safeguarding, which is something that we</p> <p>2 have heard about on previous days of this investigation?</p> <p>3 A. Yes, I can. Basically, in the relational safeguarding</p> <p>4 model, we -- parents are seen as the lead safeguarding</p> <p>5 partner, so they are not just a partner, they are the</p> <p>6 lead partner; and the recognition that a parent is</p> <p>7 severely traumatised by what they're witnessing with</p> <p>8 their child and the breakdown in family relationships</p> <p>9 and all the disruption that occurs at home.</p> <p>10 When they are called into a safeguarding meeting</p> <p>11 where there isn't a relational or contextual approach,</p> <p>12 they're assumed to take the full culpability for what is</p> <p>13 going on at home, so all the emphasis and the attention</p> <p>14 is on, what can they do, as parents, to make it safer</p> <p>15 for their children, and the assumption is that they have</p> <p>16 total responsibility.</p> <p>17 But with the contextual and relational working</p> <p>18 together, we are asking that people bring in the spaces</p> <p>19 and places where children are going to, the managers of</p> <p>20 those places, like whether it is parks or the shopping</p> <p>21 mall or whatever, and they are brought in to also look</p> <p>22 at what safeguarding measures they can put in place, and</p> <p>23 then the information that parents are gathering about</p> <p>24 what is going on at home and also what's going on in the</p> <p>25 community, combined with the information and</p> <p style="text-align: center;">Page 100</p>

<p>1 intelligence by those managers of those spaces and  2 places, can then be passed over to those who are  3 handling, you know, the complaints, whether that's the  4 police, the youth services and others, and they can then  5 use that information to put forward a case to try and  6 disrupt the abuse and then, eventually, hopefully, go  7 forward to conviction.</p> <p>8 So the contextual is looking at beyond the family;  9 the spaces and places that children go when they are out  10 of the home, whether that's through their school,  11 through the local park, going shopping with their  12 friends, wherever. Wherever they gather and spend time.  13 It is bringing that together with parents and looking at  14 a safeguarding measure between all those players and  15 putting that and gathering that information and giving  16 that to the police to compile a case against the  17 abusers.</p> <p>18 So it's looking at the context of a child's life,  19 but also the extra bit is recognising this very  20 significant role that parents play as a lead partner in  21 safeguarding their child.</p> <p>22 Q. Thank you. Just to highlight a couple of aspects of  23 the model in the printed version that we have received,  24 at internal page _004 you note that the majority of  25 children affected by sexual exploitation are living at</p> <p style="text-align: center;">Page 101</p>	<p>1 home when the abuse starts and, as I understand it, that  2 supports the basis for why you say a family-centred  3 approach is critical to keeping children in their  4 families and not going into care?</p> <p>5 A. That's absolutely correct. I think there is only  6 a small proportion of families we are supporting where  7 the children are not at home already, because we are  8 looking at six years upwards, often; mostly, obviously,  9 it is 14, 15, 16, that kind of age group. So, yes,  10 parents are the first to spot the signs that something  11 is going wrong and, therefore, they are key to bringing  12 that information to the attention of safeguarding  13 services.</p> <p>14 Q. Thank you. Then over the page, internal page _005 of  15 that report, you note that the child protection system  16 is focused on abuse and neglect within the home. But  17 the end result of that being that the system places  18 responsibility and the need for change within the family  19 rather than upon perpetrators?</p> <p>20 A. Absolutely, yes. I think the child protection system is  21 based upon -- it's largely based on younger children  22 rather than teenaged children. It is based on the  23 assumption, yes, that the neglect and abuse is within  24 the family and not outside the family home. As a result  25 of that, they're actually missing the opportunity to</p> <p style="text-align: center;">Page 102</p>
<p>1 recognise what support, specialist support, parents are  2 requiring when they come forward for help.</p> <p>3 Q. Over the page, this is an aspect of evidence that we  4 have heard earlier in the previous two weeks, you note  5 at internal page _006 that parents are often subject to  6 threats, assault and intimidation by perpetrators. Can  7 you explain to the chair and panel how regularly you see  8 that kind of abuse or intimidation of parents?</p> <p>9 A. I think that level of abuse rises when there is a risk  10 that they are going to be caught, that there is  11 disruption and that they might be going to court.  12 That's when the threat not just to the child, but to the  13 parent, can increase.</p> <p>14 We had one case where the dad was -- his case was  15 going to court, he was sitting in his car at night  16 ringing -- trying to get through to us. So he daren't  17 go home because he thinks his house is going to be  18 torched, he's been told that's going to happen and he's  19 petrified and he daren't go home.</p> <p>20 In fact, we have a number of cases, a drive-by  21 shooting in one local area as a threat to the family.  22 I think, in particular, when a case actually does go to  23 court, the pressure on that family when that is  24 occurring can be so great that they can actually  25 withdraw the case and say, "We don't want to go through</p> <p style="text-align: center;">Page 103</p>	<p>1 the court case". So it is really vital that that safety  2 is put in place for those -- for that family, in terms  3 of witness care and witness support while they are going  4 through the court process. So we have got all kinds of  5 systems in place to improve the safety for that family  6 working with our partners.</p> <p>7 So, yes, I think the threats are very real,  8 especially when the case goes to court.</p> <p>9 Q. Thank you. Just to put your relational safeguarding  10 model into perspective, how widely is it used by local  11 authorities?</p> <p>12 A. I think probably, sadly, only in the areas where we are  13 commissioned. We don't know of other areas where that  14 is used. Although we have had over 100 people attend  15 our advanced child sexual exploitation course, and  16 I know a lot of those delegates are taking back the  17 relation model, back to their workplaces, to see if they  18 can be enacted. We are hearing good reports, but the  19 relation model needs a dedicated parent liaison officer  20 to act as a bridge between the parents and the services  21 for it to be really effective, and there aren't many --  22 you know, outside of where we are working, we don't deal  23 with many places where that is occurring.</p> <p>24 Q. Thank you. I want to move to deal with what is our  25 theme 4, so children who are missing from home or care</p> <p style="text-align: center;">Page 104</p>

<p>1 probably more briefly. But I note within your                  2 statement -- there is no need to bring it up, but, for                  3 your reference, it is internal page _010,                  4 paragraph 30 -- you say that when you have co-located                  5 parent liaison officers working in multi-agency                  6 safeguarding hubs, you help them to co-create                  7 a missing-from-home plan so the parents know what to do                  8 when their child goes missing. Can you explain why you                  9 think that kind of proactive planning, on a strategy for                  10 when children go missing, is important?                  11 <b>A. I think -- what parents tell us is the trauma of when                  12 their child goes missing. They go into panic mode.                  13 They can't think. You know, they're so stressed,                  14 because they know that the risk to their child when they                  15 are not at home and they are missing for long periods of                  16 time is very, very high indeed. So to help with                  17 managing that trauma and stress, we work with them and                  18 co-create a sort of missing-from-home plan where they                  19 set out a timetable to say, you know, with their                  20 child -- they sit down with their child and say, "If you                  21 are not home by this time, I'm going to ring these                  22 friends, and if you're not home by this time, I'm then                  23 going to alert the police", so the child knows that the                  24 parent is on their back and they know what's going to                  25 happen as a consequence, and, of course, if they go to</b></p> <p style="text-align: center;">Page 105</p>	<p>1 <b>the police, if the parent goes to the police, the danger                  2 for the child in relation to the perpetrator goes up                  3 a little bit. So obviously they will want to get home.                  4 Actually, what we have found is that                  5 missing-from-home episodes are more often -- the actual                  6 number of episodes goes up because they report -- the                  7 families are reporting them more, but the length of time                  8 that a child is going missing for reduces, and we have                  9 had cases where missing from home actually stops                  10 altogether.                  11 There are a number of other things that we are                  12 working on. It is not just missing from home --                  13 a measure. But because of what we are doing, we are                  14 actually strengthening the family's ability to cope with                  15 what's going on.</b>                  16 Q. Do you think that local authorities and police forces                  17 adopt a similar proactive approach to children going                  18 missing?                  19 <b>A. I think often parents are not involved. I think often                  20 the child is seen to be a person in their own right,                  21 separate from the family, even if they might be really                  22 young, and so I think it's -- I think it is quite new                  23 that parents are involved in that process, they are                  24 actually working as partners alongside the services to                  25 effectively bring safety -- greater safety measures in.</b></p> <p style="text-align: center;">Page 106</p>
<p>1 <b>So I think it's more unusual than it should be, because,                  2 you know, it's really quite an obvious way, really, of                  3 helping to protect that child, by bringing the parents                  4 really in with -- co-creating their own way of managing                  5 the risk that they and their child are living through                  6 and, you know, getting a bit more -- a handle and                  7 confidence on dealing with it.</b>                  8 Q. Before I move to the theme of partnership, is there                  9 anything that you want to add to the parents' experience                  10 that you work with of when their children become looked                  11 after and how that impacts the family relationship?                  12 <b>A. Often when a -- if a child goes into care as a result of                  13 child sexual exploitation, they have a tendency to run                  14 away sometimes and then to return home. I think what we                  15 hear back from parents, and from those children, is that                  16 it feels like a punishment. They are often going into                  17 places where they don't have tailored therapeutic                  18 support; it is just a holding place. They feel                  19 displaced, and they are displaced, and there is quite                  20 a lot of pain for the child and for the parent because                  21 they want to be together.                  22 I think there isn't an understanding of the strong                  23 attachment that parents and children have with each                  24 other. So I think, when a child is sent away into                  25 a home, we know the reason, we know they're getting --</b></p> <p style="text-align: center;">Page 107</p>	<p>1 <b>there isn't many other options to actually escape from                  2 their abusers. But in our co-located areas, we find                  3 that, because we are strengthening a family and their                  4 ability to find the confidence to manage what's going                  5 on, the risk of their child then going into a care home                  6 is reduced, and so that obviously saves money, but it                  7 also makes the child safer in other ways.                  8 So, yes, it's -- you know, it is a complex area of                  9 when children go into care.</b>                  10 Q. I want to finally move on to the theme of partnership.                  11 Your November 2019 report -- Danny, maybe if we could                  12 bring up INQ005169_027. You summarise some of                  13 the responses that you have had from parents in relation                  14 to partnership working. Maybe if we could bring up in                  15 addition pages _028 and _029. You summarise partnership                  16 between parents sometimes when there are positive                  17 partnerships or constructive relationships -- Danny, my                  18 apologies, I think we have _024 and _025. If we could                  19 have _028 and _029.                  20 Just to summarise while that is being brought up,                  21 you explain that parents identify the need to look for                  22 better multi-agency coordination in cases involving CSE                  23 and that parents communicated to you that they felt that                  24 agencies didn't share information which would help                  25 identify risks earlier and would enable a more joined-up</p> <p style="text-align: center;">Page 108</p>

