

<p>1 Monday, 9 October 2017  2 (10.00 am)  3 Welcome by THE CHAIR  4 THE CHAIR: Good morning, everyone. I am Alexis Jay and I'm  5 the chair of this inquiry. With me are the other panel  6 members of the inquiry: Ivor Frank, Professor Sir  7 Malcolm Evans and Drusilla Sharpling.  8 On behalf of the inquiry, I welcome you all to the  9 first day of the substantive hearing on the  10 Cambridge House, Knowl View and Rochdale investigation.  11 This hearing will run for three weeks, as you know, with  12 one non-sitting day, finishing Friday, 27 October of  13 this year.  14 The investigation into Cambridge House, Knowl View  15 and Rochdale is a part of the inquiry's wider  16 investigation into institutional failures in connection  17 with the sexual abuse of children in England and Wales.  18 This is an important day for the work of  19 the inquiry, and of course for the core participants and  20 witnesses taking part in this investigation. Today  21 marks not only the first day of this hearing in this  22 investigation, but the opening of the second public  23 hearing in which the inquiry will hear live or read  24 evidence from complainants about their experiences of  25 sexual abuse.</p> <p style="text-align: center;">Page 1</p>	<p>1 Mr Edward Brown QC.  2 Counsel for Rochdale Borough Council,  3 Mr Steven Ford QC. Good morning, Mr Ford.  4 Counsel for the Secretary of State for Education,  5 Ms Cathryn McGahey QC. Good morning, Ms McGahey.  6 Before we hear from the leading counsel to the  7 inquiry, Brian Altman QC, some points about the inquiry  8 arrangements. We will normally sit from 10.30 am.  9 Ordinarily, we will take a 15-minute break at around  10 11.45 am, but on days when we are sitting early, such as  11 today, we may take an earlier break during the morning.  12 We will break for lunch at 1.00 pm, returning at  13 2.00 pm. We intend to sit until 4.00 pm to 4.30 pm each  14 day.  15 By way of an agenda, we rely on the hearing  16 timetable which sets out the order in which witnesses  17 will be called. The hearing transcript is recorded  18 simultaneously on screens throughout the room, and will  19 be published at the end of each day on the inquiry  20 website. Any directions arising from the day's hearings  21 will also be published on the website.  22 There are anonymity arrangements in place for the  23 complainant core participants who will be giving  24 evidence in week 1 and week 2 of the hearing. Ciphering  25 and redactions have also been used in relation to the</p> <p style="text-align: center;">Page 3</p>
<p>1 As you all know, the task of the chair and panel of  2 the inquiry is to examine the extent to which public and  3 private institutions in England and Wales have failed to  4 protect children from sexual abuse in the past and to  5 make recommendations to keep children safer today and in  6 the future, and the definition of scope of this case  7 study is published on the inquiry website.  8 To all the core participants and their legal teams,  9 we thank you very much for the hard work you have done  10 in preparing for this hearing, and to those of you who  11 have given written testimony, we are grateful to you for  12 coming forward, as well as those who are going to be  13 present as live witnesses. We are conscious of  14 the great challenges that many of you have encountered  15 as a result of your experiences as children.  16 I would like to introduce the core participants and,  17 where appropriate, their representatives as follows:  18 counsel for the complainant core participants  19 represented by Slater &amp; Gordon, Ms Laura Hoyano. Good  20 morning, Ms Hoyano.  21 Counsel for Lancashire Police, Mr Alan Payne.  22 Mr Payne.  23 Counsel for Greater Manchester Police,  24 Ms Ann Studd QC. Good morning.  25 Counsel for the Crown Prosecution Service,</p> <p style="text-align: center;">Page 2</p>	<p>1 evidence, in accordance with the inquiry's redaction  2 protocol and restriction order, both of which are  3 available on the website.  4 If there is any inadvertent breach of a restriction  5 order, I will ask that the simultaneous recording be  6 stopped momentarily so that the issues can be addressed  7 as appropriate.  8 I will now invite Mr Altman to address the panel.  9 Please go ahead, Mr Altman.  10 Opening submissions by MR ALTMAN  11 MR ALTMAN: Thank you, chair. Chair and panel members, the  12 investigation into Cambridge House, Knowl View School  13 and Rochdale, which I am going to call "Rochdale" for  14 short, is but one part of the statutory Independent  15 Inquiry into Child Sexual Abuse as outlined by the then  16 Home Secretary in February 2015, offering an  17 unprecedented opportunity to examine the extent to which  18 institutions and organisations in England and Wales have  19 taken seriously their responsibility to protect  20 children.  21 The Rochdale investigation focuses on  22 Cambridge House Boys' Hostel and Knowl View School --  23 two institutions that provided residential accommodation  24 for boys in Rochdale. Neither institution exists any  25 longer. Cambridge House was a hostel which took in</p> <p style="text-align: center;">Page 4</p>

<p>1 lone, working young men and boys, the like of which will                  2 almost certainly never exist again. Knowl View was                  3 a residential school for boys with emotional and                  4 behavioural difficulties.                  5 Some of the young men and boys who resided at both                  6 have since passed away. The laws, regulations and                  7 guidelines that applied to the institutions in which                  8 they lived have much changed in the years since they                  9 closed. The people involved in running them or who made                  10 decisions about them are mostly retired; some, too, have                  11 died.                  12 Some of those accused of abuse, like Cyril Smith,                  13 are themselves long dead or in prison. There have been                  14 inquiries and investigations about child sexual abuse in                  15 Rochdale in the years following, and there was even                  16 a specific, albeit unfinished, review established by                  17 Rochdale Council which began to examine some of the same                  18 issues that fall for consideration in this                  19 investigation.                  20 Society and culture may have changed, but many                  21 people whose lives were forever blighted by the abuse                  22 they suffered have understandably been unable to move on                  23 and they continue to seek justice.                  24 So what then is the purpose of embarking upon this                  25 investigation within this inquiry?</p> <p style="text-align: center;">Page 5</p>	<p>1 1990s garnered attention.                  2 What the investigation was struck by, however, was                  3 the broader picture that emerged by shining a light on                  4 Cyril Smith. In other words, it illuminated the                  5 day-to-day experiences of children that would have gone                  6 unexamined. It is this experience that in many ways                  7 tells us more about responses to child sexual abuse than                  8 focusing on the politician whose conduct drew the                  9 inquiry's attention to Rochdale in the first instance.                  10 An issue in this investigation is whether there is                  11 a connection between the power wielded by Cyril Smith                  12 locally, and the risk he may have posed, or did pose, to                  13 children, and the wider picture about abuse which                  14 emerges from the evidence. It allows the panel to                  15 consider whether deference to individuals in a position                  16 of authority not so very long ago may have put children                  17 at risk of child sexual abuse. The wider issue is                  18 whether authorities in Rochdale were generally too                  19 accepting; too slow to interrogate information that                  20 ought to have given rise to acute concern; and too                  21 willing to accept the status quo. Those are obvious                  22 points to consider as the evidence unfolds.                  23 Rochdale not only affords the panel a rare                  24 opportunity to consider how local public authorities                  25 responded to a politician who may have posed a risk of</p> <p style="text-align: center;">Page 7</p>
<p>1 First of all, these events didn't happen so long ago                  2 as to consign them to history. You will hear evidence                  3 from core participants who lived in Cambridge House in                  4 the 1960s. This investigation and the willingness of                  5 the inquiry to consider their experiences is extremely                  6 important to them, particularly because they have never                  7 been afforded an opportunity to give evidence in                  8 a public setting about those experiences. Cyril Smith,                  9 whose activities at Cambridge House are one focus of                  10 attention, remained a Member of Parliament until 1992;                  11 and there is evidence of his involvement in Knowl View                  12 until its closure. The examination of Knowl View                  13 considers events which were ongoing until 1994, which is                  14 when it stopped admitting pupils. Some individuals who                  15 were affected by sexual abuse whilst they were pupils at                  16 Knowl View, particularly in the late 1980s or early                  17 1990s, are now men in middle age to whom this inquiry is                  18 equally important.                  19 The decision to embark upon this investigation was                  20 in part in response to the public concern that some                  21 politicians, including Cyril Smith, were involved in                  22 child sexual abuse and able to abuse with impunity                  23 because they were protected by the establishment. It is                  24 only really because of Cyril Smith that the wider issue                  25 of child sexual abuse in Rochdale from the 1960s to the</p> <p style="text-align: center;">Page 6</p>	<p>1 sexual abuse to children, but also to consider other                  2 issues emerging from this investigation which remain                  3 relevant and will contribute to the panel's ability to                  4 put contemporary problems of child sexual abuse in                  5 context.                  6 I emphasise that this is not an investigation into                  7 Cyril Smith. It is an investigation into allegations of                  8 the sexual abuse and exploitation of children residing                  9 at or attending Cambridge House Boys' Hostel, Knowl View                  10 School and other institutions where their placement was                  11 arranged or provided by Rochdale Borough Council. The                  12 wider issues raised by this investigation include the                  13 following.                  14 First, our attitudes to vulnerable children whose                  15 behaviours are regarded as challenging or as someone                  16 inviting or bringing on themselves sexual abuse, in this                  17 case, young boys who frequented public places around                  18 Rochdale and who were abused by paying adults.                  19 Second, the particular risks from which vulnerable                  20 children may be from sexual abuse.                  21 Third, the tendency to make children responsible for                  22 their sexual abuse instead of the adults around them.                  23 Fourth, a tendency to let difficult issues drift                  24 rather than to confront them.                  25 Fifth, a tendency towards optimism that</p> <p style="text-align: center;">Page 8</p>

<p>1 circumstances are improving without interrogating  2 whether information or evidence bears that out.  3 And, sixth, the failure to look at the whole  4 picture, whether it be the whole picture of the child or  5 the whole picture which a group of children presents.  6 The purpose of this opening statement is to  7 introduce some of the materials that the investigation  8 will ultimately ask the panel to consider. We want to  9 set the scene so that when witnesses come to give  10 evidence, it is understood why they are being asked  11 certain questions or why they are being asked to deal  12 with certain criticisms.  13 The need to go straight to the core issues really  14 matters in this investigation. There is a wealth of  15 documentary material; witnesses have often given very  16 many accounts of their involvement in the events in  17 statements and interviews; many have been asked to  18 address documentary evidence already.  19 The purpose of calling these witnesses is to ask  20 them to address the most contentious points relevant to  21 them. There will not be the opportunity to introduce  22 every piece of documentary evidence which the panel  23 will, in due course, be invited to base their  24 conclusions and recommendations upon. Indeed, witnesses  25 may not even be asked about some of the documentary</p> <p style="text-align: center;">Page 9</p>	<p>1 Cyril Smith was also involved in the setting up of  2 Knowl View. He was a governor at the school for two  3 distinct periods, but beyond that, his involvement with  4 the school is less clear. There is evidence of  5 allegations that relate to his also sexually abusing  6 boys who attended Knowl View School.  7 In September 1990, an intruder who was well known to  8 Knowl View, known to have sexually assaulted boys from  9 the school, and had, in 1984, pleaded guilty to indecent  10 assault with a child, spent two nights in the school.  11 It is known for certain that on the second night he  12 sexually assaulted one boy. There may have been sexual  13 activity with other children. The coming to light of  14 this incident proved to be the catalyst for enquiries  15 into other serious issues related to child sexual abuse  16 within Knowl View School. The hearing will look at the  17 information which had accumulated over the years that  18 demonstrated knowledge on the part of the Rochdale  19 authorities that children, including pupils from Knowl  20 View School, were being exploited for money and that  21 sexually abusive activities by pupils on other pupils  22 were even ongoing.  23 One thing you may find striking is that there is  24 evidence of such problems affecting Knowl View from the  25 1970s onwards. Is that because residential institutions</p> <p style="text-align: center;">Page 11</p>
<p>1 material to which I shall be referring in the course of  2 this statement, but it will in due course be posted on  3 the website, subject always to sensitivity. Can I add  4 this: I will be asking for some sections of the key  5 documents to go up on the screen, which will then be  6 published on the website. But I won't be doing that  7 with every document, and neither will I provide the  8 unique reference number for every document as I go  9 through the opening. However, sections of some of  10 the other documents I am going to be referring to will  11 also be published as soon as possible on the website,  12 and a copy of the opening will be published, which will  13 indicate where the published documents fit into the  14 opening.  15 One of the purposes of this opening statement is to  16 draw attention to some of that material and to  17 demonstrate where it fits in the chronology. We will  18 endeavour to ensure that during the course of  19 the hearing, core participants' attention is drawn to  20 any other evidence upon which reliance may be placed.  21 The first part of this hearing is going to focus on  22 Cambridge House and the allegations which were made  23 against Cyril Smith by boys who lived there; how those  24 allegations unfolded and how they were to resurface in  25 later years.</p> <p style="text-align: center;">Page 10</p>	<p>1 which care for vulnerable children will always be  2 susceptible to these sorts of problems? In other words,  3 is it in their very nature? Or was it because there was  4 a particular culture in Knowl View School that persisted  5 over the years which led to a risk of sexual abuse? We  6 hope that some witnesses with wider experience in  7 education, social care and health will be able to assist  8 in your consideration of this point.  9 That brings me to Cambridge House Hostel, with which  10 I am going to begin.  11 A committee was formed in 1960 by, amongst others,  12 Bill Harding, a probation officer, and Cyril Smith, who  13 was then an Alderman, who became its secretary in order  14 to set up a private hostel situated at Cambridge House.  15 According to Mr Harding, it was intended to accommodate  16 young men aged between 15 and 21. Each boy paid  17 a contribution according to his income. Smith was one  18 of three persons on the committee who took an active  19 part in running it. Its main function was to provide  20 accommodation for young boys with no home or who were in  21 the care of the local authority. In 1962, the committee  22 opened the hostel called Cambridge House at  23 12 Castlemere Street in Rochdale.  24 Although it was anticipated that it would provide  25 accommodation for children who were in care, this</p> <p style="text-align: center;">Page 12</p>

<p>1 accommodation was intended to accommodate "working 2 boys". It is important to note that at that time 3 children were able to work from the age of 15. 4 In the 1969 to 1970 investigation into Cyril Smith 5 by Lancashire Police, the investigating officer 6 concluded that Cyril Smith was the "prime motivator" of 7 the scheme to found Cambridge House. Contemporaneous 8 records from the time bear this out. He appears to have 9 been a point of contact when a local authority was 10 trying to find a place for a child at Cambridge House 11 and the decision maker as to whether a child was given 12 a place. In that way, he was not only the gatekeeper, 13 but also privy to highly sensitive information about the 14 children concerned. 15 Rochdale Borough Council has confirmed that children 16 in its care were sent to live in Cambridge House and 17 that the council provided funds to Cambridge House for 18 this purpose. Social services records suggest that 19 these children were no less vulnerable than other 20 children who were cared for by the local authority. 21 The social care records of some children demonstrate 22 both this and Cyril Smith's role in admitting them to 23 Cambridge House. 24 And now, for the first time, I am going to ask that 25 certain documents be brought up on the screen to help</p> <p style="text-align: center;">Page 13</p>	<p>1 childhood. 2 "He is a lone wolf who finds difficulty in making 3 friends. He has never received much affection and has 4 for years been made to feel intensely jealous of his 5 younger half-brother who was spoilt by his stepfather. 6 He is not very bright and needs someone to take an 7 interest in him and look after him in the way that 8 a slightly younger child does. There are no 9 difficulties of the bedwetting or [something] kind 10 [I can't read that] but he is a bit withdrawn and 11 inclined to be selfish. 12 "He left school in February to work as a bakers' 13 assistant and is still in his first job. We are at 14 present helping to find him employment here and would be 15 most grateful if a hostel place would be found for him 16 in the near future. 17 "Thank you very much ..." 18 So that is one example. There is another document 19 that is not, I think, in your hard copy files, if you 20 are looking at them, but I am going to ask for them to 21 go up on the screen, and this is RHC002518. I wonder if 22 you could just expand it so I can read it, please. It 23 not a very good copy, but we can see the date at the 24 top. It is November 1963. It is redacted: 25 "Dear Councillor Smith ..."</p> <p style="text-align: center;">Page 15</p>
<p>1 understand this part of the opening. So the first 2 document I am going to invite to go up is RHC002517, 3 please. What we are looking at is a letter. It is 4 redacted in two places under the Data Protection Act, if 5 anybody wonders what those labels at the bottom mean. 6 At the top, you will find something that we will see 7 time and again: "RO-A79", in two places. That is 8 a cipher that has been applied to the child concerned, 9 "RO" standing for Rochdale and "A79" the relevant 10 number. 11 The relevant part of the document includes the date, 12 16 July 1962. It is from a childcare officer, as we see 13 at the bottom, and reads this way: 14 "Dear Councillor Smith. 15 "This boy, who is at present living with an uncle 16 and aunt ... has been in care since his mother died two 17 years ago. As he lived in Rochdale until he was 18 13 years of age and his brothers and sisters are in and 19 around Rochdale, he looks upon this as his real home. 20 Recently, although his aunt and uncle have done their 21 best with him, he has become restless and spends all his 22 free time coming here. We are rather concerned that he 23 should feel as settled as possible as he is going to 24 find it difficult enough to cope with personal and 25 employment questions in view of his somewhat unhappy</p> <p style="text-align: center;">Page 14</p>	<p>1 We will see at the bottom, I think it is from 2 a Child Officer, a Children's Officer. Thank you. If 3 we can go back to the top. It is a similar letter, 4 where the Children's Officer is writing to Cyril Smith 5 in relation to a boy born in 1946, we can see at the 6 top: 7 "I confirm my telephone conversation with you this 8 morning about the above named boy and I should be glad 9 if your committee would consider the application for him 10 to be admitted to the Cambridge House Boys' Hostel." 11 If we go to the bottom, please, on the second page: 12 "... average intelligence and received an excellent 13 school report on leaving school at the end of the summer 14 term. He is now working as a shop assistant where he 15 appears to have settled down satisfactorily. 16 "I [will] give you have any further particulars if 17 you want them." 18 In the same document, reference number RCH002518, 19 can we go to page 4, please, because we should find 20 Cyril Smith's response. It is not very easy to read, 21 but I will ask you to expand it, please. We can see 22 he's written it on his Smith Springs (Rochdale) Limited 23 letterhead from Flannel Street. It is dated, top right, 24 11 November 1963: 25 "Dear Mr Hurley [the Children's Officer, I think]</p> <p style="text-align: center;">Page 16</p>

<p>1 "Just two questions to which I would like a reply 2 for Wednesday's meeting. 3 "1. Does he have any court offences against him? 4 "2. Is he somebody physically sound and are there 5 any bedwetting problems?" 6 Bearing in mind that this was a 17-year-old boy. If 7 we go to the next page, please, which should be the 8 response to that, of the next day, 12 November: 9 "Dear Councillor Smith. 10 "Thank you for your letter received this morning. 11 I am sorry I could not include in my letter information 12 about the two points you mention regarding [the boy]." 13 At the bottom: 14 "So far as his health is concerned, he is a very 15 healthy lad ... no bedwetting problem." 16 The next document I am going to invite your 17 attention to, please, is RHC002509 at page 3. This is 18 in relation to the boy we have just been looking at, 19 RO-A69, and if we can expand it, under the date 20 4 March 1965, please. We need to go down the document: 21 "Telephoned Councillor Smith this morning ..." 22 This is one by the name of Williams, a Child or 23 Children's Officer: 24 "Telephoned Councillor Smith this morning to ask for 25 a convenient time for him to meet A69 and myself</p> <p style="text-align: center;">Page 17</p>	<p>1 see the direct link that Cyril Smith had not only by 2 virtue of his position on the committee, but also in 3 direct terms with, in this case, A69, a boy who was to 4 be admitted to the hostel. 5 Cyril Smith's role extended well beyond deciding who 6 would be admitted to Cambridge House. Edith Saille, who 7 was the warden in 1962, or one of them, said in 8 a statement that Smith was the most active member of 9 the committee and that he dealt with discipline in the 10 home. According to her husband, who shared the 11 wardenship with her, Smith, as I am going to refer to 12 him, through no discourtesy but simply to abbreviate the 13 name, took the disciplinary duties upon himself. 14 Mr Saille was aware from boys at the hostel that Smith 15 made them remove their trousers and spanked them on 16 their bare buttocks. 17 Valuable evidence about Cambridge House has been 18 provided by Mr Lyndon Price, who was the senior Rochdale 19 Children's Officer from March 1965. 20 He made a statement in the course of the police 21 investigation into Smith which, as I have said, took 22 place between 1969 and 1970. For ease, I am going to 23 refer to this as the "Lancashire investigation". The 24 panel will be taken, in due course, to Mr Price's 25 witness statements during the course of the hearing, but</p> <p style="text-align: center;">Page 19</p>
<p>1 concerning his admission to Cambridge House. After 2 a little difficulty in arranging a suitable time, I said 3 I would contact ... and found out A69's hours of work 4 and phone Councillor Smith back again." 5 And so on and so forth. Towards the end of that 6 entry: 7 "Telephoned Councillor Smith and told him that 8 I would be bringing A69 shortly after 10.30 to the 9 Spring Works to see him." 10 If we scroll to the next entry, please, 11 5 March 1965: 12 "I took A69 to see Councillor Smith at his works in 13 Flannel Street. A69 was bluntly asked whether he wanted 14 to come into the hostel of his own accord or whether he 15 was being forced into it. After a few minutes of 16 further discussion, Councillor Smith asked me if I would 17 mind allowing him to speak with A69 for two or three 18 minutes on his own. 19 "It was decided that A69 should go to the hostel on 20 Sunday afternoon and I telephoned [someone else] and 21 told her about this. In view of the fact that A69 had 22 several pounds' holiday money and pocket money due to 23 him, she asked me if I would call on Monday morning and 24 collect it so that I could hand it over at the hostel." 25 That's all we need of that. So the point is, we can</p> <p style="text-align: center;">Page 18</p>	<p>1 for present purposes, Mr Price's evidence explains how 2 information that Smith's interest in disciplining boys 3 may have had a more sinister aspect to it and how that 4 first came to light. 5 In 1965, Mr Gavin, who was a Rochdale childcare 6 officer, informed Mr Price that a boy, A49, who was in 7 the care of Rochdale, told him that Smith had asked him 8 to remove his trousers and had then spanked him on his 9 bare behind. This report caused Mr Price to interview 10 the boy concerned. According to Mr Price, after serious 11 consideration, he contacted Patrick Ross, the then Chief 12 Constable of (Rochdale) Borough Police, to report the 13 information as told to him. 14 Mr Price did not suggest by this that he was making 15 a criminal complaint. But rather, that he was simply 16 providing information to Mr Ross that may have been of 17 interest to him. 18 Mr Price also explained in 1970 that Smith took an 19 active part in running Cambridge House due to staff 20 problems and that this included disciplinary matters. 21 When he made this statement, Mr Price said that he found 22 the report of the boy being spanked by Smith a difficult 23 matter to deal with because Smith was a member of 24 the town council which employed him. Later, much later, 25 in 2014, Mr Price was to resile from certain aspects of</p> <p style="text-align: center;">Page 20</p>

