

**OPEN summary of CLOSED session
27 October 2020**

Witness 1 (cont.)

On the 26 October 2020, the Inquiry heard evidence from a retired Chief Constable. The witness returned to conclude his evidence today. As previously and for the same reasons¹, his evidence was given in CLOSED session. The following is a summary of his evidence that can be stated in OPEN:

The witness compared the assistance provided by the CPS pre-charge now with that which the CPS gave in the past. He said that this was not to say that the CPS didn't assist the police previously, but that they were now "*...very much more...hands-on pre-charge*".

The witness said that the background of witnesses did not affect the way he approached the investigation with which he was involved. He said that witnesses were all "*...treated properly, fairly and without, necessarily, recourse to their antecedent background*".

The witness referred to certain academic papers he had produced, in which he had identified potential barriers to reporting abuse. These included: "*...the fact that a child victim does not necessarily understand that they are actually being abused*"; the possibility that a "*...child might make a decision that the new life in the home is preferable to the old life despite the abuse*"; the suggestion that "*...common to much child abuse is the feeling of guilt and suffering in silence*"; the context that "*...when a complainant is made, often the perpetrator makes counter-allegations in an attempt to discredit the child*"; the possibility that "*...children may lose privileges as a result of the abuse, such as pocket money, late nights and the right to weekend trips*"; the possibility that "*...on occasions, the child may remain silent because they feel they are actually enjoying what is being done to them at the time*"; and the suggestion that "*...it is not unusual for abused children to remain silent and it is not until the child has been away from the home for many years that they actually have the confidence to relate what they have suffered*".

Reflecting on the investigation, the witness said that he considered he had acted "*...professionally and in good faith throughout*". He stated that he had "*...certainly not*" treated Lord Janner any differently because he was an MP and he did not consider that his Detective Inspector had done so either. The witness suggested that there were questions to be asked about resourcing; about who would carry out the investigation; and about issues

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like the continuing of the investigation and the decision on arrest and search, that could be raised in respect of senior officers.

Asked about whether he was ever placed under any undue influence or improper pressure to act in a particular way, he responded “*not at all*”. He also said that there was no reticence on his part to investigate, “*...none whatsoever*”.

The witness said that no-one ever spoke to him about Lord Janner during Operation Magnolia and he would have been “*delighted*” to have taken on such an investigation, in his role as Assistant Chief Constable (ACC). The witness confirmed that he was never shown a copy of the witness statement of JA-A19 known as ‘S4C’, nor was he informed of the statement of JA-A6.

The witness said “*categorically*” that he did not have a conversation with the ACC during Operation Dauntless. He said that he wasn’t the Chief Constable at the time when it was alleged that such a conversation had taken place. The witness also denied having a telephone conversation with one of the officers involved in Operation Dauntless, stating that the officers had got that “*completely wrong*”. He added that the SIO for Operation Dauntless had his personal telephone number and if he had wanted advice on the operation, he could have rung him directly.

The witness said that the weight of the work during the investigation was “*staggering...it dominated my life. It did for many years afterwards...to a degree my personal life imploded*”

Witness 2

The Inquiry also received read evidence from a complainant witness. For the same reasons, the evidence was given in CLOSED session. The following is a summary of the evidence that can be stated in OPEN:

The witness prepared a statement dated 5 December 2018. He described his time as a resident of the Beeches Children’s Home in the early 1980s. He said that he became friends with one of the other residents who was involved with Frank Beck and that his friend used to go back to Frank Beck’s house on the weekends. He said that other residents also did the same.

The witness recalled that over 20 years ago, some police officers came into a local pub (the Dover Castle) to find anyone who may have been involved in the Beck investigation. He stated that two male police officers approached him saying they wanted to speak about allegations of abuse by Frank Beck.

The witness said that he did not go to a police station to give a statement, but he thinks the police did come to one of his previous addresses. He said that the police officers only spoke about Frank Beck. He said *“At the time because I was younger, I was not too interested in it, and a bit dismissive of it all”*. The witness said that he only ever remembered providing police officers with one statement in the 1990's. That statement is dated in August 1990.

The witness stated that in 2018 the IOPC informed him that a police officer had stated that he had visited him in February 1991 at a specific address. He said: *“I do not know this address and do not believe I ever lived there”*. He also explained that he could not recall any officers visiting him for a second time in February 1991.

