

<p>1 Thursday, 24 March 2016 2 (10.30 am) 3 Opening statement by THE CHAIR 4 THE CHAIR: Yes, good morning, everybody, and welcome to the 5 fourth preliminary hearing held by the Independent 6 Inquiry into Child Sexual Abuse. 7 Today we will be considering next steps in the 8 Inquiry's investigation into institutional failures to 9 protect children in the care of Lambeth Council from 10 sexual abuse. 11 We held our first preliminary hearing in the 12 investigation into allegations relating to 13 Lord Greville Janner two weeks ago. During that 14 hearing, Counsel to the Inquiry, Ben Emmerson QC, 15 provided a comprehensive summary of the Inquiry's work, 16 which I'm not going to repeat, but I will set out 17 a little background to assist those following 18 proceedings today. 19 The scope of this Inquiry is broad and 20 unprecedented. Together with Panel members 21 Malcolm Evans, Ivor Frank, Alexis Jay and Dru Sharpling, 22 we must examine the extent to which public and private 23 institutions in England and Wales have failed to protect 24 children from sexual abuse in the past and we must make 25 recommendations for the future.</p> <p style="text-align: center;">Page 1</p>	<p>1 thematic investigations, focusing on child sexual abuse 2 facilitated by the internet, institutional responses to 3 the sexual exploitation of children by organised 4 networks, the extent to which institutions in England 5 and Wales are effectively discharging their 6 responsibilities to protect children abroad and the 7 adequacy of existing services for providing support and 8 reparation to victims and survivors of childhood sexual 9 abuse. 10 Now, before we begin today's business, I have one 11 housekeeping matter to potentially advise, and that is, 12 depending on how matters proceed this morning time-wise, 13 we make take a mid-morning break at 11.30 for 14 15 minutes. If we do, I do ask that you please resume 15 your seats in good time afterwards. 16 I would be grateful if Counsel to the Inquiry, 17 Mr Emmerson, could now introduce himself and his team. 18 Introductions by COUNSEL TO THE INQUIRY AND THE CORE 19 PARTICIPANTS 20 MR EMMERSON: Thank you, Madam. As you have indicated, 21 I appear as Counsel to the Inquiry, together in this 22 Inquiry with my learned friends Ms Clair Dobbin and 23 Ms Marlene Cayoun. 24 THE CHAIR: Thank you, Mr Emmerson. 25 MR EMMERSON: Can I just say a word or two for those who are</p> <p style="text-align: center;">Page 3</p>
<p>1 In my two public statements last year, I explained 2 how the Inquiry is tackling this challenge. Briefly, we 3 have established three core projects: the Public 4 Hearings Project, in which the Inquiry will hear 5 evidence in its 13 investigations; the Research Project, 6 which is undertaking research on a range of issues 7 essential to the Inquiry's work; and the Truth Project, 8 which is hearing the accounts of victims and survivors 9 of child sexual abuse in private sessions. 10 I should just add here that, although I have 11 referred to 13 investigations, that is by no means 12 a closed list. That is the first tranche of 13 investigations the Inquiry is embarking upon. 14 So the Lambeth investigation is one of those 15 13 institution-specific investigations that the Inquiry 16 has announced. The others concern alleged failures to 17 protect children in the Anglican and Catholic Churches 18 and children in the care and supervision of 19 Nottinghamshire Council, in institutions in Rochdale, in 20 custodial institutions and in residential schools. We 21 will also be inquiring into allegations of child sexual 22 abuse and exploitation involving people of public 23 prominence associated with Westminster. 24 In addition to the institution-specific 25 investigations, we are also conducting a series of</p> <p style="text-align: center;">Page 2</p>	<p>1 not familiar with the proceedings of an inquiry about 2 the role of Counsel to the Inquiry so that they can 3 better understand that process. The responsibility of 4 Counsel to the Inquiry is to advise on the Inquiry's 5 investigations, to assist the Inquiry by making 6 independent submissions on the law and on the evidence, 7 to present witness evidence at public hearings in 8 a neutral and non-partisan manner and to assist the 9 Panel where necessary by advising them on the 10 conclusions that are open to them on the evidence. 11 Madam, may I introduce the representatives here 12 today? In doing so, I have invited each of them to say 13 a few words about the nature of their clients' interests 14 and the approach that they intend to take for the 15 Inquiry. 16 Could I start with the institutional representatives 17 and with my learned friend Mr Alex Verdan, who appears 18 on behalf of Lambeth Borough Council. 19 MR VERDAN: Madam Chair, good morning. The Lambeth Local 20 Authority are very grateful to have been granted 21 core participant status. We have prepared a written 22 note for this hearing. We will, of course, work 23 transparently and cooperatively with the Inquiry. Given 24 Lambeth's responsibility for children in its care who 25 have made allegations of child sexual abuse, the local</p> <p style="text-align: center;">Page 4</p>

<p>1 authority clearly has a significant interest in this 2 investigation and it hopes that its contribution will 3 assist the Inquiry achieve its objectives. 4 THE CHAIR: Yes, thank you, Mr Verdan. 5 MR EMMERSON: Next, Madam, may I introduce Mr Jason Beer on 6 behalf of the Commissioner for the Metropolitan Police. 7 THE CHAIR: Yes, Mr Beer. 8 MR BEER: Good morning. The London Borough of Lambeth is 9 within the Metropolitan Police District, which is the 10 policing area for which the Commissioner is responsible. 11 The Metropolitan Police Service has accordingly 12 conducted a significant number of investigations into 13 allegations of the sexual abuse of children in care 14 homes managed by Lambeth Council or situated within 15 Lambeth and investigations into the sexual abuse of 16 children under the care of Lambeth Council. It 17 therefore possesses a significant volume of evidence 18 relating to the subject matter of this part of the 19 inquiry's work. 20 Additionally, as the Inquiry knows, The Metropolitan 21 Police Service is presently carrying out a series of 22 live and active investigations into the sexual abuse of 23 children in Lambeth care homes or children under the 24 care of Lambeth Borough Council. Arrests have been 25 made, charges have been laid, trial dates have been set</p> <p style="text-align: center;">Page 5</p>	<p>1 THE CHAIR: Thank you, Mr Brown. 2 MR EMMERSON: And Ms Catherine McGahey, who appears today 3 as she has in previously preliminary hearings, on behalf 4 of the Secretary of State for Education. 5 THE CHAIR: Yes, Ms McGahey. 6 MS McGAHEY: Good morning, Madam. 7 Madam, as you know the Department for Education is 8 responsible for education and children's services in 9 England. Its responsibilities at a national level 10 include responsibility for both legislation and policy 11 concerning child protection and safeguarding. At 12 a local level it oversees the provision of education and 13 children's services by, among others, local authorities. 14 The department's national policy of responsibility 15 for child safeguarding was, until 2003, held by the 16 Department for Health. That department has not sought 17 core participant status, but has undertaken to cooperate 18 with the Department for Education and of course this 19 Inquiry in respect of matters before 2003. 20 THE CHAIR: Thank you, Ms McGahey. 21 MR EMMERSON: Now, Ma'am, may I introduce, on behalf of the 22 Shirley Oaks Survivors Association, Mr Raymond Stevenson 23 and Ms Lucia Hinton. 24 THE CHAIR: Thank you, Mr Stevenson. 25 MR STEVENSON: Thank you for granting Shirley Oaks Survivors</p> <p style="text-align: center;">Page 7</p>
