

<p>1 Monday, 22 October 2018 2 (10.00 am) 3 THE CHAIR: Good morning, everyone, and welcome to week 3 of 4 this public hearing. Mr Sadd? 5 MR SADD: Good morning, chair, and members of the panel. 6 This morning, the first witness the inquiry is hearing 7 from is DI Yvonne Dales. Her statement is at INQ001780. 8 MS YVONNE DALES (sworn) 9 Examination by MR SADD 10 MR SADD: Good morning, DI Dales. You have provided 11 a statement to the inquiry. In the bundle in front of 12 you, that statement is at tab 1. 13 A. I have. 14 Q. If we could go to the back of tab 1, page 19, we have 15 there some writing in manuscript. Do you recognise that 16 writing? 17 A. Yes. 18 Q. Is that yours? 19 A. Yes. 20 Q. At the time that you signed the statement, were you 21 satisfied that the contents were true, as far as you can 22 remember? 23 A. I was. 24 Q. Are there any corrections you want to make? 25 A. Yes. When I joined the Child Abuse Unit, I incorrectly</p> <p style="text-align: center;">Page 1</p>	<p>1 stated that it was 2004 and, having checked, I've 2 realised that I actually joined in November of 2003. 3 Q. All right. That's in paragraph 2.1? 4 A. It is. 5 Q. Thank you. The panel have a copy of your statement, and 6 it will be uploaded onto the inquiry website over the 7 next few days. I'm not going to take you through your 8 statement line by line, but intend going to particular 9 topics and to ask you questions related to those topics. 10 I will also be asking you to comment on documents that 11 we will bring up on screen. 12 In summary, before we get to talking about 13 Operation Daybreak, which is the thrust of the evidence 14 that we are going to discuss today, prior to that, you 15 say you had significant experience in child abuse work; 16 you were a DS on the Child Abuse Investigation Unit 17 from, as you have just corrected, November 2004 18 to May 2007; you also fulfilled the role of acting 19 detective inspector. In March 2006, you received 20 the Chief Constable's Commendation for work on alleged 21 sexual assault of a child. 22 At paragraph 2.3, you say you were required to 23 attend numerous strategy meetings, including allegations 24 against persons in positions of trust, "Many cases would 25 have directly related to children in residential and/or</p> <p style="text-align: center;">Page 2</p>
<p>1 foster care". You are no longer able to provide precise 2 details of individual cases, but recognise that minutes 3 would be taken. 4 You come on to say, at 2.4, you were involved in 5 implementing National Centre of Policing excellence 6 guidance on investigating child abuse and safeguarding 7 children in 2005. 8 At paragraph 2.6, you say you supervised and led 9 a number of child abuse investigations. You say that 10 the Child Abuse Investigation Unit focused on child 11 victims and therefore had comparatively less exposure to 12 working with adult victims of historic abuse. 13 Does that mean, DI Dales, that during this time, 14 allegations of non-recent abuse would not be dealt with 15 by your unit? 16 A. That's correct. 17 Q. Our understanding is that those investigations would be 18 dealt with by CID; is that right? 19 A. Yes, divisional officers. In other words, CID, which is 20 not a specialist. 21 Q. From your understanding, would any of those officers 22 have any training in dealing with child sexual abuse, 23 even though it was being disclosed by adults? 24 A. I honestly can't recall. 25 Q. 2010. You obtained the post of detective inspector in</p> <p style="text-align: center;">Page 3</p>	<p>1 the Child Abuse Investigation Unit, and we see that you 2 were in that post between September 2011 and June 2014, 3 and then, between June 2014 to July 2015, you were 4 temporary DCI in the Public Protection team? 5 A. I was, but I still retained SIO for Daybreak. 6 Q. At the moment, your present position is ...? 7 A. I'm currently a detective inspector on fraud within 8 organised crime, and have been for almost two years now. 9 Q. Can we then go, please, to the beginning of 10 Operation Daybreak, including your role being appointed 11 as the SIO of that, senior investigating officer, 12 I should say. 2.16, please, page 3. You say there that 13 in July 2011, you were appointed SIO of what you 14 describe as a small team to investigate reports, and 15 in August 2011, the investigation was given an 16 operational name of Daybreak. You quote in 17 paragraph 2.18 an email sent by DI Taylor setting out 18 aspects of Daybreak daily operational tasks. You say 19 later, at paragraph 2.24, that you weren't involved in 20 setting up Daybreak. 21 At the time that you were appointed SIO, can you 22 remember how many people had come forward by that time? 23 A. I was thinking about that last night. Pure guesstimate: 24 I think it was about 35, or thereabouts. 25 Q. Again, if you can remember, what were the allegations in</p> <p style="text-align: center;">Page 4</p>

<p>1 the main that they were making?</p> <p>2 A. It varied: physical, sexual, cruelty. I think part of</p> <p>3 the difficulty was that, without speaking to those</p> <p>4 individuals, we didn't actually truly know what it was</p> <p>5 that they wanted to complain about.</p> <p>6 Q. At 2.16, the last sentence there, you say that initially</p> <p>7 you were given the impression that, as I read it, this</p> <p>8 operation wasn't expected to be an onerous task?</p> <p>9 A. No.</p> <p>10 Q. What had given you that impression?</p> <p>11 A. I think the fact that I'd previously received the email</p> <p>12 to indicate that the HOLMES enquiry -- forgive me, the</p> <p>13 management tool that we were going to use to run the</p> <p>14 investigation was going to be run on limited indexing,</p> <p>15 it gave me the impression that this wasn't going to be</p> <p>16 something that was going to be particularly onerous.</p> <p>17 Q. And "limited indexing" meaning that ...?</p> <p>18 A. Within a HOLMES account, you can manage it in different</p> <p>19 ways. Full indexing is where it comes more protracted</p> <p>20 in terms of the way in which things are documented and</p> <p>21 updated into the account.</p> <p>22 Q. Page 4, please, paragraph 2.21. You say there that you</p> <p>23 attended a strategy meeting at Loxley House. That's</p> <p>24 city council or county council?</p> <p>25 A. Loxley is a premise which I associate more with the</p> <p style="text-align: center;">Page 5</p>	<p>1 city council, but it is fair to say that the</p> <p>2 county council were equally very much involved in this.</p> <p>3 Q. You go on to say it was at about that time that you</p> <p>4 started to realise the complexity of the enquiry, and</p> <p>5 the number of persons involved?</p> <p>6 A. That's right. I can distinctly recall, at that time,</p> <p>7 a very complex spreadsheet had been compiled in an</p> <p>8 effort to try and understand the various complaints and</p> <p>9 who they related to, and I just got this vision that</p> <p>10 there was every possibility that the likelihood would be</p> <p>11 that, at some point, more people would come forward.</p> <p>12 Q. DI Dales, up to that point, do you think there was any</p> <p>13 awareness within the police about the scale of alleged</p> <p>14 sexual abuse of children in care?</p> <p>15 A. I think -- hindsight is a wonderful thing, but looking</p> <p>16 back, I'm not sure if anybody really truly appreciated</p> <p>17 what the enquiry was going to become.</p> <p>18 Q. Paragraph 2.23, please, on that same page. You refer to</p> <p>19 being asked to write a report which is exhibited at</p> <p>20 tab 2, and can be found at NTP001653. You say the</p> <p>21 report was intended to highlight the risks if the</p> <p>22 inquiry was not properly resourced. The report is dated</p> <p>23 2011. The signatory to the report, if we go to the last</p> <p>24 page, is DCI Simon Alexander, 23 September 2011. Was</p> <p>25 the report in fact written by you?</p> <p style="text-align: center;">Page 6</p>
<p>1 A. The majority of this report was written by me, and it</p> <p>2 was actually written whilst I was in the middle of</p> <p>3 a detective investigator development programme.</p> <p>4 Literally a week after I officially started on the</p> <p>5 Child Abuse Unit, a course which I'd been waiting for</p> <p>6 for a long time had come up. I was a bit apprehensive</p> <p>7 about going on the course, but thought it was really</p> <p>8 important for my own development, and the request came</p> <p>9 through via email whilst I was on the course and, being</p> <p>10 the person that I am, I made every effort to adhere to</p> <p>11 that request that weekend.</p> <p>12 Q. Page 3 of the report, and the pagination follows the</p> <p>13 same document pagination, paragraph 3.15. The report</p> <p>14 identifies the number of people who were alleged</p> <p>15 victims: 54 alleging physical assault; seven alleging</p> <p>16 serious sexual assault. There were 28 potential</p> <p>17 suspects. Then we move, please, to page 4, and we can</p> <p>18 see there are listed a series of risks in relation to</p> <p>19 the operation. The reason for setting out the risks was</p> <p>20 because effectively you were putting forward, or</p> <p>21 DCI Alexander was putting forward, a paper that wanted</p> <p>22 to get more resources. Is that right?</p> <p>23 A. Yes, absolutely, but, more importantly, to make sure</p> <p>24 that we secured the resources that we already had on the</p> <p>25 investigation. I think my concern was that people might</p> <p style="text-align: center;">Page 7</p>	<p>1 not appreciate the complexity and how already, as you</p> <p>2 can see, how the numbers are starting to increase, and</p> <p>3 I actually used some of the learning, if I'm honest,</p> <p>4 from my course as a way of trying to present this in</p> <p>5 a really succinct fashion.</p> <p>6 Q. So towards the bottom of the page, we see there "Risk to</p> <p>7 the investigation":</p> <p>8 "An enquiry of this scale and magnitude needs</p> <p>9 sufficient staff to maintain the momentum ..."</p> <p>10 You write there of risk to professionalism and</p> <p>11 reputation:</p> <p>12 "The staffing levels assigned to the investigation</p> <p>13 are, in my assessment, currently at a minimum."</p> <p>14 At 4.10:</p> <p>15 "It is important to note that many of the victims</p> <p>16 have indicated that they wish to make additional</p> <p>17 complaints relating to matters which are not confined to</p> <p>18 their time at the Beechwood Children's Home."</p> <p>19 So at this stage, September 2011, the police were</p> <p>20 already aware that this went beyond Beechwood?</p> <p>21 A. Yes.</p> <p>22 Q. What was the professional reputational risk here?</p> <p>23 A. My own and the organisation and the partners. I felt</p> <p>24 that we had a duty to investigate these allegations, and</p> <p>25 I was starting to become a little bit concerned about my</p> <p style="text-align: center;">Page 8</p>

<p>1 own time limitations.</p> <p>2 Q. You go on to talk about those, but the risks that you</p> <p>3 set out here, were they risks that materialised over the</p> <p>4 next two to three years, in any event?</p> <p>5 A. They did.</p> <p>6 Q. Page 5, please. You set out some recommendations,</p> <p>7 several practical recommendations, extending the time</p> <p>8 staff had been seconded from eight weeks, reviewing the</p> <p>9 staffing levels, you decide or you recommend, I should</p> <p>10 say, at 5.4 -- when I say "you", I mean your senior</p> <p>11 colleague DCI Alexander. You recommend that it would be</p> <p>12 proportionate and appropriate not to investigate minor</p> <p>13 physical or emotional abuse, and investigate all</p> <p>14 allegations of sexual abuse.</p> <p>15 It is also recommended in the report, at 5.6:</p> <p>16 "Draw up and agree a written protocol between the</p> <p>17 police and local authorities regarding the exchange of</p> <p>18 information and access to records pertinent to this</p> <p>19 enquiry."</p> <p>20 What happened to these recommendations? Were they</p> <p>21 followed through?</p> <p>22 A. Yes. Following this report that I put in, there was</p> <p>23 a meeting with the then ACC for crime, my own line</p> <p>24 manager, DCI Alexander, and Superintendent Chamberlain.</p> <p>25 Then, following on from that, there was then a Gold</p> <p style="text-align: center;">Page 9</p>	<p>1 meeting.</p> <p>2 Q. Given the recommendation being made at 5.4, was that</p> <p>3 communicated to the complainants?</p> <p>4 A. No, it wasn't, and that proved to be an area where I was</p> <p>5 struggling to get agreement from higher as to whether or</p> <p>6 not we could actually do what I was advocating there.</p> <p>7 Q. So the recommendation being made there, that is, those</p> <p>8 allegations that were going to be followed through and</p> <p>9 those that weren't going to be followed, had yet to be</p> <p>10 approved?</p> <p>11 A. Yes.</p> <p>12 Q. Paragraph 2.26, please, of your statement, where you</p> <p>13 talk about your role as SIO of Daybreak. You say at</p> <p>14 2.27 on the same page, page 4, that you were more</p> <p>15 reliant on officers who had child abuse experience. How</p> <p>16 did that experience apply to adults alleging non-recent</p> <p>17 abuse 20 to 30 years previously?</p> <p>18 A. I still think that a lot of the skills and experience</p> <p>19 that we obtain as a result of dealing with current</p> <p>20 child abuse cases is equally applicable to survivors of</p> <p>21 non-recent abuse. What we require is individuals who</p> <p>22 understand the importance of working together in</p> <p>23 partnership with other agencies, the importance of being</p> <p>24 able to share information and under what criteria we can</p> <p>25 share information, and having that joint approach.</p> <p style="text-align: center;">Page 10</p>
<p>1 Q. You talk in the present tense. We are 2018. We are</p> <p>2 looking at actions taken in 2011. Was that joint</p> <p>3 approach one that was commonly understood then?</p> <p>4 A. I think it was. All I would say is that I was</p> <p>5 originally given individuals on the team who -- I'm not</p> <p>6 entirely sure whether or not they were totally committed</p> <p>7 to wanting to be part of an enquiry team which, in my</p> <p>8 opinion, was going to go on for some time, which was</p> <p>9 naturally going to put some stress on those individuals</p> <p>10 because of the nature of the quite horrific abuse that</p> <p>11 some individuals had been subjected to.</p> <p>12 Q. DI Dales, were you also concerned about the level of</p> <p>13 experience of those on your team?</p> <p>14 A. I was, and there were things that I didn't know about</p> <p>15 some of the individuals on my team which I learned</p> <p>16 since, and it just concerned me sometimes. When teams</p> <p>17 are set up, it's not about bums on seats, it's about</p> <p>18 making sure that we have people with the right skills</p> <p>19 and the right qualities to go on that team.</p> <p>20 Q. What was it you learnt about some of the individuals who</p> <p>21 had been selected to work in your team?</p> <p>22 A. Well, one individual couldn't write properly, and that</p> <p>23 unfortunately came out when I interviewed him for</p> <p>24 another job. There were some issues around his</p> <p>25 disabilities, which I hadn't been party to. Without</p> <p style="text-align: center;">Page 11</p>	<p>1 going into personalities, I could see that some people</p> <p>2 just found this work quite uncomfortable to deal with.</p> <p>3 Q. Were those officers, when you identified those issues,</p> <p>4 provided with additional training?</p> <p>5 A. Not additional training, but what we had to do was to</p> <p>6 improvise in some cases because of the difficulty in</p> <p>7 being able to get staff from elsewhere.</p> <p>8 Q. Did this mix of experience impact on the efficacy of</p> <p>9 the investigation?</p> <p>10 A. What I tried to do over time was to think about a way in</p> <p>11 which I could potentially secure the right staff from my</p> <p>12 child abuse team -- I don't know if it's clear to people</p> <p>13 that, at the same time as being given the responsibility</p> <p>14 of Daybreak, I was also responsible for running</p> <p>15 a Child Abuse Investigation Unit and also at that time</p> <p>16 a referral unit.</p> <p>17 Q. May I ask you the question again, please: did the mix of</p> <p>18 experience impact on the efficacy of the investigation?</p> <p>19 A. No.</p> <p>20 Q. Paragraph 2.28, please, bottom of that page. You say,</p> <p>21 as time progressed, you delegated decision making such</p> <p>22 as reviewing the evidence in a case to determine whether</p> <p>23 or not the threshold was met for onward referral to the</p> <p>24 CPS. Does that mean that other officers within the team</p> <p>25 would make this decision?</p> <p style="text-align: center;">Page 12</p>

1 **A. They would help me by putting together the evidence that**
 2 **they'd obtained in a particular case in a format where**
 3 **it would enable me more succinctly to be able to then**
 4 **review and determine whether or not the Threshold Test**
 5 **was met.**
 6 Q. So the panel should understand that you would review,
 7 ultimately, all of those?
 8 **A. I would retain the accountability. I would delegate**
 9 **responsibility for the compiling of the report.**
 10 Q. 2.29, please, over the page. You say you identified an
 11 issue about complainants having submitted claims against
 12 the local authority, and you thought it necessary to
 13 obtain copies of letters before action, as they're
 14 called. You say, in getting these, you spent "an
 15 inordinate amount of time being passed around". Why did
 16 you conclude it was necessary to get letters before
 17 action in the civil claims?
 18 **A. Okay. What I believed, as senior investigating officer,**
 19 **is that I was responsible for the consideration of**
 20 **disclosure issues and, therefore, if there was**
 21 **a document in existence where that individual's**
 22 **complaint had already been documented, I felt it was**
 23 **absolutely imperative that we have sight of that in case**
 24 **there were any discrepancies between what was written in**
 25 **that and then what was subsequently communicated to us,**

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1 THE CHAIR: Yes, I will make the order.
 2 MR SADD: DI Dales, I'm sorry for the interruption.
 3 **A. I'm sorry, I genuinely didn't realise I couldn't ...**
 4 Q. You say at paragraph 3.6 that you didn't have the same
 5 amount of guidance in 2011 now available to child sexual
 6 abuse investigators, that you relied on archaic
 7 documents and Working Together 2010. You say you tried
 8 to remain victim focused. What did trying to remain
 9 victim focused mean in practice?
 10 **A. Now I don't know why I said "tried", because I did, and**
 11 **I really made sure that the team remained victim**
 12 **focused.**
 13 Q. What does that mean, though?
 14 **A. It means trying to ensure that we always put the victim**
 15 **central to the enquiry, and not losing sight of the fact**
 16 **that there's a victim here. Knowing what I know now,**
 17 **it's hard to know if I knew what I knew -- what I know**
 18 **now back then, because now I have learnt a lot more**
 19 **about the importance of considering all the**
 20 **circumstances surrounding that victim, and I believe**
 21 **I did it at the time, but I cannot swear, hand on heart,**
 22 **that I would have been as informed as what I am now,**
 23 **because there is just so much information that's now**
 24 **available to you as an SIO.**
 25 Q. You have already touched on the issue of your being SIO

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1 **say, through a visual recorded interview.**
 2 Q. Did the response of the councils to the claims, whether
 3 they were admitted or not, affect the course of
 4 the investigation?
 5 **A. Not necessarily -- well, yes, it did, in that,**
 6 **eventually, when I did get some of the letters of claim,**
 7 **there were some differences between what was in the**
 8 **letters of claim and what had been disclosed to us.**
 9 Q. Which agencies were, to quote your phrase, passing you
 10 around?
 11 **A. Well, initially, from memory, I went to the council, who**
 12 **said that they weren't in a position to provide them to**
 13 **me. So I thought, well, logic then would be, if I can**
 14 **get the consent from the individuals, then I will go**
 15 **back to the person that wrote that in the first place,**
 16 **ie, [redacted], and request it from them.**
 17 **Unfortunately ...**
 18 MR SADD: Can we cut the feed, please? Sorry, I should have
 19 requested that. Forgive me a moment.
 20 Chair, I would like to invite you to make
 21 a restriction order in relation to the name of
 22 the solicitor's firm that has just been mentioned.
 23 There are issues of fairness which I am not going to
 24 explore with you now, but there is currently an
 25 understanding that's been reached in regard to that.

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1 as well as carrying out other duties. You say at
 2 paragraph 2.30 you had to combine your other
 3 responsibilities. At paragraph 2.33, you say this: you
 4 would estimate your contribution to Daybreak to be
 5 around one day per week, including responding to letters
 6 of complaint, media enquiries and all the email queries.
 7 You stopped working on Daybreak in June 2015. For how
 8 long did you operate in this way?
 9 **A. For anybody that knows me, I'm a work horse, I'm**
 10 **a workaholic. I rarely switch off when I finish my tour**
 11 **of duty. But certainly I can honestly say that when**
 12 **I was juggling Daybreak and child abuse and at one point**
 13 **even running an enquiry for the Sexual Exploitation**
 14 **Unit, because there was no DI on there to begin with,**
 15 **I did work a lot of evenings and a lot of weekends. But**
 16 **I also -- it was a new role for me. I'd moved from**
 17 **Professional Standards into a new department, where they**
 18 **hadn't had a DI for a little while. So there was**
 19 **naturally going to be things that I desperately needed**
 20 **to catch up on.**
 21 Q. So was that estimate of one day a week an estimate that
 22 was consistent up to 2015, approximately?
 23 **A. Yes, I would say so. It got easier when there was**
 24 **a full-time DI appointed into the investigation, when**
 25 **DI Quinn came in. It definitely got easier then.**

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1 Q. When was that?
 2 **A. That was the early part of 2015. That was following the**
 3 **review conducted by Detective Superintendent Sandall.**
 4 Q. Do you think the fact that the SIO was only able to work
 5 one day a week put Operation Daybreak, at any stage, in
 6 jeopardy?
 7 **A. I hope it didn't, because I genuinely tried as hard as**
 8 **I possibly could to keep that team motivated and to**
 9 **continue to keep it progressed as expeditiously as**
 10 **I could.**
 11 Q. Do you have a view now, DI Dales, as to why
 12 Operation Daybreak wasn't afforded a full-time SIO until
 13 2015?
 14 **A. Looking back, it should have been afforded somebody full**
 15 **time to that investigation, from a supervisory point of**
 16 **view, and a senior supervisor, not relying on**
 17 **a detective sergeant.**
 18 Q. We know that that's the case, but my question was
 19 directed at why that was the case. Do you know why? Do
 20 you have any views on why that was the case, for
 21 a four-year period, the investigation, the operation,
 22 didn't have a full-time SIO?
 23 **A. I know people knew that I was extremely passionate about**
 24 **this enquiry, and part of me didn't want to give it up,**
 25 **and perhaps if I'd been told it's too much, I would have**

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1 relate to decisions made regarding allegations,
 2 specifically on child sexual abuse during
 3 Operation Daybreak whilst you were SIO?
 4 **A. Yes.**
 5 Q. Were any complaints to the IPCC ever made about your
 6 decisions on allegations of child sexual abuse?
 7 **A. To the best of my knowledge, no.**
 8 Q. At paragraph 2.38, please, again on that page, you
 9 describe the police taking the lead in the criminal
 10 investigation, which those listening to your evidence
 11 may have expected to have been the case from the start.
 12 You refer to strategy meetings and how these were
 13 replaced by multi-agency police Gold meetings. What was
 14 the effect of that change?
 15 **A. It was more that the police were taking more lead**
 16 **responsibility at a senior level.**
 17 Q. Paragraph 3.19, please. This is page 8 of your
 18 statement. It is 3.19 and 3.20. You discuss the report
 19 you prepared in November -- you discuss, sorry, the
 20 report you prepared in 2012 some 15 months into
 21 Daybreak. You say it was an investigation update and it
 22 was to highlight issues for consideration by senior
 23 command. This is at tab 4 of your bundle, NTP001650,
 24 please. If we look at that together and we go first to
 25 page 3 of that report, one issue raised here is that the

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1 **accepted that, but I wasn't going to be the one to turn**
 2 **around and say, "Take me off it".**
 3 Q. May I have another go, please, at my question?
 4 **A. Sorry.**
 5 Q. Do you know why it is that Operation Daybreak was not
 6 afforded a full-time SIO?
 7 **A. No, I can't answer that.**
 8 Q. Do you think it reflected, at a more senior level, that
 9 this wasn't considered a complex investigation?
 10 **A. No. I think people were alive to the fact that it was**
 11 **a complex investigation. I can't answer on behalf of my**
 12 **seniors as to why they chose to keep me in it.**
 13 Q. At paragraph 2.32, please -- this is on the same page,
 14 page 5 -- you refer to engaging with the CPS at an early
 15 stage. You had a dedicated lawyer, Sam Shallow, who is
 16 giving evidence later today. Was that on your
 17 initiative, that Sam Shallow was brought in at an early
 18 stage?
 19 **A. In fairness, when I was on my course, DCI Alexander took**
 20 **ownership in terms of making sure that we got that early**
 21 **contact with the CPS. I'd already started some**
 22 **discussions, but he continued that for me. So that was**
 23 **really, really helpful.**
 24 Q. At 2.33, please, you refer to having received letters of
 25 complaint. We have just looked at it. Did any of these

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1 local authority were not able to provide the
 2 investigation with staff lists. This is the penultimate
 3 paragraph on that page. Do you see:
 4 "The local authority has been unable to provide us
 5 with any staff lists ..."
 6 Do you know why that was? Was it that they didn't
 7 have them or that they had them but they had yet to pass
 8 them on?
 9 **A. No, I assumed that they couldn't locate them.**
 10 Q. In general, did you find that the investigation was
 11 impeded by documentation not being provided at all, or
 12 being delayed in its provision?
 13 **A. I just think it just seemed to take a long time to be**
 14 **able to locate some of the documentation.**
 15 Q. At page 5 of the report that we are looking at, under
 16 "Staff", the first paragraph there, you say:
 17 "The progress during phase one and two has been
 18 hampered by staffing difficulties and competing
 19 demands."
 20 Could you expand on that? Is the reference there to
 21 "competing demands" the demands placed on you, as being
 22 SIO as well as working within the CAIU?
 23 **A. Partly. Probably when I wrote that, yes, in fairness,**
 24 **it was probably more to do with my own competing**
 25 **demands.**

