

Witness Name: Gregor McGill
Statement No.: 1
Dated: 21.05.20

THE INDEPENDENT INQUIRY INTO CHILD SEXUAL ABUSE

Witness Statement of Gregor McGill

I, Gregor McGill, will say as follows:-

1. I provide this statement on behalf of the Crown Prosecution Service ('CPS') in response to two requests received on 4 February 2020 under rule 9 of the Inquiry Rules 2006 concerning the investigation into allegations of sexual abuse linked to children in the care of Lambeth Council.

Authority of Witness

2. I have been the Director of Legal Services at the CPS since 1 January 2016. I joined CPS London as a crown prosecutor in 1991 before progressing to the position of Branch Crown Prosecutor in 2001. In 2002 I left the CPS to join HM Customs and Excise. In 2005 I transferred to the newly formed Revenue and Customs Prosecutions Office (RCPO) and I set up and headed the Serious Organised Crime Division at RCPO in late 2005/early 2006. Following the merger of RCPO and CPS, I was appointed Head of the Fraud Prosecution Division at the CPS before taking on the role of Legal Director for CPS London in 2010. From 2012 until the end of 2015 I was the Head of the Organised Crime Division at the CPS.
3. I have been asked to provide a statement outlining the CPS' role in respect of two matters:
 - 1985 - Allegations against LA-F12 by LA-26 relating to abuse at Ivy House
 - 1986 – Allegations against LA-F26 by LA-A48 relating to abuse at Monkton Street
4. These matters are not within my direct personal knowledge; however, in order to assist the Inquiry, I have also caused searches to be made of our Records Management Unit and across our electronic Case Management System (CMS) in order to identify any CPS held material. Unfortunately owing to our file retention policies (for which see below), we have been unable to identify any CPS held material.

CPS Record retention Policy and searches undertaken

5. The department has a records retention policy and case files are destroyed in accordance with that policy.
6. Magistrates' Court case files are retained for one year following the final court date or for the length of the sentence or order if that would result in a longer period. Crown Court case files are retained for three years following the final court date or the length of the sentence or order if that would result in a longer period.

55. It would appear that a meeting was held on the 19 November 1986 between the CPS and DI Barnett to discuss the case. This was followed up by letter dated 20 November 1986 in which Assistant Branch Crown Prosecutor, David Hewett, writes:

“Having considered the matter and taking into account the fact that the prosecution will derive no assistance from any forensic evidence, I am of the view that there is insufficient evidence to justify a prosecution against LA-F26...I am as you know concerned about the surrounding circumstances of this case and if any further evidence were to come to light which you considered strengthened the prosecution case, then I would ask that that evidence be passed to me immediately.”

56. In a letter dated 26 November 1986 which is marked as having been sent to “all parents” from DI Barnett. It says *“some weeks ago a report of the police enquiry and available evidence was submitted to the Director of Public Prosecutions for his consideration. I have to inform you that the Director has decided not to prosecute any person for a criminal offence, concerned in this enquiry”*.
57. As I have stated, the CPS has not retained any material relating to this investigation. I am therefore unable to confirm what material the CPS were supplied with or what if any, further information the CPS requested in relation to this allegation. I can only remark that David Hewitt appears to have seen the police report and a number of statements and that he also held a meeting with the investigating officer prior to communicating his views in writing on 20 November. I suspect that the meeting on the 19th would likely have resulted in advice being given orally which was confirmed in writing on the 20th that there was insufficient evidence. The letter does not explain the rationale for the decision.
58. I am unable to confirm if this case was referred to the Director, or to Counsel (as suggested in DI Barnett’s correspondence).
59. I have been asked to explain the decision made by the CPS and the basis upon which it was made. Based on the material that I have seen, I can see that there would have been real difficulties in prosecuting this case in 1986. For similar reasons to those outlined above, there was no primary evidence from the complainants in this case – only the interpretation of their account provided by their parents.
60. The medical evidence raises real concerns that these children were sexually abused and the circumstantial evidence would suggest that occurred at Monkton Street. However, the identity of the suspect was only provided, as far as I can tell, by LA-A49. The police did not take a statement from him, although DS Craig did capture the account provided to him. A statement would have been required from LA-A49 in order to consider prosecuting these matters. He would have to be deemed competent to give evidence. From the police report it is clear that the officer had formed the view that he was incapable of providing a statement or evidence. If that is correct, then the decision that there was insufficient evidence to prosecute this matter would have been correct.
61. David Hewitt said “the prosecution would derive no assistance from any forensic evidence”. I am unsure exactly what is meant by that since there was forensic medical evidence indicative of abuse. I consider it likely that he was referring to the fact that the forensic evidence did not assist with ascertaining the identity of the suspect, and would only be evidence of the fact of the assault but not the identity of the perpetrator.¹¹

¹¹ As per R v Campbell, above