

<p>1 Tuesday, 27 October 2020</p> <p>2 (10.30 am)</p> <p>3 (Hearing in closed session)</p> <p>4 (12.24 pm)</p> <p>5 IN OPEN SESSION</p> <p>6 MR ALTMAN: The next witness is Ms Helen Ewen, who wishes to</p> <p>7 be affirmed.</p> <p>8 MS HELEN EWEN (affirmed)</p> <p>9 Examination by MR ALTMAN</p> <p>10 MR ALTMAN: Can you give us your full name, please?</p> <p>11 A. Certainly. Helen Ewen.</p> <p>12 Q. Ms Ewen, what is your employment?</p> <p>13 A. My job title is Director of Honours and Information</p> <p>14 within the Cabinet Office.</p> <p>15 Q. Does your role sit within the Cabinet Secretary Group,</p> <p>16 as you call it?</p> <p>17 A. That's right, yes.</p> <p>18 Q. What does that mean?</p> <p>19 A. That is one of the divisions within the Cabinet Office</p> <p>20 which is made up of a number of teams, of which I am</p> <p>21 responsible for three.</p> <p>22 Q. I think you have worked in the Cabinet Office since</p> <p>23 2012?</p> <p>24 A. That's right.</p> <p>25 Q. You have been in your current role, am I right,</p> <p style="text-align: center;">Page 1</p>	<p>1 since September 2019?</p> <p>2 A. That's correct.</p> <p>3 Q. You have kindly made a short statement to us because</p> <p>4 you're giving evidence, in effect, in place of</p> <p>5 Sir Richard Heaton, who made a statement to the inquiry</p> <p>6 on 31 July of this year, which is, for our record,</p> <p>7 INQ006076. Chair, may I ask you to adduce that in full,</p> <p>8 please?</p> <p>9 A. Yes, I will do that.</p> <p>10 Q. But you have read, Ms Ewen, have you, Sir Richard's</p> <p>11 statement?</p> <p>12 A. I have, yes.</p> <p>13 Q. You may have to speak up, because I can only see the</p> <p>14 chair at the moment, and we need to see you?</p> <p>15 A. Okay, is that better?</p> <p>16 Q. Much better. Thank you. So you have read the</p> <p>17 statement, and do you agree with it?</p> <p>18 A. I do.</p> <p>19 Q. That's a useful start. Sir Richard Heaton, you can</p> <p>20 confirm this, I think he's retired, so he can't help any</p> <p>21 longer, and that's why you're helping. He was Permanent</p> <p>22 Secretary to the Ministry of Justice from 2015, I think,</p> <p>23 and he tells us that he had oversight of the Honours and</p> <p>24 Appointments Secretariat, which was responsible for, or</p> <p>25 is responsible for, policy and operation of the UK</p> <p style="text-align: center;">Page 2</p>
<p>1 honours system and has been since, and was since, March;</p> <p>2 is that correct?</p> <p>3 A. Yes, that's correct.</p> <p>4 Q. So staff from the Honours and Appointments Secretariat</p> <p>5 provide support to HOLAC? Is that the correct</p> <p>6 pronunciation of the acronym?</p> <p>7 A. Yes, that's correct, and they do.</p> <p>8 Q. Is it "HO-LAC" or "HOL-AC"?</p> <p>9 A. "HO-LAC".</p> <p>10 Q. Which is the House of Lords Appointments Commission,</p> <p>11 which was set up in 2000, operates independently of</p> <p>12 government and is responsible for recommending</p> <p>13 appointments to the non-party crossbenchers in the House</p> <p>14 of Lords; is that right?</p> <p>15 A. That's correct, and they also complete the vetting for</p> <p>16 political appointments.</p> <p>17 Q. I was going to say, it also vets for the propriety of</p> <p>18 the vast majority of other nominations to the House of</p> <p>19 Lords, including candidates for party political</p> <p>20 membership as well; is that right?</p> <p>21 A. That's right.</p> <p>22 Q. Was its predecessor organisation the PHSC?</p> <p>23 A. Yes.</p> <p>24 Q. Which is the Political Honours Scrutiny Committee?</p> <p>25 A. That's correct.</p> <p style="text-align: center;">Page 3</p>	<p>1 Q. On whose file Sir Richard was able to base his</p> <p>2 information about historical peerages vetting?</p> <p>3 A. Yes.</p> <p>4 Q. Help us with this before we move on, please, Ms Ewen:</p> <p>5 what is the fundamental difference between an honour and</p> <p>6 a peerage, because I think we have to keep this in mind?</p> <p>7 A. I think there are three points to have in mind. The</p> <p>8 first is about the substance of the two. They both stem</p> <p>9 from within the honours system overall, but a peerage is</p> <p>10 very much an appointment, a role, with an ongoing</p> <p>11 nature. Obviously that role is to serve in the House of</p> <p>12 Lords. An honour is much more a retrospective</p> <p>13 recognition of service given. So they start from that</p> <p>14 different perspective. They are then both taken forward</p> <p>15 through different systems, so, as you've described, on</p> <p>16 the one hand, HOLAC has a specific function in respect</p> <p>17 of peerages; honours are dealt with through a separate</p> <p>18 independent committee system. Then there's a further</p> <p>19 minor distinction between the two, which is that, in</p> <p>20 respect of peerages, individuals are aware and party to</p> <p>21 a nomination where it is brought forward, and in the</p> <p>22 honours system, individuals do not know they are being</p> <p>23 considered unless and until they are successful.</p> <p>24 Q. We have had before some evidence from Helen MacNamara,</p> <p>25 who gave evidence to the Westminster investigation about</p> <p style="text-align: center;">Page 4</p>