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<p>1 Q. The staffing difficulties were what?</p> <p>2 A. Well, you can see that at the time when I wrote that</p> <p>3 report, we'd reduced down to a team of four detectives,</p> <p>4 and so -- unfortunately, people had gone and not been</p> <p>5 replaced.</p> <p>6 Q. We note also that setting out the staff list, "SIO --</p> <p>7 DI Dales". You don't describe yourself as part time at</p> <p>8 that point; why is that?</p> <p>9 A. I'm full time, in that I'm paid to work 40 hours a week,</p> <p>10 whereas Detective Sergeant Murdoch only worked three</p> <p>11 days a week in terms of her core hours that she worked,</p> <p>12 as opposed to her -- when she was at work, all of her</p> <p>13 hours were committed to Daybreak.</p> <p>14 Q. Page 7 of the report, please, where you set out some</p> <p>15 recommendations. You request more dedicated staff and</p> <p>16 the appointment of, at paragraph 3, an SIO to be</p> <p>17 dedicated to the inquiry and provide daily direction,</p> <p>18 and you say at the end of those recommendations:</p> <p>19 "If the above proposals are adopted, the enquiry</p> <p>20 will remain on course to fulfil the overarching aims of</p> <p>21 the previously agreed Gold strategy ..."</p> <p>22 The reports went to DCI Alexander. You had</p> <p>23 a meeting in December, and you had to submit a further</p> <p>24 report?</p> <p>25 A. Yes, I did.</p> <p style="text-align: center;">Page 21</p>	<p>1 Q. Why did you have to submit a further report, given what</p> <p>2 you'd set out here?</p> <p>3 A. I think that the meeting, which I can remember, felt</p> <p>4 that it was imperative that I put more detail around the</p> <p>5 nature of those allegations, to put some context behind</p> <p>6 it, to then inform the command officer team, or chief</p> <p>7 officer team, I should say.</p> <p>8 Q. DI Dales, some of those listening to your evidence may</p> <p>9 think that you were in fact being stalled. Is that what</p> <p>10 you felt at the time?</p> <p>11 A. A little bit.</p> <p>12 Q. Do you know why that might have been?</p> <p>13 A. Probably people's lack of understanding and appreciation</p> <p>14 of what was still required to be done on this</p> <p>15 investigation if we were going to fulfil the original</p> <p>16 aims.</p> <p>17 Q. Can we go, please, then to NTP001641. That's at tab 5</p> <p>18 of your bundle. This is the further report that you do</p> <p>19 produce. We can see its heading there. You provide</p> <p>20 costings for additional staff. It reads, effectively,</p> <p>21 as a bid, as it were, for further staff and for the cost</p> <p>22 of that.</p> <p>23 If we go to page 5, we look at some of</p> <p>24 the recommendations that you are making. Under "Family</p> <p>25 liaison strategy" -- do you have that, page 5?</p> <p style="text-align: center;">Page 22</p>
<p>1 A. Yes.</p> <p>2 Q. You write:</p> <p>3 "To ensure that all victims are kept informed of</p> <p>4 the progress of the investigation at a minimum every</p> <p>5 28 days unless it is agreed otherwise."</p> <p>6 Did this happen in practice?</p> <p>7 A. Yes. When we started the investigation, I think it's</p> <p>8 fair to say that we were struggling to be able to fulfil</p> <p>9 the requirements of both the investigation, but also,</p> <p>10 very importantly, the support for those victims, and</p> <p>11 I actually went and met personally with a senior</p> <p>12 investigating officer for another enquiry,</p> <p>13 Operation Pallial, in an effort to understand what they</p> <p>14 were doing, and that then helped me and enabled</p> <p>15 DS Murdoch to write a witness victim management</p> <p>16 strategy, and part of that was very much, again, victim</p> <p>17 focused, making sure that we endeavoured to update when</p> <p>18 the victim wanted, as opposed to just doing it mandatory</p> <p>19 every 28 days.</p> <p>20 Q. In the November 2012 report that we looked at a moment</p> <p>21 ago, you had recommended that there be a dedicated SIO.</p> <p>22 This is dropped from this report. If we go to page 4,</p> <p>23 please, paragraph 3.7. You say, in the second paragraph</p> <p>24 down there -- do you have it, sorry, page 4,</p> <p>25 paragraph 3.7.</p> <p style="text-align: center;">Page 23</p>	<p>1 A. Yes.</p> <p>2 Q. It is at the top of the page. You say, in the second</p> <p>3 paragraph:</p> <p>4 "The ideal investigative position for such a complex</p> <p>5 enquiry would be to have a dedicated SIO. However, in</p> <p>6 light of the current staffing challenges, this is not an</p> <p>7 option ..."</p> <p>8 The report that we are looking at here, you can see</p> <p>9 at the bottom left-hand corner it's "Version 2". Had</p> <p>10 version 1 said, "We need an SIO"?</p> <p>11 A. I honestly can't remember, but I would certainly say</p> <p>12 that, without being told directly, I'd sort of got the</p> <p>13 impression that it was a given that I was going to be</p> <p>14 remaining on this.</p> <p>15 Q. DI Dales, you wrote this report. We can see that it is</p> <p>16 version 2. I need to press you a little further. We</p> <p>17 know that in November 2012 you said that Daybreak needed</p> <p>18 a full-time SIO. Had that been something that in the</p> <p>19 first version of this report you had been recommending</p> <p>20 still?</p> <p>21 A. I genuinely can't remember.</p> <p>22 Q. What did you understand to be the staffing challenges</p> <p>23 that you refer to there in that second paragraph?</p> <p>24 A. When I was asked to write this second report, I know</p> <p>25 that the force was struggling generally, and I think</p> <p style="text-align: center;">Page 24</p>

<p>1 when it came to identifying new staff that could come 2 into the enquiry, the general feeling was that what we 3 would probably end up having to do is to try and get 4 agency staff to come in, or use agency staff to backfill 5 existing posts to then be able to free up detectives to 6 then be able to come into this enquiry, and that was the 7 reason why -- part of the reason why I was asked to put 8 another report in to be able to reflect some of those 9 additional requirements.</p> <p>10 Q. Can we go to page 2 of the report, please, and 11 paragraph 2.4. There you note that the third stage of 12 the enquiry should investigate "the full circumstances 13 of all reported abuse, including abuse at other 14 residential homes from those individuals whose 15 complaints are not confined to Beechwood".</p> <p>16 We know that subsequently, some years down the line, 17 that did in fact happen, but during the currency of your 18 appointment as SIO of Daybreak, that didn't happen, did 19 it?</p> <p>20 A. The terms of reference changed whilst I was the senior 21 investigating officer, and that was partly my doing. 22 I felt very strongly that, where we had got a victim who 23 was also referring to abuse in other homes as well as 24 Beechwood, then I felt that we should retain ownership, 25 to avoid duplication of having to re-read social care</p> <p style="text-align: center;">Page 25</p>	<p>1 files and also, again, trying to retain that very 2 victim-focused approach.</p> <p>3 Occasionally, I think we did deal with things that 4 fell completely outside those parameters, and probably, 5 in hindsight, I should have pushed back on those 6 occasions where there potentially was an opportunity to 7 say, "I've got to draw the line". However, again, when 8 you are the DI for the Child Abuse Unit as well as the 9 DI for Daybreak, somehow it all became my 10 responsibility.</p> <p>11 Q. Paragraph 2.40 of your statement. You say there that in 12 early 2013, you received a request for a monthly update 13 report that would be discussed by the force tasking 14 meeting. If we go, please, to NTP001645, which is at 15 tab 3, please, of the bundle that you have, and if we go 16 to page 1, we can see under "11 March 2013 -- do you 17 have that, "Update"?</p> <p>18 A. Yes.</p> <p>19 Q. You write there about current risks, reputational 20 professional investigation, staffing levels are 21 insufficient to enable the enquiry to progress, and then 22 further down the page, "08.04.2013", progression of 23 the allegations in the 70s is constrained by the limited 24 staffing. However, this has provided an opportunity for 25 a forthcoming peer review to now take place.</p> <p style="text-align: center;">Page 26</p>
<p>1 Would it be fair for the inquiry to conclude that, 2 as at March 2013 -- you had been appointed I think 3 in June 2011. As at March 2013, there were still 4 problems, indeed, significant problems, with resourcing 5 of the investigation. Is that fair?</p> <p>6 A. That is absolutely correct, and I think there was some 7 confusion because, whereas in principle the chief 8 officer team had agreed to the extra staff, and, more 9 importantly, that we were, and should, be going to 10 investigate all this horrific sexual abuse in the '70s, 11 somehow, on occasion, it did feel like it was my 12 responsibility to identify where the staff were actually 13 going to come from. In fairness, I did get a lot of 14 support from the superintendent at the time to try and 15 take some of that pressure away from me.</p> <p>16 Q. That's Superintendent Chamberlain; is that right?</p> <p>17 A. That's right.</p> <p>18 Q. Paragraph 2.42 of your statement. You tell the inquiry 19 that in June 2013, ACC Jupp agreed that the operation 20 was to be classified as a critical incident. What was 21 the significance of that?</p> <p>22 A. Previously, Superintendent Chamberlain had copied me 23 into an email where she'd requested consideration for it 24 to be declared as a critical incident. I don't believe 25 she ever officially got a response to that, but then she</p> <p style="text-align: center;">Page 27</p>	<p>1 resurrected that when he came and chaired that first 2 Gold meeting, and he said, "Absolutely".</p> <p>3 Q. My question was directed at the significance of it being 4 classified as a --</p> <p>5 A. Oh.</p> <p>6 Q. That's fine, as a critical incident. What was the 7 significance to the operation, that it should be 8 classified as critical?</p> <p>9 A. I think it was just to reflect the fact that it does, by 10 definition, fit that criterion, and it doesn't 11 necessarily change how we would go about dealing with 12 it. You know, clearly, we have policies in place 13 whereby we should consider every incident that we deal 14 with, as to whether or not it should be referred to as 15 a critical incident.</p> <p>16 Q. Would that classification have provided leverage for 17 resources?</p> <p>18 A. I don't think it would have changed anything, because 19 the reality was that the chief officer team were fully 20 sighted on the position that we were currently in. 21 I don't believe I could have said much more in those 22 reports to have hopefully got the message across.</p> <p>23 Q. Paragraphs 3.7 to 3.9, please, of your statement, 24 page 7. You set out that you wanted to avoid what's 25 called trawling and to achieve "an effective and</p> <p style="text-align: center;">Page 28</p>

1 balanced professional investigation of all the facts".
 2 Can we go, please, to tab 16 of the bundle. This is
 3 NTP000364. This is a policy decision made
 4 in August 2013, and it's the final paragraph there. You
 5 say:
 6 "It is not proportionate to contact each and every
 7 one of these persons."
 8 That's the 300 persons that have been identified:
 9 "Following the guidance in the public consultation
 10 draft on complex enquiries from the College of Policing,
 11 I have adopted an intelligence-led approach in order to
 12 avoid any suggestion of 'trawling' in an illogical,
 13 illegal or unprofessional manner. I have also taken
 14 advice from an experienced SIO in making that decision."
 15 We go back a tab to tab 15, to NTP001647, and here
 16 we read the CPS lawyer, Cath Carrie, advising you that
 17 you should not go on a crusade. What was "trawling"?
 18 **A. Trawling is where you -- well, fishing. The term itself**
 19 **conveys some sort of random, indeterminate approach.**
 20 **I have wrestled with this for a long time, and sometimes**
 21 **I know that you could be criticised for going either**
 22 **way. But, ultimately, I guess that I felt that there**
 23 **were some serious risks if we just randomly turned up at**
 24 **lots of people's doors, and I learnt a lot from**
 25 **reflecting on the previous investigation to Daybreak,**

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1 **we have to balance that against the time that it would**
 2 **have taken -- well, first of all, trying to locate a lot**
 3 **of the individuals, that they -- when they'd previously**
 4 **been in that home, they wouldn't have been forced to**
 5 **remain within Nottingham or Nottinghamshire, and, you**
 6 **know, I have already, in the past, had requests that**
 7 **have come through from other forces to assist them with**
 8 **their investigations. I think it was just the sheer**
 9 **number of people we were talking about in this enquiry**
 10 **which made it slightly different.**
 11 Q. Looking, if I may, DI Dales, to the approach generally
 12 to complainants by the police for the purposes of
 13 the enquiry, the inquiry has heard from complainants
 14 that they were distressed by the method of initial
 15 contact by the police, saying that they felt that they'd
 16 been approached out of the blue and, therefore, weren't
 17 in any way prepared. Was there an agreed protocol for
 18 making initial contact with someone who you think might
 19 have been a victim?
 20 **A. I tried to think about every eventuality, and I forget**
 21 **which -- I know I've seen it this morning. I wrote**
 22 **a long policy entry where I tried to list as many points**
 23 **as I could, where I made instructions around the**
 24 **importance of doing careful research in advance and**
 25 **seeing whether or not we have already got some**

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1 **the Harpoon enquiry, and, as I say, I did a lot of**
 2 **reading about this, and, ultimately, I thought I've got**
 3 **to be able to demonstrate fairness in my approach and**
 4 **have some solid ground for doing it.**
 5 Q. It is right to say that, in the past, there had been
 6 some criticism of trawling; is that right?
 7 **A. There was. In the reports that I read when I first**
 8 **started -- and I know that, since, the College of**
 9 **Policing have tried to support SIOs with what is felt to**
 10 **be quite a difficult area in terms of that decision**
 11 **making.**
 12 Q. We see in the documents that presently on screen, under
 13 "Reason", that also present at the meeting was
 14 DC Mandy Johnson. We note three lines down:
 15 "During the discussion, DC Johnson queried my
 16 decision not to approach other persons that may
 17 potentially hold information that could either support
 18 or refute the allegations."
 19 **A. Yes.**
 20 Q. Did the consequence of the decision close down the
 21 possibility of approaching others who might have
 22 assisted with the enquiry?
 23 **A. There always remains the possibility, by not going and**
 24 **seeing absolutely everybody, that there might be**
 25 **somebody out there that does hold some information. But**

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1 **information in the system around that individual, and**
 2 **I think, where we could, it was more going out, as**
 3 **opposed to cold-calling.**
 4 Q. Were you doing a similar operation today, what would you
 5 do differently with regard to that issue, if anything?
 6 **A. I probably wouldn't do anything any differently, not**
 7 **based in the circumstances that I was presented with at**
 8 **that time.**
 9 Q. One of the policy decisions you refer to at the end of
 10 your statement is policy decision 194. This is at
 11 tab 13 of your bundle, NTP001644. It's dated
 12 29 December 2014. This may be the document that you
 13 were referring to a moment ago:
 14 "Any persons coming forward to report witnessing
 15 another person committing historic child abuse will be
 16 treated as a significant witness."
 17 You say:
 18 "There is a possibility that persons that have
 19 witnessed abuse at the time and failed to report this
 20 may in some way be held culpable, either criminally or
 21 disciplinary, particularly if they are still working in
 22 a capacity that brings them into contact with children.
 23 For these reasons, I believe it is necessary to record
 24 their accounts and review this carefully."
 25 During Operation Daybreak, DI Dales, did you at any

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<p>1 point carry out a criminal investigation into former 2 Social Services staff for alleged witnessing or knowing 3 about abuse and failing to report it? 4 A. No, I didn't, but we did encounter a situation where 5 a particular woman did start to describe some of what 6 she witnessed -- forgive me, I can't remember all of 7 the detail, but I know at the time it was starting to 8 concern me a little bit how -- dependent on how she 9 dealt with it, how it could potentially straddle into 10 the criminal arena. 11 Q. Paragraph 3.13 of your statement, please. This is where 12 you discuss the threshold for referral to the CPS. 13 I will give you a chance to get there. It is page 7 of 14 your statement, the bottom of the page. You start at 15 3.11, and 3.12 is missed out there. You say: 16 "... the basis for whether a case should be passed 17 to CPS for consideration relied on whether the 18 'threshold' test was met." 19 You have already told us this morning: 20 "I was the final arbitrator for this decision." 21 The Threshold Test, you say, was whether the 22 evidence available provided a reasonable suspicion that 23 the offence had been committed. Would a "reasonable 24 suspicion" include an uncorroborated allegation? 25 A. Yes, it can do -- well, no, sorry. I realise, when</p> <p style="text-align: center;">Page 33</p>	<p>1 I have re-read that, that doesn't really make sense, 2 because it is not about suspicion that the offence has 3 been committed, it's about reasonable suspicion that the 4 offender has committed the offence, or a realistic 5 prospect of conviction. Importantly, that doesn't need 6 to be direct evidence; that could be, you know, a wealth 7 of circumstantial evidence. 8 Q. On reflection, do you think you placed appropriate 9 weight on whether there was corroborative evidence in 10 the records available to you? 11 A. I tried to, and I would have relied quite heavily on the 12 information that people were providing me, because 13 I just literally didn't have the time to scrutinise and 14 check everything that other officers under my 15 supervision were compiling for me. 16 Q. Did those officers, or did you, take into account the 17 authorship of those records, and the fact that the 18 author may have had an interest in not recording things 19 which would suggest abusive behaviour? 20 A. There was never an occasion where I had any concerns 21 around the integrity of any of the officers under my 22 supervision. 23 Q. No, it is not relating to the integrity of the officers, 24 it is relating to the integrity of the record maker at 25 the time. So an entry in the records describing</p> <p style="text-align: center;">Page 34</p>
<p>1 a child's behaviour, did you invite your officers or did 2 you, yourself, look at those records with sufficient 3 scepticism about why the person making that entry may 4 have had a motive for not including a complaint? 5 A. Right. I believe I did. But I think sometimes what we 6 found was that records weren't always signed or 7 initialled, so there could potentially be some queries 8 around that, and bearing in mind the number of people 9 that we were dealing with, I mean, in excess of 10 150 complaints at one point, and potentially 100-plus 11 offenders, it's sometimes really hard to try and 12 remember who said what. 13 Q. Again, when considering the Threshold Test, what weight 14 would be attached to the previous behaviour of 15 a complainant, such as previous offending or drug or 16 alcohol abuse? 17 A. I can't ignore that, but, again, I go back to, at the 18 point when I first came onto this enquiry, I don't think 19 a lot of us, myself included, were quite appreciative of 20 how sometimes the way that a child behaves could be 21 a manifestation of something else happening, something 22 really awful, to the child, and I think that's not just 23 the police that have learnt from that, but that's other 24 agencies generally. 25 Q. Should the inquiry understand that you think that</p> <p style="text-align: center;">Page 35</p>	<p>1 learning has moved on even since 2013/2014? 2 A. It has, most definitely, and wherever I have encountered 3 situations where I've felt that people have reverted 4 back to the old sort of era of where it was, dare I say, 5 one person's word against the other, I personally have 6 gone out of my way to address that. Certainly when 7 I stepped down, when I wasn't successful in getting 8 through my promotion board, I realised that, with lots 9 of new supervisors coming into Public Protection, how we 10 restructured, that there perhaps were some gaps and 11 there were some differing skill levels, and I worked 12 very closely with CPS and we did some decision making 13 master classes, trying to consolidate, really, all that 14 learning and all that experience that I could pass on to 15 my colleagues to improve the standard. 16 Q. So what should the inquiry understand, having listened 17 to your answer? Was the fact of previous offending or 18 alcohol abuse seen as possibly a result of abuse rather 19 than something that undermined credibility? 20 A. Quite possibly. Quite possibly. 21 Q. That was an understanding that you and your officers had 22 at the time of this -- 23 A. Probably not to begin with, but as things started to 24 develop, I think we became a lot more appreciative and 25 I was very, very fortunate to have had some of</p> <p style="text-align: center;">Page 36</p>

<p>1 the experiences I did. I was involved in workshops with 2 the college, with other senior investigating officers 3 that were handling non-recent historic child abuse 4 enquiries, and I also partook in a round-table meet with 5 the former DPP when we were reviewing all of 6 the guidance for CPS. 7 Q. We are discussing the Threshold Test that you applied. 8 What would be the process if the Threshold Test wasn't 9 met? What would be the process with the complainant? 10 A. Ideally, the complainant would have been informed in 11 person by one of my officers. 12 Q. That's the ideal -- 13 A. Yes. 14 Q. -- as you have just described it. What would happen in 15 practice? 16 A. I thought, and I hoped, that that's what was happening. 17 I know that some complainants had some difficulties in 18 being able to understand the decision and, again, 19 looking back, perhaps more could have been done to 20 improve the way that we had that dialogue. 21 Q. The inquiry has heard evidence, DI Dales, from some 22 complainants that they don't feel that they were kept in 23 contact enough by the police throughout the 24 investigations. Was there any protocol established on 25 how contact was to be maintained and how complainants</p> <p style="text-align: center;">Page 37</p>	<p>1 were to be updated? 2 A. Yeah, we introduced, but not at the start, I accept that 3 now, but we did introduce what I refer to as contact 4 management logs, so that that way we could keep an audit 5 trail around all the contact that was being had with 6 that individual. 7 Q. Indeed, there is some evidence from complainants that 8 they haven't -- or never heard anything about the 9 outcome of their particular case. Are you satisfied 10 that, whilst you were SIO, most victims were notified? 11 A. I'm really sorry to hear about that. To the best of my 12 knowledge, I thought that we had tried really hard to 13 ensure that everything was crimed and that the updates 14 were happening, albeit in accordance with what the 15 victim wished. 16 Q. Do you have any understanding now, if that hadn't 17 happened, why it didn't happen, with individuals? 18 A. I don't know. I can't say. 19 Q. Can we go, please, then to paragraph 4.1 of your 20 statement. This you will find at page 9, please. This 21 is in relation to a review conducted in 2013 by 22 DCI Griffin, DCI at the time. This is at tab 17 of your 23 bundle, document NTP001516. He carried out a review 24 in March 2013. You say at paragraph 4.7 that you don't 25 have any criticism of his review. Can we then go to</p> <p style="text-align: center;">Page 38</p>
<p>1 page 5 of that review under the heading "Overall 2 assessment". Do you have that? 3 A. Yes. 4 Q. You will see it is a third of the way down, "Overall 5 assessment". That's opened with: 6 "Beechwood home was riddled with abuse from the late 7 '60s at least into the late '80s." 8 Did you understand that to mean, DI Dales, physical 9 as well as sexual abuse, or just sexual abuse there? 10 A. No, abuse generally -- physical, sexual. 11 Q. You don't need to go back to your statement, but you say 12 at paragraph 4.13 that you would not disagree with the 13 characterisation, but that you would be cautious re the 14 time parameters. You think that it is more applicable 15 to sexual abuse in the 1970s? 16 A. We certainly seemed to get a lot more people complaining 17 about serious sexual abuse in the '70s, and this review 18 coincided with -- or was shortly after, if you recall, 19 those two reports that I wrote in relatively quick 20 succession at the back end of 2012. So I wasn't sure 21 whether or not the DCI was coming in to sort of do 22 a review. 23 Q. Under the same heading, the third paragraph down: 24 "The key issue with an enquiry like this is strict 25 policy and, if policy is applied in the way I have</p> <p style="text-align: center;">Page 39</p>	<p>1 suggested, then the actions that are raised can then be 2 managed much more easily. 3 "The [telltale] sign for me is, of 1,231 actions, 4 not a single one has been referred. The logical 5 conclusion, therefore, is that the SIO intends for every 6 action to be completed, and I can see already, is not 7 necessary. 8 "... 9 "In short, with some robust policy and rationale, 10 a huge number of these ... can be referred." 11 Can you explain what's being said here? 12 A. I can, and this was my ignorance. I didn't appreciate 13 that where we, for example, had a file that had gone to 14 the Crown Prosecution Service, where they decided that 15 there was insufficient to proceed, that there was then 16 a requirement for me to write a policy entry to say that 17 any actions appertaining to that individual that haven't 18 already, for whatever reason, been dealt with can now be 19 referred. It's like managing the system. For me, that 20 was an administrative error on my part and something 21 that I rectified very, very quickly. 22 Q. On self-reflection, looking back to those years, have 23 you ever thought that, as Operation Daybreak got more 24 complex, in the way you have described, you found 25 yourself out of your depth?</p> <p style="text-align: center;">Page 40</p>

<p>1 A. There were times where I really, really welcomed the 2 support of another senior investigating officer who 3 arguably had got a lot more experience than me -- 4 probably not the same level of experience and background 5 appertaining to child abuse, so I was always cautious 6 not to completely take that individual at his word, but 7 that relationship for me became more of a mentoring role 8 at that time.</p> <p>9 Q. Page 8, please, of DCI Griffin's report. At the top of 10 that page, he set out what he considers should be 11 carried out. Reading at the top there: 12 "When this exercise is complete, there will be 13 a very clear picture of what workload exists and 14 consequently what staff is required." 15 Was this DCI Griffin making a case for a full-time, 16 dedicated SIO?</p> <p>17 A. No. I think, again, the account should reflect the 18 workload and because there were actions in the 19 management system which we were not going to complete, 20 based on my decision, but they were still there, it 21 looked like there was a lot more work to be done than 22 what there actually was. So, again, when I was putting 23 in a request earlier in the year for the extra staff, it 24 would have been unfair because it would have looked like 25 we needed a lot more staff potentially than what there</p> <p style="text-align: center;">Page 41</p>	<p>1 is. I still believe what I asked for was right and 2 appropriate because I just didn't realise this issue 3 around the account management.</p> <p>4 Q. Can we go next to a briefing note from DS Gray from the 5 Metropolitan Police in August 2013, tab 18 of your 6 bundle, NTP001517, and something you address at 7 paragraphs 5.1 to 5.15 of your statement. 8 DS Gray was then SIO of Operation Yewtree. Just 9 referring previously to paragraph 5.14 -- you don't need 10 to go to it -- in that paragraph, you talk about the 11 victim management strategy. You say that you struggled 12 in your capacity as SIO "to secure the necessary buy-in 13 from other agencies". What do you want the inquiry to 14 understand by that?</p> <p>15 A. What I want people to appreciate is that we're dealing 16 with individuals who have carried this abuse for a long 17 time, and then finally built up the courage and the 18 trust to be able to impart that, and that release would 19 then involve people having to potentially spend a lot of 20 time, and I think, on reflection, what was probably 21 needed here was some dedicated staff purely just to 22 manage the victim updates and having the right skills 23 and the qualities, not necessarily from the police, to 24 be able to support some of the additional requirements 25 that the victims would need, particularly when it came</p> <p style="text-align: center;">Page 42</p>
<p>1 to imparting decisions around possibly not taking things 2 any further.</p> <p>3 Q. Page 3, then, of DS Gray's report, under "Resourcing", 4 please. In the second paragraph, he wrote: 5 "Best practice would have been to use staff trained 6 in child protection, eg, SCAIDP or at least to have 7 a dedicated team that had experience of investigating 8 historic child abuse, which I understand was not 9 initially possible." 10 Do you understand why it wasn't possible in 11 Nottinghamshire?</p> <p>12 A. As I say, the people that originally were put onto the 13 enquiry team were not -- in fact, only two of them were 14 from sort of the child abuse arena.</p> <p>15 Q. So should the inquiry understand that there wasn't 16 a dedicated team available in Notts Police at the time, 17 2011?</p> <p>18 A. It would have put the Child Abuse Unit in a very 19 precarious position if we'd have taken any more staff, 20 I think, out of those specialist areas.</p> <p>21 Q. Is there one now, a dedicated team, that could be 22 deployed in an investigation like this?</p> <p>23 A. No, not -- well, we do have an enquiry team which is 24 currently set up that's managing historic, non-recent 25 child abuse enquiries.</p> <p style="text-align: center;">Page 43</p>	<p>1 Q. Then we see in the third paragraph there, in the third 2 line down: 3 "In my opinion, the level of detail now known to the 4 SIO probably precludes a handover, but whether she 5 should retain responsibility for the force's child abuse 6 teams at the same time as running this enquiry may be 7 worthy of review." 8 Do you feel that you were able to run Daybreak at 9 the same time as being a DI for the Child Abuse 10 Investigation Unit? I know you've explained to the 11 panel this morning the extent of your dedication, the 12 work that you would do at weekends and in the evenings.</p> <p>13 A. Yes.</p> <p>14 Q. But looking back on it, was it ever realistic for you to 15 be expected to run two streams of work?</p> <p>16 A. I think, looking back, it was unfair. However, I am 17 extremely professional --</p> <p>18 Q. You've explained that, DI Dales, and I don't doubt that. 19 My question was not aimed at the fairness. It was aimed 20 at the realism of running an investigation of this sort 21 whilst also carrying out your other duties?</p> <p>22 A. It's not realistic, and hence why currently we do have 23 somebody permanently dedicated, and certainly when there 24 was another enquiry set up to manage the other abuse in 25 the other homes, then there was a superintendent that</p> <p style="text-align: center;">Page 44</p>