<p>1 and in some cases convictions have already occurred. It 2 therefore has an additional and acute interest in the 3 timing and sequencing of the Inquiry's work. 4 As to the approach that the Metropolitan Police will 5 take to the Inquiry, consistently with the approach it 6 has taken to date, it will take whatever steps are 7 reasonably necessary to provide full, open and 8 transparent assistance to this Inquiry. 9 THE CHAIR: Thank you, Mr Beer. 10 MR EMMERSON: Thank you very much. 11 Mr Edward Brown on behalf of the Crown Prosecution 12 Service. 13 THE CHAIR: Yes, Mr Brown. 14 MR BROWN: Thank you, Madam. We are also grateful for core 15 participation status having been granted to the Crown 16 Prosecution Service. As you will know, the CPS has been 17 involved in the past in some important decisions in this 18 area of your investigation. We also will cooperate as 19 fully as we can in every way we are asked to. 20 We also have, of course, a close eye on the 21 continuing prosecutions, of which we understand there 22 are up to five being considered or, as you have heard 23 already, been heard. We will keep a close eye on and 24 alert the Inquiry to any matters that you need to know 25 about.</p> <p style="text-align: center;">Page 6</p>	<p>1 Association core participant status and acknowledging 2 that SOS and its members have an important part to play 3 in the Inquiry. 4 What took place at Shirley Oaks and other Lambeth 5 children's homes was physical and sexual abuse on an 6 industrial scale which remained unchecked for decades. 7 The damage done is irreversible. But knowing the abuse 8 continued in other Lambeth children's homes when 9 Shirley Oaks closed and discovering to what extent cast 10 a shadow over this country. 11 You will hear many claims of witch-hunts in regards 12 to other abuse allegations, but no one has questioned 13 Lambeth's role in what we, the enlightened survivors, 14 call "a reversal back to the dark ages". There are 15 heroes in every walk of life, and having heard the 16 personal accounts of hundreds of people, many of whom 17 are my friends, and shedding thousands of tears, I say, 18 "Shame on you, the establishment, for turning your back 19 on us". 20 For those doubters who question our account, the 21 only way for you to reach the truth is to willingly 22 suspend your disbelief because this extraordinary 23 occurrence required an extraordinary evil and, in 24 Lambeth's case, an institutionalised evil. 25 We have been very vocal in our position in regards</p> <p style="text-align: center;">Page 8</p>

<p>1 to this Inquiry and have publicly voiced our concerns. 2 These concerns derive from the unique position Lambeth 3 holds in discovering the truth about systemic abuse. 4 Lambeth itself has had many inquiries in the past. For 5 whatever reason, whether casual cover-up or 6 conspiratorial cover-up, history will now conclude that 7 they were white-washes. 8 The heart-breaking consequence of this meant 9 vulnerable children continuously suffered at the hands 10 of paedophiles who had infiltrated Lambeth Council 11 because they knew it was a place where they could pedal 12 their evil agenda amongst like-minded people. 13 We represent over 600 people who were brought up in 14 Lambeth care system, many from Shirley Oaks and other 15 Lambeth children's homes. Our members want justice. 16 This justice comes in all forms: justice for the brutal 17 acts of physical and sexual abuse they suffered and 18 endured; justice for the psychological effects it had on 19 their lives and still has now; justice in the form of 20 accountability for those who allowed it to happen; 21 justice for our brothers and sisters who tragically died 22 in care and for those who lost the battle and took their 23 own lives after care. 24 Finally, we are demanding reparation for our members 25 and to unsully the legacy of Shirley Oaks, the only</p> <p style="text-align: center;">Page 9</p>	<p>1 medium, ie pre-recorded video footage or in statement 2 form. 3 We have also been working with a group we call 4 "whistle-blowers" and we would like them to give their 5 evidence as part of our group and in a timetable that 6 runs parallel to the victims who were abused before and 7 after the whistle-blowers had raised their concerns. 8 This will enable the Inquiry to appreciate the failings 9 and cover-ups have real consequences. 10 In essence, we want to present our evidence not as 11 a group of isolated claims, but in real time, connecting 12 a theme of depravity that ran through Lambeth for 13 decades. Just to give you an example, here are the 14 indexes for our reports: 15 Shirley Oaks Children's Home Investigation: Shirley 16 Oaks History - Sign of the Times; The Guardians, The 17 Proprietors of Shirley Oaks - The Guardian's Rules for 18 Running Shirley Oaks, The Guardian's History, Shirley 19 Oaks' Proud History; The London County Council - LCC 20 History 1948-1965, LCC Rules for Running Shirley Oaks; 21 Backdrop to our Investigation - Involvement of Raymond 22 Stevenson, Urban Concepts Mission Statement, Action 23 Plan; Management Involvement in Paedophilia - Management 24 Rules for Running Shirley Oaks 1950-1965, The Start of 25 the Abuse at Shirley Oaks 1950-1965, Shirley Oaks</p> <p style="text-align: center;">Page 11</p>
<p>1 place we could call home. 2 To enable this Inquiry to work for us, we set out 3 this proposal: firstly we intend to present a report of 4 400 pages long with supporting documents as part of the 5 disclosure process. This report contains our findings 6 after two years of in-depth investigation into Lambeth's 7 transgressions. Our matrix of information sheds light 8 on how, who and why the system let down the most 9 vulnerable. We identify the paedophiles, the council 10 employees, the government officials, politicians, police 11 officers, church organisations and connecting 12 associations. This will not be made public, but will be 13 the basis of any court action depending on Lambeth's 14 response. 15 We have discussed this with Lambeth and have agreed 16 a timetable to present them with the report. As part of 17 the disclosure process, the Inquiry is free to examine 18 the content of our report and test its legitimacy. 19 For our public evidence, our members would like to 20 deliver its evidence as part of a presentation which 21 will follow the line of the report. We will set out 22 these proposals in due course, which will include 23 a number of survivors who wish to give evidence in 24 person, but also creates a forum where those who do not 25 want to attend can submit their evidence through another</p> <p style="text-align: center;">Page 10</p>	<p>1 Management/Paedophiles; Lambeth's Takeover of Shirley 2 Oaks - Lambeth History from 1965-1983, Lambeth Rules for 3 Running Shirley Oaks, Social Services, Foster Parents 4 and Adoptive Parents, Facilitators/Peripatetic Staff; 5 Paedophile Activity in Shirley Oaks - Case Study on 6 Paedophiles in the 38 Shirley Oaks Cottages, The 7 Infiltration of Paedophiles within Shirley Oaks 8 Children's Home; Surrounding Organisations and External 9 Paedophiles - Social Aunties and Uncles, The Scouts and 10 Cubs, Churches, Swimming Club, Judo, ILEA School, 11 Crystal Palace Football Club, The Police; Shirley Oaks 12 and the Decant - Case Study of Fern House - First 13 Shirley Oaks House to be Decanted. 14 SOSA's Investigation of Lambeth Council: Lambeth 15 Council - Background to our Investigation, The History 16 of Lambeth Council, Social Services History, Corruption 17 Within The Council, Corporate Responsibility; 18 Investigations - Operation Trawler, Middleton/CHILE; 19 Analysis of Lambeth's 15 Inquiries - Internal 20 Investigations into Child Abuse; Lambeth Council 21 Management - Lambeth Employed Paedophiles 1965-2000; An 22 Overview of Paedophile Activity in Lambeth's Children's 23 Homes - The Activity of Paedophile, Facilitators; Case 24 Study on Lambeth's Children's Homes - Angell Road, South 25 Vale/Wood Vale, Highland Road, Chevington, St Saviours,</p> <p style="text-align: center;">Page 12</p>