<p>1 approach to meeting the need of children and disrupting 2 the behaviour of perpetrators. 3 In your experience, how is that better partnership 4 achieved? What more can be done to ensure that agencies 5 are working together? 6 <b>A. I think it is a very complex process because, when they 7 are multi-agency, you are often talking about different 8 systems coming together. You can have the police, 9 social care, health, charity -- NGOs, and they have all 10 got a slightly different management structure. What we 11 see is, where it really works effectively is where there 12 is an actual team manager for the whole multi-agency 13 team who holds that team together, and through regular 14 briefings, you know, daily briefings, where they are 15 actually looking at the cases that they are dealing with 16 and discuss them and work out who is doing what in 17 relation to that case, and really sharing the 18 information, and the parent liaison officer bringing in 19 the information from the parents about what's going on 20 at home, you know, what's going on in the community. 21 That information is often missing if they don't have 22 that connection with the family that's got all that 23 knowledge about their child and what's going on at home 24 and also in the community. 25 So I think it's ensuring that the team have a team</b></p> <p style="text-align: center;">Page 109</p>	<p>1 <b>manager and that they have regular team briefing 2 meetings and there is an opportunity for not just 3 sharing within that team, but some of that sharing then 4 to go back to the family, because obviously another 5 complaint we hear from families where that's not working 6 is they say, "We don't know what's going on. We are not 7 invited to meetings. We don't know what's being 8 discussed. We can't add our insights and knowledge and, 9 also, we are not getting back what they are doing". 10 So they are in the dark. Obviously, that is -- well, it 11 is very discourteous, for a start, but it is very 12 disempowering and makes the parents feel really out in 13 the dark, and there they are with their child 24/7 not 14 knowing what's going on. 15 So I think it is about the structure of the team and 16 how they share that information and having that conduit 17 of information going backwards and forwards so that it's 18 very, very dynamic.</b> 19 Q. You note in your statement -- no need to bring it up, 20 but it is internal page _009, paragraphs 27 to 28, where 21 you cite that schools play a key role in protection of 22 children and identification of those at risk of CSE. 23 What more can be done to engage with schools or to use 24 schools as a source of information to identify when 25 children are at risk of harm?</p> <p style="text-align: center;">Page 110</p>
<p>1 <b>A. Schools are crucial, because if you think that schools 2 and families -- they are the two institutions where 3 children spend most of their time. 4 We have a training programme which -- we have 500 or 5 more, each year, delegates coming on our training 6 course. What we have heard back from schools is, they 7 feel they need more information, they don't really 8 understand, you know, what the warning signs are. If 9 they see behaviour changes in the child, you know, how 10 can they know if that is something that's going wrong at 11 home or something that's happening to them outside the 12 home, and they have requested to have more information 13 about sexual exploitation, especially as some of 14 the perpetrators hang around the school gates, you know, 15 they can be seen, or they see children getting into cars 16 at the end of the day. 17 So I think, you know, we are now looking -- we have 18 got a schools programme which we have just started -- 19 obviously it is COVID-19, so it is not the best time -- 20 where we are actually developing a schools programme, 21 going into schools and offering a one-day course, 22 a foundation course, on child exploitation, which talks 23 through, you know, what the warning signs are, how can 24 you tell if this might be occurring, what to look out 25 for, and then what to do when you do see behaviours</b></p> <p style="text-align: center;">Page 111</p>	<p>1 <b>which obviously show that the child is traumatised, so 2 becoming trauma informed about what to do, because, 3 obviously, if you exclude a child from school, they are 4 then even at greater risk of being abused, they need to 5 be kept in the school if that is possible. So it's 6 looking at how schools can work and provide care and 7 understand what's going on alongside families.</b> 8 Q. Thank you. Ms Gibbons, you have provided in your 9 statement at paragraphs 35 to 36 a number of 10 observations from your experience about what has changed 11 in the 24 years since PACE has been operating, and that 12 is for the chair and panel to read. But I just wanted 13 to get your observations finally on a number of points 14 that have arisen during the hearing to see if you can 15 add to the perspectives we have heard. The first was 16 one from Amanda Naylor at Barnardo's, whom we heard 17 evidence from on Day 8. This evidence is at page 175 of 18 the transcript. But, put briefly, Ms Naylor noted that 19 the use of terms like "risk" or "vulnerability" were 20 potentially in themselves victim blaming, and I wondered 21 if you had any comment on that? 22 <b>A. I think the word "risk" is an unhelpful word because it 23 implies that it hasn't happened yet, and, actually, we 24 are often talking about harm rather than risk. So 25 I think that is -- it is an unhelpful phrase. So</b></p> <p style="text-align: center;">Page 112</p>

1 children "at risk of CSE" often means they are actually  
 2 in it right now, they are not just at risk, they are  
 3 actually being harmed.

4 I think the term "vulnerability" implies blame, that  
 5 somehow, because they are vulnerable, they have  
 6 attracted that into their lives. Our argument is,  
 7 actually, all children are vulnerable and they need help  
 8 with what's happening to them because they don't  
 9 necessarily understand what's going on, or if they do  
 10 understand, they get caught up in it and they become  
 11 fearful and can't get out, for all the reasons we know.  
 12 So it can be unhelpful to use those phrases.

13 Q. Thank you. We heard from Dr Beckett and Dr Hallett on  
 14 Day 2 of the hearing about the idea of exchange in the  
 15 definition of child sexual exploitation. I wondered if  
 16 you had any comment on that?

17 A. I don't think we really kind of delve into that.  
 18 I think our concern -- I know I've read their reports.  
 19 We concentrate on that it's actually extrafamilial  
 20 abuse, not intrafamilial abuse, that's what we  
 21 concentrate on. When we are delivering training, when  
 22 we are talking to the media or researchers, they often  
 23 refer to "bad parents" and "safe parents" and we want to  
 24 get away from that dialogue, in a way. Because we are  
 25 working with families who want to safeguard their

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1 find it very -- there is a lot of shame and blame for  
 2 them on themselves about it. They tend to think, "Oh,  
 3 it's my fault, I've done something wrong", even though  
 4 we say, "No, we are talking about very manipulative,  
 5 organised gangs or individuals". So, no, I think it is  
 6 still a hidden crime and I don't think I can give you  
 7 any clear figures on that.

8 MS BENFIELD: Thank you very much, Ms Gibbons. Those are  
 9 all the questions I have for you. The chair and panel  
 10 may have some questions for you.

11 THE CHAIR: Thank you, Ms Benfield. I will begin with one  
 12 or two questions, and then I will pass you over to my  
 13 colleagues, Ms Gibbons.

14 Questions from THE PANEL

15 THE CHAIR: You referred to the threats of extreme and  
 16 terrifying violence to parents and siblings of the child  
 17 victim that can occur. From your experience, would you  
 18 say that this was a common feature or does it rarely  
 19 occur? We have, of course, heard reports of this  
 20 elsewhere, but what's your opinion of this?

21 A. I think the threat of violence is always there, because  
 22 often what parents hear back from their child and why  
 23 the child can be so frightened is that they are told by  
 24 their abuser, you know, "I will come and get -- I will  
 25 get your sister or go and get your mum".

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1 children, even if they don't always have the capacity  
 2 to, for all sorts of reasons. So our emphasis is, you  
 3 know, we are working with families where there is  
 4 extrafamilial abuse, where the family wants to make  
 5 their child safer and they want to rescue them, and  
 6 that's based on our premises. So I think that notion of  
 7 exchange and stuff, we don't really get into all that  
 8 discussion.

9 Q. I understand. Thank you. Just finally, over your  
 10 experience in the field, do you have any observations on  
 11 the scale of CSE, how that's changing, and also the  
 12 nature of threat to children?

13 A. I mean, we do see there's a lot more online grooming  
 14 now. Online, it's an essential part of all grooming --  
 15 a lot of the grooming that we see now, and we know  
 16 that's grown exponentially and it is almost impossible  
 17 to keep up with. As a consequence, we see a much  
 18 broader range of people coming forward, people in quite  
 19 remote areas, North Yorkshire or whatever, whose child  
 20 has been groomed sitting in their bedroom.

21 So, yes, I think it feels like it's on the increase,  
 22 but then we are also more aware of it.

23 In terms of numbers, I don't think I can give you  
 24 any numbers. It is still, in fact, a hidden issue  
 25 because there's a lot of shame around it. Families can

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1 So even if it may not actually happen, the threat  
 2 that it may happen is terrifying in itself. I don't  
 3 think we actually see that much of abuse to the families  
 4 in terms of setting fire to their house -- we have had  
 5 one example of that -- I think it is more the threat  
 6 rather than actually it occurring.

7 THE CHAIR: Indeed, one assumes that the families involved  
 8 simply wouldn't know whether a threat was going to be  
 9 carried out or not.

10 A. No, exactly. You just don't know, do you? You just  
 11 don't know. I think that, in itself, is a very, very  
 12 frightening place to be.

13 THE CHAIR: Is the threat of violence prevalent?

14 A. Yes. Yes. I mean, the threat that other children are  
 15 going to get -- your other children are going to get  
 16 drawn in. We have seen sisters at a close age both  
 17 being involved in being exploited, so it's a very real  
 18 threat.

19 THE CHAIR: Does it come from a particular form of organised  
 20 network or is it across the piece in whatever form child  
 21 sexual exploitation takes?

22 A. I think it's broader than what the media perhaps would  
 23 lead us to believe over the years. I think the danger  
 24 of thinking it's this group, not that group, is that you  
 25 can miss when it's a different group to the one that