<p>1 was put in charge of that with a deputy DI which clearly 2 then caused a bit of stress on my team, trying to keep 3 them motivated. 4 Q. We have seen the number of reviews and policy issues 5 that you have been involved in up to the date of this 6 report, and there appears to be -- correct me if I am 7 wrong -- a common theme that there ought to be 8 a dedicated SIO. Did you tell or did you express that 9 view to any of your senior colleagues at the time? 10 A. I'm not one of those people that shouts up when I'm 11 struggling. 12 Q. Sorry, my question to you is, did you express that view 13 to any of your senior colleagues at the time? 14 A. I didn't. I didn't. That's what I'm saying, I'm quite 15 introvert when it comes to things like that. 16 Q. Although you and I have gone back and forth on this 17 issue of the SIO, do you understand now, as 18 at October 2018, why it took -- it was only in 2015, 19 four years into the operation, and given the number of 20 investigations that were running, individual 21 investigations, why a dedicated SIO wasn't appointed? 22 A. I don't. What I do know is that certainly when the 23 enquiry was reviewed by Superintendent Sandall, when I'd 24 taken up the position of temporary DCI, I wasn't sure 25 quite how I was going to cope with that challenge.</p> <p style="text-align: center;">Page 45</p>	<p>1 However, I was really fearful that if I said too much, 2 then I might forfeit promotion. 3 Q. Page 4 of David Gray's report, the top of the page 4 there, paragraph 2. We have already referred to the 5 victim management strategy. You say at paragraph 5.14 6 of your statement: 7 "I'm not sure whether simply directing victims to 8 their own GP was the best approach." 9 I take it there you are not being flippant. That 10 was what you were being advised to do? 11 A. (Witness nods). 12 Q. Who provided you with that advice? 13 A. I met with a doctor at the well-being clinic on 14 Spring Lane in Lambley, and partly that was because 15 I was becoming quite concerned about my staff and the 16 duration and longevity of how long they'd been on the 17 enquiry and the impact that it may have on them, but it 18 was also really just getting that clarity that we were 19 doing the right thing, because in some cases, we were 20 literally doing video interviews with people and then 21 having to rush them to their GP because of some of 22 the things that they were saying afterwards. 23 Q. Was providing support for victims or directing them to 24 that support, do you think, prioritised early enough in 25 the investigation?</p> <p style="text-align: center;">Page 46</p>
<p>1 A. No, it wasn't. 2 Q. Did you have officers working in your team who had any 3 training on supporting complainants? 4 A. None other than what you generally get throughout your 5 sort of general police training. 6 Q. Following a "no further action" decision, would any 7 support be offered by the police at that stage to 8 a complainant? 9 A. It was more a case of signposting people to other 10 support agencies that existed, and we did spend a lot of 11 time trying to ensure that we were au fait with what 12 support was available and what we could refer people to. 13 Q. Can we then go to a progress update that was carried out 14 on 29 July 2014. This is tab 8 of your bundle, 15 NTP001649. This was carried out by DS Sandall of 16 Leicester Police -- I think that's right. You say at 17 paragraph 6.1 of your statement that you were 18 temporarily promoted to DCI on 2 June 2014 and not long 19 after that you were asked to review how you would 20 consider scaling down the enquiry. By whom were you 21 asked to do this? 22 A. Superintendent Chamberlain. 23 Q. Do you know why scaling down the enquiry was being 24 considered at that point? 25 A. I don't.</p> <p style="text-align: center;">Page 47</p>	<p>1 Q. How difficult was it for you, DI Dales, to maintain the 2 morale and the momentum of Daybreak knowing that it was 3 not being sufficiently resourced? 4 A. It was hard. It was really hard. Fortunately, I'd got 5 some really, really committed individuals on the team 6 who I think understand that I am extremely authentic in 7 my approach, very trusting, and the fact that I was 8 prepared to put in the amount of time and effort that 9 I did, they went out of their way to conform to that. 10 Q. I mistakenly referred to this as a report prepared by 11 DS Sandall. In fact, it is a report that you're 12 providing -- forgive me, I am confusing myself. It is 13 a report that you are providing to DS Sandall; is that 14 right? 15 A. No. What happened was, Superintendent Sandall came and 16 reviewed the investigation -- no, you're right. I wrote 17 this when I was being asked to consider ways of trying 18 to scale or close the enquiry down, and one of my 19 recommendations was that I felt, as a prerequisite to 20 that, it needed an independent review. 21 Q. And that's the review that DS Sandall carried out? 22 A. Correct, yes. 23 Q. At page 4 of your review, the third paragraph there, the 24 second line, you say: 25 "The risk of scaling down this investigation ..."</p> <p style="text-align: center;">Page 48</p>

1 Do you have that? So the third paragraph down, the
 2 second line:
 3 "The risk of scaling down this investigation at this
 4 time, with the number of new victims still coming
 5 forward, would be that at some point in the future the
 6 case could be required to be re-opened. This has indeed
 7 already been the case with Operation Harpoon."
 8 You say further down:
 9 "By dispersing the victims between departments
 10 within Public Protection, it is still dealing with the
 11 same number of victims, it just isolates the victims to
 12 stand alone with their allegations as opposed to be
 13 dealt with collectively. We have had a number of
 14 victims who have made allegations against the same
 15 offenders. This seems to go against all direction and
 16 best practice in being victim focused, victim led, as
 17 per the Victim Charter."
 18 Does that mean, or should one infer from what you
 19 are writing there, that diverting enquiries to other
 20 teams was something that was already happening?
 21 **A. I tried it, and I realised that that wasn't the right**
 22 **thing to do, and I reflected on my decision, and ensured**
 23 **that we continued to deal with all the complaints**
 24 **relating to a particular individual, and I'm pleased**
 25 **that we did, because later on that individual was**

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1 on?
 2 THE CHAIR: Yes, we will do that, Mr Sadd. Thank you.
 3 (11.27 am)
 4 (A short break)
 5 (11.46 am)
 6 MR SADD: DI Dales, I am just going to take you to one issue
 7 that, as a result of cutting the feed, wasn't clearly
 8 explained, and you were trying to answer a question that
 9 I put to you. It is in relation to paragraph 2.29,
 10 where you were talking about early stages of
 11 the operation, and you identifying an issue early on and
 12 that many of the victims had also submitted claims
 13 against the local authority. You say:
 14 "I spend an inordinate amount of time being passed
 15 around until I finally obtained some clarity on the
 16 issue."
 17 My question to you at that point was, which agencies
 18 did you feel were passing you around?
 19 **A. Initially, I made contact with the councils, thinking**
 20 **that they may be able to provide me with said documents,**
 21 **but they explained the reasons why they couldn't.**
 22 **I then contacted a local firm of solicitors acting on**
 23 **behalf of some of the complainants, and that wasn't**
 24 **successful either, notwithstanding the fact that I had**
 25 **consent from some of the individuals. So, in the end,**

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1 **convicted for a long time.**
 2 Q. But at this stage, 2014, were your concerns already
 3 being realised about the impact that this was having on
 4 Daybreak itself?
 5 **A. Yes.**
 6 Q. Page 1 of the report, please. Under "Background", the
 7 second paragraph, five lines down:
 8 "This enquiry is linked to Operation Harpoon ..."
 9 Do you have that?
 10 **A. Yes.**
 11 Q. "... (John Dent enquiry) and there is evidence that some
 12 of these matters were reported as part of that enquiry
 13 but do not appear to have been progressed fully.
 14 Operation Harpoon was circa 2000 and it is concerning
 15 that we are now re-opening matters that should or could
 16 have been progressed much earlier."
 17 Is it your view that at the point of
 18 Operation Harpoon, there was a failure to conduct wider
 19 enquiries?
 20 **A. Yes.**
 21 MR SADD: Chair, I am conscious that we have three minutes
 22 before 11.30 am. I wondered whether this might be an
 23 appropriate moment to break? I have, I think, a further
 24 10 minutes of questions with this witness, and so, when
 25 we return at 11.45 am, would you be content that I carry

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1 **I was then trying to get some support from our own legal**
 2 **services department. I don't believe the issue fully**
 3 **resolved itself even when I left.**
 4 Q. Coming back to the train of evidence that you were
 5 giving just before we broke, and we had got to the point
 6 where you had told the inquiry about the review that you
 7 had written I think for DS Sandall. You talk about this
 8 at paragraph 6.7, because you had a meeting with them --
 9 this is page 13 of your statement. You say there:
 10 "I quickly formed the view that he struggled with
 11 any notion of scaling the enquiry down."
 12 **A. Yes.**
 13 Q. Then we come to his review, which is at NTP001518. It
 14 is tab 19 of your bundle, please. Under his executive
 15 summary, which is page 1, he notes that the
 16 investigation needed to "remain victim focused and be
 17 proactive in investigating child abuse that occurred at
 18 the children's homes". Do you think it had stopped
 19 becoming victim focused?
 20 **A. No, quite the contrary. I believe that he sensed that**
 21 **there was clearly some pressure perhaps to start looking**
 22 **at curtailing the investigation in some way, but that**
 23 **would have exposed some risk in doing that and hence**
 24 **making that statement as he did.**
 25 Q. One issue that he identifies in his report is the level

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<p>1 of your experience and accreditation. It is something 2 that you discuss at paragraphs 6.8 to 6.12, and you say, 3 although you weren't a PIP 3 accredited and had not 4 attended an SIO course, you did have a wealth of 5 investigative experience from CAIU work, and indeed you 6 have explained that earlier on in your evidence today. 7 It may be that we have already touched on this. It 8 is a question I am asked to ask you. In practice, do 9 you think you were sufficiently qualified to undertake 10 the SIO role? 11 A. Yes, I was. I think the learning for me was around not 12 having previously had a great deal of experience around 13 HOLMES, albeit I have previously worked on a murder 14 investigation where I was actually responsible for 15 putting in quite a complex file and action management. 16 But I think -- I don't know, because I have not attended 17 a PIP 3 course, how that would have changed my approach 18 in terms of my policies and my decision making. 19 Q. DS Sandall recommended that the investigation should not 20 be closed, and quoting from his report: 21 "This would have a detrimental impact on victims and 22 future victims and the reputation of 23 Nottinghamshire Police." 24 Was the impact on the police's reputation something 25 that played a major part in decision making during</p> <p style="text-align: center;">Page 53</p>	<p>1 Operation Daybreak? 2 A. I think it was certainly something that was considered 3 at all times. 4 Q. Can we look then at the East Midlands Special Operation 5 Unit report. This is the longest report prepared 6 looking and assessing Operation Daybreak. It is 7 NTP001519. It is at tab 20 of your bundle. We are 8 going to look together at some of the recommendations. 9 Specifically, if we look, please, at page 35, and the 10 "35" is in the bottom right-hand corner, as opposed to 11 on the page. This is in relation to A315. Do you have 12 that? It is paragraph 9.24. Internally, it is page 33, 13 and the inquiry reference is page 35. Do you have that? 14 You do. 15 A. Yes, I do, thank you. 16 Q. In relation to allegations by A315, the report says 17 under "Comment", four lines down: 18 "Whilst his allegations are not of the most serious 19 nature, it may be that they expose a regime where 20 systematic cruelty prevailed. In view of this, further 21 investigation is warranted. Consideration could also 22 have been given to reinterviewing NO-A315 in an effort 23 to obtain more information and clarity." 24 From your perspective, do you think less serious 25 allegations were considered collectively in this way or</p> <p style="text-align: center;">Page 54</p>
<p>1 considered individually? 2 A. I think, given the resources that I was given and the 3 pressure to progress some of the more serious offences, 4 I tried to take a very balanced and proportionate 5 response around some of what was being presented to me. 6 Q. Can we go to the conclusions of the report, please, 7 internal page 43, inquiry reference page 45. At 11.2: 8 "The reviewing officers have been very impressed 9 with the calibre, effort and commitment and resilience 10 of the officers and staff who have worked on this 11 investigation ..." 12 And then go through various issues. Questions I am 13 invited to ask you: on reflection, do you think that, 14 overall, the police response to disclosures of sexual 15 abuse during Operation Daybreak was appropriate? 16 A. Yes, I do. 17 Q. Do you think that the approach to investigations changed 18 during the period of Daybreak and beyond, to the point 19 where they were taken more seriously in later years, 20 leading to more prosecutions and convictions? 21 A. No, I don't. I'm just conscious that what people might 22 not always see is some of the work that was done, which 23 unfortunately, and perhaps rightly so, didn't result in 24 an outcome in terms of a detection, but outcomes for me 25 weren't just about prosecuting people, it was about</p> <p style="text-align: center;">Page 55</p>	<p>1 taking people seriously, and I truly believed that's 2 what we always endeavoured to do on this inquiry. 3 Q. DI Dales, if the police decided to re-open allegations 4 that had previously been NFA-ed, no further actioned, at 5 an earlier stage of the investigation, is there 6 a mechanism for doing so? 7 A. I'm sorry, I'm not sure I understand. 8 Q. So if there was a decision to look again at those cases 9 that had been NFA-ed, and the decision was to open an 10 investigation into those, is there a mechanism for doing 11 so? How would you go about doing that? 12 A. Well, I certainly did that in the case of someone that 13 was convicted for a significant period of time, I think 14 it was last year now, where historically he'd -- there 15 had been reports that he'd abused people previously, and 16 a decision had been made not to proceed, but I felt 17 strongly, based on the modus operandi, that we should 18 see whether or not there's any way that we could 19 potentially resurrect those complaints, and that's 20 certainly something I've been able to achieve with other 21 investigations aside from Daybreak. 22 In other words, the fact that somebody new was 23 coming forward, my perception of that would be like it 24 was fresh evidence to be able to bolster the original 25 complaint.</p> <p style="text-align: center;">Page 56</p>

1 Q. There's a reference in your report, DI Dales, to someone
 2 making allegations providing a chronology that is then
 3 subsequently changed by them, as they think again,
 4 perhaps. Is it common for chronologies of abuse, as
 5 disclosed by complainants, to change over time, so their
 6 datelines, their timelines?

7 **A. Yes, I think it's really hard, and this is where you try
 8 to put yourself into the victim's shoes, when they are
 9 relaying their account, they might not intentionally
 10 want to contradict themselves, but perhaps -- well,
 11 memory is like a crime scene in itself, and that for me
 12 is the importance of when it comes to planning of
 13 visually recorded interviews, because everybody is going
 14 to relay things in different ways.**

15 Q. In relation to one particular complainant, A105/L45, you
 16 note in your statement that that individual has
 17 convictions which included offences of dishonesty. What
 18 was the relevance of offences of dishonesty in that
 19 regard.

20 **A. What I don't think we should do is to conceal anything
 21 which may have a bearing on final decision making, and
 22 unfortunately, if somebody has been dishonest in the
 23 past, and they illustrate a propensity, perhaps, to lie
 24 or tell untruths, then what I wouldn't want is for that
 25 to come out further on down the line. There's something**

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1 Questions from THE PANEL

2 MS SHARPLING: Just a couple of questions from me, if I may.
 3 What was the workload like in respect of your other
 4 duties in the CAIU whilst you were the one-day-a-week
 5 SIO for Operation Daybreak?

6 **A. Intense. I was --**

7 MS SHARPLING: I'm more interested in, was it going up or
 8 down?

9 **A. It was going up because, unfortunately, we were
 10 experiencing staffing shortages, both on Child Abuse
 11 Unit as well as Daybreak, and that naturally intensified
 12 the pressure on everyone, including myself.**

13 MS SHARPLING: What about case load rather than staff?

14 **A. Yes, case load went up, and I was partly responsible for
 15 this. I believed quite strongly that the terms of
 16 reference should be changed. However, that was on the
 17 basis that we were going to work more collectively as
 18 one team with the restructuring of the Public
 19 Protection.**

20 MS SHARPLING: You said earlier in your evidence, in
 21 relation to a question asked by Mr Sadd about contact
 22 with victims and survivors, that you thought "everything
 23 had been crimed". I think those were your exact words.
 24 Can you explain, for the sake of the public, what you
 25 meant by that?

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1 **for me about the importance of being open and
 2 transparent.**

3 Q. Finally, at the end of your statement, paragraph 8.25,
 4 you say that the increased reporting of historic sexual
 5 offences is a positive reflection of the noticeable
 6 advances made in the criminal justice system that have
 7 instilled victims with the confidence to report abuse.
 8 Do you think there are still barriers to reporting
 9 non-recent abuse?

10 **A. Yes, I do. Would you like me to expand?**

11 Q. Very briefly.

12 **A. My concern is that a lot of abuse doesn't tend to get
 13 reported to professionals, it is more likely to get
 14 reported to peers. So I would certainly encourage
 15 anything where you could perhaps educate people a lot
 16 more about understanding what abuse is. I have even
 17 worked with adults who don't even understand that what's
 18 happened to them actually constitutes sexual abuse.
 19 Obviously, in the digital age and with the advent of
 20 cyber, I believe there are ways we could do that,
 21 possibly through apps and a different way of
 22 communicating with children.**

23 MR SADD: DI Dales, thank you for much for your evidence.
 24 I have no further questions. The panel may have
 25 questions for you.

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1 **A. Okay. We are duty bound under National Crime Recording
 2 Standards to ensure that everyone's complaints are
 3 properly given a crime reference. I did delay that.
 4 I purposefully delayed that, because my priority was
 5 more around trying to make every effort and endeavour to
 6 speak to the victims sooner rather than later and then
 7 deal with, dare I say it, the administrative side of
 8 things at a later point.**

9 MS SHARPLING: Is the implication of what you are saying
 10 that, if it hadn't been crimed, to use your word, you
 11 wouldn't have had the information to contact the victim
 12 in the first place?

13 **A. No. I'm sorry, I'm not explaining myself well at all.
 14 We had that information already in the HOLMES account.
 15 It was just a case of transferring it over.**

16 MS SHARPLING: I see, thank you. Lastly, were you aware
 17 that the police issue -- on a yearly basis, their annual
 18 policing plans and suchlike, do you know what the
 19 priorities were for Nottinghamshire Police while you
 20 were SIO for Operation Daybreak?

21 **A. I genuinely can't remember what priority was being given
 22 or afforded to sexual abuse or non-recent child abuse
 23 investigations at that time.**

24 MS SHARPLING: Thank you very much.

25 THE CHAIR: Thank you. Could I ask you about the final

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1 review, East Midlands Special Ops Unit? Here at 11.5,
 2 as well as many positive things in this report, it's
 3 said:
 4 "By improving the structure of practices and
 5 supervision of the investigation, it will benefit the
 6 investigating officer, staff and victims."
 7 What did you understand by that?
 8 **A. To be honest, I didn't take -- I didn't, rather, have**
 9 **much involvement in implementing these recommendations,**
 10 **because at this time, when this report came out, my**
 11 **involvement as SIO had ceased. Could you just direct me**
 12 **again, please, to the relevant paragraph?**
 13 THE CHAIR: Of course, it is 11.5. Tab 20.
 14 **A. I think having some real analytical support in this**
 15 **enquiry would have benefited, and I alluded to it in my**
 16 **statement, but I don't know whether that was down to my**
 17 **inability to convey what it was that I required or**
 18 **whether it was to do with the competence of**
 19 **the individuals that were assigned to the enquiry.**
 20 THE CHAIR: Yes, I understood that from the preceding
 21 paragraphs, but particularly supervision of
 22 the investigation. Have you any idea what was intended
 23 by that recommendation?
 24 **A. I think that would be pure speculation on my part.**
 25 THE CHAIR: Okay. Thank you very much. Mr Frank?

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1 MR FRANK: With ...?
 2 **A. I had regular meetings with partners as part of**
 3 **the investigation, but I can't say whether it was at my**
 4 **level or whether it was higher up that this**
 5 **information ...**
 6 MR FRANK: When you refer to "partner colleagues", you are
 7 talking the about local authority?
 8 **A. Yes.**
 9 MR FRANK: And insurers?
 10 **A. No, not really.**
 11 MR FRANK: That's all I ask. Thank you very much.
 12 THE CHAIR: Thank you, DI Dales.
 13 MR SADD: Chair, that completes the evidence of DI Dales.
 14 With your permission, we are going to move straight on
 15 to the next witness.
 16 (The witness withdrew)
 17 MR LIVINGSTON: Chair, we now call Detective Constable
 18 Julie Balodis.
 19 MS JULIE BALODIS (sworn)
 20 Examination by MR LIVINGSTON
 21 MR LIVINGSTON: Good morning, DC Balodis. You have provided
 22 a 23-page statement to the inquiry, I think, and that
 23 should be at tab 1 of the bundle in front of you.
 24 **A. Yes.**
 25 Q. Have you had the chance to read this statement recently?

