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| <p>1 Friday, 30 October 2020</p> <p>2 (10.30 am)</p> <p>3 IN OPEN SESSION</p> <p>4 THE CHAIR: Good morning, everyone, and welcome to this, the</p> <p>5 final day of this public hearing. We begin by going to</p> <p>6 Mr Hill.</p> <p>7 Housekeeping</p> <p>8 MR HILL: Thank you, chair. Before the main business of</p> <p>9 the day, there are just a few points of housekeeping</p> <p>10 about evidence that is to be adduced in the hearings.</p> <p>11 So that all are aware of the situation, any page of</p> <p>12 a document that has been displayed during the course of</p> <p>13 the hearings has been adduced into evidence. You have</p> <p>14 also indicated where you have accepted the entirety of</p> <p>15 a document or witness statement into evidence.</p> <p>16 The statements and documents read or cited in closed</p> <p>17 session are adduced in closed and those read or cited in</p> <p>18 open session are adduced in open.</p> <p>19 The following additional statements are adduced in</p> <p>20 evidence in open session, and will be published on the</p> <p>21 inquiry website. They are LCC001340, the witness</p> <p>22 statement of Jane Moore dated 21 September 2020.</p> <p>23 Ms Moore is the director of children and family services</p> <p>24 at Leicestershire County Council. Her statement</p> <p>25 contains information about current safeguarding policy,</p> <p style="text-align: center;">Page 1</p> | <p>1 practice and procedure in Leicestershire.</p> <p>2 INQ006338. This is the second witness statement of</p> <p>3 Robert Parker, dated 22 October 2020. Mr Parker worked</p> <p>4 for Leicestershire County Council. His statement sets</p> <p>5 out his response to Richard Keenan's evidence, which was</p> <p>6 read on 21 October 2020.</p> <p>7 LAB000116. This is the open version of</p> <p>8 the statement of David Evans, dated 11 September 2020,</p> <p>9 together with exhibits HOM002303, CAB000179, CAB000183,</p> <p>10 LAB000114 and LAB000115. Mr Evans is the general</p> <p>11 secretary of the Labour Party. The open version of this</p> <p>12 statement contains evidence about the Labour Party's</p> <p>13 current safeguarding policies and exhibits the relevant</p> <p>14 policies.</p> <p>15 LSP011207. This is the open version of Nigel "Matt"</p> <p>16 Hewson's statement, dated 16 December 2019.</p> <p>17 The following additional documents are adduced in</p> <p>18 evidence in open session, and they have been published</p> <p>19 on the inquiry's website. They are IPC002762, the open</p> <p>20 version of the IOPC Operation Nori report. And</p> <p>21 LSP011209 and IPC003007, this is correspondence that</p> <p>22 followed the Operation Nori report concerning errors</p> <p>23 contained within the report.</p> <p>24 That concludes the evidence to be adduced in open</p> <p>25 session in these hearings.</p> <p style="text-align: center;">Page 2</p> |
| <p>1 Chair, you have indicated that you will hear closing</p> <p>2 submissions now, and these will be heard first in open</p> <p>3 session and later today in closed session. All legal</p> <p>4 representatives are aware of the amount of time that has</p> <p>5 been allocated to them to make their submissions.</p> <p>6 I hand back to you now, chair, to invite the submissions</p> <p>7 to be made.</p> <p>8 THE CHAIR: Thank you, Mr Hill. We will begin with</p> <p>9 Mr Stanage.</p> <p>10 Closing statement by MR STANAGE</p> <p>11 MR STANAGE: Chair, as you know, I represent 13 complainant</p> <p>12 core participants. I am instructed by Kim Harrison and</p> <p>13 Richard Scorer of Slater & Gordon, and all three of us</p> <p>14 have contributed to this final closing statement.</p> <p>15 Over a period of several decades, serious</p> <p>16 allegations against Lord Janner received nothing like</p> <p>17 serious institutional responses from</p> <p>18 Leicestershire Police and the CPS. The allegations of</p> <p>19 child sexual abuse demanded, but never received,</p> <p>20 thorough and objective analysis. The allegations did</p> <p>21 not lead to appropriate action.</p> <p>22 For the police and the CPS decision makers, the</p> <p>23 first response was not to note the seriousness of</p> <p>24 the allegations, but to note the social standing of</p> <p>25 Lord Janner, and time and again, chair, contemporaneous</p> <p style="text-align: center;">Page 3</p> | <p>1 documents and the witnesses who gave evidence to you</p> <p>2 noted the sensitivity of the matter, the prominence and</p> <p>3 the public profile of Lord Janner.</p> <p>4 This institutional touching of the forelock well</p> <p>5 into the 21st century was foolish and discreditable.</p> <p>6 The fact that a prominent person such as an MP might</p> <p>7 abuse his position was hardly a novel proposition, but</p> <p>8 some witnesses claim to have been surprised by the</p> <p>9 allegations against Lord Janner, even when his unusual</p> <p>10 enthusiasm for taking young boys out with him was</p> <p>11 already known, and, at least in one case, had already</p> <p>12 aroused submission.</p> <p>13 The deference shown to Lord Janner was</p> <p>14 a discreditable departure from basic principles of</p> <p>15 justice and criminal investigation. The principle that</p> <p>16 all are equally subject to the law and, therefore, must</p> <p>17 be investigated with equal vigour did not guide police</p> <p>18 decisions on the gathering of evidence, the analysis of</p> <p>19 evidence or as to arrest, interview or search of</p> <p>20 Lord Janner's premises.</p> <p>21 Investigations were oddly incurious, culpably feeble</p> <p>22 and prematurely terminated with important enquiries</p> <p>23 still obviously left undone.</p> <p>24 What evidence could the police have found? Well, to</p> <p>25 use just one real example, evidence from a witness who</p> <p style="text-align: center;">Page 4</p> |

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| <p>1 had worked in a hotel and on one occasion had seen 2 Lord Janner in bed with a teenage boy. That witness 3 contacted the police in 2015, but it is undeniable that 4 many years earlier the police could, and should, have 5 traced her, taken a statement from her, and used her 6 evidence against Lord Janner.</p> <p>7 When, from the police and the CPS, there was any 8 vigour, it was in their criticism of the complainants, 9 not in any efforts to secure evidence that could have 10 supported or corroborated the complaints. When, by the 11 police and the CPS, there were failings, the failings 12 were not minor, but inexcusable. In another departure 13 from basic principles of logic, investigation and 14 prosecution, the increasing number of allegations and 15 complainants over the years was not met with any 16 increased commitment or effort fairly to consider the 17 totality of the evidence against Lord Janner.</p> <p>18 Similar fact evidence came from numerous 19 complainants who did not know each other. Therefore, 20 with time, the evidence against Lord Janner increased in 21 quantity and in quality. But, despite that, in 2002, 22 and again in 2006 to 2007, at the top of 23 Leicestershire Police, the decision was not to arrest 24 Lord Janner, or even to interview him.</p> <p>25 Chair, there is just no good reason or explanation</p> <p style="text-align: center;">Page 5</p> | <p>1 for that decision. The reasons that have been given to 2 you in evidence are untrue.</p> <p>3 The reaction of the top decision makers in the CPS 4 was no better. They announced that there was 5 insufficient evidence to charge Lord Janner, when they 6 knew, or ought to have known, that more evidence could, 7 and should, have been obtained.</p> <p>8 As with Leicestershire Police, the decision making 9 at the top of the CPS was always in Lord Janner's 10 favour, was unsupported by reasoning and, even many 11 years after the first allegations against Lord Janner, 12 took no proper account of the totality and sufficiency 13 of the evidence against him.</p> <p>14 The failure in 2002, and 2006 to 2007, to even ask 15 for an answer to the allegations by way of at least 16 a voluntary interview of Lord Janner was inexcusable. 17 This deference shown to Lord Janner offered him the 18 luxury of a series of timid and incomplete 19 investigations. This was objectionable in principle, of 20 course, but also damaging in practice. The obvious 21 consequence was the loss of a chance to seek further and 22 corroborative evidence and to strengthen the existing 23 evidence from past investigations.</p> <p>24 It is true that the investigation into Lord Janner 25 was under-resourced. But Leicestershire Police did not</p> <p style="text-align: center;">Page 6</p> |
| <p>1 consider all investigations into the sexual abuse of 2 children to have low priority. Vast resources had 3 rightly been allocated to the large-scale investigation 4 into the sexual abuse perpetrated by Frank Beck. It was 5 the allegations against Lord Janner that were given low 6 priority.</p> <p>7 The evidence shows an unjustifiable, unexplained and 8 suspicious reticence properly to investigate 9 Lord Janner, and younger and less-experienced officers 10 were frustrated and disappointed to be ordered from 11 above not to arrest Lord Janner and, in effect, to 12 abandon the investigations.</p> <p>13 The overall picture which will be particularised in 14 closed session is of a police force that did not have 15 the will and, therefore, did not make the effort to 16 investigate these serious allegations.</p> <p>17 Operation Enamel, at long last, showed that a proper 18 investigation could be done when the will was there, and 19 for that our clients are sincerely thankful.</p> <p>20 As to the prosecution of the allegations against 21 Janner, the evidence has shown that, even when the law 22 and guidance evolved in order to be more fair and 23 realistic towards complainants of child sexual abuse, 24 the Crown Prosecution Service did not fairly or 25 objectively assess our clients' evidence, and did not</p> <p style="text-align: center;">Page 7</p> | <p>1 advise the police to pursue a proper investigation. 2 However many detailed allegations were made against 3 Lord Janner, delay and insouciance prevailed at the 4 highest levels.</p> <p>5 Other institutions failed too. Leicestershire 6 County Council, like the police, has apologised for 7 failing our clients, and many other victims of sexual 8 abuse while in the care of their social services. But 9 the denial of justice here was at the hand of the police 10 and the CPS. The most senior witnesses to your inquiry 11 have failed to clarify, let alone justify, the reasons 12 why Lord Janner was protected from serious investigation 13 and prosecution so repeatedly and for so long. To that 14 extent, those most senior witnesses have failed your 15 inquiry.</p> <p>16 All of our clients wish to thank the inquiry, in 17 conclusion, for investigating the institutional 18 responses to their allegations. We look forward to 19 assisting you to make findings and recommendations that 20 will prevent similar denials of justice in future cases.</p> <p>21 Thank you.</p> <p>22 THE CHAIR: Thank you, Mr Stanage. Mr Chapman? 23 Closing statement from MR CHAPMAN 24 MR CHAPMAN: Chair, panel, as you are aware, I act for 25 13 complainants on the instructions of Nathalie Swanwick</p> <p style="text-align: center;">Page 8</p> |