<p>1 that statement, but if he was intimidated by Smith's 2 position and power, he was not the first, nor was he 3 going to be the last. 4 In the statement he gave to police in 2014, Mr Price 5 said that Mr Ross, the former chief constable, had told 6 him that "it had been decided" that no further action 7 would be taken in respect of Cyril Smith. Mr Price says 8 that children in the care of Rochdale were removed from 9 Cambridge House shortly after and that Cambridge House 10 closed in December 1965. It seems that in 1965 11 Cambridge House had staffing difficulties and that the 12 Children's Committee of Rochdale Council was not willing 13 to take over its running. 14 It is to be noted that Mr Gavin actually lived in 15 the hostel from September 1965, which is how he came to 16 speak to A49, and was therefore able to pass on the 17 information to Mr Price. 18 There is, in fact, no evidence of a police 19 investigation having taken place in 1965. Greater 20 Manchester Police was unable to find any record of one. 21 Enquiries were made of senior officers of the former 22 Borough Force during the course of the Lancashire 23 investigation as to whether there had been any 24 investigation in 1965, but no-one seemed to have any 25 knowledge of the then chief constable carrying out one.</p> <p style="text-align: center;">Page 21</p>	<p>1 how, when Labour regained control of Rochdale 2 Corporation in 1972, he was sacked from the 3 Youth Committee of the council, of which he had been the 4 chair for 21 years; the Youth Employment Committee, 5 which he had chaired for 20 years; the Committee of 6 the Rochdale Youth Orchestra, which he had formed; the 7 Committee of the Youth Theatre Workshop, which he had 8 helped found; and he was sacked from the board of 9 governors of 23 schools, which, according to Smith 10 himself, he has visited assiduously. But it appears 11 that he was still on the Education Committee, albeit he 12 was removed as its chair. 13 The remarkable and full extent of his membership of 14 committees can also be seen -- we are not going to look 15 at it now, but it can also be seen in a 14-page list 16 setting out Smith's official appointments in Rochdale 17 between 1960 and 1973. 18 That brings me back to the Lancashire investigation. 19 On New Year's Eve 1969, the chief superintendent of 20 Rochdale sent the Chief Constable of Lancashire Police 21 a memorandum. He attached a report of the same date, 22 31 December 1969, by one Sergeant Brierley into an 23 investigation which had been commenced into Cyril Smith, 24 then an Alderman. Can this be put up on screen, please, 25 CPS002699. You will see the date at the top from the</p> <p style="text-align: center;">Page 23</p>
<p>1 Importantly, the chief superintendent at Rochdale noted 2 that, whilst he was confident that Mr Price's statement 3 might be true, it was quite feasible that Mr Ross would 4 have kept the complaint about Cyril Smith to himself, 5 and that was because of Smith's status. 6 I am going to return a little later to this, but 7 Superintendent Leach, who is the chief superintendent 8 who made that comment during the course of his report, 9 his Lancashire report, of 11 March 1970, which went to 10 the DPP in 1970, suggests that Mr Ross, who had been 11 asked about it, said that he had no recollection of 12 "being so informed". So I shall come back to this 13 later. 14 What is clear is that, by 1966, Smith had acquired 15 yet more power. He had been a Labour Party councillor, 16 and indeed a prominent one, from 1952. In 1966, he was 17 elected the Mayor of Rochdale for Labour and, according 18 to Superintendent Leach's report as part of 19 the Lancashire investigation, Smith was also awarded an 20 MBE, and the MBE was awarded, according to 21 Superintendent Leach, for "services to youth". 22 Cyril Smith's autobiography, "Big Cyril", evidences 23 the extent to which he was embedded in activities in 24 Rochdale related to children at this point. He resigned 25 from the Labour Party whilst he was mayor and recounts</p> <p style="text-align: center;">Page 22</p>	<p>1 chief superintendent at Rochdale to the chief constable. 2 The report was submitted by him, as we are going to see, 3 as an interim measure, principally because of the high 4 standing in which Smith was held in political and social 5 work circles. Under the heading "Allegations of 6 indecent assault at Rochdale": 7 "I forward herewith the report from Detective 8 Sergeant Brierley and statements in connection with an 9 enquiry he has undertaken for the past three months." 10 We know that the investigation in fact began at 11 around 10 October: 12 "Of necessity, because of the security risk 13 involved, slow progress has been made, but from the 14 statements it will be seen that a certain amount of 15 indecency was taking place some years ago in relation to 16 the activities of Alderman Cyril Smith and it is hoped 17 that as a result of more information coming to light, 18 information of such activities more up to date will be 19 forthcoming. 20 "In the meantime, this report is submitted as an 21 interim measure, principally because of the high 22 standing Alderman Smith holds in local political and 23 social work circles within the town and the very strong 24 hold he will no doubt have over a number of influential 25 people in the town if his activities have not been</p> <p style="text-align: center;">Page 24</p>

1 confined to the younger element."  
 2 You will be referred to a statement later in this  
 3 hearing from the former chief reporter of the Rochdale  
 4 Observer which touches on a view which is expressed in  
 5 the course of this document, because the next paragraph  
 6 reads in this way:  
 7 "Attached are also a number of cuttings from the  
 8 local newspaper. I am quite certain that he has the ear  
 9 of the editor and very seldom does a week go by without  
 10 some quote or photograph of the man concerned. I know,  
 11 to my cost on a previous occasion, of the strength of  
 12 his word in publications in the Rochdale Observer."  
 13 So one of the issues you may want to consider is  
 14 whether he was given special treatment by the paper.  
 15 In the final paragraph, the chief superintendent who  
 16 wrote this document, whose identity is uncertain,  
 17 suggested that Sergeant Brierley be permitted to pursue  
 18 his investigation and interview the eight youths whom  
 19 Sergeant Brierley had referred to in the course of his  
 20 report but had not yet spoken to. May I suggest it  
 21 reads:  
 22 "Sergeant Brierley be allowed to continue his  
 23 enquiry in relation to the eight youths mentioned but  
 24 not interviewed to date and at some stage a decision be  
 25 made as to whether there is a case to answer, bearing in

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1 mind the period when the alleged assaults took place."  
 2 A number of observations can be made about the  
 3 memorandum. First, Smith's relations with the police  
 4 appeared already tense. Second, the security of  
 5 the investigation was not designed to protect Smith,  
 6 but, rather, the integrity of the investigation itself.  
 7 Third, the chief superintendent, whoever he was, wanted  
 8 to see the investigation progress.  
 9 Sergeant Brierley's report describes how the  
 10 allegations against Smith came to be made. For this, we  
 11 need to go to CPS002700. It is very difficult to read.  
 12 It has been redacted in part. But we can see Brierley's  
 13 name at the top and the date in the top right-hand  
 14 corner. Of course the panel can look at this in more  
 15 detail in due course. I'm certainly not going to even  
 16 attempt to read it all out. But there are just  
 17 a certain number of other passages which I will invite  
 18 your attention to, comments made by Sergeant Brierley  
 19 clearly arising out of the nature of the investigation  
 20 and what he had learned.  
 21 In paragraph 2, just about five or six lines down,  
 22 you can just make out:  
 23 "A huge man in stature, being approximately 6-foot  
 24 3 inches in height and weighing upwards of 20 stone, he  
 25 is of a dominant personality and is known locally as

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1 'Mr Rochdale'. He is an ex-Mayor of the County Borough  
 2 of Rochdale. Alderman Smith's mother was formerly  
 3 employed by the local authority and many years ago was  
 4 responsible for the cleaning of the courtrooms in the  
 5 town hall at Rochdale."  
 6 To page 2, and the last few lines, thank you, of  
 7 that paragraph:  
 8 "He is a close friend of RO-F15. Councillor  
 9 Harry Wild [more of whom later] and Thomas William  
 10 Harding [that's the Bill Harding with whom he set up  
 11 Cambridge House], former senior probation officer for  
 12 Rochdale ..."  
 13 He concludes that paragraph by saying:  
 14 "I think it can be said with [something that is  
 15 difficult to read] that he has never employed a good  
 16 relationship with the police of the town."  
 17 Then paragraph 3 deals with Cambridge House and  
 18 Smith's relationship with it. About half a dozen or so  
 19 lines down:  
 20 "It will be seen later in this report that  
 21 Alderman Smith kept a close watch over and was  
 22 a frequent visitor to the home where he interviewed boys  
 23 privately at regular intervals."  
 24 It goes on to say, another five or six lines beneath  
 25 that:

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1 "Alderman Smith often visited the local magistrate's  
 2 court to speak on behalf of a particular youth."  
 3 I think that is all I am going to trouble the panel  
 4 with now from that document.  
 5 The Lancashire investigation did progress, and  
 6 clearly it will have to be considered in some detail  
 7 later. There were eight complainants, six of whom had  
 8 resided at Cambridge House, who were to make allegations  
 9 against Smith. They all gave accounts to similar  
 10 effect: that Smith had purported to carry out medical  
 11 examinations of them and had touched them intimately or  
 12 had spanked them on their bare behinds.  
 13 It has been the subject of recent speculation that  
 14 the Lancashire investigation was interfered with or in  
 15 some way impeded by dint of Cyril Smith's position. For  
 16 example, there were suggestions in the book "Smile for  
 17 the camera" by Simon Danczuk, former MP, as well as in  
 18 a 2013-Channel 4 "Dispatches" programme that  
 19 Special Branch officers or MI5 officers had taken  
 20 evidence gathered by Lancashire Police. The implication  
 21 is that this was done in order to frustrate the  
 22 investigation. It is thus important to trace the  
 23 progress of the Lancashire investigation so as to  
 24 ascertain whether any part of it was withheld or  
 25 prevented from reaching the Director of Public

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<p>1 Prosecutions. A witness from Lancashire Police will                  2 give evidence as to the internal investigations which it                  3 has made into the original 1969 to 1970 investigation                  4 for this express purpose.                  5 In his report of 11 March 1970, the report to the                  6 Chief Constable of Lancashire, Superintendent Leach                  7 stated that the investigation commenced by                  8 Sergeant Brierley had passed to him on 16 February of                  9 that year, 1970. Before Superintendent Leach took over                  10 the investigation, Smith had asked to speak to the                  11 previous investigating officer, Superintendent Watson,                  12 and he did so on 24 January 1970 whilst the                  13 investigation was ongoing. It is clear that Smith was                  14 well aware of the investigation against him and what it                  15 concerned. Can we go, please, to CPS002703. In it, we                  16 will see on the first page, if we can expand that,                  17 please, he set out why he had called for the meeting,                  18 and the "S" is obviously Smith, and the "W" in the                  19 left-hand margin is Watson, the superintendent. After                  20 introduction says Smith:                  21 "Well obviously I know that enquiries are going on                  22 and what I would like to ask you are three things, one                  23 of which I suspect you are not going to tell me.                  24 "1. Why are the enquiries going on?                  25 "2. To whom you approached for statements.</p> <p style="text-align: center;">Page 29</p>	<p>1 wanted to see me. I did not want to see you. You must                  2 have some suspicion about you and them, about what's in                  3 the statements, or you would not be here, would you?"                  4 Then going to the fourth page, please, if we can                  5 scroll just up a bit because it is halfway down the page                  6 where the cursor is, he comments, having gone through,                  7 as we can see slightly above, the names of certain boys,                  8 and encapsulates his own view of his own dealings with                  9 them in this way:                  10 "What I haven't done for these boys is nobody's                  11 business. I'm not pleading -- I know you have got a job                  12 to do and will do it. You can be sure I will defend it                  13 to the hilt.                  14 "My key witness will be the probation officer at the                  15 sessions, Mr Harding. He has been to see me twice since                  16 Thursday. He came voluntarily and he said to me, 'I can                  17 assure you I will go into the witness box and vouch for                  18 you. It's scandalous after what you have done for those                  19 lads'.                  20 "I asked him how it would affect his job and he                  21 said, 'I don't care, I will go into the witness box and                  22 vouch for you if it's the last thing I do'.                  23 Mr Watson:                  24 "Are you suggesting that these lads are conspiring                  25 together to ..."</p> <p style="text-align: center;">Page 31</p>
<p>1 "3. And the most important, I understand the                  2 enquiries go over a period of four months, certainly                  3 over many weeks, and things are now beginning to gather                  4 rumours and so on, and what I would really like to know,                  5 if you will tell me, is what stage have you reached in                  6 your enquiries and when you will have reached some sort                  7 of conclusion, and when will I know if there are to be                  8 proceedings against me?"                  9 On the next page, page 2, after a little more                  10 discussion between them, halfway down the page,                  11 Mr Watson asks him:                  12 "If my information is right, you spoke to one of                  13 the boys, who has been interviewed.                  14 "Yes.                  15 "What was that about?", said the officer.                  16 Smith:                  17 "He told me what you had been asking him. He told                  18 me he had made a statement to you. If you check the                  19 criminal records of some of these lads, you will find                  20 out about their criminal background.                  21 "I've seen two of them and the third came to see me.                  22 I've asked them if they have made statements."                  23 Unsurprisingly, Mr Watson said to him:                  24 "I must warn you about interfering with witnesses.                  25 The only reason I am here this morning is because you</p> <p style="text-align: center;">Page 30</p>	<p>1 And his answer, which is of a little interest, is as                  2 follows:                  3 "No, I'm not, they are telling the truth as they see                  4 it."                  5 Then Smith's interest in speaking to the officer on                  6 this voluntary basis, of his own request, became clear,                  7 if we can please turn to page 6. Right at the top of                  8 the page:                  9 "What you have come on this morning is just                  10 a fishing expedition", says Mr Watson to him:                  11 "You want to see what we know."                  12 And Smith started laughing about:                  13 "Well, yes, fishing, I think that is fair comment.                  14 But one of my problems is -- I don't know if you know                  15 about local affairs."                  16 Says Mr Watson:                  17 "No, I have no connection locally."                  18 To which Smith said this:                  19 "Well, the situation is this. In three weeks' time,                  20 I've got to give a decision, one way or another, whether                  21 I'm going to fight the next parliamentary election as                  22 a Liberal in Rochdale, and if I'm going to be charged,                  23 I'm not going to accept. Guilty or not guilty, it would                  24 be unfair to the Party. On the other hand, if I am not                  25 going to be charged, I would like to have a do, and</p> <p style="text-align: center;">Page 32</p>



<p>1 I have got to make my mind up in the next three weeks.                  2 "Although I understand you would not make the                  3 decision if I am to be charged, it would have to be                  4 reported to the DPP."                  5 To which Mr Watson says:                  6 "No, that is not necessary. It depends."                  7 So that's all I think I invite your attention to at                  8 this stage. Superintendent Leach's report, to which                  9 I will again return, makes clear that Smith was, in due                  10 course, selected as the Liberal candidate, and that was                  11 on 2 March of that year, 1970. It would appear he                  12 decided to take his chance, no decision on charge yet                  13 having been made.                  14 On 27 February 1970, however, just going back a few                  15 days before that, the allegations were formally put to                  16 Smith in the course of an interview under caution. He                  17 had had prior notice of the questions that he would be                  18 asked in written form. As we will see, he declined to                  19 answer those questions, relying instead upon a prepared                  20 written statement. Can we go, please, to the interview,                  21 first of all, CPS002714. We don't have to look at this                  22 for very long. We can make out the header is "Notes of                  23 interview held at Rochdale subdivisional headquarters on                  24 27 February 1970", and there is an introduction by                  25 Detective Superintendent Leach, who came to write the</p> <p style="text-align: center;">Page 33</p>	<p>1 in conjunction with the senior probation officer,                  2 Mr Harding, along with Mr Gale, the chief constable, two                  3 JPs, two councillors, a deputy headmistress, the                  4 director of education, the Reverend John Potter ... and                  5 Mr A Potter, the bank manager, who was the treasurer.                  6 The object was to help the underprivileged and deprived                  7 boys of over school leaving age, many of whom had                  8 social, domestic, health and other problems and to get                  9 them settled in continuous and productive employment.                  10 In respect of some of the boys, we were faced with                  11 difficult problems of discipline arising from general                  12 misconduct, crime and work shyness.                  13 "At all times, we were in loco parentis to the boys                  14 as part of an agreement signed by each boy on his                  15 entering the hostel."                  16 And he produced a copy of the document:                  17 "The warden and her husband lived on the premises                  18 and the 'quiet room' which had no lock on the door was                  19 some three feet away from their living quarters."                  20 He went on to talk about the members of                  21 the committee, and then to the second page, please:                  22 "I never heard a single complaint as to any conduct                  23 of mine being made by any boy or any committee member or                  24 anybody else, and I am quite astounded at these present                  25 complaints made so long after the alleged events.</p> <p style="text-align: center;">Page 35</p>
<p>1 final report that was submitted to the DPP. He                  2 introduces his brother officer, Detective Chief                  3 Inspector Wheater. A little over halfway down the page:                  4 "In the circumstances, I shall have to administer                  5 the caution ..."                  6 It is the old-fashioned caution:                  7 "... that you are not obliged to say anything unless                  8 you wish to do so, but what you say will be taken down                  9 in writing and may be given in evidence."                  10 At the foot of the page, after the officer has begun                  11 asking his questions:                  12 "I've read the complaints of which you so kindly let                  13 me have a copy. I rely on the caution and I am handing                  14 to you a statement which I have made.                  15 "I've nothing further to add to my statement."                  16 That was the stance that was adopted throughout.                  17 Therefore, with that, can we go to the next document,                  18 CPS002704. It is dated 27 February and it reads this                  19 way. Headed:                  20 "Cyril Smith, 14 Emma Street, Rochdale.                  21 "I am not prepared to make a statement at this stage                  22 as to the allegations made by the eight boys,                  23 particulars of which you have supplied to me. I am,                  24 however, prepared to say this. I was active in the                  25 running and administration of the hostel. It was set up</p> <p style="text-align: center;">Page 34</p>	<p>1 "I am in the position to call very many witnesses                  2 not only as to my general integrity, which has never                  3 heretofore been questioned, but also as to the unflinching                  4 help and support I have always been known to give to my                  5 fellow townfolk in general and the youth of the town in                  6 particular. In fact, the greater part of my life has                  7 been dedicated to these ends. Personally, I would just                  8 like to point out that the mere existence of these                  9 allegations, if they become known, may be damaging to my                  10 public and private career, but, at the same time, I wish                  11 to state most emphatically that I have never behaved in                  12 any indecent way towards any of these boys but have done                  13 my best to help them at a difficult stage in their                  14 lives."                  15 A couple of points arising out of that. First, he                  16 never explained what he meant by being in loco parentis                  17 to the boys that he had placed, or helped place, at the                  18 hostel, and he produced, as we saw, a document in the                  19 course of that prepared statement, which he said was                  20 agreed, which underlay that comment. I am not going to                  21 produce it but we have a copy and it merely reads in                  22 this way:                  23 "I [substitute name of boy] hereby apply for                  24 admission to Cambridge House at Rochdale as resident.                  25 I agree to abide by any rules which may be in force at</p> <p style="text-align: center;">Page 36</p>

<p>1 any time and to any rules which may be applied to me                  2 personally. I will help towards the running of the home                  3 in whatever way possible and I will accept such charges                  4 as may be laid down, provided they are first discussed                  5 with me, and I realise that all boys will not pay the                  6 same amount in actual cash. I hereby agree to the                  7 officers of the hostel exercising full parental rights                  8 over me whilst I am in residence in all matters                  9 including medical and general discipline."                  10 So that presumably is the passage to which Smith had                  11 an eye, and it concludes:                  12 "I realise that I am entirely responsible for my own                  13 belongings and that I have no claim against the officers                  14 or committee for loss or misuse of personal belongings."                  15 So that was what he was referring to. That brings                  16 me to the police file.                  17 The witness from Lancashire Police will deal with                  18 the evidence that was gathered, as I say, in 1969 to                  19 1970. For the purposes of this introduction, it is                  20 important to highlight aspects of Superintendent Leach's                  21 report which was prepared upon the conclusion of                  22 the investigation and sent to the DPP. The report                  23 conveys a clear sense of how celebrated Smith was in                  24 Rochdale at that time: "the best known public citizen"                  25 of Rochdale.</p> <p style="text-align: center;">Page 37</p>	<p>1 "So far as this enquiry is concerned, statements                  2 have been obtained from eight young men who, at the                  3 material time of the incidents they refer to, were                  4 teenage youths. Six of them were resident in                  5 Cambridge House ... the other two men Smith met                  6 regarding other matters."                  7 So six residents, two not. At page 3, and about                  8 two-thirds of the way down:                  9 "Statements from the six young men are attached                  10 hereto. They can be summarised as follows."                  11 I am not going to go through all of their accounts.                  12 Page 5. At the end of the first paragraph, it will                  13 be seen from RO-A65's statement that he makes further                  14 allegations regarding a man named RO-F15:                  15 "This man is a former Rochdale Borough Councillor,                  16 a close personal friend of Smith and believed by many to                  17 be homosexual."                  18 Therefore, one of the boys was making yet a further                  19 claim against somebody who was linked to Smith. Page 7,                  20 halfway down:                  21 "Together with Detective Chief Inspector Wheater,                  22 I have interviewed all those complainants separately and                  23 I am satisfied there has been no collusion."                  24 Then he seeks to deal with the issue of delay:                  25 "The delay when the dates of the commission of these</p> <p style="text-align: center;">Page 39</p>
<p>1 Can we, therefore, go to the report, please. It is                  2 CPS002701. If we look about two-thirds of the way down,                  3 where we have Mr Leach's characterisation of Smith in                  4 that long paragraph that starts a little before halfway                  5 down, beginning, "It may be of assistance if ..."                  6 But a few lines down from that, talking of all of                  7 his achievements, including he was elected to the                  8 Aldermanic bench in 1966 and a few years ago was awarded                  9 an MBE for his services to youth. That's where that                  10 comes from:                  11 "There is no doubt that he is the best known public                  12 citizen of Rochdale, chairman of the Education                  13 Committee, and a former chairman of                  14 the Children's Committee. He is extremely active in                  15 public life, dominant in council affairs and, through                  16 his connections with the Liberal Party, enjoys extremely                  17 good relations and receives favourable publicity from                  18 the town's newspaper, the Rochdale Observer, which has                  19 traditional connections with that Party. At a meeting                  20 of the Rochdale Liberal Association on Monday,                  21 2 March 1970 [something I have already told you about]                  22 he was adopted as the Liberal Party's prospective                  23 parliamentary candidate for the forthcoming general                  24 election."                  25 Page 2, the second paragraph:</p> <p style="text-align: center;">Page 38</p>	<p>1 indecent assaults and complaints being made to the                  2 police is fully appreciated. It will be noted that this                  3 enquiry was not instituted until 10 October 1969,                  4 following the arrest of A48. Several of                  5 the complainants have criminal records, the details of                  6 which are attached ..."                  7 On the next page, page 8, at the top line:                  8 "They [being a reference to the boys] assumed he                  9 [Smith] had a basic right to carry out his alleged                  10 medical examinations and to administer corporal                  11 punishment. The very nature of Smith's conduct seems to                  12 have made them reluctant to divulge details to anyone                  13 and, as mentioned earlier, Alderman Smith had an                  14 extremely dominant, forceful personality. He occupied                  15 then, as he does now, a leading position in the town of                  16 Rochdale. He was an extremely frequent visitor to the                  17 hostel and these factors, allied with his sheer physical                  18 bulk and general air of authority, seem to have overawed                  19 these youths at the time. They now, of course, fully                  20 appreciate that Smith had no right whatsoever to indulge                  21 in these indecent practices and will say so in                  22 evidence."                  23 Then to page 10, halfway down:                  24 "RO-F23, former Mayor of Rochdale."                  25 Mr Leach deals with this man:</p> <p style="text-align: center;">Page 40</p>