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1 MR FRANK: Perhaps we could just begin by, behind tab 6,
 2 just reminding ourselves, NTP001642_004 -- don't bother
 3 to look it up, you can't find it easily -- not only did
 4 you have a shortage of resources, it would appear, in
 5 terms of personnel, but it would appear from that that
 6 you had access to one vehicle and you wanted another
 7 vehicle and they asked you to make out a business case
 8 for access to another vehicle.
 9 **A. Absolutely.**
 10 MR FRANK: So two vehicles.
 11 **A. Absolutely.**
 12 MR FRANK: The second thing I want to ask you is this: in
 13 relation to NTP001653_003, if we may, this is the report
 14 of DCI Simon Alexander. I think it is
 15 23 September 2011. Paragraph 3.18. Can you help us
 16 about this:
 17 "From a local authority perspective, the insurers
 18 are currently estimating that there is a potential for
 19 high levels of compensation on the basis of £100,000 per
 20 claimant."
 21 Can you help us as to where that figure came from
 22 and who provided that information?
 23 **A. I'd love to, and I can't. Genuinely, I can't remember**
 24 **who said that. I know we had a lot of discussions with**
 25 **partner colleagues.**

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1 **A. Yes, I have.**
 2 Q. Is the statement true, to the best of your knowledge and
 3 belief?
 4 **A. It is, yes.**
 5 Q. I'm grateful. Are there any corrections you need to
 6 make?
 7 **A. If I could just point out that in relation to**
 8 **paragraph 18, where I talk about what I would consider**
 9 **when preparing an interview, it reads at the moment as**
 10 **if I'm just applying that to suspect interviews, but it**
 11 **does actually apply to all interviews, that is, victims,**
 12 **witnesses and suspects.**
 13 Q. Thank you, DC Balodis. To reassure you, the panel have
 14 a copy of your full statement, and the whole statement
 15 will be published on the website. I'm not going to go
 16 through each question line by line, or each line, but
 17 I will take you to specific topics.
 18 Firstly, if I may, to summarise briefly your
 19 professional background, as you set out, you have been
 20 a police officer in Nottinghamshire since 1990, and have
 21 been part of the Child Abuse Investigative Unit since
 22 1990 as well; is that right?
 23 **A. No. I have been part of the Child Abuse Investigation**
 24 **Unit since 1998.**
 25 Q. That's right, sorry, that's my typo mistake. You had

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1 a four-year period in the mid 2000s where you worked in
 2 different units, but other than that, you have been
 3 involved in child abuse work from that point onwards; is
 4 that right?
 5 **A. I actually came away from child abuse in 2004, and went
 6 for a period of time into the CID department, but did
 7 return to Public Protection, which included child abuse
 8 investigations, rapes and domestic violence, and stayed
 9 with the Public Protection Department until 2008, when
 10 I then returned to the Child Abuse Investigation Unit.**
 11 Q. In recent years, you have been involved in
 12 Operation Daybreak and you're currently attached to the
 13 Operation Equinox role; is that right?
 14 **A. That's correct, yes.**
 15 Q. Operation Equinox, does that take up all of your time?
 16 **A. It does currently, yes.**
 17 Q. During Operation Daybreak, was that also taking up all
 18 of your time?
 19 **A. Initially, no. When Operation Daybreak first commenced,
 20 I was still involved in child abuse investigation cases,
 21 so that was work that was coming into the referral unit
 22 and then being allocated to officers on the Child Abuse
 23 Investigation Unit. It was only -- I think it was about
 24 2012, when Operation Daybreak had already actually been
 25 set up, that I then became part of that team with sole**

1 **the control room as to who should be dealing with that
 2 particular investigation. But in the main, I think it's
 3 fair to say that the majority are coming to our team.**
 4 Q. Do you think it would be more efficient for them all to
 5 come to your team?
 6 **A. Yes, I do. I think because we obviously have got a lot
 7 of information held within the system that we have on
 8 Equinox, and I have certainly in the past directed
 9 people to the fact that there is a lot of information
 10 held on the system, which may be useful in their
 11 enquiries and their investigations.**
 12 Q. Just to ask a very specific point on this: if a child
 13 came forward to make an allegation of abuse which solely
 14 related to their time in foster care, would that ever
 15 fall within Operation Equinox at the moment?
 16 **A. Again, this would be open for discussion because if that
 17 allegation related to a child who may have also been in
 18 a care home and is making an allegation against a foster
 19 carer but is also making allegations that, when they
 20 were a child in care, they were abused, then what we
 21 have been doing is, in fairness to that victim, dealing
 22 with both of those allegations.**
 23 Q. But if it is solely foster care, that would be dealt
 24 with by the CAIU?
 25 **A. Yes, it would.**

1 **responsibility for enquiries relating to Daybreak.**
 2 Q. A broader question about Operation Equinox. We know
 3 that it was set up, it merged to join Operations
 4 Daybreak and Xeres. What would lead an allegation to
 5 fall within Operation Equinox at the moment?
 6 **A. At the moment, that depends, to be quite honest. When
 7 we first started Daybreak, Daybreak was concentrating on
 8 allegations in relation to Beechwood. But that also
 9 extended then to other homes within Nottingham City.
 10 Xeres concentrated on homes within
 11 Nottinghamshire County. I am aware that there are some
 12 jobs that may go out to divisional officers in relation
 13 to care homes, so we are not actually dealing with all
 14 care homes. I think there is still some responsibility
 15 held within CID department.**
 16 Q. So a former resident of a children's home in
 17 Nottinghamshire or Nottingham City who came forward to
 18 the police to make an allegation of sexual abuse about
 19 their time in care would usually be dealt with by
 20 Operation Equinox but might not be; is that correct?
 21 **A. That's correct, yes.**
 22 Q. Can you assist, off the top of your head, as to how that
 23 decision is made?
 24 **A. When our team will become aware of an allegation being
 25 made, there will be discussion between the sergeants and**

1 Q. From paragraph 9 to paragraph 30 of your statement, you
 2 provide some very helpful detail on the investigation of
 3 contemporaneous allegations of child sexual abuse, and
 4 that part of your statement can be used by the inquiry,
 5 but I'm not going to go through it in detail. One thing
 6 which you do mention is that you cannot recall any
 7 specific cases of children in care making allegations
 8 against other children in care, in terms of
 9 contemporaneous allegations?
 10 **A. No, I can't, no.**
 11 Q. I'm hoping you will be able to help us a little with
 12 this: from the documents that are available to the
 13 inquiry going back to the early '90s, it seems that for
 14 some time, where a child made an allegation against
 15 another child of sexual abuse, that wasn't dealt with by
 16 the CAIU but was instead investigated by the CID, and
 17 only recently did it become the case that all alleged
 18 sexual abuse went to the CAIU. Can you help at all with
 19 why, in the past, cases went to the CID?
 20 **A. I'm afraid I can't, really. Obviously, that decision
 21 was made, and I really can't sort of help as to who made
 22 that decision. Obviously, it would have been a senior
 23 officer at the time. I don't know whether it had
 24 anything to do with the numbers of cases that were
 25 coming in in relation to child-on-child and that**

<p>1 possibly the Child Abuse Investigation Unit couldn't 2 cope with having those additional cases. But, I'm 3 sorry, I really can't answer that.</p> <p>4 Q. From paragraph 14 of your statement, you set out a bit 5 about the structure of investigations and some of 6 the steps that would be taken, and you talk about 7 building a rapport, capturing the child's account and 8 considering conducting a medical examination.</p> <p>9 In relation to that last point, the inquiry heard in 10 week 1 of one witness, L19, who alleges that he 11 reported, in 2011, an allegation of sexual abuse and was 12 then subject to an internal anal examination, even 13 though the allegations related to the 1970s. Can you 14 assist from your time working on the ground, are there 15 circumstances in which an allegation of non-recent abuse 16 would still lead to a medical examination like that?</p> <p>17 A. I do remember that particular case that you are talking 18 about, and I do know that there was a discussion between 19 the senior investigating officer at the time and 20 a paediatrician, and obviously everything was very 21 carefully taken into account in terms of weighing up 22 whether or not that was going to help with the 23 investigation, but obviously the effect that that would 24 have on the victim. As I say, I wasn't party of that 25 discussion. I'm aware that it took place. But I also</p> <p style="text-align: center;">Page 69</p>	<p>1 know that it wasn't a decision that was made lightly, 2 and obviously it was one that was discussed with the 3 victim. I'm sorry to hear that obviously there was an 4 impact after and probably still ongoing in relation to 5 that, and all I can say in relation to that is that it 6 was carefully discussed and it isn't very nice to hear 7 that he feels probably that he was put under pressure to 8 do that, and, as I say, I apologise if that's the case.</p> <p>9 Q. At paragraph 15 of your statement, you talk about 10 initial strategy discussions that might be held and say 11 that one of the things that might be discussed is 12 whether the investigation is going to be conducted 13 jointly between social care and police or by social care 14 as a single agency. Can you assist, in what 15 circumstances would it be a social care single-agency 16 investigation?</p> <p>17 A. The police obviously are there to investigate any 18 criminal offences. So, for example, if there was 19 a concern in relation to a child that didn't actually 20 amount to a criminal offence, then the Social Services 21 would deal with that as a single agency.</p> <p>22 Q. This applies probably more to non-recent allegations, 23 but the inquiry has heard a lot of examples of people 24 alleging, or it being found, that children aged 16 or 17 25 were sexually abused by members of staff or foster</p> <p style="text-align: center;">Page 70</p>
<p>1 carers at a time when that wasn't a criminal offence. 2 Would that be an example where it might be a social care 3 single inspection?</p> <p>4 A. If it didn't amount to a criminal offence, yes, it would 5 be, yes.</p> <p>6 Q. Did you feel during your time at the CAIU, so looking 7 more to that, rather than Operations Daybreak and 8 Equinox, that joint investigations were impeded by 9 competing priorities from you, on the one hand, and the 10 Social Services Department on the other hand?</p> <p>11 A. No, I think we -- certainly my experience is that we 12 work well together.</p> <p>13 Q. Paragraph 20 of your statement, please, DC Balodis. You 14 say that the officer in the case would be responsible 15 for completing an intelligence entry relevant to the 16 investigation which would be disseminated within the 17 force. Can you explain that to us a little bit, for 18 those of us who aren't police officers?</p> <p>19 A. In relation to what the intelligence would actually 20 include?</p> <p>21 Q. Yes, what does that mean? What does an "intelligence 22 entry" mean?</p> <p>23 A. This is basically to make sure that other officers are 24 aware of the circumstances of an allegation and the 25 parties involved in terms of, obviously, if they are to</p> <p style="text-align: center;">Page 71</p>	<p>1 be involved with those persons in the future, they have 2 some understanding of what has been reported.</p> <p>3 Q. Does "intelligence" simply mean -- forgive me if this is 4 expressed crudely -- what is known at the time?</p> <p>5 A. Yes.</p> <p>6 Q. Paragraph 27 of your statement. You say that all cases 7 of child abuse should be referred to the CPS where the 8 Threshold Test has been met. This is the test of 9 reasonable suspicion; is that right?</p> <p>10 A. Yes.</p> <p>11 Q. Has this position of when you refer cases to the CPS 12 changed during your time in the CAIU? Sorry, I will 13 rephrase that a little bit. So in the late 1990s or 14 early 2000s, for example, in all cases where there was 15 a reasonable suspicion in relation to sexual offences, 16 would they always be passed to the CPS at that stage, or 17 is that more recent?</p> <p>18 A. If I'm honest, I can't really remember what the 19 rationale for referring to CPS was back in those days.</p> <p>20 Q. At present, would it ever be you who makes the decision 21 about whether to refer a case on to the CPS?</p> <p>22 A. It would be the sergeant in conjunction with the senior 23 investigating officer.</p> <p>24 Q. Just looking still at that issue of referring cases to 25 the CPS and that relationship, we understand from the</p> <p style="text-align: center;">Page 72</p>

<p>1 policies and guidance that we have seen that there is 2 a facility for investigating officers to ask for 3 a review of a CPS decision not to prosecute in some 4 cases. Have you ever used that facility? Have you ever 5 received a decision from the CPS to take no further 6 action, which you have disagreed with and then appealed 7 that? 8 A. Not to my recollection, no. 9 Q. Paragraph 28. You set out that when multi-agency 10 strategy meetings are convened, these are usually 11 convened by social care or the LADO, the local authority 12 designated officer, and then police are invited to 13 attend. The inquiry has seen a number of cases 14 throughout the years where the police were not able to 15 attend or it's recorded that the police were not able to 16 attend. Was that a common issue, in your experience? 17 A. There would be circumstances when police couldn't 18 attend. I think, in my service, there has probably been 19 occasions when I have not been able to attend a strategy 20 meeting for one reason or another, and that would 21 usually be because something else of a higher priority 22 is probably at the same time, and when I say "higher 23 priority", for example, commitments to court, court 24 attendance. If there were any occasions when I have not 25 been able to attend a strategy meeting, I would</p> <p style="text-align: center;">Page 73</p>	<p>1 certainly liaise with the parties involved in that 2 strategy meeting in terms of what information I would be 3 providing, and would liaise following the strategy 4 meeting as to the outcomes of that strategy meeting. 5 Q. We are aware from the very nature of the police force in 6 Nottingham and working in child abuse specifically that 7 you have to deal with two separate local authorities in 8 relation to safeguarding and abuse investigations. Does 9 that, in itself, pose problems for the police? 10 A. I wouldn't say it causes any problems. It would 11 certainly be easier if it was just one authority, 12 because both have different sort of ways of working. 13 But it doesn't actually cause any problems. 14 Q. Then from paragraphs 32 to 46 of your statement, you 15 talk about investigation of non-recent or historic 16 allegations of child sexual abuse. I want to ask you 17 about a couple of them. 18 It looks like, from your statement, you have 19 personally been involved in most of the major 20 Nottinghamshire Police investigations into non-recent 21 abuse in care homes -- so there's the Dent 22 investigation; Operation Harpoon; there's the 23 Skegby Hall investigation into Michael Henderson; 24 Edwinstowe Hall; Operation Daybreak and then 25 Operation Equinox. Did you develop a bit of a specific</p> <p style="text-align: center;">Page 74</p>
<p>1 expertise in this area, do you think? 2 A. I'm not sure about "expertise". Probably after the 3 Harpoon/Dent investigation, I think it was known by the 4 detective inspector of the child abuse following that 5 investigation that obviously I'd had that experience, 6 and I think that is probably why I then became involved 7 in the Edwinstowe Hall and Skegby Hall enquiries, and in 8 relation to Daybreak, which then became Equinox, 9 obviously I was on the Child Abuse Investigation Unit 10 when that first -- those first allegations were made. 11 So I think it was just the timing more than anything in 12 relation to that. 13 Q. You set out that one of differences in approach between 14 Operation Harpoon, which was the late 1990s/early 2000s, 15 and Operation Daybreak, which was, as we know, in 2011 16 onwards, you say that one of the differences was the 17 involvement in the media and the awareness of 18 complainants about whether other complainants in respect 19 of their alleged perpetrator existed. Was that 20 a deliberate strategy or a deliberate different strategy 21 that was taken during Operation Daybreak, to involve the 22 media and to tell complainants about whether there were 23 other complainants? 24 A. Initially, when the media became involved, it wasn't 25 part of the Daybreak strategy. It was as a result of</p> <p style="text-align: center;">Page 75</p>	<p>1 a female going to the media. Obviously, following that 2 first, initial involvement of the media, there has been 3 strategies in relation to the media. But I haven't 4 actually been part of that. That would be the senior 5 investigating officer that would decide those strategies 6 in conjunction with our communications department. 7 Q. At paragraph 42, talking about, I think, Harpoon and 8 differences at that point, you say that during that 9 time, support was offered from the police, but there was 10 no specific signposting to support agencies at that 11 point. If you can take yourself back to that time, can 12 you recall what sort of support would the police have 13 been offering in 1998/1999/2000? 14 A. At that particular time, the only service that was 15 really available was the victim support service other 16 than the involvement of the officers who obviously would 17 offer a level of support, but there wasn't actually any 18 sort of counselling services that we could signpost them 19 to. 20 Q. Do you remember -- you were involved at that time -- had 21 you been trained specifically on supporting victims and 22 how to deal with them? 23 A. No, I hadn't. When I became part of the Child Abuse 24 Investigation Unit team on a permanent basis, as part of 25 the training, we do cover support, but I am obviously</p> <p style="text-align: center;">Page 76</p>

<p>1 not trained in any sort of counselling. It would be 2 just general support. 3 Q. Not necessarily personally what you did, but do you 4 think that there was a significant difference in terms 5 of the expectations around the sensitivity to be shown 6 to complainants as at 1998/1999 compared to 2011, for 7 example? 8 A. Sorry, can you just repeat the question again? 9 Q. Yes. In terms of the sensitivity to be shown by 10 officers to complainants who come forward, do you think 11 there was a big difference in expectations between 1999 12 and 2011? 13 A. No, I don't think there is. 14 Q. Is there now greater training offered in terms of 15 investigating allegations of non-recent abuse than there 16 was at the time of Operation Harpoon? 17 A. There is a lot more training available now, yes. 18 Q. Is that training required for people who are on 19 Operation Equinox, do you know? 20 A. Certainly at the moment, a large proportion of 21 the officers who are on Equinox have probably come from 22 a Public Protection background, but not all of them 23 have. I can't specifically comment on what training 24 those officers may have had. I know that they have all 25 been trained in relation to the video interviewing, or</p> <p style="text-align: center;">Page 77</p>	<p>1 visually recorded interviews, in relation to 2 complainants. 3 Q. One of the things you mentioned, DC Balodis, at 4 paragraph 46 -- again, this is comparing the two -- you 5 say that during Operation Daybreak there was a more 6 victim-focused approach, and we have heard about that 7 this morning, and you say a risk assessment was 8 conducted at the time of initial contact, signposting to 9 support services and regular updates were given. You 10 note that during Operation Equinox victims have been 11 offered additional support from social care and referral 12 to the Survivor Support Service, SVS. Does that include 13 referrals to qualified counsellors, do you know? 14 A. Certainly, myself, I can think of victims who have 15 sought the services of trained counsellors, but this has 16 been referrals they have made themselves. In relation 17 to signposting to support services, throughout the time 18 that I've been on Daybreak and Equinox, there have been 19 different services or counselling services that we have 20 been able to not necessarily recommend, but refer to the 21 victims and, you know, if -- wherever possible, have 22 helped in making those referrals or suggestions as to 23 where they can actually go for counselling. 24 Q. Do you know, has any work been done to assess whether 25 complainants who have been referred to the Survivor</p> <p style="text-align: center;">Page 78</p>
<p>1 Support Service have found it helpful or not? 2 A. I don't know whether this has actually been collated by 3 anyone outside the team. Certainly, as an officer 4 involved in the investigation, we do obviously speak to 5 the victims about what support they have had and whether 6 or not they found it beneficial, so certainly, as an 7 officer on the team, I would be asking those questions 8 and collating that sort of information myself, but then 9 it is sort of kept within ourselves, as opposed to 10 feeding back to the team in general. 11 Q. So you've never been asked to feed back that 12 information? 13 A. No. 14 Q. I want to ask you a few questions specifically about 15 Operation Harpoon. You deal with this from paragraph 47 16 of your statement. This was the investigation into 17 allegations against John Dent relating to Enderleigh and 18 Hillcrest. You were the lead on this investigation, but 19 the investigation was managed by the detective sergeant. 20 Does that mean that you had the day-to-day 21 responsibility but someone else had the supervisory 22 responsibility? 23 A. It does, yes. 24 Q. You provide some detail about your involvement, and it 25 is right that you were one of two officers who</p> <p style="text-align: center;">Page 79</p>	<p>1 interviewed the first complainant who came forward 2 in March 1998; is that right? 3 A. I interviewed on my own, if I recall correctly. The 4 sergeant was involved in the initial contact with the 5 victim, but I'm sure I'm right in saying that I actually 6 visited her myself and interviewed her myself. 7 Q. At paragraph 48, you mention that you went and visited, 8 that full details of the allegations were taken in note 9 form, and then this was later formalised into 10 a statement. Just to clarify, so at this stage of 11 investigating these allegations, it wasn't expected that 12 there would be video-recorded interviews done? 13 A. No. Achieving best evidence didn't come in until later 14 on. I think it was 2002. So at that particular time, 15 victims of sexual abuse, their account was taken in the 16 form of a statement. 17 Q. You set out in some detail the steps taken following 18 that interview, including yourself conducting interviews 19 with John Dent himself. At paragraph 53, you say that 20 you charged John Dent with indecent assault 21 in February 1999, and then you also refer, at 22 paragraphs 59 and 62, to going on to charge him with 23 offences against others, as those others came forward. 24 Were you able to make those decisions to charge without 25 the involvement of the CPS?</p> <p style="text-align: center;">Page 80</p>

1 **A. No. I do remember that when those decisions were made,**
 2 **there was a lawyer from the CPS, and that we did have**
 3 **some early consultation meetings before the charges were**
 4 **agreed.**
 5 Q. It may just have been a different practice at the time,
 6 but I think what your evidence suggests on this is that
 7 there was piecemeal charging as complainants came
 8 forward, and then, at the end of the case -- well, not
 9 at the end of the case, once you had collated all of
 10 those allegations, the file was then sent to the CPS for
 11 a decision, and you say that at paragraph 67 of your
 12 statement.
 13 **A. If I can just clarify, my recollection is that,**
 14 **following the allegation being made by the victim that**
 15 **had come forward in the first place, a file was put**
 16 **together, and the reason that I'm saying this is that**
 17 **I know that the summary, which is now referred to as an**
 18 **MG5, only contains the allegations and the witnesses in**
 19 **respect of that first complainant. So my recollection**
 20 **is that a file was submitted to the Crown Prosecution**
 21 **Service in relation to the allegations made by the first**
 22 **victim, and then, subsequent to that, further files were**
 23 **submitted, and I'm sure I'm right in thinking that each**
 24 **file is actually allocated what we call a unique**
 25 **reference number. So in respect of Mr Dent, there was**

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1 of them or in advance of interviewing witnesses?
 2 **A. Yes, it does, yes.**
 3 Q. Taking a broader look at Operation Harpoon, did you take
 4 an intelligence-led approach to the investigation of
 5 allegations, so only interviewing former residents if
 6 they were named by someone else, or was it that you
 7 interviewed as many former residents as you could
 8 locate?
 9 **A. In the first stages of the investigation, the way that**
 10 **the investigation was conducted was that we were looking**
 11 **for witnesses who had been named, but this -- basically,**
 12 **what happened is that we started off looking at**
 13 **witnesses in relation to Enderleigh. Enderleigh was the**
 14 **home where the first victim had been in care. As**
 15 **a result of making further enquiries and tracing another**
 16 **ex-resident of Enderleigh, she had spoken about a boy**
 17 **who had obviously been in care and, through further**
 18 **enquiries, it was established that he had been at the**
 19 **Hillcrest Children's Home.**
 20 **Obviously, once we're aware of that information,**
 21 **that raised concern as to the fact that Mr Dent had**
 22 **obviously not only been abusing children at Enderleigh,**
 23 **but also abusing children at Hillcrest, and from then**
 24 **on, a decision was made to look at the time period for**
 25 **which Mr Dent had been working at Enderleigh and at**

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1 **actually about -- I think there was three unique**
 2 **reference numbers allocated which, as I say, does seem**
 3 **to suggest that the file was submitted in three separate**
 4 **batches, basically.**
 5 Q. So should the inquiry understand that, rather than that
 6 being a different practice of the police or the CPS at
 7 the time, that was simply that in this case the evidence
 8 was coming out in such a way that that was the process
 9 you needed to follow?
 10 **A. That's right, yes. Yes.**
 11 Q. Paragraph 63. You say that at one point the
 12 investigation became known as Operation Harpoon. What
 13 triggers that? What triggers an investigation into an
 14 alleged perpetrator being given an operation name?
 15 **A. I think I'd be right to say it was the scale of**
 16 **the investigation and obviously the fact that additional**
 17 **officers were then being put onto the investigation.**
 18 **I don't know if there is any more to it, if I'm honest.**
 19 **That would be a decision that would be made by a senior**
 20 **investigating officer.**
 21 Q. You say in your statement that, when interviews were
 22 being conducted, in order to ensure consistency you
 23 prepared an information seek form containing pertinent
 24 points to be covered. In practice, does this mean that
 25 interviewing officers would have a sheet either in front

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1 **Hillcrest, and to then try and trace witnesses in**
 2 **relation to that particular time parameter. This then**
 3 **extended to the period that Mr Dent had actually worked**
 4 **at Beechwood.**
 5 Q. Coming on to that, you say that having established that
 6 Dent worked at Beechwood from 1973 to 1975, you took
 7 that decision. It might be hard to place yourself back
 8 at this time, given your involvement in
 9 Operation Daybreak, but do you think that as at
 10 1998/99, you had a good understanding of how the
 11 different units of Beechwood fit together at different
 12 times?
 13 **A. Can I just, in relation to what you have just said**
 14 **there, clarify? You said about making the decision to**
 15 **approach people in relation to Beechwood. Although**
 16 **I was the lead in that investigation, that wouldn't have**
 17 **actually been a decision that I would have made. It**
 18 **would have been somebody of a higher rank.**
 19 Q. I understand.
 20 **A. But certainly in relation to the workings of the home --**
 21 Q. Sorry to interrupt. I mean, the inquiry has got a large
 22 amount of evidence from different sources which piece
 23 together a story of Beechwood opening and then being
 24 called one thing and then changing to two units of
 25 Lindens and Redcot and then Enderleigh joining and then

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1 Enderleigh closing. That piece might seem quite
 2 confusing to many people that looked at it. Do you
 3 think that you had a really firm understanding of that
 4 at the time?
 5 **A. In the 1998 investigation?**
 6 Q. Indeed.
 7 **A. No, I certainly wouldn't, myself, have had an**
 8 **understanding of that. In the 1998 investigation, the**
 9 **focus, as I say, was on Mr Dent and the period that he'd**
 10 **been at Beechwood. So any statements that were obtained**
 11 **were in relation to that particular period, as opposed**
 12 **to from 1950 to 2000. So, no, we certainly didn't have**
 13 **an understanding of Beechwood at that time.**
 14 Q. So, for example, we know that the allegations were made
 15 against him in relation to Enderleigh where he worked in
 16 the late 1970s.
 17 **A. Yes.**
 18 Q. The inquiry now understands that Enderleigh was one unit
 19 of Beechwood at that time.
 20 **A. Yes.**
 21 Q. We have heard that there was some movement and
 22 interaction between those three units. So if somebody
 23 had come forward and made an allegation of abuse in
 24 relation to Beechwood at the same time as he was working
 25 at Enderleigh, do you think you would have had

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1 Op Harpoon is circa 2000 and it is concerning that we
 2 are now re-opening matters that should or could have
 3 been progressed much earlier."
 4 From your experience on both investigations, do you
 5 think that's a fair point?
 6 **A. I think that is a fair comment. I think, had we opened**
 7 **the parameters during the Operation Harpoon inquiry to**
 8 **a wider -- as I say, a wider parameter, and when seeing**
 9 **certainly ex-staff had actually got full details in**
 10 **relation to when they had been employed at Beechwood, as**
 11 **opposed to just concentrating on the period that Mr Dent**
 12 **was there, then that would have definitely helped in**
 13 **relation to the investigation of Operation Daybreak.**
 14 Q. So, on reflection, do you think that a wider
 15 investigation should have been conducted at the time of
 16 Harpoon?
 17 **A. With hindsight, probably, yes.**
 18 Q. I want to move on to ask about your involvement in the
 19 enquiry into Edwinstowe Hall in 2003/2004. You mention
 20 that in your statement from paragraphs 102 to 114.
 21 I want to deal with one very specific point arising from
 22 this, but this enquiry, just to summarise, arose from
 23 two residents coming forward in 2002/2003 -- sorry, two
 24 former residents, who disclosed they had been abused at
 25 Edwinstowe Hall in the 1970s, and this led to seven

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1 sufficient understanding to put those together and say,
 2 "Oh, yes, that was part of the same complex"?
 3 **A. I do recall that during the investigation of**
 4 **Operation Harpoon there were circumstances where people**
 5 **came forward and made allegations. That was for that**
 6 **period that Mr Dent had actually worked at Enderleigh**
 7 **and at Beechwood. And those allegations were looked at,**
 8 **ie, investigated, as fully as they could be at that**
 9 **time. But, as I say, certainly beyond the period of**
 10 **the 1970s, we didn't sort of explore Beechwood and the**
 11 **workings of Beechwood.**
 12 Q. I am going to read out a quote to you which was read
 13 this morning. It is at tab 11 of your bundle, but we
 14 don't necessarily need to go to it because I will read
 15 it out. It is from a progress update from DI Dales
 16 in July 2014 as part of Operation Daybreak, and she
 17 says:
 18 "There is certainly a real concern by the senior
 19 investigating officer that what appears to be happening
 20 is, with the current media publicity, individuals are
 21 now reporting matters that they claim they tried to
 22 earlier to no avail. This enquiry is linked to
 23 Op Harpoon (John Dent inquiry) and there is evidence
 24 that some of these matters were reported as part of that
 25 enquiry but do not appear to have been progressed fully.