1 the honours system, and she produced a statement which
 2 is -- I'm not going to put this up on screen, but for
 3 the record, CAB000040 -- which you have had access to,
 4 I think, and, in particular, her paragraphs 4 and 5
 5 remind us that there are two routes to nomination --
 6 this is for an honour -- the public nomination and
 7 a nomination by a government department.
 8 Stripping those out, the public nomination is, if
 9 somebody wants to put up somebody's name for an honour,
 10 they have to fill out a rather lengthy form, get lots of
 11 references together, submit it I think to the
 12 Cabinet Office, and that will go through the process.
 13 The other route is by a nomination within a government
 14 department?
 15 **A. That's correct.**
 16 Q. Is that correct? Have I got that right?
 17 **A. You have.**
 18 Q. Is there a sifting process thereafter with the strongest
 19 nominees being considered by the Honours Committee?
 20 **A. Yes, that's correct. There are a number of assessment**
 21 **stages. So all nominations will be considered. Where**
 22 **public nominations come to the Cabinet Office, we will**
 23 **assess the evidence and test which ones we think are the**
 24 **strongest. They will also go to Lord-Lieutenants for**
 25 **assessment or to departments where there is a clear**

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1 at paragraph 6, because I want to ask you, please, about
 2 consideration that was given to Greville Janner for an
 3 honour in 1992. Can we put up on the screen, please,
 4 a document that you have seen. It's HOM002303_007. Is
 5 this a letter from Downing Street in confidence, it is
 6 dated 24 July 1992, and it goes to Ms Deborah Heale at
 7 the Home Office:
 8 "Dear Deborah, we have received a recommendation
 9 that Mr Greville Janner MP QC be included in a future
 10 honours list (presumably for a knighthood) to recognise
 11 his services to the Jewish community in Britain.
 12 "I should be grateful for your early comments on
 13 this proposal."
 14 I will come back to the handwriting later. Does it
 15 appear from documentation you've seen, Ms Ewen, that the
 16 Home Office was supportive but, in the end,
 17 Greville Janner didn't receive the honour?
 18 **A. Yes, that's correct. The Home Office I think replied to**
 19 **indicate that they had no objection, they found no**
 20 **adverse reason not to proceed, but, as you say, no**
 21 **honour was given, in the end.**
 22 Q. What Sir Richard says, that there was no honour citation
 23 form, he says, none has been found, with records going
 24 back to the 1970s, the absence of which, to him,
 25 strongly suggested that Janner wasn't even formally