<p>1 Coronation Building, Vauxhall Hostel, Nottingham Road; 2 Other Connected Children’s Homes - The Den, North Wales, 3 Bristol; Lambeth Council’s Child Care Obligations - 4 Social Services, Social Services Inspectorate; 5 Surrounding Organisations - The Association of Combined 6 Youth Clubs (ACYC), The Lambeth Project, Lambeth: Youth 7 and Community in the Met Police (YAC), St Vincent De 8 Paul and the Church, The Metropolitan Police; Lambeth to 9 Liverpool - Lambeth’s Connection to Liverpool; Liability 10 for Abuse - Lambeth Council, Croydon Council, The 11 Police, The Department of Health, The State. 12 We note that the Inquiry advises us to take legal 13 representation. Our current position is this is not 14 necessary at this time and we hope that the Inquiry 15 respects this. This stems from our first meeting with 16 Shirley Oaks members, when we all agreed that we could 17 not trust the police and equally we didn't want lawyers 18 trampling all over our past without us discovering what 19 had taken place ourselves. 20 We reserve the right to take up the option of legal 21 representation once our report has been completed, but 22 if we do take up this option, we would ask that you 23 offer an equality of arms and we would be offered more 24 than one barrister and an appropriate number of 25 solicitors to look after the three separate strands of</p> <p style="text-align: center;">Page 13</p>	<p>1 of people we represent, will ultimately save taxpayers' 2 purse in efficiency and in time. 3 Scope of the Inquiry: in regard to the scope of the 4 Inquiry, our report will indicate the areas of concern 5 that we think this Inquiry needs to look into to get 6 a full understanding of the failure of the system and, 7 of course, our evidence can be tested with the extensive 8 power this Inquiry has to investigate Lambeth. 9 There were some issues that we would like to put 10 forward and some concerns. We support the submission 11 of D1 in regards to Rochdale, in that her abuse at the 12 hands of her mother was not dealt with appropriately by 13 the Social Services, and therefore the authority, with 14 prior knowledge that her home life was dangerous, has 15 some blame. 16 We have similar cases where children looked after by 17 Lambeth Social Services were either left with abusive 18 parents or returned to abusive parents. There are cases 19 where returning children home was done as a punishment 20 for refusing sexual advances or equally where they 21 believed the child would reveal the claims of sexual or 22 physical abuse. We suggest any allegation that falls 23 into this bracket should be dealt with on a case-by-case 24 basis, with a view to see if there is a pattern with 25 this state-permitted abuse.</p> <p style="text-align: center;">Page 15</p>
<p>1 our claims. 2 Claim 1: four decades of abuse at Shirley Oaks 3 Children’s Home by management, staff, local church 4 groups, scout leaders, social aunties and uncles, the 5 failure of Lambeth and the police to investigate the 6 abuse and the death of Peter Davis. 7 Claim 2: the failure of Lambeth Council to protect 8 children we represent in Angell Road, Chevington, 9 Southvale, St Saviours, Highland Road, Lorn Road, 10 Nottingham Road, and many more children's homes under 11 Lambeth's authority. This includes children who were 12 sent to homes that were being run by paedophiles in 13 Wales and Bristol and other national homes. 14 Claim 3: Lambeth Council's employment of paedophiles 15 in positions of power in Lambeth Council Social Services 16 and in the Housing Department and other connecting 17 departments. Connected to this is the involvement of 18 the Department of Health, the Social Service 19 Inspectorate, the failure of Middleton/CHILE Inquiry, 20 the ACYC, St Matthew's Church, St Vincent de Paul and 21 the Met Police. 22 If we do take up the option of legal representation, 23 we believe, along with the hard work collating the facts 24 contained in our report, allowing us to have the fair 25 and proportionate representation, considering the amount</p> <p style="text-align: center;">Page 14</p>	<p>1 We would like to go on record about our growing 2 concerns with the police and their investigation into 3 Lambeth and the claims of abuse by many children. 4 As core participants, we would like to make sure 5 that the police discontinue with their attempts to 6 discredit us. The reason for our distrust is due to the 7 police failures in the past and the failures in the 8 present to understand that we have a right not to engage 9 with them until we feel that they have taken on board 10 the police involvement in what took place in Lambeth. 11 I would like to remind everyone that 12 Michael John Carroll and Leslie Paul, two convicted 13 paedophiles, were Met police officers who had a circle 14 of Met friends. 15 In regards to the Inquiry's request that all 16 institutions relevant to the Inquiry retain all 17 documents relevant to the Inquiry, we hope Madam Chair 18 will take inference from any institution that relies on 19 the fact that documents are missing that are central to 20 discovering the truth. 21 We are shocked that the Department of Health have 22 not applied for core participant status. We welcome 23 their statement that they will cooperate with the 24 Inquiry, but this is not enough. We insist that they 25 are core participants because two investigations by the</p> <p style="text-align: center;">Page 16</p>

<p>1 Social Service Inspectorate into Lambeth, instigated by 2 the Department of Health, clearly shows that they were 3 party to the inquiry and that they were involved in 4 selecting the chair and the remit. 5 Both of these inquiries were reported to the 6 Department of Health and their failings to uncover the 7 truth were overseen by government ministers. Our 8 evidence shows that Middleton was ultimately sponsored 9 and overseen by the Health Minister and any failures or 10 cover-up would have to include their involvement. 11 Last but not least, as an example of how survivor 12 groups can work with local authorities, what started off 13 as a tense relationship with Lambeth Borough Council has 14 now developed to a point that we no longer question 15 whether this administration is part of the historical 16 cover-up. In this case we think that the police have 17 a lot to learn about community engagement. 18 Thank you very much. 19 THE CHAIR: Just pause for a minute, Mr Emmerson. 20 Yes, thank you very much, Mr Stevenson. I have made 21 my own note, but we do have a full transcript of the 22 proceedings so everything that you have said will be 23 recorded. 24 I just say briefly, in relation to legal 25 representation, the door is open, as I think you have</p> <p style="text-align: center;">Page 17</p>	<p>1 terminology of "victims" and "survivors" is used. 2 Madam, the present investigation is one of 3 13 investigations as you said that you announced in 4 November of last year. You said then that the Inquiry 5 would investigate the nature and extent of and 6 institutional responses to the sexual abuse of children 7 in the care of Lambeth Council. This was to include 8 those cared for in children's homes, by foster carers 9 and/or by adoptive parents. 10 This investigation is one of three which encompasses 11 consideration of how local authorities have discharged 12 their obligations in respect of children thought to be 13 or known to be at risk of sexual abuse. The other local 14 authorities are Rochdale and Nottinghamshire. 15 It is anticipated that the consideration of these 16 authorities and the different issues which fall to be 17 examined in each investigation will give the Panel 18 a sound basis for considering contemporary issues facing 19 children in the care of local authorities. 20 Before addressing specific issues relating to scope, 21 I would like, if I may, to set out some of the 22 background to this investigation and, in particular, the 23 separate strands which have informed its direction thus 24 far. 25 Time this morning does not permit consideration of</p> <p style="text-align: center;">Page 19</p>