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1 strategy meetings and a report commissioned by the
 2 county council. We know from the documents and from
 3 your statement that you were present at three strategy
 4 meetings. I would just like to take you to one of
 5 those, please. It is tab 7 of your bundle,
 6 NSC000489_055. This is a strategy meeting from
 7 30 May 2003, at which you were present. If we can now
 8 turn to page 58, please, your name is mentioned
 9 throughout these meetings as reporting matters which you
 10 clearly obtained from documents. I just wanted to take
 11 you through a couple of those. The penultimate
 12 paragraph there says:
 13 "DC Balodis noted that in June 1993 there was an
 14 allegation of sexual abuse, child-on-child, involving
 15 A360 and another resident at Edwinstowe Hall."
 16 On the next page, the second paragraph from the top
 17 says:
 18 "There are lots of concerns about child-on-child
 19 sexual abuse."
 20 And then the next paragraph, midway through,
 21 Margaret Stimpson, the chair of the meeting, notes:
 22 "... the meeting is considering allegations made ...
 23 which relate to the late 70s and early 80s but have also
 24 identified another distinct period during the late 80s
 25 and early 90s when there appeared to be a lot of sexual

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1 activity between residents ..."

2 DC Balodis, you say in your statement that this

3 information about child-on-child sexual abuse was

4 brought to the attention of the participating agencies

5 but that you had no involvement in the investigation of

6 these allegations. Why weren't these allegations

7 investigated by the police, by you?

8 **A. I'm sorry, but I can't actually recall the reason why.**

9 **I don't know whether it would have had something to do**

10 **with the fact that, at that particular point in time, we**

11 **hadn't actually had any complaints made to the police.**

12 **But, I'm sorry, I can't really recall.**

13 Q. Do you remember, was there an attitude within the police

14 at that time that allegations of non-recent,

15 child-on-child sexual abuse should not be investigated

16 because the perpetrator was a child at the time and

17 therefore shouldn't be held responsible in the same way?

18 **A. I'm not sure that it was a case that they shouldn't be**

19 **investigated. I'd like to think that that wasn't the**

20 **case. But I can't honestly recall.**

21 Q. Moving on to your involvement in Operation Daybreak,

22 please, you talk at paragraphs 80 to 83 about your

23 involvement in initial strategy meetings, relating to

24 Operation Daybreak. We know from your statement and

25 from the documents that the police were initially

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1 years, when the NSPCC weren't involved and you were

2 dealing with social care, did you ever feel there was an

3 issue of conflict where social care were trying to

4 exercise their role to support complainants but at the

5 same time it was their staff members that were being

6 accused of abuse?

7 **A. Yes, I think there is that conflict, yes.**

8 Q. Was that something that, in your view, posed any

9 difficulties during the investigation?

10 **A. Not difficulties to myself or other officers within the**

11 **team, but certainly may have caused some issues, and did**

12 **cause some issues, I think, from the point of view of**

13 **victims and the way that they viewed that.**

14 Q. Do you think -- and I appreciate it might not be for

15 you, but at least from your perspective, do you think it

16 would have been better if the NSPCC had continued to be

17 used?

18 **A. Possibly, yes.**

19 Q. We know from your statement and from the documents that

20 initially the NSPCC were also involved because they were

21 commissioned to carry out an internal enquiry at the

22 same time as the police enquiry. I believe it was

23 Alan Hassall who carried that out. Do you remember what

24 steps were taken to ensure that his enquiry didn't

25 prejudice or conflict with the police investigation?

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1 notified of allegations that had arisen in July 2010,

2 and you were then allocated as the officer to

3 investigate in September 2010. Is that right?

4 **A. Yes.**

5 Q. You were then involved in a number of subsequent

6 strategy meetings about the allegations which at the

7 beginning I think were largely in relation to physical

8 abuse, but then started to include sexual abuse as well?

9 **A. That's correct, yes.**

10 Q. We don't need to turn to this, but in the first meeting

11 which you attended in September 2010 -- and for the

12 record, that's NCC000302 -- a decision was made that the

13 police would invite the NSPCC along to meetings with

14 alleged victims and perpetrators. To the best of your

15 memory, were the NSPCC being used instead of

16 Social Services Department because they had

17 a neutrality?

18 **A. Yes, they were. They'd been commissioned by the local**

19 **authority.**

20 Q. Do you know why, through Operation Daybreak and on to

21 Operation Equinox, that involvement of the NSPCC faded

22 and was replaced by social care involvement?

23 **A. I'm not entirely sure, but I think it was something to**

24 **do with funding, money.**

25 Q. Did you ever feel that there was an issue in the later

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1 **A. No, sorry, I can't comment on that.**

2 Q. During the initial stages of the investigation, we see

3 from the strategy meeting minutes that there was

4 discussion about obtaining documents from the councils.

5 Overall, do you think that at that initial stage the

6 councils were sufficiently speedy about providing

7 requested documentation, such as staff lists and

8 policies?

9 **A. No. Certainly in the initial stages, I do remember that**

10 **there were some issues in relation to obtaining**

11 **documentation held by the local authority. When I say**

12 **"issues", that requests were being made and that not all**

13 **of the material that we were necessarily asking for was**

14 **made available. That may well have been because --**

15 **obviously the way that it had been archived and tracing**

16 **that material, and delays in relation to that and, as**

17 **I say, actually locating it.**

18 Q. Do you remember, was this the city council or the

19 county council or both?

20 **A. I believe it would probably be both. I can't really**

21 **comment now.**

22 Q. Do you have a view -- I think you may have already

23 expressed this -- whether the reason for those delays

24 was simply one of difficulty or of resources or whether

25 there was a feeling that you were being stalled?

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1 **A. From my point of view, that's quite difficult to answer,**
 2 **because I didn't actually have that communication with**
 3 **those relevant people, in terms of trying to obtain that**
 4 **material.**
 5 Q. But you were at the strategy meetings with them?
 6 **A. So, sorry, this is in relation to the material right at**
 7 **the beginning?**
 8 Q. Yes. So this is right at the beginning of
 9 the investigation.
 10 **A. Certainly when I was involved right at the beginning,**
 11 **there was information available, as is referred to in**
 12 **the strategy meeting minutes. At that particular time,**
 13 **what was available I think we thought was all that was**
 14 **going to be available, but obviously, throughout the**
 15 **investigation, you know, further material has come to**
 16 **light and further material has been located.**
 17 **So, sorry, when I have referred to what I have just**
 18 **said, I'm talking about throughout the investigation, as**
 19 **opposed to just initially.**
 20 Q. You have mentioned already that until 2012 you were
 21 working on Operation Daybreak only part time, and then
 22 it became the full focus of your work, and then you have
 23 continued on to Operation Equinox. Have you felt, as an
 24 officer in those teams, that sufficient resources have
 25 been allocated to the investigations?

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1 **somebody isn't updated on a particular day -- it might**
 2 **be the day later, but certainly as soon as possible.**
 3 **But as I say, I apologise if people feel that way.**
 4 Q. In relation to the Logins investigation, you weren't the
 5 officer in the case, but you were involved in
 6 interviewing witnesses and obtaining statements. The
 7 inquiry has heard, in relation to that investigation,
 8 from at least one witness who has a very positive view
 9 on the police's work, and I think you were named
 10 specifically in relation to that.
 11 Can you help, was the approach to complainants in
 12 the Logins investigation any different from the approach
 13 to other parts of Operation Daybreak or Equinox?
 14 **A. I wasn't actually the officer in the case, nor was I the**
 15 **officer who had the initial dealings with the victim in**
 16 **that particular case. I wouldn't have expected it to be**
 17 **any different. We would all usually take the same**
 18 **approach.**
 19 Q. Asking you to reflect for a minute, we know that
 20 Andris Logins was first arrested in November 2013. He
 21 was subsequently charged and convicted in 2016, and at
 22 that point he was the first member of former care staff
 23 to be convicted under Operation Daybreak and Equinox.
 24 We have heard a bit from DI Dales on this this morning,
 25 but do you have any reflection on why it took five or

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1 **A. Not at all times, no.**
 2 Q. Did you make those concerns known?
 3 **A. I think they were already known by the senior**
 4 **investigating officer. There was no need to make them**
 5 **known.**
 6 Q. Coming on to Daybreak itself, you set out in your
 7 statement how actions were allocated and some of
 8 the challenges faced by Daybreak, and at paragraphs 91
 9 to 92, you say that the initial approach to those coming
 10 forward is to ensure that there is sufficient
 11 information in relation to the suspect in order to
 12 identify any safeguarding issues and address any welfare
 13 issues.
 14 The inquiry has heard from a number of complainants
 15 in week 1 that they do not feel that they have been kept
 16 in sufficient contact by the police through the
 17 investigation. Do you have any comment on that?
 18 **A. I can only apologise, if that is the case and if victims**
 19 **feel that way. Obviously under the Victims Code we do**
 20 **have a duty to update victims on a regular basis.**
 21 **Certainly initially, when we have contact with the**
 22 **victims, we have an agreement as to how often they do**
 23 **want to be updated. In the main, we do tend to stick**
 24 **with that agreement. But, again, there may be**
 25 **situations where other things take priority, and perhaps**

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1 six years for the first conviction to arise from
 2 Daybreak or Equinox?
 3 **A. Delay in relation to these investigations is obviously**
 4 **something that is talked about a lot. I think when we**
 5 **are looking at delay, sometimes it isn't really taken**
 6 **into account. The scale of this investigation, in terms**
 7 **of, we are looking at complaints from the 1950s to 2000,**
 8 **the number of people involved in the investigation, and**
 9 **obviously this goes back to resources as well, but there**
 10 **hasn't always been the staff on the team that we really**
 11 **need to have on that investigation in order to expedite**
 12 **the cases.**
 13 MR LIVINGSTON: Chair, I appreciate it is now 1.00 pm.
 14 I have about five or ten minutes' more questioning. Are
 15 you content for me to continue?
 16 THE CHAIR: Yes, continue.
 17 MR LIVINGSTON: DC Balodis, coming on to your involvement in
 18 Operation Equinox, I want to take you to tab 10, which
 19 is NTP001688. This is the investigation prioritisation
 20 policy, August 2016, which is signed by DS Pearson.
 21 I appreciate this wasn't written by you, but I want to
 22 ask you a couple of questions about how it's
 23 implemented.
 24 Page 2 of that document says in the penultimate
 25 paragraph:

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<p>1 "Serious sexual offence is defined as including rape 2 (as currently defined) and sexual assault. It does not 3 include sexual touching and grooming." 4 Is our understanding correct that sexual touching 5 and grooming are not regarded as priorities for 6 Operation Equinox? 7 A. That's correct, yes. 8 Q. On the next page, it sets out what that means, which is 9 that, at least in relation to grooming-type offences, 10 they will receive a limited investigation, which will 11 involve the recording of the evidence, safeguarding 12 enquiries, and database checks. Have you felt, when 13 carrying out this policy, that that has led to 14 complainants feeling that their complaints are being 15 trivialised or ignored? 16 A. I think what I should say in relation to this policy 17 document is that, obviously, it was written back 18 in August 2016 and, although we still very much follow 19 it, each case that we are dealing with, we would now 20 speak to the senior investigating officer and decide how 21 and what further enquiries should be made in relation to 22 that. So although in the main we are still sticking to 23 this, obviously in relation to each case there would be 24 discussion between the officer and the senior 25 investigating officer in terms of what enquiries should</p> <p style="text-align: center;">Page 97</p>	<p>1 be made and what further investigations should be done. 2 So, no, certainly nothing is trivialised. 3 Q. You say in your statement that as part of 4 Operation Equinox you have been involved in one case of 5 alleged sexual abuse made by a child in care against 6 someone who'd been a child at the time of the offence 7 but that the complainant has since stated that he didn't 8 want the police to take any further action. Is there 9 a policy within Operation Equinox on how to deal with 10 child-on-child sexual abuse that arises? Is it part of 11 Operation Equinox? 12 A. I can't quote the specific policy, but I would expect 13 there would be one, yes, and, as I say, if there isn't, 14 it would certainly be a discussion that would be had 15 between the officer and the senior investigating 16 officer. 17 Q. I suppose the cruder question is, if an allegation like 18 that came to you, it wouldn't be there, it would be 19 passed to a different team, you wouldn't be expecting to 20 investigate it as part of your duties -- or it would be 21 allocated? 22 A. If it also relates to somebody who is making an 23 allegation that relates to a period when they were in 24 care, yes. 25 Q. Yes, sorry, an allegation made by an adult saying that</p> <p style="text-align: center;">Page 98</p>
<p>1 when they were a child in care, they were sexually 2 abused by another child, you would expect that that 3 would be dealt with by Operation Equinox? 4 A. Yes. 5 Q. We know from your statement that during 6 Operation Equinox there's been a team of social workers 7 attached to the investigation, and that's one of 8 the differences now between how these investigations 9 were managed in the past. Do you feel that that's 10 assisted the investigation? 11 A. Yes, it certainly has meant that when we are asking the 12 local authority for information, such as a child's 13 social care record, or information that's held on the 14 member of staff, that that is certainly passed to us far 15 quicker than it had been. 16 Q. Is there a protocol or policy that you follow for making 17 initial contact with someone who you think might be 18 a victim of abuse as part of Equinox? 19 A. Yes, there is what we call the annex C procedure, which 20 is a national protocol between the local authority, the 21 police and the Crown Prosecution Service. 22 Q. Sorry, I will rephrase that. I may have raised that 23 wrongly. In terms of how you would approach an 24 individual themselves. So let's say someone gives an 25 interview and says, "I think that this person was also</p> <p style="text-align: center;">Page 99</p>	<p>1 abused as a child by this person". In terms of how you 2 would then go about approaching that potential witness, 3 we have heard from individuals that some of them felt 4 that they were contacted out of the blue, some of them 5 were contacted by a note under the door, some were 6 called. Is there a protocol as to what you should do? 7 A. There is no protocol. It is something that obviously, 8 as an officer who is making that initial contact, you 9 give careful consideration to, as to the best means of 10 making contact with that person. We don't always get it 11 right. It's a very difficult decision to make. 12 Obviously you need to take into account -- whichever 13 a face-to-face meeting is probably the best way of 14 seeing a victim, when you first arrive at the home 15 address of a victim, you don't know who else is going to 16 be there, you don't know whether or not the person or 17 anybody else who is living in those premises even know 18 that the victim has ever been in care, and that 19 obviously has to be a consideration. 20 So there is no protocol. It is really a case of, 21 when you first receive that -- when you first want to 22 make that contact, of making a decision as to what is 23 the best means, taking into account perhaps what is 24 known from researching police systems about that 25 individual.</p> <p style="text-align: center;">Page 100</p>

<p>1 Q. One final question: towards the end of your statement, 2 you set out some of the barriers to disclosure of abuse 3 that you have perceived during your career. You say 4 that you think that now victims are made to feel that 5 their allegations will be taken seriously, whereas in 6 the past some have felt that they wouldn't be believed. 7 Has the approach, in terms of what is expected of you 8 with regard to believing complainants, changed during 9 your career? 10 A. No, I wouldn't say it's changed at all. 11 MR LIVINGSTON: I have no further questions, DC Balodis. 12 The panel may have one or two for you. 13 THE CHAIR: No, thank you very much. We have no questions. 14 Thank you, Ms Balodis. 15 A. Thank you. 16 (The witness withdrew) 17 MR LIVINGSTON: Thank you, chair. I invite you to rise now, 18 and if we could return at 2.00 pm, if possible? 19 THE CHAIR: Yes, we will do that. 20 MR LIVINGSTON: Thank you, chair. 21 (1.10 pm) 22 (The short adjournment) 23 (2.00 pm) 24 MR SADD: Good afternoon, chair. This afternoon, we are 25 hearing from two witnesses, the first of whom is</p> <p style="text-align: center;">Page 101</p>	<p>1 Sam Shallow, and her statement is to be found at 2 CPS004388. 3 MS SAM SHALLOW (sworn) 4 Examination by MR SADD 5 MR SADD: Ms Shallow, can you see me and hear me? 6 A. I can. 7 Q. You have provided a statement to the inquiry, it is 8 seven pages. On the last page of that statement, there 9 is a signature there. At the time that you signed the 10 statement, were you satisfied that the account that you 11 gave there was true, as far as you can remember? 12 A. Yes. 13 Q. Are there any corrections that you want to make? 14 A. Just one very minor correction, in paragraph 3. It just 15 talks about my experience. The experience is correct, 16 but it talks about me having experience of peer-on-peer 17 sexual abuse while being with the Complex Casework Unit 18 and in fact, actually, that work was just before I went 19 to work at the Complex Casework Unit, whilst I was 20 working on the Youth Team in Nottinghamshire. So the 21 range of experience is correct, it is just slightly -- 22 the chronology of that is just slightly wrong. 23 Q. Understood. Thank you. The panel have a copy of your 24 statement, and the whole of your statement will be 25 uploaded in the course of the next few days. I'm not</p> <p style="text-align: center;">Page 102</p>
<p>1 going to go through the statement line by line. I will 2 take you to particular topics which have already been 3 identified and ask you questions related to those 4 topics. We will look together at some documents and 5 I will ask you comments on those documents. The 6 questions that I pose to you are questions that derive 7 both from counsel to the investigation as well as those 8 put forward by core participant legal representatives. 9 I'm just going to summarise the opening parts of 10 your statement. You have worked for the CPS as a senior 11 Crown Prosecutor since June 2001. You were appointed 12 a lead prosecutor in Operation Ore, a national and 13 international case relating to the distribution of 14 indecent images of children. In 2008, you joined the 15 Complex Casework Unit, and you began specialising in 16 child sexual exploitation and peer-on-peer sexual abuse. 17 I know you have just corrected that, but have I got that 18 summary right? 19 A. Yes. 20 Q. As you're likely to be aware, Ms Shallow, one of 21 the inquiry's specific case studies is on sexual abuse 22 between children. At the time that you began 23 specialising, in 2008, how good do you think the 24 understanding of this issue was within the CPS? 25 A. I'll just correct that slightly. In 2008, I joined the</p> <p style="text-align: center;">Page 103</p>	<p>1 Complex Casework Unit. It was just before that, when 2 I was working on the Youth Team, that I dealt with 3 peer-on-peer child abuse, because obviously via the fact 4 I was working in the Youth Team, the defendants in those 5 cases, the suspects in those cases, were also young 6 people, and so that's where that experience came from. 7 The CPS had a range of policies for dealing with 8 young people, and I think that the understanding about 9 how young people behave was good, but I think that has 10 obviously increased over time and we have become 11 obviously more sophisticated and work with a number of 12 other agencies in understanding and acknowledging how 13 children who are the victims of abuse may behave, and 14 they also sometimes go on to become perpetrators. 15 Q. Between 2011 and 2014, you were the reviewing lawyer on 16 Operation Daybreak and, in 2014, you were appointed 17 specialist prosecutor. After a period as unit head of 18 Specialist Fraud Division, you started work in March 19 this year at Eurojust in The Hague from where you now 20 join the hearing today. Is that right? 21 A. That's correct. 22 Q. Can we go then, please, to paragraphs 5 to 14 of your 23 statement. I am going to ask you a few questions about 24 the approach to prosecution of child sexual abuse cases. 25 I appreciate that this is largely set out in the</p> <p style="text-align: center;">Page 104</p>

<p>1 policies that the CPS have provided in the corporate 2 statement to the inquiry, but it is important, as I am 3 sure you will understand, Ms Shallow, that the public 4 gain an understanding of the approach adopted. 5 The process for a case is that, once a complaint is 6 made, the police will investigate and then in some cases 7 will provide a file to the CPS to ask for a decision on 8 whether there should be a prosecution. You set out the 9 approach then taken at paragraph 7 of your statement. 10 When you receive that file, how would you go about, in 11 practice, making the decision? What would be your 12 approach to the file? 13 A. So in a case -- you will be aware that I have provided 14 four advices into this case. So in any one of those 15 four advices, as an example, I would have reviewed all 16 the evidence that was provided to me and watched the ABE 17 interviews that were carried out. In the process of 18 reading the written evidence and watching the 19 interviews, I would start to make an analysis note of 20 the evidence as I was going through each of those items, 21 and then, as I progress through that, I would make 22 amendments or additions or cross-reference between 23 different pieces of evidence that impacted upon each of 24 them, until such point when I'd completed that and had 25 an opportunity to think about the evidence as a whole</p> <p style="text-align: center;">Page 105</p>	<p>1 and then I would start to draw some conclusions from 2 that and write those conclusions up, as you will see in 3 the way that my advices have been presented. 4 Q. I am being asked if you could slow down slightly. 5 A. Sorry. 6 Q. It's fine. Don't apologise. In being asked to provide 7 an advice, are you under pressures of time or do you 8 have as much time as you need? 9 A. There's always, obviously, a pressure of time. The 10 Crown Prosecution Service has finite resources and so we 11 have to try to complete all the work that is presented. 12 But in a case of this nature, I would have looked at the 13 amount of, and the volume of, material that was going to 14 be presented to me and set aside a period of time to 15 allow me to do that, and certainly I think the detail of 16 the advices that I have done in this case would show 17 that a great deal of time has been taken in these 18 particular cases. 19 Q. Ms Shallow, I hope this is the last of my requests -- 20 I know how irritating they can be -- could you speak 21 closer to the microphone? There is a mismatch between 22 your speaking and there is a delay. That might be 23 better. We will see. 24 A. Okay. 25 Q. Paragraph 10 of your statement. You say that only</p> <p style="text-align: center;">Page 106</p>
<p>1 certain types of cases are dealt with by the Complex 2 Casework Unit. Would that include all cases of child 3 sexual abuse, including non-recent cases? 4 A. No. So it's slightly different at the time I provided 5 these advices. But ordinarily, at that time, what would 6 happen is each individual police force would submit any 7 allegations of child abuse, including non-recent. 8 Is that better in terms of the disconnect between my 9 speech and the camera? 10 Q. There is still a bit of a delay, but let's carry on. 11 Don't worry. 12 A. All of those cases would be submitted to the local CPS 13 area, and now that would be to the RASSO Team, which 14 obviously didn't exist at the time that I started 15 Operation Daybreak. 16 Q. Remind those listening to your evidence what the 17 RASSO Team is? 18 A. So the RASSO Team is the Rape and Serious Sexual 19 Offences Team. So each CPS area has one of those, and 20 all allegations of that nature will go to that team who 21 have specialist lawyers to deal with the allegations. 22 So then, only where cases were of a particular 23 complexity would there be consideration for a referral 24 to a Complex Casework Unit. 25 Q. Paragraphs 8 and 9 of your statement. You say that the</p> <p style="text-align: center;">Page 107</p>	<p>1 police can also seek early investigative advice from the 2 CPS. What sort of advice would you be giving at that 3 stage? What's being asked for? 4 A. To give Operation Daybreak as an example, that was 5 a case where the police came for early investigative 6 advice and, at that stage, it is to establish an 7 understanding between the police and the Crown 8 Prosecution Service about the nature and the scope of 9 the investigation and to understand some timescales so 10 that we can all plan for that, and there will be some 11 early discussions about the types of enquiries that the 12 police will be making and it would give the Crown 13 Prosecutor an opportunity to perhaps explore whether 14 there are different avenues that they feel might be 15 necessary in order for a complete file to come to us for 16 advice. So that really is a full range of discussions, 17 depending on the nature of the case. 18 Q. You say at paragraph 7, please, that the test to be 19 applied in deciding whether to progress to prosecution 20 is whether there is sufficient evidence for a realistic 21 prospect of conviction. I know that that's a test that 22 you would have been applying day-in, day-out and is very 23 familiar to you, but can you explain to those listening 24 and watching this inquiry what that actually means in 25 practice?</p> <p style="text-align: center;">Page 108</p>

<p>1 A. So the Crown Prosecution Service and the way we charge 2 cases is guided by the Code for Crown Prosecutors. 3 Within that code, it sets out a two-stage test and the 4 test you have referred to is the evidential part of 5 the test. So in order for us to charge -- so for each 6 defendant -- or each suspect and each allegation against 7 each suspect, then there has to be a realistic prospect 8 of conviction, and what that means is that it's more 9 likely than not that a jury, upon hearing all of 10 the evidence, would convict for each and every separate 11 offence.</p> <p>12 Q. Do you also have to consider public interest at the 13 point --</p> <p>14 A. Yes.</p> <p>15 Q. -- where you get to the second stage?</p> <p>16 A. Yes.</p> <p>17 Q. What does that involve?</p> <p>18 A. That's the second stage of the test. So once it has 19 been established that there is sufficient evidence in 20 the case, we will go on to consider whether it is in the 21 public interest, and that will include things like the 22 nature and seriousness of the offence, perhaps the age 23 of the offender, how long it is since the offence took 24 place. It is less relevant in offences of this 25 seriousness.</p> <p style="text-align: center;">Page 109</p>	<p>1 Q. Also at paragraph 7, the question of supporting evidence 2 for the complainant's account would be considered by the 3 person making a decision, although this isn't required 4 as a matter of law. Would the absence of any supporting 5 evidence be an important factor in your decision?</p> <p>6 A. Only if it should be there. I think there can't be 7 evidence that could never possibly exist. So if there 8 should be supporting evidence and it's not there, then 9 that would be important. But each case has to be 10 considered on its merits.</p> <p>11 Q. What of the complainant who is seen to be credible but 12 there's no supporting evidence? Could that be enough 13 for a prosecution?</p> <p>14 A. It could be. It's not a bar to a prosecution. It just 15 depends on all of the circumstances.</p> <p>16 Q. Would any evidence suggesting that a child was 17 promiscuous whilst in care be a relevant factor in 18 coming to a decision on charge?</p> <p>19 A. No. I mean, that's a very difficult word because that 20 would suggest to me that there was some level of child 21 sexual exploitation in relation to that particular 22 child, and that does not make it any less likely that 23 that child has been the subject of different abuse than 24 the CSE. That isn't, by itself, a particularly relevant 25 factor, unless it is in some way connected factually to</p> <p style="text-align: center;">Page 110</p>
<p>1 the facts of the case.</p> <p>2 Q. I imagine it will have been your experience from looking 3 at records at the time, in the 1980s, for instance, 4 generated then, that the word "promiscuous" would have 5 been one that you would have come across?</p> <p>6 A. Yes.</p> <p>7 Q. And the qualification that you have just suggested is 8 the one that you would have applied; is that right?</p> <p>9 A. Yes. Because by the time -- you know, there is a large 10 difference in the time that the offences were alleged to 11 have taken place and the time that I came to review the 12 files. And so certainly words like "promiscuous" or 13 describing a child as a "prostitute" are not things that 14 we would necessarily today think is acceptable and it 15 would be about exploring with the child what in fact is 16 really going on with them.</p> <p>17 Q. Paragraphs 11 to 14 of your statement. You say that 18 where a file is submitted, you've got three options: 19 one, to charge; two, to take no further action; or, 20 three, to ask for further evidence to assist. You say 21 the decision that is taken is communicated to the police 22 in writing, and that the police will inform the 23 complainants. We know from the Code of Practice for 24 Victims that in child abuse cases, the CPS will offer 25 a complainant a meeting to further explain any decision</p> <p style="text-align: center;">Page 111</p>	<p>1 not to prosecute or discontinue a case. Was that 2 something you remember doing in any of 3 the Operation Daybreak cases?</p> <p>4 A. I didn't meet with any of the victims. So where that 5 meeting needs to be offered, that meeting will be 6 offered, and if any of them had asked -- if any of 7 the advices that I dealt with had asked and taken up 8 that offer of a meeting, then I would have met with 9 them. But I didn't meet with any of the victims in this 10 case.</p> <p>11 Q. Would it be fair to conclude, Ms Shallow, that the offer 12 of a meeting is one that needs to be asked for rather 13 than one that's proffered?</p> <p>14 A. There are certain -- I'm sorry to not be absolutely 15 clear. There were certain circumstances in which an 16 offer of a meeting must happen. But I haven't been 17 involved in this work for a little while, and so I can't 18 remember those exact circumstances when a meeting must 19 be offered, and there are other occasions when 20 a meeting -- it's not necessarily the position that 21 a meeting has to be offered, it is only if the victim 22 asked, for it then we could assist.</p> <p>23 Q. Paragraph 12, please. You say that CPS policy, as 24 required under the relevant guidance, was that any 25 decision not to charge an allegation of rape must be</p> <p style="text-align: center;">Page 112</p>