<p>1 "[He] is currently a member of the Rochdale Town 2 Council and leader of the local Liberal Party. He 3 presided at a meeting of the Rochdale Liberal 4 Association on 2 March when Alderman Smith was adopted 5 as the Liberal Party's prospective parliamentary 6 candidate. Any comment on F23's attitude other than 7 that made evident in a comment he made at the conclusion 8 of our interview would be superfluous when he said, 'May 9 I offer a personal opinion? I sincerely hope that this 10 matter is not prosecuted before the court. In my 11 opinion, as a Justice of the Peace, it is not 12 court-worthy. The prosecution can do no good at all and 13 the backlash will have unfortunate repercussions for the 14 police force and the town of Rochdale. It is no secret 15 that Cyril and I are buddies and not only politically.' 16 The final line of that paragraph: 17 "The veiled threats and innuendos contained therein 18 reflect F23's general attitude to this enquiry." 19 On page 11, halfway down: 20 "This enquiry has been carried out with the maximum 21 amount of discretion. Each person interviewed has been 22 warned, in no uncertain manner, that the enquiry is 23 strictly confidential and must not be discussed with 24 other parties. This, unfortunately, does not appear to 25 have been the case so far as Smith himself is concerned.</p> <p style="text-align: center;">Page 41</p>	<p>1 is perhaps significant that he did not avail himself 2 the opportunity provided to give specific answers to the 3 allegations as they were put to him. Whilst in no way 4 failing to appreciate his dilemma, he had, nonetheless, 5 been previously supplied with a copy of the boys' 6 complaints. Having regard to his reputation and his 7 undoubted wide experience of affairs, he was most 8 unimpressive during my interview with him. He had 9 difficulty in articulating and even the stock replies he 10 proffered could only be obtained after repeated 11 promptings from his solicitor. Were he ever to be 12 placed in the witness box, he would be at the mercy of 13 any competent counsel." 14 Returning to the concern that the Lancashire 15 investigation into Smith had in some way been impeded, 16 it is important to note that Superintendent Leach was 17 unsparing in his view that the allegations were 18 truthful. At the foot of page 13, the page that we 19 should be on: 20 "It seems impossible to excuse his conduct. Over 21 a considerable period of time, whilst sheltering beneath 22 a veneer of respectability, he has used his unique 23 position to indulge in a sordid series of indecent 24 episodes with young boys towards whom he had a special 25 responsibility.</p> <p style="text-align: center;">Page 43</p>
<p>1 It is within my knowledge that he has made it known to 2 most of his political and social acquaintances that the 3 police are conducting enquiries regarding this matter 4 and he has made several unfavourable comments." 5 The next few lines of the next paragraph explains, 6 but not very much, the handover: 7 "This enquiry was originally conducted by Detective 8 Superintendent Watson who, for various reasons, was 9 unable to carry it through to conclusion." 10 At the foot of page 12: 11 "It will be noted that when the allegations and 12 subsequent questions were put to him [Smith] he replied, 13 'Nothing further to add to the statement'. 14 Then Mr Leach refers to the loco parentis defence: 15 "He appears to take refuge in the fact that at the 16 material time he acted in loco parentis. In support of 17 that, he produced a photostat copy of an agreement 18 signed, allegedly, by each resident on admission. The 19 only matters pertinent to this enquiry are contained in 20 paragraph 2 ..." 21 That's the one that I read to you. The next 22 paragraph: 23 "Although, at the conclusion of his pre-prepared 24 statement, Smith states most emphatically that he never 25 behaved in an indecent way towards any of the boys, it</p> <p style="text-align: center;">Page 42</p>	<p>1 "Prima facie, he appears guilty of numerous offences 2 of indecent assault. The offences disclosed come within 3 the provisions of section 15(1) of the Sexual Offences 4 Act 1957 ..." 5 I needn't read the rest. Elsewhere in the course of 6 this document, Mr Leach was able to arrive at the 7 conclusion that, in his view, the claims should "stand 8 up" -- in other words, the boys' claims -- and 9 collectively support each other. In other words, offer 10 mutual corroboration. 11 The police file was passed to the Director of Public 12 Prosecutions, at that time Sir Norman Skelhorn, under 13 cover of a letter dated 13 March 1970, and it sought 14 advice as to whether proceedings should be instigated. 15 Receipt was acknowledged by a letter dated 16 March. 16 Besides the evidence of the complainants, it included 17 the evidence from other Cambridge House Committee 18 members, which generally confirmed Smith's involvement 19 in the disciplining of Cambridge House residents and 20 confirmed that he had no mandate to carry out medical 21 examinations. 22 The DPP's response was swift. By a letter dated 23 19 March, he communicated his view in fairly cursory 24 terms that there was no reasonable prospect of 25 Cyril Smith being convicted of indecent assault,</p> <p style="text-align: center;">Page 44</p>

<p>1 "reasonable prospect" being the relevant test in those 2 days. 3 A witness from the Crown Prosecution Service is 4 going to be called to give evidence about that decision, 5 and the basis upon which it was made. You may wish to 6 consider whether the decision not to prosecute Smith in 7 1970 appears reasonable, as judged against the 8 requirements that then applied, in order to prove 9 allegations of indecent assault. Those requirements are 10 going to be considered further during the course of 11 the hearing. Or a question you might want to ask is, 12 was the decision an example of one member of 13 the establishment protecting another for no better 14 reason than that he occupied a position of power? 15 In light of the decision, at the direction of 16 the assistant chief constable, Smith was, on 17 25 March 1970, told in person of the decision that he 18 would not be prosecuted. That was to have significant 19 legal consequences later when the evidence against Smith 20 was revisited. 21 As a matter of history, Smith was, in due course, 22 selected to be the Liberal candidate in the 1970 23 election, as we know, standing against Jack McCann. 24 Jack McCann held the seat for Labour, with 41.5 per cent 25 of the vote. Smith took 30.40 per cent of the vote.</p> <p style="text-align: center;">Page 45</p>	<p>1 either to get on and prosecute, as it had gone on long 2 enough, or to drop it. A couple of weeks later, Smith 3 phoned in tears of relief, according to Mrs Kershaw, 4 that the case had indeed been dropped. She told 5 "Dispatches" Jack McCann's intervention had got 6 Cyril Smith -- and these were her words -- "off the 7 hook". But in a statement she made a couple of years 8 later, in March 2015, she said she regretted saying that 9 because Jack McCann had been a man of integrity and what 10 he actually had done was to expedite the matter and 11 resolve the situation to bring it to a conclusion, but 12 she didn't think his intervention, McCann's 13 intervention, had influenced the DPP's decision at all. 14 She said McCann had brought about the decision, but he 15 had not influenced it. 16 There is a reference in a police report from 1998 to 17 which I will return to information that Jack McCann had 18 also enlisted the help of the then Home Secretary 19 Roy Jenkins "in an effort to prevent Smith's 20 prosecution". 21 All that said, the investigation has seen no direct 22 evidence to support any suggestion that Jack McCann did 23 intercede on Smith's behalf to expedite or indeed to 24 affect the decision. In his own autobiography, Smith 25 recounts that Jack McCann had been a friend but that</p> <p style="text-align: center;">Page 47</p>
<p>1 There has been some speculation that Jack McCann 2 undertook to speak to the DPP, or indeed the 3 Home Secretary, on Smith's behalf during the 4 investigation, and at the point at which the DPP was 5 considering the papers. 6 Eileen Kershaw had been married to John "Jack" 7 Kershaw, not to be confused with Jack McCann, who was an 8 old school friend of Smith's, and she gave Channel 4's 9 2013 "Dispatches" programme titled "Cyril Smith, The 10 Paedophile MP: How He Got Away With It" an account about 11 a time that Smith had come to their home complaining 12 that he had been reported to the police "for something 13 sexual". She recalled him telling them that he had been 14 into the police station and had challenged them, 15 a reference to the meeting that he had sought with the 16 police in January 1970, which I have already told you 17 about. Mrs Kershaw told "Dispatches": 18 "That was him ... full of bravado and bluster." 19 But Smith was worried. According to Mrs Kershaw, he 20 persisted in coming around to their home in Rochdale 21 over several months and, in the end, Mr Kershaw, her 22 husband, suggested that he, Mr Kershaw, get Jack McCann, 23 the MP, involved, and so Kershaw brought McCann to their 24 house one night where they met with Smith. Eventually, 25 McCann said he was going to see the DPP to tell him</p> <p style="text-align: center;">Page 46</p>	<p>1 they fell out in the course of the 1970 campaign when 2 Smith attacked Jack McCann's voting record. Smith may 3 have been sacked from numerous positions locally in 4 Rochdale in 1972 but he was elected in that year as the 5 Liberal candidate in a by-election on 26 October 1972, 6 following Jack McCann's death, and in 1975 Jeremy Thorpe 7 made him Chief Whip of the Liberal Party, and he was to 8 remain the Member of Parliament for Rochdale until 1992. 9 That brings me rather neatly to the Rochdale 10 Alternative Press articles. The allegations against 11 Cyril Smith were not forgotten, but they resurfaced nine 12 years after the Lancashire investigation in an article 13 that was titled "Strange Case" by the Rochdale 14 Alternative Press, or RAP, as it was known and which is 15 how I am going to refer to it for short. The editors of 16 RAP were John Walker and David Bartlett. Mr Bartlett is 17 going to give evidence in the course of the hearing. 18 The publication of the allegations in the May 1979 19 edition of RAP was a matter of days before the general 20 election of 3 May 1979. The article was not being 21 published as an act of political sabotage, but, rather, 22 because Smith was seeking re-election based on 23 a personal basis as "SMITH THE MAN", and he had also 24 been critical of his leader, Jeremy Thorpe, who at that 25 time, it will be remembered, was subject to a criminal</p> <p style="text-align: center;">Page 48</p>

<p>1 investigation and prosecution with what Mr Bartlett  2 calls "homosexual overtones". In other words, Smith was  3 seeking re-election purely on the basis of his character  4 and personality, as opposed to his representation of  5 the Liberal Party. Also, RAP considered he was guilty  6 of hypocrisy in relation to the Thorpe affair. So RAP  7 considered it perfectly legitimate that the electorate  8 of Rochdale should be able to take into account the  9 allegations in casting its vote.</p> <p>10 RAP, therefore, set out the allegations which had  11 been investigated in 1969 to 1970 and supported them by  12 obtaining several affidavits from men setting out their  13 experiences at the hands of Smith. According to  14 Mr Bartlett, RAP had traced and identified six men who  15 had been resident at Cambridge House and they had agreed  16 to make affidavits to a solicitor. Mr Bartlett, at the  17 time of asking, was only able to recall four of  18 the names of men who had provided them, and the inquiry  19 has seen four affidavits bearing the ciphers A50, A48  20 and two of the men from whom we are going to hear, A4  21 and A1.</p> <p>22 Can we go, please, to the RAP article. It is  23 INQ000963. I think you are going to find that very  24 difficult to read, so I will do what I can to help. But  25 that's the article and how it appeared. The central</p> <p style="text-align: center;">Page 49</p>	<p>1 be the former DPP, as he was by then,  2 Sir Norman Skelhorn, who said he couldn't remember any  3 such case. RAP never confirmed that it had been the  4 former DPP. As I have indicated, RAP followed up  5 the May article in June of that same year confirming  6 also that they had written to the chief constable asking  7 him to confirm the file had been sent to the DPP. One  8 of the things they said in the June article was to  9 publish the chief constable's letter or the deputy chief  10 constable, John Moody, which read in this way, as  11 published:</p> <p>12 "Dear Rochdale's alternative paper. Thank you for  13 your letter of 14 May 1979. As a general principle,  14 I regret we cannot enter into correspondence with you on  15 matters of this kind and there is nothing I can add to  16 what was conveyed to you by the Constabulary Press  17 Office. Yours sincerely."</p> <p>18 But of course that did nothing to help allay  19 suspicions of a coverup.</p> <p>20 This inquiry made a request to MI5, the  21 Security Service, to see if it had any information that  22 was relevant to this investigation. The  23 Security Service conducted the searches we requested and  24 counsel and solicitor to the inquiry inspected the  25 product. We identified material that was relevant and</p> <p style="text-align: center;">Page 51</p>
<p>1 column I imagine was in line with the left and  2 right-hand sides, but it appeared under several  3 headings: "The police investigation"; "The hostel"; "The  4 statements", including "Beatings" and "Medicals";  5 "Outside the hostel"; there was a section on  6 Jack McCann; a section on the DPP; "Special Branch";  7 "Cyril Smith"; and "Why now?", in other words, why are  8 we publishing now?</p> <p>9 There was a second article in June 1979 -- I doubt  10 we have this for screen purposes -- a further follow-up  11 article in June which RAP published.</p> <p>12 RAP also approached the DPP's office in an attempt  13 to clarify whether the DPP had actually considered the  14 evidence gathered in the 1969/1970 investigation. RAP  15 had good reason to believe that the DPP had determined  16 that there was insufficient evidence upon which to  17 prosecute Smith. We know, of course, that that was the  18 conclusion he arrived at. The DPP's office provided  19 a statement that it had failed to find a file relating  20 to Cyril Smith. A second approach brought the official  21 statement:</p> <p>22 "The DPP cannot trace such a case being referred to  23 us, but cannot confirm or deny receiving it."</p> <p>24 The article also sets out a curious account of RAP  25 having been contacted by phone by someone purporting to</p> <p style="text-align: center;">Page 50</p>	<p>1 asked the Security Service to produce it to the inquiry  2 so it could be disclosed in the investigation. The  3 Security Service did so, and a number of documents were  4 disclosed to core participants, I think last week.  5 Redactions have been applied by the inquiry to these  6 documents in accordance with the inquiry's redaction  7 protocol. The documents show that the  8 Security Service's legal adviser was informed of  9 the false representations to the press from the DPP's  10 office. Based upon their review of the information they  11 hold, the Security Service considers they took active  12 steps to ensure that those involved in investigating  13 allegations of child sexual abuse against Smith were  14 made aware of all information of relevance to their  15 enquiries. However, given their function was to defend  16 the realm, at that time, and investigation was outside  17 their remit, they simply filed the information related  18 to the false representations that had been made to the  19 press.</p> <p>20 Can I invite your attention, please, to the material  21 from the Security Service, INQ000975. There is a cover  22 letter, and you will see the date at the top,  23 29 September, setting out some of the material I have  24 just informed you about. But for present purposes, can  25 we go to the underlying material, please. We should</p> <p style="text-align: center;">Page 52</p>

<p>1 find on page 3 a redacted document, dated at the bottom 2 24 April 1979: 3 "Note for file", which is what this was: 4 "Sir Thomas Hetherington, the Director of Public 5 Prosecutions [it was Sir Thomas Hetherington who was the 6 then DPP] telephoned me today to say that a man named 7 David Bartlett, representing RAP in Lancashire, had 8 telephoned about a gross indecency case involving 9 Cyril Smith and boys at a hotel in Rochdale which an 10 unnamed senior police officer had asserted had been sent 11 to the DPP in 1970. After consultations, the DPP's 12 press representative had untruthfully told Bartlett that 13 they had no record of this case. In fact, their file 14 closely accorded with the details given by Bartlett. 15 Hetherington said that he believed I had on one occasion 16 asked him, when he was with the law officers' 17 department, whether they had any record. He had not 18 then been aware of this case as it had not been 19 submitted to the law officers. He said he believed that 20 RAP stood for the Rochdale Alternative Press. There was 21 some suggestion, but he did not elaborate, that 22 Bartlett's source might be Stanley Parr, the chief 23 constable. (however, he noted from the file that one of 24 the senior police officers who had dealt with the case 25 was a man named Day, who was now under investigation on</p> <p style="text-align: center;">Page 53</p>	<p>1 that he had been in touch with Sir Norman Skelhorn, who 2 had denied any knowledge of the case. They had also 3 been in touch with Williams, the press officer for the 4 Lancashire Constabulary, who had refused to comment. 5 The director said that his press officer ... had been 6 told in confidence by another press representative that 7 the story was being fermented by a Lancashire inspector 8 who was disgruntled that no action had been taken. 9 Interest in it was increasing in Fleet Street." 10 Then on page 6, there is a minute document, which is 11 very difficult to read. I would be grateful for all the 12 help I can get as I go through it. It appears to be 13 dated 4 July 1979: 14 "I refer to my loose minute of [a date] 1979 to 15 which I attached a copy of the 'Rochdale Alternative 16 Press' newspaper. This relates to allegations of 17 indecency against Mr Cyril Smith, Liberal MP for 18 Rochdale, and the criminal investigation procedures 19 adopted in the case. Whilst attending the regional ACPO 20 conference at Chester on [a date] June, the Chief 21 Constable of Lancashire, Mr Laugharne, had a word with 22 me. He said that he was concerned that the DPP had 23 denied receiving a copy of the report which dealt with 24 the police investigation into this allegation against 25 Mr Smith some years ago. In fact, the police had sent</p> <p style="text-align: center;">Page 55</p>
<p>1 the DPP's instruction in connection with various fiddles 2 in the Lancashire Police force. The other senior police 3 officer involved, named Leach, had now left the 4 police)." 5 Then page 4, another file note of the same date: 6 "The DPP telephoned me again late this morning to 7 say that they had now had an enquiry about the 1970 8 investigation from the Daily Express who said that they 9 had received firm information. They had been told that 10 the DPP had no record of this case." 11 The third document, dated 26 April, a further file 12 note: 13 "I telephoned the director this morning and told him 14 of the publicity in 1976. I said it was conceivable 15 that he might have had a police report about 16 Andre Thorne but I did not think it was very likely." 17 That, I think, is a reference back to a paragraph 18 I didn't take you to about some other enquiries as to 19 which Smith's name might have been linked. In 20 paragraph 2: 21 "He said that they had had further questions from 22 David Bartlett of RAP. They had not admitted receiving 23 any papers but had said the alleged offence would have 24 been reportable if the chief constable had judged that 25 a prima facie case was made out. Bartlett told them</p> <p style="text-align: center;">Page 54</p>	<p>1 a copy to the DPP and although the Lancashire Police 2 were steadfastly adopting a line of 'no comment', if the 3 pressure increased it might be necessary to seek the 4 assistance of the DPP to acknowledge that a copy had 5 been sent to him. Mr Laugharne pointed out that there 6 was a danger of criticism of the Lancashire Police 7 drawing the conclusion that the report had not been sent 8 to the DPP as part of a conspiracy to assist Mr Smith 9 and this was particularly sensitive in view of the fact 10 that his predecessor had been dismissed partly because 11 of allegations of improper exercise of prosecution 12 discretion." 13 You are going to hear evidence from Mr Bartlett 14 about the publication of the article and RAP's attempts 15 to bring the allegations to the attention of a wider 16 audience. What is clear is that if RAP had hoped that 17 by publication they would have exposed Smith and caused 18 the Rochdale public to think about their loyalty to him, 19 those hopes were in vain. Smith was re-elected in 20 greater numbers than before and, far from diminishing 21 him, the allegations appeared to have had absolutely no 22 effect whatsoever. 23 The importance of the RAP article lies not just in 24 its attempt to force a closer scrutiny of Cyril Smith by 25 his electorate, it ensured that the allegations were in</p> <p style="text-align: center;">Page 56</p>

1 the open, if they weren't already, in local politics and  
2 in government in Rochdale. It might be thought that in  
3 both those environments there would be individuals more  
4 ready to ask questions of Smith than his voters. You  
5 may wish to consider whether that was the case.  
6 Nor were the allegations in RAP picked up by the  
7 national newspapers. Only Private Eye proved willing to  
8 repeat the allegations and, I think I'm right in saying,  
9 The New Statesman perhaps a year or so afterwards. This  
10 is despite the fact that Cyril Smith did not take any  
11 form of action in the courts against RAP.  
12 The inquiry has, I should add, contacted all the  
13 major national newspapers to ask if they have, as it  
14 were, any institutional memory or archived documents  
15 that would indicate why they didn't publish any story  
16 about Smith in the wake of the RAP article.  
17 Unfortunately, I think I am right in saying none has  
18 been able to provide a substantive response, given  
19 mostly, or for the most part, the passage of time.  
20 I am just going to, if I may, complete the next  
21 section, and then I will invite a break.  
22 Honours. The stark fact is that neither  
23 Cyril Smith's standing in public life nor his career  
24 progression was impeded by his being accused of child  
25 sexual abuse. On the contrary, his ascent was marked by

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1 his being awarded a knighthood in 1988. The inquiry has  
2 come into possession of material from the Cabinet Office  
3 revealing the consideration that was given to the award  
4 to him of a knighthood. In fact, the Mail on Sunday had  
5 obtained the material itself under a Freedom of  
6 Information request in March 2015, about which I think  
7 I'm right in saying it was the Daily Mail published an  
8 article on 7 March 2015.  
9 The Lancashire investigation and the RAP allegations  
10 were to feature in the House of Lords' Political Honours  
11 Scrutiny Committee, the PHSC, which I am going to use  
12 for short, in its consideration of Smith and it was  
13 drawn to the then Prime Minister Margaret Thatcher's  
14 attention, and despite all of that, he was knighted.  
15 A memorandum to Sir Robin Butler of 11 May 1988  
16 records that the committee wished to see a copy of  
17 the Lancashire Police report to the DPP. A manuscript  
18 note on this memorandum suggests that Sir Robin wrote to  
19 the then DPP, at that time Mr Allan Green, later himself  
20 to become Sir Allan, regarding the matter. The note  
21 suggests that Sir Allan Green did not have the full file  
22 but that he had Sir Norman Skelhorn's letter and had  
23 discussed it with Sir Robin Butler.  
24 A draft letter from Sir Robin states that this was  
25 an exceptional step which was intended to protect the

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1 Queen and the Prime Minister whilst also being fair to  
2 Cyril Smith. Further communication with the DPP  
3 certainly took place.  
4 A draft letter from Lord Shackleton to the  
5 Prime Minister on behalf of the PHSC expressly referred  
6 to the investigation, to the RAP article and, indeed, to  
7 the Private Eye article. Regardless of the fact it is  
8 a draft, it provides some insight into the committee's  
9 thinking; that "one may regret this kind of press  
10 reporting", but that it, the scandal, could be revived  
11 if the award were given.  
12 The draft also notes the fact of a break-in at the  
13 offices of The Sun newspaper revealing that the editor  
14 had a copy of the DPP's report from 1970. This supports  
15 the proposition that national newspapers were aware of  
16 the allegations but had elected not to repeat them.  
17 It is not clear if this letter was sent to the  
18 Prime Minister. However, another letter was sent on  
19 11 May 1988 from the secretary to the PHSC to an  
20 N Wicks, believed to be Nigel Wicks, the principal  
21 private secretary to the Prime Minister, enclosing the  
22 RAP article and the Private Eye article. The letter  
23 stated that the committee had signed the certificate and  
24 were content for the Prime Minister to take the final  
25 decision as to whether the honour should be conferred.