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<p>1     <b>you're expecting it to be. So I think we have to be</b>  2     <b>very mindful of that.</b>  3     THE CHAIR: I want to go on to ask you about violence to the  4     child victims. We heard from one police force that this  5     rarely occurs, in other words, that the sexual assault  6     is rarely accompanied by violence. Is that your  7     experience?  8     <b>A. Yes. Not always. I wouldn't say always. But we know</b>  9     <b>children can get -- it's about the drugs involved, there</b>  10    <b>can be other forms of coercion involved. So I think</b>  11    <b>violence is always not too far away, sadly, I'm afraid.</b>  12    THE CHAIR: So you think it is more common, the threat of  13    it, and that actual violence would occur, in your  14    experience, where children are being sexually exploited?  15    <b>A. Yes. I know we are not talking about criminal</b>  16    <b>exploitation, but criminal exploitation -- there is</b>  17    <b>a lot more -- there can be a lot more violence involved.</b>  18    <b>I think there is not always violence involved. We know</b>  19    <b>of many cases where there isn't violence. But,</b>  20    <b>nevertheless, it's maybe not physical violence but it</b>  21    <b>might be emotional violence. You know, it's how they</b>  22    <b>keep the child in a place where they are controlled and</b>  23    <b>so there can be emotionally, that switching on,</b>  24    <b>switching off emotions, they keep the child in the place</b>  25    <b>they want them to be.</b></p> <p style="text-align: center;">Page 117</p>	<p>1     THE CHAIR: Thank you. Ms Sharpling?  2     MS SHARPLING: No, thank you, chair.  3     THE CHAIR: Mr Frank?  4     MR FRANK: No, thank you.  5     THE CHAIR: Sir Malcolm?  6     PROF SIR MALCOLM EVANS: No, thank you, chair.  7     THE CHAIR: Thank you very much, Ms Gibbons. We have no  8     further questions.  9     <b>A. Thank you very much.</b>  10    <b>(The witness withdrew)</b>  11    MS HILL: Thank you, chair. Our next witnesses are  12    Zlakha Ahmed and Rosie Lewis.  13    MS ZLAKHA AHMED (affirmed)  14    MS ROSIE LEWIS (affirmed)  15    Examination by MS HILL  16    MS HILL: Good afternoon. Thank you very much for attending  17    to give evidence. Ms Lewis, you have provided a witness  18    statement at INQ006185. Is that witness statement true,  19    to the best of your knowledge and belief?  20    MS LEWIS: Yes, it is.  21    MS HILL: Ms Ahmed, yours is at INQ006260. Again, is that  22    true, to the best of your knowledge and belief?  23    MS AHMED: Yes.  24    MS HILL: Chair, with your permission I adduce those  25    statements in full, please.</p> <p style="text-align: center;">Page 118</p>
<p>1     Thank you both very much for attending to give  2     evidence. If you can't see or hear me at any point,  3     please let me know. Equally, if you don't follow the  4     question or you need a break, please let me know.  5     I think the proposal, chair, would be, given we started  6     at 1.50 pm, we will continue until 2.50 pm with  7     questioning of these witnesses and then continue after  8     the afternoon break.  9     Could I begin, please, with you, Ms Lewis, a little  10    bit of information, please, about your background.  11    Perhaps we can just bring up, please, INQ006185, Danny,  12    and scroll in, please, on paragraphs 1 to 2. You  13    explain there, Ms Lewis, that you are the deputy  14    director of the Angelou Centre in Newcastle, which, as  15    you know, we are considering the Durham area as one of  16    our areas. We can see from your witness evidence there  17    a little bit about your background. In particular, you  18    manage the organisation's violence against women and  19    girls services and you set out a little bit about the  20    advocacy and campaigning and policy work of  21    the organisation and about your own background as  22    a qualified and trained independent domestic violence  23    advisor, independent sexual violence advisor and service  24    manager. You say you have over 17 years' experience of  25    advocacy and assessing and supporting women and children</p> <p style="text-align: center;">Page 119</p>	<p>1     subject to domestic and sexual violence and at risk of  2     harm. Is that a fair summary of your background and the  3     work of the Angelou Centre?  4     MS LEWIS: Yes, it is.  5     MS HILL: You indicate, by way of further detail, please, if  6     I can look at paragraph 4 of your witness statement that  7     scrolls over into the following page, that the  8     Angelou Centre is one of the few surviving black-led  9     women's organisations in the north-east and has been in  10    operation for over 25 years. Is that correct?  11    MS LEWIS: That is correct, thank you.  12    MS HILL: The chair and panel can read, perhaps for the  13    note, the remainder of your paragraph 4 and on into  14    paragraphs 5 through to 11 that tells them a little bit  15    more about the work of your centre. Perhaps we will  16    just scroll in briefly, before we leave the statements  17    on paragraph 9, that the centre predominantly works  18    across the north-east. You mainly work with the five  19    local authorities of Northumberland, Gateshead,  20    Sunderland, Newcastle, North Tyneside and South Tyneside  21    but also work across Durham and Teesside through  22    extended community outreach and professional training  23    programmes.  24    MS LEWIS: That is correct.  25    MS HILL: Ms Ahmed, could I bring up INQ006260 and scroll in</p> <p style="text-align: center;">Page 120</p>

<p>1 on internal paragraphs 1 to 3 of page _001. Again,                  2 Ms Ahmed, you are the founder and CEO of Apna Haq. You                  3 set out here your background with your postgraduate                  4 diploma in youth and community work. You have over                  5 34 years' experience working with BME communities,                  6 25 years' experience developing and overseeing violence                  7 against women and girls support work. You received an                  8 MBE for outstanding services to women's rights and                  9 community cohesion and the Asian Achievers Award for                  10 community service. You are a board member of                  11 the national Women's Aid and an advisory board member of                  12 the national Centre of Expertise on Child Abuse. Is                  13 that a broad summary of your background, Ms Ahmed?                  14 MS AHMED: Yes, thank you, it is.                  15 MS HILL: As far as the organisation is concerned, you                  16 indicate that you founded the organisation -- this is                  17 paragraphs 4 through to 5, please, Danny -- in 1994 to                  18 meet the established need for support to be provided to                  19 South-Asian women experiencing, or at risk of, domestic                  20 violence. The organisation is based in Rotherham and                  21 you set out something of the work of the organisation in                  22 the remaining parts of this section of your witness                  23 statement.                  24 You talk about how -- at paragraph 5, please, if we                  25 can scroll in on that, Danny -- in 2010, the</p> <p style="text-align: center;">Page 121</p>	<p>1 organisation expanded its organisational identity to                  2 become a black and minority ethnic women-led by and for                  3 organisation. Though you continue to work with                  4 survivors of domestic violence, you developed particular                  5 expertise in a range of other sectors, about which we                  6 will hear, including child sexual exploitation. You                  7 indicate at paragraph 6 and paragraph 7 and paragraph 8                  8 a little bit more around your work generally, and                  9 I think in the remaining parts of your witness statement                  10 you talk about the various activities that we will no                  11 doubt come to. Is that just a very brief introduction,                  12 Ms Ahmed, to your work and that of Apna Haq?                  13 MS AHMED: Yes, thank you.                  14 MS HILL: Can I ask you a little bit, please, first of all,                  15 Ms Ahmed, about the work that Apna Haq has done in terms                  16 of raising awareness of CSE with different BME                  17 communities. You talk about this in particular at                  18 paragraphs 15 to 19 and 50 of your witness statement.                  19 Just tell us a little bit, please, about that work that                  20 you have done.                  21 MS AHMED: When we changed as an organisation and reached                  22 out to the different BME communities within Rotherham --                  23 so we have a wide range of communities, including the                  24 Chinese, Yemeni, Arab communities, Thai communities, it                  25 was really, really important for us that any of</p> <p style="text-align: center;">Page 122</p>
<p>1 the awareness raising we do, we reach out to those                  2 groups.                  3 So from 2010, we started to work with a number of                  4 outside organisations around raising issues with                  5 child abuse. So -- sorry, Ms Hill, can you just repeat                  6 the question?                  7 MS HILL: Of course. It was really about how you've tried                  8 to raise awareness of the CSE issues particularly with                  9 BME communities.                  10 MS AHMED: Particularly when the Jay Report came out in                  11 Rotherham and the issues of child sexual exploitation                  12 were in the media, and because we had prior history in                  13 terms of some of the women that we'd supported, we                  14 wanted to make sure that, within those communities we                  15 were working with, we were able to hold a dialogue where                  16 women within those communities understood what child                  17 sexual exploitation meant and how they could engage with                  18 those discussions and potentially come forward if there                  19 were issues within their communities.                  20 MS HILL: The chair and panel can read the remainder of what                  21 you say at paragraphs 15 to 19. Could I bring up,                  22 please, paragraph 50 of your witness statement, which is                  23 on the very last page. You talk there about your                  24 Training for Trainers programme. Can you tell us                  25 a little bit more about that?</p> <p style="text-align: center;">Page 123</p>	<p>1 MS AHMED: Basically, again, going back to from 2014, we                  2 have had a lot of work done in Rotherham and, I suppose,                  3 across the UK, in terms of lots of toolkits were                  4 developed to increase awareness on child sexual                  5 exploitation.                  6 Given the experiences we had as an organisation,                  7 when we were looking at those toolkits, what was often                  8 missing were the internal community issues, ie, around                  9 shame and honour, which were preventing many, many young                  10 women from different BME communities from coming                  11 forward.                  12 We also know from our experiences that there are                  13 a lot of agency -- a lot of issues in terms of how                  14 professionals deal with victims. So we put together                  15 a training course which was raising the awareness -- and                  16 the training course was based on real-life case studies                  17 from the different communities that would raise the                  18 issues about why it was difficult for BME victims to                  19 come forward, what the issues in terms of their families                  20 were, but also what the issues in terms of agencies and                  21 professionals.                  22 MS HILL: Ms Lewis, is there anything else that you would                  23 like to add on this from the perspective of your work                  24 and your organisation? I will come separately, if                  25 I may, generally, to the issue of barriers to reporting.</p> <p style="text-align: center;">Page 124</p>