<p>1 referred to another rape specialist for a second 2 opinion. Did that only apply to rape or to all child 3 sexual abuse allegations? 4 A. Just to rape. 5 Q. What about allegations of physical abuse against 6 children? 7 A. No, it didn't apply to that. 8 Q. Paragraph 13. You say that an investigator is able to 9 appeal against the CPS decision if they disagree with 10 a decision. 11 A. Yes. 12 Q. I think the word "investigator" I have just used is 13 wrong there. Can the police appeal against a decision? 14 A. (Witness nods). 15 Q. It can, forgive me. 16 A. That's absolutely right, yes. 17 Q. In the case of the Daybreak cases, was any approach made 18 to you to look again at cases -- 19 A. No. 20 Q. The corollary of that is, where the police have said "no 21 further action", would any of those come back to you for 22 your review? 23 A. No, not unless further evidence came to light and they 24 wanted -- but no. 25 Q. Can we move on, then, to your involvement in</p> <p style="text-align: center;">Page 113</p>	<p>1 Operation Daybreak. This starts at paragraph 15 of your 2 statement. In paragraph 16, you discuss your initial 3 involvement with Daybreak. You attended a meeting with 4 the police, recommended that the investigation should be 5 managed by the Complex Cases Unit, and you were 6 appointed as reviewing lawyer from November 2011 7 until July 2014. We know from other documents that the 8 inquiry has seen that strategy meetings between the 9 police and Social Services began in the summer of 2010, 10 and that by August 2011, Operation Daybreak had been 11 initiated. 12 Did it come to you as any surprise that the CPS were 13 only being involved at that stage? 14 A. No, because we actually weren't that far on in the 15 investigation that prosecutorial advice was required. 16 I think it was some time later before I was actually 17 provided with the first of the requests for a charging 18 advice. So, yes, they could have come sooner had they 19 wanted to, but I don't think there was any difficulty in 20 the timing of that. 21 Q. Can you remember what features of the investigation 22 persuaded you that it should be dealt with by the 23 Complex Case Unit? 24 A. There were a number of things. Even at that time, the 25 size and the scope of the investigation, and I know that</p> <p style="text-align: center;">Page 114</p>
<p>1 it then became considerably larger in due course, the 2 amount and volume of material that was going to have to 3 be considered, the fact that, at that time, there was 4 also considered to be a complexity around potential 5 death or deaths which -- and there were around six or 6 seven factors that I considered when recommending to the 7 head of my unit that we ought to take the case on to the 8 Complex Casework Unit that they considered were 9 appropriate. 10 Q. At paragraph 17, please, you say that you worked full 11 time for the CPS but not full time on 12 Operation Daybreak? 13 A. (Witness nods). 14 Q. Did the amount of work that you undertook increase as 15 time went on? 16 A. It came in in waves, essentially. So I would have 17 a period of time where I'd have some intense cooperation 18 or discussions with the police. They would then submit 19 a file. I would have a period of time where I was 20 working on that file, the charging advice, and then 21 there would be likely to be a lull again where there was 22 limited interaction between us until they were ready to 23 then discuss the next stage of the investigation with 24 me. 25 Q. We know, because you tell us, that by 2014 you stopped</p> <p style="text-align: center;">Page 115</p>	<p>1 working on Daybreak. At the point that you stopped, 2 what percentage of your time was devoted to the 3 investigation? Can you remember? 4 A. I would say probably about 10 per cent. 5 Q. 10 per cent? 6 A. Yes. 7 Q. At paragraph 20, please, that's at the bottom of page 3, 8 you describe Operation Daybreak as "a series of separate 9 cases linked by a common location and at times 10 a crossover of victims and/or suspects". You say that 11 you had an overview, but that the police referred 12 individual cases to you for charging decisions. As 13 a Crown Prosecutor, you tell the inquiry that you worked 14 independently of the police. You also say that you 15 provided advice and guidance during the file-building 16 process, which you have already spoken about, 17 Ms Shallow, so that you could have all the material 18 necessary to make a decision. 19 Did you have any involvement in the direction of 20 the investigation or policy decisions, such as whether, 21 for instance, all former residents should be questioned? 22 A. No. No. 23 Q. Paragraph 21, please. You say that during the period in 24 which you were the reviewing lawyer, Operation Daybreak 25 focused on Beechwood, and you were not aware of</p> <p style="text-align: center;">Page 116</p>

1 consideration being given to extending the scope to
 2 other homes. Where allegations extended beyond
 3 Beechwood, these were also investigated. Did you ever
 4 think, at the time of the instructions that you were
 5 receiving, the files that you were receiving and the
 6 communications that you had with the police, that the
 7 focus of the operation was too narrow?
 8 **A. Sorry, the feed just cut out very briefly towards the**
 9 **end of your question. Could you just repeat that?**
 10 Q. Yes. Did it ever occur to you, as you were being asked
 11 to advise on individual cases that were coming to you,
 12 and notwithstanding the overarching theme, did you ever
 13 think that the focus of Operation Daybreak was too
 14 narrow, as things were emerging?
 15 **A. Not at that stage, but I can see how that has developed**
 16 **and I can see how, on reflection, it has become**
 17 **necessary to increase the scope of the operation. There**
 18 **was an occasion in one of the advices where the scope of**
 19 **it had already extended on that particular case to**
 20 **another children's home, but that was very**
 21 **case specific, it wasn't as a general matter.**
 22 Q. I think it is right in that particular advice you
 23 suggested that should be followed up; is that right?
 24 **A. Yes.**
 25 Q. Had you wanted to do so, would the CPS have had any say

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1 This is in relation to the late '80s; is that right? As
 2 you understood it.
 3 **A. Yes. That was the timeframe of that particular advice.**
 4 Q. Can you remember whether you gained an understanding of
 5 how those units developed and evolved? So, for
 6 instance, the inquiry's understanding is that it started
 7 just as one unit called the Beechwood Remand Home. Then
 8 this changed in the mid 1970s to three units: Redcot,
 9 Lindens and Enderleigh. Then it changed back to two
 10 late in the late '70s, Redcot and Lindens, and then, by
 11 1990, it had changed to just one unit, the Lindens.
 12 I know you're having to go back in time, but is that
 13 chronology and timeline a familiar one?
 14 **A. No, I wasn't given that briefing, that that changed over**
 15 **that period of time, but the advices that I dealt with**
 16 **were all quite close to each other in time, and so I --**
 17 **my understanding was that -- and this is, I think, clear**
 18 **from the advices that I've given -- that over that**
 19 **period of time that I was dealing with, that there was**
 20 **Lindens and Redcot situated at Beechwood with the**
 21 **central Beechwood school and the administration block in**
 22 **between, and Enderleigh was a separate home, albeit on**
 23 **the same street.**
 24 Q. Can we then go to the long advice that you write in
 25 relation to NO-F2 and others. This is at CPS002612. It

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1 in advising on extending the scope of the operation?
 2 **A. Not really. I think if I -- if, within the cases that**
 3 **had been given to me, I had real concerns that we were**
 4 **avoiding something, that there was clearly something**
 5 **else there within those particular cases that needed to**
 6 **be explored, then I would have raised that with the**
 7 **police at the appropriate level.**
 8 Q. Paragraph 24, please: you say that your knowledge of
 9 the operation of the Beechwood complex came from local
 10 authority information, from records from the time and
 11 accounts from staff and children. Did you ever have
 12 a briefing with someone from the councils or the police
 13 who explained how the Beechwood complex operated, or
 14 were you just expected to garner that understanding
 15 yourself?
 16 **A. No, I was given an overview by the police, I think, at**
 17 **one of the early meetings -- if it wasn't the first**
 18 **meeting, it would have been the subsequent one -- where**
 19 **they explained how Beechwood -- what the physical setup**
 20 **was of Beechwood, and I recall being shown a plan of**
 21 **the grounds to be able to assist with explaining that.**
 22 Q. You say that you understood that the Beechwood complex
 23 was made up of two distinct residential units: the
 24 Lindens, a remand home for boys; and Redcot, a unit for
 25 boys and girls placed there for a variety of reasons.

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1 is tab 3 of your bundle, please. This is the first
 2 advice, as I understand it, that you write in relation
 3 to the case.
 4 **A. I have it.**
 5 Q. You deal with this in your statement at paragraph 25.
 6 As I say, you note this was the first file submitted to
 7 you for a charging advice, that the majority of
 8 allegations were allegations of physical abuse, but, as
 9 you point out, there were two allegations of indecent
 10 assault. You say that you were aware of allegations of
 11 sexual abuse, but that "most of these cases were not yet
 12 ready to be submitted to me by the police". This was
 13 at September 2012. Do you know why that was, at that
 14 point? So we know that Operation Daybreak had been
 15 initiated in August 2011. This is just 13-months later.
 16 What was your understanding of the sexual assault cases
 17 not being ready, as it were?
 18 **A. My understanding was that the police wanted to present**
 19 **those cases to me when they were satisfied they had**
 20 **gathered all the relevant information, and so this case**
 21 **came to me first because, in this particular case, they**
 22 **felt that they had all the relevant evidence that they**
 23 **could present to me, albeit that perhaps the allegations**
 24 **weren't of the most serious kind that were going to be**
 25 **made to the police and that had already been made, this**

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<p>1 one was ready to come to me, and the others they were 2 still investigating and they were still looking at 3 potential suspects and victims and going through the 4 third party material and so on. 5 Q. The mistake I made in giving the reference has already 6 been miraculously corrected. The reference I wanted you 7 to look at was at CPS002612. It is tab 4. 8 A. I'm there. 9 Q. What I have taken you to is the corporate statement. 10 Sorry about that mistake. If we go to page 1, 11 paragraph 2, the second paragraph reads: 12 "The investigation spans from the 1960s up to the 13 year 2000 ..." 14 Why the year 2000? 15 A. That was the date range that the police investigation 16 was, but my understanding was something happened in 17 2000 – Beechwood closed potentially. I can't recall 18 now. There was a good reason why it stopped at that 19 point. 20 Q. Page 2, please, paragraph 4: 21 "It was decided that a specimen case would be 22 provided for me to advise upon." 23 When was that decided, the basis of your advice? 24 A. The police and I had been in regular contact, and 25 they -- what they were conscious of not doing was</p> <p style="text-align: center;">Page 121</p>	<p>1 waiting until they'd completed the whole investigation 2 to start submitting the cases. I think initially there 3 hadn't been a decision made about at what point they 4 would start to present me with cases, but I think, as 5 things went on, and more victims came forward, it became 6 apparent that there was no way they were going to be 7 able to complete the whole investigation before they 8 started to submit files to the Crown Prosecution 9 Service, because obviously it still remains ongoing. 10 Q. I imagine each case would be different on its facts. Is 11 that fair? 12 A. Absolutely. 13 Q. So to what extent would a specimen advice be in any way 14 helpful to decisions made in other cases? 15 A. I'm not sure. With hindsight, that's not a very helpful 16 word, I don't think, "specimen". It was just decided 17 that they would submit that case to me because that one 18 was the one that was ready to come. 19 Q. Page 5 of your advice, paragraph 31, right at the bottom 20 of the page, where it starts: 21 "Within his social care files ..." 22 Do you have that? 23 A. I do. 24 Q. You refer to one of the complainants, B3, and note that 25 his social care records included "undermining comments"</p> <p style="text-align: center;">Page 122</p>
<p>1 about him making fictitious remarks to staff, telling 2 lies and exaggerating, and similar comments are made at 3 page -- we don't need to go to them -- 119, 4 paragraph 132, about another complainant, A306. When 5 you were writing "undermining", is that with a reference 6 to the comments being disparaging of the child or 7 undermining to the case? 8 A. Undermining, I think, in a legal sense, in that they 9 would be -- those pages of the social care files would 10 be disclosable and would be in any criminal proceedings 11 and the defence would be entitled to use those pages in 12 cross-examination. So the test for disclosure is 13 whether it undermines the prosecution case and assists 14 the defence. 15 Q. In the same way that we looked at the use of the word 16 "promiscuous" a moment ago, in your experience, were 17 comments like this made in this period common in 18 children's social care files that you were looking at, 19 that is, comments about whether a child is a liar or he 20 or she never tells the truth? 21 A. Yeah, and they were made and not qualified in the sense 22 of, there's no context in terms of what's happened and 23 what might be causing a particular child to behave in 24 a particular way. So they just stand out by themselves 25 without anything to have any sort of explanatory note to</p> <p style="text-align: center;">Page 123</p>	<p>1 the behaviour. 2 Q. So when using the word "undermining" in the way that you 3 have just described, should the inquiry understand that 4 that has the potential to undermine a case because it 5 would be taken advantage of by the defence? 6 A. Yes. 7 Q. We don't need to go to this together, but I just want to 8 look at CPS guidance which is contained at tab 6 of your 9 bundle, and in particular paragraphs 49 to 50. This is 10 the 2013 CPS guidelines on prosecuting child sexual 11 abuse cases. The reference is CPS002808. It starts at 12 page 7, "The credibility or reliability of a child or 13 young person". At page 8, listing factors which are 14 previously seen as undermining, including the victim has 15 previously told untruths about other matters, the 16 guidance says: 17 "These factors may in fact point the other way and 18 could be seen as supporting the allegations ... not 19 least because the behaviour set out ... is often seen in 20 victims of abuse." 21 That's at paragraph 50 there. I recognise that this 22 guidance didn't come out until 2013. With your advice 23 in 2012, was the guidance in 2013 already effectively 24 being followed by prosecutors like yourself? 25 A. Yes. The guidance that came out in 2013 was as a result</p> <p style="text-align: center;">Page 124</p>

<p>1 of general increased awareness within the service about 2 how victims might behave and the sorts of behaviour that 3 historically would have been considered to be fatal, by 4 themselves, to an allegation, and that simply by then 5 wasn't the case. 6 So I think it is important -- you can't ignore that 7 type of language in third party material, because to do 8 so would be to not consider the fact that that material 9 could be put to the child in cross-examination. 10 However, they aren't the crucial factors that they used 11 to be at all. It is very important, as you say, and as 12 the guidance sets out, to understand why people behave 13 in certain ways. 14 Q. In a number of paragraphs in your advice, you refer to 15 previous convictions of individual complainants. At 16 paragraph 186 of the advice, page 26, you note that all 17 of the complainants had previous convictions and all for 18 dishonesty, and that if there was a prosecution, bad 19 character applications would be likely. To what extent 20 were previous convictions for dishonesty seen as 21 relevant factors in assessing the credibility of 22 allegations? 23 A. So previous convictions of a victim in any case are 24 disclosable to the defence, and particularly if they 25 involve dishonesty, because they could be used to allege</p> <p style="text-align: center;">Page 125</p>	<p>1 that the victim or the witness has a propensity to be 2 dishonest or untruthful, and that would be the basis of 3 a non-defendant bad character application in a criminal 4 trial. Again, very similar to the last point, you have 5 to know if there are convictions and you have to 6 acknowledge that there are, but, as hopefully is clear 7 throughout the advice, I didn't put them to any 8 particular use in assessing the credibility of 9 the complaint in this case. In actual fact, they were 10 more helpful in establishing some of the factual bases, 11 so a timeline for when a victim might have been in 12 a home or might have been remanded to care or when they 13 were in a custodial situation within the -- of the 14 complainant. 15 Q. Ms Shallow, when considering the accounts of 16 complainants in relation to non-recent allegations, 17 would you take into account the possibility that they 18 may not be able to accurately recount specific details 19 of the abuse or indeed the frequency of the abuse? 20 A. Yes. You know, it's difficult, given the passage of 21 time, but also given how old they were at the time, and 22 the fact that they weren't all necessarily living in 23 a stable situation. I think what's more problematic is 24 if there are differing contemporary accounts rather than 25 differing accounts between giving an account now and</p> <p style="text-align: center;">Page 126</p>
<p>1 giving an account as a child or being asked to 2 specifically recall something from being a child. 3 Q. Can we go, please, to page 33 of your advice. This is 4 where you're dealing with allegations made against F1. 5 We note at paragraph 237 -- do you have that? Under 6 "History social service previous convictions previous 7 complaints", page 33, paragraph 237, we read there in 8 your advice: 9 "In interview, NO-F1 refers to being suspended six 10 to eight years ago. He describes this as relating to 11 internal politics rather than being anything to do with 12 any young people and it's not mentioned in the local 13 authority disclosure. So again, I have discounted 14 this." 15 Then further down, at the bottom of the page, 16 please, you note that F1 was dismissed in 2011 from his 17 employment at the local authority as it was discovered 18 that he had had a sexual relationship with a resident of 19 a care home. But you go on to say, over the page, you 20 don't see that as part of Operation Daybreak, as it 21 appears to relate to a different children's home and 22 isn't similar in nature to the complaints made against 23 F1. 24 Do you think that the allegations of sexual abuse 25 against F1 with which you were dealing could be divorced</p> <p style="text-align: center;">Page 127</p>	<p>1 from these other allegations? 2 A. I think it -- so the expression that I have used is that 3 it's not part of the Operation Daybreak enquiry, so 4 I think what I was suggesting there is that I didn't 5 necessarily think we needed to bring that into 6 Operation Daybreak because the allegations against -- if 7 I just have the correct -- I'm not sure I have the 8 correct suspect. I'm sorry, because they have got the 9 numbers instead of the names, I just want to make sure 10 that I'm talking about the correct -- 11 Q. As long as you don't say the name. 12 A. No, no, not at all. I have a note of the ... oh. So 13 I think that any behaviour, poor behaviour, towards 14 a child, whether they are of a different nature or not, 15 could have been used as bad character potentially in the 16 way that the previous paragraph that you read out 17 couldn't have been, because we didn't have any 18 information about that, we didn't know what that was 19 about, and he had volunteered that himself, that was the 20 only information we had. So that's why I've discounted 21 that. 22 The other, the second, allegation is something which 23 I considered at that time ought to be dealt with 24 separately, and in fact it then later was dealt with 25 separately but as part of Operation Daybreak, but</p> <p style="text-align: center;">Page 128</p>

<p>1 I didn't think it had to be dealt with with this 2 particular advice, because in this particular first 3 advice there were no allegations of that nature against 4 that particular suspect. That came later. So that 5 suspect is within two of the advices. 6 Q. Understood. 7 A. Does that make sense? 8 Q. If I may -- you have helpfully explained. What I am 9 going to do is move on, if I may. Paragraph 284. This 10 is page 38. This is where you're looking at allegations 11 made by Lindens residents about Redcot staff and vice 12 versa. You conclude by saying: 13 "The culmination of all I have read ..." 14 This is at the bottom of that paragraph, please: 15 "... tells me that any complaints made about a staff 16 member who worked in the other unit to that where the 17 child lived would be undermined. This impacts 18 particularly on F1 as he worked at Redcot and most of 19 the complainants lived in the Lindens." 20 You say that the general impression that you'd 21 gained, and you called it a general principle, was that 22 the two were treated, ie, Redcot and Lindens, as two 23 distinct units with limited crossover. From the 24 material that you received over time, over the next two 25 years, did this factual assumption remain justified?</p> <p style="text-align: center;">Page 129</p>	<p>1 A. Yes. I mean, there were definitely crossovers, and 2 I think, had -- were there allegations which suggested 3 that it was a staff member that they didn't see very 4 often at each or other unit, then I think that principle 5 wouldn't have applied, because they certainly did help 6 each other out. They would go on trips together, and so 7 on. But in a number of the allegations, it was 8 suggested that it was the people who were their regular 9 caregivers, and that was the bit that caused a problem, 10 because the information I had was that there wasn't that 11 degree of crossover of staff between the two units, and 12 that information that came to me about that didn't 13 change. 14 Q. In the same paragraph, you refer to information never 15 being recorded accurately. That's just four lines up 16 from the bottom of the page. Do you have that? 17 A. I cannot say how accurate -- 18 Q. That was your experience. Did the incomplete or lack of 19 records impact on charging decisions because of the risk 20 of abuse of process? 21 A. I considered the risk of abuse of process, but 22 I considered that the amount of material that the police 23 had been able to gain in the case would mean that 24 whilst, potentially, a defendant could put forward an 25 argument to say there was an abuse of process, that it</p> <p style="text-align: center;">Page 130</p>
<p>1 certainly was by no means a guarantee that that would be 2 successful because there was a huge amount of material 3 that the police were able to obtain from 4 Social Services. So that I was as satisfied as I could 5 be at that time that we would be able to withstand. 6 Q. I'm just going to go on to the end of your advice. This 7 is page 42. Starting under the heading "Generally". Do 8 you have that? 9 A. I do. 10 Q. You deal there with the common assault allegations. At 11 paragraph 302, one thing that you mention is that 12 suspects have fully cooperated and were supportive of 13 each other. Might it be expected that they would be 14 supportive of each other? 15 A. It could be. There was no -- from recollection, there 16 was no evidence in the case that they remained in 17 contact with each other. Now, I accept that that could 18 happen in a number of ways that we wouldn't be aware of. 19 But they weren't still working together, for example, at 20 that point, and there was no suggestion of any 21 particular friendship or connection between them. 22 Q. We are going to look at what else you write further down 23 at paragraph 306 and then go to your statement. So, 24 first, what you say at 306: 25 "There are real concerns regarding collusion."</p> <p style="text-align: center;">Page 131</p>	<p>1 Do you have that? 2 A. I do, yes. 3 Q. "On at least two occasions that we are aware of, 4 solicitors firm have fed a suspect's name to the 5 witness. The accounts provided to the solicitor's firm 6 differ substantially from those provided to the police. 7 The first batch of complainants all know each other and 8 in some ways are responsible for connecting solicitor's 9 firm with the other witnesses in that group. There are 10 inconsistencies in how the witnesses have come to know 11 about the complaint and the final witnesses have only 12 come forward as a result of the media release." 13 You discuss this in your statement, if we can go 14 back there, please. This is paragraphs 28 to 31. You 15 note in those paragraphs that it is important that 16 a witness or complainant is able to give their own 17 recollection of events. You say that where there are 18 discrepancies in accounts, these will often be used by 19 the defence and that where a complainant names the 20 alleged perpetrator, "it is important that this 21 information comes from them and not from a third party 22 as this will leave them open to allegations of wrongful 23 identification and taints their evidence". That's the 24 bottom of paragraph 29. Do you have that? 25 A. I do, yes.</p> <p style="text-align: center;">Page 132</p>