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1 A letter to the Prime Minister of the same date,  
2 11 May 1988, from Lord Grimond of the committee  
3 indicated that the Prime Minister was aware that the  
4 committee had some hesitation about the award, but the  
5 committee now had the "honour" to report that neither  
6 his history nor character rendered Cyril Smith  
7 unsuitable to be honoured.  
8 I mention the knighthood here for two reasons.  
9 First, because it demonstrates that the Lancashire  
10 investigation and the RAP article had been considered at  
11 the very highest level of politics and seemingly did not  
12 prompt more than consideration of the DPP's decision not  
13 to prosecute.  
14 Second, because it is important to bear in mind the  
15 extent to which Cyril Smith continued to involve himself  
16 in serious issues related to the welfare of children.  
17 A knighthood would only have reinforced his own veneer  
18 of respectability and power. By way of example, records  
19 from a case in 1991 show that he played a pivotal role  
20 in the removal of a child from his family home. The  
21 child in question had behaved sexually towards his  
22 8-year-old sister. Rochdale Social Services were  
23 attempting to manage this situation, but it is quite  
24 clear that it was the involvement of Smith in his  
25 capacity as the local MP that was decisive. In fact,

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1 the letter reads:  
 2 "In the light of speaking to Cyril Smith MP, it was  
 3 felt that we must remove the individual today."  
 4 You will hear evidence from some of the Rochdale  
 5 officers who had dealings with Smith and indeed his  
 6 associate Harold Wild, or Harry Wild, who I have  
 7 mentioned already and to whom I will return, and it is  
 8 clear both could be forceful, domineering and bullying.  
 9 That would, I hope, be a good time for a break.  
 10 THE CHAIR: Thank you, Mr Altman. We will return at  
 11 12 noon.  
 12 (11.45 am)  
 13 (A short break)  
 14 (12.05 pm)  
 15 MR ALTMAN: Let me come then to later police investigations.  
 16 The 1969/1970 investigation came to be revived  
 17 in March 1998 when A1 approached South Wales Police to  
 18 report that Smith had abused him.  
 19 At this point in time, there was an ongoing Greater  
 20 Manchester Police investigation into the sexual abuse of  
 21 children at residential care homes across the  
 22 Greater Manchester area. That investigation was known  
 23 as Operation Cleopatra. Its first senior investigating  
 24 officer was Detective Superintendent Stelfox. In 1998,  
 25 Superintendent Roberts took over and he became the

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1 senior investigating officer. Witness statements from  
 2 both these officers will be read later in the  
 3 proceedings. A witness from Greater Manchester Police  
 4 will be called to give evidence about  
 5 Operation Cleopatra in general and how it dealt with  
 6 some of the issues which are relevant to this  
 7 investigation, such as "child on child" or "peer on  
 8 peer", as it is sometimes called, abuse within Knowl  
 9 View School.  
 10 By a memorandum dated 20 March 1998, Chief  
 11 Superintendent Keegan, who was the head of CID, directed  
 12 in the course of that operation that Cyril Smith be  
 13 investigated as part of Operation Cleopatra.  
 14 On 21 May of that same year, Superintendent Stelfox  
 15 submitted the original 1970 file bearing an additional  
 16 witness statement to the Crown Prosecution Service, the  
 17 CPS, for advice. A witness on behalf of the CPS will  
 18 explain the rationale underlying a decision not to  
 19 prosecute in 1998 including the fact that Smith had been  
 20 told in 1970 he would not be prosecuted.  
 21 Detective Sergeant Hill, to whom the Lancashire file  
 22 was then passed, made his enquiries, and he reported on  
 23 2 December 1998. The report, at least in its original  
 24 iteration, was handwritten.  
 25 He, Sergeant Hill, had been provided with the

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1 statement which had been given by A1 to the original  
 2 Lancashire investigation. His original statement was  
 3 dated 19 January 1970. Mr Hill interviewed A1, and did  
 4 so in October 1998. A1 suggested that Sergeant Hill  
 5 speak to Mr Bartlett of the RAP, which he did on  
 6 12 November of that year, and Mr Bartlett gave  
 7 Sergeant Hill the copies of notes which he had made of  
 8 his conversations with police officers during his  
 9 investigations for the purposes of the RAP article.  
 10 These were Tom Rankin, who was the acting chief  
 11 constable in 1968, and Chief Inspector Wheater, a name  
 12 I have already mentioned, of the original Lancashire  
 13 investigation, as well as a retired Superintendent  
 14 Anderson. Can I invite your attention to aspects of  
 15 that report, which is GMP001044.  
 16 I would like to go to internal page -- it is the  
 17 document page including the cover and exhibit label,  
 18 page 12, or internal page 11. Right at the foot,  
 19 Sergeant Hill says in the last two lines:  
 20 "I feel that there are several points worthy of note  
 21 regarding this matter, not least the fact that  
 22 Cyril Smith has been knighted and remains a very  
 23 prominent and powerful figure in Rochdale in particular  
 24 and the north-west of England in general."  
 25 Then he sets out three points:

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1 "1. There is a genuine belief held by A1 and  
 2 Mr Bartlett that a prosecution should have been  
 3 undertaken in 1969. A1 is still prepared to attend  
 4 court. He is disillusioned.  
 5 "2. Evidence which did not come to the attention of  
 6 the police is available from A68. A68 and A4.  
 7 Additionally, there are three further potential  
 8 witnesses included on the list of inmates provided by  
 9 Mr Bartlett, namely, A79, A80 and A2.  
 10 "3. It will be seen that in the notes made by  
 11 Mr Bartlett of the interview of A48 he refers to being  
 12 beaten on his bare bottom at Smith's home address in  
 13 Rochdale."  
 14 Then if we can go to the next page, which should be  
 15 internal page 14 at the top, at point D he says:  
 16 "If above applies, where does it fit in the list of  
 17 priorities for the operation?  
 18 "I certainly feel that, with the potential for new  
 19 additional evidence, there is the likelihood that  
 20 a sound prosecution case could be prepared, but that  
 21 would necessitate tracing five new witnesses and  
 22 reinterviewing the original seven complainants."  
 23 Then, please, over the page, at the top:  
 24 "... this investigation is at the lower end of  
 25 the list of priorities."

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<p>1 His concluded view, lower down on that same page was 2 that: 3 "To balance this, a thorough investigation would 4 show that the previous problems have been addressed and 5 effectively 'draw a line' under the whole matter." 6 But his personal view -- over the page, the final 7 page, internal 16: 8 "My own view is that a further investigation would 9 be merited now that the information has been made 10 available to Operation Cleopatra." 11 In a witness statement he made of 19 December 2014, 12 Mr Hill says that in the result he was instructed to 13 make further enquiries by Superintendent Roberts, who 14 had taken over from Stelfox as the senior investigating 15 officer. Accordingly, he, Hill, interviewed two other 16 complainants, A4 and A68, both of whom are made mention 17 of in the report I have just read. In the result, he 18 produced a further handwritten report, this on 18 March 19 the next year, 1999, to Superintendent Roberts, who says 20 Mr Hill had instructed him, Hill, to omit in it any of 21 his own recommendations. That report was headed 22 "Allegations re Cyril Smith". Despite Mr Roberts' 23 instruction, Mr Hill did include his own recommendations 24 in 11 lines in his handwritten report. I am not going 25 to show it now, but the report went off for typing, and</p> <p style="text-align: center;">Page 65</p>	<p>1 School for Maladjusted Boys, and the subcommittee was 2 charged with making the practical arrangements for the 3 setting up of the school. Just as he had been to the 4 fore in bringing Cambridge House into existence, so too 5 was Smith at the centre of the establishment of 6 Knowl View. 7 A recommendation that Mr Turner be appointed its 8 first head teacher was made in April 1968, and in July 9 of that year it was resolved by the school's 10 subcommittee of the council that the school would go by 11 the name Knowl View School. 12 In its early stages, it remained under the auspices 13 of the four local authorities responsible for founding 14 it. It admitted its first pupils on 8 January 1969. 15 The following year, January 1970, powers related to the 16 running of the school were transferred from the joint 17 subcommittee of the Education Committee to the board of 18 governors, and Cyril Smith was appointed a member of 19 that board in 1970. 20 One of the complainants, A7, who so far as he could 21 recall attended -- first attended in February 1969, 22 recalled what you may consider to be the rather ironic 23 names of the dormitories at Knowl View, being names for 24 heaven: Nirvana; Valhalla, Bliss and then Lilliput for 25 those boys under 10. If that is an accurate</p> <p style="text-align: center;">Page 67</p>
<p>1 when it came back to him redated 29 March 1999, it came 2 back to him with his recommendations omitted. But he 3 kept his 18 March handwritten version -- we have a copy 4 of it, and, if need be, we can refer to it later. 5 Sergeant Hill was removed from Operation Cleopatra, 6 and he has posited that this may have been as a result 7 of pressure from above to stop anyone looking "too 8 closely" at Smith. The witness on behalf of 9 Greater Manchester Police will give evidence as to the 10 extent of further investigations into Smith under the 11 auspices of Operation Cleopatra in order to address that 12 concern. 13 As for the CPS, it considered the position again in 14 1999. Evidence is going to be given by the CPS witness 15 as regards the decision made in 1999 not to prosecute 16 Cyril Smith and the further review of all of 17 the decision making by the CPS in 2012. 18 That brings me to Knowl View School. From 1963, 19 discussions took place between four local authorities -- 20 Lancashire, Bolton, Rochdale and Oldham -- regarding the 21 proposed establishment of a residential special school, 22 as they were called in those days, for maladjusted boys, 23 for which all four authorities would be jointly 24 responsible. In April 1968, Cyril Smith was appointed 25 the chairman of the Special Subcommittee Re Residential</p> <p style="text-align: center;">Page 66</p>	<p>1 recollection, and he is not the only one to say it, then 2 the names must later have changed, and did change, to 3 Norden and Egerton, which were the senior dormitories, 4 and Bamford and Ashworth, the junior dormitories. 5 The early years of Knowl View were far from 6 auspicious, and perhaps augured in what was to come. 7 One of its first members of teaching staff, 8 a David Higgins, was later convicted of sexually abusing 9 pupils from Knowl View. Higgins had been appointed to 10 the school in 1969. He resigned on 31 December 1971 for 11 reasons which are unknown. 12 He was convicted in 1976 and 1983 in respect of 13 the sexual abuse of children unrelated to Knowl View. 14 In 2002, having pleaded guilty to 11 charges in respect 15 of two Knowl View pupils as part of Operation Cleopatra, 16 he was sentenced to 12 months' imprisonment. 17 Father Michael Seed was a pupil at Knowl View 18 between the years 1970 and 1974. In his book, "Nobody's 19 Child", he described how Higgins would wash boys in the 20 showers and encourage some to masturbate. Importantly, 21 for the purposes of this investigation, he also 22 described how older boys were being exploited for money 23 in Rochdale's public toilets. 24 Father Michael spoke to the Garnham Review -- that 25 was the review set up by Rochdale Council, albeit</p> <p style="text-align: center;">Page 68</p>

<p>1 unfinished -- and he, Father Michael Seed, was regarded                  2 by Neil Garnham QC, as he then was, now                  3 Mr Justice Garnham, as having been very helpful in                  4 illuminating what it was like to be a pupil at this                  5 time. Father Michael confirmed the accuracy of                  6 the information contained in his book to that review.                  7 A guide to the school, prepared for the purposes of                  8 recruiting a new head teacher in 1976, provides some                  9 insight into how the school operated at this time. It                  10 is described as having accommodation for 50 boys aged                  11 7 to 16. The document also explained the accommodation                  12 available within the school for staff, which comprised                  13 three houses, two married staff flats, five single staff                  14 flats and a caretaker's house, and there was substantial                  15 provision for staff to be able to live on site. Perhaps                  16 we can have a sneak preview at that prospectus, which is                  17 LAC000022 at page 2. It is headed at the top                  18 "Appointment of head teacher of Knowl View residential                  19 school for maladjusted boys". If we go over the page to                  20 page 2, at point 3, "Knowl View School":                  21 "The school is situated on the edge of the town and                  22 was opened in purpose-built accommodation                  23 in January 1969 for maladjusted boys from the [four                  24 named] local authorities. It has been governed by                  25 a governing body composed of representatives of</p> <p style="text-align: center;">Page 69</p>	<p>1 house, clearly two floors to that; top right, married                  2 teacher's flat; top left, married staff flat; and then,                  3 if we start top left just below the married staff flat,                  4 you can see a bedroom, just to the right of where the                  5 cursor is. If we go up and to the right we have                  6 another -- further right with the cursor, you have                  7 a bedroom by a single staff flat. All the way back, top                  8 right, and then down the right-hand side, the lounges,                  9 individual bedrooms, the isolation room or ward, and                  10 then, bottom left, another bedroom which -- I think we                  11 are looking at the four dormitories, we have gone                  12 through two, possibly a third, and then to the left of                  13 that, called bedroom number 2, I think, probably another                  14 dormitory, so there you have the four dormitories on the                  15 first floor.                  16 So those are the floor plans. As for the                  17 prospectus, which I am not going to go back to, although                  18 the prospectus mentioned that the school could                  19 accommodate that wide age range of 7 to 16, there was                  20 a distinct lack of clarity as to whether the school was                  21 admitting children across that age spectrum.                  22 An admissions policy document from the next year,                  23 September 1977, demonstrates that children did not                  24 automatically go home at weekends but that each child                  25 should go home at least once a half term. The policy</p> <p style="text-align: center;">Page 71</p>
<p>1 the Education Committees of the four contributory                  2 authorities ..."                  3 And, as I said a little earlier, 50 boys aged 7 to                  4 16. Under separate headings: "Administration";                  5 "Teaching"; "Communal"; "Pupils' boarding                  6 accommodation":                  7 "Four bedroom groups with pupil accommodation for 10                  8 pupils each and common areas together with 10 individual                  9 study bedrooms planned in association with the bedroom                  10 groups. Sick ward, isolation room and surgery."                  11 Then residential staff accommodation; other                  12 accommodation; and headmaster's accommodation. All of                  13 which you have available to you to read in due course.                  14 We also have some plans, GMP001066. What do they                  15 tell us? They tell us that the building was on two                  16 floors. If we can expand the one at page 2, which                  17 should be ground floor, it has got somebody's scribble                  18 all over it, but what you can tell is, for example, on                  19 the left you have deputy head's house, bottom right,                  20 headmaster's house, in the middle to the left of what                  21 may be an open area, a hall/gymnasium, dining area,                  22 classrooms and other public areas, lounges, that sort of                  23 thing.                  24 If we go to the next page, please, this is the first                  25 floor. At the bottom right we have the headmaster's</p> <p style="text-align: center;">Page 70</p>	<p>1 also highlighted the risk that residential schooling                  2 could isolate the child from his family.                  3 Mr Hopwood, who was the gentleman who succeeded                  4 Mr Turner as headmaster, it is clear from him writing in                  5 1977 that he sought to distinguish Knowl View from                  6 a residential care home on the basis it was neither                  7 equipped nor staffed to provide for children in need of                  8 residential care. This is critical. We will ask                  9 witnesses whether or not this was a delineation which                  10 existed in reality, given that the school did care for                  11 children who were in the care of the local authority and                  12 who stayed in residential care homes when not at school                  13 or who had been sent to the school as an alternative to                  14 care. Moreover, even if children weren't in care, many                  15 appear to have had complex needs that plainly required                  16 special support. Question: did the school formally                  17 develop so that it could take children who required                  18 specialist care or was this simply something that                  19 happened over time?                  20 The risks presented by having children of this width                  21 of ages, particularly in the context of a residential                  22 school catering for children with complex needs, is                  23 another obvious issue you might wish to consider.                  24 Records from the 1970s suggest that the school                  25 operated, at least in part, along therapeutic lines.</p> <p style="text-align: center;">Page 72</p>

<p>1 A psychiatrist, Dr Simpson, saw boys from the school on                  2 a weekly basis. The referral records, which document                  3 the head teacher's reasons for referring certain                  4 children, demonstrate that these reasons were wide                  5 ranging and of their time. Reasons for referral                  6 included delinquency, effeminacy, family breakdown, to                  7 gauge the academic ability of a boy, as well as                  8 behaviours indicative of serious psychiatric conditions.                  9 Some insight into the vulnerabilities of children                  10 can be gleaned from those referrals. Records from                  11 Dr Simpson from the '70s also demonstrate that pupils                  12 were involved in sexual activities which were a cause                  13 for concern. For instance, in 1977, one 15-year-old                  14 pupil, A137, was described as having contracted pubic                  15 lice through homosexual contacts. This boy is referred                  16 to in a report prepared in December 1976 by Mr Hopwood,                  17 the then head. He noted that five named boys had been                  18 found out of bed and that there was evidence of "sexual                  19 malpractice" among them. Let's have a look, please, at                  20 that. GMP001064. It is page 2 of the document. Marked                  21 "Confidential". A number of boys' names have been                  22 ciphered, as you can see:                  23 "These five boys were reported to be out of bed on                  24 Monday night (13th December). It was also reported that                  25 there was evidence of sexual malpractice."</p> <p style="text-align: center;">Page 73</p>	<p>1 "Therefore, we have a responsibility to try to                  2 ensure that such behaviour does not occur and the most                  3 effective way to prevent such behaviour is alert, shrewd                  4 supervision and a response to covert signs and whispers.                  5 Any incident where you suspect sexual malpractice should                  6 be either verbally reported to Mr Winn or me or recorded                  7 in the incidents book."                  8 As I said, that's December 1976 and the top of                  9 the first page makes clear it was "staff info", so that                  10 was the audience for that injunctive letter.                  11 A further record from 1977 regarding another boy,                  12 A140, indicates that the activity might be linked to                  13 exploitation by adults for money. GMP001065, please at                  14 page 2. It is slightly difficult to read, so it may                  15 need magnifying. 9 June 1977 at the bottom. The letter                  16 is stamped 6 July, by Rochdale AHA, Area Health                  17 Authority, Child Psychiatry, regarding A140. The second                  18 paragraph will do:                  19 "From all the information we have had it is quite                  20 apparent that A140 spends little time at home at                  21 weekends, has been using A142 and A137 as an excuse for                  22 being out overnight. The older men with whom he mixes                  23 are undoubtedly homosexual; there is every reason to                  24 believe that he uses these men to his own end, that is,                  25 provision of drinks and, possibly, money. Equally, he</p> <p style="text-align: center;">Page 75</p>
<p>1 Skipping the next paragraph:                  2 "Mr Winn [the deputy head at the time] and                  3 I interviewed each boy extensively and drew the                  4 following conclusions:                  5 "(a) that this sort of behaviour had occurred on                  6 previous occasions [mark that];                  7 "(b) that it had been occurring for a number of                  8 years [mark that was well];                  9 "(c) that whilst other boys are on the periphery,                  10 the above named boys are the majority of the central                  11 core;                  12 "(d) that the informant was initially motivated by                  13 jealousy and thereafter manipulated a diversionary                  14 tactic to cover himself."                  15 If we skip the next two paragraphs:                  16 "It has become clear that this sort of behaviour has                  17 been a subcultural tradition" -- "tradition" -- "in the                  18 school and it is clearly our responsibility to intervene                  19 and hopefully put an end to this situation."                  20 "It is interesting to note that the four boys                  21 concerned could be said to have the most inadequate or                  22 damaged parental relationships and thus are able to find                  23 some security and gratification in the emotional                  24 relationship with another boy."                  25 Turn the page, please:</p> <p style="text-align: center;">Page 74</p>	<p>1 is mixing with drug addicts and other undesirables and                  2 it is quite evident that he manoeuvred the situation on                  3 Saturday to keep A137 in Bolton. There is strong                  4 evidence to suppose that he is actually sleeping with                  5 homosexuals."                  6 Conclusion:                  7 "This boy is very much at risk but this risk is not                  8 limited to himself. He has taken two boys from school                  9 into very serious situations. It could be that he could                  10 take others."                  11 At the bottom, you will see among the distributed                  12 list was Dr Simpson, the consultant psychiatrist. That                  13 risk, so far as that boy is concerned, he was aged 15 in                  14 1977, became very real.                  15 If we go to the next page, page 3, Dr Simpson's name                  16 at the top with the date 27 July 1977:                  17 "Visited Spotland Surgery [this is in relation to                  18 A140] following description of symptoms to his house                  19 father ... and Dr Rowlands diagnosed a sexually                  20 transmitted disease. No prescribed treatment."                  21 Fourth paragraph down:                  22 "Contacted Dr Simpson 26 July."                  23 Over the page, from Dr Simpson himself on 19 July,                  24 so actually predates the document we have just looked                  25 at:</p> <p style="text-align: center;">Page 76</p>

<p>1 "When I saw A140 on 13 July, he seemed to have taken 2 to heart the message the school has put across to him 3 that he will have to leave Knowl View if he persists in 4 drawing other boys at the school into his sexual 5 activities at home with adult men. He clearly wants to 6 remain at the school ..." 7 Next paragraph: 8 "... looked distinctly downcast about the whole 9 matter, and I think for good reason. He appears to have 10 been leading a life of excessive sexual stimulation in 11 recent months; and as the sexual appetite, like any 12 other, grows by what it feeds on, it will be difficult 13 for him to suddenly abandon this way of life. Whether 14 or not Mr Winn is right in suggesting that A140 may be 15 prostituting his services, the situation must clearly be 16 of great concern to the school; there cannot be any 17 legal or moral justification for allowing these 18 activities to continue, even if no other boys in the 19 school are involved, and I certainly recommend that any 20 similar incidents in the future should be reported to 21 the police in order that they can take whatever action 22 they consider appropriate." 23 Further evidence about what the school was like 24 around this time emerges from another operation, 25 Operation Jaguar. This was the recent investigation by</p> <p style="text-align: center;">Page 77</p>	<p>1 27 to 29 January 1984. Can we please go to the report, 2 RHC000028. Headed "Strictly confidential. Staff 3 information. 4 "Incidents -- weekend 27/29 January 1984. 5 "As promised, I summarise the events of [that 6 weekend] and also the subsequent actions. 7 "It appears that B47 and B328 hatched a plot to 'rip 8 off' (their words) a slow-witted, 18-year-old youth 9 named Rod Hilton whom they knew to have homosexual 10 tendencies. They promised Hilton money in return for 11 sexual favours but claimed that they had no intention of 12 keeping their part of the bargain. 13 "Unfortunately, they got [another boy] B329 involved 14 and tricked B329 into actually performing -- albeit 15 briefly -- an act of gross indecency. Other boys came 16 to know that easy money was available and B330 was taken 17 by A88 to meet with Hilton for the purpose of obtainable 18 money. Again, gross indecency occurred between B330 and 19 Hilton. 20 "At least one other grossly indecent act took place 21 during the weekend." 22 If you go back to the second paragraph, beginning, 23 "It appears that": 24 "They promised Hilton money in return for sexual 25 favours but claim that they had no intention of keeping</p> <p style="text-align: center;">Page 79</p>
<p>1 Greater Manchester Police into allegations of sexual 2 abuse at Knowl View. You are going to hear more about 3 it from the Greater Manchester Police witness. But in 4 the course of the investigation, men made allegations of 5 being sexually abused by fellow pupils. One social 6 worker told the police in 2014 of one Knowl View pupil, 7 A75, who attended the school in the late '70s/early '80s 8 that had absconded. When he was picked up, he divulged 9 to that social worker that he was being paid for sexual 10 favours, so peer-on-peer abuse, child sex exploitation. 11 Another matter of note dating from the period, this 12 in December 1980, a female teacher who had taken a pupil 13 away for a night, had to be given a final warning on the 14 basis that she had formed a "personal and private 15 friendship" with one of the pupils which she had not 16 notified to the senior house parent. 17 Against all that, let me come to Roderick Hilton, 18 and I call this part 1 because there is, unhappily, 19 part 2, but I will come back to that later. It is at 20 this point in the sequence of events that 21 Roderick Hilton, or known as "Rod", first appears. In 22 1984, the headmaster of Knowl View, still 23 Terence Hopwood, wrote a report. The report was dated 24 8 February 1984, concerning events involving Hilton and 25 four Knowl View pupils. They related to the weekend of</p> <p style="text-align: center;">Page 78</p>	<p>1 their part of the bargain." 2 In actual fact, it makes little sense. It appears 3 from the rest of the report it was the other way around, 4 that they promised favours for cash, but you get the 5 idea. 6 The view of Hilton, because there is a sense of it 7 in the body of this report, as potential victim of 8 cunning, artful children will be seen later in the 9 evidence. 10 Ominously, this report, the Hopwood report, goes on 11 to record, as you say, about the tricking of another 12 child into performing an act of gross indecency, the 13 fact that easy money was considered to be available, and 14 the involvement of other boys for the purpose of 15 obtaining money. 16 The two children assaulted by Hilton were reported 17 by Mr Hopwood to have been taken to the GP who "declared 18 them free of infection". It is understood from other 19 records that children were registered at a general 20 practitioners local to Knowl View as opposed to their 21 own home GP. 22 The police informed Mr Hopwood that they were 23 proceeding with one specimen charge, one in relation to 24 B329, against Hilton, that is, as well as two similar 25 offences to be considered in relation to B330. The</p> <p style="text-align: center;">Page 80</p>