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| <p>1 at Simpson Millar. Four of those complainants have 2 featured prominently in the evidence -- JA-A18 [sic], 3 JA-A6, JA-A8 and Anthony Hyde.</p> <p>4 What have we learned about the Janner case after so 5 many investigations, so many police operations and 6 enquiries?</p> <p>7 Before I answer that question and the conclusions 8 and recommendations that follow from it, it is important 9 to consider the nature of some of the evidence you have 10 heard, in particular from the police.</p> <p>11 You have not been helped in your task by the 12 internecine conflict between police officers giving 13 evidence before you. It is extraordinary, given the 14 extensive internal and external investigations that 15 there have already been, that key witnesses would come 16 to this inquiry to make allegations that other key 17 witnesses have fabricated evidence or behaved corruptly. 18 If we had to decide who was on the side of right, we 19 suggest the balance must come down in favour of 20 Michael Creedon. But the fact remains that some 21 witnesses have not striven to do their primary duty in 22 this inquiry, which is to help you answer the questions 23 posed within its scope.</p> <p>24 We take two things from this unseemly display. 25 First, that the desire to protect individual and</p> <p style="text-align: center;">Page 9</p> | <p>1 institutional reputations has, even now, failed to put 2 the needs and safety of children who have survived 3 sexual abuse first.</p> <p>4 Two, that a police force so riven by internal 5 dissension is probably not functioning well.</p> <p>6 In the Westminster strand, you said this: 7 "A second form of deference we have heard about is 8 where junior police officers did not challenge senior 9 officers' questionable decisions during investigations 10 of the powerful, for fear of harming their own career 11 prospects. We also heard evidence that changes to 12 police culture over the past two or three decades have 13 meant that this kind of deference has significantly 14 reduced."</p> <p>15 Chair, we doubt that the culture has changed that 16 much, if the bitterness on display during this hearing 17 is a guide. It is for those reasons that we ask you to 18 tread particularly carefully when relying on the police 19 evidence in this investigation. Not only are many 20 witnesses attempting to recall events decades before, 21 but many have an axe to grind that may have distorted, 22 deliberately or not, what recollection they have. The 23 safest guide is the extant contemporaneous documents.</p> <p>24 Meanwhile, while the police have been accusing each 25 other, the complainants have watched, for the first</p> <p style="text-align: center;">Page 10</p> |
| <p>1 time, the full extent of the evidence uncovered. Each 2 has a serious, life-changing complaint against 3 Lord Janner. Each knows the truth of the matter in 4 their own case. But to see the full extent of 5 the evidence concerning so many others has inevitably 6 provoked mixed feelings of satisfaction and anger, not 7 least from JA-A19 and JA-A1, who featured on the final 8 indictment that Lord Janner never faced.</p> <p>9 Chair, I turn to some of the factual conclusions. 10 As you know, I am limited by what I can say openly by 11 the restriction order in place, so I will limit myself 12 to matters directly concerning three of the 13 core 13 participants we represent -- JA-A19, JA-A6 and JA-A8.</p> <p>14 Operation Magnolia. The failure to pass or even 15 mention JA-A19 and JA-A6's statements about Janner to 16 the CPS represents the most discreditable failings in 17 the whole Janner saga. No-one tried to justify it; 18 no-one was able to offer an innocent explanation.</p> <p>19 The most charitable is that their accounts were 20 simply dismissed as unworthy, even of consideration by 21 the CPS. We don't doubt there was an openly dismissive 22 attitude towards complainants that referred to them as 23 "just piss heads" or "scumbags", as Sarah Cox describes, 24 but the evidence overall points to something much 25 darker, that their evidence was deliberately suppressed</p> <p style="text-align: center;">Page 11</p> | <p>1 by senior officers, including Mr Graham Thomas. That is 2 the only credible explanation. As Mr Yates conceded, it 3 is the only proper inference for three reasons.</p> <p>4 Firstly, there must have been a deliberate decision 5 not to mention the Janner allegations to Roger Rock at 6 the CPS meeting on 28 November 2001. It is implausible 7 in the extreme that these allegations were simply 8 forgotten about, particularly when both complainants 9 were mentioned in relation to non-Janner matters.</p> <p>10 Two. We know that appropriate actions were raised 11 in respect of JA-A6, but were closed down for entirely 12 specious reasons, reasons which must have been intended 13 to disguise the true reason.</p> <p>14 Three. We know that wholly unfounded reasons were 15 advanced to the CPS for dismissing JA-A6 and JA-A19 as 16 witnesses entirely. JA-A6 was said to have severe 17 mental health problems, but there was no foundation for 18 that at all. JA-A19 was said to have been known to make 19 false allegations, and, again, there was no foundation 20 for that at all.</p> <p>21 Chair, you should call this what it is: a coverup, 22 which is an attempt to conceal the truth about a mistake 23 or crime from the definition in the Oxford dictionary. 24 It is in that context that you should assess 25 Mr Wynne's evidence that the reason JA-A19's allegations</p> <p style="text-align: center;">Page 12</p> |

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| <p>1 were not pursued was because he was unco-operative. 2 There is no record of any failed attempt to contact him, 3 there is no record that lack of contact meant that his 4 very serious allegations were no longer being pursued. 5 All we have are the one-liners dismissing his evidence 6 as unreliable. It is entirely inconsistent with the 7 number of statements A19 provided to the police and the 8 fact that he accompanied police on a search for the 9 white house. I can tell you that my instructions are 10 clear: he was ready and willing to co-operate and had 11 the same telephone number throughout Operation Magnolia. 12 As far as Dauntless is concerned, we stand by what 13 we have said in opening: by the time of 14 Operation Dauntless in 2006, all possible excuses had 15 gone for not proceeding against Janner. The law on 16 corroboration had been relaxed, adverse inferences could 17 be drawn, knowledge of the myths and stereotypes 18 frequently used to discredit complainants was advanced. 19 There was now a powerful body of similar fact evidence 20 at the prosecution's disposal. 21 The CPS advice from Roger Rock was hopelessly late, 22 flawed in its analysis and, in a word put by Mr Altman, 23 perfunctory. Both Mr Chris Thomas and Roger Rock 24 demonstrated a distinct lack of enthusiasm not only for 25 pursuing Janner, even to the point of arrest and</p> <p style="text-align: center;">Page 13</p> | <p>1 interview, but for discovering how it was that JA-A19's 2 and JA-A6's statements had only lately been provided. 3 To add further insult to injury, no attempt was made to 4 trace JA-A19 to see even if he was alive or dead. 5 In contrast to the way A19, A6 and A8's complaints 6 were so readily dismissed, there is little doubt that 7 deference and preferential treatment were shown to 8 Janner at every level and at every stage: whether that 9 was the persistent reluctance to arrest and interview 10 him; whether it was the decision to interview him by 11 appointment in a noncustodial environment; whether it 12 was Leicestershire County Council agreeing to brief 13 Janner's supporter, Michael Latham MP, in the presence 14 of Janner's secretary; whether it was CPS headquarters, 15 who did little more than rubber stamp the local area 16 decision; whether it was the CPS headquarters in York, 17 in 2006, who did not, apparently, even trouble to 18 consider the file; whether it was Roger Rock taking 19 eight months to provide a perfunctory "no further 20 action" advice the same year. All of these matters, and 21 together, amounted to preferential treatment. 22 Preferential treatment means actual or apparent 23 bias. There was no attempt to deal with Janner as with 24 any other member of the public. The one mechanism to 25 mitigate the risk of bias on account of his prominence,</p> <p style="text-align: center;">Page 14</p> |
| <p>1 referral to headquarters, was little more than 2 a tick-box exercise. There was an obvious risk of local 3 area bias where the sitting MP is in regular contact 4 with the chief constable and stands up in the House of 5 Commons to ask for more money for his police force. No 6 Chief Constable of Leicestershire could honestly say 7 that, even subconsciously, any decisions he made about 8 his local MP were untainted. It is like being asked to 9 pass judgment on a friend or colleague. 10 Janner got away with never having to face the 11 evidence. Would it have made a difference if the police 12 and CPS had acted sooner against Janner? We will never 13 know for sure, but you do know, as Mr Stanage has 14 already referred to, some of what was uncovered in 15 Operation Enamel; the fact that Janner had told a number 16 of significant lies in public; that a chambermaid had 17 seen Janner in bed with a youth at a hotel in Leicester; 18 that diaries were found which confirmed regular contact 19 with a convicted sex offender; and those same diaries, 20 where the parts covering the key period of allegations 21 against Janner were conspicuously absent. How much more 22 could have been obtained earlier and with what greater 23 evidential weight? We think you will reach the same 24 conclusion as you did in Westminster, that this 25 investigation has provided striking evidence of how</p> <p style="text-align: center;">Page 15</p> | <p>1 wealth and social status insulated perpetrators of child 2 sexual abuse from being brought to justice to the 3 detriment of the victims of their alleged abuse. 4 Chair, I will turn briefly to recommendations which 5 you may feel follow from this. Firstly, we would invite 6 you to endorse Mr Justice Henriques' recommendations 7 regarding charging time limits, referral to Central 8 Casework Divisions and the maintenance of a sensitive 9 case list, and you have heard plenty of evidence about 10 that. But we would add this, firstly, that, if 11 headquarters returns a case to the area following 12 a referral, headquarters must review and document their 13 reasons for doing so. 14 Two, similarly, where headquarters approve decisions 15 but areas own the case, all major decisions affecting 16 the case should be approved by headquarters and any 17 approval by headquarters should be supported and 18 documented with full written reasons. Approval by 19 headquarters cannot simply be a rubber-stamping 20 exercise. 21 Three, where a decision is made not to proceed with 22 a prosecution, that information should be communicated 23 with reasons to a complainant before the suspect. 24 Four, in relation to major enquiries, particularly 25 into child sexual abuse, there should be a specific</p> <p style="text-align: center;">Page 16</p> |