In 2014, the witness provided the police with a witness statement in which he said he recalled Greville Janner visiting the Beeches on a number of occasions and that Lord Janner used to take him and other boys in a mini bus to go swimming at the Holiday Inn. He said he was not sure whether other members of the public were using the pool at the time of these visits. The witness said that he thought Lord Janner *“...seemed to have a thing with boys in pants and swimming trunks. The way he was around boys was inappropriate”*.

Witness 3

The Inquiry also heard evidence from a Cabinet Office employee. For the same reasons, part of her evidence was given in CLOSED session. The following is a summary of that part of her evidence that can be stated in OPEN:

The witness stated that the Political Honours Scrutiny Committee (PHSC) wanted the Prime Minister to have considered or reflected on the following issues before making an appointment: past criminal convictions; financial links to political parties; the suitability of individuals taking up political peerages when they worked for politically-neutral executive organisations; and potential conflicts of interest.

The witness suggested that whilst a criminal conviction would have been shown on a nominee's criminal record, *“...we are unable to tell from the [documents held by the PHSC] the extent to which the committee considered allegations to be a kind of standard part of its remit of consideration”*. Asked whether she agreed it looked inconsistent to be affording attention to a 20-year-old shoplifting conviction as potentially impacting on the integrity of the system, whereas, at least superficially, no consideration was being given to allegations of serious sexual offences, the witness said that *“...by the standards of what we would apply now, it's certainly surprising that it's not there [in the documents held by the PHSC]”*.

Describing the system for honours and peerages today, the witness said that a “*high bar*” would be set for determining what had happened, before a recommendation would be made. The witness confirmed that the integrity of the system has to be upheld and therefore any successful nomination which could put the honours or peerages system in jeopardy or disrepute, has to take precedence.

The witness said that there is now a “...*much more significant degree of independence within both systems and particularly, for example, within HOLAC, the makeup and nature of that body is very different now, and that obviously informs the approach and arguably the judgments reached as well*”. She added that “...*there is, just in general, a much greater public understanding around the role of HOLAC and the Honours Committee and therefore more scrutiny...of any kind of exceptions from that practice*”

Witness 4 (Blair)

The Inquiry received read evidence from Tony Blair, former Prime Minister of the United Kingdom. For the same reasons, his evidence was given in CLOSED session. The following is a summary of those parts of his evidence that can be stated in OPEN:

The witness stated that he had been asked to assist the Inquiry in respect of the process by which, in 1997, Lord Janner was nominated for and granted a life peerage. He explained that the nomination and grant happened within approximately two months of the Labour Government being elected which was “...*a period of considerable activity*” for the new government. That fact and the intervening 23 years meant that the witness said he “...*unfortunately recall[ed] nothing of the specific events*” relating to Lord Janner and the 31 other individuals nominated on that occasion. He explained that leaders of other political parties also would have advanced their own nominees.

The witness said that he nominated Lord Janner in his capacity as Leader of the Labour Party. He stated that, in accordance with the established procedure that existed in 1997, the Political Honours Scrutiny Committee (PHSC) were required to advise the Prime Minister in respect of the suitability of all nominees. He explained that the PHSC was required to certify that the individuals were considered “...*fit and proper persons*” to recommend to Her Majesty the Queen for a peerage and he would expect that the PHSC would consider any allegations made against a nominee as part of the nomination process. The witness stated that the documentation records that “...*Lord Janner and almost all of the other nominees*” received “...*the PHSC’s positive certification*”.

The witness was asked to comment on the following paragraph contained in a witness statement provided by the Cabinet Office (Sir Richard Heaton):

“The outcome of PHSC deliberations was merely advice to the Prime Minister, however, and not an instruction. The final paragraph of the letter [dated 29 July 1997] states that the time permitted for their scrutiny had been limited, and that they would have preferred a longer period in which to consider matters. The committee noted that the reputation of the Prime Minister and PHSC might suffer if an impression was given that deliberations were rushed or insubstantial...”