<p>1 police, in communication with Mr Hopwood, anticipated 2 a small fine, probation and minimum publicity, given 3 juveniles were involved.</p> <p>4 There was also a suggestion that the boys could have 5 been charged with offences themselves, such as blackmail 6 or procuring. Also, there is material to show that 7 Hilton's mother had complained that Hilton was being 8 threatened by one of the boys. Mr Hopwood's enquiries 9 also discovered that one night, one boy, B47, had 10 masturbated and ejaculated over a sleeping boy.</p> <p>11 A local press report from around 22 February 1984 12 records the fact that Hilton, by then aged 19, had 13 admitted one offence of indecent assault, and he had 14 asked for a similar offence to be considered. Sentence 15 was adjourned to 19 March of this year for reports, this 16 according to the press article. A further press article 17 of 21 March 1984 demonstrates that the police were 18 correct to anticipate that Hilton would receive 19 a relatively light punishment. He was sentenced to 20 a term of two years' probation with a condition to 21 undergo medical treatment. Interestingly, the article 22 records how the case was opened by the prosecutor, who 23 referred to the boys as entrepreneurs who, following the 24 incidents, demanded more money from Hilton in the form 25 of blackmail. All this corresponds to Hilton's criminal</p> <p style="text-align: center;">Page 81</p>	<p>1 was absent through illness in 1988 and he retired the 2 next year. Ian Ashton became the acting head 3 in January 1989. Then a man by the name of 4 Brett Andrews was appointed deputy, and he became acting 5 head in September 1989.</p> <p>6 The next year, October 1990, Michael Poulton, the 7 head of another school, was seconded to Knowl View. 8 This was an immediate response to the incident with 9 Hilton in September of that year.</p> <p>10 His secondment for one term commenced 11 in December 1990. Stephen Bradshaw was appointed head 12 with effect from April 1991.</p> <p>13 What of the children who were attending the school? 14 According to Diana Cavanagh, Director of Education in 15 Rochdale, writing a few years later in October 1994, 16 children who were attending Knowl View, she says -- this 17 is a quotation: 18 "... have been unable to cope with mainstream and 19 (often) their family circumstances. Many have a poor 20 self-image, have been abused and are on the Child 21 Protection Register, have not found it possible to make 22 good relationships with other children. Some are 23 extremely withdrawn, avoiding contact or relationships 24 with others and running away if pressurised. Some are 25 aggressive and violent towards their family, other</p> <p style="text-align: center;">Page 83</p>
<p>1 record which refers to his sentence on 19 March 1984.</p> <p>2 Thus, children from Knowl View were induced to 3 bringing two other children to Hilton and Hilton 4 indecently assaulted them. But there is scant 5 information as to what wider reaction those facts 6 prompted.</p> <p>7 This was 1984. Six years later, in 1990, Hilton, 8 who had most certainly not gone away, was to indecently 9 assault at least one other pupil, having gained entry 10 into the school and stayed the night there. The Hilton 11 incident in 1990 was to bring matters to a head about 12 serious issues of child sexual abuse which had been 13 going on for a considerable period beforehand. It is 14 important, therefore, in this opening, to trace those 15 incidents through.</p> <p>16 First, though, some observations about the school at 17 this point in time. Between 1980 and 1985, pupil 18 numbers were consistently at around the 40 mark. From 19 1986, there was a dramatic reduction, with numbers 20 falling to an all-time low of 19 boys in 1989.</p> <p>21 In 1988, the year before, Knowl View's arrangement 22 with the other three councils was cancelled so that 23 Knowl View became the sole responsibility of Rochdale 24 council. From 1988 onwards, there was also considerable 25 instability in the management of the school. Mr Hopwood</p> <p style="text-align: center;">Page 82</p>	<p>1 pupils and staff, both posing a physical risk to others 2 and disrupting other pupils' education. Some manipulate 3 or bully other children and constantly use inappropriate 4 language or inappropriate sexual behaviour ..."</p> <p>5 In a word, they are vulnerable. You will hear more 6 about the vulnerabilities of some of these children as 7 the evidence unfolds. As I indicate, I will also have 8 to return to the subject of Roderick Hilton. But first, 9 child exploitation -- Smith Street toilets.</p> <p>10 Father Michael Seed's account of his time at 11 Knowl View, as I have indicated, included his 12 observations of fellow pupils who were being exploited 13 for money by paying men in Rochdale. It is an irony in 14 this investigation that Smith Street toilets, a centre 15 for this exploitation, was in fact under the very noses 16 of the municipal offices of Rochdale Council itself, 17 literally. The Rochdale Child Protection Manager, 18 Ms Janet Bowyer, as she was then, now Mrs Weeks, gave 19 a statement to police in 2016 in which she described how 20 her offices had a view of the toilets and how boys would 21 regularly sit on the wall and follow men inside. It was 22 obvious to her that sexual activity was going on.</p> <p>23 On 17 February 1989, there was a meeting of 24 representatives from the police, social services and 25 education to discuss a group of children aged between 10</p> <p style="text-align: center;">Page 84</p>

<p>1 and 14 who gathered at "Tasty Bite", a food outlet, each                  2 day when they should have been at school. 12 children                  3 were identified, five of whom were in the care of                  4 Rochdale. Two others were at serious risk of coming                  5 into care. It suffices to state that a number of these                  6 children came to be identified as being exploited by                  7 paying men. There are three boys in particular, and                  8 I am going to call them, for today's purposes, as boy 1,                  9 boy 2 and boy 3. I wonder if we can go to a document                  10 RHC002447, please.</p> <p>11 If we can just expand it a little, this was                  12 a summary of a meeting held, as we see in the first line                  13 of the document, on 17 February 1989, headed "Rochdale                  14 Metropolitan Borough Council, Social Services                  15 Department":</p> <p>16 "This is a summary of a meeting ... at the                  17 initiative of Mr Edmunds, educational psychologist, and                  18 attended by representatives of police, education and                  19 social services.</p> <p>20 "The substance of the meeting was to establish                  21 whether there is an identifiable group of children who                  22 frequent the 'Tasty Bite' during the school hours and,                  23 if so, whether any viable measures could be taken to                  24 reduce the risks of offending and/or increase the                  25 probability of their attending school.</p> <p style="text-align: center;">Page 85</p>	<p>1 his social worker recorded that there was reliable                  2 information from a constable by the name of Dunning that                  3 he had been involved in "inappropriate sexual                  4 activities" at Smith Street toilets.</p> <p>5 The situation was, if this isn't too much of an                  6 understatement, plainly serious. A file note of                  7 the following day, 7 April, by the child's social worker                  8 records that he met with Constable Dunning who provided                  9 information about boy 2 approaching a man in                  10 Smith Street toilets, asking for 50p and asking if he                  11 wanted to play with him. He had apparently also gone                  12 over to the bus station and approached the same man,                  13 asking the same question, assuring him that it was all                  14 right, as he had got £5 the week before and could get £5                  15 to £10 any time he wanted.</p> <p>16 It appears from an entry of 25 April 1989, in the                  17 records, that boy 2 was admitted to Knowl View precisely                  18 because of concerns around his involvement in                  19 Smith Street toilets. He was admitted on 11 May.</p> <p>20 Let's go to RHC002504 at page 4. There you should                  21 find an entry of 25 April:</p> <p>22 "Met with Dave Edmonds and Mr Quinn educational                  23 psychologist at the psychology department today re A10                  24 and A24. Agreed that a period of assessment of their                  25 educational capabilities in a stable educational</p> <p style="text-align: center;">Page 87</p>
<p>1 "On balance, there seemed to be some consensus that                  2 a 'group' of children did exist. A total of twelve                  3 children seem to be involved who gather in the course of                  4 Rochdale during school hours. The Tasty Bite provides                  5 with a focus for meeting followed by various video                  6 games. The ages of the children involved range from                  7 10-14 years. A core group of these has been involved                  8 with repeated offences involving shopliftings and                  9 burglary as well as other offences. Five children are                  10 currently in care to this department."</p> <p>11 That document is in fact dated 7 March although it                  12 relates to a meeting of 17 February.</p> <p>13 One such child, boy 1, was observed                  14 in February 1989, and you have to think he was aged just                  15 11, to have had a network of friends involved in                  16 criminal activities as well as sexual activity that was                  17 of concern. It was decided that he ought to be in                  18 a residential school.</p> <p>19 On 3 April of that year, boy 1 started at                  20 Knowl View. By 22 August of the same year, he had been                  21 remanded in care. Six days later, an entry of                  22 28 August, now aged 12, in his case record shows concern                  23 that he was involved in "rent boy" activity.</p> <p>24 A file note of 6 April, the same year, in the social                  25 service record of another boy, boy 2, then also 11, by</p> <p style="text-align: center;">Page 86</p>	<p>1 situation would be appropriate for both boys and that                  2 Knowl View Residential School could be an option. We                  3 did have concerns that [they] being together in the same                  4 school may cause problems, given their behaviour at                  5 home. However, we agreed that this option should be                  6 pursued, given the unsettled school situation and our                  7 concerns with regard to A10 in particular around the                  8 Smith Street toilet incident."</p> <p>9 Then if we drop down to the final paragraph within                  10 that date entry:</p> <p>11 "Phoned Mr Ashton, acting head teacher at Knowl View                  12 School and arranged to meet with him at the school on                  13 Friday, May 5 ... [concerning those two boys]."</p> <p>14 A meeting was arranged with him to discuss the                  15 admission of boy 2 and another member of his family,                  16 boy 3, who was four years older than boy 2, to                  17 Knowl View on that basis. Boy 2's mother provided                  18 information that he had been seen around town with a man                  19 with a walking stick, so that had clearly troubled her.                  20 On 5 May of that year, the social worker spoke to staff                  21 at Knowl View about boy 2's rent boy activities around                  22 the bus station.</p> <p>23 We are bringing this to your attention to make clear                  24 that it was then being clearly communicated to staff at                  25 Knowl View that at least one of its pupils was involved</p> <p style="text-align: center;">Page 88</p>

1 in this kind of exploitation.  
 2 A case record entry of 11 May by boy 2's social  
 3 worker demonstrates his concern at the boy's  
 4 self-abusive behaviour and that it might be linked to  
 5 his activities in Smith Street.  
 6 Boy 2 was at this time living in Knowl View during  
 7 the week and at Poplar House, a children's home, at the  
 8 weekends.  
 9 But the exploitation was not limited to Rochdale.  
 10 A social care record of 8 September 1989, so some months  
 11 on in time, describes an account by boy 3, the member of  
 12 boy 2's family, of going to Salford with, among others,  
 13 boy 1, to watch pornography while boy 2 went into  
 14 a bedroom with a man and got £5. There was another  
 15 incident where boy 2 went into a shed with a man, which  
 16 boy 3 watched, and he masturbated him.  
 17 Perhaps the last document we look at before we  
 18 break, RHC002505, please. This is a document, as you  
 19 can see, dated 14 August 1989. This is as regards  
 20 boy 2. On that date, a discussion with his social  
 21 worker and a man called Dave Carter from Elmfield  
 22 Children's Home about a man that he was involved with at  
 23 the bus station. It reads in this way:  
 24 "A10 was very clingy and uncommunicative for  
 25 a period of time and didn't really want to talk about

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1 the matter and certainly did not want to talk to the  
 2 police about it. In the end, it was decided to  
 3 rearrange the police interview for the next day and to  
 4 concentrate on spending time with [him] to allow him  
 5 time and space to talk about Rochdale toilets. In the  
 6 end, he did say that he had been involved with a man at  
 7 Rochdale Bus Station who apparently worked part time in  
 8 a café nearby."  
 9 He described him:  
 10 "A10 admitted that he had got money from him for the  
 11 naughty things he did with him. Apparently they went to  
 12 a hut near Shopping Giant car park. Apparently he went  
 13 on one occasion with A106. He also made some suggestion  
 14 that A24 may have been involved. These incidents  
 15 occurred apparently fairly recently within the last two  
 16 months. He found the whole experience extremely  
 17 difficult and did not want to verbalise in detail what  
 18 he actually did, although it would seem that he did  
 19 admit to masturbating the man. Eventually [he] agreed  
 20 that he would talk with the police about this. We  
 21 validated his feelings of anxiety and confusion about  
 22 the incidents and emphasised that he was not to blame  
 23 for what had occurred and that the adults concerned were  
 24 wrong in involving him in these activities. Also  
 25 thanked him for having the courage to tell us about it."

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1 On 24 August, boy 2 and his social worker met with  
 2 a police officer, when he confirmed to the police  
 3 officer that he had been involved in sexual activities  
 4 at the toilet.  
 5 Perhaps, chair, it is a little early, but if I can  
 6 stop there and resume at 2.00 pm.  
 7 THE CHAIR: Thank you very much, Mr Altman. We will  
 8 reconvene at 2.00 pm.  
 9 (12.59 pm)  
 10 (The short adjournment)  
 11 (2.00 pm)  
 12 MR ALTMAN: Chair, before we broke for the lunch  
 13 adjournment, I was addressing you and your fellow panel  
 14 members about sexual activity in which boys at the  
 15 school had been engaged. One document makes reference  
 16 to allegations that several other boys were alleged to  
 17 be involved in rent boy activity as well as cottaging in  
 18 public toilets spanning the years 1990 to 1992. The  
 19 record of 9 March 1990 puts this in context. It is an  
 20 Knowl View record of report made by a constable by the  
 21 name of Bottomley and it records Constable Bottomley  
 22 reporting that due to complaints of members of  
 23 the public regarding a group of boys importuning at the  
 24 town city toilets, the police carried out a raid on  
 25 8 September 1990 and discovered boy 2, who had absconded

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1 from the school, and boy 1, who had been sent home  
 2 because the school was closed for repairs. Worse still,  
 3 there was a group of some 14 boys, all absconders from  
 4 various children's homes, organised by an older boy,  
 5 aged 13, A38, into a ring for extracting money for  
 6 sexual favours. Unsurprisingly, men from all over the  
 7 north-west had been attracted to the toilets, some as  
 8 far away as Blackpool, and the record notes both boys  
 9 were at risk and required monitoring.  
 10 A school record of 21 May the same year, 1990,  
 11 describes the situation in graphic terms: having  
 12 absconded from school, he collected boy 1 and had gone  
 13 into Rochdale. Boy 2, A13 and A12 stole some items from  
 14 shops, following which they went to Smith Street toilets  
 15 where A12, boy 2 and boy 1 masturbated a man and A12  
 16 another. Boys 1 and 2 confessed everything on their  
 17 return to the school, saying they did it for money.  
 18 As a stark reminder of the risks, the head of care  
 19 at the school reported to social services on  
 20 15 June 1990 that he thought boy 1 had contracted  
 21 hepatitis through his "rent boy" activities.  
 22 It might be thought surprising, in light of that,  
 23 that a few months later, in October, as regards boy 1  
 24 Rochdale Adolescent Services considered that little  
 25 information could be gleaned about what was going on in

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<p>1 Rochdale Bus Station, even though the matter of sexual 2 assault/abuse had become a matter of police concern. 3 It was reported in March 1991 that in July 1990 -- 4 in other words, the July before -- a detective or 5 a police constable by the name of Goggins had been aware 6 that boy 2 was offering his services at Smith Street 7 toilets and going off in cars with men. This had been 8 discussed with staff at Knowl View, who were very 9 concerned, but felt there was little they could do 10 because it wasn't a "lock-up school". 11 At around the same time, that July, boy 2's social 12 worker struck a more positive note in his record of 13 a meeting with Paul Davies of Knowl View. He recorded 14 of the child's attitude towards his exploitation: 15 "He does not want to be involved in it again and is 16 angry at the men who were involved ..." 17 It was thought that he had support and relations in 18 Knowl View so as to help him address the trauma he may 19 have suffered. 20 In September that same year, boy 2's social worker 21 wrote to the police to ask that he attend an alternative 22 centre to perform his "Attendance Centre Order" in 23 Salford on the basis of his past sexual involvement with 24 men from the Salford area, in other words, to keep him 25 out of the area.</p> <p style="text-align: center;">Page 93</p>	<p>1 school and the social worker about it. According to the 2 note, it was clear that boy 2 was approaching men and 3 getting 50p for masturbating them. He felt there had 4 been incidents in March 1989 and a number of them 5 between January and May 1990. 6 Pausing there, the short point is that it is clear 7 that representatives of Greater Manchester Police, 8 social services and the school were all aware of 9 information about Knowl View children being exploited 10 for money in or around the town centre and indeed 11 beyond. 12 I will return to the issue of exploitation, but I am 13 going to ask you now to consider another issue: 14 peer-on-peer abuse at the school. The evidence we have 15 considered thus far demonstrates that a number of 16 Knowl View pupils were involved in what can only be 17 regarded as serious sexual abuse at the hands of paying 18 men outside school. But what evidence is there about 19 circumstances inside the school? 20 Even as late as 25 October 1991, a case record entry 21 of that date documented information from Moss Side CID 22 about boy 1 and his brother's involvement in "rent boy" 23 activities. 24 Turning to peer-on-peer abuse, sexual activity 25 between children at Knowl View, how to view it and how</p> <p style="text-align: center;">Page 95</p>
<p>1 On 15 November 1990, Mr Andrews, who was the then 2 acting head, wrote to the Director of Social Services 3 convinced that boy 2 was in grave moral danger, and the 4 only way the school could guarantee his safety was to 5 remove his shoes and his outdoor clothing. This 6 demonstrates not only that the headmaster was alive to 7 the risks that boy 2 presented, but that this was also 8 being conveyed to the Director of Social Services. 9 A report on boy 2 prepared by Knowl View staff to 10 Brian Williams, who was the assistant education officer, 11 dated 27 November 1990, noted that he absconded 12 regularly from Knowl View, as well as his care home. 13 When he went missing, his whereabouts were largely 14 unknown; he had been picked up at Smith Street toilets, 15 and when he returned voluntarily, he always had money 16 and rarely seemed affected by weather conditions. 17 That's how it was put in the report. This note put 18 forward the view that boy 2 shouldn't return to the 19 school. It was said that all the boys on his house unit 20 knew of his activities, and that boy 2 had a draining 21 and demoralising effect on all of them that term. 22 As regards boy 2, on 6 February 1991, his social 23 worker spoke to Constable Goggins in an attempt to 24 clarify details of his involvement in sexual activity at 25 the toilets, because there was confusion between the</p> <p style="text-align: center;">Page 94</p>	<p>1 to deal with it appears to have been an enduring theme. 2 As I have noted before, in 1976, the then head, 3 Mr Hopwood, considered that sexual activity between boys 4 was already an ingrained subculture. Records in the 5 years thereafter suggest that it persisted. When 6 Mr Bradshaw was appointed head after the events of 1990, 7 he observed in a report of 9 March 1992 that there had 8 been a number of incidents dating back as far as 1981 of 9 a sexual nature, logged and mentioned, but rarely 10 resolved, with seeming indifference to it. Let's have 11 a brief look at that report: GMP000360, page 3. 12 Expand the first couple of paragraphs, if you would, 13 please. It is headed "Draft copy of a report", and 14 I don't think it is signed off by Mr Bradshaw, but it 15 has the seal of being under his authorship: 16 "Historical factors. 17 Knowl View was opened in late 1969 and has had two 18 head teachers since that time ... in 1987 Mr Cooper, 19 deputy head teacher, and Mr Hopwood both had a period of 20 sickness of approximately 18 months before retiring ... 21 their posts were filled by a number of people 'acting 22 up'. 23 The last sentence: 24 "This has left the school without a substantive head 25 and clearly lacking in leadership and direction.</p> <p style="text-align: center;">Page 96</p>



<p>1 "There have been a number of incidents dating back  2 as far as 1981, mentioned in the logbook, of a sexual  3 nature but rarely are these incidents resolved, just  4 mentioned. The regime was certainly oppressive, male  5 orientated with coercion being the main form of control.  6 The staff culture developed into what it is today over  7 a number of years and has been reinforced by factors  8 both internally and externally. The children also  9 developed a similar culture that is well documented in  10 the log books."  11 I don't think I need to go into it. Can you just  12 scroll up for me, please? And again, just to the next  13 page. Thank you.  14 We do not have all the records, but graphic examples  15 demonstrate sexual activity of varying seriousness, such  16 as an entry in a logbook of 11 December 1987 of boys  17 masturbating and wiping semen over other boys.  18 Another example which might have prompted concern  19 was a record of 9 March 1990 of children overheard  20 discussing one child who masturbated and wanted another  21 child to watch.  22 There are indications that all was not well early in  23 1989. As is recorded in a letter from Mr Ashton, the  24 then acting head, to the chief education officer on  25 18 April 1989, one pupil had reported two incidents, and</p> <p style="text-align: center;">Page 97</p>	<p>1 "2. Round about 5 April, [the boy] again attempted  2 anal intercourse but was thwarted by another boy waking  3 and going to the toilet."  4 So we have allegations of oral intercourse,  5 attempted anal intercourse and an attempt which was  6 almost certainly repeated. I'm not leaving that  7 document quite yet. This appears to have prompted  8 investigations by Mr Ashton, according to this document,  9 who was not convinced -- I think if we go back to  10 page 1, if we can expand it.  11 In the second paragraph under the date:  12 "7 April:  13 "The matter was reported to myself. Because of  14 the unpopularity of the boy I was not convinced that  15 there was not some exaggeration."  16 The child was interviewed in an apparent attempt to  17 get him to admit what he had done. Both children, we  18 understand, were even interviewed together, involving  19 the victim giving his account in front of the boy he  20 said had tried to anally penetrate him. The notes  21 record, as I have indicated, Mr Digan's view, which we  22 have seen. Mr Ashton's view, I think, if we go back to  23 page 2 -- Mr Digan thought a serious sexual abuse had  24 taken place. If we just expand it, please, two-thirds  25 of the way down:</p> <p style="text-align: center;">Page 99</p>
<p>1 if we can go to the document, please, RHC001080, page 1.  2 Just expand that. Can you scroll down?:  3 "[One boy] complained to a member of staff that [one  4 boy] had forced his attentions on him and that he was  5 frightened of [another boy]. [The boy] did not go into  6 great detail at this stage but he did also mention it to  7 other boys. [The boy] is not a popular boy to begin  8 with and a tense situation began to develop between him  9 and a group of boys. [The boy] was removed from the  10 house unit and slept in isolation ..."  11 If we scroll down a bit further, please, under  12 12 April we will see Mr Digan, who at the time was  13 a residential social worker, reported that the alleged  14 abuser continued to deny that anything occurred and felt  15 that it would be very difficult, if not impossible, to  16 get the other boy to admit anything. He stated that in  17 spite of the boy's denials and the lack of evidence, he,  18 this is Mr Digan, was convinced that a serious sexual  19 offence had been admitted and it is likely that at least  20 two incidents occurred:  21 "1. Round about 15 March, oral intercourse took  22 place plus attempted anal intercourse, the latter being  23 avoided only by [the boy's] distress which caused [the  24 abuser] to go back to his own bed so as to avoid  25 discovery by others.</p> <p style="text-align: center;">Page 98</p>	<p>1 "It is recognised that both [the first and the  2 second boy] require help to overcome problems generated  3 by these events. I feel it would be best to avoid an  4 overreaction and to view the incidents within the  5 context of emotionally disturbed boys experimenting  6 whilst having problems in making relationships."  7 You may think that telling, and you may think it  8 telling because what one reads there is, by implication,  9 it was an acceptable risk to retain the alleged abuser  10 in the school.  11 There is, of course, no reference to any form of  12 consensuality existing between the boys in that letter;  13 on the contrary, only to the complainant's fear of his  14 fellow pupil.  15 Accounts from another boy, A11, from December 1990  16 point not just to the complexities of what he reported  17 but that violence might be playing a part in him  18 engaging in oral sex.  19 This sort of activity wasn't just reported but  20 observed by staff, in this case the caretaker, who had  21 also been given a care role. Other children made  22 reports about what they observed.  23 A different record, from January 1991, again points  24 to how a disclosure by the boy I have already mentioned,  25 A11, of sexual involvement with an adult was dealt with</p> <p style="text-align: center;">Page 100</p>