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| <p>1 policy to preserve documents and data for at least 2 35 years, to bring it into line with the protocol for 3 Social Services records. 4 Five, where a junior officer in an investigation is 5 aggrieved by a decision not to prosecute, that junior 6 officer should at least have the right to be consulted 7 before a final decision is made. 8 However, I accept that none of the above would have 9 prevented what happened in Magnolia. The CPS was simply 10 not aware of A19's and A6's allegations. Both Wynne and 11 Yates must have known at the time that Graham Thomas was 12 sidelining the Janner allegations. Neither had the 13 courage to challenge it. With regret, we feel you 14 cannot legislate for personal integrity. Thank you, 15 chair. 16 THE CHAIR: Thank you, Mr Chapman. Mr Enright? 17 Closing statement by MR ENRIGHT 18 MR ENRIGHT: Good morning, chair. First, F54 wishes to 19 acknowledge and thank Mr Altman, Ms Carey, Mr Hill, 20 Ms Shepherd and Ms Howes for their commitment and 21 diligence in this investigation. He wishes to thank 22 them for their focus on his theme of the backgrounds of 23 victims and how it impacts on institutional responses. 24 F54 also wishes to acknowledge you and your panel's 25 work and commitment in what has been a long and</p> <p style="text-align: center;">Page 17</p> | <p>1 challenging period of hearings. 2 F54 maintains that this investigation revealed 3 a heavy, heavy thumb on the scales of justice. It 4 appears that Lord Greville Janner enjoyed the halo 5 effect of high office, and children the default of 6 disbelief. F54 feared that there was some kind of 7 conspiracy in relation to Lord Janner. You will make 8 your decision on that based on the evidence. However, 9 F54 contends that the evidence overwhelmingly supports 10 a finding that all of the institutions involved in child 11 protection, detection or prosecution took decisions to 12 explain away, to ignore, to soft pedal, to hesitate, to 13 delay, to fail to arrest, to pull their punches, to act 14 differently and deferentially in relation to allegations 15 relating to Lord Greville Janner than they would have 16 done to another person charged with child abuse. 17 Regardless as to whether there was any form of 18 actual conspiracy, the institutional responses led to an 19 outcome that had the appearance and had the end result 20 as if there had been a conspiracy. F54 submits that 21 disadvantaged children are routinely ignored, their 22 allegations downplayed and not properly acted on, and 23 that persons of standing alleged to have abused children 24 benefit from an inbuilt institutional deference. In 25 this investigation, this was writ large.</p> <p style="text-align: center;">Page 18</p> |
| <p>1 There is nothing new in this. You heard yesterday 2 in the Organised Networks Investigation how CSE is 3 happening in plain sight across the UK and how 4 victim-blaming language pervades police and the CPS 5 thinking. 6 Chair, Nelson Mandela famously said that, "There can 7 be no keener revelation of a society's soul than the way 8 it treats its children". Perhaps we could amend that to 9 read "its children in care". In the same way that 10 Macpherson described institutional racism, and the 11 Equalities Act recognised indirect discrimination, we 12 must have a vocabulary to describe the phenomenon so 13 clearly demonstrated in this investigation, where 14 disadvantaged children are at such risk in every aspect 15 of their lives and their engagements with authorities 16 and institutions. 17 The language must be found to describe the pervasive 18 risk to children because, if we cannot name it, we 19 cannot see it, and we cannot fix it. 20 F54 would characterise it as disadvantaged child 21 bias, but you may find a more apt way to express it. 22 F54 asks you to address that issue now and in your final 23 report. 24 In conclusion, F54 acknowledges that, despite best 25 efforts, CSA will persist. Thus the inquiry must focus</p> <p style="text-align: center;">Page 19</p> | <p>1 on how to respond to abuse appropriately. In his 2 written submissions, F54 will set out a number of 3 proposals. However, there is one he wishes to highlight 4 to you now. It is a scheme developed in Nottingham, 5 just a few miles north of Leicester, which arose 6 directly from your investigation there. He suggests it 7 should be rolled out nationally. 8 Essentially, the Nottingham scheme, the Survivors 9 Support Service, is a collaboration between a prominent 10 survivor group, the police and the Crime Commissioner, 11 the councils and the local NHS commissioning groups. 12 The scheme has been so successful that it already enjoys 13 £5 million of funding for the next three years. 14 The service assists survivors in gaining access to 15 a whole range of services in a manner that is rapid and 16 enduring. The service also supports survivors through 17 the criminal justice system. Thus, and as a result of 18 your investigation, on the one hand, traumatised victims 19 in Nottingham now have rapid access to a range of vital 20 services and, on the other hand, the scheme has led to 21 an increase in CSA reports to the police and an increase 22 in successful prosecutions. 23 F54 believes that the Nottingham example of local 24 partnerships between institutions and survivor groups 25 provides a highly effective means of responding to CSE</p> <p style="text-align: center;">Page 20</p> |

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| <p>1 now and for the future.</p> <p>2 Recommending the rollout of the Nottingham scheme</p> <p>3 would provide an enduring legacy of this investigation.</p> <p>4 It would also ensure that the many victims in Leicester,</p> <p>5 as described by former Chief Constable Mick Creedon and</p> <p>6 others, enjoy the same type of holistic support going</p> <p>7 forward. Thank you.</p> <p>8 THE CHAIR: Thank you, Mr Enright. Mr Jacobs?</p> <p>9 Closing statement by MR JACOBS</p> <p>10 MR JACOBS: Chair and panel, I act for six core</p> <p>11 participants: JA-A24, F54, E1, Tracey Taylor and</p> <p>12 Tim Betteridge. I'm instructed by Howe & Co and</p> <p>13 Affinity Law.</p> <p>14 I have spoken to two of my clients this morning and</p> <p>15 they confirm they have found the process cathartic and</p> <p>16 now enjoy a greater understanding of the circumstances</p> <p>17 that led to the failure to charge their alleged abuser</p> <p>18 until 2015. Importantly, it has provided them with</p> <p>19 a degree of closure.</p> <p>20 Chair, my clients are all grateful to the inquiry</p> <p>21 for proceeding, notwithstanding that much of</p> <p>22 the evidence has been in closed session. They</p> <p>23 acknowledge that, as core participants, they have been</p> <p>24 entitled to view the whole of the proceedings. They</p> <p>25 understand the proper and valid reasons for the hearing</p> <p style="text-align: center;">Page 21</p> | <p>1 proceeding in this manner and are grateful to the chair</p> <p>2 for acceding to our request to clarify why an article</p> <p>3 published in The Times on 13 October was wholly</p> <p>4 inaccurate and misrepresented those reasons.</p> <p>5 Having heard the evidence, we asked the inquiry to</p> <p>6 find that institutional responses to allegations made</p> <p>7 against Greville Janner were littered with errors,</p> <p>8 omissions, inactivity, complacency and missed</p> <p>9 opportunities. There was a perfect storm: failure by</p> <p>10 police, CPS and Social Services and it blighted the</p> <p>11 lives of my clients.</p> <p>12 There was, chair, a culture of deference towards</p> <p>13 Lord Janner, a prominent individual who was given the</p> <p>14 benefit of the doubt at every turn.</p> <p>15 I will deal with the evidence in my closed</p> <p>16 submissions, but, for now, I wish to focus on what the</p> <p>17 inquiry can do to protect children in the future from</p> <p>18 the appalling institutional failings which you have</p> <p>19 heard about over the last three weeks. Our primary</p> <p>20 point is that there is a need for the inquiry to</p> <p>21 recommend national guidelines in relation to barriers to</p> <p>22 disclosure of abuse by CSA victims. This would enable</p> <p>23 children to be empowered both to recognise abuse and to</p> <p>24 report it, and it would require institutions to listen</p> <p>25 to child abuse victims, regardless of the status of</p> <p style="text-align: center;">Page 22</p> |
| <p>1 the alleged abuser.</p> <p>2 This issue, chair, is central to the Lord Janner</p> <p>3 investigation because probably the most significant</p> <p>4 reason why children do not disclose sexual abuse is the</p> <p>5 imbalance of power between child and abuser. Children</p> <p>6 who make allegations of sexual abuse are routinely</p> <p>7 disbelieved, particularly if they come from</p> <p>8 disadvantaged backgrounds or are otherwise vulnerable,</p> <p>9 for example, in the care system. Predatory paedophiles</p> <p>10 are aware of, and exploit, this imbalance of power to</p> <p>11 enable them to abuse children with less chance of</p> <p>12 detection. That is why serial abusers, like Frank Beck</p> <p>13 and John Carroll, insinuated themselves into senior</p> <p>14 positions in establishments involved with the care of</p> <p>15 children. It is no doubt why Father Laurence Soper</p> <p>16 became a headmaster. These men seek to place themselves</p> <p>17 in positions of authority or prominence as a means of</p> <p>18 committing abuses.</p> <p>19 But there are also predatory paedophiles, such as</p> <p>20 Jimmy Savile and Cyril Smith, who, as already prominent</p> <p>21 and powerful individuals in their own right, were able</p> <p>22 to exploit an even greater imbalance over disadvantaged</p> <p>23 or vulnerable children and thereby shield their actions</p> <p>24 during their lifetimes. My clients will say that, had</p> <p>25 he been convicted, Lord Janner would have fallen into</p> <p style="text-align: center;">Page 23</p> | <p>1 this second category. So we can see that the barriers</p> <p>2 to children disclosing abuse are increased when an</p> <p>3 individual is sufficiently prominent that a child victim</p> <p>4 or victims are less likely to be believed.</p> <p>5 We have seen in this investigation that institutions</p> <p>6 react differently where an individual in respect of whom</p> <p>7 allegations are made is not a man in the street, but</p> <p>8 a peer, Member of Parliament or a well-known local</p> <p>9 figure. These not historic issues. Children are still</p> <p>10 being abused today and are still afraid to come forward</p> <p>11 because they have been made to believe by their abusers</p> <p>12 or by the effects of cultural prejudice that nobody will</p> <p>13 believe them.</p> <p>14 Prominent individuals who wish to exploit their</p> <p>15 position to abuse children will continue to do so unless</p> <p>16 institutions inform their understanding why children</p> <p>17 feel unable to speak about the abuse they suffer and</p> <p>18 take steps to empower victims to come forward.</p> <p>19 Chair, you have made findings and conclusions on</p> <p>20 this very point in your report from the Nottinghamshire</p> <p>21 Council's investigation. There you noted, among other</p> <p>22 things, that up to two-thirds of children do not</p> <p>23 disclose abuse during childhood. However, that report</p> <p>24 did not make concrete recommendations and stated that</p> <p>25 the inquiry will return to this issue.</p> <p style="text-align: center;">Page 24</p> |

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| <p>1 Chair, in this investigation, witness after witness 2 has raised the issue of barriers to disclosure. We say 3 this is the time, this is the investigation and this is 4 the report in which you should make recommendations that 5 national guidelines on barriers to disclosure are 6 developed, published and incorporated into the work of 7 every relevant institution. 8 Chair, having heard the evidence over the last three 9 weeks, we would also suggest that, at the very least, 10 a reference to barriers to disclosure in CSA cases 11 should be inserted into the Code for Crown Prosecutors. 12 This would enable prosecutors to make informed decisions 13 on the evidential test when considering the credibility 14 and reliability of complainants in deciding whether to 15 prosecute alleged abusers of children. Never again 16 should prosecutors fail to understand the very 17 particular issues which apply to claims of historic 18 child abuse. Chair, thank you. 19 THE CHAIR: Thank you very much, Mr Jacobs. Mr Brown? 20 Closing statement by MR BROWN 21 MR BROWN: Chair, there is much to be said and a full 22 analysis will be made good in our written submissions, 23 of course, but, for the present, in reference to your 24 scope, most particularly, there is no issue, we believe, 25 whether any CPS individual acted improperly. They</p> <p style="text-align: center;">Page 25</p> | <p>1 plainly made what are judgment calls honestly and to the 2 best of their ability. Any notion that a CPS lawyer 3 somehow didn't want to prosecute if the evidence allowed 4 it is contrary to the evidence, we believe, and you can 5 see, obviously, the successful prosecution you know 6 about. 7 Deferral treatment by the CPS. There is, we 8 believe, simply no evidence of it anywhere in the 9 material before you, contrary, with respect, to 10 Mr Stanage's assertion on the topic. On an occasion 11 when the CPS and counsel gave advice, it was to arrest 12 Janner, only made redundant when overtaken by events. 13 Once again, I find myself saying that the CPS do not 14 have control over an investigation, they cannot direct, 15 they advise. 16 We submit there is not a shred of evidence of any 17 direct, indirect or subconscious, undue influence or 18 pressure upon the CPS decision makers, or, indeed, as 19 I have said, deference to Janner at any time. The 20 contrary, we believe, in fact, in respect of the CPS. 21 So, the adequacy of prosecutorial decisions. At the 22 time of the different period under investigation, the 23 public will not have the full inquiry evidential 24 picture, but the quality of the CPS and counsel's 25 decision not to prosecute will be for you to bring</p> <p style="text-align: center;">Page 26</p> |
| <p>1 clarity to. The evidence before you is not all one way, 2 by any means, and this illustrates, itself, a factor in 3 the task you have. Two very different decisions will be 4 made quite honestly by two different and conscientious 5 lawyers on the same material. That is the reality. 6 2002. It is now abundantly clear that the CPS was 7 simply not asked to consider any Janner material. You 8 can come to no other conclusion, we respectfully submit. 9 2007. This will need reflection by you, chair and 10 panel. An ex post facto examination of the contentious 11 evidence of opinions held at any one time or other is 12 a difficult task. It was, however, accepted in the 13 evidence that the 2007 advice could have been fuller and 14 certainly quicker, but it should, in legal analysis, 15 have arguably included a discussion on the changes of 16 the law by then as they affected the evidence. 17 I should, in fairness, however, note that it has 18 also been noted that the lawyer concerned, Roger Rock, 19 was otherwise widely praised during the evidence before 20 you. 21 Moving on later, and any later 2015 public 22 pronouncements by the DPP to explain and distil 23 a complex issue, not a full legal analysis, on 24 necessarily a less than full picture, quite different 25 from yours five years on, may be interesting, but may</p> <p style="text-align: center;">Page 27</p> | <p>1 well not, in truth, take you very much further within 2 your declared scope of this strand. 3 You will recall your determination in February this 4 year in respect of Operation Enamel: 5 "They are not matters that are directly connected to 6 failures to protect children from sexual abuse." 7 Indeed, it's been said that the public pronouncement 8 was misleading. This is perhaps a pejorative 9 description. If, after detailed examination, it's found 10 by you to be inaccurate, then that, we submit, would be 11 a fairer portrayal, we believe. 12 It is easy, perhaps, to forget that the decision by 13 the CPS as a result of Operation Enamel was that the 14 evidential test was met, and but for his condition, 15 Lord Janner would have been prosecuted. 16 But, as much as this strand will be about past 17 decisions long ago, it is also about change, what has 18 been done and what there is to be done, and we encourage 19 work on the barriers to disclosure as recently set out 20 in submissions to you. 21 It was, of course, the CPS itself who first invited 22 independent scrutiny by Henriques of the Janner 23 decisions and to learn lessons. In this way, change and 24 improvement was achieved. His recommendations in 2015 25 were implemented. That was the institutional CPS</p> <p style="text-align: center;">Page 28</p> |