<p>1 said you realise and acknowledge. The Inquiry is 2 essentially a legal proceeding. You may find it of 3 assistance to have counsel assigned to you at some stage 4 and we leave that open to you. 5 MR STEVENSON: Thank you. 6 THE CHAIR: Mr Emmerson? 7 MR EMMERSON: Madam, may I say on behalf of the legal team 8 supporting the Inquiry that we look forward to reading 9 with interest the dossier of submissions that the 10 Shirley Oaks Survivors Association -- 11 THE CHAIR: The 400-page report, yes. 12 MR EMMERSON: Precisely. 13 THE CHAIR: Yes. 14 Yes, thank you. 15 Mr Emmerson, would you care to address the Inquiry 16 with an outline of this investigation? 17 Opening statement by COUNSEL TO THE INQUIRY 18 MR EMMERSON: Yes, Madam. 19 May I at the outset just clarify one point of 20 terminology just to eliminate any potential confusion. 21 I propose to refer in these outline submissions, as 22 I have done in previous preliminary hearings, to those 23 who allege sexual abuse as "complainants", except where 24 the abusers have been convicted or the fact of the abuse 25 has been formally established, in which case the</p> <p style="text-align: center;">Page 18</p>	<p>1 every aspect of this investigation, but I want to draw 2 attention, if I may, to some of the matters which are 3 already in the public domain and which the investigation 4 has thus far focused upon and taken account of. 5 The first is that there have been a number of 6 reports commissioned by Lambeth Council over time, which 7 have either dealt with or touched upon the sexual abuse 8 of children in its care. Some of those reports are in 9 the public domain; others are not. The investigation 10 has had disclosed to it a number of reports which have 11 not been published or not published in full. 12 There have, additionally, been very many reports in 13 the media, particularly since the 1980s, in which 14 allegations have been made about the sexual abuse of 15 children in specific homes in Lambeth. 16 Those reports have included allegations of 17 interference in a police investigation into Lambeth 18 children's homes and allegations that a former 19 government minister was an associate of Michael Carroll, 20 a children's home manager convicted of sexually abusing 21 children in the care of Lambeth Council. That former 22 minister has been publicly identified as 23 Lord Paul Boateng. That is something that I'm going to 24 come back to. Let me say at once that the Inquiry has 25 so far, amongst the material that has been provided</p> <p style="text-align: center;">Page 20</p>

<p>1 to it so far, seen nothing to corroborate any allegation 2 of impropriety against Lord Boateng. 3 In addition to Michael Carroll, a number of other 4 individuals who worked for Lambeth Council have been 5 convicted of the sexual abuse of children who resided in 6 Lambeth children's homes. I'm going to mention one or 7 two here, but would emphasise that this does not 8 represent the totality of the picture of offending. 9 I need here only mention that Operation Middleton, 10 which ran between 1998 and 2003, investigated over 11 120 allegations of sexual and physical abuse. That 12 resulted in only three prosecutions, but, as was noted 13 in the report marking the conclusion of the operation, 14 16 alleged abusers died either before or during the 15 currency of the operation, including a suicide during 16 a trial in March 2003; there were 11 cases in which the 17 Crown Prosecution Service concluded -- just give me one 18 moment -- that no further action was possible; and there 19 were 19 cases in which the alleged perpetrator could not 20 be identified; there was one case in which the victim 21 died before being able to give evidence; and four cases 22 were referred to other forces. 23 Recently the Shirley Oaks Survivors Association has 24 brought to greater public prominence, in particular, 25 allegations about the sexual abuse of children who</p> <p style="text-align: center;">Page 21</p>	<p>1 period, between 1966 and 1986, during which time Carroll 2 worked in residential care. 3 In fact, Lambeth Council had been made aware in 1986 4 that Carroll already had a conviction for the indecent 5 assault of a child. This came to light because Carroll 6 and his wife had applied to a different borough, 7 Croydon, to become foster parents. Lambeth subjected 8 Carroll to disciplinary proceedings for his 9 non-disclosure. Suffice it to say that he was not 10 dismissed; rather he was permitted to continue running 11 the Angell Road Home. 12 In 1987, the fact of his previous conviction had 13 come to light and Carroll and his wife thereafter 14 applied again to foster two children who had been placed 15 for fostering by Lambeth. The application was dealt 16 with by Wandsworth Council and Wandsworth discovered the 17 reason for the previous refusal by Croydon to permit the 18 Carrolls to foster. 19 Allegations have since been made in the press that, 20 prior to approaching Wandsworth to consider the 21 fostering application, Lambeth approached Southwark 22 Borough Council. It has also been claimed that pressure 23 was applied to Southwark officials by Lambeth and that 24 a person close to a Labour politician allegedly 25 contacted officers twice about the case before making</p> <p style="text-align: center;">Page 23</p>
<p>1 resided at the Shirley Oaks Children's Complex. The 2 investigation is also aware of more recent media reports 3 linking the murder of Bulic Forsythe, a housing officer 4 in Lambeth Council in 1993, to possible organised child 5 sexual abuse. 6 What has been lacking thus far is any sort of 7 coherent or overarching examination of what actually 8 happened to children in the care of Lambeth Council and 9 whether there are links between these seemingly 10 disparate allegations of sexual abuse in a number of 11 different homes. 12 We know that the sexual abuse of children in Lambeth 13 children's homes occurred. As regards those who have 14 been convicted of sexual abuse, Michael Carroll is 15 perhaps the most notorious. In 1978, Carroll took up 16 a position as deputy head at a Lambeth children's home. 17 He was confirmed as officer in charge in 1980. 18 Carroll was later investigated as part of 19 Operation Care, and on 5 July 1999 pleaded guilty at 20 Liverpool Crown Court to 24 indecent assaults, five 21 counts of buggery, five counts of attempted buggery and 22 one count of gross indecency against 12 boys, the 23 youngest of whom was eight years old at the time. These 24 offences related to children in Lambeth and the 25 North-West of England and they took place over a 20-year</p> <p style="text-align: center;">Page 22</p>	<p>1 a visit. 2 Madam, the BBC Newsnight programme broadcast on 3 1 March of this year detailed further an allegation of 4 association between Carroll and Lord Boateng. This was 5 to the effect that Lord Boateng had signed the visitors' 6 book at Angell Road and had attended a trip organised by 7 the Association of Combined Youth Clubs. Newsnight has 8 also suggested that there was a document which supported 9 the suggestion that Lord Boateng had visited 10 Angell Road. 11 An important theme of the Newsnight programme was 12 that in 1998 the now-retired Detective Chief Inspector 13 Clive Driscoll wanted to speak to Lord Boateng as part 14 of the London-focused aspect of Operation Trawler, but 15 that DCI Driscoll was removed from the investigation 16 before he could do so and made subject to a disciplinary 17 investigation, but one which was very quickly 18 discontinued. 19 Newsnight also set out an allegation that someone 20 purporting to be Paul Boateng contacted Southwark 21 ostensibly to offer his assistance in resolving the 22 Carrolls' fostering application. 23 The Newsnight programme was careful to say that no 24 allegations of abuse have been made against Paul Boateng 25 by any of those with whom they had involvement. The</p> <p style="text-align: center;">Page 24</p>