<p>1 and how his retraction of that allegation early the 2 following month was left unquestioned.</p> <p>3 It was said of A11 on 31 January 1991 by his house 4 parent or residential social worker, Duncan Eaton, in 5 a report -- and A11, it should be noted, was a child who 6 had been involved in the Hilton incident in the 7 previous September to which I am going to come -- 8 believed he had psychiatric difficulties. It is, he 9 said, "my belief he has no more emotional and social 10 problems than any other child in the school". You may 11 think it important to note that A11 had been an 12 inpatient at a psychiatric hospital for some time before 13 coming to the school.</p> <p>14 The notes of the meeting of 31 January 1991 give 15 some flavour as to how his account that he was 16 approached by a man outside school was treated. The 17 boy's request for an AIDS test was regarded as a shock 18 tactic. There seemed to be concern that this might 19 affect insurance rather than why he might be requesting 20 a test.</p> <p>21 The fact that there was information that this boy 22 was involved in sexual activity with other children, had 23 been party to the Hilton incident, had given an account 24 of sexual activity with an adult and wanted an AIDS test 25 appears to have been treated with a degree of cynicism</p> <p style="text-align: center;">Page 101</p>	<p>1 pupil, among others, including a reference to him 2 admitting in 1992 "rent boy activity".</p> <p>3 What is missing among all of the evidence is any 4 clear, recorded account from the children concerned as 5 to their own experiences. There appears, on the face of 6 it, to have been no, or no real, consideration of how 7 frightening it might have been for any boys susceptible 8 to bullying to have lived in that kind of environment. 9 It is clear from the records that there was 10 a significant amount of violence in the school on the 11 part of pupils and staff. There appears to have been no 12 consideration of the risks that violent children or 13 children with a sexual interest in others might have 14 posed to other children with whom they lived and from 15 whom there was no easy means of escape.</p> <p>16 This brings me to the second part of this opening 17 statement as regards Roderick Hilton.</p> <p>18 On 11 September 1990, Mr Hutchinson, 19 Graham Hutchinson, the then acting deputy head of 20 the school, recorded in the communication book that 21 Hilton was in the area and that staff should be 22 vigilant. Hilton, who was now 25 years of age, gained 23 entry into the school that night and is recorded as 24 having slept under a child's bed. On the very next day, 25 12 September, he gained entry to the school again and on</p> <p style="text-align: center;">Page 103</p>
<p>1 rather than prompting much by way of genuine concern.</p> <p>2 On 14 January, going back a little in time, two 3 members of staff visited the home of one child in order 4 to discuss a communication from his mother about sexual 5 activity between the boy and other boys at Knowl View. 6 You might think it says something about the weight 7 placed on the investigation of such allegations that one 8 of the staff sent to investigate was, in fact, the 9 school caretaker, albeit he had also been given a care 10 role.</p> <p>11 In fact, as you will discover, the caretaker was 12 regarded as part of the senior management team.</p> <p>13 There is a handwritten note of the next day, 14 15 January, which records in short but graphic terms 15 allegations made by another boy, A12, then 14, against 16 his fellow pupils:</p> <p>17 "They made me suck them off and they told me to let 18 them bum me. If I didn't let them do it, they would 19 batter me up."</p> <p>20 There is also a report from an education welfare 21 officer, Ms Marsh, dated 21 January, about A12: 22 "School will investigate and counsell (sic) the 23 sexual abuse boys ..."</p> <p>24 A record was compiled, date stamped 1995, which sets 25 out further sources of information about this particular</p> <p style="text-align: center;">Page 102</p>	<p>1 this occasion indecently assaulted at least one child.</p> <p>2 In the aftermath of his entry into the school, at 3 a meeting which was held at the school on 4 24 September -- there may have been several meetings, 5 but this one in particular attended by Mr Andrews, the 6 head, or the acting head; Mr Hutchinson, the deputy; 7 Ms Simpson, who was, if my memory serves me, a special 8 needs adviser; Mr Williams, the education officer -- 9 Mr Williams ordered a full report. The notes of 10 the meeting reveal a discussion on, among other things, 11 the question whether A14 -- and that was the boy 12 allegedly assaulted, whether A14's parents should be 13 told and when, about which there were differing views. 14 Duncan Eaton, the residential social worker or house 15 parent, perhaps he was head of care by that point, 16 expressed concern that if they were told, "the lad would 17 clam up", while Marilyn Simpson, the special needs 18 adviser, was firmly of the view that the parents should 19 be told before the police interviewed the boy.</p> <p>20 A record of the chronology of the events of those 21 two days, the Tuesday and the Wednesday, the 11th and 22 the 12th, and the immediate aftermath reveal that the 23 child who was indecently assaulted by Hilton was 24 excluded from school the following day, apparently 25 because of a serious assault on another pupil.</p> <p style="text-align: center;">Page 104</p>

<p>1 A handwritten record of the following month,                  2 11 October, documented the fact that on 17 September, so                  3 a few days after the incident, Paul Davies, who had                  4 a member, I think, of care staff of the school, had seen                  5 Hilton outside the school grounds and overheard him                  6 saying that he had been into the Norden unit, as                  7 a result of which Mr Davies interviewed the boys from                  8 that unit, apart from A14 and one other boy. The                  9 interviews with the boys disclosed that A14 and another                  10 boy had felt sorry for Hilton because he had nowhere to                  11 go, and so, on the first night, they let him in and                  12 Hilton had slept the night under A14's bed.                  13 Boys spent the first night running around, according                  14 to the note, a "night of pranks" as was noted in this                  15 record. On the second night, while Hilton was in A14's                  16 bed, other boys were unaware that anything was                  17 happening.                  18 But there is a record of 14 September which implies                  19 that the school was aware three days earlier that Hilton                  20 had spent the night under A14's bed. The particular                  21 words at the end of that particular note are worthy of                  22 showing you. Perhaps we can bring up, please,                  23 RHC001296, page 1. You will see at the top of                  24 the document in manuscript "Report prepared by                  25 G Hutchinson", who was the deputy acting head, "and</p> <p style="text-align: center;">Page 105</p>	<p>1 informed the education service about what had occurred.                  2 Other notes which appear to have been taken at the                  3 time throw further light on the events. According to                  4 Paul Davies, on 13 September, Hilton was back on the                  5 school grounds, police had been called and Hilton had                  6 run off. Hilton had then been seen on the roof and the                  7 police had been called. According to Mr Davies, at                  8 least, there had been no way of preventing the incident                  9 with Hilton. On Thursday, 13 September, Hilton was                  10 outside the school and seen by another and hanging                  11 around shouting and being abusive until 3 o'clock in the                  12 morning.                  13 That nothing could be done was a view that was                  14 shared by the acting headmaster, Brett Andrews.                  15 Martin Digan, however, appears to have spoken to                  16 Hilton since the incident, and Hilton confirmed to him,                  17 according to Digan, what had happened. Mr Digan was                  18 aware of the incident, around seven years previously,                  19 concerning Hilton and the pupils, which has to be                  20 a reference to the 1984 incident. Mr Digan thought that                  21 the incident could have been avoided if staff sleeping                  22 in arrangements had been better, in other words, with                  23 staff on duty sleeping between the house units.                  24 Mr Eaton considered that the school had sailed close                  25 to the wind by staff sleeping in their own houses. We</p> <p style="text-align: center;">Page 107</p>
<p>1 handed to B Williams", the education officer, "and                  2 M Simpson", that's Marilyn Simpson, the special needs                  3 adviser, on Monday, 24 September 1990. Under the                  4 heading "Rod Hilton, 14 September 1990" right at the end                  5 of that entry:                  6 "Rod has given A16 £1 and we believe that Rod will                  7 want his pound of flesh rather than a £1 coin ..."                  8 Then you will see right at the foot of this page,                  9 this is a running log, another entry under the heading                  10 "Rod Hilton" this time four days on, 18 September:                  11 "Paul Davies contacted Rod's probation officer,                  12 Mr Hanlon. Apparently Rod is already in breach of his                  13 probation order and an attempt is being made to place                  14 him in Richmond Fellowship.                  15 "Rod is a schedule 1 offender under the 1933                  16 Children and Young Persons Act."                  17 Going into page 2:                  18 "... because of this, it was stated by Mr Hanlon                  19 that it was not unreasonable for Rod to be kept away                  20 from premises where children are."                  21 "Not unreasonable".                  22 The victim, A14, was not asked about what happened                  23 until he returned to school on 21 September when he was                  24 confronted by Mr Eaton about it and he admitted what had                  25 happened. This was the same day that the school</p> <p style="text-align: center;">Page 106</p>	<p>1 take that to mean sleeping in their own houses when they                  2 should have been sleeping in school.                  3 Mr Eaton was to say in a statement that he made in                  4 2015 that the headmaster had even invited Hilton in for                  5 refreshments. It is our understanding that the                  6 headmaster at the time, Mr Andrews, was acting more like                  7 a social worker than he was a headmaster of a school.                  8 It is not clear from the interviews conducted with                  9 staff after the incident which staff, if any, were                  10 officially on duty or present that night as regards the                  11 senior boys' unit. In a statement he made in 1992,                  12 Mr Eaton told how boys would want to know who was on                  13 duty to establish if a weaker member was on duty and so                  14 to give them more freedom. Mr Andrews, the head, was                  15 sleeping in his house and the boys waited, according to                  16 Mr Eaton, until they knew he was asleep. Staff were                  17 apparently disgusted by this because there were no                  18 alarms at the time. There was no laid-down procedure                  19 for sleeping in at that time. It appears that staff                  20 were permitted not to sleep on the premises whilst on                  21 "sleeping in" duty. Mr Hutchinson, the deputy acting                  22 head, when interviewed in 1992, said that there was                  23 no-one sleeping between the two senior units.                  24 Martin Digan said in interview that it was normal                  25 practice, once the boys were asleep, for the staff</p> <p style="text-align: center;">Page 108</p>

1 member to go to bed; normally, they would not get up in  
 2 the night.  
 3 As for Hilton, he appeared before the magistrates'  
 4 court on 7 December 1990 and pleaded guilty to  
 5 indecently assaulting A14. The case was adjourned to  
 6 4 January 1991 for social enquiry reports, as they were  
 7 then called, and sentence. His criminal record  
 8 microfiche suggests that sentence in fact took place on  
 9 22 February 1991 and then he was sentenced to  
 10 a probation order for two years with a condition of  
 11 residence.  
 12 A14 is not a core participant in this investigation.  
 13 It is a sad postscript to these events that he died only  
 14 a few years later, in 1996, within hours of his 20th  
 15 birthday. It was reported in the press that this was  
 16 through a drug overdose. The coroner looking into the  
 17 circumstances of his death stated that witnesses had  
 18 suggested that there were "tensions" because of court  
 19 proceedings against the council arising from his  
 20 experiences while he was at Knowl View.  
 21 Returning to the immediate aftermath of the Hilton  
 22 incident, A14 provided an account to the NSPCC, on  
 23 21 September. This is very short and it begs many  
 24 questions. The document records Mr Eaton saying that he  
 25 had discussed the matter with the police, who had said

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1 that, for as long as the children were inviting Hilton  
 2 in, then he was not breaking in, in which case there was  
 3 no action that they could take. It appears that the  
 4 NSPCC thought the matter ought to be dealt with by  
 5 specialist police officers or, failing that, CID, in  
 6 order for them to decide on the most suitable response.  
 7 We can have a quick look at that. Page 2 of RHC002337:  
 8 "This morning A14 disclosed that he has been the  
 9 subject of a sexual assault by a man named Rodney  
 10 [Roderick] Hilton, believed to be a schedule 1 offender.  
 11 Hilton lives nearby and apparently has been thrown out  
 12 of his parents' home ... he has been sleeping in school,  
 13 as some of the boys have been letting him in. Mr Eaton  
 14 said that he had discussed this with the police, who  
 15 said that for as long as the children were inviting him  
 16 in, [as I have just told you] then he was not breaking  
 17 in, then there was no action that they could take.  
 18 "Today A14 has said that this man has oral sex with  
 19 him. One of Mr Eaton's concerns is that A14 is due to  
 20 go home for the weekend, and he does not think that  
 21 parents will be able to deal with this news  
 22 appropriately, and indeed A14 has been very anxious that  
 23 his parents not be told.  
 24 "Mr Eaton said that he has contacted the  
 25 Littleborough Police team, and left a message on the

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1 answer phone, and spoken to the communications room at  
 2 Rochdale, who wanted to send a uniformed officer, which  
 3 Mr Eaton did not think was appropriate ...  
 4 "I told Mr Eaton that I agreed and I thought the  
 5 matter needed dealing with by specialist police officers  
 6 or, if they were not available, then he should contact  
 7 CID at Rochdale as stated in the child protection  
 8 guidelines for them to decide about the most suitable  
 9 officer to respond.  
 10 "We agreed ..."  
 11 So that's that. There was a meeting between some  
 12 senior staff and representatives of the education  
 13 service on 24 September, this time by Hutchinson, Eaton,  
 14 Ms Simpson and Mr Williams. Mr Eaton -- it may have  
 15 been the same meeting, it is not clear, there are  
 16 several notes of 24 September, one I have already  
 17 referred to, but it was certainly a meeting on that  
 18 date. Mr Eaton did not want to see, he said, A14  
 19 punished for what had happened, but helped. He pointed  
 20 to fears the boy had about informing his parents about  
 21 what had happened to him due to the possibility of their  
 22 taking reprisals against Hilton.  
 23 A document believed to have been prepared by  
 24 Marilyn Simpson on the issues emerging from staff  
 25 interviews which took place shortly after the education

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1 service was informed of the incident with Hilton set out  
 2 some very preliminary observations. She noted the gulf  
 3 that existed between care staff and teaching staff and  
 4 the absence, after this incident, of staff meeting as  
 5 a whole to discuss the incident.  
 6 Diana Cavanagh had been made the Acting Chief  
 7 Education Officer for Rochdale in September 1990 upon  
 8 the retirement of a man by the name of Alan Naylor. She  
 9 was then appointed Director of Education in early 1991.  
 10 She is a critical witness in this investigation because  
 11 she, rather than the Director of Social Services, was  
 12 charged with both leading the investigation into the  
 13 school and putting the school on a more stable footing.  
 14 She wrote her own brief report titled "Serious  
 15 Incident at Knowl View School" on 24 October 1990. She  
 16 stated that incidents of the type that occurred on 11  
 17 and 12 September were not unknown in residential schools  
 18 but that should not lead to the incident being  
 19 trivialised or treated with complacency. There is no  
 20 indication, however, in that report, that she was aware  
 21 of any wider background to these incidents.  
 22 The report was written up for the purposes of  
 23 the board of governors of Knowl View, who convened  
 24 a special meeting with Ms Cavanagh on 25 October. They  
 25 decided to meet again in early November, 7 November, in

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<p>1 order to formulate their response, and they did meet on 2 that day with a police officer, Superintendent Marshall, 3 in attendance.</p> <p>4 The view of Superintendent Marshall was that Hilton 5 had been arrested some months previously, possibly 6 a reference to the September 1990 incident; he said 7 Hilton's father had expressed concern that his son was 8 being sold alcohol; Mr Marshall said he had spoken to 9 Hilton, who seemed to know what was going on and was not 10 under age, and therefore the police had no grounds for 11 intervention. Hilton had appeared in court on 12 17 October and had been remanded.</p> <p>13 Superintendent Marshall reiterated that the police could 14 only take action if Hilton was obviously mentally 15 disturbed or was committing a breach of the peace.</p> <p>16 In the meantime, Hilton's plea of guilty appears to 17 have changed little. On the day following his plea, 18 this being 8 December 1990, the boys reported that he 19 was at the shops drinking and that he had a gun.</p> <p>20 In a remarkably polite letter to him of 21 December, 21 Mr Andrews, the acting head, asked Hilton to stay away 22 from the school. Rather audaciously, Hilton telephoned 23 Mr Andrews on 9 January to take issue with the content 24 of the letter.</p> <p>25 Consideration had been given to seeking an</p> <p style="text-align: center;">Page 113</p>	<p>1 The "AT" refers to Anne Taylor who, at the time, 2 worked in the town solicitor's office. She composed the 3 memo and she signed it in Mr Shipp's name because she 4 said she had authority to do so, but she says she would 5 have discussed it with Mr Shipp or Mr Bill Lawley, also 6 in the Borough Solicitor's office, who was Mr Shipp's 7 eventual successor.</p> <p>8 The next month, 14 May, Stephen Bradshaw, by now in 9 post as the new headmaster with effect from, I think, 10 the beginning of April 1991, he reported to Mr Williams, 11 the assistant education officer, that a prowler had 12 attempted to gain access to the school the previous 13 night. He noted that the police had been alerted but 14 took a long time to respond. In a further letter to the 15 police, Mr Bradshaw pointed to the sensitivity of this, 16 given that a child had previously been sexually abused 17 at the school by an intruder.</p> <p>18 One of the most astonishing aspects of the Hilton 19 incident is that, even after his convictions in 1984 and 20 1990, he continued to frequent the school with little 21 impediment. A handwritten note headed "Steve Bradshaw" 22 and dated 7 December 1992 suggests that it was very much 23 business as usual -- there had been, according to the 24 note, "four incidents last night", "RH approaching 25 children -- saying coming in tonight", "Little response</p> <p style="text-align: center;">Page 115</p>
<p>1 injunction. In a memo to the Director of Education 2 dated 10 April 1991, which was in the name of 3 David Shipp, who was the Borough solicitor and deputy 4 town clerk, it was noted that the police were aware of 5 Hilton and would take action if he caused further 6 problems, adding that, on that basis, it did not seem 7 that an injunction would particularly add anything.</p> <p>8 Perhaps we can go to that document now, RHC001265 at 9 page 1. 10 April, from the deputy town clerk. So 10 that's Mr Shipp to the Director of Education, to the 11 attention of Mr Williams, who was the education adviser, 12 education officer. You will see under the reference 13 "AT/GJ", I will tell you about that in a minute, but 14 under "Knowl View School".</p> <p>15 "I refer to my memorandum dated 13 March ... 16 "I have now received a reply from the superintendent 17 at Greater Manchester Police ... 18 "... the police state that they are aware of 19 Mr Hilton's activities and of the concern for the 20 children at the school and have stated that should he 21 cause any problems at or near the school then their 22 officers will take action.</p> <p>23 "It does not seem, therefore, that an injunction 24 would particularly add to the police's powers ...", and 25 so on.</p> <p style="text-align: center;">Page 114</p>	<p>1 from police", "Moved tent nearer to school", "Now on 2 council land", "Knocking on doors". Hilton had been 3 living in a tent outside the school.</p> <p>4 On 8 December 1992, Adele Bebb, Assistant Director 5 of Education, wrote to Chief Superintendent Cantrell 6 reporting that Hilton had been released from prison and 7 was camping on land at the rear of the school. Hilton's 8 criminal record, in fact, suggests he was sent to prison 9 for two and a half years on 20 August 1991, having 10 pleaded guilty to offences of gross indecency with 11 a child, indecent assault on a male young person, two of 12 those, using threatening, abusive insulting words or 13 behaviour with intent and possessing an offensive 14 weapon, unrelated, I think I am right in saying, to any 15 pupil at the school. Adele Bebb's letter stated in no 16 uncertain terms that the acting Borough Solicitor had 17 applied for an injunction to prevent him from remaining 18 there but was also asking for additional police advice 19 and assistance.</p> <p>20 On 17 December that year, a boy, A13, was excluded 21 from school until 11 January 1993 because the boy was 22 encouraging "a known sex offender" onto the school 23 premises, placing other children in danger. Hilton's 24 criminal record reveals he was arrested on the same date 25 for behaviour likely to cause a breach of the peace,</p> <p style="text-align: center;">Page 116</p>

1 putting beyond doubt that he was the "known sex  
 2 offender".  
 3 On 11 January, the day the excluded boy was to  
 4 return to the school, Mr Bradshaw sent a memorandum to  
 5 Ms Cavanagh about his understanding that an injunction  
 6 would be applied for in respect of Hilton, given that he  
 7 had been waiting on the drive for children, for which he  
 8 had been arrested for breaching the peace and he was  
 9 camping on land at the back of the school.  
 10 But there was no injunction. On 21 January 1993,  
 11 Ms Cavanagh wrote to Mr Bradshaw to remind him that it  
 12 had been discussed with him before Christmas that no  
 13 injunction would be pursued in light of the fact that  
 14 Hilton had been rehoused away from the school and was no  
 15 longer posing any threat.  
 16 But on 1 February, Mr Bradshaw again wrote to  
 17 Ms Cavanagh informing her that Hilton still visited the  
 18 area and had often been seen outside the school; that he  
 19 would always be attracted to it and it was unacceptable  
 20 to wait until he became a threat. He advised that they  
 21 should become proactive rather than just hope the  
 22 problem would go away. A handwritten annotation on the  
 23 letter reveals that there had been a meeting with Chief  
 24 Superintendent Cantrell and the Borough Solicitor on  
 25 4 March 1993, the outcome of which was "same as

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1 before -- no legal redress because he was not posing  
 2 a threat".  
 3 On 7 May 1993, Mr Bradshaw again wrote to Adele Bebb  
 4 indicating Hilton was again homeless, living in a tent  
 5 in Bamford and attracted to Knowl View children, and  
 6 expressing his unease that he was in the neighbourhood  
 7 and that they had to wait for something to happen before  
 8 taking action. Mr Lawley, by now the acting Borough  
 9 Solicitor, and the police were, he said, aware.  
 10 A few days later, on 12 May, Ms Bebb sent a memo to  
 11 Mr Lawley saying, "This is a disaster waiting to  
 12 happen". An annotation on a memo from Mr Lawley of  
 13 20 May to Ms Bebb noted Hilton was still camping but  
 14 half a mile away from the school.  
 15 You may think that it says a great deal about how  
 16 seriously or not Rochdale Council and the local police  
 17 took what was going on, child sexual abuse, when three  
 18 years after he had found his way into the school and  
 19 indecently assaulted a pupil Hilton was still on the  
 20 school's doorstep posing a real and present danger to  
 21 its young vulnerable residents.  
 22 Which brings me to the Shepherd Report. I am going  
 23 now to return to the sequence of events that followed  
 24 the Hilton incident. As is apparent, there was a series  
 25 of interviews conducted with staff by members of

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1 the Education Department immediately after. It does not  
 2 appear that these interviews went beyond the events of  
 3 the two nights Hilton was in the school, and there  
 4 appears to have been an ongoing lack of clarity about  
 5 the Hilton incident and wider issues relating to the  
 6 sexual abuse.  
 7 It would seem that the school referred a number of  
 8 boys to Dr Alison Fraser, who was a psychiatrist at the  
 9 Child and Adolescent Unit at Birch Hill Hospital, and  
 10 that in November 1990 she was in discussions with the  
 11 head as to how the boys referred could best be helped.  
 12 Dr Fraser and Christine Scarborough, also of that unit,  
 13 will give evidence in the hearing as to their  
 14 involvement with the school.  
 15 The referrals appear to have prompted a meeting of  
 16 4 March 1991 which was to prove pivotal. As the  
 17 investigation understands the sequence of events,  
 18 Rochdale Social Services arranged this meeting at the  
 19 instigation of Dr Fraser, who was alarmed at information  
 20 provided to her by the boys who had been referred.  
 21 Dr Fraser and Ms Scarborough both attended this meeting,  
 22 as did Brian Williams, the assistant education officer,  
 23 staff members from the school, including Mr Digan and  
 24 Mr Eaton, and a representative from the child protection  
 25 unit, someone I have referred to already,

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1 Janet Bowyer/Mrs Weeks. The meeting focused on three  
 2 areas: the incident regarding boy 2, at Smith Street  
 3 toilets; the incident regarding Norden unit, that was  
 4 the Hilton incident; and the incident regarding A11, the  
 5 Hilton incident occurring in his first week of school,  
 6 A11, and his "confused sexuality" and relationship with  
 7 a man outside school and boys in school. I am not going  
 8 to go through this document now.  
 9 A handwritten note from the meeting provides further  
 10 insight into concerns that were raised with references  
 11 to "negligence" and "HIV". There was also reference to  
 12 "poppers" bought from a Bury sex shop, which we will see  
 13 another reference to a little later.  
 14 Another important meeting was held four days later,  
 15 on 8 March. Diana Cavanagh and other department staff  
 16 were present at this meeting, as was Mike Poulton, who  
 17 was the interim head teacher at that point, a Police  
 18 Sergeant Sterndale, who was associated or linked to the  
 19 child protection unit, Richard Flammer, an educational  
 20 psychologist, Cliff Bentley, an adviser, and  
 21 Mrs Weeks/Ms Bowyer of the child protection unit.  
 22 It is an important document. In it, we find the  
 23 assertion, "Level of sexual abuse way above that which  
 24 you would find in a male boarding school".  
 25 What appears to be a separate document sets out the