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| <p>1 response, as the available evidence demonstrates.</p> <p>2 Before and since even 2015, the CPS have</p> <p>3 strengthened the foundation of what are always judgment</p> <p>4 calls. You know well now about the dedicated RASSO</p> <p>5 teams staffed by specialist prosecutors. You know</p> <p>6 a little more about RASSO 2025, improved by guidance and</p> <p>7 policies now in place, in fact commended by Sir Richard</p> <p>8 Henriques, by training, by CPS learning. These are ways</p> <p>9 of making these improvements more than theory and more</p> <p>10 about practice today. And so decision making has moved</p> <p>11 on. Appreciation of the true issues today and the legal</p> <p>12 landscape have become more appropriate, relevant and</p> <p>13 realistic. Most obviously, at the abolition of judges'</p> <p>14 warnings on the uncorroborated evidence; of sex cases</p> <p>15 long in place in material under consideration here; the</p> <p>16 advent of special measures; and the more readily</p> <p>17 available cross-admissibility.</p> <p>18 As one would expect, the adequacy of the CPS</p> <p>19 procedures in place long ago for referring sensitive</p> <p>20 cases to HQ have improved immeasurably, as have the</p> <p>21 codes and guidance documents, of course, that you know</p> <p>22 much about. We do believe that the evidence before you</p> <p>23 shows that the CPS of today is a very different place,</p> <p>24 albeit that further steps must be taken to improve its</p> <p>25 performance.</p> <p style="text-align: center;">Page 29</p> | <p>1 Three final matters of detail, please, for public</p> <p>2 airing, and partly to clarify an open summary. The 2013</p> <p>3 child sexual abuse guidelines referred to on Wednesday</p> <p>4 have, in fact, been updated twice since then -- 2017 and</p> <p>5 2018 -- and, in fact, now have been superseded by the</p> <p>6 comprehensive new 2020 guidance publicly available.</p> <p>7 Secondly, it is clear in the 2012 guidance on</p> <p>8 reconsideration that the relevant code when looking to</p> <p>9 a past decision for reconsideration is the one in place</p> <p>10 at the time of the original decision, as one might</p> <p>11 expect, and we will supply the document.</p> <p>12 Finally this, chair, and following on from</p> <p>13 a question on Thursday: the public should know that the</p> <p>14 DPP in the 2015 press statement -- we will provide in</p> <p>15 due course the URN number -- said:</p> <p>16 "We have now done what we can to inform the</p> <p>17 complainants of the outcome of the review [that's 2015]</p> <p>18 and I have offered to meet each one of them, should they</p> <p>19 wish."</p> <p>20 It is right that the public should be reminded of</p> <p>21 that quote.</p> <p>22 That's all I have to say in open session. Thank you</p> <p>23 for your close attention, chair and panel. This may be</p> <p>24 my last opportunity, on behalf of the CPS, publicly to</p> <p>25 thank all the inquiry staff for the extraordinary work</p> <p style="text-align: center;">Page 30</p> |
| <p>1 that they have done over the last four years, and I do</p> <p>2 so now. Thank you, chair.</p> <p>3 THE CHAIR: Thank you very much, Mr Brown. We will now hear</p> <p>4 from Mr Verdan, following which we will take our morning</p> <p>5 break. Mr Verdan?</p> <p>6 Closing statement by MR VERDAN</p> <p>7 MR VERDAN: Chair, panel, on behalf of LCC, I wish to</p> <p>8 reiterate the apology I made at the outset of this</p> <p>9 strand of the inquiry and to repeat the council's</p> <p>10 sincere regret at the abuse suffered by the children in</p> <p>11 its care in the 1970s and 1980s. It is very clear that</p> <p>12 when children made allegations, they were not listened</p> <p>13 to by social workers, care home staff or senior</p> <p>14 managers. Even when children were listened to, staff</p> <p>15 did not have the expertise or training to deal with</p> <p>16 their allegations effectively. There was no county-wide</p> <p>17 policy on dealing with allegations of child sexual</p> <p>18 abuse. Record keeping was unsystematic or non-existent.</p> <p>19 These were national issues and were typical of the time,</p> <p>20 but LCC accepts that they were commonplace in</p> <p>21 Leicestershire and led indirectly to children being</p> <p>22 abused. As John Sinnott has stated, LCC accepts</p> <p>23 Robert Parker's evidence that there was widespread</p> <p>24 ignorance of child sexual abuse and children were simply</p> <p>25 not believed.</p> <p style="text-align: center;">Page 31</p> | <p>1 There were significant barriers for children who</p> <p>2 wanted to make allegations, which led them to stay</p> <p>3 silent, or delay in speaking out, often for many years.</p> <p>4 The panel has not heard from the complainants</p> <p>5 directly, but LCC hopes that this strand has gone some</p> <p>6 way to reassuring them that their voices have finally</p> <p>7 been heard, albeit through written rather than oral</p> <p>8 evidence.</p> <p>9 The panel has heard that child protection in</p> <p>10 Leicestershire today is unrecognisable from the '70s and</p> <p>11 '80s.</p> <p>12 From his arrival in 1988, Brian Waller set out</p> <p>13 reforming a department which was in chaos. He, together</p> <p>14 with Robert Parker and others, initiated significant</p> <p>15 reform, establishing the first child rights service in</p> <p>16 the country, a robust complaints procedure accessible by</p> <p>17 the children who needed it, guidance for befrienders for</p> <p>18 the first time in 1991 and, importantly, changing the</p> <p>19 culture around allegations of sexual abuse through</p> <p>20 training and development of policy.</p> <p>21 These reforms were given new impetus by the</p> <p>22 Kirkwood Inquiry report, which made plain the failings</p> <p>23 of the department and which criticisms and</p> <p>24 recommendations were fully accepted by LCC at the time</p> <p>25 and since.</p> <p style="text-align: center;">Page 32</p> |

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| <p>1 This reform process has continued under every 2 director that has followed Mr Waller, up to and 3 including the current director, Jane Moore. The panel 4 has her statement, which gives a current overview of 5 the department relevant to this strand.</p> <p>6 There is a statutory independent visitors' scheme, 7 a children in care council and a voice and influence 8 strategy. The independent visitors' scheme sets 9 a strict vetting process for any visitors to children in 10 care and there is no question of children being taken to 11 visitors' homes or meeting their families.</p> <p>12 There are no longer, as you know, any LCC-run care 13 homes, the last one closing in 2018. LCC takes 14 a multi-agency approach to any allegation of non-recent 15 abuse and works closely with other local authorities, as 16 required.</p> <p>17 LCC is confident that children in its care are safe 18 from abuse and, crucially, are taken seriously when they 19 make a complaint. This is the least that children in 20 care should expect. Even where there is no specific 21 complaint, staff are trained to identify, for example, 22 grooming-type behaviours and policies are in place as to 23 how to deal with it.</p> <p>24 The process of reform and improvement remains 25 ongoing, guided by a safeguarding and improvement</p> <p style="text-align: center;">Page 33</p> | <p>1 quality assurance service and practice excellence team. 2 LCC looks forward to receiving the panel's report 3 and is committed to implementing any suggested 4 recommendations.</p> <p>5 Finally, LCC invites the panel not to make any 6 findings in respect of the alleged deliberate 7 destruction of records through burning at a care home in 8 Leicestershire. This claim was not supported by the 9 evidence.</p> <p>10 Chair, panel, thank you.</p> <p>11 THE CHAIR: Thank you, Mr Verdan. We will now take our 12 break and return at 11.45 am. Thank you. 13 (11.27 am)</p> <p>14 (A short break)</p> <p>15 (11.45 am)</p> <p>16 THE CHAIR: Before we proceed to Ms Leek, I understand that 17 Mr Jacobs wishes to say something?</p> <p>18 MR JACOBS: Thank you, chair, I do. I neglected to mention 19 that I also act for E4, so I apologise for that, and 20 could the record be changed to reflect that? Thank you.</p> <p>21 THE CHAIR: Ms Leek?</p> <p>22 Closing statement by MS LEEK</p> <p>23 MS LEEK: Thank you, chair. Over the last three weeks, 24 Matt Hewson, the senior investigating officer of 25 Operation Enamel, together with a number of serving and</p> <p style="text-align: center;">Page 34</p> |
| <p>1 retired Leicestershire Police officers have attended 2 these hearings remotely and observed counsel to the 3 inquiry's probing forensic examination of the conduct of 4 institutions, covering a number of investigations and 5 dating back several decades.</p> <p>6 Previous enquiries, including those of 7 Sir Richard Henriques and the IOPC, have looked into 8 discrete aspects of the actions of Leicestershire Police 9 and Social Services, but this is perhaps the first time 10 that the full picture has emerged showing the gradual 11 accumulation of allegations regarding Lord Janner and 12 the institutional responses to those allegations.</p> <p>13 Leicestershire Police has welcomed this scrutiny and 14 throughout has cooperated fully with the inquiry. The 15 chief constable reiterates his intention to remain open 16 and not defensive; to acknowledge and learn from past 17 mistakes; and to take on board any recommendations that 18 you make.</p> <p>19 It is fair to say that Lord Janner could, and 20 should, have been investigated more thoroughly and faced 21 prosecution earlier than 2015. As I said in opening, 22 the chief constable apologises wholeheartedly on behalf 23 of Leicestershire Police to any complainant whose 24 allegations during earlier police investigations were 25 not responded to as they should have been. He also</p> <p style="text-align: center;">Page 35</p> | <p>1 wishes me to express his appreciation to the chair and 2 panel: first, for determining that these hearings should 3 take place in accordance with the wishes of 4 the complainant core participants; and, second, for 5 conducting the hearings with due sensitivity whilst 6 ensuring a determined and thorough investigation of 7 institutional responses to allegations of child sexual 8 abuse involving Lord Janner.</p> <p>9 Whilst the focus of this investigation has been 10 institutional responses, underlying it are the 11 allegations of a number of complainants that they were 12 sexually abused by Lord Janner when they were children. 13 At different times over the years, they have found the 14 strength to come forward and speak out about what they 15 say happened to them at a time when they were young and 16 vulnerable, many of them in care, and at a time when 17 they most needed society and institutions to protect 18 them.</p> <p>19 The chief constable would like publicly to recognise 20 the courage and determination of all the complainants 21 who have been involved in the hearing process, knowing 22 that, for many, this will have been a painful and 23 distressing experience.</p> <p>24 It is regrettable that the complainants never had 25 the benefit of a criminal prosecution of Lord Janner,</p> <p style="text-align: center;">Page 36</p> |