<p>1 suggestion was that for political reasons Lord Boateng's 2 association with Carroll had not been pursued as a line 3 of police investigation. 4 I should make it clear again for the record that 5 Lord Boateng denies that he had any knowledge of Carroll 6 or any involvement with him. He told Newsnight that he 7 remembered the ACYC charity, but had no recollection of 8 visiting during a caravan holiday. 9 Madam, this investigation will consider whether 10 anyone from Lambeth sought, in a way which was improper 11 to influence the Wandsworth investigation decision on 12 Carroll's application. A further issue which arises is 13 the contact which Lambeth officials allowed Carroll and 14 his wife to have with the children that they were not 15 permitted to foster and whether they effectively 16 permitted the children to reside with them anyway, 17 regardless of the fitness of Carroll to care for 18 children and regardless of the views of other local 19 authorities. 20 To complete the picture, Madam, Carroll was 21 eventually dismissed without notice from his position at 22 Angell Road, but this was for financial mismanagement 23 and not for any reasons connected with the protection of 24 children. 25 Madam, the fact that Lambeth permitted a man</p> <p style="text-align: center;">Page 25</p>	<p>1 offered a teenage boy GBP 5,000 not to pursue sexual 2 abuse allegations. 3 On 10 February 1994 Paul was convicted and sentenced 4 to 30 months' imprisonment. He was convicted again in 5 2002, having been subject to further investigation under 6 Operation Middleton. On this occasion Paul was 7 sentenced to 18 months in prison, having admitted 8 indecently assaulting four boys during the 1980s. 9 On 16 January 2016, Paul was convicted again and 10 sentenced this time to 13 years' imprisonment in respect 11 of child sexual abuse which took place between 1980 and 12 1988 at a Lambeth children's home, where his four male 13 victims lived. This trial heard that one of the victims 14 had been subjected to what was described as "vile group 15 sexual abuse" by Paul and other unidentified men in 16 concert. 17 Madam, the Inquiry will consider what evidence there 18 is that there was organised sexual abuse in Lambeth 19 children's homes. An obvious issue, but it is only one, 20 is raised by the fact that Paul's employment overlapped 21 with that of both Carroll and Forrest. 22 With appropriate deference to those present, may 23 I turn now and say a few words about Shirley Oaks? 24 Lambeth Council operated Shirley Oaks or the Shirley 25 Oaks Complex between 1965 and 1983. A number of</p> <p style="text-align: center;">Page 27</p>
<p>1 convicted of indecent assault on a child to run 2 a children's home is but one aspect of this 3 investigation. Whilst Carroll was in charge of 4 Angell Road, a man called Steven Forrest took up 5 a position as a team-leader at the home in January 1983. 6 Forrest stopped working at the home in August 1991. 7 It was suspected that a child who lived at 8 Angell Road had been sexually abused whilst he lived 9 there. That child was moved to a home outside the 10 Lambeth area and went on to disclose that it was Forrest 11 who had sexually abused him. The implication of that 12 allegation, if correct, is that there were two 13 child-abusers operating from Angell Road Home at the 14 same time. 15 Allegations about the sexual abuse of children who 16 resided at other Lambeth homes have been raised in the 17 media or have come to light as the result of 18 convictions. They include Ivy House, Monkton Street and 19 Southvale, amongst others. 20 What occurred to children who lived at Southvale 21 Children's Home must now be examined in light of the 22 fact that one member of staff, Leslie Paul, has been 23 convicted on three separate occasions of child sexual 24 abuse. He was employed by Lambeth from 1979 to 1992. 25 He was first convicted in 1994. He reportedly had</p> <p style="text-align: center;">Page 26</p>	<p>1 individuals have come forward to say that they were 2 subjected to violence and sexual abuse whilst they lived 3 there. One member of staff, a swimming instructor, 4 William Hook, was convicted of 26 counts of sexual abuse 5 and indecency in 2011 and sentenced to ten years' 6 imprisonment. Specifically he was convicted of abusing 7 six boys between 1972 and 1978, of whom four were 8 resident at Shirley Oaks. Allegations have been made 9 against other employees of Lambeth who held positions in 10 the home as well. 11 Madam, that is a very brief and inadequate summary 12 overview of what is an extremely complex investigation, 13 spanning many years and many institutions within 14 Lambeth. As I think has already been said, one of the 15 key questions that this Inquiry is going to need to 16 grapple with is the extent to which the sheer scale and 17 connections apparently between some of these incidents 18 suggest a network in operation and what the implications 19 of that may be both for the council's handling of the 20 child protection and for the conduct and handling of 21 their duties by other relevant authorities. 22 So, Madam, I hope that provides some background 23 information. 24 As with the other investigations which are focused 25 on children in care of a local authority, at the</p> <p style="text-align: center;">Page 28</p>

<p>1 forefront of this investigation is the concern that 2 there were, amongst some of the most vulnerable children 3 in our society, children that suffered institutional 4 abuse. It suffices to say here that the allegations 5 made about the children at Monkton Street and Ivy Road 6 homes also give rise to the additional concern about the 7 targeting of children with disabilities for sexual 8 abuse.</p> <p>9 Madam, this investigation is not solely focused on 10 the local authority. That would be artificially to 11 limit the range of possible responsibility. It will 12 also consider the role and some of the complaints that 13 have been made about the conduct of other institutions, 14 including the Metropolitan Police, prosecuting 15 authorities and the Department of Health.</p> <p>16 The Inquiry has published a description of the scope 17 of the investigation on its website. I should make it 18 clear that the Panel is bound only by the terms of 19 reference for the Inquiry itself as published by the 20 Home Secretary. The descriptions of scope for specific 21 investigations such as this one were adopted by the 22 Inquiry as a working guide to the direction of the 23 investigation and to help individuals and organisations 24 decide whether to apply for core participant status, but 25 these descriptions are not set in stone. They may be</p> <p style="text-align: center;">Page 29</p>	<p>1 institutional response to the allegation. Everything 2 will depend on the context.</p> <p>3 Next, the Inquiry must examine the extent to which 4 relevant institutions were aware of allegations of 5 abuse. Awareness in this context encompasses both 6 actual and constructive knowledge. If the local 7 authority, for example, were to provide evidence that it 8 was not in fact aware of any of the allegations of abuse 9 in respect of a particular alleged abuser, you will be 10 justified in asking why they were not aware of this.</p> <p>11 The familiar question will be whether the relevant 12 authorities knew or ought to have known of the abuse and 13 whether any failure to be apprised of it amounted to an 14 institutional dereliction of duty.</p> <p>15 The Metropolitan Police submissions have referred 16 back to an observation that I made during the 17 preliminary hearing in the Janner investigation 18 concerning the focused nature of investigations and to 19 some extent the inevitably selective process that this 20 Inquiry needs to adopt.</p> <p>21 May I repeat what I said in Janner because it is 22 applicable to all of the investigations that the Inquiry 23 is engaged upon. It will be important to interpret the 24 scope of this investigation, as with all other 25 investigations, in a targeted and proportionate way.</p> <p style="text-align: center;">Page 31</p>