<p>1 But is there anything you'd like to share about your  2 work in raising awareness?  3 MS LEWIS: Yes. We work very much like Apna Haq do with  4 communities across the region, as well as presenting  5 national training, but we are also involved in a lot of  6 strategic work, which is very pertinent, I believe, to  7 this inquiry. That's both nationally and also  8 regionally. For instance, we sit on the CPS RASSO  9 panel, we are part of the Missing, Sexual Exploitation  10 and Trafficking Group in Newcastle and we sit on the  11 children's safeguarding board. So it is a very  12 important part of our work. I think, likewise, with  13 Apna Haq, we like to make sure that we address  14 structural inequalities as well as developing and  15 supporting communities.  16 MS HILL: Ms Lewis, can I bring up in your witness evidence  17 INQ006185, please, Danny, internal page _003 through to  18 _004. Perhaps let's bring up paragraph 12 and  19 paragraph 13. Just taking this part relatively shortly,  20 Ms Lewis, at paragraphs 12 and 13, you talk about the  21 issue of how to understand child sexual exploitation,  22 its links with other forms of abuse. You quote some  23 research papers, in particular, can we scroll in on  24 paragraph 13, I think, that goes over the page. You  25 refer to the IICSA research report from June of this</p> <p style="text-align: center;">Page 125</p>	<p>1 year, child sexual abuse in ethnic minority communities,  2 and a report from the Children's Society  3 from April 2018. Then, if you scroll in, please, Danny,  4 on paragraph 14, at that paragraph, Ms Lewis, you  5 indicate what you think the issues that are missing from  6 those reports are. Can you perhaps share what you think  7 about that issue with the chair and panel?  8 MS LEWIS: Yes, of course. I mean, we work in a violence  9 against women and girls context and framework, so we see  10 that sexual exploitation is part of the spectrum of  11 abuse. It is very, very rarely, if ever, a stand-alone  12 issue for the women and the children that we support  13 from black and minoritised communities. It often -- it  14 can be issues that involve family, institutionals, as  15 well as honour-based violence and other harmful  16 practices, and I think it is really important to think  17 about how that often intersects.  18 The example, for example, that I've given in my  19 statement, my witness statement, about Jennifer I think  20 really exemplifies the way that other forms of harm can  21 intersect with sexual exploitation. But also I think  22 that there really has to be a recognition of this  23 through a gender-based violence lens, and for us, our  24 understanding is about looking at this in terms of male  25 violence, predominantly male violence, against women and</p> <p style="text-align: center;">Page 126</p>
<p>1 girls and that is not to say that there is not male  2 victims. For us, when we talk about children, we also  3 include boys as well, of course.  4 We don't see it as being -- the way that we work is  5 that we work -- yes, we work responsively with the  6 individual, but we also really need to take in these  7 other potential imposed barriers that a victim will  8 have, whether that's to do with family, community,  9 understanding, being a migrant person who is new to the  10 country, et cetera.  11 In relation to the reports that you reference, and  12 after giving that background, I think what's really  13 important about the differences in approaches within  14 those reports and the areas that they cover is that it's  15 not talked about within a gender-based violence  16 framework, and it's not talked within a violence against  17 women and girls context, and there's not as much  18 attention paid to gender-based violence. But also  19 I hope to present, furthermore, throughout my evidence  20 that we have a very holistic way of working, and because  21 of these intersecting forms of violence and harm that  22 often victims of CSE face, and the fact that it's not  23 stand alone, the recovery -- the response that we need  24 to give needs to be very holistic as well. Again,  25 I found that missing in those reports.</p> <p style="text-align: center;">Page 127</p>	<p>1 MS HILL: Thank you. You also talk in your witness  2 statement, at paragraph 16 to paragraph 17, about the  3 issue of the interconnectedness of different forms of  4 abuse and also the connectivity of the perpetrators of  5 that abuse. Do you want to address that a little bit,  6 Ms Lewis? I see you nodding, Ms Ahmed, but Ms Lewis, do  7 you want to go first on that topic, please?  8 MS LEWIS: It is quite complex. Obviously we know there's  9 been such an attention paid to the racialised nature of  10 many of the perpetrators within the grooming rings. But  11 the interconnectivity, if I start with violence and the  12 patterns of violence, I have already said that many of  13 those kind of harms will intersect, and obviously make  14 a victim more vulnerable to sexual exploitation.  15 In terms of the organised networks, we found there's  16 often been criminal activity around those networks.  17 I think there has been reference previous -- people that  18 have given evidence, particularly the Home Office,  19 towards their approach in terms of disrupting these  20 other forms of criminal activity. We would agree that  21 this criminal activity is going on, but there is also  22 wider criminal activity often going on in communities  23 that is completely underrepresented -- underrepresented  24 and has been so far in the evidence.  25 That includes thinking about the violence that often</p> <p style="text-align: center;">Page 128</p>



<p>1 is happening to black and minoritised women and children                  2 within the communities that many of the perpetrators are                  3 from as well.                  4 In our area up in the north-east, we were very much                  5 part of the Operation Sanctuary that took place, and we                  6 were working with women who were victims, and often                  7 seemed to be hidden victims because they'd been victims                  8 of domestic and sexual violence, but had very little                  9 confidence to disclose, and certainly would not have                  10 approached a mainstream service, would not have                  11 disclosed to the police.                  12 In terms of the connectivity with perpetrators,                  13 I think, as we work with women and children and                  14 victims -- I'm going to be a bit limited in my                  15 discussion of this. But what I will say is that,                  16 thinking about the fact that many perpetrators that have                  17 been referred to have been connected by a cultural or                  18 social background, there's often been discussion about                  19 them in terms of racialisation, but actually in                  20 Newcastle with Operation Sanctuary it was quite -- there                  21 was people from different ethnic backgrounds and there                  22 wasn't much attention paid to that as much.                  23 And they also often come from communities that often                  24 face racism, socioeconomic exclusion, and I think again                  25 the connectivity is they're male networks and they are</p> <p style="text-align: center;">Page 129</p>	<p>1 men who operate together and have some shared things                  2 that they are perpetrating around as well as their                  3 criminal activity that they may share.                  4 MS HILL: Thank you. Ms Ahmed, I saw you nodding at various                  5 points. Do you want to come back on any of those topics                  6 as well?                  7 MS AHMED: Yes, just to give you two quick different                  8 examples. So one is women with no recourse to public                  9 funds. In our experience over the years, we have                  10 supported many older women, older as in 18-plus, who                  11 have gone through various forms of sexual abuse but they                  12 have not wanted to report because of their insecure                  13 immigration status. And so, in terms of -- for many of                  14 these women, in terms of -- in the communities that they                  15 live, if they go on to become parents in the future,                  16 their reactions, if they come across their children                  17 being abused, may not be as helpful as maybe otherwise.                  18 So there's a whole group of women that because we don't                  19 give them the support that they need at the moment,                  20 because of the immigration issues, are being impacted                  21 adversely.                  22 Then just in terms of interconnectivity, when we do                  23 the training, the awareness raising within the                  24 communities, we use diagrams that show the whole range                  25 of perpetration. For example, it could be a mosque --</p> <p style="text-align: center;">Page 130</p>
<p>1 an imam in a mosque, it could be online abuse, it could                  2 be a young woman who is looking for marriage, and then                  3 we also bring in the boyfriend model. Because one of                  4 the things we are really conscious and aware of is the                  5 victim blaming that happens consistently in terms of                  6 the victim and what we want to do is get people to                  7 understand that this is about abuse and this is about                  8 criminal behaviour, and that these men are -- you know,                  9 it could be the father, the husband, it could be the                  10 grandfather, it could be the mosque -- imam tutor.                  11 I don't know if I'm making sense on that?                  12 MS HILL: That's fine. Ms Lewis, I will come back to you on                  13 the issue of empathy and concern and victim blaming more                  14 generally, if I may. But before I do that, could I ask                  15 you both to reflect on, I think, some evidence that                  16 you've been provided with from earlier days in this                  17 hearing. I think in particular you have been given the                  18 evidence from Barnardo's, from Amanda Naylor, and from                  19 Dr Beckett and Dr Hallett, around this issue of                  20 the definition of exploitation and the inclusion within                  21 it of the concept of exchange. I think we have got just                  22 a couple of minutes, perhaps, before our break.                  23 Ms Lewis, do you want to just say something about that                  24 issue?                  25 MS LEWIS: Yes, absolutely. We would agree with Naylor in</p> <p style="text-align: center;">Page 131</p>	<p>1 terms of this idea about exchange and how that gives                  2 victims agency. But I would also bring that into                  3 thinking about difference in black and minoritised                  4 communities and thinking about it within an equalities                  5 framework, because, for children that might have been                  6 socialised or culturally socialised in a very different                  7 way, there are other things we need to bring in, which                  8 is about shame, honour, disrespect, very deep-rooted                  9 values that can affect how a child will behave in                  10 relation to a perpetrator, or that responsibility that                  11 a child will feel. I know we need to go in a minute,                  12 but if I could bring in very quickly this idea about the                  13 definition, in relation to understanding child sexual                  14 exploitation in terms of relationships, I don't think it                  15 really explores that fully enough, because, for many                  16 children, often that are coming from socioeconomic                  17 exclusion and many other different minoritised and                  18 marginalised backgrounds, not just black and minoritised                  19 backgrounds, because there's actually been very little                  20 discussion about socioeconomic exclusion that I have                  21 seen or read and very little discussion about class as                  22 well, which I think is a big issue. I think it is about                  23 how often, for many children and young people, those                  24 perpetrators might replace those trusted family members.                  25 When we are talking about sexual exploitation, one of</p> <p style="text-align: center;">Page 132</p>

<p>1 the key issues with institutions is a lack of belief and                  2 trust within the victims, and if they're feeling like                  3 they're getting that from the exploiters, that's another                  4 very strong connection.                  5 MS HILL: Ms Ahmed, perhaps you could come back on that                  6 issue and then perhaps, chair, we will take our break.                  7 Ms Ahmed, is there anything you would like to add on the                  8 exchange question?                  9 MS AHMED: First, as an organisation, in terms of                  10 the wording around exchange, there is an assumption, in                  11 using that word, that you are starting off from an equal                  12 starting point, when you exchange something, and that                  13 the victim is in full control and has full agency about                  14 what they are exchanging, so there is an issue there.                  15 Also, in terms of some of the cases of the young                  16 people who have shared their experiences, there wasn't                  17 necessarily anything that was being exchanged. So,                  18 again, if that type of language is used, it can lead                  19 professionals down a certain path and they will not pick                  20 up on other children who are being abused when maybe                  21 things aren't being -- there isn't an exchange element.                  22 MS HILL: Thank you. Chair, I see the time. I also am                  23 aware that we need to finish at 4.00 pm today. We are                  24 very keen, of course, to hear from these witnesses.                  25 I wonder if you might take a slightly shorter</p> <p style="text-align: center;">Page 133</p>	<p>1 mid-afternoon break and perhaps come back just after                  2 3.05 pm? Is that all right?                  3 THE CHAIR: Yes, we will do that.                  4 MS HILL: Thank you very much. We will come back in due                  5 course. Thank you.                  6 (2.52 pm)                  7 (A short break)                  8 (3.06 pm)                  9 MS HILL: Ms Lewis, some questions for you, please, about                  10 what you say at paragraphs 18 and 19 of your witness                  11 statement about Durham in particular. Danny, can                  12 I bring up, please, INQ006185_005, paragraphs 18 to 19.                  13 Ms Lewis, just summarise, please, for the chair and                  14 panel what your concerns are about the provision of                  15 support services in Durham that you explain there.                  16 MS LEWIS: There's no specific black and minoritised                  17 services in Durham, community-based services. A few                  18 years ago the local authority actually disbanded their                  19 community -- ethnic community outreach team as well,                  20 which I think had a really big impact on Durham. As                  21 I say in the statement, there are no specialist services                  22 and referrals we receive are mostly from communities,                  23 although we have received some agency referrals as well,                  24 both from women's services and from -- and for the                  25 police.</p> <p style="text-align: center;">Page 134</p>
<p>1 Also, this might be relevant for the panel, we also                  2 run women's refuges as well, so we get national and                  3 regional referrals, too, into our services. There are                  4 very few agencies. Durham, geographically, is very                  5 split. There is a lot of small mining villages, it is                  6 a mining area. So although there's a City of Durham,                  7 there's actually a lot of villages that are quite out of                  8 reach and the bus service and connectivity is very                  9 difficult. So for victims to actually access support,                  10 it can be really difficult.                  11 They have got a very large traveller community and,                  12 again, they don't have specialist services around that                  13 traveller community, although they do have outreach that                  14 comes in from an organisation called EMTAS, and also                  15 just to be aware, obviously, Durham University is a very                  16 big institution and there are a lot of international                  17 students and actually we do get quite a lot of referrals                  18 in terms of international students as well.                  19 MS HILL: Thank you. I'd like to move on to the issue of                  20 empathy and concern for child victims, although we have                  21 touched on these issues. Ms Ahmed, please can I look at                  22 your witness statement. It is INQ006260_004-005,                  23 paragraphs 20 to 22. Just summarise, please, for the                  24 chair and panel, the findings of the research that                  25 Apna Haq did that you have summarised there?</p> <p style="text-align: center;">Page 135</p>	<p>1 MS AHMED: So overall, the research was showing us that                  2 sexual abuse is a taboo subject and very hidden within                  3 BME households, and that shame and fear of retribution                  4 for families and communities act as barriers. The                  5 important issues that CSE victims may be beaten, forced                  6 into marriage or taken abroad by their families and                  7 communities. Victims/survivors don't know who to tell                  8 and may not recognise they have been abused. Awareness                  9 raising needs to be done in schools, and that work,                  10 targeted work, in terms of young men, faith leaders,                  11 young mothers, needed to be done and there was a big                  12 need to learn from best practice wherever that's                  13 available within the country. And in terms of needing                  14 to recognise about how the abuse is interconnected in                  15 terms of racism, gender and class inequality.                  16 MS HILL: You have gone on in your witness statement to talk                  17 under this heading of empathy and concern for child                  18 victims, Ms Ahmed, about what you describe as the "lack                  19 of culturally appropriate responses within                  20 institutions". Just tell us a little bit about the                  21 particular issues with Social Services that you refer to                  22 in your witness statement.                  23 MS AHMED: So in terms of our history, we have come across                  24 a number of examples now when we have taken cases to                  25 Social Services -- the one in particular was</p> <p style="text-align: center;">Page 136</p>