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| <p>1 for which many of them had hoped when they came forward, 2 and which had been anticipated following the charging 3 decisions made in 2015; nor have they given oral 4 evidence to this hearing. However, their bravery and 5 tenacity in making disclosures and in supporting and 6 engaging with these proceedings has helped the inquiry 7 to probe the conduct of a number of institutions. More 8 importantly, their input will have contributed to the 9 inquiry's crucial work in making recommendations to 10 improve institutional responses in future.</p> <p>11 I want to turn briefly to Operation Enamel. When, 12 in late 2012, Leicestershire Police launched Op Enamel, 13 its most recent investigation into allegations of sexual 14 abuse against Lord Janner, it was treated as a high 15 priority. As I explained in opening, and as you have 16 heard over the last three weeks, Operation Enamel was 17 taken seriously by senior officers and provided with the 18 level of resources afforded to a major investigation. 19 The HOLMES system was used alongside a team of 20 well-trained, specialist and expert investigators and 21 support staff, including victim support officers. It 22 was supervised by a highly experienced Gold Commander, 23 Roger Bannister.</p> <p>24 As you have heard, the DPP initially decided that it 25 was not in the public interest to charge Lord Janner.</p> <p style="text-align: center;">Page 37</p> | <p>1 Leicestershire Police were of the firm view that charges 2 should be brought, and drafted a pre-action protocol 3 letter to challenge the DPP's decision. The judicial 4 review proved to be unnecessary. The DPP reversed her 5 decision after a number of complainants exercised their 6 rights under the Victims' Right to Review scheme. 7 Charges were ultimately brought against Lord Janner on 8 the basis of 22 separate allegations of sexual abuse 9 relating to nine children. Four of these charges 10 related to the allegations made by JA-A27.</p> <p>11 In relation to the Operation Enamel investigation 12 and charging decisions, the chief constable wishes to 13 remind the inquiry, and indeed the media, of 14 the evidence it heard from Matt Hewson, the SIO, about 15 the allegation made by Carl Beech about Lord Janner.</p> <p>16 Carl Beech, also known as "Nick", was not one of 17 the 40 complainants whose allegations were investigated 18 and progressed by Operation Enamel. His complaint 19 played no part whatsoever in the decision to bring 20 charges against Lord Janner.</p> <p>21 Chair, I now turn to referrals to the IOPC. During 22 the course of Op Enamel's enquiries, as you have heard, 23 Leicestershire Police became concerned about various 24 aspects of previous investigations into allegations 25 against Lord Janner. This included the criticism by</p> <p style="text-align: center;">Page 38</p> |
| <p>1 some officers of the conduct of others. The chief 2 constable took the view that, where it appeared that the 3 conduct of officers may have fallen below the standards 4 of professional behaviour, referrals would be made to 5 the IOPC pursuant to schedule 2 of the Police Conduct 6 Regulations 2012 and the Police Reform Act 2002.</p> <p>7 The decision that the referrals would be made 8 voluntarily and proactively enabled the force to remain 9 independent and to act in a transparent manner. Having 10 now heard in detail about the earlier investigations, 11 the chief constable remains firmly of the view that it 12 was not for his own Police Professional Standards 13 Department to reach conclusions on the earlier 14 investigations and that those referrals were the 15 appropriate course of action to take.</p> <p>16 Turning to previous investigations and standards of 17 the time, the Chief Constable of Leicestershire does not 18 seek to justify or excuse any failings by his force. It 19 has always been of the utmost importance, professionally 20 and thoroughly, to investigate allegations of child 21 abuse without fear or favour and, where possible, to 22 prosecute offenders. It is right to say, however, that 23 some of the previous investigations into allegations 24 against Lord Janner predated Operation Enamel by 25 a number of years. As has been explored by counsel to</p> <p style="text-align: center;">Page 39</p> | <p>1 the inquiry during these hearings, it is important to 2 have in mind the relevant legal provisions, the 3 investigative tools available to the police then and the 4 standards of the time. There is now an increased level 5 of expertise in the investigation of current and 6 historic child sexual abuse, a greater awareness of its 7 prevalence and a better understanding of methods of 8 grooming, barriers to abuse and the reasons for delayed 9 disclosure.</p> <p>10 The approach of the criminal justice system, 11 including judges, to allegations of child sexual abuse 12 has changed beyond recognition, from the change in ABE 13 interviewing to the use of intermediaries and the 14 special measures available in the court system, and 15 there are now more widely available resources, such as 16 specialist training, electronic resources and 17 information-sharing protocols with other institutions.</p> <p>18 The inquiry has heard the evidence and will reach 19 its own conclusions on the issues examined, whether and 20 to what extent there were failings by relevant 21 institutions and what the reasons were for these.</p> <p>22 As to the current approach, as Operation Enamel 23 demonstrates, allegations of current or historic abuse 24 against children are taken extremely seriously by 25 Leicestershire Police. The protection of children is</p> <p style="text-align: center;">Page 40</p> |

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| <p>1 one of the most important tasks that the police 2 undertake. The police play a crucial role working with 3 other agencies to ensure that children are safeguarded 4 and that offenders are brought to justice. Sexual 5 offences and child sexual abuse and criminal 6 exploitation of children are key priorities within the 7 force's current police and crime plan.</p> <p>8 There have been significant developments and 9 improvements to training, understanding and systems. 10 Leicestershire Police now has a specific non-recent 11 child abuse investigation team which forms part of 12 the child abuse investigation unit. A specialised 13 careers pathways process has been developed in order to 14 bring experienced and skilled detectives into these 15 teams, who undergo specialist training and ongoing 16 professional development. IT systems and processes have 17 been enhanced. Leicestershire Police procedures are 18 aligned with national guidance and the force has 19 a strong commitment to reviewing, improving and 20 transforming services to prioritise child protection.</p> <p>21 Leicestershire Police is also part of a multi-agency 22 vulnerability board, which includes all primary agencies 23 engaged in protecting children and young people. It has 24 developed a multi-agency safeguarding hub based at 25 a police station. As well as the child abuse</p> <p style="text-align: center;">Page 41</p> | <p>1 investigation unit, this incorporates a child referral 2 team, child exploitation teams and a child case 3 conference team. Police and Social Services work in 4 partnership, meeting daily to review all relevant 5 incidents, share information where appropriate and 6 conduct strategy discussions to identify children at 7 risk. These changes have improved and facilitated 8 effective multi-agency working.</p> <p>9 Extensive support is offered to victims of child 10 sexual abuse. The Lighthouse is a hub used to provide 11 child victims of abuse with a safe space to tell their 12 story and to give court evidence by remote link. This 13 also provides access to specialist support services.</p> <p>14 For adult victims of sexual abuse, Juniper Lodge is 15 a sexual assault referral centre which is used to offer 16 multi-agency support to victims. Allegations are now 17 appropriately recorded and responded to, including 18 through safeguarding actions taken in conjunction with 19 other institutions. Complaints about historic offences 20 are investigated with the same rigour, independence and 21 determination as complaints about recent offences.</p> <p>22 Complainants, whoever they are and whatever their 23 background, are treated sensitively, fully supported and 24 can be assured of thorough investigations into their 25 allegations. The status of an alleged offender is</p> <p style="text-align: center;">Page 42</p> |
| <p>1 irrelevant.</p> <p>2 By way of conclusion, as I said in opening, the 3 chief constable recognises that failings in 4 institutional responses may have prolonged or added to 5 the suffering of complainants and is truly sorry for 6 this. The Operation Enamel team have been noting and 7 keeping the chief constable informed about any evidence 8 concerning police actions and inaction, resourcing and 9 systems and issues which arise in relation to 10 inter-agency working. These issues are being discussed 11 and analysed internally.</p> <p>12 We hope that the process of examining this material 13 in this forensic environment will contribute to the 14 public understanding of what has happened in the past in 15 Leicestershire and to the complainants' understanding of 16 what happened to their own allegations.</p> <p>17 As an organisation, Leicestershire Police is 18 committed to learning whatever lessons for the future 19 can be drawn from that history. The chief constable 20 will welcome the inquiry's report and recommendations in 21 this investigation. They will be analysed carefully and 22 the lessons learned will be shared within the force to 23 ensure continued organisational development and 24 improvement in this hugely important area of policing. 25 Thank you, chair.</p> <p style="text-align: center;">Page 43</p> | <p>1 THE CHAIR: Thank you, Ms Leek. Ms Grey?</p> <p>2 MS GREY: Thank you, madam. Can I just check I'm being 3 heard?</p> <p>4 THE CHAIR: You are a little quiet, Ms Grey.</p> <p>5 MS GREY: Is that better?</p> <p>6 THE CHAIR: If you could speak up a little more, that would 7 help.</p> <p>8 MS GREY: I will try to speak up, but please do indicate if 9 I am not being heard.</p> <p>10 Closing statement by MS GREY</p> <p>11 MS GREY: Madam chair, members of the panel, you have heard 12 from a number of witnesses who are, and who were, 13 members of the Labour Party. You have heard from them 14 in written and in oral form about the steps taken or not 15 taken in response to concerns about Lord Janner's 16 actions.</p> <p>17 I'd like to make a few remarks on behalf of 18 the Labour Party about these issues, although listeners 19 will appreciate why my submissions in this open session 20 are being kept fairly general.</p> <p>21 Listening to both the submissions of those who 22 represent complainants in this strand of the inquiry and 23 also to the representative of the Janner family, we 24 cannot fail to be struck by the suffering that has been 25 caused and perpetuated over a lengthy period of time by</p> <p style="text-align: center;">Page 44</p> |