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1 **policy responsibility. Similarly, within departments,**
 2 **they have their own sift processes and committee stages**
 3 **before those are submitted formally to our overall**
 4 **independent committee process.**
 5 Q. Essentially, does the main Honours Committee, which
 6 I think is probably what you are describing, consider
 7 the list and does it consider characteristics such as
 8 probity, propriety, as well as reputation and
 9 information?
 10 **A. Yes. So they have a role in two regards. Firstly, to**
 11 **assess the merit of the case, and then, secondly, to**
 12 **test the probity and propriety aspects, as you have**
 13 **described.**
 14 Q. And negative feedback presumably can lead to a candidate
 15 being removed from the list?
 16 **A. Absolutely.**
 17 Q. Following a few additional steps, which Ms MacNamara
 18 tells us about in her witness statement, the final list
 19 gets published in either the New Year Honours List, is
 20 that correct, or the Queen's Official Birthday Honours
 21 List, ordinarily in June, and this year, for reasons we
 22 all understand, in October?
 23 **A. Correct.**
 24 Q. Thank you very much. That's a very useful background,
 25 I hope. Can we therefore go to Sir Richard's statement

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1 considered for any kind of honour. So that we
 2 understand, what is a citation form?
 3 **A. It is simply the summary information regarding an**
 4 **individual, the positive case put forward, the service,**
 5 **if you like, that is going to be recognised or it is**
 6 **proposed is recognised by the honour and is the basis on**
 7 **which that merit-based assessment would be reached,**
 8 **certainly in the current system.**
 9 Q. Was Sir Richard's reading of it, together with the lack
 10 of citation form, that the recommendation to No 10,
 11 albeit supported by the Home Office, was not pursued?
 12 **A. Yes, indeed. I mean, our assessment, and as Richard set**
 13 **out in his statement, is this documentation represents**
 14 **a very early stage consideration of whether a nomination**
 15 **might be brought forward, as opposed to the kind of**
 16 **final stage consideration or indeed a kind of**
 17 **decision-making point about whether something should**
 18 **proceed.**
 19 Q. It looks very much, from what Sir Richard had to say,
 20 that, had such a citation form existed, the
 21 Cabinet Office would have expected to find a record of
 22 destruction and even that was absent?
 23 **A. Indeed, yes.**
 24 Q. So, in the end, the net effect of all of this is the
 25 Cabinet Office has been unable to ascertain why the