The witness agreed that a PHSC letter to the Prime Minister comprised advice and not instruction. He explained that the letter “...constituted advice of some considerable weight which a Prime Minister was entitled to rely on, and usually did”. He stated that the documentation showed that the list of prospective peers was sent to the PHSC on 17 July 1997 and that in the PHSC letter dated 29 July 1997, the PHSC noted that it would have preferred more time. He agreed with the Cabinet Office witness that “...in principle, the more time that is allowed for such processes the more opportunity there will be for what he characterises as “deeper discussion”. Notwithstanding, the witness stated: “...I recall nothing of the specific events [and so] I am unable to say whether that would definitely have followed here. However I have no reason to believe that the usual processes which are explained in the rest of Sir Richard Heaton’s witness statement did not occur”.

The witness said that the three week period is stated as being the PHSC’s “...‘preferred’ period” but was not “...an absolute requirement”. He referred to the PHSC itself recognising “...that this is not always possible”. The witness said that “...whilst the PHSC did note that it would have preferred a longer period, it did not say that the time provided was insufficient in order for it to properly discharge its functions. To the contrary, it refers to having received “very full and frank information” which enabled it to resolve even “cases that may otherwise have proved difficult”.” The witness commented that the PHSC’s concern appears therefore to have been the “impression” that might be given.

Witness 5

The Inquiry heard evidence from an officer of the Crown Prosecution Service (CPS). For the same reasons, his evidence was given in CLOSED session. The following is a summary of the evidence that can be stated in OPEN:

The witness provided a summary of his career and explained that since 1 January 2016 he has held the position of Director of Legal Services at the CPS with responsibility for driving up the standards of casework quality and casework decision making across the service. He explained that his previous experience included working as a child abuse specialist prosecutor.

The witness provided an overview of the CPS, its responsibilities, and the roles of the Attorney General (AG) and Director of Public Prosecutions (DPP).

He said that if the CPS receive a file of evidence from the police, they will decide whether to bring a prosecution applying the Full Code test. He stated that if there are reasonable lines of enquiry, the CPS can provide an action plan to the police, setting out those reasonable lines of enquiry and what evidence the police should consider obtaining. The witness said that the operational decision making is with the police, but that good practice would be *“to send a chaser to find out what the situation is on those cases”*

The witness said that he would not advise the police on whether a suspect should be arrested. He explained that this was a *“...matter for the police because the decision on arrest is a matter for the individual constable...it is both an objective and subjective test. The constable has to ask themselves, first of all objectively, “is it necessary to arrest?”. They then have to ask themselves specifically the subjective question, “in the circumstances which I’m facing now, is it necessary for me to arrest?””*.

The witness referred to the Guidelines on Prosecuting Cases of Child Sexual Abuse issued by the DPP on the 17 October 2013 (2013 Guidance). He said that the introduction of updated guidance was in part connected with the Jimmy Saville allegations and that the then DPP, Keir Starmer QC, was instrumental in trying to change the way the CPS approached these cases. The witness explained what was meant by the ‘merits-based approach’, which is *“...to look at the case as a whole free from what we call myths and stereotypes. So you make a decision based on the merits of the case that is put in front of you, not based on any bias or pre-judged determination of how people might act in particular circumstances”*.

The witness also reviewed Annex C of the 2013 Guidance that lists ‘Myths and Stereotypes’ about child sexual abuse. He said these were *“...a reminder to prosecutors to not think in rigid tramlines”* and acknowledged that there *“...are many reasons why people may not give you all the material at the first available opportunity”*.

The witness referred to advice from counsel and the decisions made by the CPS in 2013-2015, concerning the prosecution of Lord Janner. The witness also confirmed the bases upon which a decision not to prosecute could be challenged, as set out in the Code for Crown Prosecutors. The witness said that when the DPP made her decision in 2015, she did not have the access to all the material that the Inquiry has now had. He clarified that he meant that IICSA has *“...had a lot more information and a lot more time to look at some of those matters than the DPP had when she looked at it”*. He added that he thought that the *“...decision and the statement made in 2015 was perhaps looked at through the lens of 2015 decision making”*. He suggested that the lawyers reviewing decisions in 2015 *“...didn’t turn their mind”* to the fact that the law and Code were different at the time of the previous investigations.

[The evidence of this witness concluded part-heard and he will return to complete his evidence in a further CLOSED session]