1 a 16-year-old young girl who had been in a relationship  
2 with her boyfriend. She was referred to us by the  
3 school but also referred into Social Services. We  
4 supported her for three months and eventually met up  
5 with the social worker who hadn't even made contact with  
6 the girl and, when I questioned her why not, she said  
7 because she knew that Apna Haq was involved. Now, we as  
8 an organisation, are a domestic violence and, yes, we  
9 support women around sexual violence, but we are not,  
10 for example, social workers, and so there was -- for us  
11 as an organisation, there was -- workers, when they are  
12 dealing with girls from BME communities, because they  
13 don't feel confident, they feel they don't understand  
14 the communities, they don't understand the culture, they  
15 then back off and will refer girls into our  
16 organisation.

17 So another time, it was a mother who had come  
18 forward because her daughter had shared about her friend  
19 having shared about being abused in the home, and I rang  
20 through to Social Services and the social worker who  
21 responded basically said, "There's nothing I can do with  
22 this information. You need to go back and get the  
23 mother whose daughter it is to come in and make an  
24 allegation", so I had to have a meeting with the manager  
25 and then the social worker was called in and then the

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1 MS HILL: Ms Lewis, you have dealt with this issue in your  
2 witness statement at, in particular, paragraphs 21 to 25  
3 and 65 to 66. Do you want to give your view on this  
4 issue, please?

5 MS LEWIS: I think it partially goes back to some of those  
6 issues around recognising and understanding gender-based  
7 violence and some of those intersectional issues. The  
8 lack of understanding, often, by local authority  
9 services or statutory services of systemic violence and  
10 institutional discrimination, especially when you  
11 consider in the north-east that we have, as I have  
12 already stated in my statement, less than 5 per cent  
13 black and minoritised workers who are in statutory  
14 services. It has a huge impact when you consider that  
15 some of the schools have 41 per cent black and  
16 minoritised children.

17 So that lack of understanding of communities can be  
18 really problematic.

19 There is also an issue -- I have referenced it in  
20 terms of the IICSA report and the Children's Society  
21 report. So, for instance, how they talk about asylum  
22 seekers as one monolithic lump, for example, that there  
23 is no nuanced discussion around no recourse to public  
24 funds or an understanding of immigration abuse which is  
25 a key issue around sexual exploitation of black and

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1 social worker apologised.

2 We are talking about this sort of practice happening  
3 in Rotherham on a monthly basis currently. So children  
4 from our communities are being really, really let down  
5 by services.

6 MS HILL: You were asked, I think, to look at some evidence  
7 from Shehla Khan, who is the chairperson of the EYST in  
8 Swansea. This witness has given evidence to this broad  
9 effect:

10 "While generic services exist, such as those run by  
11 the NSPCC, there is insufficient targeting and focus on  
12 the BME community and current services are not  
13 culturally appropriate."

14 It goes on to say that in relation to ensuring child  
15 victims are treated appropriately and ensuring specific  
16 provision is made for BME complainants, there is a need  
17 for that. Do you have a view on that, Ms Ahmed?

18 MS AHMED: I would totally echo and support what Shehla is  
19 saying. As I said, our experiences bear that out as  
20 well. As I was saying, we know that any materials, risk  
21 assessments, any toolkits that are produced, do not have  
22 the specific issues that BME children may face included  
23 within them. So we know that professionals aren't  
24 understanding what the issues are within those  
25 communities.

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1 minoritised children and women. And that, for example,  
2 that push into lack of recognition also means that that  
3 destitution, that harm, isn't recognised.

4 What we would term, I guess, in a broader way, that  
5 lack of cultural competence, the workers not being  
6 diverse, the lack of expertise around violence against  
7 women and girls, and that disparity, it's also  
8 reinforced by that institutional discrimination that can  
9 happen. Often services like ours and Apna Haq, we meet  
10 that gap, but that lack of understanding around  
11 immigration abuse is something we actually have to do  
12 a lot of training on within the north-east, and for the  
13 women that we have supported, where there's been sexual  
14 exploitation and the example I have given of Jennifer,  
15 actually her family did experience that.

16 I also want to bring up that, for many communities,  
17 that fear of authority, you know, authority is seen very  
18 much as a threat, whether that's in the child protection  
19 arena, in the police arena, et cetera. Many  
20 communities, black and minoritised communities, feel  
21 they have been targeted in different ways and they feel  
22 they have been excluded in different ways and that  
23 there's been institutional discrimination.

24 Therefore, for many families and for many victims of  
25 sexual exploitation, there isn't that innate trust

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1 within institutions to support them. And so, for them,  
 2 often that -- there can be a disparity between, "Who do  
 3 we go and who do we go where we get support from? Do we  
 4 actually stay with our perpetrators?", which we know for  
 5 many victims often becomes almost a safer option  
 6 sometimes, or do we go to institutions that we feel are  
 7 going to discriminate against us? And our communities  
 8 give us many examples about them discriminating against  
 9 us.

10 Finally, to bring in some issues (inaudible) about  
 11 children's services particularly and other institutions  
 12 is that a lot of child sexual exploitation and abuse for  
 13 us, with our experiences, these might be to do with  
 14 children and young people that have been known to the  
 15 authorities for a long time, and I haven't seen much  
 16 discussion about how historical accountability of some  
 17 of the issues that have arisen in terms of institutional  
 18 behaviours, so to speak, have impacted on communities  
 19 and, therefore, continue to impact on sexual  
 20 exploitation -- victims of sexual exploitation now,  
 21 because that historical inadequacy or inequity  
 22 does affect how victims present themselves now from  
 23 black and minoritised communities. I have given my  
 24 evidence there in relation to paragraphs 21 to 25. Do  
 25 you want me to look at 65 and 66?

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1 been multiply exploited or multiply perpetrated against.  
 2 I think that really needs to be understood.

3 Moving on to Dr Hallett and Dr Beckett, I think this  
 4 was in relation to -- could we bring the --

5 MS HILL: Which paragraph in particular do you want to bring  
 6 up?

7 MS LEWIS: Was it 126 to 64 or --

8 MS HILL: It is 126. I'm not sure we can bring the  
 9 transcript up necessarily.

10 MS LEWIS: Basically, this was in relation to -- one of  
 11 the issues that Dr Hallett -- that was raised to  
 12 Dr Hallett was about institutional responses, just to  
 13 put it very broadly. I think that, in Dr Hallett's  
 14 response, it becomes very much individualised. And  
 15 I think I want to bring up the complexity around that  
 16 because there is proven issues around institutional  
 17 bias, institutional discrimination against black and  
 18 minoritised communities, and so those structural  
 19 inequalities deeply impact on the ability of an  
 20 individual from a black and minoritised community to be  
 21 able to disclose.

22 I think that another thing I want to bring in is  
 23 this idea about truth and belief, because, for many  
 24 sexual exploitation victims, that is already, as we  
 25 know, like, across the board missing, but for black and

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1 MS HILL: If you want to touch on the key points there,  
 2 Ms Lewis, and also, perhaps, I think you were asked to  
 3 review the evidence that was given when Dr Beckett and  
 4 Dr Hallett gave evidence on this topic. Do you want to  
 5 deal with those two points, please?

6 MS LEWIS: I think there has obviously been -- I have  
 7 actually seen in the evidence given so far a lot of  
 8 attention paid to training but little attention paid --  
 9 thinking about historical accountability that I've  
 10 mentioned -- to a cultural shift within organisations.  
 11 I think that what I raise in paragraph 65 is about  
 12 agencies' ability to reflect and to change and for there  
 13 to be those cultural shifts. Also, I talk about -- and  
 14 that does impact on whether victims feel that they are  
 15 able to disclose.

16 Also, I discuss, in paragraph 66, that, for the  
 17 women that we are supporting, when 70 per cent of  
 18 the women that we support through our domestic violence  
 19 and sexual violence services are saying that either in  
 20 childhood or at some point in their adulthood they have  
 21 been through a form of sexual violence, I think we have  
 22 got to find some kind of connectivity between forms of  
 23 sexual violence and the sexual exploitation that are  
 24 going on, and sometimes there is almost  
 25 a disconnectivity, but for many women, they might have

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1 minoritised victims there is even more emphasis on that.  
 2 Something that comes out very much in the example I have  
 3 given of Jennifer is that the way that she was treated  
 4 and the inequalities that she was treated with in terms  
 5 of her experiences with institutions such as the police  
 6 and Social Services, a lot of this was based on her  
 7 ability to have any trust in them, and I think,  
 8 likewise, there's also an issue about institutional  
 9 trust in what the victim is saying as well. And if you  
 10 have structural inequalities that deeply impacts upon  
 11 agencies being able to understand that.