<p>1 amended as the evidence develops and will be kept under 2 review. Where a formal amendment is necessary, that 3 will be published on the inquiry's website.</p> <p>4 In this investigation, at this time, there are no 5 formal amendments to be made, but there are one or two 6 matters on which I would just like to say a few words by 7 way of explanation and clarification.</p> <p>8 Firstly, in order to determine whether allegations 9 are "well-founded" within the meaning of the description 10 of scope, it is necessary to be clear about what that 11 expression means. It is not intended as a term of art 12 and it does not reflect any strict legal test, nor does 13 it imply any particular standard of proof.</p> <p>14 The Panel may find that an allegation is 15 well-founded because, as a matter of fact, it finds the 16 allegation to be true. Equally, although the Panel may 17 conclude that the evidence is not sufficient to justify 18 a finding that an allegation is true, it may nonetheless 19 reach the conclusion that there was sufficient evidence 20 to have engaged a duty on an institution to have 21 investigated the allegation or taken effective 22 child-protection measures.</p> <p>23 In that way, a finding that an allegation is 24 "well-founded" might be a finding of particular facts or 25 it might be a gateway to investigate the adequacy of the</p> <p style="text-align: center;">Page 30</p>	<p>1 This is one of 13 investigations so far announced which 2 form part of the Public Hearings Project, which in turn 3 is one of three projects that make up the Inquiry. So 4 the Inquiry and those engaging with it must take care 5 not to lose sight of the bigger picture.</p> <p>6 It is, of course, essential that the fact-finding 7 must thorough and fair, but it must also remain 8 proportionate to the challenges facing the Inquiry as 9 a whole. It may not be necessary, for example, to reach 10 findings on all disputed facts and it may not be 11 necessary to investigate all lines of inquiry in order 12 to satisfy your terms of reference and act fairly to 13 those affected.</p> <p>14 Madam, I do not understand there to be any 15 submissions sought to be made by core participants on 16 the broad issues of scope. Perhaps if I just pause for 17 a moment to see if I have misunderstood the position.</p> <p>18 THE CHAIR: Do any counsel or Mr Stevenson wish to be heard 19 on that aspect?</p> <p>20 Mr Beer?</p> <p>21 MR BEER: Madam, you will have seen in paragraphs 4 to 11 of 22 our submissions what we say about scope.</p> <p>23 THE CHAIR: Just pause for a minute.</p> <p>24 MR BEER: Rather unfortunately for everyone else in the 25 room, they have been blacked out by the Inquiry --</p> <p style="text-align: center;">Page 32</p>

<p>1 redacted by the Inquiry. We have no objection to anyone 2 seeing them. We were careful to include information in 3 them, the disclosure of which would not prejudice any 4 investigation. But, in any event, they have been 5 redacted by the Inquiry. 6 So for the record I should say this: we don't 7 presently make -- I will just pause whilst you turn them 8 up. 9 THE CHAIR: Yes, I may not have a copy in this file. 10 MR BEER: I have a spare that I can hand up. 11 THE CHAIR: Thank you. 12 MR EMMERSON: It should be at 7F. 13 THE CHAIR: Yes. I have it. Yes, thank you. 14 MR BEER: I was referring to paragraphs 4 to 11. 15 THE CHAIR: Paragraph 4? 16 MR BEER: Yes. 17 THE CHAIR: Do you want me to just refresh my memory 18 quickly? 19 MR BEER: Yes, please, but given they have been redacted for 20 the other parties, I'm going to substantially read them 21 out so that they are out there in the open. 22 THE CHAIR: All right. Yes. 23 MR BEER: We don't presently make any submissions as to the 24 matters which the Inquiry should or should not examine 25 as part of its investigation. But in the light of the</p> <p style="text-align: center;">Page 33</p>	<p>1 of highly targeted and strictly proportionate 2 investigations, such that those engaging with the 3 Inquiry do not lose sight of the bigger picture. 4 In the light of the volume and size of some of the 5 investigations which the Met has previously undertaken 6 and the fact that some of them are active and live, the 7 approach of not necessarily investigating everything is 8 welcomed. 9 Fourthly, we are conducting criminal and 10 disciplinary investigations into conduct which is likely 11 to fall within the scope of the Lambeth investigation. 12 There are live investigations in which suspects have 13 been identified, where some individuals have been 14 arrested and some individuals are presently facing 15 criminal trials. We have heard of one conviction, the 16 Leslie Paul conviction, in December and his sentencing 17 in January this year as a result of Met operations. 18 In circumstances where there are ongoing criminal 19 and disciplinary investigations and prosecutions, there 20 are practical consequences that the Inquiry is invited 21 to have expressly in mind so as not to cause prejudice 22 to the investigations and the proceedings. In 23 particular, where material is disclosed to 24 core participants which concerns an ongoing 25 investigation, there may be risks that the evidence of</p> <p style="text-align: center;">Page 35</p>
<p>1 fact that the scope of the Inquiry's investigation will 2 determine the nature and extent of the disclosure that 3 will be required to be given by core participants, the 4 significant volume of material held by the MPS and the 5 fact, as I have said already, that the MPS is presently 6 conducting active and live criminal and disciplinary 7 investigations into matters that may fall within the 8 scope of the Lambeth investigations, we make the 9 following four points: 10 Firstly, as I have said already, consistently with 11 the approach that we have taken to date, we will take 12 whatever steps are reasonably necessary to provide 13 assistance to the Inquiry. That may include making 14 available to the Inquiry material held by the MPS that 15 may fall within the scope of the Inquiry's 16 investigations. 17 Secondly, the Met acknowledges that the Inquiry 18 survivors and the public generally wish the Inquiry to 19 proceed expeditiously. 20 Thirdly, without seeking in any way to limit the 21 Inquiry's investigations, we respectfully endorse the 22 submissions made by Counsel to the Inquiry, Mr Emmerson, 23 during the first preliminary hearing of the Janner 24 investigation. In fact, Mr Emmerson has already read 25 out what he said on that occasion, namely the necessity</p> <p style="text-align: center;">Page 34</p>	<p>1 witnesses who would otherwise give evidence in the 2 criminal and disciplinary proceedings is contaminated or 3 at least leaves them vulnerable to the suggestion that 4 it has been contaminated; dangers or risks that suspects 5 are tipped off, thereby frustrating investigations, and 6 publicity may undermine the fairness of any future 7 criminal prosecutions. 8 We don't propose that any of these issues are 9 resolved or carried into effect today. We simply say 10 that we welcome the opportunity to discuss with the 11 Inquiry the specific aspects of the Lambeth 12 investigation which it proposes should be explored and 13 in respect of which disclosure of documents is to be 14 sought so that decisions can be made as to whether to 15 include those within the scope, which will have 16 a consequence as to sequencing and timing, or to let the 17 investigations and prosecutions continue, but to exclude 18 those matters from scope at least at present. 19 THE CHAIR: Yes. 20 MR BEER: That's all we say about scope. 21 THE CHAIR: Yes, of course those matters have to be 22 carefully monitored. 23 MR BEER: Thank you. 24 MR EMMERSON: Madam, may I give this reassurance, that in 25 this, as with all investigations where there may be</p> <p style="text-align: center;">Page 36</p>

<p>1 ongoing investigations by the police or prosecutions by 2 the Crown Prosecution Service, careful arrangements have 3 been put in place and will be put in place in relation 4 to this investigation to ensure that there is no risk of 5 compromising an ongoing police investigation or 6 prosecution. 7 I will say no more about it than that at this stage, 8 but all within the Inquiry team are very much alive to 9 ensuring that that risk is properly guarded against and 10 it is a key criteria for the selection of investigation 11 case studies that that risk should be contained and 12 neutralised. 13 Madam, can I turn to the core participants issue? 14 Here there is currently nothing in contention, but 15 in order to ensure transparency, perhaps I might just 16 say a little on the public record about the process of 17 core participant designation that has been followed in 18 this matter. 19 Madam, as you are very well aware, 20 a core participant is a person designated under rule 5 21 of the 2006 rules. The decision whether to make 22 a designation is solely for the Chair. The principal 23 effect of designation is to bestow on the 24 core participant the right to make an opening and 25 closing statement under rule 11 and, if legally</p> <p style="text-align: center;">Page 37</p>	<p>1 the factors set out in rule 5(2), the ones I have just 2 touched upon, but the list is not exhaustive and other 3 relevant matters can be taken into account as well. In 4 common with any exercise of your discretion, the 5 decision whether to make a designation must be guided by 6 the principles of fairness, reasonableness and 7 consistency with regard to the overarching need to avoid 8 incurring unnecessary cost. 9 In your opening statement, Madam, you set out some 10 general indications of your intended approach to the 11 designation of core participants, including the 12 following: 13 First of all that core participants would be 14 designated only in relation to individual investigations 15 and not designated across the Inquiry as a whole. 16 Secondly, that victims and survivors of sexual abuse 17 and alleged victims and survivors are likely to be 18 granted core participant status, particularly if they 19 are in the position to give direct evidence on matters 20 to which the Inquiry relates. 21 Thirdly, that individuals and organisations that are 22 potentially open to criticism or otherwise meet the 23 rule 5 criteria, including those organisations that are 24 not the direct subject of particular investigations, may 25 also be designated.</p> <p style="text-align: center;">Page 39</p>