<p>1 Q. Was it your concern, based on your experience, that, as 2 a matter of general principle, if cases had been taken 3 to trial, the defence would suggest that complainants 4 had been given that information, such as a name, for 5 instance, by solicitors? 6 A. Yes. Yes, that was my concern. 7 Q. You also note at paragraph 30 that you had a concern 8 about differences in accounts provided by complainants 9 to solicitors, and then later to the police. This runs 10 through your advice as a factor. Do you consider that 11 such discrepancies would necessarily be undermining? 12 A. I think these discrepancies would have been undermining. 13 Some of them were quite significant. They were made 14 contemporaneously to each other. So this is slightly 15 different to a victim remembering something wrongly from 16 many years ago to a victim giving very close -- in close 17 time proximity to each other, two quite different 18 accounts, and so I did have concerns about that. 19 Q. Would that answer be any different, given that these 20 were abuse cases? Might it not be expected that there 21 would be discrepancies in account based on what we have 22 looked at, for instance, in relation to the guidance, 23 the CPS guidance? 24 A. I think what is clear is that what you can't expect to 25 happen is, you can't expect a victim to give a full</p> <p style="text-align: center;">Page 133</p>	<p>1 account of the abuse every time they're asked about it, 2 because that just doesn't make any sense that anybody 3 would do that. However, there is an expectation that 4 they would be -- when they're given in proximity to each 5 other, that they would be more closely aligned, I think, 6 than the account (break in connection). That doesn't go 7 against what's said in the guidance at all, because 8 that's different from an adult trying to recollect 9 something that happened many years ago. There is no 10 criticism about that at all. 11 Q. Ms Shallow, the inquiry has heard evidence that in the 12 early stages of Operation Daybreak a report was carried 13 out by Alan Hassall of the NSPCC in which he came to the 14 conclusion on the basis of the file material that 15 Beechwood, and particularly the Lindens, was "an 16 environment where violence, bullying and fear were 17 common features and recording suggests that such 18 behaviour was expected". He also found that there was 19 a sense that "violence was to some extent tolerated and 20 accommodated". 21 At the time of you considering the evidence that had 22 been collated for the advice that we have been looking 23 at, was that a conclusion you had also arrived at? 24 A. It's more difficult, I think, for me to reach 25 a conclusion of that kind because that's not the</p> <p style="text-align: center;">Page 134</p>
<p>1 decision that I'm being asked to make. So there was 2 certainly evidence in the cases that were given to me to 3 suggest that there was violence used within Beechwood, 4 but I'm asked to decide very specific allegations and 5 whether, in each of those specific allegations, there 6 was a realistic prospect of conviction, which we have 7 already come to, and that is an absolutely different 8 question as to whether what the victims are saying to us 9 happened, and that's what the NSPCC report must be 10 focusing on. 11 Q. Bearing in mind the evidence which has emerged in 12 relation to Beechwood, including that given to this 13 inquiry about the environment at Beechwood more 14 generally, is there any mechanism for charging decisions 15 made back in 2011/2012/2013/2014 to be reviewed? What 16 are the circumstances in which they could be reviewed, 17 if any? 18 A. So if there was substantial, real evidence that could be 19 presented to the Crown Prosecution Service, then they 20 could be (inaudible) again. But, you know, as I have 21 said, that would have to be particular evidence in 22 respect of particular offences and not just general 23 evidence that there was violence taking place at 24 Beechwood. 25 Q. In your consideration of what complainants were saying</p> <p style="text-align: center;">Page 135</p>	<p>1 when set against the records that you were looking at, 2 would account be taken of the possibility that the very 3 person completing the record, him or herself might be 4 the abuser and therefore would have a reason for how 5 that record was completed at the time? 6 A. Yes, and on a number of occasions within my reviews, 7 I noted that it was completed by a different member of 8 staff or where there was an investigation that appears 9 to have taken place and what other young people have 10 said about that. So where there was something else to 11 support the contemporaneous account, other than just the 12 person against whom the allegation is made, then I have 13 tried to make reference to that. 14 Q. Can we go next then to the advice in relation to 15 John Dent. This is paragraphs 32 to 36 of your 16 statement. One of the primary reasons for your decision 17 to take no further action in this case -- and for the 18 record, it is at tab 7, it's CPS003332, pages 24 to 30, 19 but we don't need to turn it up. One of the reasons you 20 gave was your conclusion at paragraph 34, set out in 21 your statement, that Dent and the complainant were not 22 in Beechwood at the same time. You add at paragraph 36 23 your understanding was that Beechwood and Enderleigh 24 were wholly separate units, with their own staff and 25 management. Were you aware, or did you become aware,</p> <p style="text-align: center;">Page 136</p>

<p>1 Ms Shallow, that Enderleigh was part of the Beechwood 2 complex in the late 1970s and that they shared the same 3 overarching management structure? 4 A. No, that isn't information that came to me. 5 Q. Had you been aware of this, do you think that may have 6 affected your decision on the basis either that the 7 naming of the units may have been confused or that staff 8 and residents moved around into different units? 9 A. My understanding -- it is quite difficult to answer 10 that. My understanding at the time was that Enderleigh 11 was -- albeit quite close, was not a part of Beechwood, 12 and my understanding was that John Dent was working full 13 time at Enderleigh and the victim in this particular 14 case was at one of the Beechwood units, and the 15 allegation in this particular case was that it was very 16 clear from what the victim was saying that John Dent, or 17 the person he described as the perpetrator, was 18 definitely working in the unit that he was staying in 19 all the time, so that he was a permanent member of staff 20 because of the regularity of the abuse. 21 So it depends on -- I don't know what information 22 has come out in terms of whether that type of crossover 23 could have happened between staff. 24 Separately to that, the physical description was 25 quite different to John Dent, and that's based on</p> <p style="text-align: center;">Page 137</p>	<p>1 a number of comparator points, including from victims 2 and witnesses in Operation Harpoon and also from other 3 staff members who are witnesses in Operation Daybreak 4 and the descriptions they made of him at the time. 5 So it wasn't just based on their working 6 arrangement, but there were other issues in the 7 identification. 8 MR SADD: Ms Shallow, I am just going to pause for a moment. 9 I just need to ask the chair a question. 10 Chair, I am conscious that we are coming up to 11 3.00 pm. I have five minutes of questions left. Would 12 you be content if I carry on? 13 THE CHAIR: Carry on, Mr Sadd, yes. 14 Can we then go, please, to paragraphs 43 to 45 of 15 your statement. Here you deal with your advice on 16 allegations made by A1 and A2 against F1. You provide 17 at tab 8 a copy of your advice in this particular case, 18 this is CPS003386. In summary, Ms Shallow, the 19 allegations from A1 were of sexual abuse at Beechwood in 20 the late 1990s, and the allegations from A2 were of 21 sexual abuse at Ranskill Gardens in the early 2000s. In 22 relation to the Ranskill Gardens allegations, you came 23 to the conclusion that there was no realistic prospect 24 of conviction. F1 had been dismissed in 2010/2011 for 25 his conduct with A2 after she'd left Ranskill Gardens,</p> <p style="text-align: center;">Page 138</p>
<p>1 including the sending of sexual text messages. Did the 2 fact of F1 being dismissed have any impact on your 3 decision? 4 A. No, because I have to employ a different test than the 5 test that we have talked about when there is the 6 prospect of conviction, which is a higher standard, 7 obviously, than you would need to take with internal 8 disciplinary investigations. 9 Q. You say that looking back with a more modern 10 understanding, A2 would be considered a victim of child 11 sexual exploitation. Something we have already touched 12 on, Ms Shallow, but just confirmation of your view: 13 a large number of former residents from Beechwood give 14 accounts of being involved in sexual exploitation and 15 staff turning a blind eye. Was this something that you, 16 yourself, found to be a regular occurrence when 17 reviewing the files? 18 A. I didn't find it to be a regular occurrence because 19 I wasn't presented with those types of cases in the 20 early stages of Operation Daybreak. But just based on 21 this one case, some of the descriptions were that the 22 victim appeared to have some money, would have 23 protection for sex with her, and she was referred to as 24 a prostitute. You know, in today's language, that's 25 wholly unacceptable. And it appeared to me,</p> <p style="text-align: center;">Page 139</p>	<p>1 particularly with my experience of dealing with child 2 sexual exploitation, that that is something that jumped 3 out at me as to the position that that young person must 4 have found herself in. 5 Q. You note in your advice and at paragraph 44 of your 6 statement that you were concerned that A2 had been able 7 to review her social service records through her 8 solicitors. That's in the first two lines there. In 9 your advice, you say that the way this was managed "was 10 detrimental to the welfare of the victim and the timing 11 detrimental to the criminal prosecution". 12 At paragraph 44 still, you explain that the issue is 13 that, once a witness has been provided access to such 14 information, there is a risk that the defence allege 15 that they have tailored -- that is, the witness has 16 tailored their evidence to be consistent with the 17 contemporaneous records. I presume that you are aware 18 of the importance to many individuals who have formerly 19 been in care of obtaining and being able to review their 20 social service records to find out more about what 21 happened to them and what was recorded? 22 A. Absolutely. 23 Q. In your view, how should the desire for complainants to 24 view their social service records be managed in such 25 a way so as to avoid any risk of prejudicing a criminal</p> <p style="text-align: center;">Page 140</p>

1 prosecution?

2 **A. I think it's difficult, and I think there has to be some**

3 **question about priority, I think. Once the victim has**

4 **given their first account to the police, things are**

5 **a little bit easier, but I think it's about giving the**

6 **victims the knowledge and understanding about the impact**

7 **of them viewing their Social Services records at that**

8 **particular time might have on the criminal case. Then**

9 **it is a choice. Because I'm only looking at things from**

10 **whether I can charge somebody, whether there can be**

11 **a criminal prosecution. The victim has a number of**

12 **other conflicting needs when they're faced with**

13 **revisiting something that's happened to them so long**

14 **ago, and I absolutely understand that desire to see what**

15 **people wrote about you during that period of time. But**

16 **I think it would be empowering for the victim to know**

17 **that, actually, there is a choice about when that**

18 **happens and actually being involved in that choice might**

19 **be advantageous to them in the long run, and I was**

20 **concerned in this particular case also that it seemed**

21 **that there wasn't support in place for the victim when**

22 **they went to look at their records. That's the comment**

23 **regarding "detrimental to the victims themselves".**

24 **There are two sides to my concern, really, over the**

25 **timing of the viewing of the records.**

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1 **criminal prosecution through and that they feel able to**

2 **put their desire to see their file on hold until that**

3 **conviction, or that prosecution, is complete, but for**

4 **other people that might not be the priority. So I don't**

5 **think that's my decision to make. I think it is about**

6 **trying to have a more joined-up, open conversation about**

7 **that that allows people to make the decision.**

8 MR SADD: Ms Shallow, thank you very much for your patience

9 with me. The panel may have questions of you, if you

10 just wait there a moment.

11 THE CHAIR: Ms Sharpling?

12 Questions by THE PANEL

13 MS SHARPLING: Just one from me, Ms Shallow, if I may. Are

14 you able to describe, in general terms, the sorts of

15 discrepancies that you were concerned about between the

16 two accounts which were given more or less

17 contemporaneously? What I'm getting at, you understand

18 the difference between accounts that are slightly

19 different and those that have a core consistency to

20 them. Which one of those was it, or neither of those,

21 I should say?

22 **A. Some of the accounts, there were minor discrepancies,**

23 **and some of them there were quite significant**

24 **discrepancies in terms of who the perpetrator was, what**

25 **type of abuse. So there were quite significant ...**

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1 Q. Just two further things. In relation to what you have

2 just said, did the CPS take any steps at the time to

3 ensure that those who apply, or applied, to view their

4 records are aware that this might have prevented their

5 allegations being taken forward to a prosecution?

6 **A. No, I certainly didn't do anything, and my recollection**

7 **is that I wasn't aware this had happened. It was quite**

8 **important in the circumstances of this case that what**

9 **I actually wanted to happen was for the police to have**

10 **another opportunity to speak to the victim about what**

11 **had been happening to her at the time, so essentially**

12 **what I consider now to be child exploitation. But**

13 **before we had the chance to do that, the victim had**

14 **access to their records. So it wasn't -- it certainly**

15 **wasn't in my knowledge that that was something that was**

16 **potentially going to happen, and certainly not in the**

17 **near future.**

18 Q. Just finally, so that the inquiry can understand your

19 evidence, from your previous answer, is it your view

20 that complainants should only get to see their records

21 once there's been completion of the police

22 investigation?

23 **A. I don't think that's for me to say, because what is**

24 **crucial to each victim for their own personal welfare,**

25 **for one victim it might be that they are able to see the**

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1 MS SHARPLING: I see, thank you.

2 THE CHAIR: Mr Frank?

3 MR FRANK: Just one question in relation to your initial

4 advice, the first one we have seen, behind tab 4. That

5 was the one that I think was initially described as

6 a specimen case, but I think you're now saying it wasn't

7 really a specimen, it was just the first one that was

8 ready for an advice to be given. I'm going to ask you

9 to look, if you could, at page 38. I appreciate, of

10 course, that the number of factors were taken into

11 account by you, not just one, and not just this one, but

12 I want to ask you about this one in particular. This is

13 in regard to logs that were recovered that were not

14 complete and were of varying quality, in terms of

15 completeness and coherence, where staff appear to have

16 not completed the various logs. I wonder what you might

17 say to those who might think that if the staff had

18 failed in their duty to keep the records correctly, why

19 it should be that that matter should be taken into

20 account in considering whether a member of staff should

21 be prosecuted? Because it might look to some people as

22 if they were taking advantage of their own breach of

23 duty, their own dereliction of duty to the children?

24 **A. Absolutely. I can understand that is the position.**

25 **I think what is crucial to understand is the Crown**

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1 **Prosecution Service's duty of disclosure in older cases**
 2 **and the use to which that disclosure can be put. So any**
 3 **information or material that I read coming from third**
 4 **party disclosure -- so in this case predominantly**
 5 **Social Services; that it could undermine the prosecution**
 6 **case or assist the defence -- has to be given to the**
 7 **defence. So whether the logs are incomplete or even**
 8 **completed by the person who is alleged to have carried**
 9 **out the abuse, then that material still has to be**
 10 **disclosed. Those are the rules that we work within. So**
 11 **I have to take into account that to ignore that would**
 12 **not be appropriate, and so I have to take into account**
 13 **the fact that that could be used by the defence.**
 14 THE CHAIR: Thank you, Ms Shallow.
 15 (The witness withdrew)
 16 THE CHAIR: We will now take our break and return at
 17 3.25 pm.
 18 MR SADD: Chair, thank you so much.
 19 (3.08 pm)
 20 (A short break)
 21 (3.27 pm)
 22 THE CHAIR: Mr Sadd?
 23 MR SADD: Chair, the inquiry is now going to hear from
 24 Mr Chris Few. His statement can be found at INQ001813.
 25

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1 **A. -- some additional ones in relation to the document at**
 2 **tab 7 in the bundle there, and it relates to a couple of**
 3 **names that I wish to have redacted. They have been**
 4 **partially redacted in the document at item 7. The same**
 5 **names also appear in my witness statement and haven't**
 6 **been redacted.**
 7 Q. All right. Thank you for pointing that out. It is
 8 something that can be amended by the inquiry after this.
 9 There is one correction I noted that I ought to have
 10 taken up with you. I may have got this wrong. If we go
 11 to paragraph 72, please, page 10 of your statement,
 12 where you say:
 13 "In June 2018, a multi-agency Harmful Sexual
 14 Behaviour Panel was established ..."
 15 Should that be January 2018, or is June the
 16 right ...?
 17 **A. My understanding is, it was in June that it was**
 18 **actually -- came into being.**
 19 Q. Right.
 20 **A. There had been some preparatory work earlier, and**
 21 **I understand there were some draft terms of reference**
 22 **put together in January.**
 23 Q. Thank you, Mr Few. So it is my confusion. Just so you
 24 know, the panel have a copy of your statement. It is
 25 going to be uploaded to the website. I am not going to

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1 MR CHRISTOPHER FEW (affirmed)
 2 Examination by MR SADD
 3 MR SADD: Mr Few, good afternoon. You have provided
 4 a 24-page statement to the inquiry, and if we go to the
 5 last page of that statement, we can see a date in
 6 turquoise ink, and a DPA mapped-out signature. Is that
 7 your writing?
 8 **A. The statement is mine. Whether the writing is or not,**
 9 **with the blanking out, I don't know. But it is my**
 10 **statement.**
 11 Q. But where we see the date, page 24?
 12 **A. The date is mine, yes.**
 13 Q. So at the time that you signed it, were you satisfied
 14 that what you were setting out there was the truth, as
 15 far as you can remember?
 16 **A. Yes. Sorry, I'm having difficulty hearing you with some**
 17 **air blowing or something up there.**
 18 Q. I'm afraid the air is going to carry on blowing. I will
 19 talk a bit louder. It is there to keep us cool.
 20 I ought to ask you, are there any corrections that
 21 you need to make?
 22 **A. Not corrections. There is one issue with redaction.**
 23 **I asked, when given sight of the proposed redactions,**
 24 **for --**
 25 Q. Don't reveal any names.

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1 take you through your statement line by line. We will
 2 go together to particular topics and I will ask you
 3 questions in relation to those topics. I will also ask
 4 you to comment on documents which we will bring up on
 5 screen.
 6 You are the independent chair of the Nottinghamshire
 7 Safeguarding Children's Board, NSCB, and have been since
 8 2009; is that right?
 9 **A. Yes, that's correct.**
 10 Q. Who employs you?
 11 **A. I am employed by the -- sorry, I'm not employed. I'm**
 12 **engaged by and paid for by the Nottinghamshire**
 13 **County Council from money which is part of a collective**
 14 **pot for the Safeguarding Children Board.**
 15 **In terms of my appointment and answerability, that's**
 16 **to the chief executive of the county council. At the**
 17 **moment.**
 18 Q. So when you're described as the independent chair, to
 19 what extent are you independent?
 20 **A. I think, in essence, the decisions and actions of**
 21 **the board are down to me, and I'm responsible for those.**
 22 **I'm answerable to the chief executive of the council for**
 23 **having a board which runs effectively and efficiently**
 24 **and in accordance with the statutory guidance.**
 25 Q. Sorry, I understand that. But my question was, to what

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1 extent are you independent of the -- I should have
 2 added, "of the council"?

3 **A. I'm not employed by the council. I have never worked
 4 for the council. And I was engaged to chair the board
 5 on the basis that I had no connection with the council,
 6 or, for that matter, any other agency in
 7 Nottinghamshire.**

8 Q. The NSCB has existed since 2006. It succeeded the Area
 9 Child Protection Committee. We note at paragraph 4 you
 10 explain what its functions are, and they are primarily
 11 to co-ordinate members' efforts to safeguard and promote
 12 the welfare of children and to ensure that those efforts
 13 are effective. By "members", that means members of
 14 the council; is that right?

15 **A. No, that's members --**

16 Q. Members of the board?

17 **A. -- of the Safeguarding Children Board.**

18 Q. Forgive me, my mistake. At paragraph 9, you list your
 19 key responsibilities as chair. You say that prior to
 20 your appointment, you were with the police for 30 years,
 21 including leadership of child protection with
 22 Northamptonshire Police and, as you have just told us
 23 now, Mr Few, you have never worked for
 24 Notts County Council. Can we turn to the meetings of
 25 the NSCB. You cover this in your statement and explain

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1 **single inspection framework that included a specific
 2 examination of the Safeguarding Children Board and an
 3 individual judgment on how effective it was.**

4 Q. You said that was until recently. What has happened
 5 more recently?

6 **A. The inspection framework has changed, one of a number of
 7 changes during the ten years that I have been there, and
 8 there is no longer a specific judgment in respect of
 9 Safeguarding Children Board effectiveness. I think that
 10 perhaps just pre-empts the situation which will be in
 11 place next year when the requirement, and in fact the
 12 possibility of having a Safeguarding Children Board will
 13 have ceased to exist under recent legislation and
 14 statutory guidance.**

15 Q. So what will take its place?

16 **A. There will be -- the term used within the statutory
 17 guidance is "safeguarding arrangements" involving three
 18 equal partners with responsibility for exercising the
 19 safeguarding arrangements for children, which are the
 20 local authority, the CCG covering the area, and the
 21 police force.**

22 Q. You say at paragraph 20 that at the moment extraordinary
 23 meetings of the NSCB are convened to consider reports
 24 from Serious Case Reviews. I think later on in your
 25 statement, you deal with the Gallagher Review, about

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1 that the NSCB holds quarterly meetings for its work at
 2 strategic level. However, these don't cover individual
 3 cases.

4 You give examples of those things that have been
 5 covered in the last 12 months. These include, in
 6 relation to missing children, allegations against
 7 professionals, historical child abuse, as well as
 8 a review of findings of an audit on harmful sexual
 9 behaviour between children and child sex exploitation.
 10 Have I got that right?

11 **A. As far as it goes, yes. They are examples which
 12 I included in my statement in answer to a question posed
 13 to me by the inquiry. The actual areas of business
 14 covered by the board are wider than that and cover
 15 a whole range of other issues. They were examples which
 16 specifically relate to the work of this inquiry.**

17 Q. Who is it that audits the work of the NSCB to ensure
 18 that it's discharging its functions and acting
 19 independently?

20 **A. On a day-to-day basis, as I said earlier, I'm answerable
 21 to the chief executive of the council for running the
 22 board efficiently and effectively.**

23 **In terms of oversight and scrutiny of the board's
 24 activity, that's primarily -- or it was, until very
 25 recently, the responsibility of Ofsted, and under their**

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1 which the inquiry has heard a great deal of evidence.
 2 You say that your role, so far as policy, procedure and
 3 practice is concerned, is to provide strategic oversight
 4 and direction. At paragraph 26, you explain that
 5 partners of the NSCB, including the county council, are
 6 expected to ensure that working processes and practices
 7 comply with the interagency safeguarding children
 8 procedures and that your board's role is to monitor
 9 this. How often does the board audit agencies for
 10 compliance?

11 **A. In terms of specific audit activity, there's an ongoing
 12 programme of multi agency audits which are overseen by
 13 a subgroup of the Safeguarding Children Board intended
 14 for that purpose. The programme varies in length but
 15 generally it's about five or six such audits per year,
 16 looking at particular areas of abuse, particular areas
 17 of practice or particular types of children.**

18 Q. Are staff in these agencies required to undertake any
 19 NSCB training?

20 **A. In terms of audit or have we moved on to training?**

21 Q. In terms of the audit that takes place to provide you
 22 with the information that you need?

23 **A. Generally, what happens is that we have, as I said,
 24 a subgroup of the Safeguarding Children Board which
 25 oversees multi-agency audit. They will set the**

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<p>1 programme and work their way through it, setting the 2 terms of reference and the areas to be covered by 3 individual audits. There will be a lead officer, 4 sometimes two lead officers, who actually do the work on 5 the audit, and they engage, generally, front-line 6 practitioners or first-level managers, et cetera, in 7 doing the actual audit work looking at the cases and 8 scoring them.</p> <p>9 Q. In relation to individual agencies, if there are delays 10 or non-compliance with the audit, do you have any 11 statutory powers to compel access to audits being 12 carried out?</p> <p>13 A. There is a statutory power available to require agencies 14 which are subject to the statutory guidance to provide 15 information, and that's part of the Children Act 2004, 16 and there is a -- for the future, there is an equivalent 17 process built into the new arrangements under the 18 Children and Social Work Act 2017.</p> <p>19 Q. Paragraph 29, please, of your statement. You refer 20 there to local customisation of the Interagency 21 Safeguarding Children Procedures. What does that mean? 22 Just to give you the reference again, paragraph 29, 23 page 4 of your statement.</p> <p>24 A. The Nottinghamshire Safeguarding Children Board has 25 a set of procedures which we share with Nottingham City</p> <p style="text-align: center;">Page 153</p>	<p>1 Safeguarding Children Board. They are provided to us on 2 a contract by a company called tri.x. That company's 3 responsibility is to ensure that the procedures are kept 4 up to date with changes of legislation, statutory 5 guidance --</p> <p>6 Q. So the customisation issue refers to using a local 7 company?</p> <p>8 A. It's making -- the customisation that I refer to there 9 is putting a local flavour on them, and generally that 10 is to reflect issues that we have identified locally 11 through audit, through Serious Case Reviews, or to 12 reflect the way in which local services are organised, 13 and it's really just customising it so that it fits into 14 the Nottingham City/Nottinghamshire context.</p> <p>15 Q. Understood. You set out between paragraphs 33 and 35 16 the existing policies and procedures that govern child 17 protection, the steps that need to be taken in relation 18 to section 47 inquiries, as well as the follow-up. 19 Some listening to the evidence in this inquiry might 20 be forgiven, Mr Few, in thinking that it doesn't matter 21 how many policies and procedures are in place, what 22 matters is whether they are put into practice, who 23 ensures they are and how often policies are evaluated. 24 It might be said that in your position as chair you're 25 in a unique position to gauge practice as opposed to</p> <p style="text-align: center;">Page 154</p>
<p>1 procedure. Do you evaluate practice as part of your 2 strategic oversight or do you simply rely on the 3 regulator's inspection reports?</p> <p>4 A. No, we do check practice.</p> <p>5 Q. Might I ask, in relation to your role as chair, rather 6 than the role of the board, if you could direct your 7 answers to your direct involvement in that process? 8 I would be very grateful.</p> <p>9 A. I obviously rely upon audit activity and I also have the 10 benefit of a whole suite of numerical and qualitative 11 data that is produced both within the council and also 12 some of the partner agencies, and we have got 13 a framework which draws that together.</p> <p>14 One of the activities that the board as a whole 15 undertakes, and I do part of personally, is to visit 16 front-line settings and speak to both young people, 17 their parents, that are using those settings, and also 18 the staff there as well as their managers. That I find 19 extremely informative.</p> <p>20 Q. Mr Few, is that treated as a visit by royalty, or do 21 people know -- do they know who you are or do you come 22 unannounced?</p> <p>23 A. I don't come unannounced to the managers, although they 24 generally don't know when I'm going to turn up there. 25 I make known to those I'm speaking to who I am. I think</p> <p style="text-align: center;">Page 155</p>	<p>1 it would be dishonest not to. But, no, it's certainly 2 not a royal visit where I sort of get closeted and 3 protected from anything that might be happening at the 4 sharp end.</p> <p>5 Q. Indeed, it is fair to say that, in your statement, you 6 refer to some of the visits that you make?</p> <p>7 A. Yes.</p> <p>8 Q. Paragraph 54, please. You summarise what you have been 9 setting out in relation to frameworks of investigations, 10 and you say -- this is at page 7 of your statement: 11 "The framework for responding to allegations of 12 child sexual abuse has remained broadly the same since 13 the NSCB was established." 14 I think that's since 2006; is that right?</p> <p>15 A. Yes.</p> <p>16 Q. If the framework hasn't changed for 12 years, should 17 there be concerns that processes have become mechanistic 18 and aren't rigorously periodically reviewed?</p> <p>19 A. Not at that level. The framework that I was referring 20 to is a sort of global process whereby an allegation or 21 a concern is raised, there is a meeting or a discussion 22 of key professionals to decide what they're going to do 23 about it, how they are going to plan the response. The 24 response is implemented, and then, as I mentioned in my 25 statement, should it be identified that there is an</p> <p style="text-align: center;">Page 156</p>