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| <p>1 the failure of the various institutions involved to 2 operate a process in which any allegations made against 3 Lord Janner were properly aired and fairly adjudicated 4 upon. 5 We recognise that, for its part, during the central 6 periods of time that you have been examining, the 7 Labour Party did not have any specific policies guiding 8 individuals on how to report or how to tackle 9 allegations of child sexual abuse. 10 The prevailing assumption was, it seems, that it was 11 for the police to decide how to respond to any criminal 12 allegations and that the party had no particular role in 13 the absence of criminal charges being brought. I will 14 comment a little more about these historic assumptions 15 in closed session. 16 But, looking at this now, in 2020, this would not be 17 satisfactory. The Labour Party recognises that 18 safeguarding issues are broader than the question of 19 whether criminal charges are to be brought. Its 20 safeguarding responsibilities are wider. 21 Further, when looking at safeguarding issues and 22 making risk assessments, the standard of proof required 23 will differ from that applied in criminal processes. 24 Madam chair, the Labour Party policies now reflect 25 that broader perspective. You have received the</p> <p style="text-align: center;">Page 45</p> | <p>1 statement of Mr David Evans, the general secretary of 2 the Labour Party. He has filed evidence of the party's 3 current safeguarding policies, and those represent the 4 party's "serious and professional approach to ensure 5 safeguarding", to quote from his statement. The 6 evidence includes details of the policies' further 7 development since the conclusion of your Westminster 8 investigation module, and the Labour Party would expect 9 that its current policies and procedures would provide 10 a clear, robust and fair approach for its members and 11 officers to follow in similar circumstances today. 12 In particular, we would seek to point out that the 13 policies now, firstly, give members a place to report 14 concerns. It is very clear that allegations should be 15 reported to the Labour Party's safeguarding unit, or the 16 regional safeguarding lead, and it would be easy to find 17 that out by, for example, internet searches, if there 18 was any uncertainty. 19 Secondly, the policies now establish a source of 20 advice and expertise on safeguarding in the 21 Labour Party's safeguarding unit, which is staffed by 22 people with experience in safeguarding and child 23 protection, and who receive regular training, including 24 from the NSPCC's designated safeguarding officer 25 training.</p> <p style="text-align: center;">Page 46</p> |
| <p>1 The party is very conscious of the need for 2 continued effort on training and awareness raising. 3 E-learning is available to all, with more targeted 4 training for elected members, councillors and staff with 5 safeguarding responsibilities. 6 Thirdly, those policies establish a set of 7 procedures to ensure consideration of key issues, such 8 as the safety of any child, or indeed vulnerable adult, 9 affected, whether that is a child who is the subject of 10 safeguarding concerns or other children that an 11 individual might have contact with through their work. 12 The policies represent a child-centred approach, 13 putting the safety of any child at their heart, and they 14 make provision for appropriate liaison and information 15 sharing, including with local authority designated 16 officers. 17 Fourthly, the policies ensure that investigations of 18 allegations are properly brought to a close, with an 19 outcome recorded, even when, for example, police charges 20 have not resulted. The absence of police charges would 21 not now automatically bring a matter to a close. The 22 Labour Party would still need to carry out its own 23 investigations and reach a judgment on the allegations 24 on the basis of the information which it had gathered. 25 This is not to underestimate or to brush aside the</p> <p style="text-align: center;">Page 47</p> | <p>1 real difficulties posed when allegations are made, 2 denied and not tested in court, but there is now 3 a process to ensure that such difficult situations 4 should be tackled head-on. 5 Madam, you looked at the safeguarding processes of 6 political parties in your Westminster module, rather 7 than in this one, and, in those circumstances, I have 8 touched on this evidence lightly. But they represent an 9 assurance that the policy has learnt, has moved on and 10 that we are in a different place. 11 I would like to end, therefore, by setting out 12 Mr Evans' closing remarks as the general secretary of 13 the Labour Party. While expressing confidence in the 14 robustness of the current policies that I have 15 summarised, he concludes his statement by saying: 16 "I would, of course, welcome any recommendations for 17 improvement, and I will work to ensure that the 18 Labour Party continues to take its responsibility 19 towards the proper safeguarding of children with the 20 serious attention that it deserves." 21 Madam chair, members of the panel, thank you very 22 much. 23 THE CHAIR: Thank you, Ms Grey. Mr Friedman? 24 MR FRIEDMAN: Chair, I have had one or two problems with my 25 internet connection, so I hope you can hear me and see</p> <p style="text-align: center;">Page 48</p> |

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| <p>1 me.</p> <p>2 THE CHAIR: Yes, I can both hear you and see you,</p> <p>3 Mr Friedman.</p> <p>4 Closing statement by MR FRIEDMAN</p> <p>5 MR FRIEDMAN: Thank you. Most of the people who have made</p> <p>6 allegations against Greville Janner were either victims,</p> <p>7 witnesses or within range of the crimes of Frank Beck.</p> <p>8 From 1973 to 1986, Beck physically and sexually abused</p> <p>9 children in the Leicester care homes he ran. The local</p> <p>10 authority treated him as a successful guardian of</p> <p>11 troubled youth. From a human rights perspective, he was</p> <p>12 torturing them.</p> <p>13 A trail-blazing operation of police and prosecutors</p> <p>14 finally broke what had been insurmountable barriers to</p> <p>15 disclosing abuse. Between 1989 and 1991, they</p> <p>16 interviewed 600 witnesses, took 383 statements and</p> <p>17 brought charges concerning 30 people. Beck received</p> <p>18 five life sentences.</p> <p>19 The Beck prosecution was followed, in 1992, by the</p> <p>20 Kirkwood Inquiry. Kirkwood's investigation was not</p> <p>21 limited to Beck's abuse or the homes he ran, but looked</p> <p>22 at the entire Leicester care home estate throughout that</p> <p>23 era and at all its potential survivors. Aside from</p> <p>24 having access to the police files, the inquiry</p> <p>25 advertised in the local and national press with victim</p> <p style="text-align: center;">Page 49</p> | <p>1 confidentiality guaranteed. Over months of hearings, it</p> <p>2 already examined 173 witnesses, including calling</p> <p>3 26 complainants and ten family members.</p> <p>4 The victims of the Beck regime rightly sued</p> <p>5 Social Services. There appears to have been more than</p> <p>6 100 plaintiffs. The authority did not contest</p> <p>7 liability, but the case was tried in order to assess the</p> <p>8 damages awards. If there had been any evidence that LCC</p> <p>9 was responsible for allowing an MP or any strangers to</p> <p>10 conspire with care home employees to carry out sexual</p> <p>11 offences, it would have had an impact on damages. None</p> <p>12 of the victims made that case, and local authority</p> <p>13 witnesses have confirmed to this inquiry that there was,</p> <p>14 and still is, no evidence to disclose.</p> <p>15 IICSA's website shows allegations of 33 complainants</p> <p>16 against Janner. Delay in making a complaint does not</p> <p>17 necessarily negate its truth. However, in this case,</p> <p>18 all but five of those 33 allegations came to the police</p> <p>19 after 2013, despite repeated and advertised</p> <p>20 opportunities to come forward and the very iconic</p> <p>21 dismantling of previous barriers. Janner worked across</p> <p>22 the country, around the world and with people of all</p> <p>23 ages, and yet the geography and context is that 32 of</p> <p>24 the 33 complaints came from Leicester and 26 from its</p> <p>25 care homes, despite the great efforts previously</p> <p style="text-align: center;">Page 50</p> |
| <p>1 undertaken to enable that very constituency of victims</p> <p>2 to be heard.</p> <p>3 You were shown the summary of the 2015 indictment</p> <p>4 against Janner. All nine of those complainants came</p> <p>5 from Leicester, all but one came from care homes, four</p> <p>6 of them lived together, three of them definitely knew</p> <p>7 each other, one of them -- and indeed a pivotal one --</p> <p>8 continued to closely associate with Beck after he</p> <p>9 stopped being in care, and has admitted more recently in</p> <p>10 a police interview under caution to withdrawing</p> <p>11 significant evidence about Beck in a way that harmed</p> <p>12 Janner.</p> <p>13 It is obviously right to be extremely wary of</p> <p>14 dismissing allegations on the basis of stereotyping, but</p> <p>15 that necessary corrective cannot make the numerous</p> <p>16 anomalies of geography and context disappear. The</p> <p>17 period of the Beck enquiry, the Kirkwood Inquiry and</p> <p>18 efforts to make civil justice remuneration did not</p> <p>19 result in even one person claiming that outsiders</p> <p>20 conspired with care home staff to abuse them, let alone</p> <p>21 identifying Greville Janner as a co-abuser.</p> <p>22 Before you is the very real risk that vulnerable</p> <p>23 people, who may have been abused, have, many years</p> <p>24 later, transposed their pain and need for recompense</p> <p>25 onto Janner. There are lessons here from the Carl Beech</p> <p style="text-align: center;">Page 51</p> | <p>1 saga. Certain individuals of profile can also become</p> <p>2 the subject of societal myths and stereotyping.</p> <p>3 In the operations you have looked at, there were</p> <p>4 concrete grounds for concern that Janner's very</p> <p>5 prominence could attract wrongful accusation. There</p> <p>6 were, and are, objective reasons to scrutinise merits.</p> <p>7 They explain why complaints were never previously</p> <p>8 prosecuted and why the civil claims that were hurriedly</p> <p>9 issued against Janner's estate after his death were</p> <p>10 withdrawn.</p> <p>11 Under the discipline of the reporting restrictions,</p> <p>12 I can only summarise why the allegations you have looked</p> <p>13 at are so concerning. In one case, there was</p> <p>14 a suspicion of perjury and perverting the course of</p> <p>15 justice. An established police informant with a track</p> <p>16 record of prosecutions provided details of a plan to</p> <p>17 frame Janner by reference to evidence that was not in</p> <p>18 the public domain. Police grounds for suspicion about</p> <p>19 a key individual involved were subject to a two-judge</p> <p>20 judicial review and held to be reasonable.</p> <p>21 These are not ordinary barriers for a successful</p> <p>22 conviction. They are a paradigm example of why</p> <p>23 a particular complainant could not be advanced as</p> <p>24 a witness of truth and why later decision makers</p> <p>25 erroneously overlooked these matters when criticising</p> <p style="text-align: center;">Page 52</p> |