<p>1 represented, the right to seek leave under rule 10 to 2 ask questions of a witness. Although there is no 3 statutory right to disclosure, fairness is likely to 4 lead to a core participant being granted disclosure of 5 relevant documents in relation to those parts of the 6 Inquiry in which they have a clear interest. 7 It is worth noting, Madam, that you have previously 8 indicated that it will be rare to permit 9 core participants to ask questions directly, having 10 regard in particular to the need to protect vulnerable 11 witnesses. However, they have a right to seek 12 permission to ask questions and you have not excluded 13 the possibility of granting permission in appropriate 14 cases. 15 The key criteria for the grant of core participant 16 status are that the person played or may have played 17 a direct and significant role in relation to the matters 18 to which the Inquiry relates; that the person has 19 a significant interest in an important aspect of the 20 matters to which the Inquiry relates; or that the person 21 may be subject to explicit or significant criticism 22 during the Inquiry proceedings or in the report or in 23 any interim report. 24 In exercising the power to designate a person as 25 a core participant, the Chair is required to consider</p> <p style="text-align: center;">Page 38</p>	<p>1 Having opened applications for core participant 2 status in this investigation in January, the Inquiry 3 received six applications. One was from the 4 Shirley Oaks Survivors Association, which you have 5 granted, with Mr Raymond Stevenson representing the 6 organisation for these purposes. The others, as you 7 have heard, are Lambeth Council, the Commissioner of 8 Police for the Met Police, the Crown Prosecution Service 9 and the Secretary of State for Education. 10 You have provisionally refused one application for 11 core participant status on the grounds that it was 12 unclear what was the nature of the applicant's interest, 13 but that application has not been renewed. There is 14 therefore no issue on which you need to hear submissions 15 in terms of core participant status. 16 I don't propose to deal with anonymity separately at 17 this stage because it falls within the rubric of the 18 broadcasting issue; save to say there are, in this 19 instance, no core participants with provisional 20 anonymity, as has been the position in other preliminary 21 hearings, so it is unnecessary to look in that context 22 to the continuation of provisional anonymity orders 23 through the making of a restriction order. 24 That may be different as regards individual members 25 of the Shirley Oaks Survivors Association, but that is</p> <p style="text-align: center;">Page 40</p>

<p>1 for consideration at a later stage. The organisation 2 itself obviously does not seek anonymity and neither do 3 those who represent it here today. 4 Can I then turn to the question of broadcasting, 5 Ma'am? 6 In your opening statement you said that the Inquiry 7 Panel would invite representations from all 8 core participants about media coverage at the relevant 9 time and would determine those applications on the 10 merits. You noted that particular attention would need 11 to be paid to ensure that victims and survivors are able 12 to testify under conditions in which they feel safe. 13 Madam Chair, we have provided you with a generic 14 written submission on the factors that may be relevant 15 to your decision on the extent to which broadcasting or 16 live-streaming should be allowed in any particular 17 hearing. This has been disclosed to the 18 core participants and to the media. In those 19 submissions, Madam, we, Counsel to the Inquiry, have not 20 taken any position on whether proceedings should or 21 should not be broadcast or live-streamed, but we have 22 set out the factors which we submit will need to be 23 considered by you after you have received submissions 24 from the core participants and the media. 25 In summary, Ma'am, we have submitted that the public</p> <p style="text-align: center;">Page 41</p>	<p>1 section 1 of the Sexual Offences (Amendment) Act 1992. 2 That right makes it an offence for any still or moving 3 picture of that person to be shown on any programme for 4 reception in England and Wales if it is likely to lead 5 members of the public to identify the person as a person 6 against whom a sexual offence is alleged to have been 7 committed. So any decision to allow broadcasting will 8 need to take that into account and to provide methods to 9 preserve anonymity unless it is waived. 10 Perhaps the most important factor weighing against 11 broadcasting is whether it will potentially have 12 a chilling effect on the willingness of victims and 13 survivors to give evidence and, if they do give 14 evidence, whether it will inhibit them from speaking 15 frankly or make the experience otherwise stressful or 16 difficult. 17 Finally, Madam, there is a risk that some witnesses 18 may use the opportunity provided by live broadcasts of 19 proceedings to make public allegations of criminal 20 conduct against named individuals who are not involved 21 in the Inquiry process, have no advanced warning of the 22 allegations and no legal recourse for defamation. 23 These concerns can be met potentially by a range of 24 protective measures, including special measures within 25 the hearing room, such as a screen, special broadcasting</p> <p style="text-align: center;">Page 43</p>
<p>1 interest in this Inquiry demands that it receives the 2 widest publicity possible. The need for transparency in 3 the investigation of institutional failures to protect 4 children from sexual abuse weighs strongly in favour of 5 ensuring that the evidence and findings of the Inquiry 6 are given wide exposure. A decision to allow 7 broadcasting or live-streaming would clearly serve that 8 end. 9 In relation to this investigation, it might 10 legitimately be said that broadcasting would serve the 11 interests of bringing the question of what happened to 12 children in Lambeth into full public life in a way that 13 has been lacking before. We have suggested that there 14 are a range of uncontroversial measures that will go 15 some way to meeting the need for publicity, including 16 a designated media annex, permission to use text-based 17 communications from the Inquiry room, live transcription 18 of proceedings and the posting of transcripts and 19 evidence onto the Inquiry website. 20 Broadcasting or live-streaming would clearly go 21 further. However, there may be compelling reasons to 22 refuse or restrict it in any particular investigation or 23 any part of an investigation. Most, if not all, 24 witnesses who are victims or survivors of child sexual 25 abuse will have a statutory right to anonymity under</p> <p style="text-align: center;">Page 42</p>	<p>1 measures, such as rules prohibiting filming of 2 a designated witness or the interruption of the video- 3 or audio-feed, and the introduction of time-lapse delays 4 to ensure that inappropriate material can be edited 5 before broadcast if necessary. 6 While none of those measures may be seen as 7 fundamentally objectionable, you will need to consider, 8 Madam, whether, having heard submissions, their 9 cumulative effect might render broadcasting or 10 live-streaming unworkable, or undesirable. Whatever the 11 arguments for or against broadcasting, the decision 12 must, we submit, be taken in relation to each individual 13 investigation and not in relation to the Inquiry as 14 a whole. 15 Core participants in each investigation must have 16 the opportunity to make submissions on broadcasting and 17 that it would be unfair to bind core participants in 18 other investigations to a decision made in Inquiry 19 proceedings that they were not party to; in other words 20 the matters must be considered investigation by 21 investigation, both on a generic and on an individual 22 basis. 23 It is clear that individual assessments are going to 24 be necessary for each complainant and each other witness 25 to be called so as to inform the exercise of your</p> <p style="text-align: center;">Page 44</p>