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<p>1 history of incidents and meetings taking place from                  2 4 March 1991 onwards until 14 April 1991. Perhaps we                  3 should go to this. It is GMP000392, beginning at                  4 page 31.                  5 If we can just go to the penultimate and final                  6 paragraph on page 31 -- forgive me, perhaps we should                  7 look at the top to see who was present. So it is                  8 Diana Cavanagh; Brian Williams; Richard Flammer;                  9 Jim Henderson, who was police; Sergeant Sterndale,                  10 police; Bentley, the adviser; Poulton, the head; Eaton,                  11 residential social worker, Mansoor Kazi, I think he was                  12 welfare, Marilyn Simpson, the special needs adviser,                  13 Janet Bowyer, child protection. That will do.                  14 That's the earlier page. Back to page 31,                  15 penultimate paragraph:                  16 "Dr Fraser and Chris Scarborough became concerned at                  17 the way the situation was being handled and requested                  18 that a meeting be convened to consider the needs of                  19 the children within a school strategy.                  20 "This meeting was held on 4 March 1991 [this refers                  21 back to the 4 March meeting] and was attended by the                  22 residential staff, Dr Fraser, Chris Scarborough,                  23 Janet Bowyer and Brian Williams. See minutes ... It                  24 became apparent that there were a number of agendas                  25 around. Some of these included:</p> <p style="text-align: center;">Page 121</p>	<p>1 particular meeting took place, but there were several                  2 meetings, as we can see, in March 1991. But the one                  3 attended by Bentley, Simpson, Cavanagh, Williams, Kazi,                  4 Hammer -- it should be Flammer -- Bowyer, McGough and                  5 others, including two police officers, held at the                  6 school's psychological service:                  7 "Very difficult meeting."                  8 Then we get this:                  9 "Mr Bentley and M Simpson [Marilyn Simpson]                  10 considered that the sexual activity being described was                  11 normal behaviour in a boys' school. Police did not want                  12 to be involved in any investigation: they could not see                  13 that any action would be helpful at this time.                  14 Mansoor Kazi reminded everyone of the ACPC procedures                  15 and requirements. Reached an impasse with education.                  16 The staff saying that they did not consider the                  17 behaviour to constitute abuse."                  18 I should say that the attribution to Mr Bentley and                  19 Ms Simpson of the words "sexual activity being described                  20 as normal behaviour in a boys' school", Ms Simpson                  21 flatly denies that she or Bentley had ever said this in                  22 a witness statement she made to police in October 2014.                  23 So those are important points to pluck out from that                  24 rolling chronology of meetings at that time.                  25 A further source of information around this time was</p> <p style="text-align: center;">Page 123</p>
<p>1 "Staff regrading claims.                  2 "The appointment of waking night staff.                  3 "Friction between residential and teaching staff.                  4 "Lack of confidence.                  5 "Ignorance of child sexual abuse and 'normal'                  6 adolescent development.                  7 "View that earlier education review had 'swept'                  8 issues under the carpet and had not wanted to see the                  9 problems.                  10 "Staff did not think they were being heard."                  11 Then just underneath that, we see that there are six                  12 steps that were going to be taken.                  13 One, the meeting concluded that education would                  14 consider staff criticisms; two, staff would prepare                  15 written records on recent incidents which they                  16 considered to be child-to-child sexual abuse; three, no                  17 further action could be taken in relation to the adult                  18 abuser; four, staff needed to be involved in ACPC                  19 child abuse training; five, staff needed advice on                  20 handling and managing boys who had been sexually abused;                  21 six, no further action could be taken in relation to the                  22 Smith Street toilets other than making boys and their                  23 parents aware of the risks."                  24 Then a little further down, please, the left-hand                  25 margin disappears so we can't see what date this</p> <p style="text-align: center;">Page 122</p>	<p>1 the Rochdale AIDS unit. By 1988, Rochdale Health                  2 Authority had set up a small team of workers involved in                  3 health promotion work around AIDS/HIV and the                  4 counselling of those who had either condition. A report                  5 titled "AIDS, The challenge to Local Authorities" was                  6 submitted to the Health &amp; Community Care Subcommittee on                  7 AIDS/HIV with the intention that the subcommittee would                  8 comment on the need for a corporate response. The                  9 report noted that there was a local incidence of HIV,                  10 that drug users in Rochdale constituted a risk of                  11 transmission and that many drug users in                  12 South Manchester were known to be HIV positive.                  13 The investigation understands Phil Shepherd to have                  14 been one of this team. On 15 March, he and a colleague                  15 attended Knowl View. It appears that they had been                  16 asked to provide training to eight social care workers                  17 at the school. There was little by way of training;                  18 rather, the staff seized the opportunity to tell                  19 Mr Shepherd about the sexual abuse of Knowl View pupils.                  20 Mr Shepherd in turn wrote a report of 20 March. He                  21 recorded that most people would be horrified by what he                  22 had been told.                  23 He is going to give evidence, but perhaps we could                  24 just look at a couple of passages. GMP000387, page 15.                  25 If we can go to the last half of that first page:</p> <p style="text-align: center;">Page 124</p>

<p>1 "Present difficulties came to a head  2 in September 1990 when an intruder entered the school  3 two nights running and had some sexual contact with one  4 or more of the boys. This matter is apparently in  5 police hands. One suspects that sexual problems of one  6 sort or another have been a feature of the school for  7 some time. The present situation within the school as  8 described by staff is as follows:  9 "One boy who is homosexual has contact with an  10 adult outside the school. Several of the senior boys  11 indulge in oral sex with one another. Reputedly five of  12 the junior boys have been or are involved in "cottaging"  13 in and around public toilets. Men as far away as  14 Sheffield are believed to be aware of this activity and  15 travel to Rochdale to take part. One 8-year-old is  16 thought to have been involved. The police are aware of  17 the problem. What action has been taken is not known.  18 One "rent boy" has been removed from the school. The  19 suggestion that he may return soon has angered the  20 staff. Some boys have been "forced" to have sex with  21 others'.  22 "This degree of sexual activity, if it is factual,  23 points to fundamental problems within the school. Most  24 people, not least parents of children at the school,  25 would be horrified were these facts to be made known.</p> <p style="text-align: center;">Page 125</p>	<p>1 same reference, GMP000387, page 6:  2 "Dear Mr Shepherd.  3 "Thank you for your letter of 20 March and the copy  4 of the report which you attached."  5 She explains why she has only just come to read it,  6 because she's been on annual leave. Four lines down  7 into the next paragraph:  8 "The usual incident to which you refer in September  9 1990 was handled by the Education Department and the  10 governing body in conjunction with the police."  11 Three or four lines down from that:  12 "Information about these activities first came to  13 light in the spring term and in March a joint meeting  14 was held between the police, the Social Services  15 Department and the Education Department."  16 The last three lines of the page:  17 "I would like to assure you that although there are  18 serious issues to be faced at Knowl View, these are now  19 being addressed through concerted professional action."  20 At the top of the next page, now page 7:  21 "Given the sensitivity of this situation and the  22 fact that appropriate action is being discussed and  23 implemented, I would ask you to ensure that your report  24 does not receive a wider circulation than that listed on  25 the back page and would also request you not to</p> <p style="text-align: center;">Page 127</p>
<p>1 Unless some incisive action is taken soon, it is more  2 than likely that this activity will become a public  3 scandal."  4 Then on page 18, please, at the foot of the page:  5 "What then has all this to do with the AIDS unit?  6 "Firstly, we are committed to preventing the spread  7 of HIV. The boys in this school look to us to be  8 increasingly at risk and this is something that needs  9 very careful consideration at management level, not  10 least because of the legal implications.  11 "Secondly, we were asked to train care staff in  12 sexuality as part of a piecemeal approach to problem  13 solving. Having identified deeper issues, we cannot sit  14 by and see them continuing to simmer.  15 "We have heard it said that the problems at  16 Knowl View are 'not as bad as people are making out'.  17 "In our opinion, there are enormous problems which  18 require solving with imagination, innovation and a great  19 deal of motivation of staff.  20 "In writing the above, we in no way wish to ignore  21 the amount of work done in the last term by Mr Poulton  22 in trying to achieve some of the very things we have  23 highlighted."  24 Mr Shepherd sent that to Diana Cavanagh. She  25 replied on 5 April and we have the letter. It is the</p> <p style="text-align: center;">Page 126</p>	<p>1 undertake any independent action."  2 You may have to ask whether that was an attempt to  3 suppress the information which had not emerged in such  4 a clear way previously or whether it was a legitimate  5 concern to ensure that matters were in hand and should  6 proceed unimpeded or frustrated by unwelcome outside  7 scrutiny or publicity.  8 In the note of the meetings held between  9 8 March 1991 and 14 April 1991, we find this from  10 a meeting held after 9 April 1991 but sometime before  11 14 April, attended by several of the people we have  12 already seen, in this case, Bentley, Simpson, Flammer,  13 Kazi, Williams, Bradshaw, Eaton and Bowyer:  14 "I also pointed out that members of staff had again  15 [been] telling 'their story' to outsiders, which was, in  16 my view, not necessary and could lead to an  17 investigation by media which would prove to be in  18 no-one's interest. Stephen Bradshaw confirmed that  19 staff would be told not to discuss the situation further  20 outside the school."  21 It is unclear who authored that note. At that same  22 meeting, between 9 April and 15 April, there had been  23 discussion about protocol interviews and the need to  24 identify one or two victims to initiate the process.  25 Mr Bradshaw, to whom this was delegated, identified</p> <p style="text-align: center;">Page 128</p>



1 three boys for interview: A14, A11 and A15. A14 was the  
 2 boy indecently assaulted by Hilton on the second night;  
 3 A11 was the boy who had a homosexual relationship with  
 4 a man outside school and was confused about his  
 5 sexuality and, indeed, had been involved in Hilton's  
 6 first night incident, or around that period when he  
 7 first started at the school; and then there is A15, who  
 8 I don't think I have mentioned hitherto. Although they  
 9 were not considered to be victims. Knowl View was to  
 10 prepare relevant information for the Department of  
 11 Social Services.

12 Mr Shepherd replied to Ms Cavanagh, and he replied  
 13 on 11 April and said that what was of the greatest  
 14 concern to him was that staff were still approaching  
 15 other professionals to get something done.

16 The Shepherd Report was seen by Councillor  
 17 Pamela Hawton, who was chair of the Rochdale Health  
 18 Authority at the time. On 4 April, she wrote to  
 19 Ms Cavanagh, referring to a letter she had sent to the  
 20 then acting Director of Social Services, Ian Davey,  
 21 suggesting to him that an independent investigation  
 22 should be carried out under the auspices of the Social  
 23 Services Department.

24 It is at this point that you may wish to consider  
 25 the role that social services had assumed in dealing

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1 with the situation.

2 On 24 April, Ian Davey, the acting Director of  
 3 Social Services, sent a memo to Diana Cavanagh stating  
 4 that it had been agreed that the school would identify  
 5 children for child protection interviews. It was agreed  
 6 that all agencies involved with Knowl View had  
 7 a responsibility for all the children to identify the  
 8 child protection issues.

9 On 7 May, a principal social worker by the name of  
 10 Chris Spankie wrote to Janet Bowyer about interviewing  
 11 boys about sexual abuse. The suggestion in the letter  
 12 was that the boys, A11 and another boy, A17, would not  
 13 be interviewed until there was further information as to  
 14 whether they had in fact been abused. In other words,  
 15 unless there was firmer information that the boys had  
 16 been sexually abused, they would not be asked if they  
 17 had been.

18 Months had passed, of course, since the September  
 19 incident. A 20 May 1991 memo from Diana Cavanagh to  
 20 Mr Kazi and Mr Williams referred to Mr Shipp's  
 21 concern -- he was the acting Borough Solicitor -- as to  
 22 the lack of progress which had been made. It is also  
 23 noted that the Social Services Department was  
 24 questioning the need for an investigation which required  
 25 its involvement.

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1 Pausing there, it was against this background that  
 2 Stephen Bradshaw took over the headship of the school.  
 3 On 17 April, on his arrival, he reported to Ms Cavanagh  
 4 finding the school living areas to be "cold,  
 5 inhospitable and institutionalised, but with a little  
 6 change and imagination could have a tremendous effect on  
 7 the children's behaviour and avoid a recurrence of  
 8 serious incidents" at Knowl View. I'm not going to go  
 9 to the next document.

10 Mr Bradshaw will be an important witness in this  
 11 investigation. He took over when the school was in  
 12 a state of acute crisis. You will hear evidence from  
 13 him as to the pressures that he was under to stabilise  
 14 the school, address the risks children were at and to  
 15 take on larger numbers of children at one and the same  
 16 time.

17 On 10 May, Mr Bradshaw wrote to Freema Taylor. She  
 18 was in the child protection unit. He wrote to her of  
 19 his increasing alarm at the length of time it was taking  
 20 to initiate child protection procedures at the school,  
 21 pointing out that there were children at risk in it.

22 On 17 May, Mr Bradshaw wrote to her again, setting  
 23 out what he had been able to establish as a matter of  
 24 fact. The document he entitled "Who is doing what to  
 25 whom". This appears to have been the first systematic

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1 attempt to put all the information together, divided  
 2 into facts and allegations based on hearsay. It is also  
 3 important because it refers to other records which were  
 4 in existence at that time. The "fact" rather than the  
 5 "allegation" part of the sheet that refers to boy 2  
 6 refers to him being in possession of a popper -- you  
 7 will remember me making reference to poppers earlier.  
 8 This is where there is a reference to it. It refers to  
 9 him being in possession of a popper, amyl nitrate, said  
 10 by the boy to have been bought at a sex shop in Bury.

11 A memo of 28 May, initialed "FT/AMS", presumably  
 12 Freema Taylor, set out what matters to be a checklist of  
 13 the information contained in the Shepherd Report. It  
 14 suggests that "cottaging" was not taking place Monday to  
 15 Friday whilst boys were in Knowl View care, but rather,  
 16 thought to be occurring only at weekends and holidays.

17 On 30 May 1991, Ian Davey, still then the acting  
 18 Director of Social Services, wrote to Ms Cavanagh  
 19 following the meeting with the chief executive and town  
 20 clerk, respectively Messrs Pierce and Shipp, which had  
 21 taken place on 17 May and following a meeting of 29 May  
 22 with Freema Taylor, the area manager in child  
 23 protection, I think, and Annie Dodd, a senior social  
 24 worker. This makes clear his view. I think we need to  
 25 look at this: RHC001236. You can see it is memorandum

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1 style, dated 30 May, marked "Confidential":  
2 "As you know, we met with the chief executive and  
3 deputy town clerk on 17 May regarding Knowl View School.  
4 We discussed the concerns of the school and the  
5 chronology of events since the meeting which took place  
6 in early March.  
7 "I shared with you and with Mr Pierce and Mr Shipp  
8 [the chief executive and town clerk] my understanding  
9 regarding the allegations, which was that they do not  
10 come within the child abuse guidelines and procedures  
11 definition of sexual abuse between children.  
12 "In view of the nature of the concerns and the need  
13 to resolve the matter speedily, I agreed to look further  
14 into the concerns which the school have raised, to  
15 consider these in detail and to let you have a formal  
16 response as to whether they do in fact come within the  
17 definition of sexual abuse between children.  
18 "I met yesterday, 29 May, with Freema Taylor, area  
19 manager, Heywood (who is taking on additional  
20 responsibilities as far as child protection work is  
21 concerned) and with Annie Dodd, senior social worker  
22 from the Middleton area office. I considered in detail  
23 the concerns regarding three boys referred by the school  
24 following the meeting on 11 April 1991:  
25 "A15 (13 years).

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1 "The concerns about him involve participation in  
2 oral sex; 'forced A11 to have oral sex, and observed  
3 oral sex between A11 and A14. These concerns have been  
4 followed up by Manchester Social Services Department,  
5 who have responsibility for A15, and I understand that  
6 they do not intend to proceed any further following the  
7 interview which has taken place with [him].  
8 "2. A14 (14 years).  
9 "... involved in oral sex with A11 and observed oral  
10 sex between A11 and A15. The view is that, if anything,  
11 A14 was a perpetrator rather than a victim in these  
12 activities and that this does not fit the guidelines on  
13 sexual abuse between children.  
14 "3. A11 (15 years) (now left school).  
15 "The concerns are that he was involved in oral sex  
16 with A15 and also with A14. It would appear that A11  
17 was a willing partner in these activities and that, as  
18 the oldest boy amongst the group, he was quite able to  
19 deal with any unwelcome advances. Therefore, the  
20 definition of sexual abuse between children, as outlined  
21 in the procedures, does not apply in this case.  
22 "In summary, therefore, as regards the three boys  
23 who it was originally anticipated that we would be  
24 following up with interviews, this has been completed in  
25 one case and in the other two instances the concerns do

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1 not fit the sexual abuse between children definition in  
2 the child abuse guidelines and procedures."  
3 Then he goes on to describe how:  
4 "In the same meeting we also considered the position  
5 as regards other children in the school ... And my  
6 conclusion was that the definition of sexual abuse  
7 between children does not apply in the other cases, with  
8 the possible exception of A12, aged 13."  
9 At the foot of that final page:  
10 "Also, despite the fact that the information does  
11 not enable us to proceed with investigations under the  
12 child abuse procedures, we share the concerns that the  
13 staff have about sexual activity between the children in  
14 the school and I would offer our continued cooperation  
15 and assistance in any way which would help resolve this  
16 matter."  
17 All of that raises a number of issues which it is  
18 hoped Mr Davey will be able to address in his evidence.  
19 For instance, on what basis was that decision based?  
20 Was it based on incomplete information? Did  
21 social services not want to play a leading role in the  
22 investigation, given the level of its involvement with  
23 a number of the children concerned already? Was  
24 social services not better placed to lead an holistic  
25 investigation into what had happened and might still be

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1 ongoing?  
2 Ms Taylor gave evidence to the Garnham Review on  
3 30 June. Unfortunately, she has since passed away.  
4 Some of her responses to Garnham provide an indication  
5 as to the possible thinking at that time and what it  
6 might have been. She was asked about the peer-on-peer  
7 allegations and whether they fell within or without the  
8 child abuse guidelines definition of sexual abuse  
9 between children. Her response was it would have been  
10 a grey area because boys were living in close proximity,  
11 some of whom must have been sexually abused by family  
12 and strangers and would therefore think of sex in terms  
13 of currency. But she did not know how you assess  
14 whether it is abusive without conducting interviews. As  
15 to the activities in Smith Street toilets, in her view,  
16 that would fall within the definition, but people, she  
17 said, would argue with her that that activity was  
18 a function of the damage to them and should be seen in  
19 that light. As regards the Hilton incident, if boys had  
20 let him in and consented to activity, she would have  
21 regarded that as abusive, but that was a "hard one", she  
22 said.  
23 In her statement of 19 September, by reference to  
24 the Davey memorandum we have just looked at, she said if  
25 the activity was deemed to be "child-on-child abuse"

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<p>1 then it would have fallen within the remit of child                  2 protection procedures and be dealt with by                  3 social services. If it was deemed to be consensual or                  4 experimental, it would have fallen within the school's                  5 remit and been dealt with by the Education Department,                  6 all of which leaves the obvious point: how would anyone                  7 know which it was without taking a proper account from                  8 the children who could say?                  9 The early months of 1991 were tumultuous for                  10 Rochdale Social Services. On 7 March, Mr Justice Brown                  11 gave judgment in Rochdale MBC v A, "the Middleton ritual                  12 abuse case". This was the case in which Rochdale                  13 Social Services had removed 20 children from six                  14 families. Interim care and control was granted to                  15 Rochdale and access to their families suspended. Social                  16 workers thought that some children had been subjected to                  17 organised ritual abuse. Rochdale applied for the                  18 permanent removal of all the children from their                  19 families. The cases went before the High Court and its                  20 judgment was damning. On 11 March, the Social Services                  21 Committee noted the resignation of the Director of                  22 Social Services. It was then that Ian Davey was made                  23 the acting director.                  24 On 18 September, the Minister for Health requested                  25 that the Social Services Inspectorate conduct an</p> <p style="text-align: center;">Page 137</p>	<p>1 with any of the children said to have been involved.                  2 She was asked to provide an impartial response to the                  3 questions: is Knowl View providing education appropriate                  4 to the needs of the pupils; are staff able to deal with                  5 the problems identified; and what should be provided?                  6 There was a further meeting of the same individuals                  7 on 25 June, by which point Mrs Mellor had been able to                  8 make some enquiries.                  9 According to her, Detective Inspector Henderson of                  10 Greater Manchester Police had told her that there were                  11 no ongoing concerns about activities at the town centre                  12 toilets.                  13 Ms Mellor said that she had come to the tentative                  14 conclusion that it would not be right nor necessary to                  15 interview boys at the school. Part of the basis for                  16 this was that there was no indication that inappropriate                  17 sexual behaviour was taking place in the school.                  18 It might be thought surprising that activity in the                  19 local toilets, or indeed at the school, had simply                  20 stopped. It does not appear to have done. As the                  21 evidence demonstrates, there was information about                  22 children still being exploited in 1991 which appears to                  23 have continued.                  24 Between them, Ms Mellor and Mr Bradshaw did appear                  25 to be getting closer to the truth about some aspects of</p> <p style="text-align: center;">Page 139</p>
<p>1 immediate inspection of Rochdale Social Services. The                  2 request was made as a result of the publicity                  3 surrounding the Middleton case. The report noted,                  4 amongst other points, that in September 1990, Rochdale                  5 Social Services was still working to guidelines which                  6 predated the "Working Together" guidelines for                  7 arrangements for interagency cooperation for the                  8 protection of children from child abuse.                  9 That brings me to the Mellor Report. Returning to                  10 the decision by social services that the particular                  11 activities at Knowl View did not fall within the ambit                  12 of child protection, it is at this stage in the                  13 chronology that Valerie Mellor, a consultant                  14 psychologist at Booth Hall Hospital becomes significant.                  15 There will be evidence about her involvement in                  16 Knowl View and about what she uncovered. This part of                  17 the opening statement is simply designed to sketch out                  18 her involvement as it fits into the overall chronology.                  19 On 4 June, Diana Cavanagh introduced Ms Mellor to                  20 a meeting of the key individuals involved at Knowl View.                  21 That included Mr Bradshaw, Mr Shipp, Ms Simpson. The                  22 record of the meeting makes clear that Ms Mellor's role                  23 was to provide advice as to how best to proceed with an                  24 enquiry into the activities of boys at the school. It                  25 appears that at that point no interviews had taken place</p> <p style="text-align: center;">Page 138</p>	<p>1 what had occurred. In a meeting of 12 September, Hilton                  2 was observed to have been "not external" but "... very                  3 much a part of school life" and, furthermore, that there                  4 had been a feeling of "agency sympathy" for Hilton                  5 rather than the school. I make the reference there.                  6 I am not going to go to it because really that is the                  7 guts of what emerges from the 12 September meeting.                  8 A number of children who had been involved in these                  9 activities were not from Rochdale. They had been placed                  10 there by other local authorities. A letter of                  11 24 September from Manchester Council sets out its views                  12 in forthright terms about Rochdale's failure to                  13 communicate the position as regards one of its children,                  14 A15, involved in sexual activity with another boy. A15,                  15 you will remember, was the first of the three instances                  16 that were mentioned in the 30 May memorandum where                  17 Mr Davey came to the view that two of the three                  18 instances were not child abuse protection issues and the                  19 other case was complete. That was the complete case,                  20 A15.                  21 Mr Bradshaw, in autumn 1991, recorded that the                  22 school had been rock bottom when he started and that the                  23 Mellor inquiry made the "Pindown Experience" look like                  24 a day at the seaside. That is how he put it.                  25 Nonetheless, he recorded that he was sick of meeting</p> <p style="text-align: center;">Page 140</p>