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| <p>1 previous decisions as wrong.</p> <p>2 An allegation was made by A19, who has been</p> <p>3 mentioned to you by his counsel. This happened when the</p> <p>4 police approached him on a separate enquiry. Later</p> <p>5 criticism has taken no account of the fact that A19 did</p> <p>6 not remain in contact with police when they needed him</p> <p>7 to assist to sign a formal statement against Janner.</p> <p>8 The draft complaint was never hidden; its complainant</p> <p>9 withdrew. No-one has ever asked him why. No witnesses</p> <p>10 he named, that were present or connected to the alleged</p> <p>11 abuse, have ever supported his account. You have just</p> <p>12 been told, again without serving a statement, that</p> <p>13 a police officer who lacks individual legal</p> <p>14 representation at this inquiry has lied to you under</p> <p>15 oath.</p> <p>16 A further complainant told the police that Janner</p> <p>17 came to abuse him in a care home that has never been the</p> <p>18 subject of any other complaints of sexual abuse by</p> <p>19 anyone. In stark terms, no resident or employee from</p> <p>20 that institution has agreed with this man that Janner</p> <p>21 ever came to the premises. The police and the CPS were</p> <p>22 still not prepared to prosecute it at the time that</p> <p>23 Lord Janner died.</p> <p>24 Finally, a complaint was made against Janner for the</p> <p>25 first time right at the end of the period you have</p> <p style="text-align: center;">Page 53</p> | <p>1 looked at, and only after its maker found out that all</p> <p>2 other alleged abusers he had already pursued, including</p> <p>3 Beck, were dead. His identification of the MP was</p> <p>4 dependent on reading newspapers and conversations with</p> <p>5 Beck's survivors. The people he spoke to had received</p> <p>6 compensation themselves and told him that Janner knew</p> <p>7 what was going on and that there had been a conspiracy</p> <p>8 to cover up crimes. It was logical to be cautious about</p> <p>9 trying to bolster that case by relying on the other</p> <p>10 cases I have just summarised. As a matter of law, weak</p> <p>11 cases cannot be allowed to prove weak cases. If the</p> <p>12 complaint had ever gone to trial, that is precisely what</p> <p>13 the judge would have been duty bound to tell the jury.</p> <p>14 When complaints were made, it was right that they</p> <p>15 should have been carefully investigated and, if</p> <p>16 a sufficient case called for an answer, Janner should</p> <p>17 have been interviewed while he was still able to defend</p> <p>18 himself at a time when he had mental capacity to do so.</p> <p>19 Where that did not happen, if it should have, that is</p> <p>20 not his fault.</p> <p>21 Overall, chair, this is an unusual public inquiry by</p> <p>22 contemporary standards. It has largely been conducted</p> <p>23 away from the public eye, and has decided not to</p> <p>24 determine the truth of the underlying allegations that</p> <p>25 brought it into being. By choice, it has devoted</p> <p style="text-align: center;">Page 54</p> |
| <p>1 minimal time to the evidence that might have proved or</p> <p>2 disproved those allegations, so, as a matter of fact, as</p> <p>3 opposed to criticism, we are not fully public, not about</p> <p>4 truth and not about proof. What you have looked at is</p> <p>5 the judgments that were made in good faith by public</p> <p>6 servants. It was their job to determine the objective</p> <p>7 prospects of success. Since the creation of the CPS,</p> <p>8 prosecutorial decision making has deliberately turned</p> <p>9 away from looking at an individual practitioner's</p> <p>10 subjective belief about whether a person is guilty.</p> <p>11 Through all its changes, the Code for Prosecutors has</p> <p>12 remained focused on the realistic or reasonable</p> <p>13 prospects of a conviction; that is, whether it is more</p> <p>14 likely than not that a person will be convicted,</p> <p>15 regardless of whether one believes that they should.</p> <p>16 A prosecutorial system operating under the rule of</p> <p>17 law needs to facilitate a fair, rigorous and complete</p> <p>18 defence, including disclosing material that would</p> <p>19 undermine the credibility and reliability of</p> <p>20 a complaint. That is not an inconvenient aside, it</p> <p>21 should not operate as some kind of suspect other in this</p> <p>22 inquiry's framework. The code for prosecuting can never</p> <p>23 be complied with if the obvious matters supporting</p> <p>24 a defence are overlooked.</p> <p>25 Based on the available evidence at the time, honest</p> <p style="text-align: center;">Page 55</p> | <p>1 professionals, with whom the buck stopped, could not</p> <p>2 conclude that these charges could produce successful</p> <p>3 convictions in court. Unless you are prepared to look</p> <p>4 at the evidence you now have that caused them to take</p> <p>5 that view, then you will be rubber stamping</p> <p>6 a revisionist history without reading the primary</p> <p>7 sources. You will exacerbate the myths about Janner,</p> <p>8 rather than ground the public in reality. That is the</p> <p>9 mistake that the CPS and Sir Richard Henriques made in</p> <p>10 2015. This inquiry's chosen path means that it must</p> <p>11 focus on the evidence and law that caused others to</p> <p>12 conclude that a jury would doubt that these allegations</p> <p>13 were true. That is what practitioners have to do every</p> <p>14 day up and down the country in a criminal justice system</p> <p>15 to be proud of. They do it, even if they don't always</p> <p>16 personally like the outcome.</p> <p>17 THE CHAIR: Thank you, Mr Friedman. Mr Daw?</p> <p>18 Closing statement by MR DAW</p> <p>19 MR DAW: I make closing submissions on behalf of retired</p> <p>20 Chief Constable Michael, or Mick, Creedon, an officer</p> <p>21 with an unblemished service record who worked at</p> <p>22 national level, leading numerous complex investigations</p> <p>23 and at every rank in British policing.</p> <p>24 Mr Creedon gave evidence before you for almost a day</p> <p>25 and a half, longer than any other witness who has</p> <p style="text-align: center;">Page 56</p> |

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| <p>1 appeared before the inquiry in this strand. He provided 2 two lengthy witness statements to the inquiry, many 3 hours of interviews over course of three days with the 4 IOPC and an interview with Justice Goddard. 5 Over the past six years, culminating in his 6 appearance before this inquiry, Mr Creedon has answered 7 hundreds, if not thousands, of questions about his 8 involvement in the various investigations of 9 Lord Janner. 10 It would not be possible during the course of 11 a short closing statement to summarise Mr Creedon's 12 evidence. He has sought to do everything he can to 13 assist you, as he did with the IOPC, to understand his 14 role and involvement in the Janner matter. 15 Mr Creedon hopes that, if there are lessons to be 16 learned from the previous investigations, and if you are 17 able to make recommendations that will improve the 18 quality of the investigations into child sexual abuse in 19 the future, his evidence will have provided some 20 assistance in this regard. 21 But Mr Creedon also hopes that his evidence has 22 dispelled some of the malicious rumours, myths and 23 outright lies that have been spread in relation to him 24 and his involvement in the investigations into 25 Lord Janner. Anyone listening to Mr Creedon's evidence</p> <p style="text-align: center;">Page 57</p> | <p>1 and that given about him by others can have no doubt 2 that Mr Creedon did as much as anybody, and far more 3 than most, to protect the vulnerable in the early 1990s. 4 None were more vulnerable than children abused by 5 Frank Beck and others around him. 6 Mr Creedon had no involvement in the later 7 investigations at all, no matter what others may have 8 been told or believed based on nothing more than rumour 9 and guesswork. 10 Turning then to Mr Creedon's work on the Beck case, 11 as a detective sergeant, Mr Creedon was committed to 12 ensuring the voices of the victims of Frank Beck were 13 heard, after years of them being ignored. He did not 14 judge the complainants on their backgrounds, their 15 social standing or the fact that some of them had 16 criminal convictions. Peter Joyce QC described 17 Mr Creedon as "a superb human being" because of the way 18 Mr Creedon approached Beck's victims and his tenacity in 19 bringing Beck to justice. 20 As you heard -- this is one example of going the 21 extra mile -- Mr Creedon went out to bus shelters at 22 3.00 o'clock in the morning to assist Beck's deeply 23 damaged victims during the trial process. We bear in 24 mind that some, if not most, of those had serious 25 criminal records, and yet Mr Creedon behaved in that</p> <p style="text-align: center;">Page 58</p> |
| <p>1 way, given the case he was investigating and that was 2 being prosecuted. 3 There is no doubt that Mr Creedon was passionately 4 committed to bringing the perpetrators of child sexual 5 abuse to justice at a time when such cases were not 6 a priority within policing, often under-resourced. In 7 the face of complacency from some members of the police 8 and obstruction from a local authority apparently intent 9 on covering up its own mistakes, Mr Creedon gave 10 everything he had to the successful investigation and 11 prosecution of Frank Beck, who, it will be remembered, 12 had been a respected social worker and local politician. 13 You may remember the strong words of commendation 14 for Mr Creedon from Mr Justice Jowitt at the conclusion 15 of the Beck trial, rejecting all of the slurs thrown 16 around so desperately by Beck in a vain effort to escape 17 justice for his crimes. Mr Creedon, as he told you, 18 believes the Beck case should have been a watershed 19 moment in dealing with child sexual abuse. It is deeply 20 tragic that it was not. It is absurd and insulting to 21 suggest that Mr Creedon, a dedicated and fearless 22 investigator, and a deeply compassionate officer, would 23 choose to ignore or downplay allegations of child sexual 24 abuse against Lord Janner or anyone else. It would be 25 contrary to what you have heard about his character and</p> <p style="text-align: center;">Page 59</p> | <p>1 achievements that he would ever knowingly let down 2 a potential victim of child abuse. It is nonsense to 3 suggest that this officer, who relished difficult 4 challenges, was in any way influenced by the social 5 standing or position of the perpetrator of such 6 offences. 7 The fact that Greville Janner was an MP was not an 8 impediment to Mr Creedon investigating him, it was 9 a greater reason to do so. As Mr Creedon told you, he 10 would have relished the chance to play a part in seeing 11 Janner brought to justice for crimes against children. 12 Far from showing undue deference to Janner, he would 13 have seen a prosecution of such a figure as 14 a significant career achievement. Mr Creedon did not go 15 on for a decade as a chief constable because he lacked 16 ambition or was afraid of a challenge. 17 Dealing now with Operations Magnolia and Dauntless. 18 Given Mr Creedon's personality, integrity and commitment 19 to policing, given the product of the investigations 20 carried out into Beck and his associates in the 21 Beck enquiry, and despite the inconsistencies and lies 22 that have been peddled in relation to Mr Creedon's 23 purported involvement in Magnolia and Dauntless, there 24 is no suggestion, or no basis for suggestion, that 25 Mr Creedon did anything wrong in relation to the</p> <p style="text-align: center;">Page 60</p> |