12 If I bring in that notion of cultural competence as  
 13 well, so, for example, something that was raised in  
 14 Jennifer's case was around an understanding around her  
 15 belief systems, which isn't greatly gone into in the  
 16 statement, but I have used that as an example. Because  
 17 her belief systems, like many women from her heritage,  
 18 were very deeply embedded, linked into many notions  
 19 around honour, and she held those belief systems very  
 20 deeply, and there was a bit -- well, it wasn't a bit of  
 21 disbelief, there was disbelief from the agencies in  
 22 relation to that because it wasn't familiar and it  
 23 wasn't understood. This is where a lack of cultural  
 24 competence, a lack of diversity in the workforce, can  
 25 have major implications for black and minoritised

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1 communities in terms of how they are going to engage  
 2 with agencies and how those agencies are going to engage  
 3 with them, because, as soon as they raise an issue that  
 4 isn't familiar to agencies, then those agencies  
 5 disconnect and say, "That doesn't seem truthful". So  
 6 I'm just using that as an example.  
 7 MS HILL: Just for the panel's note, in due course, you have  
 8 given quite a bit of detail about the case study of the  
 9 person you call Jennifer, INQ006185, paragraphs 31 to  
 10 62.  
 11 Ms Ahmed, can I come to you to give evidence on  
 12 these similar topics. We are looking in particular  
 13 about the cultural understanding and representation  
 14 within statutory agencies -- the police and local  
 15 authorities -- and also the other points that Ms Lewis  
 16 has raised. Do you want to come back on those?  
 17 MS AHMED: I just wanted to give the quick example that, say  
 18 in the past year, two of the young women who have come  
 19 forward -- both of these young women are above 20 but  
 20 under 30 -- they went through child sexual exploitation  
 21 and, when the families found out -- or part of their  
 22 growing up, they were -- the consistent message they  
 23 were given by the families was that "You don't trust  
 24 white professionals because of racism", so when those  
 25 young women talk about their experiences and how much

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1 we lobby and campaign, because there aren't the other  
 2 organisations that do that work. Yet, in terms of  
 3 trying to ensure that we have a sustained future, that  
 4 becomes very, very difficult.  
 5 If you look at the number -- the more we, as  
 6 organisations, talk about this issue, the more women,  
 7 older women, younger women, we find approach us and talk  
 8 about the abuse that they are facing.  
 9 So one way of overcoming this issue in the future is  
 10 to make sure that you have got specialist, dedicated  
 11 services that are able to reach out into those  
 12 communities and talk about these issues which mainstream  
 13 services are not able to talk about because they don't  
 14 have the understanding.  
 15 MS HILL: Ms Ahmed, before I come back to -- in fact,  
 16 Ms Lewis, do you want to come back on that point?  
 17 MS LEWIS: Yes. I just want to quickly say about specialist  
 18 services that we are led by and for, we're multilingual.  
 19 At a very simple level, this is often overlooked by  
 20 professionals. But women walk into centres like ours  
 21 and see themselves reflected. They instantly trust.  
 22 They know that we are going to understand where they are  
 23 coming from. There is that trust, that belief, that  
 24 cultural competence. We provide holistic wrap-around  
 25 support. So, again, going back to those interconnecting

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1 longer it took them to actually build a relationship  
 2 with, for example, white workers and then actually  
 3 disclose, and yet, when you look at the training, the  
 4 awareness raising, again, the toolkits, any information  
 5 that's produced by the agencies at the moment, none of  
 6 that understanding is there about what might prevent  
 7 children from certain communities from actually  
 8 disclosing.  
 9 MS HILL: Ms Ahmed, I think you and Ms Lewis were asked to  
 10 look at some evidence from Dr Ella Cockbain that was  
 11 provided quite recently, paragraph 20 of her witness  
 12 statement, I don't think I need to bring it up,  
 13 INQ006279. She gave some views about the importance of  
 14 the availability and appropriateness of services, and  
 15 specifically of those for BME and LGBTQ+ victims and  
 16 survivors, and talked about some of the practical issues  
 17 about spending being directed to generic and cheaper  
 18 services and raised a series of points about that. Do  
 19 you want to respond to her evidence, Ms Ahmed?  
 20 MS AHMED: I would totally agree with Dr Cockbain's  
 21 statements. If you just look at the Angelou Centre or  
 22 Apna Haq, as organisations we were set up maybe  
 23 primarily initially to deal with domestic violence, but  
 24 because of the links to do with sexual violence, we --  
 25 the work that we do, we support women on those issues,

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1 forms of harm and violence that go on, often, around  
 2 sexual exploitation for black and minoritised victims,  
 3 but also thinking about those wider barriers that many  
 4 women and children will face in terms of immigration,  
 5 child protection, et cetera. We have got to be able to  
 6 provide meaningful, long-term support.  
 7 I also want to just really briefly bring in this  
 8 idea about institutional exclusion, because, actually,  
 9 a lot of women and children are too scared because of  
 10 that fear of authority, and also because of the way they  
 11 have often been treated by mainstream and generic  
 12 services where they have tried to get support. If  
 13 I give you -- I will give you a very easy example.  
 14 Before women come into our refuges at the  
 15 Angelou Centre, they have been to seven mainstream  
 16 services -- housing, police, women's services -- before  
 17 they receive support. I will leave it there. Thank  
 18 you.  
 19 MS HILL: Ms Ahmed, can I bring up, please, for you,  
 20 paragraph 13 of your witness statement, INQ006260. You  
 21 deal there with the media coverage of the Jay Report  
 22 into Rotherham and the issues that caused around the  
 23 media representation of the ethnicity of the victims and  
 24 the perpetrators. Help us with what you say at  
 25 paragraph 13, please?

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<p>1 MS AHMED: When the media came to Rotherham, a whole                  2 narrative came out in terms of Asian men and white                  3 girls, and even though, in terms of Rotherham, we had                  4 10 per cent of the girls that were abused were from                  5 a BME, Pakistani background, but that never made the                  6 headlines. In terms of myself as a worker who works                  7 regionally and travels the UK, I have been shocked where                  8 I have attended many, many events where white                  9 professionals have been, where they will actually say,                  10 "Is there any truth ...?" They are not questioning the                  11 fact that the media representation is not true.                  12 In terms of the impact that that's had on our                  13 community, in terms of just the levels of racism, means                  14 that those messages are being given out to our young                  15 people. So that, again, then becomes another additional                  16 barrier to reporting because the young person is                  17 thinking about the community and wanting to protect in                  18 a way.                  19 MS HILL: You have given more detailed evidence about                  20 barriers to disclosure within BME communities, Ms Ahmed,                  21 at paragraphs 26 to 30 of your witness statement. You                  22 have touched on that several times today. I think you                  23 were asked to review some of the evidence from the child                  24 protection in religious organisations hearing where some                  25 evidence was given about barriers to reporting. Is</p> <p style="text-align: center;">Page 149</p>	<p>1 there anything else you would like to say on that topic                  2 or have you covered it sufficiently at different points?                  3 MS AHMED: Ms Hill, just to say I was away all last week.                  4 What I was going to say to you at the end of it is, all                  5 of the live broadcasts, I will want to be able to look                  6 at those and feed back to you in writing. So I've not                  7 had as much time as I would have liked to. I did have                  8 a quick look through in terms of the religious settings,                  9 and, again, what I'd like to do is just respond to some                  10 of those issues in writing in the future.                  11 MS HILL: There are a few pages in that. Ms Lewis, did you                  12 have a chance to read the evidence from the group of                  13 witnesses that gave evidence there about barriers to                  14 disclosure or do you want time to reflect on that too?                  15 MS LEWIS: I would like time to reflect. We were brought                  16 into this hearing quite late on, I believe, so I've only                  17 had the chance to observe the hearings from yesterday                  18 and I have read as much as I can, but I would like the                  19 opportunity to adequately respond, thank you.                  20 MS HILL: Moving on to our remaining topics, if I may,                  21 dealing with our theme around risk assessment and                  22 protection from harm. For the note, please, INQ006260,                  23 paragraphs 23 to 25. Ms Ahmed, you talk there about the                  24 CSE NHS toolkit which Apna Haq has inputted. Can I ask                  25 you to give your view, if you can, on the evidence we</p> <p style="text-align: center;">Page 150</p>
<p>1 have heard about the extent to which risk assessment                  2 tools are developed from the starting point of                  3 a particular type of CSE, and are perhaps focused on an                  4 assumption that there is a white, non-disabled female                  5 victim here. This is evidence that was given around --                  6 I think earlier in this hearing by Ms Naylor from                  7 Barnardo's. Can you answer the general question on that                  8 issue, or do you want a bit of time to reflect on her                  9 evidence separately?                  10 MS AHMED: I'd like to reflect on her evidence separately,                  11 but just to say generally, I mean, again, I would                  12 totally agree, and in a way this example shows that, so                  13 on the one hand, this was an amazing toolkit that was                  14 being developed, but there was no mention in terms of                  15 honour-based violence or forced marriage, real issues                  16 that, when a group of Asian girls was asked that                  17 question about, what would happen to you if -- what                  18 could happen, potentially, if parents found out that                  19 their daughter was involved in child sexual                  20 exploitation, for that group of young women, they were                  21 real concerns, and yet they wouldn't have manifested                  22 themselves had their voices not been included in the                  23 development of the toolkit. So going back to some of                  24 the questions earlier, it's really, really important                  25 that when we talk about BME communities, we remember</p> <p style="text-align: center;">Page 151</p>	<p>1 that we are not one homogeneous group, there are                  2 different communities among the subset, and we need to                  3 make sure that whatever materials we are developing take                  4 into account those young women, those young men's                  5 experiences and then the resources are developed.                  6 MS HILL: Ms Lewis, do you want to comment on the risk                  7 assessment question?                  8 MS LEWIS: I would. I think it is incredibly important and                  9 I concur absolutely with what Zlakha said there in                  10 relation to professionals.                  11 But I also want to add, I really welcomed                  12 Ms Naylor's observation about the tools being developed                  13 particularly "for white girls", so there's intersecting                  14 needs not being met within the risk assessments.                  15 However, I would also like to talk about the people who                  16 are making the risk assessments, because risk                  17 assessments, as we know from the work we do day in, day                  18 out, can be very, very subjective. So it depends upon                  19 the expertise, the understanding. And, again, going all                  20 the way back to that idea around cultural competence,                  21 knowledge of violence against women and girls,                  22 understanding of cultural and religious backgrounds,                  23 et cetera. If you don't have that knowledge, how can                  24 you contribute that towards a risk assessment? Without                  25 that contribution, we know that these risk</p> <p style="text-align: center;">Page 152</p>

1 assessments -- we know these assessments in general of  
 2 young women, whether they have been in the child  
 3 protection system or otherwise, or even by the police,  
 4 have a huge further implication on the safety and  
 5 protection of those children and young people in the  
 6 future.  
 7 If I give an example about assessments that's more  
 8 from a police angle, that might be helpful. In 2017, we  
 9 did a Freedom of Information Act around honour-based  
 10 violence markers, the police have to do that in relation  
 11 to making sure -- because honour-based violence is seen  
 12 to, obviously, project a high level of risk. If I'm  
 13 talking about sexual exploitation victims we work with  
 14 where honour-based violence is involved, it is very  
 15 relevant. What happened was that, often, when they were  
 16 going out for any disturbances or issues, disclosures,  
 17 they would put it down as "family" or "cultural issues"  
 18 rather than looking at it as a form of abuse or  
 19 violence. So those markers weren't being done. We had  
 20 to do a lot of work with the police to get them to  
 21 involve those markers. Often, black and minoritised  
 22 communities are viewed to be difficult to work with  
 23 because there isn't that cultural competence. Where  
 24 there is no recourse to public funds, often their  
 25 threshold of support needs will be diminished because of