<p>1 memos that were totally ignored. That was his position 2 by then.</p> <p>3 The unknown author of another document considered 4 that there were points of comparison between the 5 Pindown Report and events at the school.</p> <p>6 Concerns were mounting at the length of time that 7 Ms Mellor was taking in producing her report. It was 8 not in fact ready until February 1992 and is in fact 9 dated 18 February 1992. Perhaps we can have a quick 10 look at that. RHC001599. I am just going to introduce 11 you to it briefly. I am sure we will look at it in more 12 detail later.</p> <p>13 A report on Knowl View. I am just going to whistle 14 through the main sections. She sets out what her terms 15 of reference are: to visit the school, talk to staff 16 about the children, concerns that have been expressed 17 about their behaviour, to consult with the police and 18 health authority and to have material considered by 19 social services made available to her and to give expert 20 advice to the Director of Education on the next steps.</p> <p>21 Then she goes through the school. On the next page, 22 page 2, "History". As she understood it, information 23 she had gleaned from others. On the next page, page 3, 24 the people that she had spoken to: education authority 25 individuals; the school; and others.</p> <p style="text-align: center;">Page 141</p>	<p>1 Part of the report was redacted. Whether it is 2 important or not will be a matter for you, but part of 3 it was redacted in a different version. We will have to 4 consider why there is a different version of the report 5 which was circulated with a passage taken out before it 6 was disseminated to councillors and officers of 7 the council, as well as police and staff at Knowl View.</p> <p>8 The Mellor Report did not assuage the misgivings of 9 all. In a letter of 16 March 1992, Councillor 10 Pamela Hawton informed Ms Cavanagh that she still had 11 very considerable anxiety that the situation was ever 12 able to reach the point it did.</p> <p>13 Staff were also concerned that the Mellor Report 14 left unresolved matters. By 5 May of that year, it 15 appears to have prompted a further investigation which 16 was intended to clarify any residual areas of concern 17 about the level of care and management by care and 18 teaching staff leading up to September 1990. So this 19 would be now the third investigation into the events at 20 the school.</p> <p>21 It appears that Mr Pierce, the chief executive, 22 continued to be updated as to progress. On 1 May, he 23 asked Ms Cavanagh for a statement of what action had 24 been taken as regards the school so that he could be in 25 a position to advise the leader of the council on those</p> <p style="text-align: center;">Page 143</p>
<p>1 On page 4, the history of sexualised behaviour. She 2 sets out the history as she had understood it. On 3 page 5, information that had directly been received from 4 staff, so, in other words, her amalgam of information 5 that she had received from staff members at the school.</p> <p>6 On page 6, she had interviewed two families in 7 particular, identified as X and Y. And also on page 7, 8 the caretaker, the man that I mentioned to you a little 9 earlier, who was treated as care staff. Then she sets 10 out at some length the conclusions that she arrived at, 11 as well as recommendations on page 8. Under separate 12 heads, "Needs of present pupils", page 9, 13 "Communication", "Planning", "Staff training". On 14 page 10, "Staff support" and "Caretaker role", including 15 her view that, in the third paragraph up from the 16 bottom, she thinks an injunction may have been 17 advantageous in the case of Hilton, but she qualifies 18 everything she says in the penultimate paragraph by 19 saying:</p> <p>20 "The author is conscious of having no formal 21 background in education and, therefore, has avoided 22 making any recommendations which properly should come 23 within the provision of education officers." 24 And advised a review of the situation at the school 25 in six months' time.</p> <p style="text-align: center;">Page 142</p>	<p>1 matters as soon as possible. This is a further aspect 2 of the investigation: who amongst senior officers and 3 police stations in the council knew about events at the 4 school?</p> <p>5 In a memo in response, on 8 May, Diana Cavanagh 6 updated him as to progress after the Mellor Report, 7 where she sets out actions taken and outstanding issues. 8 I am not going to look at that now.</p> <p>9 Staff were interviewed by Dr Selwyn Hodge and 10 Liz Dobie in 1992. Dr Hodge will give evidence during 11 the course of the hearing. In June of that year, he and 12 Ms Dobie produced their report entitled "Report for the 13 Director of Education by Selwyn Hodge, Chief Adviser, 14 and Elizabeth Dobie, Education Officer (Special 15 Education)". According to the report it was intended to 16 be a final scrutiny of past sequences and a termination 17 of speculation.</p> <p>18 In general terms, their report suggested that 19 relationships between teaching staff and care staff 20 operated on wholly schismatic lines. Staff dysfunction 21 extended beyond their professional duty. The report 22 makes clear the view of Dr Hodge and Ms Dobie that 23 sexual relationships between staff bore upon the moral 24 tone of the school and had a relationship to the events 25 of September 1990. Let's have, please, a brief look at</p> <p style="text-align: center;">Page 144</p>

<p>1 this: GMP000373 at page 3. It is headed at the top:                  2 "Confidential: for distribution only as Director of                  3 Education specifies.                  4 "Knowl View Residential School June 1992."                  5 Then page 5, if you please. You see "Relationships                  6 within school":                  7 "Set against all this was evidence of relationships                  8 of a sexual nature between some staff in homo, hetero                  9 and bisexual liaisons which appeared to have had little                  10 regard for any moral tone that was being set within the                  11 school or for the model that was being given to                  12 pupils..."                  13 Over the page, January 1991 to April 1991, the                  14 appointment of an interim head during the spring term                  15 acted as a catalyst for some resolution to the                  16 situation."                  17 That was Mr Poulton:                  18 "Much of what followed in the term paved the way for                  19 future practice in an attempt to address the very                  20 serious issues which still are being addressed today."                  21 At page 6, if we can go back, please, "Events                  22 surrounding September 1990.                  23 "The culture of the school.                  24 "During this period there was some considerable                  25 change in personnel, particularly in the appointment of</p> <p style="text-align: center;">Page 145</p>	<p>1 produced a report herself titled "Report of the Director                  2 of Education on Staff Behaviour on the                  3 period September 1989 to October 1990". This report                  4 drew from all of the reports and the responses which had                  5 been received from outside agencies up to that point.                  6 RHC001663, please. Chair, do you need a break? I'm                  7 not quite sure how long I have got. You know how much                  8 longer I have got. If the shorthand writers would                  9 require a break or if the panel does, I'm very happy to                  10 stop for a few minutes.                  11 THE CHAIR: We will take a 10-minute break:                  12 (3.30 pm)                  13 (A short break)                  14 (3.47 pm)                  15 MR ALTMAN: I was taking you to the Director of Education's                  16 report of June 1992, which, as I saw, drew on all                  17 previous sources. If we go first, please, to page 10 --                  18 sorry, it is my mistake, it is paragraphs, which isn't                  19 very helpful. It is page 3, paragraph 10. At the top,                  20 she said:                  21 "The culture of many lessons and activities has been                  22 described as 'macho'. Sometimes this spilled over into                  23 violence and aggression, including physical assaults by                  24 at least one teacher on a pupil. It can be assumed that                  25 this culture reinforced and supported the bullying</p> <p style="text-align: center;">Page 147</p>
<p>1 an acting head, acting deputy and key care staff. It                  2 was felt by most staff that the change was detrimental                  3 to later developments. The culture of the school                  4 continued and the changes particularly fostered poor                  5 relationships. Poor communication appeared to divide                  6 the staff and further exacerbated the problems ..."                  7 Then finally, page 10, "Outcomes":                  8 "There is a definite need to state that management                  9 was ultimately responsible for the origination of                  10 mistakes which led to events occurring. In stating                  11 this, the responsibility of the LEA has to be noted, in                  12 that inappropriate appointments were made, at                  13 a difficult time in a complex set of circumstances.                  14 This does not seek to pass off the responsibility of                  15 the LEA. It merely sets it in context and acknowledges,                  16 with hindsight, that more involvement should have                  17 occurred in order to monitor the situation. There was                  18 a lack of general description by the LEA about the                  19 function of EBD schools."                  20 Over the page, page 9 -- 11 at the bottom, internal                  21 page 9 -- 4.9, final outcome:                  22 "For the future, a comment from a staff member needs                  23 to be noted, Knowl View cannot be allowed 'to be left to                  24 run itself within its own rules!'.                  25 That was the third report. Diana Cavanagh also</p> <p style="text-align: center;">Page 146</p>	<p>1 tactics of some pupils towards other pupils. Coercion                  2 and bullying were a feature of some of the sexual                  3 activities in the Norden unit."                  4 At paragraph 111:                  5 "The curriculum offered by the teachers was a long                  6 way from the national curriculum ..."                  7 Paragraph 14 on the same page:                  8 "Ashworth."                  9 Which was one of the junior units with boys aged                  10 years 11 to 13:                  11 "Several pupils from this unit were involved in                  12 homosexual activity at the Smith Street toilets up to                  13 spring 1990.                  14 "Information from the police and social services                  15 was/was not communicated to the school/health                  16 authority ...                  17 "Those supervising the boys in the evenings appeared                  18 either not to notice that they were missing or not to                  19 communicate their observations."                  20 She names the individuals who were involved. On the                  21 next page, page 4, paragraph 17, as regards Norden unit,                  22 one of the senior units, aged 15 to 17:                  23 "Query how many pupils from this unit were involved                  24 in homosexual activity ..."                  25 I think she's written in hand "7":</p> <p style="text-align: center;">Page 148</p>

<p>1 "... and abuse on the Knowl View premises, including 2 on the two recorded occasions when Mr Hilton was allowed 3 into the building by the boys. 4 "The abuse took place over an extended period which 5 seems to have culminated in September 1990 with two 6 incidents mentioned above. 7 "There is no evidence to suggest that boys from this 8 unit participated in the homosexual difficulty at the 9 Smith Street toilets. 10 "Staff who were on night supervision of these boys 11 appeared: 12 "Either not to notice the behaviour of the boys. 13 "Or not to communicate their observations." 14 On page 6, "Outside agencies" is the head, 15 paragraph 21 is the introduction: 16 "Information about homosexual activity at the 17 Smith Street toilets between boys (some from Knowl View) 18 and adult males was known to both police and 19 social services. The period of activity seems to have 20 ended by the summer of 1990 when police surveillance 21 failed to detect any activity at that site. 22 "22. There is no record of this information being 23 passed to the education service, either the Education 24 Psychological Service, the school or the department. 25 Dr Alison Fraser of the health authority passed</p> <p style="text-align: center;">Page 149</p>	<p>1 events, which is helpful, from Mr Hopwood's retirement 2 to the various meetings that took place in March 1991 3 and about five entries up she deals with Hilton charged 4 with indecently assaulting a boy, not a Knowl View 5 pupil, and subsequently jailed. She dates that 6 20 October 1990. In fact his record tends to suggest it 7 is 20 August 1991. 8 Over the page, page 10, she sets out her 9 conclusions, and at 30(b) as to staff behaviour: 10 "There was a catastrophic failure of leadership at 11 the school which allowed poor practice and irresponsible 12 behaviour to flourish under the guise of different 13 philosophies. The various 'acting-up' arrangements did 14 not help the situation but neither did they cause it." 15 On page 11, paragraph 34, she summarises the 16 position: 17 "The conclusions of this report mirror those of 18 previous reports and the observations of HMI who visited 19 the school on 3 and 4 October 1991. The issues 20 identified have not changed and I do not regard further 21 investigation as necessary. Any members of staff who 22 wish to provide further evidence will be invited to 23 present it to the police. Knowl View staff should 24 either focus on how they can contribute to the 25 well-being of the boys in their care through the</p> <p style="text-align: center;">Page 151</p>
<p>1 information concerning boys in her clinic to D Edmonds, 2 senior educational psychologist in December 1990. This 3 information was passed to the interim head at Knowl View 4 School." 5 Paragraph 25 on the same page. She poses 6 a question: 7 "Why did Knowl View staff not report what was 8 happening?" 9 If we go over to the next page, at letter (e), among 10 other things and observations she makes at (e) on 11 page 7: 12 "Staff on duty were engaged in activities which made 13 it unlikely that they would be alert to what was 14 happening in the dormitories. It has been stated that 15 some of these onsite activities were sexual." 16 Another question she poses at 26: 17 "Why did Knowl View staff and governors not approve 18 and implement a sex education policy in the school so 19 that boys would have clear guidelines and advice?" 20 At (b): 21 "Boys were also conscious of a considerable level of 22 sexual activity among some staff on the Knowl View 23 premises and this may have inhibited proper discussions 24 between staff and boys." 25 On page 9, she sets out a brief chronology of</p> <p style="text-align: center;">Page 150</p>	<p>1 development of whole-school policies or they should 2 acknowledge that they have no intention of doing so and 3 leave. 4 "Those staff who no longer command the confidence of 5 colleagues should consider if and how this can be 6 remedied. 7 "Unless Knowl View establishes itself as a caring 8 and highly professional establishment, it will not 9 survive." 10 There is a further narrative of events, which is 11 undated but postdates Ms Mellor's February 1992 report. 12 No author's name is given, but it seems likely to have 13 been written by Mr Bradshaw and it notes that incidents 14 dating back to 1981, as we saw at Mr Taylor's time, the 15 then headmaster -- you will remember I showed you this, 16 it was the italicised document -- and that "the 17 circumstances surrounding the school were not one 18 isolated incident, it was a culture, and the 'Hilton' 19 incident was symptomatic of that culture", and it puts 20 in context what I'm looking at with you now, although, 21 if my memory serves me, that document was dated around 22 9 March 1992 but thought to have been written by 23 Mr Bradshaw, as I say. 24 It appears from the evidence that staff 25 relationships continued to be tense and dysfunctional.</p> <p style="text-align: center;">Page 152</p>

1 A letter to Liz Dobie on 23 October 1992 signed by some  
 2 members of staff referred to their working alongside  
 3 colleagues in whom they had no confidence. This is  
 4 understood to have been related to the so-called "sex in  
 5 a tent incident" in July 1992 which was much featured in  
 6 the local press: two members of staff on a camping trip  
 7 with pupils in France had got drunk and had sex with  
 8 each other in the proximity of pupils, although the  
 9 pupils were said to be asleep.

10 It is perhaps not surprising, then, that children  
 11 were still being exploited in Smith Street well into  
 12 1992. There was information in August 1992 that boys 1  
 13 and 2 were "offering their bodies for sale/offering to  
 14 masturbate any man who might fancy it" and that they  
 15 might be charged with gross indecency.

16 One of the recommendations which Ms Mellor made in  
 17 her report was that there be a further investigation  
 18 into the school in January 1993. As we saw, she  
 19 attended a meeting -- well, initially she said six  
 20 months, but it extended.

21 She attended a meeting of the school governors at  
 22 Knowl View on 20 January 1993 at which her remit was  
 23 discussed. She was to spend a week at the school to  
 24 evaluate the mental health of pupils, whether the  
 25 school's approach as regards pupils was healthy, the

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1 needs of pupils, staffing levels and whether pupils were  
 2 happy.

3 Stopping there for a moment, it is of note that at  
 4 this point Cyril Smith was once again on the scene,  
 5 taking an interest in Knowl View. On 2 January 1993,  
 6 Smith wrote to Diana Cavanagh expressing the deep  
 7 concerns of Harry Wild, "my good friend", as he called  
 8 him, "... and vice chair of governors at Knowl View".  
 9 Smith said it was Wild's view that the school be closed  
 10 and the land sold. But what Smith was suggesting was an  
 11 enquiry, warning that if the LEA did not, the danger was  
 12 others might, such as the national press. In other  
 13 words, enquire into what was going on. A letter from  
 14 Ms Cavanagh back to Smith of 27 January thanked him for  
 15 his time in a meeting which they had clearly had on  
 16 20 January, which is referred to expressly in the  
 17 letter.

18 As it was, Smith was to be co-opted as a governor  
 19 in July 1994 until the school's closure.

20 Ms Mellor did return to the school, but it was many  
 21 months later. In a letter of 12 May 1993, Ms Cavanagh  
 22 said she was keen to close the chapter on Knowl View.  
 23 It is equally clear from the letter that Ms Mellor had  
 24 been unwell and the visit was eventually confirmed for  
 25 23 and 24 June, so many months after she had provided

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1 her report in the February of the year before.

2 The tone of her review was extremely upbeat. The  
 3 typed notes of the visit, which are dated 12 July,  
 4 include that the whole school was happier, more relaxed  
 5 and more welcoming.

6 This visit sufficed to give Knowl View apparently  
 7 a clean bill of health in such terms. However, old  
 8 problems persisted. On 12 May, so just going back  
 9 a couple of months, Hilton was described by Adele Bebb,  
 10 you will remember, to Bill Lawley as a "disaster waiting  
 11 to happen". So he was still very much on the scene even  
 12 in the spring of 1993. A log of 9 June 1994 records  
 13 that the police had investigated a man at whose flat  
 14 three pupils from Knowl View had spent the night. He  
 15 was noted not to be a schedule 1 offender, but Child  
 16 Protection had had dealings with him for enticing young  
 17 boys into his flat. A record of 6 July 1994 stated that  
 18 an alarm had gone off and a child, A46, who had been  
 19 found in the dining area, having tried the staff room,  
 20 reported that a man had walked past his bed. On  
 21 19 July 1994, a staff member disturbed a man inside the  
 22 foyer of the school at 9.30 at night. On  
 23 10 October 1994, an adult male was spotted at the front  
 24 door at midnight.

25 Knowl View stopped admitting pupils in 1994 and

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1 finally closed its doors in 1996.

2 There is one more individual who needs to be  
 3 mentioned at this point. Operation European was an  
 4 investigation into Harry Wild, a long-time friend and  
 5 associate of Cyril Smith. He was mentioned, you will  
 6 remember, in the Lancashire investigation. He was  
 7 another prolific committee member and was also on the  
 8 board of governors of Knowl View, elected as the chair  
 9 of the board of governors in September 1994.

10 Operation European was prompted by Wild's  
 11 application to the police for support for his "Rochdale  
 12 and District Youth Fitness Foundation". This prompted  
 13 a "discrete" investigation into whether Wild was a fit  
 14 and proper person to be involved with young people in  
 15 1999. The report describes the outcome of these  
 16 discrete enquiries as "disturbing". There had already  
 17 been an investigation into Wild in 1997 on suspicion  
 18 that he was grooming young prisoners at HMP Buckley Hall  
 19 in Rochdale. Wild had given rise to serious concerns on  
 20 the part of prison staff as regards his relations with  
 21 certain prisoners. These will be considered further in  
 22 the hearing with a witness from Greater Manchester  
 23 Police.

24 What matters for present purposes is that there is  
 25 evidence that Wild was able to have access that might be

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1 thought inappropriate to boys in Knowl View.  
 2 Helen Woodward, a residential care worker at  
 3 Knowl View, from April 1994, recalled an occasion when  
 4 she found a man she believed to be Harry Wild in  
 5 a single bedroom with a pupil.  
 6 Donnagh McKillop, deputy house manager at the school  
 7 from April 1991 to December 1994, says that when Wild  
 8 visited the school he felt uncomfortable in his  
 9 presence.  
 10 Stephen Bradshaw told the Garnham Review  
 11 in June 2014 that he had real concerns about Wild based  
 12 on gut reaction.  
 13 Martin Digan, residential social worker, says that  
 14 on 6 September -- probably 6 July, but it doesn't really  
 15 matter, but he recalls it being on 6 September 1994 --  
 16 when he was on sleepover duty, he found a boy screaming  
 17 during the night. Two other boys saw the man -- a man  
 18 who the boy claims to have seen -- and from the  
 19 description Digan thought it to be Harry Wild, and he  
 20 says the police were called. This is the same incident  
 21 that was logged, and the one I have already told you  
 22 about, for 6 July when the boy was found in the dining  
 23 room, having tried the staff room without success.  
 24 Michael Tuck, a support worker at Knowl View from  
 25 1993 to 1994, appears to give a description of a similar

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1 incident, but believes it wasn't Harry Wild he  
 2 identified, but the figure as being Cyril Smith, because  
 3 the man got into a Mercedes car which he recognised as  
 4 Smith's. He told Martin Digan about it and left it with  
 5 him.  
 6 In 2016, Stephen Bradshaw said, well, he didn't  
 7 recall such an incident and believed he was never  
 8 informed about it, particularly as there was a night log  
 9 which he read every morning. This would, he said, have  
 10 been a major incident involving social services and  
 11 possibly police. He is confident that there was no  
 12 sexual assault and very much doubts it occurred. He  
 13 didn't recall -- this is Mr Bradshaw -- ever seeing  
 14 Smith at the school and says no governor had keys to the  
 15 premises or had unauthorised access.  
 16 So there you have a variety of descriptions of  
 17 different occurrences.  
 18 The evidence as regards Cyril Smith's visits to the  
 19 school is varied and will be considered further during  
 20 the hearing.  
 21 Despite its closure over two decades ago, Knowl View  
 22 has continued to resurface, provoking concerns that  
 23 investigations into what happened were deliberately  
 24 concealed. It has been suggested that the local  
 25 politicians were party to this and to suppressing

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1 allegations about Smith, regardless of their political  
 2 allegiances. There has been rumour and speculation  
 3 about some form of deal/pact between local political  
 4 parties not to make allegations about Cyril Smith. We  
 5 will call some of those politicians in the final week of  
 6 the hearings so they can be asked more about that.  
 7 From everything you are to hear and read in the  
 8 course of this investigation, you might consider that  
 9 the children residing at Knowl View were not only  
 10 extremely vulnerable, but also were not so much  
 11 schooled, rather contained. You might also consider  
 12 whether, through years of habit and history, those in  
 13 authority at the school had simply irredeemably lost  
 14 control, with its resident children the victims and  
 15 collateral damage. That's all I have got to say on the  
 16 facts.  
 17 Just a few procedural notes. Each counsel for the  
 18 core participants will now and into tomorrow have an  
 19 opportunity to make a short statement, lasting no longer  
 20 than 15 minutes. I think Mr Brown on behalf of  
 21 the Crown Prosecution Service has sought longer, on the  
 22 basis of some of the material he wants to address. That  
 23 will be followed by the evidence which will be  
 24 structured in a sensible, and we hope logical, way and  
 25 sequentially, so far as that is possible, taking into

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1 account witness availability.  
 2 For everyone's understanding, may I explain how live  
 3 witnesses who have not waived anonymity will appear in  
 4 person. Live witnesses who are anonymous will have  
 5 special measures in place to protect their identities.  
 6 Before anonymous witnesses testify, the hearing room  
 7 will need to be cleared of any press and members of  
 8 the public, who will be able to listen to audio of  
 9 the witness in a separate space. I will invite the  
 10 chair and the panel to rise while these arrangements are  
 11 being made and, in the case of two anonymous witnesses  
 12 who are to give their evidence by way of videolink,  
 13 while the videolink is being set up for those witnesses.  
 14 In the case of witnesses whose evidence is to be  
 15 read, they will not be called in the hearing room, but  
 16 their account or accounts will be read into the record.  
 17 That is all I have to say for now.  
 18 THE CHAIR: Thank you very much, Mr Altman. I have  
 19 consulted with the other panel members, and we would  
 20 prefer to start afresh tomorrow morning with the further  
 21 opening statements. So thank you very much. We will  
 22 reconvene tomorrow at 10.30 am.  
 23 (4.10 pm)  
 24 (The hearing was adjourned to  
 25 Tuesday, 10 October 2017 at 10.30 am)

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I N D E X

Welcome by THE CHAIR .....1

Opening submissions by MR ALTMAN .....4

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