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| <p>1 investigations of Lord Janner.</p> <p>2 You have heard some of the criticisms made by</p> <p>3 Mr Swift-Rollinson and Mr Barrs in particular. They are</p> <p>4 either wrong, misguided, dishonest, attention seeking or</p> <p>5 speculative. They were made decades later by</p> <p>6 individuals with little knowledge of the events at the</p> <p>7 time and who were not involved in decision-making roles.</p> <p>8 Such criticisms will not assist you and they do those</p> <p>9 who make them no credit either. We hope you will</p> <p>10 recognise the assertions about Mr Creedon for what they</p> <p>11 are.</p> <p>12 The simple point is that Mr Creedon was unaware of</p> <p>13 any allegations against Lord Janner during the Magnolia</p> <p>14 and Dauntless periods and he played no part in those</p> <p>15 investigations. Our fuller written submissions will</p> <p>16 assist you to see how deeply flawed such suggestions</p> <p>17 are.</p> <p>18 Mr Creedon made no secret of his outrage at the</p> <p>19 approach of Leicestershire Constabulary in referring him</p> <p>20 for misconduct or of the IOPC in taking so many years to</p> <p>21 finally clear him of any wrongdoing. I pause to make</p> <p>22 the brief point that Leicestershire referred just</p> <p>23 Mr Creedon, and nobody else, and that perhaps puts in</p> <p>24 context some of the remarks that you have heard earlier</p> <p>25 this morning.</p> <p style="text-align: center;">Page 61</p> | <p>1 Those processes were illogical and deeply damaging</p> <p>2 to Mr Creedon's reputation and post-policing career. We</p> <p>3 invite you to make clear that Mr Creedon has been of</p> <p>4 considerable assistance to the inquiry as a witness,</p> <p>5 both as to early events and police expertise and</p> <p>6 experience in his later career. That he has been</p> <p>7 willing to assist the inquiry so fully came about</p> <p>8 despite, rather than because of, the actions of the IOPC</p> <p>9 investigation, which has been marked by an amateur,</p> <p>10 irrational and damaging approach throughout.</p> <p>11 Whilst not directly in scope, we do invite the</p> <p>12 inquiry to reflect on whether lessons should be learned</p> <p>13 as to how the IOPC should conduct gathering evidence in</p> <p>14 cases such as this. Scattergun and prolonged</p> <p>15 allegations of misconduct and criminality against</p> <p>16 respected officers with no rational justification are</p> <p>17 likely to cause such officers to withhold co-operation</p> <p>18 or to approach matters in a defensive manner, which is</p> <p>19 damaging to the spirit of openness that public enquiries</p> <p>20 require.</p> <p>21 A five-year criminal investigation, which is what</p> <p>22 Mr Creedon faced at the hands of the IOPC, was quite</p> <p>23 extraordinary and deeply ironic, given the delays in</p> <p>24 investigation with which this inquiry is understandably</p> <p>25 concerned.</p> <p style="text-align: center;">Page 62</p> |
| <p>1 That Leicestershire Constabulary referred Mr Creedon</p> <p>2 to the IOPC following a media article of which that</p> <p>3 force was aware and which it fully approved was also</p> <p>4 a seriously flawed and damaging decision.</p> <p>5 In conclusion, during the course of your various</p> <p>6 investigations, you may find that a number of</p> <p>7 institutions let down the victims of child sexual abuse.</p> <p>8 Mr Creedon would no doubt agree with you in many cases.</p> <p>9 He fought the same battles against complacency and</p> <p>10 impunity in relation to child sexual abuse that this</p> <p>11 inquiry was established to investigate. However, he did</p> <p>12 not fail anyone in his part in the investigations of</p> <p>13 Lord Janner. At all times, he acted with integrity and</p> <p>14 professionalism in accordance with his duties as</p> <p>15 a police officer and in line with his character. Thank</p> <p>16 you.</p> <p>17 THE CHAIR: Thank you, Mr Daw. Finally, we hear from</p> <p>18 Mr Welch.</p> <p>19 Closing statement by MR WELCH</p> <p>20 MR WELCH: This closing statement is made on behalf of</p> <p>21 retired Superintendent Christopher Thomas. During the</p> <p>22 course of his evidence, Mr Thomas attempted to assist</p> <p>23 you in understanding his role in Operation Dauntless and</p> <p>24 the rationale for his decisions. We will assist you in</p> <p>25 due course by providing full written submissions.</p> <p style="text-align: center;">Page 63</p> | <p>1 At this point, we wish to highlight three broad</p> <p>2 topics in relation to Operation Dauntless and Mr Thomas'</p> <p>3 involvement in it.</p> <p>4 Topic 1: the state of the investigation by</p> <p>5 30 January 2007. The purpose of Operation Dauntless was</p> <p>6 to investigate the allegations that had been made</p> <p>7 against Lord Janner by A8. It clearly was not a review</p> <p>8 of the previous investigations into the allegations</p> <p>9 against Lord Janner. However, this was not an</p> <p>10 allegation that was treated lightly or with any form of</p> <p>11 closed mind. The seriousness of the allegations that</p> <p>12 had been made by A8 were recognised. The investigation</p> <p>13 was treated as a major crime enquiry. From the very</p> <p>14 beginning of the investigation, Mr Thomas recognised</p> <p>15 that it would be necessary to consider the material from</p> <p>16 the earlier investigations into the allegations that had</p> <p>17 been made against Lord Janner.</p> <p>18 The reality is that, despite seven months of</p> <p>19 investigative work, no evidence corroborating the</p> <p>20 allegations made by A8 had been discovered. Nothing</p> <p>21 relating to Lord Janner was mentioned in A8's</p> <p>22 Social Services records. No further lines of enquiry</p> <p>23 were identified by the reinterview and statement of A8.</p> <p>24 The suspect F1 was identified as having died.</p> <p>25 Topic 2: the decision to seek advice from the CPS.</p> <p style="text-align: center;">Page 64</p> |

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| <p>1 Despite the absence of evidence corroborating A8's 2 allegations, what the investigation had revealed was 3 that there was, by 2007, evidence of a number of 4 allegations made against Lord Janner by different 5 complainants. Mr Thomas identified a number of similar 6 allegations as being potentially the strongest element 7 of the case. Looking at the investigation and the 8 evidence from the perspective of a criminal lawyer, he 9 was right. But Mr Thomas was not a lawyer. The hearsay 10 and bad character provisions of the 2003 Criminal 11 Justice Act are not straightforward. Issues such as 12 cross-admissibility of evidence and joinder of 13 allegations are complex legal issues that necessitate 14 legal advice. It was, as recognised by Chief Constable 15 Baggott, both sensible and appropriate to seek advice 16 from the CPS at this stage of the investigation. It was 17 established practice to do this and Mr Thomas was right 18 to seek, and entitled to rely upon, the advice of 19 the CPS.</p> <p>20 Mr Thomas was not seeking to bring the investigation 21 to an end by his decision to submit the advice file to 22 the CPS, nor was he seeking to limit the investigation; 23 quite the opposite. In effect, he was seeking to expand 24 it by requesting legal advice as to whether the other 25 allegations would support A8's allegation and ultimately</p> <p style="text-align: center;">Page 65</p> | <p>1 form the basis of the prosecution of Lord Janner. That 2 is quite clear from the covering letter he attached to 3 the advice file.</p> <p>4 Topic 3: the investigations that were not carried 5 out before the CPS advice file was submitted. Mr Thomas 6 did not make a decision that Lord Janner would never be 7 arrested or interviewed in relation to the allegations 8 made by A8 or anybody else. As policy decision 13 9 clearly demonstrates, the decision was that this would 10 not take place before CPS advice and would be reviewed 11 in light of the CPS advice on evidence.</p> <p>12 Given the fact that Mr Thomas was asking for advice 13 as to whether the investigation could use the 14 allegations made against Lord Janner in previous 15 investigations and, in effect, go in a new direction, 16 away from simply the allegation that had been made by 17 A8, arrest and interview prior to the CPS advice being 18 received would have been entirely premature.</p> <p>19 The decision not to search Lord Janner's property 20 prior to the CPS advice was not made because of 21 Lord Janner's profile, but because of Mr Thomas' belief, 22 expressed in both his policy book and 23 Mr Swift-Rollinson's workbook that, after 25 years, and 24 already having been questioned once about historical 25 allegations of sexual abuse, such a search was unlikely</p> <p style="text-align: center;">Page 66</p> |
| <p>1 to yield any positive results. That is a judgment that 2 Mr Thomas made at the time.</p> <p>3 Whilst Mr Swift-Rollinson may have held a different 4 view, Mr Thomas' judgment was logical and reasonable. 5 It is clear that his reasoning was not driven by who 6 Lord Janner was.</p> <p>7 The previous allegation made against Lord Janner by 8 A19 in a statement S4C was not ignored; quite the 9 opposite. Whilst A19 could have been interviewed again 10 prior to the submission of the advice file, the fact is 11 that the police had from him a statement that alleged 12 sexual abuse by Lord Janner, and they specifically 13 brought that statement and the allegation to the 14 attention of the CPS and sought advice from them on it 15 and the use to which it could be put. The same is true 16 for the previous allegations that had been made against 17 Lord Janner, including that of A6.</p> <p>18 To be clear, this was at Mr Thomas' instigation, as 19 it was his policy decision number 12 that set out what 20 should be included in the advice file and specified that 21 it was to include "review of the previous allegations 22 involving Greville Janner introducing the possibility of 23 similar MOs".</p> <p>24 In conclusion, any suggestion that in 25 Operation Dauntless the police failed to properly</p> <p style="text-align: center;">Page 67</p> | <p>1 investigate Lord Janner because of his social standing 2 or position is misguided and wrong. Any suggestion that 3 Lord Janner was afforded any preferential treatment by 4 the police is equally misguided and wrong. Quite 5 simply, if the police had wanted to limit the 6 investigation in any way or for whatever reason, the 7 last thing they would have done was to prepare an advice 8 file for submission to the CPS locally and in the 9 expectation that it would go to CPS headquarters in 10 York, include evidence of previous allegations, 11 including some that appeared not to have previously been 12 considered, and ask for advice as to whether, in effect, 13 the case against Lord Janner could be expanded from A8's 14 allegation to include everything else. Such conduct was 15 not letting down the victims of abuse or the 16 complainants against Lord Janner; it was seeking to 17 protect them, by seeking advice as to whether there was 18 a case and whether it could be strengthened.</p> <p>19 Some individuals who have appeared before you have 20 expressed the opinion that certain matters could have 21 been done differently in Operation Dauntless. They're 22 entitled to express those opinions, and you will 23 consider the validity of them. Few were recorded in 24 writing at the time, and a number are inconsistent. We 25 will address such matters more fully in our written</p> <p style="text-align: center;">Page 68</p> |

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| <p>1 submissions. Whatever those opinions or the validity of 2 them, Mr Thomas maintains that his actions were carried 3 out in good faith and with the sole aim of conducting 4 a thorough, fair and professional investigation. 5 Chair, that is the statement and, for the avoidance 6 of doubt, there will be no statement in closed session 7 on behalf of Mr Thomas. 8 THE CHAIR: Thank you, Mr Welch. That concludes the closing 9 statements in the open part of today's hearings. We 10 will now take a break for lunch and return at 1.30 pm. 11 (12.33 pm) 12 (The short adjournment) 13 (1.30 pm) 14 (The hearing went into closed session) 15 (3.42 pm) 16 IN OPEN SESSION 17 MR ALTMAN: Chair, all I need to say now is to remind core 18 participants that, if they wish, as some of them have 19 indicated, to submit to the inquiry written submissions, 20 of course they are free to do so, but, please, within 21 the deadline each of them has been set. Chair, that's 22 all I need to say. Thank you very much. 23 Closing remarks by THE CHAIR 24 THE CHAIR: Thank you, Mr Altman. The panel members and 25 I are very grateful to those who have provided evidence</p> <p style="text-align: center;">Page 69</p> | <p>1 to the inquiry for the purposes of this investigation 2 and to core participants for their assistance. 3 In addition, we would like to thank everyone, 4 including the technical support staff, for helping to 5 achieve the smooth running of this hearing, which, of 6 course, has proceeded against the backdrop of 7 the COVID-19 pandemic. 8 It is important for me to emphasise that 9 a complainant of sexual offending has a right to 10 lifelong anonymity under the Sexual Offences (Amendment) 11 Act 1992. The 1992 Act applies to the inquiry's work 12 and applies irrespective of whether there has been 13 previous publication or reporting of a complainant's 14 identity. In order to comply with the Act and protect 15 the identity of complainants, it has been necessary to 16 hear much of this investigation in closed sessions. The 17 inquiry has, however, published daily summaries of those 18 parts of the evidence that are capable of being publicly 19 reported, and I'm grateful to those involved in the 20 preparation of these summaries. 21 We will now consider all of the evidence we have 22 heard and read, including the oral and written 23 submissions, and produce our investigation report, which 24 we expect to publish in the autumn of next year. 25 Thank you, all, and I now draw this hearing to</p> <p style="text-align: center;">Page 70</p> |
| <p>1 a close. 2 (3.45 pm) 3 (The hearing concluded) 4 5 6 IN D E X 7 8 Housekeeping1 9 Closing statement by MR STANAGE3 10 Closing statement from MR CHAPMAN8 11 Closing statement by MR ENRIGHT17 12 Closing statement by MR JACOBS21 13 Closing statement by MR BROWN25 14 Closing statement by MR VERDAN31 15 Closing statement by MS LEEK34 16 Closing statement by MS GREY44 17 Closing statement by MR FRIEDMAN49 18 Closing statement by MR DAW56 19 Closing statement by MR WELCH63 20 Closing remarks by THE CHAIR69 21 22 23 24 25</p> <p style="text-align: center;">Page 71</p> | |

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