<p>1 discretion. That is going to require those witnesses 2 who are to testify each to be spoken to and for 3 an assessment to be made. That, of course, is going to 4 take some time, but the issue on the other hand will 5 need to be resolved well in advance of the substantive 6 hearing. 7 For those reasons, Ma'am, we are suggesting that, 8 once you have taken a decision in principle on 9 broadcasting, a further preliminary hearing in this 10 investigation should be listed to consider any practical 11 implications, including protective measures for 12 individuals who are liable to be testifying. 13 Across the investigations a number of parties have 14 provided written submissions on the issue which have 15 been circulated to other participants. The broadcast 16 media, BBC, BSkyB and ITN have provided generic 17 submissions, suggesting that permission should be 18 granted for broadcasting unless in a specific case there 19 are compelling reasons to the contrary. 20 They suggest that this should be assessed on 21 a case-by-case basis and that the Inquiry should 22 consider adopting alternative measures, rather than 23 suspension of broadcasting. I outline their submissions 24 because they are unrepresented here today, but I know 25 that a number of those present have separate submissions</p> <p style="text-align: center;">Page 45</p>	<p>1 In short, there is a significant amount of work to 2 be done in order to request and consider that and other 3 material and disclose all that is relevant to 4 core participants in preparation for public hearings. 5 These steps will take time. 6 We suggest, Ma'am, that a further preliminary 7 hearing is timetabled on a date before the summer recess 8 in order to consider further submissions on broadcasting 9 and any other matters that will have arisen in the 10 meantime. With that in mind, the directions that we are 11 proposing are by 4 pm on Friday 8 April any 12 core participant who wishes to file an application for 13 an award of legal expenses under section 40 to do so. 14 The application must address the matters set out in 15 paragraph 12 of the Inquiry's costs protocol. 16 If I can just pause there, I don't want to lay down 17 a direction which is futile. It's not anticipated that 18 any of the institutional core participants will be 19 applying for an award of legal costs. Clearly the focus 20 will be on Shirley Oaks Survivors Association. Without, 21 so to speak, giving legal advice on my feet, it is 22 important to be aware that step one is the designation 23 of a legal representative and then an application for an 24 award of costs. 25 MR STEVENSON: If I interrupt there. We would need more</p> <p style="text-align: center;">Page 47</p>
<p>1 to make. 2 Might I invite you first to hear from Mr Stevenson 3 if he wishes to elaborate on the submissions that have 4 been put in in writing? 5 MR STEVENSON: I think we are happy to leave what we put in 6 writing to stand. It is really about the individual 7 basis and the people who will be giving evidence and we 8 have to speak to them -- 9 THE CHAIR: Yes. 10 MR STEVENSON: -- and decide what. So we are happy with 11 your decision. 12 THE CHAIR: Do any counsel wish to be heard? 13 No. Yes, thank you. 14 Yes, Mr Emmerson. 15 MR EMMERSON: Ma'am. That brings us on to the timetable for 16 next steps. 17 Clearly the scope of this investigation is extremely 18 broad. The Inquiry has already received materials from 19 Lambeth Council which form the basis of what will be 20 a very extensive disclosure exercise. We are also in 21 the process of making disclosure requests to obtain 22 prosecution records, prosecution materials, including 23 materials used and unused from court proceedings, and 24 court records and information from the CPS and police 25 forces across the country.</p> <p style="text-align: center;">Page 46</p>	<p>1 time than that because we would need to speak to our 2 members and make a decision based on what they want. So 3 8th April is way too short for us. 4 THE CHAIR: I can make a flexible order. 5 MR STEVENSON: Thank you very much. 6 THE CHAIR: Yes. 7 MR EMMERSON: So 8 April, liberty to apply, Ma'am. 8 So the next would be that by 4 pm on Friday 6 May 9 any provisional applications for restriction orders in 10 relation to identity. Now we do not anticipate on the 11 current state of the investigation that there are likely 12 to be applications for anonymity from core participants 13 or others by 6 May because it won't be until the 14 individual witnesses who are planned to testify have 15 been identified that any question of anonymity is likely 16 to arise in relation to them. 17 The Association and Mr Stevenson obviously have not 18 sought and will not be seeking anonymity orders and 19 those whom they represent are not named. So the order 20 is there, but it is unlikely that the Inquiry will 21 receive applications for anonymity for CP status or 22 restriction orders for those with CP status. 23 Similarly, we have a standard order, 4 pm Friday 24 13 May, for core participants to file submissions in 25 relation to those applications; in other words in</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

<p>1 response. Again, these will sit as standing directions, 2 but it is highly unlikely in the circumstances as they 3 stand today that they will generate any applications or 4 responses. 5 Then finally this: full argument on broadcasting and 6 all other relevant issues then to be adjourned to the 7 next preliminary hearing shortly before the summer 8 recess. 9 THE CHAIR: Yes. 10 Yes, thank you, Mr Emmerson. I'm content to make 11 those orders accordingly, with a built-in flexibility to 12 permit -- those dates can be nominally in those orders, 13 but with the addition of words such as "... or so soon 14 thereafter as is practicable". 15 MR EMMERSON: Or "... liberty to apply". 16 THE CHAIR: Or "... liberty to apply out of time". 17 In relation to the broadcasting order, submissions 18 on questions relating to broadcasting in the Lambeth 19 hearings will be adjourned to the next preliminary 20 hearing, a date for which should be fixed to take place 21 shortly before the summer recess. 22 Does that conclude matters for this morning's 23 hearing. 24 MR EMMERSON: It does, Madam, unless anybody has any final 25 issues they wish to raise. Page 49</p>	
<p>1 THE CHAIR: Anything further? 2 All right. Well, we have overrun slightly the time 3 at which I said I would take an adjournment should the 4 proceeding look like continuing for some time. It has 5 concluded and I thank all counsel, Mr Stevenson, 6 Ms Hinton and those who have attended for their 7 attendance. 8 Thank you. 9 (11.41 am) 10 (The Inquiry adjourned) 11 I N D E X 12 Opening statement by THE CHAIR1 13 Introductions by COUNSEL TO THE3 INQUIRY AND THE CORE 14 PARTICIPANTS 15 Opening statement by COUNSEL TO THE18 INQUIRY 16 17 18 19 20 21 22 23 24 25 Page 50</p>	

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able 21:21 41:11	add 2:10	allege 18:23	applying 47:19	47:20 48:17
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