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<p>1 recommendation for the honour in his case in 1992 was 2 not pursued?</p> <p>3 A. That's correct.</p> <p>4 Q. Can we please move on, then, to the issue of peerages. 5 Sir Richard deals with this in his statement from his 6 paragraph 11 onwards. We know that in July 1997, 7 Greville Janner was included in a list of potential life 8 peers, having been nominated this time by the 9 Prime Minister's office; is that right?</p> <p>10 A. That's right.</p> <p>11 Q. Perhaps we can put up on screen, please, CAB000183_005. 12 We see at the top, "Working peers list - August 1997". 13 Recommendation for life peerage with his title. He was 14 "the Honourable", because I think his father was in the 15 Lords as well; is that right, Ms Ewen?</p> <p>16 A. I think that's right, yes.</p> <p>17 Q. That was Barnett Janner, if my memory serves me. Home 18 address given, date of birth, the appointment: 19 "Lately Member of Parliament for Leicester West ..." 20 "Grounds for recommendation: for political and 21 public service. 22 "Proposed by ..." 23 The then Prime Minister, Tony Blair. Then the 24 summary CV, which has been highlighted for us: 25 "A highly respected former MP ... patron of many</p> <p style="text-align: center;">Page 9</p>	<p>1 charities and organisations largely within the Jewish 2 community. He founded the All-Party Group for Homeless 3 and Rootless People (1973) and formed part of 4 the All-Party War Crimes Group. He is currently the 5 president of REACH (Retired Executives Action Clearing 6 House); Maimonides Foundation and the Commonwealth 7 Jewish Council. He is chairman of the Holocaust 8 Educational Trust and the Lord Forte Charitable Trust 9 and works very closely with the World Jewish Congress 10 where he is honorary vice-president, member of 11 the governing board and world executive. He also finds 12 time to be joint president of the Jewish Museum (1985-) 13 whilst making regular appearances on radio and 14 television."</p> <p>15 Is this a citation form by another name?</p> <p>16 A. Yes, I would say it is a shortened version of what we 17 would expect to see now, through the system, but, yes.</p> <p>18 Q. Sir Richard says in his paragraph 11, Ms Ewen, but if 19 you turn to page _004 of that statement, it is right in 20 front of you, a few lines down from the top: 21 "The PHSC [the Political Honours Scrutiny Committee] 22 advised the Prime Minister of the day whether nominees 23 for political services were 'fit and proper persons to 24 be so recommended'." 25 So that appears to be the broad test. He goes on to</p> <p style="text-align: center;">Page 10</p>
<p>1 say the advice isn't binding and wasn't always accepted. 2 Was that also right?</p> <p>3 A. That's correct.</p> <p>4 Q. His paragraph 13. Checks, he says, would be undertaken 5 by the PHSC. They were free to make such enquiries as 6 they saw fit. Is that right?</p> <p>7 A. That's right.</p> <p>8 Q. And areas typically checked were criminal records, one's 9 standing with the tax authorities as well as one's 10 reputation in their field of occupational work, 11 presumably?</p> <p>12 A. That's right.</p> <p>13 Q. Also, Sir Richard tells us sometimes informal 14 arrangements or informal checks were carried out which 15 might touch on possible probity issues. Is that your 16 understanding?</p> <p>17 A. Yes, I think it's absolutely the case that they would 18 look at every individual case on a case-by-case basis, 19 and there is evidence in -- throughout the kind of 20 documentation that we have seen of them taking 21 a different approach according to the information they 22 felt they would need on any individual nomination.</p> <p>23 Q. He makes the point that there was no formal -- no 24 particular policy or practice adopted, so no formal 25 policies in place, and he says in any case the PHSC</p> <p style="text-align: center;">Page 11</p>	<p>1 could make enquiries of the CPS or other organisations 2 but there was nothing compelling them or guiding them to 3 do so?</p> <p>4 A. That's right.</p> <p>5 Q. So it sounds very much as if, at least in those days, 6 the PHSC had very much a free hand, a wide discretion, 7 as to the enquiries they'd make?</p> <p>8 A. I think that's right. Their terms were such that their 9 role was one of scrutiny only. They weren't making the 10 merit-based assessment that exists in the honours 11 system, so their function was more akin to HOLAC today, 12 where it is a question of probity and propriety, 13 scrutiny in that regard, and, yes, as you describe, 14 I think, in fact, their terms are clear that they are 15 able to undertake the checks as they see fit, in order 16 to complete their work.</p> <p>17 Q. Are we able, please, to put up on screen CAB000183_006. 18 This is a letter dated 17 July. Again, it comes from 19 the same man as we saw on the letter previously, 20 Richard Roscoe. This is dated 17 July 1997 from Downing 21 Street. He is the Honours Secretary. Was there 22 a special secretarial role within the Prime Minister's 23 office dealing with these peerages and nominations at 24 the time?</p> <p>25 A. Yes, that's right. There would have been an individual</p> <p style="text-align: center;">Page 12</p>

3 (Pages 9 to 12)