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1 is that criminalisation of those are, in fact, the  
 2 victims. Do you want to talk about that briefly?  
 3 MS LEWIS: Very briefly, I have given that in the example of  
 4 Jennifer as well within the statement. That might be an  
 5 easy way of locating it. So she disclosed to me and  
 6 said often to social workers that she felt that because  
 7 of the colour of her skin and because she was seen as  
 8 being the one black girl often at these chill parties,  
 9 so to speak, that often she would be massively  
 10 discriminated against. So when the police came, they  
 11 didn't arrest any of the perpetrators, they would remove  
 12 her and say she was a prostitute. This was continually  
 13 said to her. This was when she was between the ages of  
 14 16 and 18. So she was in that transitional phase. She  
 15 was still a child. So that was said to her.  
 16 This idea about her acting as a prostitute also  
 17 links back to this idea of this being like a lifestyle  
 18 choice, where, in fact, she was still a child.  
 19 There is also some issues around -- that I've raised  
 20 around the systemic racism and hypersexualisation of  
 21 black and African Caribbean heritage women and I would  
 22 say other black and minoritised women and children and  
 23 girls. I think Janine Davies in Cockbain's -- Cockbain  
 24 actually references the research of Janine Davies and  
 25 she has talked a lot about this in relation to the

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1 the issues around money, and often black and minoritised  
 2 victims, as we know, are invisibilised and neglected  
 3 often within the system.  
 4 I also want to really briefly bring in something  
 5 around the fact that there is a profiling of many  
 6 communities, and particularly Muslim communities, and  
 7 because of the Prevent agenda, it's caused a bit of an  
 8 issue where many communities do not feel trusting or  
 9 enabled to be able to disclose to the police. What is  
 10 happening on the obverse side in terms of institutions  
 11 is there is a focus on issues such as Prevent and  
 12 terrorism links over and above disclosures of sexual  
 13 exploitation and violence and we have seen this through  
 14 quite a few institutions, it's not just the police  
 15 alone.  
 16 I think that that kind of focus on radicalisation --  
 17 I can give you many examples, but I know time is  
 18 short -- unfortunately inhibits institutions and  
 19 protective services and safeguarding services from being  
 20 able to see the violence and the exploitation and the  
 21 safety and protection needs of that individual victim.  
 22 Thank you.  
 23 MS HILL: Ms Lewis, one particular issue relating to the  
 24 police that you have drawn out in your witness  
 25 statement, paragraphs 45 to 47 and I think at 17 as well

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1 oversexualisation of black and minoritised girls, and  
 2 that idea that they are older than they are because of  
 3 the oversexualisation of them. It is a very racist  
 4 trope, obviously, in pornography. Black women and girls  
 5 are not trusted in their disclosures around having gone  
 6 through sexual abuse, often because of this  
 7 hypersexualisation of them. Also, just very briefly  
 8 just to touch again about that lack of culture  
 9 competence and understanding within the police force,  
 10 which, again, majorly affects where I began, which is  
 11 around the assessments. I will leave it there. Thank  
 12 you.  
 13 MS HILL: Ms Ahmed, can you comment on this issue of  
 14 the criminalisation of those who are victims of  
 15 exploitation?  
 16 MS AHMED: Yes. There was an example in my statement in  
 17 terms of an 18-year-old who was kept overnight and gang  
 18 raped by about 12 to 14 different men. She was then  
 19 dumped and she was found in the morning. The police  
 20 came and, when the mother came to be with her daughter,  
 21 the police asked the mother whether -- they said, "Is  
 22 your daughter on drugs or is she a mental health  
 23 patient, because she's making wild allegations?". Now,  
 24 instead of believing her as a young woman, that was the  
 25 type of response, which -- that could easily have gone

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1 down this criminal route.  
2 MS HILL: Two further topics, perhaps I will just come to  
3 you on these. Ms Lewis, do you want to come back on  
4 that first?  
5 MS LEWIS: Just very briefly, I raised it in my statement,  
6 but I think it is very pertinent that  
7 Operation Sanctuary in the north-east, if you have any  
8 background about it, you will know that one of  
9 the people that was imprisoned was a white woman. I'll  
10 not name her. But there was a lot of media -- there was  
11 a big media response around her. What I would say is  
12 that, was she a victim? I think she was a victim and  
13 a perpetrator. I think that often that fine line is  
14 designated according to probably what the perceived  
15 background of that individual is.  
16 MS HILL: I see you nodding, Ms Ahmed, on that issue.  
17 I have two further topics, please, to see if you can  
18 comment and help the inquiry on these issues. As you  
19 know, Ms Ahmed, we are looking at the issue of male  
20 victims and we have also been looking at the extent to  
21 which data of victims and perpetrators is properly  
22 recorded. Is there anything on either of those topics  
23 that you feel able to add?  
24 MS AHMED: No. I suppose just to say that in terms of male  
25 victims, I know that, as an organisation, although we

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1 I will check with my colleagues. Ms Sharpling?  
2 Questions from THE PANEL  
3 MS SHARPLING: Thank you very much. I think this is  
4 a question for Ms Ahmed, if I may. In paragraph 21 of  
5 your statement, where you describe your research, the  
6 last bullet point, (n):  
7 "Culture is used as an excuse, but no culture allows  
8 abuse or exploitation."  
9 Could you just clarify that with some more  
10 observations so we fully understand what that means?  
11 MS AHMED: Yes, because -- so people -- when I was reading  
12 the evidence in terms of the religious institutions,  
13 culture was mentioned quite a bit as being the reason  
14 behind why abuse is taking place, and for -- and  
15 often -- so, for example, in the line of work that I do,  
16 I will be told, for example, it is due to my culture  
17 either being backwards or being conservative or being  
18 controlling, that that's why the abuse is happening.  
19 But we know that abuse happens in all cultures, and so  
20 what we are trying to -- this came back from the  
21 research, and so what those people that we spoke to were  
22 saying was that there is good and bad in every culture,  
23 and to be saying that abuse is happening due to our  
24 culture is wrong. What we should be saying is, abuse is  
25 happening because abuse is allowed to be happening.

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1 talk about women and girls, when we do raise that  
2 subject, I get many disclosures by men who were abused  
3 as children, and so we know that there is  
4 under-reporting and acknowledgement in terms of victims  
5 from BME communities who are males.  
6 MS HILL: The extent to which there is accurate data  
7 recording of --  
8 MS AHMED: In terms of -- whether it's local agencies,  
9 regional agencies, national agencies, whenever we talk  
10 about issues of child sexual exploitation, child abuse,  
11 the BME element is always missing. When I raise the  
12 issue and say, "Can I have some information? Can I have  
13 some background?", the response I always get is, "We  
14 don't have any data. We don't collect it". Therefore,  
15 there's real invisibility about the experiences.  
16 MS HILL: Ms Lewis, do you want to deal with those two  
17 topics?  
18 MS LEWIS: Very briefly, I just want to say that lack of  
19 gender-based analysis impacts on boys too and it impacts  
20 on men who are also victims in terms of believability,  
21 in terms of ability to disclose and in terms of  
22 appropriate services for black and minoritised victims.  
23 I will leave it there because of time.  
24 MS HILL: Chair and panel, those are all my questions.  
25 THE CHAIR: Thank you, Ms Hill. I have no questions, but

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1 I don't know if that makes sense.  
2 MS SHARPLING: Thank you. That's helpful. One more  
3 question, which may be for either of you. We have heard  
4 a lot throughout this investigation about the violence  
5 that's perpetrated by perpetrators -- I use the words  
6 deliberately -- towards children, of course escalating  
7 over periods of time, and very violent episodes were  
8 described to us. Can you make any observations on that?  
9 MS AHMED: In terms of the perpetrators? That's -- for us  
10 as an organisation, it's always, always been really,  
11 really important that the services are there for the  
12 victims because we know that we need to safeguard and  
13 protect the victims and work towards eliminating the  
14 abuse. Obviously there is a need to understand the  
15 perpetrators and to work out a way of eliminating the  
16 abuse. I don't know if I'm answering the question.  
17 MS SHARPLING: I'm not saying it is an easy question or  
18 there is an easy answer to it.  
19 MS AHMED: Maybe I'm not clear. Do you just want to  
20 rephrase your question?  
21 MS SHARPLING: I'm just interested, we have heard a lot of  
22 evidence during the last two weeks about increasing  
23 levels of violence towards the victims of child sexual  
24 exploitation. I wondered if you had any observations,  
25 particularly in relation to perpetrators. I understand

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1 the points you have made on so-called honour-based  
2 crime.  
3 MS AHMED: We know in terms of -- some of the families that  
4 we are supporting at the moment, we know that there is  
5 more and more use, for example, in terms of the porn and  
6 because of the online access to children, and we know  
7 that in terms of the porn industry, what used to be  
8 classed as soft porn or hard porn many years ago is now  
9 seen as soft porn.  
10 So in terms of -- so, again, I'm not saying that  
11 I know the real answer, but in terms of perpetrators and  
12 the levels of violence that they're using, there may be  
13 influences in terms of what makes them as violent as  
14 they are, which includes, for example, the porn  
15 industry.  
16 MS SHARPLING: Thank you. Ms Lewis, do you have anything to  
17 add?  
18 MS LEWIS: I was just going to add that I absolutely concur,  
19 again, with Zlakha -- Ms Ahmed. I would also like to  
20 bring in that I think what's happened is, if we look at  
21 the progression of the way that sexual exploitation is  
22 viewed and the additional work and the way that  
23 services -- generic services, I'm talking about -- view  
24 it and the kind of training and support that the likes  
25 of Ms Ahmed and ourselves have done, I think there is

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1 statutory agencies and from the local authority. That's  
2 why we have developed our services. I would completely  
3 agree that there aren't enough services, but we have  
4 a really wide range of services.  
5 For example, I do, in my statement, refer to  
6 a family that came where there was issues with gang  
7 violence. I can't remember the paragraph, but hopefully  
8 somebody can refer you to that. But it is within my  
9 statement.  
10 Now, within that, the way that we worked was, we  
11 worked with the mother through a parenting support  
12 worker, we had a different worker for the young woman,  
13 we had a different worker for different family members.  
14 So we have expanded our services to make sure that we  
15 set up very confidential support within our agency to  
16 provide this additional holistic support for a family,  
17 because the reality is they're not going to get that  
18 from elsewhere. I think the big thing is around trust,  
19 as I mentioned, with communities. Often they don't want  
20 to go to other institutions. Even if they do, those  
21 institutions are very rarely independent. So I think  
22 something I would raise is, there needs to be a mass  
23 transformation around the resources that are available  
24 for victims of childhood sexual exploitation that are  
25 independent and are appropriate and understand holistic

