

**CHAIR'S RULING ON BROADCASTING OF INQUIRY PROCEEDINGS IN THE JANNER,
ANGLICAN, ROCHDALE AND LAMBETH INVESTIGATIONS**

1. In advance of the preliminary hearings in the Janner, Anglican, Rochdale and Lambeth investigations, I requested submissions on the question of broadcasting of the Inquiry's proceedings. I received written submissions from Counsel to the Inquiry and from most, but not all, of the core participants in the four investigations. All of these written submissions are available on the Inquiry's website. I also heard oral representations on the issue from some core participants during the preliminary hearings. These have been recorded in the transcripts of those hearings, which are also available on the website.
2. I agree with the proposal by Counsel to the Inquiry that any decision I take in relation to broadcasting in one investigation should not bind the Inquiry, or the core participants, in another or other investigations. I will therefore request submissions on the issue from core participants in each investigation at the appropriate time. I make it clear, however, that the factors I will take into account in each instance are unlikely to change materially and the approach I set out here is likely to be the approach that I will direct the Inquiry to take at future public hearings.
3. The statutory provisions governing public access to Inquiry proceedings are contained in section 18 of the Inquiries Act 2005 ('the Act'). This provides:

"18. Public access to Inquiry Proceedings and Information

(1) subject to any restrictions imposed by notice or order under section 19, the Chairman must take such steps as he considers reasonable to secure that members of the public (including reporters) are able

(a) to attend the Inquiry or to see and hear a simultaneous transmission of proceedings at the Inquiry;

(b) ...

(2) No recording or broadcast of proceedings at an Inquiry may be made except –

(a) at the request of the Chairman, or

(b) with the permission of the Chairman and in accordance with any terms on which permission is given Any such request or permission must be framed so as not to enable a person to see or hear by means of a recording or broadcast anything that he is prohibited by notice under section 19 from seeing or hearing.”

4. I discharge my obligation under section 18(1) to enable members of the public to attend the inquiry or to see and hear a simultaneous transmission of its proceedings by making the following, non-contentious, directions:
 - a. providing designated media seating in the hearing room and in an overflow annex showing live video of proceedings with a 5 minute delay;
 - b. granting permission to use live text-based communications from the Inquiry room;
 - c. providing live transcription of proceedings visible within the Inquiry room; and
 - d. posting transcripts of oral evidence to the website.

5. These general arrangements should be made for public hearings in all investigations. They will be subject to any measures necessary to prevent the disclosure of material which is subject to restriction orders under section 19 of the Act.

6. Section 18(2) of the Act gives me the power to direct the recording or broadcasting of Inquiry proceedings subject to the obligation to ensure that the terms of any restriction order are not breached by the broadcast. The exercise of this power demands very careful consideration in all public inquiries but particular care must be taken in this Inquiry, which will hear from many vulnerable witnesses, including victims and survivors of child sexual abuse. They may wish to remain anonymous and many of them will have a statutory right to anonymity under the Sexual Offences (Amendment) Act 1992 ('the 1992 Act'). The Inquiry must be mindful that any

broadcast of proceedings does not breach the prohibition on showing a picture that might lead to an anonymous person's identification and, if it is to broadcast proceedings, the Inquiry must devise measures to ensure that anonymity is maintained.

7. The provisions in section 18 are intended to promote the principle of open justice. As the Supreme Court has recognised, this principle has greater influence in those inquiries '*aimed at establishing the truth and maintaining or restoring public confidence on matters of great public importance*' than it may have in other inquiries (*Kennedy v Charity Commission* [2014] UKSC 20, [2014] 2 WLR 808, para 48). As I said in my Opening Statement, this Inquiry intends to get to the truth of allegations of child sexual abuse and institutional failure. Such allegations have not been subjected to proper public scrutiny in the past and it is the purpose of this Inquiry to consider them openly and to reveal to the public the full extent of any institutional failure to protect children. The secrecy that appears to have traditionally surrounded child sexual abuse strengthens the imperative for public transparency and accountability in this Inquiry.

8. Notwithstanding, there are very real concerns that do arise about the impact that broadcasting may have on vulnerable core participants and witnesses. I am particularly concerned about the possibility that broadcasting may dissuade people from giving evidence and thus inhibit the Inquiry from effectively carrying discharging its mandate. I am alert also to the need to avoid publication of any allegations of criminal conduct that may be made against individuals who are not represented, have had no advance warning of the allegations and cannot sue for defamation (by virtue of section 37(3) of the Act).

9. I have paid careful attention to the submissions of complainants and victims and survivors who have been designated core participants in the four investigations. In those submissions they have expressed their full appreciation of the need for transparency as well as their understanding of the high level of public interest in the issues the Inquiry is considering. The majority have not suggested that broadcasting should be prohibited, but have asked for protective measures to maintain their anonymity.

10. Having considered all of the submissions, I am satisfied that the considerable arguments in favour of broadcasting outweigh those against it. I am confident that the Inquiry can take appropriate measures to preserve anonymity and mitigate the risks of broadcasting that have been identified.

11. In considering the various practical options for broadcasting proceedings it is clear that the most effective method is via a live-stream provided by the Inquiry which can be accessed from the Inquiry's website. A 5 minute delay should be applied to the live-stream so that the broadcast can be edited to remove material which would breach a restriction order, violate the right to anonymity in the 1992 Act, or accuse a person of criminal conduct without warning. The transcripts of the proceedings will also be appropriately redacted to remove such material if necessary.

Protective measures

12. Protective measures must be made available to anonymised core participants and witnesses to mitigate the risks that I have described above.

13. The majority of the anonymised core participants have said that they wish to give their evidence in court and be seen by the Chair and Panel. They have also accepted the need, on the grounds of fairness, for other core participants to know their identities and hear their evidence. With this in mind, I propose that the following measures are offered to core participants and witnesses whose identities have been anonymised pursuant to a restriction order:
 - (a) Anonymised core participants and witnesses will give their evidence in the hearing room without a screen;
 - (b) They will not be filmed during their testimony and the camera will be directed towards the Inquiry Panel and/or the lawyers;
 - (c) Their voices will be subject to distortion;
 - (d) The press and members of the public will be excluded from the hearing during the course of their testimony. They will be able to watch proceedings which will be relayed to them subject to the 5 minute delay in a media annex.

14. Core participants have raised the risk of 'jigsaw disclosure', by which their identities are disclosed by piecing together facts presented during a hearing. Alongside the proposed protective measures above, I anticipate that Counsel to the Inquiry will take precautions to prevent information from being elicited that could compromise an anonymised core participant's identity in this way. Insofar as legal representatives for Core Participants or witnesses are granted permission to ask questions under rule 10, that permission will also be subject to similar precautions.

15. As I stated at the preliminary hearings, I will hear further submissions on the proposed protective measures at the next preliminary hearing in each investigation. Core participants will be informed of the date for that hearing by the Solicitor to the Inquiry in due course.

Hon. Dame Lowell Goddard DNZM

13 April 2016