1 or a small team within No 10 who would have then acted
 2 as the liaison point to the committee and to the
 3 Cabinet Secretary's office as well.
 4 Q. We saw the shortened citation form which was
 5 dated August 1997. We can actually see, we are going
 6 back in time by a couple of weeks, 17 July of that year:
 7 "The Prime Minister desires me to forward the names
 8 of 48 persons ..."
 9 We can see the split between Lib Dems, Conservatives
 10 and Labour in hand below:
 11 "... for consideration by the Political Honours
 12 Scrutiny Committee's consideration in order that they
 13 may be included in a working life peer list. Enclosed
 14 is a list of the individuals concerned.
 15 "The committee will also wish to be aware that the
 16 Prime Minister will be recommending Privy
 17 Councillorships for ..."
 18 A number of names were cited there, but we are not
 19 showing them.
 20 So we can see that the nomination came from No 10,
 21 as you agreed a little earlier. Were views sought by
 22 the Cabinet Office from various departments in
 23 Greville Janner's case?
 24 **A. They were, yes. I think from the Home Office, certainly**
 25 **DfE, the Lord Chancellor's Department and the tax**

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1 Q. I think, similarly, if we put up from the same document
 2 the next page, this is from the Department for Education
 3 and Employment, from Michael Bichard, who was the
 4 Permanent Secretary, same date:
 5 "Thank you for your letter ...
 6 "The DfE board members and I have no objections to
 7 any of those being considered. There is nothing known
 8 about any of the nominees that would render them
 9 unsuitable."
 10 Again, Greville Janner was one of those globalised
 11 within that paragraph?
 12 **A. That's correct. I think what you are seeing here are**
 13 **the organisations that the secretariat at the time felt**
 14 **had the most relevant interest in the work that the**
 15 **nominees had been taking forward. So you saw the short**
 16 **citation. That listed a number of areas of work. That**
 17 **will have guided the judgment about which departments to**
 18 **go to for further information.**
 19 Q. Just a couple of questions before I invite the chair to
 20 break for lunch. First of all, can you confirm that
 21 Greville Janner was ennobled in September 1997 as
 22 Baron Janner of Braunstone?
 23 **A. That's correct.**
 24 Q. Can you confirm that he was introduced to the
 25 House of Lords on 30 October of that year, 1997?

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1 **officials.**
 2 Q. Authorities, yes. I think, so far as Sir Richard was
 3 able to tell, the name wasn't given to any other
 4 government department or any other person or outside
 5 agency?
 6 **A. Not that we have been able to ascertain.**
 7 Q. In terms of replies, I think if we put up on screen
 8 CAB000180_003, we can see the type of thing that comes
 9 back. The redacted names there aren't relevant to
 10 Greville Janner, but it gives us an idea of what
 11 happens. This comes from the Lord Chancellor's
 12 Department, as it was called at the time, on 25 July:
 13 "Thank you for your letter of 18 July enclosing
 14 details of seven names ...
 15 "As far as I can say, there is nothing in the past
 16 history or general character of the names under
 17 consideration ..."
 18 One assumes that global response covered
 19 Greville Janner. The two names which are detailed below
 20 but redacted for the purposes of putting up on screen,
 21 I think we confirm are not Greville Janner. Have
 22 I understood that correctly, that that sort of second
 23 paragraph globally covered the position with
 24 Greville Janner?
 25 **A. Yes, that's right.**

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1 **A. Yes.**
 2 MR ALTMAN: Thank you, Ms Ewen. I'm going to pause there.
 3 Chair, that is the conclusion of the questions
 4 I wish to ask Ms Ewen in open session. So when we come
 5 back, I am going to invite you, chair, to take Ms Ewen's
 6 evidence in closed session, and I think that break for
 7 lunch might smooth that taking place insofar as the
 8 hearing manager is concerned. Thank you.
 9 THE CHAIR: Thank you. We will return at 1.45 pm.
 10 (12.47 pm)
 11 (The short adjournment)
 12 (1.45 pm)
 13 (The hearing went into closed session)
 14 (4.20 pm)
 15 (The hearing was adjourned to
 16 Wednesday, 28 October 2020 at 10.00 am)
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 18
 19 I N D E X
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 21 MS HELEN EWEN (affirmed)1
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 23 Examination by MR ALTMAN1
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