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1 more of a recognition of these intersecting forms of  
2 violence which obviously escalates. Whereas before you  
3 would see that, often, they weren't even recognised or  
4 brought into it. I think there is something about that  
5 more holistic view and understanding in the entirety  
6 about what victims are going through.  
7 MS SHARPLING: I understand that. Thank you. That's all  
8 I ask.  
9 THE CHAIR: Mr Frank?  
10 MR FRANK: Yes, please. Ms Lewis, you have mentioned that  
11 many of the people who come to you who have already  
12 been, unsuccessfully, to some seven or more other  
13 agencies before they turn up on your doorstep. In  
14 particular, I want to ask you, we have heard a bit about  
15 how not only is there the exploitation of children, but  
16 there can also be additional threat and trauma caused to  
17 families. If you have family coming to you with  
18 a concern, do you have a place to which you can send  
19 them for support and redress for their trauma, because  
20 we have heard from other parts of the country that there  
21 is not very much available. Can you help us about that?  
22 MS LEWIS: It is very limited. This has been part of  
23 the journey of our violence against women's and girls  
24 services because we have kept developing services based  
25 on need and adequate redress from institutions, from

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1 recovery and understand intersectional need.  
2 MR FRANK: Thank you.  
3 THE CHAIR: Sir Malcolm?  
4 PROF SIR MALCOLM EVANS: Thank you. I am conscious of time,  
5 and I'm also conscious that this is a question that you  
6 could probably spend all afternoon answering, so if  
7 I could just -- very short observations. Picking up on  
8 a phrase which, Ms Lewis, you used, you talked about  
9 cultural competencies at one point. I wonder whether  
10 both of you could say just a very few words about what  
11 you think "good" looks like in terms of cultural  
12 competency in professional services and professional  
13 service delivery?  
14 MS AHMED: Shall I go first?  
15 MS LEWIS: Yes, please.  
16 MS AHMED: A culturally competent worker is somebody who  
17 understands different communities, different cultures,  
18 is aware of the issues, the barriers and is able to  
19 engage with that young person and that family in a way  
20 that that family and young person is able to open up,  
21 feel that they're being believed and that they can trust  
22 that professional, and that professional is then able to  
23 offer them a range of support and services that helps  
24 them to disclose what's happened, gain appropriate  
25 support. So it is the beginning of a journey, almost --

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1 I mean, it can never be the same, but parallelling the  
 2 specialist services that we provide, which is why women  
 3 and girls engage with us.  
 4 MS LEWIS: I will just come in there very briefly to say  
 5 that, really, true cultural competence can only come  
 6 from, like, a specialist service because it is not about  
 7 having that one worker, it is about looking at this  
 8 systemically and often institutionally. So I talked  
 9 about the need for a diverse workforce, very important.  
 10 And also for the statutory agencies to work with and  
 11 support led-and-by-for agencies and recognise their  
 12 expertise, their specialism and their ability to provide  
 13 the gap that often their services aren't able to  
 14 provide. Also, that idea about being an independent  
 15 service away from institutions for communities that have  
 16 been consistently discriminated against or have felt  
 17 discrimination and inequality is very, very important.  
 18 So I think that within that cultural competence --  
 19 because it is a very big -- although we use it as  
 20 a band-all phrase, we are a bit hesitant as well because  
 21 it has become a real go-to to say we are culturally  
 22 competent or we have had the training. But it is not  
 23 about that. It is really is about an embedded culture  
 24 shift, a diverse workforce, recognising specialist  
 25 services, working with specialist services and also

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1 I'd like to raise there is that understanding of  
 2 the need to identify this within intersecting  
 3 differences, because that wasn't discussed. I think  
 4 that was something that I saw over the last two days, is  
 5 a potential avoidance or a lack of discussion around  
 6 marginalised and black and minoritised communities and  
 7 that additional need that is there and within that  
 8 institutional discrimination or that institutional  
 9 framework.  
 10 The Home Office and Ms Langdale's, if I could refer  
 11 to that from Day 9, there was a lack of discussion  
 12 around accountability for failures to protect, which  
 13 I think is really important. Thinking about that need  
 14 for embedded trust within communities, between  
 15 communities and institutions.  
 16 The historical safeguarding issues that should be  
 17 affecting policies now, that wasn't referenced. Neither  
 18 was the need for independent specialist services or an  
 19 understanding about regional inconsistencies.  
 20 I'd like to just talk a bit about Mr McGill today.  
 21 He talked about the criminal justice system being  
 22 adversarial and brutal, and I would imagine that many  
 23 services that work with victims and many victims  
 24 themselves would find that really, really disturbing,  
 25 although I understand his point. But surely there needs

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1 letting them lead on this work with the victims.  
 2 PROF SIR MALCOLM EVANS: Thank you. That's been very  
 3 helpful. Thank you both very much.  
 4 THE CHAIR: Thank you. Ms Hill?  
 5 Further examination by MS HILL  
 6 MS HILL: Both witnesses I think were expecting to be asked  
 7 to respond to the institutional evidence that's been  
 8 heard in this investigation. If they feel able to do so  
 9 very briefly, could you give the headlines of your  
 10 response and would you be able to provide some further  
 11 written evidence on this? Ms Ahmed, question to you,  
 12 please?  
 13 MS AHMED: As I said, because I was away, I only got back  
 14 late last night, I will give some written evidence.  
 15 MS HILL: That will include not only reviewing the  
 16 transcripts we send you, but also looking at some of  
 17 the evidence in this investigation as well as the CPIROS  
 18 one. Ms Lewis, anything you can say in response to  
 19 what's been heard in this investigation so far?  
 20 MS LEWIS: I only saw two days, but there are a few issues  
 21 that I'd like to raise, as well as to have the  
 22 opportunity to respond in writing in a more detailed way  
 23 so I can catch up around the other evidence as well.  
 24 But I'd like to just refer to Mr Heaney on Day 9 when he  
 25 talked about the profiling of sexual exploitation. What

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1 to be a shift in culture if we are really going to be  
 2 able to safeguard children. So if, in parallel, they  
 3 are wanting to safeguard children as well, I think there  
 4 needs to be some kind of review around that.  
 5 Unfortunately, it was very disappointing that there  
 6 was very little data that we saw presented as well.  
 7 Disaggregated data in evidence is incredibly important  
 8 to us because it doesn't only show which victims are  
 9 presenting, it shows us where the gaps are as well,  
 10 which is really important.  
 11 There was a bit of a discussion around disruption,  
 12 and I think, again, that focus on disruption, that can  
 13 be part of the toolkit, as Mr McGill referenced, but it  
 14 can also be problematic because, actually, it decentres  
 15 the crimes against the victims.  
 16 So I think we need to have a think about that.  
 17 Very, very quickly, the judicial review process  
 18 regarding the rape prosecutions, I'd like to bring that  
 19 in, because I understand that there are nuances and  
 20 differences in terms of sexual violence and sexual  
 21 exploitation, but, as I referenced before, and as our  
 22 evidence shows in the work that we do, often women and  
 23 children will go through many forms of sexual violence  
 24 and exploitation throughout a period of time, so to  
 25 disconnect them entirely is really problematic, so if

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<p>1 there is a public message that rape prosecutions are not                  2 going ahead as they should be or there's a public                  3 message around rape prosecutions not being successful,                  4 that does have a knock-on impact to many victims of                  5 sexual exploitation.                  6 And I'd like to bring up that lack of attention to                  7 the transitional age as well, that 16 to 18. We know it                  8 is such a high-risk age and I haven't seen much                  9 discussion of it.                  10 Very finally, talking about Ms Gibbons today, her                  11 evidence, it was great hearing about that evidence from                  12 the point of view of the parents and that evidence from                  13 a very community-centred point of view, but, again,                  14 there was no discussion about difference, about                  15 marginalised communities, and there wasn't as much                  16 discussion about black and minoritised communities and                  17 what they need. I think something from the evidence                  18 I've seen that I'm sure Ms -- that Zlakha would agree                  19 with this, is that, to us, all victims are valid. It                  20 doesn't matter their family background, their ethnicity,                  21 their race, their class, their gender or their ability.                  22 All victims should be valued and it shouldn't be because                  23 they come from a certain home that they're valued more                  24 than somebody who has been through abuse within the                  25 home. Everybody should be treated equitably throughout</p> <p style="text-align: center;">Page 169</p>	<p>1 this system.                  2 MS HILL: Thank you very much. I'm sure the inquiry would                  3 welcome any further evidence in writing that each of you                  4 can provide.                  5 Chair, I formally apply to adduce, please, the                  6 written evidence of Nazir Afzal and that of                  7 Dr Ella Cockbain about which you have heard today.                  8 Chair, as you know, I mentioned in the opening that                  9 there are some lists of further documents that we                  10 propose to formally adduce which are documents referred                  11 to in the opening and those that appeared on the topics                  12 lists which were not called up on screen, and that also                  13 includes reference to publicly available reports.                  14 Those lists, chair, will be circulated to core                  15 participants next week and, with your permission, we                  16 will publish on the inquiry's website those documents.                  17 They have all been already disclosed to the core                  18 participants.                  19 Chair, save for reading in the timeline in relation                  20 to the Durham children, which we propose -- we propose                  21 to do that on the final morning of the closing                  22 statements, chair. Aside from reading in the Durham                  23 children's timeline, that is all the evidence we propose                  24 to place before you in this investigation.                  25 THE CHAIR: Thank you, Ms Hill. Can I thank Ms Ahmed and</p> <p style="text-align: center;">Page 170</p>
<p>1 Ms Lewis for their evidence today, and we will resume                  2 for closing statements and the additional Durham                  3 timeline on October 29. Thank you very much.                  4 (3.57 pm)                  5 (The hearing was adjourned to                  6 Thursday, 29 October 2020 at 10.30 am)                  7                  8                  9 I N D E X                  10                  11 MR GREGOR MCGILL ( affirmed) .....1                  12 Examination by MS HILL .....1                  13 Questions from THE PANEL .....66                  14 Summary of timeline of WITNESS .....82                  15 CS-A146 (read)                  16 Summary of timeline of WITNESS .....84                  17 CS-A216 (read)                  18 Summary of timeline of WITNESS .....86                  19 CS-A19 (read)                  20 Summary of timeline of WITNESS .....89                  21 CS-A151 (read)                  22 Summary of timeline of WITNESS .....91                  23 CS-A300 (read)                  24                  25 MS GILL GIBBONS (sworn) .....92                  Examination by MS BENFIELD .....92                  Questions from THE PANEL .....115                  MS ZLAKHA AHMED (affirmed) .....118                  MS ROSIE LEWIS (affirmed) .....118                  Examination by MS HILL .....118</p> <p style="text-align: center;">Page 171</p>	<p>1 Further examination by MS HILL .....166                  2                  3                  4                  5                  6                  7                  8                  9                  10                  11                  12                  13                  14                  15                  16                  17                  18                  19                  20                  21                  22                  23                  24                  25</p> <p style="text-align: center;">Page 172</p>

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