<p>1 issue of either actual or potential significant harm to 2 a child, there is the Child Protection Conference 3 process and the reviews thereof, and that's the process 4 that stays the same, and in fact goes back -- predates 5 the Safeguarding Children Boards. 6 The actual content and how those elements operate 7 undoubtedly has changed. If I think back certainly 8 15 years ago, more recently than that, generally 9 a strategy discussion would be held face to face in 10 every instance. The quantity now is such that that's 11 frequently not possible, and they tend to be held either 12 through conference calls or videoconferencing. In many 13 cases, some of them are still held face to face. 14 Q. Paragraph 55, please, page 8, top of the page: 15 "Agencies in Nottinghamshire, including 16 Nottinghamshire County Council, have internal procedures 17 and guidance for staff involved in responding to sexual 18 abuse of children. As stated above, there is an 19 expectation that these will be consistent with the 20 Interagency Safeguarding Children Procedures and the 21 'pathway to provision!.' 22 Are you satisfied that they are? 23 A. Yes. In terms of the document, and, as you have pointed 24 out, I think there is, unfortunately, but often, 25 a discrepancy between the procedures, what's expected of</p> <p style="text-align: center;">Page 157</p>	<p>1 staff, and what actually happens on the ground, which 2 tends to perhaps vary periodically from the letter, or 3 even perhaps the spirit of the procedures. 4 Q. In fairness to my question, Mr Few, I never suggested 5 that there was a discrepancy. It's something that you 6 have alerted me to. But that's something you have 7 found; is that right? 8 A. Yes. It's something that has been identified in our 9 audit activity, and I think fair to say that right 10 across the country in Serious Case Reviews, certainly in 11 the ones that I have commissioned and been aware of, 12 generally a discrepancy between the written procedures 13 and what happens on the ground is one of the central 14 issues that needs to be addressed, and that's been the 15 case over time. 16 Q. Paragraph 57, please. You explain there that if 17 allegations of child sexual abuse are made against 18 residential staff, foster carers or foster relatives, 19 these are all treated as falling under allegations 20 against staff or volunteers. So what one should 21 understand from that is, they're all subject to the same 22 procedures; is that right? 23 A. Yes. Yes. 24 Q. You go on to explain how that works. The 25 county council's LADO will receive reports about</p> <p style="text-align: center;">Page 158</p>
<p>1 allegations against individuals who work with children 2 and provide oversight of the cases. Does your board 3 directly communicate with the LADO about safeguarding 4 issues? 5 A. Yes. On a formal basis, we get an annual report and the 6 LADO or the strategic lead for the three LADOs that 7 operate in Nottinghamshire comes to the board and they 8 present an annual report to us dealing with what cases 9 have happened, how they have been dealt with, what the 10 outcomes are. 11 Q. In case it is not clear what a LADO is, it is a local 12 authority designated officer; is that right? 13 A. Yes. 14 Q. You say that the LADO will convene an "Allegations 15 against professionals" strategy meeting which will 16 enable coordination and monitoring of the case. You say 17 the meeting may result in one of five outcomes and you 18 set these out. This is paragraph 65. At paragraph 65, 19 we can see -- this is page 9, please, of your statement: 20 "Allegations against people that work with children 21 may result in one of five outcomes: 22 "Substantiated: there is sufficient identifiable 23 evidence to prove the allegation. 24 "False: there is sufficient evidence to disprove the 25 allegation.</p> <p style="text-align: center;">Page 159</p>	<p>1 "Malicious: there is sufficient evidence to disprove 2 the allegation and there has been a deliberate act to 3 deceive. 4 "Unfounded: there is no evidence or proper basis 5 which supports the allegation being made. It might also 6 indicate that the person making the allegation 7 misinterpreted the incident or was mistaken about what 8 they saw. Alternatively, they may not have been aware 9 of all the circumstances." 10 Finally: 11 "Unsubstantiated: this is not the same as a false 12 allegation. It means that there is insufficient 13 evidence to either prove or disprove the allegation; the 14 term therefore does not imply guilt or innocence." 15 I think you come to discuss this later on in your 16 statement. Is this the same process that is used in 17 relation to looking at historical allegations? 18 A. These aren't judgments that are made by the strategy 19 meeting. The strategy meeting is there to plan the 20 response and identify who is going to do what. These 21 are the outcomes on a civil proof basis which are 22 specified within statutory guidance from the Department 23 for Education into -- generally, these will be arrived 24 at by an investigation into that, where it's done as 25 a disciplinary issue or one which is intended to decide</p> <p style="text-align: center;">Page 160</p>

<p>1 whether referrals should be made to a regulator or 2 professional body. I certainly didn't mean to indicate 3 that these replaced or subverted a decision which would 4 be taken where we have got an allegation of abuse 5 against a professional which has been the subject of 6 a criminal investigation and gone to court, where 7 obviously a different set of judgments would be made. 8 Q. Can I look, then, just to understand better your 9 evidence about that, at paragraph 77 of your evidence on 10 page 10. This is where you're providing the inquiry 11 assistance about procedures and practices in respect of 12 allegations of recent contemporaneous abuse and 13 non-recent historical abuse, so the differences between 14 the two. At paragraph 77, you set out what the 15 differences are. At paragraph 78, you say: 16 "The responsibility for the investigation of 17 historical or non-recent abuse lies with the area where 18 the alleged abuse occurred ..." 19 And you say: 20 "Practitioners should not consider the delay in 21 reporting an allegations a factor in deciding whether 22 the allegation is founded. Complaints should be taken 23 seriously regardless of the amount of information 24 available." 25 You deal with, at paragraph 80, the procedures:</p> <p style="text-align: center;">Page 161</p>	<p>1 "An important priority for practitioners dealing 2 with historic allegations is the protection of any 3 current potential victims." 4 And the procedures, in the last three lines there: 5 "... include links to local support services and an 6 information leaflet for people sexually abused in 7 childhood ..." 8 It's the experience of those who have been abused 9 historically that the local authority will have looked 10 into those allegations and have conducted strategy 11 meetings in which they have applied one of the five 12 different outcomes. Are you aware of that? And that, 13 at the end of that investigation, the complainant will 14 receive a letter from the local authority setting out 15 which of those five outcomes has been arrived at? 16 A. That's not a process that I recognise. The primary 17 response to somebody making any allegation of 18 particularly sexual abuse would be: does this meet the 19 standard of criminal liability and should there be 20 a prosecution? That's the first thing in terms of 21 the abuse suffered by that victim or survivor. 22 The process -- the primary reason for the 23 Safeguarding Children Board having a process in this 24 regard is that, where you have a professional who is 25 alleged to have abused someone in the past, is so that</p> <p style="text-align: center;">Page 162</p>
<p>1 the council, through its statutory duties, and its 2 partner agencies, can look at whether there are any 3 other children, whether they be through the alleged 4 perpetrator's professional life or within their family 5 who are at risk, and the primary responsibility of 6 the Safeguarding Children Board is to safeguard 7 children. 8 That needs to run in parallel with, as I mentioned, 9 the criminal investigation, and there may well also be 10 civil action, but also, and in terms of sort of going 11 back to the judgments which you referred to, the issue 12 there is primarily one around disciplinary action as an 13 employee or referral to the professional body regulator 14 for their profession. 15 Q. It may be my mistake, Mr Few. So what you are saying is 16 that what I have described to you as an approach taken 17 by the local authorities when responding to historical 18 allegations of abuse and writing letters to complainants 19 about whether or not their allegations have been 20 substantiated is -- I shouldn't confuse that process 21 with what you are setting out at paragraph 65. Is that 22 right? 23 A. Yes, that's correct. In fact, I think it would be 24 operating outside of their sphere of responsibility for 25 a multiagency group to reach a conclusion along those</p> <p style="text-align: center;">Page 163</p>	<p>1 lines anyway. That would be down to somebody who'd 2 actually investigated the allegation, and would either 3 be their employer or, further down the road, the 4 regulator or professional body. 5 Q. It may be that we are talking at cross-purposes. It is 6 something that I can explore with other witnesses. 7 Paragraph 67, please. You explain there that the 8 NSCB receives an annual report from the county council 9 in relation to allegations against professionals, and 10 you receive that for scrutiny and assurance purposes. 11 Would the NSCB ever have to consider individual 12 allegations of child sexual abuse? If so, in what 13 circumstances? 14 A. In terms of -- I think the Safeguarding Children Board 15 has no responsibility for operational matters or for 16 investigating allegations. Where we would consider an 17 individual case would be one that has been proposed for 18 a Serious Case Review or a similar review process 19 because it was believed that there was -- it either met 20 the statutory criteria for a Serious Case Review or it 21 was one where we thought, and it was believed, that 22 there was some learning which could be achieved from 23 looking at that case in terms of the wider safeguarding 24 arrangements. 25 Q. When you refer to scrutiny and assurance purposes, what</p> <p style="text-align: center;">Page 164</p>

<p>1 do you want the inquiry to understand by that? This is 2 paragraph 67.</p> <p>3 A. Yes. This is the annual report which I referred to is 4 presented to the Safeguarding Children Board.</p> <p>5 In terms of our sort of scrutiny and monitoring 6 process, it's really to satisfy the board collectively 7 that cases which should be within the guidance referred 8 through to the LADO have been -- that they have been 9 dealt with expeditiously, that they have been dealt with 10 thoroughly, and one of the key issues for the board is 11 that -- particularly in cases where a professional who 12 is alleged to have done something has resigned, to 13 satisfy ourselves that that -- by so resigning, they 14 haven't avoided the consequences of being dismissed, 15 either in terms of their employment or particularly in 16 terms of their accreditation to work elsewhere, 17 et cetera, through regulators.</p> <p>18 In that regard, consistently, the information 19 provided is that that happens, that where someone should 20 have been referred to the regulators, that they have 21 been and that it's been followed through properly.</p> <p>22 Q. Does the board track patterns or increases in the number 23 and types of allegations being made on an annual basis?</p> <p>24 A. Yes.</p> <p>25 Q. With that information, what does the board do?</p> <p style="text-align: center;">Page 165</p>	<p>1 A. I think in terms of patterns, numbers, et cetera, it 2 generally comes with some analysis as to what might be 3 behind it. My recollection is that there hasn't been 4 a sort of major step change in the number or nature of 5 such allegations which would lead me or other members of 6 the board to go, "Hang on, what's happening here? Why 7 is this happening?", without having already some 8 explanation for that, and I guess, in terms of -- the 9 variations that there are over time, generally, we will 10 know about those before we get this report, that there's 11 something happening in front-line services or something 12 has happened that's reflected in the media that will 13 push us towards and give us an indication of why changes 14 have taken place.</p> <p>15 Q. Paragraph 70. Again, you say there that the NSCB's 16 Harmful Sexual Behaviour Process will be followed for 17 the child whose sexual behaviour is thought to be 18 abusive. As I am sure you're aware, that is one of 19 the case studies of this inquiry, looking at harmful 20 sexual behaviour between children. You go on to say: 21 "A multi-agency response to the early 22 identification, assessment and intervention with 23 children who sexually abuse is used to respond to them 24 as children in need (as well as perpetrators), who may 25 also be in need of protection and services to prevent</p> <p style="text-align: center;">Page 166</p>
<p>1 further offending. A child who has sexually abused 2 others should be the subject of a Child Protection 3 Conference if he/she is also considered personally to be 4 at risk of significant harm."</p> <p>5 Would the transfer of such a child who has allegedly 6 abused other children, be considered as a last resort in 7 those circumstances, from your understanding of practice 8 and procedure?</p> <p>9 A. Sorry, I missed the last part of your question there.</p> <p>10 Q. You don't need to apologise. I haven't put it very 11 well.</p> <p>12 In circumstances where there is an investigation 13 into child-on-child sexual abuse, would the transfer of 14 the alleged perpetrator be seen as a last resort under 15 the policies that you are aware of?</p> <p>16 A. "Transfer"?</p> <p>17 Q. From the residential home in which the children find 18 themselves?</p> <p>19 A. This covers a far wider sphere of occurrences than just 20 those that take place in residential care. In terms of 21 the decision making about what happens to the alleged 22 perpetrator, that is outside the Safeguarding Board's 23 sphere of influence. That's an operational decision 24 primarily for the local authority.</p> <p>25 I would have -- I'm not sure I'm in a position to</p> <p style="text-align: center;">Page 167</p>	<p>1 comment on whether transferring an alleged offender 2 would be the last resort. I think whatever action was 3 taken, the key issue would be to make sure that both 4 that individual and those who are going to be exposed to 5 the individual are properly risk assessed and that the 6 arrangements are such that we can be assured that 7 they're kept safe.</p> <p>8 Q. Paragraphs 81 to 85. You set out there the Board's 9 relationship with Nottinghamshire Police as board 10 partners of the NSCB, and your view of that relationship 11 is a positive one. Paragraphs 86 to 99, you set out the 12 board's relationship with the county and city councils. 13 In respect of the city council, you say at 14 paragraph 97 -- you describe there, if you bear with me 15 a moment ... I think you describe differing approaches 16 and resourcing levels within the county and city 17 Safeguarding Children Boards, and you say that this has 18 required negotiation and compromise, and you say at 19 paragraph 98 -- sorry, it is just above, at 20 paragraph 97, the first two lines there, you say: 21 "... the desirability of having a consistent 22 approach across the two local authorities [may 23 occasionally be overridden]."</p> <p>24 What are the differing approaches that you describe 25 between city and county?</p> <p style="text-align: center;">Page 168</p>

<p>1 A. I think some of it's probably down to custom. There are 2 a number. There are different complexions which reflect 3 both the history of the two areas but also the fact that 4 one is a unitary authority and the other one is 5 a two-tier authority that covers a significantly larger 6 area, much of which is rural. Really, if I could give 7 you a couple of examples, there was a preference within 8 the Nottingham City Safeguarding Children Board for 9 producing and using practice guidance to guide 10 front-line practitioners. Within the county board, 11 generally, we prefer to leave that to the individual 12 agencies and the managers and the professionalism of the 13 individual practitioners to do that.</p> <p>14 Q. Why the difference? Why do you prefer doing that as 15 opposed to what the city do?</p> <p>16 A. I think some of it is preference of individuals. My own 17 view on that, I think probably undoubtedly, and that 18 contrasts between that and those who have occupied the 19 chairperson's position in the city over time, I think 20 that must have influenced it as well.</p> <p>21 There is also, as I refer to here, different 22 resourcing levels, and that is particularly evident in 23 the resources which are devoted to multi-agency 24 training. In the County Safeguarding Board, there's 25 a lot of resource put into providing multi-agency</p> <p style="text-align: center;">Page 169</p>	<p>1 training. That generally in the city -- my 2 understanding is that's largely left to the partner 3 agencies of that board to provide training, rather than 4 doing it on a multi-agency basis.</p> <p>5 Q. Which do you think is more effective?</p> <p>6 A. My view is very much that multi-agency training, getting 7 professionals working together across agencies, is more 8 productive, and leads to better practice.</p> <p>9 Q. You discuss the board's relationship with the CPS at 10 paragraph 101. At 108 to 112, you discuss the board's 11 responsibility in evaluating the effectiveness of 12 multi-agency responses to child sexual abuse. When 13 a biannual report is presented to the NSCB on the 14 response to allegations of child sexual abuse, what 15 typically happens afterwards?</p> <p>16 A. Is this at paragraph 112?</p> <p>17 Q. Yes, starting from 109, exactly that. It is that 112 18 "biannual report"?</p> <p>19 A. The report referred to at paragraph 112 is different 20 from the others. That refers specifically to a biannual 21 report brought to the Safeguarding Children Board from 22 the strategic management group for Operation Equinox, 23 and latterly, with the start of this inquiry, we have 24 also had with that information on progressing different 25 areas of investigation that this inquiry has looked at</p> <p style="text-align: center;">Page 170</p>
<p>1 at the same time.</p> <p>2 Q. You explain at paragraph 115 the process of 3 commissioning a Serious Case Review, and you discuss the 4 Gallagher review. Have you ever rejected 5 a recommendation for a Serious Case Review?</p> <p>6 A. Yes.</p> <p>7 Q. In what circumstances have you done so?</p> <p>8 A. It's generally -- the criteria for holding a Serious 9 Case Review are quite prescriptive. The occasion that 10 I'm aware where I've gone against a recommendation of 11 the standing Serious Case Review group of the board to 12 hold a review was where the -- in my view, they'd 13 misunderstood some of the information that was provided, 14 and it didn't actually meet the statutory criteria for 15 holding such a review.</p> <p>16 There are a number of cases which are considered by 17 the subgroup of the Safeguarding Board which potentially 18 could end up as Serious Case Reviews. Not all of 19 those -- in fact, probably only about a tenth of those, 20 I think, would be, over time, a reasonable estimate, 21 actually meet the criteria. There are some that are 22 screened out initially because they don't meet the 23 criteria.</p> <p>24 Q. So the inquiry could understand that during the currency 25 of your tenure, you're satisfied that the decisions</p> <p style="text-align: center;">Page 171</p>	<p>1 whether or not to move on to a Serious Case Review have 2 met the criteria that's necessary?</p> <p>3 A. Yes.</p> <p>4 Q. Can I look finally, please, in relation to the approach 5 taken to harmful sexual behaviour between children, and 6 the recent audits. This starts at paragraph 125 at 7 page 15 of your statement, where you go through in some 8 detail the various steps that have been taken, the 9 extent of information that has been dispersed and the 10 audits that have been carried out. I want to go 11 specifically, though, to the recent case audit that's 12 set out at paragraph 138, please. It is an audit 13 presented to your board as recently as June 2018 in 14 which ten cases were examined, three of which involved 15 looked-after children. I think, would you agree with 16 me, the findings of the audit are mixed?</p> <p>17 A. Yes.</p> <p>18 Q. There are some complimentary findings, but I want to 19 take you, though, to those that are less complimentary. 20 The first bullet point there: 21 "There was a level of drift in identifying and/or 22 appropriately responding to harmful sexual behaviour." 23 The third bullet point: 24 "Discussion between the police and Children's 25 Services were not consistently taking place in line with</p> <p style="text-align: center;">Page 172</p>

<p>1 guidance. 2 "Local authority staff were slow to advise relevant 3 health professionals of harmful sexual behaviour cases. 4 "Children's social care professionals were 5 inappropriately conflating police bail and prosecution 6 decisions with risk assessments. 7 "There were some concerns regarding the recognition 8 of online safety ... 9 "... there was more than one plan in place ... 10 "Advice given to children and their carers was 11 inconsistent." 12 As a very recent assessment of the approach to 13 harmful sexual behaviour and how the council is 14 addressing it, that litany of criticism would appear on 15 one view to be poor. Is that right, in your view? 16 A. It certainly isn't the situation that I would like there 17 to be. 18 Q. In response to that audit, what has the board done? So 19 this is June 2018. When do you next expect to review 20 this issue? 21 A. The issue -- the recommendations which were made from 22 this audit, which encompass those issues, and actually 23 sort of go one step beyond those to focus on what sits 24 behind those, and the five recommendations made were 25 built into the action plan which is being worked to by</p> <p style="text-align: center;">Page 173</p>	<p>1 the Harmful Sexual Behaviour -- what is now the panel 2 and was previously a working group from an 3 organisational audit in 2017. They will be working on 4 those at the moment. Some of them touch on issues which 5 are part of wider board activity in order to improve 6 practice and, really, to answer your question, it will 7 come back to the board at its meeting in December of 8 this year, when we will expect to see improvements 9 and -- both intangible improvements but also some reason 10 as to why we have got into that situation, because that 11 is not desirable, to have that number of issues that are 12 not working properly. 13 Q. As at October 2018 -- 14 A. Sorry, December. 15 Q. No, I'm talking about today's date. As at October 2018, 16 should the inquiry panel be concerned at the level of 17 safeguarding for those children who are exposed to 18 harmful sexual behaviour in the county? 19 A. I would hope not. Until we get to the next milestone 20 when concrete information will come to the board and 21 myself, I couldn't say. I would hope that having had 22 this audit, the results of which have been -- as well as 23 being included within an action plan, have been shared 24 out across the professional network, both through our 25 newsletters and events which we hold which we term</p> <p style="text-align: center;">Page 174</p>
<p>1 "What's new in safeguarding", which are really updates 2 for professional practice, I would hope that the 3 messages found in this audit have gone -- well, they 4 have gone out. I would hope they will have influenced 5 practice so that what is portrayed in these findings 6 from the audit is no longer the case now and I'd be 7 looking for some confirmation of that when it gets back 8 to the board in December. 9 MR SADD: Mr Few, thank you for your patience. My questions 10 are finished but there may be some questions from the 11 panel. 12 Questions by THE PANEL 13 THE CHAIR: Thank you, Mr Few. Can I ask you, apart from 14 the references you have just made to the audit, have you 15 identified what the key areas for improvement across the 16 partner agencies are in relation to child sexual abuse? 17 What do they need to do better? 18 A. That's a big question. I think, in essence, it probably 19 comes down to issues which have been flagged up in 20 innumerable Serious Case Reviews over the years: talk to 21 each other, listen to each other, take children and 22 those who express concerns about children seriously, 23 respond to them, and deal with it -- with allegations 24 and concerns robustly. From a global perspective, and 25 in terms -- make sure that the resources are there to</p> <p style="text-align: center;">Page 175</p>	<p>1 enable staff to do their job properly at the front-line. 2 THE CHAIR: Just one follow-up to that: as you have 3 correctly said, there have been many, many, many Serious 4 Case Reviews over the years, and to use the cliché of 5 lessons learned, do you have a view, in relation to 6 child sexual abuse, why it sometimes appears that 7 lessons have not been learned? 8 A. I don't think there's necessarily any magic answer as to 9 why lessons haven't been learned. I think there's 10 a huge number of factors which aren't particular to 11 sexual abuse. Some of it is to do with organisational 12 memory, particularly -- I think the more you get towards 13 senior management decisions, director level, et cetera, 14 the tenure tends to become shorter, and organisational 15 memory learning is lost in that process. I think 16 austerity and lack of money per se I don't think helps. 17 And I think we are still suffering from some of 18 the myths in the past, some sort of preconceptions 19 about -- particularly around child sexual exploitation, 20 et cetera. There are still some ingrained thoughts 21 about -- and misinterpretations about why children do 22 things, why they say things, and what might sit behind 23 allegations and the behaviour that they exhibit. 24 THE CHAIR: Thank you, Mr Few. Mr Frank? 25 MR FRANK: So the board has been in existence for about</p> <p style="text-align: center;">Page 176</p>

1 11 years now; is that right?
 2 **A. Twelve years.**
 3 MR FRANK: Twelve years. I'm just wondering, with that in
 4 mind, if we look at NCC000628_009, if we could just
 5 bring that up on the screen for you, we see that in this
 6 year -- in March of last year, sorry, one of
 7 the observations in that review:
 8 "Data ... needs assessment: how many cases, agency
 9 involvement, outcomes, et cetera. Data or audit
 10 findings not aggregated across agencies or analysed."
 11 Do you see that?
 12 **A. I'm not sure what document this is.**
 13 MR FRANK: Behind your tab 2.
 14 **A. It is tab 2, is it?**
 15 MR FRANK: It is the minutes of the full board meeting of
 16 8 March of last year.
 17 **A. Okay.**
 18 MR FRANK: So a relatively recent document and certainly ten
 19 years after the board was found. Does it seem to you
 20 surprising that basic information of that kind has not
 21 been collated, aggregated or analysed?
 22 **A. I think, to put it in context, these observations were**
 23 **the findings of what was termed an organisational audit,**
 24 **which was done using an audit tool. It didn't look at**
 25 **individual cases. What it looked at was the**

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1 **there's a large number of pages there, many of which**
 2 **have four scores on. But if you distil that into what**
 3 **the key issues are, I don't think the situation is as**
 4 **bad as perhaps portrayed here. Not that that reflects**
 5 **any degree of complacency, which is why we pushed for**
 6 **the work that's ongoing with the working group there and**
 7 **which led to the introduction of the Harmful Sexual**
 8 **Behaviour Panel as an operational arm to ensure good**
 9 **practice which started operating in June of this year.**
 10 MR FRANK: In summary, the actual report you are referring
 11 to, for nearly all of the data collection and analysis
 12 heads, score zero for your board. So the question
 13 I have to ask you is: when will your board score better
 14 than zero on an audit?
 15 **A. In terms of data collection --**
 16 MR FRANK: And sharing and analysis.
 17 **A. The data collection and analysis is better now. That's**
 18 **what gave rise to the issues that are within the action**
 19 **plan and the activity of the review -- the Harmful**
 20 **Sexual Behaviour Panel. That sits behind it. This was**
 21 **a snapshot of what is available now or what is available**
 22 **at the time the audit took place in terms of information**
 23 **which was labelled as related to harmful sexual**
 24 **behaviour, and that, I think, is where one of the issues**
 25 **comes in, that it's -- if it's not labelled as that, it**

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1 **arrangements which agencies in Nottinghamshire had in**
 2 **place to respond to harmful sexual behaviour.**
 3 MR FRANK: Yes.
 4 **A. The report of that audit is also within the bundle here.**
 5 **I can't recall which number it is, which tab number.**
 6 MR FRANK: I think it is tab 3.
 7 **A. Using that audit tool, I think it's in the nature of**
 8 **such tools that they are prepared by specialists and**
 9 **experts, and go into a great deal of detail. I'm**
 10 **certainly not sort of denigrating or claiming that**
 11 **things should have been better than they were. There**
 12 **were a number of issues found within the way that**
 13 **services were organised. But I think it is worth**
 14 **bearing in mind the context of this, which is that they**
 15 **were audited against something that puts labels on a lot**
 16 **of things which may be there but aren't labelled in the**
 17 **way that the audit tool describes it. I think what's**
 18 **probably a better indication of the situation which was**
 19 **found in 2017, when we received this, is reflected in**
 20 **the priority issues that were identified by the senior**
 21 **manager who presented the audit and actually led the**
 22 **audit process about what needed to change, and he was**
 23 **able to narrow that down to a far smaller number of**
 24 **issues than those found in the audit as a whole, and**
 25 **I think, particularly if you look at the audit report,**

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1 **doesn't get a tick on the audit tool.**
 2 MR FRANK: Thank you.
 3 THE CHAIR: Thank you very much. We have no further
 4 questions.
 5 (The witness withdrew)
 6 MR SADD: Chair, that completes the evidence for today.
 7 Chair, I imagine that you would want to start again at
 8 10.00 am tomorrow?
 9 THE CHAIR: Yes, we will begin again at 10.00 am, thank you.
 10 (4.26 pm)
 11 (The hearing was adjourned to
 12 Tuesday, 23 October 2018 at 10.00 am)
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 14 I N D E X
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